

KETCHIKAN CHARTER COMMISSION

REGULAR MEETING

July 30, 2004

Note: This meeting's agenda was carried over from the previous night's meeting. Some of the items had already been voted on, so they weren't addressed this meeting.

The regular meeting of the Ketchikan Charter Commission commenced at 6:00 p.m., Friday, July 30, 2004, in the City Council Chambers.

Roll Call

PRESENT: OTTE, HARRINGTON, MCCARTY (Arrived at 6:08), FINNEY (Arrived at 6:13), PAINTER, THOMPSON

ABSENT: KIFFER

A: Pledge of Allegiance

B: Ceremonial Matters/Introductions

NONE.

C: Public Comments

None

D. Informational Reports and/or Commission Presentations

THOMPSON said he and PAINTER did the radio show on KRBD that morning. He felt it went well. He indicated he'd had a conversation that morning with Bob Newell, City Finance Director, who is reviewing the budget and had a couple of questions. One of the issues Mr. Newell was concerned with is that there are transfers in the Borough budget but they aren't delineated specifically in the Commission's budget. THOMPSON said the reason for that is they were not delineated in the information he had. They are encompassed in the cost figures, but they are not split out separately and at some point that may be adjusted and done.

THOMPSON indicated he had an addendum to Exhibit F, the verbiage on the

budget that was circulated via email. He also put together Exhibit F-3, one of the parts of the budget that talks about where the funds go. There were some numbers in Exhibit H that needed some word-smithing and all these will be discussed in the work session.

OTTE indicated she'd gotten the maps from the Borough Planning Department. He was only able to provide a partial set, so a number of the maps from the City's Petition document will need to be used. She said she didn't think they were proprietary and the Borough is involved in some major projects and would be unable to provide any more new maps. Thanks to Tom Olson of the Borough.

E. Consent Calendar

COVERED DURING THE 7/29/04 MEETING.

F. Vouchers

NONE

G-1 Recess the meeting into worksession to consider the 2004 Draft Consolidation Petition, as well as the 2004 DRAFT Charter, as well as correspondence received addressing issues within the Petition and Exhibits.

Note: Work sessions are informal discussion sessions held for the purpose of exchanging and gathering information. No action may be taken, formal rules of order are relaxed, and there is no requirement that minutes be kept.

M/S PAINTER/HARRINGTON to recess in work session to consider the 2004 Draft Consolidation Petition.

FOR: PAINTER, THOMPSON, HARRINGTON, OTTE
AGAINST:
ABSENT: FINNEY, KIFFER, MCCARTY

The motion passed 4-0.

It is noted that MCCARTY arrived at 6:08 and FINNEY at 6:13.

THOMPSON explained his Exhibit F-3 showing the funds from the Borough and City and how they will be managed with consolidation. This should be adopted as part of Exhibit F at the next meeting in the second reading of that item.

The Major Capital Improvement Fund and the Community Facility Development Fund were discussed.

The Commission then continued their page-by-page review of the highlighted and questioned sections of the Exhibits, starting with Exhibit H. Numerous items were discussed as the highlights were noted and through these discussions, decisions were made to remove the highlighting or change the wording to reflect the desires of the Commission.

The Commission took a break at 7:07 and when they reconvened resumed discussion on the Draft document. There were a number of sections of the Draft Charter discussed and it was agreed to bring several of these discussion items as agenda items for the next meeting.

A lengthy discussion took place on Article 10, Sections 10.05 (a) and (b), especially about fees being set by the Assembly affecting specific citizens, i.e. the sludge fee. The legal definition of fee, as opposed to a tax, was discussed. This was one of the specific items that would be brought forward at the next meeting.

Ron Stout, 796 Kayan Street, spoke to the Commission about the sludge fee. He indicated he had 3 septic tanks on his property, with only one being used six months out of the year. He said he'd gone to the Borough and asked them what could be done about charging fees when there was no use of the septic tanks. They (the Borough) said there was nothing to be done. The tanks were there and the fee must be paid on all of them. He said they wrote letters telling him they were going to pump the tanks. He wanted to know why a tank that wasn't being used had to be pumped.

Mr. Stout continued that it didn't make sense to him for the Borough to spend money to send a truck out to pump a tank that's not even being used. If they want to come and inspect it, that makes sense, but he said he didn't want someone from the Borough to do the inspection, he wanted an independent contractor that knows what they're doing to do the inspection. He said they (the Borough) is dumping it (sludge) out on the ground, for God's sake. Then they say they know what they're doing.

He said he has gone to Assembly meetings and complained, but nothing happened. He said he's been upset about it, but he continues to pay the fees

so as not to ruin his credit. A person is stuck between a rock and a hard spot. He said there are people who have outfall systems, they don't even have a septic tank, and they're getting charged. If someone says they have an apartment, they get charged double. He said he didn't mind paying a fee for the septic and he didn't mind paying if there are some improvements that need to be done to make everything work properly, that's fine and needs to be paid for. THOMPSON said that the folks that have properly functioning systems or are having their waste taken care of in a proper manner are paying for the people who the Borough doesn't enforce their ordinances on. The areawide garbage fee was designed to stop the dumping on the North end by giving everyone "free" access to the dump. It hasn't stopped the dumping, but everyone is paying for this. Instead of enforcing the rules about properly maintained septic systems, they ignore it and pass a fee on everyone and use that money to pump. THOMPSON said he thinks the Borough really blew it and they should have been something that was placed before the voters in the areas affected.

Further page-by-page review of the Charter and other Petition exhibits continued.

Specific discussion on the mill rate tax cap took place. A compromise was suggested that rather than a property tax cap, perhaps a section could be included saying that the Assembly must set a generally applied mill rate levy cap by ordinance and can only raise it by a 2/3 vote of the Assembly. The reasoning for this being that the Assembly has to establish a cap so there is something to work within, but in order to raise that mill levy, there has to be 5 votes. That means that the elected representatives who are hopefully elected by voters who have done their due diligence, in order for them to raise the cap, there would need to be 5 affirmative votes. That would be a compromise that doesn't tie the Assembly's hands completely, but it does put the brakes on the spending and taxing authorization. THOMPSON said he would draft an agenda item for the next meeting.

Powers only available in service areas were addressed.

The Commission took a break at 8:10 and resumed review of the Petition documents at 8:22 pm.

Review of Exhibit J, the Transition Plan, took place after the break.

Consolidation of the Public Works Departments was discussed. Nonareawide powers were discussed. It was mentioned that it seemed inappropriate for the services to come from a service area to the Municipality. It should be the other way around.

G-2 Reconvene Into Regular Session

M/S PAINTER/HARRINGTON to reconvene the meeting into regular session

A unanimous voice vote passed the motion to reconvene.

H: Unfinished/Old Business

H-1: 2004 Draft Consolidation Petition

M/S PAINTER/HARRINGTON to approve any changes to the 2004 DRAFT Petition discussed in work session.

A roll-call vote was taken on the motion.

FOR: THOMPSON, PAINTER, HARRINGTON, FINNEY, MCCARTY, OTTE

AGAINST:

ABSENT: KIFFER

The motion passed 6-0.

I: New Business

I-2 Amend Areas of the Petition and Charter as suggested by Borough Attorney, Scott Brandt-Erichsen and/or City Attorney Steve Scheppe

THOMPSON suggested that I-2 be postponed until the next meeting on August 6, 2004 due to the fact that a lot of the items have been covered in the review of the Petition documents. A new agenda statement will be brought forward at the next meeting addressing only those items that still require action by the Commission.

J: Commission Comments

HARRINGTON requested that the Commission be forwarded an updated version of the Petition documents as soon as possible.

MCCARTY suggested that letters be sent to the organizations that are

proposed to be visited by members of the Commission. Assignments will be made at the next meeting as to which Commissioner goes to what meeting.

THOMPSON said that it's very close.

The meeting was adjourned at approximately 9:15 p.m.