

**City of Coffman Cove**  
**Regular City Council Meeting**  
**Friday, November 25th, 2011 @ 7:00 pm at City Hall**

**Call to order:** pm

**Roll Call:** Sara Yockey, here; Gary Wilburn, excused absence; Randy Lenz, here; Carolyn Duncan, here; Elaine Price, here; Misty Fitzpatrick, here; Michelle Page; here.

**Pledge of Allegiance:**

**Public Comment:** Guy Lane had comments to make.

Carolyn: Mr. Lane, I know we have had some kind of miss-understandings about this before, and I understand that in speaking with Misty, we have a policy concerning city employees and it is necessary that you speak respectfully if not politely about them. I am just opening that up and that is going to be the tenor of this and if it doesn't come out politely, then I am going to shut it down. You have five minutes.

Guy: I think I have been pretty polite for what our family has been through. There is a letter I would like to give to you guys.

Elaine: I can't hear.

Carolyn: We can't accept handouts and include them in the meeting. They need to be given to the City clerk; there is a policy about that. We can accept them and read them but we cannot take any action on anything tonight, you just need to understand that. Also there are people that don't have a copy of it who are not present.

Guy: Well the last time I was able to give this handout.

Caroline: yes, and we should have actually, we have a policy that says you try to get it in a week or for before the meeting.

Guy: That's fine I will put it in on the next meeting and we will come over all the way from Ketchikan if that is what we need to do.

Carolyn: that would be fine.

Guy: Ok now, after I came in here on the last meeting uh I understand that in this handout if you would like to look at it, there is an eviction notice from Elaine referencing on my last letter at this council meeting. I think that is a little far-fetched for Elaine to use her city powers for any kind of eviction whatsoever.

Carolyn: Excuse me, but this is a rather large document and we will not have had time to look at it.

Elaine: That has absolutely nothing to do with city business period.

Carolyn: I think that that is something that we have to note here to here.

Guy: Except that this entire real estate transaction took place in this room so I think it does pertain.

Carolyn: In what sense?

Guy: In this room. Elaine, all the transactions for this property and meeting Elaine took place in this room. So if it's not city business why is Elaine selling real estate in the city office?

Carolyn: I don't know that Elaine per say is selling real estate. Do you want to speak to that Elaine?

Guy: Well if I only get five minutes to talk I got a couple more things I would like to say then we can hash it out.

Carolyn: You do, but I would urge you to not be too negative here.

Guy: I would like to not be negative, but it has cost me 12,000 dollars to show up in that trailer over there and my family just to get here so now.

Carolyn: So does that pertain to this?

Guy: Oh it sure does, all of this pertains to the city, in the site over here that is going to be one of the top priority for the DEC clean up.

Caroline: Ok.

Guy: so I don't know if Elaine has informed anyone of that, but I think that when she is polluting the city watershed and in the city town and the streams where we are getting our shellfish right out here and she fails to inform anybody what is going on, I think that is something should be said.

Carolyn: Ok Mr. Lane, and with respect here and we can ease your time a little bit I think Elaine deserves a chance to respond to that if she would like to, go ahead Elaine.

Elaine: Well first off it's not my property, secondly you created the mess, and thirdly I met with the DEC.

Carolyn: Ok well I think that is maybe something that should go between you.

Elaine: That has nothing to do with City Council.

Guy: If it's not Elaine's property she is sure listed as a seller on the earnest money agreement. Which she still hasn't refunded any money earnest money to the properties.

Carolyn: Is that a transaction between yourselves then Mr. Lane? Or is that something that pertains to the city?

Elaine: It does not pertain to the City at all.

Guy: I think it will pertain to the city when Elaine made the comment that either the Forest Service or the City is going to be the one to foot the bill to clean up that mess from the DEC.

Elaine: Um...I don't...that's not....no I'm not going to argue over something um...I didn't say... publicly.

Carolyn: There was a Sarah who had their hand raised was it Sara Yockey or Sarah Butler?

Sarah Butler: Um...wouldn't this be under persons to be heard? Couldn't he be heard under persons to be heard?

Carolyn: Um. I may have jumped the gun here.

Misty: If we put it on the agenda.

Carolyn: Beg your pardon that is the point of order. May I ask the council permission to relax the agenda so he can continue to speak?

Sara: Was he denied being on our agenda?

Carolyn: Absolutely not.

Guy: I called and made prior reservations.

Carolyn: He called and made prior reservations and I granted him five minutes.

Sara: Well he should have been listed under persons to be heard.

Carolyn: that would be my fault because I didn't realize that Sara sorry.

Michelle: Can I ask a question, why did we only allow him five minutes when it says here in our policy to give them ten minutes?

Carolyn: No it says that we have up to ten.

Michelle: Ok.

Carolyn: We have had in the past and many occasions too, it's a considered decision to let him have five and I thought about it thank you. I'm sorry Guy, I'm talking and you should be talking.

Guy: It's ok, now I would like to know why Elaine didn't make it known to anybody or even to us who are out there eleven months of conversation with her, that she was making \$5,000 dollars on the sale of that property. Now did she inform anybody that she was making money on this property sale?

Elaine: Wait, wait, wait.

Carolyn: May I ask, has Elaine had a chance to respond?

Guy: I'm not quite done with this now.

Elaine: Carolyn! Carolyn!

Guy: Did Elaine inform anybody she was making money on this property when she was helping the city vote to asses to put water and sewer to the property?

Carolyn: That would be a question for Elaine.

Elaine: I didn't make any money on this property, that money goes into the trailer account to do repairs and maintenance on the trailer and to put a porch on it. That is not in my checking account.

Guy: \$5,000 straight from the title company I don't think that's in a trailer fund.

Elaine: This has nothing to do with anything to do with the city.

Carolyn: We have here Mr. Lane's contention, and Elaine's Contention, and Sara what do you have to say about it?

Sara: Elaine voted to move the main sewer access from under the pavement to allow easier access for land owners in Chum Creek Subdivision which Randy Lenz abstained because he was a conflict of interest as he owns property in there. Elaine voted yes when it shows right here that 5,000 dollars went to Elaine Price and she voted on it.

Elaine: False! That's not true.

Sara: It says it in black and white right here.

Guy: That's Elaine's writing.

Carolyn: I think that it's possible that Elaine may have some bookwork to show something different but doesn't have it with her tonight. Is that possible Elaine?

Elaine: Yes it's the trailer account it's not mine.

Misty: So what is the procedure when the council wants to pursue investigating a possible conflict of interest? I don't know that it's done in this particular form.

Guy: Is Elaine's trailer account paid directly from the title company? Because that is where this money was going to get put.

Carolyn: May I ask you to ask her because she is in the room.

Guy: Elaine is your trailer fund financed through a title company in Ketchikan?

Elaine: What did he ask?

Carolyn: Step a little closer please.

Guy: Is your trailer account financed through a title company in Ketchikan?

Elaine: No, I am not going to sit five thousand miles away and have an argument over a telephone about something that I was there and you could have come and talked to me about this stuff. You have miss-information you are giving people and I resent the fact that it is coming up and it is hitting me in a public forum. I think it is totally inappropriate.

Guy: Elaine when you were notified there were hazardous materials and 55 gallon oil drums were leaking and popped on our property, did you make any calls to protect the city water supply? Did you call the DEC?

Elaine: I did.

Guy: When?

Elaine: I am not gonna answer that question because we are in the middle of a legal procedure on this whole issue.

Carolyn: It seems to me that the question here that you have Mr. Lane is whether Elaine used this property or this office inappropriately to have water/sewer connected to your property? Is that correct? That is your question?

Guy: That is one of them.

Carolyn: Do you have another one you can give us and I am going to kind of cut this off in a minute.

Guy: My real issue was being evicted and having it referenced giving a letter to this council of my eviction, which is a copy in there of Elaine's also.

Carolyn: I have no idea about that but I would think that might be,

Guy: Look right there its Elaine's writing with her signature on it.

Carolyn: It's possible that that might pertain to a private transaction between you and Elaine.

Guy: No, that pertains to the letter I wrote to the City Council, it don't matter what that letter was about, when a city councilman uses anything that happens here, that is my right to say anything that I want, I didn't make any threats, I didn't cause, I didn't say anything.

Elaine: False.

Carolyn: I found the letter rather derogatory myself but that, and.

Elaine: Yes and it was presented at a public meeting to the public. And if there was public people at the meeting and they get a copy of it.

Guy: Derogatory is having your family ripped off. That's Derogatory. I spent all this money to come to your town, Elaine has run our family off, she has run our business off, we pulled our kids out of your school, Elaine represented herself as your industrial park manager, what has she done for our company besides take our money, not give any of it back, she blocked the telephones, you can't run a business without telephones.

Carolyn: I, ya know. Guy-what is she doing for this city being the industrial park manager? She represented herself to our family and then brought us here, lured us here, ripped us off then today, well good luck to ya! What kind of people owns the city?

Elaine: Point of order, Point of order!

Caroline: Point of order please!

Randy: Can I say something? I think the main city issue here one thing that is listening to it, would be we might have the responsibility to look into would if there was a financial gain on the sale of real estate, and a vote from a council member to improve the property by putting the stub-out. I remember I had to abstain from that because I own property up that road further up.

Elaine: I don't own anything up there.

Sara: But you had financial gain.

Guy: Why did you sign a document as...?

Misty: Hey so, Randy made a point as one portion of this that could be a city matter.

Carolyn: I make a motion that we look into Mr. Lane's allegations concerning...

Misty: We can't make a motion on public comment. Is there any other portion of this conversation that somebody feels is city business.

Randy: Um, responsibility of a real estate transaction inside the city office.

Brian Wilson: I think everyone should be concerned the personal people should really, really do believe the city should talk to the DEC and find out what is going on there.

Guy: There is a number in this letter, the gentleman is asking for anyone who has more information on the property, because it does contain a lot of material out there that is contaminated. It is going to make their top priority list this spring to be cleaned up. Elaine has been given the option to clean it up or the state is going to come in and do it for her.

Carolyn: Ok Mr.,.....

Elaine: I don't own the property.

Guy: Then quit signing the document to sell it.

Elaine: You are the one who made the mess!

Guy: The document is right there!

Carolyn: I am going to interrupt and cut this off. Mr. Lane we are going to look into this you can bring us personal complaints if you would like, you can bring them to me. Elaine.....

Guy: I would rather speak in public and not have this swept under the rug.

Carolyn: There will not be something swept under the rug here sir, you have witnesses. It will be fine. And I would like, it has been more than five minutes and I would like to ask you to allow us to review this. Go ahead Misty.

Misty: What do you want me to say?

Carolyn: Oh I thought you had your hand raised.

Michelle: On the mess of that property, I believe that the mess of that property anyone that has been here for over twenty years realizes that it was that mess was I believe made by South Coast was it not?

(Lots of static)

Randy: yes I can barely hear you guys.

Elaine: What's going on I can't hear anything that is being said.

Carolyn: We had nothing but static there, are you back Randy and Elaine?

Randy: yes but I couldn't hear what you guys were saying.

Carolyn: I was just saying that Mr. Lane could bring the further concerns to me we have given more than five minutes to it, and we definitely should look into the Federal concerns and talk to the people involved and that is something that we should do.

Guy: I have a comment for Elaine saying I made the mess on that property, I would like her to....I would like her to embellish on how I made the mess on her property.

Carolyn: Um, may I ask you to communicate with Elaine I think that would be a better thing to do.

Guy: I am going to communicate with Elaine through an attorney; we are going to file a lawsuit pretty quick.

Carolyn: Go ahead Ruth.

Ruth Lux: You know, I know that it's really not my place, but I think the city council gave him five minutes to talk, I think we should give him the five minutes to say what he needs to say and then we can move on to the rest of the agenda? I think that would; because these people what they wanted was their five minutes and everyone kept interrupting his five minutes.

Carolyn: He had questions for Elaine though...

Ruth: I am just saying...

Guy: I have a statement for the city council, that they got contaminated water supply right there that has made top priority on the DEC; I am picking up barrels and popping them, popping on in particular, blowing oil all over the place, now there is full of barrels all over in there.

Elaine: That is false.

Guy: There is oversized (Not sure) and it seems that Elaine Price and her husband have installed on this property, they have done work and excavation on this property and covered up part of the material on this property.

Elaine: That is not true this is total.....

Misty: This is dragging on a little bit too long now, it's 7:25.

Carolyn: Yes it is.

Elaine: That is false and it needs to stop. It's a public meeting with the council and staff members, and none of what he is saying is true.

Misty: This is all beside the point, even what you are saying Elaine. It is 7:25 and the meeting needs to go on.

Elaine: I agree.

Carolyn: you are absolutely right Misty and so Mr. Lane call me and talk to me as much as you like later, and we will get it out there for you if you need and Elaine as well.

Michelle: Is this something that we need to put on the agenda for next meeting just to see where the city stands with the DEC because this was city property? Is it gonna affect us in the long run?

Sara: It's so close to our water source.

Misty: I would like us to do some research and kind of decide if it needs to go on the agenda and how.

Randy: The city previously owned this property correct? And then the city sold it. Who bought the property from the city, Elaine you said you don't own it, you didn't buy it?

Elaine: Yes I bought it from the city over the counter after they put it up for lottery when no one would purchase it. And then we in turn sold it to other people.

Randy: Ok.

Michelle: and the city gained this property from what?

Elaine: from the state.

Michelle: we gained it from the state.

Misty: So any future research on this subject should go on outside of this meeting, is there anyone who doesn't agree?

Michelle: No I agree, but I think we really do need to look at what he is saying.

Sara: I think we need to look at the conflict of interest too I would like that on the agenda for the next month.

Carolyn: Yes I do think we need to look at that. Thank you Mr. Lane I know it is hard to keep a lid on with those things, but I think we need to do it.

Guy: When it is going to break your family financially, it is real hard to keep a lid on something like this.

Carolyn: Yeah, let's talk about it later.

**Persons to be heard:** Cheryl Fecko, not present. Misty asked that she be put on the next agenda.

**Approval of Agenda:** Misty made a motion to approve the agenda except to delete the IFA report, and financial report. Sara seconded. AIF.

**Consent agenda:**

1. Meeting Minutes
2. Project Manager's Report-Michelle asked about the fish enhancement report needing an explanation about it. She wanted to know when the negotiations for the contract took place, and if the council was in on the decision. Michelle was also wondering if it should come up to the council if we are going to continue if we are not seeing many returns. Randy also would like to know more about it. John Rodriguez added that there was a good run this year, but it was predicted statewide. So no one really knows if we are seeing a good return from here or not. John also mentioned that the first good run from our expansion will be in five years from the release. Sarah Yockey asked what we are paying POW Hatchery. Elaine said there was a 25,000 dollar payment to the hatchery, paid for out of the grant which will be paid out to the hatchery at 5,000 dollars a year. We have to pay for the tags and fish food. Elaine added that this is the agreement that was worked out between us and the Hatchery. Randy asked what the fish food and expenses would be a year, Elaine replied that they would be about 1,500-2,500 dollars a year. The feeding and care was volunteer this year. Michelle also asked if it was the City selling land up ½ dog or the University. Elaine commented that it was the University.
3. Port Authority Report- Heather reported that the Port Authority received funding from USDA but will not release funding until the Port Authority has identified a boat. Did receive interim financing from RCAC so we may put a deposit on a boat.
4. Mayor's Report- Carolyn was absent this month due to a death, but has been looking into library issues, teleconferencing, and applicants for the City Clerk/Treasurer position.
5. Tourism Report- Heather added that she has placed an ad in the Alaska State Travel Planner. This has led to 180 approx. sales leads. She is pushing for more brochures. She is also working on a quick books account for the Arts Festival. Roxy Wilson and Heather have been discussing where to have the Arts Festival for next year. Thinking of having it at the old city gym with the City's approval. Roxy wants to figure out how to do the Seafood and arts festival can expand for more room. Would like to have a meeting eventually to discuss options. Possibly expanding the ball field pavilion. Roxy also explained that they are going to need to purchase more supplies for the festival. Heather would like more meeting space to be available for the discussion of this.
6. Water/ Sewer Report

Carolyn makes a motion to accept the consent agenda. Sarah seconds. Consent agenda Accepted AIF.

### **Unfinished Business:**

- 1. Postal Clerk Job Description:** Sarah Yockey read over job description and mentioned that it included everything that they had discussed. Ruth Lux was able to look over, and had a comment about sorting first class first, but she sorts the mail by express, priority, then first class. Whichever is paid more to get here? Sarah makes a motion to amend the new job description to reflect this. Michelle second, motion passes, AIF.

### **New Business:**

**1. Speed Test-** There have been a lot of requests to increase the speed on Coffman road. There will be a speed test conducted next summer to assess how fast the speed should be. Brian Wilson added that they had probably done one when the road was paved. Elaine added that there have been a lot of people receiving tickets, and many comments, but it is the DOT's responsibility to regulate the speed on the road. Misty asked to move it to the next agenda.

**2. Grader Operator List-** Clint has agreed to run the grader this year, and was asked if Duffy could be back up for him which was agreed on. Michelle asked that we discuss the winter maintenance on our roads. She added that there are a few roads in town that need to be sanded. Ruthie Lux requested that driveways not be plowed in. It was decided that it would be best to call the City Office and let the Clerk or Mayor know that the roads need to be sanded. It is then up to the Clerk or Mayor to pass along the message. Council asked to sand in conjunction with grading.

**3. Appoint or Post SEASWA Board Member-** Sarah Yockey asked that we include what SEASWA stands for and Board Member duties in the posting. Misty commented to post until December's City Council Meeting.

**4. Appoint Board Member for Northend Port Authority-** Elaine mentioned that Cindy Huff asked to be re-appointed for this position. Elaine also mentioned that Cindy had emailed her intention to her. Caroline makes a motion to appoint Cindy Huff for Board Member of the Northend Port Authority. Roll Call; Michelle- yes; Sarah-yes; Misty-yes; Randy-yes; Elaine-yes, Carolyn- yes.

**5. Rodriguez (Request to remove W/S stub-out)-** Elaine mentioned that the council had voted on this issue and it failed, then was voted on again and it passed which Sarah added was what she remembered also. This was not reflected in the minutes. John explained that it is a 66x78 lot. John goes on to explain how he acquired the lot. The original lot was not sub divided, or sub-dividable. He explains that there is no need for a second service. Elaine mentioned that we may be setting precedence by letting people remove a stub out or service so they don't have to pay. Misty mentioned that there is nothing in our ordinance that says that we cannot do it. What we do have to look into is how many people have been denied this same request. Carolyn would like to take some time and do some research for John. Michelle said it is kind of mute, but is ok with it either way. Michelle wants to put it on the agenda for the next meeting. Hoping to have a decision by then.

### **Public/Council Comment:**

Sara wants to know when we are reading meters, and if we are going to separate from residential and commercial for different rates for water and sewer? Misty said we need to look at other cities and what they are doing for this subject. Sara wants to have a workshop in Jan or Feb to discuss.

Sara also wants to know what is happening with our industrial park project in accord with business. Elaine said she talked to Hanz (?) about two and a half weeks ago. He said to back up and go slow, he may do something in Thorne bay. He had some setbacks with financing. She is confident it is still coming ahead. Council has not decided what they want to do as far as the Industrial area. She is going to send in the request to the state legislature. It is going to go on the agenda for December to forward the request. She thought we should ask for the boat hauler again, and then include it in the federal budget. Sara asked weren't we working with the state forester to get the property going for the industrial park. Elaine replied that we have well over two years into it, and the forest service has put it on their date list, and it won't be out until 2014.

Michelle- The city will be doing a workshop for water and sewer. Should we do a workshop for a financial report and how we would like that change? Carolyn asked if we could do it at the same time as the other. The council discussed a date for that. They decided on the 29<sup>th</sup> of December for the workshop including both of these items.

Michelle asked to put Gary's seat on the December agenda. (Lots of static) Michelle asked if we could leave the seat vacant. It was decided to declare the seat vacant, post until December's meeting and fill it at that time. Misty declared that Gary Wilburn has resigned from City council. Sarah made a motion to accept Gary Wilburn's resignation. Misty second, AIF.

Ruthie Lux would like to say that we should be appreciative of the people in the community who are plowing the roads and people's personal driveways as well as city property.

Guy lane would like a verbatim copy of the last meeting as well as this meeting. Misty mentioned that the meetings need to be approved before we can hand out copies. Heather also added that they will be on the website shortly also. Misty also added that we usually do summary minutes instead of verbatim. Guy also added that he is requesting tapes from the meeting. Misty replied that she needed to do some research on what we can and can't do, and she would let him know. Randy mentioned that if there was something that you needed verbatim you needed to request it, and the recordings would be handed out at cost to the purchaser. Misty also added that in our city code it explains that the tapes are to be destroyed, and if they haven't been then can we hand them out. She would make some calls and find out what we can and can't do. Sara added that our attorney had advised us to destroy the tapes.

Michelle asked about the policy of bringing about complaints to the council and if this form had been in effect for a while. Carolyn added that there is a routine to the system.

Brian Wilson added that if the city does accept John Rodriguez's proposal, there should be a liability writer in there, because decommissioning service is hard on the infrastructure of the system. Misty asked if that was due to the fact that you are basically capping off the system. Brian said it was, and therefore it is important to have someone there who knows the particulars of the system.

Randy Neuberger asked to be heard, and thanked Misty for sending the emails to him. He didn't receive the financial report though. He also had a question about a vote after Heather's report. Misty added that it was just the approval of the consent agenda. Randy also wanted to know what the procedure was for applying for Gary Wilburn's seat.

Misty talked about the motion Carolyn made to give holidays to all permanent City staff, as well as the other benefits. Misty mentioned that there was no policy typed up after that. Heather added that they were concerned that people may define permanent differently. Misty said in the ordinance there was a portion that talked about a permanent employee.

Elaine asked to relax the agenda to hire Misty for the treasurer position. Misty declined until the council had heard her interview. Sara noted this would not be appropriate for the other applicants to not be heard. Elaine asked for the council to call her to vote on Misty.

**Executive Session:** Sara made a motion to adjourn into executive session for the purpose of the city clerk and back up city clerk position. Michelle seconded. AIF. 8:35 p.m. Returned at 9:35 with the purpose of selecting the Clerk and Deputy Clerk. Misty had withdrawn her application. Sara made a motion to accept Jean Soderberg for City Clerk Roll call. Michelle, yes; Randy, Yes; Carolyn, yes. Sarah made a motion to appoint Kassi Bateman for Deputy City Clerk, Roll call, Michelle, yes; Randy, yes; Carolyn, yes. Sara and Carolyn had a discussion regarding personal feelings towards each other.

**Adjourn:** Randy made a motion to adjourn. Sara seconded. AIF.

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Carolyn Duncan, Mayor

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ATTEST: Misty Fitzpatrick, Acting City Clerk