



Northwest Arctic Borough Assembly
Regular Meeting Minutes
Tuesday, April 23, 2019 – 9:00 A.M.
Assembly Chambers – Kotzebue, AK

CALL TO ORDER

President Nathan Hadley Jr. called the meeting to order at 9:00 A.M.

INVOCATION/MOMENT OF SILENCE

Member Loon provided invocation.

SAFETY MOMENT

Member Oviok mentioned he got a call from Selawik, someone went hunting; as cutting a brown bear came forward. Cautious of rivers and open waters; one snow machine almost went down. Stay on the trail, thank you.

Member Loon expressed the importance of traveling together, suggests using safety precautions and prevention. We have dangerous land because of changes we experience; teenagers wanting to be out hunting. Used to use tuuq to check thickness of ice; thank you parents that are listening. Be safe, thank you. Have a good day.

ROLL CALL/MEMBER EXCUSAL

Assembly Members present at the time of roll call:

Elmer Armstrong Jr.	Kirk Oviok Jr.	Dood Carr	Austin Swan Sr.
Miles Cleveland Sr.	Sandy Shroyer Beaver	Hannah Loon	Reggie Joule III
Larry Westlake Sr.	Nathan Hadley Jr.		

Member Excusal

Walter Sampson

Introduction of Staff and Guests

Lucy S. Nelson	Nelda Swan	Ariana Nelson	Matt Mead
Chuck Greene	Angie Sturm	Paula Octuck	Nate Kotch
Greta Schuerch	Nelson Walker	Marie Greene	Fred Smith
John Baker	Jonathan King	Hiram Walker	Margaret Hansen
John Chase	Charlie Gregg	Eugene Smith	<i>Clyde Ramoth</i>
<i>Thomas Barr</i>	Cindy Fields	Kathleen Sherman	Millie Hawley
Alice Melton Barr	Lawrence Jones	Terri Walker	Ann Marie O'Brien
Thomas Kennedy	Christina Westlake	Leslie Yesnik	Jenny Martens
Helena Hildreth	Puyuk Joule	Judy Chapman	Eva O'Hara
Stella Atoruk			

Member Carr motion to excuse Member Sampson, seconded by Vice President Westlake; motion passed unanimously. A quorum was present to conduct business.

APPROVAL OF AGENDA

Agenda presented for April 23, 2019. Mayor Nelson recommend to table Resolution 19-16, add Resolution 19-19 and VIF annual report presentation under communications appearances. Vice President Westlake request to provide a report on Joint Maintenance Construction Committee. Member Carr asked if there is an update from VIC on resolution for Alaska Community Foundation; possibly Nelson or Marie although Hannah and herself had met with them the previous day.

Member Carr motioned, Member Swan seconded to approve the agenda as amended; motion passed unanimously by roll call vote.

APPROVAL OF PREVIOUS MEETING MINUTES

March 26, 2019 regular meeting minutes presented for approval.

Member Armstrong motioned, Member Carr seconded to approve the minutes as presented; motion passed unanimously by roll call.

COMMUNICATIONS AND APPEARANCES

Jonathan Hutchinson and Judy Chapman, DOT and John Baker, Remote Solutions provided an update of the Kivalina Evacuation Road Project which started two and half years ago. As of this April completed stages of one and two; huge milestone. Ms. Chapman summarized the STIP amendments and applications which goes through her department. She expressed the importance of a local match and take over the maintenance which are critical to having a successful project. DOT appreciates Borough's commitment to the project.

Member Cleveland request to be excused at 9:35 A.M. Ms. Chapman provided a hand out of the active projects. Vice President Westlake thank DOT for presentation; now that the road is built, how do we get there and what are we lacking?

Member Carr requested a brief update of where the Kotzebue Road to Cape Blossom is.

Mr. Hutchinson summarized his presentation of Kivalina Project, as of today it remains without a safe reliable means of evacuation. Stage three scheduled to start this summer. Vice President Westlake raised concern of the causeway strong enough to hold building material going over, do you have an estimate of how much it will hold?

Mr. Hutchinson mentioned at this time they have the local match required to move forward although not hundred percent surety of funding of this project. Have directed the contractor to stay on the mainland in Kivalina; showing commitment because they are ready to go once funding is available.

Mrs. Hansen mentioned the Joint Construction & Maintenance meeting the previous day, they had several questions. She asked DOT how much funding, when will get and what is the timeline? The Committee discussed if the District purchases steel now, can they locate it at the causeway area? How much did it cost for the ice road? Mrs. Hansen asked what

District can do to help? Letters of support? Resolutions stronger than letters? Deliver in person? She invites DOT to the Joint Maintenance meeting in May. President Hadley mentioned other players to be involved; ensure Borough can assist with planning a joint meeting with ARUC, NANA and ANTHC to move forward.

Mayor Nelson mentioned in accordance of the agreement with Teck; Borough shall submit a report ending by April 30th. Nelson Walker, Vice Chair for VIC and Mr. Greene provided a summary of the VIF Annual Report for Red Dog. Member Loon raised concern of the communities that weren't funded. Member Carr raised concern of the Kotzebue Bio-Mass Project; the match, what is the allocation? Or is it still pending? From City of Kotzebue? Member Loon raised concern of Ingemar's energy project listed although it's listed on another fiscal year.

Vice President Westlake raised concern of erosion control requests; would you be able to get a match from State for that type of work? He mentioned that the magnesium is bad in the water in Kiana, clean the filter on the clothes washer and see in the commode every day. Major health hazard they are addressing, thank you.

Member Loon asked if City of Kotzebue is the organization to do priorities with the community. The trilateral organization is an issue that has been brought before this Assembly. She raised concern of village applications be submitted individually or separate. Member Carr thank all those involved, look forward to complete projects. Member Loon echoes comments, rewarding to get information and thank you to those involved.

Member Oviok request an update of Selawik water and sewer; how many households don't have access.

Break observed 10:44 A.M.
Reconvened at 10:58 A.M.

BOARDS, COMMISSIONS & COMMITTEES

None presented.

PUBLIC HEARINGS, ENACTMENT OF ORDINANCES & EMERGENCY ORDINANCES

1. **Ordinance 18-03AM-01** *an ordinance of the Northwest Arctic Borough Assembly establishing the amended FY19 Village Improvement Fund Budget.*

Mrs. Sturm summarized Ordinance 18-03AM-01; addition of four million in revenue. There is no net change in the budget.

Member Armstrong motion to enact Ordinance 18-03AM-01, seconded by Member Carr; motion passed unanimously by roll call vote.

2. **Ordinance 19-02** *an ordinance of the Northwest Arctic Borough Assembly providing*

for the establishment and adoption of the line-item budget for Fiscal Year 2020.

Mayor Nelson mentioned a few changes; update from local contribution from School District and Mrs. Sturm provided changes along with significant highlights of the budget. Mayor Nelson added she heard from lobbyist Chamberlain that Senate put the reimbursement back into the budget although need to go back to Governor, unsure if will be veto or not.

Vice President Westlake asked if the donation line item include burial or other things. Mayor mentioned that Administration is working on a donation policy. Vice President Westlake request to have Culture Camps listed right after Elder's camp; therefore, two donation line items. Member Carr raised concern of Kotzebue being included on trail staking.

Member Carr motion to enact Ordinance 19-02, seconded by Vice President Westlake; motion passed unanimously by roll call vote.

ASSEMBLY REPORTS

Vice President Westlake provided a summary of the Joint Construction & Maintenance Committee held the previous day at School District. Material needs to be ordered as soon as possible, ensure the bridge can hold. Next meeting will be held in May, inviting DOT and AVEC.

Madam Chair Carr provided a summary of the Budget, Audit and Finance committee held the previous day.

Member Loon mentioned the April 17-18, 2019 of Planning Commission and Borough Land Committee; thank Siikauraq for coordinating. Heard about Ambler Mining District, concerned of cooperating agency from Upper Kobuk. Legal provided an overview of Title 9 which was a learning experience, look forward to the next meeting. Learned from Mr. McClintock on surveyed landed although much more planning to do. Happy to participate.

Member Swan mentioned he couldn't attend, opportune time for Easter Celebration.

MAYORS REPORT

Mayor Nelson thank Mr. President, busy last five months; continue to have monthly meeting with staff and with directors as needed. Continue to update social media; currently working on presentation for village visits. Mayor Nelson summarized her written report.

Member Carr raised concern to the May 1-3, May 4-7 in Kotzebue is that Administration only or is Assembly welcome to attend? She is willing to attend meetings in Kotzebue, either not invited or asked to attend on behalf of the Assembly.

Member Loon thank Member Sampson for his knowledge during the Land work session. She encourages you to learn Borough Lands and process.

Mayor Nelson mentioned she attended VIC, Lands work session where the plats of 150 acres were signed and Department of Transportation to discuss Kivalina maintenance agreement.

TIME & PLACE OF NEXT MEETING

President Hadley mentioned 4th Tuesday falls on 27th-28th of May; Mayor Nelson request to change date to honor Memorial Day on May 27th. Vice President Westlake mentioned May 20th-21st for next meeting dates.

INTRODUCTION OF ORDINANCES

1. **Ordinance 19-03** *an ordinance of the Northwest Arctic Borough Assembly establishing the FY20 Village Improvement Fund Budget.*

Mayor Nelson mentioned Mrs. Sturm worked with VIC on this budget at the April meeting. Mrs. Sturm summarized Ordinance 19-03.

Member Shroyer Beaver motion to approve Ordinance 19-03, seconded by Member Carr; motion passed unanimously by roll call vote.

RESOLUTIONS

1. **Resolution 19-12** *a resolution of the Northwest Arctic Borough Assembly approving a Multi-jurisdictional All-hazards Mitigation Plan.*

Mayor Nelson summarized Resolution 19-12.

Member Swan motion to approve Resolution 19-12, seconded by Member Cleveland; motion passed unanimously by roll call vote.

2. **Resolution 19-13** *a resolution of the Northwest Arctic Borough Assembly confirming the Mayor's appointments to the Northwest Arctic Borough Public Safety Commission.*

Mayor Nelson summarized Resolution 19-13; excited to move forward with department.

Vice President Westlake motion to approve Resolution 19-13, seconded by Member Carr; motion passed unanimously by roll call vote.

3. **Resolution 19-14** *a resolution of the Northwest Arctic Borough Assembly providing for the FY20 local contribution to education.*

Mayor Nelson summarized Resolution 19-14. Mrs. Hansen, School Board mentioned that School budget had been cut by four point four million from last year; drastic cuts they've made with Programs they've lost.

Member Shroyer Beaver raised concern of what programs were cut; Mrs. O'Brien stated they've cut in overall budget. Every department made cuts; Professional Development, Administration and forty percent of student activities. Mrs. O'Brien mentioned that Teck has declined any requests since the PILT have been signed.

Member Shroyer Beaver raised concern of what programs you subsidize and how much? She asked if the School District reached out to public for services. Mayor Nelson mentioned until Governor finalizes State budget this is what Administration is presenting to support Borough operations.

Member Carr motion to approve Resolution 19-14, seconded by Member Cleveland; motion passed by majority with Member Shroyer Beaver voting no.

4. **Resolution 19-15** *a resolution of the Northwest Arctic Borough Assembly approving revised policies and procedures for the Village Improvement Commission, and for related purposes.*

Mayor Nelson refer to Legal to provide summary. Legal Mead summarized Resolution 19-15; clarify not for profit entity, administrative fees and commission compensation during village community meetings.

Mr. Eugene Smith mentioned they presented a project to VIC, maybe sponsored by KIC although support letters included; only local corporation out of all the villages. When you add a policy that destroy trilateral even before this fund is available. Haven't have the opportunity to participate; disappointed when it can be regional wide to crunch the material too. Did you have a chance to read it?

Member Carr request for Legal to clarify the process; she doesn't appreciate what is about the agreement with Teck and Assembly.

Mr. Thomas Barr called regarding paying dividends to Canada; point of order called.

Mr. Smith recommend Assembly further discuss that will destroy Trilateral because they don't get a chance. Member Shroyer Beaver appreciate Mr. Smith coming forward; means NANA wouldn't be able to apply. Kotzebue have been funded through this program, worth visiting the commission members.

Mr. Smith summarized the application they've submitted. Member Carr thank Mr. Smith for comments; she mentioned they are questioned on clean up so KIC can build a store, why not to the villages too. Mr. Smith mentioned they have three options; this isn't the

intent of what they are trying to do. EPA have shut the landfill down; they are in desperate situation.

Mrs. Marie Greene, VIC Chair mentioned they met last week; learned about the changes they were recommend and Assembly makes final decision. Once adopted then the VIC will have to comply. She mentioned the door is still open just so the applicant is not for profit; trilateral can submit with another sponsor.

Mr. Smith stated they wouldn't be able to bid, getting to a point of VIC for deferred maintenance or economic development opportunities.

Member Shroyer Beaver asked Mrs. Greene whom requested to table the resolution? She expressed the importance of playing fair, this is frustrating; go back to drawing board to ensure Mayor and Legal are aware. It's not Kotzebue against the villages, it's not the intent. Member Shroyer Beaver mentioned this is a learning curve. We all know the process; she apologizes how it happened and shouldn't happen again. The commission have reviewed, although vote was ten to one but maybe educating ourselves to the agreement and policies.

Member Carr whether the changes were made or not, maybe work with another entity to apply. Possibly meet with legal to clarify; as we go along, we may make changes.

Mr. Smith mentioned Shungnak asking for rock bucket they've applied for; why pull all the applications? Careful how we operate to global because not wanting KIC on the process.

Mrs. Greene recommends for individual resolutions for each VIC application.

Member Swan suggests the VIC streamline the applications to ensure funding, slow process to get up to par. He recommends City of Kotzebue to bring forward, or even Tribe to lead the project. KIC receives seven monies.

Member Carr mentioned they have requested the projects go to single resolution numbers.

Mr. Smith request to Mayor Nelson to cover the funds from general funds for Shungnak bucket until VIC decides. Mayor Nelson mentioned depends on the budget, she asked Legal if Assembly can vote of each VIC resolution that had been presented. President Hadley mentioned VIC can hold a Special meeting. Mr. Smith recommend you table the KIC one, most like the Tribe will take over the project.

Member Carr motion to approve Resolution 19-15, seconded by Member Cleveland; motion passed unanimously by roll call vote.

5. **Resolution 19-17** *a resolution of the Northwest Arctic Borough Assembly approving the unincorporated Community of Noatak for participation in the FY20 Community Assistance Program.*

Mayor Nelson summarize Resolution 19-17.

Member Armstrong motion to approve Resolution 19-17, seconded by Vice President Westlake; motion passed unanimously by roll call vote.

6. **Resolution 19-18** *a resolution of the Northwest Arctic Borough Assembly approving a partnership with the Alaska Community Foundation for Village Improvement Fund Grant Administration Services, and for related purposes.*

Mayor Nelson summarized Resolution 19-18. Mr. Walker and Mrs. Greene provided a brief summary of the resolution which VIC approved last week; what can they do to approve the application process. The monies are budgeted under the grant position, one-year contract.

Vice President Westlake mentioned that this is good opportunity, recommends moving forward; we don't have grant writers to help with other projects. Member Loon mentioned Member Carr and herself have met with Mrs. John the previous day to familiarize themselves with the company. She is pleased to have structure and guidance for this program. Member Carr expressed that there was a disconnect when the foundation presented to VIC; Assembly feel like we are hiring consultant then another consultant.

Member Carr motion to approve Resolution 19-18, seconded by Member Loon; motion passed unanimously by roll call vote.

Mayor Nelson mentioned after clarification with Legal and VIC Chair regarding Resolution 19-16; Assembly can suspend the rule to consider.

Member Armstrong motion suspend the rules and work on Resolution 19-16 except for Kotzebue KIC. Member Carr asked VIC Chairs was there one or more totally complete or were they ready to act on; seconded by Carr, passed unanimously by roll call vote.

Member Shroyer Beaver raised concern of Selawik Wellness Program; is that something done by Maniilaq? Do they get grants for that? How long is that good for? Are they going to come back every year? Vice Chair Walker mentioned Selawik is wanting to expand

throughout the region if someone is to take it on; although would like in resolution form.

Mrs. Greene stated \$166K Deering water heaters, \$1M Selawik Water and sewer system, Shungnak \$70K loader rock bucket and two-year Selawik Wellness Program. Member Shroyer Beaver mentioned the VIC resolutions are listed behind Resolution 19-16.

7. **Resolution 19-16** a resolution of the Northwest Arctic Borough Assembly approving Village Improvement Fund applications from Deering, Selawik, Shungnak, and Kotzebue.

Mayor Nelson thank Assembly for reconsidering for VIC Chair and Co-Chair.

Member Armstrong motion to approve Resolution 19-16 with striking of VIC Resolution 19-09, seconded by Member Carr; motion passed unanimously by roll call vote.

8. **Resolution 19-19** a resolution of the Northwest Arctic Borough Assembly in support of the Alaska Native Vietnam Era Veterans Allotment Act, and for related purposes.

Member Carr declared she had a late brother with Vietnam Vet; no conflict of interest.

Vice President Westlake motion to approve Resolution 19-19, seconded by Member Armstrong; motion passed unanimously by roll call vote.

OTHER BUSINESS

None presented.

Break taken at 1:06 P.M.
Reconvened at 1:19 P.M.

EXECUTIVE SESSION

President Hadley motion to go into executive session at 1:20 to discuss possible lawsuit, seconded by Member Carr; motion passed unanimously. Reconvene at 1:44 PM with no decisions made.

AUDIENCE COMMENTS

None presented.

ASSEMBLY COMMENTS

Member Armstrong thank you for good meeting, presenters and audience. He recommends through the Mayor to direct VIF to help villages apply for projects. Thank you.

Member Carr thank President for good meeting. She expressed her gratitude all the guests and audience; glad to have presentations. Thank you to Assembly for your presence and good meeting.

Member Shroyer Beaver raised concern of who all the players are for Kivalina Road and Project; understand ASC got the contract although wondering how Remote Solutions are involved. For Kivalina school she knows that they base off enrollment, we need to plan. Thank KIC for coming; learning curve for a lot of us on the agreement. As for school and funding, ensure we all are aware of cuts from Governor; hopefully community will be able to chime in. Thoughts and prayers to Noatak. Thank you.

Member Oviok requests to attend the meeting May 1st through 4th for Public Safety. Condolences to Noatak and Kiana. Thank the presentations, look forward to future projects. Glad to work things out, good to help each other. Thank you.

Elder Representative Swan provided a report from Hilda Haas, NANA.

Member Swan recommend to Mayor to keep forward the Kivalina Project regarding funding to ensure contacting the lobbyist. Thank you.

MAYORS COMMENTS

Mayor Nelson mentioned the Kivalina Bond will be signed after this meeting; bond of twelve point seven million dollars will be sent back by end of the day. Thank you for the presenters. She met with Teck this morning, suggests a meeting in Red Dog to visit during management or NANA. Thank Assembly for passing the budgets, FEMA grants and appointments of the Public Safety Commission. Through the fiscal year we continue to remain under budget.

Mayor sends condolences to those that lost loved ones. Continue to be safe on travels. Good meeting, thank Administration and Assembly.

ADJOURNMENT

Member Shroyer motion to adjourn, seconded by Vice President Westlake to adjourn at 1:58 P.M.

