

**HAINES BOROUGH ASSEMBLY MINUTES  
REGULAR MEETING #32  
DECEMBER 3, 2003 - 6:30 p.m.**

1. **Call To Order**: Mayor Mike **CASE** called the meeting to order at 6:31 p.m. in the Assembly Chambers of the Municipal Building.
2. **Pledge To Flag**: Led by Mayor **CASE**.
3. **ROLL CALL Present**: Mayor Mike **CASE** and Assembly Members Norm **SMITH**, Jerry **LAPP**, Stephanie **SCOTT**, Douglas **OLERUD**, and Debra **SCHNABEL**. **Absent**: Lucy **HARRELL**

**Staff Present**: Julie **COZZI**/Borough Clerk and Keith **BETTRIDGE**/Borough Manager.

**Visitors Present**: Steve **WILLIAMS**/CVN and Todd **SEBENS**/KHNS

4. **APPROVAL OF AGENDA/CONSENT AGENDA**:

Mayor **CASE** requested to amend the consent agenda to remove the item under New Business: Chilkat Center rates. **SCHNABEL** asked that last meeting's request for support from the Haines Amateur Skateboard League be added to Old Business. There was no objection to either request.

M/S **LAPP/SCOTT** Motion to approve the Consent Agenda as amended.

The motion to carried unanimously.

5. **Minutes Of Previous Meetings: November 19, 2003 Regular Meeting**

6. **Audience Participation/Appearance Requests**:

Mayor **CASE** opened the audience participation portion of the meeting at 6:35 pm.

Will **HICKMAN** appeared before the Assembly with a request for local government information to assist him as he works toward becoming an Eagle Scout. He asked for a copy of the budget including the major income and expenses for operation and the services provided for the community in exchange for taxes. Mayor **CASE** offered to get with the Clerk and the Manager to provide a letter answering his questions in addition to a summary of the budget.

Mayor **CASE** closed the audience participation portion of the meeting at 6:40.

7. **Mayor's Comments/Report**:

- **Recommendation to Reappoint Mick McCarter and Annette Smith to the Chilkat Center Advisory Board.**

M/S **OLERUD/SCOTT** Motion to reappoint them to the Board.

The motion carried unanimously.

- **Helicopter SUD**

Mayor **CASE** said the Borough originally asked for the word *transport* as opposed to *tours* but the SUD does not include that wording. He wrote to DNR and requested that they change the references from *commercial tours* to *commercial recreation* because *transport* is included in its definition. DNR via Bruce Phelps declined the request saying that if the State gets too specific in its language it will appear to be "locking in" certain businesses. **SCHNABEL** said that she does "not believe it will be preserving for the Borough it's intent. The discussions were about grandfathering in Al Gilliam." **SCOTT** said she does "not believe that Phelps has addressed the issue at all. A helicopter tour versus helicopter transport has nothing to do with the numeric limits that Phelps refers to in his letter. The type of activity is the concern, not so much the numbers." Mayor **CASE** said that if other assembly members feel strongly, they could open it back up for assembly action to change the wording. **SMITH** asked if there was ever a discussion about the numeric limits. **SCHNABEL** responded that Gilliam's permit does have a number limit on it. **SMITH** said that the request seems simple enough and questions Phelps' numeric value argument. Mayor **CASE** said he wants to see this SUD put in place. "The citizens of this Borough say they want managed helicopter tours." **LAPP** agreed with Mayor **CASE** and said he is under the impression that any tour that happens within the Borough would have to come before the Assembly for approval anyway. **SMITH** asked the purpose of the SUD if the Borough doesn't have any say and suggested that the attorney look it over. Mayor **CASE** said the purpose is to control heliskiing. The Gilliam portion was added almost as an afterthought. He does "not believe it is appropriate to delay it any further by sending it to the attorneys; the Gilliam portion is not a very big part of the SUD. **OLERUD** pointed out "this is state land that is being talked about." **SCHNABEL** said that she believes Mr. Phelps does not even have to listen to us. It is a courtesy to the Borough that he is allowing us as much consideration as he is. Then, she asked, "What sort of authority do we want to exercise over the tours that occur in the Borough?" "It is not an easy task; we do not have the kind of control that some people would like. It can only be captured by the development of ordinances. Tours in and out of the Tsirku Valley are not allowed, but are allowed within." **SCOTT** said, "The mayor's letter to DNR was very clear. It seems as though Phelps is deliberately overlooking this concern of ours. He has given no reason whatsoever for not being able to use the requested terminology: transport versus tours." **SCHNABEL** suggested that **SCOTT** discuss her concerns directly with

Phelps as a citizen. Mayor **CASE** said that the assembly could discuss this further under New Business, if desired. He stressed again that he wants "this thing to get issued and not get bogged down again."

- **Draft of an ad for soliciting a strategic planning facilitator.**

The mayor referred the assembly to his draft and said that he needs no action from them but would appreciate comments.

## **8. Public Hearings:**

### **B. ORDINANCE NO. 03-11-033 (Second Public Hearing)**

**An ordinance of the Haines Borough, appropriating a \$20,250 grant from the State of Alaska, Department of Community & Economic Development, Division of Community Advocacy, Alaska Coastal Management Program, ACMP 309 Special Projects (NOAA Funding), to the FY03/04 budget, for the Haines Borough Comprehensive Plan, and to move line items in the FY03/04 budget for the required \$8,190 match.**

Mayor **CASE** opened and closed the public hearing at 6:59 pm. There was no public comment.

M/S **OLERUD/LAPP** Motion to adopt Ordinance 03-11-033.

There was no discussion.

The motion carried unanimously on a roll call vote.

### **C. ORDINANCE NO. 03-11-034 (Second Public Hearing)**

**An ordinance of the Haines Borough, appropriating a \$65,000 grant from the State of Alaska, Department of Natural Resources, Support Services Division, Land Records Information Section, to the FY03/04 budget, for the Haines Borough "live" GIS Website Land Information Project, and to move line items in the FY03/04 budget for the required \$17,050 match.**

Mayor **CASE** opened and closed the public hearing at 7:00 pm. There was no public comment.

M/S **OLERUD/SMITH** Motion to adopt Ordinance 03-11-034.

There was no discussion.

The motion carried unanimously on a roll call vote.

### **D. ORDINANCE NO. 03-11-035 (Second Public Hearing)**

**An ordinance of the Haines Borough amending Section 9.01 of the Haines Borough Charter pursuant to a vote of the people at the October 7, 2003 Regular Election.**

Mayor **CASE** opened and closed the public hearing at 7:01 pm. There was no public comment.

M/S **OLERUD/SMITH** Motion to adopt Ordinance 03-11-035.

There was no discussion.

The motion carried unanimously on a roll call vote.

**E. ORDINANCE NO. 03-11-036** (Second Public Hearing)

**An ordinance of the Haines Borough amending Section 3.36.020(D) of the Haines Borough Code pursuant to a vote of the people at the October 7, 2003 Regular Election.**

Mayor **CASE** opened and closed the public hearing at 7:03 pm. There was no public comment.

M/S **OLERUD/SMITH** Motion to adopt Ordinance 03-11-036.

**SCHNABEL** asked the mayor what would happen if the Assembly did not pass this ordinance. Mayor **CASE** read from the Charter Section 4.04, Initiative Election: *The Assembly shall adopt the measure upon the majority vote favoring the initiative.*"

The motion carried unanimously on a roll call vote with **SCHNABEL** and **LAPP** voting "yes" reluctantly.

**9. Reports Of Borough Officers/Department Heads:**

**A. Manager** - written

**BETTRIDGE** asked the Assembly to review his report and contact him if they have questions or need further information. **SMITH** said that he finds it "unbelievable that the Borough cannot keep a harbormaster and recommended that Elli Braaten be promoted to Harbormaster, and we recruit for a new assistant." **OLERUD** recommended against doing that to give other people in town the opportunity to apply. **SCHNABEL** asked the reasons for the harbormaster's resignation. Mayor **CASE** said that Jim "Mock said he understood the administrative responsibilities but was unable to take care of them because of the daily duties." **SCHNABEL** said that perhaps the harbor department staffing would have to be evaluated. Mayor **CASE** said that the Manager is currently reviewing it.

**LAPP** asked if the Administration Office remodel has begun. **BETTRIDGE** answered "yes" and said that the original bid was reduced from 197K to 159K. He added that granting agencies have been approached for additional funding.

**WILLIAMS** asked if the media could get a copy of the manager's report and **BETTRIDGE** agreed to provide it for them.

**LAPP** asked about the computer system being moved to the new offices. **BETTRIDGE** said, "An IT person will be brought onboard on an as-needed basis."

**SCHNABEL** asked for clarification regarding the Clayton personnel issue: "Was he not the manager in place at the time of the dismissal?" **BETTRIDGE** explained that he "had to put on the hearing officer hat and in that capacity basically ruled against myself as manager."

**SCOTT** asked about putting Clayton in a special hire position. She said, "It is first of all a temporary hire with an application required. She needs a job description for the job that is now being filled, and I believe firmly that the job needs to be advertised even if existing staff ultimately fills it. It is an error that the job was filled in the absence of the creation of a job description and a job advertisement." Mayor **CASE** said that he was partially involved. He and the manager assumed they would have lost a court case and thought that they "could craft this for the good of everyone. Because Borough employees normally have first shot at new jobs, there may be some question regarding the need for advertisement."

**SCOTT** said she believes that there is no question and is concerned that this is setting a precedent." She said she wants "our government to be fair and appreciates the suggestions for fixing the code but in the normal course of events, a job would have been created and advertised." She said she is "concerned that this procedure has been hi-jacked," but has no solution to the problem. She added that she believes "it should be immediately advertised and the person in it can apply as well."

**SCHNABEL** said, "The hearing decision was to not dismiss the employee but to reinstate into a different position." She said she is "concerned that this employee believes everything is good again and no longer in a competitive situation." She asked, "Have promises been made to her that will no longer allow us to walk the path of evaluation?" **BETTRIDGE** said he has gone through **SCOTT**'s thought process but "still honestly believes that the best interest for the Borough has been served." He added that he is "not saying that things won't change. I did the best I could with the rules I had and the exceptions to the rules. I did my best not to flagrantly violate. I still believe I made the best decision for the overall." He asked the assembly to "bear with me and watch what happens in the long term." Mayor **CASE** reminded the Assembly that **BETTRIDGE** is the personnel manager making decisions and every single action he makes as the personnel manager is not subject to the approval of the assembly---scrutiny perhaps, but not approval. **SCHNABEL** asked about the personnel matrix saying, "when it is amended, I believe it is the assembly that amends it." Mayor **CASE** said that the employee in question, Christa Clayton, "is absolutely not hired into the Executive Assistant position." **OLERUD** said that "we do have an organizational chart approved by the assembly" and asked, "is it the Personnel Officer's option to make a change to the chart--to create a new job and eliminate a job--without the Assembly's approval?" **BETTRIDGE** said,

"Typically in any slot, there are various levels of expertise. Ms. Clayton was hired under an entry level with fewer skills and less education under a title of Office Assistant. She has filled a need in the Borough with receptionist duties and basic office tasks and has been a relief." Mayor **CASE** said it was his "suggestion that since the Borough had to pay her anyway, let's find a place where she might be able to use her particular skills." **SMITH** said that he finds that "it will be a difficult thing to write a job description--is it written centered around Ms. Clayton or in another form? You have to be really careful no matter what. According to the Code, we cannot have that position without advertising it." Mayor **CASE** said that the Borough has "two choices: she goes back to the Visitor's Bureau on probation or keeps her suspended with pay." **SCHNABEL** said, "Many statements are not necessarily defensive. The manager believes that it was in the best interest of the Borough, but I am not so sure." She added that she hopes "that the manager can manage us to a healthier position and I myself am not pleased." She asked the mayor about an evaluation process for the manager. Mayor **CASE** said that **BETTRIDGE**'s 6-month point for evaluation would be the first of February. **SCHNABEL** asked that the first Assembly meeting of the year include a time for evaluating him--"probably an executive session unless the manager wants otherwise." Mayor **CASE** said that the decision can be reversed if the Assembly feels strongly enough about it. **SMITH** wants to know if the office assistant position has a probationary period, and Mayor **CASE** said "yes." **SCHNABEL** said, "Perhaps the Assembly needs to revise the organizational chart." Mayor **CASE** asked, "Does the Assembly believe we should go back to the point where the decision was made?" **SCOTT** asked if he was suggesting that the Assembly appeal the decision, and Mayor **CASE** said "no." **SCOTT** said, "The department head should have been given an opportunity to take care of the missed step. I am concerned although I understand the need for flexibility." **SCHNABEL** said that she is "not willing to take this step right now." **OLERUD** said he would "not be willing to vote on this tonight and would like go into executive session after the person is notified that they will be discussed in executive session." **SCOTT** said, "I recommend that the manager consult with the department head to find out if it would be doable to put Ms. Clayton back into her position. The decisions made seem to have been based on personal issues rather than principles." **BETTRIDGE** agreed to speak with the department head about it.

10. **Bids/Proposals Received**: None
11. **Expenditure/Grant Approval Request(s)**: None
12. **Reports Of Standing Committees/Commissions**: None
13. **Reports Of Special Committees**: None
14. **Consideration Of Resolutions, Petitions And Memorials**: None

**A. RESOLUTION 03-12-033**

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING AND DESIGNATING CERTAIN PERSONS TO SIGN AND ENDORSE CHECKS PERTAINING TO CERTAIN BANK ACCOUNTS.**

M/S SCOTT/SMITH to adopt the resolution.

The motion carried unanimously on a roll call vote.

**15. Consideration Of Ordinances Proposed For Introduction:** None

**16. Correspondence:**

**17. Old Business:**

**HASL Request for grant sponsorship by the Borough**

**SCHNABEL** said there are things that the Borough would incur capital expenses like insurance, maintenance & repair. She said she believes "the skateboard movement is not going away. A decision needs to be made so that HASL can be given an answer to their request." **LAPP** said, "The Borough should be the sponsors. The Borough owns Oslund Park. Also, perhaps Community Youth Development could be the vehicle." **SMITH** asked, "What happens if we endorse this, they get the grant, we give them some money, it's still our property, a kid breaks his leg or arm--what happens?" **OLERUD** said that "the Borough has an insurance policy that allows us to operate ball fields, so the skateboard park could probably be folded in." He added, "HASL has agreed to take on the ongoing maintenance and upkeep requirements." Mayor **CASE** said that the Borough "should have an operational policy for things like this--a parks and recreation-type approach. It will likely be a part of the strategic plan." **SCHNABEL** said she believes "we are close to having a parks and recreation department. We have to do this with our eyes wide open because it will very likely become a government structure." **OLERUD** said, "There needs to be something in the agreement that someone else is responsible for them." **LAPP** said that in the HASL proposal he only sees electrical but no maintenance and it needs to be added. **SCHNABEL** said she believes "the public wants a parks and rec department." **OLERUD** said he finds it "odd that the assembly is talking about creating another department when the tax cap limitation passed because people want less government." **SCHNABEL** said, "Everyone says they don't want to pay more money, but they are not saying they don't want services. That is the dilemma." **SMITH** said, "The skateboard structure is turning into a \$100K project. Are we setting a precedent? Where do endorsements and sponsorships stop?" **SCOTT** said, "This issue requires more study and I would like to see the manager investigate the best way for the Borough to interact with this group. Perhaps the Borough could just decide to build a skateboard park and lease it on behalf of the youth of the

community." **SCHNABEL** said she believes "the best world is where the need is demonstrated by people in the community. Do we want to be supportive to the extent that they have asked us? If so, we need to be fully cognizant of the responsibilities and possibilities."

M/S **SCHNABEL/LAPP** Motion that the assembly responds positively to HASL and collaborates with them in their efforts to get funds for the skateboard park.

**SCHNABEL** said, "HASL needs to be made responsible. Tomi Scovill has for years taken care of maintenance and upkeep for the ball fields...seeding, etc., and bleachers plus managing a team for adult baseball. Does the community need to recreate? Yes. The assembly needs to address the needs of the community." **SMITH** said that Juneau went through the same thing. He suggested that the manager contact Juneau regarding their skateboard park. He said he "really doesn't want to get the Borough into skateboard park ownership. Will the park alleviate the problem of skateboarding all over the sidewalks and the fort? Is everybody in town going to go out to one-mile and use the park?" **SCHNABEL** said, "Part of the culture of skateboarding is that you have to have an audience." She added that she has "been called by three adults whose intention is to continue working on this project and have raised \$3K. It is a movement that the assembly needs to act on." **OLERUD** said that he is "not convinced that the skateboard park has broad-based support. Compared to other issues the assembly has been dealing with, there is a very low level interest in the community. It is a very small group. It's great that they are putting all of this effort into it and I would like to see it happen. However, I don't want the Borough to end up with a lemon."

M/S **SCOTT/OLERUD** Motion to amend the main motion to read "that the Assembly will cooperate with HASL to build a skateboard park provided the Assembly is satisfied that a citizen group will be responsible for the upkeep and maintenance of the park."

The amendment motion carried unanimously.

The main motion as amended carried unanimously.

## **18. New Business:**

### **Regarding the Helicopter SUD:**

M/S **SCOTT/OLERUD** Motion to request from Bruce Phelps an explanation for the State's reluctance to adopt the Borough's recommendation to substitute "helicopters used for transport" for "commercial helicopter tours" in the helicopter SUD.

**SCHNABEL** asked the mayor to comment on Mr. Phelps's perspective. Mayor **CASE** said, "Phelps believes that there have been a lot of back door efforts to scuttle the SUD. Phelps is concerned that if there is a substantive change to the way it is now, it will be either delayed for a long time or never happen." **SCOTT** said she is not asking for a change--she is asking for an explanation."

Motion carried unanimously.

Mayor **CASE** said he would send Phelps an email.

**19. Set Committee Meeting Dates:**

A committee-of-the-whole meeting will take place on Wednesday, 12/10/2003, 6:30pm to continue code review.

A Commerce Committee meeting will be on Tuesday, 12/9/2003, Noon, regarding an ice house.

**20. Assembly Member Comments:**

**LAPP** commended **BETTRIDGE** on some of the hard decisions he's had to make. He does "not believe the assembly should try to micro-manage and will allow the manager to do his job to the best of his ability."

**SCHNABEL** asked for clarification regarding the identity of additional funding for the Administrative Office remodel. **CASE** said, "The Rasmussen Foundation might be able to come up with some money. Also, the USDA has been contacted. In fact, the lead on the additional funding is the USDA, and they will be coordinating with all other sources for the funds."

**21. Adjournment:**

M/S **OLERUD/LAPP** Motion to adjourn.

Motion carried unanimously.

The meeting was adjourned at 9:12 p.m.

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Mike Case, Borough Mayor

ATTEST:

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Julie Cozzi, Borough Clerk

S E A L: