


Haines Borough
Borough Assembly Meeting #59
November 23, 2004
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **CASE** called the meeting to order at 6:30 p.m. in the Assembly Chambers of the Public Safety Building and led the pledge to the flag.
2. **ROLL CALL Present:** Mayor Mike **CASE**, Assembly Members, Norm **SMITH**, Jerry **LAPP**, Scott **ROSSMAN**, Stephanie **SCOTT**, Herb **VANCLEVE** and Debra **SCHNABEL** (via teleconference).

Staff Present: Robert **VENABLES**/Acting Borough Manager, Julie **COZZI**/Borough Clerk, Lori **STEPANSKY**/Tourism Director, Cindy "CJ" **JONES**/Museum Director, Jila **STUART**/Accountant, and Scott **BRADFORD**/Fire Chief.

Visitors Present: Tod **Sebens**, Bonnie **HEDRICK**/CVN, Jeff **BUTCHER**, Fred **GRAY**, Carolyn **WEISHAHN**, Walter **CLAYTON**, John **FLORESKE**, Paul **NELSON**, Don **TURNER**, Jr., Howard **AKINS**, Patricia **BLANK**, Carol **KELLY**/School Board Chair, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA:**

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

The motion to approve the consent agenda carried unanimously.

4. **APPROVAL OF MINUTES:**

*November 9, 2004 Regular

5. **PUBLIC COMMENTS:**

Carol **KELLY** noted the school board has not yet had an opportunity to review the revised audit reports that show a surplus of funds. Therefore, the school board requests the assembly postpone any action on supplemental school funding for *other activities*.

NELSON requested that **VENABLES** be hired as the permanent borough manager. "He knows the issues facing Haines and cares about getting things done right."

6. **MAYOR'S COMMENTS/REPORT:**

❖ **Helicopter SUD**

Susan Johnston has been asked to enter into a contract to go through the SUD and work to get it into code form to then come before the assembly. She has agreed to consider the request.

❖ **Assembly Standing Committees**

The mayor took the opportunity to summarize his ideas for restructuring the assembly standing committees. He suggested the following: Planning & Land Management, Finance, Strategic Planning, Commerce & Economic Development, Code/Charter, and Government Services. **CASE** went on to say assembly member **SCOTT**

has suggested fewer committees. She proposes just three committees: Finance, Commerce & Economic Development, and Government Services. Each of the three would be composed of two assembly members, appropriate staff, and the mayor as an ex-officio of each one. Additionally, she proposed that the mayor appoint one assembly member per committee or board or commission as an ex-officio/liaison. The mayor encouraged other assembly members to feel free to make additional suggestions to him. Action was delayed.

❖ **Roberts Rules of Order**

A book, *The Complete Idiot's Guide to Robert's Rules of Order*, will be made available to each assembly member, the planning commission members, and the chair of each of the advisory boards.

❖ **Committees, boards and commissions and appointments thereto**

Mayor **CASE** announced his intention to appoint the following seven people to the new Parks and Recreation Advisory Board: Rob Pollock, Merri Noel, Sarah "Tigger" Posey, Walter Clayton, Ray Chapin, Tammy Piper, and Anthony Crupi.

7. PUBLIC HEARINGS:

A. Ordinance 04-10-087 - (second hearing)

An ordinance of the Haines Borough amending Haines Borough code section 2.68.070, Scheduling of special elections, to match the Charter requirements for scheduling a special election for a charter amendment question.

Mayor **CASE** opened and closed the public hearing at 6:43 pm; there was no public comment.

M/S **LAPP/SMITH** Motion to adopt Ordinance 04-10-087.

The motion carried unanimously in a roll call vote.

At this point, Assembly Member **SCHNABEL** joined the meeting via teleconference.

B. Ordinance 04-10-088 - (second hearing)

An ordinance of the Haines Borough amending Haines Borough code section 2.08.060, Meetings of the Assembly, to change the regular meeting days to the second and fourth Tuesdays of each month.

Mayor **CASE** opened and closed the public hearing at 6:45 pm; there was no public comment.

M/S **SCOTT/SMITH** Motion to adopt Ordinance 04-10-088.

The motion carried unanimously in a roll call vote.

8. STAFF REPORTS:

A. Acting Manager - VENABLES summarized his written report that covered the following subjects:

- Alaska Municipal League Local Government Conference
- Finance - Budget, Audit
- Chilkat Center Staffing Changes & Facilities Maintenance Position
- Small Boat Harbor Expansion Project
- HCMP Amendment Consultant
- KHNS proposal to perform Chilkat Center administrative duties
- Assignment of THREA Lease

M/S **LAPP/SCOTT** Motion authorizing the mayor to assign the lease from THREA to IPEC.

The motion carried unanimously.

Regarding staffing needs at the Chilkat Center, **LAPP** asked if the facilities position would be used to clean the administration and public safety buildings as well. **VENABLES** said that is one of the many options under consideration as he looks at all of the job functions and organizational structure. **LAPP** asked how much was being spent on the Chilkat Center Administrative Assistant. **VENABLES** said about \$1,300 per month. Mayor **CASE** said the discussion is just beginning. There are other options that could be explored before decisions are made concerning staffing at the Chilkat Center.

SCOTT suggested the CVB Board get the assignment to do the committee-work for the public restrooms at Port Chilkoot Dock. **CASE** said staff would obviously work with the board.

M/S **SCOTT/SMITH** Motion to have the CVB Board work with staff on the Port Chilkoot Dock public restrooms.

The motion carried unanimously.

M/S **SCOTT/SCHNABEL** Motion to refer the radio station proposal to the Government Services Committee.

SCHNABEL expressed concern about the concept as proposed by the radio station and asked if the Chilkat Center Advisory Board had weighed in on it. **VENABLES** said the board met today and gave their endorsement.

CASE said he is concerned that a single proposal would be sent to committee and would personally like to see other user groups have an opportunity to look at it. **ROSSMAN** said an RFP could be developed to solicit additional proposals for operating the Chilkat Center.

SCOTT restated her motion to say the GS committee would review the relationship between the Borough and the Chilkat Center with

respect to maintenance and utilization of the Center, and that the committee would work jointly with the Chilkat Center Advisory Board to develop an RFP for the maintenance of the Chilkat Center. **SCHNABEL** did not object to the restatement.

The motion carried unanimously.

Departments

- *B Clerk's Office
- *C. Economic Development
- *D. Finance
- *E. Fire
- *F. Planning & Zoning
- *G. Police
- *H. Ports/Harbors
- *I. Public Works
- *J. Tourism
- *K. Water/Sewer

Facilities

- *L. Chilkat Center
- *M. Library
- *N. Museum

9. COMMITTEE/COMMISSION REPORTS:

- A. Commerce Committee - None
- B. Finance & Budget

Schnabel said members of the administrative and finance staff are working diligently on finance reporting, and progress is being made.

C. Personnel & Labor Relations

SMITH said the committee's 11/22 meeting involved in-depth employee evaluations. The goal of the meeting was to establish an evaluation/performance schedule. Another meeting will be scheduled soon. The manager handed out copies of evaluation forms used over the past years by the city/borough.

- D. Government Services - None
- E. Government Affairs - None
- F. Planning Commission - None

10. OLD BUSINESS:

- A. Haines Coastal Management Plan (HCMP) Amendment Contract Award

M/S **VANCLEVE/SCOTT** Motion to award the HCMP Amendment contract to Sheinburg and Associates.

M/S **LAPP/SCOTT** Motion to amend to authorize the manager to negotiate the HCMP contract with Sheinberg and Associates not to exceed \$20,620.

The amendment motion carried unanimously with a roll call vote making the main motion moot.

B. RFP - Professional Engineering Services - new sewage treatment plant

M/S **SCOTT/SMITH** Motion to put out an RFP for a contractor to provide professional services for the development of preliminary designs for a biological, tertiary, land discharge, sewage treatment plant for the Haines Borough, and assist borough staff in the preparation of all documents required to apply for funding such a facility to the U.S. Department of Agriculture Rural Development Office. Engineering designs and related services must contemplate all relevant aspects of planning, permitting, design, construction oversight and, if necessary, initial operational oversight of the new facility, which will provide service to all areas now served by the Haines Wastewater Treatment Plant (WTP). Proposals should also discuss the potential for expansion of services by the WTP to other areas of the borough, as well as the potential for receiving waste streams for treatment that are generated outside the borough.

SCOTT said Tim Krug, USDA engineer, is expected to be in Haines around December 2 and would like to speak with borough management about the biological waste water plant regardless of the outcome of the motion. **SCHNABEL** said the budget allows for up to \$15K for contractual grant writing services. She said the RFP is for preliminary designs that have to consider the potential plans for oversight. **TURNER** said he opposes the treatment plant under discussion. He has spoken with the former and current treatment plant operators, and there are many unanswered questions about infiltration and other issues that need to be considered prior to moving ahead with the RFP.

ROSSMAN said he is concerned about the infiltration problem and believes the upstream problems need to be addressed first. **VANCLEVE** agreed that "the cart is before the horse." He believes "it is odd to pay the people to design the plant that would be paid to build a plant we have not even agreed to build." **CASE** said he spoke with Jim Dohrn and asked his opinion and his response was "are you nuts?" He said there are so many other items in the master plan that should be attended to first. A new system would be way down the list. **FLORESKE** agreed and said the current system is at least working. **AKINS** said missing the opportunity to look at new technology is a mistake. "No community can afford to continue dumping sewage into the Lynn Canal."

SCOTT said the assembly a few months ago unanimously endorsed the exploration of this new technology. The RFP simply asks for anyone interested to propose a system that would benefit Haines and any proposal would have to include an address of the infiltration/ground water problem. USDA funding is a strong possibility with new technology whereas other more traditional systems must get in line in more of a competitive funding process. **VANCLEVE** said just because there is a potential funding source shouldn't necessarily mean the system is the best choice. **SMITH** said he looks at it as an opportunity and not a problem. The current system is 30-years old and he would like to see the assembly do some forward thinking. "The sewage treatment plant is costing a lot of money and is going to need some upgrades. Small Boat Harbor expansion plans project a cost of \$100K just to study moving the outfall pipe." He spoke in favor of giving the RFP a chance.

M/S **SMITH/SCOTT** Motion to table the water treatment RFP issue until the next meeting to provide an opportunity to talk with the USDA engineer, Tim Krug.

The motion to table carried 4-2 in a roll call vote with **ROSSMAN** and **VANCLEVE** opposed.

C. Borough Manager Hire

M/S **SCOTT/SMITH** Motion to go into executive session to discuss the personal strengths and weaknesses of Robert Venables and Doug Bell, candidates for Borough Manager, in order to protect the reputations and characters of both candidates. The candidates have been notified of the assembly's intention to hold this discussion in executive session and have waived the right to have the discussion in a meeting open to the public.

The motion carried unanimously.

The executive session was held from 7:53 p.m. to 9:18 p.m.

M/S **VANCLEVE/LAPP** Motion to hire Robert Venables for the position of Borough Manager and further as an assembly to reaffirm a commitment to the development of our employees and embark on a vigorous campaign to make sure he has all the tools to do his job.

SCHNABEL offered a friendly amendment to "offer" Robert the position as opposed to "hire." **VANCLEVE** and **LAPP** had no objection to the friendly amendment.

The motion carried 4-2 in a roll call vote with **SCHNABEL** and **SMITH** opposed.

11. STRATEGIC PLAN UPDATES

12. NEW BUSINESS:

A. Resolutions**1. Resolution 04-11-052**

A resolution of the Borough Assembly of the Haines Borough, Alaska, appointing election officials for the special election to be held December 14, 2004, and establishing wages for same.

M/S **LAPP/SCOTT** Motion to adopt resolution 04-11-052.

The motion carried unanimously in a roll call vote.

2. Resolution 04-11-053

A resolution of the Borough Assembly of the Haines Borough, Alaska, setting the date of the 2004 Supplementary Board of Equalization.

M/S **LAPP/SCOTT** Motion to adopt resolution 04-11-053.

SCHNABEL questioned the legality of holding a 2004 BOE in 2005. Mayor **CASE** said the question will be researched and resolved. **SCHNABEL** called for the question. There was no objection.

The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction - None**C. Other New Business****1. CVB Board Request to Change By-Laws and Code**

CASE asked **BUTCHER** to speak to the issue. **BUTCHER** summarized his letter to the assembly. **SCOTT** asked why "advisory" in the by-laws was crossed out since the board functions in an advisory capacity to the assembly. **BUTCHER** said it was more for clarification purposes. **CASE** added that the CVB's proposed code changes do acknowledge that the board is advisory.

SCHNABEL said she would like to see the purpose of the CVB Board, as delineated in Code, be worded the same way in the by-laws. She also took exception to the quorum being 3 and believes it should be 4. Additionally, she does not believe the tourism director should be an ex-officio member of the board. She noted that she has other substantial by-law changes that should be considered at the board level to it going to public hearing. **VANCLEVE** clarified the CVB Board's intentions with the requested code changes. **SCOTT**, regarding a quorum, noted that code says only the assembly has to have 4 affirmative votes to adopt. The CVB Board could have a simple majority of 3 votes in a quorum of 4. **VANCLEVE** added that the reason the simple majority of 3 is important is because it can be very difficult for advisory boards to get a quorum and they would rarely get things accomplished.

M/S **SCHNABEL/LAPP** Motion to send the by-laws and code back to the CVB Board for discussion of the issues raised by the assembly.

VANCLEVE said he would like to see the suggested changes to the code be scheduled for a public hearing. **CASE** noted that **VANCLEVE** had asked for a division of the question. There was no objection to the division. **SCOTT** asked for the by-laws issues to be put in written form to the CVB Board to facilitate discussion.

The portion of the motion dealing with the by-laws carried unanimously. They will be sent back to the CVB Board for discussion of the assembly's issues.

M/S **VANCLEVE/SCOTT** Motion to set the introduction and first public hearing on December 14 for the CVB Board's code requests.

The motion carried unanimously.

2. CVB Board Requests Pertaining to the Tourism Budget

CASE said one of the questions is: Is it legal to take town-site funds and apply them to an area-wide activity? **SCOTT** suggested that another facet of the question could be whether or not funds dedicated to promoting tourism would be appropriately applied to the museum. **SCHNABEL** said she can appreciate the arguments that funds collected only within the townsite service area might be containable within that service area. She believes that using Fund 23 monies would be appropriately used in the museum. Tourists visit the museum in large numbers. She does not support a change to the budget. **CASE** asked if the two assembly people that have seats on the CVB Board should recuse themselves. **SCOTT** said it is difficult to debate issues when some members come with their minds essentially made up. **SCHNABEL** said it deteriorates the checks and balances. **SMITH** said he does not believe he should vote and recused himself. **VANCLEVE** said when the issue involves spending a significant amount of money, he should be recused. **CASE** said **SMITH** and **VANCLEVE** may participate in the discussion but may not vote. **SCOTT** offered a possible solution. The museum reduced its budget by \$22K and the borough may not have to fund the school district at the level anticipated. There are some variables now that may allow us to not go ahead with the \$31K from the dedicated tourism funds.

M/S **SCOTT/LAPP** Motion to table the issue for an unspecified period.

The motion carried unanimously by those assembly members eligible to vote.

Assembly Member **SCHNABEL** left the meeting at this point.

3. Request to Purchase an Ambulance - Volunteer Fire Dept.

Fire Chief **BRADFORD** summarized the request and added the ambulance replacement account has sufficient funds to pay for the borough portion after the grant funding.

M/S **LAPP/ROSSMAN** Motion to purchase the new ambulance for the Haines Volunteer Fire Department.

The motion carried unanimously in a roll call vote.

4. Proposed Assembly Standing Committees and Assignments

Mayor **CASE** suggested a Committee-of-the-Whole for discussing the committees. Everyone agreed to it. It will be scheduled for sometime in December.

5. Alaska Open Meetings Act

VENABLES said the committees/boards/commissions will be asked to submit timely drafts of meeting actions to the assembly. **CASE** said **COZZI** suggested an option to post assembly and planning commission email messages. **SCOTT** believes there is confusion on the part of most people, so "it is important to have some training on the Open Meetings Act and "vigorously" educate ourselves."

6. Chief Fiscal Officer

LAPP asked the manager to evaluate the current finance staff and make some recommendations.

The clerk was instructed to advertise for a chief fiscal officer with a 4-week deadline. The salary will be up to \$65K DOE and will not be advertised but will be made available when asked.

M/S **VANCLEVE/ROSSMAN** Motion to go into executive session to discuss the manager's salary.

The motion was unanimous.

The executive session was held from 9:42 p.m. to 10:03 p.m.

M/S **SCOTT/SMITH** Motion to offer to the manager \$57.5K wages plus benefits up to \$61K after 6 months provided he has completed training approved by the mayor.

The motion carried unanimously in a roll call vote.

13. SET COMMITTEE MEETING DATES

A Government Services/Affairs Committee meeting will be set after **SCOTT** communicates with the chair of the Chilkat Center so there can be a joint meeting.

The Finance Committee will meet on Monday, December 6 at 1:00pm.

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VANCLEVE thanked the assembly for the trip to the Newly-Elected Officials training and A.M.L Conference in Fairbanks. He said it was valuable, and he believes it will bring a great return on the investment.

15. ADJOURNMENT - 10:12 pm

Mike Case, Mayor

ATTEST:

Julie Cozzi, Borough Clerk