

  
**Haines Borough**  
**Borough Assembly Meeting #86**  
**November 15, 2005**  
**MINUTES**

**Approved**

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SHIELDS** 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 Fred **SHIELDS** and Assembly Members **Scott ROSSMAN**, Norm **SMITH**, Jerry **LAPP**, Luck **DUNBAR**, Deborah **VOGT**, and Stephanie **SCOTT**.

**Staff Present:** Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, and Lori **STEPANSKY**/Tourism Director.

**Visitors Present:** Bonnie **HEDRICK**/CVN, Chris **SHARPE**/KHNS, Jeff **SHIELDS**, Greg **STUCKEY**, Paul **NELSON**, Lucy **HARRELL**, Jim **STUDLEY**, Rhonda **HINSON**, Madeline **SHIELDS**, and others.

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

- A. **Oath of Office - Newly-appointed Assembly Member Seat B**

The Clerk administered the Oath to Deborah **VOGT** who is now officially seated as a member of the Haines Borough Assembly.

- B. Mayor **SHIELDS** requested removal of Items 9I and 9K from the consent agenda. **SCOTT** asked for the addition of a New Business Item C5 - *Assembly meeting packets*. **LAPP** requested removal of the 10/25 minutes from the consent agenda.

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

The motion carried unanimously.

4. **APPROVAL OF MINUTES:** October 11, 2005 Regular; October 25, 2005 Regular; and October 27, 2005 Special

M/S **LAPP/ROSSMAN** Motion to approve the October 25, 2005 minutes.

**LAPP** asked for a correction to the Oath of Office portion of the minutes. He noted that he was sworn in as Assembly Member Seat F but is not mentioned. The clerk will correct them.

The motion to approve the minutes as amended carried unanimously.

5. **PUBLIC COMMENTS:**

**NELSON** said that he has provided information to the school project Oversight & Strategic Planning Committee regarding a

wood burning heating system.

**HINSON** asked if the assembly members had received her letter in the mail and wondered if they had questions about it. There were no questions.

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

The mayor said a comprehensive capital improvement projects (CIP) list is needed in the borough. He offered the idea of a CIP community survey. **SCOTT** asked about the 6-year CIP list that is part of the budget. **VENABLES** explained that the mayor is talking more about a prioritized list to be used for seeking legislative funding. **SHIELDS** said he believes the dollar amounts should be adjusted on some of the items in the 6-year list. **SCOTT** suggested asking the community to prioritize the existing 6-year list. **SHIELDS** noted that there may be additional capital projects that the assembly is not aware of. **SMITH** suggested incorporating the strategic plan into the CIP list. **SCOTT** agreed that the document should be brought to the table. **SHIELDS** suggested a Committee-of-the-Whole meeting because it would be a little less formal. **LAPP** suggested a meeting on December 13 at 5:30pm prior to the regular meeting. The others concurred. **STUDLEY** was called upon. He pointed out that Rep. Bill Thomas, in his presentation to the Chamber of Commerce, encouraged the borough to develop a project list that embodies all price tags, including lower priced items; the borough would have a stronger chance of receiving funding.

**SHIELDS** summarized his participation in the recent AML Conference in Anchorage. He attended several informative sessions covering topics such as parliamentary procedure and the new U.S. census process.

The mayor had a meeting with Representative Bill Thomas and CIA Director Greg **Stuckey** to discuss the future of the tank farm. Land not involved in the cleanup effort could possibly be conveyed per Representative Don Young's office provided the CIA and the municipality can come to an agreement.

**7. PUBLIC HEARINGS:**

**A. Ordinance 05-10-128 - first hearing**

An ordinance of the Haines Borough amending Haines Borough code Title 3, Sections 3.14.010 and 3.14.020 of the Haines Borough code regarding the Capital Improvement Fund (CIP) allocation of the borough consumer sales tax pursuant to voter ratification at the October 4, 2005 Regular Election.

Mayor **SHIELDS** opened and closed the public hearing at 6:44pm; there were no comments.

M/S **LAPP/SCOTT** Motion to advance Ordinance 05-10-128 to a second public hearing on 12/13/05.

**VOGT** asked if the fund still has funds in it from the old city proposition. She suggested that the recent proposition simply be added to the code as opposed to replacing the former one with it. **SCOTT** asked if **VOGT** is concerned that the existing funds should not be expended borough-wide. **VOGT** said her intent was that the policy be applied to both the old funds and the new funds.

M/S **VOGT/SCOTT** Motion to amend the ordinance to retain the old City proposition information in Section 3.14.010 of the code in addition to the recent proposition.

The amendment motion carried unanimously.

**SCOTT** said she is concerned about the CIP fund balance and wondered if the finance committee could look at whether or not the voter-adopted tax change applies to the prior fund balance? **VENABLES** noted that the tax change takes affect on 1/1/06. **LAPP** said the committee will work with the Chief Fiscal Officer and consider this question at its next meeting.

The main motion carried unanimously.

**B. Ordinance 05-10-129 - first hearing**

**An ordinance of the Haines Borough appropriating \$15,625 donated to the Haines Volunteer Fire Department by Dorothy Quinn for purchase of ambulance equipment.**

Mayor **SHIELDS** opened and closed the public hearing at 6:55pm; there were no comments.

M/S **SMITH/LAPP** Motion to advance Ordinance 05-10-129 to a second public hearing on 12/13/05.

The motion carried unanimously.

**C. Ordinance 05-10-130 - first hearing**

**An ordinance of the Haines Borough revising the FY06 budget to reflect changes to Public Employee Retirement System (PERS) contribution expense and changes to insurance expense.**

Mayor **SHIELDS** opened and closed the public hearing at 6:57pm; there were no comments.

M/S **LAPP/SMITH** Motion to advance Ordinance 05-10-130 to a second public hearing on 12/13/05.

The motion carried unanimously.

**D. Ordinance 05-11-131** - introduction & first hearing

**An ordinance of the Haines Borough amending Haines Borough code 3.70.040(d) to include the St. Vincent de Paul, St. Lucy Conference Senior Assisted Living Facility property in the list of tax-exempted properties.**

M/S **SCOTT/LAPP** Motion to introduce Ordinance 05-11-131 and to hold a first public hearing at this meeting.

The motion carried unanimously.

The mayor opening the public hearing at 7:01pm.

**STUDLEY** offered to answer any questions the assembly has about the request. **HARRELL** informed the assembly that the property transfer is 100% complete.

M/S **SCOTT/SMITH** Motion to advance Ordinance 05-11-131 to a second public hearing on 12/13/05.

The motion carried unanimously.

**8. STAFF REPORTS:**

**A. Manager - VENABLES** summarized his written report covering the following topics:

- AML Conference
- Water Treatment Plant Review - Kudos to the Operators
- GIS Web System Project
- Alaska-Canada Multimodal Port Access Project
- Yukon-Alaska Port Access
- School Utilidor
- Other Miscellaneous Projects

**SCOTT** asked if there will be a workstation in the borough office for members of the public to come in to access the GIS system. **VENABLES** said that it is planned for the long term.

**VENABLES** also mentioned alternate energy ideas being considered for the school. **NELSON's** classic (wood) system is one and **SMITH** has provided information on a propane system. Concerning the school property utilidor, **SCOTT** asked if the rerouting is an unanticipated expense. **VENABLES** said there are some funds for it in the budget, because it was anticipated that some work would be needed for it.

The manager noted that the *Tablemaker* scoping study that was distributed to the assembly has been forwarded on to the Planning Commission for review.

**B. Borough Clerk**

**C. Chief Fiscal Officer**

- D. Chief of Police
- E. Museum
- F. Library

9. COMMITTEE/COMMISSION/BOARD REPORTS:

- A. Commerce Committee
- B. Finance & Budget
- C. Government Services/Affairs
- D. Personnel
- E. Planning Commission
- F. School Board
- G. Chilkat Center Advisory Board
- H. Parks & Recreation Advisory Board
- I. Tourism Advisory Board
- J. Boat Harbor Advisory Committee
- K. Public Safety Commission

NELSON reported that the commission has met twice. He is the chairman, Jansy Hansen is vice-chair, and Laverne Bryant is secretary. The commission is currently reviewing the Police Department's policies and procedures manual. The Chief of Police will attend the next meeting of the Commission on 11/16 at 5pm, and NELSON asked the mayor and manager to attend, if possible.

The mayor called a brief recess at 7:13pm.  
The meeting reconvened at 7:20pm.

10. OLD BUSINESS: None

11. NEW BUSINESS:

A. Resolutions

1. Resolution 05-11-075

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/LAPP Motion to adopt Resolution 05-11-075.

The motion carried unanimously in a roll call vote.

2. Resolution 05-11-076

A resolution of the Haines Borough authorizing the mayor, deputy mayor, borough manager, chief fiscal officer and borough clerk as signatories for the borough's security cash accounts and investments.

M/S LAPP/SCOTT Motion to adopt Resolution 05-11-076.

The motion carried unanimously in a roll call vote.

**3. Resolution 05-11-077**

A resolution of the Haines Borough authorizing the borough manager to utilize the General Contractor/Construction Manager (GC/CM) project delivery method for the school construction and renovation project provided it is approved by the Department of Education and Early Development (DEED).

M/S **LAPP/SCOTT** Motion to adopt Resolution 05-11-077.

**SCOTT** asked the manager to clarify why the assembly is being asked to consider this resolution. **SHIELDS** responded first and admitted to a little bit of preliminary angst in the absence of documentation. He explained that this resolution would open a door that the borough may or may not use. The idea for the alternate delivery method came from the Department of Education. He believes that this resolution is a good step to take because it would give the borough the option should they choose to take it. **ROSSMAN** agreed that the borough should at least make sure that it has the option. **LAPP** said that the architects brought this method to the Oversight and Strategic Planning Committee, and they are supportive of it. **SCOTT** said she believes there is some risk to this method, and she is concerned that it would be late in the game to bring on a General Contractor/Construction Manager since the design is already at 35%. **SHIELDS** reiterated that this resolution is not deciding on the method. It is just opening the door to the option.

M/S **SCOTT/LAPP** Motion to amend the resolution to add an additional WHEREAS to read "the Haines Borough School Oversight and Strategic Planning Committee agrees that it is in the best interests of the borough to use the general contractor/construction manager project delivery model."

The amendment motion carried unanimously.

The main motion carried unanimously in a roll call vote.

M/S **SCOTT/ROSSMAN** Motion to require the manager to get the assembly's consent at a public meeting prior to authorizing the alternative delivery method.

The motion carried 5-1 with **LAPP** opposed.

**B. Ordinances for Introduction**

**1. Ordinance 05-11-132**

An ordinance of the Haines Borough appropriating \$49,500 from the Alaska Department of Transportation to repair the damaged gangway, approach, and landing float at Letnikof Harbor.

M/S **LAPP/ROSSMAN** Motion to introduce Ordinance 05-11-132 and to advance it to its first public hearing on 12/13/05.

The motion carried unanimously.

**C. Other New Business**

**1. Award Contract - Haines Highway Corridor Management Plan**

M/S **SCOTT/LAPP** Motion to award the Haines Highway Corridor Management Plan contract to Jenson Yorba Lott, Inc.

**SCOTT** said she is excited about the project and hopes to follow it closely. **ROSSMAN** lamented that so much of the grant monies the borough receives ends up going to out of town businesses. **SMITH** said this project will only work provided the Alaska Marine Highway System works with it.

**2. Request to move snow with an ATV and operate it on streets within the town.**

M/S **ROSSMAN/SMITH** Motion to amend Section 10.34.005 of the Borough Code as follows (underlined text would be added):

**10.34.005 Snow machine or ATV use permitted - Conditions.**

A. As provided for in 13 AAC 02.455(a)(3), the Borough permits the use of all terrain vehicles (ATVs) when actively engaged in snow removal services. ATVs must comply with Alaska Administrative Code 13AAC 04.230. Also allowed is the use of snow machines as defined in Alaska Statute 28.39.250(10) on Borough-maintained vehicle ways or areas as defined in Alaska Statute 28.40.100(a)(25).

**SMITH** said he is concerned the assembly would be changing the borough code to allow an uninsured, unpermitted person to remove snow in unnamed areas using an ATV and competing against other snow removal businesses. He wants to see this issue referred to the Government Affairs and Services Committee. **LAPP** suggested that a borough business license and proper insurance be required. He also noted that code cannot be amended without an ordinance and two public hearings. **SCOTT** said the committee needs to look at state law concerning ATVs. She offered that perhaps language could be included that requires the operator to be a licensed driver, over 18, etc.

The motion failed unanimously.

The mayor referred the topic to the Government Affairs and Services Committee.

### **3. Mayoral Appointments to Boards, Commissions, and Committees**

The mayor recommended the following appointments:

#### **Planning Commission (terms 11/08)**

- Erika Merklin
- Jack Smith
- Kathleen Menke

#### **Tourism Advisory Board**

- Scott Sundberg (term 11/07)
- Marilyn Josephson (term 11/08)
- Judy Clark Heinmiller (term 11/08)

#### **Chilkat Center Advisory Board**

- Kim Sundberg (term 11/07)
- Tresham Gregg (term 11/08)
- Mark Sebens (term 11/08)

#### **Parks & Recreation Advisory Board**

- Judy Ewald (term 11/07)
- Kim Larson (term 11/06)
- Rob Pollock (term 11/08)
- Joan Carlson (term 11/08)

#### **Museum Board of Trustees**

- Jim Heaton (term 11/08)
- Ray Dennis (term 11/08)

#### **Library Board of Trustees**

- Warren Johnson (term 11/07)
- Liz Heywood (term 11/08)
- James Alborough (term 11/08)
- Heather Lende (term 11/08)

#### **Public Safety Commission**

- Paul Nelson (term 11/08)

#### **Boat Harbor Advisory Committee**

- Mike Saunders - Commercial (term 11/08)
- Ike Lorentz - Non-Commercial (term 11/08)

#### **Fire Service Area #4 (Mud Bay) Board**

- Kerry Cohen (term 11/07)

#### **Historic Dalton Trail RMSA Board**

- Leonard Banaszak - Sub-zone 1 (term 11/08)

#### **Letnikof Estates RMSA Board**

- Sean Asquith (term 11/2008)
- Scott Sundberg (term 11/2006)

#### **Riverview Drive RMSA Board**

- David Pahl (term 11/2008)

M/S **LAPP/ROSSMAN** Motion to confirm the mayor's appointments to the boards, commissions, and committees.

The motion carried unanimously.

**4. Change the name of Cox Street to "Ed Shirley Drive"**

M/S **SCOTT/DUNBAR** Motion to change Cox Street to Ed Shirley Drive. The motion carried unanimously.

**5. Assembly Meeting Packets**

M/S **SCOTT/ROSSMAN** Motion to require the manager to provide supporting documentation for every item on the agenda including historical information.

**ROSSMAN** had seconded for discussion. He disagreed with **SCOTT** and said that he believes there is sufficient information provided in the packets. The packets are being produced at an acceptable level, in his opinion. **SCOTT** said she is very distressed about what she believes is a lack of information for agenda items. **ROSSMAN** said most issues can be delayed to another meeting if more information is needed. **SMITH** concurred with **SCOTT** and said he doesn't believe the assembly is being kept informed. **SHIELDS** agreed that adequate information is important and said it needs to be unbiased to show the pros and cons of an issue. **SCOTT** said the manager is in the best position to know what questions the assembly is likely to have on a particular topic. She believes it is a serious problem. She wants the manager to provide answers to the "what ifs"...different scenarios with consequences. **ROSSMAN** disagreed the every single item on the agenda requires documentation.

M/S **SCOTT/ROSSMAN** Motion to amend the motion to say that the manager shall provide documentation for every non-consent agenda item.

The amendment motion carried 4-2 with **DUNBAR** and **ROSSMAN** opposed.

The main motion carried 4-2 with **DUNBAR** and **LAPP** opposed.

**12. SET COMMITTEE MEETING DATES**

The Finance Committee will meet on Tuesday, 12/6/05 at 4:00pm.

A Government Affairs and Services Committee meeting was

scheduled for Tuesday, 11/22/05 at 3:30pm to discuss the ATV request.

The assembly will meeting as a Committee-of-the-Whole on 12/13/05 at 5:30pm to discuss the CIP list.

**13. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**LAPP** thanked the borough for the opportunity to go to the AML conference. It was good to meet with other communities and also to get a refresher.

**DUNBAR** and **VOGT** each expressed appreciation for the trip to the AML Conference and found the Newly-Elected Officials training to be very helpful.

**14. ADJOURNMENT - 8:20 pm**

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

The motion carried unanimously.

ATTEST:

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Fred Shields, Mayor

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Julie Cozzi, Borough Clerk