

  
**Haines Borough**  
**Borough Assembly Meeting #87**  
**December 13, 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 Norm **SMITH**, Jerry **LAPP**, Luck **DUNBAR**, Deborah **VOGT**, Stephanie **SCOTT**, and Scott **ROSSMAN** (via teleconference).

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

**Visitors Present:** Matt **HAWTHORNE**/CVN, Jim **STUDLEY**, Walter **CLAYTON**, Leonard **DUBBER**, Paul **NELSON**, Patricia **BLANK**, Deb and Skip **SAUL**, Howard **AKINS**, Madeline **SHIELDS**, Gershon **COHEN**, Tom **HEYWOOD**, Donna **CATOTTI**, Shane **THOMAS**, Darsie **CULBECK**, Judy **EREKSON**, and others.

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

**LAPP** asked for the addition of New Business Item 11C4 - Approval of Legislative Priorities.

M/S **SCOTT/VOGT** Motion to approve the Agenda/Consent Agenda, as amended. The motion carried unanimously.

4. **APPROVAL OF MINUTES:** November 15, 2005 Regular

**VOGT** offered the following corrections:

Page 1, #3 - "Not officially sitting" should be "Now officially seated;" Page 2, #6 - "[Listen to recording]" s/b removed; and Page 7, #11(C)1 - "Provide" s/b "provided."

M/S **SCOTT/VOGT** Motion to approve the minutes as amended. The motion carried unanimously.

5. **PUBLIC COMMENTS:**

**CLAYTON** said the mayor told him he wants to remove him from the Parks and Recreation Board. He is one of the original board members and has attended all of the meetings and devoted many volunteer hours. He does not believe the mayor can remove him from the board without assembly confirmation.

**CATOTTI** said the science lab is intended to be a totally separate thing from the school but the architects have made sure there is a place for it in the site design. It is a very important project that will not cost the borough any money.

**HEYWOOD** agreed with **CATOTTI** and said it is important to support the development of a science lab.

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

The mayor said the borough and employee negotiation teams met to further wage negotiations. It is going well, and he is hopeful for an agreement soon.

**SHIELDS** announced that Jane Sebens has informed the borough that she is leaving the Simpson, Tillinghast, & Sorensen law firm. He said that there may be a need for a borough attorney in the future.

The mayor said that Pat Philpot talked with him about his strong interest in developing the Dalton Trail. He agrees that it would be a great project.

**7. PUBLIC HEARINGS:**

**A. Ordinance 05-10-128 - second 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 6:42pm; there were no comments.

M/S **LAPP/SCOTT** Motion to adopt Ordinance 05-10-128.

**VOGT** said she believes the ordinance is fine. Her issue is that the ballot question did not address a repeal of the townsite CIP fund. She recommends adopting the ordinance.

The motion carried unanimously in a roll call vote.

**B. Ordinance 05-10-129 - second 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 6:44pm; there were no comments.

M/S **SCOTT/DUNBAR** Motion to adopt Ordinance 05-10-129. The motion carried unanimously in a roll call vote.

**C. Ordinance 05-10-130 - second 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 6:45pm; there were no comments.

M/S **LAPP/SCOTT** Motion to adopt Ordinance 05-10-130. The motion carried unanimously in a roll call vote.

**D. Ordinance 05-11-131 - second 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.**

Mayor **SHIELDS** opened the public hearing at 6:46pm.

**STUDLEY** thanked the assembly for considering this ordinance.

Mayor **SHIELDS** closed the public hearing at 6:47pm.

M/S **SCOTT/LAPP** Motion to adopt Ordinance 05-11-131.

**SCOTT** said she really appreciates how staff explained the ordinance, including the revenue the borough will forego with adoption. She also encouraged the assembly members to read the contract assessor's explanation regarding community property exemptions. She added that this is a very worthwhile project and she feels very good about it.

The motion carried unanimously in a roll call vote.

**E. Ordinance 05-11-132 - first hearing**

**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.**

Mayor **SHIELDS** opened and closed the public hearing at 6:50pm; there were no comments.

M/S **LAPP/DUNBAR** Motion to advance Ordinance 05-11-132 to a second public hearing at the next assembly meeting.

**VENABLES** said the project was completed within budget, and the borough is very pleased with the work that Southeast Road Builders did.

The motion carried unanimously.

**F. Ordinance 05-12-133 - introduction & first hearing**

**An ordinance of the Haines Borough amending Haines Borough code Title 10 to add Section 10.34.007 permitting conditional ATV use on borough roadways for snow removal purposes.**

M/S **SCOTT/SMITH** Motion to introduce Ordinance 05-12-133 and to hold the first public hearing tonight (it was properly advertised and posted).

**SCOTT** said the reason for expediting this ordinance is to hopefully get it in place before it snows again.

The motion carried unanimously.

Mayor **SHIELDS** opened and closed the public hearing at 6:53pm; there were no comments.

M/S **SCOTT/LAPP** Motion to advance Ordinance 05-12-133 to a second public hearing to the next meeting.

**LAPP** applauded the Government Affairs & Services Committee for their work. **SMITH** said one of the committee's stipulations was to get an attorney's opinion on the ordinance especially because of liability questions. **VENABLES** said there is a comprehensive liability section in Title 5 that the mayor agreed is probably adequate to cover it. Therefore, legal costs were not incurred, at this time. **SMITH** and **SCOTT** asked for an attorney's opinion anyway. The mayor said that the opinion will be sought.

The motion carried unanimously.

**G. Proposed New Commercial Tours**

Alaska Mountain Guides & Climbing School, Inc. (AMG), has a 2005 Commercial Tour Permit to run sea kayaking and hiking trips in the Haines Borough. They have applied for a 2006 permit and would like to add three new tours: 1)Ice climbing & glacier trekking on the Davidson Glacier, 2)Golfing at the Valley of the Eagle Golf Links, and 3)Hiking on Battery Point Trail. Additional information is attached to this notice.

Mayor **SHIELDS** opened the public hearing at 6:59pm.

**STUDLEY** pointed out the tour summary text should read "Golfing at the Valley of the Eagle Golf Links" as opposed to "Golfing at the Valley of the Gold Links."

The mayor closed the public hearing at 7:02pm.

M/S **SCOTT/SMITH** Motion to approve the new tours proposed by Alaska Mountains Guides.

**SCOTT** noted that **CULBECK** has volunteered to help the assembly look at a Title 5 update. She said her main concern in approving the new tours is that a situation not be created at the other areas like the one in the Chilkoot

River Corridor. She believes it is imperative for the borough to begin collecting use data and perhaps make it a tour permit stipulation to submit use reports to the borough like the state and federal governments require. **ROSSMAN** said he doesn't want to try to get into managing state lands. If the operator has the permits and blessing of the state and federal governments, then the borough should not get in the middle of it. **LAPP** said that one solution to congestion might be the addition of new trails, such as the Dalton Trail the mayor mentioned in his comments.

The motion carried unanimously in a roll call vote.

#### **8. STAFF REPORTS:**

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

- Storm Damage Update
- Kudos to Public Works
- State Dept. of Transportation Projects
- Ice House Update
- Eco Orca Hearing

Additionally, **VENABLES** informed the assembly that the residents have asked for a change to the Chilkat State Park Road Maintenance Service Area snow removal contract. It was awarded by the assembly at a \$225 per-job rate with plowing at 24 ft. wide. The residents want an hourly rate with plowing to a 16 ft. width. That change will be made if there is no assembly objection. No objection was expressed.

**VENABLES** also gave an update to the Fish and Game boat harbor ramp project. Repairs will be made to the existing ramp to extend its lifespan in addition to the new float facility. The repairs will take place in the spring around the end of March.

- 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**

**LAPP** said the committee met with the Chief Fiscal Officer on 12/8 to review the finances. The fish tax revenues came in much higher than expected. Dispatch wage expenses have

been higher because of overtime costs. The committee will meet with Ed Lapeyri at its next meeting to work out a resolution for his delinquent sales tax.

**C. Government Services/Affairs**

**SCOTT** said the committee met to review the Chilkat Center lease and management agreement being considered at this meeting.

**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**

**10. OLD BUSINESS:**

**A. Chilkat Center Lease and Management Agreement**

**SCOTT** said the committee recommends approval of the lease with changes.

M/S **SCOTT/SMITH** Motion to enter into the lease agreement with the changes recommended by the committee and retroactive to July 1, 2005. The motion carried unanimously in a roll call vote.

**SCOTT** said the committee unanimously recommends the approval of the agreement with Lynn Canal Broadcasting to manage the Chilkat Center.

M/S **SCOTT/SMITH** Motion to enter into the management agreement retroactive to July 1, 2005. The motion carried unanimously in a roll call vote.

**VENABLES** said the Finance Committee reviewed Lynn Canal Broadcasting's compensation request during the FY06 budget process. The committee recommended, at that time, that the salary portion of the former borough employee be given to Lynn Canal Broadcasting as compensation, not including the benefits portion that had been a part of the employee's wage expense. The committee's recommendation was presented to the assembly, and it became a part of the budget. The manager will communicate that history to Lynn Canal Broadcasting.

**11. NEW BUSINESS:**

**A. Resolutions**

**1. Resolution 05-12-078**

A resolution of the Haines Borough Assembly reaffirming the Borough's commitment to civil liberties, opposing portions of the "USA Patriot Act" and related Executive

**Orders, and re-affirming the Borough's commitment to the protection of Constitutional rights.**

M/S **SMITH/LAPP** Motion to adopt Resolution 05-12-078.

**SHIELDS** read the following portion of the resolution into the record: *"Be it further resolved that any state or federal law enforcement agency working within the Haines Borough is expected to comply with the policies and procedures of the Haines Borough Police Department, and will regularly report to the mayor the extent and manner of any investigation conducted under the "USA Patriot Act" or related Executive Orders. This includes providing the names of any detainees held in or taken from the Haines Borough, and of any Haines Borough resident detained elsewhere. The mayor will then publicly report to the Assembly."*

The motion carried unanimously in a roll call vote.

**B. Ordinances for Introduction**

**1. Ordinance 05-12-134**

**An ordinance of the Haines Borough amending Title 18 Section 18.70.060 (pertaining to zoning protests) to match the Charter amendments ratified by the voters during the October 4, 2005 regular Election.**

M/S **SCOTT/LAPP** Motion to introduce Ordinance 05-12-133 and to advance it to its first public hearing at the next meeting. The motion carried unanimously.

A brief recess occurred from 7:35pm to 7:42pm.

**C. Other New Business**

**1. SAS/Science Lab Presentation - Gershon Cohen**

**FONTENOT**, a high school science teacher, said he believes the proposed science lab would be very useful for all of his classes, including biology, chemistry, environment science, and physical science. This is real world science performing a function that is important as opposed to the more typical contrived lab experiments. **SCOTT** asked if the lab would be something any science teacher could incorporate into their program. **FONTENOT** said he envisions the lab as a resource that any good science teacher could find many ways to incorporate into the curriculum. He noted that he is not willing to be responsible for operating the facility. **SCOTT** asked if the school board and administration are behind the project. **EREKSON** said the school board is behind it. **FONTENOT** said it is a

biological waste treatment system that would be utilized as a science lab. It is a tertiary treatment system working like a greenhouse encapsulated wetland. It would treat some of the community's waste stream at no expense to the borough. The theory is that it would cut down on some of the municipality's sewer system load; currently 2,000 gallons per day flowing from the high school to the sewer plant. The size of the facility would be 30x30 (900 square feet). He wants to benefit from the facility as a science teacher but does not want to be responsible for cleaning and maintaining it and having it add to his workload. There are possibly things that students could do in the process of learning that could be a part of whatever ongoing maintenance is needed. **SCOTT** asked what happens during summer school break.

**COHEN** said when the population in the school goes down in the summer, the sewage treatment volume goes down. There is a valve that can be shut off that causes the sewage to go to the sewer plant, if needed. Plus, the worst case scenario is that the borough would end up with a 900-foot greenhouse. The system truly runs itself; it takes very little time to operate it because it is a living eco-system. **SCOTT** asked about pathogenic bacteria. **COHEN** said there is a potential for that, but the bacteria present in the sewage is contained within the tanks. There is no primary skin contact. There are some similar systems in other schools--a couple of colleges, and there have been no problems with pathogenic bacteria. These are facilities where people are coming and going all the time, and there has been no danger to the public. He said that the USDA grant application has been submitted, and if it is approved, they will only provide up to 45% of the funding. He spoke with Rep. Bill Thomas who told him to speak with the assembly about adding the system to the list of legislative priorities for additional funding. **ROSSMAN** asked if the project could be scaled down. **COHEN** said it's already a pretty small facility, and the USDA would still only fund 45%. **EREKSON** said the school board supports the project. They are not willing to use any of the new school funds for it, but they want it if the funding can be found. Alaska student test scores are low in the science area right now, so it would be a good thing. If the assembly will show its support, it will help Rep. Thomas, but there are also other grants. She asked the assembly to send a letter of support. The

location of the lab would be right next to the science area. **COHEN** said an operating budget of between \$3,000 and \$4,000 per year was submitted with the USDA grant application.

**SHIELDS** said the school board should put it on their CIP list before the assembly supports this project.

M/S **SCOTT/DUNBAR** Motion for the assembly to endorse the inclusion of the solar aquatics lab in the school.

**ROSSMAN** said he needs more information before he can fully support it. **LAPP** agreed with him. He said he is a member of the school project Oversight & Strategic Planning Committee, and this project has not come to the committee. He also could not endorse it prior to a school board endorsement. **COHEN** asked **ROSSMAN** to keep in mind that if the operating costs become something that the borough is not willing to pay, it can be shut down and used as a large greenhouse. **EREKSON** said it won't be built if it isn't paid for. **VOGT** agreed with **SCOTT** that it would be good to take a positive action at this meeting as opposed to bouncing it back to the school board. It is a project that seems worth endorsing. **EREKSON** said the science lab has been on the wish list for the school project along with other items like a covered playground. If the funding is there, it will be built. The school board wants it but needs to have it paid for out of funds other than the school bond money. **SCOTT** said she is willing to support this project, at this time, so it can at least be on the legislative priorities list.

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

## 2. Board Appointments

The mayor recommended that Josh Moore be appointed to the Boat Harbor Advisory Committee and Travis Reid to the Tourism Advisory Board.

M/S **LAPP/DUNBAR** Motion to confirm the mayor's appointment recommendations. The motion carried unanimously.

## 3. Events Coordinator Proposal - Tourism Advisory Board

**SHIELDS** said that this proposal is really in the packet as an FYI. It will be referred to the Personnel Committee.

## 4. Legislative Priorities

M/S **SCOTT/LAPP** Motion to adopt the legislative priority list submitted by the manager with the addition of the downtown development project, the senior assisted living facility, and school project enhancements (including the SAS/Science Lab). The motion carried unanimously.

**12. SET COMMITTEE MEETING DATES**

The next assembly meeting will be on January 10<sup>th</sup>. The Finance Committee will meet on January 17 at 5:00pm. A Commerce Committee meeting was scheduled for January 17<sup>th</sup> at 5:00pm or following the finance committee meeting.

**13. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCOTT** said she has become concerned about the avian flu and wondered if the borough's emergency personnel have thought about preparing for it. She was talking to the public health nurse and was told that state-level planning is taking place level and it is not a matter of "if" but "when." Additionally, **SCOTT** said she has written a letter to the BLM regarding a proposed goat monitoring area, and she distributed a copy of it to the assembly.

**SMITH** referenced the resolution recently adopted by the Juneau Assembly that opposes the ADEC's proposed changes to the mixing zone regulations. He asked the assembly to consider a similar resolution at its next meeting. Mayor **SHIELDS** asked **SMITH** to review Juneau's resolution and adapt it to Haines in preparation for the next meeting.

**14. ADJOURNMENT - 8:36 pm**

**STUDLEY** asked the assembly to consider allowing an opportunity for public comment at the end of future meetings in addition to the beginning.

M/S **LAPP/SMITH** Motion to adjourn. The motion carried unanimously.

ATTEST:

\_\_\_\_\_  
Fred Shields, Mayor

\_\_\_\_\_  
Julie Cozzi, Borough Clerk