

Haines Borough
Borough Assembly Meeting #75
June 28, 2005

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 Scott **ROSSMAN**, Herb **VANCLEVE**, Debra **SCHNABEL**, Norm **SMITH**, Stephanie **SCOTT**, and Jerry **LAPP**.

Staff Present: Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, Wayne **HAERER**/Contract Assessor, Michael **DAHLE**/Assessment Sub-Contractor.

Visitors Present: Micah **TRUE**/CVN, Chris **SHARP**/KHNS, Paul **NELSON**, Rob **GOLDBERG**, Rich **KALOOSTIAN**, Norm **HUGHES**, Dale **COBB**, Greg **STUCKEY**, Greg **PALMIERI**, and others.

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

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

SCHNABEL requested removal of the minutes from the consent agenda. There was no objection and it was so ordered. The mayor added under Mayor's Comments the issue of his veto of the moorage rate ordinance.

The motion carried unanimously.

4. **APPROVAL OF MINUTES:** *June 14, 2005 Regular

M/S **SCOTT/LAPP** Motion to approve the June 14, 2005 minutes.

SCHNABEL requested that amendment vote in Item E on page 5 be corrected to more clearly state that the vote was 3-3 with the mayor breaking the tie.

The motion carried unanimously.

5. **PUBLIC COMMENTS:**

HUGHES said there should be an active harbor committee. He believes the committee is key to advising the assembly on possible moorage rate increases. He asked for the ordinance to be tabled until the committee is appointed and given an opportunity to review the issue of increases. He added that he is frustrated that the ice house is not yet being built.

COBB commented that the small boat harbor and Letnikof boat ramps are in really bad shape and need to be replaced. He

would hate for repairs to drag out because of a committee.

6. MAYOR'S COMMENTS/REPORT:

Mayor **CASE** said the helicopter map committee reports that they have made progress and expect to present a "mostly consensus" map by the 9/1/05 deadline. He said he understands that the committee is now following the provisions of the meeting notice which said no public input during the meeting would be allowed.

The new skateboard park will have a grand opening on Thursday, 6/30. He has been advised that the Haines Amateur Skateboard League may apply for a grant to add sound-deadening to the new building.

CJ Jones successfully climbed to the summit of Mt. McKinley, and he offered congratulations.

Longtime American Bald Eagle supporter and benefactor, Ed Shirley, recently passed away.

Some local Haines folks are coming home from Iraq for a few days - Capt. Russell Price and SPC Robert Martin.

Mayor's Veto of the Harbor Moorage Rate Ordinance

After the 6/28 meeting where the assembly passed a motion to advance Ordinance 05-05-111 to a second public hearing, the mayor was contacted by Mike Saunders and asked about the code-required Boat Harbor Advisory Committee. That committee was never appointed, and the mayor is taking steps to rectify that. He has interpreted code to say that the committee should weigh in on the issue of harbor fee increases before adoption by the assembly. Therefore, he decided to veto the assembly's motion to hold a second public hearing on the moorage rate ordinance. He understands that some of the assembly does not agree with his decision.

SCHNABEL asked for a reading of HBC 16.04.020. **SCOTT** read it and noted that it refers to the whole title, not the boat harbor advisory committee.

SMITH said he sees no reason for ramp repairs to be dependent upon a boat harbor advisory committee. He said there are some hazardous conditions at Letnikof Ramp and it is not right for the Borough to collect ramp fees for something that is in disrepair.

M/S **LAPP/SCHNABEL** Motion to override the Mayor's veto.

ROSSMAN spoke against the motion saying he believes it would be important to be responsive to the boat owners. **SCHNABEL**

said there has been one public hearing and the CVN has reported on it. There has not been public testimony against the ordinance until this meeting. **SMITH** said the assembly would be remiss at not addressing the lack of the committee. He said the fishermen are not here, because they are out trying to make a living. To discuss raising rates without public input is not right. **CASE** said regardless of what happens with this ordinance, there will be a boat harbor committee appointed. He added that the clerk has already advertised. **SCOTT** asked if the committee, as soon as it's seated, will be charged with the issue of increasing moorage rates as its first order of business. **SCHNABEL** said this ordinance was generated as a staff recommendation and presented to the Finance Committee. That committee is supportive of the ordinance and she believes the public has had adequate opportunity to provide input. **SCOTT** said initially she believed the mayor's veto was heavy-handed. She said sometimes news travels slowly, and when we are raising rates the public should be given more than enough opportunity to weigh in on the topic. **SCHNABEL** said she will reluctantly vote to override the mayor's veto. It is rare for a user group to vote to raise rates. As the Finance Committee Chair, she believes it is the assembly's responsibility to produce revenue options.

The motion to override the mayor's veto failed with a vote of 2-4 and Smith, Rossman, Scott, and VanCleve opposed.

7. PUBLIC HEARINGS:

A. Ordinance 05-03-102 (second hearing)

An ordinance of the Haines Borough amending Haines Borough code Section 2.56 to create a Tourism Advisory Board in place of a Convention and Visitor's Bureau Advisory Board and to clarify the relationship between the tourism director, the tourism board, and the manager.

Mayor **CASE** opened and closed the public hearing at 7:00pm; there were no comments.

M/S **VANCLEVE/LAPP** Motion to adopt Ordinance 05-03-102.

SCOTT said one of the concerns the assembly had was the affect on tourism affiliations if the Convention and Visitors Bureau (CVB) is replaced with a Tourism Advisory Board. **VENABLES** noted that the Bureau is the Tourism Director and staff. The advisory board has been called a CVB Board but will be renamed a Tourism Advisory Board. **SCHNABEL** disagreed and said the borough has a Tourism Department. "The Borough is eliminating the Bureau." She

stated that she is not going to vote for this ordinance. **VENABLES** said the CVB name is a professional moniker that is standard within the industry and should be retained. In functionality, it will be the Tourism Department. **SCHNABEL** disagreed saying that most of the other CVB's are more of an entity unto themselves with memberships---quasi-independent functionality albeit government-related. **SMITH** agreed that the Bureau is being eliminated and replaced by a Tourism Department. **SCOTT** said this ordinance is comprehensive and eliminates the Bureau. She called for adoption of the ordinance and asked if it will create a hardship for the Borough's economy in any way. "Maybe it should be tabled until the next meeting to give the manager another opportunity to research potential problems." **VANCLEVE** said the original ordinance made no sense, because it utterly failed to distinguish between the board and the visitor center staff. It tended to use the term bureau indiscriminately. **ROSSMAN** agreed with **VANCLEVE**. **LAPP** said the ordinance should be adopted.

The motion carried 5-1 in a roll call vote with Schnabel opposed.

B. Ordinance 05-05-106 (second hearing)

An ordinance of the Haines Borough amending Title 18 Section 18.70.030(C) to clarify the number of single-family dwellings allowed on a lot in the Lutak Inlet Planning/Zoning District.

Mayor **CASE** opened and closed the public hearing at 7:20pm; there were no comments.

GOLDBERG announced his presence as a representative of the Planning Commission and encouraged the assembly to ask him questions, if needed.

M/S **LAPP/SCOTT** Motion to adopt Ordinance 05-05-106.

The motion carried unanimously in a roll call vote.

C. Ordinance 05-05-107 (second hearing)

An ordinance of the Haines Borough amending Title 18 Section 18.70.010, Zoning Map to change the Lynnvue Subdivision zone from single-residential to multiple-residential.

Mayor **CASE** opened and closed the public hearing at 7:21pm; there were no comments.

M/S **SCOTT/LAPP** Motion to adopt Ordinance 05-05-107.

The motion carried unanimously in a roll call vote.

D. Ordinance 05-05-108 (second hearing)

An ordinance of the Haines Borough amending Haines Borough code Title 7 Section 7.08.050 to add service sub-zones to the Historic Dalton Trail Road Maintenance Service Area.

Mayor **CASE** opened and closed the public hearing at 7:23pm; there were no comments.

M/S **LAPP/VANCLEVE** Motion to adopt Ordinance 05-05-108.

VENABLES explained the four maps showing the proposed RMSA zones. Additionally, he noted needed text changes to clarify the ordinance. All taxable property within the RMSA is affected. **SCHNABEL** said she still has a problem with dividing a service area into sub-zones and is concerned that the assembly is "fiddling" with the total concept of a RMSA. Everyone in the townsite service area is taxed to pay for a public works department whether or not their road gets plowed. "Would a townsite service area property owner have to be willing to pay additional tax to get their road plowed?" **LAPP** said he believes the maps and concept are done well. He is not necessarily supportive of subzones but is not sure how the Eagle Vista folks could tax themselves for additional services any other way. **SMITH** asked for Goldberg's opinion of subzones within the RMSA. **GOLDBERG** said the issue did not come before the Planning Commission, so he has not researched it. **SCOTT** asked if the proposed subzones are contiguous. **VENABLES** said they are and are within the single umbrella of the Historic Dalton Trail RMSA. **SCOTT** said the townsite service area is basically an RMSA and is a well-defined geographical area. If the people in the Historic Dalton Trail area want to define themselves as separate communities, they should have separate service areas. All should contribute taxes to the main artery road(s). The assembly is the defacto service area board for the Townsite Service Area. She said she is not in favor of chopping the Historic Dalton Trail RMSA up into sub-zones. **ROSSMAN** disagreed saying he believes subzones would make the situation more equitable. **CASE** said "the people out there want their roads plowed and we ought to allow them to pay for it to make it happen." **SCHNABEL** said it seems unneighborly to her. All of the property owners are contributing to the maintenance of the main road even if they don't use it. **VANCLEVE** said he can sympathize with Schnabel's view, but the assembly cannot legislate neighborliness. Right now, only the main road gets plowed. He agreed with **ROSSMAN** that it is the most equitable way

for small groups of people to get additional services. **SCOTT** said it should be one service area with one tax; everyone should share in the cost.

The motion carried 3-3 in a roll call vote with Smith, Scott, and Schnabel opposed and Mayor Case breaking the tie with a "yes" vote.

E. Ordinance 05-05-109 (second hearing)

An ordinance of the Haines Borough amending the FY05 Haines Borough operating budget.

Mayor **CASE** opened the public hearing at 7:48pm.

M/S **LAPP/VANCLEVE** Motion to adopt Ordinance 05-05-109.

M/S **SCHNABEL/LAPP** Motion to amend the ordinance to add \$6,338 to Fund 01 - Professional & Contractual Services to pay to Lynn Canal Broadcasting for Chilkat Center Management Services.

The amendment motion carried unanimously.

M/S **SCHNABEL/LAPP** Motion to amend to transfer \$140,000 from Letnikof Floats & Pilings to allocate as matching funds for the boat harbor expansion.

The amendment motion carried unanimously.

The motion carried 5-1 in a roll call vote with Rossman opposed.

F. Ordinance 05-05-110 (second hearing)

An ordinance of the Haines Borough amending Haines Borough Code Title 3 Section 3.74.030 to increase the minimum tax required before being allowed to pay the tax in two equal installments.

Mayor **CASE** opened and closed the public hearing at 7:19pm; there were no comments.

M/S **LAPP/ROSSMAN** Motion to adopt Ordinance 05-05-110.

The motion carried unanimously in a roll call vote.

8. STAFF REPORTS:

A. Manager

The manager summarized his written report which included the following topics:

- Borough Insurance Change from AML-JIA to APEI saving \$60K
- Ferry System Update - ongoing meetings with the Marine Transportation Advisory Board
- Critical Care Inc. - a billable ambulance service
- Port Chilkoot Fire Hall Contamination - cleanup status
- Tourism Affiliations - No consequence to changing the CVB Board name to the Tourism Advisory Board

Additionally, **VENABLES** handed out a timeline for the Port Chilkoot Fire Hall spill, a roster of Marine Transportation Advisory Board members, and report from the Borough's lobbyist. He also commented on the following:

- Needed Boat Ramp Repairs - He will move immediately to bandaid the problems but will look at long-term repairs.
- The Ice House bid documents have finally been approved by EDA, and the RFP will be advertised by the end of the week. **VENABLES** thanked **COZZI** for her efforts on the documents.
- U.S. Congressman Souder and the Chilkoot bears - Our lobbyist is recommending an introductory letter and, if possible, a personal visit.
- Army Corps of Engineers - He met with them concerning the Porcupine Road realignment. The permits for the realignment project are on hold while an assessment of premature/unauthorized work is being done.
- Housing possibilities---Kensington Mine - He said it looks promising for Haines to play a more prominent role as a bedroom community for the mine, especially since Juneau is facing large construction projects that will put a strain on housing there.

CASE said he has still received no response from Robin Taylor after repeated attempts. Skagway Mayor Bourcy has also attempted to get a response with no success.

- *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 - Written
SCHNABEL said at its 6/21 meeting, the committee spent a significant amount of time discussing sales tax reform.
- C. Personnel & Labor Relations
- D. Government Services/Affairs
- E. Planning Commission
- F. School Board
- G. Chilkat Center Advisory Board
- H. Parks & Recreation Advisory Board
- I. CVB Advisory Board

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Resolutions

1. Resolution 05-06-064

A resolution of the Haines Borough assembly, Haines, Alaska, authorizing the disposal of borough-owned land dedicated to public use by vacation of right-of-way to Greg Palmieri.

M/S **LAPP/VANCLEVE** Motion to adopt Resolution 05-06-064.
The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 05-06-112

An ordinance of the Haines Borough amending Article VIII Sections 8.06 and 8.07 of the Haines Borough Charter pursuant to a vote of the people at the October 4, 2005 regular election.

M/S **SCHNABEL/VANCLEVE** Motion to introduce Ordinance 05-06-112 and to advance it to its first public hearing on 7/12/05.

ROSSMAN asked what happens if the public doesn't ratify the amendment since it was declared to be unconstitutional. **GOLDBERG** said the Planning Commission researched around the state and many municipalities have no provision for protest. The Commission considered completely removing the protest language from the charter but believed that that change would have more of risk of ratification failure. **SCOTT** said she would like to have the ballot measure question reworded to explain the current unconstitutionality and provide more information for the voters. **CASE** suggested the question state that the current charter language has been determined to be unconstitutional and ask the voters to decide if these sections should be brought into compliance with the Constitution of the United States.

M/S **SCOTT/SMITH** Motion to amend the ordinance to reword the ballot question to state that the zoning protest sections have been determined to be unconstitutional and if they should be brought into compliance with the U.S. Constitution.
The amendment motion carried unanimously.
The main motion carried unanimously.

2. Ordinance 05-06-113

An ordinance of the Haines Borough placing on the October 4, 2005 election ballot the question of exemption from the Alaska Public Official Financial Disclosure law.

M/S **ROSSMAN/SMITH** Motion to introduce Ordinance 05-06-113 and to advance it to its first public hearing on 7/12/05.

SCOTT spoke against the motion saying there are very few controls and checks that the public has on its local elected officials. She is quite comfortable with filing the required forms. **SMITH** said the purpose of exemption was to widen the participation of people running for elected office---rich or poor---without having to provide financial information. **ROSSMAN** said he can see its importance at the state and federal levels but not necessary on a local level. **LAPP** said he is supportive of putting the issue on the ballot to let the people decide. **SCHNABEL** said the financial disclosure forms don't just require a person to report how much money they have. You also have to report your debts, who you're married to, and your family. It is asking a lot in this community.

The motion carried 5-1 with Scott opposed.

3. Ordinance 05-06-114

An ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.80.030 - Setbacks and Height, to require a single family residence in a commercial zone to conform to residential setbacks.

M/S **SCHNABEL/VANCLEVE** Motion to introduce Ordinance 05-06-114 and to advance it to its first public hearing on 7/12/05.

SCOTT said she is confused by the ordinance. **SCHNABEL** agreed and asked that **GOLDBERG** speak to the issue. **GOLDBERG** said in the commercial zone in the townsite service area, there are quite a number of family residences. The code stipulates that a residence has to stay 20 feet back from the lot line, but commercial buildings are allowed zero lot line. The Planning Commission would like to tighten up the code to require that the primary use of a commercial zone lot has to be commercial; it cannot be a residence with a separate commercial building on the lot. The non-objection of the Planning Commission to the Studley request to put in a zero lot building was based on a manager decision to issue the permit; the property owner was asked by the manager to sign a statement that the building would be entirely commercial. **SCOTT** said there was an effort to accommodate a resident which she is not opposed to, but she is not in favor of amending the code. **ROSSMAN** said he doesn't see any reason to change the code.

CASE said there is already an ordinance that prohibits residences in a commercial building. **GOLDBERG** said the residential setback requirement is for safety reasons. His personal viewpoint is that a commercial zone should have a single zero lot line setback requirement, because the building uses can change from tenant/owner to tenant/owner.

The motion failed unanimously.

4. Ordinance 05-06-115

An ordinance of the Haines Borough amending Article XVIII Section 18.08 of the Haines Borough Charter pursuant to a vote of the people at the October 4, 2005 regular election.

M/S **LAPP/VANCLEVE** Motion to introduce Ordinance 05-06-115 and to advance it to its first public hearing on 7/12/05.

The motion carried unanimously.

C. Other New Business

1. Authorize the Manager to Amend the Assessor's Contract.

M/S **SCHNABEL/LAPP** Motion to authorize the manager to renegotiate the assessor's contract.

SCHNABEL said the Finance Committee met with the manager about this proposed amendment. The Committee believed it was a proposal to accelerate the assessment process to have 100% of properties assessed and all files and photos in place. "What the assessor is proposing is a very good thing for the borough, because we are facing some very heavy taxation in the upcoming years. It will be important to have the assessments uniform and up-to-date." She does have issues with the proposed contract amount. The current \$57,924 contract was based on 3,200 parcels and she believes it was overstated by about 800 parcels. "The current contract should be adjusted to reflect the actual number of parcels in the Haines Borough." **SCOTT** agreed with **SCHNABEL**. She asked where the parcel count discrepancy came from. **HAERER** said the parcel count was contained within the original Haines Borough request for proposals. He said several numbers have been thrown around; it's a matter of interpretation. The realistic count is now determined to be around 2,500. He added that a significant number of new lots and lot splits are being added to the count. **SCHNABEL** said the assessor has come into the community and discovered disarray and inconsistency. He is now recommending that

a team be brought in to accomplish in one year what would take years to plod through. His estimate is that in about 40 weeks the entire borough could be covered and all files created and updated in that time. She reiterated her belief that the current contract is overstated in its value and suggested negotiation. **SCOTT** asked what happens if the manager is not able to negotiate a lower amount. **CASE** said **VENABLES** would have to return to the assembly in that case. **SMITH** asked where the additional funds are coming from. **SCHNABEL** said it will be taken from the Lands account.

The motion carried unanimously in a roll call vote.

2. Award of Design Contract to PND for the Design of a Cathodic Protection System for the PC Dock

M/S **VANCLEVE/LAPP** Motion to award the contract.

SMITH expressed concern that Haines has had issues with this company in the past. **CASE** said the company will be paid to come up with an RFP that would then go out to bid. **SMITH** asked why the protection system wasn't done ten years ago and why it has come up now. **VENABLES** explained that the dock is starting show corrosion and has to be protected. He added that he contacted another engineering firm to find out if there would be value in putting the RFP process out to bid. That firm said it is more sensible to be sole-source since PND designed the dock and has the documents. **SCHNABEL** asked if it was ever a part of the original design contract and why PND didn't include it. The manager agreed to research the original design contract to see if the former City of Haines already paid for the design even though it wasn't built---and, if that proves to be the case, to determine why it wasn't built. **CASE** suggested the award be postponed so the manager can research and provide additional information. **VANCLEVE/LAPP** withdrew their motion. **SCOTT** said she would appreciate more documentation attached to proposals like this and added that it would have been good to have the harbormaster at this meeting to speak to it. At this point, **SCOTT** requested an additional New Business item to discuss the communication between the Assembly and the Planning Commission. There was no objection.

A recess was called at 9:10pm; meeting reconvened at 9:13pm.

3. Assembly/Planning Commission Communication

SCOTT said she often feels at odds with the Planning Commission and would like to have more information when considering a recommendation from them.

M/S **SCOTT/LAPP** Motion to establish a policy that, prior to assembly consideration, any planning commission recommendation shall be accompanied by written rationale.

ROSSMAN noted that he is the assembly liaison to the Planning Commission and should play an important role in the communication between the two bodies. **SCOTT** said a written explanation in addition to liaison comments would be important. **SCHNABEL** added that the Planning Commission has already said it does not feel compelled to address an assembly recommendation unless it comes in an official form. Therefore, the motion should address both sides. **CASE** said the manager recommends all assembly advisory boards should be held to the same requirement to provide written rationale, and he agrees with him. He added that this should include any assembly directives to boards and commissions. **SCOTT** and **LAPP** concurred and asked for the additions to their motion. The motion before the assembly now read:

M/S **SCOTT/LAPP** Motion to establish a policy that, prior to consideration of any recommendation or directive, communication between the Assembly and the boards and commissions shall be accompanied by written rationale.

The motion carried unanimously.

12. SET COMMITTEE MEETING DATES

The Finance Committee will meet on Tuesday, 7/12/05 at 5pm.
The Government Affairs and Services Committee meeting is still scheduled for 6/29/05 at 6:30pm.

13. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SCOTT asked the clerk to inquire into the appropriateness or legality of having her name listed in an anti-Juneau Road publication and being identified as an assembly member.

14. ADJOURNMENT - 9:25 pm

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

The motion carried unanimously.

ATTEST:

Mike Case, Mayor

Julie Cozzi, Borough Clerk