

Haines Borough
Borough Assembly Meeting #76
July 12, 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 and Julie **COZZI**/Borough Clerk.

Visitors Present: Micah **TRUE**/CVN, Chris **SHARP**/KHNS, Leonard **DUBBER**, Rich **KALOOSTIAN**, Scott **HAMILTON**, Steve **VICK**, Jessie **BADGER**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA:

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

The motion carried unanimously.

4. APPROVAL OF MINUTES: *June 28, 2005 Regular

5. PUBLIC COMMENTS:

VICK identified himself as the "Lynn Canal Swimmer" and gave an update concerning his plan to swim across the Lynn Canal to bring attention to the Juneau Road issue and the need for improved ferry service. The target date is August 1. His entire crew is made up of Haines residents, and one of his major sponsors is *Ironman Wetsuits*. The event dubbed "The Lynn Swim" is generating significant state and national media attention. **VICK** said he is getting tremendous support from the community, and he asked the assembly to consider supporting the Lynn Swim if not by contribution then at least by endorsement. The mayor wished him a safe journey.

HAMILTON spoke as a supporter of the Lynn Swim. He said the demise of the ferry system is a very real possibility. He has 17 years of experience with the marine highway system and believes the current situation is very bad. He believes the Lynn Swim is a great PR opportunity to bring federal attention to the need for ferry support. He encouraged the assembly to support **VICK**. He added that Representative Don Young has already said he will not support the Juneau Access Road if there is enough public opposition.

6. MAYOR'S COMMENTS/REPORT:

Mayor **CASE** reported on the following:

- The new Skateboard Park officially opened last week, and the young skaters made a special point to thank the assembly for their support.
- US Senator Lisa Murkowski sent a letter in response to his concerns about the new passport requirements. She understands the need for special consideration of Alaska's the unique border situation with Canada and will continue to work on the issue before it takes effect in 2007.
- He followed up on a recommendation to speak with Jeff Denton about wild goat habits, and found him to be a wealth of information.
- He approved a request from the manager to take every Friday off during the summer. The demands of the job have made it very difficult to take time off, and he has reached the accrual limit. Additionally, he will schedule a two-week vacation this year.

7. PUBLIC HEARINGS:

A. Ordinance 05-06-112 (first hearing)

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.

Mayor **CASE** opened and closed the public hearing at 6:42pm; there were no comments.

M/S **LAPP/SMITH** Motion to advance Ordinance 05-06-112 to a second public hearing to be held on July 26, 2005.

The motion carried unanimously.

B. Ordinance 05-06-113 (first hearing)

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.

Mayor **CASE** opened the public hearing at 6:43pm.

DUBBER spoke in favor of the ballot question. He believes the state's annual reporting requirements are unnecessary because everyone in this small town knows everyone's financial interests anyway. Additionally, he believes more

people would be willing to run for elected office if the report was no longer required.

The mayor read aloud a written comment submitted by Ken Seright prior to the meeting. Seright spoke in favor of the ordinance and said the APOC reporting requirements are onerous and require financial detail to the nth degree. He urged the assembly to make sure the question is on the ballot.

The mayor closed the public hearing at 6:46pm.

M/S **VANCLEVE/ROSSMAN** Motion to advance Ordinance 05-06-113 to a second public hearing to be held on July 26, 2005.

SCOTT said as the community demographics shift, people will be less likely to know what others' financial interests are. She believes the public disclosure filings would protect the public interest in the rare instance that a conflict would exist. She also does not believe the reporting requirements are truly a barrier to a deep section of potential candidates. She took exception to Seright's assertion that the report requires detailed financial information. The APOC document is a reasonable protection for the public. There has never been a problem in Haines, but times change. She opposes the ordinance and if it is placed on the ballot, she plans to actively lobby against it.

ROSSMAN asked what is to be lost by giving the public an opportunity to vote on the issue and does not understand **SCOTT**'s objection to the question being on the ballot.

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

C. Ordinance 05-06-115 (first hearing)

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.

Mayor **CASE** opened and closed the public hearing at 6:52pm; there were no comments.

M/S **VANCLEVE/LAPP** Motion to advance Ordinance 05-06-115 to a second public hearing to be held on July 26, 2005.

The motion carried unanimously.

8. STAFF REPORTS:

A. Manager

The manager summarized his written report which included the

following topics:

- Marine Transportation
- Department of Transportation Projects and Personnel
- RDI and the Borough's Sales Tax Software
- Port Chilkoot Dock and PND
- Upcoming School Architect Workshop and meeting with the Assembly and School Board
- Upcoming Harbor Expansion Workshop with the Army Corps

SMITH asked for a status report on the road improvement projects. **VENABLES** said Turner Construction is waiting on a piece of equipment that will make the projects go very quickly. The deadline is August. SE Roadbuilders is preparing a timetable for the FAA Road work.

- *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

SCHNABEL said the committee is moving forward in discussions regarding sales tax reform. She invited all of the assembly members to attend the next committee meeting to participate in that discussion. She believes the issues with sales tax collection are fairly serious within the Borough and would like to see them corrected.

C. Personnel & Labor Relations

SMITH said the committee has not met recently but may need to meet to look at the issue of a full-time borough employee also being fire chief. It has not yet been determined whether or not it is a committee matter or not. **CASE** said this is a situation where borough employees could end up being supervised by a non-borough employee if the fire chief were to change. **SCHNABEL** noted that since there is a borough fire chief job description, that person would be considered a borough employee. **CASE** agreed. She added that one problem is that the borough doesn't hire that individual---the volunteer firemen elect him/her. **LAPP** suggested that a borough employee should only be allowed to hold one position at a time. **SCOTT** said, "On the other hand, if you are looking at it objectively,

there is considerable savings for the borough if this particular person is the supervisor of the Water department and has time to also take care of the fire chief duties, including the supervision of Fire Department employees." She believes the money and hours just need to be properly allocated, especially since the Water Department is an enterprise fund; it would be inappropriate for that fund to pay for the Fire Chief's time and efforts. **VANCLEVE** said if the existing employee is capable of doing both jobs, then there shouldn't be a problem. The borough is paying him to do a job. If he is doing the water job well, then there should be no problem. If he is not, then we need to tell him he cannot be Fire Chief, also. **SCHNABEL** said if a job only requires 30 hours a week, then the employee should only get paid 30 hours a week. If we are getting 30 hours of water department work out of the employee and 10 hours fire department, then adjustments need to be made. **SMITH** said the question is how much of the fire chief duties are being done during the water-sewer work week.

SMITH said the borough's union negotiating team will meet with Tom Brice of Local 71 by the end of July.

D. Government Services/Affairs - Written

• **Chilkat State Park RMSA**

SCOTT summarized the committee's recommendations concerning the Chilkat State Park Road Maintenance Service Area. Maintenance of the Chilkat State Park Road is a problem in the summertime, so the committee requested the manager talk to State Parks about running a grader over it. She said people are reluctant to believe that state revenue sharing is really going away. The committee recommended an enlargement of the RMSA boundaries with funding from taxation and a differential tax. However, one of the property owners, Kennedy, polled all of the property owners who are apparently unanimously opposed to a boundary change. The property owners have committed funds for road maintenance needs when the existing RMSA fund balance runs out. **SCOTT** said she has reservations to government management of contributions. The ordinance could be amended to allow for taxation, especially since they are already paying taxes for medical and fire services. Otherwise, the RMSA may need to be abolished which would take a vote of the people. That vote could take place during the October 2006 election. She asked that this topic be

added to an August agenda since the assembly is that RMSA's defacto board. That RMSA has enough funds in their account for this year. **SCHNABEL** said the service area is so small---only five property owners---"it is a mental circus to try to figure out what to do; it is essentially a neighborhood association. For the borough to be the repository for their contributions is problematic." She said the RMSA should be abolished following a vote, then at a future time, the assembly could establish a new service area if it is determined to be needed. **LAPP** asked if the assembly could abolish it by ordinance. **SCOTT** said it would have to be ratified by the voters. Right now, Kennedy wants property owners to make their contributions to the borough. **SMITH** said the borough should not be the keeper of their money or an administrative fee should be charged. **ROSSMAN** said the RMSA should be abolished because it is "basically configured incorrectly and is essentially useless the way the boundaries are set up." **SCOTT** quoted 7.04.040 regarding the procedure for abolishing a service area. The Clerk noted that the code makes provision for a by-mail election if the assembly would so choose. The assembly will discuss this service area in August.

- E. Planning Commission**
- F. School Board**
- G. Chilkat Center Advisory Board**
- H. Parks & Recreation Advisory Board**
- I. CVB Advisory Board**

10. OLD BUSINESS:

- A. Award of Design Contract to PND for the Design of a Cathodic Protection System for the PC Dock**

The following motion was still on the table from the 6-28-05 meeting:

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

VENABLES said he researched the original project and discovered that the original construction did not include a cathodic protection system. **CASE** added that he spoke with then administrator, Tom Healy, and was told that there was not enough money available to put in a cathodic protection system at the time. **SMITH** voiced significant lack of confidence in PND and said the borough should not contract with them. **CASE** reminded **SMITH** that he is expressing only his own opinion and not that of the

assembly or borough. **SMITH** acknowledged that to be the case and said he questions why this engineering firm didn't recommend the protection system. **CASE** said the contract would be to design a cathodic protection system and prepare bid documents to have that design implemented. **ROSSMAN** said the assembly needs to address the issue because "we cannot have the dock continue without it regardless of what happened before. Everyday it deteriorates more." **SCOTT** asked if it would be awkward to not do a sole-source contract for this. **CASE** said he got some excellent references for PND and recommendations for going with them as a sole-source. **ROSSMAN** said someone else would have to get the plans and designs from PND at a cost. **SCOTT** said the plans and designs belong to the borough and they could be made available to any engineer. **SMITH** said he finds it hard to believe that this firm did not even mention the cost of a cathodic protection system ten years ago. **CASE** said the system is by its very nature something that "eats itself up." "If the borough had put it in 10 years ago, we would be looking at replacing it soon anyway."

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

11. NEW BUSINESS:

A. Resolutions

1. Resolution 05-07-065

A resolution of the Borough Assembly, of the Haines Borough, Alaska, supporting the efforts of the Southeast Alaska Regional Health Consortium (SEARHC) and the Haines Injury Prevention Team to provide and promote injury prevention programs and educations.

M/S **LAPP/SCOTT** Motion to adopt Resolution 05-07-065.

SCOTT asked for more information. **SCHNABEL** noted that SEARHC annually receives funding from the National Health Service specifically for injury prevention. Some previously-funded projects include car seats, water safety courses, ice rippers for the elderly, and personal floatation devices at the boat harbor. The local team includes people in the community involved with safety and health. **SCOTT** said she would appreciate more information and rationale in the future to make it easier to understand the purpose of adopting a particular resolution. **LAPP** agreed.

The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 05-07-116

An ordinance of the Haines Borough, Alaska, authorizing the issuance of general obligation bonds of the borough in the principal amount of not to exceed \$17,500,000 to fund the construction and equipping of school facilities, as authorized by Ordinance no. 04-08-079 of the borough and ratified by the borough's voters at an election held on December 14, 2004; providing for the date, form and terms of the bonds and authorizing unlimited tax levies to pay principal of and interest on the bonds; and providing for the sale of the bonds to the Alaska Municipal Bond Bank.

M/S **SCHNABEL/SCOTT** Motion to introduce Ordinance 05-07-116 and to advance it to its first public hearing on 7/26/05.

The motion carried unanimously.

C. Other New Business

1. Lynn Swim

SCHNABEL asked if the assembly wanted to address **VICK's** request during Public Participation about supporting the Lynn Swim. She offered to draft a resolution for the next assembly meeting in support of the Lynn Swim. The mayor recognized **HAMILTON** who asked the assembly to consider a show of support during this meeting to help **VICK** with his efforts to get corporate support. **SMITH** cautioned against a resolution because of the politics of the situation. The mayor and assembly agreed and discussed other options for showing support.

M/S **SCHNABEL/SCOTT** Motion that the Haines Borough Assembly adopts the following official statement: The Haines Borough Assembly recognizes the determination of Steve Vick to bring attention to the potential affects of the proposed eastside Juneau-Skagway Road on the people of the Northern Lynn Canal.

The motion carried unanimously.

SCOTT said she wants to list her name and office in the Lynn Swim brochure but asked the assembly's opinion about it. She referenced the clerk's memo stating APOC's opinion that, since she is not running for election this year, the issue would be governed by local code and assembly policy. The assembly had no objection to it.

12. SET COMMITTEE MEETING DATES

A joint workshop with the School Board was scheduled for Thursday, 7/21 at 4:00pm. The school architects had requested an opportunity to meet with them.

The Commerce Committee will meet on Tuesday, 7/26/05 at 5:30pm to look at the way new businesses are regulated by the Planning Commission. Staff was asked to provide copies of pertinent Title 18 code sections for the meeting.

The Finance Committee will meet on Tuesday, 7/19 at 4:00pm. (Note: Subsequent to this, the committee meeting date was changed to Monday, 7/18 at 4:00pm.)

13. ANNOUNCEMENTS/ASSEMBLY COMMENTS

ROSSMAN said he thought the fireworks display was great and was glad the assembly helped to support it.

VANCLEVE asked to be excused from the 7/26/05 assembly meeting because of his responsibilities with the SE Alaska State Fair opening that week. There was no objection.

SCOTT announced that she will be out of town until 7/31/05 but plans to attend the 7/26/05 meeting via telephone.

14. ADJOURNMENT - 8:26 pm

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

The motion carried unanimously.

ATTEST:

Mike Case, Mayor

Julie Cozzi, Borough Clerk