

Haines Borough
Borough Assembly Meeting #103
October 24, 2006
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 Doug OLERUD, Jerry LAPP, Scott ROSSMAN, Luck DUNBAR, and Deborah VOGT. Absent: Pete LAPHAM.

Staff Present: Julie COZZI/Borough Clerk.

Visitors Present: Tom MORPHET, Dave AMMON Barbara LEWIS, Madeleine SHIELDS, Greg STUCKEY, Paul NELSON, Don TURNER III, Leigh HORNER, Jody FOX, Jessie BADGER, Dale COBB, and Thad STEWART (via teleconference).

The mayor administered the oath of office to newly-elected assembly member, Deborah Vogt. (Pete Lapham and Doug Olerud had previously been sworn in by the mayor in his office on 10/16/06 with Robert Venables attesting in the clerk's absence.)

3. APPROVAL OF AGENDA & CONSENT AGENDA

VOGT - Add two items under Old Business: Item 10D - Borough Attorney Review and Item 10E - Borough Manager Evaluation. There was no objection.

Motion by LAPP: Approve the amended Agenda/Consent Agenda. It was seconded by VOGT. The motion carried unanimously.

4. APPROVAL OF MINUTES* 10/10/06 Regular
5. PUBLIC COMMENTS

LEWIS said she had asked the mayor to consider a proclamation to honor Constance Griffith who is moving to Vermont. She summarized some of the many contributions Constance has made to the community including considerable volunteer work and leadership.

6. MAYOR'S COMMENTS/REPORT

SHIELDS read the text of his proclamation declaring October 25, 2006 as *Constance Griffith Day*.

The mayor said that he recently traveled to Juneau and Excursion Inlet with borough assessor, John Wurst. In a meeting with DNR (Alaska Department of Natural Resources) he was informed that they have rejected the Excursion Inlet survey done under borough contract by Scott McClintock

because of significant errors. Haines Borough was given acreage, but the conveyance cannot go forward until the survey is accepted. The mayor stated that tidelands cannot be conveyed, and the Tongass property is not the borough's to give away. While onsite in Excursion Inlet, the mayor and assessor met with constituents. There are about 7 year-round residents. Ocean Beauty would like everything to remain the same. He added that one of the borough's parcels has a cabin on it that is used by the Ocean Beauty engineer. The airplane "runway" is really a road. As property gets conveyed, the borough may end up with a landing strip with insurance and liability issues to keep in mind.

7. PUBLIC HEARINGS - None

8. STAFF REPORTS

- A. Borough Manager
- B. Borough Clerk
- C. Chief Fiscal Officer
- D. Chief of Police
- E. Museum
- F. Library
- G. Chilkat Center

9. COMMITTEE/COMMISSION/BOARD REPORTS

A. Commerce Committee

B. Finance & Budget

LAPP said the Finance Committee met prior to this meeting, and they discussed the budget amendment ordinance on this meeting's agenda. They recommend introduction. Additionally, the committee discussed the borough's revenues and expenses to-date. Right now, the budget is balanced and things look good. Sales tax and lodging tax revenues are up.

- C. Personnel
- D. Government Affairs & Services
- 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. Liquor License Application - Mosey's Restaurant

Motion by LAPP: Approve the application for the public convenience beer and wine license for Mosey's Restaurant. It was seconded by ROSSMAN.

STEWART said he hoped the assembly had read the letter he submitted. He knows that some signatures were invalid, which is a common issue with petitions, but that is the reason they collected at least 10% more. They got the petition signatures primarily by going door to door. At one point they displayed the petition in their restaurant and some people apparently signed the petition out of misguided enthusiasm without reading the instructions.

The mayor asked the clerk to summarize her conversations with the ABC Board. **COZZI** explained that ABC plans to conduct an onsite investigation of the petition signatures if the assembly approves the application. Otherwise it would be a moot point since approval by the local governing body is a requirement for this type of license. The ABC Board would not issue the license unless the investigation was satisfactory.

OLERUD expressed concern about adding another license over quota. **ROSSMAN** said he did not believe there is a problem with people having a beer or wine with their taco. **DUNBAR** and **LAPP** agreed with **ROSSMAN**.

HORNER was allowed to speak, and she said she is not questioning the signature-gathering methodology. She is questioning the signers who live outside the one-mile radius. She counted nearly 90 signatures that she considers to be invalid.

Motion to Amend by **ROSSMAN**: Approve with a one-year review as opposed to the normal two-year. It was seconded by **DUNBAR**. The amendment motion carried 4-1 with **OLERUD** opposed.

The main motion failed 3-2 with **OLERUD** and **VOGT** opposed.

B. Excursion Inlet MOU

SHIELDS said section 2.1.8 in the MOU that would grant Ocean Beauty the option to purchase filled tidelands cannot happen. As mentioned during his report, tidelands cannot be conveyed.

Motion by **VOGT**: Set aside the Excursion Inlet (Ocean Beauty) MOU for the new borough attorney to review. It was seconded by **OLERUD**.

ROSSMAN asked if this delay would cause a serious problem for Ocean Beauty. **SHIELDS** said that the borough manager told him that Ocean Beauty is hoping to take this document to the bank. **LAPP** said 2.1.8 could be removed and the rest of the MOU approved. **SHIELDS** said the MOU also agrees to

convey certain parcels that the borough doesn't yet own. **VOGT** said she would question that and would not do it. Her sense is that this has been lying around for years, and she does not believe the delay would be longer than a month or so. **ROSSMAN** said it makes no sense to have another attorney look at it if two others have already looked at it (the borough's current attorney and Ocean Beauty's attorney). He is not in favor of paying for additional attorney review. He agreed with **LAPP** that 2.1.8 could be removed and the MOU approved tonight. **SHIELDS** said he and the assessor stressed to Ocean Beauty that the borough wants to see them succeed. He does not believe there is any hurry at this point. Having another attorney review it is probably not a bad thing.

The motion carried unanimously.

The mayor called a brief recess at 7:15pm; the meeting reconvened at 7:22pm.

C. Clarification of Nelson Property Status

Motion by **LAPP**: Accept the property description presented by the Nelsons provided the Alaska Department of Natural Resources (DNR) agrees. It was seconded by **ROSSMAN**.

SHIELDS said the property is really 4 lot lines within the whole parcel. If it results in any change in assessment value, then the borough will proceed accordingly. **VOGT** asked what section of DNR must agree. **ROSSMAN** said the recorder's office. **LAPP** said the motion would take the burden off of the borough. **NELSON** would have to see it through with DNR. **ROSSMAN** asked **NELSON** if, when his dad did the paper plat, it was recorded but never approved. **NELSON** said yes. **ROSSMAN** said it seems simpler to go back to the original description. **SHIELDS** said **NELSON** is to show proof that it is a recorded plat so that the borough can adjust its records accordingly.

The motion carried unanimously.

D. Borough Attorney Review

SHIELDS summarized the clerk's memo regarding the additional proposal. The assembly will meet as a committee-of-the-whole to interview the two individuals identified at the other COW, and will also review the additional proposal. There was no objection.

E. Borough Manager Evaluation

VOGT requested that this evaluation take place. **SHIELDS** said that a revised evaluation form and a copy of the

previous evaluation will be available to the assembly soon. During the November 21st assembly meeting, there will be an executive session to evaluate the manager. **VOGT** asked that former assembly members **SMITH** and **SCOTT** be given an opportunity to provide a written evaluation. There was no objection.

11. NEW BUSINESS

A. Resolutions

1. Resolution 06-10-094

A resolution of the Haines Borough Assembly adopting an alternative allocation method for the Fiscal Year 2007 Shared Fisheries Business Tax Program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in the Northern Southeast Fisheries Management Area.

Motion by **ROSSMAN**: Adopt Resolution 06-10-094. It was seconded by **OLERUD**. The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 06-10-150

An ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY07 budget.

Motion by **LAPP**: Introduce Ordinance 06-10-150 and advance it to a first public hearing on November 21, 2006. It was seconded by **ROSSMAN**. The motion carried unanimously in a roll call vote.

C. Other New Business

1. Award Additional 2006 Snow Removal Contract

Motion by **LAPP**: Authorize the manager to negotiate a contract with the low bidder, Turner Construction, to provide 2006 Chilkat State Park RMSA snow removal services for the amount stated in the bid. It was seconded by **ROSSMAN**.

SHIELDS allowed **COBB** to speak. He said he lives at Mile 1, Chilkat State Park Road. His driveway has been used as a snow dump and a turnaround by the snow removal contractors. He asked that it stop. **TURNER** was called upon. He said he is pretty sure **COBB**'s gate is pretty close to the ROW. He said he will look at the map and the RFP and will visit with his father about it. **COBB** said he spoke with **TURNER**'s dad, and was asked where he expects him to put the snow. **TURNER** said he doesn't believe his dad is doing anything on **COBB**'s property. **LAPP** said the borough could authorize the contract to

plow up further to make a different turnaround. **SHIELDS** assured **COBB** that this can be worked out.

The motion carried unanimously in a roll call vote.

Motion by **LAPP** (for the sake of discussion): Award the snow removal contract for Eagle Vista to sole-bidder Southeast Road Builders. It was seconded by **ROSSMAN**.

LAPP said he spoke with the previous contractor, and he does not plan to bid this year because the road needs repair. The submitted bid is very unaffordable at \$1,000 per job.

The motion failed unanimously. The mayor asked the clerk to communicate with the manager to advise him of the assembly's wishes that he readvertise for Eagle Vista snow removal services AFTER he meets with the Historic Dalton Trail RMSA Board to discuss the situation (the need for road repairs, etc.)

2. Select Assembly Member to Serve as Bald Eagle Preserve Advisory Council ex officio

SHIELDS asked if any assembly member wanted to volunteer. **ROSSMAN** said he is interested.

Motion by **LAPP**: Nominate **ROSSMAN** for appointment as an ex-officio member of the Bald Eagle Preserve Advisory Council. It was seconded by **OLERUD**. The motion carried unanimously.

3. Chilkoot River Corridor

LAPP suggested that action on this issue be delayed until all parties get together to discuss it.

Motion by **VOGT**: Send a letter to the state offering the borough's support for the state's idea of collaborative strategic planning effort involving DOT, DNR, and all of the effected players. It was seconded by **LAPP** for the sake of discussion.

ROSSMAN said he was fine with Folta's proposal until he got to goal XI that would limit future impacts of motorized use on Chilkoot Lake. He does not agree with prohibiting certain things on the lake that he does not believe have anything to do with the bears on the river. **LAPP** said he does not support Folta's proposal the way it is worded. **SHIELDS** said one idea is to add a toll booth. **DUNBAR** offered that a simple solution would be to yank the weir and put up signs that say "fish at your own risk." **SHIELDS** said copies of the letter would be sent to all players including Folta and the Chilkoot Indian Association.

The motion carried 5-0. The mayor will write the letter.

4. Approve Emergency Pool Plumbing Repair Contract

Motion by **LAPP**: Approve emergency pool plumbing repair contract to Houlberg Plumbing. It was seconded by **ROSSMAN**.

ROSSMAN said he believes the 25% markup is too steep for materials.

Motion to amend by **ROSSMAN**: Adjust materials markup from 25% to 10%. It was seconded by **DUNBAR**.

OLERUD suggested that anything purchased locally should be billed directly to the borough to avoid the markup.

The amendment motion failed unanimously.

Motion to amend by **ROSSMAN**: Require any locally-purchased materials to be billed directly to the borough without the 25% markup. It was seconded by **DUNBAR**.

LAPP agreed with the motion. If Houlberg has to order from an outside source, he would be entitled to charge the 25% markup.

Motion to amend by **VOGT**: Any outside source ordering done via borough purchase order would not include the 25% markup. It carried unanimously. The amendment carried unanimously.

The main motion carried unanimously in a roll call vote.

5. Liquor License Transfer Request - Fireweed Restaurant

Motion by **LAPP**: Send a statement of non-objection for the Fireweed liquor license transfer. It was seconded by **DUNBAR**. The motion carried unanimously.

12. SET COMMITTEE MEETING DATES

The assembly will meet as a committee-of-the-whole on Tuesday, 11/7, at 6:00pm to interview short-listed borough attorneys and to consider the additional proposal.

13. PUBLIC COMMENTS

NELSON thanked the assembly for handling the land issue he brought to them. On a different subject, he said he believes the president signed a law that violates the constitution, and the Alaska delegation voted for it.

FOX said she works for a large company and is very familiar with performance evaluations. She asked if the person will be evaluating himself, too, because that can be valuable. She also wanted to know if there will be goals listed that the person is to complete. **SHIELDS** said one of the reasons for an evaluation is to come out of it with performance goals. He said that the self-evaluation would be a good idea, and the assembly agreed.

LEWIS said that someone with authority needs to be placed out at Chilkoot River Corridor so that enforcement can take place. The tourists do not listen, and someone is going to get hurt or killed.

14. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

VOGT thanked **LEWIS** for putting together the proclamation for Constance Griffith.

15. **ADJOURNMENT** - 8:34pm

Motion by **OLERUD**: Adjourn the meeting. It was seconded by **LAPP**. The motion carried unanimously.

Fred Shields, Mayor

ATTEST:

Julie Cozzi, Borough Clerk