

Haines Borough  
Borough Assembly Meeting #89  
January 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 Jerry **LAPP**, Luck **DUNBAR**, Deborah **VOGT**, Stephanie **SCOTT**, and Scott **ROSSMAN**. **Absent:** Norm **SMITH**

**Staff Present:** Robert **VENABLES**/Borough Manager and Julie **COZZI**/Borough Clerk.

**Visitors Present:** Bonnie **HEDRICK**/CVN, Ed and Yuko **HAYS** and family, Walter **CLAYTON**, and Don **TURNER III**.

3. APPROVAL OF AGENDA & CONSENT AGENDA

**SCOTT** requested the addition of Item 10B - GC/CM to Old Business. The mayor asked that the executive session be set to a time certain: 7:00pm. There was no objection.

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

4. APPROVAL OF MINUTES\* January 10, 2006 Regular

5. PUBLIC COMMENTS

**CLAYTON** expressed his belief that the mayor intends to remove him from the Parks and Recreation Advisory Board because of allegations that he is an obstructionist. He said there has been no opportunity for discussion or comment, and he asked the assembly to be willing to investigate it in depth.

Mayor **SHIELDS** said he has attempted several times to talk with **CLAYTON** about it but has been refused each time. He said he does not intend to remove him from the Board tonight and would like to meet with him on this issue prior to the next assembly meeting.

6. MAYOR'S COMMENTS/REPORT

Mayor **SHIELDS** said there would be one assembly meeting on February 21 with the assembly's concurrence. There was no objection.

He announced that the governor removed his proposed changes to the mixing zone regulations right after the Haines Borough passed its resolution opposing them.

**7. PUBLIC HEARINGS**

**A. Ordinance 05-11-134 - second hearing**

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.

Mayor **SHIELDS** opened and closed the public hearing at 6:40pm; there were no comments.

M/S **SCOTT/LAPP** Motion to adopt Ordinance 05-11-134. The motion carried unanimously in a roll call vote.

**B. Application for New Commercial Tour Permit**

Alaska-Japan Connection has applied for a 2006 Commercial Tour Permit to conduct various tours within the Haines Borough for Japanese visitors. A variety of activities and tour packages are planned including river walks, short hikes, and visits to local museums and galleries. Title 5 requires a public hearing on all new commercial tour permit applications.

Mayor **SHIELDS** opened the public hearing at 6:42pm.

Ed **HAYS** announced that, at the request of Assembly Member **VOGT** and two other residents, the tour plans are being revised to delete River Road as a place to drive or walk along.

Hearing no more comment, Mayor **SHIELDS** closed the public hearing at 6:43pm.

M/S **LAPP/VOGT** Motion to approve the Commercial Tour Permit application by Alaska-Japan Connection.

**VOGT** thanked the Ed and Yuko **HAYS** for their willingness to adjust their tour plans to accommodate a small residential road.

The motion carried unanimously in a roll call vote.

**8. STAFF REPORTS**

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

- School Construction Project
- Harbor Projects
- Excursion Inlet
- New Employees
- FY07 Budget

Additionally, **VENABLES** asked the assembly if they wanted to

maintain the March 1<sup>st</sup> deadline for community funding requests. There was agreement that the date should remain the same and be advertised.

- 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** gave a report of the 1/19 committee meeting. **SCOTT** asked if it is possible for the Haines Borough to charge a sales tax specifically on sales of alcohol and tobacco. There are other municipalities that levy a tax like that. **LAPP** said he believes it would have to be put before the voters. **VENABLES** agreed to check into it; he believes there may be some type of prohibition to communities being able to do that, although some communities might be grandfathered in.

- 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

#### 10. OLD BUSINESS

- A. Grand Jury / Civil Liberties

**SCOTT** said the Government Affairs & Services Committee contacted Judge Larry Weeks regarding the issue of calling for a grand jury investigation into civil liberties violations by the federal government. Weeks informed them that this issue is beyond the jurisdiction of a local municipality. The ACLU is attempting to get the U.S. Attorney General to look into the matter of warrant-less wire tapping. She said there is a procedure whereby the government may request a wiretap. The committee drafted letters to Senator Stevens, Senator Murkowski, and Attorney General Gonzales asking them to request that the Department of Justice appoint a special counsel to investigate the situation. They asked the assembly to

consider approving them to be sent out with the mayor's signature. **SHIELDS** said 6 million transmissions are being recorded each month in secret. Even if a warrant is received prior to it, the person being wiretapped is not notified. **VOGT** said "everyone across political spectrums agrees that government has no business being in our private lives without our permission." Each draft letter was approved with the addition of a statement saying the assembly unanimously consented to it by motion. This statement was requested by the mayor.

M/S **SCOTT/LAPP** Motion that the borough assembly join with the American Civil Liberties Union in calling on the United States Department of Justice to appoint an outside special counsel with the independence to investigate and determine whether criminal acts have been committed by any member of the Executive Branch in the warrant-less electronic surveillance of people in the United States over the past four years by the National Security Agency (NSA).

The motion carried unanimously.

## **2. Executive Session to Discuss the Pending Union Employee Wage Agreement**

M/S **VOGT/LAPP** Motion to go into Executive Session as allowed by state statute for confidential matters. The motion carried unanimously.

The executive session convened at 9:05pm and ended at 9:15pm.

M/S **LAPP/SCOTT** Motion to accept the negotiated wage step chart, the implementation chart, and the revised article 15 of the collective bargain unit. The motion carried unanimously in a roll call vote.

[At this point in the meeting, the mayor turned the meeting over to Deputy Mayor **LAPP** so that he and the manager could leave to catch a ferry.]

### **B. GC/CM (added during agenda approval)**

M/S **SCOTT/VOGT** Motion to authorize the manager to utilize the GC/CM project delivery method for the Haines Borough school construction and renovation project, subject to Department of Education approval, per the assembly resolution adopted on November 15, 2005.

**SCOTT** reminded the assembly that when the resolution was

adopted, the assembly also passed a motion stipulating that the manager would return to get the assembly's consent at a public meeting prior to authorizing the alternative delivery method. She said she believes this is the right step to take at this time. **LAPP** said the project can get started a month earlier by going with this method. **VOGT** said this method allows the borough to set criteria not necessarily related to the lowest bid. **LAPP** explained that if the contractor is working with the architect prior to design completion, problems can be addressed and alternative ideas explored because of the addition of the contractor's perspective. **TURNER** was called upon. He voiced his concerns about the alternative method. Most public projects are bid competitively but with this method, the incentive is removed for bidding it as cheaply as possible. **LAPP** said there will still be competitive bidding because of the subcontractors that will need to be involved. **TURNER** disagreed and said it becomes more of a process of asking for quotes---not actually competitive bidding. **ROSSMAN** said there is a maximum amount that will be provided. **SCOTT** agreed and said the contractor has to agree with a guaranteed maximum. **ROSSMAN** said he sees the positives with the alternative construction method and is willing to go along with it, but he does have reservations. **VOGT** explained that one of the benefits is that cost overruns cannot happen with the GC/CM method. **SCOTT** said the architects have offered to absorb a \$28,000 cost to take care of developing the selection criteria and to solicit bids. **LAPP** said the bidders will be scrutinized much more with this method. **VOGT** said the GC/CM would do maybe 5%-10% of the work themselves, but the rest would be bid out incrementally. **SCOTT** said the borough could stipulate that they can only do that percentage of the work. She said she would like the borough to insist on maximum local work. It is her intention to see that local qualified people get the contracts associated with the school construction project. **ROSSMAN** agreed. **LAPP** said he doesn't believe that is possible since the project involves federal funds. He added that the Oversight & Strategic Planning Committee is supportive of the GC/CM alternative method. **SCOTT** said she was assured by the architects that this method will not affect the construction budget.

The motion carried unanimously in a roll call vote.

**11. NEW BUSINESS**

- A. Resolutions** - None
- B. Ordinances for Introduction** - None
- C. Other New Business** - None

**12. SET COMMITTEE MEETING DATES**

The Finance Committee will meet on February 7<sup>th</sup> at 4:00pm.

**13. PUBLIC COMMENTS**

**TURNER** voiced his concern that the school architects seem to be going over budget.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCOTT** said she is very concerned about the situation with the Parks and Recreation Board. The code requires the mayor to appoint diverse boards, but the borough doesn't equip them to work together. The Foraker Group offers free training for boards to help them work together as a team. She offered to get more information for the assembly to consider.

**15. ADJOURNMENT - 7:40pm**

M/S **SCOTT/DUNBAR** Motion to adjourn. The motion carried unanimously.

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Fred Shields, Mayor

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Jerry Lapp, Deputy Mayor

ATTEST:

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Julie Cozzi, Borough Clerk