

**Haines Borough
Borough Assembly Meeting #91
March 14, 2006
MINUTES**

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** Mayor **SHIELDS** called the meeting to order at 6:30 p.m. at the Haines Borough Public Library and led the pledge to the flag.

2. **ROLL CALL** **Present:** Mayor Fred **SHIELDS** and Assembly Members Norm **SMITH**, Deborah **VOGT**, Stephanie **SCOTT**, and Scott **ROSSMAN**.
Absent: Luck **DUNBAR** and Jerry **LAPP**.

Staff Present: Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, and Dan **COLEMAN**/Library Director.

Visitors Present: Bonnie **HEDRICK**/CVN, Paul **NELSON**), Tod **SEBENS**, Gary **STIGEN** (School Board Chair), Gershon **COHEN**, Leonard **DUBBER**, Stacie **TURNER** (School Board Member), Don **TURNER III**, David **BUTTON** (briefly by phone), Ken **KLINGER**, and others.

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

BUTTON phoned in for agenda item 10A. Mayor **SHIELDS** recommended moving that item to Mayor's Comments and re-numbering it item 6A. There was no objection. **SMITH** noted that the detail under agenda item 10A should say that Eco Orca's 2005 permit was denied rather than 2004.

Motion by **SCOTT**: Approve the Agenda/Consent Agenda, as amended. It was seconded by **SMITH**. The motion carried unanimously.

4. **APPROVAL OF MINUTES*** February 21, 2006 Regular

5. **PUBLIC COMMENTS**

NELSON thanked the assembly for taking an official position on the Patriot Act. He asked if the assembly would make a similar statement regarding the "illegal invasion of Iraq and the people dying there." He also wanted to know the status of his Grand Jury request. **SCOTT** said the Government Affairs and Services Committee sought the opinion of Judge Weeks and was told that he would refuse the request because it is not in the borough's jurisdiction. Therefore, the assembly moved in the direction of asking the U.S. Attorney General to pursue an investigation into the government's activities that threaten citizens' privacy rights.

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

Mayor **SHIELDS** said he was recently in Juneau with the manager to meet with Coeur Alaska and Representative Thomas regarding

promises of Haines employment and what the company is doing to facilitate it. They also visited with Malcolm Menzies of DOT to discuss transportation issues. The possibility exists that the ferry terminal will be moved to a downtown location, and the mayor likes the idea. If that happens, the borough could get an added benefit of doubled space at the Lutak Dock.

A small local group wants to begin a farmer's market that would take place on Saturday mornings in Payson's Pavilion. In April, the mayor and the manager will be in Washington D.C. the last week of April and would miss the 4/25 assembly meeting. He suggested scheduling just one meeting in April and holding it on 4/18.

6A. Eco Orca Appeal - Set Hearing Date and Appoint Hearing Officer (moved from 10B during agenda approval)

Motion by **SCOTT**: Appoint Mayor Shields as the hearing officer for the Eco Orca appeal before the assembly. It was seconded by **ROSSMAN**.

SHIELDS said Button's attorney has a number of points in the manager's decision that he is appealing. **VOGT** said it is appropriate that the mayor serve as the hearing officer. She added that she has experience as a hearing officer and offered her assistance. There will be a pre-hearing conference on 3/23 in Juneau to lay out ground rules for the hearing and how it is to be conducted.

The motion carried unanimously.

SHIELDS noted the dates that Eco Orca's attorney would be unavailable for a hearing. After some discussion, the mayor and assembly decided that the hearing would take place beginning at 5:30pm on Thursday, May 18, 2006 in the Assembly Chambers.

7. PUBLIC HEARINGS

A. Ordinance 06-02-135 - second hearing

An ordinance of the Haines Borough revising the FY06 budget to reflect the union wage agreement approved January 24, 2006, grants received by the Haines Borough Library, and changes to the property assessment budget.

Mayor **SHIELDS** opened the public hearing at 6:50pm.

STIGEN said the existing Bobcat equipment has been in use for 22 years at Mosquito Lake School. The school board got three bids and found one that is less than \$21,000 delivered. The school board authorized the purchase

because it saves approximately \$6,000 annually to have staff remove the snow as opposed to contracting it out. They are seeking monies from the borough's areawide CIP fund to pay for it.

The mayor closed the public hearing at 6:53pm.

Motion by **SCOTT**: Adopt Ordinance 06-02-135. It was seconded by **VOGT** for the sake of discussion.

VENABLES said \$20,000 currently sits in the areawide CIP fund. He added that the school board intends to ask for that much less in their FY07 budget. **SMITH** questioned the estimated amount for annual contract snow removal at Mosquito Lake School. **ROSSMAN** said it would translate into a cost of \$1,000 a year for twenty years since the Bobcat would likely last that long. The assembly discussed the other requested budget amendments as outlined in the memo from the Chief Fiscal Officer. **SCOTT** suggested that the harbormaster explain his criteria for obtaining skiff quotes. **VOGT** said the borough should try to find a boat within the \$25,000 grant amount from the Northwest Cruise Ship Association. **SCOTT** said there are enough questions about these suggested amendments that it should be separately introduced. **VENABLES** recommended taking action at this meeting on everything but the harbor skiff amendment. Staff can get more quotes and information.

Motion by **SCOTT**: Amend Ordinance 06-02-135 to allocate \$20,000 in area-wide CIP funds for the purchase of a Bobcat for Mosquito Lake School. It was seconded by **VOGT**.

Motion by **VOGT**: Amend the amendment to include the \$75,000 funds received for the harbor ramp repairs. It was seconded by **ROSSMAN**.

The amendment to the amendment motion carried unanimously.

The amendment motion carried unanimously.

Motion by **SCOTT**: Amend the ordinance to include \$14,000 to repair the small boat harbor fuel floats. It was seconded by **SMITH**. The amendment motion carried unanimously.

The main motion carried unanimously in a roll call vote, and the ordinance was adopted as amended.

B. Ordinance 06-02-136 - first hearing

An ordinance of the Haines Borough amending Title 18 Section 18.80.030 (pertaining to setbacks and heights) to change the residential use setbacks in the commercial zone from twenty feet to ten feet from right-of-way property lines; and from ten feet to five feet from adjacent property lines.

Mayor **SHIELDS** opened the public hearing at 7:17pm.

D.TURNER expressed a fire concern about the potential of two residential buildings being only 10 total feet apart. **DUBBER** said this ordinance would be beneficial to people and would rarely be a problem.

The mayor closed the public hearing at 7:40pm.

Motion by **VOGT**: Advance Ordinance 06-02-136 to a second public hearing on 3/28/06. It was seconded by **SCOTT**.

VOGT said **TURNER**'s concern is valid. She noted the recent fire in Juneau and the fire chief there saying the reason for losing the historical church building was because of its close proximity to the adjacent house where the fire began. The assembly discussed the fire concerns and asked the manager to get the fire chief's opinion in preparation for the next hearing. If an ordinance amendment is recommended, staff will prepare it for the assembly's consideration.

The main motion carried unanimously.

8. STAFF REPORTS

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

1. AP&T's federal grant
2. Possible Haines Ferry Terminal relocation
3. More boat harbor expansion dollars
4. Training opportunities
5. Miscellaneous including employee changes, traveling, and emergency preparation

SMITH suggested that the Alaska Marine Highway System should be asked to extend the 30% roundtrip discount to the end of April since Haines is only getting a ferry about 30% of the time. The mayor agreed to convey the message.

- 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**
- C. Government Services/Affairs**

SCOTT said the committee met on 3/10 with several in

attendance to discuss the Tanani Bay Sewer System. The following committee recommendations were delegated to the manager: 1) obtain written information from regulatory agencies regarding the impact on the borough if the borough does not assume ownership of the Tanani Bay Sewer System, 2) obtain reliable information about the legality of a homeowner's association taking on the responsibility for the state lease for the outfall and for the testing requirements, and 3) obtain models of homeowner associations that have been designed to collectively operate a similar sewage disposal system. Also, on the agenda, the committee discussed the possible consolidation of Fire Service Districts 1, 2, & 4. They unanimously recommended that the assembly put the question of consolidation on the October Election ballot. Staff was asked to prepare a list of pros and cons for the committee to review.

ROSSMAN encouraged the assembly to keep in mind that this could end up being a model system as the community grows. **VENABLES** said the staff will do more fact-finding but at this point it looks like it is legal to have a homeowner's association that would take over the responsibility of the system. The committee will continue to look at the issue and to try to find a solution that is beneficial for everyone.

- 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. Solar Aquatic System (SAS) - Borough Integration of an SAS lab into the Haines Sewage Treatment Facility

SCOTT said a change to location must be approved. The school is not interested in having the SAS on the school site, but is still interested in using it as a science lab. The request is now to locate it next to the existing wastewater plant. The borough is the landowner.

COHEN was called upon. The USDA has asked for additional information and clarification. The USDA has indicated that they would tentatively provide 75% project funding. **FLORESKE** was called upon. He said the assembly is not addressing the biggest problem in the borough:

infiltration. When it's raining, the borough is treating nearly pure water. **SHIELDS** explained that the SAS is a grant-dollar test system to be used not as a solution to the infiltration problem but to test its viability and also as an educational system. **FLORESKE** responded the borough doesn't need to be coming up with a new system. The effort needs to be put into solving the infiltration problem. **COHEN** argued that the Haines Treatment System is a primary treatment system that is only "legal" because of the permits in place. He said the SAS would be a test system in Alaska to find out if it would work in this state and to see if Haines can go from primary treatment to tertiary treatment. It would also be advantageous to the school as an education facility. **DUBBER** said he sees this as a big expense for the borough. **VOGT** said the Takshanuk Watershed Council has put forth a proposal to assist with operation. **SCOTT** recommended a recess to give the clerk an opportunity to research past minutes to narrow down the position of the assembly. **S.TURNER** said it would be a wonderful science lab for the students; however the school board wants the assembly to know the reason they don't want it to be attached to the school is the liability of the bio-hazards and also they do not want to be involved with any operation and maintenance. The school board only supports it to the point that it would see the benefit for science class groups to travel to the SAS to use as a lab.

The mayor called a brief recess at 8:02pm.

The meeting reconvened at 8:15pm.

Tim **SHIELDS** said the Board of Directors of the Takshanuk Watershed Council voted unanimously at a recent meeting to support the facility and to take responsibility for the routine maintenance of it.

The clerk distributed excerpts of assembly minutes to show the SAS discussions and actions that have taken place since 9/04. There was no assembly objection to providing the additional information to the USDA and to proceed with the application process.

11. NEW BUSINESS

A. Resolutions

1. Resolution 06-03-084

A resolution of the Haines Borough Assembly supporting efforts to significantly increase oil and gas revenues to the State of Alaska by fairly and equitably changing the oil and gas production (severance) tax.

Motion by **VOGT**: Adopt Resolution 06-03-084. It was seconded by **SCOTT**.

VOGT said the governor's proposed legislation is full of credits, benefits, and exemptions. **SHIELDS** said what comes out of the legislature on this tax bill will be very important because it will fund the state for a long time. **DUBBER** was called upon. He believes the legislature is working very hard on this issue in a non-partisan way.

The motion carried unanimously. The clerk was asked to send it to the members of the legislature.

2. Resolution 06-03-085

A resolution of the borough assembly of the Haines Borough, Alaska, setting the dates of the 2006 Board of Equalization.

Motion by **SCOTT**: Adopt Resolution 06-03-085. It was seconded by **VOGT**. The motion carried unanimously.

B. Ordinances for Introduction

1. Ordinance 06-03-137

An ordinance of the Haines Borough amending Title 2 Sections 2.68.150 and 2.68.190 to change the election candidate filing period from 30 days to 25 days to allow for earlier ballot printing and absentee ballot mailing, and to provide more time for a filed candidate to withdraw.

Motion by **SCOTT**: Introduce Ordinance 06-03-137 and advance it to its first public hearing on March 28, 2006. It was seconded by **SMITH**. The motion carried unanimously.

2. Ordinance 06-03-138

An ordinance of the Haines Borough amending Title 2 Section 2.68.510 to allow a borough candidate runoff election to be postponed until the first Tuesday of November, if a State of Alaska general election is scheduled for that date.

Motion by **SCOTT**: Introduce Ordinance 06-03-138 and advance it to its first public hearing on March 28, 2006. It was seconded by **ROSSMAN**. The motion carried unanimously.

C. Other New Business

1. Committee/Board Appointments

The mayor said he wants to appoint Sid Moffatt to the Parks and Recreation Advisory Board. He asked for assembly confirmation.

Motion by **SCOTT**: Confirm the mayor's appointment of Sid Moffatt to the Parks and Recreation Advisory Board. It was seconded by **ROSSMAN**. The motion carried unanimously.

2. Approval of a Grant Application to Upgrade the Chilkat Center Electrical and Sound Systems

Motion by **VOGT**: Authorize the manager to seek funds to upgrade the Chilkat Center Electrical and Sound Systems. It was seconded by **SCOTT**.

SEBENS said the Chilkat Center has quite a few electrical and sound system-related problems. The last infusion of big dollars in the electrical and sound systems was in 1980.

The motion carried unanimously.

12. SET COMMITTEE MEETING DATES

The Finance Committee meeting is still planned for March 28th at 5:30pm.

The assembly will meet only one time in the month of April. That meeting will occur on 4/18.

13. PUBLIC COMMENTS - NONE

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

ROSSMAN said he is interested in bidding on the tree removal from the school property. He asked if there would be any problem with that since he is on the assembly. All agreed that there was no problem with it and wished him well.

Mayor **SHIELDS** thanked the Public Library for the meeting accommodations.

15. ADJOURNMENT - 8:45pm

Motion by **SMITH**: Adjourn the meeting. It was seconded by **SCOTT**. The motion carried unanimously.

Fred Shields, Mayor

ATTEST:

Julie Cozzi, Borough Clerk