

Haines Borough  
Borough Assembly Meeting #92  
March 28, 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 Norm SMITH, Deborah VOGT, Stephanie SCOTT, Jerry LAPP, and Scott ROSSMAN. Absent: Luck DUNBAR.

Staff Present: Robert VENABLES/Borough Manager, Julie COZZI/Borough Clerk, and Scott BRADFORD/Fire Chief.

Visitors Present: Bonnie HEDRICK/CVN, Don TURNER III, David AMMON, Patricia BLANK, Emily SEWARD, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

SMITH suggested moving Item 11C4 to an earlier spot on the agenda to accommodate SEWARD. It was decided to place it between Items 6 and 7.

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

4. APPROVAL OF MINUTES\* March 14, 2006 Regular
5. PUBLIC COMMENTS - None
6. MAYOR'S COMMENTS/REPORT

The mayor recapped the recent Southeast Conference Mid-Session Summit in Juneau. There were many important topics and speakers, including Senator Ted Stevens and Governor Murkowski. He said that the Petroleum Production Tax continues to be the main topic of debate in the state. He added that VENABLES is the current president of Southeast Conference and is an esteemed individual within the state.

SHIELDS said that Tom Hall of Haines Sanitation visited the mayor and manager and has some issues regarding solid waste disposal in Haines. The mayor is referring the issues to the Government Affairs & Services Committee.

The mayor summarized the results of the 3/23/06 prehearing conference on the Eco Orca assembly appeal and went over the ground rules for them. The hearing is on 5/18/06 at 5:30pm.

- 11C4. Support for ACWA Grant Proposal - Takshanuk Watershed Council

[This item was moved to this spot during agenda approval.]

SEWARD spoke concerning the Takshanuk Watershed Council's

request for grant support. One of the projects the Council would like to be involved in is conducting a public awareness campaign regarding onsite septic systems. They would like to do a direct mailing and bring in an outside expert who would give a community presentation. In addition, there is interest in helping people connect with low-interest or no-interest loans for replacing failed septic systems. They are requesting a letter of support from the manager, and the grant is due on April 18<sup>th</sup>. **SCOTT** said the borough is looking at a wonderful gift potential. She wondered if the borough could offer the funders a promise to *investigate* ordinances that would require compliance with a certain level of septic system installation and maintenance.

**Motion** by **SCOTT**: Support the Takshanuk Watershed Council's grant application to seek monies to educate the public about onsite septic systems and to investigate ordinances. It was seconded by **VOGT**.

**VOGT** said the Planning Commission should be involved in the issue of septic systems. **ROSSMAN** asked if state law already addresses the issue. **VOGT** said it does but there is no way to know whether or not a person is in compliance. **VENABLES** said he would be happy to assist with a letter of support. **SCOTT** reminded the assembly that there would be an extensive public process prior to the adoption of any septic system ordinances.

The motion carried unanimously.

## 7. **PUBLIC HEARINGS**

### A. **Ordinance 06-02-136** - second 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 and closed the public hearing at 6:55pm; there were no comments.

**Motion** by **LAPP**: Adopt Ordinance 06-02-136. It was seconded by **SMITH**.

**VENABLES** said he discussed the ordinance with the fire chief. It is technically possible to fight fires when two buildings are only ten feet apart, but it is more challenging. This ordinance conflicts with the following requirement within the same 18.80.030 code section: *"The distance between unattached buildings must be 15 feet*

*except by a variance granted by the planning commission."*  
He recommended that the assembly send the ordinance back to the Planning Commission to look at it again.

The motion failed unanimously in a roll call vote, and the ordinance was not adopted.

**Motion** by **SCOTT**: Return the ordinance to the Planning Commission for reconsideration along with staff recommendations. The motion carried unanimously.

**B. Ordinance 06-03-137** - first hearing

**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 to 25 days to allow for earlier ballot printing and absentee ballot mailing, and to provide more time for a filed candidate to withdraw.**

Mayor **SHIELDS** opened and closed the public hearing at 7:03pm; there were no comments.

**Motion** by **LAPP**: Advance Ordinance 06-03-137 to a second public hearing on 4/18/06. It was seconded by **SMITH**. The motion carried unanimously.

**C. Ordinance 06-03-138** - first hearing

**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.**

Mayor **SHIELDS** opened and closed the public hearing at 7:04pm; there were no comments.

**Motion** by **LAPP**: Advance Ordinance 06-03-138 to a second public hearing on 4/18/06. It was seconded by **VOGT**. The motion carried unanimously.

**D. Ordinance 06-03-139** - introduction and first hearing

**An ordinance of the Haines Borough amending the Official Zoning Map of the Haines Borough to change the zoning of the properties along West Fair Drive within the Townsite Service Area from Industrial/Light Commercial to Commercial.**

**Motion** by **SCOTT**: Introduce Ordinance 06-03-139. It was seconded by **VOGT**. The motion carried unanimously.

Mayor **SHIELDS** opened the first public hearing at 7:05pm (it was appropriately advertised prior to this meeting).

**TURNER** explained that residents in the subject zone are not allowed to add on to their home, build a deck, or even

rebuild if the house is destroyed. Residential buildings in the commercial zone do not have the same restrictions.

The mayor closed the public hearing at 7:07pm.

**Motion** by **LAPP**: Advance Ordinance 06-03-139 to a second public hearing on 4/18/06. It was seconded by **ROSSMAN**. The motion carried unanimously.

## **8. STAFF REPORTS**

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

1. Southeast Conference - Mid-Session Summit
2. FY07 Budget Update
3. Disaster Assistance
4. Project Updates, inc. School, Boat Harbor, Water & Sewer, Public Works Shop, and Visitor Pavilion

**VENABLES** informed the assembly that Ocean Beauty Seafoods has been sold to Trident. He also distributed documentation to the assembly regarding the Tablemaker development proposal as well as the GC/CM alternate delivery method and selection process.

The mayor called on **AMMON** who spoke at length about his many concerns with the school construction project including the GC/CM RFP process. He distributed a document entitled "The Next Ten Weeks" containing his concerns and proposed solutions. One concern is the school bond investments that he believes are risky.

The mayor called a brief recess at 7:29pm. The meeting reconvened at 7:36pm.

**Motion** by **SCOTT**: Ask the Chief Fiscal Officer (CFO) to review the bond investments and report back to the assembly. It was seconded by **VOGT** for the sake of discussion.

**SHIELDS** said he spoke with the CFO today and asked her to contact the investment banker to ask questions about risk. He said the motion on the table is unnecessary.

**SCOTT** withdrew the motion. There was no objection.

**LAPP** reminded the assembly that all of the borough's investments will be reviewed during the budget process. **SCOTT** said she is very uncomfortable with the selection committee making the GC/CM selection and believes the assembly needs to be in on the ground floor in evaluating the contract. **ROSSMAN** agreed. **VENABLES** said the only way to make that happen is for the assembly to appoint

themselves as the selection committee because the Department of Education has certain requirements that have to be met. They require a selection committee with a maximum of five members and one of the persons must represent the state. The Oversight & Strategic Planning Committee (O&SP) appointed Brian Clay, Robert Venables, Debra Schnabel, and Woody Wilson to the selection committee along with Don Carney from the state. **SCOTT** said she does not understand that limitation. The assembly needs to be involved in the whole process and should make up the selection committee. **VOGT** said she understands that the O&SP Committee has already appointed the selection committee, and five proposals have been submitted for consideration. Each assembly member can review the five documents and choose to stand behind the appointed selection committee. She noted that the architects will recommend a selection, as well. **SHIELDS** asked who on the assembly has the knowledge to evaluate a very sophisticated document. **SMITH** expressed concern about the state member of the committee carrying more weight. **SHIELDS** assured him that Carney will only have one vote. **LAPP** said he believes the appointed selection committee should be accepted. The assembly could remain informed and still has to adopt the recommended selection and award the contract. **SCOTT** reiterated that she is uncomfortable with delegating the responsibility. **TURNER** was called upon. He said there will be a regimented rating system. The top two or three could come before the assembly. The assembly members can also attend the selection committee meetings. **AMMON** was called upon. He said that Carney has a construction background and is skeptical of the process and, for that reason, will be an asset to selection committee. **VOGT** asked if the assembly has the power to change the selection committee members. She would be satisfied if the committee had two assembly members on it.

**Motion** by **LAPP**: Appoint **SCOTT** and **VOGT** to the GC/CM selection committee. The motion was seconded by **SMITH**.

**SCOTT** declined saying that she does not have time. The assembly briefly discussed other options.

The motion was withdrawn by **LAPP**. There was no objection.

**Motion** by **SCOTT**: Appoint a GC/CM selection committee with the following members: Fred Shields, Deborah Vogt, Tim Maust, Debra Schnabel, and Don Carney. The motion was seconded by **SMITH**.

**TURNER** was called upon. He expressed concern that the

committee no longer has a member representing the school board. **SCOTT** responded that the school board is not paying the bills or entering into the contract.

The motion carried unanimously.

- 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 Affairs & Services
- 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 - None

11. NEW BUSINESS

- A. Resolutions - None
- B. Ordinances for Introduction - See Item 7D
- C. Other New Business

1. Award HVFD Fire Tanker/Truck Contract

Motion by **LAPP**: Award the contract to Midwest Fire Equipment for their tanker/truck proposal "B" for \$179,734. It was seconded by **ROSSMAN**. The motion carried unanimously in a roll call vote.

2. Liquor License Renewal Notification - Haines Elks Lodge

Motion by **ROSSMAN**: Make a statement of non-objection to the liquor license renewal for the Haines Elks Lodge. It was seconded by **VOGT**. The motion carried 4 to 1 with **SCOTT** opposed.

3. Sales Tax Exemption Request - JEDC

Motion by **ROSSMAN**: Grant sales tax exempt status to the Juneau Economic Development Council (JEDC). It was seconded by **SCOTT**.

**ROSSMAN** asked if Juneau would do that for Haines if the tables were turned. **SMITH** said he finds this awkward since the City and Borough of Juneau recently rescinded their out-of-town sales tax exemption program. **ROSSMAN** asked if there is a good reason to

grant this. **VENABLES** said JEDC does a lot of good in the region by assisting businesses, and they are non-profit. However, the burden is on them to make their case for sales tax exemption. **VOGT** noted the tax exemption for the first \$5,000 in construction costs that they could take advantage of. **SCOTT** said she doesn't believe that the City and Borough of Juneau is doing away with tax exemption for non-profits. She spoke in favor of granting the request. **LAPP** agreed.

The motion failed 2-3 in a roll call vote with **SMITH**, **VOGT**, and **ROSSMAN** opposed.

**12. SET COMMITTEE MEETING DATES**

**A. Approve Budget C.O.W. Schedule**

Motion by **LAPP**: Accept the budget meeting schedule. It was seconded by **ROSSMAN**. The motion carried unanimously.

**B.** The Government Affairs & Services Committee will meet on Friday, 4/7 at 3pm to discuss solid waste disposal issues.

**13. PUBLIC COMMENTS**

**BLANK** asked the manager to make sure the JEDC knows about the construction tax refund program.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCOTT** invited the assembly to the second prevention planning meeting at the library on Thursday, 3/30 at 6:30pm. 35 people attended the first meeting.

**SMITH** asked if there will be a Boat Harbor Advisory Committee meeting soon. **VENABLES** said two of the committee members are currently out of town, but a meeting will probably take place around April 6<sup>th</sup>. **SMITH** asked that the agenda include a harbor fire hydrant and the harbor skiff.

**VOGT** requested a review of the current borough attorney contract. The mayor instructed the clerk to research the issue in preparation for discussion by the assembly. He agreed to consider the item for the next meeting agenda.

**15. ADJOURNMENT - 8:32pm**

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

ATTEST:

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Fred Shields, Mayor

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Julie Cozzi, Borough Clerk