

  
**Haines Borough**  
**Borough Assembly Meeting #93**  
**April 18, 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**, Stephanie **SCOTT**, Jerry **LAPP**, Scott **ROSSMAN**, Luck **DUNBAR**, and Deborah **VOGT** (via teleconference).

**Staff Present:** Julie **COZZI**/Borough Clerk and Lori **STEPANSKY**/Tourism Director.

**Visitors Present:** Bonnie **HEDRICK**/CVN, Christijan **DRAPER**/KHNS, Don **TURNER III**, David **AMMON**, Patricia **BLANK**, Paul **NELSON**, Fred **GRAY**, Dan **EGOLF**, Chris **SCHELB**, Bob **HENDERSON**, George **FIGDOR**, Shane **ROBERTS**, and Michael **TAVOLIERO**.

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

**SHIELDS** suggested moving Item 11A1 to an earlier spot on the agenda to accommodate **TAVOLIERO**. It was decided to number it "4A". **ROSSMAN** requested the removal of Item 11C4 from the agenda. **SHIELDS** pointed out that it will only be a brief discussion item.

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

4. **APPROVAL OF MINUTES\*** March 28, 2006 Regular

- 4A. **Resolution 06-04-086** (moved from New Business)

A resolution of the Haines Borough Assembly supporting the TableMaker white paper as submitted to USDA Rural Development for \$225,000 to fund the TableMaker Active Living Senior Community Project Phase I.

**Motion** by **LAPP**: Adopt Resolution 06-04-086. Seconded by **SMITH**.

**Motion to Amend** by **SMITH**: Add an additional WHEREAS to say that the Haines Borough will be in no way now or in the future financially obligated to the TableMaker senior active living facility. It was seconded by **ROSSMAN**.

**VOGT** asked if the USDA grant would come through the Haines Borough. **TAVOLIERO** said he is unsure at this point but he understands it is possible that the USDA may require the funds to be passed through the Borough.

The amendment motion carried unanimously.

**ROSSMAN** asked for an explanation of the term *white paper*. **TAVOLIERO** explained that it is the term the USDA gave him to use for his phase I plans.

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

#### 5. PUBLIC COMMENTS

**NELSON** said he attempted to speak with the assessor and asked if the conversation could be recorded. The assessor refused. He asked the borough assembly to provide an answer to the following two questions as soon as possible: 1) Does a taxpayer have the right to record a conversation with the assessor, and 2) Can the assessor be examined under oath? He believes the answers to those questions are necessary to enable him to go forward with his assessment appeal decision. On another topic, **NELSON** asked the assembly to endorse the peace resolution or to draft its own.

**AMMON** said he was following up on his request for the borough to diversify its investment portfolio. His #1 goal is that the new school be built under budget. He expressed concerns that the borough is violating the code regarding its investments. The mayor asked him to submit his written document to the Clerk. **SCOTT** recommended that **AMMON** take his issues up with the Finance Committee. **SHIELDS** agreed.

**FIGDOR** said the wording in the peace resolution was taken from resolutions adopted by other towns. The wording was chosen in a way that would not be offensive, and a lot of thought went into it. The latest polls have the majority of Americans wanting peace. He encouraged the assembly to review it and make a statement.

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

The mayor recently attended the Avian Flu Pandemic Summit in Anchorage. He summarized the conference and said that Senator Ted Stevens spoke and called the Alaska "ground zero." **SHIELDS** added that there will be efforts to educate the population. It will all come down to local planning.

The mayor reminded the assembly that he and the deputy mayor will join the manager in Washington D.C. April 24-26 to meet with the delegation and the borough's lobbyists regarding the boat harbor expansion and other projects.

#### 6. PUBLIC HEARINGS

A. Ordinance 06-03-137 - second 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 7:04pm; there were no comments.

**Motion** by **LAPP**: Adopt Ordinance 06-03-137. It was seconded by **SMITH**. The motion carried unanimously in a roll call vote, and the ordinance was adopted.

**B. Ordinance 06-03-138 - second 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 7:05pm; there were no comments.

**Motion** by **SCOTT**: Adopt Ordinance 06-03-138. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote, and the ordinance was adopted.

**C. Ordinance 06-03-139 - second 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.

Mayor **SHIELDS** opened and closed the public hearing at 7:06pm; there were no comments.

**Motion** by **LAPP**: Adopt Ordinance 06-03-139. It was seconded by **SMITH**. The motion carried unanimously in a roll call vote, and the ordinance was adopted.

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

John Schnabel has applied for a 2006 Commercial Tour Permit to conduct a tour within the Haines Borough. The tour will involve transportation in a 15-passenger bus to and from downtown Haines to visit the Big Nugget Mine at Porcupine Creek. Title 5 requires a public hearing on all new commercial tour permit applications.

Mayor **SHIELDS** opened and closed the public hearing at 7:13pm; there were no comments.

Bob Henderson asked if the road is approved and safe. SMITH said he drove it last fall and is very driveable. ROSSMAN said it has not technically been road. The borough is waiting on permits to finish the road alignment, but right now it is definitely serviceable in the mean time.

**Motion** by **LAPP**: Approve the Big Nugget Mine tour for application to the Clerk. It was seconded by **SMITH**.

The motion carried unanimously in a roll call vote, and the tour was approved.

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

Butch Carber has applied for a 2006 Commercial Tour Permit to conduct two different adventure tours within the Haines Borough. This company is based in Juneau and has been operating in Southeast Alaska since 1972. Title 5 requires a public hearing on all new commercial tour permit applications.

Mayor **SHIELDS** opened the public hearing at 6:55pm.

**EGOLF** said one of the two proposed tours involves hiking on the Battery Point Trail. That trail is the most impacted trail in the area. He would like to see Alaska Discovery Tours subcontract with local companies to provide the hiking tours for their customers.

**Motion** by **SMITH**: Approve the Alaska Discovery tour and authorize the clerk to proceed with processing the application. It was seconded by **ROSSMAN**.

**SMITH** agreed with **EGOLF** that the borough should encourage Alaska Discovery Tours to utilize local tour operators as opposed to permitting another tour operator. He also expressed concern that the Battery Point Trail area could expand into something akin to the Chilkoot River Corridor. **SHIELDS** explained that these are high-end, small group tours. This company has gone out of their way to move their tours into Haines. Wherever this group goes, they bring a lot of money. **SCOTT** noted the company's letter stating that they are using local companies for certain aspects of their tours, but are not using local naturalists. She suggested that local naturalists contact the company to offer their services. **SCOTT** added that she has interacted with this company and the groups are indeed small and have a limited impact. She said one of the things the assembly struggles with is how to measure impact on any of the areas. **LAPP** noted that State Parks has the opinion that the Battery Point Trail is not yet

overused. **EGOLF** was called upon. He said in the State Park's parking plan, the Battery Point trailhead is reduced in length and greatly impacts the trailhead. **SHIELDS** noted that the borough does not have anything to do with that. **SCOTT** disagreed saying the borough advises federal and state agencies all the time to encourage and discourage. The borough could effectively weigh in on it.

The motion carried 5-1 in a roll call vote with **SMITH** opposed, and the tour application was approved for processing.

#### **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**
- C. Personnel**
- D. Government Affairs & Services**

**SCOTT** said the committee met to discuss the issue of burning within the townsite. An ordinance will probably come before the assembly in May regarding burning. **ROSSMAN** suggested adding to the code that a person may not "propagate the fire with stumps and brush after 8:00pm." All assembly members concurred.

- 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**

##### **1. Resolution 06-04-087**

A resolution of the Haines Borough Assembly supporting equitable school funding for Southeast Alaska's children.

**Motion** by **SCOTT**: Adopt Resolution 06-04-087. It was seconded by **DUNLAP**. The motion carried unanimously in a roll call vote, and the resolution was adopted.

**2. Resolution 06-04-088**

**A resolution of the Haines Borough Assembly declaring children as Alaska's top priority.**

**Motion** by **SMITH**: Adopt Resolution 06-04-088. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote, and the resolution was adopted.

**A. Ordinances for Introduction**

**1. Ordinance 05-09-122**

**An ordinance of the Haines Borough amending Haines Borough Code 3.70.040(D) to include the Chilkat Valley Historical Society Charles Anway Property in the list of tax-exempted properties.**

**HENDERSON** was called upon. He said the property is important for the borough to look at. The cabin is over 100-years-old and is still in good condition. The building was donated by the Meacock family and Chilkat Valley Historical Society (CVHS) has now finished paying off the property. The school children really enjoy the tours. CVHS is trying to get grants to install a parking lot to enable greater public use. This would be a unique public attraction for the community. He asked the assembly to grant the exemption request by adopting the ordinance.

**Motion** by **ROSSMAN**: Introduce Ordinance 05-09-122 and advance it to a first public hearing on 5/9/06. It was seconded by **LAPP**. The motion carried unanimously.

**2. Ordinance 06-04-140**

**An ordinance of the Haines Borough amending Haines Borough Code 18.60.010 to add the Special Conditions Permit as one of the permits subject to general approval criteria.**

**SHIELDS** said this ordinance requires more research and should be postponed. It appears that the planning commission would take on more responsibility for the area outside the Townsite and the impact on the property owners could be significant. **SCOTT** said the planning commission did not provide enough rationale. **VOGT** said she met with a couple of commission members and concluded that the general approval criterion does not currently apply to subdivisions outside the townsite. This code amendment would change that. She did agree that the impact could be significant and said that the planning commission should hold public

hearings on it and give the public a chance to weigh in. The assembly members all concurred that the ordinance should be postponed and returned to the planning commission for reconsideration.

**3. Ordinance 06-04-141**

**An ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY06 Budget.**

**Motion by SMITH:** Introduce Ordinance 06-04-141 and advance it to a first public hearing on 5/9/06. It was seconded by **LAPP**. The motion carried unanimously.

**C. Other New Business**

**1. Award 2006 Cruise Passenger Shuttle Service Contract**

**Motion by DUNBAR:** Award the contract to Chilkat Cruise & Tours as proposed. It was seconded by **LAPP**.

**SMITH** said the map route needs to be amended to remove Tower Road, because it's a narrow roadway in a residential area. He suggested that the bus route could come down the hill---there is plenty of room to park around the AIA or old hospital area---then proceed down Portage Street, which is a wider street and the Fort's business area. **ROSSMAN** suggested that the route map could be tweaked after the contract is awarded since the dollars and cents would not likely be affected. **SCOTT** disagreed saying that it is important to have the bus route discussion in public. **DUNBAR** asked **ROBERTS** if it would be a problem to move the route over one road. **ROBERTS** said Chilkat Cruises does not care what route is used and has no problem with adjusting it. He just wants the assembly's blessing for the route, whatever it is, that will be the established one for this year.

**Motion to Amend by SMITH:** Change the contracted bus route by removing Tower Road and having the bus travel down Portage Street with a stop near AIA. It was seconded by **LAPP**. The amendment motion carried unanimously.

The main motion carried unanimously in a roll call vote and the shuttle contract was awarded to Chilkat Cruises.

**2. Award the GC/CM and SERRC Contracts**

**SHIELDS** explained that the borough received a protest by one of the bidders, McGraw Custom Construction. Legal counsel has advised delaying award until an appeal hearing on May 3. **ROSSMAN** said one option is to

put a stop to the current process and start over. **SHIELDS** said it is an option but legal counsel advises the hearing. On a related note, **ROSSMAN** said the borough needs one person to be at the helm of the school project. **VOGT** agreed and said it should be Brian Lemcke, the project manager.

**Motion** by **VOGT**: Set a hearing for May 3, 2006 at 6:30pm to hear the McGraw Custom Construction RFP appeal. It was seconded by **LAPP**. The motion carried 4-2 with **SMITH** and **ROSSMAN** opposed.

**Motion** by **LAPP**: Award a contract to the SERRC to provide some school project administration services. It was seconded by **VOGT**.

**SCOTT** said she believes the SERRC contract is redundant---money that doesn't need to be spent. **COZZI** explained briefly that the project clerk had expressed concern that SERRC had not responded to requests for a new proposal. Therefore, the borough is unclear as to what services it would be getting through the contract.

The motion failed unanimously.

### **3. Award Visitor Center/Restrooms Janitorial Services Contract**

**Motion** by **SCOTT**: Award the 2006 Visitor Center/Restrooms Janitorial contract to low-bidder, MachineWorks. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

### **4. U.S. Cities for Peace Petitions**

The assembly chose not to take action on this agenda item.

## **12. SET COMMITTEE MEETING DATES**

The budget C.O.W. on 5/2 will include a discussion of the borough's investment policies.

## **13. PUBLIC COMMENTS**

**SCHELB** noted the bad experience Ketchikan School District has had in its dealings with McGraw Custom Construction.

**AMMON** expressed concerns about the makeup of the school project's Oversight & Strategic Planning Committee. He also recommended that the meetings be chaired by Brian Lemcke and be held on a weekly basis beginning right away. Additionally, he suggested that the assembly oversee the project manager position rather than the borough manager.

**NELSON** said both drafts of the peace resolution were submitted to provide the assembly with two options and are not set in stone. He noted that almost 200 people signed it and questioned how it could be ignored.

**HENDERSON** complimented the mayor and assembly on the fine conduct of the meeting.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCOTT** said the legislators from Fairbanks and Anchorage don't seem to understand that people from Haines and Skagway are against the road. She said a Juneau Empire ad is planned that will contain individual names. She passed a document around that assembly members could sign on as individuals if they were interested.

**Motion** by **VOGT**: The Haines Borough Assembly should officially sign onto the ad in opposition to the road. Seconded by **SCOTT**.

**SMITH** disagreed with the motion and said it would be better to sign on as individual assembly members as opposed to a group.

**Motion to amend** by **SMITH**: Authorize individuals on the assembly to sign on as a Haines Borough Assembly Member. Seconded by **SCOTT**.

The amendment motion carried with a 3-3 tie vote being broken by Mayor **SHIELDS** voting in favor of it. **DUNBAR**, **LAPP**, and **ROSSMAN** were opposed.

It was clarified that assembly members would be allowed to sign on to the ad if they wanted to, but not required to participate.

The main motion carried unanimously.

**SCOTT** announced that the third meeting on substance abuse will be at the library on 4/16/06 from 6:30 to 8:30pm. She invited the assembly to attend, and said it is a project with heart.

**15. ADJOURNMENT - 8:40pm**

**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