

Haines Borough
Borough Assembly Meeting #100
August 22, 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**, Luck **DUNBAR**, Jerry **LAPP**, Stephanie **SCOTT** and Scott **ROSSMAN**, and Deborah **VOGT**.

Staff Present: Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, and Bob **WENTWORTH**/Harbormaster.

Visitors Present: Bonnie **HEDRICK**/CVN, David **BUTTON**, and Dave **AMMON**.

3. APPROVAL OF AGENDA & CONSENT AGENDA

Mayor **SHIELDS** - Remove New Business Item 11C4 from the agenda. The property owner has withdrawn the appeal.

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

4. APPROVAL OF MINUTES* August 8, 2006 Regular

5. PUBLIC COMMENTS

AMMON spoke regarding the school project amendment. He recommended that the amendment not be approved. He said he attended the Oversight & Planning Committee meeting and believes there is no time or cost benefit to the amendment. He believes the construction window is essentially closed now. The contractor is hoping for the weather to hold off, but **AMMON** thinks the roof will not be on the building before winter. He also said his research shows that steel prices are actually going down, and it makes no sense to stockpile steel through the winter.

6. MAYOR'S COMMENTS/REPORT

SHIELDS said Malcolm Menzies, Southeast Regional Director for the Alaska Department of Transportation, will be meeting with the assembly and the planning commission in a joint work session. He asked the assembly for input regarding how the work session should be conducted. He will chair the meeting. **SMITH** suggested that both bodies formulate some questions ahead of time and even share the list of questions with each other. **VOGT** suggested submitting them to Menzies ahead of time. **SCOTT** said it would be important to hand him, as an

aside, a synopsis of all of the actions that the assembly has taken and comments given. He should walk away with that paper in his hand.

7. PUBLIC HEARINGS

A. Ordinance 06-07-148 - Second Public Hearing

An ordinance of the Haines Borough amending Haines Borough Code Title 18 Sections 18.60.010 and 18.100.20 to add the special conditions permit for a subdivision as one of the permits subject to general approval criteria.

Mayor **SHIELDS** opened and closed the public hearing at 6:50pm; there were no public comments.

Motion by **SCOTT**: Motion to adopt Ordinance 06-07-148. It was seconded by **SMITH**. The motioned carried unanimously in a roll call vote.

8. STAFF REPORTS

A. Borough Manager

VENABLES summarized his written report including the following topics:

- School Construction Project
- Ice House Construction
- Human Resource Building Tenants
- Other Project Updates

SCOTT said she appreciated the Boy Scout letter the manager sent and said the issues were clearly-stated and well-thought out. **SHIELDS** added that the manager has done a great job and has risen to the occasion of dealing with the Boy Scout organization.

- 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**
- 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 06-08-092

A resolution of the Haines Borough Assembly acknowledging International Fetal Alcohol Syndrome Awareness Day.

Motion by **SCOTT**: Adopt Resolution 06-08-092. It was seconded by **VOGT**.

SCOTT said she hopes that the assembly will join the rest of the nation in recognizing the 9th day of the 9th month of every year to bring awareness of the absolute preventable nature of FASD. She noted that it is in the strategic plan to try to reduce the incidences of the disorders. She asked for the assembly's support.

The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. An ordinance of the Haines Borough amending Haines Borough code Title 2 Article IX, Sections 2.68.250 through 2.68.320, to enable earlier submission of applications for absentee voting and to simplify the absentee voting code.

Motion by **LAPP**: Introduce Ordinance 06-08-149 and set a first public hearing for September 12, 2006. It was seconded by **ROSSMAN**.

SCOTT thanked the clerk for her efforts to simplify the voting process.

The motion carried unanimously.

C. Other New Business

1. Award Pool Upgrades Contract

Motion by **LAPP**: Authorize the manager to negotiate a contract with the sole bidder, RenoSys Corporation, to perform the upgrades to the pool not to exceed the \$77,441 bid. The motion was seconded by **ROSSMAN**.

SMITH said he would like more information on the bidder, e.g. a resume. **VENABLES** said the point is well-taken regarding the background on the company and assured the assembly that bidder information will be provided in the future. **SCOTT** said if the manager recommends award, her assumption would be that he has

researched the viability of the company. **VENABLES** said staff has looked into this company and found that it is a respected company that has done work in other Alaskan communities such as Petersburg. **SMITH** said that is precisely the type of synopsis he would like to see each time a new company is being recommended for award.

The motion carried unanimously in a roll call vote.

2. Amendment to the School Project Pre-Construction Services Contract to Allow for Purchase of Construction Materials

Motion by **LAPP**: Authorize the amendment to the school pre-construction services contract to allow for the purchase of certain construction materials, including steel and roofing. The motion was seconded by **ROSSMAN**.

The mayor expressed concern that a Guaranteed Maximum Price (GMP) is not yet in place. **VENABLES** noted that the mayor seems to have successfully "lit the fire under the architects" and the project has momentum. He added that project manager Brian Lemcke spent the day in Juneau with the design engineers to hammer out the final points. Both of the steel and roofing bids came in under the amount allocated, and it is to the borough's best interest to move forward with them by approving this amendment. **SHIELDS** said he believes Dawson is a good company and does not believe the materials will just sit around until spring. He doubts there is time to get the whole roof on, but believes part of it will be on by winter. **VOGT** said she shares the mayor's concerns that there is no GMP. She also wanted to know who has the responsibility to hold feet to the fire. She expressed belief that it is an administrative function and the project manager reports to the borough manager. Any approval of sliding dates should be given by specified people like Brian Lemcke and Robert Venables. She said has a lot of faith in Dawson Construction, and she believes the borough needs to consider taking a leap of faith with this amendment. This part of the project will use domestic steel. The most prudent thing to do right now is to take the recommendation and allow Dawson to do what he believes is best. She expressed some discomfort with that, but said the problems are on the borough's side not Dawson's. **ROSSMAN** said the borough is going to need the materials regardless, and some of them are needed right

now. **LAPP** said the assembly did hire a project manager, and it is his recommendation that this amendment be approved. He disagreed with **AMMON**'s comments and said he does not believe pricing is going to go down. **SCOTT** said she does not share the faith in Dawson Construction that they will come to a good GMP. Perhaps the assembly should not authorize the materials amendment and insist upon a GMP. Then, Dawson can order whatever he wants. **SMITH** said there are no guarantees. He wants to know where the borough stands legally. He wants the GMP, and pressure needs to be applied to the contractor and architect to reach an agreement. He doesn't want the job done if it can't be done right. **SCOTT** said if the borough buys the materials they will become our responsibility even if they are sitting on the dock. **VENABLES** said the borough would not be taking responsibility for the materials. Dawson is the one that will be out on the limb. They are committed to building the school. **VOGT** tried to reassure the assembly that the process going on right now will produce a GMP that everyone can live with. **LAPP** noted that Dawson said if he can get the steel now, he can get it for a lower price from the manufacturer. **DUNBAR** asked where the materials would be coming from. **SHIELDS** said a steel company in Seattle. **AMMON** was allowed to speak. He asked why the borough would be paying a markup fee to buy materials. **VOGT** expressed concern that no one was present at the meeting that could answer some of the questions. **SHIELDS** admitted that this project all along has let the borough down at every turn. **VENABLES** said he believes Dawson is in more control of the situation. **SHIELDS** agreed that he has faith in Dawson but is not sure the assembly should be acting on faith. **ROSSMAN** agreed that the extra \$200,000 in the proposed amendment is a gray area and questionable. **DUNBAR** asked why Lemcke doesn't order the materials rather than paying the markup for Dawson to order them. **LAPP** noted that it is not just buying steel; it includes rebar, etc. **SHIELDS** said if a bunch of the steel is cut improperly; where does the responsibility lie? **SCOTT** said it should be tabled until there are answers provided to the questions. The document needs elucidation by Lemcke, Bettisworth, and Dawson. **SMITH** said he does not want to go on faith on a multi-million dollar project. He wants attorney advice since the assembly is dealing with taxpayer money. **VOGT** clarified that she is not working as an attorney on

this project at all. She recommended Stephen Nourse. **VENABLES** said another ten days to two weeks is the estimate for arriving at a GMP. There are several things still being negotiated. **SHIELDS** said as the project moves down the road and as savings are realized, added alternatives can begin to be added back in.

Motion to amend by **ROSSMAN**: Adopt the amendment, but only for the items needed immediately. Leave out steel fabrication, joist and decking, (the building and roofing). It was seconded by **LAPP**.

VOGT said the assembly needs to hear from Brian Lemcke first. She believes it is too complex a package to swallow without more support. **SMITH** said he cannot support the amendment.

The amendment motion failed in a tie vote with **SCOTT**, **VOGT**, **SMITH** opposed and the mayor breaking the tie with a no vote.

SCOTT called for the question. **SMITH** wanted to continue debate. The vote to move the question was a tie with **LAPP**, **SMITH**, and **ROSSMAN** opposed. The mayor voted no and debate was stopped.

The motion failed 3-3 in a roll call vote with **SMITH**, **SCOTT**, and **VOGT** opposed. The mayor broke the tie with a no vote.

3. **Award Lutak Dock Storage Building Contract**

Motion by **LAPP**: Authorize the manager to negotiate a contract with the low bidder, Stickler Construction, to construct the Lutak Dock Storage Building for an amount not to exceed the \$13,850 bid. The motion was seconded by **ROSSMAN**.

SMITH asked who pays for the materials. **WENTWORTH** said siding will be metal, the building will not be insulated, and the slab is already there. He said the building is just a basic lean-to with three sides. **SMITH** asked what will be stored there. **WENTWORTH** said a 4-wheeler when he gets one, there is a lot of lumber and snow-blowers that needs a storage location.

The motion carried unanimously in a roll call vote.

12. **SET COMMITTEE MEETING DATES**

The joint work session with the planning commission is scheduled for 6:00pm on Tuesday, 8/29, in the High School Open Area, to meet with Malcolm Menzies, SE Regional Director for AK DOT/PF regarding Haines Borough DOT projects.

The mayor and manager will contact the assembly if an emergency meeting is called for addressing the school project amendment. It was noted that legal counsel should be asked how this amendment would legally affect the borough.

13. PUBLIC COMMENTS

AMMON said he is also concerned that Oversight & Planning Committee member Debra Schnabel has taken over the job of school project clerk and wonders about the wisdom of having her continue as a member of the committee. During the recent meeting, he wasn't sure if she was there to take notes or to make decisions. **VENABLES** said Lisa Lashinsky is working back into the position. Schnabel is working on other projects.

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SMITH said he noticed that when driving down Main Street, a fully-loaded construction truck stopped in front of the Elks Lodge and started to back up without any cones, signs, or flaggers. He expressed concern that it is a big hazard. He also said the pool parking lot needs to be bladed because of huge potholes. He spoke to a couple of school board members and was told the school district does not have money to do it and that it would have to be the borough.

SCOTT said the statistics from the police department are interesting. She said she was told that there is a little check box on all of the crime report forms that is marked if alcohol was involved. The Clinic has a similar box on their forms. The alcohol-related facts could help the community become aware of the high cost of alcohol abuse. She added that a large percentage of crimes against people and property are related to alcohol.

VOGT said that one part of borough code says all roads have to be 24-ft wide and another part says the roads should be as narrow as possible. She asked that the manager be tasked with working on road standards.

15. ADJOURNMENT - 8:01pm

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

ATTEST:

Fred Shields, Mayor

Julie Cozzi, Borough Clerk