

Haines Borough
Borough Assembly Meeting #110
March 20, 2007
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG Mayor **SHIELDS** called the meeting to order at 6:32 p.m. in the Haines Borough Public Library and led the pledge to the flag.

ASSEMBLY ROLL CALL Present: Mayor Fred **SHIELDS** and Assembly Members Jerry **LAPP**, Doug **OLERUD**, Pete **LAPHAM**, Deborah **VOGT**, and Scott **ROSSMAN**. Absent: Luck **DUNBAR**.

Borough Staff Present: Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, Scott **HANSEN**/Planning & Zoning Technician II, John **WURST**/Assessor-Lands Manager, and Dan **COLEMAN**/Library Director.

PLANNING COMMISSION ROLL CALL Present: Chairman Lee **HEINMILLER** and members Kathleen **MENKE**, Rob **GOLDBERG**, and Don **TURNER III**.

Visitors Present: Matt **HAWTHORNE**/CVN, Mike **CASE**, Dave **BERRY**, and Greg **STUCKEY**.

2. **JOINT MEETING WITH THE PLANNING COMMISSION**

A. General Planning Issues

GOLDBERG said the planning commission has been trying to improve the communication with the assembly over the last year. **SHIELDS** said the assembly gets the minutes and also **VOGT** is the liaison. **GOLDBERG** says things have improved. **MENKE** and **HEINMILLER** both expressed appreciation for **VOGT'S** regular attendance at the commission's meetings.

Regarding the tabled HCMP ordinance, **HEINMILLER** said there is not a lot of additional opportunity for review in spite of the governor's extension. **MENKE** thanked the assembly for tabling the ordinance so that the public has an opportunity to speak to it whether or not the planning commission or assembly are actually able to make any amendments to the federal document.

MENKE also said it would be helpful if there were some mechanisms in place for the planning commission to weigh in on the Haines waterfront, transportation plan, and water-sewer issues. There should be opportunity for input early in the process.

HEINMILLER summarized the following five projects as priorities supported by the planning commission to the assembly in a written document:

1. Mission Street Force Main
2. Water/Sewer Extensions vs. Maintenance of Existing System
3. Piedad Water Source
4. Morgue Improvements
5. Harbor Waterfront Transportation Plan

VENABLES encouraged the planning commissioners not to hesitate to ask him questions and seek information out. He briefly explained some of the water-sewer projects currently happening. He agreed that the waterfront project would be perfect for the commission's involvement. The planning commission should not hesitate to take on a project whether or not it is formally handed to them.

VOGT asked how the CIP list gets drawn up and at what point the assembly gets involved. **VENABLES** said in theory there is a 6-year plan but in actuality, the only the first year is funded. The budget process causes the list to be drawn up which is then submitted with the assembly along with the proposed budget. The list is developed with requests received from the department heads. **SHIELDS** added that it is a living document. **HEINMILLER** noted that some of the CIP projects rolled onto the borough's list from the former City list.

VOGT asked when the planning happens on the CIP projects and said she would like to see a flow of projects. She asked for a synopsis of how the ice house made it on the CIP list. **GOLDBERG** said the ice house came to the planning commission with a site plan and a drawing. There really wasn't much of a choice of where to put it in the harbor. He observed that the planning commissioners are not experts, so it can be difficult when looking at plans. If they had had fishermen coming to the planning commission meetings, it would have helped a lot. The commission needs more input at times; they need expert advice more than they are getting it. He said the planning commission tried to do the best they could on the ice house. "Who could foresee that the roof would look the way it does? Sure it's industrial looking, but it was the one that the funding allowed. There was no alternative."

HEINMILLER, regarding the proposed Mt. Riley Road LID, said the borough's property is great view property that the planning commission recommended for future selling. He said underground utilities would be preferred. **SHIELDS** suggested

the commission officially make that recommendation to the assembly. **LAPP** agreed that underground would be cleaner and provide better views. **VENABLES** did not disagree but noted that underground utilities cost substantially more. **OLERUD** said the current project could be overhead, but it should switch to underground for the borough's view lots. **LAPHAM** said from a maintenance standpoint overhead is easier. He advised that until the properties along the road are more developed, it would be more expensive to bury lines only to have them disturbed.

B. Six-year CIP

VENABLES drew everyone's attention to the FY08 CIP list and said that the final draft is currently being worked on. He spoke to some of the additions being considered based on department head input and the course of managing the borough's affairs. He said that essentially everything in the water-sewer master plan was plugged into the CIP since the plan was approved by the borough assembly. He said he would appreciate guidance from the planning commission and the assembly regarding the Port Chilkoot firehall. Between the planning commission, assembly, and staff, it would be good to prioritize the needed projects. He asked **HANSEN** to speak to the road inventories currently being compiled. **HANSEN** said there are 136 Rights of Way within the borough. The completed road inventory will help to be a planning tool. He added that the borough is working on possible sidewalk standards, as well. **LAPHAM** asked if there are standards in place for evaluating a road such as population, traffic flow, drainage issues, and location, etc. **HEINMILLER** said the planning commission is currently reviewing the draft road standards presented to them by the borough manager. **GOLDBERG** said the planning commission needs input from the maintenance staff and the general public about different roads. **MENKE** said some places in the borough are critical habitats. She doesn't want the commission to have to rush through the project. **VENABLES** said the planning commission does not have a deadline and can take all the time they need. He added that the road inventories need to include the condition of the utility lines beneath them.

GOLDBERG said it is time for the planning commission to renew the Comprehensive Plan. The initial plan development was a big job in 2004. There were some really good comments and suggestions made last time with no time to adequately consider and incorporate them. One idea is to include an index to make the plan easier to use. **HEINMILLER** said he is

aware of new individuals that have come to town and actually read the comprehensive plan and appreciated its existence. **SHIELDS** thanked the planning commission for the work they do. **GOLDBERG** reiterated that they are volunteers and not experts. They need expert advice to help make good decisions; they need more information and input from other people.

B. Joint Meeting Adjournment - 7:26pm

3. APPROVAL OF AGENDA & CONSENT AGENDA

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

4. APPROVAL OF MINUTES* 3/13/07 Regular

5. PUBLIC COMMENTS - None

6. MAYOR'S COMMENTS/REPORT

The mayor pointed out the proposed budget meeting schedule. He said that the 4/24 regular assembly meeting may be cancelled since he will be in Washington D.C. with **VENABLES** and **OLERUD** at that time. There was objection to the budget meeting schedule.

7. PUBLIC HEARINGS - None

8. STAFF REPORTS

A. Borough Manager

The manager summarized his written report that included the following topics:

- **Water Resources Development Act (WRDA)**
- **Fire District #3**
- **CCWSS Utility Merger**
- **Port Security Exercise**
- **USFS Tongass Lands Management Plan**
- **FY08 Budget update**

LAPP said that the Klehini Valley (KVFD) fire chief brought up the idea of providing fire services to Klukwan in exchange for the village putting a new fire truck as their top legislative priority. The truck would belong to the borough and would be located at the KVFD fire hall.

ROSSMAN said he is opposed to the Crystal Cathedrals (CCWSS) buy-out idea. He agrees with the late manager, Marco Pignalberi's opinion that the municipality shouldn't bail a business owner out of a bad investment. **SHIELDS** said the borough is not interested in getting a retail price and writing out a check.

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 07-03-099

A resolution of the Haines Borough Assembly Haines Borough, Alaska, setting the dates of the 2007 Board of Equalization.

Motion by **LAPHAM**: Adopt Resolution 07-03-099. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

2. Resolution 07-03-100

A resolution of the Haines Borough Assembly Haines Borough, Alaska, authorizing participation in the Deferred Maintenance and Accessibility Improvements Capital Grant Program.

Motion by **LAPP**: Adopt Resolution 07-03-100. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction - None

C. Other New Business

*1. Board Appointment

Appoint Gene Kennedy to the Fire Service Area #4 (Mud Bay) Board.

2. Tank Farm Property - Chilkoot Indian Association Requests

LAPHAM asked **STUCKEY** if the Chilkoot Indian Association (CIA) has both industrial and residential plans. **STUCKEY** said the plan is to keep it strictly industrial. **LAPHAM** said he would be opposed to any residential development plans. **STUCKEY** said it is a

beautiful location and most valuable because of its deep port. **SHIELDS** said the conveyance portion of the property amounts to about 90 acres. The remaining area would be reserved because it is still being cleaned up. **STUCKEY** estimated 10 to 15 years before the cleanup is complete.

VOGT asked about the legal claim. **STUCKEY** said there is not a strong legal obligation for the federal government to return it to the tribe. The CIA has an aboriginal claim on it because it was the site of the Tanani Village. He speculated that it would likely take an act of congress to convey it to the Bureau of Indian Affairs and then the CIA would get it from them.

OLERUD said when the tank farm property surplus issue first came up, the former City of Haines expressed an interest in it because of its economic potential. He asked what the CIA would offer the borough as compensation for loss of sales tax revenue and other economic potential in the event the borough decided to support the CIA's claim to the property. **STUCKEY** said the tribe has discussed this question and is interested and quite aware of the importance of not cutting off this revenue stream for the borough. He said jobs created by the tribe's developments would be open to all, although there would still be a native preference.

SHIELDS said there will be a joint meeting of the borough assembly and the CIA tribal council to continue discussion of the issue. **STUCKEY** recommended the assembly go into the meeting with a position and a wish list. **SHIELDS** said the tank farm is not presently the borough's to give. The grace of stepping aside is what it can give. The CIA doesn't know what they would do with the land, so it is speculative at this point.

LAPP asked what benefit it would be for the borough to step aside. **STUCKEY** said the CIA is in a more agile position to take on the project. They have funding and resources to develop it. He spoke confidently that it would not be an allotment or reservation or Indian country or a state within a state. The CIA is a part of the whole community. **LAPHAM** asked if stepping aside on the 90 acres automatically shuts the borough out from the future portion that is still being cleaned up. **STUCKEY** stated that the CIA definitely wants the entire property.

ROSSMAN said he believes there is room for an agreement of some type. **BERRY** noted the importance of making sure the property goes to either CIA or the borough. Property at the top of FAA road is now owned by Cook Inlet Regional Inc. because the tribe and the city were in a dispute.

3. Indian Reservation Roads (IRR) Program

STUCKEY explained the IRR program. He said right now the Chilkoot Indian Association (CIA) portion of the funding is only \$350,000 for FY07. They are working with the borough manager to identify the roads most in need of funding assistance. If it's in the CIA road inventory, then they can spend some of their Borough of Indian Affairs (BIA) road money on it. The Chilkat Indian Village (CIV) or the CIA can either give money to the borough who would manage the construction or the tribe could manage the project per borough specifications and instructions. **SHIELDS** asked if the tribes could work on the borough's roads without asking. **STUCKEY** said the memorandum-of-understanding (MOU) exists because the BIA wants the borough to be responsible for the maintenance of the roads. **BERRY** added that the BIA specifications are the same as the federal highway administration. There was no objection to the mayor signing the CIA and CIV MOUs.

4. Assembly Support for PERS/TRS Relief

SHIELDS said **VOGT** asked for assembly endorsement of the AML solution. **VOGT** said she thought that the borough should support AML in their efforts to shift the responsibility for PERS on to the state where it belongs. **VENABLES** said the day after the AML resolution came out, there was legislation introduced that would cap a municipality's contribution at 22%. **SHIELDS** said there is probably no hotter issue for any of the municipalities. **VOGT** expressed concern that if the state solves the PERS problem, they will see no need for revenue sharing.

12. SET COMMITTEE MEETING DATES

The assembly scheduled Saturday, March 31, 11:30am to meet as a committee-of-the-whole jointly with the CIA Tribal Council to discuss the tank farm property.

April 3rd at 6pm was tentatively set for the assembly to meet with a representative from Alaska Permanent Capital Management.

13. PUBLIC COMMENTS - None

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

OLERUD wants to see more information from the manager and the assessor regarding properties and improvements that are not on the tax roll. He would like to see some type of penalty, etc. **SHIELDS** asked for options with rationale so that the assembly could make informed decisions. **WURST** said property improvements not on the tax roll are discovered almost every time he goes out.

VOGT asked about the inventory of the harbor's maintenance needs compared with the \$3.4 million the borough received from the state. **VENABLES** said the inventory is still in process and over the course of the year the items will be priced out. On another topic, she asked if ground water testing should be done on the borough's land that is adjacent to the landfill. Her understanding is that some of it is contaminated. The manager was asked to look into the testing. On a different topic, **VOGT** asked about the plans for improving FAA Road. **VENABLES** said it is the borough's intention to use CIP funds to pave FAA Road behind the Officer's Row along with other roads while paving crews are in Haines.

15. ADJOURNMENT - 8:42pm

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

Fred Shields, Mayor

ATTEST:

Julie Cozzi, Borough Clerk