


Haines Borough
Borough Assembly Meeting #111
April 17, 2007

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 and led the pledge to the flag.
2. **ROLL CALL** **Present:** Mayor Fred **SHIELDS** and Assembly Members Jerry **LAPP**, Doug **OLERUD**, Pete **LAPHAM**, Luck **DUNBAR**, Deborah **VOGT**, and Scott **ROSSMAN**.

Staff Present: Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, Lori **STEPANSKY**/Tourism Director.

Visitors Present: Tom **MORPHET**/CVN, Carolyn **WEISHAHN**, Don **TURNER** Jr., Don **TURNER** III, Thom **ELY**, Chuck **MITTMAN**, Debra **SCHNABEL**, Daymond **HOFFMAN**, Greg **STUCKEY**, Paul **NELSON**, Mike **DENKER**, Irv **OLSON**, and others.

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

The mayor requested the addition of an item under New Business: 11C(9) - Executive Session to discuss property acquisition. There was no objection.

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

4. **APPROVAL OF MINUTES*** 3/20/07 Regular

5. **PUBLIC COMMENTS**

Weishahn said she believes it is important to keep the executive session recording requirement in the code to maintain public transparency, and she urged the assembly not to introduce the ordinance. Regarding the heliski map amendment request that came before the Commerce Committee, she said the current map went through a very comprehensive review, and it should be in use for another year before review.

NELSON agreed with **WEISHAHN** about the executive session ordinance and said it keeps the assembly more trustworthy.

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

Mayor **SHIELDS** informed the audience and assembly that the studded tire season has been extended by the State until the end of April (an additional 2 weeks).

The mayor told the audience that the assembly met jointly with the CIA Tribal Council. At that meeting, CIA made a presentation regarding the acquisition of the tank farm

property by the CIA. A result of that meeting is the general acknowledgement that the borough manager and the CIA executive director will collaborate to hire a third party to research the issues and ramifications involved.

SHIELDS said he attended the Southeast Conference Mid-Session Summit in Juneau with the manager. The two of them also met with legislators while there.

The Foraker Group will be in Haines on May 3rd to conduct a board training. The borough will pay for any assembly member or board/commission member who wishes to attend. The training information will be distributed.

7. PUBLIC HEARINGS - None

8. STAFF REPORTS

A. Borough Manager

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

- Haines Harbor Expansion Update
- Project Updates: PC Dock, Ice House, Harbor Fuel Line Replacement, Public Works Shop, and School Project
- Personnel Changes
- Excursion Inlet Survey and Lands Selection

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

ROSSMAN said the committee met to hear a request from a heliski operator regarding amendments to the current "Helicopter-supported Recreation Areas" map. The committee seeks advice from the assembly on how to proceed. One option is to form a four-person map review committee made up of one member of the Commerce Committee and Assembly Member **VOGT**, with each of them selecting an individual from the community to serve. **DUNBAR** volunteered to be on the committee. **OLERUD** said the map review should not occur for at least two years. **ROSSMAN** said he does not see anything wrong with a review that may or may not change the map. It has been in place now for two years and one of the original map committee members called for a review of it after two years anyway.

Motion by **ROSSMAN**: Form a committee to review the helicopter map by October; the committee is to consist of assembly members Vogt and Dunbar, and one person chosen by each to make a committee of four. It was seconded by **LAPP**.

VOGT recalled that **DUNBAR** will be working out of town during the summer.

Motion by **VOGT**: Amend the motion to substitute Lapham for Dunbar. It was seconded by **ROSSMAN**.

DUNBAR said he believes he can function well as a member of the committee via computer and phone while he is away.

The amendment motion carried 4-2 with **DUNBAR** and **OLERUD** opposed.

The main motion as amended carried 4-2 with **OLERUD** and **VOGT** opposed.

- 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 07-04-101

A resolution to declare intention to create a Mt. Riley Road Local Improvement District for the purpose of providing electric power.

Motion by **LAPP**: Adopt Resolution 07-04-101. It was seconded by **ROSSMAN**. The motion carried unanimously in a roll call vote.

ROSSMAN said he likes the *share by lot frontage* method of apportionment. **LAPHAM** agreed but said he would like to hear more pros and cons. **TURNER** III was allowed to speak and said he believes the fairest is the lot frontage method. He said shared distance and equal shares are close to the same for his property, but for other property owners it is not equal. Paying for the power line that crosses your property is the fairest way. **ROSSMAN** asked if the assessment is over 20 years with the borough paying it up front. **VENABLES** said there

is a more aggressive 5-year assessment program with incentives. **VOGT** asked if a subdivided lot has to pay extra for the different hookups. **OLSON** was called upon. He said each person hooking up will get \$3,000 credit. However, the incentive program is only for five years. If a person hooks up after 3 years, they would only get credit for the remaining 2 years in the program. He explained that there are two different credits available: 1) \$3,000 for anyone who hooks up to power, and 2) the assessment tax will be rebated during the five-year program by deducting a percentage of the assessment from the person's phone bills.

Motion by **OLERUD**: Adopt the *share by frontage* apportionment method for the proposed Mt. Riley Road LID. It was seconded by **VOGT**.

VENABLES reminded the assembly that the LID would be created by ordinance with two public hearings, so the assembly will have an opportunity to reconsider the apportionment method.

Motion carried 5-1 with **LAPHAM** opposed.

B. Ordinances for Introduction

1. Ordinance 07-04-153

An ordinance of the Haines Borough amending Haines Borough code Title 18 Sections 18.20.020, 18.60.010-020, and 18.70.030-040 to regulate cemeteries and the burial of human remains.

Motion by **OLERUD**: Introduce Ordinance 07-04-153 and advance it to a first public hearing to be held on May 8, 2007. It was seconded by **VOGT**. The motion carried unanimously.

2. Ordinance 07-04-154

An ordinance of the Haines Borough amending Haines Borough code Title 2 Section 2.10.040 to remove the requirement to record executive sessions.

Motion by **OLERUD**: Introduce Ordinance 07-04-154 and advance it to a first public hearing to be held on May 8, 2007. It was seconded by **LAPHAM**.

SHIELDS said there are few reasons to listen to recordings of executive sessions and it requires a court order. There are few municipalities in Alaska that record them; it is not commonly done. **VOGT** said she agrees with **WEISHAHN** that the recording encourages accountability. **LAPP** said the code wording needs to be clarified even if the recording requirement is not removed. **WEISHAHN** was allowed to speak. She said she

found five communities in Alaska that do record executive sessions. She believes it is important because if someone thinks what went on within an executive session was inappropriate they can petition the court to listen to the recording.

The motion carried 4-2 with **DUNBAR** and **VOGT** opposed.

The clerk and manager were asked to provide more rationale for the next meeting.

C. Other New Business

***1. Appoint Members to the Energy Task Force**

Mike Denker, John Schnabel, Melissa Aronson, Daymond Hoffman, Nancy Berland, Evan Humphrey, Jon Hirsh, Mardell Gunn, Tim June, Leonard Dubber, Mark Fontenot, and John Norton.

***2. Appoint Board Members**

Tourism Advisory Board - John Hunt.

3. Award Visitor Center Janitorial Services Contract

Motion by **OLERUD**: Award 2007 Visitor Center/Restrooms Janitorial Services Contract to low bidder Ike Lorentz of MachineWorks for the lump sum of \$8,040. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

4. Dawson Construction Contract Amendment-Change Order #3

Motion by **LAPP**: Authorize Dawson Construction Contract Change Order #3. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

5. Approve Pool HVAC System Repairs Contract

SHIELDS spoke in support of this contract.

Motion by **ROSSMAN**: Authorize the Borough Manager to negotiate a time and materials contract with Schmolck Mechanical to repair the Pool HVAC system. It was seconded by **LAPHAM**.

ROSSMAN asked how the project will be funded. **VENABLES** said CIP fund. **SHIELDS** said if this doesn't get fixed, the damage will continue and costs will escalate. **DUNBAR** wondered how long the pool will require emergency repairs. **SHIELDS** said there is a facility maintenance person in the FY08 budget that will be tasked with maintaining the borough's buildings. **VOGT** said the borough is fortunate to have the Schmolck proposal and she recommended authorization.

The motion carried unanimously in a roll call vote.

6. Sales Tax Exemption Request - AK Chilkoot Bear Foundation

Motion by **ROSSMAN**: Approve the sales tax exemption application by Alaska Chilkoot Bear Foundation Inc. It was seconded by **LAPHAM**.

VOGT reiterated her position that she opposes sales tax exemptions.

The motion failed 2-4 in a roll call vote with **LAPP**, **DUNBAR**, **LAPHAM**, and **VOGT** opposed.

7. Sales Tax Exemption Request - Alaska Arts Confluence

Motion by **LAPP**: Approve the sales tax exemption application by Alaska Arts Confluence. It was seconded by **LAPHAM**.

MORPHET was called on and offered that the purpose of the organization is to support the local artistic community, and it has a strong economic development mission. The group is trying to attract Rasmuson funding to assist with some Fort Seward restoration. **VOGT** said the assembly needs to be careful about granting exemptions. **ROSSMAN** said the assembly should periodically review the current list. **SHIELDS** requested that the assembly have an opportunity to review the current exemption list.

The motion carried 4-2 in a roll call vote with **LAPHAM** and **VOGT** opposed.

8. AP&T Application to Lease Borough Property

Motion by **VOGT**: Accept the application by Alaska Power & Telephone to lease borough property. It was seconded by **ROSSMAN**.

VOGT suggested that the assembly take the planning commission's recommendation and accept the application. The commission reviewed it very carefully.

The motion carried unanimously in a roll call vote.

9. Executive Session - Borough Property Acquisition

Motion by **LAPP**: Go into Executive Session to discuss the borough's possible acquisition of certain properties. This discussion should not occur in public because the borough's bargaining position would be jeopardized and its finances would be adversely affected. It was seconded by **LAPHAM**. The motion carried unanimously.

The mayor called a brief recess at 8:16pm. The executive session convened at 8:21pm and ended at 8:38pm.

Motion by **OLERUD**: Direct the manager to negotiate a purchase price

on the parcel of property discussed in executive session. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

12. SET COMMITTEE MEETING DATES

The assembly will meet as a committee-of-the-whole on Monday, May 7th at 5:30pm to continue review of the borough's Permanent Fund investment strategy. Piper-Jaffrey will be at this meeting.

The budget committee-of-the-whole meeting on May 1st was changed from 5:00pm to 6:00pm.

13. PUBLIC COMMENTS

HOFFMAN asked if the Haines Borough School Board is subject to the borough code requirement to record Executive Sessions. **SHIELDS** responded that the school board is governed by its own policies and procedures.

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS - None

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