

  
**Haines Borough**  
**Borough Assembly Meeting #112**  
**May 8, 2007**  
**MINUTES**

**Approved**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** Mayor **SHIELDS** called the meeting to order at 6:31 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**, Deborah **VOGT**, and Scott **ROSSMAN**. **Absent:** Luck **DUNBAR**.

**Staff Present:** Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, and Jila **STUART**/Chief Fiscal Officer.

**Visitors Present:** Tom **MORPHET**/CVN, Carolyn **WEISHAHN**, Suzanne **VUILLET-SMITH**, Floy **MCDOWELL**, Sean **BROWNELL**, Jim **STUDLEY**, Mike **CASE**, Leonard **DUBBER**, Mark **SIZEMORE**, Ken **KLINGER**, Scott **SUNDBERG**, Leslie **EVENDEN**, Rick **RICHINS**, Bill **BLAYLOCK**, Jan **TRIGG**, Bill **HUDSON**, Karen **HANSEN**, and others.

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

**VOGT** requested the addition of an item under Other New Business: Item 11D - Planning Commission to discuss the 2001 "Plan for Public Use and Access" study. There was no objection.

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

4. **APPROVAL OF MINUTES\*** 4/17/07 Regular

5. **PUBLIC COMMENTS**

**DUBBER** said he sees no need for 24/7 police coverage and suggested that the Police Department be cut back to three officers and allow them to get better pay. He sees no need for 24/7 coverage.

**SMITH** said she is at the meeting both as a representative of the Haines Dolphins Swim Team and as a frequent pool user. She asked the assembly to get the pool back online and usable as soon as possible. **EVENDEN** and **SUNDBERG** agreed.

**SUNDBERG** also asked the assembly to eventually review and update the helicopter map but that the effort could wait for a later time.

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

Mayor **SHIELDS** announced that **COZZI** has achieved the status of Certified Municipal Clerk and congratulated her.

The mayor also recapped the Washington DC trip he recently took with **VENABLES** and **OLERUD**. They were encouraged that the whole Alaska delegation continues to support Haines.

**SHIELDS** said he had a conversation earlier today with the local captain of the Salvation Army. The Haines Ministerial Association is looking for space for youth programs, etc. The borough will consider whether or not it has facility space available.

7. **PUBLIC HEARINGS**

A. **Ordinance 07-04-153** - first hearing

**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.**

The mayor opened and closed the public hearing at 6:42pm; there were no comments.

**Motion** by **OLERUD**: Advance Ordinance 07-04-153 to a second public hearing to be held on May 22, 2007. It was seconded by **LAPP**. The motion carried unanimously.

B. **Ordinance 07-04-154** - first hearing

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

The mayor opened the public hearing at 6:43pm.

**WEISHAHN** spoke against the ordinance because she believes recording executive sessions provides protection for the assembly and the public, especially when it seems that the public's confidence in political representation has been shaken at the federal and state levels recently. She believes it keeps government more transparent.

The mayor closed the public hearing at 6:46pm.

**Motion** by **OLERUD**: Advance Ordinance 07-04-154 to a second public hearing to be held on May 22, 2007. It was seconded by **LAPP**.

**ROSSMAN** said the assembly should clarify who and when the executive recordings may be heard. **VOGT** said we should continue to record the executive sessions and agreed with **WEISHAHN** that it adds a level of accountability. She has seen no compelling reason to remove the recording requirement. **ROSSMAN** asked why the mayor and **VOGT** were allowed a couple of months ago to open a sealed recording and listen to it. **SHIELDS** said the borough attorney determined that the two of them had a right to be at the

January executive session and, since they missed it, had a right to listen to the recording. He said the request caused great discomfort in the borough office and the clerk allowed them to listen to it under protest.

**OLERUD** said he is in favor of removing the recording requirement. Since he was reelected to the assembly he has had two different occasions where someone came to talk to him about things that were discussed in executive session. Apparently the public finds out about it anyway. **ROSSMAN** reiterated that the code should clearly lay out who can listen to it and when. **LAPP** agreed with **OLERUD**. He said in the 30 years he has been in Haines he cannot remember any occasion when an executive session was challenged. He also reminded the assembly that no decisions are made in executive session. All action occurs in the open before the public.

The motion failed 2-3 with **ROSSMAN**, **LAPHAM**, and **VOGT** opposed.

**C. Ordinance 07-05-155** - introduction and first hearing

**An ordinance of the Haines Borough providing for the establishment and adoption of the Borough budget for the period July 1, 2007 through June 30, 2008.**

**Motion** by **OLERUD**: Introduce Ordinance 07-05-155 and hold a first public hearing at this meeting since it has been duly noticed. It was seconded by **VOGT**.

**Motion to Amend** by **LAPP**: Amend the budget to add the community funding amounts as recommended by the manager and agreed to by the Finance Committee. It was seconded by **LAPHAM**. The amendment motion carried unanimously.

The main motion carried unanimously.

The mayor opened and closed the public hearing at 7:00pm; there were no comments.

**Motion** by **OLERUD**: Advance Ordinance 07-05-155 to a second public hearing to be held on May 22, 2007. It was seconded by **LAPP**. The motion carried unanimously.

**LAPP** and **VOGT** commended the Chief Fiscal Officer and Manager for a balanced budget and the clear format. The mayor's contribution was also acknowledged.

The motion carried unanimously.

**8. STAFF REPORTS**

**A. Borough Manager**

The manager summarized his written report that included

the following topics:

- Washington D.C. trip
- Alaska Legislature update
- Pool Repairs
- School Project Update
- National Safe Boating Week
- Harbor Projects
- McGraw Legal Appeal
- Board of Equalization

ROSSMAN asked about Ocean Beauty buying ice from the borough's ice house. VENABLES said they have not made a formal request to the borough but he believes they will be a customer this summer. ROSSMAN asked about fees, and VENABLES said that several factors will be considered in deciding what to charge for ice.

- 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

LAPP said the Finance Committee met prior to this meeting and considered the community funding requests and amendments to the FY07 budget. They recommend amending the FY08 budget to include the manager's recommended community grant amounts as well as the changes to the FY07 budget as presented by the Chief Fiscal Officer.

- 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

- A. Reconsideration of Motion re. Helicopter Map Committee

[NOTE: On 4/17/07, the assembly passed the following motion: "Form a committee to review the helicopter map by

October; the committee is to consist of assembly members Vogt and Lapham, and one person chosen by each to make a committee of four." The motion carried 4-2 with Olerud and Vogt opposed.]

Motion by **LAPHAM**: Reconsider the 4/17/07 motion to form a helicopter map review committee. It was seconded by **VOGT**. The motion to reconsider carried unanimously.

**LAPP** asked **LAPHAM** why he wants to reconsider the motion. **LAPHAM** said he is not opposed to amending the map but after giving it more thought, he decided it is too soon to make changes. **ROSSMAN** agreed. **LAPP** requested that the industry bring specific recommendations to the assembly for future consideration.

The motion failed unanimously.

## 11. NEW BUSINESS

### A. Resolutions

#### 1. Resolution 07-05-102

A resolution of the Haines Borough Assembly Haines Borough, Alaska, adopting the 2007 updated Haines Borough Emergency Operations Guide (EOG).

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

**STUDLEY** was called upon. He said **AHRENS** has spent a thousand hours or more into this. Most of his work was done voluntarily because of his concern for the community. He has 35 years of experience as a fire chief and is a master planner. He also said **CASE** was very instrumental in the process and thanked **VENABLES** and **SHIELDS** for participating. He noted **LAPHAM**'s efforts to read every page of the draft and submit comments and questions. **AHRENS** was called upon to summarize the changes. He brought the assembly's attention to the errata sheet and additional sections that were provided to them in their meeting packet. **CASE** was called upon and he spoke in favor of Ordinance 07-05-157 coming up under New Business.

Motion by **LAPP**: Approve the amendments to the Emergency Operations Guide. It was seconded by **LAPHAM**. Motion carried unanimously in a roll call vote.

### B. Ordinances for Introduction

#### 1. Ordinance 07-05-157

An ordinance of the Haines Borough Assembly Haines Borough, Alaska, amending Haines Borough code to move

the Disaster Planning and Emergency Response Services code from Title 2 Chapter 2.52 to Title 15 Chapter 15.22.

**Motion** by **OLERUD**: Introduce Ordinance 07-05-157 and advance it to a first public hearing to be held on May 22, 2007. It was seconded by **VOGT**. The motion carried unanimously.

**2. Ordinance 07-05-156T**

**An ordinance of the Haines Borough Assembly Haines Borough, Alaska, amending the FY07 Budget to reflect changes in revenue and expenditures.**

**Motion** by **OLERUD**: Introduce Ordinance 07-05-156 and advance it to a first public hearing to be held on May 22, 2007. It was seconded by **LAPHAM**.

**LAPP** said the Finance Committee reviewed it and said the CFO did a very good job on the ordinance. They recommend the ordinance.

The motion carried unanimously.

The mayor called a brief recess at 7:30pm. The meeting reconvened at 7:34pm.

**C. Other New Business**

**1. Dawson Construction Contract Amendment-Change Order #4**

**Motion** by **OLERUD**: Authorize Dawson Construction Contract Change Order #4. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

**2. Kensington Mine Update - Coeur-Alaska Presentation**

**RICHINS** introduced **HUTCHINS, BLAYLOCK, HANSEN, and TRIGG**. He provided the mayor and assembly with a overview of Coeur's efforts to acquire permits for the Kensington Gold Mine. He also described the current plan that increases the ore grade, requires a smaller footprint, and reduces the amount of waste. Couer has reduced the project scope and did receive all of their permits in 2004. Construction began in 2005 and is about 80% complete. Work has halted on the tailings construction, because of a ruling by the Ninth Circuit Court in response to a lawsuit by environmental groups. The company is committed to completing the facility including ancillary facilities to minimize risk. They are waiting for the final ruling by the court. Regardless of the decision, either group will likely elevate it to the Supreme Court.

Coeur is proposing to deposit dry tailings in Lower Slate Lake which is about 20 acres in size. This lake has a relatively small dolly varden population. The idea was that much of the interior of the lake was deep enough that photosynthesis wouldn't occur. If they raise the bottom of the lake by placing tailings strategically they could actually raise the elevation and increase the lake from 20 acres to 60 acres. This would enhance the habitat conditions and develop the perimeter as wet lands.

**RICHINS** expressed appreciation for the support Coeur has received from Haines over the years. He said they want to take the project forward, and they want Haines to have some job opportunities. They will return to the assembly when there is more information.

**VOGT** asked if Coeur is continuing to negotiate with the environmental organizations. **RICHINS** said he expects to hear soon whether or not there will be another meeting with them. The hope is to come to an agreement that way rather than having it settled by California judges in the Ninth Circuit Court.

**Motion** by **ROSSMAN**: The Haines Borough Assembly supports the Kensington Mine as currently permitted. It was seconded by **OLERUD**. The motion carried 4-1 with **VOGT** opposed.

#### **D. Planning Commission**

**VOGT** said she came across the 2001 study called "Plan for Public Use and Access in the City of Haines." She suggested that the planning commission review it. It is a good study that a lot of money and effort went into; it should be dusted off and reviewed. She added that the study contains various land use ideas. **OLERUD** said the former City hired Sheinburg & Associates to do the study. They worked with the planning commission and held many public hearings. It's supposed to be a long term plan for the townsite area. **VENABLES** said he believes there are a number of copies that can be made available.

**Motion** by **Vogt**: The assembly recommends that the Planning Commission review the "Plan for Public Use and Access in the City of Haines" and make recommendations to the assembly regarding any items that should be considered. It was seconded by **LAPP**. The motion carried unanimously.

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

The Government Affairs & Services Committee will meet soon

at the call of the chair to begin review of both Title 5 and water-sewer rates.

The Personnel Committee will meet on Thursday, 5/17 at 10am.

The Small Boat Harbor Advisory Committee will tentatively meet on Friday, 5/25.

13. **PUBLIC COMMENTS** - None

14. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

The mayor announced that he asked the Tourism Advisory Board to meet with the Planning Commission next week to consider locating the covered visitor pavilion on a particular parcel near the PC Dock.

15. **ADJOURNMENT** - 8:22pm

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

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Fred Shields, Mayor

ATTEST:

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Julie Cozzi, Borough Clerk