

  
**Haines Borough**  
**Borough Assembly Meeting #118**  
**August 28, 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**, Pete **LAPHAM**, Doug **OLERUD**, Scott **ROSSMAN**, Deborah **VOGT**, and Donnie **TURNER**.

**Staff Present:** Robert **VENABLES**/Borough Manager and Julie **COZZI**/Borough Clerk.

**Visitors Present:** Tom **MORPHET**/CVN, Dave **BUTTON**, Chris **SCHEL**, Jan **HILL**, Greg **STUCKEY**, Bruce **MESSERSCHMIDT**, Lee **HEINMILLER**, Lawrence **STRAWBRIDGE**, Ann Marie **PALMIERI**, Danny **GONCE**, Melina **SHIELDS**, Michael **EPPS**, Chris **SCANLON**, Fred **EINSPRUCH**, Georgiana **HOTCH**, and others.

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

**SHIELDS** added to Item 11C3 the appointment of Chris Schelb to the Tourism Advisory Board. **OLERUD** requested that Item 11C3 be removed from the consent agenda. There was no objection to either change.

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

4. **APPROVAL OF MINUTES\*** 8/14/07 Regular

5. **PUBLIC COMMENTS**

**HEINMILLER** noted that he was speaking as a private citizen rather than as the chair of the planning commission. He explained the **STRAWBRIDGE** request for property access and his proposal to pay for the development of a driveway through borough right-of-way (ROW). The manager has provided a draft response letter and more information for the assembly. The code is less than clear about whether or not the assembly's approval is required since it is a platted ROW and the development would not involve borough monies. **HEINMILLER** added that he owns adjacent property and is supportive of the project and would, in fact, grant an easement for a portion of the driveway on his own property because of impossible terrain in one section of the right-of-way.

**EINSPRUCH** said he opposes the idea of the borough manager getting a pay raise. He said the pool was out of commission for a long time and the problems with Third Avenue should be

considered. He finds it unbelievable that the assembly would approve a raise under these circumstances; he believes there has been mismanagement.

**SCANLON** expressed concerns about the condition of the skateboard park including serious leaking. He believes this is something that should be addressed before the winter comes. There are volunteers available but no funding. Lutak Lumber is willing to give the volunteers a sizable discount on materials. He asked if the borough might give financial assistance.

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

**SHIELDS** said that he visited with Daymond Hoffman who is very interested in helping with the current repair needs of the skateboard park. Apparently, the structure was never completely sealed off. He noted that Greg Schlachter is also involved. Hoffman will bring a more detailed funding request to the assembly in the near future. **OLERUD** expressed frustration with this ongoing problem. He reminded the assembly that the Haines Amateur Skateboard League (HASL) had adamantly assured them that there would be no future liability to the borough.

The mayor said that the new school opened today. He personally visited each and every class, and everyone seems very pleased. He also visited the temporary high school facility, and the situation seems to be working well.

**7. PUBLIC HEARINGS**

**A. Ordinance 07-07-160 - second hearing**

**An ordinance of the Haines Borough amending Haines Borough Code Title 7 Sections 7.08.010-040 and Title 3 Chapters 3.31-33 to consolidate Fire Service Areas 1, 2, and 4 pursuant to a vote of the people at the October 2, 2007 Regular Municipal Election.**

The mayor opened and closed the public hearing at 6:44pm; there were no comments.

**Motion by LAPHAM:** Adopt Ordinance 07-07-160. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote. The question will be on the October 2, 2007 Election ballot.

**B. Ordinance 07-08-161 - second hearing**

**An ordinance of the Haines Borough amending the Haines Borough Charter Section 9.09 to clarify the use of proceeds from the Permanent Fund pursuant to a vote of the people at the October 2, 2007 regular election.**

The mayor opened and closed the public hearing at 6:47pm;

there were no comments.

**Motion** by **VOGT**: Adopt Ordinance 07-08-161. It was seconded by **LAPHAM**. The motion carried 5-1 with **OLERUD** opposed in a roll call vote. The question will be on the October 2, 2007 Election ballot.

**C. Ordinance 07-08-162** - first hearing

**An ordinance of the Haines Borough amending Title 16 Chapter 16 to remove the harbor fees and payments from the code and to reference an assembly-approved harbor fee schedule.**

The mayor opened and closed the public hearing at 6:49pm; there were no comments.

**Motion** by **LAPP**: Advance Ordinance 07-08-162 to its second public hearing on September 11, 2007. It was seconded by **ROSSMAN**.

**ROSSMAN** asked about any agreements that are in place with the state. **VENABLES** said there are state guidelines for the sport launch ramps. He will check into additional agreements before the second hearing.

The motion carried unanimously.

**D. Ordinance 07-08-163** - first hearing

**An ordinance of the Haines Borough amending Title 3 Sections 3.60.080, 3.60.170, and 3.60.180 to update purchasing limits and clarify procedural requirements.**

The mayor opened and closed the public hearing at 6:50pm; there were no comments.

**Motion** by **VOGT**: Advance Ordinance 07-08-163 to its second public hearing on September 11, 2007. It was seconded by **LAPP**.

**Motion to Amend** by **VOGT**: Substitute the proposed version of the ordinance. It was seconded by **LAPHAM**. It carried unanimously.

The main motion carried unanimously.

**E. Ordinance 07-08-164** - first hearing

**An ordinance of the Haines Borough amending Title 3 Chapters 3.08 and 3.24 to clarify Permanent Fund Investments.**

The mayor opened and closed the public hearing at 7:54pm; there were no comments.

**Motion** by **VOGT**: Advance Ordinance 07-08-164 to its second public hearing on September 11, 2007. It was seconded by **LAPHAM**.

**Motion to Amend** by **VOGT**: Substitute the proposed version of the ordinance provided in the meeting packet. It was seconded by **LAPP**.

It carried 5-1 with **OLERUD** opposed.

The main motion carried 5-1 with **OLERUD** opposed.

**F. Ordinance 07-08-165 - first hearing**

**An ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY08 budget.**

The mayor opened and closed the public hearing at 6:56pm; there were no comments.

**Motion by LAPP:** Advance Ordinance 07-08-165 to its second public hearing on September 11, 2007. It was seconded by **ROSSMAN**.

**LAPP** explained that the finance committee met prior to this meeting and recommends the three amendments proposed by the manager and chief fiscal officer.

**Motion to Amend by LAPP:** Amend the ordinance by adding a \$50,000 appropriation from Fund 92 for a transportable moorage float, a \$40,455 appropriation from the General Fund to provide medical benefits to elected officials for the remaining nine months of this fiscal year, and a \$101,000 CIP appropriation to fund improvements to the new public works shop. It was seconded by **ROSSMAN**. The motion carried unanimously.

There was a question regarding insulation of the unheated portion of the public works shop. The manager will clarify the insulation plans by the next public hearing.

The main motion carried unanimously.

**G. Ordinance 07-08-166 - introduction and first hearing**

**An ordinance of the borough assembly of the Haines Borough, Alaska, authorizing the lease of borough property to Alaska Power & Telephone for a communications tower.**

The mayor briefly summarized the ordinance.

**Motion by ROSSMAN:** Introduce Ordinance 07-08-166 and hold the first public hearing at this meeting since it has been duly advertised. It was seconded by **LAPHAM**.

**ROSSMAN** asked where the rent proceeds will go. **VENABLES** said he will provide the information for the second hearing.

The motion carried unanimously.

The mayor opened the public hearing at 7:05pm.

**EPPS** asked where the tower will be located and what it will cost the taxpayer. **GONCE** explained that AP&T is simply seeking to lease borough property and will pay all costs for installing and maintaining the tower. **MESSERSCHMIDT** said taxpayers will bear none of that cost. He said the hope is that the tower installation will result in better and lower cost services for the public.

Hearing no further comments, the mayor closed the public hearing at 7:11pm.

**Motion** by **LAPHAM**: Advance Ordinance 07-08-166 to a second public hearing on 9/11/07. It was seconded by **LAPP**. The motion carried unanimously.

The mayor called a brief recess at 7:09pm. The meeting reconvened at 7:12pm.

## **8. STAFF REPORTS**

### **A. Borough Manager**

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

- **DOT Road Projects**
- **Lutak Dock Use Agreement**
- **PC Dock Security Fencing**
- **Harbor Project**
- **Pool Update**
- **Borough Right-of-Way Development**
- **School Lighting**

**VOGT** expressed appreciation for the PC Dock being once again open to the public.

Regarding the Strawbridge right-of-way (ROW) development request, **VENABLES** recommended the assembly's approval. **ROSSMAN** said he has no objection but wants it to be understood from the beginning that the borough will not maintain the ROW. **VENABLES** said a service area would have to be created in order to address maintenance needs since it is outside of the townsite. **LAPHAM** asked about the proposed width. **VENABLES** said it is really only a 12-foot driveway. It will be cleared enough, with six feet on each side, to make future development possible. **HEINMILLER** said the topography will dictate some of the driveway width. **MESSERSCHMIDT** noted the project will need to take into account the utility ROW, as well. **LAPHAM** asked if the borough will be obligated to upgrade this access in the future. **HEINMILLER** said the lots and the ROW have been

surveyed. **TURNER** expressed concern that the borough will end up maintaining it anyway as the area develops. **VENABLES** said he will try to mitigate that concern in his approval letter. **ROSSMAN** said he does not believe the borough can deny this request since it is a platted right-of-way to the property in that area. **VOGT** said "it's just how it's done; road standards."

- 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 07-08-108

A resolution of the Haines Borough assembly in support of the Chilkoot Indian Association receiving ownership of the United States Army tank farm property located in Haines, Alaska.

**SHIELDS** said the assembly's desire is to subject this resolution to two public hearings with the first one being at this meeting. He opened the first public hearing at 7:34pm.

**PALMIERI** expressed confusion about the subject property. **STUCKEY** said technically the resolution would include all of the tank farm property, but right now the upper property is the only thing that is available. **PALMIERI** said there are contaminated sediments around the lower property and the dock area. She said the clean-up will most likely not be

completed by 2010. **STUCKEY** said that obviously a part of the property will not be transferred until clean. **ROSSMAN** said he believes this resolution would only cover the property that is clean and ready to surplus. He wants the assembly to adopt it at this meeting. **OLERUD** questioned the two public hearings and said his review of the previous meeting's minutes does not reveal that the assembly took action to require the hearings. **MORPHET** said the newspaper reported two hearings. **SHIELDS** said another hearing will take place since it was reported that way.

The mayor closed the public hearing at 7:47pm. The second public hearing will take place on September 11, 2007.

## **B. Ordinances for Introduction**

### **1. Ordinance 07-08-167**

**An ordinance of the Haines Borough amending Title 10 Chapter 44 to increase parking fines to match the recently increased parking fines in the Alaska Administrative Code (13 AAC 02.340).**

**Motion** by **LAPHAM**: Introduce Ordinance 07-08-167 and set it for its first public hearing on September 11, 2007. It was seconded by **TURNER**.

Unrelated to this ordinance, **VOGT** brought up the issue of the cost of borough-required towing. **LAPHAM** said in order to have a set tow fee, the borough would have to have a contract. **SHIELDS** said the borough would have to license and regulate. **VOGT** said some municipalities maintain a list of acceptable fees. **LAPP** suggested putting it out for bid and contracting with a business for taking care of the borough's towing. The manager agreed to look into a possible RFP.

The motion carried unanimously.

## **C. Other New Business**

### **1. Epps Property Assessment**

**Motion** by **ROSSMAN**: Authorize staff to correct the clerical error on property #C-LYNOB-0700 with a new total value of \$166,280 for the 2007 tax roll. It was seconded by **TURNER**. The motion carried unanimously in a roll call vote.

**EPPS** expressed gratitude for the action and commented that he believes the manager is doing a good job.

### **2. Eco/Orca Request for Reconsideration of Permit Denial**

**SHIELDS** explained that there is no process in code for appealing an assembly decision. He said the only way this request could be accommodated would be by a motion to reconsider. Such a motion would have to be made by a member of the prevailing side. He asked if there was such a motion.

There was no motion to reconsider.

**3. Board Appointment - Tourism Advisory Board**

**SHIELDS** said there are now two Tourism Advisory Board vacancies, and he recommends appointment of both applicants.

**Motion** by **VOGT**: Confirm the appointments of Chris Schelb and Deborah Marshall to the Tourism Advisory Board. It was seconded by **ROSSMAN**.

**OLERUD** said he has had two different people come to him expressing concern that Marshall had made public comments opposing cruise ships. **SHIELDS** vouched for Marshall.

The motion carried unanimously and both were appointed.

**4. Borough Manager Contract (and mid-year evaluation)**

**VENABLES** stated that he is comfortable with this review taking place in open meeting rather than executive session. **SHIELDS** said he believes the manager has excellent rationale for his request for a \$75,000 annual salary. **VENABLES** explained that the assembly offered that amount to the previous three borough managers as a starting wage. He believes it is a reasonable wage for Haines but is still lower than typical for a position with this type of responsibility. He is committed to doing the job to the best of his ability and has tried to be responsive to the six goals given to him in February 2007. He walked the assembly through the memo he prepared to assist them in their evaluation. **ROSSMAN** asked how the \$75,000 wage stacks up to other municipalities. **VENABLES** distributed a chart comparing the manager salaries for similar communities showing Haines at the bottom.

**Motion** by **LAPP/ROSSMAN**: Adopt the manager's contract as proposed.

**VOGT** disagreed with the proposed December 31, 2008 contract termination date saying that it would be more difficult to conduct the manager's evaluation during

the election/holiday season. She suggested a June 30<sup>th</sup> termination date. **OLERUD** disagreed and said there is really no better time than others for evaluating the manager.

Motion to Amend by **VOGT**/ Terminate the manager's contract on August 31, 2008. The motion died for lack of a second.

Motion to Amend by **ROSSMAN**: Terminate the manager's contract on August 31, 2009. It was seconded by **OLERUD**. The amendment motion carried 5-1 with **VOGT** opposed.

**VOGT** said she has no problem with the salary request but is interested in seeing professionalism in the manager position. **ROSSMAN** said he does believe **VENABLES** functions very professionally. **VOGT** said there are some things the manager does very well and others not so well, in her opinion. Specifically she does not like how he deals with the public. She added that she would like to participate in the evaluations of the other borough officers. **ROSSMAN** said he recalls the assembly delegating the evaluation of the other officers to the borough manager. However, he is not opposed to handling it different if that is the will of the assembly. **VOGT** said she would like an opportunity to evaluate especially the borough clerk and the chief fiscal officer. **ROSSMAN** said he remembers three years ago that the state of the borough was a pretty big disaster. **VENABLES** picked up the pieces of consolidation and followed four managers in the first two years. He believes the borough is light years ahead of where it was, and he is glad **VENABLES** is manager. He has dedication to the job, and that is worth an immeasurable amount of money. Even with the manager's faults, he is pleased with the job he is doing and supports the contract. **SHIELDS** expressed regret that **ROSSMAN** will not be continuing on the assembly. He believes he has had a hand in the borough's improvements. **OLERUD** commented on **EINSPRUCH**'s public comment regarding the manager's handling of the pool situation. He said the citizen is obviously uninformed. The borough took over responsibility for the pool just two years ago after many years of deferred maintenance. He believes **VENABLES** has done a good job of managing the pool closure situation and, over all, has seen a lot of improvement in the manager's performance. **LAPP** said even though **VENABLES** has had some problems, he has a real heart for the community. He noted that the

community's appearance has noticeably improved. The manager has been underpaid, and it is time for a boost. **LAPHAM** gave a thumbs up to the contract.

The main motion carried unanimously in a roll call vote.

**OLERUD** suggested the manager arrange for the public works crew to get grader training.

**VOGT** said a lot of municipalities include "*The people of Haines Borough*" at the top of the chart.

**Motion** by **VOGT**: Include the assembly in the annual evaluation process of the other borough officers (clerk, chief fiscal officer, and chief of police). It was seconded by **ROSSMAN**.

**ROSSMAN** asked when these evaluations would take place. **VOGT** suggested that whenever the annual reviews are done by the manager, a draft of his officer evaluations could be distributed confidentially to the assembly members. The assembly would then have the opportunity to provide feedback. **ROSSMAN** said that a part of the manager's process for evaluating the other officers could be to ask for assembly input.

The motion carried unanimously.

**LAPP** suggested bringing additional manager goals to the next assembly meeting. **VOGT** thought perhaps a special subcommittee or the personnel committee could be tasked with goal development. **SHIELDS** assigned it to the personnel committee but encouraged the other assembly members to participate, if desired.

**12. SET COMMITTEE MEETING DATES**

The Personnel Committee will meet on Thursday, September 6<sup>th</sup> at 6:30pm to compile a list of additional goals for the borough manager.

**13. PUBLIC COMMENTS**

**MORPHET** requested no parked cars along Main Street between Second and Third Avenues during parades. **VENABLES** will bring some ideas to the assembly after talking with staff.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**LAPHAM** said a number of people are complaining about the contract road work recently done on Cathedral View and Hooter Lane. The pit-run material apparently came from the fairgrounds and did not compact well. The borough should not have had to spell it out in the RFP. There is a problem. **VENABLES** said the borough's public works superintendent has

asked that the fairgrounds material be disallowed for future jobs, and he has instructed the superintendent to use some of the borough's D1 as roadwork problems develop. **TURNER** said the specifications spelled out in the RFP were abided by, but there is no longer a crown to the road. He said drove on the road and could barely make it up in two-wheel drive. In his opinion, that road cannot go into the winter in its current condition.

Regarding the proposed borough organization chart, **VOGT** said that having a Director of Public Facilities may help prevent some of these types of roadwork problems in the future. **SHIELDS** said the proposed organization chart will be on the 9/11/07 agenda as Old Business. He asked the assembly to review it in preparation.

15. **ADJOURNMENT** - 8:44pm

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

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Fred Shields, Mayor

ATTEST:

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Julie Cozzi, Borough Clerk