

  
**Haines Borough**  
**Borough Assembly Meeting #124**  
**December 11, 2007**  
**MINUTES**

**Approved**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** Deputy Mayor **LAPP** 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:** Deputy Mayor Jerry **LAPP** and other Assembly Members Doug **OLERUD**, Steve **VICK**, Deborah **VOGT**, Norm **SMITH**, and Pete **LAPHAM**. **Absent:** Mayor Fred **SHIELDS**.

**Staff Present:** Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, Joe **PARNELL**/Assistant Harbormaster, and Stephanie **SCOTT**/Energy Task Force Staff Support.

**Visitors Present:** Tom **MORPHET**/CVN, Vince **HANSEN**, James **TURNBULL**, Jerry **ERNY**, Leanne **CONVERSE**, Art **JESS**, Liz **MARANTZ-FALVEY**, Greg **STUCKEY**, Jan **HILL**, Shelly **WEBB**, Patrick **METCALF**, Jack **SMITH**, John **SCHNABEL**, Patty **BROWN**, Bruce **GILBERT**, Tim **JUNE**, Daymond **HOFFMAN**, Greg **SCHLACHTER**, Martha **LEVENSALER**, Judy **BRAKEL**, Stephen **SMITH**, Leonard **DUBBER**, Marley **HORNER**, Roger **MAYNARD**, and others.

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

The following changes to the Consent agenda were requested:

- Add Item 11C2 to the Consent Agenda
- Move Items 11A1 and 11A2 ahead of *Public Hearings*.

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

\* 4. **APPROVAL OF MINUTES** - 11/20/07 Regular

5. **PUBLIC COMMENTS**

**PARNELL** spoke on behalf of the newly-formed Haines Athletic Club and asked about the plan to use the old middle school buildings after the school district no longer needs them. **VENABLES** said the school district will be in control of that property until they turn them over to the borough, and he does not expect that to take place for a couple of months. **PARNELL** asked if there is some way the borough assembly would consider paying for insurance liability so that the gym could be used in the mean time. **LAPP** said the borough currently does not have plans. There are a lot of options, and interested groups should submit written proposals to the assembly. **VENABLES** said a Request for Proposals is expected to be issued before the end of the year. He offered to communicate further with **PARNELL** regarding the group's ideas.

**DENKER** acting as chair of the Energy Task Force thanked the assembly for granting the report deadline extension.

**GILBERT** said Haines has no tennis court while Skagway has two. He added that tennis is a great sport, especially for the senior community. He requested financial assistance from the borough if there is any extra money in the budget to help form a tennis club.

**STUCKEY** on behalf of the Chilkoot Indian Association said they have been working with Congressman Young on the tank farm issue, and the borough manager has been involved in most teleconferences. He said **SCHNABEL's** letter to borough property owners contained inaccurate information and the newspaper advertisement stated that people not responding to the survey are actually saying they have no objection to the borough's support of the CIA's obtaining the tank farm property.

**SCHNABEL** said he was prompted to attend the meeting because he has become aware of the severe economic situation for the local citizens. He believes the assembly took money out of the citizens' pockets when it decided to give the tank farm property away to the CIA. In his opinion, the borough would have been able to sell, lease, or develop the land to help reduce the tax burden. "The assembly's action was not representative of the majority will of the people." He prepared a survey and mailed it out at his own expense. The responses that have come in are 6 to 1 in favor of the borough making a request for the property, and he believes it would be wise for the assembly to reconsider its action. He left it to the assembly to decide what to do.

**LEVENSALE**R, on behalf of the Alaska Marine Conservation Council, gave a brief presentation regarding climate change before going to the Sheldon Museum to give a full presentation to the community.

**SCHLACHTER** and **METCALF** both expressed support for the borough providing liability insurance for the ice-skating rink at the fairgrounds.

**CONVERSE** spoke in support of the Department of Peace resolution.

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

Deputy Mayor **LAPP** said that Mayor **SHIELDS** is out of town.

Regarding the tank farm issue, **OLERUD** suggested that the borough manager write a letter to **SCHNABEL** stating the borough disagreement with his analysis of the situation.

**LAPHAM** said he was approached by many people that received **SCHNABEL**'s letter, and they were confused about the process that had taken place prior to the assembly's action. After his explanation, most of those people were convinced that the assembly had acted appropriately. **VOGT** agreed with **OLERUD** and emphasized that the manager should set the record straight about the erroneous information out there. **VICK** said there is no way to know what the survey's nonrespondents are thinking and shouldn't be taken as a vote in favor of the borough asking for the tank farm property.

**11A. Resolutions** -(Moved to this position during approval of the agenda)

1. **Resolution 07-12-118**

**A resolution of the Haines Borough Assembly supporting a federal Department of Peace and Nonviolence.**

**Motion** by **VOGT**: Suspend the rules requiring the presiding officer to read the resolution text in its entirety. It was seconded by **OLERUD**. The motion carried unanimously.

The assembly opted to allow the public to speak to this issue.

**HORNER**, a high school student spoke in favor of it, and he said the student council passed a resolution of support.

**S. SMITH** spoke in favor and said it is not meant to be anti-military. "It is not about pacifism; it is about peace. A Department of Peace would wage peace rather than waging war."

**MAYNARD** said there are brave men and women fighting terrorism so it doesn't have to be fought on U.S. soil. He has read the resolution, and it does not strike him as worthy of the expense a new department would require. "The Department of Defense is working toward peace. It's difficult to force peace unless we have the advantage."

**JESS** said he is a veteran. He supports every soldier but believes the current system needs to change. He thinks a Department of Peace is needed.

**ERNY** said since 1985 the federal government has spent a lot of money on grants with the schools and mandates regarding counseling, etc. He added that thousands of programs all around the U.S. are already in place, and the existing programs should be refined rather than creating another federal agency.

**BROWN** spoke in support of it saying the government owes this to the children. She believes that creating a Department of Peace sends a statement that the U.S. is serious about peace

and is more effective than the military message.

**DUBBER** said he believes Britain tried a Department of Peace that was a failure, and he doesn't believe the U.S. needs to repeat that.

**MARANTZ-FALVEY** spoke concerning the costs and benefits of the special programs that are currently operating and said they are not very wide-spread. "A federal mandate is needed. Violence in the world is rampant and it needs to be dealt with. There will be bureaucracy. That's a different issue. That's the complexity that comes with a country the size of the U.S. The Department of Defense is a bureaucracy, but the idea of a Department of Peace shouldn't be thrown out because of that. This is not a 1960s hippie thing." She said a cross section of the community has expressed support including business owners, the Police Chief, and the student council.

**METCALF**, a veteran, said he is against anything that would take resources away from the fighting forces. In his opinion, the Department of Defense is also a Department of Peace.

**Motion** by **VOGT**: Adopt Resolution 07-12-118. It was seconded by **VICK**.

**VOGT** spoke in support of the resolution. She said it wasn't until the nation passed the Civil Rights Act that it was against the law to discriminate. Up until that time, there were local attempts and laws that were not very effective. It took a federal mandate. **LAPHAM** said anyone would be crazy to be opposed to peace. However, this resolution sends a wrong message to the areas of conflict. He's not opposed to a lot of the statements in the resolution but he is opposed to the creation of a new bureaucracy. **VICK** commended the high school students for taking the initiative to bring the issue forward. On a federal and international level, his concerns are mixed. He sees the benefit on the domestic side and believes Alaska could definitely benefit from it. He has a brother in Iraq and is not against the military, but he supports the resolution. **SMITH** asked for action to be deferred to the next meeting. He believes there are many other people who would like to speak to this and doesn't think the assembly has adequately heard from the public.

**Motion** by **SMITH**: Delay consideration of Resolution 07-12-118 to the next assembly meeting. It was seconded by **VOGT**.

**MARANTZ-FALVEY** was allowed to speak and she said there are other students who were not available to attend this meeting but would appreciate an opportunity to comment.

The motion to delay failed 3 to 3 with **LAPHAM**, **LAPP**, and **OLERUD** opposed.

**LAPP** said a "Peace Academy" doesn't make sense to him. He also doesn't agree with creating another federal department. He is 100% in favor of peace and nonviolence, but they need to start at the local level.

The main motion failed 2 to 4 in a roll call vote with **OLERUD**, **LAPP**, **LAPHAM**, and **VOGT** opposed.

**2. Resolution 07-12-119**

**A resolution of the Haines Borough Assembly supporting adoption of a clean elections system in Alaska.**

**Motion** by **VOGT**: Suspend the rules requiring the presiding officer to read the resolution text in its entirety. It was seconded by **SMITH**. The motion carried 4-2 with **OLERUD** and **VOGT** opposed.

**Motion** by **VICK**: Adopt Resolution 07-12-119. It was seconded by **VOGT**.

The public was allowed to speak to this issue.

**JUNE**, currently the chair of Alaskans for Clean Elections, said the group organized in February 2007 and drafted an initiative with the assistance of six former legislators and others. He noted that there are related Senate and House bills that have bipartisan support. He briefly explained the purpose of the initiative. It would be a voluntary system and create opportunities for qualified candidates to run for elected office even if they don't have funds or the capability of raising funds. This would allow the candidates to focus on voters and issues rather than big business and special interest groups.

**VICK** spoke in favor of the resolution. He said at the Newly Election Officials training, he learned that even the appearance of unethical behavior can be damaging. **VOGT** said she supports this and has been committed to the idea of it for a long time. It is an additional cost to government, but what it comes down to is deciding who we want to fund the elections--big business or the state's citizens? This type of system is working in other states. **LAPP** said he does not like the concept of it being funded when there are ferries and roads that need to be funded. Other important projects might suffer because of this.

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

7. PUBLIC HEARINGS

A. Ordinance 07-10-171 - second hearing

An ordinance of the Haines Borough amending Title 3 Section 3.70.040(D)(5) to reflect new ownership of the tax-exempt property dedicated to the Senior Assisted Living Facility.

The deputy mayor opened and closed the public hearing at 7:40pm; there were no comments.

Motion by **LAPHAM**: Adopt Ordinance 07-10-171. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

B. Ordinance 07-11-172 - first hearing

An ordinance of the Haines Borough amending Haines Borough code Title 6 section 6.08.020 to clarify dog control.

The deputy mayor opened the public hearing at 7:43pm.

**WEBB** said the proposed amendment appears to be a one strike and you're out policy. Dogs can growl for many different reasons. There are better ways to address animal control problems. **DUBBER** said he has encountered dog problems in his trailer court. He would like the assembly to consider that the dog owners seem to have more rights than non-dog owners. He spoke of liability concerns and higher insurance costs. There are no perfect answers, but there needs to be a better look at this issue. He asked the assembly to take this issue seriously and come up with good ways to handle it. "A dog owner's freedom should end where it infringes on another's rights." **TURNBULL** said he is the owner of a well-mannered dog that has been accused of being unruly. **MAYNARD** agreed with **WEBB**'s comments.

Hearing no further comments, the deputy mayor closed the public hearing at 7:48pm.

Motion by **LAPHAM**: Advance Ordinance 07-11-172 to a second public hearing on January 8, 2008. It was seconded by **OLERUD**.

**SMITH** said he has a dog and is having a hard time with this ordinance. **VOGT** does not agree that the "frequently and habitually" should be removed from Section D in the code. She talked with the Police Chief and asked if the dog in question was aggressive and was told "no." As for Section F, the original ordinance allows a law enforcement officer to immediately destroy an animal. She believes the new language is even worse and does not support it. **LAPP** and **OLERUD** both recommended the ordinance be sent to committee.

**SMITH** suggested that it be sent to the borough attorney. **VICK** believes the ordinance goes too far and agreed that the attorney should look at it. **VOGT** said the attorney first needs to know what the assembly wants him to do. **OLERUD** reiterated his opinion that it should go to committee.

The motion failed 3 to 3 with **VICK**, **LAPHAM**, and **VOGT** opposed.

**C. Ordinance 07-11-173 - first hearing**

**An ordinance of the Haines Borough amending Haines Borough code Title 13 Sections 13.04.045 and 13.08.115 to adjust water and sewer rates, fees, and charges.**

The deputy mayor opened and closed the public hearing at 8:10pm; there were no public comments.

**Motion by VOGT:** Advance Ordinance 07-11-173 to a second public hearing on January 8, 2007. It was seconded by **LAPP**.

**VOGT** expressed concern that the public be given adequate opportunity for input when future rate changes are proposed.

**Motion to Amend by VICK:** Add text to Sections 13.04.045 and 13.08.115 to say "The assembly shall review the rates during the annual budgetary process." It was seconded by **VOGT**. The amendment motion carried unanimously.

The main motion carried unanimously.

**8. STAFF REPORTS**

**A. Borough Manager**

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

- **Cruise Ship Tax Revenue**
- **Harbor Update**
- **Transportation Funding**
- **Young Road Water Tank**
- **Permanent Fund Workshop**
- **School Project**
- **New Borough Employees**

**VENABLES** addressed a request from the Southeast Alaska State Fair for assistance with the liability insurance for the ice rink. The borough's insurance company will add that general liability coverage at no additional cost to the borough provided there is a formal agreement between the borough and the fair for this activity. **SMITH** asked that the attorney weigh in on it. **VENABLES** said the attorney will review the formal agreement, and if there are concerns, he will be sure to bring it to the assembly's attention.

**VENABLES** also informed the assembly of the current water line

breaks at the swimming pool. It is still a fragile situation, but the borough is working with Schmolck Mechanical to replace the piping.

- \* 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 - (Moved ahead of Item 7A during agenda approval)
- B. Ordinances for Introduction

##### 1. Ordinance 07-12-174

An ordinance of the Haines Borough amending Haines Borough code Title 9 Section 9.24.010 to allow migratory water fowl hunting within a specific area of the townsite.

Motion by **OLERUD**: Introduce Ordinance 07-12-174 and set it for its first public hearing on January 8, 2007. It was seconded by **LAPHAM**.

**OLERUD** explained that this particular area is traditionally used by a lot of the young people for bird hunting. When the former city annexed the area, the intention was to continue to allow that hunting. **VOGT** would like the description of the area to be stated more clearly.

The motion carried unanimously.

#### C. Other New Business

##### \* 1. Advisory Board Appointments

Boat Harbor Advisory Committee - 1 year terms

*Josh Moore - reappointment to commercial boat owner seat*

*Mike Mackowiak - appointment to commercial boat owner seat  
Mike Saunders - ad-hoc appointment to the committee*

**\* 2. Request for Report Deadline Extension - Energy Task Force**

**Recommended Motion:** Authorize the Energy Task Force to submit its final report to the borough assembly no later than the first assembly meeting in March 2008.

**3. 2008 Legislative Priorities**

**VENABLES** reminded the assembly that this is a fluid document and may be amended at any time. Representative Thomas and Senator Kookesh have asked for the list as soon as possible. **LAPHAM** expressed some concern about ongoing costs of an E-911 system. **VENABLES** agreed to look into it and added that there is an option to assess a user fee of up to a certain amount. **SMITH** asked if the copper pipe problem at the pool is a part of this priority list and asked about the prioritization of the list of needed pool repairs. **VENABLES** said it is understood that there is not a certain priority order to the list. They all have equally high importance and just depend on the particular bill or opportunity to tag a project on for some funding.

**Motion** by **VICK**: Approve the 2008 Haines Borough Legislative Priorities. It was seconded by **VOGT**. The motion carried unanimously.

**4. 2007 Snow Removal Contracts**

- Four Winds RMSA
- Riverview Drive RMSA

**Motion** by **LAPHAM**: Authorize the borough manager to readvertise them with an option for single mobilization, and authorize the manager to contract, in the meantime, on an as-needed basis. It was seconded by **VOGT**. The motion carried unanimously.

**12. SET COMMITTEE MEETING DATES**

The Boat Harbor Advisory Committee will meet on Thursday, December 13 at 2:00pm to discuss floats.

The assembly will meet as a Committee-of-the-Whole on January 15 at 6:00pm to discuss permanent fund investments with Bob Storer.

**13. PUBLIC COMMENTS**

**TURNBULL** disagreed with the suggestion of adding an E-911 surcharge on the phone bills.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**OLERUD** said he attended his first Library Board of Trustees

meeting, and the board asked him to extend an invitation to the assembly to hold another assembly meeting there. Additionally, they would be happy to provide behind-the-scenes tours anytime for assembly members.

**VICK** announced that the recent swim meet involved eight local kids, and several either took the championship or were in the top three.

**VENABLES** informed the assembly that the mayor and school district superintendent are aiming toward February for the annual joint meeting.

**15. ADJOURNMENT - 8:40pm**

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

ATTEST:

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Jerry Lapp, Deputy Mayor

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Julie Cozzi, Borough Clerk