

Haines Borough
Borough Assembly Meeting #130
April 8, 2008
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**, Steve **VICK**, and Norm **SMITH**.
Absent: Pete **LAPHAM** and Deborah **VOGT**.

Motion by **OLERUD**: Excuse Assembly Members **LAPHAM** and **VOGT** from attending this meeting. It was seconded by **SMITH**. The motion carried unanimously.

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

Visitors Present: Jessica **EDWARDS**/CVN, Don **TURNER III**, Chip **LENDE**, Leonard **DUBBER**, Scott **HANSEN**, Lee **HEINMILLER**, and Sierra **KADEN**.

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

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

- *4. **APPROVAL OF MINUTES** - 3/11/08 Regular

5. **PUBLIC COMMENTS**

LENDE voiced concern that some out of town vendors may not be appropriately paying Haines Borough sales tax. **VENABLES** read aloud the sales tax letter the borough sent to Home Depot regarding their recent visit to Haines. **LENDE** expressed concern about the free shipping that was offered for sales during that event. He was informed that Home Depot plans to load up a van in Juneau and have it transported to Haines. If a local representative would have to be in town to distribute the goods, it would make them taxable. **VENABLES** said the borough is aware of that situation.

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

SHIELDS said all in all, the trip to Washington D.C. was worthwhile, and he has guarded optimism after meeting with the Delegation and the Army Corps of Engineers. It seems the boat harbor project is in a good place for at least start-up funding. During the trip, they also introduced the idea that Haines could be made a model for alternative energy within the State of Alaska. Senator Lisa Murkowski thinks it's a good idea to at least start with an inventory of the energy sources available in Haines. He announced that Senator Ted

Stevens will come to Haines on July 5th. His visit will include a tour of the Fort, boat harbor, and other facilities. He added that Senator Murkowski is interested in coming for the Beer Festival in May.

7. PUBLIC HEARINGS

A. Ordinance 08-02-177 - second hearing

An ordinance of the Haines Borough amending Title 18 to remove the outdated requirement for final subdivision plats to contain a septic system statement.

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

Motion by OLERUD: Adopt Ordinance 08-02-177. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

B. Ordinance 08-02-178 - second hearing

An ordinance of the Haines Borough amending the official zoning map to change two parcels of property to a multiple residential zone.

The mayor opened the public hearing at 7:45pm.

DUBBER spoke in support of the rezoning request.

HANSEN, representing the Chilkoot Indian Association, said the planning commission voted unanimously to recommend the zoning change. He said it is not reasonable to plan for residential units in a commercial zone and requested that the assembly adopt this ordinance to change it to multiple residential.

HEINMILLER, representing Port Chilkoot Company (PCC), said it seems the best use of PCC's land is to change it to multiple residential. He explained that the gravel pit has not been used for resource extraction since 1991. He referenced HBC 18.070.060 and said since the planning commission unanimously recommended this rezoning request, the assembly is obligated to accept the recommendation.

The mayor closed the public hearing at 6:53pm.

Motion by VICK: Adopt Ordinance 08-02-178. It was seconded by **OLERUD**.

OLERUD asked **HEINMILLER** if he has a personal or financial interest in the Port Chilkoot Company. **HEINMILLER** admitted that he does. **OLERUD** also asked if **HEINMILLER** deliberated and voted on the rezoning issue at the planning commission level. **HEINMILLER** said yes. **OLERUD** read some sections from the borough's code of ethics and said he believes there has

been a violation.

Motion by **OLERUD**: Table the motion and request an advisory opinion from the borough attorney regarding the potential conflict of interest. The motion to table carried unanimously. The manager was directed to seek a legal opinion from the borough attorney.

C. Ordinance 08-03-179 - first hearing

An ordinance of the Haines Borough placing on the October 7, 2008 Election ballot the question of exemption from the Alaska Public Official Financial Disclosure Law (AS 39.50).

The mayor opened the public hearing at 6:58pm.

DUBBER supports the ordinance to put the question on the ballot. He expressed concern about conflicts of interest being interpreted too narrowly.

LENDE spoke against the motion. He said it's best for public officials to have all the cards on the table. The mayor explained that the laws have changed since **LENDE** was an elected official and, if he were on the assembly today, he would have to list all of his customers by name that spend \$1,000 or more in his business. **LENDE** responded "I stand corrected."

Hearing no further comment, the mayor closed the public hearing at 7:04pm.

Motion by **OLERUD**: Advance Ordinance 08-03-179 to a second public hearing on April 22, 2008. It was seconded by **LAPP**.

OLERUD said that there should be something filed at the local level, and **VICK** agreed. **LAPP** also agreed and suggested that the borough could develop a form. **SMITH** thought that staff might bring some examples and recommendations to the next public hearing for consideration. **COZZI** said the assembly might consider amending the ballot question to include the idea of a local filing requirement. The clerk was asked to draft an ordinance amendment for the next meeting.

The motion carried unanimously.

D. Ordinance 08-03-180 - first hearing

An ordinance of the Haines Borough amending Title 12 Chapter 12.08 and Title 18 Section 18.100.075 to establish road standards.

The mayor opened the public hearing at 7:08pm.

TURNER said he still has questions and concerns about the proposed road standards. He was asked to meet with the

manager and bring recommendations forward at the next meeting.

Hearing closed 7:12pm. there were no public comments.

Motion by **LAPP**: Advance Ordinance 08-03-180 to a second public hearing on April 22, 2008. It was seconded by **SMITH**.

OLERUD expressed concern about the proposed language in Section 12.08.120 regarding culvert variances. **VENABLES** will review that section to determine if an amendment is needed. **SHIELDS** recommended that the proposed amendments be postponed until the next public hearing to provide an opportunity for **TURNER** to meet with the manager regarding his concerns.

The motion carried unanimously.

8. STAFF REPORTS

A. Borough Manager

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

- **State Supplemental Funding - Pool Repairs (\$100K) and Beach Road Forcemain (\$400K)**
- **Project Updates**
- **Washington D.C. Trip**
- **FY09 Budget**
- **Chilkat Center Assessment**
- **Borough Personnel**
- **Borough Property Sales**

LAPP asked if the forcemain project will also address the school driveways.[Yes] **SMITH** asked what determines whether or not the borough will put out an RFP or just hire Dawson Construction to do the pool repairs. **VENABLES** said if Dawson has the expertise on hand, the borough will utilize them. Otherwise, an RFP will be issued. He said the borough will be meeting with Dawson and the swim team very soon and will determine the scope of work. **SMITH** doesn't understand why the borough can't proceed immediately with an RFP at the same time that Dawson is consulted with. **VICK** cautioned that the borough at least needs to get a jump on ordering the needed materials since it can take so long to come in. **VENABLES** said he understands the concerns and will work as much as possible to expedite the pool repairs. **SHIELDS** asked the manager to keep **SMITH** informed during the process.

SMITH asked that the spring heave in the one section of Third Avenue be added to the priority list of roads to be paved this summer. He believes it is a serious traffic

hazard. **VENABLES** explained that Representative Thomas is trying to acquire some more road money to do additional roads. He added that the assembly will ultimately decide which roads will be paved this year.

VENABLES briefed the assembly on some recent helicopter issues. There have been allegations of skiing on Takhin Ridge in violation of the helicopter map. Additionally, the borough met with Temsco Helicopters, and they will be coming to the assembly to ask for a tour permit. **SMITH** said that it is currently the manager's discretion to determine fines for code violations. He believes the assembly should consider a fine schedule and a "three strikes you're out" policy. He admitted that he doesn't want to open up another can of worms. **SHIELDS** assigned the topic of fines to the Commerce Committee.

VENABLES announced that the Harbormasters Conference will take place in Haines, October 6-9, 2008 and will involve 75 to 100 people.

VICK asked the status of Excursion Inlet's request for the borough's support for their application to the Board of Fish for a personal fisheries zone. **VENABLES** said the residents never submitted an application, so the borough's support is not needed at this time. He also stated that he had discussed this matter with Representative Thomas' office and with the chair of the Board of Fish.

- * 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
- * L. Waterfront Improvement Committee

10. OLD BUSINESS - None

11. NEW BUSINESS

A. Resolutions - None

B. Ordinances for Introduction - None

C. Other New Business

*** 1. Liquor License Renewals - Alaskan Liquor Store, Elks Lodge, Pioneer Bar, Fireweed Restaurant, and Harbor Liquor Store**

2. Sales Tax Exemption Request - SE AK Independent Living

KADEN informed the assembly that Southeast Alaska Independent Living (SAIL) provides services to people with all disabilities including seniors. SAIL doesn't bill Medicaid so they work to catch the people that fall through the cracks. They also work closely with REACH and other related organizations and are located in the REACH building. She noted that 51% of the SAIL staff have disabilities.

Motion by **LAPP**: Grant Sales Tax Exemption to Southeast Alaska Independent Living. It was seconded by **VICK**.

LAPP asked the reason for sales tax exemption. **KADEN** said it would be primarily for office supplies, building materials to construct things like accessibility ramps, or purchasing bathroom modification items, etc. to help people remain in their homes. She explained that SAIL contracts out the modification work.

The motion carried unanimously in a roll call vote.

*** 3. Board and Commission Appointments**

Recommended motion: *The assembly confirms the following appointments:*

- **Alan Heinrich** - Fire Service Area Board #1 - term ends 11/30/10
- **Michael Stark** - Chilkat Center Advisory Board, Seat G - term ends 11/30/10
- **Greg Brask** - Planning Commission, Seat G - term ends 11/30/08.

12. SET COMMITTEE MEETING DATES

The Commerce Committee will meet at the call of the chair.

The Board of Equalization training with Steve VanSant will be at 5:30pm on 4/15 followed by first FY09 budget C.O.W. at approximately 6:30pm.

13. PUBLIC COMMENTS

HANSEN requested that the assembly put the rezoning item on the next agenda to expedite it. Chilkoot Indian Association has a lot of investment in their subdivision plans.

OLERUD said he is concerned that the borough is running out of light industrial zoning.

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VICK invited the assembly to join the Cannonball Swim Contest. There are seven teams already signed up, and it is a fundraiser for the swim team.

SMITH asked about the community block grant award to Haines Borough for the Haines Assisted Living facility, specifically the borough's liability should the facility not work out. **VENABLES** said it is basically a pass-through grant, and when the grant agreement arrives, more detailed information will come before the assembly. **LAPP** noted that this is something the borough has done for many organizations.

VICK asked about the AP&T request for support for the hydro project. **SHIELDS** said that Stan Selmer will be in Haines soon to meet with the mayor regarding their proposed plans. **LAPP** said it would be good to consider endorsing it as another alternative energy source. **VENABLES** said conceptually, the borough has supported hydro power, but there is not a specific set of plans to endorse at this time. AP&T will provide more information before endorsement decisions are made. **SMITH** suggested that the borough work with AP&T to develop tidal energy.

OLERUD thanked the mayor for allowing him to represent the borough at the school assembly honoring the basketball team and the cheerleaders. He said it was a nice, well attended presentation.

15. ADJOURNMENT - 8:04pm

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

Fred Shields, Mayor

ATTEST:

Julie Cozzi, Borough Clerk