



Haines Borough
Borough Assembly Meeting #141
September 23, 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 Norm **SMITH**, Pete **LAPHAM**, Deborah **VOGT**, Doug **OLERUD**, Jerry **LAPP**, and Steve **VICK**.

Staff Present: Tom **BOLEN**/Borough Manager, Julie **COZZI**/Borough Clerk, Lori **STEPANSKY**/Tourism Director, Stephanie **SCOTT**/Energy & Sustainability Coordinator, Debra **SCHNABEL**/Project Clerk, and Gary **LOWE**/Chief of Police.

Visitors Present: Diana **BORO**/KHNS, Jessica **EDWARDS**/CVN, Greg **STUCKEY**, Michael **BYER**/School Superintendent, Jack **WENNER**, Mike **CASE**, Jason **GAFFNEY**, Pamela **RANGLES**, Jane **WEAGANT**, Rob **GOLDBERG**, Deborah **STANFORD**, Kelly **LOWE**, Les **HOSTETLER**, Greg **PALMIERI**, Jan **HILL**, Dave **PAHL**, and Glade **MORALES**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

Remove New Business Item 11CA - ABEF Request (Shields)
Add Old Business Item 10C - Public Education re. Prop #1 (Vogt)
Add New Business Item 11C4 - Personnel Record Policy (Olerud)

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

*4. APPROVAL OF MINUTES - None

5. PUBLIC COMMENTS

CASE encouraged the assembly to give the public an opportunity to vote on the secondhand smoke ordinance.

6. MAYOR'S COMMENTS/REPORT

SHIELDS introduced the new borough manager since this is his first meeting.

Motion by **SMITH**: Suspend the rules and address Item 10A at this point in the meeting to accommodate those in the audience that have come for that item. It was seconded by **OLERUD**. The motion carried unanimously.

Ordinance 08-08-186 - formerly Old Business Item 10A.

An ordinance of the Haines Borough Assembly amending Title 8 to add a new chapter 8.18 titled: Secondhand Smoke Pollution Control.

Motion by **LAPP**: Reconsider Ordinance 08-08-186. It was seconded by **VOGT**. The motion carried unanimously. This returned the following motion to the table: *Adopt Ordinance 08-08-186, as amended during the September 9 meeting.*

Motion to Amend by **VOGT**: Make the following three changes: 1) add to Sec. 3 that it will become effective 90 days after "ratification by the people of Haines at the next general local election", 2) add to 8.18.010(8) "A vehicle is not a place of employment if it is assigned to, driven by, and used exclusively by a single individual.", and 3) replace 8.18.070(A & B) with "A. Every operator of a place of employment or a public place must conspicuously post signage sufficient to inform the public and employees that smoking is prohibited in every enclosed place in the premises or vehicle." It was seconded by **LAPP**.

LAPP summarized the proposed amendments. **LAPHAM** asked about a smoker who owns his own business and said the current ordinance would not allow him to smoke in his own shop that is not open to the public. **VOGT** responded that if the person is an employer and it's a place of employment or a public area, it would be subject to this ordinance.

LAPHAM expressed belief that 8.18.050, Designation of a Smoke-free Area negates the whole ordinance. Owner, Operator, Person having control implies a business entity.

Motion to Amend the Amendment by **VOGT**: Remove from Section 8.18.050 the words "operator, manager, or other person having control of the property" and limit it to "owner." It was seconded by **LAPP**.

OLERUD explained that this section goes above and beyond the areas that would already have prohibited smoking. If it's your property and you want to expand prohibition beyond the ordinance requirements, this section allows that. **LAPHAM** still believes this particular section negates the rest of the ordinance since it says "chooses to prohibit smoking." It seems like the door is left open. **OLERUD** reiterated that this only speaks to exceeding the rest of the ordinance. **VOGT** withdrew her motion to amend the amendment. **LAPP** agreed.

The amendment motion carried unanimously.

The main motion carried 5-1 in a roll call vote with **LAPHAM** opposed.

7. PUBLIC HEARINGS

A. Ordinance 08-08-188 - second hearing

An ordinance of the Haines Borough amending Borough Code

Title 18 Section 18.70.010 zoning map, to reflect recent changes to the official zoning map.

The mayor opened and closed the public hearing at 6:55pm; there were no public comments.

Motion by **VOGT**: Adopt Ordinance 08-08-188. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

B. Ordinance 08-09-189 - first hearing

An ordinance of the Haines Borough amending Borough Code Title 2 to add Section 2.06.035 to establish a local financial disclosure requirement and process.

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

Motion by **LAPHAM**: Advance Ordinance 08-08-189 to a second public hearing on October 14. It was seconded by **VICK**.

VOGT said she has some proposed amendments and offered to work with the clerk to prepare a substitute ordinance.

The motion carried unanimously.

8. STAFF REPORTS

A. Borough Manager

BOLEN greeted everyone present and summarized his written report including the following topics:

- Staska/Floreske Complaint
- Young Road/Waterline Project
- Street Paving
- Department Updates

OLERUD asked if guard rails might be added along a section of Young Road since it is steep and precarious. **SHIELDS** agreed. **BOLEN** will look into it.

BOLEN said that he has received a proposal and design concept on the PC Dock Restrooms and it will be in the next meeting packet for the assembly consideration.

VOGT asked to see the plan for completing the assessment project, and **BOLEN** will make sure the assembly gets it.

Regarding water runoff on Allen Road, Public Works is going to be taking care of it per **LAPHAM** who spoke with the state Haines Maintenance foreman. Bradford took test samples, and **BOLEN** will follow up on it.

VOGT suggested that the assembly and planning commission look at legislative priorities earlier this year. SHIELDS suggested a possible Joint Committee-of-the-Whole meeting in November.

LAPP said he notices how beautiful the drive is along Haines Highway, and there are a lot of eagles. It would be nice to try to push for more tourism during this time of year. STEPANSKY said there have been inquiries. She added that she is working on the application for scenic byways designation.

- * 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

LAPHAM said he has been communicating with the Forest Service and is waiting for more information regarding helicopter monitoring. He wants to have a committee meeting as soon as he gets that information.

- * 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

VOGT asked for status of this ad-hoc committee. OLERUD said the committee is still awaiting answers regarding waterfront property ownership and dealing with the angle of the Beach Road/Haines Highway "Y".

- * M. Energy & Sustainability Commission

10. OLD BUSINESS

- A. Ordinance 08-08-186 - addressed prior to Item 7A.
- B. Borough Mailers for the Fuel Tax Initiative

GOLDBERG said he has prepared flyers for posting around town. He is very concerned about this ballot measure and has willingly donated his time and resources to educate the

public. He believes that if the measure passes, it will be disastrous for the borough. He thinks the proposed borough mailer is too wordy and should be redone, and he offered his time to work on it. **VOGT** said the flyer should say it is paid for by the borough assembly and the assembly is unanimously opposed to the ballot initiative. She thanked **GOLDBERG** for his volunteer efforts. The manager was authorized to approve the final flyer.

C. Educating the Public re. Financial Disclosure Exemption Initiative

OLERUD offered to try to write a letter to the editor explaining the reasons for the initiative.

11. NEW BUSINESS

A. Resolutions

1. Resolution 08-09-135

A resolution of the Haines Borough Assembly appointing election officials for the regular election to be held October 7, 2008, and establishing the wages.

Motion by **LAPP**: Adopt Resolution 08-09-135. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

2. Resolution 08-09-136

A resolution of the Haines Borough Assembly supporting the Chilkoot Indian Association's application for the Denali Commission FY09 Transportation Roads Fund.

Motion by **LAPHAM**: Adopt Resolution 08-09-136. It was seconded by **LAPP**.

STUCKEY said the CIA is trying to get \$1 million from the Denali Commission to help them with their subdivision project. With the assembly's support, they will get more points.

The motion carried unanimously in a roll call vote.

3. Resolution 08-09-137

A resolution of the Haines Borough Assembly in support of further resource reconnaissance, feasibility analysis, resource assessment, and the conceptual design of a wood fired heating system to serve municipal facilities.

Motion by **VICK**: Adopt Resolution 08-09-137. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

4. Resolution 08-09-138

A resolution of the Haines Borough Assembly supporting the Borough Coordinated Transportation Plan 2008 revision.

Motion by **LAPHAM**: Adopt Resolution 08-09-138. It was seconded by **VOGT**. The motion carried unanimously in a roll call vote.

The mayor called a brief recess at 7:50pm. The meeting reconvened at 7:55pm.

B. Ordinances for Introduction - None

C. Other New Business

1. American Bald Eagle Foundation (ABEF) Raptor Center

(This item was removed during approval of the agenda.)

2. Amendment to PND Contract for Road Improvement Project

Motion by **LAPHAM**: Authorize the borough manager to execute Amendment #3 to the PND engineering services contract regarding Phase two of the street improvements project. It was seconded by **LAPP**. The motion carried unanimously.

3. Floreske Extraction Dispute - (This topic was not addressed because it is being handled administratively, at this point.)

4. Personnel Record Policy

(Added during approval of agenda.)

OLERUD cited borough code, 2.72.080 regarding the confidentiality of personnel records. He believes the release to the media of the former borough manager's performance evaluation was a blatant violation of the borough code.

Motion by **OLERUD**: It is not the policy of the Haines Borough for public officials to keep confidential personnel records for any reason outside of the knowledge of the borough clerk. The Haines Borough Assembly condemns the recent incident where such records were personally held and then disclosed to the public in violation of the borough code. The motion died for lack of a second.

SHIELDS asserted that those records were never in the possession of the borough. **OLERUD** said he still believes it is a very blatant violation of borough code. There are employees that are concerned. **SHIELDS** said the record did not come from or go to the borough, so he believes it is not subject to the code.

12. SET COMMITTEE MEETING DATES - None

13. PUBLIC COMMENTS

WEAGANT thanked the assembly and mayor for their consideration of the clean air ordinance.

CASE said he had a personal worksheet pertaining to Venables' 2005 performance evaluation that he sent to the mayor's personal email address. In his opinion, it was sent to the mayor in his official capacity.

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

LAPHAM asked to be excused from the October 14th meeting since he will be out of town.

LAPHAM asked the status of the new maintenance building, and said it is still not being used. **SHIELDS** said there is a roof defect that was aggravated by the snow load last year, and the solution is not immediately clear.

SMITH said he has seen various Alaskan individuals appearing on CNN because of Sarah Palin's VP candidacy. He suggested that perhaps the borough's tourism director might have an opportunity to talk about the scenic byways designation efforts.

LAPHAM said the borough needs to take a serious look at designated snow storage areas. He suggested some "snow storage lots" that could be used for summertime parking. **LAPP** noted that there has been a flooding problem in the Haines High School area in the past, and piling lots of snow on the old primary school lot might cause more problems. **LAPHAM** said the state recently added a new culvert in the Allen Road area that should help. **SMITH** said it is very expensive to move snow twice, so it would be best to pile the snow in areas where it can just melt in place in the spring. **BOLEN** agreed and said he has already been discussing it with the Public Works Superintendent and will continue to work on the issue.

VICK gave kudos to Police Chief Lowe and Officer Joel for holding down the fort so well while the police department is short-handed.

15. ADJOURNMENT - 8:20pm

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

ATTEST:

Fred Shields, Mayor

Julie Cozzi, Borough Clerk