

Haines Borough  
Borough Assembly Meeting #153  
April 28, 2009  
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG Mayor HILL 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 Jan HILL and Assembly Members Scott ROSSMAN, Jerry LAPP, Doug OLERUD, Pete LAPHAM, Steve VICK, and Norm SMITH.

Staff Present: Tom BOLEN/Borough Manager (participating by phone), Julie COZZI/Borough Clerk, Jila STUART/Chief Fiscal Officer, Stephanie SCOTT/ESC Coordinator, Sarah ELLIOT/CYD Director, Jerrie CLARKE/Museum Director, and Gary LOWE/Chief of Police.

Visitors Present: Ann PETERSON/CVN, Kelly LOWE, Bill and Libby KURZ, Janet KURZ, Mike CASE, Pam SLOPER, Marnie HARTMAN, Julia HEINZ, Greg SCHLACHTER, Les HOESTETLER, Carol TUYNMAN, James ALBOROUGH, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

BOLEN asked the assembly to consider removing items 7A, 7C, and 7D from the agenda. He has some concerns and would like the borough attorney to review them prior to adoption. The assembly chose instead to proceed with the public hearings and hold 7A over for a third hearing and the other two over for second hearings. The manager will have time to address his concerns.

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

\*4. APPROVAL OF MINUTES - 4/14/09 Regular

5. PUBLIC COMMENTS

J.KURZ said she was recently appointed the state chairman for the Elks' youth alcohol/drug awareness program. She expressed hope that the assembly will support the program's efforts.

TUYNMAN spoke in support of the community's cultural activities, specifically the museum and library, and she asked for the assembly's continued support of the programs and staff.

6. MAYOR'S COMMENTS/REPORT

Mayor HILL announced the final project monies designated for Haines in the state's budget and encouraged the assembly to phone Representative Thomas's office in Juneau if there are questions.

The mayor reported on the American Legion convention recently held in Haines and said 150 people came from out of town. She was able

to spend a lot of time at the conference and received many great comments from attendees.

**HILL** and **ROSSMAN** had an opportunity to meet with a representative for a company working on a mining project in the area. Initial drillings have been good, and the company will keep in touch with the borough; they expect to return in the summer. There are lead, zinc, gold, copper, and silver deposits---larger than Greens Creek Mine.

The mayor announced that Governor Palin is coming to Haines to sign SB89 concerning Alaska Territorial Guard benefits. Plans call for Palin to tour the new school, address a special high school assembly, and sign the bill in Lookout Park before traveling over to Skagway by ferry.

## **7. PUBLIC HEARINGS**

### **A. Ordinance 09-03-201 - Second hearing**

**An ordinance of the Haines Borough amending borough code Title 18 Chapter 100 to update and clarify subdivision regulations.**

Mayor **HILL** opened and closed the public hearing at 6:48pm; there were no public comments.

**Motion** by **LAPHAM**: Advance Ordinance 09-03-201 to a third public hearing on May 12. It was seconded by **ROSSMAN**.

The motion carried unanimously.

### **B. Ordinance 09-04-202 - First hearing**

**An ordinance of the Haines Borough amending borough code Title 18 Section 18.70.040 Zoning Use Chart, to add guest house and multiple single family residence uses to the zoning use chart.**

Mayor **HILL** opened and closed the public hearing at 6:50pm; there were no public comments.

**Motion** by **LAPHAM**: Advance Ordinance 09-04-202 to a second public hearing on May 12, 2009. It was seconded by **LAPP**. The motion carried unanimously.

**SMITH** and **VICK** asked for more background information on these ordinances as well as definitions in the next meeting packet.

### **C. Ordinance 09-04-203 - First hearing**

**An ordinance of the Haines Borough amending borough code Title 18 Section 18.80.030 Setbacks and Height, to clarify from where structure height is measured.**

Mayor **HILL** opened and closed the public hearing at 6:53pm; there were no public comments.

**Motion** by **LAPHAM**: Advance Ordinance 09-04-203 to a second public hearing on May 12, 2009. It was seconded by **VICK**.

**BOLEN** explained that all of these Title 18 ordinances have come about because of issues that came to Planning & Zoning staff.

The motion carried unanimously.

**D. Ordinance 09-04-204 - First hearing**

An ordinance of the Haines Borough amending borough code Title 18 Section 18.80.030 Setbacks and Height, to address road and utility easements within property lines.

Mayor **HILL** opened and closed the public hearing at 6:56pm; there were no public comments.

**Motion** by **LAPHAM**: Advance Ordinance 09-04-204 to a second public hearing on May 12, 2009. It was seconded by **SMITH**. The motion carried unanimously.

**8. STAFF REPORTS**

**A. Borough Manager**

The manager summarized his written report that provided an update on various projects, activities, and departmental issues.

**BOLEN** said the final version of the harbor master plan will be presented to the assembly for approval at the next meeting.

The manager has opted to give money to local builders and sellers to build portable restrooms that will be placed at the PC Dock during the cruise ship season. They will be moved to Letnikof when the season is done. He estimates that construction will cost \$20-25K as opposed to leasing restrooms for about \$40K not counting freight.

**BOLEN** clarified that borough code stipulates the mayor and manager are the ones authorized to contact the borough attorney. Assembly members with legal questions or issues should work through the mayor.

Regarding the boat harbor construction, **ROSSMAN** wondered if Klukwan Inc's float could be put into use for displaced boats. **BOLEN** said he will ask the harbormaster to research the possibility.

Pertaining to the Lynn Canal Conservation letter about the recent emergency ordinance, **VICK** said he wants the assembly to maintain the ability to address "broken" code when issues arise. **LAPHAM** agreed and said he received a lot of positive comments that the assembly had stepped up to the plate in a tough situation and did the right thing. He does agree that some code changes are needed. **LAPP** said the assembly has already agreed to have the Commerce Committee look at this, and a group threatening litigation does not sit well with him.

BOLEN thanked the Chief of Police for taking the initiative to invite the public to a meeting by an Alcohol and Beverage Control Board representative. Members of the public attended and there was good discussion regarding underage drinking and other alcohol-related issues facing the community.

The mayor called a brief recess at 7:25pm. The meeting reconvened at 7:37pm.

- \*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
- M. Energy & Sustainability Commission

SCOTT said the next meeting of the ESC meeting is May 5<sup>th</sup> and LAPHAM is scheduled to give a report on the Montana Wood Energy Tour. She also reported on the various meetings and activities of the group and said they are working very hard. BOLEN said four LED test lights for the harbor were ordered. The engineers got 6 more free of charge, and those will be put up for the harbor test. The four the borough ordered will be put up for a street test.

- \*N. Service Area Boards

#### 10. OLD BUSINESS - None

#### 11. NEW BUSINESS

- A. Resolutions
- B. Ordinances for Introduction

##### 1. Ordinance 09-04-206

An ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the period July 1, 2009 through June 30, 2010.

Motion by OLERUD: Introduce Ordinance 09-04-206 and set a first public hearing for May 12, 2009. It was seconded by LAPP. The motion carried unanimously.

### C. Other New Business

#### 1. Wheeled Backhoe Loader

Motion by LAPHAM: Authorize the Borough Manager to purchase a used Volvo backhoe from Construction Machinery Inc. (CMI) for an amount not to exceed \$44,000 FOB Haines. It was seconded by VICK.

BOLEN asked for an additional \$550 to get the extra bucket included in the CMI quote. He asked for a motion amendment.

Motion to amend by LAPHAM: Not to exceed \$44,550. It was seconded by ROSSMAN. The amendment motion carried unanimously.

The motion carried unanimously in a roll call vote.

#### 2. Well & Fit Community Center - Discussion

ROSSMAN said the idea of spending money to save both old school buildings is difficult for him to accept. LAPP said he encouraged the Well & Fit group to go instead for the old elementary building. He is more supportive of tearing down the old primary building for tennis courts and parking. LAPHAM thinks the program is good, but he cannot support funding this old building. He expressed concern about another entity "living on the borough" and suggested a ballot initiative to ask if the public is willing to fund it. OLERUD said he likes the idea of using the earmarked demolition money to put the building back into use. The group would own the building---maintain it, operate it, etc. He agreed with LAPHAM and said he doesn't want this project to tie the borough down. It should be a nonprofit group separate from the borough, and the only participation by the borough could be to allow space for the preschool with the borough paying some type of rent money to the "Center." That way, the borough could "get rid of" both the Primary and Human Resource Buildings. VICK believes the group has come up with a good plan, although there are several questions to be answered. BOLEN explained that the initial request was for a temporary space to exercise. He agreed with OLERUD that the borough might try to find a way to support them in other ways such as possibly providing umbrella insurance. His preference is that if serious money is put into a building it should be the elementary building. He's willing to work in any direction the assembly believes is appropriate. LAPHAM asked HARTMAN where activities are currently taking place. HARTMAN responded that it is primarily different rooms in the

Chilkat Center but a few other locations are used, as well. There are often conflicts with availability. **HOESTETLER** said the group is looking for the shortest route to open a facility. They believe the elementary school is too big and too costly. He noted that there is no fire protection in either building. In the primary school, it would cost about \$27K to install a sprinkler system that would protect the whole building. All of the abatement is done. It could be cleaned up, painted, sprinkler system installed, insured, and utilities hooked up. If the group outgrew the building in the future, there would still be a better building to put to another use. **ELLIOTT** said the multi-purpose room could be rented out for private events and the building used for many community things. The group does not envision restricting the "Center" to exercise and recreation. **HARTMAN** said the group has an ambitious goal of November 1<sup>st</sup> to be open. **VICK** expressed his support. **ROSSMAN** said he would like the group to put together a ballot initiative so they have a voter mandate to spend tax dollars on this program. **OLERUD** recommended referral to the Government Affairs and Services Committee. **SMITH** said the borough should just give the building to the group, and they should come back when they need more money.

**Motion** by **SMITH**: Direct the manager to give the old primary school building to the Well & Fit group. It was seconded by **VICK**.

**OLERUD** said he is in favor of it, but he wants to have a plan and he wants to know the borough's future responsibility. It shouldn't end up costing the borough a lot of money down the road. **LAPHAM** reiterated that the question should go to a vote of the people. **VICK** is apprehensive about putting it on a ballot, because it could end up costing the borough more if voters mandated ongoing support and funding of the facility. **ROSSMAN** clarified that the building as it is would not be useful to the group without the requested \$250K to fix it up.

The motion failed 2-4 with **OLERUD**, **LAPP**, **LAPHAM**, and **ROSSMAN** opposed. The assembly wants the Government Affairs & Services Committee and the borough manager to negotiate with the group.

### 3. New Library Circulation System - Evergreen OPAC Project

**Motion** by **LAPP**: Authorize the borough library to enter into a contract with Equinox Software to provide a new circulation system for the library for the amounts stated in the contract. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

#### 4. Advisory Board Appointments

Motion by **OLERUD**: Confirm the mayor's appointment of Norman Hughes to the At-Large seat on the Boat Harbor Advisory Committee. It was seconded by **VICK**. The motion carried unanimously.

#### 5. Chilkat Center Pedestrian Bridge

Motion by **LAPHAM**: Authorize the Borough Manager to contract with Alaska Metal Goods, Inc. to provide the Chilkat Center Pedestrian Bridge for an amount not to exceed \$29,235. It was seconded by **LAPP**.

**OLERUD** asked what the installation cost will be. **BOLEN** said he believes the bridge is being manufactured as a unit so it can be craned into place. There will be a small amount of support work needed, and he estimated \$30K or less for the whole installation. **OLERUD** asked for the total project budget. **STUART** responded that the grant amounts to \$85K. The engineering cost was \$16K. **BOLEN** said the intention was to have a fabricator build the bridge and have a local contractor install it. **OLERUD** is concerned that the bridge will come in as a bunch of pieces to assemble. He would have preferred a concurrent RFP for installation so that the total project cost could have been known. **LAPP** suggested the manager make sure the bridge will indeed arrive in one piece. **BOLEN** agreed.

Motion to Amend by **VICK**: The project award is contingent upon the manager confirming with the low bidder that the bridge will be delivered in one piece. It was seconded by **LAPP**. The amendment motion carried 4-2 with **SMITH** and **OLERUD** opposed.

The main motion carried unanimously in a roll call vote.

#### 6. 2009 Borough Flowers

Motion by **LAPHAM**: Authorize the borough manager to negotiate a contract with Whiterock Nursery to provide flowers for the 2009 summer visitor season for an amount not to exceed \$6,500. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

#### 7. PND Contract Amendment - Haines Streets Phase I

Motion by **ROSSMAN**: Authorize the manager to negotiate a contract amendment with PND Engineers to provide construction phase services for an amount not to exceed \$34,465. It was seconded by **LAPHAM**. The motion carried 5-1 in a roll call vote with **OLERUD** opposed.

#### 8. PND Contract Amendment - Port Chilkoot Waterfront Development

Motion by **LAPHAM**: Authorize the manager to negotiate a contract amendment with PND Engineers to increase the Not-to-Exceed engineering fees by \$69,020. It was seconded by **LAPP** for discussion purposes.

SMITH spoke against the project. OLERUD expressed second thoughts about his earlier support and wondered if it might be sufficient to construct two portable restroom buildings along with a simple covered pavilion. ROSSMAN asked when construction is expected. BOLEN said the retaining wall can be built this summer and the bathrooms put up toward the end of the summer tourism season.

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

**12. CORRESPONDENCE**

**13. SET MEETING DATES**

The Government Affairs & Services Committee will meet on Tuesday, May 5 immediately following the 5:15 Budget C.O.W. (approximately 7:00pm) to discuss the Well & Fit proposal and what the borough's involvement might be.

OLERUD recommended a union negotiating team meeting prior to the May 12<sup>th</sup> assembly meeting in case an executive session is needed. BOLEN will attempt to set up a meeting with the union.

**14. PUBLIC COMMENTS**

B.KURZ said the public got the impression that the old school buildings are worthless. He likes the idea of renovating them for new uses.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

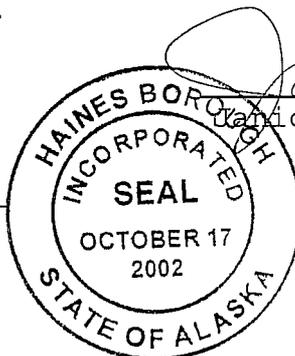
HILL said she is planning for an executive session on 5/12 assembly meeting concerning the borough manager's evaluation provided she receives forms from the two assembly members she's still waiting on.

**16. ADJOURNMENT - 9:09pm**

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

ATTEST:

Jamie Heinz  
Jamie Heinz, Deputy Clerk



Jamie Hill  
Jamie Hill, Mayor