

  
**Haines Borough**  
**Borough Assembly Meeting #157**  
**June 23, 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 Steve VICK, Douglas OLERUD, Jerry LAPP, Pete LAPHAM, Norman SMITH and Scott ROSSMAN.

**Staff Present:** Tom BOLEN/Borough Manager, Julie COZZI/Borough Clerk, Brad MAYNARD/Director of Public Facilities, Stephanie SCOTT/ESC Coordinator, and Jerrie CLARKE/Museum Director.

**Visitors Present:** Jessica EDWARDS/CVN, Karen HESS, Greg STUCKEY, Dave STICKLER, Jim STICKLER, Jason GAFFNEY, Sean GAFFNEY, Jack WENNER, Georgiana HOTCH, Jack FLORY and family, Bart HENDERSON, Dale MULFORD, Bill and Libby KURZ, Debra SCHNABEL, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

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

- \*4. APPROVAL OF MINUTES - 5/20/09 BOE

5. PUBLIC COMMENTS

**K.HESS** spoke concerning the temporary PC Dock restrooms. She was told that they would be in place shortly after the first cruise ship in May. Unfortunately, porta-potties are still there, and there are problems with keeping them clean and sanitized. For the community's sake, adequate facilities are needed for visitors and citizens alike.

**D.STICKLER** made comments about unlicensed contractors operating in the borough. He wanted to make the assembly aware that he is concerned about how construction business is conducted in this community.

**HENDERSON** reiterated the need for the temporary restrooms to be fast-tracked. Every effort should be made to put on a welcoming face, and the assembly needs to communicate a "high priority" message to staff.

**J.GAFFNEY** said the tourism advisory board echoes the need for the temporary restrooms to be made a high priority. He agreed

with **HENDERSON's** comments and said it is imperative that they be in place for the Sea Princess's arrival on July 7<sup>th</sup>.

## **6. MAYOR'S COMMENTS**

**HILL** reported on the recent trip she made to Washington D.C. with **BOLEN** and **LAPHAM**. They met with the lobbyist, the delegation members and/or their staff, and the Army Corps. It was successful in large part because **BOLEN** had spent many hours just prior to the trip putting together a single page synopsis of information that was easy to follow. The priority for the trip was to discuss the boat harbor, and she believes the borough will see the half-million start-up monies that had been "lost" this year. The message was heard loud and clear and she's very optimistic.

When she got back and picked up the newspaper, it seemed the borough was being slammed on several different fronts. There was a time in Haines that the citizens did not expect the government to do everything. This is a community full of volunteers that choose to give their time to make things better for everyone. She applauded Dave Pahl for taking the initiative to do something that he saw needed to be done---mowing the grass in front of the former elementary school building. It renewed her faith in the old days and the way things used to get things done. She is sorry that the borough didn't get it done, but citizens might need to get more involved. If we all pitch in, we can all make Haines look nicer.

She introduced Jack **FLORY** who completed the Weatherization Technician Training program in Sitka in May and, on behalf of the Haines Borough and the Energy & Sustainability Commission, she presented him a check for \$200. She asked him to consider putting his education to use in Haines.

## **7. PUBLIC HEARINGS**

### **A. Ordinance 09-05-208** - Second hearing

An ordinance of the Haines Borough, Alaska amending Title 18 Sections 18.60.010 and 18.70.030, to establish that outhouses and pit privies are not allowed within the townsite and establish guidelines for methods of wastewater and sewage disposal outside of the townsite.

Mayor **HILL** opened and closed the public hearing at 6:59pm; there were no public comments.

**Motion** by **LAPP**: Adopt Ordinance 09-05-208. It was seconded by **LAPHAM**.

**BOLEN** recommended the assembly hold this over for a third public hearing to give the planning commission another

opportunity to look at the wording. **ROSSMAN** would like the planning commission to create a definition for "outhouse."

**Motion to Amend** by **LAPP**: Hold Ordinance 09-05-208 for a third public hearing on July 14<sup>th</sup>. It was seconded by **ROSSMAN**.

**BOLEN** said staff will work with the planning commission on the language.

The amendment motion carried unanimously.

The main motion carried unanimously in a roll call vote.

**D. Ordinance 09-05-209** - Second hearing

**An ordinance of the Haines Borough, Alaska providing for the addition or amendment of specific line items to the FY09 budget.**

Mayor **HILL** opened and closed the public hearing at 6:58pm; there were no public comments.

**Motion** by **LAPHAM**: Adopt Ordinance 09-05-209. It was seconded by **LAPP**. The motion carried 5-1 in a roll call vote with **OLERUD**.

**8. STAFF REPORTS**

**A. Borough Manager**

The manager provided an oral update on various projects, activities, and departmental issues and distributed several documents and notes. Topics included:

- ✓ Temporary Restroom Update / Waterfront Development Decision
- ✓ Application for Energy Grant
- ✓ Well & Fit MOA and Lease
- ✓ Business Licensing Issue related to Building Construction
- ✓ Projects Update including Harbor Expansion, Boat Harbor Replacement, Young Road Tank, and Letnikof Boarding Float
- ✓ Sheldon Museum Fire Suppression

Regarding the PC Dock restrooms and other improvements, **OLERUD** recommended that the assembly meet together with the Tourism Advisory Board, Planning Commission, and PND Engineers so everyone can hear the same thing. He is not willing to endorse anything until everybody is on the same page. **ROSSMAN** expressed dismay that the community cannot seem to build a restroom and suggested purchasing the property across the street from the PC Dock in order to move ahead with it. He's frustrated that the assembly has been unable to make a decision.

Motion by **ROSSMAN**: Purchase the Lemcke property across the street from the PC Dock and build restrooms. It was seconded by **SMITH**.

**OLERUD** said this will compound traffic problems. **VICK** agreed with **OLERUD**. **LAPP** prefers the Concept 5 renovation plan.

The motion failed 2-4 with **OLERUD**, **LAPP**, **VICK**, and **LAPHAM** opposed.

**VICK** agreed with **ROSSMAN** that a decision needs to be made.

**OLERUD** said none of the concepts will get built this year, so there is time to get all the groups together to work out a consensus. **SMITH** believes the borough has gone far beyond the original goal. He also said he went to the public works shop to look at the temporary restroom building, and it seems really close to being finished.

Motion by **SMITH**: Hire Stickler Construction to complete the temporary restroom building. It was seconded by **ROSSMAN**.

**VICK** asked if it can be in place by July 7<sup>th</sup> when the Sea Princess will be in port. **BOLEN** said it can if enough resources are put in place. **OLERUD** asked if plans had been sent to the state fire marshal [Bolen responded "no"], and said the borough should follow state law just like everyone else.

The motion failed 2-4 in a roll call vote with **OLERUD**, **LAPP**, **VICK**, and **LAPHAM** opposed.

Motion by **VICK**: Endorse the application for the ARRA energy grant. It was seconded by **ROSSMAN**. The motion carried unanimously.

[Assembly Member **SMITH** left the meeting at 7:40pm.]

Regarding building construction licensing, **LAPHAM** agreed with **BOLEN**'s recommendation about owner-builder language in code. **LAPP** agreed that it should be made more restrictive than state statute. **BOLEN** said a house, duplex, tri-plex, four-plex, or a commercial building is what the state statute applies the owner-builder regulation to. It would not affect something like a shed or deck. **D.STICKLER** said the borough needs to start requiring a state business license in order to get a borough business license. The manager will continue to work on this issue.

**LAPHAM** said his impression while in Washington D.C. was that everyone thought our harbor project was dead. In his opinion, **BOLEN**'s well-written synopsis was what turned it around.

**VICK** noted that private citizens have had to clean the Fort Seward restroom building. **BOLEN** agreed that it needs to be addressed and recommended that the visitor center restroom custodial contract be expanded to include the Tlingit Park and Fort Seward facilities. **OLERUD** said Public Works has always done the park, ballpark, and fort restrooms, and they need to follow through with their tasks. Public Works also needs to mow the lawn in front of the old school buildings. **BOLEN** said custodial responsibility will have to be determined for the temporary restrooms. **ROSSMAN** does not believe that Public Works should have to clean the restrooms. **OLERUD** said it is the part-time seasonal help that cleans the restrooms along with the mowing and weed-eating.

**BOLEN** reminded the assembly that the Well & Fit Community Center MOA was approved at the 6/9/09 meeting, and he asked if the intent of that approval was for the manager to proceed with executing it. [That intent was confirmed.] He said the MOA stipulates a lease agreement. The assembly wants to see the draft lease document at the next assembly meeting.

- \*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** summarized her written report to the assembly. August 24<sup>th</sup> is the end of her contract as the ESC Coordinator. **VICK** asked how the borough is implementing the Energy Plan. **BOLEN** said he engages frequently with the ESC Coordinator but has

not officially implemented any specific element beyond replacing boilers and lighting fixtures with energy efficient items. **VICK** would like to see incentives put in place. **SCOTT** said part of her responsibility as the coordinator is to implement the Plan. The level of awareness among borough employees is growing. Part of the Plan called for an inventory of street lights. Two ESC members have created a map showing all street lights and the owners of each one. The assembly will be able to use this tool to make decisions about whether or not any can be decommissioned and whether or not more lights are needed in certain areas.

**\*N. Service Area Boards**

10. OLD BUSINESS - None

11. NEW BUSINESS

A. Resolutions - None

B. Ordinances for Introduction

1. Ordinance 09-06-210

An ordinance of the Haines Borough amending Title 3 section 3.60.190 to update the contract change order limit.

Motion by **LAPHAM**: Introduce Ordinance 09-06-210 and set a first public hearing on July 14, 2009. It was seconded by **LAPP**. The motion carried unanimously.

[Assembly Member **SMITH** returned to the meeting.]

C. Other New Business

1. Advisory Board Appointments

Motion by **LAPHAM**: Confirm the mayor's appointment of Hilary McNamara to the Library Board of Trustees (term ends 11/09) and Bob Duis to the Public Safety Commission (term ends 11/10). It was seconded by **LAPP**. The motion carried unanimously.

2. Library Professional Services Agreement Amendment

Motion by **ROSSMAN**: Authorize an amendment to the professional services agreement with Ann Myren for an amount not to exceed \$8,000, as recommended by the Library Board of Trustees, to extend certain management services until a new library director is hired. It was seconded by **VICK**.

**LAPP** opposed it, and said the Board should offer the position to the second choice candidate. **VICK** said the Board still needs to conduct the interviews. **OLERUD** said Myren is administering current grants and providing reporting and other accounting duties so staff can deal with the library functions. **BOLEN** said there is no one

else to perform these important duties at this time.

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

### 3. Government to Government Agreement with

Motion by **ROSSMAN**: Authorize a Government to Government agreement with the Chilkoot Indian Association to facilitate project development for both parties. It was seconded by **LAPHAM**.

**ROSSMAN** asked where the borough would get the 1.2 million required by this agreement. **BOLEN** said there are two large pots of money---reserves in Fund 01 and Fund 02. The overall question for the assembly is if it makes fiscal sense to spend 1.2 million in exchange for road projects. **STUCKEY** said the tribe would manage the projects according to borough code requirements in cooperation with borough administration. The tribe's money could be used as local match for federal or state funds. **OLERUD** said only the townsite service area pot (Fund 02) would be appropriate to use. He is not comfortable committing that amount of money---over half the fund balance. It would be good to find a way to help CIA with their subdivision project, but he doesn't believe this agreement is in the best interests of the borough; it's bad fiscal policy. If this is approved, the Fund 02 balance would be down to \$600K. He would rather the borough oversee the road projects. **STUCKEY** reiterated that the borough would have total control over any project decisions. **BOLEN** said in affect the assembly is making a decision whether or not to spend \$1.2 of townsite service area reserves on roads. Another option is to use available water-sewer grant money in exchange for CIA doing a road project for the borough. He agrees with **OLERUD**'s concern and said the borough would not be able to replenish the depleted funds. **VICK** asked if the attorney has seen the agreement. **BOLEN** said no but agreed the attorney should. **SMITH** said he is a member of CIA and believes his vote would be a conflict of interest. [The mayor disagreed since he does not stand to benefit financially from the subdivision project.] **SMITH** asked **STUCKEY** where CIA would have the expertise, staff and resources to administer road projects. **STUCKEY** said the CIA does projects through contracts. **OLERUD** believes this is irresponsible and said if a private developer came and asked the same thing, it would probably not even be on the table for consideration. **BOLEN** said he noticed in the water and sewer codes that the property owners must bear the costs but financing can be done other ways with approval by assembly resolution. An attorney needs to look at this because code talks about it in terms of a financing mechanism. **VICK** cannot support this

agreement, at this point, and the CIA should work with the manager on it with the attorney also being involved. **STUCKEY** said he is certainly willing to work with the borough to address the concerns and arrive at a good solution that benefits both the CIA and the borough. **LAPHAM** agreed with **OLERUD** that hammering the reserve fund would not be good. He asked if it is 1.2 million or nothing. **STUCKEY** said a lesser amount would not work for their project, and the whole amount is needed within the same year. **BOLEN** said perhaps a water-sewer improvement loan could be an option because it would spread the impact over several years---in exchange for road projects. **LAPP** asked if the CIA money is in hand right now [yes]. **OLERUD** asked if the water-sewer loan would have to be handled as an enterprise fund payable by the water-sewer rate-payer customers. Clarification is needed before going forward on that idea. **BOLEN** will look into that. **SMITH** wondered if Lily Lake Road could be improved with water & sewer pipe installation at the same time. **BOLEN** said there are several avenues to investigate.

**Motion** by **LAPHAM**: Postpone the issue indefinitely. It was seconded by **ROSSMAN**. The motion carried unanimously, essentially killing it.

#### 4. Police Department 4-Wheel Drive SUV

**Motion** by **LAPP**: Authorize the borough manager to negotiate a contract with Cal Worthington Ford to purchase two four-wheel drive SUV vehicles for the police department for an amount not to exceed \$63,580. It was seconded by **LAPHAM**.

**BOLEN** expressed concern that there was only one bid received on this. **ROSSMAN** asked why two new vehicles are needed. **BOLEN** said this discussion occurred during the budget meetings. It will save a substantial amount of fuel money for the borough. Two older police vehicles will move to the administration building in order to retire the two pieces of "junk" currently in use there. **VICK** wondered if it needs to be rebid to make sure lower 48 dealers have an opportunity. **OLERUD** said his biggest problem is the size of the vehicle. He does not believe the Ford Escape is big enough for equipment and for prisoner transport. He recommends that one be purchased to see if it will work.

**Motion to Amend** by **OLERUD**: Purchase ONE police vehicle. It was seconded by **ROSSMAN**.

**SMITH** agreed with **OLERUD** that this vehicle seems too small for the needs of the police department. He's also concerned

that only one bid was received. He wondered if there are any other police departments using one. **VICK** said he has a lot of faith in the Chief's opinion and supports this amendment. **OLERUD** wondered if it would be worth staff time to survey some dealerships to find out what's out there.

The amendment motion failed unanimously.

The main motion failed unanimously in a roll call vote. The manager was directed to go back out to bid.

**5. PC Dock Restroom/Expansion Update**

**OLERUD** said this was dealt with during the manager's report.

**12. CORRESPONDENCE - No discussion.**

- A. Department of the Interior - Payment in Lieu of Taxes**
- B. Karen Hess - Bathrooms at PC Dock**

**13. SET MEETING DATES**

**A. Special Meeting to discuss the Letnikof Board Float Bids and Consider Award. Friday, 6/26, 9:00am.**

**B. Special meeting with the TAB and PC to discuss the PC Dock Restrooms and Other Improvements. Tuesday, 6/30, 6:00pm.**

**SCHNABEL** said the meeting should include a public comment period; she does not believe the topic has been on any advertised public meeting agenda. **SMITH** does not believe the public process has been circumvented. **OLERUD** said it wouldn't hurt to give people an opportunity to speak even if the time period is limited. A PND representative should attend.

**C. Schedule joint meeting as a C.O.W./Personnel with the Library and Museum Boards. Tuesday, 7/21, 6:00pm**

This meeting is for the purpose of discussing the conflicting code pertaining to the personnel system and the library and museum.

**14. PUBLIC COMMENTS - None**

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**VICK** reminded that he will miss all meetings in the month of July. He asked to be excused.

**LAPP** believes the harbor shack windows are too small for the harbormaster to have a good view of the harbor.

**16. ADJOURNMENT - 9:37pm**

**Motion** by **OLERUD**: Adjourn the meeting. It was seconded by **LAPP**.

The motion carried unanimously.

Janice Hill  
Janice Hill, Mayor

ATTEST:

Julie Cozzi  
Julie Cozzi, Borough Clerk

