

  
**Haines Borough**  
**Borough Assembly Meeting #158**  
**July 14, 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 Jerry LAPP, Pete LAPHAM, Norman SMITH and Scott ROSSMAN. **Absent:** Assembly Members Steve VICK and Douglas OLERUD.

**Staff Present:** Tom BOLEN/Borough Manager, Julie COZZI/Borough Clerk, Brad MAYNARD/Director of Public Facilities, Jila STUART/Chief Fiscal Officer, Debra SCHNABEL/Project Clerk, Gary LOWE/Chief of Police, Jerrie CLARKE/Museum Director, and Michael GATTI/Borough Attorney (via teleconference).

**Visitors Present:** Pam RANGLES, Jessica EDWARDS/CVN, John HUNT, Greg STUCKEY, John CARLSON, Bob LIX, Bill and Libby KURZ, Janet KURZ, Dan HARRINGTON, and others.

Motion by LAPHAM: Excuse VICK's and OLERUD's absence from this meeting. It was seconded by LAPP. The motion carried unanimously.

### 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 - Regular: 6/9, 6/23; Special: 6/26, 6/30

### 5. PUBLIC COMMENTS

RANGLES thanked the assembly for the temporary restrooms. She does not understand the constraints on the head tax money but believes those restrooms are adequate. "Picture Point" is a tourist destination every single day, and she would like to see it in the public domain whether or not it's owned by the borough or state.

CARLSON emphatically spoke against the outhouse ordinance. He has one and does not believe it not impacts anyone or anything.

### 6. MAYOR'S COMMENTS

HILL acknowledged BOLEN's strong efforts to get the temporary restrooms in place and working for the Sea Princess visit on July 7, including many hours of physical labor.

The mayor thanked the Chamber of Commerce and community volunteers for all of the July 4<sup>th</sup> festivities. She said it felt like the old Independence Day celebrations that Haines used to

have. The parade was longer, there were more people joining in the activities, there was a sale in the Senior Center, etc.

**HILL** attended a plaque exchange onboard the Sea Princess on July 7<sup>th</sup> for the ship's inaugural visit. She thanked Lori Stepansky for designing such a beautiful plaque incorporating one of artist John Svenson's tiles. The ship will return on 7/28.

The mayor announced that a memorial gathering for Tom Moody was being held at Chilkat State Park this same evening, and today would have been his birthday. She extended the borough's best wishes. The mayor, manager, and assembly were all invited. She read some comments received from Moody's wife, Stephanie Yard.

Southeast Conference representatives were recently in town to make preliminary preparations for the annual meeting taking place in Haines in September.

**HILL** said that she will attend a tourism economic summit in Juneau on July 24<sup>th</sup>. Currently, 119 people are signed up for it.

The mayor said she traveled with 98 other people from Haines to attend the Kasadaya Creek Hydro dedication with AP&T dignitaries.

**HILL** sadly reported that recently someone went to the burial site by Tlingit Park and pulverized one of the head stones to the point where it cannot be identified. If anyone knows anything, the mayor would appreciate them talking to the police department about it.

## **7. PUBLIC HEARINGS**

### **A. Ordinance 09-06-210** - First hearing

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

Mayor **HILL** opened and closed the public hearing at 6:47pm; there were no public comments.

**Motion** by **LAPHAM**: Advance Ordinance 09-06-210 to a second public hearing on 7/28/09. It was seconded by **LAPP**. The motion carried unanimously.

### **B. Ordinance 09-05-208** - Third hearing

**An ordinance of the Haines Borough 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 6:49pm; there were no public comments.

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

**LAPP** clarified that this just outlaws outhouses in the townsite service area and essentially follows what the state already says. **LAPHAM** asked why the borough is doing this. **BOLEN** said this topic came to the administration's attention when an unrelated land use application was submitted that had an outhouse drawn on the diagram. His reason for sending the topic to the planning commission was to initiate discussion. The commission drafted some language for the assembly's consideration, and that is the ordinance before the assembly at this time. In the mean time, he contacted the Department of Environmental Conservation for more information and found that outhouses are legal in Alaska. This issue then went back to the planning commission so they could weigh in on whether or not conditions need to be added to borough code. The commission met last Thursday evening and came up with some different language recommendations, but there was not enough time for him to review it for the assembly packet. Also, he has received citizen comments expressing concern. He asked for a motion to table this ordinance to the next meeting.

**Motion to Table** by **LAPHAM**: Table Ordinance 09-05-208 until 8/11/09. It was seconded by **LAPP**. 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.

**Motion** by **LAPHAM**: Approve the manager's requested leave from 7/16 to 7/27.

**SMITH** asked who is in charge when the manager is absent. **BOLEN** explained the current succession plan. He believes it should be changed to allow the manager latitude at any given time. **ROSSMAN** disagreed saying it should be the assembly's decision, and they should have no doubt what the succession will be in every case.

The motion carried unanimously.

**GATTI** joined the meeting via teleconference and outlined

various concerns about the CIA-requested government-to-government agreement. He said CIA and BIA attorneys should provide an opinion about the eligibility of the IRR funds for use on borough roads. **STUCKEY** said he has spoken with the Federal Highways Administration (FHA), and they are willing to teleconference about this. He asked the assembly to continue discussions so that something can be worked out. **ROSSMAN** said he would like to delay assembly decision until after the teleconference has taken place. **LAPP** said he would have to be assured that the money sitting in the CIA's name could really be used on the roads, and until then he couldn't move forward. **SMITH** said he is still skeptical about the whole idea. **LAPHAM** agreed with **ROSSMAN** that he would like to see what a teleconference involving the FHA, attorney, manager, and CIA would come up with. **BOLEN** said the borough and CIA are still working on concepts. **GATTI** said it might be helpful to look at other possible funding sources such as USDA money, ADEC clean water grants and loan fund, Rasmuson Foundation, etc. The transaction is very conceptual at this point and the nuts and bolts need to be worked out before it is ready to come to the mayor and the assembly.

**STUCKEY** said the CIA did approach USDA but since the water system would become the borough's property, the borough would have to apply for it. They have chased down other sources and found they are not eligible for them. **LAPP** said the assembly needs an ironclad assurance that the money will come back to the borough. **LAPHAM** said he would be interested in having more information about the borough extending a loan. **BOLEN** said he was told USDA has lots of money, and he is asking them how long it would take to get funds after an application is received. If they can fast-track it, he would be interested in it. **GATTI** suggested that an LID is another option for financing something like this. **ROSSMAN** said the teleconference discussion must first take place. The assembly is looking for a guarantee that the money will not be taken away. He believes it can be resolved.

**GATTI** left the meeting. **ROSSMAN** commented about how great it is to converse with this attorney.

**ROSSMAN** recommended that the borough start looking for a replacement assessor since the current one has given resignation notice. He wondered where the current assessor is in the re-assessment project. **BOLEN** said the assessor offered to return in the spring to take care of the appeal process and the board of equalization. Another option is

that the assessor could work under contract remotely from the lower-48 with the property data collection specialist on the ground here. **ROSSMAN** and **LAPHAM** said they have no objection to that idea. **LAPP** does not care for the idea and wants a full-time assessor here. **ROSSMAN** agreed, but said this could work until a new assessor is hired.

**SMITH** said he would like to see \$500K of the surplus school project funds dedicated to the demolition of part of the elementary school building. **LAPP** agreed. **ROSSMAN** agreed but said it is noteworthy that the borough made it through a major project under budget by one-half million. **LAPHAM** said he leans toward **SMITH's** idea. He asked who selected the proposed list of items to spend the surplus on. **BOLEN** said he met with **SCHNABEL** and Michael Byer and went over the list that was already in place. Landscaping was seen as an obvious one along with solving a drainage issue. He assured the assembly that if a change order is executed, it would have to come to the assembly for approval. He is looking for direction. **ROSSMAN** said the drainage problem behind the school must be taken care of. **LAPP** said he could agree with the first four items on the proposed list and wondered if public works could address the drainage problem. **BOLEN** said it may be an option. **ROSSMAN** said it's a low spot and not just a matter of digging a ditch so it goes away, because it's uphill all directions.

**SCHNABEL** explained that PND, school staff, and borough staff walked the area. It's complicated by ownership issues and property lines; Elks' property is above the borough's and it's right on the line. She suggested a possible easement agreement. She is told it will not be an expensive fix. There are additional projects that were not put on this list because the school district believes they can be added to their CIP list: 1) the Voc-Ed building restroom accessibility, 2) roof repairs on the high school, and 3) the locker rooms beneath the swimming pool. The pool plumbing above the locker rooms is a major issue. It is estimated to be in the \$200-250K range. The first project was in the original school plan but was removed to cut costs. The other two were never a part of the school project. These items affect the operations of the school and are not going away. She reiterated that Mr. Byer believed there will be stimulus or legislative money available for the three additional projects. **LAPP** said he would like to see a cost associated with everything on the list along with the additional three projects so the assembly can make a well-informed decision. **BOLEN** said the list has been

forwarded to Dawson Construction to get cost estimates. The manager will get them the additional three items, as well.

**LAPHAM** asked if the assembly can set up a memorandum-of-understanding that will address the tank farm property resolution language that did not make it into the text of the Department of Defense bill. **BOLEN** agreed.

**BOLEN** distributed a graphic showing the Nordale Trust Property aka Nukdik Point. He said he has requested a copy of an appraisal that has been done on that property. **SMITH** brought up "eminent domain" and wondered if it might be an opportunity to exercise it. He asked how wide the state right-of-way (ROW) is on that section of road. **LAPHAM** roughly estimated that it is 50-ft on either side of the centerline but added that the road may not be in the center of the ROW. He noted that the former city and AK-DOT built the pull-outs. **LAPP** said unless the borough sells some of its other property, he is not in favor of buying more.

- \*B. Borough Clerk
- \*C. Chief Fiscal Officer
- \*D. Chief of Police

1. Request for Reconsideration of Vehicle Purchase

**LOWE** explained his reasons for requesting the hybrid vehicles including significant fuel savings---nearly 30 mpg compared to 8 to 10 mpg for the vehicles being replaced. He sent out a copy of the RFP to every Ford dealer in Alaska and several in Seattle.

**Motion** by **LAPHAM**: Reconsider the motion to purchase two vehicles. It was seconded by **LAPP**. The motion carried unanimously.

The following motion was once again before the assembly as though never voted on in the first place:

**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**.

**ROSSMAN** asked for the cost to turn the cars into police vehicles. **LOWE** said the vehicles equipped will come in under the \$80K budget.

The motion carried unanimously in a roll call vote.

- \*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 - No report was provided
- \*N. Service Area Boards

10. OLD BUSINESS - None

**11. NEW BUSINESS****A. Resolutions****1. Resolution 09-07-163**

A resolution of the Haines Borough Assembly adopting the National Incident Management System (NIMS) as a tool for managing emergencies and disasters, and for related purposes.

Motion by LAPHAM: Adopt Resolution 09-07-163. It was seconded by SMITH. The motion carried unanimously in a roll call vote.

**2. Resolution 09-07-164**

A resolution of the Haines Borough Assembly authorizing an owner-built water main extension within the Townsite Service Area to service Lots 9 and 10 within the Ocean View Subdivision.

Motion by LAPP: Adopt Resolution 09-07-164. It was seconded by LAPHAM.

SMITH referenced the memo from MAYNARD and expressed concern about the fire protection not being expanded. MAYNARD responded that he looked at this with fire chief Scott Bradford, and the minimum distance he wants to see between hydrants is 500 feet. After discussion with engineer Jim Dorn, it was determined that the water main will never extend beyond the Harrington property. The fire chief is comfortable with this, and a new hydrant will be added to the existing main end at Barnett Street.

The motion carried unanimously in a roll call vote.

### 3. Resolution 09-07-165

A resolution of the Haines Borough Assembly designating the acquisition of State of Alaska, Department of Environmental Conservation (ADEC) grant funds for the project entitled *Lily Lake Raw Waterline Replacement* as the number one local state funding priority for fiscal year 2010.

Motion by LAPHAM: Adopt Resolution 09-07-165. It was seconded by ROSSMAN.

SMITH asked how big the waterline is. MAYNARD presumed an 8-inch line, but there is not yet an engineer's plan in hand yet. ROSSMAN asked when the existing line was installed. MAYNARD said approximately 1977. He explained that the corrosion is going from outside the pipe to the inside, there are acidic soil conditions, and this is the second leak in a year and a half.

The motion carried unanimously in a roll call vote.

The mayor called a brief recess at 8:21pm. The meeting reconvened at 8:28pm.

### **B. Ordinances for Introduction**

#### 1. Ordinance 09-07-211

An ordinance of the Haines Borough amending Haines Borough code 3.70.040(D) to include the American Bald Eagle Foundation property in the list of tax-exempted properties.

Motion by SMITH: Introduce Ordinance 09-07-211. It was seconded by ROSSMAN.

LAPHAM observed that the documents contain date discrepancies. LAPP said he's not ready to introduce this, because there are too many unanswered questions. SMITH said no taxes have been paid on this property since the 2001 quit claim deed, and he agreed that there are too many questions to approve this. LAPP said the property had to belong to someone since 2001 so taxes should have been paid. More information is needed before this ordinance is introduced.

The motion failed unanimously.

### **C. Other New Business**

#### 1. CE2 Engineers Contract - Wood Heat Feasibility Study

Motion by ROSSMAN: Authorize the Borough Manager to contract with CE2 Engineers to do a Wood Heat Feasibility Study for an amount not to exceed \$136,395. It was seconded by LAPHAM.

**LAPP** said he would like to see a requirement in the contract for bringing the feasibility recommendation to the assembly prior to task 3. The manager agreed. **LAPHAM** said CE2 is involved in several different biomass studies. They do the study and then come to the government to report on the study results and provide their recommendations. **BOLEN** reminded that this is not borough money but grant money that CE2 got for this.

The motion carried unanimously in a roll call vote.

## 2. Museum Suppression System

**Motion** by **LAPP**: Authorize the Borough Manager to contract with Juneau Electric for the fire monitoring & suppression system upgrades at the Sheldon Museum for an amount not to exceed \$117,500. It was seconded by **LAPHAM**.

**BOLEN** responded that \$120K is budgeted for this.

The motion carried unanimously in a roll call vote.

## 3. PND Contract Amendment - Letnikof Cove Boarding Float

**Motion** by **LAPHAM**: Authorize the manager to negotiate a contract amendment with PND Engineers to provide construction phase services for an amount not to exceed \$22,570. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

## 4. Animal Control Services Contract - HARK

**Motion** by **LAPP**: Authorize the borough manager to execute a new contract with the Haines Animal Rescue Kennel. It was seconded by **LAPHAM**.

**SMITH** noted that this contract expired 6/30/09 and should have been renewed on a timelier basis.

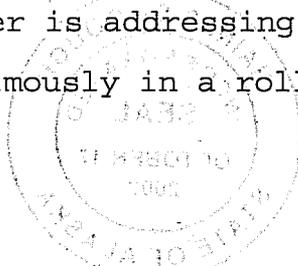
The motion carried unanimously in a roll call vote.

## 5. Change Order #1 & #2 - Portage Cove Renovation Project

**Motion** by **LAPHAM**: Authorize the manager to execute contract change order #1 for an amount not to exceed \$20,230 to allow Western Dock & Bridge to add additional pilings to the grid repair element of the Portage Cove Harbor Renovation project. It was seconded by **ROSSMAN**.

**BOLEN** provided a brief explanation of the additional work being recommended. **LAPP** said the whole grid needs to be upgraded, according to fishermen he has spoken with. It is a hazard in its current condition, and it sounds like this change order is addressing a lot of the problems.

The motion carried unanimously in a roll call vote.



**BOLEN** explained some additional work that has come up that would require a contract change order #2. He distributed documentation and asked the assembly if they would be willing to approve this additional change order during this meeting. **MAYNARD** said the fire chief had some concerns that the fire truck cannot back up to the existing fire hydrant. **ROSSMAN** said it should be done.

**Motion** by **LAPHAM**: Authorize the manager to execute contract change order #2 for an amount not to exceed \$31,801 to allow Western Dock & Bridge to install fender/breasting piles on the existing harbor grid, and provide approach dock fill and paving. It was seconded by **LAPP**.

**SMITH** asked why the other upland portion is not being replaced. **MAYNARD** agreed that it should be replaced and said it was planned for phase two. He offered to get a bid from the contractor to do it now. **LAPP** and **SMITH** agreed that he should do that. **MAYNARD** cautioned that the materials are not here and this addition may change the dynamics of the project's timing.

The motion carried unanimously in a roll call vote.

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

The 7/21 Committee-of-the-Whole will be rescheduled since the manager will be out of town.

14. **PUBLIC COMMENTS**

**CARLSON** recommended that two locations---from the end of River Road to Jones Point and the area behind Chilkoot Lake--- should probably be put in the public domain. The assembly will look into it.

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SMITH** observed how remarkable this meeting was---every question passed unanimously.

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

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

ATTEST:

*Julie Cozzi*  
Julie Cozzi, Borough Clerk

*Janice Hill*  
Janice Hill, Mayor

