
Haines Borough
Borough Assembly Meeting #159
July 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 Jerry LAPP, Pete LAPHAM, Douglas OLERUD, Norman SMITH, and Scott ROSSMAN. **Absent:** Assembly Members Steve VICK.

Staff Present: Tom BOLEN/Borough Manager (via teleconference), Jamie HEINZ/Deputy Clerk, Brad MAYNARD/Director of Public Facilities, Jila STUART/Chief Fiscal Officer, Debra SCHNABEL/Project Clerk, Gary LOWE/Chief of Police.

Visitors Present: Jessica EDWARDS/CVN, Greg STUCKEY, Bill and Libby KURZ, and others.

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

3. APPROVAL OF AGENDA & CONSENT AGENDA

The following agenda changes were requested:

- Add introduction of Ordinance 09-07-212 as item 11B1 - HILL
- Add a school construction contract change order for landscaping as item 11C(9) - HILL

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

*4. APPROVAL OF MINUTES - Regular: 7/14/09

5. PUBLIC COMMENTS SCHNABEL spoke about a recent radio show where discussion took place regarding Skagway and their use of their Comprehensive Plan as an Action Plan for projects and consistency through Assembly Members. STUCKEY said that Senator Begich was able to introduce an amendment to the Senate version of the defense bill to include the language for the Tanani Village site and that has now passed and is part of the Senate's defense bill. He pointed out that the language is the same in both bills at this time and that they are waiting for another conference to fix the other issues. He also said that the lobbyist expects the bill to be passed in October.

6. MAYOR'S COMMENTS

HILL said it was nice to see the Sea Princess in port again and also noted that the town is filling up with fair goers.

The mayor spoke about attending the Economic Summit on Tourism in Juneau and that a lot of good brainstorming took place. She also pointed out that DVD's of the Summit would be available at the Borough offices.

HILL said she attended the Downtown Planning meeting and encouraged citizens to attend as this project moves forward. She said there were good ideas discussed and pointed out that the project is more the core of town rather than downtown.

The mayor said she will be back on her regular office schedule soon.

7. PUBLIC HEARINGS

A. Ordinance 09-06-210 - Second 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 6:44pm; there were no public comments.

Motion by **OLERUD**: Adopt Ordinance 09-06-210. It was seconded by **LAPHAM**.

The motion carried unanimously in a roll call vote.

8. STAFF REPORTS

A. Borough Manager

The manager provided an oral report including the following topics:

- Recent break-ins
- Meeting with DNR & Borough Attorney in Anchorage

LAPP asked why the Assembly was not involved in the execution of a lease with the Port Chilkoot Company. **BOLEN** explained that the expired lease was discovered after the fact and that he felt provisions in code enabled him to renew this lease administratively. **LAPP** pointed out that the previous lease was entered into by a different government and governing body and had concerns. **OLERUD** asked if the lease had been reviewed by the attorney. **BOLEN** said that it had not. **OLERUD** pointed out that in an accompanying letter, the Port Chilkoot Company was asked to draft a lease and suggested that asking the other party to draft a lease wouldn't be in the borough's best interest.

OLERUD said he would like to see a Public Facilities report once a month in addition to the other staff reports.

- *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 pointed out that June's energy bill was the lowest she's seen since she's been working with the Energy and Sustainability Commission. She also noted significant reductions in fuel oil in some facilities, but significant increases in others. SCOTT discussed the LED Street Light project and explained that they've encountered a road block installing LED street lights on state owned and maintained roads; that state engineers will not allow LED street lights be installed on any state owned or maintained road due to their not meeting illumination standards. SCOTT said the question had been asked regarding the borough installing LED street lights and the state's response was that there was no regulation that would compel the Haines Borough to provide illumination on state roads. OLERUD asked if the state would pay for the electricity for the street lights on state roads. SCOTT said it was not her understanding they would. OLERUD suggested taking street lights off line on significant streets owned by the state would not be a good idea and asked what the fine would be if any to install LED street lights on state roads suggesting that LED lights would be better than no lights. ROSSMAN asked if the boiler in the Public Safety Building had been replaced. SMITH said it was not replaced, but refitted instead. SCOTT discussed her research on the Rotochopper, which is

the same model that Tok purchased to create bio-mass fuel for their electricity generators. She pointed out that the manufacturer recommends a certified operator be included if the community intends on leasing out the machine for safety reasons. **LAPHAM** said it was his understanding the Tok School District and the Forest Service went in together to purchase their rotochopper. **SCOTT** talked about an energy specialist from the Alaska Housing Finance Corporation coming up for the Fair. **LAPHAM** asked if a pressure test should be done on the lines at the Public Safety Building to check for leaks suggesting a 30% increase in the summer quarter merits research. **SCOTT** pointed out that the figures used are gross and are only for discussion.

N. Service Area Boards

10. **OLD BUSINESS** - None

11. **NEW BUSINESS**

A. Resolutions

B. Ordinances for Introduction

1. **Ordinance 09-07-212** [Added during Approval of the Agenda.]

An ordinance of the Haines Borough amending Haines Borough placing on the October ballot question of APOC.

Motion by **LAPP**: Introduce Ordinance 09-07-212 and set a first public hearing for August 11, 2009. It was seconded by **LAPHAM**.

ROSSMAN asked if this question was on the ballot last year. **HILL** answered that it was and that they hope to provide more information to the voters this year.

The motion carried unanimously.

C. Other New Business

1. **Award Contract for 2010 Haines Vacation Planner**

Motion by **LAPHAM**: Authorize the manager to negotiate a contract with the Chilkat Valley News to reprint the Haines Vacation Planner for 2010 for an amount not to exceed the FY10 budget amount of \$25K. It was seconded by **SMITH**.

SMITH pointed out that it is a re-print of the old vacation planner that changes dates.

The motion carried unanimously in a roll call vote.

2. **Oceanview Drive / First Avenue Waterline Replacement - RSA**

Motion by **LAPHAM**: Authorize the borough manager to enter into a reimbursable services agreement for the Haines Oceanview

Drive/First Avenue Waterline Replacement project for an amount not to exceed \$60,720. It was seconded by **ROSSMAN**.

LAPHAM pointed out that when the contract first went out to bid, the assembly wanted to be sure this work got done so the road did not have to be torn out shortly after paving. **OLERUD** asked if the work being done in-house was explored. **MAYNARD** discussed logistics, liabilities and additional costs with doing the project in house. **BOLEN** pointed out a reimbursable services agreement was used in the Union Street project.

The motion carried unanimously in a roll call vote.

3. Letnikof Cove Harbor Repair

Motion by **ROSSMAN**: Authorize the Borough Manager to execute a change order with Tamico, Inc. to add piling placement for the Letnikof Cove Mooring Float for an amount not to exceed \$45,653.28. It was seconded by **LAPHAM**.

SMITH said it was awkward that we were adding work to a project that hasn't even started. **BOLEN** pointed out that the contractor will already be at the facility and gives that contractor an advantage in bidding to install these piles. **OLERUD** asked why this item wasn't included in the original contract. **BOLEN** said that the grant stipulates that the state pay for 50% of the bid price for the Letnikof Boarding Float project and doesn't pay for change orders. He also suggested the accounting was cleaner to do a change order to add this project after the fact. **OLERUD** suggested that an addendum item could have been utilized and pointed out that change orders are more expensive than if items are competitively bid. **LAPP** asked if the \$1,800 for transportation was included in this change order. **MAYNARD** said it would not be included because it would likely be a different contractor transporting the materials. **ROSSMAN** asked how long the pilings were. **MAYNARD** said they were 60 feet long. **SMITH** asked if the dangerous piles would be removed. **MAYNARD** said removal was included in the bid and also pointed out waiting until a second contractor was in town was another reason for doing this project as a change order.

The motion carried unanimously in a roll call vote.

4. PND Contract Amendment - Waterfront Development Plan

Motion by **ROSSMAN**: Authorize the manager to negotiate a contract amendment with PND Engineers to provide permitting and additional design services for an amount not to exceed \$44,740. It was seconded by **LAPHAM**.

SMITH expressed concern in proceeding with this contract in light of the fact that people like the temporary restroom facility and after spending \$100,000 for designs, this amendment would be authorizing another \$50,000 for a design change. He also discussed additional options for restroom facilities. **LAPHAM** pointed out that permits are part of this change order. **ROSSMAN** pointed out that a lot of the money was spent on the several different concepts that the engineers have had to prepare due to indecision. **BOLEN** said that part of the amendment that passed previously was for plans for PC Dock repair. **SMITH** pointed out that the spending to date was answered when Olerud asked for all the correspondence to date. He also suggested that the waterfront was worth way more than the \$1.6 million being spent on the restrooms and pavilion. **BOLEN** pointed out that when staff requested direction the assembly went in knowing that landscaping and permitting were not included in the proposal for concept 5.

The motion failed 3-2 in a roll call vote with **OLERUD** and **SMITH** opposed.

Motion by **LAPHAM**: Authorize the manager to negotiate a contract amendment with PND Engineers that provides permitting only for an amount not to exceed \$21,820. It was seconded by **ROSSMAN**.

The motion carried 4-1 in a roll call vote with **SMITH** opposed.

5. Lease - Well & Fit Community Center

Motion by **SMITH**: Authorize the borough manager to proceed with the Attorney's lease. It was seconded by **ROSSMAN**.

LAPHAM expressed concern entering into this lease prior to the vote going before the people; if it does. **LAPP** asked if the attorney had concerns about the way the MOA was moving forward. **BOLEN** gave a history of the leases and discussions with the attorney and suggested the attorney's lease was adversarial and places a lot of undue burden on the lessee. **OLERUD** pointed out that

Article 24 of the Attorney's lease voids the MOA which he takes to be the attorney's opinion of the MOA and also suggested it was the responsibility of the assembly and management of the borough to look out for the best interest of the borough. **BOLEN** agreed with Olerud and also suggested it was also their responsibility to look out for the best interest of the public as well. He also suggested it was presumptuous of the attorney to void the MOA as the Assembly has already approved the document. **OLERUD** said he would feel more comfortable if a legal professional was looking over legal documents and in light of this he would like to see a written statement from the attorney highlighting problems with the MOA that the assembly has adopted and potential consequences.

The motion failed in a roll call vote.

6. Jail Laundry Services Contract

Motion by **LAPHAM**: Authorize the manager to negotiate a contract with Top Gunn Management Service (Marilyn Gunn) to provide jail laundry services. It was seconded by **LAPP**.

The motion carried unanimously in a roll call vote.

7. Approve Expenditure to Equip New Police Vehicles

Motion by **LAPP**: Authorize the manager to sign a purchase order \$10,746.10 to pay Alaska Safety Inc. to equip the two new police vehicles. It was seconded by **LAPHAM**.

LAPP asked if it was part of the \$80,000 but over the manager's spending limit. **STUART** said it was. **LAPP** asked if any additional items would be required. **LOWE** said an additional \$1,000 would be required, but the items included in this purchase order are a majority of the equipment needed.

The motion carried unanimously in a roll call vote.

8. Security Measures - Discussion Item

LAPP said in light of the recent vandalism, he was interested in the cost of adding four to five security cameras that could be viewed in the dispatch office to see movement around borough facilities. **LOWE** said the HBPD is looking into several possibilities and options including grant possibilities for this type of thing. **LOWE** also spoke about the various patrols HBPD have been

doing and explained the suspects of these last vandalisms are above curfew age. **SMITH** pointed out that Juneau is having similar problems and suggested locking up the dock after a certain hour and also suggested citizens lock their vehicles.

9. School Construction Contract Change Order - Landscaping

[Added during approval of the agenda.]

Motion by **OLERUD**: Authorize the manager to negotiate contract amendment 130A revised with Dawson Construction to provide landscaping for an amount not to exceed \$89,456.44. It was seconded by **LAPP**.

SCHNABEL pointed out that these costs are to extend the current grass and additional work for natural drainage. **LAPHAM** asked if the School Board was supportive. **SCHNABEL** said yes in the form of a list at the initial contract approval.

The motion carried unanimously in a roll call vote.

Motion by **ROSSMAN**: Authorize the manager to negotiate contract amendment 130B with Dawson Construction to provide preparation of a pad for the school garage/storage shed for an amount not to exceed \$15,577. It was seconded by **LAPP**.

The motion carried unanimously in a roll call vote.

12. CORRESPONDENCE - None

13. SET MEETING DATES

Government Affairs & Services Committee to discuss RMSAs in general and Letnikof RMSA specifically - 5:30 p.m. on 8/11.

14. PUBLIC COMMENTS **KURZ** pointed out the differences in Haines and Skagway and pointed out the need for Haines to work together to get things accomplished. **STUCKEY** as a private citizen, spoke about registration requirements for sex offenders, specifically those prior to the passing of the law in 1994 and their exemption from registering and suggested a letter be sent to Representative Thomas and Senator Kookesh.

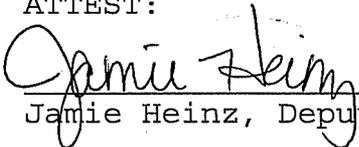
15. ANNOUNCEMENTS/ASSEMBLY COMMENTS **SMITH** expressed concern with the maintenance issues at the Chilkat Center outlined in their report and asked the Director of Public Facilities if the issues were being addressed. **MAYNARD** shared Smith's concern

and pointed out that funding needed to be allocated to make repairs. **OLERUD** clarified that his voting against the lease for the Well and Fit Community Center wasn't because he had concern with the attorney's lease but because he would like to hear the attorney's concerns with the MOA.

16. ADJOURNMENT - 8:30pm

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

ATTEST:



Jamie Heinz, Deputy Clerk



Jerry Lapp, Deputy Mayor

