


Haines Borough
Borough Assembly Meeting #160
August 11, 2009
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG Deputy Mayor LAPP 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:** Deputy Mayor Jerry LAPP, and other Assembly Members Pete LAPHAM, Douglas OLERUD, Norman SMITH, Scott ROSSMAN and Steve VICK. **Absent:** Mayor Jan HILL.

Staff Present: Tom BOLEN/Borough Manager, Jamie HEINZ/Deputy Clerk, Brad MAYNARD/Director of Public Facilities, John WURST/Assessor and Jila STUART/Chief Fiscal Officer.

Visitors Present: Jessica EDWARDS/CVN, Pam RANGLES, Bill and Libby KURZ, Mike LAPHAM, Bob MUSSEMAN, Mary MUSSEMAN, Les HOSTETLER, Hilary MCNAMARA, Sean MCNAMARA, Jack WENNER, Marnie HARTMAN, Beckie CHAPIN, Bill STACY and others.

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

3. APPROVAL OF AGENDA & CONSENT AGENDA

The following agenda changes were requested:

- Introduction of Ordinance 09-08-215 as item 11B3 - ROSSMAN
- Executive Session to discuss Excursion Inlet Surveying - ROSSMAN

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

*4. APPROVAL OF MINUTES - Regular: 7/28/09

5. PUBLIC COMMENTS - None

6. MAYOR'S COMMENTS

LAPP explained that Mayor Hill and Borough Clerk Julie Cozzi were attending an Alaska Municipal League Conference in Palmer and also brought up that the Southeast Conference is having its annual conference here in September.

LAPP also brought up that the winter ferry schedule has been published and expressed concern with a light schedule for the month of October. He suggested a letter be written to encourage a remedy.

7. PUBLIC HEARINGS

A. Ordinance 09-07-212 - First Hearing

An ordinance of the Haines Borough placing on the October 6, 2009 election ballot the question of exemption from the Alaska Public Official Financial Disclosure law (as 39.50).

Deputy Mayor **LAPP** opened and closed the public hearing at 6:35. There were no comments.

Motion by **LAPHAM**: Advance Ordinance 09-07-212 to a second public hearing on August 25, 2009. It was seconded by **OLERUD**.

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. Topics include:

- ✦ CIA Government to Government agreement
- ✦ Takshunuk Watershed Council
- ✦ Visit from Corps of Engineers
- ✦ Visit from Seb O'Kelly from Lobbyist's office
- ✦ Visit from Arnie Fuglvog from Lisa Murkowski's office
- ✦ TIGER grant program
- ✦ "North to the Future" Project

OLERUD asked what road projects were being considered in the government to government agreement with CIA. **BOLEN** discussed some of the particulars and changes in the agreement and pointed out that CIA could use the money to reimburse the borough for construction projects have already been completed as well as maintenance costs. He also said the borough attorney as well as attorneys from CIA and Bureau of Indian Affairs would be involved. **OLERUD** asked for clarification that none of the projects being using state or federal grant money were being considered. **BOLEN** confirmed.

RANGLES gave a synopsis of the "Living in the Forest" project. **LAPP** asked if part of the Title III money was used to purchase a camera for the virtual field trips. **RANGLES** confirmed.

VICK said he liked seeing the lobbyist report.

BOLEN explained the "North to the Future" book project. He explained the costs involved in this four-year project. He also pointed out that the Haines Borough could be interested if the pipeline project comes through. **VICK** asked what the nature of the content might be. **BOLEN** said the Ports and Harbor facilities could be highlighted as well as others. **VICK** pointed out he would ask the opinion of an Economic Development Director if one was on staff. **BOLEN** said if the Assembly desired, unspent funds from the Economic Development Director's salary could pay for this

advertisement. **LAPHAM** asked if the Tourism Advisory Board or tourism staff had a recommendation. **BOLEN** said he would be willing to take the topic to them, but thought it more of an economic development tool. **ROSSMAN** said he didn't think this advertisement was a valuable economic development tool for the price.

ROSSMAN asked how the Chilkat Center Bridge Replacement project was being presented. **BOLEN** explained how the engineer modified the project and also said he expects to see four or five bids.

BOLEN brought up the TIGER grant program and Skagway's recent securing of a large grant for their port due to their port development plan. He brought up the need for Haines to have a Ports and Harbors development plan. **VICK** agreed that the borough would benefit from having a Ports and Harbors development plan and asked if grants could be secured to pay for the study and subsequent development plan. **BOLEN** said he didn't think a study for Haines would cost as much as Skagway's. **ROSSMAN** pointed out that at some point the borough needs to spend their own money to pursue these types of things. He also suggested the Commerce Committee start investigating a Ports and Harbors development plan and make a recommendation to the assembly.

LAPP called for a break at 7:10pm; the meeting reconvened at 7:15pm

- *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 -

ROSSMAN spoke about the Letnikof RMSA and a potential shuffle of properties included in the RMSA boundaries. He is asking for an Ordinance to be introduced tonight as a vehicle to allow the shuffle, but will need the borough attorney to review Borough Charter and Code and give an opinion on whether the shuffle can take place by ordinance or if a vote of the people is necessary.

- *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
- *N. Service Area Boards

LAPP brought up that he had attended the School Project Oversight and Strategic Planning Committee meeting and said that they had discussed the financial status of the project and prioritized eligible projects for the remainder of the money.

10. OLD BUSINESS

A. Ordinance 09-05-208

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.

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

BOLEN recommended the ordinance be defeated and explained that he is meeting with the Planning Commission on this topic and will likely bring another ordinance in the future.

The motion failed with all opposed.

11. NEW BUSINESS

A. Resolutions

1. Resolution 09-08-166

A resolution of the Haines Borough Assembly authorizing an advisory ballot question to determine the opinion of the voters on the question of the Borough appropriating funds for a proposed Well & Fit Community Center.

Motion by SMITH: Adopt Resolution 09-08-166. It was seconded by VICK.

OLERUD asked if the attorney had reviewed the MOA. BOLEN said he had not. OLERUD said he had hoped to see the attorney's concerns so he could make a better informed decision. He also suggested "we are getting ahead of ourselves" putting the topic on the ballot without knowing the attorney's concerns with the MOA or having a

lease in place to protect the best interest of the borough. **VICK** said he didn't think the MOA corresponded with getting the opinion of the voters and said he is interested in finding out if the voters support the Well and Fit Community Center. He also said he doesn't think the general question specifies a certain amount of money be appropriated but that decision could be made after knowing the opinion of the voters. **LAPHAM** expressed concern with the question wording pointing out that the voters need to be aware that support would involve spending money. **BOLEN** said he doesn't think that the attorney's opinion with the MOA or a lease had anything to do with the question going to the voters. He also suggested alternative wording for the ballot question. **OLERUD** said he didn't have concern with funding the Well and Fit Community Center without a vote of the people but wants to be sure the borough is protected with a plan and agreement in place. He also pointed out that if the proper forms are in place, the voter would know what the parties are responsible for but that he doesn't think the proper documentation is in place yet. **ROSSMAN** said he doesn't have a problem asking the people. **SMITH** read for the record the attorney's opinion on the second citizen's initiative and said he doesn't see where this can't be put on the ballot. He also said that if this resolution dies tonight it would be a disservice to the voters.

The motion failed with **LAPP, LAPHAM & OLERUD** opposed.

OLERUD said that he would still like to see what the attorney's concerns were with the MOA so that a solution could be come to.

B. Ordinances for Introduction

1. Ordinance 09-08-213

An ordinance of the Haines Borough amending Haines Borough Code 3.70.040(D) to include the Lynn Canal Counseling Services Property in the list of tax-exempted properties.

Motion by **SMITH**: Introduce Ordinance 09-08-213 and set a first public hearing for August 25, 2009. It was seconded by **OLERUD**.

VICK asked when the property was purchased. **CHAPIN** answered September 2008.

The motion carried unanimously.

2. Ordinance 09-08-214

An ordinance of the Haines Borough amending Haines Borough Code 16.28.010 and 16.28.030 to redefine and add prohibited acts and revise fine amounts.

Motion by **SMITH**: Introduce Ordinance 09-08-214 and set a first public hearing for August 25, 2009. It was seconded by **VICK**.

Motion to Amend by **VICK**: Amend by substituting the version of the Ordinance 09-08-214 proposed by the borough manager. It was seconded by **SMITH**.

ROSSMAN pointed out that a lot of kids swim to the mooring float and suggested this ordinance is well intentioned but feels something gets taken away from the kids. **LAPHAM** asked how big of a problem it was and how it was going to be enforced. **BOLEN** said it is a liability issue, so it won't become a problem until someone gets hurt or killed and the borough gets sued. He also pointed out the need for the borough to take measures to protect itself. He went on to say that currently the police department can't write a citation because it isn't in Code and gave some background information regarding this ordinance. **ROSSMAN** pointed this ordinance would take away the beach as well because it could be argued that the beach is used for moorage and there is a limit to making laws to protect people from themselves. **VICK** asked if, since the language was also under homeland security it was for redundancy or only to give the borough the ability to fine them. **BOLEN** pointed out the homeland security laws only apply when a ship is in port. **VICK** suggested the fines should be increased. **SMITH** said this would protect the borough and pointed out that someone has fallen off the dock and drowned which caused the dock to be closed. **OLERUD** said signs could be put up. **ROSSMAN** pointed out the problems started when the dock was re-opened so another solution could be to close it again.

Motion to Amend the Amendment by **VICK**: Increase the fines for the first offense to \$50, the second offense to \$100 and the third offense to \$200. It was seconded by **SMITH**.

The amendment to the amendment motion failed 2-4 with **OLERUD**, **ROSSMAN**, **LAPP** and **LAPHAM** opposed.

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

Main motion failed 2-4 with **OLERUD**, **ROSSMAN**, **LAPP** and **LAPHAM** opposed.

3. Ordinance 09-08-215 [Added during approval of the agenda]
An ordinance of the Haines Borough amending Title 7, to change the process for expanding or reducing road

maintenance service area boundaries.

Motion by ROSSMAN: To introduce Ordinance 09-08-215 and set a first public hearing for August 25, 2009. It was seconded by **VICK**.

ROSSMAN said this ordinance is subject to attorney review and would be a vehicle to allow for boundary lines to be redrawn. He also gave an overview of the boundaries of the subdivision and uses of the road.

The motion carried unanimously.

C. Other New Business

1. Secondhand Smoke Pollution Control Ballot Proposition

Motion by VICK: Accept the language as submitted by the sponsors of the secondhand smoke pollution control ordinance for placement on the October 6, 2009 ballot. It was seconded by **SMITH**.

SMITH pointed out that this is just to put the question on the ballot.

The motion carried 4-2 with **LAPHAM** and **ROSSMAN** opposed.

The rules were suspended to move the public comment period ahead of the executive session.

14. PUBLIC COMMENTS

WENNER pointed out the secondhand smoke ordinance doesn't include one person in a car.

2. Executive Session [Added during approval of the agenda]

The deputy mayor proposed to go into Executive Session to discuss the Excursion Inlet Survey issue:

Motion by ROSSMAN: Move into executive session to discuss the Excursion Inlet Survey issue because holding these discussions in open session would clearly affect the finances of the Haines Borough in an adverse way and/or tend to prejudice the reputations of those involved. It was seconded by **LAPP**.

The motion carried unanimously.

The deputy mayor reconvened the regular session at 8:40 p.m.

Motion by ROSSMAN: Direct the manager to put out an RFP to re-do the surveys of Excursion Inlet. It was seconded by **OLERUD**.

The motion carried unanimously.

12. CORRESPONDENCE - None

13. SET MEETING DATES

The following committee meetings were scheduled:

Commerce Committee - Thursday 8/20, 6:00pm - Discuss a

Ports & Harbors Development Plan

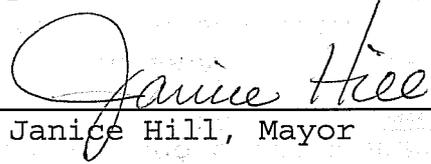
Finance Committee - Tuesday, 8/25, 5:30pm - Discuss preliminary FY09 financial statements and a citizen survey

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VICK said the ski season is right around the corner and suggested Title 5 be looked at. BOLEN brought up a plan to bring the borough attorney and an assistant in to go through title 18 to address issues. He suggested that Title 5 could also be addressed at that time. LAPP said that the topic could be added to the commerce committee meeting. LAPHAM said he would get information from the mayor and be post it that way. SMITH said this weekend is discovery day weekend and pointed out Haines would see several visitors. LAPP reminded of the light October ferry schedule. VICK suggested the assembly adopt a resolution. LAPP suggested a resolution from Southeast Conference would also be a good idea.

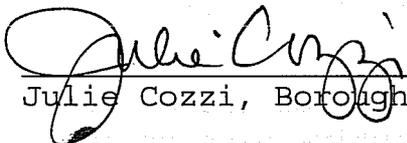
16. ADJOURNMENT - 8:47pm

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



Janice Hill, Mayor

ATTEST:



Julie Cozzi, Borough Clerk

