

Haines Borough
Borough Assembly Meeting #164
October 13, 2009

MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** called the meeting to order at 6:38 p.m. in the Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL Present:** Mayor Janice **HILL** and Assembly Members Pete **LAPHAM**, Douglas **OLERUD**, Norman **SMITH**, Scott **ROSSMAN** and Steve **VICK**. Absent: Jerry **LAPP**.

Staff Present: Julie **COZZI**/Borough Clerk & Acting Manager, Jila **STUART**/Chief Fiscal Officer, Brad **MAYNARD**/Director of Public Facilities, and Gary **LOWE**/Chief of Police, Bruce Smith.

Visitors Present: Jessica **EDWARDS**/CVN, Bill and Libby **KURZ**, Janet **KURZ**, Ken **WALDO**, Nelle **JURGELEIT-GREENE**, Gary **LIDHOLM**, Greg **STUCKEY**, Don **TURNER III**, Diana **LAPHAM**, Pam **RANGLES**, Jack **WENNER**, Bob **MUSSEMAN**, Roger **MAYNARD**, Les **HOSTETLER**, Rochelle **ROSTAD**, Patty **CAMPBELL**, Danny **GONCE**, and others.

Motion by **LAPHAM**: Excuse **LAPP**'s absence from the meeting. It was seconded by **SMITH**. The motion carried unanimously.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following agenda changes were requested:

Add New Business Item 11C5 – Letter from Tom Bolen's Attorney.

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

* 4. **APPROVAL OF MINUTES** – Regular: 9/22/09 Special: 9/29/09

5. **PUBLIC COMMENTS**

TURNER asked the assembly to look into removing the 15 mph speed limit on FAA Road. He believes the former borough manager did not follow code in lowering it.

VOGT mentioned the Skagway sales tax matter and wondered if that is imposed on the Skagway users. She doesn't believe they could tax at the consumer level. It's problematic and she is concerned about it. On the Chilkoot Lumber Company tax issue, she asked for some type of public briefing. There's a lot of information floating around in the community, and the public deserves some information. She personally doesn't believe there's a big cover up and the public should be briefed.

ROSTAD expressed concern about the state's plans to increase the Lutak speed limit to 50 mph. There are 18 driveways, children and grandchildren. It needs a traffic study.

B.KURZ said he had an opportunity to speak with Tom Bolen and he was told by Norm Smith that Bill Thomas ordered Lapham to get rid of Bolen. It is not true, and it is bad when someone like a state representative gets dragged into this type of thing, especially with a matter discussed in executive session.

6. **MAYOR'S COMMENTS**

HILL expressed appreciation to **LAPHAM** and **OLERUD** for their service to the community as assembly members. She congratulated the successful election candidates.

She continues to receive good comments from people that attended Southeast Conference in September.

The mayor recently attended the ATIA Conference in Fairbanks where Haines was well-represented. They let the industry folks know that Haines welcomes visitors. Even Disney Cruise folks expressed an interest in visiting Haines.

After this meeting, she will travel to Washington, D.C. to receive the official designation of Haines Highway as a National Scenic Byway. The Federal Highways Administration invited her to attend the ceremony. This will open the door for some grant opportunities, some bike paths, some walking trails between here and Klukwan, and a lot of publicity in various ways. She hopes to have more of a report after she returns.

7. PUBLIC HEARINGS

A. Ordinance 09-09-217 – Second Hearing

An ordinance of the Haines Borough amending Borough Code Title 2 to update the general agenda order for regular Borough Assembly meetings.

Mayor **HILL** opened and closed the public hearing at 6:55pm; there were no comments.

Motion by **VICK**: Adopt Ordinance 09-09-217. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

8. STAFF REPORTS

*** A. Borough Manager**

B. Borough Clerk

COZZI, currently serving as acting manager, summarized her written report.

SMITH commented about the heavy winds and the beating that they are giving the lightering/boarding float at the PC Dock. He asked when it will be removed for the season. **MAYNARD** said he will talk with the harbormaster about the plans for removal.

*** 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 and Labor Relations

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**

*** N. Service Area Boards**

10. OLD BUSINESS - None**11. NEW BUSINESS****A. Resolutions****1. Resolution 09-10-174**

A resolution of the Haines Borough Assembly approving the defeasance of the Borough's 2005 General Obligation Refunding Bond.

Motion by **LAPHAM**: Adopt Resolution 09-10-174. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction**1. Ordinance 09-10-218**

An ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY10 budget.

Motion by **LAPHAM**: Introduce Ordinance 09-10-218 and set a first public hearing for October 27, 2009. It was seconded by **ROSSMAN**. The motion carried unanimously.

C. Other New Business**1. Interim Manager Discussion**

ROSSMAN asked if an interim manager is needed if the department heads can deal with everything and keep things going so well. **VICK** noted that it can take an indefinite time period to get a replacement manager. He would love to see Bob Ward come back on an interim basis; someone of his calibre is money well spent. **SMITH** agreed that it would be great to have Bob Ward here, but he's concerned about this expense along with the possibility of a severance deal with Tom Bolen. Perhaps the interim manager decision should be delayed until the first meeting in November. **ROSSMAN** is still not convinced an interim manager is necessary. **LAPHAM** asked staff if they can handle it. **COZZI** explained her willingness to do what it takes to get the job done, and working with the borough's excellent staff has enabled the work of the borough to move along well. However, it would not be something she could do long-term as the demands of the borough clerk position coupled with the huge job of the manager would likely result in burnout. There are several legal issues and big projects right now that would really benefit from an interim manager's oversight.

Motion by **VICK**: Direct the mayor to contract with Bob Ward to serve as Interim Manager for an amount not to exceed \$10,000 per month plus transportation and lodging costs until the hire of a new manager. It was seconded by **LAPHAM**.

SMITH said it would be nice if there is an overlap by at least a couple of weeks, and **VICK** agreed.

The motion carried unanimously in a roll call vote.

2. Library Director Hire

Motion by **LAPHAM**: Confirm the Library Board's recommendation to hire Patricia Brown as the new Library Director at an annual salary of \$53,872. It was seconded by **VICK**.

ROSSMAN asked if the budget allows this or if an amendment will be required. **LENDE** responded that she does not believe it will be necessary this year but will likely be a consideration next budget year.

The motion carried unanimously in a roll call vote.

3. 2009/10 Snow Removal Contracts

Motion by **LAPHAM**: Authorize the borough manager to negotiate with the apparent low-bidder, Waldo Enterprises, to provide 2009/10 snow removal services for the Cathedral View/Piedad Areas not to exceed \$600 per job. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

Motion by **VICK**: Authorize the borough manager to negotiate with the apparent low-bidder, Turner Construction to provide 2009/10 snow removal services for the Chilkat Center not to exceed \$110 per job. It was seconded by **ROSSMAN**. The motion carried unanimously in a roll call vote.

Motion by **VICK**: Authorize the borough manager to negotiate with the apparent low-bidder, Turner Construction to provide 2009/10 snow removal services for the Tanani Bay Subdivision not to exceed \$95 per job. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

Motion by **LAPHAM**: Authorize the borough manager to negotiate with the apparent low-bidder, Turner Construction, to provide 2009/10 snow removal services for the Letnikof Road Maintenance Service Area not to exceed \$280 per job. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

Motion by **VICK**: Authorize the borough manager to negotiate with the apparent low-bidder, Waldo Enterprises, to provide 2009/10 snow removal services for the Riverview Drive Road Maintenance Service Area not to exceed \$600 per job. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

Motion by **VICK**: Authorize the borough manager to negotiate with the apparent low-bidder, Waldo Enterprises, to provide 2009/10 snow removal services for the Eagle Vista Subdivision not to exceed \$600 per job. It was seconded by **LAPHAM**. The motion carried unanimously in a roll call vote.

Motion by **LAPHAM**: Authorize the borough manager to negotiate with the apparent low-bidder, Turner Construction, to provide 2009/10 snow removal services for the public schools not to exceed \$594 per job. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

Motion by **LAPHAM**: Authorize the borough manager to negotiate with the apparent low-bidder, Alaska Marine Trucking, to provide 2009/10 snow removal services for the Lutak Dock not to exceed \$425 per job. It was seconded by **VICK**. The motion carried unanimously in a roll call vote.

4. Energy & Sustainability Commission Extension

Motion by **VICK**: Extend the Ad-hoc Energy and Sustainability Commission for a second year ending on October 31, 2010. It was seconded by **LAPHAM**.

VICK asked about the ESC coordinator position. **LIDHOLM** said that there was discussion about staff possibly being able to take on some of the coordinator duties. **ROSSMAN** said Stephanie Scoot believes the administrative duties would not take as many hours as they did the first year.

Motion to Amend by **VICK**: Include a one year extension of the ESC Coordinator position along with the commission according to the proposed budget. It was seconded by **LAPHAM**.

LAPHAM believes Stephanie Scott's efforts basically paid for her position, and the borough needs a person in that type of position in the future. **SMITH** concurred with **LAPHAM**.

The amendment motion carried unanimously.

The main motion carried unanimously in a roll call vote.

5. Letter from Tom Bolen's Attorney (added during Agenda approval)

ROSSMAN said he is not impressed with the allegations in the letter from Mr. Bolen's attorney; the allegations just did not happen. **VICK** said the letter basically states that Bolen wants severance and if he doesn't get it, he will seek legal redress. **ROSSMAN** said if it's pay severance or else he'll sue, it's kind of like extortion to him. **LAPHAM** clarified for the record that Bolen was not fired or terminated; the contract was just not renewed. **SMITH** said he recalls that there was a 4-2 vote to retain the manager on an interim basis until the position was filled. He asked **OLERUD** how he would have voted if he had not had to leave the special meeting prematurely. **OLERUD** said the reasons that Bolen states for getting the severance are invalid and incorrect, and he doesn't agree with any of them. In exchange for the severance agreement, Bolen was willing to continue to provide assistance to the borough. The borough didn't do anything wrong, and the decision not to offer him a new contract was not based on anything regarding the Chilkoot Lumber information. The assembly needs to decide whether or not to defend this in court. He feels like the borough is being "shaken down" and he doesn't like the feeling. **VICK** agreed with **OLERUD** about the allegations being wrong, however he believes the borough could have done a cleaner better job of handling the nonrenewal of contract. The court costs could very likely exceed severance pay. He would like closure on this at this meeting. **ROSSMAN** does not want to pay Bolen \$24,000. **SMITH** asked what the attorney recommends, and he was reminded that the attorney recommended the assembly accept Bolen's resignation and approve the severance and release agreement.

Motion to Reconsider by **VICK**: Reconsider the following motion defeated during the September 29th special meeting:

Accept Tom Bolen's resignation effective September 29, 2009; authorize the mayor to execute a severance and release agreement including compensation in the amount of \$23,749.98 representing three months of his annual salary; and waive the manager's 60-day notice under his current contract.

It was seconded by **SMITH**. The motion to reconsider failed 3-2 with **OLERUD** and **ROSSMAN** opposed.

Motion by **ROSSMAN**: Give no severance deal to Tom Bolen. It was seconded by **LAPHAM**.

ROSSMAN said the borough does not need to respond to this. **VICK** said he will vote for the motion because there are no other options, but he knows it will come back to the borough. He wondered if the borough attorney should be instructed to negotiate a settlement with Bolen's attorney.

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

12. CORRESPONDENCE - None

13. SET MEETING DATES

One Meeting in November - 11/10

14. PUBLIC COMMENTS

B.KURZ thanked **COZZI** for filling in during the absence of a borough manager and said she and other staff have been doing a fine job.

STUART said the state assessor was impressed with many of the assessor applicants. She encouraged moving quickly given that the applicant pool is good and they may not all be available. The applications were received in July.

STUCKEY gave a Chilkoot Indian Association update. He asked the acting manager and the assembly to work with him to make sure that an memorandum of agreement is put in place to reflect the assembly's conditions in the tank farm resolution. Additionally, he wants to continue to work with the borough to move forward on the subdivision water-sewer system funding agreement.

Chief **LOWE** asked for an opportunity at the 10/27 meeting to speak to the two speed limit issues brought up during this meeting, and the mayor said it will be on the agenda.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VICK said he enjoyed serving on the assembly with **OLERUD**.

ROSSMAN said in light of **STUART**'s comments, the borough should "jump" on the assessor applicants. **VICK** wondered if the personnel committee should review the applications, but he was reminded that it is presently a committee of one. **ROSSMAN** said perhaps staff should call to find out who is still available right away and go on from there. **SMITH** said it would be interesting to know why these people are interested in Haines.

OLERUD thanked the assembly members for "putting up with him" for the past three years, and thanked the staff for the excellent work they do for the assembly.

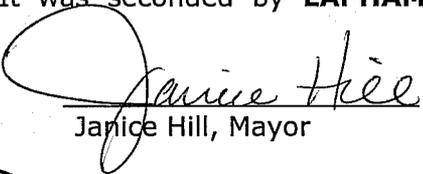
LAPHAM said it has been an interesting three years.

16. ADJOURNMENT - 8:50pm

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

ATTEST:


Julie Cozzi, Borough Clerk


Janice Hill, Mayor

