

Haines Borough  
Borough Assembly Meeting #179

May 25, 2010  
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

**Present:** Mayor Jan **HILL**, Assembly Members Jerry **LAPP**, Daymond **HOFFMAN**, Norm **SMITH**, Scott **ROSSMAN**, Joanne **WATERMAN** and Steve **VICK**.

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Brad **MAYNARD**/Director of Public Facilities, Patricia **PETERS**/Pool Manager, Jerrie **CLARKE**/Museum Director, Patricia **BROWN**/Library Director, and Gary **LOWE**/Chief of Police.

**Visitors Present:** Thomas **MORPHET**/CVN, Niki **RITZINGER**, Suzanne **VUILLET-SMITH**, Sara **CHAPPELL**, Roger **SCHNABEL**, Ned **ROZBICKI**, Bob **LOWDEN**, Annette **SMITH**, Nelle **JURGELEIT-GREENE**, Bill **STACY**, Bill **KURZ**, Liana **SHULL**, Sierra **JIMENEZ**, Les **HOSTETLER**, Molly **SMITH**, Suzanne **BLUE STAR BOY**, and others.

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

**Motion:** **LAPP** moved to "approve the Agenda/Consent Agenda," and the motion carried unanimously.

\* 4. **APPROVAL OF MINUTES** – BOE: 5/17/10

5. **PUBLIC COMMENTS**

**LOWDEN** asked the assembly to allow businesses to be included in the Household Hazardous Waste collection. He believes he should be able to dispose of his auto mechanic waste without being charged.

**STACY** said John Wurst is interested in returning to the assessor position and would like to apply if the job is going to be reopened, and he asked the assembly to consider it.

**A.SMITH** said the Port Chilkoot Fire Hall building is sorely in need of a paint job. The local government has had use of that building for 20 years, and she believes the agreement was for the government to pay \$1 per year in exchange for maintaining the building. She proposed that the borough share the cost of painting with the Port Chilkoot Company who would hire someone to do the work this summer.

**VUILLET-SMITH** is concerned that the new PC Dock trestle will connect to the part of the dock where the forklift fell through. She believes the project has gotten out of hand, and asked the assembly to carefully consider every step of the waterfront project.

6. **MAYOR'S REPORT/COMMENTS**

**HILL** said she greeted the first large cruise ship of the season at 6:00am on Wednesday 5/25.

The Women's Club convention is taking place in Haines this weekend. There is a long list of things that this club has been instrumental in including the Fair and the Library.

The mayor appointed the following members to the ad-hoc Centennial Committee: Jerrie Clarke, Jim Shook, Joan Carlson, Judy Heinmiller, Juanita Lidholm, Gregg Johnson, Patricia Brown, Lori Stepansky, CJ Jones, Tara Bicknell, Dan Henry, Jamie Heinz, and Joanne Waterman. She encouraged other interested persons to contact her if they want to be involved, as well. She thanked the museum, library, and borough staff volunteers for all the work that has already been going on toward this effort.

7. **PUBLIC HEARINGS**

A. **Ordinance 10-04-226** – Second Public Hearing

**An ordinance of the Haines Borough providing for the establishment and adoption of the budget of the Haines Borough for the period July 1, 2010 through June 30, 2011.**

The mayor opened the public hearing at 6:49pm.

**SHULL** (Lynn Canal Counseling Services), **JIMENEZ** (Southeast Alaska Independent Living), **VUILLET-SMITH** (Haines Dolphins Swim Team), **RITZINGER** (Big Brothers-Big Sisters), and **CHAPPELL** (Chilkat Valley Preschool) spoke on behalf of their respective organizations to explain the need for the requested community funding grants.

**JURGELEIT-GREENE** said she heard some grumblings about an increase in the mill rate. She

supports it, because the school, library, museum, pool, and other facilities and services need the funding. She believes everyone should do their keep things going.

**ROZBIKI** pointed out that the increased assessments are because the properties have to be raised to market value, so it's increased the tax base for the borough by \$30m. He believes that is giving a false picture of an economic boom. He is opposed to leaving the mill rate the same because it is hitting the people who can least afford it and eroding community vitality.

Here no further comments, the mayor closed the public hearing at 7:04pm.

**Motion: LAPP** moved to "Advance Ordinance 10-04-226 to a third public hearing on June 8, 2010, and it was amended to include in the budget the amendments 1-6 as outlined in the 5/21/10 manager's memo with amendment #5 being adjusted to cap the community non-profit appropriations at a total of \$100K," and the motion carried unanimously.

During discussion, the assembly considered the idea of providing a lump sum to the Chilkat Valley Foundation for distribution to the community non-profit organizations versus the assembly continuing to make the individual funding decisions. Some assembly members are not supportive of the idea of giving the Foundation money to do the assembly's work but might be open to having them evaluate the requests and make recommendations to the assembly. The idea of some type of cap for the community funding grants was also discussed such as 1% of the annual budget or some type of specific dollar amount. The manager said the assembly can establish policy guidelines in noncode ordinance form dictating a policy but should recognize that it would not prevent a future assembly from amending it. It would at least establish guidelines that could serve as a process for the future.

**B. Ordinance 10-05-230** – First Public Hearing

**An ordinance of the Haines Borough amending Haines Borough Code 2.64.010 to clarify borough document assent.**

The mayor opened and closed the public hearing at 7:52pm; there were no public comments.

**Motion: WATERMAN** moved to "advance Ordinance 10-05-230 to a second public hearing on June 8, 2010," and the motion carried unanimously.

**C. Ordinance 10-05-231** – First Public Hearing

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

The mayor opened and closed the public hearing at 7:54pm; there were no public comments.

**Motion: LAPP** moved to "advance Ordinance 10-05-231 to a second public hearing on June 8, 2010, and it was amended to add a \$6K appropriation to the ordinance for extra fireworks for the July 4<sup>th</sup> display because of the Haines Centennial celebration," and the motion carried unanimously.

During a brief discussion, **LAPP** said the Finance Committee met prior to this meeting and recommends the ordinance.

**8. STAFF REPORTS**

**A. Borough Manager**

The manager summarized his written report that included the following items:

- Downtown Revitalization Action Plan
- Household Hazardous Materials Program
- Contract Assessor RFP
- Pleasant Camp Fire Protection
- Union Negotiations

**EARNEST** spoke to **LOWDEN's** request for commercial businesses to be included in the Household Hazardous Waste collection. It's a policy decision, and there is no budget for it. There is no idea how much commercial waste exists in the community, and he advised the assembly to go forward with caution. **ROSSMAN** said if there's a way to do it, it should happen. He suspects it's most likely paints, antifreeze, sludge, and solvents from businesses. **WATERMAN** said she's not opposed to researching ways to help this work, however there are costs of doing business. For example, grocery stores have adjusted to the Freon disposal costs. **SMITH** suggested the borough allocate 2 barrels for each business that generates hazardous waste, because he would rather have the peace of mind knowing this stuff is not going into the streams and the ground. **EARNEST** said it

has been done in other communities and has resulted in a large volume. Some wastes are more challenging than others, and some businesses generate more waste than others. He proposed that staff contact other communities that tried it. The larger businesses typically build hazardous waste disposal into their operations. The question is how to define the program so it takes care of the small businesses. **WATERMAN** said something should be done but agreed with the manager about proceeding with caution. **EARNEST** suggested a small pilot project this year to see how it works, especially since it's late in the game. If it's successful this year, it can be reevaluated and possibly expanded. **HOFFMAN** wondered if each year could have a different waste emphasis. For example, this year would be anti-freeze and sludge.

**MOTION:** **SMITH** moved to "allocate funds for four extra barrels designated for business waste disposal, specifically three barrels for anti-freeze and one barrel for sludge," and the motion carried unanimously in a roll call vote.

**EARNEST** said the borough has received an offer to purchase the Emerson Field property by Mosquito Lake Road, and the planning recommends it. The offer is \$50K, and he can research options for covering the cost. The assembly briefly discussed the merits.

**Motion:** **VICK** moved to "authorize the borough manager to negotiate with the seller of the Emerson Field property with the terms to be brought to the assembly for approval," and the motion carried unanimously in a roll call vote.

**EARNEST** said an amendment to the PND Engineers contract for the waterfront project is needed. **MAYNARD** explained that the US Army Corps of Engineers asked the borough to bring in a habitat biologist. This individual from Anchorage will be here on 6/1, and a report will be prepared. The project permit is complete except for this mitigation report.

**Motion:** **ROSSMAN** moved to "authorize a \$20K amendment to the PND Engineers contract for the waterfront project mitigation plan," and the motion carried unanimously in a roll call vote.

**LAPP** said if John Wurst is interested in returning as assessor, it should be considered. **EARNEST** explained that the borough needs a person with strong computer expertise, and he highly recommends moving forward with the RFP. It's a limited duration---one-year with an option to renew. Wurst could submit a proposal. **EARNEST** said understands the borough had a bad experience with a contract assessor in the past, but there are good ones out there. **ROSSMAN** agreed with **LAPP**. It is an important issue and should be discussed. **EARNEST** said the discussion would have to be done in executive session with the individual offered an opportunity to participate. **SMITH** wanted to know how much more the manager's recommendation would cost the borough. **EARNEST** responded that one reason for the RFP would be to quantify what the costs would be and bring the information to the assembly for approval. **WATERMAN** believes it would be good to have a contractor come in to get the project done in one year, and she supports the RFP idea. She added that state assessor told the borough 3 years ago to get it done. **VICK** agreed that the contractor will get the borough up to speed with the assessments along with training the assistant assessor. **ROSSMAN** decided he is willing to go in the RFP direction.

- \* 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 and Labor Relations
- D. Government Affairs & Services

**VICK** reported on the 5/20 committee meeting held to discuss the election codes. The committee wants the manager to research other municipal codes especially pertaining to write-in candidates and postmarking ballot envelopes for comparison purposes. The effort that went into the 17-page draft was noted by the committee, but they would like to slow down the process to get it right. **LAPP** said the sample codes should be from other home-rule municipalities, since the other ones follow state law. **EARNEST** said he agreed to follow up on the committee's recommendations.

Additionally, the borough attorney will put together a more comprehensive review of the ordinance to bring back to the GAS committee.

- \* 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 10-05-207**

**A resolution of the Haines Borough Assembly authorizing the manager to execute a change order with Southeast Road Builders for the First Avenue, Willard Street and Ocean View Drive water system upgrade project to remove and replace unsuitable material on Mission Street for an amount not to exceed \$46,300.**

**Motion:** LAPP moved to "adopt Resolution 10-05-207," and the motion carried unanimously in a roll call vote.

MAYNARD said the timeframe for paving the roads is when the borough has funds for it. The funding is only for the waterline portion of the project so, for the time being, it will be compacted D-1.

**2. Resolution 10-05-208**

**A Resolution of the Haines Borough Assembly authorizing the manager to execute a change order to the Southeast Road Builders contract for the First Avenue, Willard Street, and Ocean View Drive water system upgrade project in order to extend the waterline from the Young Road intersection 250 feet up Lynnvue Drive for an amount not to exceed \$16,820.**

**Motion:** VICK moved to "adopt Resolution 10-05-208," and the motion carried unanimously in a roll call vote. There was no discussion.

**B. Ordinances for Introduction**

**1. Ordinance 10-05-232**

**An ordinance of the Haines Borough amending Haines Borough Code Title 8, Section 8.16.025(A) to permit fireworks use at Borough port facilities by licensed pyrotechnicians under contract to the Borough.**

**Motion:** ROSSMAN moved to "Introduce Ordinance 10-05-232 and set a first public hearing for June 8, 2010," and the motion carried 5-1 with SMITH opposed.

During discussion, the manager said an alternate location is being explored, but this ordinance would allow the fireworks display to occur at the PC Dock under a controlled situation with precautions in place. said this is something he has been involved with in other municipalities. There are precautions that would be in place. One assembly member told the story of the PC Dock fire in the 1980s and is very concerned that allowing fireworks on the dock would set a dangerous precedent and send a message to the public that it's okay to set off private fireworks in town.

**C. Other New Business**

**1. Appeal of Planning Commission Decision**

M.SMITH and BLUE STAR BOY presented their request to the assembly to rehear the planning commission's decision. They appreciate the time already spent by the commission, but they disagree with the decision and want an opportunity to explain where the code was not clear at the time the guest house was built. Safety issues motivated them in the first place because of a bear path behind the house; last year, two brown bears were hanging around.

**Motion: VICK** moved that "believing the planning commission erred in their decision concerning the Asper guest house, the assembly will rehear the entire decision on June 8, 2010," and the motion carried 4-2 with **WATERMAN** and **SMITH** opposed.

During discussion, planning commission liaison **WATERMAN** explained that the commission worked on a definition for "guest house" to clarify code for future situations that was subsequently adopted by the assembly in ordinance. However, the commission was convinced even with the previous code that the enclosed porch should not be allowed.

One assembly member expressed his opinion that it should be grandfathered in. **WATERMAN** noted that "grandfathered-in" is more accurately called "pre-existing use." She said the land use service areas have different limitations. The commission discussed the question of when a porch becomes part of the living space, especially when the owner starts to add stem walls, screens, and windows.

## **2. Excursion Inlet "Wish List" – Discussion Item**

The Excursion Inlet residents provided a written request to the borough for help with the following project:

- a. Replace or repair the Upper Loop Road's drainage systems, as the army culverts have mostly collapsed, or are blocked with debris, from lack of maintenance. Upper Loop Road goes from the Seal Creek Road intersection, east and then north, back to the Main Road Intersection.
- b. Reclaim and repair the roadbed of the Upper Loop Road, from the intersection of Seal Creek Road, east and then north to the intersection with the main road. Bring it up to the standard of the rest of the road system.
- c. Redo the culvert, on Seal Creek Road, at the Bottoms, where the South Fork of Seal Creek crosses under Seal Creek Road, that was installed last summer, as the culvert is not big enough to handle the water flow, at that point, during a large fall or winter storm.

### Project Costs

- a. 10 each 12" X 20' Plastic Culverts @ \$250: \$2,500.00
- b. Excavator Time & #2 Diesel Fuel @ \$4.00 per gallon: \$2,500.00

Total Cost to Borough for the proposed project: \$5,000.00

**EARNEST** said he would prefer this to be handled as an amendment to the FY11 budget. **STUART** believes it would have to be put out for bid.

**Motion: ROSSMAN** moved to "direct the manager to make the proposed Excursion Inlet road/drainage project happen," and the motion carried unanimously in a roll call vote.

## **3. Swimming Pool Fee Schedule**

**Motion: LAPP** moved to "Approve the amended pool user fee schedule as presented," and it carried unanimously in a roll call vote.

## **12. CORRESPONDENCE**

**A. Request for Southeast Alaska State Fair Support – Lende** - There was no discussion.

## **13. SET MEETING DATES**

A Government Affairs and Services Committee meeting was scheduled for June 8, 2010, 5:30pm prior to the assembly meeting to continue discussion about the election code.

Staff will work on the logistics of a special assembly town meeting in Excursion Inlet this summer.

## **14. PUBLIC COMMENTS**

**KURZ** spoke in support of rehiring John Wurst as assessor. He said Wurst could be trained in computers and is willing.

**MORPHET** said the last time the assembly went to Excursion Inlet, the media was invited along.

**STUART** said businesses can participate now in the Household collection provided they pay the cost. She suggested that the borough could consider some type of matching program, like 50/50.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

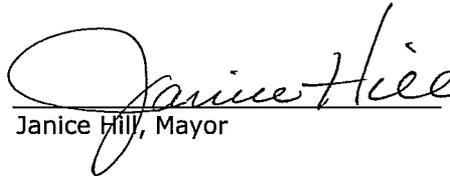
**VICK** said the Chilkat Center roof really needs to be replaced.

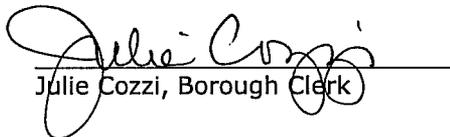
**ROSSMAN** said his dad in upstate New York pays 100 mils for his property taxes.

**16. ADJOURNMENT** -10:10 p.m.

**Motion:** **LAPP** moved to "adjourn the meeting," and the motion carried unanimously.

ATTEST:

  
Janice Hill, Mayor

  
Julie Cozzi, Borough Clerk

