


Haines Borough
Borough Assembly Meeting #223
May 8, 2012
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG: Mayor **SCOTT** 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 Stephanie **SCOTT** and Assembly Members Jerry **LAPP**, Joanne **WATERMAN**, Norman **SMITH**, Steve **VICK**, Debra **SCHNABEL**, and Daymond **HOFFMAN**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Gary **LOWE**/Chief of Police, Darsie **CULBECK**/Special Projects Consultant, Phil **BENNER**/Harbormaster, Tanya **CARLSON**/Tourism Director, and Jerrie **CLARKE**/Museum Director.

Visitors Present: Krista **KIELSMEIER**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, **BART HENDERSON**, Larry **BECK**, Norman **HUGHES**, Michelle and Michael **BYER**, Anne **HANSEN**, Melissa **ARONSON**, Sara **CHAPPELL**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA (Items with the *asterisk are on the consent agenda)

Motion: **LAPP** moved to "approve the Agenda/Consent Agenda," and it was amended to remove Item 11A1 - Resolution 12-05-353 regarding a special moorage agreement for the Haines-Skagway Fast Ferry. The motion carried unanimously.

SCOTT explained the Port and Harbor Advisory Committee met and there is no need for the special use agreement. The existing tariff and fee schedule can take care of any charges.

*** 4. APPROVAL OF MINUTES** - None

5. PUBLIC COMMENTS

CLARKE said May 18 is National Museum Day. There will be an open house reception, and she extended a personal invitation to the mayor and assembly to attend to see the new carpeting and the new exhibits.

BECK asked the assembly to revisit the THREA request for a resolution of support for the Walker Lake hydroelectric project they want to do.

BYER asked the assembly to consider purchasing the Elks Lodge property. It's adjacent to the school and would provide future expansion, including a preschool. Looking ahead into the future, this could be very valuable. He also invited everyone to the High School Graduation on May 22nd.

MORPHET offered to answer any questions about payphones. 33-mile has no cell phone service and use to have a payphone. He has put together some information that he would be happy to provide.

ARENSEN announced the Earth Day Fair this weekend at the school. The theme this year is food security.

6. MAYOR'S COMMENTS/REPORT

Mayor **SCOTT** thanked those who braved the Lemonade Day last Sunday.

She congratulated everyone who participated in the Cinco de Mayo Community Clean-up kick-off. Approximately 250 yellow bags were distributed and filled bags are already being turned in.

7. PUBLIC HEARINGS

A. Ordinance 12-04-284 - Second Hearing

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Chapter 18.100 Section 18.100.050(A) to revise procedures for plats.

Mayor **SCOTT** opened and closed the public hearing at 6:43 pm; there were no public comments.

Motion: **LAPP** moved to "adopt Ordinance 12-04-284," and it was seconded. The motion carried unanimously. There was no discussion.

B. Ordinance 12-04-285 - First Hearing

An Ordinance of the Haines Borough Assembly repealing Haines Borough Code Chapter 2.54 Department of Economic Development and amending Section 2.84.160 to remove the Economic Development Director from the list of department directors eligible for Executive Leave.

Mayor **SCOTT** opened and closed the public hearing at 6:45 pm; there were no public comments.

Motion: **VICK** moved to "adopt Ordinance 12-04-285," and it carried 4-3 in a tie vote with **VICK**, **LAPP**, and **HOFFMAN** opposed and the mayor breaking the tie in the affirmative.

During the discussion, **HOFFMAN** moved to amend the ordinance to change "shall" to "may," but it failed with **SCHNABEL**, **SMITH**, and **WATERMAN** opposed and the mayor breaking the tie in the negative. **SCHNABEL** doesn't believe the code should contain things that we MAY have. **LAPP** said he is reluctant to see this removed in the chance that the borough decides to have an economic development director in the future. **SMITH** said this has always been a topic of contention, because it's difficult to define economic development. **VICK** agreed it could be a possibility in the future. If things develop with ports and harbors and mines, the borough may want this position available. It would do no harm to maintain it. **EARNEST** said there are currently two departments funded through the economic development sales tax. **STUART** does not know of any provision that requires every department to be explicit in code.

C. Ordinance 12-04-286 - First Hearing

An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the period July 1, 2012 through June 30, 2013.

Mayor **SCOTT** opened the public hearing at 6:50 pm.

HUGHES encouraged the assembly to include money in the FY13 budget to do a better job in the right of way rather than the AK-DOT plan to just plant grass since the borough's request for Sitka roses was not accepted by them.

Hearing no further comments, the mayor closed the public hearing at 7:52 pm.

Motion: **VICK** moved to "advance Ordinance 12-04-286 to a second public hearing at the next borough assembly meeting," and it was amended to make the total amount to be granted to non-profits the same as FY12. The amended motion carried unanimously.

There was a brief discussion to make sure all understood that the amendment motion spoke to the total funding amount for nonprofits rather than specific requests.

D. Ordinance 12-04-287 - First Hearing

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 2 Sections 2.10.200 and 2.10.250 to clarify the procedure for filling a vacancy occurring in the Borough Assembly.

Mayor **SCOTT** opened and closed the public hearing at 7:03 pm; there were no public comments.

Motion: **HOFFMAN** moved to "advance Ordinance 12-04-287 to a second public hearing at the next borough assembly meeting," and it carried unanimously.

During discussion, **SCHNABEL** said it was suggested by a member of the community that the mayor might be able to vote in this instance. The Clerk read from the Charter that the mayor may only vote in the case of a tie. (5.02(A))

8. STAFF/FACILITY REPORTS

A. Borough Manager - 5/8 Report

EARNEST expressed appreciation for **CULBECK**'s assistance on many projects including lot of work that has gone into the junk vehicle/scrap metal barge. Regarding heliski monitoring, he has a draft agreement with Takshanuk Watershed Council (TWC) to provide assistance to the borough in GIS compliance with complaint follow-up. He believes they have hammered out a good system for following up on complaints. It turned out to be a cumbersome and technically challenging task for borough staff, and he's very pleased TWC offered to assist.

Regarding his comments about the planning commission's land classification recommendations, **EARNEST** explained the manager reports to the assembly and has the responsibility and right to weigh in on any issue that comes before the borough. He did this very respectfully and is not finding fault with their recommendations. Rather, these are his thoughts. He believes the two current planning efforts---a comprehensive plan and a master facilities plan---should run their course before having the discussion at the assembly level about property disposal. He acknowledged that a permanent plan for the complicated issue of snow storage does need to be addressed.

SMITH asked the status of the Planning & Zoning Technician III position, and **EARNEST** updated the

assembly. The manager is responsible for hiring staff with some requiring assembly confirmation. This is not one of those positions. He has made an offer to an individual who has acquired a master's degree in planning and has recently worked for a Florida municipality. A very exhaustive process resulted in making an offer to the most qualified person. With respect to the gap (the fact that this individual is unavailable until October), that was one of the considerations. It is not enjoyable to be down one staff member, so the decision was not made lightly. Interim staffing is needed to bridge the gap until the permanent individual can begin but he could not comment on any details because nothing had been finalized.

*** B. Sheldon Museum – Staff Report of 3/2012, Board Meeting Minutes 3-22-12**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Committees

- 1. Committee of the Whole**
- 2. Commerce Committee**

SCHNABEL said the committee met on May 2 regarding solid waste issues. They are trying to get close to a defensible program.

3. Finance & Budget

LAPP said the committee met on April 26 and discussed a vehicle tax that would help to fund junk vehicle disposal. **SCHNABEL** observed that it's possible the borough could go back to getting a fee for mobile homes by either considering them vehicles or property.

4. Personnel & Labor Relations

5. Government Affairs & Services

VICK said his committee met jointly with the Finance Committee on April 26 to discuss major & minor maintenance of school district facilities.

B. Planning Commission – 3/22 approved minutes & Recommendation re. Old School Lots

Motion: **LAPP** moved to "direct the manager to begin the process of following the planning commission's recommendations for disposal and use of the former school properties," and it was seconded. It carried 4-3 in a tie vote with **WATERMAN**, **VICK**, and **HOFFMAN** opposed and the mayor breaking the tie in the affirmative.

During the discussion, **SCHNABEL** said she was surprised at the level of detail submitted by the commission. She believes their recommendation should be limited to which, if any, lots should be disposed of and/or retained for public use. **VICK** said he, too, was surprised the commission recommended uses for the property, such as snow storage. He agreed with the manager that the borough should get the comprehensive and master facility plans finalized before making these decisions. **WATERMAN** agreed. She's not averse to selling some property, but it needs to be looked at in more depth. **SMITH** would like to see property values and a map. **EARNEST** said the property is not assessed since it is public property but values are available on the properties across the street. **LAPP** said the borough has held off selling the property and it keeps being held off. He said the assembly just heard it again at this meeting---buy the Elks property and then sell this---and it just doesn't ever happen. **HOFFMAN** would like to see a history of the discussion that says the assembly agreed to sell the old school properties to pay for buying the property the new school is built on. It was explained that it does not exist in any official assembly record. There may have been statements made in committee meetings, etc. **SCHNABEL** said the Chilkat Valley News reported on it, so there was certainly public discussion at some point. There are a number of people in the community who remember this type of promise. She moved to amend the motion to acknowledge the planning commission's recommendations but ask staff to communicate the manager's and assembly's concerns to them with a request to hone it down to a simpler recommendation, but the motion failed with Smith, Hoffman, Vick, and Schnabel opposed. **HOFFMAN** asked if this needs to be acted on right now, and **SCOTT** said no.

C. School Board

D. Advisory Boards

- * 1. Tourism Advisory Board – 3/29/12 approved meeting minutes**

*** E. Service Area Boards**

*** F. Ad Hoc Boards & Committees**

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

1. Resolution 12-05-353

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a special docking and moorage services agreement with Haines-Skagway Fast Ferry, LLC for the 2012 summer tourism season.

This item was removed from the agenda during approval of the agenda.

2. Resolution 12-05-354

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services agreement with Carson Dorn, Inc. to prepare an update for the Haines Borough Water and Sewer Master Plan for an amount not to exceed \$33,500.

There were no public comments.

Motion: LAPP moved to "adopt Resolution 12-05-354," and it carried unanimously in a roll call vote. There was no discussion.

3. Resolution 12-05-355

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into an agreement with Southeast Road Builders, Inc. for the Haines Street Improvements Phase 3 project for an amount not to exceed \$1,358,225.75.

There were no public comments.

Motion: LAPP moved to "adopt Resolution 12-05-355," and it carried unanimously in a roll call vote.

During the discussion, **HOFFMAN** asked if there is still time to make buried power lines a part of the project. **SCHNABEL** believes the planning commission should be utilized in all of the borough's capital projects so they weigh in from the very beginning. The borough's engineers need to be informed that buried power lines are important to the borough. **EARNEST** clarified this particular project does not include the section of Third Street in front of the borough administration building. There are funding decisions that are still to be made---Denali Commission funding---for both harbor and road projects. There is approximately \$810K funding on the line, and he hopes the answer will come within the next two weeks. He noted that this particular bid was very good for the borough, so there may be some extra money to add to the project. The borough is holding back on some work up the valley, at this time, in order to squeeze money out to do the additional Third Avenue work. However, he would prefer federal funding, if possible.

4. Resolution 12-05-356

A Resolution of the Haines Borough Assembly approving a proposed Memorandum of Agreement with the State of Alaska Department of Transportation and Public Facilities for the Beach Road Widening & Front Street Intersection Improvements project.

There were no public comments.

Motion: LAPP moved to "adopt Resolution 12-05-356," and it carried unanimously in a roll call vote.

During the discussion, **SCHNABEL** requested that the manager, prior to signing, discuss with AK-DOT the borough's desire to collaborate with them on the landscape design. Once it's hydro-seeded, it can be harder to remove the grass. **SCOTT** suggested the manager might be able to ask for an amendment to the MOU. **EARNEST** said all of his discussions with AK-DOT on the project have shown them to be amenable to working with the borough. If the borough were to appropriate funds for it, they would incorporate it into the project plans. Their issue is that they don't have the funds. **SMITH** wants to pursue burying the power lines. **SCOTT** said AP&T had provided an estimate in the 100s of 1,000s of dollars. **SMITH** noted that AP&T gets taxed on their power poles so he would think they would want to get rid of some taxable property. **SCHNABEL** said this contract should be entered into in a way that will represent the borough's interests, and the assembly can address desired features in the FY13 budget. The borough can do anything if there is money. **EARNEST** explained this resolution is to authorize the manager to enter into an agreement and a deed. He can come back to the assembly with an estimate of the desired items. **WATERMAN** pointed out that item #3 in the MOU states that hazardous materials would be the borough's responsibility to investigate. The property held by Delta Western was used as a tank farm, so she wondered if there should be some concern. **EARNEST** said the

borough may perform an assessment of the property. The borough will accept the road from the state as a part of this project. **SCHNABEL** wondered if it really matters if the land is contaminated or not since it's going to end up in a road bed. **EARNEST** said there is a general indemnification for municipalities ending up with contaminated properties from responsible parties deliberately defaulting to unload the liability. He will look into this more. **LOWE** expressed his concern that AK-DOT has not designed very safe intersections, including those at Young Road/Lutak and Lutak/Front Street. He doesn't know what they are intending for the Beach Road/Front Street intersection but hopes it is a safer design. **SCOTT** said it's difficult to interpret the plan for this intersection. **LOWE** admitted he has not looked at this particular design, but he understands the plan is to make it into a "T." Perhaps warning signs would help. **EARNEST** said he will arrange a teleconference with the AK-DOT engineer and **LOWE** to be reassured. **HOFFMAN** believes the new intersection will be safer than the current one is.

Motion: **SCHNABEL** moved to "authorize the manager to represent the assembly's interests in landscaping and in burying power lines at the borough's own expense and authorize him to make any modifications to the agreement he is empowered to make if they are required," and it was amended to replace 'power lines' with 'utilities'. The amended motion carried unanimously.

B. Ordinances for Introduction

1. Ordinance 12-05-288

An Ordinance of the Haines Borough Assembly authorizing the borough manager to accept loans from the Alaska Department of Environmental Conservation for water system improvements.

Motion: **LAPP** moved to "introduce Ordinance 12-05-288 and set a first public hearing for the next regular assembly meeting," and it was seconded. The motion carried unanimously. There was no discussion.

2. Ordinance 12-05-289

An Ordinance of the Haines Borough Assembly amending Section 2.04 of the Haines Borough Charter pursuant to a vote of the people at the October 2, 2012 Haines Borough General Election to provide the option of filling an assembly vacancy by special election.

Motion: **HOFFMAN** moved to "introduce Ordinance 12-05-289 and set a first public hearing for the next regular assembly meeting," and it was seconded. The motion carried 5-1 with **SCHNABEL** opposed. There was no discussion.

3. Ordinance 12-05-290

An Ordinance of the Haines Borough Assembly placing on the October 2, 2012 Election ballot the question of exemption from the Alaska Public Official Financial Disclosure law (AS 39.50).

Motion: **HOFFMAN** moved to "introduce Ordinance 12-05-290 and set a first public hearing for the next regular assembly meeting," and it was seconded. The motion carried unanimously.

During discussion, **SCHNABEL** asked that the assembly consider making some revisions to the local form. **SCOTT** said it might be possible to word the ballot question in a more positive manner, and she plans to propose some draft language for the assembly's consideration. **SMITH** agreed it is important to make the ballot question very simple and more specific. The APOC reporting requirements are preventing people from running for elected office. **HOFFMAN** suggested the assembly collaborate with the school board and planning commission.

4. Ordinance 12-05-291

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Sections 18.20.020, 18.30.010, 18.30.060, 18.40.030, 18.50.030, 18.60.010, and 18.90.030 to revise the types of permits and their uses, and the timeframes associated with acceptance and approval of permits.

Motion: **VICK** moved to "introduce Ordinance 12-05-291 and set a first public hearing for the next regular assembly meeting," and it was seconded. The motion carried 5-1 with **LAPP** opposed. There was no discussion.

5. Ordinance 12-05-292

An Ordinance of the Haines Borough Assembly adopting, by ordinance, a revised fee schedule including rates, fees and penalties for harbor facility usage.

Motion: **HOFFMAN** moved to "introduce Ordinance 12-05-292 and set a first public hearing for the next regular assembly meeting," and it was seconded. The motion carried unanimously.

C. Other New Business

1. Request Alaska Power & Telephone install pay phones – Committee Referral

Motion: **VICK** moved to "put this resolution on the next assembly meeting agenda," and it was seconded. The motion failed 3-4 in a tie vote with **VICK**, **LAPP**, and **SMITH** opposed and the mayor breaking the tie in the negative.

During discussion, **WATERMAN** suggested different language might be less of a "guilt trip," and she offered to work on a new draft. **LAPP** said businesses already have the option to install and pay for payphones, and he wondered if this resolution is meant to ask AP&T install them. **SMITH** said there are phones at the border, visitor center, and ferry terminal that people can use. **VICK** noted the lower 48 has emergency phones on the highways. If the philosophy behind this is public safety, perhaps the assembly could look into that. **LAPP** suggested the borough might just as well pay \$100K to put up a cell tower at 26-mile that would accomplish the same thing.

Motion: **SCHNABEL** moved to "refer this topic to the Government Affairs & Services Committee," and it was seconded. The motion failed 2-4 with **VICK**, **HOFFMAN**, **SMITH**, and **WATERMAN** opposed.

During discussion, **SCHNABEL** said if this is a community that wants to be inviting to visitors, it's important to have amenities that they expect. Having no phones at the points of entry and exit is disturbing to her. She admits she doesn't know all of the facts and figures but a committee discussion could work that out. **HOFFMAN** said more people are asking where the Wi-Fi hotspots are these days. **VICK** said if AP&T is showing an unwillingness to do this, the borough will have to pay for it, and he's not sure that is a priority.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

The 5/22 assembly meeting was rescheduled to 5/29 because of a conflict with High School Graduation. The meeting agenda and packet will still be ready on the 17th.

The Commerce Committee will meet on Wednesday, 5/23, at 4:30pm.

The assembly will meet as a Committee of the Whole to work on the FY13 budget on Wednesday, 5/23, at 5:30pm.

The Haines Port Development Steering Committee will conduct a kick-off meeting with Northern Economics on Wednesday, 5/16, at 5:00pm.

14. PUBLIC COMMENTS - None

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SCHNABEL said she would hope the borough manager applications will be considered procedurally.

LAPP said the Elks had a grant for a noxious weeds program and the borough might consider trying to pick it up. Possibly Community Youth Development could get involved in that program.

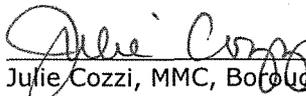
SMITH brought up the following concerns: 1) there are two vehicles at the roadside at 7.5 mile Haines Highway that need to be disposed of; 2) there is section of 6-inch iron pipe (about 25 feet long) on the left hand side of the Young Road hill, on the way to Skyline, that needs to be disposed of; 3) the "NO Skateboarding" sign that was on the stop sign in front of the AP&T office is missing and needs to be replaced; and 4) the crosswalks need to be repainted at the PC dock, Front Street, by the boat harbor, Second Avenue, below the bank, Third and Main, and 4th and Main, and the curbs need to be repainted for handicap spaces.

VICK said the new signs in town look great.

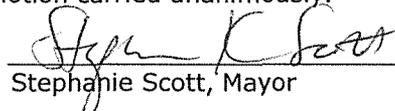
16. ADJOURNMENT – 8:52 p.m.

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

ATTEST


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor