

Haines Borough  
Borough Assembly Meeting #230  
August 28, 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:** Julie **COZZI**/Borough Clerk, Jerrie **CLARKE**/Museum Director, Jila **STUART**/Chief Fiscal Officer, Gary **LOWE**/Chief of Police, Phil **BENNER**/Harbormaster, Darsie **CULBECK**/Executive Assistant to the Manager.

**Visitors Present:** Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill and Libby **KURZ**, Mike **DENKER**, Jack **WENNER**, Doris **WARD**, David **KAMMERER**, Kristy **LEGASSIE**, Jerry and Diana **PYLE**, Doris **PECK**, 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 Items 11C4 and 11C6 because they both pertain to the manager who is absent due to illness. The motion carried unanimously.

\* 4. **APPROVAL OF MINUTES** - Regular: 8/14 Special: 7/31 BOE: 4/30

5. **PUBLIC COMMENTS**

**KAMMERER** read a written statement expressing concerns he has about the police department. He plans to pursue a remedy through the appropriate state agency. He would like a full investigation and as a last resort will join in a class-action suit.

**DENKER**, representing the Haines Golf Association, announced that Haines and Skagway competed in the first annual mayor's cup golf tournament recently in Haines, and the Haines team won. He presented the cup to the mayor. Mayor **SCOTT** said eight people came over from Skagway and two Haines people played for their team to even it out. It was a lot of fun. **DENKER** said the Valley of the Eagles Golf course hosted the event. He thanked them and the businesses that sponsored it.

6. **MAYOR'S COMMENTS/REPORT** –

*The mayor summarized the written report provided as part of the meeting packet.*

For this meeting, **SCOTT** wore a kuspuk she purchased while in Bethel attending the mid-summer AML meetings. Buying it was not an easy thing to do. She was informed that you have to wait until a kuspuk calls your name. She ended up finding the perfect one for her at Lucy's Cache, a shop owned by a Yupik elder.

Cathy Keller, accounts payable/payroll clerk, was honored as employee of the month. Mayor **SCOTT** read a statement written by her supervisor Jila Stuart, Finance Director. She is a dedicated, efficient, and capable employee.

7. **PUBLIC HEARINGS**

A. **Ordinance 12-07-296** – Third Hearing

**An Ordinance of the Haines Borough repealing Ordinance 08-09-189 and amending Borough Code Title 2 to add Section 2.06.035 to establish a Local Financial Disclosure Requirement and Process and add applicable definitions to Title 2 Section 2.990.010.**

Mayor **SCOTT** opened and closed the public hearing at 6:46pm; there were no public comments.

**Motion:** **LAPP** moved to "adopt Ordinance 12-07-296," and it was seconded.

**Primary Amendment #1:** **SCHNABEL** moved to amend by striking 'interests in trusts and retirement accounts' from section 2.06.035(A), and it was seconded. She said it is hard for her to understand how an assembly member's retirement account would influence their vote on an issue. **SMITH** disagreed with picking the ordinance apart at the eleventh hour. **SCOTT** said issues arise and people think deeply about things. She reminded that she had proposed an amendment that would just use the borough's existing

Code of Ethics. **WATERMAN** questioned striking the *'interests in trusts'* portion saying there could be some local ones that might cause a conflict. Trusts are not in the same league as a retirement account.

**Secondary Amendment:** **VICK** moved to "amend the primary amendment motion to reinstate *'interests in trusts'* to that clause," and the motion carried unanimously.

The Primary Amendment #1 motion, as amended, carried unanimously.

**SCHNABEL** said her main issue is with the proposed definition of *'source of income.'* As she understands it, it currently requires that if a person is self-employed in a corporation, they must identify the clients or customers who pay into the corporation. The City of Kodiak definition appeals to her because it requires the opposite---a corporation would not have to report clients.

**Primary Amendment #2:** **SCHNABEL** moved to amend the ordinance draft by replacing the "Source of income" definition text in HBC 2.990.010 with the following text, and the motion was seconded:

"Source of income" means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them hold a controlling interest.

**SCOTT** suggested a recess might be in order to make copies of the proposed definition and provide an opportunity for review, or it might be postponed until the next meeting.

**Motion:** **VICK** moved to "postpone the matter until the 9/11/12 meeting," and the motion carried 5-1 with **SMITH** opposed.

**B. Ordinance 12-07-298 – Second Hearing**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 2, Sections 2.10.030, 2.10.200, and 2.12.110 to clarify the borough assembly consent agenda and to provide the option of including resolutions.**

Mayor **SCOTT** opened and closed the public hearing at 7:07pm; there were no public comments.

**Motion:** **VICK** moved to "adopt Ordinance 12-07-298," and the motion carried 5-1 in a roll call vote with **LAPP** opposed.

During discussion, **LAPP** expressed concern that allowing audience members to ask for removal of consent agenda items might set the assembly up for longer meetings. **SCHNABEL** moved to amend it by striking the words *'and other interested persons'*. **VICK** spoke against the amendment. Members of the public should have an option to comment on resolutions that are on the consent agenda. **LAPP** said during the public comments portion of the agenda, they can speak to an item even if it's on the consent agenda. He wondered if removal could be with assembly approval. **WATERMAN** noted that the public may request removal but the assembly has the final say in approving the agenda. **SCHNABEL** said she doesn't like the idea of the mayor asking if there are any assembly members or other interested persons who wish to remove a consent agenda item. **WATERMAN** said if removal of an item is requested by an audience member, an assembly member would need to support it by moving to have it taken from the consent agenda. The amendment motion failed 2-4 with **SMITH**, **VICK**, **WATERMAN**, and **HOFFMAN** opposed.

**C. Ordinance 12-07-299**

**An Ordinance of the Haines Borough Assembly approving the sale to the State of Alaska, Department of Transportation and Public Facilities ("ADOT&PF") of Parcel 3, Parcel E-4 and Parcel TCE-4 as described and identified by ADOT&PF for the Haines Ferry Terminal Improvements project (state project #68433).**

Mayor **SCOTT** opened and closed the public hearing at 7:17pm; there were no public comments.

**Motion:** **WATERMAN** moved to "postpone Ordinance 12-07-299 until the negotiations with ADOT are concluded," and the motion carried unanimously. There was no discussion.

**D. Ordinance 12-07-300 – Second Hearing**

**An Ordinance of the Haines Borough, Providing for the Addition or Amendment of Specific Line Items to the FY13 Budget.**

Mayor **SCOTT** opened the public hearing at 7:21pm.

**PECK** and **WENNER** expressed support for the senior meal program.

Hearing no further comments, the mayor closed the public hearing at 7:23pm.

**Motion:** **LAPP** moved to "adopt Ordinance 12-07-300," and the motion carried unanimously in a roll call vote. There was no discussion.

**E. Ordinance 12-08-301 – First Hearing**

**An Ordinance of the Haines Borough Assembly adopting a major update of the Haines Borough Comprehensive Plan pursuant to Haines Borough Charter and Alaska Statute requirements.**

Mayor **SCOTT** opened the public hearing at 7:24pm.

**WENNER** would like the assembly to consider including a concise definition of what Haines wants for a Westside road. His written comments were part of the meeting packet.

Hearing no further comments, the mayor closed the public hearing at 7:25pm.

**Motion:** **VICK** moved to "advance Ordinance 12-08-301 to a second public hearing on 9/11/12," and the motion carried unanimously. There was no discussion.

**F. Ordinance 12-07-297 – First Hearing**

**An Ordinance of the Haines Borough adopting a new water-sewer rate schedule to set rates, fees and charges for water and sewer services.**

Mayor **SCOTT** opened and closed the public hearing at 7:27pm; there were no public comments.

**Motion:** **LAPP** moved to "advance Ordinance 12-07-297 to a second public hearing on 9/11/12," and the motion carried unanimously.

During discussion, **SCHNABEL** asked how many seasonal bulk water permits are issued and what volume of water is involved. **STUART** said it varies from year to year. Approximately half a dozen families per year have tanks they fill up at the water treatment plant---usually 250-gallon tanks filled two or three times. The charges were not explicit in the fee schedule until now. **SMITH** asked if it includes cruise ship water sales. He believes there should be separate categories for bulk private residential and bulk commercial, and **STUART** agreed it should be distinguished more clearly. She suggested that staff could bring a proposed amendment to the next meeting. **SMITH** asked how many thousands of gallons of water the borough sells to the cruise ships, and **BENNER** responded it is about 180K gallons per visit.

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – 8/28 Report**

**HOFFMAN** asked for an update on the Chilkat Center roof project, and **COZZI** said she expects to issue the Notice to Proceed to the contractor in the next few days. **VICK** asked about boilers, and **CULBECK** said the old boilers have been removed and new ones have been ordered.

**\* B. Library – July 2012 report and board minutes**

**9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES**

**A. Assembly Committees**

- 1. Committee of the Whole – SCOTT** noted the assembly received via email her written notes from the Heliskiing Committee of the Whole meeting held on 8/21.
- 2. Commerce Committee**
- 3. Finance & Budget**
- 4. Personnel & Labor Relations**
- 5. Government Affairs & Services**

**VICK** said the committee has a meeting scheduled on 9/4 to discuss off-premises signs. He has been informed there is a 660-ft buffer where signs cannot exist along state-owned roads, including Main Street. The borough cannot adopt a code that allows off-premises signs when the state law doesn't allow it. He suggested cancelling the committee meeting.

**\* B. Planning Commission – Approved minutes: 7/12/12 Regular**

**10. UNFINISHED BUSINESS - None**

**11. NEW BUSINESS**

**A. Resolutions**

**1. Resolution 12-08-398**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Whiterock LLC for the Sunshine Street and Piedad Road Water System Upgrades project for an amount not-to-exceed \$63,721.80.**

There were no public comments.

**Motion:** LAPP moved to "adopt Resolution 12-08-398," and the motion carried unanimously in a roll call vote. There was no discussion.

**B. Ordinances for Introduction**

**1. Ordinance 12-08-302**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.**

**Motion:** WATERMAN moved to "introduce Ordinance 12-08-302 and schedule a first public hearing for 9/11/12," and the motion carried 5-1 with SCHNABEL opposed.

During the discussion, SCHNABEL said the fact that this type of legislation has to be considered is disheartening. It's a sad day for her that this language has to come forward, and SCOTT agreed it is difficult. SMITH asked if this has been reviewed by the borough attorney, and COZZI responded the ordinance was drafted by him. WATERMAN is happy to see it. VICK supports it, but wondered if there is recourse for appeal if privileges are suspended or revoked.

**Motion:** VICK moved to "direct staff to prepare an amendment for the next meeting that provides an appeal procedure," and the motion carried unanimously.

**C. Other New Business**

**1. AMHS 2013 Summer Ferry Schedule**

*The comment period for the draft 2013 summer ferry schedule was 8/28, but the mayor was assured the borough could still submit comments on 8/29 to give the assembly an opportunity to weigh in. The mayor drafted comments for assembly approval prior to submittal.*

**Motion:** VICK moved to "approve the comments prepared by Mayor Scott for submittal on 8/29 regarding the draft 2013 ferry schedule," and the motion carried unanimously.

During the discussion, SCOTT explained some changes she wanted to make to her draft comments. She is concerned about the future definition of a "day boat" for the Upper Lynn Canal and she would like to include a request not to categorize the Columbia sailing as a day boat. For the future, it is important to establish that a day boat in the Upper Lynn Canal is one that completes its Haines-Skagway-Juneau circuit and returns in one day.

**Motion:** SCHNABEL moved to "accept the mayor's proposed changes to the comments," and it carried unanimously.

SMITH said this has become a political football, and he doesn't know what good these changes to the letter will do. SCOTT said the borough needs to go on record that there's a problem with the schedule. WATERMAN said currently on Monday, there are two south-bound sailings, and the majority of the traffic on the Columbia is headed for destinations south of Juneau, predominantly Bellingham. She does not envy the job of the ferry schedulers, especially in Southeast Alaska. They do a great job with all that goes on. They keep increasing service to more and more communities. Even after the schedules are published, they still do amazing things to accommodate the special needs. SCOTT added Captain Neussl has been very responsive.

**\* 2. Planning Commission Appointment**

*Planning Commission Seat B became vacant with the resignation of Roger Maynard. In response to a public notice, one appointment application was received. The commission reviewed the application at its 8/9/12 meeting and recommended appointment. The mayor sought assembly confirmation. The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of Robert W. Miller to Planning Commission Seat B with a term ending November 30, 2013."*

**\* 3. Liquor License Renewals**

*The Alaska Alcohol Beverage Control Board notified the borough of pending liquor license renewals for the American Legion, Harbor Bar & Lighthouse Restaurant Fort Seward Lodge, Outfitter Liquor Store, Haines Brewing Company, Mountain Market and Captains Choice Motel. The Board, prior to its final approval, gave the local government an opportunity to make statements, if so desired. Since these are preexisting liquor licenses, assembly action is optional. By approval of the consent agenda, the assembly had no objection.*

**4. Manager's Travel Approval**

*This item was removed during approval of the agenda and will be on the 9/11 agenda.*

**5. Establish Subcommittee to Work on Federal Priorities**

*The mayor proposed the creation of an ad hoc subcommittee to advise the assembly on federal legislative priorities and to work with the borough's Washington D.C. lobbyist Brad Gilman.*

**Motion:** LAPP moved to "confirm the mayor's proposal for formation of an ad hoc federal priorities subcommittee," and the motion carried 4-2 with **WATERMAN** and **SCHNABEL** opposed.

During discussion, **SCHNABEL** said she would like the assembly to focus on the public facilities and capital needs. She's lukewarm about having a new committee for this. **VICK** said it's a new idea. It remains to be seen whether it would make it better or more complicated. **SCOTT** said this would be a screening tool to make sure the priorities are the most important to the community, and the recommendations would require assembly approval. **SMITH** likes the idea.

**6. FY13 Federal Lobbying Services Agreement**

*This item was removed during approval of the agenda and will be on the 9/11 agenda.*

**12. CORRESPONDENCE/REQUESTS – None**

**13. SET MEETING DATES**

- A. Commerce Committee – Wednesday, 9/5, 5:00pm – Purpose: Continue Discussion of Solid Waste.
- B. Government Affairs & Services Committee – The 9/4 meeting was cancelled
- C. Public Informational Meetings on the APOC ballot measure - 9/12, 9/19, and 9/26, 6:30-7:30pm – Haines Borough Public Library
- D. Assembly Committee of the Whole – Tuesday, 9/11, 5:30pm – Purpose: Discussion possible amendments to Ordinance 12-07-296 (local financial disclosure law).

**14. PUBLIC COMMENTS**

**WARD** thanked the assembly for supporting the senior citizens.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**WATERMAN** thanked Jerrie Clarke for her dedication to the Museum and her service to the community, and **HOFFMAN** offered his appreciation, as well. **CLARKE** said she will be in her position for another four months, and she appreciates the comments.

**VICK** said the seal pup that was found by a woman he works with at HARK was released in Juneau and is expected to survive.

**SCHNABEL** said the "Talk Around Town" program is coming back to KHNS, and she will return as host. The first show is scheduled for 9/6.

**SCOTT** said she has been in communication with Ryan Scott of Fish & Game related to bears in the Mud Bay area, and she encouraged everyone to be careful.

**LAPP** said he's always been an advocate of a Westside road, and he thanked **WENNER** for bringing it up. It could open up many possibilities for the borough.

**SMITH** believes Haines should have a representative at the upcoming gas symposium in Valdez. The new grader arrives soon, and it comes with a simulator. He will encourage the assembly to try it out and, possibly, there could be a day to celebrate the equipment and let people sign up to "run the grader."

**16. ADJOURNMENT – 8:29 p.m.**

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

ATTEST:

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Stephanie Scott, Mayor

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Julie Cozzi, MMC, Borough Clerk