

Haines Borough  
Borough Assembly Meeting #232  
September 25, 2012  
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 Joanne **WATERMAN**, Norman **SMITH**, Steve **VICK**, Debra **SCHNABEL**, and Daymond **HOFFMAN**. **Absent:** Mayor Stephanie **SCOTT**

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Michelle **WEBB**/Deputy Clerk, Gary **LOWE**/Chief Of Police, Brian **LEMCKE**/Director Of Public Facilities, Carlos **JIMENEZ**/Public Facilities, Phil **BENNER**/Harbormaster, Dean **OLSEN**/Assistant Assessor, and Jerrie **CLARKE**/Museum Director.

**Visitors Present:** Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Mike **HARTLEY**/PND, Jack **WENNER**, Dave **KAMMERER**, Tom **GANNER**, Jim **STUDLEY**, Dean **LARI**, Carol **TUYNMAN**, Nelle **JURGELEIT-GREENE**, Alan **TURNER**, Victoria **MOORE**, Tom **QUINLAN**, William **CUMMINGS**, and others.

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

The following Items were on the published consent agenda:

- 4 - 9/11/12 Assembly Minutes
- 6 - Mayor's Report
- 8B - Library Report
- 8C - Fire Dept Report
- 9A - Library Board Minutes
- 11A1 - Resolution 12-09-403
- 11A2 - Resolution 12-09-404
- 11B1 - Introduce Ordinance 12-09-304

**Motion:** **WATERMAN** moved to "approve the agenda/consent agenda," and it was seconded.

**SCHNABEL** requested removal of item 11B1 from the consent agenda. Additionally, **LAPP** asked that item 11A3 be removed from the regular agenda and referred to the Port Development Steering Committee for review and recommendation. There was no objection to the agenda changes.

The motion, as amended, carried unanimously.

\* 4. **APPROVAL OF MINUTES** - September 11, 2012 Regular Meeting

5. **PUBLIC COMMENTS**

**JURGELEIT-GREENE** expressed concern about the beach camping that has been taking place during the big events like the beer festival and fair. Some campers clean up after themselves and some don't.

**LARI** asked the borough to come up with a new procedure for dealing with police department complaints. He is concerned that requests for records, including an audiotape, are falling on deaf ears. The complaint process is flawed because the one who reviews the complaint is the one the complaint is about. Instead, they need to go before a neutral third-party board. He asked the assembly to demand compliance with state and federal laws.

**TUYNMAN** invited the assembly to an event taking place on Alaska Day about salmon. There will be a presentation with an exhibit at the Sheldon Museum.

**MORPHET**, owner/editor of the Chilkat Valley News, explained the Chief of Police played the recording for him. **LARI** was not aware of that.

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

*A written report dated 9/25/12 was included in the meeting packet.*

7. **PUBLIC HEARINGS**

A. **Ordinance 12-09-303** - First Hearing

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 18, Sections 18.80.030 and 18.90.050 to clarify the allowance of incidental items with setbacks.**

Deputy Mayor **LAPP** opened and closed the public hearing at 6:38pm; there were no public comments.

**Motion:** **WATERMAN** moved to "advance Ordinance 12-09-303 to a second public hearing on 10/9/12," and the motion carried unanimously. There was no discussion.

## **8. STAFF/FACILITY REPORTS**

### **A. Borough Manager – 9/25 Report**

**EARNEST** thanked **LEMCKE** for his service to the borough and community. His last day will be October 2<sup>nd</sup>, and he will be missed. **LEMCKE** said it's been a pleasure working with the staff and assembly. He believes things got done and projects will continue to be accomplished. **LAPP** said the assembly thanks him for his hard work.

### \* **B. Public Library – Staff Report of August 2012**

### \* **C. Fire Department – Staff Report of August 2012**

### **D. Public Facilities – Slump Update by PND Engineers**

*Mike Hartley, from PND Engineers in Seattle, attended to present current information on the slump*

**HARTLEY** said in January, PND performed some bore holes on the site, and in February, the Department of Transportation (ADOT) also prepared some bore holes. The geology of the Haines area is marine silts and clays that have uplifted over time. He reviewed some of the issues affecting some of the residences and other infrastructure in that area. In his opinion, there were problems in the area prior to this most recent event. There is quite a bit of water coming out of that area and several factors causing the movement. The most prevalent one was a record amount of snowfall that melted quickly. He reviewed PND's recommendations for mitigating the causes including directing water away from the area, especially the parcels where development is planned. It would be best to move the water all the way to the tide-line to prevent erosion. There is not a clear-cut way to prevent movement. Steep slopes tend to have some unraveling. **SMITH** asked how many tide-line pipes would be needed. **HARTLEY** responded just one or possibly two if the borough gets a utility easement. **CUMMINGS**, an attorney representing Josh and Victoria **MOORE**, said he believes there are serious omissions from PND's report that need to be addressed. **LEMCKE** clarified there was no broken water main but rather a broken water service line. **SCHNABEL** moved to "suspend the rules to allow the audience to ask questions for response by **HARTLEY** and **LEMCKE**," and **LAPP** determined the motion was unnecessary. He then called on various staff members and citizens who asked questions, including **STUART**, **QUINLAN**, **STUDLEY**, and **MOORE**. **HARTLEY** said the existing pipes are privately-owned and are on private property. **EARNEST** said the borough is looking at redirecting the drainage by working with the landowner. He will ask PND for an engineering/design proposal. This project is going to be very costly. It may be something to add to this year's legislative priorities, because it will cost more than the borough can afford.

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

### \* **A. Library Board of Trustees – Minutes of August 15, 2012 Meeting**

### **B. Commerce Committee – Report of September 19<sup>th</sup> Meeting**

**SCHNABEL** reported the committee met at the request of the administration to discuss issues related to heliskiing management, and the manager's report reflects the committee's recommendations.

### **Additional Reports:**

**Personnel Committee – WATERMAN** said the committee met on 9/21 to discuss the Manager's Transition Plan.

**Finance Committee – LAPP** reported the committee met on 9/18 to discuss the Chilkat Valley Community Foundation proposal regarding administration of nonprofit grants for the borough, and the committee does not have a recommendation, at this time. They also reviewed the FY12 financial report provided by the Finance Director.

## **10. UNFINISHED BUSINESS**

### **A. Manager's Travel Approval**

*This item was postponed to this meeting because the manager was absent due to illness, and some questions arose during the 9/11 discussion. In the mean time, the manager withdrew his proposed manager travel plan for the balance of FY13. Instead, he plans to make a couple of day trips to Whitehorse and Juneau in conjunction with the Port Development Plan and may also attend the Yukon Geoscience Forum & Trade Show in November. All of this could be accomplished within the*

existing manager's travel budget approved in the FY 2013 budget.

**Motion on the Table:** Approve the manager's planned business travel for the remainder of FY13.

**WATERMAN** noted the clerk's suggestion that the assembly might consider defeating the motion since the manager's original proposal had been withdrawn.

The motion **failed** unanimously in a roll call vote.

**EARNEST** spoke of the need to revise the manager's contract concerning assembly approval of travel. It is important to address this for the future. The manager has authority to travel based on budget appropriations. **VICK** agreed. It is inefficient. The manager should be able to travel, as needed. He suggested **EARNEST** draft language for the assembly's consideration as they go through the hiring process of a new manager and development of a new contract.

## 11. **NEW BUSINESS**

### A. **Resolutions**

#### \* 1. **Resolution 12-09-403**

**A Resolution of the Haines Borough Assembly authorizing the borough manager to enter into a purchase and sale agreement between the Borough and Roger Beasley regarding the acquisition of Picture Point property.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-09-403."*

#### \* 2. **Resolution 12-09-404**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a contract with Maine Energy Systems to purchase of a wood pellet boiler, silo, and associated parts for an amount not to exceed \$25,000.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-09-403."*

#### 3. **Resolution 12-09-405**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a Memorandum of Agreement with Prophecy Platinum Corp. to establish a framework of mutual cooperation and the exchange of information among the parties regarding the potential development of the Wellgreen Ni, Cu, Au, PGE deposit near Burwash Landing, Yukon Territory.**

This was removed from the agenda during approval of the agenda/consent agenda for referral to the Port Development Steering Committee.

### B. **Ordinances for Introduction**

#### 1. **Ordinance 12-09-304**

**An ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3, Section 3.70.040(D) to remove from the list of community purpose-exempted properties the parcels owned by Lynn Canal Human Resources, Inc.**

**Motion:** **SCHNABEL** moved to "introduce Ordinance 12-09-304 and set a first public hearing for 10/9/12," and it was seconded. The motion carried unanimously.

During the discussion, **SCHNABEL** spoke against the motion. In spite of what the state assessor says, she believes they still qualify. **HOFFMAN** wondered if there is a maximum time period for developing the land. **LAPP** said Lynn Canal Human Resources has no plans to build for the foreseeable future. He believes the ordinance should be moved forward until there is more information. **STUART** explained the state assessor is concerned with fairness. Being a 501(c)3 nonprofit does not inherently entitle them to property tax exemption. The property they are holding is separate from the service they provide. This ordinance is very timely because they are thinking of putting the property up for sale and abandoning their plans to build.

### C. **Other New Business - None**

## 12. **CORRESPONDENCE/REQUESTS - None**

## 13. **SET MEETING DATES**

A. **Election Canvass - Tuesday, 10/9, 5:30pm (Clerk's note: later changed to 6:00pm)**

B. **Special Joint Meeting of the Assembly & School Board - Tuesday, 12/4, 6:30pm - Purpose: establish 2013 Legislative Priorities**

C. **Port Development Steering Committee - The manager said this meeting will be scheduled for**

very early October. Purpose: Resolution re Prophecy Platinum and Northern Economics' report.

**14. PUBLIC COMMENTS**

**CLARKE** expressed appreciation for **LEMCKE**'s work and how easy he is to work with.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCHNABEL** said the Department of Natural Resources is considering issuing a mining exploration permit in the area of the Mt. Riley Trailhead, just up from the shooting range. This area is mineralized and the public has known for quite some time there are claims there. Apparently, the permit process does not require public notification and comment. There are recreational interests in that area that should be considered, and she's not sure how to deal with it on an official level.

**WATERMAN** asked that the *manager's transition plan and the options for hiring process* be on the October 9<sup>th</sup> assembly agenda.

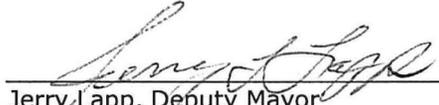
**SCHNABEL** said there needs to be closure on the police department complaint procedure and perhaps a Government Affairs & Services Committee meeting would be in order to review the complaint policies and procedures. **VICK** suggested that meeting wait until after the election. It can be scheduled at the next assembly meeting.

**LAPP** announced the Lynn Canal-Icy Strait Resource Advisory Committee recently met and the borough got approval for Tier II Forest Service funds to deal with road erosion in Excursion Inlet. **EARNEST** said **STUART**'s persistence and determination is a major reason this effort was successful.

**16. ADJOURNMENT** - 7:42 p.m.

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

ATTEST:

  
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Jerry Lapp, Deputy Mayor

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Julie Cozzi, MMC, Borough Clerk