

Haines Borough
Borough Assembly Meeting #239
January 22, 2013
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 Debra **SCHNABEL**, Jerry **LAPP**, Joanne **WATERMAN**, Dave **BERRY**, and Steve **VICK**. **Absent:** Norman **SMITH**

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Michelle **WEBB**/Deputy Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Jerrie **CLARKE**/Museum Director, and others.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Paul **NELSON**, Robert **BUTKER**, Kristen **WHITE**, Jim **STUDLEY** and others.

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

The following Items were on the published consent agenda:

- 4 - Approve Assembly Meeting Minutes
- 8B - Chilkat Center Facility Report
- 8C - Fire Department Reports
- 8D - Police Department Report
- 11A1 - Adoption of Resolution 13-01-433
- 11A2 - Adoption of Resolution 13-01-434
- 11A3 - Adoption of Resolution 13-01-435
- 11A4 - Adoption of Resolution 13-01-436
- 11A5 - Adoption of Resolution 13-01-437
- 11A6 - Adoption of Resolution 13-01-438
- 11A7 - Adoption of Resolution 13-01-439
- 11B1 - Introduction of Ordinance 13-01-312
- 11B2 - Introduction of Ordinance 13-01-313
- 11C1 - Advisory Board Appointments
- 11C3 - Amend Previously Adopted Resolution 12-12-428

Motion: **LAPP** moved to "approve the agenda/consent agenda," and it was amended to remove items: 11A2, 11A5, 11A6, 11B1, and 11C3 from the consent agenda and add New Business items: 11C5 - Police Investigative Resources, 11C6 - CIA Carving Post Support Letter, and 11C7 - First Nation Alaska. The agenda, as amended, was approved unanimously. *Note: This motion was later reconsidered to remove item 11A7 later in the meeting.*) **COZZI** made note that 11B2 was corrected for typos

* 4. **APPROVAL OF MINUTES** - 1/8/13 Regular Meeting and 1/15/13 Special Meeting

5. **PUBLIC COMMENTS**

BUTKER read a letter from Community Waste Solutions from Tom Hall regarding recycling. A copy of this letter was submitted to become a part of the record.

WHITE from Chilkat Valley Preschool spoke regarding the lease renewal of the borough's Human Resources Building. She thanked the borough for previous leases.

NELSON commented on the manager's contract. He thanked the assembly for their work, and hoped the assembly would not renew a contract that is not yet at the end of its term.

STUDLEY spoke to a draft letter of support given to the mayor regarding the First Nation's request. First Nation Alaska plans to ask the legislature for funding to build a tribal house and hopes the Borough will support this action along with the Chilkoot Indian Association.

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

In addition to her written report, the mayor communicated that the borough is trying to have another trooper placed in Haines. She received a phone call that Haines will be receiving another trooper, but there may be a significant delay until the next academy attendees have graduated. Additionally, Mayor **SCOTT** stated she has become aware there is no Legislative Information Office in Haines, and she will be working with the state of Alaska on this matter. Finally, a new report states the population of Haines is 2,620, which is important to funding.

7. PUBLIC HEARINGS

A. Ordinance 13-01-311 – First Hearing

An ordinance of the Haines Borough Assembly amending Borough Code Title 2, Section 2.105.020 to add an ex officio seat to the Parks and Recreation Advisory Committee to be filled by an Alaska Department of Natural Resources Employee.

Mayor **SCOTT** opened the public hearing at 6:51pm.

Hearing no comments, the mayor closed the public hearing at 6:51pm.

Motion: **BERRY** moved to "advance Ordinance 13-01-311 to a second public hearing on 2/12/13," and the motion carried 4 to 1 with **LAPP** opposed.

During the discussion, **LAPP** said he found it interesting that this would codify a state employee on a borough committee. **VICK** reported the Government Affairs and Services Committee supported this ordinance, but he is unaware of another local borough committee with this requirement. **LAPP** stated that if a state employee met the residency requirements and wanted to serve on the committee, they could apply. **WATERMAN** reflected that during work on the Comprehensive Plan, it was discussed that the working relationship between the Department of Natural Resources (DNR) and the borough is important due to the amount of state land that is around Haines. **SCOTT** mentioned that memorandums of understanding will be needed and this position will help with that. **SCHNABEL** stated she was concerned with the borough's ability to enforce this ordinance. **SCOTT** reminded the assembly this would be a non-voting member and if this ordinance were to go to a second hearing there would be time for feedback from DNR.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 1/22/13

EARNEST summarized his written report.

SCHNABEL requested more information about the \$6 million addition for the harbor project. **EARNEST** stated that funding would not be out of general funds but from other sources.

SCOTT asked about the letter from Jim Scholl regarding the donation of the Haines-Fairbanks Pipeline gate valve #4 to the museum. **EARNEST** explained this project was part of the historic line, and therefore is eligible for preservation as a part of the Haines Highway Reconstruction Project. **CLARKE** said the funding is still being investigated, as this object is very large and will not be on the museum property. The state will be paying for a pull-out and signage, and the borough will be responsible for maintenance.

* **B. Chilkat Center – 12/2012 Facility Report**

* **C. Fire Department – 12/2012 Monthly and 2012 Year-end Report**

* **D. Police Department – 2012 Year-end Report**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Standing Committee Reports

LAPP reported on the Finance Committee meeting, which was held the previous night. There was a discussion with a school board member regarding funding the sprinklers at Mosquito Lake School. The committee is now waiting for a letter from the school board regarding this matter, possibly in February. The heating fuel sales tax holiday was declined for this year (due to lower than expected sales tax returns this year), but it may be discussed during budgeting for next year. Further, the finance committee discussed putting into code an uninsured motorist fine. This is supported by Chief Lowe. Staff will draft an ordinance for assembly consideration. Finally, non-profit funding was discussed, but no outcomes were reached. However, they are still formulating.

SCHNABEL reported the Commerce Committee meeting was well attended by fishermen and a representative of Alaska Fish & Game. They reviewed the draft of the Golder and Associates report regarding declining salmon stock in the Chilkat and Chilkoot watershed. **SCHNABEL** has asked Ray Staska and another individual to review the report for omissions, as the committee felt there were some issues not adequately addressed. **SCHNABEL** will be drafting a letter to Golder and will be looking for an amendment to the report.

10. UNFINISHED BUSINESS – None

11. NEW BUSINESS

A. Resolutions

* **1. Resolution 13-01-433**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to

enter into a professional services agreement with Kingfisher Consulting, LLC to provide comprehensive IT/computer support services for the borough.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-01-433."

2. Resolution 13-01-434

A Resolution of the Haines Borough Assembly supporting additional funding for regulation and research in the Alaska Chilkat Bald Eagle Preserve, Haines, Alaska.

There was no public comment.

Motion: VICK moved to "adopt Resolution 13-01-434" and it was amended to insert item C 'a biologist to study the issues related to the sustainability of wild salmon stock at Chilkat and Chilkoot Lakes.' The motion, as amended, carried unanimously in a roll call vote.

In discussion, **SCHNABEL** asked for an amendment to add a "C" statement regarding the sustainability. **SCOTT** noted that both she and **VICK** are on the Chilkat Bald Eagle Preserve board.

*** 3. Resolution 13-01-435**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute contract change order number two with North Pacific Erectors, Inc. for the Haines School Vocational Education Building Improvements project for an amount not to exceed \$16,039.11.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-01-435."

*** 4. Resolution 13-01-436**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of the old Barnett Drive water tank by public sealed bid auction to the highest bidder.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-01-436."

5. Resolution 13-01-437

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a short-term professional services agreement with Alaska Assessment Services to provide tax assessment services for the borough.

During public comment, **NELSON** voiced concern that there are over 80 people employed by the borough and this work could be done with existing staff.

Motion: BERRY moved to "adopt Resolution 13-01-437" which was amended to include 'assessment work' after the word 'in-field'. The motion, as amended, was carried unanimously in a roll call vote.

EARNEST explained the assessor position has a history. After significant thought and discussion, an in-house assessor-in-training position was created. It was intended that a 3-year contract assessor would provide training and oversight to the borough employee. At this time, 2 out of the 3 years have been provided. However, the assessing company previously used is no longer available. This work has been budgeted. **SCOTT** stated this position is required to be certified and the borough is operating under the guidance of the state assessor. **WATERMAN** asked if this new arrangement will continue the training of the current borough employee, Dean Olsen. **EARNEST** confirmed it will. **SCHNABEL** remarked that she is concerned that this resolution only allows 380 hours of work between now and the Board of Equalization (BOE), and the resolution is focused on administrative work, not the assessment. She asked how the assessments were done before. Jila **STUART** explained the final assessments are produced as part of preparing the assessment notices. Also, not all properties will be reassessed, just those areas that seem undervalued.

6. Resolution 13-01-438

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Ferguson Waterworks for an amount not to exceed \$26,000 for the purchase and installation of radio-read equipment, water meters and modules.

In public discussion, **NELSON** stated he was surprised this equipment was being purchased before the police dispatch radios are upgraded.

Motion: WATERMAN moved to "adopt Resolution 13-01-438," and the motion carried unanimously in a roll call vote.

SCHNABEL questioned to the price quote. **JIMENEZ** explained that 12 new radio read meters and 24 modules would be purchased. This adds up to the number stated in the resolution (with shipping added). **STUART** clarified the \$21,000 is for hardware, software, and handheld equipment to allow for electronic reading. This price will allow for the upgrades for the new system and as many new meters, as possible.

7. Resolution 13-01-439

A Resolution of the Haines Borough Assembly adopting the Borough's 2013 Federal Priorities.

Note: this item was removed from the consent agenda later in the meeting (after the recess) and considered at that time.

Motion: WATERMAN moved to "adopt resolution 13-01-439". The motion carried unanimously.

Primary Amendment: WATERMAN moved to amend to add "7. Department of Energy – Liquid Natural Gas (LNG) study" and "8. Haines Historic Properties".

In discussion, **EARNEST** explained these changes were suggested by Brad **GILMAN**, the borough's federal lobbyist and supported by the planning commission. He stated he will work out the details of the historic properties and this was added to the federal priorities list to receive additional federal funding. **SCHNABEL** voiced concern that the historic properties designation may cause difficulties in development. **BERRY** believes this addition would open up a great deal of funding opportunities. He felt the borough would be remiss if these properties were not preserved. **EARNEST** noted specific designation requests would come back to the Assembly after nomination. **WATERMAN** requested the planning commission be informed of the outcomes of the vote and to have a more defined proposal in the future.

Motion: SCHNABEL asked to divide the question.

The vote to amend the resolution to include number 7 carried unanimously.

The vote to amend the resolution to include number 8 failed with **SCHNABEL** and **LAPP** opposed.

The main motion, as amended to include number "7. Department of Energy – Liquid natural Gas (LNG) study" carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 13-01-312

An Ordinance of the Haines Borough Assembly amending Borough Code Sections 2.06.035 and 2.990.010 to clarify the local financial disclosure reporting process.

Motion: WATERMAN moved to "introduce Ordinance 13-01-312 and set a first public hearing for 2/12/13," and was amended to strike 'and amount' and 'the type, source, and value of' from 2.06.035(E)(1). The motion, as amended, carried unanimously.

*** 2. Ordinance 13-01-313**

An Ordinance of the Haines Borough Assembly renewal of a lease of the Human Resources Building with Chilkat Valley Preschool for the purpose of providing preschool educational services.

The motion adopted by approval of the consent agenda: "introduce Ordinance 13-01-313 and set a first public hearing for 2/12/13."

C. Other New Business

*** 1. Board Appointments**

Note: Reappointment requests were received for seats on the Port and Harbor Advisory Committee and the Historic Dalton Trail RMSA Board. The mayor sought assembly confirmation. The motion adopted by approval of the consent agenda: "confirm the mayor's reappointments of Dean Risley and Bill Rostad to the Port and Harbor Advisory Committee for new two-year terms ending 11/30/2014 and John Hunt to the Historic Dalton Trail RMSA Board for a new three-year term ending 11/30/2015."

2. Appoint the Borough's Union Bargaining Team

Note: The borough received notice from the Local 71 Union regarding negotiations for a new Collective Bargaining Agreement (CBA). The existing agreement expires 6/30/13. The borough's bargaining team has typically consisted of the mayor, a representative of the assembly (personnel committee chair), and members of the administration. The manager recommended himself, Chief Lowe, and Finance Director Stuart as the administration part of the team.

Motion: LAPP moved to "confirm the borough's Union bargaining team to consist of: the mayor, the

Personnel Committee Chair, the manager, the police chief, and the finance director with the borough clerk acting as recorder." and it carried unanimously. There was no discussion.

Motion: VICK moved for a 5-minute recess, and the motion carried unanimously.

Motion: WATERMAN moved to reconsider her vote on the agenda, and consent agenda and the motion carried unanimously.

Note: The motion to adopt the agenda and consent agenda was once again up for discussion.

Primary Amendment Motion: WATERMAN moved to "amend the agenda and consent agenda to remove item 11A7 from the consent agenda". The motion carried unanimously.

The main motion, as amended, carried unanimously, and the revised Agenda/Consent Agenda was adopted. Therefore, item 11A7 - Adoption of Resolution 13-01-439 was discussed and acted upon.

3. Amend a Previously Adopted Resolution – 12-12-428 (FY 2014 Legislative Priorities)

Note: On 12/11/2012, the assembly adopted Resolution 12-12-428 setting the FY 2014 legislative priorities. The borough manager recommended including a funding request for the south harbor expansion project. The additional funding would be used for the drive down dock and vehicle transfer bridge, including related uplands improvements, and would not be in direct competition for funding with the borough's other legislative priority projects. Roberts Rules of Order allows a motion to amend something previously adopted.

Motion: VICK moved to "amend Resolution 12-12-428 adopted at the 12/11/12 meeting by inserting 'South Portage Cove Harbor Expansion' as item number 14," and it carried unanimously.

In discussion, **SCOTT** communicated this would target a fund of revenue that would not threaten the borough's other priorities and would not compete with other community priorities.

4. Borough Manager's Contract

The assembly recently evaluated the manager's performance. A discussion in executive session as a Committee of the Whole was held prior to this meeting.

Motion: VICK moved to "refer contract revision to the Personnel Committee," and the motion carried unanimously.

During the discussion, **SCOTT** stated a satisfactory evaluation has been received. The terms of the contract will be reviewed, but that all assembly members are welcome to attend.

5. Assembly Support for the Haines Police Department Investigation of the Arrow Shooting of Two Dogs

Note: This was added during approval of the agenda.

Motion: VICK moved "to give the borough manager support to provide the police department with any necessary resources needed in order to investigate the recent arrow shooting of two dogs." The motion carried unanimously.

In discussion, **VICK** said he feels this would signal that the assembly supports the police and would provide assurance to the community. **SCOTT** agreed. **SCHNABEL** asked if the motion should specify the financial resources to be used. **EARNEST** assured he will stay within the budget constraints and if there are extraordinary expenses, he will seek assembly approval.

6. Support Letter for the Chilkoot Indian Association regarding their Carving Pavilion and House Post Project

Note: This was added during approval of the agenda.

Mayor **SCOTT** explained she chooses not to support this without assembly confirmation. **BERRY** stated he may have a conflict with items C6 and C7, but the mayor disagreed saying there is no personal gain. **SCOTT** asked **BERRY** to participate in the discussion and voting.

In discussion, **SCOTT** expressed her concern there is limited legislative funding, and the borough priorities may suffer if additional projects submitted. **LAPP** said the assembly has done so in the past. He asked that the word 'completely' be removed preceding the word 'supports' in the draft letter.

SCHNABEL requested clarification on the project cost. She also stated she was concerned there may be a planning commission issue. **SCOTT** stated that it was one of her goals to work together with other sovereign nations. **SCHNABEL** asked if it should be added to the borough priorities. **WATERMAN** said this is not the borough's project. **BERRY** reported it was submitted

by the Chilkoot Indian Association as a part of last year's CAPSIS requests. After discussion, the assembly had no objections to the mayor sending this letter of support, as amended.

7. First Nation Alaska Project Support Letter

Note: This was added during approval of the agenda

Motion: **BERRY** moved "to support the First Nation Alaska Project," and the motion carried 4 to 1 with **SCHNABEL** opposed.

The Mayor's correspondence and the **STUDLEY's** letter were handed to assembly members. In discussion, **SCOTT** explained the First Nation wishes to build a tribal house/cultural center on the waterfront. No budget has been associated with it. She asked why this was requested of the borough rather than the CIA. **BERRY** responded that due to the turnover in Juneau, First Nation may have been misinformed that a 501 (c)3 could not have their own CAPSIS entry. **SCOTT** explained this project can be supported without adding it as a borough priority in CAPSIS. **WATERMAN** said she supports the concept/dream but would like the First Nation to receive their own CAPSIS number. **SCOTT** counseled they would not have time before the deadline to ask the borough for another support letter. **EARNEST** communicated that a letter from the borough would be required to show community support for this request.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

- A. Committee of the Whole**- Thursday, 2/21, 6:30pm, in Assembly Chambers - Purpose: A meeting with ADOT's Jim Scholl who will provide an update on the Haines Highway project.
- B. Borough Union Negotiating Team** - Friday, 2/8, 12:00 noon - Purpose: To assemble a list of considerations to take to the Union.

14. PUBLIC COMMENTS

FRIEDENAUER expressed it would have been nice to have a public discussion regarding the manager's performance evaluation. She believes this would help the public understand how the assembly members determine it was a satisfactory evaluation.

NELSON thanked the assembly for their time and effort.

CLARKE invited everyone to attend a museum open house from 5-7pm on Feb. 1st to see the People of Haines exhibit. Entries will be accepted through March and possibly April.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VICK remarked he is looking forward to the Mineral Roundup mining conference in Vancouver, BC. He encouraged people to contact him with any input regarding this conference. He also commented his support regarding the LED street light change over. **BERRY** expressed his concern about the price of gas in Haines in comparison to other Western states and Alaskan towns. **EARNEST** stated his thanks to the assembly and mayor for his evaluation. He is also looking forward to the Mineral Roundup and an opportunity to learn. **SCOTT** reported there was a power outage caused by a recent borough accident involving a power pole, and it may have caused a power surge. **LAPP** communicated that the Alcan 200 went well with no accidents and the Snow Burners appreciate the borough's support. **SCOTT** announced **LAPP** will be the presiding officer for the next assembly meeting.

16. ADJOURNMENT - 8:45pm

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

ATTEST:


Michelle Webb, Deputy Clerk




Stephanie Scott, Mayor