

**Haines Borough  
Borough Assembly Meeting #240  
March 5, 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**, Joanne **WATERMAN**, Jerry **LAPP**, and Steve **VICK**. **Absent:** Assembly Members Dave **BERRY** (ill) and 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, Phil **BENNER**/Harbormaster, Darsie **CULBECK**/Executive Assistant to the Manager, Gary **LOWE**/Chief of Police, Simon **FORD**/Police Sergeant, Patty **BROWN**/Library Director, and Jerrie **CLARKE**/Museum Director.

**Visitors Present:** Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Sara **CHAPPELL**, J.R. **MYERS**, Daniel **GONCE**, Richard **BUCK**, Kelly **LOWE**, Dave **KAMMERER**, Pam **LONG**, Kristin **WHITE**, Kathleen **FITZWILLIAM**, Janet **HAYES**, Ryan **WILLIAMS**, Dean **LARI**, Melissa **HENRY**, and others.

**Motion:** **SCHNABEL** moved to "excuse Assembly Member Smith from this meeting," and it carried unanimously.

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

The following Items were on the published consent agenda:

- 4 - Approve Assembly Meeting Minutes
- 8B - Chilkat Center Report
- 8C - Museum Report
- 8D - Library Report
- 8E - Fire Dept. Report
- 8F - Finance Report
- 8G - Clerk Report
- 9A - Planning Commission Minutes
- 9B - Museum Board Minutes
- 9C - Fire Service Area #1 Board Minutes
- 9D - Library Board Minutes
- 9E - Tourism Advisory Board Minutes
- 11A1 - Adoption of Resolution 13-02-440
- 11A2 - Adoption of Resolution 13-02-441
- 11A3 - Adoption of Resolution 13-02-442
- 11A4 - Adoption of Resolution 13-02-443
- 11B1 - Introduction of Ordinance 13-02-314
- 11B2 - Introduction of Ordinance 13-02-315
- 11C1 - Advisory Board Appointments
- 11C2 - Liquor License Renewals
- 11C3 - Amend Previously-adopted Resolution 13-01-439

**Motion:** **LAPP** moved to "approve the agenda/consent agenda," and it was amended to remove item 11C1 Board Appointments from the consent agenda. It was also noted the motions in items 11C7 and 11C8 should say "first" hearing rather than the "second." The agenda, as amended, was approved unanimously.

\* **4. APPROVAL OF MINUTES** - 1/22/13 Regular, 2/6/13 Special, and 2/26/13 No-quorum Regular

**5. PUBLIC COMMENTS**

**MYERS** is a member of the Fire Service Area #1 Board and he introduced other board members present: **BUCK** and **FITZWILLIAM**. The board would like a record of that board since creation. He is seeking basic information from the borough manager including current Haines Volunteer Fire Department bylaws.

**WHITE**, President of Chilkat Valley Preschool, read written comments thanking the borough for the past support. Non-profits are the heartbeat of a town.

**CHAPPELL** said she testified today about House Bill No. 65 that cuts funding for several things related to education. Haines is very unique in its caring that children get an early education, and it means a lot that the borough has supported this. The mayor suggested **CHAPPELL** send out an email with some suggestions

on how to have input on this particular bill.

**KAMMERER** expressed concerns about the police chief and the borough manager.

**GONCE** asked the assembly to continue the borough's support of pre-kindergarten education.

**HENRY** asked for continued financial support of Chilkat Valley Preschool, both the lease and grant funding. The preschool prepares children for school and gives them a better chance of success. She said this will help to keep young families in Haines.

**LARI** said it is sad that it took a newspaper article to get some action regarding the police department. He plans to file a defamation lawsuit against the borough in 18 days.

**6. MAYOR'S COMMENTS/REPORT – February 26, 2013 Report**

Mayor **SCOTT** offered public condolences to the family and friends of Christian Cabanilla, a Heliskiing guide who lost his life in a tragic accident, as well as the two injured clients and SEABA.

**7. PUBLIC HEARINGS – None**

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – 2/26/13**

**EARNEST** summarized his written report.

**SCHNABEL** noted the manager said in his report that the borough is at a decision point concerning the Public Safety Building, and she wondered how he envisions that proceeding. **EARNEST** said it will be handled first by presenting the information to the Facility Master Plan Steering Committee, and the assembly will then be given a committee recommendation for consideration.

**SCHNABEL** said she would appreciate a memo, at some point, that explains what the E-911 system will do for the borough. The manager will provide that.

\* **B. Chilkat Center – Facility Report of January 2013**

\* **C. Sheldon Museum – Staff Report of December 2012 and January 2013**

\* **D. Public Library – Staff Report of December 2012**

\* **E. Fire Dept. – Staff Report of January 2013**

\* **F. Finance Dept. – FY13 First & Second Quarter General Fund Financial Report**

\* **G. Borough Clerk – 2/26/13 Report**

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

\* **A. Planning Commission – Minutes of 12/6/12, 12/13/12, and 1/17/13**

\* **B. Museum Board of Trustees – Minutes of 12/11/12 and 1/22/13**

\* **C. FSA #1 Board – Minutes of 12/28/12**

\* **D. Library Board of Trustees – Minutes of 12/11/12**

\* **E. Tourism Advisory Board – Minutes of 12/11/12**

**F. Assembly Standing Committee Reports**

**SCHNABEL** reported the Commerce Committee met with local fishermen, Takshanuk Watershed Council, and ADFG's Randy Bachman to discuss the Golder report. Also, the committee met telephonically with Golder and discussed edits, and they were very responsive and seemed to understand the issues that were raised. **CULBECK** will assist with following up with Golder to get a status report. Additionally, the committee asked the Upper Lynn Canal Fish & Game Advisory Board to work on the crab fisheries issue and they have taken it on.

**10. UNFINISHED BUSINESS – None**

**11. NEW BUSINESS**

**A. Resolutions**

\* **1. Resolution 13-02-440**

**A Resolution of the Haines Borough Assembly setting the date of the 2013 Board of Equalization for April 29.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-440."*

\* **2. Resolution 13-02-441**

**A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective nonprofit entity for participation in the FY14 community revenue sharing program.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-441."*

\* 3. **Resolution 13-02-442**

**A Resolution of the Haines Borough Assembly supporting the Haines Borough Coordinated Transportation Plan 2013 edition.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-442."*

\* 4. **Resolution 13-02-443**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with PND Engineers, Inc. for the South Portage Cove Expansion Geotechnical Investigation for an amount not to exceed \$110,856 and to conclude on March 15, 2013.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-443."*

5. **Resolution 13-02-444**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute contract change order #2 with North Pacific Erectors, Inc. for the High School Gym Floor Replacement and Bleachers project for an amount not to exceed \$11,864.**

*There were no public comments.*

**Motion:** VICK moved to "adopt Resolution 13-02-444," and it was amended to change the funding source in the sixth WHEREAS from 'deferred maintenance' to '2005 school construction bond'. The motion as amended carried unanimously.

During the discussion, SCHNABEL asked if both school construction grant projects are closed out, because it would be preferable for the borough to pay the \$11,000 for the doors with those funds rather than deferred maintenance. EARNEST said one potential funding source is the interest earnings from the original General Obligation bond to construct the school. The doors are related to this and would be appropriate. VICK asked why the school district isn't paying this bill. EARNEST said state law assigns responsibility for major maintenance of school buildings to the borough, and he believes the outer doors fall within that category.

**B. Ordinances for Introduction**

\* 1. **Ordinance 13-02-314**

**An Ordinance of the Haines Borough amending Borough Code Title 10, Chapter 10.06 to require proof of vehicle insurance and Section 10.50.020 to allow for a fine of \$500.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-314 and set a first public hearing on 3/12/13."*

\* 2. **Ordinance 13-02-315**

**An Ordinance of the Haines Borough amending Borough Code Title 14, Section 14.16.160 to Clarify the Responsibility for Negotiated Leases in a Manager Form of Government.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-02-315 and set a first public hearing on 3/12/13."*

**C. Other New Business**

1. **Board Appointments**

*Note: appointment requests were received for seats on the public safety commission, and the mayor sought assembly confirmation. Additionally, although one member of the fire service area # board was appointed in 2009, he was the only member until Nov. 2012 when the board finally had a quorum of members and was therefore unable to serve until then. The mayor wished to reconfirm that appointment with a term date of Nov. 2013.*

Mayor SCOTT explained the reason for removal from the consent agenda was because Al Gilliam who had sought appointment to the Public Safety Commission withdrew his application.

**Motion:** VICK moved to "confirm the mayor's appointment of Diane Sly (term 11/2014) and Mike Case (term 11/2015) to the Public Safety Commission and reconfirm the appointment of Alan Heinrich (term 11/2013) to the Fire Service Area #1 Board." The motion carried unanimously. There was no discussion.

\* 2. **Liquor License Renewals**

*Note: The Alaska Alcohol Beverage Control Board notified the Borough of pending liquor license renewals for the Harbor Bar & Lighthouse Restaurant, Outfitter Liquor Store, Haines Brewing Company, and Mountain Market. The Board provided the assembly an opportunity to make a statement, if so desired. Since these are preexisting liquor licenses, assembly action is optional.*

\* 3. **Amend a Previously Adopted Resolution – 13-01-439 (Federal Priorities for 2013)**

*Note: on 1/22/2013, the assembly adopted Resolution 13-01-439 setting the federal priorities for 2013. Since that time, the borough manager was informed of drastic funding changes to the Tribal Transportation Program (formerly known as IRR), and believed it should be added to the borough's list of federal priorities. Roberts Rules of Order allows a motion to amend something previously adopted. The motion adopted by approval of the consent agenda: "amend Resolution 13-01-439 adopted at the 1/22/13 meeting by inserting 'Tribal Transportation Program' as item number 8."*

4. **Draft Letter from Southeast Mayors re. Alaska Class Ferries** – Discussion Item

*Note: Lt. Gov. Treadwell encouraged Southeast region mayors to work together to comment on the changes proposed for the Alaska Class ferries. Mayor Scott drafted one proposed letter, and the Mayor of Sitka drafted another version*

Mayor **SCOTT** asked the assembly to disregard the draft letters, because this is an evolving issue that everyone is still trying to understand. Instead, she would like the assembly to appoint a small ad hoc committee to work with her on it. She suggested **WATERMAN** as a member. **SCHNABEL** recommended an Alaska Marine Lines employee, because the new plan calls for no unaccompanied vehicles and that will have an impact on the way freight is handled.

**Motion: VICK** moved to "appoint a three-person ad hoc committee including assembly member Waterman, another borough representative (employee or appointed committee member), and a member of the public who using the ferry system," and the motion carried unanimously.

**SCHNABEL** wondered if Robert Venables, President of the Marine Transportation Advisory Board, would be an important member of the committee. The mayor offered to ask him if he is interested.

5. **Community Non-Profit Funding**

*The mayor requested the assembly clarify its intentions regarding funding for community non-profits in FY14. She outlined some suggestions for assembly consideration as a way of moving forward.*

**Motion: SCHNABEL** moved to "direct the manager to provide for funding of nonprofits for health-related programs and economic development programs, and a community chest of no more than \$80,000 established for competitive distribution," and the motion carried unanimously.

During the discussion, **WATERMAN** said the borough has a responsibility to fully fund the borough's departments and entities, and nonprofits should not be funded until that happens. Also, some funding sources and amounts are not fully revealed until after the budget has been adopted. **LAPP** agreed. The nonprofit funding should wait until it is known whether there is money to give them. **VICK** agreed the borough departments should be funded first. He wondered if the nonprofit application process should begin in August or September when available funding will be known. **SCHNABEL** said this motion just directs the manager to include it in his budget for assembly consideration. There are funding sources that match the particular activities. She clarified that even the health-related and economic development programs would involve competitive applications, as well. **SCOTT** doesn't believe there needs to be a cap. **WATERMAN** disagreed, saying a cap is important. **STUART** noted that unlike previous years, the manager will be directed to put amounts in his budget without having nonprofit applications. **EARNEST** said the borough has already been notified of large cuts to Secure Rural Schools and PILT. **SCOTT** requested that the application development process be assigned to committee.

**Motion: VICK** moved to "assign the development of an application form and application process to the Finance Committee," and the motion carried unanimously.

**Motion: SCHNABEL** moved to "direct the manager to include money for fireworks in the FY14 budget," and the motion carried unanimously.

\* 6. **Ordinance 13-01-311**

**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.**

*The motion adopted by approval of the consent agenda: "Advance Ordinance 13-01-311 to a second public hearing on 3/12/13."*

\* 7. **Ordinance 13-01-312**

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

*The motion adopted by approval of the consent agenda: "Advance Ordinance 13-01-312 to a first public hearing on 3/12/13."*

\* 8. **Ordinance 13-01-313**

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

*The motion adopted by approval of the consent agenda: "Advance Ordinance 13-01-312 to a first public hearing on 3/12/13."*

9. **Matters Concerning the Police Department**

**EARNEST** said a complaint was filed, and he has followed up by interviewing that department's employees, and he has had multiple meetings. Through the process, some things have been identified for improvement. He believes the chief has taken the concerns to heart, and he will be working with him to have continued dialogue to decide how to put changes into action.

**LOWE** provided some background. He took the manager's information as constructive criticism and he has spoken with all of his staff. They all agreed that communication is important and everyone wants to work on this, through staff meetings, team building, etc.

Mayor **SCOTT** noted the borough officers work for the assembly, so the assembly needs to take their time and decide what they want to do. The manager does not have a recommendation at this time. **SCHNABEL** said it seems that the manager has faith in a plan for improvements, and she would like to see a written plan. **SCOTT** said it would be appropriate for the assembly to request this. **LAPP** also suggested that the plan of improvement should include public relations. **SCHNABEL** reminded the process is to go through the manager to get information.

**Motion:** **WATERMAN** moved that "the chief provide to the assembly through the manager a schedule of staff meetings and team building activities for all police department employees and any other plans for improvement within the department," and it was amended to add that the report to the assembly would be due by the March 26, 2013 assembly meeting. The motion as amended carried unanimously.

**LOWE** said a draft plan can be ready by that date but may not include specific dates in the schedule. He added he will be working with the Public Safety Commission on the department's public relations with the community. **WATERMAN** clarified she wasn't necessarily looking for specific dates when she made the motion but rather a general plan for improvements. **SCHNABEL** said as part of her college studies she is conducting a program evaluation of the police department with the chief's concurrence.

**FORD** said so far the chief's response to all of the criticism has been fantastic. There is positive movement and he would like to see that continue. The chief has given the staff free access to suggest improvements.

12. **CORRESPONDENCE/REQUESTS** - None

13. **SET MEETING DATES**

A. **Board of Equalization Training** – Tuesday, 4/2, 6:00pm.

B. **Finance Committee** – Tuesday, 3/12, 5:30pm – Purpose: Work on a nonprofit application and application process.

14. **PUBLIC COMMENTS**

**MYERS** said the budget process for setting the tax rate for the fire service area is one of the things the service area board does.

**KAMMERER** said the assembly has a responsibility to know all of the details before an evaluation of the chief of police can be made, and they should conduct their own investigation.

**STUART** said in her four plus years working with Chief **LOWE**, she has found him to be even-tempered, professional, and fair.

**K.LOWE** spoke in support of her husband, Chief **LOWE**.

**CULBECK** gave a plug for Chilkat Valley Preschool. Both of his children attended, and they do a great job.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCHNABEL** became aware of a community individual who has called a meeting of the Chilkat Center stakeholders to talk about the building, equipment, etc., and there is apparently a budget of about \$160K. It's the borough's building. **SCOTT** assured that **JIMENEZ** will attend that meeting on behalf of the borough. Regarding evaluations, **SCHNABEL** has learned about a method for evaluating personnel called 360 that involves an employee's supervisor, peers, subordinates, and the public.

**LAPP** thanked the mayor for letting him attend the recent Southeast Conference meetings in Juneau, and he gave a brief report. He received a lot of good information and will leave it with the borough office. One big topic was energy, including pellet boilers.

**16. ADJOURNMENT - 8:29pm**

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

  
Stephanie Scott, Mayor

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk