

Haines Borough
Borough Assembly Meeting #241
March 12, 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**, Dave **BERRY**, Joanne **WATERMAN**, Jerry **LAPP**, Norman **SMITH**, and Steve **VICK**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Michelle **WEBB**/Deputy Clerk, Gary **LOWE**/Chief of Police, Carlos **JIMENEZ**/Director Of Public Facilities, Phil **BENNER**/Harbormaster, Darsie **CULBECK**/Executive Assistant to the Manager, Jason **RETTINGER**/Police Officer, and Jerrie **CLARKE**/Museum Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill and Libby **KURZ**, Nancy **BERLAND**, Macky **CASSIDY**, Kim **LARSEN**, Daniel **GONCE**, Dave **KAMMERER**, Dean **LARI**, 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 Report
- 8C – Fire Dept. Report
- 9A – FSA#1 Board Minutes
- 11A1 – Adoption of Resolution 13-03-445
- 11A2 – Adoption of Resolution 13-03-446
- 11A3 – Adoption of Resolution 13-03-447
- 11A4 – Adoption of Resolution 13-03-448
- 11C1 – Liquor License Renewals
- 11C7 – Amend Previously Adopted Resolution 13-01-439

Motion: **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to remove the March 5, 2013 minutes from the consent agenda.” The agenda, as amended, was approved unanimously.

4. **APPROVAL OF MINUTES** – 3/5/13 Regular

Motion: **LAPP** moved to “approve the 3/5/13 assembly minutes,” and it was amended to include as an attachment a transcription of Chief Lowe’s comments (both his explanation and follow-up) during the *Police Matters* agenda item. The motion carried unanimously.

During discussion, **SCHNABEL** asked to have the minutes to be amended by attaching a transcription of the sections pertaining to Chief Lowe’s statements related to the *Police Matters* agenda item. It was clarified that this does not need to come back to the assembly for approval. No timeframe was given for completing the transcription, but it is intended to become a part of the permanent record of the March 5, 2013 meeting. **WATERMAN** asked why this is necessary, and **SCHNABEL** responded she did not agree with the synopsis provided in the draft minutes and, rather than go into wording preferences, she thought it best to just have the actual words transcribed.

5. **PUBLIC COMMENTS**

BERLAND spoke concerning item 11C3 BLM Ring of Fire comments. The borough has an opportunity to do something remarkable, and that’s setting aside an area for the preservation and study of mountain goats, similar to the Eagle Preserve that was set aside as an area for preserving and studying eagles. Lynn Canal Conservation hopes all good options are on the table for the decision-makers to consider, and in her opinion, this mountain goat area is one of the good options.

6. **MAYOR’S COMMENTS/REPORT** – March 5, 2013 Report

The mayor briefly summarized her written report.

7. **PUBLIC HEARINGS**

A. **Ordinance 13-01-311** – Second 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 and closed the public hearing at 6:40pm; there were no public comments.

Motion: **WATERMAN** moved to "adopt Ordinance 13-01-311," and the motion failed 1-5 in a roll call vote with **BERRY**, **VICK**, **SCHNABEL**, **WATERMAN**, and **LAPP** opposed.

During the discussion, **SCHNABEL** said she believes it is inappropriate for the borough to require a state employee to fill a seat, because it cannot be enforced. The intention behind this request is good, and a good relationship should be cultivated with Alaska Department of Natural Resources. However, legislation cannot be enforced. **LAPP** agreed. **VICK** said the sentiment is good. He wondered if the wording could be amended. **LAPP** offered perhaps the assembly could provide a written invitation to attend the meetings. **SCHNABEL** agreed that people could just be invited to come to the meetings and relationships could be encouraged. Not everything has to be codified. **VICK** said the Parks and Recreation Advisory Committee really wanted to establish a relationship that would have a little more clout than just a guest speaking. **SCOTT** clarified that ex officio members do not vote.

B. Ordinance 13-01-312 – First Hearing

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.

Mayor **SCOTT** opened and closed the public hearing at 6:49pm; there were no public comments.

Motion: **LAPP** moved to "advance Ordinance 13-01-312 to a second public hearing on 3/26/13," and the motion was approved unanimously. There was no discussion.

C. Ordinance 13-01-313 – First Hearing

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.

Mayor **SCOTT** opened and closed the public hearing at 6:52pm; there were no public comments.

Motion: **LAPP** moved to "advance Ordinance 13-01-313 to a second public hearing on 3/26/13," and the motion was approved unanimously. There was no discussion.

D. Ordinance 13-02-314 – First Hearing

An Ordinance of the Haines Borough Assembly 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.

Mayor **SCOTT** opened and closed the public hearing at 6:53pm; there were no public comments.

Motion: **LAPP** moved to "advance Ordinance 13-01-314 to a second public hearing on 3/26/13," and the motion was approved unanimously.

During the discussion, **SMITH** asked Chief **LOWE** if people are presently being asked for insurance proof when they are stopped for a violation and if they are cited for not having it. The chief said that is the case and there were approximately 12 such citations in 2012. **LAPP** explained the difference this ordinance would make is if it's in the borough code, the borough gets to keep 90% of the fine where now the state gets it.

E. Ordinance 13-02-315 – First Hearing

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

Mayor **SCOTT** opened and closed the public hearing at 6:57pm; there were no public comments.

Motion: **WATERMAN** moved to "advance Ordinance 13-01-315 to a second public hearing on 3/26/13," and the motion was approved unanimously. There was no discussion.

SCOTT observed the code is still recovering from consolidation.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 3/12/13

EARNEST summarized his written report.

* **B. Chilkat Center – Facility Report of February 2013**

* **C. Fire Dept. – Staff Report of February 2013**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES*** A. FSA #1 Board - Minutes of 1/25/13****B. Assembly Standing Committee Reports****1. Finance Committee - Non-Profit Applications**

LAPP reported the Finance Committee met prior to this meeting to discuss the application process for non-profit funding requests. The committee's recommendation is to approve the revised submission criteria presented by the mayor and to have a June 1 application deadline.

Motion: WATERMAN moved to "approve the revised criteria and establish a June 1 application deadline," and the motion carried 5-1 with **SMITH** opposed.

10. UNFINISHED BUSINESS - None**11. NEW BUSINESS****A. Resolutions***** 1. Resolution 13-03-445**

A Resolution of the Haines Borough Assembly opposing House Bill No. 3, "an act relating to voter identification at the polls and relating to the counting of absentee and questioned ballots."

The motion adopted by approval of the consent agenda: "adopt Resolution 13-03-445."

*** 2. Resolution 13-03-446**

A Resolution of the Haines Borough Assembly supporting House Bill No. 131, "an Act relating to abandoned and derelict vessels."

The motion adopted by approval of the consent agenda: "adopt Resolution 13-03-446."

*** 3. Resolution 13-03-447**

A Resolution of the Haines Borough Assembly requesting additional funding in the amount of \$31 million for the Renewable Energy Grant Recommendation Program (REGRP) in the FY 2014 State Capital Budget, bringing the total FY 2014 REGRP funding to the \$56 million amount recommended by the Alaska Energy Authority.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-03-447."

*** 4. Resolution 13-03-448**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Begenyi Engineering to prepare a bid-ready design for an emergency response radio system for an amount not to exceed \$25,105.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-03-448."

B. Ordinances for Introduction - None**C. Other New Business***** 1. Liquor License Renewals**

Note: The Alaska Alcohol Beverage Control Board notified the Borough of pending liquor license renewals for the Captain's Choice Motel and Fort Seward Lodge. The Board provided the assembly an opportunity to make a statement, if so desired. Since these are preexisting liquor licenses, assembly action is optional.

2. Board Appointments

On 3/5/13, the assembly created a three-member ad hoc committee for the purpose of working with the mayor on the Alaska Class Ferries issue. Mayor Scott seeks assembly confirmation of the committee appointments. Additionally, the harbormaster is interested in serving on the committee, and the mayor suggests making him an ex officio member unless the assembly is interested in expanding the committee to four members. Also, an appointment request has been received for a seat on the public safety commission.

Motion: LAPP moved to "confirm the appointments of Joanne Waterman, Michael Ganey, and Robert Venables to the Alaska Class Ferries ad hoc committee," and the motion carried unanimously.

Motion: WATERMAN moved to "confirm the mayor's appointment of Cassandra Miller (term 11/2014) to the Public Safety Commission," and the motion carried unanimously.

3. Bureau of Land Management Ring of Fire Comments

The Ring of Fire is the title of the BLM planning document for federal lands in our area. BLM released a draft Resource Management Plan (RMP) Amendment / Draft Environmental Impact Statement for the Haines Planning Area. The comment period ends on March 14, 2013. The borough administration prepared draft comments for the assembly's consideration. If acceptable, they will be submitted for incorporation into the final RMP for the Haines Planning Area.

Motion: **VICK** moved to "authorize submission of the Haines Borough's Ring of Fire Resource Management Plan comments to the Bureau of Land Management," and it was amended to include an alternative that maintains the current mountain goat monitoring control area for five years and, after five years, allows for review and the possible continued long term status as a goat monitoring control area. The amended motion carried 4-2 with **BERRY** and **LAPP** opposed.

LAPP asked how many acres this involves. [950,000 acres] **BERRY** said the assembly shouldn't be denied an opportunity to address this again when the time period is up. **KURZ** said all these rules only have to do with commercial enterprise. Private helicopters would be allowed. **SCHNABEL** suggested that every 5 years it would be reviewed to see if the study area should be renewed. **VICK** said right now there is no alternative to even have a goat monitoring area. This is just to get this option to be considered by BLM to add to the final draft of the plan. There will be another comment period when that final draft comes out. **EARNEST** noted Alternative C states that future landing authorizations would be contingent upon the study results, but there is no harm done in adding this to the borough's comments.

4. Letter of Support for Self-Contained Breathing Apparatus 2013 Legislative Capital Project

On February 18, 2013 the Fire Service Area #1 Board passed a resolution to request a letter of support from the assembly regarding the Self-Contained Breathing Apparatus (SCBA) 2013 Legislative Capitol Project. The fire chief provided them with information.

Motion: **WATERMAN** moved to "produce a letter of support for the SCBA 2013 Legislative Capitol Project," and the motion carried unanimously.

Motion: **BERRY** moved for a five-minute break, and the motion carried unanimously.

5. FY14 Budget Meeting Schedule

Motion: **BERRY** moved to "approve the FY14 budget meeting schedule, as presented," and the motion carried unanimously.

6. Contribution to Southeast Conference

SCOTT said Southeast Conference spent \$40,000 on the film and is seeking contributions from Southeast communities. **BERRY** noted that, as the community that started the Alaska Marine Highway System, Haines should not be left out.

Motion: **BERRY** moved to "donate \$2,500 to the Southeast Conference for the 360 North film commemorating the 50th anniversary production," and the motion carried unanimously in a roll call vote.

*** 7. Amend a Previously Adopted Resolution – 13-01-436 (Water Tank Surplus)**

Note: on 1/22/13, the assembly adopted Resolution 13-01-436 authorizing disposal of the old redwood Barnett Drive water tank by sealed bid. The manager recommended an amendment to the resolution that would allow the alternate disposal method of sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines. Roberts Rules of Order allows a motion to amend something previously adopted. The motion adopted by approval of the consent agenda: "amend Resolution 13-01-436 adopted on 1/22/13 by inserting "sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines" as an authorized method of disposal for the old Barnett Drive water tank."

9. Matters Concerning the Police Department

Mayor **SCOTT** recommended this topic be delayed until the March 26 meeting and also be conducted in executive session, at that time.

Motion: **SCHNABEL** moved to "convene in executive session matters that are part of the manager's investigation into police department allegations; it qualifies for executive session because it would tend to prejudice the reputations of those involved." The motion failed with **WATERMAN**, **VICK**, **LAPP**, and **BERRY** opposed.

Motion: **BERRY** moved to "postpone this issue to the March 26, 2013 meeting," and the motion carried 4-2

with **SMITH** and **SCHNABEL** opposed.

SCHNABEL asked what the issue is, and Mayor **SCOTT** responded that it is matters concerning the police chief. **SCHNABEL** expressed concern that there are issues in the police department that should be addressed sooner than later. **VICK** understands the importance of the matter but believes the assembly should get as much information as possible before discussing this. Also, it is important to be clear on procedures, and the assembly should take the time to do that. **SCHNABEL** asked if the manager will act on the consultant proposal before the next assembly meeting. **EARNEST** said this proposal was very recently provided to him, and no decision has been made. He decided to include it as an attachment to his report as a possible option to pursue. Chief Lowe did the research, and the recommendation is being considered. **SMITH** noted the manager is authorized to spend up to \$10,000 without assembly approval. He wondered if the proposed amount is a normal retainer fee. **SCHNABEL** said it is possible that between now and March 26, this firm could be contracted with. She would like to know what may transpire between now and the next meeting. Mayor **SCOTT** said a related motion might be to direct the manager to come back to the assembly prior to expending funds in this matter. **VICK** said it would be helpful to have some clarity regarding personnel matters, so all assembly members can abide by those procedures. This is delicate. If there's a misstep, it could derail a process that needs to go as clearly as possible. That clarity will assist the assembly as it moves through the process. Mayor **SCOTT** suggested the personnel committee convene as soon as possible to identify/clarify the procedures.

Motion: **WATERMAN** called for the question, and the motion carried 4-2 with **SCHNABEL** and **SMITH** opposed.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

A. Personnel Committee – Wednesday, 3/20, 5:00pm – Location: to be determined by the chair. [it took place in the assembly chambers] Topic: Review procedures regarding personnel matters.

14. PUBLIC COMMENTS

LARI said the borough is bigger than him and the other citizens that have issues with the police department. He read aloud the indemnification section from the chief's employment contract. He wondered when he gets to be involved in the discussion.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SCHNABEL explained, in response to **LARI**'s comment, that her understanding is that if Russell Consulting is employed to investigate the police department situation, it would include consultation with the public.

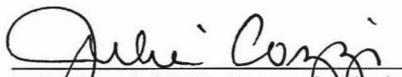
SMITH said he finds it interesting the Public Safety Commission is being reestablished at this time along with a request to hire a consultant for the police department. Perhaps the assembly should consider the borough having a human relations department.

16. ADJOURNMENT – 8:16pm

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


Stephanie Scott, Mayor

ATTEST:


Julie Cozzi, MMC, Borough Clerk

