

Haines Borough  
Borough Assembly Meeting #245  
May 14, 2013  
MINUTES

Adopted

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 Joanne **WATERMAN**, Jerry **LAPP**, Norman **SMITH**, and Steve **VICK**. **Absent:** Debra **SCHNABEL** and Dave **BERRY**.

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Michelle **WEBB**/Deputy Clerk, Phil **BENNER**/Harbormaster, Simon **FORD**/Interim Police Chief, Carlos **JIMENEZ**/Director of Public Facilities, Tanya **CARLSON**/Tourism Director, Patty **BROWN**/Library Director, Jerrie **CLARKE**/Museum Director, and Kris **REEVES**/Museum Aide, Blythe **CARTER**/Museum Operations Coordinator.

**Visitors Present:** Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill and Libby **KURZ**, Thom **ELY**, Suzanne **VUILLETTE-SMITH**, and others.

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

The following Items were on the published consent agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Museum Report
- 8C – Library Report
- 8D – Fire Department Report
- 8E – Chilkat Center Report
- 9A – Planning Commission Minutes
- 9B – Museum Board Minutes
- 9C – Library Board Minutes
- 11A1 – Adoption of Resolution 13-05-458
- 11A2 – Adoption of Resolution 13-05-459
- 11A3 – Adoption of Resolution 13-05-460
- 11A4 – Adoption of Resolution 13-05-461
- 11A5 – Adoption of Resolution 13-05-462
- 11A6 – Adoption of Resolution 13-05-463
- 11B1 – Introduction of Ordinance 13-05-325
- 11B2 – Introduction of Ordinance 13-05-326
- 11B3 – Introduction of Ordinance 13-05-327
- 11C1 – Board & Committee Appointments
- 11C2 – Support Letter re. Walker Lake Hydro

**Motion:** **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to remove item 11A1 from the agenda (a revised draft will be brought forward later) and remove items 11B3 and 11C2 from the consent agenda. The agenda, as amended, was approved unanimously.

\* 4. **APPROVAL OF MINUTES** – April 24, 2013 Regular and April 29, 2013 BOE #1

5. **PUBLIC COMMENTS**

**ELY** believes it would be a mistake for the borough to endorse the Connelly Lake project at this point in time. He doesn't believe a hydro project of this size is necessary for the community, and AP&T seems to be strong-arming the assembly into supporting it. He doesn't want to see the assembly bow under pressure. West Creek in Skagway is a much better place for a project like this.

**BENNER** reminded about the Harbor Customer Appreciation at Lookout Park tomorrow from 10:00am to 2:00pm. Everyone is welcome.

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

A. **Proclamation Honoring US Coast Guard – May 15**

Deputy Mayor **LAPP** read the proclamation aloud for the mayor. **SCOTT** said **LAPP** will present it to the Coast Guard during the customer appreciation day, because she will be absent.

B. **Proclamation Recognizing Emergency Medical Services Week – May 19-25**

Mayor **SCOTT** read aloud the proclamation.

The mayor acknowledged **CARLSON** for organizing the TIA Yukon Conference and the AMHS 50<sup>th</sup> Anniversary celebration and presented her with flowers. She also said the winners of the Mayor's Energy Award were announced during the Energy Fair and said all nominations are on display in the Public Library. Each winner will get a \$50 award from the Haines Borough. Mayor **SCOTT** recently participated in two ground-breaking ceremonies: Veteran's Home and Klukwan Cultural Heritage Center. The mayor participated in a telephone call with AP&T regarding Connelly Lake, and they would like to come talk with the assembly. They are asking for continued support for project study.

## **7. PUBLIC HEARINGS**

### **A. Ordinance 13-04-322 – Second Hearing**

**An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.72.100 to change the assessment appeal deadline to be in compliance with state law.**

Mayor **SCOTT** opened and closed the public hearing at 6:48pm; there were no public comments.

**Motion: WATERMAN** moved to "adopt Ordinance 13-04-322," and the motion carried unanimously. There was no discussion.

### **B. Ordinance 13-04-323 – First Hearing**

**An Ordinance of the Haines Borough , providing for the addition or amendment of specific line items to the FY13 Budget.**

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

**Motion: WATERMAN** moved to "advance Ordinance 13-04-323 to a second public hearing on 5/28/13."

**Primary Amendment: WATERMAN** moved to "amend as proposed by the manager in his memo dated 5/14/13:

1. Appropriate funding in the amount of \$10,000 for Lutak Dock bathymetric survey
2. Appropriate funding in the amount of \$150,000 for Fire Truck Replacement
3. Appropriate funding in the amount of \$165,000 for Dump Truck Replacement."

The primary amendment motion failed 3-1 with **SMITH** opposed.

**VICK** asked **SMITH** to explain his opposition, and **SMITH** said he will vote for this if replacement assembly chairs are included. It was noted that a motion to reconsider would provide **SMITH** an opportunity to offer such an amendment.

**Motion: SMITH** moved to "reconsider the primary amendment motion," and it carried unanimously.

**Secondary Amendment: SMITH** moved to "add to the manager's amendments \$2,300 to replace the 20-year-old assembly chairs," and the motion carried unanimously.

The primary amendment, as amended, carried unanimously.

The main motion, as amended, carried unanimously.

### **C. Ordinance 13-04-324 – First Hearing**

**An Ordinance of the Haines Borough , Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the Period July 1, 2013 through June 30, 2014 (Fiscal Year 2014).**

Mayor **SCOTT** opened the public hearing at 6:58pm.

**VUILLETT-SMITH** spoke in support of the pool and not closing it for 3 months in the summer. She suggested it would be better to reduce costs by lowering the temperature by two degrees. If it is closed in the summer, staff retention will be difficult. It's too valuable of a facility. Learn to swim programs are very important.

**Motion: LAPP** moved to "advance Ordinance 13-04-324 to a second public hearing on 5/28/13," and the motion carried unanimously.

During the discussion, **VICK** said he would like to see reduced pool costs but doesn't want to see it closed. He asked for an update on costs. **EARNEST** said staff is looking at the fee structure as well as operational costs. If they can find a path for reducing cost burden, they will recommend that. Information will be presented at the next meeting. **SCOTT** said the recommendation of the finance director is that significant amendments not be introduced at the third public hearing. **EARNEST** encouraged assembly members to come in to ask questions. The complexities of the budget make it important to have discussions with staff.

## 8. STAFF/FACILITY REPORTS

### A. **Borough Manager – 5/14/13**

**EARNEST** summarized his written report.

**SCOTT** asked the manager to explain what is happening in the Haines Borough regarding trails. **EARNEST** said the borough is working in a joint effort with the Alaska Department of Natural Resources to make improvements to Battery Point Trail. For trail decking, the borough hopes to reuse wood from the PC Dock trestle replacement. There has been some discussion about a larger trail master plan, but that is not being moved on at this time. Most of the trails are on state land. The borough would just supplement what the state has already produced as far as a plan and may contribute to trailhead improvements.

- \* B. **Sheldon Museum – Staff Report of March 2013**
- \* C. **Public Library – Staff Reports of March and April 2013**
- \* D. **Fire Department – Staff Report of April 2013**
- \* E. **Chilkat Center – Facility Report of April 2013**

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

- \* A. **Planning Commission – Minutes of 3/14/13**
- \* B. **Museum Board of Trustees – Minutes of 3/20/13**
- \* C. **Library Board of Trustees – Minutes of 2/19/13 and 3/13/13**
- D. **Assembly Standing Committee Reports**

**WATERMAN** said the personnel committee met to review the police chief ordinance that was introduced as part of the consent agenda. They took a look at the way the chief of police position is hired and overseen. It is currently hired by the assembly and overseen by the manager and has proven to be problematic in procedural matters. The committee also cleaned up quite a bit of language and made it clearer. **SCOTT** said one of the first things the public safety commission will do is take a look at the draft ordinance.

## 10. UNFINISHED BUSINESS - None

## 11. NEW BUSINESS

### A. **Resolutions**

1. **Resolution 13-05-458** – *This item was removed from the agenda/consent agenda. It will be brought back next meeting.*
- \* 2. **Resolution 13-05-459**  
**A Resolution of the Haines Borough Assembly authorizing an owner-built water main extension within the Townsite Service Area to service lots 1-3 within the Picture Point Subdivision.**  
*The motion adopted by approval of the consent agenda: "adopt Resolution 13-05-459."*
- \* 3. **Resolution 13-05-460**  
**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Lutak Dock.**  
*The motion adopted by approval of the consent agenda: "adopt Resolution 13-05-460."*
- \* 4. **Resolution 13-05-461**  
**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Letnikof Cove.**  
*The motion adopted by approval of the consent agenda: "adopt Resolution 13-05-461."*
- \* 5. **Resolution 13-05-462**  
**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$174,630 for South Portage Cove Harbor protection additional analysis.**  
*The motion adopted by approval of the consent agenda: "adopt Resolution 13-05-462."*
- \* 6. **Resolution 13-05-463**  
**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis**

for an amount not to exceed \$429,960 without prior written authorization for South Port Chilkoot Dock & Letnikof Cove Harbor Renovation for Contract Administration and Inspection Services during construction.

*The motion adopted by approval of the consent agenda: "adopt Resolution 13-05-463."*

## **B. Ordinances for Introduction**

### **\* 1. Ordinance 13-05-325**

**An Ordinance of the Haines Borough amending Haines Borough Code Chapter 2.40 and Section 2.50.040 to authorize the manager to appoint the police chief, to modify the duties of the police chief, and to make the hiring of police and correctional officers subject to state law.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-05-325 and set a first public hearing for 5/28/13."*

### **\* 2. Ordinance 13-05-326**

**An Ordinance of the Haines Borough amending Borough Code Title 16, Section 16.16.010 establishing a deadline for returning harbor slip license agreements.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 13-05-326 and set a first public hearing for 5/28/13."*

### **3. Ordinance 13-05-327**

**An Ordinance of the Haines Borough amending Borough Code Title 2, Sections 2.08.010, 2.68.140, 2.68.200, and 2.68.510 to allow for election of assembly and school board members through single lists of candidates.**

**Motion:** **VICK** moved to "introduce Ordinance 13-05-327 and set a first public hearing for 5/28/13," and the motion carried unanimously.

**LAPP** is concerned this wasn't first taken to a committee and also sees more potential for run-off elections since it may be tougher for candidates to get at least 40% of the vote as required by the charter. **VICK** agreed and wondered what is not working now and why a replacement is needed. **LAPP** would want the voters to decide. Some people he has talked to have concerns about it.

**Motion:** **WATERMAN** moved to "refer Ordinance 13-05-327 to the Government Affairs and Services Committee," and it carried unanimously.

**EARNEST** said when changing voting procedure, it's always made effective the following year. So, in this case, it would apply starting with the 2014 election. **SCOTT** said it should have lots of discussion. She noted Ketchikan and Craig use this method.

## **C. Other New Business**

### **\* 1. Board & Committee Appointments**

*Note: the mayor planned to make appointments to the remaining seats on the Public Safety Commission and to recommend five appointments to the recently-established Downtown Revitalization Committee. The motion adopted by approval of the consent agenda: "confirm the mayor's appointments of Evangeline Willard (term 11/30/2015), Dee Owens (term 11/30/2014), and Jim Stanford (term 11/30/2013) to the Public Safety Commission and the appointments of Lenise Henderson (business), Kristine Harder (business), Patty Campbell (Chamber), Harriett Brouillette (CIA), and Rob Miller (PC) to the Downtown Revitalization Committee."*

### **2. Southern Energy's application to FERC for a non-jurisdiction ruling on Walker Lake Hydro** *Note: the mayor drafted a letter of support and sought assembly confirmation.*

**Motion:** **LAPP** moved to "confirm the mayor's submittal of the letter of support for Southern Energy's FERC application for a determination of non-jurisdiction on the Walker Lake Hydro project," and the motion carried unanimously.

**SCOTT** clarified this would not be a licensed project because it would not be in FERC's jurisdiction. It would still be subject to ADF&G's regulations, however, and might hurry the project along.

**Motion:** **VICK** moved to "have Item 13, Set Meeting Dates and Item 14, Public Comments moved up in the agenda because of the executive session," and the motion carried unanimously.

**13. SET MEETING DATES**

**A. 2nd Board of Equalization** – Tuesday, 5/21. 6:00pm.

**B. Finance Committee** – Thursday, 5/23, 5:30pm – Topic: 1) outstanding CIP projects, 2) taxability of unrelated business income of nonprofits, and 3) budget amendments.

**C. Government Affairs & Services Committee** – Thursday, 5/23, 4:30pm – Topics: 1) Elections ordinance and 2) trapping within townsite limits. **VICK** wondered if staff could collect trapping-related ordinances from other municipalities such as Juneau.

**14. PUBLIC COMMENTS**

**CARLSON** said Thursday night is the third annual community tourism night, 5:30 at Bald Eagle Foundation.

**B.KURZ** said when a person evaluates the projected cost of the proposed Connelly Lake hydro project, there is no way the ratepayers can ever pay the interest on it. He is a firm believer in hydro, but that proposition seems to be a loser. Perhaps more cost effective projects should be looked at. He's glad about the Walker Lake hydro effort.

**11C3. Executive Session – Review of Assembly Investigative Procedures**

**Motion: WATERMAN** moved to "postpone this agenda item to 5/28/13," and it was amended to change the date to 6/11/13. The motion carried unanimously.

**WATERMAN** said Assembly Member Schnabel requested this agenda item and, since she is absent, perhaps it should be postponed. **EARNEST** phoned the attorney and was informed he is not available on 5/28/13 but will be on 6/11/13.

**12. CORRESPONDENCE/REQUESTS** - None

**13. SET MEETING DATES** – this was moved ahead of Item 11C3

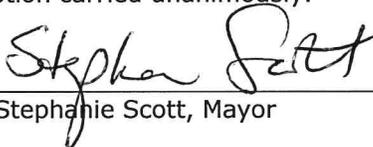
**14. PUBLIC COMMENTS** – this was moved ahead of Item 11C3

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

The assembly briefly discussed Connelly Lake. AP&T wishes to meet with the assembly and it is tentatively scheduled for 6/11 but will likely be pushed back to a later date in light of the rescheduled executive session. **SCOTT** suggested a comprehensive examination is needed of hydro resources in the valley.

**16. ADJOURNMENT** – 7:48pm

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

  
Stephanie Scott, Mayor

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk



