

Haines Borough
Borough Assembly Meeting #249
July 9, 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**, Norman **SMITH**, Dave **BERRY**, and Steve **VICK**. **Absent:** Joanne **WATERMAN**.

Staff Present: Mark **EARNEST**/Borough Manager, Jila **STUART**/Chief Fiscal Officer, Michelle **WEBB**/Deputy Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Tanya **CARLSON**/Tourism Director, Kristina **BASKAYA**/Interim Museum Director, and Simon **FORD**/Interim Chief of Police.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Jeremy **STEPHENS**, George **CAMPBELL**, Robert **MILLER**, Thom **ELY**, and others.

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

The following Items were on the published consent agenda:

- 8B – Public Facilities Report
- 8C – Library Report
- 9A – Tourism Advisory Board Minutes
- 9B – Library Board of Trustees Minutes
- 11A1 – Adoption of Resolution 13-07-471
- 11B1 – Introduction of Ordinance 13-07-333
- 11B2 – Introduction of Ordinance 13-07-334
- 11B3 – Introduction of Ordinance 13-07-335
- 11C1 – Advisory Board Appointments
- 11C2 – Confirm Hire of Museum Director

Motion: **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to remove items 11B1, 11B2, and 11B3 from the consent agenda. The agenda, as amended, was approved unanimously.

4. **APPROVAL OF MINUTES** – None

5. **PUBLIC COMMENTS** - None

6. **MAYOR’S COMMENTS/REPORT**

A. Report of the 2013 Heli Map Amendment Committee

SCOTT summarized her written statement.

The mayor talked about the 4th of July festivities and made special mention of the funds she raised through the dunk tank. She also said she had been asked to be the marshal for the fair, however, she will be riding her bicycle.

7. **PUBLIC HEARINGS**

A. Ordinance 13-06-332 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Chapter 10.44 to provide that parking violations are subject to a civil fine; provide for the content of a notice of violation of parking restrictions; and establish an administrative appeal process for parking violations.

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

Motion: **VICK** moved to “adopt Ordinance 13-06-332”, and it was amended to 1) strike “manager” and replace with the word “administration” in section 10.44.250(A) - Administrative Appeals, 2) strike “borough manager or such person as the manager may designate” and replace with “a member of the borough administration” in section 10.44.250(B) - Hearing Officer, and 3) strike out “borough manager” and replace with the word “borough administration” in section 10.44.250(D)(1). The main motion, as amended, carried unanimously.

During the discussion, **VICK** said this ordinance was sent the Governmental Affairs and Services committee and they were impressed with the way it is worded. In discussion of the amendment, **VICK** stated it would allow for more efficient processing. **SCHNABEL** stated she was opposed to the changes because people would not be satisfied until the highest authority was reached. **SMITH** clarified with the manager who would be designated for this process. **EARNEST** stated it would be a borough officer. **SMITH** felt the officers should be listed if this is the case. **BERRY** preferred keeping the options open for any member of the administration.

VICK moved to "divide the question" on the proposed amendments to sections 10.44.250(A) and (B). Amendment vote, as divided:

1. Replacement of wording in section 10.44.250(A) - Administrative Appeals carried 4-1 with **SCHNABEL** opposed
2. Replacement of wording in section 10.44.250(B) - Hearing Officer carried 4-1 with **SCHNABEL** opposed

SMITH asked if there are booklets available to implement this new code and write tickets. [Not yet] **SCHNABEL** stated it may be best to delay this implementation, perhaps till September. **BERRY** said he agreed and the public should be notified. **EARNEST** said he supports notification, but waiting may send the wrong message to the public that there would be no tickets until September (or a later date) and essentially declaring open season on illegal parking. **VICK** believes the period of time between this meeting and implementation will allow for education.

8. STAFF/FACILITY REPORTS

A. Borough Manager - 7/9/13 Report, 2013 Heliski Season Report, & Front St. Update

EARNEST thanked staff for filling in during his absence. On personnel issues, he announced the hire of acting/interim museum director, Christina Baskaya. The new Public Employee's Local 71 union contract was ratified by the union membership and he thanked the borough negotiating team. The proposed collective bargaining agreement will be introduced to the assembly at the next meeting, and he supports assembly approval of this contract. The resignation of the chief of police was effective on June 17. Russell Consulting submitted a proposal of approximately \$500 per a candidate to do in depth background and police department checks. The Public Safety Commission has developed a list of questions for interviews. The manager also announced the resignation of Joshua Knore from the police department, and recruitment will begin right away. This puts the police department down two positions. He will speak with staff about the possibility of a temporary police officer position. The manager summarized the written update from Brad Gilman, the borough's federal lobbyist, as well as his written 2012-2013 Season-end Heliskiing Report. There is a request for additional spot checks and this will be looked into when staff member Darsie Culbeck returns to work.

SMITH stated his concern about the borough taking over Front Street from the state of Alaska as well as the ADOT recommendation against the crosswalk. **VICK** asked if there was more borough support needed for the police department, above and beyond the motion made at the last meeting on June 25th. **EARNEST** responded staff is looking into both temporary officer(s) and expediting the hiring process for open positions. **SCHNABEL** asked if budget amendments would be concurrent with the potential adoption of the collective bargaining agreement. [Yes]

***B. Public Facilities - Staff Report for 7/9/2013**

***C. Library - Staff Report of June 2013**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* **A. Tourism Advisory Board - Minutes of 4/24/13 and 5/31/13**

* **B. Library Board of Trustees - Minutes of 5/15/13**

C. Assembly Standing Committee Reports

VICK said the Governmental Affairs & Services Committee met on 7/2/2013 to review Ordinance 13-06-332 and had nothing to add.

LAPP reported on the 7/9 Finance Committee meeting. They reviewed Resolution 13-06-469 regarding early retirement incentive and also looked at the current senior or disabled veteran tax exemption process. The committee recommends extending the deadline 30 days for filling the exemption paperwork, and allowing for no late applications or appeals. They will bring forward an ordinance to assembly with this recommendation. **LAPP** also stated the committee recommended the early retirement be rolled out with minor changes to the dates and it will be offered to the employees as a onetime incentive. Finally, Front Street construction was discussed. They support the manager's recommendation to add an under-drain improvement be funded from CIP for \$100,000 and to authorize the manager to sign the MOU as proposed and to be discussed later.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

* 1. Resolution 13-07-471

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Southeast Road Builders, Inc. for the Highland Estates Water System Upgrade project for an amount not-to-exceed \$594,075.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-07-471."

B. Ordinances for Introduction

1. Ordinance 13-07-333

An Ordinance of the Haines Borough authorizing the issuance of general obligation bonds in an amount not to exceed \$5,050,000 to finance a plan of capital improvements to school facilities of the Borough; authorizing submission to the qualified voters of the Borough at the regular election to be held on October 1, 2013, of a proposition approving this ordinance and ratifying the authorization of the Bonds; appropriating funds for the projects; and providing for an effective date.

Motion: SCHNABEL moved to "introduce Ordinance 13-07-333 and set a first public hearing on 7/23/13." and it carried unanimously.

During the discussion, SCHNABEL said she was in favor of this ordinance as a way to fund some very important projects that have been pending for 4-5 years. EARNEST explained information for this bond is still being developed and fine-tuned. The Department of Education and Early Development (DEED) approval for projects and debt service reimbursement is still being sought. A grant program may provide for 35% matching of local funds, but a cash expenditure will be required. He feels this is the most realistic way to make these projects happen. LAPP asked if a new public safety building would potentially be funded the same way. [Yes] EARNEST added grant funds are becoming less available for building projects. SCOTT said the School Board has been apprised of these matters, and these buildings are the borough's responsibility under major maintenance.

2. Ordinance 13-07-334

An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.68.510 to change runoff election procedures in cases of candidates receiving less than 40% votes.

Motion: SCHNABEL moved to "introduce Ordinance 13-07-334 and set a first public hearing for 7/23/13." and it carried 4-1 with LAPP opposed

During the discussion, BERRY asked about "1 year until the next regular election" language. SCHNABEL stated this would pertain to unfilled terms/seats. She wanted to avoid having to generate an additional election due to lack of a 40% vote. She stated municipalities such as Ketchikan operate with a simple majority vote, not a 40% rule. She felt this item needed to be pulled off the consent agenda due to the weighty memo from the borough attorney. She would like to move this item to a public hearing while it considered. BERRY said he was concerned a person could receive a seat even though 61% of the population did not vote for them. SCHNABEL spoke to the power of a candidate's desire to run speaking strongly for the person running as opposed to the appointment process. SCOTT remarked the appointment process in code is currently in place for vacant positions unless this ordinance changes the procedure. VICK asked about which 40% was used, whether votes cast or the number of people voting. SCOTT recommended the definition of the 40% be included in the ordinance.

3. Ordinance 13-07-335

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY14 budget.

Motion: BERRY moved to "introduce Ordinance 13-07-335 and set a first public hearing on 7/23/13," and it was amended to allocate \$100,000 FY14 CIP funds identified for road improvements to the under-drain for Front Street. The main motion, as amended, carried unanimously as amended.

C. Other New Business

* 1. Board Appointments

Note: an appointment application was received for a seat on the Tourism Advisory Board. The mayor sought assembly confirmation. The motion adopted by approval of the consent agenda:

"confirm the mayor's appointment of Michael Marks to the Tourism Advisory Board for a term ending 11/2014."

* 2. **Confirm Hire of Museum Director**

Note: this confirmation was recommended by the mayor. The motion adopted by approval of the consent agenda: "confirm the Museum Board of Trustee's choice of John Hairr as the new Director of the Sheldon Museum and Cultural Center."

3. **Amendment to the memorandum of agreement (MOA) between the Haines Borough and Department of Transportation and Public Facilities (DOTPF) regarding the sidewalk extension**

Motion: **SCHNABEL** move to "authorize manager to sign amendment number 1 to the Haines Borough Beach Road Widening and Front Street Intersection Improvements memorandum of agreement" and it was amended to authorize the manager to protect the borough's interest in having the sidewalk project completed by gaining notification of the expenditures of the appropriated \$110,000. The amended motion carried 4-1 with **SMITH** opposed.

During discussion, **SCHNABEL** moved to replace in item 6 on page 2 of 4 the statement "stop the contractor from continuing work authorized under this amendment if costs exceed authorized funding, currently totaling \$210,000." with the statement "notify the borough when 70% of the budget has occurred." **EARNEST** stated it was his understanding that item 6 only had to do with sidewalks, not the whole project. **SCHNABEL** withdrew her motion.

SCOTT stated the borough has already agreed to take ownership of Front Street. **BERRY** pointed out after the borough owns the road, crosswalks can be added. **SMITH** stated his concern he would not have voted for this if he understood that the borough would take ownership of the road after completion. **SCOTT** stated there are advantages to the Borough owning the roads with the upcoming harbor improvements.

Motion: **SCHNABEL** move to "direct the manager to facilitate an agreement with Department of Transportation to affect the design, construction, and administration of the under drain improvements on Front Street" and the motion carried 4 to 1 with **SMITH** opposed.

4. **Classification of Mobile Homes** – Discussion Item

Motion: **BERRY** moved to "refer examination of mobile home classification to the Finance Committee" and the motion carried unanimously.

During the discussion, **SCHNABEL** explained when the Haines Borough did away with personal property taxes mobile homes were no longer taxed. The issue has been raised to make mobile homes real property and therefore taxable.

5. **Update on Redistricting Board Activity** – Discussion Item

Note: the borough attorney informed the Fairbanks Superior Court sent the Alaska Redistricting Board back to work on an aggressive schedule of daily work meetings followed by a series of public hearings in order to produce Alaska voting districts based on the Alaska Constitution. It is possible this process will result in re-districting Haines, moving Haines from its association with Sitka & other rural communities, and aligning Haines with the Northern Mendenhall Valley & Skagway. During the 6/25/2013 borough assembly meeting the assembly moved to have the mayor "contact some of the other rural community to see if they have preference and to ask the reasons for their preferences." The mayor submitted a report summarizing her research and included further updates from the Redistricting Board.

A map the Redistricting Board has chosen was distributed. **SCOTT** felt unless the borough wishes to go to court, opposition to this would be a significant outlay of resources for potentially little gain. She was anticipating committee work on this matter, but since the choice has been made by the redistricting board discussion seems mute. Haines' senator would be Dennis Egen and Beth Kertula would be our representative. She feels like the Northern Lynn Canal Summit communities will be critical to make sure that our needs are known.

12. **CORRESPONDENCE/REQUESTS** - None

13. **SET MEETING DATES**

A. **Government Affairs & Services Committee** – Monday, 7/15, 1:00pm – Topic: a proposed Haines Borough corporate personhood ordinance.

B. Finance Committee - Tuesday, 7/23, 5:00pm - Topics: 1) Taxation of Mobile Homes, and 2) to review the collective bargaining agreement resolution and corresponding budget adjustments. All borough assembly members are strongly encouraged to attend this committee meeting.

14. PUBLIC COMMENTS

ELY said he will be unable to attend the next meeting, but would recommend the heliski map issue be tabled until the Bureau of Land Management Ring of Fire plan has been released. Also, the Alaska Fish & Game hoped to release their goat study. He felt spot checks showed significant non-compliance. He has heard the new map enlarges into controversial areas. He feels this issue should rest for a while. He stated the committee was weighted pro-skiing. He felt people would come to ski in Haines regardless of whether heliski areas were expanded, and the three fatalities should be strongly considered before expansion.

CAMPBELL stated he lives at 18-mile and works in construction. He felt this is the second time there has been a breakdown in the highway reconstruction plan review that is costing the borough a lot of money. He has been driving over the same street issues for a significant amount of time without improvement.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

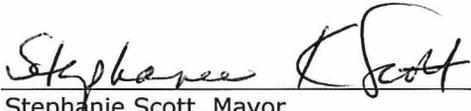
SCOTT said the sidewalk issue was a surprise. The original plan was to have the sidewalks replaced, and once it became apparent only pieces would be replaced the borough took action. Also, if the Alaska Department of Fish and Game wishes to complete the goat study first, she would like them to officially communicate that. She will send an email requesting clarification.

16. ADJOURNMENT - 8:18 p.m.

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

ATTEST:


Julie Cozzi, MMC, Borough Clerk


Stephanie Scott, Mayor



