


Haines Borough
Borough Assembly Meeting #219
March 13, 2012
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 Jerry **LAPP** (via teleconference, joined the meeting at 6:37pm), Joanne **WATERMAN**, Norman **SMITH**, Steve **VICK**, Debra **SCHNABEL**, and Assembly Member Daymond **HOFFMAN** (via teleconference, joined the meeting at 6:39pm).

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Brian **LEMCKE**/Director of Public Facilities, Ed **BARRETT**/Harbormaster, and Patricia **BROWN**/Library Director.

Visitors Present: Krista **KIELSMEIER**/CVN, Bill **KURZ**, Fred **GRAY**, Burl **SHELDON**, Brenda **JONES**, Roy **JOSEPHSON**, Brad **RYAN**, Kelly **LOWE**, Tom **MORPHET**, Greg **PALMIERI**, Paul **NELSON**, Melissa **ARONSON**, Daniel **GONCE**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA (Items with the *asterisk are on the consent agenda)

Motion: **VICK** moved to "approve the Agenda/Consent Agenda," and it was seconded. The motion carried unanimously 4-0 (Lapp and Hoffman had not yet joined the meeting at this point).

*** 4. APPROVAL OF MINUTES** – Regular: February 14, 2012

5. PUBLIC COMMENTS

SHELDON read a letter from Tom Hall, owner of Community Waste Solutions updating the assembly on current activities.

KURZ spoke concerning the Alaska Energy Authority draft comments. He believes the letter should identify more of the needs we foresee rather than weighing in on things we know little about.

NELSON asked once again for an RFP for a garbage collection contract. He emailed information today to the assembly that he received from the Regulatory Commission of Alaska.

GONCE spoke concerning the Integrated Resource Plan comments. There are many people who believe the document is flawed. He heard Southeast Conference is considering "throwing it out." The mayor's comments are factual in his opinion, and well thought out, and he supports them.

6. MAYOR'S COMMENTS/REPORT

Mayor **SCOTT** announced that long-time borough employee Russ Murray recently passed away. He worked seasonally for 11 summers and was enormously liked. She also expressed sorrow that an avalanche today overtook a heliskier and a heliski guide. She led everyone in a few minutes of silence.

The Chilkat Center Advisory Board has launched a new website. One of the board members, John Hunt, has resigned, and she thanked him for his service. She also thanked Chip Lende and Lutak Lumber for their assistance with painting the stage floor.

At **SCOTT**'s request, **RYAN** reported on the recent Watershed Forum he attended in Juneau along with others from Takshanuk Watershed Council (TWC). The take-away is they are supposed to be a community watershed organization reaching out to all stakeholders, not just environmental conservationists. If they can "bank" mitigation projects, permitting of future projects can go more smoothly. There were a lot of good contacts made during the Forum. TWC is working on accessing money to help repair some borough roads and culverts.

7. PUBLIC HEARINGS - None

8. STAFF/FACILITY REPORTS

A. Borough Manager – – 3/13 Report

1. Ocean View/Lutak Road Movement Update

EARNEST said the report is due soon and will be distributed as soon as possible. He hopes it will shed some light on the geology and hydrology of that hillside. Regarding the disaster declaration, he has been asked to recommend suspension. Homeland Security operates under a timeline, and the problem for the borough's particular case is that the clock is running down to decision time. At this point, the amount of damage to-date would not qualify for a governor's declaration. His

recommendation is that the assembly suspend the declaration to stop the clock. The process could start anew if the spring runoff causes problems. It does no harm to suspend and would just take assembly action to reactivate it. **SMITH** finds it hard to believe that suspending this impending disaster will change the drilling. **SCOTT** said she would be comfortable taking this up at the next assembly meeting after the engineer's report is in hand unless it would cause a great deal of distress. **EARNEST** said if the borough doesn't suspend, it's likely the governor will deny the request. If things get worse, the borough can reapply. **SMITH** asked how much the borough has spent so far on the unclassified disaster. **EARNEST** said about \$75,000 counting the drilling, surveying, etc. He does not yet have a solid number. **LEMCKE** said that's a fairly close estimate. The sewer line is laying on the surface of the ground and that will have to be dealt with. That's a wildcard---that cost is unknown, because the report is needed first.

SCHNABEL asked for more background on the Safe Routes to Schools grant. **EARNEST** explained it's just to continue the planning for future phases and give the community more opportunity for participation. The lead individual on this is the school district superintendent with borough administrative support, as needed.

* **B. Public Library** - January 2012 Staff Report & 2/1 Approved Board Meeting Minutes

* **C. Chilkat Center** - January & February 2012 Facility Reports

9. COMMITTEE/COMMISSION/BOARD REPORTS AND MINUTES

A. Assembly Committees

1. Committee of the Whole - 3/6 report

SCOTT said she emailed written notes of the meeting to the assembly members.

2. Commerce Committee - 3/7 meeting report & minutes of 2/8 & 2/22 meetings

SCHNABEL said the committee discussed ways the borough might be able to support the heliski industry. The mayor has asked the committee to meet with local fishermen and AK-F&G regarding sustainability of wild sockeye runs. Also, the committee is reviewing Yakutat and Juneau ordinances governing development of mining industry activities. Finally, they reviewed the draft Comprehensive Plan economic development goals and forwarded comments to Barb Sheinberg.

3. Finance & Budget

4. Personnel & Labor Relations - 3/6 meeting report

WATERMAN said the committee talked about the Assistant to the Manager position that is on this meeting's agenda.

5. Government Affairs & Services

* **B. Planning Commission**

* **C. School Board**

* **D. Advisory Boards**

* **E. Service Area Boards**

* **F. Ad Hoc Boards & Committees**

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

1. Resolution 12-03-337

A Resolution of the Haines Borough Assembly adopting the 2012-13 Strategic Plan.

There were no public comments.

Motion: **WATERMAN** moved to "adopt Resolution 12-03-337," and it was seconded. The motion carried unanimously in a roll call vote.

During discussion, it was clarified that the list of items is not in order of preference. **VICK** wondered if for some reason the matrix needs to be adjusted if it would have to be brought back to the assembly for approval. **SCHNABEL** suggested the assembly just agree that it can be adjusted and no one was opposed.

2. Resolution 12-03-338

A Resolution of the Haines Borough Assembly accepting a grant offer entitled Haines

- A/C Pipeline Replacement (MMG# 39540) of up to \$517,125 from the State of Alaska, Department of Environmental Conservation.

There were no public comments.

Motion: WATERMAN moved to "adopt Resolution 12-03-338," and it was amended to change the second WHEREAS clause to remove reference to any road but Muncaster Road, as follows:

***WHEREAS**, the Borough owns and operates a water delivery system that includes waterlines on Fourth Avenue, View Street, Lynnview Drive, Muncaster Road and Piedad Road.*

All motions were seconded. The main motion, as amended, carried unanimously in a roll call vote.

During discussion, **SCHNABEL** said it appeared to her that the monies are primarily for Muncaster Road, and wondered why other roads are listed in the resolution. **LEMCKE** said having the other roads in the resolution makes it possible to transfer any leftover money to another project. He does not recommend limiting it to Muncaster in the event a low bid comes in. The borough applied to the AK-DEC for grant funds to replace water lines on Fourth Avenue, View Street, Lynnview Drive, Muncaster Road and Piedad Road. The pipe for Fourth, View, and Lynnview were replaced in the summer of 2011 with AK-DEC loan funds and it is possible to utilize this grant to recoup the costs to replace those water lines. The pipe for Muncaster is scheduled to be replaced summer 2012 and if there are enough funds remaining, the pipe for Piedad will also be considered. **SCHNABEL** said if there is leftover money another resolution can come to the assembly. She also believes the borough's local match should be included in the resolution. **EARNEST** explained assembly approval of local funds is done through a budget amendment, and that is where it is identified. He would have no problem with including it in the resolution as an informational item. **SCHNABEL** believes it would be important as a way of remembering to budget it. **EARNEST** said in recent years a significant portion of the borough's loan has been written off by the state. **SMITH** referenced the grant letter that contains a breakdown of the engineering costs and asked if it includes the \$31,000 for Carson Dorn contained in Resolution 12-03-339. **EARNEST** said the letter for the grant agreement contains the project budget as it was developed in consultation with the borough and engineer. Those numbers are budget estimates and can be amended. Resolution 12-03-339 is for entering into a contract for plans and specifications for the project.

3. Resolution 12-03-339

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services agreement with Carson Dorn, Inc. to prepare plans and specifications for the Muncaster Road AC Pipe Replacement Project for an amount not to exceed \$31,500.

There were no public comments.

Motion: WATERMAN moved to "adopt Resolution 12-03-339," and it was seconded. The motion carried unanimously in a roll call vote. No discussion.

4. Resolution 12-03-340

A Resolution of the Haines Borough Assembly authorizing the borough manager to execute all documents required by USDA Rural Development to further process the borough's grant application for the purchase and installation of a new dispatch console for the Haines Borough Police Department.

NELSON spoke against continuing to pour additional money into the police department. There are other ways of handling dispatch. For example, in Skagway the police officer carries a dispatch unit right on his belt.

Motion: SCHNABEL moved to "adopt Resolution 12-03-340," and it was amended to strike the fifth WHEREAS clause, as follows, to remove the reference to funding:

*~~**WHEREAS**, the FY13 CIP budget contains \$70,000 to cover the remaining cost of the project (\$57,493).~~*

All motions were seconded. The main motion, as amended, carried unanimously in a roll call vote.

During discussion, **WATERMAN** said she read recently that Skagway had to install a different system and hire a dispatcher because the old system was inadequate. She supports this. **LAPP**

asked if any of this is used to repair the repeater out the highway. **EARNEST** said it is specifically for the dispatch center in the public safety building. **SCHNABEL** said the total anticipated project cost doesn't seem to add up. **LOWE** explained this has been in process for 4 years. The \$69,000 has always been a firm number from the USDA, but the project cost has grown over time. **EARNEST** said the fifth WHEREAS clause pertaining to the cost could be deleted. **LOWE** said the current system is antiquated and makes it very difficult and time-consuming to deal with disconnected 911 calls. The new system will make it possible to reverse dial and even send a public-service emergency message to every phone in the community. This is the biggest safety issue the community has right now. People are in danger of dying because of this old system.

5. **Resolution 12-03-341**

A Resolution of the Haines Borough Assembly accepting a grant offer for installation of chain link security fencing, gates and cameras at the Lutak Dock and cameras at the Port Chilkoot Dock in the amount not to exceed \$232,946 from the U.S. Department of Homeland Security through the Marine Exchange of Alaska, Inc.

NELSON asked if this is being done in response to a need or just because there is money.

GRAY said he was on the FEMA approval committee. He pushed for the grant for Haines after the committee weighed in on whether or not he had a conflict of interest (they said no conflict).

JONES said she was in Dillingham after they accepted a similar grant. It soon became controversial. It provided 80 cameras with only a portion pointed toward the dock. Security is great but she hopes the assembly will question what the borough is getting.

Motion: VICK moved to "adopt Resolution 12-03-341," and it was seconded. The motion carried 5-1 in a roll call vote with **SMITH** opposed.

During discussion, **EARNEST** said the main purpose is to provide for security for the two facilities that have the requirements spelled by FEMA and the US Coast Guard. There is a high level of security in place at other ports, similar to entering a federal building. That implementation has not been as intensive for some of the more remote areas, but it is an evolving process and just a matter of time. If the borough doesn't accept the grant funds, and the requirements are put into effect, it will have to be paid for with borough funds. This resolution is just to accept the grant monies. The bulk of the funds will be used for fencing and a gate. The project design can come back to the assembly for comment. This isn't a matter of spending money just because it's available. Rather, the borough has an opportunity to address the security requirements with this grant money. **SMITH** questioned the need for this. He can understand it at the Lutak Dock but not the Port Chilkoot Dock. He doesn't want to see the PC Dock locked up and the public unable to use it. **SCHNABEL** said it is important to be able to assure the prospective commodities clients that the facilities are secure. This seems like a good deal to her. She doesn't see the cameras as the main focus. **LEMCKE** said most of the money will go into fencing at Lutak Dock in an area that is currently unsecured. The idea is to put in a fence and protect it from snow plows, containers, etc.

B. Ordinances for Introduction

1. **Ordinance 12-03-282**

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 2 Section 2.10.250 establishing a procedure for filling a vacancy occurring in the Borough Assembly.

Motion: LAPP moved to "introduce Ordinance 12-03-282 and set a first public hearing for 3/27/12," and it was seconded.

During discussion, **WATERMAN** agreed this topic needs to be addressed in the code, but she doesn't particularly like this draft. **SCHNABEL** would like it to be referred to committee.

Motion to Refer: SCHNABEL moved "to refer this ordinance to the Government Affairs & Services Committee," and it was seconded. The motion carried unanimously.

VICK requested the Clerk attend the committee meeting when this is discussed.

2. **Ordinance 12-03-283**

An Ordinance of the Haines Borough Assembly amending the Port of Haines Terminal Tariff No. 3 to simplify calculation of dockage fees at the Port Chilkoot Dock.

Motion: **WATERMAN** moved to "introduce Ordinance 12-03-283 and set a first public hearing for 3/27/12," and it was seconded. The motion carried unanimously. There was no discussion.

C. Other New Business

1. Southeast Alaska Integrated Resource Plan Comments

Motion: **LAPP** moved to "approve Mayor Scott's draft SEIRP comments for submission to the Alaska Energy Authority," and it was seconded. The motion carried unanimously.

During discussion, **LAPP**, reporting from Southeast Conference in Juneau, said many communities have concerns and are very uncomfortable with the draft. He believes the mayor's comments go right along with the sentiments of the other communities. Mayor **SCOTT** said the draft is a very long document that was prepared by a contractor for the Alaska Energy Authority with a legislative grant of about \$850,000. She summarized her comments and concerns. **LAPP** explained that amendments are already being made to the draft.

2. State Forest Timber Sale

Northern Southeast Area Forester **JOSEPHSON** gave a brief presentation explaining the proposed timber sale. Much work went into the proposal including archeological surveys and consultation with AK-F&G regarding wildlife. The Division of Forestry is accepting comments until March 30. The subject timber is on state forest land on a bench about 500 feet. It is not visible from the highway and will involve a new road into the property (a little over 1/2-mile long) that will be paid for by the purchasers. There is a good map on the Division of Forestry website. The road will be closed out following the logging of the timber which is expected to occur over a 4-year period. Everything will be replanted after the harvesting.

Motion: **LAPP** moved to "support the Northern Southeast Area Forester's recommendation to offer the timber sale as proposed," and it was seconded. The motion carried unanimously.

3. Executive Assistant to the Manager Position

Note: This is in the current FY12 budget as a temporary position. The personnel committee recommended converting it to a regular full-time position with benefits and approving the committee-revised job description. The manager recommended a starting minimum wage of \$25/hour depending upon qualifications/experience.

Motion: **VICK** moved to "approve the personnel committee's recommendation regarding the Executive Assistant to the Manager position," and it was seconded. The motion carried 4-2 with **SMITH** and **SCHNABEL** opposed.

During discussion, **VICK** said he agrees with this hire but also understands public concerns that the library and others are being asked to cut budgets. **WATERMAN** said the personnel committee talked specifically about funding with a breakdown of about 1/3 from the General Fund, 1/3 from the Economic Development Fund, and the remainder from grants and CIP funds. It is currently funded in the FY12 budget as a temporary position, and she supports making it a regular permanent job. Arguments can be made about budgetary concerns, but there is a lot of movement and growth in Haines. It's important to maintain the momentum going on in the community right now to build a vibrant and strong infrastructure. There is a lot of talk about economic development and how to improve it, and she has come to believe that the more assistance the administration has, the more that will happen. **SCHNABEL** agreed an executive assistant is very important, but she is unsure how it will impact the current year's budget. She suggested the administration show leadership in staffing issues by withholding the hire of this position as a regular full-time until the new budget takes effect on July 1. The administration should demonstrate they can control costs, especially when governmental units are being asked to reduce expenditures. She recommends holding off and discussing this more during the FY13 budget deliberations. **EARNEST** responded there is a risk of losing ground and being less effective, but staff can continue to make do. He can find a way to use other funds to help pay for this position that won't compete with library and school funding. **WATERMAN** said if the manager hires a temporary assistant as is currently budgeted, it should happen as soon as possible. **EARNEST** said the borough is allowed to retain a temporary position for a maximum of one year. If it can be done in two steps, he can make it work. One risk is that advertising for a regular permanent person possibly means a different individual might be hired after the temporary person got up to speed. **HOFFMAN** disagreed with the direction the discussion is going. The personnel committee asked the manager to come up with the job description and a wage structure and he did that. He would not support an amendment. **LAPP** agreed and said usually, he is opposed to hiring more staff, but these days staff is being

overworked. **VICK** agreed this needs to be done. During the evaluation, the assembly assigned the manager some performance goals, and one of them was "hire an assistant." He's trying to do that, and now the assembly is scrutinizing it. He supports the committee's decision. **SMITH** said he recalls the assembly authorizing the manager to contract with consultants for special projects. He has no problem deferring this hire until the next fiscal year. **SCHNABEL** said for the record, there's \$28,000 allocated in the FY12 budget for this position. She does not understand why the temporary position has not yet been filled even though it is funded.

4. Request for Reconsideration – Ordinance 12-01-281 (Title 16)

Note: Ordinance 12-01-281 was unanimously adopted on 2/28. While preparing it for codification, the clerk discovered several inconsistencies and other issues that can easily be addressed with a substitute ordinance. To allow for this, the clerk requested reconsideration of the motion to adopt followed by a motion to postpone until the 3/27/12 meeting at which time the clerk would provide an explanation of the issues and a corrected document for the assembly's approval.

Motion: WATERMAN moved to "reconsider the 2/28/12 motion to adopt Ordinance 12-01-281," and the motion carried unanimously.

The effect of the passage of this motion put the motion to "Adopt Ordinance 12-01-281" on the floor and opened it for discussion.

Motion to Postpone: VICK moved to "postpone Ordinance 12-01-281 to 3/27/12 to allow the clerk to prepare a substitute ordinance for consideration," and it was seconded. The motion carried unanimously.

5. Written Findings – SEABA Conditional Use Permit Appeal

Motion: VICK moved to "adopt the written findings as prepared by the borough's attorney," and it was seconded. The motion carried 5-0 in a roll call vote (**LAPP** was unavailable for the vote).

During a very brief discussion, **VICK** complemented the attorney's way with words saying he writes very clearly and concisely.

6. Items for Future Assembly Meetings

SCOTT said she is interested in doing away with the Economic Development Department and Director, and she will prepare a memo for the assembly. She would also like an update on the removal of junk cars from the Lucy Harrell property on Small Tracts.

WATERMAN said she would like updates on the Excursion Inlet hydro project and the Crystal Cathedrals water system project.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES -

- A. Commerce Committee - the Wednesday, 3/21 meeting was cancelled. It was also noted that the time for the commerce committee meetings is now 5:30pm rather than 6:00pm.
- B. Government Affairs & Services Meeting - Tuesday, 4/3, 5:30pm - Purpose: Discuss an ordinance to establish a procedure for filling borough assembly vacancies.

14. PUBLIC COMMENTS - None

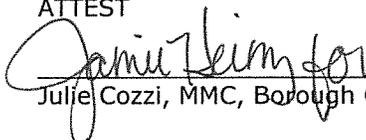
15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SMITH said there is a definite problem with the men's showers at the pool that needs to be addressed. Also, he wants a plan for cleaning up the Harrell property on Small Tracts. When the snow is gone, the vehicles need to be gone, too. The borough should show some initiative in enforcing the code.

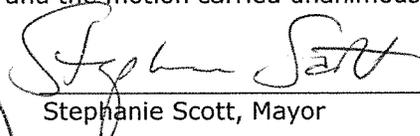
16. ADJOURNMENT - 9:30 p.m.

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

ATTEST


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor