

Haines Borough  
Borough Assembly Meeting #233  
October 9, 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**, Joanne **WATERMAN** (via teleconference), Norman **SMITH**, Steve **VICK** (via teleconference), Debra **SCHNABEL**, and Daymond **HOFFMAN**.

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Michelle **WEBB**/Deputy Clerk, Gary **LOWE**/Chief Of Police, Carlos **JIMENEZ**/Interim Director Of Public Facilities, and Dean **OLSEN**/Assistant Assessor.

**Visitors Present:** Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Meredith **POCHARDT**, Kelly **LOWE**, Scott **SUNDBERG**, Thom **ELY**, and others.

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

The following Items were on the published consent agenda:

- 4 – Approve 9/25/12 Assembly Meeting Minutes
- 8B – Chilkat Center Facility Report
- 8C – Museum Staff Report
- 9A – Museum Board of Trustees Minutes
- 11A1 – Adoption of Resolution 12-10-406
- 11A2 – Adoption of Resolution 12-10-407
- 11A3 – Adoption of Resolution 12-10-408
- 11B1 – Introduction of Ordinance 12-10-305
- 11B2 – Introduction of Ordinance 12-10-306
- 11C3 – Appointments to Federal Priorities Committee
- 11C4 – Confirm Letter of Support for TWC grant application

**Motion:** **LAPP** moved to “approve the agenda/consent agenda,” and it was seconded.

**SCHNABEL** requested removal of item 11C3 from the consent agenda, and **VICK** asked that item 11B2 also be removed from the consent agenda. There was no objection to the agenda changes.

The motion carried unanimously, and the agenda as amended was approved.

\* 4. **APPROVAL OF MINUTES** - September 25, 2012 Regular Meeting

5. **PUBLIC COMMENTS**

**ELY** said some of the amendments to the Heliskiing regulations are good. If areas are going to be added to the map, he would like Telemark Ridge to be removed. Heliskiing should be reserved for the back areas of the valley, not the front.

**SUNDBERG** said areas like Telemark Ridge should be restored to the map. Historically, that is where the skiing occurs. The proposed \$1,000 fine is considerable. The map has always included front-range terrain. Most areas are nearly four to five miles back from residences, and they are part of their marketing/business plans. The user fee should be specifically dedicated to something. He recommends the assembly meet as a committee of the whole to discuss the map. It would be important to have everyone on the same page.

6. **MAYOR’S COMMENTS/REPORT**

*A written report dated 10/9/12 was included in the meeting packet.*

**A. Employee Recognition: Brian Lemcke** – *this item was delayed until just prior to agenda item 9.*

**B. Southeast Conference Report**

The mayor provided a brief oral report of the recent Southeast Conference meetings to supplement the information in her written report.

7. **PUBLIC HEARINGS**

**A. Ordinance 12-09-303** – Second Hearing

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 18, Sections 18.80.030 and 18.90.050 to clarify the allowance of incidental items with setbacks.**

Mayor **SCOTT** opened and closed the public hearing at 6:42pm; there were no public comments.

**Motion: LAPP** moved to "adopt Ordinance 12-09-303," and the motion carried unanimously. There was no discussion.

**B. Ordinance 12-09-304 – First Hearing**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3, Section 3.70.040(D) to remove from the list of community purpose-exempted properties the parcels owned by Lynn Canal Human Resources, Inc.**

Mayor **SCOTT** opened the public hearing at 6:44pm.

**LOWE** said he is president of the Lynn Canal Counseling Board. They have no argument with this. He added they plan to ask the borough to consider using their lot for snow storage in exchange for a fee that would hopefully equal the amount of the property taxes.

Hearing no further comments, the mayor closed the public hearing at 6:45pm.

**Motion: LAPP** moved to "advance Ordinance 12-09-304 to a second public hearing on 10/23/12," and the motion carried unanimously.

**OLSEN** confirmed this applies to the 2013 property taxes and will not be retroactive. The last assessment was in 2009 before it became tax-exempt. He estimates the tax will be about \$300.

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – 10/9/12 Report**

**EARNEST** said he attended the Yukon Energy Summit in Skagway the previous week on behalf of the mayor. It was very productive and interesting. The primary topic was the West Creek Hydro project. He was struck by the importance of LNG in the Yukon Territory and how that demand is being met. This trip also gave him an opportunity to spend time with the Governor's Office and AIDEA discussing Haines projects, and they would like to visit Haines in November.

He has hired Carlos Jimenez as the Interim Director of Public Facilities. Carlos has spent a considerable amount of time with Brian Lemcke and seems to have found his bearings and hit the ground running.

The manager said after much thought he wants to offer another option for the assembly's consideration regarding the borough manager position---namely extending his contract an additional twelve months. There are a lot of projects that are in a good place but need an additional year to mature. There is a great team and he is interested in an extension if the assembly sees fit to go that direction. He added that he will support any direction the assembly wishes to take.

During the discussion of the manager's written and oral reports, **SCOTT** said the AEA is planning to visit Haines around November 8 to meet with the assembly about establishing rate structures. **SCHNABEL** said she would like to see a lot more coordination with the Haines Port Development Steering Committee. She also commended the contractors who are replacing the Chilkat Center boiler and roofing for accommodating the play that was taking place at the Center over the weekend. Regarding borough travel, she would like to see a written report, as a matter of policy, whenever anyone travels on behalf of the borough. During the FY13 budget process, the assembly discussed trail development and SAGA. She was disappointed with the report. The assembly was led to believe the work would be local and also the amount of work was less than anticipated. **EARNEST** offered to provide more information at the next meeting. **SCHNABEL** said the assault in the harbor was reduced to disorderly conduct, and she would like to be debriefed as to why the assault charge did not stick. **SCOTT** said there was a meeting and she learned from the Chief how it all unfolded, and she will put some notes together to present to the assembly for the next meeting.

**SMITH** said it is great to acknowledge the departure of Brian Lemcke but, out of courtesy, it should be mentioned that there is a new planning & zoning technician the assembly has yet to meet. Part of the protocol in the future should include formally introducing new employees to the assembly.

**LAPP** asked the manager if he could look into Leonard Dubber's recent idea of having someone sell the boilers and maintain them for the borough, similar to a service agreement on a copier machine. **SCOTT** clarified the proposal was actually that the borough issue an RFP for someone to provide "heat" to the borough.

**VICK** asked what the original Alaska DOT offer was to purchase the land at Lutak Dock. **EARNEST** responded about \$302K, and the borough countered with about \$365K. He expects to hear back from them soon.

**Motion: WATERMAN** moved to extend the manager's contract for an additional year, and it was seconded by **VICK**.

During the discussion, **WATERMAN** said the manager brought forth several good points and she believes it is an excellent opportunity to maintain continuity and a good thing for the borough. **SCHNABEL** asked if this motion is intended to supersede any formal evaluation of the manager, and **WATERMAN** responded no. If the assembly goes ahead with the contract extension, and contract negotiation is forwarded to the personnel committee, an evaluation can be added in at any time. **LAPP** agreed with **WATERMAN** that both can be done. **SMITH** wondered what prevents the manager from changing his mind again. **SCHNABEL** said the manager's announcement struck her as somewhat unusual. She would have preferred him to formally present a statement of intention to the assembly. It's important for her to represent that there are many projects and always will be. The continuation of projects should not necessarily be used as the reason for retaining personnel. **WATERMAN** said she's seizing upon an opportunity with this motion. She realizes there has been some going back and forth. Everyone makes decisions that center around family, etc. She does not feel bad about being flexible to allow people to change minds. The place the borough is in for some projects is an issue for her, and the manager has done a good job of pushing many of them forward. She sees no problem with extending at this time. **SCOTT** said her concern is that this is a big decision, and she recommends postponing it to November. At that time, the manager could present a formal offer with rationale. She's uncomfortable with this coming up with little public notification.

**Motion to Postpone: SCHNABEL** moved to "postpone this motion to November 6<sup>th</sup>," and the motion carried 4-3 with **LAPP, WATERMAN,** and **VICK** opposed, and the mayor breaking the tie in the affirmative.

**SMITH** believes it would be unfair to the voters to make a decision now. The newly-elected assembly members should be involved.

- \* B. **Chilkat Center Facilities Report** – August and *September 2012 Report*
- \* C. **Museum Staff Report**– August *2012 Report*

**Mayor's Report – 6A** – *This agenda item was picked up at this point in the meeting (it was delayed in anticipation of Mr. Lemcke's arrival, but he was unable to attend).*—**SCOTT, EARNEST, COZZI, SMITH, STUART** gave remarks concerning outgoing Director of Public Facilities Brian Lemcke. Comments included that he served with distinction, he's very knowledgeable of every nook and cranny of the facilities, he always seemed to have an answer, his patience and willingness to extend his time through the construction season was very much appreciated, he has a great sense of humor, he was a pleasure to work with, he came across as unflappable, he had a can-do attitude with a laid-back style, there was nothing too big or small to deal with, he knew how to get things done in Haines, and he was very good at resolving problems.

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

- \* A. **Museum Board of Trustees** – *Minutes of August 23, 2012 Meeting*

## **10. UNFINISHED BUSINESS** - None

## **11. NEW BUSINESS**

### **A. Resolutions**

#### \* 1. **Resolution 12-10-406**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Southeast Road Builders for the Chilkat Lake Road project for an amount not-to-exceed \$691,418.50.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-406."*

#### \* 2. **Resolution 12-10-407**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. for design services related to Oceanview / Lutak Slope Movement mitigation measures in the amount of \$52,234.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-407."*

#### \* 3. **Resolution 12-10-408**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into an agreement with PND Engineers, Inc. to provide contract administration and inspection services for the for the Chilkat Lake Roads project for a not-to-exceed amount of \$52,640.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-408."*

**B. Ordinances for Introduction**

\* 1. **Ordinance 12-10-305**

**An ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3, Chapter 3.25 to clarify the purpose of the Medical Services Fund.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 12-10-305 and set a first public hearing for 10/23/12."*

2. **Ordinance 12-10-306**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 5 to increase the fine for violations of business permits up to \$1,000 per violation per day, to amend the approved commercial ski tour area map and to adopt a fee for allocated skier days.**

**Motion:** **HOFFMAN** moved to "introduce Ordinance 12-10-306 and set a first public hearing for 10/23/12," and it was seconded. The motion carried unanimously.

During the discussion, **SMITH** asked why additional recommendations are being made. **SCOTT** explained they are merely suggestions offered as food for thought. **SCHNABEL** said she is intrigued by **SUNDBERG**'s idea of dedicating the skier day fees for a specific purpose. Perhaps consideration could be given to using any fees in excess of enforcement costs for industry promotion.

**Primary Amendment:** **VICK** moved to "include in the ordinance draft the first, third, and fifth suggestions in the manager's memo," and it was seconded.

During the discussion, **VICK** said the other two suggestions (second and fourth) may need more negotiation and deliberation. **SCHNABEL** said it is unclear what it means to consult with Alaska Fish and Game. It introduces to the borough's own management an element of not knowing what to do with their recommendations.

**Motion:** **WATERMAN** moved to "divide the question to vote on each suggestion individually," and the motion carried unanimously.

**VICK** believes the borough is not obligated to take any of Fish and Game's recommendations. This would only be consulting with them and getting some information---fact-finding. **LAPP** moved to "include the second and fourth suggestions," but it failed with **SMITH**, **SCHNABEL**, **WATERMAN**, and **VICK** opposed. **WATERMAN** does not like the wording and understands these are just suggestions and comments that came out of a committee meeting. The wording needs to be thought-out and drafted before being included in the ordinance.

Primary Amendment Vote, as divided:

First Suggestion - failed 1-5 with **WATERMAN**, **SCHNABEL**, **SMITH**, **LAPP**, and **HOFFMAN** opposed.

Third Suggestion - carried 4-3 with **WATERMAN**, **LAPP**, and **SMITH** opposed and Mayor **SCOTT** breaking the tie in affirmative.

Fifth Suggestion - carried 4-2 with **SMITH** and **WATERMAN** opposed.

The main motion, as amended, carried 4-2 with **LAPP** and **SMITH** opposed.

**C. Other New Business**

1. **Presentation - Ice Rink Proposal by Haines Hockey**

**HOFFMAN** said Haines Hockey group is not quite ready for this and would like the idea to be examined in the future. **LAPP** said **HOFFMAN** presented the concept to the Tourism Advisory Board who responded favorably. He likes the idea of a rink being in the center of town. **VICK** likes it, as well. **SCHNABEL** has no problem with imagining things like this, but it is premature for the assembly to consider it. The facilities master plan is still being developed, and the planning commission needs to be involved. She's not willing to devote that property to this idea until there is a plan. **SMITH** concurred that it is premature but likes the idea of an ice rink. It needs more planning and thought. **SCHNABEL** said she is an advocate for recreation. She would be very willing to support Haines Hockey group in other ways such as purchasing snow removal equipment to help maintain the existing ice rink. **SCOTT** said the Southeast Alaska State Fair is happy to continue hosting Haines Hockey. **HOFFMAN** clarified this idea is not just for hockey. It would be a community rink. The thought is to use borough property under the borough's liability insurance. There wouldn't be any cost to the borough. The group wants the facility to look really

good. **SCOTT** said this idea should be added to the facilities master plan process and incorporated into a bigger plan for public comment. **VICK** made a motion to allow the Haines Hockey group to make a temporary ice rink at the former primary school property to be removed by May 1<sup>st</sup>, but it was not seconded.

**2. Manager's Transition Plan and Options for Hiring Process**

*The personnel committee met on 9/21 to discuss the manager transition plan and hiring process and recommended a "traditional" recruitment method.*

**Motion:** **LAPP** moved to "postpone this item until the manager's proposal is heard on November 6, 2012," and the motion carried unanimously.

*Note: Assembly Member **SCHNABEL** left the meeting at this point.*

- 3. Advisory Board Appointments** – The item was removed from the consent agenda. *On 8/28, a 2013 Federal Priorities ad hoc Steering Committee was established to be made up of one member each from the school board, assembly, planning commission, and chamber of commerce. The manager and school district superintendent are ex officio members. The mayor was ready to make the appointments and sought assembly confirmation.*

**Motion:** **LAPP** moved to "confirm the mayor's appointments of Allen Turner (Chamber of Commerce), Member-elect Royal Henderson (School Board), Robert Venables (Planning Commission), and Jerry Lapp (Assembly) Federal Priorities ad hoc Steering Committee," and it failed 3-2 with **SMITH** and **WATERMAN** opposed.

**SCOTT** observed there is now a committee with no members, and she hopes those who objected will come to her to explain their reasoning.

**\* 4. Letter of Support for Takshanuk Watershed Council (TWC)**

*TWC asked for a letter of support for a grant application. A draft letter was prepared for the mayor's signature and assembly approval was sought. The motion adopted by approval of the consent agenda: "approve the draft letter of support for the Takshanuk Watershed Council's Community Transformation grant application through SEARHC."*

**12. CORRESPONDENCE/REQUESTS** – None

**13. SET MEETING DATES**

- A. Government Affairs & Services Committee** – Tuesday, 10/16, 5:30pm - Purpose: Review Police Department Complaint Policies and Procedures

**14. PUBLIC COMMENTS**

**KURZ** reminded that the citizens elect representatives and the borough employees work for the entire borough.

**STUART** said as the borough's finance director, she has been hoping for many years that the former school properties would be put back on the tax rolls. But as a private citizen, she loves the idea of an ice rink being in the downtown area. It could be a positive attractant.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**HOFFMAN** explained he voted to postpone the discussion of extending the manager's contract because he agrees with **SMITH** that he's a "lame duck." Assembly member-elect Berry should be involved in that particular vote. However, he wanted to go on record that he supports Mark Earnest as manager.

**LAPP** agreed with **STUART**'s comments about the ice rink. **VICK** said he wishes people had voted for the temporary ice rink. Mayor **SCOTT** supports an ice rink. It is the hockey rink that will potentially be an eyesore because that sport requires boards on the sides. **HOFFMAN** agreed.

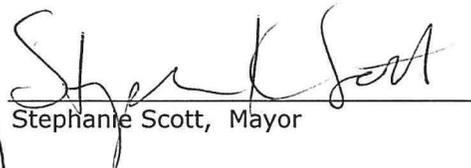
**16. ADJOURNMENT** – 8:37pm

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

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk



  
Stephanie Scott, Mayor