Haines Borough
Borough Assembly Meeting #304
December 1, 2015
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** 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 Jan **HILL**, and Assembly Members Diana **LAPHAM**, George **CAMPBELL** (via telephone), Mike **CASE**, Margaret **FRIEDENAUER,** Tresham **GREGG**, and Ron **JACKSON**.

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Helen **ALTEN**/Museum Director, and Brad **RYAN**/Director of Public Facilities.

Visitors Present: Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Carol **TUYNMAN**, Roy and Brenda **JOSEPHSON**, Paul **NELSON**, Mike **DENKER**, Dana **HALLETT**, David **KAMMERER**, Rhys **WILLIAMS**, Thom **ELY**, Norm **SMITH**, Bill M**CCORD**, Don **TURNER** Jr., Don **TURNER** III, Linda **GEISE**, Scott **SUNDBERG**, Susan **TANDY**, Kathryn **CHENEY**, Cindy **JACKSON**, and others.

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

The following Items were on the published consent agenda:

4 – Approve Assembly Meeting Minutes
8B – Accept Museum Report
8C – Accept Chilkat Center Report
9A – Accept Parks & Recreation Advisory Committee Minutes
9B – Accept Planning Commission Minutes
9C – Accept Tourism Advisory Board Minutes
9D – Accept Public Safety Commission Minutes
9E – Accept Museum Board Minutes
11C1 – Adopt 2016 Assembly Meeting/Agenda Schedule
12A – Acknowledge Correspondence re. Senior Center
12B – Acknowledge Correspondence re. Skier Days

Motion: CASE moved to "approve the agenda/consent agenda," and it was amended to 1) add to Other New Business after item 11C2 the consideration of an acting manager until December 31, 2015 and a discussion of reallocation of community chest funds, 2) remove items 9B and 11C1 from the consent agenda, 3) add a Personnel Committee report as item 9H, and 4) add to Unfinished Business the issue of tax incentive and referring it to committee. The motion to approve the agenda/consent agenda, as amended, carried unanimously.

DENKER and **HALLETT** also requested removal of item 11C1 from the consent agenda for the purpose of being able to speak to it. The clerk explained that opportunity would be during public comments, and they stated their belief that code provides the public with the opportunity to speak to an item that has been removed from the consent agenda. The clerk said she would double-check the code.

∗ 4. **APPROVAL OF MINUTES** – 11/10/15 Regular

The motion adopted by approval of the consent agenda: "approve minutes of the 11/10/15 borough assembly regular meeting."

5. **PUBLIC COMMENTS**

TANDY – The Director of Public Facilities showed leadership in meeting with the seniors and the Chilkat Valley Preschool to work out an agreement.

CHENEY and **JACKSON** – Presented a collaborative agreement between the senior citizens and the Chilkat Valley Preschool to share the Senior Center facility. They asked the assembly to support the agreement.

ELY – Advocated for local hire for the interim manager and the next borough manager. It is not appropriate to spend money on a head-hunting firm.

HALLETT – Believes the proposed amendments in Ordinance 15-12-424 are flawed. He asked the assembly not to introduce it.

DENKER – Regarding Ordinance 15-12-424, he has no problem with introduction at this evening, but he does have several concerns with the ordinance and the revised note on the agenda request form. He submitted a summary memo detailing his concerns. Regarding the executive session on this agenda, the lawsuit has been dropped. He urged against attempts to recoup court costs.

NELSON – Does not want the mayor appointed as interim manager. That does not help the public trust.

6. MAYOR'S COMMENTS/REPORT

Mayor **HILL** commented and reported on the following: 1) condolences to the City and Borough of Juneau and the family of Mayor Fisk who recently passed away, 2) AML sessions and meetings in Anchorage, and 3) the upcoming AMHS Community Engagement Meeting on 12/16.

7. PUBLIC HEARINGS - None

8. STAFF/FACILITY REPORTS

A. Borough Manager – *12/1/15 Report*

The manager summarized his written report and responded to a few questions from the assembly.

✱ **B. Museum** – *October 2015 Report*
✱ **C. Chilkat Center** – *September-October 2015 Report*

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

✱ **A. Parks & Recreation Advisory Committee** – *Approved Minutes of 9/23/15*

B. Planning Commission – *Approved Minutes of 10/15/15*

CAMPBELL made comments about item 9B in the minutes regarding Temporary Residence permits.

✱ **C. Tourism Advisory Board** – *Approved Minutes of 9/28/15 and 10/21/15*
✱ **D. Public Safety Commission** – *Approved Minutes of 8/17/15*
✱ **E. Museum Board of Trustees** – *Approved Minutes of 10/14/15*

F. Assembly Board Liaison Reports

JACKSON – Public Safety Commission

FRIEDENAUER – Minor Offenses Committee.

LAPHAM/FRIEDENAUER – Museum Board. The issue of the name change was brought up, and **ALTEN** clarified the status.

LAPHAM – Tourism Advisory Board

G. Assembly Standing Committee Reports

1. **Government Affairs & Services Committee Report** – *Legislative Priorities*

   JACKSON reported the committee came up with what they believe the priorities should be.

H. Personnel Committee (added during agenda approval)

GREGG said the committee having more members than allowed by code should be addressed. The mayor said she planned to randomly determine which member to remove, and **GREGG** wanted that random drawing to take place in public. **FRIEDENAUER** offered to step down from the committee. Mayor **HILL** drew **CASE**'s name.

Having served as chairperson during the committee meeting, **CASE** reported the committee discussed the need for an executive search firm for the police chief and borough manager. The committee talked about having an acting manager until December 31, interim manager for 4-6 months, and finally a regular manager. **SOSA** said three firms have submitted proposals for conducting a search for the two positions, and the personnel committee needs to meet.

10. UNFINISHED BUSINESS

A. Tax Incentive (added during approval of the agenda)

FRIEDENAUER said this needs to be picked up again by committee.

Motion: FRIEDENAUER moved to "assign discussion of a tax incentive program for businesses to the Commerce Committee," and it carried unanimously.

11. NEW BUSINESS

A. Resolutions - None

B. Ordinances for Introduction

1. Ordinance 15-12-424

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to clarify the procedure for assembly agenda preparation.

Motion: **LAPHAM** moved to "introduce Ordinance 15-12-424 and set a first public hearing for 12/15/15 and a second public hearing for 1/12/16," and it was seconded by **CASE**.

Motion to Refer: **JACKSON** moved to "refer this ordinance to the Government Affairs & Services Committee for thorough vetting," and the motion carried unanimously.

C. Other New Business

1. 2016 Assembly Meeting/Agenda Preparation Schedule

The clerk read the code regarding removal of items from the consent agenda and the opportunity to be heard (HBC 2.10.030(C) and 2.12.110). There was apparently confusion and, in light of that, the mayor said she would allow **DENKER** and **HALLETT** to speak to this even though it is not a resolution or a public hearing.

Motion: **CASE** moved to "adopt the 2016 Haines Borough Assembly Meeting Agenda Preparation Calendar," and it was seconded by **LAPHAM**.

HALLETT read the existing code and said the proposed schedule does not comply with it.

DENKER agreed and recommended the schedule either be amended to reflect the actual code or delayed until the code is adjusted.

Motion: CAMPBELL moved to "postpone this to the next meeting to allow staff to adapt the proposed schedule to meet existing code," and the motion carried unanimously.

2. Appeal of Planning Commission Decision - SEABA Conditional Use Permit

Note: on 10/29/15, Big Salmon Ventures LLC submitted a Conditional Use Permit (CUP) application for a heliport through its agent Scott Sundberg. The borough manager recommended it be issued. On 11/12/15, the planning commission chose to deny the permit. Big Salmon Ventures submitted a timely filed appeal per HBC 18.30.060.

GOLDBERG said he wrote an email outlining the planning commission's decision that did not make it into the packet. He provided hard copies to the assembly. **SUNDBERG** said he did not receive a copy of that and did not know it existed.

SUNDBERG presented the reasons for his appeal and asked the assembly to rehear this.

Mayor **HILL** called a brief recess to provide the assembly members with an opportunity to review the document distributed to them by **GOLDBERG.**

Following the recess, the mayor reminded the burden of proof is on the appellant to convince the assembly to rehear this. Additionally, regarding the document (email) distributed by **GOLDBERG**, the letter in the packet from the borough to the applicant was the official document showing the planning commission's decision.

Motion: CAMPBELL moved to "rehear the planning commission's decision regarding the Big Salmon Ventures' conditional use permit application in its entirety because Mr. Sundberg stated some actual facts about property owners and the noise study and there are generalities in the planning commission's decision not supported by facts," and the motion failed 2-4 with **CASE**, **GREGG**, **JACKSON**, and **FRIEDENAUER** opposed.

3. Appointing an Acting Manager (Added during approval of the agenda)

Motion: CASE moved that "Mayor Hill be named acting manager for the period Dec 6-31 inclusive," and it was seconded by **LAPHAM**.

Following debate, **CASE** called for the question.

The manager asked for a brief recess, and it was called by Mayor **HILL** without objection from **CASE** or other assembly members.

Following the recess, Mayor **HILL** announced the borough clerk agreed to serve as acting manager in accordance with the assembly-approved organization chart. This negated the need to appoint another individual.

Motion: **CASE** moved to "table the main motion indefinitely," and it carried unanimously.

4. Discussion of Reallocation of Community Chest funds (added during agenda approval)

Motion: **JACKSON** moved to "take the returned Community Chest funds and bring the organizations who are funded by the General Fund up to the 90% level," and the motion failed 3-4 with **FRIEDENAUER**, **LAPHAM**, and **CAMPBELL** opposed and the mayor breaking the tie in the negative.

Motion: **LAPHAM** moved to "reconvene the Community Funding Committee to consider the $14,500 additional Community Chest funds," and it carried with **GREGG** and **CAMPBELL** opposed.

14. PUBLIC COMMENTS – moved to this spot without objection because of the executive session.

GOLDBERG – The planning commission would like the assembly to revisit the idea of a publicly-owned heliport

DENKER – Wished **SOSA** and his family all the best.

HALLETT – Supports the Planning Commission's request for consideration of a heliport developed by the borough. He encouraged long-term planning concerning heliskiing.

TURNER – Thanked **SOSA** for his time and wished him well. It has been a pleasure working with him.

TUYNMAN – Thanked **SOSA** for the way he helped to increase public awareness.

11C5. Executive Session – UPDATE ON CUP LAWSUIT

Motion: CASE moved to "go into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03 to discuss follow-up actions regarding the court's decision and comments on the Plachta heliport CUP lawsuit; this matter qualifies for executive session because a public discussion may adversely affect the finances of the borough; the borough manager and borough clerk are requested to attend," and it was seconded by **LAPHAM**.

The motion carried 4-3 with **FRIEDENAUER**, **GREGG**, and **JACKSON** opposed and the mayor breaking the tie in the affirmative.

Present: Mayor Hill; Assembly Members Lapham, Jackson, Campbell (via telephone), Friedenauer, Case, and Gregg; and Borough Manager David Sosa, Attorney Patrick Munson (via telephone), and Borough Clerk Julie Cozzi. The executive session convened at 9:24pm and ended at 9:58pm

When the assembly came out of executive session, Mayor **HILL** announced the meeting unfortunately had to end without finishing the agenda due to the requirement in HBC 2.10.010(D) to end the meeting by 10:00pm unless a motion is made by 9:30 waiving that rule. No such motion had been made; therefore, the meeting was adjourned since it was 9:59pm.

12. CORRESPONDENCE/REQUESTS

- ✱ **A. Letters Supporting Senior Center – M. Ward, P. Phillips, D. Peck, M. Wilson, and G. Haisler**
- ✱ **B. Email Opposing Skier Day Expansion – S. Goll**
- **C. Request for Action re. Police Chief Recruitment – Public Safety Commission**
- **D. Email Declining Additional Funding – HARK**

13. SET MEETING DATES

14. PUBLIC COMMENTS (moved ahead of the executive session)

15. ANNOUNCEMENTS / ASSEMBLY COMMENTS

16. ADJOURNMENT – 9:59 p.m.

ATTEST:

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Julie Cozzi, MMC, Borough Clerk

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Janice Hill, Mayor