


Haines Borough
Borough Assembly Meeting #287
March 10, 2015
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Deputy Mayor **LAPHAM** 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** (joined the meeting at approximately 7:10 p.m.), Deputy Mayor Diana **LAPHAM**, and Assembly Members Joanne **WATERMAN**, Ron **JACKSON** (via telephone), Mike **CASE**, and George **CAMPBELL**. **Absent:** Dave **BERRY, Jr.**

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Bill **MUSSER**/Chief of Police, Carlos **JIMENEZ**/Director of Public Facilities, Xi **CUI**/Planning & Zoning Technician, Leslie **ROSS**/Tourism Director, and Bill **MANDEVILLE**/Community & Economic Development Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Dana **HALLETT**, Stephanie **SCOTT**, Debra **SCHNABEL**, Jim **SHOOK**, George and Joan **McCAMENT**, Kay **CLEMENTS**, Pam **RANDLES**, Nicholas **HALE-WOODS**, Scott **SUNDBERG**, Tucker **PATTON**, Paul **NELSON**, Brad **RYAN**, Ben **KIRKPATRICK**, Carol **TUYNMAN**, Sara **CHAPPELL**, Jessica **EDWARDS**, Leslie **EVENDEN**, Cheryl **MCROBERTS**, Norman **HUGHES**, Dennis **TEITZEL**/BLM, Randy **KATZENMEYER**, and others.

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

The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Reports
- 8C – Fire Department Report
- 8D – Library Report
- 9A – Harbor Committee Minutes
- 9B – Library Board Minutes
- 9C – KVVFD Board Annual Report
- 9D – Riverview Drive RMSA Board Annual Report & Minutes
- 9E – Letnikof Estates RMSA Board Annual Report & Minutes
- 11B1 – Ordinance 15-03-402

Motion: **WATERMAN** moved to “approve the agenda/consent agenda,” and it was amended to remove item #4, Approval of Minutes. The motion to approve the agenda, as amended, carried unanimously.

4. **APPROVAL OF MINUTES** – 2/24/15 Regular

CASE noted a small amendment is needed to show that Assembly Member Berry attended the meeting by telephone.

Motion: **CASE** moved to “approve the 2/24/15 meeting minutes as slightly amended to note Berry’s attendance by telephone,” and the motion carried unanimously.

5. **PUBLIC COMMENTS**

SHOOK – Believes there are too many borough employees and also has concerns about borough assistance with an employee’s immigration status.

6. **MAYOR’S COMMENTS/REPORT**

A. **Proclamation – *Operation Clean Sweep, May 1-2, 2015***

This item was delayed until the next assembly meeting.

B. **BLM Field Manager for Haines, Dennis Teitzel** (introduction)

TEITZEL introduced himself and provided an update on various projects, including heliskiing, Constantine Mine, shooting range, and the Ring of Fire.

HALE-WOODS introduced himself as the founder and general manager of Freeride World Tour and explained the event.

7. **PUBLIC HEARINGS**

A. Appeal of a Nuisance Abatement Order – Paul A.L. Nelson

Note: On February 10, 2015, the borough manager issued a supplemental order related to the 2014 nuisance abatement order that had been issued to Paul Nelson concerning his property in Skyline Estates Subdivision. He submitted a timely appeal.

Deputy Mayor **LAPHAM** presided over the hearing that convened at 6:50 p.m. and chose not to require oaths or compel witnesses.

Appellant: **NELSON** addressed the assembly by reading a written statement and summarizing a packet of documents he provided to the assembly.

Borough: **SOSA** summarized the borough's nuisance abatement order, and the reasons it was issued. **JIMENEZ** reviewed the inspections that were conducted.

The mayor joined the meeting at approximately 7:10 p.m., but **LAPHAM** continued to preside until the conclusion of agenda item 7A.

Appellant: **NELSON** offered a rebuttal of statements made by the manager.

Public Testimony: **MCCAMENT** and **SHOOK** spoke in support of the borough's supplemental nuisance abatement order. No persons spoke in opposition.

Main Motion #1: **CASE** moved to "uphold the supplemental nuisance abatement order," and the motion failed 2-3 in a roll call vote with **JACKSON**, **CAMPBELL**, and **CASE** opposed.

Primary Amendment: **JACKSON** moved to "modify the manager's order by reducing the \$1,200 fine to \$300 because of the discrepancy between the June 10, 2014 statement "ten business days" and the June 21 clean-up deadline date," and the primary amendment motion failed 3-2 with **WATERMAN** and **LAPHAM** opposed.

CASE called for the orders of the day. A brief recess was called before the motion was acted on. Following the recess, **LAPHAM**, after conferring with the clerk, advised the assembly should consider whether it had taken action concerning the appeal before moving to the next agenda item. **CASE** withdrew his privileged motion.

Main Motion #2: **CAMPBELL** moved to "uphold the manager's order modified to a \$300 fine," and it was seconded by **CASE**. The motion failed 3-2 in a roll call vote with **LAPHAM** and **WATERMAN** opposed.

Main Motion #3: **WATERMAN** moved to "uphold the manager's order modified to a \$600 fine, and it was seconded by **LAPHAM**. The motion carried 4-1 in a roll call vote with **CAMPBELL** opposed.

The assembly will adopt the appeal findings by resolution at the next meeting.

Mayor **HILL** assumed her seat as presiding officer for the remainder of the meeting.

B. Ordinance 15-02-400 – Second Hearing

An Ordinance of the Haines Borough authorizing a five-year extension of a lease of an upstairs portion of the Public Safety Building by the State of Alaska for the purpose of providing services through the Department of Fish and Game, with the option to renew for five additional one-year periods.

Mayor **HILL** opened the public hearing at 8:12 p.m.

SCHNABEL - recommended no more than a three-year lease.

Hearing no further comments, the mayor closed the hearing at 8:14 p.m.

Motion: **WATERMAN** moved to "adopt Ordinance 15-02-400 with the proposed amendments from a five-year to a two-year lease," and the motion carried unanimously in a roll call vote.

C. Ordinance 15-02-401 – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 3, Chapter 70, Section 40 to establish a procedure for community purpose exemptions.

Mayor **HILL** opened the public hearing at 8:18 p.m.

SCHNABEL, **HUGHES**, **SCOTT**, **EDWARDS**, **LIEBENSON**, **CHAPPELL**, **TUYNMAN**, **RYAN**, **POCHARDT**, and **EVENDEN** – Dislike the ordinance, as written. Most asked for committee referral for more work and community input. Expressed support for nonprofits.

Hearing no further comments, the mayor closed the hearing at 8:45 p.m.

Motion: **CASE** moved to “advance Ordinance 15-02-401 to a second public hearing on 3/24/15,” and it was amended to change the hearing date to 4/14/15 and to also refer it to the Finance Committee. The main motion as amended carried unanimously.

Amendment Motions:

Primary Amendment: **WATERMAN** moved to “refer the ordinance to the Finance Committee for further work,” and the primary amendment, as amended, carried unanimously.

Secondary Amendment: **CASE** moved to “include a second public hearing date in addition to the committee referral but to schedule it to 4/14/15,” and the secondary amendment carried unanimously.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 3/10/15 Report

SOSA summarized his written report. He welcomed Freeride World Tour to the community.

- * **B. Chilkat Center – Report of February 2015 and Revised Report of January 2015**
- * **C. Fire Department – Report of February 2015**
- * **D. Public Library – Report of January 2015**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * **A. Port and Harbor Advisory Committee – Minutes of 1/26/15**
- * **B. Library Advisory Board – Minutes of 1/21/15**
- * **C. KVVFD Board – Annual Report**
- * **D. Riverview Drive RMSA Board – Annual Report and Minutes of 2/18/15**
- * **E. Letnikof Estates RMSA Board – Annual Report and Minutes of 10/13/14**

F. Assembly Standing Committee Reports

LAPHAM announced the Government Affairs & Services Committee will meet March 11 at 10:00 a.m. to discuss the ordinance pertaining to temporary residence permits.

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

- A. Resolutions - None**
- B. Ordinances for Introduction**

* **1. Ordinance 15-03-402**

An Ordinance of the Haines Borough amending Haines Borough Code Title 3 Subsection 3.80.090 to modify the threshold for eligibility for quarterly sales tax filing.

The motion adopted by approval of the consent agenda: “introduce Ordinance 15-03-402 and schedule a first public hearing for 3/24/15.”

- C. Other New Business - None**

12. CORRESPONDENCE/REQUESTS

Motion: **WATERMAN** moved to “direct the borough manager to discuss with PND Engineers the actual cost estimates for moving the Lookout Park,” and the motion carried unanimously.

13. SET MEETING DATES

- A. Budget C.O.W. Meeting Schedule**
- B. Manager Evaluation Schedule**
- C. Finance Committee – Monday, March 16, 3:00 p.m., Topic: Community Purpose Exemptions**

14. PUBLIC COMMENTS

GARCIA – Mid-item recesses give a poor perception; should be taken between agenda items.

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

LAPHAM – the borough’s financial audit report is an interesting and helpful reference.

CASE – Lapham good job sitting in for the mayor on short notice. He may have to be gone for a couple of months for medical reasons.

16. **ADJOURNMENT** – 9:20 p.m.

Motion: **WATERMAN** moved to “adjourn the meeting,” and the motion carried unanimously.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk