Haines Borough
Borough Assembly Meeting #295
July 14, 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**, Mike **CASE**, Joanne **WATERMAN**, Dave **BERRY**, **Jr.**, and Ron **JACKSON**. **Absent:** George **CAMPBELL**.

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Robert **GRIFFITHS**/Interim Chief of Police, Shawn **BELL**/Harbormaster, and Jila **STUART**/Chief Fiscal Officer.

Visitors Present: Karen **GARCIA**/CVN, Greta **MART**/KHNS, Carol **TUYNMAN,** Mike **DENKER**, Shane and Janis **HORTON**, Rhys **WILLIAMS**, Tresham **GREGG**, Debra **SCHNABEL**, Dana **HALLETT**, Kathy **GRIFFITHS**, 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 – Museum Report
8C – Fire Department Report
9A – Tourism Advisory Board Minutes
11A1 – Resolution 15-07-634
11A2 – Resolution 15-07-635
11B2 – Ordinance 15-07-417
11C1 – Liquor License Transfer

Motion: WATERMAN moved to "approve the agenda/consent agenda," and it was amended to 1) remove Item 12A from the agenda, 2) move Items 12, 13, and 14 ahead of Item 11C2 Executive Session, 3) add board liaison reports to Item 9, 4) remove Item 11A2 from the consent agenda, and 5) add a discussion about the recent article about the cruise ships dumping sewage in the harbor as Item 11C1½ . The motion to approve the agenda/consent agenda carried unanimously, as amended.

✱ 4. **APPROVAL OF MINUTES** – 6/23/15 Regular
The motion adopted by approval of the consent agenda: "approve minutes of the 6/23/15 borough assembly regular meeting."

5. **PUBLIC COMMENTS**

HALLETT – Read aloud his written comments concerning the state of local representative democracy. Public involvement provides crucial oversight.

GREGG – Read a list of questions about the harbor expansion project.

6. **MAYOR'S COMMENTS/REPORT**

Mayor **HILL** reported on recent events including the July 1 Canada Day celebration in the Village of Haines Junction, July 3 Fire Department BBQ where she read a proclamation declaring July 17 Fireman Al Badgley Day, July 4 festivities that included representatives of Haines Junction, and being given a key to the Zamboni-type machine given to the Haines Borough by the Village of Haines Junction. The mayor also encouraged the assembly members to sign up for one of the time slots at the Haines Borough fair booth.

7. **PUBLIC HEARINGS**

A. **Appeal of a Nuisance Abatement Order** – Eagle's Nest Trailer Park
On May 6, 2015, the borough issued a nuisance abatement order to Eagle's Nest Trailer Park regarding unlawful accumulation of trash around two of the trailers. Property owner Janis Horton filed a timely appeal.

Mayor **HILL** presided over the hearing and chose not to require oaths or compel witnesses. The hearing commenced at 6:45 p.m.

Appellant: **S.HORTON** addressed the assembly. He said all of the organic garbage has been removed, and the problem is largely resolved.

Borough: **SOSA** summarized the borough's nuisance abatement order, and the reasons it was issued.

Public Testimony: **TUYNMAN** said there is a need for community education related to handling solid waste.

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

Assembly: The assembly asked questions, reviewed photographs, and considered all written documentation and oral statements prior to taking action.

Motion: **CASE** moved to "uphold the order of nuisance abatement."

Motion: **WATERMAN** moved to "recess the meeting to view the property firsthand," and the motion carried unanimously.

The assembly left the chambers to visit the site. The meeting reconvened at 7:20pm. Comparing the photos with what they saw onsite, some members commented that they saw no significant improvement. **BERRY** volunteered his truck to help clean up the mess over the weekend. **CASE** suggested a postponement given the offer to clean up and said he would be there to help.

Motion to Postpone: **CASE** moved to "postpone the motion until the 7/28 meeting to provide two weeks for clean-up before readdressing it," and the motion carried 4-1 with **JACKSON** opposed.

B. **Ordinance 15-06-414** – Second Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Title 3 Sections 3.60.100 and 3.60.130 to require a Haines Borough business license prior to contract award rather than at the time of bid submission and to require a noncollusion affidavit when submitting a bid.

Mayor **HILL** opened and closed the public hearing at 7:29 p.m.; there were no public comments.

Note: On 6/23/15 during debate, the following amendment motion was made by Campbell and subsequently postponed to this meeting: "Amend Ordinance 15-06-414 to require bid bonds only for contracts exceeding $50,000." That motion had to be addressed prior to a motion to adopt being made.

The amendment motion failed 2-3 failed with **WATERMAN**, **JACKSON**, and **LAPHAM** opposed.

Motion: **LAPHAM** moved to "adopt Ordinance 15-06-414," and the motion carried unanimously in a roll call vote.

C. **Ordinance 15-06-415** – First Hearing
An Ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage.

Mayor **HILL** opened and closed the public hearing at 7:31 p.m.; there were no public comments.

Note: The assembly already scheduled the second hearing for 7/28/15. During assembly debate on 6/23, the Port & Harbor Advisory Committee (PHAC) was asked to review the transient vessel fee for conducting business, and PHAC considered the matter at their meeting on 6/25. Staff prepared a substitute ordinance reflecting the committee's recommendation.

Motion: BERRY moved to "amend Ordinance 15-06-415 by replacing it in its entirety with the substitute ordinance recommended by the Port & Harbor Advisory Committee," and the motion carried unanimously.

8. STAFF/FACILITY REPORTS

A. **Borough Manager** – *7/14/15 Report*

The manager summarized his written report.

(1) Report of 2015 Heliskiing Season – There were no assembly comments.

* **B. Sheldon Museum** – *Report of June 2015*

∗ **C. Fire Department** – *Report of June 2015*

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

∗ **A. Tourism Advisory Board** – *Minutes of 4/14/15*
B. Assembly Standing Committee Reports – None given
C. Assembly Liaison Reports – item added during approval of the agenda

CASE - Planning Commission
LAPHAM - Tourism Advisory Board
WATERMAN - Port & Harbor Advisory Committee
JACKSON - Public Safety Commission

10. UNFINISHED BUSINESS

A. Ordinance 14-10-391
An Ordinance of the Haines Borough amending Haines Borough Code Title 3 to add the upper level of the Soboleff-McRae Veterans Village & Wellness Center owned by Haines Senior Assisted Living Inc. to the list of community purpose exemptions in HBC 3.70.040.

Note: On 10/14/14, introduction was postponed until such time as the borough staff developed and the assembly approved a borough policy on community purpose exemption. That policy was adopted on 5/26/15 as Ordinance 15-02-401 and on 6/23/15 via Resolution 15-06-632. Because the ordinance amended the code to remove the list of exempted properties, there was no longer a list to add this property to; the ordinance no longer made sense. Staff recommended the assembly vote "no" on the motion to introduce the ordinance. There is now a new policy and procedure for submitting community purpose exemption requests that does not involve an ordinance.

Motion: **WATERMAN** moved to "introduce Ordinance 14-10-391," and the motion failed unanimously.

11. NEW BUSINESS

A. Resolutions

∗ **1. Resolution 15-07-634**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a loan from the Alaska Drinking Water Fund for the project entitled Replace Allen Road AC Pipe for an amount not to exceed $650,000.

The motion adopted by approval of the consent agenda: "adopt Resolution 15-07-634."

2. Resolution 15-07-635
A Resolution of the Haines Borough Assembly establishing a "sister city" relationship with the Village of Haines Junction.

Motion: **WATERMAN** moved to "adopt Resolution 15-07-635," and the motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 15-07-416
An Ordinance of the Haines Borough amending Haines Borough Code Title 16 Section 16.08.010 to change the composition of the Port and Harbor Advisory Committee.

Motion: **CASE** moved to "1) Introduce Ordinance 15-07-416 and set a first public hearing for 7/28/15 and a second public hearing for 8/11/15." The motion carried unanimously.

∗ **2. Ordinance 15-07-417**
An Ordinance of the Haines Borough amending Borough Code Chapter 2.76; Subsection 2.82.050(b); Chapters 2.84, 2.86, and 2.88; and Section 2.92.010 to change to a combined leave system and clarify various other requirements and descriptions.

The motion adopted by approval of the consent agenda: "1) Introduce Ordinance 15-07-417 and set a first public hearing for 7/28/15 and a second public hearing for 8/11/15."

C. Other New Business

∗ **1. Distillery License Transfer – Fogcutter Bar**
The Alaska Alcohol Beverage Control (ABC) Board notified the Borough of a pending liquor license transfer involving controlling interest of the Fogcutter Bar. The two owners changed from one owning 80% and the other 20% to one owning 100%. That required ABC Board approval, and their decision was pending local government review. The motion adopted by approval of the consent agenda: "the Assembly does not object to the transfer involving controlling interest of the liquor license belonging to the Fogcutter Bar."

1½. Discussion of Cruise Ships Dumping Black-water - added at approval of agenda

JACKSON expressed concern with recent news about cruise ships being permitted to dump black-water into the canal. **CASE** said the ships have tertiary water. They are not dumping black water but rather a very clean solution**. LAPHAM** agreed saying these cruise ship systems do an amazing job of treating water. **BERRY** believes it's important for the mayor to contact the cruise lines to request they issue a joint statement saying they will not dump in the Haines port even though they have a permit. **WATERMAN** would like to hear Scott Bradford's opinion since he has toured the cruise ship systems. **JACKSON** said he thinks the cruise ships will understand the stigma with the dumping of effluent. He likes the idea of the mayor going directly to them.

12. CORRESPONDENCE/REQUESTS – moved to this place during approval of the agenda

A. Request for Waiver of June Water-Sewer Fees for Businesses – Chamber of Commerce

The item was removed from the agenda at the request of the Chamber of Commerce.

13. SET MEETING DATES – moved to this place during approval of the agenda

A. Personnel Committee – 6:00 p.m., Monday, 8/3, Assembly Chambers, Topic: Personnel issues (part of the meeting will be in executive session).

14. PUBLIC COMMENTS – moved to this place during approval of the agenda

SCHNABEL – 1) Universal garbage service in Haines, 2) financial realities of owning a trailer park and dealing with garbage, and 3) Chamber of Commerce sharing borough's fair booth.

DENKER – Thanked **CASE** for expanding the scope of committee membership qualifications.

11.C. NEW BUSINESS/Other New Business ---continued---

3. Executive Session – UPDATE ON NELSON LAWSUIT

Motion: LAPHAM moved to "go into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03 to receive a update from the borough attorney on the Nelson administrative appeal; this matter qualifies for executive session because a public discussion may adversely affect the finances of the borough and/or the borough's legal position; the borough manager and borough attorney are requested to attend." The motion carried unanimously.

Present: Mayor Hill; Assembly Members Lapham, Jackson, Waterman, Case, and Berry; and Borough Manager David Sosa. The executive session convened at 8:23pm and ended at 8:28pm.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

CASE – 1) Public documents are available on the website, and 2) questions and issues are sometimes brought up by citizens during public comments who then leave; they may be addressed during the meeting but since they are not there to hear, they claim they were ignored; too bad there is not a mechanism for responding during the public comments time.

JACKSON – 1) Frustrated because **GREGG** brought a bunch of questions that should have been brought to the Port & Harbor Advisory Committee, and he left without leaving the list of questions.

LAPHAM – Many of the questions have been addressed multiple times and they continue to be asked.

16. ADJOURNMENT – 8:35 p.m.

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

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Janice Hill, Mayor

ATTEST:

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Julie Cozzi, MMC, Borough Clerk