

**Haines Borough**  
**Borough Assembly Meeting #295**  
**AGENDA**



**July 14, 2015 - 6:30 p.m.**

**Location: Assembly Chambers, Public Safety Bldg.**

**Jan Hill,**  
Mayor

**Dave Berry Jr.,**  
Assembly Member

**Diana Lapham,**  
Assembly Member

**Mike Case**  
Assembly Member

**Joanne Waterman,**  
Assembly Member

**George Campbell,**  
Assembly Member

**Ron Jackson,**  
Assembly Member

**David Sosa, MPA**  
Borough Manager

**Julie Cozzi, MMC**  
Borough Clerk

**Krista Kielsmeier**  
Deputy Clerk

**1. CALL TO ORDER/PLEDGE TO THE FLAG**

**2. ROLL CALL**

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

*[The following Consent Agenda items are indicated by an asterisk (\*) and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular 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

**\* 4. APPROVAL OF MINUTES – 6/23/15 Regular**

**5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]**

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

**7. PUBLIC HEARINGS**

**Important Reminder!** - Sign-up prior to or at the beginning of the assembly meeting is required in order to make comments during a public hearing. It's as easy as contacting the Clerk's Office ahead of time to have your name added to the list or you can sign up yourself at the start of the assembly meeting. Written comments are also welcome.

**A. Appeal of a Nuisance Abatement Order – Eagle's Nest Motel**

*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. As is her right under HBC 8.12.130, owner Janis Horton submitted a timely written appeal. On 6/9, the clerk gave the appeal to the assembly and with the assembly's direction the clerk scheduled this date, time, and place for the hearing.*

*As is typical for an appeal hearing, it will begin with presentations by the appellant and the staff, and then proceed with any public testimony since this is a public hearing.*

*Enforcement of the nuisance notice and order of abatement has been stayed pending final disposition of this appeal. At the hearing, the appellant may appear in person or by agent or attorney. The mayor as presiding officer of the assembly may administer oaths and compel the attendance of witnesses. Following the hearing, the assembly may, in whole or part, reverse, affirm, or modify the appealed abatement order. Written findings that formalize the reasons for the assembly's decision will be drafted for assembly approval by resolution at the next meeting.*

*NOTE: Per HBC 8.12.130(E), only those matters or issues specifically raised by the appellant shall be considered at the hearing on the appeal.*

**7. PUBLIC HEARINGS ---continued---**

**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.**

*This ordinance is recommended by the borough manager and was introduced on 6/9/15. The first hearing was 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 will need to be addressed prior to a motion to adopt being made. **Motion:** Adopt Ordinance 15-06-414.*

**C. Ordinance 15-06-415 - First Hearing**

**An Ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage.**

*This ordinance was introduced on 6/23/15. 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. They recommend removal of that fee which in turn makes that particular section of the fee schedule unnecessary. Staff has prepared a substitute ordinance reflecting that recommendation. **Motion:** Amend Ordinance 15-06-415 by replacing it in its entirety with the substitute ordinance recommended by the Port & Harbor Advisory Committee.*

**8. STAFF/FACILITY REPORTS**

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

**(1) Report of 2015 Heliskiing Season**

- \* **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**

**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: This has not yet been introduced. 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 is no longer a list to add this property to; the ordinance no longer makes sense. Therefore, staff recommends the assembly vote "no" on the motion to introduce the ordinance.** The applicant understands they can now submit this request on the new form according to the newly-adopted guidelines. **Motion:** Introduce Ordinance 14-10-391.*

**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.**

*This resolution is recommended by the manager. **Motion:** 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.**

*This resolution is recommended by the mayor. **Motion:** Adopt Resolution 15-07-635.*

**11. NEW BUSINESS ---continued---**

**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.**

*This ordinance is recommended by GAS Committee. It has been reviewed by the PHAC and staff. **Motion:** Introduce Ordinance 15-07-416 and set a first public hearing for 7/28/15 and a second public hearing for 8/11/15.*

\* 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.**

*This ordinance is recommended by the borough manager. **Motion:** 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. **Liquor License Transfer – Fogcutter Bar**

*The Alaska Alcohol Beverage Control (ABC) Board has notified the Borough of a pending liquor license transfer involving controlling interest of the Fogcutter Bar. The two owners have changed from one owning 80% and the other 20% to one owning 100%. This requires ABC Board approval, and their decision is pending local government review. **Motion:** The Assembly does not object to the transfer involving controlling interest of the liquor license belonging to the Fogcutter Bar.*

2. **Executive Session – UPDATE ON NELSON LAWSUIT**

**Motion:** Move 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.

**12. CORRESPONDENCE/REQUESTS**

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

**13. SET MEETING DATES**

**14. PUBLIC COMMENTS**

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**16. ADJOURNMENT**