

Haines Borough  
Borough Assembly Meeting #313  
April 26, 2016  
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**, Margaret **FRIEDENAUER**, Ron **JACKSON**, Tresham **GREGG**, and George **CAMPBELL** (via telephone). Absent: Mike **CASE**.

**Staff Present:** Brad **RYAN**/Interim Borough Manager, Julie **COZZI**/Borough Clerk, Krista **KIELSMEIER**/Deputy Clerk, Jila **STUART**/Finance Director, Gabe **THOMAS**/Assistant Harbormaster, Scott **BRADFORD**/Water-Sewer Operator, Shawn **BELL**/Harbormaster, Patty **BROWN**/Library Director, and Helen **ALTEN**/Museum Director.

**Visitors Present:** Karen **GARCIA**/CVN, Emily **FILES**/KHNS, Bill **THOMAS**/Lobbyist, Jerry and Diana **PYLE**, Paul **NELSON**, Brenda **JOSEPHSON**, Gershon **COHEN**, Fred **SHIELDS**, Carol **TUYNMAN**, Kay **CLEMENTS**, Debra **SCHNABEL**, Don **TURNER Jr**, Rhys **WILLIAMS**, Bill **MCCORD**, Joe **PARNELL**, Ryan **COOK**, Evelynna **VIGNOLA**, Sue **WATERHOUSE**, Will **PRISCIANDARO**, David **KAMMERER**, Tom **MORPHET**, and others.

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

The following Items were on the published consent agenda indicated by an asterisk (\*):

- 4 – Approve Assembly Meeting Minutes
- 9A – Accept TAB Minutes
- 9B – Accept PHAC Minutes
- 9C – Accept MO Committee Minutes
- 9D – Accept PC Minutes
- 11A1 – Adopt Resolution 16-04-668
- 11A2 – Adopt Resolution 16-04-669
- 11A3 – Adopt Resolution 16-04-670
- 11A4 – Adopt Resolution 16-04-671
- 11B1 – Introduce and Schedule Hearings for Ordinance 16-04-433

**Motion:** **LAPHAM** moved to "approve the agenda/consent agenda," and it was amended to remove Item 11B1 from the consent agenda and add to the agenda as Item 10C, an executive session pertaining to the manager search and process," and the motion as amended carried unanimously.

\*4. **APPROVAL OF MINUTES** – 4/12/16 Regular

*The motion adopted by approval of the consent agenda: "approve minutes of the 4/12/16 borough assembly regular meeting."*

5. **PUBLIC COMMENTS**

**TURNER** – Asked the assembly to please not reconsider the boat harbor design but rather keep it moving forward.

**COOK** – Identified himself as the president of the Lynn Canal Gillnetters Association. They support the 95% boat harbor design and want it to keep moving forward.

**J.PYLE** – Asked the assembly to put the boat harbor project on hold until the state adopts a budget and the borough has a strategic plan.

**PRISCIANDARO** – Said he is a local gillnetter and supports the boat harbor project. Please keep it moving with the 95% plan.

**NELSON** – Asked the assembly to please move forward with a code review committee.

**SHIELDS** – Said he doesn't want minor offenses at all, is against the boat harbor project, and is opposed to Ordinance 16-04-433 that would give the manager the ability to contract for projects up to \$50K without assembly approval.

**MORPHET** – Said he has been a supporter of using an executive search firm but believes this one has failed the borough. He recommends ending that contract, increasing the pay for both the manager and police chief positions, and recruiting for a new search firm.

**SCHNABEL** – Said she agrees with Morphet’s comments about the search for a manager. She also spoke against the boat harbor 95% design. She doesn’t believe the fishermen are getting what they need in this design.

**PARNELL** – Expressed concerns with the deterioration of the Lutak Dock and the borough’s liability.

**JOSEPHSON** – Said the people who signed the minor offenses petition want the code review commission. It needs the detailed attention a separate commission would be able to give to it. Also, pertaining to the local economy, the borough needs to be aware that everything we do affects every household.

**COHEN** – Said the assembly should be disappointed in the executive search firm’s performance and should cut them loose. With only two finalists remaining, the assembly needs to get more candidates. It is the most important job in the borough, so the assembly should not rush into a hire.

**TUYNMAN** – Said there are accusations that a few people in the community are negative and complaining, but the truth is there are just a few people who are making the decisions.

**WILLIAMS** – Said one of the things to remember when hiring a borough manager is the military is a culture that is used to moving every 18-24 months. The assembly should keep that in mind if they consider hiring another military person.

**WATERHOUSE** – Said she has financial concerns about the boat harbor. There is no business plan and no cost-benefit analysis. She asked the assembly to please put the project on hold.

**G.THOMAS** – Reminded that things happen in phases. Not everyone is going to agree. The harbor will get built.

#### **6. MAYOR’S COMMENTS/REPORT**

Mayor **HILL** presented borough water-sewer operator Scott Bradford a statewide waer-sewer plant operator award he recently received from his peers.

#### **7. PUBLIC HEARINGS**

##### **A. Ordinance 16-03-431 – Second Hearing**

##### **An Ordinance of the Haines Borough amending Haines Borough Code Section 18.20.020 and Sub-Section 18.80.030(B) to clarify the method of calculating building height.**

Mayor **HILL** opened the public hearing at 7:01 pm.

**TUYNMAN** – Said she supports adding the additional language recommended by Rob Miller.

**NELSON** – Said he supports Rob Miller’s recommendation concerning the definition of grade plane. Also, he expressed concern that the way it is currently worded, the manager could arbitrarily decide to change the approval criteria after a land-use permit has been issued.

Hearing no further comments, the mayor closed the public hearing at 7:05 pm.

**Motion: LAPHAM** moved to “adopt ordinance 16-03-431.”

**Motion to Refer: CAMPBELL** moved to “refer the ordinance back to the planning commission to review the modifications proposed by Rob Miller and Paul Nelson and then take it up again when the planning commission has a recommendation,” and the motion carried unanimously.

##### **B. Ordinance 16-03-432 – Second Hearing**

##### **An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY16 budget.**

Mayor **HILL** opened the public hearing at 7:08 pm.

**SCHNABEL** – Said she would like to see some consistency in how the borough deals with funding capital purchases. She doesn’t like to see a high taxation rate pay for what comes up during the year outside of what’s budgeted.

Hearing no further comments, the mayor closed the public hearing at 7:11 pm.

**Motion: LAPHAM** moved to “adopt ordinance 16-03-432,” and the motion carried 4-1 in a roll call vote with **CAMPBELL** opposed.

#### **8. STAFF/FACILITY REPORTS**

##### **A. Interim Manager – 4/26/16 Report**

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

**CAMPBELL** believes the borough should have bid-ready documents for the sewer plant by June. **RYAN** said some add alternates have been added to it, but he is still hoping for bid documents by June. He is also still waiting to see what happens with ADEC funding. **CAMPBELL** reminded this is the borough's number one priority and wondered if there a way to get this out to bid immediately since there is enough money in reserves and the facility is in really bad shape. **RYAN** said the engineers don't believe it is going to collapse this coming winter. **CAMPBELL** moved to "direct the manager to have the sewer plant project bid by July 1," but the motion died for lack of a second.

**FRIEDENAUER** asked for a status update on the Lutak Dock RFP. **RYAN** said a draft is ready, and it is accounted for in the Manager's FY17 budget.

#### **B. State Lobbyist – Status Report**

**THOMAS** reviewed the various house and senate bills he has been keeping an eye on and the issues he has been lobbying for on behalf of the borough. As part of his update, he went down through the borough's legislative priorities resolution. He also covered many different issues the state has been grappling with. **LAPHAM** said the Juneau Chamber of Commerce seems to be pretty strong for a Juneau to Katzehin road. **THOMAS** said he heard something about that nearly every day. He added he is an advocate for a west-side road. **FRIEDENAUER** asked how the annual lobbying works. **THOMAS** explained the bulk of his contract is performed when the legislature is in session.

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

\***A. Tourism Advisory Board** – Minutes of 2/24/16

\***B. Port & Harbor Advisory Committee** – Minutes of 3/18/16

\***C. Minor Offenses Committee** – Minutes of 3/30/16

\***D. Planning Commission** – Minutes of 3/10/16 & Summary of 4/14/16 Meeting

#### **E. Assembly Board Liaison Reports**

**FRIEDENAUER** – Port and Harbor Advisory Committee, Public Safety Commission

**LAPHAM** – Tourism Advisory Board

**JACKSON** – Parks and Recreation Advisory Committee, Minor Offenses Committee

Mayor **HILL** clarified the Waterfront Aesthetics Subcommittee. It is a working group comprised of representatives from the planning commission, parks & recreation advisory board, tourism advisory board, the chamber of commerce, port & harbor advisory committee, and a community member at large.

#### **F. Assembly Standing Committee Reports**

**LAPHAM** – Finance Committee

### **10. UNFINISHED BUSINESS**

#### **A. Sales Tax Exemption Request – St. Vincent de Paul Diocesan Council of SE Alaska**

*The St. Vincent de Paul Diocesan Council of Southeast Alaska, a 501(c)3 organization, has applied for sales tax exemption status as allowed by HBC 3.80.050(13). The borough has granted sales tax exemption certificates to other non-profit organizations. On 3/29/16, the assembly postponed this item to this meeting to give the applicant an opportunity to provide information regarding Haines activities. The applicant provided additional details.*

Motion already on the table: Approve the request from the St. Vincent de Paul Diocesan Council of Southeast Alaska for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.

The motion carried unanimously in a roll call vote.

#### **B. Ordinance 15-06-413**

**An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.**

*On 10/13/15, the assembly postponed adoption of the ordinance to this meeting. The purpose was to allow the ordinance to stay in the public process and return later for further action. An appointed ad hoc committee has been meeting to review this ordinance and to make recommendations for the assembly's consideration. With borough attorney assistance, the committee has been working to prepare a substitute ordinance. The goal for returning this to the*

assembly was 4/26/16. However, it was not quite ready, so rather than rush it, the group delayed submittal of the committee's recommendations until the 5/10/16 meeting.

Motion already on the table: Adopt Ordinance 15-06-413. (Motion postponed to 5/10/16)

**Motion:** JACKSON moved to "create an ad hoc code review committee."

**Motion to Postpone:** FRIEDENAUER moved to "postpone this so consideration of a code review committee comes up the same time as the ordinance," and the motion carried 4-1 with CAMPBELL opposed.

**Motion:** CAMPBELL moved to "postpone the Minor Offenses ordinance to November 1, 2016 except for the section on the harbor and to hold a public hearing on that section during the 5/24/16 assembly meeting," and the motion **failed** 2-3 with FRIEDENAUER, JACKSON, and LAPHAM opposed.

#### C. Executive Session – Manager Search and Process (added during approval of the agenda)

**Motion:** FRIEDENAUER moved to "go into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to review the borough manager search and process; this matter qualifies for executive session because this is a personnel matter and a public discussion may tend to prejudice the character and reputations of those involved; the borough manager is requested to attend." The motion carried unanimously.

Present: Mayor Hill; Assembly Members Lapham, Jackson, Campbell, Friedenauer, Case, and Gregg; and Interim Manager Brad Ryan. The executive session convened at 8:38pm and ended at 9:30pm.

**Motion:** LAPHAM moved to "direct the manager to contact Richard Fursman to advise him the assembly has added applicants Kevin Opplé and Kate Fjell as the third and fourth finalists and have selected Paul Dauphinais as first alternate and Susan Jensen as second alternate in the event any one of the four candidates drops out," and the motion carried unanimously.

### 11. NEW BUSINESS

#### A. Resolutions

\*1. Resolution 16-04-668

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "special use agreement" with Haines-Skagway Fast Ferry, LLC for routine use of the Port Chilkoot Dock Lightering Float for the 2016 summer tourism season.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-668."*

\*2. Resolution 16-04-669

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "special use agreement" with Alaska Fjordlines Inc. for routine use of the Port Chilkoot Dock Lightering Float for the 2016 summer tourism season.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-669."*

\*3. Resolution 16-04-670

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "special use agreement" with Alaska Excursions Inc. for routine use of the Port Chilkoot Dock Lightering Float for the 2016 summer tourism season.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-670."*

\*4. Resolution 16-04-671

**A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective nonprofit entity for participation in the FY17 Community Revenue Sharing Program.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 16-04-671."*

#### B. Ordinances for Introduction

1. Ordinance 16-04-433

**An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.180 to allow the borough manager to enter into contracts up to \$50,000 in emergencies or extenuating circumstances without following the customary competitive bidding procedures if the manager determines it is in the public interest.**

**Motion:** **FRIEDENAUER** moved to "introduce Ordinance 16-04-433 and set a first public hearing for 5/10/16 and a second public hearing for 5/24/16," and motion failed 3-2 with **GREGG** and **CAMPBELL** opposed.

**2. Ordinance 16-04-434**

**An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the operating budget, capital budget, and capital improvement plan of the Haines Borough for the period July 1, 2016 through June 30, 2017.**

**Motion:** **LAPHAM** moved to "introduce Ordinance 16-04-434 and set a first public hearing for 5/10/16 and a second public hearing for 5/24/16," and the motion carried unanimously.

**C. Other New Business** - None

**12. CORRESPONDENCE/REQUESTS**

**13. SET MEETING DATES**

**A. Budget Committee of the Whole** – Tuesday, 5/3, time change from 5:30 to 6:00pm.  
**CAMPBELL** asked for a change to 6:30 because of his work schedule, and the assembly compromised.

**14. PUBLIC COMMENTS** - None

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**JACKSON** – Offered congratulations to both KHNS Public Radio and Chilkat Valley News. Both received awards this week.

**GREGG** – Said he did not appreciate the placement of the executive session in the middle of the meeting agenda. It would be better for the public if it was at the end of a meeting.

**16. ADJOURNMENT** – 9:48 p.m.

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

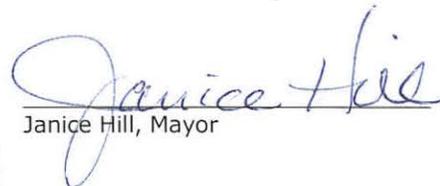
ATTEST:



Julie Cozzi, MMC, Borough Clerk

Deputy Clerk for  
J. Cozzi:



  
Janice Hill, Mayor