

Haines Borough
Borough Assembly Meeting #317
June 28, 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**, Ron **JACKSON**, Tresham **GREGG**, Mike **CASE**, Margaret **FRIEDENAUER** and George **CAMPBELL** (via telephone).

Staff Present: Bill **SEWARD**/Borough Manager, Julie **COZZI**/Borough Clerk, Brad **RYAN**/Director of Public Facilities, Jila **STUART**/Finance Director, Krista **KIELSMEIER**/Deputy Clerk, and Patty **BROWN**/Library Director.

Visitors Present: Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Rep. Sam **KITO**, Carol **TUYNMAN**, Bill **MCCORD**, Sue **WATERHOUSE**, Don **TURNER** Jr., Evelynna **VIGNOLA**, Joe **PARNELL**, Debra **SCHNABEL**, Paul **NELSON**, Mike **DENKER**, Scott **SUNDBERG**, Don **HIGHSMITH**, Sean **GAFFNEY**, George **FIGDOR**, Deborah **VOGT**, Lori **SMITH**, Ann Marie **FOSSMAN**, Andrew **GRAY**, 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
- 8B – Accept Museum Report
- 9A – Accept Planning Commission Minutes and Meeting Summary
- 9B – Accept Museum Board Minutes
- 11A1 – Adopt Resolution 16-06-682
- 11A2 – Adopt Resolution 16-06-683
- 11A3 – Adopt Resolution 16-06-684
- 11B1 – Introduce Ordinance 16-06-437

Motion: **LAPHAM** moved to “approve the agenda/consent agenda,” and it was amended to remove items 11A2 and 11A3 from the consent agenda and to add to the agenda as item 11C1 a discussion about sales tax,” and the motion, as amended, carried unanimously.

*4. **APPROVAL OF MINUTES** – 6/14/16

The motion adopted by approval of the consent agenda: “approve minutes of the 6/14/16 borough assembly meeting.”

5. **PUBLIC COMMENTS**

NELSON – Distributed a document stating what he believes to be violations related to the boat harbor project. He asked the borough to comply with the laws established for our local government, including the Haines Coastal Management Program.

VIGNOLA – Requested the 6/29/16 harbor town hall begin with a question and answer period and also end with one. She added that a successful borough manager will be a person of vision with a healthy respect for the laws, and he will go out of his way to be a bridge-builder between the factions.

PARNELL – Expressed concern with the condition of the Lutak Dock. He asked the borough to take it seriously and do something about it.

HIGHSMITH – Agreed that Lutak Dock is currently a huge liability.

TUYNMAN – Spoke about the importance of following the Coastal Management Plan with the boat harbor project.

WATERHOUSE – Said she supports a sensible harbor project plan. She referenced the Haines Coastal Management Plan and said she has concerns that the code and plan have not been followed.

SCHNABEL – Spoke in support of the funding request for the AMHS Strategic Plan Project. She added the Chamber of Commerce has nominated Bart Henderson to serve on that committee.

6. **MAYOR’S COMMENTS/REPORT**

A. **Public Oath of Office** – Borough Manager Bill Seward

Note: HBC 2.62.010(B) requires a borough officer to take an oath “before entering upon the duties of the office.” The oath was administered to him in the borough offices on June 20, his first day. It was readministered by the mayor at this meeting for the sake of the public.

B. Legislative Update - Representative Sam Kito

The mayor introduced Representative Kito. He gave an overview of the legislature's work during the regular and special sessions and entertained questions from the assembly and the manager.

C. Request for AMHS Strategic Plan Funding – Southeast Conference

Mayor **HILL** briefly explained this critical project and its value to the Haines community. Southeast Conference has been asked to raise \$100K of the approximately \$350K project cost.

Motion: **GREGG** moved to "donate \$10K to Southeast Conference for the AMHS Strategic Plan Project," and the motion carried unanimously in a roll call vote.

7. PUBLIC HEARINGS

A. Resolution 16-06-681

A Resolution of the Haines Borough Assembly authorizing the borough manager to convene a heliski map committee to consider proposed amendments according to HBC 5.18.080(I).

Mayor **HILL** opened the public hearing at 7:17 pm.

TUYNMAN – Asked for a very clear public process.

FIGDOR – Said he has concerns about the resolution, because it encourages the assembly to violate the code. He asked the assembly not to pass it.

SUNDBERG – Said the Tourism Advisory Board has been working on this code. He explained his request to remove the BLM lands from the maps and said, hopefully, the assembly can move through this and authorize the map committee.

VOGT – Distributed a document. She agrees the timing in the code is a problem, but a couple of small amendments could make the timing work. The resolution should not be adopted.

Hearing no further comments, the mayor closed the public hearing at 7:27 pm.

Motion: **LAPHAM** moved to "postpone Resolution 16-06-681 until staff brings an ordinance to correct the code," and the motion carried unanimously.

B. Ordinance 16-05-436 – Second Hearing

An Ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage to revise the boat launch ramp use fees.

Mayor **HILL** opened and closed the public hearing at 7:41 pm.; there were no public comments.

Motion: **LAPHAM** moved to "adopt Ordinance 16-05-436," and the motion unanimously in a roll call vote.

C. Ordinance 16-05-435 – Second Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to add a new Chapter 2.51 establishing a Code Review Commission.

Mayor **HILL** opened the public hearing at 7:42 pm.

VIGNOLA – Said she likes the idea of having it called "commission" and suggested that rather than the phrase "local attorneys" insert under composition "whenever possible, preference will be given to a resident who is or has been an attorney."

NELSON and **TUYNMAN** – Both said they prefer the word commission, because it seems to carry with it a big sense of responsibility..

DENKER – Said the Minor Offenses Committee suggested the group be called a "commission".

VOGT – Said by and large the recommendations in the substitute ordinance are good. Her sense is the word commission carries more power, but it's clear what the group is intended to do.

Hearing no further comments, the mayor closed the public hearing at 7:51 pm.

Note: during debate following the first public hearing on 6/14/16, the following motions were made and subsequently postponed to this meeting.

Motions Currently on the Table:

Motion: "Amend Ordinance 16-05-435 by substituting it in its entirety with the substitute ordinance proposed by the borough attorney and staff."

Amendment Motion: "Amend the substitute ordinance, as follows:

1. Replace the word *commission* with the word *committee* everywhere it appears in the ordinance,
2. Strike subsection 2.51.040(B) in its entirety, and
3. Strike the phrase "local attorneys" from subsection 2.51.040(A) #3."

CASE asked to have the question divided.

Votes on the Divided Question

- #1 – Failed 2-4 with **GREGG, FRIEDENAUER, CASE**, and **JACKSON** opposed.
- #2 – Carried unanimously.
- #3 – Carried 5-1 with **GREGG** opposed.

The Motion, as amended, carried unanimously.

Motion: **LAPHAM** moved to "adopt Ordinance 16-05-435," and the motion carried unanimously in a roll call vote.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 6/28/16 Report

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

***B. Sheldon Museum – Report of May 2016**

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

***A. Planning Commission – Minutes of 5/12/16 Meeting & Summary of 6/9/16 Meeting**

***B. Museum Board of Trustees – Minutes of 5/10/16**

C. Assembly Board Liaison Reports

LAPHAM – Tourism Advisory Board and Mobile Commercial Businesses Committee

JACKSON – Parks and Recreation Advisory Committee

D. Assembly Standing Committee Reports

LAPHAM – Finance Committee. Announced upcoming meeting regarding 1% tourism sales tax.

CASE – Personnel Committee. Report of the 6/27/16 meeting about the organization chart, including the idea of having a public safety director rather than a police chief.

10. UNFINISHED BUSINESS

A. Ordinance 16-03-431

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.

Note: this ordinance was recommended by the planning commission and was originally introduced on 3/29/16. Public hearings were held on 4/12/16 and 4/26/16. During the second hearing, the assembly heard proposals for modifications and chose to refer it back to the commission. The ordinance was to return to the assembly when the commission was ready with a recommendation. Staff prepared a substitute ordinance containing the commission's input.

Motion: **CASE** moved to "amend Ordinance 16-03-431 by substituting it in its entirety with the draft proposed by the planning commission, and adopt the ordinance," and the motion carried unanimously in a roll call vote.

11. NEW BUSINESS

A. Resolutions

***1. Resolution 16-06-682**

A Resolution of the Haines Borough Assembly authorizing and designating certain persons to sign and endorse checks pertaining to the Borough's First National Bank Alaska accounts, and authorizing certain persons as signatories for the Borough's security cash accounts and investments.

The motion adopted by approval of the consent agenda: "adopt Resolution 16-06-682."

2. Resolution 16-06-683

A Resolution of the Haines Borough Assembly designating the acquisition of State of Alaska, Department of Environmental Conservation (ADEC) grant funds for the project entitled Sewer Treatment Plant Health and Safety Upgrades as the number one local state funding priority for fiscal year 2018.

There were no public comments.

Motion: **CAMPBELL** moved to "adopt Resolution 16-06-683," and the motion carried unanimously in a roll call vote.

3. Resolution 16-06-684

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with Cal Worthington Ford of Anchorage to purchase a pickup for Public Facilities for an amount not-to-exceed \$38,914.

There were no public comments.

Motion: **LAPHAM** moved to "adopt Resolution 16-06-684," and the motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

***1. Ordinance 16-06-437**

An Ordinance of the Haines Borough amending Haines Borough Code Section 11.40.040 to change the Borough Election Day polling place opening time from 8:00 a.m. to 7:00 a.m. to match the State Election opening time.

The motion adopted by approval of the consent agenda: "introduce Ordinance 16-06-437 and set a first public hearing for 7/12/16 and a second public hearing for 7/26/16."

2. Ordinance 16-06-438

An Ordinance of the Haines Borough authorizing Chilkat Valley Preschool, Inc. to lease an addition on the Senior Center Building.

Motion: **CASE** moved to "introduce Ordinance 16-06-438 and set a first public hearing for 7/12/16 and a second public hearing for 7/26/16," and the motion carried 5-1 with **CAMPBELL** opposed.

C. Other New Business

1. Sales Tax Discussion (this item added during approval of the agenda)

CAMPBELL asked the assembly to allow the Commerce Committee to look at the sales tax code to make sure all businesses are treated fairly. Mayor **HILL** said she believes the code is very clear about who collects and remits sales tax. **FRIEDENAUER** asked the finance director if she has concerns about the sales tax code that she would like the Commerce Committee to look at. **STUART** responded the only thing that comes to mind is the exemption on "casual and isolated sales" is open to interpretation.

Motion: **FRIEDENAUER** moved "to continue the meeting until the agenda is completed," and the motion carried 5-1 with **CASE** opposed.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

A. Government Affairs & Services Committee – Thursday, 7/14, 6:00pm

Topic: Committees, Minutes, and Code.

14. PUBLIC COMMENTS - None

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

GREGG – Said many visitors are upset there is no transportation between the ferry terminal and downtown Haines. He believes it may not be out of the borough's scope to commission someone to make that run.

CASE – Likes **GREGG**'s idea and suggested a cost-benefit analysis could be done. He also explained his opposition to the motion to extend the meeting. He believes there is too much unnecessary talking.

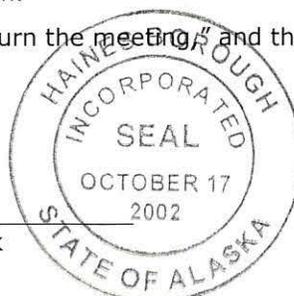
FRIEDENAUER – Thanked the clerk for the ordinance to change the election polling place hours.

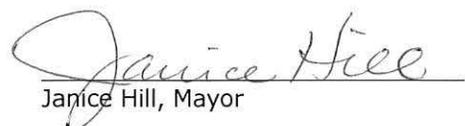
16. ADJOURNMENT – 9:35 p.m.

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

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Janice Hill, Mayor