

**Haines Borough**  
**Borough Assembly Meeting #322**  
**AGENDA**

September 13, 2016 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg

*Jan Hill,*  
Mayor

*Margaret Friedenauer,*  
Assembly Member

*Diana Lapham,*  
Assembly Member

*Mike Case*  
Assembly Member

*Tresham Gregg,*  
Assembly Member

*George Campbell,*  
Assembly Member

*Ron Jackson,*  
Assembly Member

*Bill Seward*  
Borough Manager

*Julie Cozzi, MMC*  
Borough Clerk

**TBD**  
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 – CFO Report

11A1 – Adopt Resolution 16-09-688

11B1 – Introduce Ordinance 16-09-443 & Schedule Public Hearings

**\* 4. APPROVAL OF MINUTES – 8/23/16 Regular**

**5. PUBLIC COMMENTS - Sign-up is NOT required**

*[This is for any topics not scheduled for public hearing.]*

*Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time. Instead, comments and requests may be referred for further consideration to the administration, a committee, or a future assembly agenda.*

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

**7. PUBLIC HEARINGS**

**A. Ordinance 16-08-441 – Second Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Sub-section 5.18.080(I) to revise the process for nontemporary amendments to the Borough's Commercial Ski Tour Areas map.**

*This ordinance is recommended by the tourism advisory board and was introduced on 8/9/16. The first hearing was on 8/23/16. **Motion:** Adopt Ordinance 16-08-441.*

**B. Ordinance 16-08-442 – First Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 to add feedback instructions for the public comments portion of the order of business for borough assembly meetings.**

*This ordinance is recommended by the borough manager and was introduced on 8/23/16. The assembly already scheduled the second hearing for 9/27/16. No motion is needed now unless the second hearing date needs to change or some other action is desired such as amendments.*

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – 9/13/16 Report**

**\*B. Finance Director – FY16 Preliminary General Fund Financial Report**

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

**A. Assembly Board Liaison Reports**

**B. Assembly Standing Committee Reports**

**1. Commerce Committee – Report of 8/17/16 Meeting**

## 10. UNFINISHED BUSINESS

### 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(1).**

*On 6/28/16, following a public hearing, it became very apparent the existing heliskiing map review timeline was unworkable, and the assembly passed the following motion: "Postpone Resolution 16-06-681 until staff brings an ordinance to correct the code," and the motion carried unanimously.*

*Ord. 16-08-441 is currently before the assembly and, if adopted, will provide for a workable timeline for the future. However, the ordinance will also provide the assembly an ability to adopt a resolution allowing a map review outside of the normal timeline (provided it does not stray from the three-year map review cycle policy). Since the postponed resolution no longer fits, staff has drafted a substitute resolution that will allow the proposals received by 5/31/16 to still be considered during 2016. It would set a temporary timeline to deal with these timely proposals. Note: Both SEABA and Alaska Heliskiing submitted map amendment requests by May 31. They are included in the meeting packet for information purposes. There is currently no motion on the table. The following is recommended in order to begin debate: **Motion:** Adopt Resolution 16-06-681, as revised by staff.*

## 11. NEW BUSINESS

### A. Resolutions

#### \*1. Resolution 16-09-688

**A Resolution of the Haines Borough Assembly appointing election officials for the Regular Election to be held October 4, 2016, and establishing the wages.**

*This resolution is required by HBC 11.40.010. **Motion:** Adopt Resolution 16-09-688.*

### B. Ordinances for Introduction

#### \*1. Ordinance 16-09-443

**An Ordinance of the Haines Borough amending minor typographical errors and omissions in the previously adopted Minor Offense Ordinance.**

*This ordinance is recommended by the borough clerk as a result of feedback from Code Publishing and the borough's attorney. **Motion:** Introduce Ordinance 16-09-443 and set a first public hearing for 9/27/16 and a second public hearing for 10/11/16.*

### C. Other New Business

#### 1. Sales Tax Exemption Request – Baha’I Community of Haines & Klukwan

*This organization is a 501(c)3 organization and 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. **Motion:** Approve the request from Baha’I Community of Haines & Klukwan for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.*

#### 2. Sales Tax Exemption Request – State YMCA of Michigan

*This organization is a 501(c)3 organization and 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. **Motion:** Approve the request from State YMCA of Michigan for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.*

#### 3. Sales Tax Exemption Request – Summerside United Methodist Church

*Summerside United Methodist Church, 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. **Motion:** Approve the request from Summerside United Methodist Church for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.*

## 11C. NEW BUSINESS/Other New Business --- Continued

### 4. Possible Reconsideration of Vote to Table Nonprofit Funding Decision

*Assembly Member Case has indicated he may move to reconsider his vote on an 8/23/16 motion to table because that type of motion cannot have a timeframe associated with it. There is some confusion whether it was intended to really mean 'postponed to a time certain' or rather simply to table it period. Reconsideration of the motion would provide an opportunity for clarity.*

*During that meeting, a motion was made to "identify the \$32,500 assembly appropriations in the general fund and the \$15,000 assembly appropriations in the medical service area fund and the \$17,500 assembly appropriations in the tourism and economic development fund as being for grants to community nonprofit organizations, advertise for applications for those grants, and establish an ad hoc committee to evaluate the grant requests." Then, a motion to table was made as follows: "table this for three months and then bring it back to see what our fiscal situation is." That motion carried 4-3 with Friedenauer, Gregg, and Jackson opposed and the mayor breaking the tie in the affirmative. Code allows any assembly member who voted on the prevailing side to move to reconsider. If a motion to reconsider passes, it would return the table motion back to the table. It could then be amended, defeated, or passed again.*

*The packet contains documents submitted by Assembly Member Friedenauer depending on what happens with this agenda item.*

### 5. Executive Session – Nelson-Waterhouse Legal Matter

**Motion:** Move into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03(B) to receive an update from the borough's attorney regarding the letter received from an attorney representing Paul Nelson and Sue Waterhouse; this matter qualifies for executive session because a public discussion will have an adverse effect on the borough's legal position and finances; the borough manager and attorney are requested to attend.

## 12. CORRESPONDENCE/REQUESTS

### A. Request for Assembly Hearing – P. Nelson

*Note: a response from the mayor and manager is included in the packet.*

## 13. SET MEETING DATES

## 14. PUBLIC COMMENTS

## 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

## 16. ADJOURNMENT