


Haines Borough
Borough Assembly Meeting #327
AGENDA

November 29, 2016 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Jan Hill
Mayor

Margaret Friedenauer
Assembly Member

Heather Lende
Assembly Member

Mike Case
Assembly Member

Tresham Gregg
Assembly Member

Tom Morphet
Assembly Member

Ron Jackson
Assembly Member

Bill Seward
Borough Manager

Julie Cozzi, MMC
Borough Clerk

Alekka Fullerton
Deputy Clerk

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

2. 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:

- 3 – Approve Assembly Meeting Minutes
- 11A1 – Adopt Resolution 16-11-694
- 11B1 – Introduce Ordinance 16-11-447 and Schedule Hearings
- 11B2 – Introduce Ordinance 16-11-448 and Schedule Hearings
- 11C2 – Adopt 2017 Meeting Preparation/Agenda Schedule

*** 3. APPROVAL OF MINUTES – 11/8/16 Regular**

4. 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.

5. ASSEMBLY COMMENTS

6. MAYOR'S REPORT/COMMENTS

A. Brief Presentation of FY17 Audit

B. Magistrate Presentation

7. PUBLIC HEARINGS

A. Ordinance 16-10-446 – Second Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(L) to adjust the comprehensive plan review frequency.

*This ordinance is recommended by the borough manager and the planning commission was introduced on 10/25/16. The first hearing was on 11/8. **Motion:** Adopt Ordinance 16-10-446.*

8. STAFF/FACILITY REPORTS

A. Borough Manager – 11/29/16 Report

B. Chilkat Center – Facility Report for October 2016

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

A. Parks & Recreation Advisory Committee – Minutes of 10/19/16 Meeting

B. Port & Harbor Advisory Committee – Minutes of 10/27/16 Meeting

C. Planning Commission – Minutes of 9/8/16 and 10/13/16 Meetings

D. Assembly Board Liaison Reports

E. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

A. Ordinance 16-01-429

An Ordinance of the Haines Borough amending Haines Borough Code Section 18.30.040 to adjust code to match the actual planning commission meeting start time and to revise the review process for capital improvements and borough projects.

A version of the ordinance was introduced on 1/26/16. Public hearings were held on 2/9 and 3/8. Following the second hearing, the ordinance was substituted with a draft proposed by the administration. It was subsequently referred back to the planning commission for review. On 10/13, the planning commission voted to recommend a revision, and a new substitute ordinance was submitted for assembly consideration prior to adoption on 10/25/16. The assembly postponed action to this meeting pending more information from the Planning Commission. On 11/10, the commission reviewed the assembly's comments and the pending primary amendment. They support a change from \$100K to \$25K. However, they propose replacing "other public facility" in the first sentence with "other borough projects" rather than "other public structures" as proposed in the amendment motion.

Motions already on the table:

Motion: adopt the substitute Ordinance 16-01-429 proposed by the Planning Commission.

Primary Amendment: "change \$100,000 to \$25,000 and replace "other public facility" with "other public structures."

Debate on the amendment motion may resume, at this time.

11. NEW BUSINESS

A. Resolutions

* 1. Resolution 16-11-694

A Resolution of the Haines Borough Assembly authorizing the allocation of FY17 Budgeted Funds to Non-profit Organizations.

This resolution is recommended by FY17 Nonprofit Grant Committee. There are sufficient funds in the budget to grant all requests this year. Motion: Adopt Resolution 16-11-694.

2. Resolution 16-11-695

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a cooperative agreement with the Alaska Department of Fish and Game for the Portage Cove Boat Launch in the amount of \$500,000.

This resolution is recommended by the director of public facilities and the borough manager. Motion: Adopt Resolution 16-11-695.

3. Resolution 16-11-696

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Pacific Pile & Marine for the Portage Cove Harbor Expansion project for an amount not to exceed \$385,549.

This resolution is recommended by the director of public facilities and the borough manager. Motion: Adopt Resolution 16-11-696.

4. Resolution 16-11-697

A Resolution of the Haines Borough Assembly supporting a Department of Transportation Nationally Significant Freight and Highway Projects (FASTLANE Grant) application for fiscal year 2017 for Lutak Dock improvements.

This resolution is recommended by the director of public facilities and the borough manager. Motion: Adopt Resolution 16-11-697.

5. Resolution 16-11-698

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed \$872,941 for the Portage Cove Harbor Expansion project for Contract Administration and Construction Inspection Services during construction.

This resolution is recommended by the director of public facilities and the borough manager. Motion: Adopt Resolution 16-11-698.

11. NEW BUSINESS ---continued---

B. Ordinances for Introduction

* 1. **Ordinance 16-11-447**

An Ordinance of the Haines Borough amending Haines Borough Code Title 12 to designate Haines Borough parks and establish definitions and regulations.

*This ordinance is recommended by the Planning Commission and the Parks & Recreation Advisory Committee. **Motion:** Introduce Ordinance 16-11-447 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.*

* 2. **Ordinance 16-11-448**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.30.040(C) to clarify the publishing of planning commission agendas and packet.

*This ordinance is recommended by the Planning Commission. **Motion:** Introduce Ordinance 16-11-448 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.*

3. **Ordinance 16-11-449**

An Ordinance of the Haines Borough amending Haines Borough Code Title 5 Subsection 5.18.080(I) to eliminate reference to a heliski map advisory committee in order to shift to the Borough Assembly the responsibilities for reviewing map amendment proposals.

*This ordinance was drafted by assembly member Morphet. **Motion:** Introduce Ordinance 16-11-449 and set a first public hearing for 12/13/16 and a second public hearing for 1/10/17.*

C. Other New Business

1. **Board Appointments**

*(Re)appointment applications have been received for seats on the planning commission and tourism advisory board. The mayor plans to make the appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's (re)appointment of Rob Goldberg and Jeremy Stephens to the Planning Commission for terms ending 11/30/19; and Kelleen Adams, Diana Lapham, and Lori Smith to the Tourism Advisory Board for terms ending 11/30/19.*

* 2. **2017 Assembly Meeting/Agenda Preparation Schedule**

*This schedule is recommended by the clerk's office after conference with the mayor and manager. It establishes the assembly regular meeting schedule for 2017 and the agenda & packet deadlines. Special meetings may still be scheduled, as needed. **Motion:** Adopt the 2017 Haines Borough Assembly Meeting Agenda Preparation Calendar.*

3. **Appeal of Planning Commission Decision**

The borough manager issued a land use permit to the director of public facilities for phase one of the harbor expansion project. Paul Nelson appealed to the planning commission and on October 13 the planning commission voted to uphold the manager's decision. On November 10, the planning commission adopted written findings of fact, so the PC's action became appealable on that date. HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. Mr. Nelson submitted an appeal to the borough clerk on November 16. The burden of proof is on the appellant to make the case that the planning commission erred in its decision and that a rehearing by the assembly is warranted.

Assembly Action Needed at THIS meeting: Per HBC 18.30.060, following the appellant's presentation if he is in attendance, the assembly must decide by motion:

- whether or not to rehear the commission's decision and, if so,
- whether to rehear the entire decision or a particular portion.

Note: Any rehearing must take place at the next regularly scheduled assembly meeting (12/13/16) and include a duly-noticed public hearing.

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

4. **Appeal of Tourism Advisory Board Action (November 10, 2016)** – E.Holle
On 10/25/16, the assembly referred Ordinance 16-10-445 to the Tourism Advisory Board (TAB). That draft ordinance seeks to clarify the composition of heliski map amendment committees. On 11/10/16, the TAB reviewed the draft ordinance as requested by the assembly. Subsequently, a member of the public, Eric Holle, appealed the TAB's action under HBC 2.60.130. Mr. Holle does not believe this assignment is in the purview of the TAB, but the primary basis for his appeal is a belief two members of the TAB have a conflict of interest and should not have participated in the discussion or voting.

The assembly may hear from the appellant during this meeting or may choose to continue (postpone) the hearing to 12/13/16. It just needs to take place within 30 days of this meeting per code. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

5. **Appeal of Heliski Map Committee Action (November 7, 2016)** – D.Hallett
On 9/13/16, the assembly adopted Resolution 16-06-681 authorizing the borough manager to convene an advisory committee to consider 2016 heliski map amendment proposals. The manager appointed the committee per the requirements of HBC 5.18.080(I)(1)(c). That committee has been meeting to consider the proposals by going area-by-area. Subsequent to the 11/7/16 meeting, a member of the public, Dana Hallett, appealed the committee's action under HBC 2.60.130. Mr. Hallett contends the Heli-ski Map Committee Chair erred when he allowed committee members with a substantial financial interest to vote on any portion of the map change proposals.

The assembly may hear from the appellant during this meeting or may choose to continue (postpone) the hearing to 12/13/16. It just needs to take place within 30 days of this meeting per code. After a hearing on the record, the assembly may, in whole or part, affirm, modify or deny the appeal.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT