


Haines Borough
Borough Assembly Meeting #327
AGENDA

December 13, 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 16-12-694
 - 11A4 – Adopt Resolution 16-12-697
 - 11A6 – Adopt Resolution 16-12-699
 - 11C1 – Adopt Board Appointments
 - 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 by Magistrate Mary Kay Germain**
 - B. Assembly Committee and Liaison Appointments**
 - C. Initial Code Review Commission Meeting**
- 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 and 12/13/16 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. Tourism Advisory Board- Minutes of 10/13/16 Meeting**
 - E. Assembly Board Liaison Reports**
 - F. 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.
Note: Due to the 11/29 meeting cancellation and the need to redistribute some less-time-sensitive items to a later meeting, this item will appear on the 1/10/17 agenda under Unfinished Business.

11. NEW BUSINESS

A. Resolutions

* 1. **Resolution 16-12-694**

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 16-12-694.*

2. **Resolution 16-12-695**

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 16-12-695.*

3. **Resolution 16-12-696**

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 16-12-696.*

* 4. **Resolution 16-12-697**

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 16-12-697.*

5. **Resolution 16-12-698**

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 16-12-698.*

* 6. **Resolution 16-12-699**

A Resolution of the Haines Borough Assembly accepting a grant offer entitled Sewer Treatment Plant Health & Safety Upgrades (MMG #39543) of up to \$1,000,000 from the State of Alaska, Department of Environmental Conservation.

*This resolution is recommended by the director of public facilities and the borough manager. **Motion:** Adopt Resolution 16-12-699.*

7. **Resolution 16-12-700**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Wolverine Supply for the 2016 Wastewater Treatment Plant Upgrade project for an amount not to exceed \$1,933,900.

*This resolution is recommended by the director of public facilities and the borough manager. **Motion:** Adopt Resolution 16-12-700.*

B. Ordinances for Introduction- None.

C. Other New Business

* 1. **Board Appointments**

*(Re)appointment applications have been received for seats on advisory groups. The mayor plans to make the appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's (re)appointment of 1) Rob Goldberg and Jeremy Stephens to the Planning Commission for terms ending 11/30/19; 2) Kelleen Adams, Diana Lapham, Lori Smith, and Barbara Mulford to the Tourism Advisory Board for terms ending 11/30/19; and 3) to the Solid Waste Working Group: Stephanie Scott (Alt. Darsie Culbeck) (Takshanuk Watershed Council); Melissa Aronson (Haines Friends of Recycling); Reilly Kosinski (Chamber of Commerce); Sally Garton (Community Waste Solutions); Diana Lapham, Jeremy Stephens and Philip Reeves (Residents); and two non-voting members—Margaret Friedenauer (Commerce Committee chair) and Brad Ryan (Director of Facilities).*

* 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** – P. Nelson

The manager issued a land use permit for phase one of the harbor expansion project. Paul Nelson appealed to the planning commission (PC) and on 10/13 the PC voted to uphold the manager's decision. On 10/10, the PC 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 PC decision. Mr. Nelson submitted an appeal to the clerk on 11/16. 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, 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 (1/10/17) and include a duly-noticed public hearing.

4. **Appeal of Heliski Map Committee Action (November 7, 2016)** – D. Hallett

On 9/13, the assembly adopted Res. 16-06-681 authorizing the 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), and that committee held a series of meetings. Subsequent to the 11/7 meeting, Dana Hallett appealed the committee's action under HBC 2.60.130. He contends the committee chair erred when he allowed members with a substantial financial interest to vote. The assembly may hear from the appellant during this meeting or may choose to continue (postpone) the hearing to 1/10/17. 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. **Manager's Recommendation – Heliski Map Amendment Proposals**

*Two proposals were received in 2016 requesting amendments to the Commercial Ski Tour Areas map. After considering the advisory committee's recommendation and other information, the manager has prepared a recommendation for the assembly's consideration at this meeting. Per HBC 5.18.080(I)(2), to finalize any nontemporary amendments to the map, the assembly must adopt a resolution following a public hearing. **Motion:** Direct the manager to prepare a resolution adopting his recommendations and schedule a public hearing for 1/10/17.*

6. **Appeal of Tourism Advisory Board (TAB) Action (November 10, 2016)** – E. Holle

On 10/25, the assembly referred Ord. 16-10-445 to the TAB. That draft ordinance seeks to clarify the composition of heliski map amendment committees. On 11/10, the TAB reviewed the ordinance, as requested. Subsequently, Eric Holle appealed the TAB's action under HBC 2.60.130. He 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 1/10/17. 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.

7. **Executive Session – Borough Manager Six-Month Performance Evaluation**

Motion: Move into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter 18.03(B) to discuss with the manager an evaluation of his first six-months' performance; this matter qualifies because a public discussion may tend to prejudice the reputation and character of the manager; the borough manager is requested to attend. (Note: the manager has the right to request a public discussion.)

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT