


Haines Borough
Borough Assembly Meeting #217
AGENDA

February 14, 2012 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Stephanie Scott,
Mayor

Daymond Hoffman,
Seat A
Assembly Member

Steve Vick,
Seat B
Assembly Member

Debra Schnabel,
Seat C
Assembly Member

Joanne Waterman,
Seat D
Assembly Member

Norman Smith,
Seat E
Assembly Member

Jerry Lapp,
Seat F
Assembly Member

Mark Earnest
Borough Manager

Julie Cozzi,
Borough Clerk

Jamie Heinz,
Deputy Clerk

1. **CALL TO ORDER/PLEDGE TO THE FLAG**
2. **ROLL CALL**
3. **APPROVAL OF ASSEMBLY AGENDA & CONSENT AGENDA**
[Approval of Consent Agenda passes all routine items indicated by an asterisk (). Consent Agenda items are not considered separately unless an Assembly Member so requests. Upon request, the item is returned to the Regular Agenda].*
- * 4. **APPROVAL OF MINUTES** – Regular: 1/10/12, 1/24/12 Special: 1/31/12, 2/3/12
5. **PUBLIC COMMENTS** [Any topics not scheduled for public hearing]
6. **MAYOR'S COMMENTS/REPORT**
7. **PUBLIC HEARINGS**
 - A. **Ordinance 11-10-274** - Second Hearing
An Ordinance of the Haines Borough adding Haines Borough Code Title 12 Chapter 12.40 to establish a public park at Picture Point.
*The borough is obligated to establish a mechanism for protecting the compensatory mitigation measures at Picture Point for the PC Dock Waterfront Improvements project. The US Army Corps of Engineers requires it to be established "in perpetuity," and this will satisfy that requirement. It was introduced on 10/25 and had a 1st hearing on 1/24. **Suggested motion:** Adopt Ordinance 11-10-274.*
 - B. **Ordinance 12-01-279** - Second Hearing
An Ordinance of the Haines Borough Assembly amending Haines Borough Code Section 5.18.080(f)(4) to provide that global positioning data submitted by ski tour operators is confidential.
*This ordinance is recommended by Mayor Scott. It was introduced on 1/10 and had a first public hearing on 1/24. Assembly Member Waterman has offered an amendment. **Suggested motion:** Adopt Ordinance 12-01-279.*
 - C. **Ordinance 12-01-280** - Second Hearing
An Ordinance of the Haines Borough Assembly providing for the addition or amendment of specific line items to the FY12 budget.
*This is recommended by the Finance Committee. It was introduced on 1/10 and had a first public hearing on 1/24. The manager recommends an amendment. **Suggested motion:** Adopt Ordinance 12-01-280.*
 - D. **Ordinance 12-01-281** - First Hearing
An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 16 to clarify governance of the Haines Borough Port and Harbor Facilities.
*This ordinance is recommended by the Boat Harbor Advisory Committee. It was introduced on 1/24 and referred to the Government Affairs and Services committee. **Suggested motion:** Advance Ordinance 12-01-281 to a 2nd public hearing on 2/28.*
8. **STAFF/FACILITY REPORTS**
 - A. **Borough Manager** – 2/14 Report
 1. Ocean View/Lutak Road Movement Update
 - * B. **Chief Fiscal Officer** – 1st half FY12 General Fund Report
 - * C. **Library** – 1/2012 Staff Report, 12/21/11 Board meeting minutes
9. **COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES**
 - A. **Assembly Committees**
 1. **Committee of the Whole**
 2. **Commerce Committee** – 2/8 meeting report
 3. **Finance & Budget**
 4. **Personnel & Labor Relations**
 5. **Government Affairs & Services** - 2/7 meeting report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES ---continued---

- * B. Planning Commission
- * C. School Board
- * D. Advisory Boards – *Tourism Advisory Board Minutes: 11/30/11*
- * E. Service Area Boards
- * F. Ad Hoc Boards & Committees

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

1. **Resolution 12-02-331**

A Resolution of the Haines Borough Assembly supporting forward funding and yearly increases for education.

*This resolution was requested by motion during the joint assembly/school board meeting on 1/31 and relates to SB 171. **Suggested motion:** Adopt Resolution 12-02-331.*

2. **Resolution 12-02-332**

A Resolution of the Haines Borough Assembly requesting the Governor and the legislature support legislation addressing basic community needs and quality education for children.

*This relates to SB 97 which is one of the Alaska Municipal League's priorities this year. During the 1/13 joint assembly/school board meeting, it was suggested a resolution be considered at this meeting. **Suggested motion:** Adopt Resolution 12-02-332.*

3. **Resolution 12-02-333**

A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective native village council and/or incorporated nonprofit entity for participation in the FY13 Community Revenue Sharing Program.

Explanation/History: *A state revenue sharing program created in FY09 permits unincorporated communities within a borough to be eligible for revenue sharing. In order to qualify, the community must annually designate by resolution an eligible nonprofit entity to receive the funds on behalf of the community. The assembly has adopted similar resolutions each year since 9/9/08. **Suggested motion:** Adopt Resolution 12-02-333.*

4. **Resolution 12-02-334**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services agreement with Alaska Energy Engineering LLC to provide a Wood Heating Feasibility Analysis / Conceptual Design for an amount not to exceed \$23,491.

*The borough issued an RFP for preparation of a wood heat feasibility study, and two proposals were received. This resolution will award the contract to the low bidder. This will be fully-funded by two existing grants: JEDC and AEA. **Suggested motion:** Adopt Resolution 12-02-334.*

B. Ordinances for Introduction - None

C. Other New Business

* 1. **Liquor License Renewals**

Explanation/History: *The Alaska Alcohol Beverage Control Board has notified the Borough of pending liquor license renewals for the Alaskan Liquor Store, 33 Mile Roadhouse, LLC, BPO Elks #2634, Pioneer Bar, and Harbor Liquor Store. The Board, prior to its final approval, is giving the local government an opportunity to make statements, if so desired. Since these are preexisting liquor licenses, assembly action is optional.*

2. **Amend a Previously Adopted Resolution – 11-12-322 (Federal Priorities)**

Suggested motion: Amend Resolution 11-12-322 adopted at the December 13, 2011 meeting by inserting the following additional 2012 federal priorities, and placing Historic Dalton Trail Nat'l Registry Designation as item number 9:

6. National Scenic Byway Grant Program
7. Water/Wastewater Improvements
8. Bypass Mail

11.C. Other New Business - continued

3. Advisory Board Appointments

Appointment requests have been received from Joe Poor & Karen Hess for a Tourism Advisory Board (TAB) vacancy, and from Dennis Geasan for a Letnikof Estates Road Maintenance Service Area Board (LERMSA) vacancy. After review, the TAB has recommended appointment of Karen Hess, and the LERMSA has recommended appointment of Dennis Geasan by the Mayor. The Mayor plans to follow the recommendations of the boards. The applications and board recommendations are on file in the Clerk's Office for review.

4. Appeal of Planning Commission Decision

Explanation/History: *On 1/19/12, the planning commission considered a request from SEABA, Inc. for a conditional use permit to operate a heliport on their property at .6 mile Chilkat Lake Road on Lot 6 Sundberg Subdivision and subsequently denied it by a tie vote of 3-3. An appeal of that decision was properly submitted to the borough clerk by SEABA on 2/3/2012. HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. The borough attorney recommends the assembly rehear this, particularly in light of the planning commission's tie vote.*

Assembly Action Needed at THIS meeting: *Per HBC 18.30.060, at this meeting, 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 (2/28) and include a duly-noticed public hearing. In all rehearings, the burden of proof shall be on the party challenging the planning commission's decision.*

5. Assembly Comment on Juneau Access improvements SEIS

Explanation/History: *A Supplemental Environmental Impact Statement (SEIS) has begun for the Juneau Access Improvements (JAI) project to evaluate the impacts of the court-ordered alternative (Alternative 1B) as well as update information on the reasonable alternatives evaluated in the Final Environmental Impact Study (FEIS). Additionally, the Federal Highway Administration (FHWA) and the Alaska Department of Transportation and Public Facilities (DOT&PF) have begun the process of public and agency scoping for the project SEIS by asking for input on the new alternative and updated information. The deadline for comments is 2/20/12. **Suggested motion:** Direct the manager to submit Resolution 11-11-316 to the Federal Highway Administration and Alaska Department of Transportation & Public Facilities, by 2/20/12, to be included for consideration in the Draft Supplemental Environmental Impact Study.*

6. Consider New Waste Management Contract

Explanation/History: *A contract with Community Waste Solutions (CWS), guaranteeing rates for garbage collection and disposal, expired in April 2011. CWS has requested the assembly consider entering into a new Waste Management contract. **Suggested motion:** Will come out of the 2/8 Commerce Committee meeting.*

7. Items for Future Assembly Meetings

12. CORRESPONDENCE/REQUESTS

A. Thanks for the FY12 Appropriation – Chilkat Valley Community Foundation

B. Thanks for the FY12 Appropriation – Lynn Canal Broadcasting/KHNS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT