


Haines Borough
Borough Assembly Meeting #218
AGENDA

February 28, 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** – 2/14 minutes will be available for 3/13/12 meeting
5. **PUBLIC COMMENTS** [Any topics not scheduled for public hearing]
6. **MAYOR’S COMMENTS/REPORT**
7. **PUBLIC HEARINGS**
 - A. **Rehearing on Appeal of a Planning Commission Decision**
SEABA Inc. – Heliport Conditional Use
SEABA, Inc. wishes to operate a heliport on their property at .6 mile Chilkat Lake Road on Lot 6 Sundberg Subdivision, so they applied for a conditional use permit as required by HBC 5.18.080(F)(13). On 1/19/12, the planning commission considered that request and subsequently denied it by a tie vote of 3-3. HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision, and SEABA properly submitted an appeal to the borough clerk on 2/3/2012. On 2/14, the assembly voted to rehear the matter and scheduled the hearing for this meeting as required by 18.30.060(A).
The evidence shall be limited to a review of the record, and the burden of proof shall be solely on the party challenging the commission’s decision. “The Record” in this appeal is determined to be: all documentary or oral statements and any material objects that were provided to the planning commission in this matter. The evidence is limited to that same record, although further argument may be allowed. Argument is defined as “reasons given for or against a matter under discussion that is intended to convince or persuade the listener.” The deadline for written arguments was noon on Friday, 2/24. Oral arguments are acceptable during this hearing. As typical for an appeal hearing, it will begin with presentations by SEABA and the borough manager, and then proceed with any public testimony.
Assembly Action Needed: *Confirm or reverse the commission’s decision. The assembly must make its decision at this meeting and shall support its action with written findings of fact keeping in mind that “in all decisions the burden of proof shall be on the party challenging the decision of the planning commission.” The assembly may deliberate in open session or in executive session. Written findings that formalize the reasons for the decision will be drafted for assembly approval at the next meeting.*
 - B. **Ordinance 12-01-280** - Third 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 1st public hearing on 1/24. Following the second hearing on 2/14, additional substantive amendments were approved, so it was scheduled for a third hearing.
Suggested motion: Adopt Ordinance 12-01-280.
 - C. **Ordinance 12-01-281** - Second 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 is recommended by the Boat Harbor Advisory Committee. It was introduced on 1/24 & referred to the Government Affairs and Services committee who met with the BHAC. The 1st hearing Minor edits came out of that meeting, & a substitute ordinance will be considered by the assembly. **Suggested motion:** Adopt Ordinance 12-01-281.*

8. **STAFF/FACILITY REPORTS**

- A. **Borough Manager** – *The manager will provide a report at the assembly meeting*
 - 1. Ocean View/Lutak Road Movement Update
- B. **Museum** – *January 2012 Staff Report*

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

- A. **Assembly Committees**
 - 1. **Committee of the Whole**
 - 2. **Commerce Committee**
 - 3. **Finance & Budget**
 - 4. **Personnel & Labor Relations**
 - 5. **Government Affairs & Services**
- * B. **Planning Commission**
- * C. **School Board**
- D. **Advisory Boards**
 - * 1. **Chilkat Center Advisory Board** – *1/16/12 approved meeting minutes*
- * E. **Service Area Boards**
- * F. **Ad Hoc Boards & Committees**

10. **UNFINISHED BUSINESS**

A. **Ordinance 12-01-279**

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 & a second hearing on 2/14 when it was amended. At that meeting, the vote to adopt the ordinance was postponed to this meeting. **Suggested motion:** Adopt Ordinance 12-01-279.*

11. **NEW BUSINESS**

A. **Resolutions**

1. **Resolution 12-02-335**

A Resolution of the Haines Borough Assembly setting the date of the 2012 Board of Equalization for April 30.

Code says the BOE must be the 2nd Monday in May unless changed by assembly resolution. The contract assessor requests a different date this year due to scheduling. The public will still have the required 30-days minimum appeal period following mailing of the assessment notices.

Suggested motion in order to discuss: Adopt Resolution 12-02-335.

2. **Resolution 12-02-336**

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

*This resolution relates to SB 171 and is identical to Resolution 12-02-331 that was postponed indefinitely on 2/14. **Suggested motion:** Adopt Resolution 12-02-336.*

B. **Ordinances for Introduction**

C. **Other New Business**

1. **Juneau Access Road Letter from Upper Lynn Canal Mayors**

*This item was requested by Mayor Scott. **Suggested motion:** Approve Mayor Scott to sign the joint Upper Lynn Canal mayoral letter to be sent to AK-DOT regarding the Supplemental Environmental Impact Statement.*

2. **Policy Statement for Managing Heliskiing Compliance Reports**

This item is requested by the mayor. (Refer to Mayor's memo attached to Item 10A.)

3. **Draft Comments on SEIRP (Southeast Alaska Integrated Resource Plan)**

The mayor requested this agenda item as an opportunity to bring this draft Plan and comment period to the assembly's attention. The assembly may decide, after discussion and review, whether to prepare Haines Borough comments for approval either at this meeting or the 3/13 meeting.

11.C. Other New Business ---continued---

4. **CWS Proposal to Purchase Borough Property – Further Consideration Determination**

Community Waste Solutions has been ordered by the AK-DEC to fix a problem with leachate at their landfill on FAA Road. In order to accomplish this, they are proposing to purchase, through a negotiated land sale, 19.54 acres of Borough land adjacent to the landfill. The proposal has been reviewed by the planning commission who has made a recommendation. The next step is for the assembly to consider that recommendation and determine whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals.

5. **Items for Future Assembly Meetings**

6. **Consider New Waste Management Contract – Possible Executive Session**

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. The assembly discussed the matter in executive session on 2/14 and tasked the manager with getting some legal answers from the borough attorney. This agenda item is to provide an opportunity for follow-up and will likely occur in executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03.

12. **CORRESPONDENCE/REQUESTS**

A. Response re. Sockeye Salmon Stocks – Alaska Fish & Game

13. **SET MEETING DATES**

14. **PUBLIC COMMENTS**

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

16. **ADJOURNMENT**