


Haines Borough
Borough Assembly Special Meeting
July 31, 2012
MINUTES

Approved

THIS SPECIAL MEETING WAS HELD SOLELY FOR CONSIDERING THE ITEMS LISTED ON THE PUBLISHED AGENDA. NO ADDITIONAL ISSUES WERE CONSIDERED AT THIS MEETING.

1. CALL TO ORDER/PLEDGE TO THE FLAG

Mayor **SCOTT** called the meeting to order at 6:30pm in Assembly Chambers and led the pledge to the flag.

2. ROLL CALL

Present: Mayor Stephanie **SCOTT** and Assembly Members Jerry **LAPP**, Debra **SCHNABEL**, Steve **VICK**, Norm **SMITH**, Joanne **WATERMAN**, and Daymond **HOFFMAN**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Dean **OLSEN**/Assistant Assessor, and Darsie **CULBECK**/Executive Assistant to the Manager.

Visitors Present: Margaret **FRIEDENAUER**/KHNS, David **BERRY**, Scott **HANSEN**, Bill **KURZ**, and others.

3. APPROVAL OF SPECIAL MEETING AGENDA

Motion: **LAPP** moved to "approve the special meeting agenda," and the motion carried unanimously.

4. PUBLIC COMMENTS - None

5. BUSINESS

A. Public Hearing

Ordinance 12-07-299 – First Hearing

An Ordinance of the Haines Borough Assembly approving the sale to the State of Alaska, Department of Transportation and Public Facilities ("ADOT&PF") of Parcel 3, Parcel E-4 and Parcel TCE-4 as described and identified by ADOT&PF for the Haines Ferry Terminal Improvements project (state project #68433).

The mayor opened and closed the public hearing at 6:32pm; there were no public comments.

Motion: **WATERMAN** moved to "advance Ordinance 12-07-299 to a second public hearing on 8/14/12," and it was amended to schedule the second hearing for 8/28/12 instead. The amended motion carried unanimously.

During discussion, **SMITH** asked why a special meeting was necessary. **SCOTT** explained ADOT believed they needed to move very quickly in order to secure funding. After the agenda packet was published, the borough was notified the deadlines had been extended to give more time to complete negotiations. **EARNEST** suggested scheduling the second public hearing on August 28 rather than August 14 to give more time to review the appraisal. There may be an adjustment to the square footage. **WATERMAN** made that amendment motion, and it carried unanimously. **SMITH** asked if a drastic change is expected in the appraisal. **EARNEST** said the difference could mean \$50K to \$100K more. **SCHNABEL** noted this is not a controversial issue.

B. Resolution

Resolution 12-07-392

A Resolution of the Haines Borough Assembly authorizing the disposal of borough-owned land dedicated to public use by vacation of right-of-way to the Chilkoot Indian Association.

BERRY said there is a discrepancy between the resolution and the information the CIA has regarding wetlands. The majority of the wetlands are within the right of way, about 80%. They want the same value assigned to the wetlands on both parcels.

Motion: **LAPP** moved to "adopt Resolution 12-07-392," and it was amended to 1) insert the word "other" in front of "CIA-owned land" in the last WHEREAS, and 2) replace the legal description in the second WHEREAS with the following:

ROW Vacation of an alleyway between Lots 3 through 10, Block D Presbyterian Mission Subdivision 2nd Addition to Haines Townsite more described as follows: beginning at the southeast corner of Lot 2, Block D of said subdivision, thence S 9°05'00" W, 204.00 feet to the southeast corner of Lot 10, Block D, thence S 80°55'00" E, 20.00 feet to the southwest corner of Lot 9, Block D, thence N 9°05'00" E, 204.00 feet to the northwest corner of Lot 3, Block D, thence N 80°55'00" W, 20.00 feet to the point of beginning; contains 4,080 square feet.

The amended main motion carried 4-3 in a roll call vote with the mayor breaking the tie in the affirmative and **WATERMAN**, **VICK**, and **SMITH** opposed.

During discussion, **OLSEN** explained appraisers and assessors have to look at today's fair market value. The contract assessor advised him to follow DOT standards and value the *takings*: the larger parcel sets the square-foot value for the smaller portions that will be sold. The parcel on Third Avenue is not designated as wetlands by the U.S. Fish & Wildlife. \$5.00 per square foot is the assessor's opinion of value. **SCHNABEL** argued against it being considered wetlands. **WATERMAN** said it's important to her when considering vacations of rights of way that emergency access be maintained. As these properties are developed, she hopes there is a mandate to take into consideration accessibility for fire equipment. **SCHNABEL** said it seems to her the access issue is an important one and should be addressed at this time. She wondered if negotiation could allow an alleyway between Second and Third Avenues. **EARNEST** said this was discussed, and the CIA's building and parking design would accomplish that. **BERRY** said federal highways funds will require access through the parking lot in addition to access off the alleyway behind the Parts Place. Also, the State Fire Marshal will not approve it if there is not adequate access. **LAPP** moved to amend the legal description of the property to one that is more proper and complete, as proposed by the borough manager, and that motion carried unanimously.

WATERMAN said she never feels good about quick speedy actions and doesn't feel very good about this. CIA may be dealing with some water drainage issues. She hopes it's the right thing to do. **LAPP** said the planning commission took a careful look at this and recommends it. **SCHNABEL** does not understand the compensation statement, and **EARNEST** explained the compensation can be no less than the market value and could come in the form of cash and/or land exchange such as the encroachment area along Fair Drive. **SCHNABEL** moved to amend the resolution to insert the word "other" in front of "CIA-owned land" in the last WHEREAS, and it carried unanimously.

SCHNABEL strongly believes it would be remiss for a community to depend on a private land holding to provide access to emergency services. She has no doubt the CIA will be required by the federal government to provide parking and access. It is the municipality's responsibility to account for it. Maybe it can be done within a negotiated agreement. The public's interest in access needs to be secured. **WATERMAN** agreed. She's not concerned with CIA providing access to its own property. Her concern is the adjacent parcel, and she wondered where the access responsibility lies. She does not see any notes that the planning commission looked at access issues. Right now it may look good, but she has concerns. **SCOTT** said all of the lots on the plat are individual and have not yet been vacated for the one big building to be constructed. Wouldn't the permitting process require access? **BERRY** said all ten lots are accessible from Second and Third Avenues. CIA has put in a request to the planning commission to vacate these lots. **WATERMAN** reiterated that her concern is not with the CIA's plan. Her concern is with the history this borough has with vacating rights of way. Mr. Ward succeeded in getting the ROW vacated so he could build a store but that never happened. There are still two lots there. Her concern is this borough's tendency to vacate rights of way based on propositions that may never come to fruition. **VICK** said he can see the concerns. **SCOTT** said one option is to postpone consideration until August 14 and **SCHNABEL** said she is considering that. **EARNEST** said the CIA is in a rush, and **HANSEN** explained there are a number of time-sensitive issues including the need to complete the final Chilkoot Estates subdivision plat. **SCOTT** said there is no reason to yoke the two parcels. **HANSEN** agreed but said it is a practical matter. He asked if the borough is obligated to approve a plat if the subdivision has been built to standards. **SCOTT** said that is not the topic before the assembly at this time. **HANSEN** said the CIA has real property that cannot be sold until the plat is approved. **SCOTT** said this need not be the vehicle for solving that problem.

6. **ADJOURNMENT** – 7:32pm

Motion: **WATERMAN** moved to "adjourn the meeting," and the motion carried unanimously.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk