


Haines Borough
Borough Assembly Meeting #231
AGENDA

September 11, 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

Michelle Webb,
Deputy Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF AGENDA & CONSENT AGENDA

[Consent Agenda items 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 item will be removed from the Consent Agenda and placed under the appropriate regular agenda item for assembly consideration.]

4. CONSENT AGENDA

A. Approval of Minutes

- 1. August 28, 2012 Regular Meeting**

B. Staff/Facility Reports

- 1. Sheldon Museum** - Staff Report of July 2012
- 2. Public Library** - Staff Report of July 2012

C. Committee/Commission/Board Reports & Minutes

- 1. Tourism Advisory Board** – *Minutes of July 19, 2012 Meeting, and Board action items & comments on 1) EPA ECA rules, 2) leasing the Klukwan Dock, 3) shuttle buses for special events, and 4) music at the PC Dock when cruise ships are in port*
- 2. Museum Board of Trustees** – *Minutes of July 12, 2012 Meeting*
- 3. Library Board of Trustees** – *Minutes of July 25, 2012 Meeting*

D. Ordinances for Introduction

1. Ordinance 12-09-303

An ordinance of the Haines Borough amending Haines Borough Code Title 18, Sections 18.80.030 and 18.90.050 to clarify the allowance of incidental items within setbacks.

This is recommended by Planning Commission. Introduction was delayed because of the related off-premises signs ordinance that was pending. Motion: Introduce Ordinance 12-09-303 and set a first public hearing for September 25, 2012.

E. Resolutions

1. Resolution 12-09-399

A Resolution of the Haines Borough Assembly appointing election officials for the Regular Election to be held October 2, 2012, and establishing the wages.

This resolution complies with HBC 2.68.330. Motion: Adopt Resolution 12-09-399.

2. Resolution 12-09-400

A Resolution of the Haines Borough Assembly supporting a design and construction grant through the Alaska Energy Authority for installing wood pellet boilers in borough facilities.

This is recommended by the borough manager. Motion: Adopt Resolution 12-09-400.

3. Resolution 12-09-401

A Resolution of the Haines Borough Assembly authorizing the borough manager to enter into a grant agreement and notice to proceed with the Alaska Department of Transportation and Public Facilities for the Picture Point Land Acquisition project funded through the National Scenic Byways Grant Program.

This is recommended by the borough manager. Motion: Adopt Resolution 12-09-401.

4. CONSENT AGENDA ---continued---

F. Other Business

1. Mayoral Board Appointments

*Appointment requests have been received for various board vacancies. The appropriate boards have reviewed them. The mayor intends to follow the board recommendations and seeks assembly confirmation. **Motion:** Confirm the mayor's appointments of Barbara Mulford to the Tourism Advisory Board, Meredith Pochardt to the Parks & Recreation Advisory Committee, Richard Buck to the Fire Service Area #1 Board, Robert Venables to the Port Development Steering Committee (planning commission rep), and Patty Campbell to the Facilities Master Plan Steering Committee (chamber of commerce rep).*

2. Assign Richard Boyce's Small Boat Harbor Slip

*HBC 16.16.020 states that harbor "slips are assigned to vessel owners, rather than vessels; a person buying a vessel previously moored in the harbor shall have no rights to the previous owner's vessel slip except as established by the harbor slip waiting list. The borough assembly, upon recommendation of the manager, may permit a person or business to bypass the slip waiting list when such an exception is justified in the public interest as in transfer to a surviving spouse in the case of death of the slip holder." Karen Boyce has made written request to assume the slip previously assigned to her deceased father. The borough manager and the port and harbor advisory committee recommend assembly approval. **Motion:** Permit Karen Boyce to bypass the waiting list and assume the harbor slip previously assigned to her father, the late Richard Boyce.*

3. Letter of Support for Skagway – West Creek Hydro

*Skagway has asked the Haines Borough for a letter of support for their application to the Alaska Energy Authority (AEA) for a Renewable Energy Fund grant to conduct a West Creek hydroelectric feasibility study. A draft letter has been prepared for the mayor's signature with assembly approval. **Motion:** Approve the draft letter of support for the Municipality of Skagway's AEA Renewable Energy Fund grant application for a West Creek Hydroelectric Feasibility Study.*

5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]

6. MAYOR'S COMMENTS/REPORT

A. Streamlining Community Service Grants – Special Informational Presentation

The assembly showed some interest in exploring the idea of collaborating with the Chilkat Valley Community Foundation (CVCF) to streamline community service grants from the General Fund. The CVCF will give a presentation on its program, what it does and how it might assist the borough with community service funding. Following the presentation, the assembly may choose to assign the topic to one of the standing committees, such as Finance or Government Affairs & Services.

7. PUBLIC HEARINGS

A. Ordinance 12-08-301 – Second Hearing

An Ordinance of the Haines Borough Assembly adopting a major update of the Haines Borough Comprehensive Plan pursuant to Haines Borough Charter and Alaska Statute requirements.

*This is recommended by the planning commission and was introduced on 8/14 and had a first public hearing on 8/28. The draft plan is available on the borough's website or it may be requested from the borough clerk's office. **Suggested motion:** Adopt Ordinance 12-08-301.*

B. Ordinance 12-07-297 – Second Hearing

An Ordinance of the Haines Borough adopting a new water-sewer rate schedule to set rates, fees and charges for water and sewer services.

*On 7/10, an ordinance to increase the water-sewer rates was recommended by the manager and CFO and was referred to the Government Affairs & Services Committee; it was not introduced. That committee met on 7/17 and again on 8/2, and the result is an amended version of the original draft that was introduced on 8/14. The first hearing took place on 8/28. The CFO has provided text to clarify the residential vs. commercial bulk water sales. **Suggested motion:** Adopt Ordinance 12-07-297.*

C. Ordinance 12-08-302 – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

*This ordinance is recommended by the manager and was introduced on 8/28. A substitute ordinance has been prepared to address the absence of an appeal procedure in the current draft. **Suggested motion:** Advance Ordinance 12-08-302 to a second public hearing on 9/25/12.*

8. STAFF/FACILITY REPORTS

- A. **Borough Manager** – 9/11 Report
- B. **Finance Director** – FY12 General Fund Financial Report

Note: Staff recommends referral of this report to the Finance Committee for examination with the guidance of the Finance Director Jila Stuart.

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

10. UNFINISHED BUSINESS

A. Ordinance 12-07-296

An Ordinance of the Haines Borough repealing Ordinance 08-09-189 and amending Borough Code Title 2 to add Section 2.06.035 to establish a Local Financial Disclosure Requirement and Process and add applicable definitions to Title 2 Section 2.990.010.

This was introduced on 7/10 and public hearings were held on 7/24, 8/14, and 8/28. It was postponed to provide the assembly time to consider further amendments at a committee of the whole meeting to be held prior to this assembly meeting. Motions Currently on the Table:

Main Motion: LAPP moved to “adopt Ordinance 12-07-296,” and it was amended to strike “retirement accounts” from 2.06.035(A).

Primary Amendment #2: SCHNABEL moved to amend the ordinance draft by replacing the *Source of income* definition text in HBC 2.990.010 with the following text, and the motion was seconded:

“Source of income” means an employer or other person or entity paying compensation, dividends, or interest, directly or indirectly, for services, products, or investments. If the income being reported is derived from employment by a sole proprietorship, partnership, or corporation in which the reporting person, the spouse or children, or a combination of them hold a controlling interest, that proprietorship, partnership, or corporation may be designated as the source of income without specifying clients or customers if the business is one that is normally conducted on a cash basis and typically does not keep records of individual customers. In all other cases, the clients or customers of the proprietorship, partnership, or corporation shall be listed as sources of income of the person whose income is being reported, whose spouse, children, or a combination of them hold a controlling interest.

11. NEW BUSINESS

A. Resolutions

1. Resolution 12-09-402

A Resolution of the Haines Borough Assembly authorizing acceptance of a late-filed 2012 Senior Citizen/Disabled Veteran Property Tax Exemption Application from Carl Lehman for property account C-207-TL-0110.

HBC 3.70.030(A)(6)(e) - If an otherwise qualified claimant is unable to comply with the March 1st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

*The borough received a 2012 Senior Citizen Prop Tax Exemption Application from Carl Lehman for Acct. C-207-TL-0110 after the 3/1/12 deadline, and he has explained the reason for the late filing was that he didn't receive notification of PFD approval until 7/16/12 and he didn't want to falsely claim PFD eligibility on the application form. It is the assistant assessor's opinion that this may be considered an extraordinary event beyond the applicant's control, and he recommends accepting it with assembly approval. **Motion:** Adopt Resolution 12-09-402.*

B. Ordinances for Introduction

11. NEW BUSINESS ---continued---

C. Other New Business

1. **Final Recommendations from Administration for 2013 Heliskiing Season**

*The manager recommends a combination of policy and code changes for the 2013 heliskiing season. If the assembly approves the recommendations, those that involve code amendments will come to the assembly in ordinance form for introduction at the 9/25/12 meeting. **Suggested motion:** Adopt the Administration's Recommendations for the 2013 Heliskiing Season.*

2. **Manager's Travel Approval**

*In conformance with his contract and to keep the assembly informed, the manager has prepared a list of his planned borough business travel for the remainder of FY13. He seeks approval for any travel the assembly believes to be outside of that already authorized through the FY13 budget. **Suggested motion:** Approve the manager's planned business travel for the remainder of FY13.*

3. **FY13 Federal Lobbying Services Agreement**

*During the FY13 budget work sessions and the 7/24 committee of the whole meeting with Brad Gilman via teleconference, the assembly discussed the topic of federal lobbying services. A draft agreement has been developed between the borough and the firm Robertson, Monagle & Eastaugh with whom Mr. Gilman is associated. **Suggested motion:** Authorize the FY13 agreement for federal lobbying services between the Haines Borough and Robertson, Monagle & Eastaugh, effective July 1, 2012.*

4. **Late-filed 2012 Senior Citizen Property Tax Exemption Application – K. Bryant**

HBC 3.70.030(A)(6)(e) - If an otherwise qualified claimant is unable to comply with the March 1st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 1st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

*The borough received a 2012 Senior Citizen Prop Tax Exemption Application from Karen Bryant for property account 4-RBA-02-1900 after the 3/1/12 deadline. In spite of several requests from the assistant assessor, the applicant has not provided any explanation or justification for the late filing. Therefore, in the absence of information demonstrating one of the two allowable reasons---either a serious medical condition or an extraordinary event beyond the applicant's control, **the assistant assessor cannot recommend acceptance of this late application.** For this reason, a resolution was not provided. If evidence of allowable cause does come forward, a resolution could be presented at the next meeting for assembly consideration.*

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT