

Haines Borough
Borough Assembly Meeting #242
AGENDA

March 26, 2013 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Stephanie Scott,
Mayor

Dave Berry Jr.,
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

[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:

- 4 – Approve Assembly Meeting Minutes
- 8B – Finance Director Report
- 8C – Museum Staff Report
- 8D – Library Staff Report
- 9B – Historic Dalton Trail RMSA Board Minutes
- 9C – Museum Board Minutes
- 9D – KVVFD/FSA3 Board Minutes
- 9E – FSA1 Board Minutes
- 9F – Riverview RMSA Board Minutes
- 9G – Library Board Minutes
- 11A1 – Adoption of Resolution 13-03-449
- 11A2 – Adoption of Resolution 13-03-450
- 11B1 – Introduction of Ordinance 13-03-316
- 11B2 – Introduction of Ordinance 13-03-317
- 11B3 – Introduction of Ordinance 13-03-318
- 11B4 – Introduction of Ordinance 13-03-319
- 11B5 – Introduction of Ordinance 13-03-320
- 11C1 – Advisory Board Appointment
- 11C3 – Amend Previously Adopted Resolution 11-11-317

*** 4. APPROVAL OF MINUTES – March 12, 2013 Regular**

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

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

A. Commercial Tour Permit – New for 2013

*Shannon Donahue, Executive Director of Great Bear Foundation, has applied for a new 2013 Commercial Tour Permit. This tour proposes to offer small group, low-impact, custom wildlife-viewing and natural history tours, bear ecology field courses, guided nature walks, and educational workshops on bear safety in the Haines area, primarily along the Chilkoot River Corridor. Title 5 of the borough code requires a public hearing before the Assembly for all new tour activities. The tourism director, police chief, and harbormaster have reviewed the application and their comments are included in the packet. **Suggested motion:** Authorize the borough clerk to process the Great Bear Foundation application and, if everything is in order, issue a 2013 commercial tour permit.*

B. Ordinance 13-01-312 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Sections 2.06.035 and 2.990.010 to clarify the local financial disclosure reporting process.

*Subsequent to voter ratification of local financial disclosure reporting, the clerk's office developed a form and instructions. As a result of working with the new code, the clerk recommends amendments to clarify the procedure. The ordinance was introduced on 1/22 and had a first hearing on 3/12. **Motion:** Adopt Ordinance 13-01-312.*

7. PUBLIC HEARINGS ---continued---

C. Ordinance 13-01-313 – Second Hearing

An Ordinance of the Haines Borough Assembly authorizing renewal of a lease of the Human Resources Building to Chilkat Valley Preschool for the purpose of providing educational services.

*The preschool has leased the Human Resources Building on a year-to-year basis since the year 2000, and they have requested a renewed lease for calendar year 2013. Borough Charter states the leasing of borough property must be approved by the assembly by ordinance. The ordinance was introduced on 1/22 and had a first hearing on 3/12. **Motion:** Adopt Ordinance 13-01-313.*

D. Ordinance 13-02-314 – Second Hearing

An Ordinance of the Haines Borough Assembly Borough Code Title 10, Chapter 10.06 to require proof of vehicle insurance and Section 10.50.020 to allow for a fine of \$500.

*During its meeting on 1/8/13, the Finance Committee talked about looking into putting some of the traffic violations into the borough's own code book because it could affect the borough's portion of collected fines. At a follow-up meeting, the committee decided to start with putting into code an uninsured motorist fine. This was introduced on 3/5 and had a first hearing on 3/12. **Motion:** Adopt Ordinance 13-02-314.*

E. Ordinance 13-02-315 – Second Hearing

An Ordinance of the Haines Borough Assembly Amending Borough Code Title 14, Section 14.16.160 to Clarify the Responsibility for Negotiated Leases in a Manager Form of Government.

*The mayor brought this to the clerk's attention as a section of code that may need to be "cleaned up" to clarify that, subject to assembly authorization, it is the manager who is responsible for negotiating leases. This was introduced on 3/5 and had a first hearing on 3/12. **Motion:** Adopt Ordinance 13-02-315.*

8. STAFF/FACILITY REPORTS

- A. Borough Manager – 3/26/13 Report
- *B. Finance Director – 2009-2012 Sales Tax Report
- *C. Sheldon Museum – February 2013 Staff Report
- *D. Public Library – February 2013 Staff Report
- E. Contractor Assessor – Report of 2013 Assessment Methodology

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- A. Planning Commission – Minutes of 2/14/13 and Request re. Downtown Revitalization Committee
- *B. Historic Dalton Trail RMSA Board – Minutes of 3/9/13
- *C. Museum Board of Trustees – Minutes of 2/20/13
- *D. KVVFD/Fire Service Area #3 Board – Minutes of 3/2/13
- *E. Fire Service Area #1 Board – Minutes of 2/18/13
- *F. Riverview Dr. RMSA Board – Minutes of 3/9/13
- *G. Library Board of Trustees – Minutes of 1/25/13
- H. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

* 1. Resolution 13-03-449

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Wolverine Ready Mix, Inc. in the amount of \$16,800 for concrete barriers at Lutak Dock.

*This resolution is recommended by the Borough Manager and Director of Public Facilities. **Motion:** Adopt Resolution 13-03-449.*

* 2. Resolution 13-03-450

A Resolution of the Haines Borough Assembly requesting the restoration of a specific funding source for Revenue Sharing.

*This resolution is recommended by the Borough Manager. **Motion:** Adopt Resolution 13-03-450.*

11. NEW BUSINESS ---continued---

B. Ordinances for Introduction

*1. **Ordinance 13-03-316**

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160(D) to clarify the wage and bonding requirements for public construction projects and to change the project amount that is subject to minimum wage rates to match the state's increase from \$2,000 to \$25,000.

This is a housekeeping ordinance amending borough code to match the referenced state law.

Motion: Introduce Ordinance 13-03-316 and set a first public hearing for 4/9/13.

*2. **Ordinance 13-03-317**

An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.10.200(B) to remove the requirement for assembly approval in order for a member to participate by teleconference.

This is a housekeeping ordinance amending borough code to reflect actual practice.

Motion: Introduce Ordinance 13-03-317 and set a first public hearing for 4/9/13.

*3. **Ordinance 13-03-318**

An Ordinance of the Haines Borough amending Borough Code Title 3, Chapter 3.33 to correct the name of the Port Chilkoot Dock Enterprise Fund.

This is a housekeeping ordinance amending borough code to replace an incorrect name.

Motion: Introduce Ordinance 13-03-318 and set a first public hearing for 4/9/13.

*4. **Ordinance 13-03-319**

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.04.010 to stipulate school district budget submittal and appropriation dates.

The intention of this ordinance is to codify practice not to introduce new practice. AS 14.14.060(c) says unless otherwise provided by municipal ordinance, the school board shall submit the school budget for the following school year to the assembly by May 1, and within 30 days after receipt of the budget the assembly shall determine the total amount of money to be made available from local sources for school purposes. However, the assembly does not adopt the annual budget until sometime the first half of June (by the 15th at the latest), and therefore does not finally determine the school appropriation until then.

Motion: Introduce Ordinance 13-03-319 and set a first public hearing for 4/9/13.

*5. **Ordinance 13-03-320**

An Ordinance of the Haines Borough determining whether foreclosed properties deeded to the borough shall be retained for a public purpose or sold.

Four properties have gone through the foreclosure process and the court has conveyed all rights, titles, and interest to the Haines Borough. HBC 3.74.220 requires the borough assembly to determine by ordinance whether foreclosed property deeded to the borough should be retained for a public purpose or sold. HBC 14.20.040 says the assembly may classify lands for sale with the advice of the planning commission. During a public meeting on 3/14/13, the planning commission considered all four properties and made the decision to recommend the properties be sold.

Motion: Introduce Ordinance 13-04-320 and set a first public hearing for 4/9/13.

6. **Ordinance 13-03-321**

An Ordinance of the Haines Borough amending Borough Code Title 7, Section 7.08.010 to discontinue the Fire Service Area #1 Board.

This ordinance is sponsored by Assembly Member Lapp and supported by the Haines Volunteer Fire Dept.

Motion: Introduce Ordinance 13-04-321 and set a first public hearing for 4/9/13.

C. Other New Business

*1. **Board Appointments**

An application has been received for a seat on the Museum Board of Trustees, and that board recommends the appointment. The mayor plans to appoint the applicant and seeks assembly confirmation.

Motion: Confirm the mayor's appointment of Jan Hill to the Museum Board of Trustees for an initial term ending 11/30/2013.

2. **Sales Tax Exemption Request – Great Bear Foundation**

Explanation/History: *Great Bear Foundation, a 501(c)3 organization, has applied for sales tax exemption status as allowed by HBC 3.80.050(13). The borough has granted sales tax exemption certificates to other non-profit organizations.*

Suggested motion: Approve the request from Great Bear Foundation for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.

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

*** 3. Amend a Previously Adopted Resolution – 11-11-317 re. HPDSC**

*On 11/15/2011, the assembly adopted Resolution 11-11-317 establishing an eight-member Haines Port Development Steering Committee (HPDSC). On 3/6/13, the HPDSC voted to ask the assembly to create a ninth committee seat, specifically increasing the number of seats for persons with a working knowledge of port facilities to five. If created, they request appointment of Larry Beck to the newly created seat on the board. Robert's Rules of Order allows a motion to amend something previously adopted. **Motion:** Amend Resolution 11-11-317 adopted at the 11/15/11 meeting by replacing the number "4" with the number "5" in Section 1 and appointing Larry Beck to the newly created seat.*

4. Borough Land Negotiated Sale: Human Resources Building Property - CIA

*Chilkoot Indian Association (CIA) has expressed interest in acquiring the Human Resources Building (HRB) for renovations and/or restoration of the structure. CIA has indicated they may have access to federal and perhaps other funding sources for this purpose. First constructed in 1905, with major renovations in 1955 and 1976, the HRB currently houses the Chilkat Valley Preschool. HBC 14.20.100 says upon direction of the assembly by motion, the land manager may commence negotiations for the sale, or exchange or other disposal of borough land. **Motion:** Direct the Manager to commence negotiations with the Chilkoot Indian Association for the sale, or exchange or other disposal of the Human Resources Building land.*

5. AMHS Parking Policy

The mayor requested this discussion item and suggests this possible motion: authorize the mayor and manager to work with AMHS officials to provide options for overnight & long-term parking at the Haines ferry terminal.

6. Matters Concerning the Police Department

*This agenda item will include a review of the manager's performance evaluation of Chief Gary Lowe. That review will take place in executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03. **Motion:** Move into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to review the manager's evaluation of the police chief; this matter qualifies for executive session because this is a personnel matter and a public discussion may tend to prejudice the character and reputations of those involved; Mark Earnest and Gary Lowe are requested to attend.*

7. Police Department Draft Plan of Improvement

On 3/5/12, the assembly passed a motion directing that by March 26, 2013 the police chief would provide to the assembly through the manager a schedule of staff meetings and team building activities for all police department employees and any other plans for improvement within the department.

12. SET MEETING DATES

A. Finance Committee Meeting – Topic: Funding for Mosquito Lake School Fire Suppression Repair

13. PUBLIC COMMENTS

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

15. ADJOURNMENT