

Haines Borough
Borough Assembly Meeting #248
June 25, 2013
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SCOTT** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

Present: Mayor Stephanie **SCOTT**, and Assembly Members Joanne **WATERMAN**, Debra **SCHNABEL**, Jerry **LAPP**, Dave **BERRY**, Norman **SMITH**, and Steve **VICK**.

Staff Present: Carlos **JIMENEZ**/Director of Public Facilities and Acting Manager, Michelle **WEBB**/Deputy Clerk, Simon **FORD**/Interim Police Chief, Tanya **CARLSON**/Tourism Director, Patty **BROWN**/Library Director, and Tina **BASKAYA**/Interim Museum Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Rob **MILLER**, Jack **WENNER**, Dave **KAMMERER**, Bill **KURZ**, Jeremy **STEPHENS**/State of Alaska, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

- 4 - Approve Assembly Meeting Minutes
- 8B - Fire Department Report
- 8C - Chilkat Center Report
- 8D - Museum Report
- 9A - Planning Commission Minutes
- 9B - Museum Board Minutes

Motion: **LAPP** moved to "approve the agenda/consent agenda," and it was amended to add "Police Resources" under other new business (11C3) and remove Chilkat Center Report (8C) from the consent agenda. The agenda, as amended, was approved unanimously.

* 4. **APPROVAL OF MINUTES** - June 11, Regular and June 14, Special

5. **PUBLIC COMMENTS**

Bill **KURTZ** felt having a legislative information office in Haines (LIO) was a great idea.

6. **MAYOR'S COMMENTS/REPORT**

Mayor **SCOTT** said should like to skip this opportunity to report and will have comments later.

7. **PUBLIC HEARINGS**

A. **Ordinance 13-05-328** - Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.030 to only require conditional use approval for the construction of a building within 15 feet of an adjacent building if one or both of the buildings is for human occupancy.

Mayor **SCOTT** opened and closed the public hearing at 6:35pm; there were no public comments.

Robert **MILLER**, a member of the planning commission spoke in favor of this ordinance.

Motion: **BERRY** moved to "adopt Ordinance 13-05-328," and it carried unanimously in a roll call vote.

There was no discussion.

B. **Ordinance 13-05-329** - Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.80.040 to allow adjacent on-street parking to count toward the parking requirement.

Robert **MILLER** reported the planning commission was not unanimous about this issue. He provided a document to the assembly which showed the proposed new code would align other communities' practices. He felt the planning commission would be the best group to mediate any concerns about parking areas. **MILLER** also spoke to a grandfathered provision for existing business. **SCHNABEL** expressed concerns current code was not being enforced and **MILLER** agreed.

Mayor **SCOTT** opened and closed the public hearing at 6:38 pm.

Motion: **BERRY** moved to "adopt Ordinance 13-05-329," and it failed in a roll call vote of 4-2 with **BERRY** and **WATERMAN** in favor.

In discussion, **SMITH** stated he was unaware parking requirements were an issue and he felt this ordinance was not a good idea. **BERRY** mentioned the planning commission deals with these issues on regular bases and he would like to adopt their recommendation. **SCOTT** spoke against the ordinance (as stated in her memo), as she feels it privatizes the public streets and creates more of a problem than it solves. **SMITH** said this discussion may have to do with the kind and size of the businesses involved. **LAPP** stated he could understand **SCOTT's** point of view. **SMITH** remarked if this was passed it would be difficult to revert later.

C. Ordinance 13-05-330 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 18, Section 18.20.020 to adjust the time limit in the definition for "temporary use" to be consistent with the time period for temporary residence permits in Section 18.60.020.

Mayor **SCOTT** opened and closed the public hearing at 6:48 pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 13-05-330," and it carried unanimously in a roll call vote.

During the discussion, **SMITH** stated he had issues with this ordinance as some individuals are not following the current code. **BERRY** pointed out this ordinance would require the applicant to follow current code before an extension would be approved. **SCOTT** clarified **SMITH's** statement that he would prefer to have the definition of "temporary residence" shortened to match the definition of "temporary use", instead of the other way around as this ordinance proposes, but no motion was made. **WATERMAN** said it was her belief code enforcement was working, and this ordinance addresses a different issue. **VICK** also spoke in favor of this ordinance.

E. Ordinance 13-05-331 – Second Hearing

An Ordinance of the Haines Borough adopting, by ordinance, a revised fee schedule that clarifies qualification for winter moorage rates.

Mayor **SCOTT** opened and closed the public hearing at 6:52pm; there were no public comments.

Motion: **WATERMAN** moved to "adopt Ordinance 13-05-331," and it carried unanimously in a roll call vote.

In discussion, **SCHNABEL** voiced her concern about adopting fees into code instead of just referring to an administrative document, which is easier to revise later. She suggested this matter be held over one more meeting so an amendment could be prepared to extract the fees from the ordinance, but no amendment was made. **SCOTT** clarified only the qualifications are being changed, not the fees.

F. Ordinance 13-05-327 – Second Hearing

An Ordinance of the Haines Borough amending borough code title 2, sections 2.08.010, 2.68.140, 2.68.200, and 2.68.510 to allow for election of assembly and school board members through single lists of candidates.

Mayor **SCOTT** opened and closed the public hearing at 6:55pm; there were no public comments.

Motion: **SCHNABEL** moved to "adopt Ordinance 13-05-327," and it carried, as amended to add "effective upon adoption" in a 3-3 roll call vote, with Mayor **SCOTT** breaking the tie in favor of the amendment.

In discussion, **SCOTT** brought the attention of the assembly to the memo from the borough attorney which reported the recent Supreme Court ruling and the effect on the implementation of this ordinance. **VICK** spoke against the amendment to make the effective date immediate, as changing election policy so close to the election may be a poor reflection on those seeking reelection this year. **SCHNABEL** said the idea of a roster election has been in the public venue for two years. **VICK** stated this was sent to the Governmental Affairs and Services committee and discussed, but many in the public do not know of these proposed changes. **SCHNABEL** remarked code has no requirement for seats, and describes a different declaration of candidacy and ballot procedure which are not in use at this time. She wishes to make code consistent on this matter. **SCOTT** stated the school board felt this ordinance would be good for the voters. She reflected the current seat lettering system did not align with geographic areas or groups. **LAPP** clarified the former City of Haines was elected by seats, and he felt it was best to keep the procedure as it is. **BERRY** mentioned the former borough was elected by seats, but corresponded with geographic areas before consolidation.

G. Ordinance 13-06-332 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Chapter 10.44 to provide that parking violations are subject to a civil fine; provide for the content of a notice of violation of parking restrictions; and establish an administrative appeal process for parking violations.

Mayor **SCOTT** opened and closed the public hearing at 7:10pm; there were no public comments.

Motion: **BERRY** moved to "advance Ordinance 13-06-332 to a second public hearing on 7/9/13," and it carried unanimous in a roll call vote.

During the discussion, **FORD** was asked to report on this matter. He spoke to the need for this ordinance. He stated this would change a parking violation to a civil penalty instead of a criminal penalty. This would allow the police to leave a ticket on the vehicle instead of having to deliver the it to the individual. He related many other communities have adopted similar ordinances.

8. STAFF/FACILITY REPORTS

A. Public Facilities – Project Update and Update on Waterfront Power lines (for the borough manager)

JIMENEZ spoke first to the bids to bury utility poles on Front Street from Alaska Power & Telephone and Southeast Roadbuilders bids. He reported the State of Alaska was not amenable to further alterations to their filed environmental impact statement (EIS) which would be required to bury the already installed power lines. However, **SCOTT** said the state was willing to work with the borough to replace all of the sidewalks (not just parts) on the waterside of the project if the borough were to help fund the replacement. As there was no more funding available from the state's cruise ship head tax fund. However, the borough may be able to use their cruise ship funds to finance the cost of complete sidewalk replacement on the waterside. **SCOTT** reported this would be possible if the borough acts quickly. Cost estimates for this were discussed. **STEPHENS** was introduced as a State of Alaska employee working on this project. **VICK** asked if some of the new sidewalks would be removed in a couple of years when the proposed new dock and parking was built. Also, if there is construction being done, if the picnic table rest areas could be improved with concrete pad? **SCOTT** said adding pads would be an independent contract, but **VICK** countered this work would be an extension of the sidewalks. **JIMENEZ** reiterated the state would not be amendable to any additional design work, and said a pad would not have to be poured at the same time as the sidewalks. **STEPHENS** agreed it would be easy to marry an additional area later and he was unsure about the legality of adding this area on their EIS.

Motion: **LAPP** moved to "direct the acting manager/director of public facilities to arrange for sidewalk improvements on Front Street with the State of Alaska, not to exceed the amount of \$110,000 from the borough cruise ship tax funds". This motion passed unanimously by a roll call vote.

In discussion, **SCHNABEL** asked where this project ends, as the current sidewalk leaves pedestrians unsure where to go. **JIMENEZ** stated it ends at the end of the ice house parking lot and **STEPHENS** responded the sidewalk ends at the dry dock area. He reflected curb ramps and stripping would be required to add a crosswalk to direct people to the sidewalk on the cemetery side of the street. **SCHNABEL** remarked she would like to see this done. **WATERMAN** reminded the assembly this is a state project and asked if this would be a separate contract, due to the state's financial constraints on this project. **JIMENEZ** answered a sidewalk extension would take additional survey and design. **SCHNABEL** stated she would like future cruise ship funds to be applied to a sidewalk extension. The mayor also spoke to the worry voiced during the Friday, June 14th special meeting regarding the road being laid as part of the Front Street project. The state has not designed this project to deal with the substrate and 1400 feet of road is not being reconstructed. The legislature authorizes cruise ship head tax projects, and this project was scoped as a pavement rehabilitation project, not a road reconstruction project (expect the intersection). She reported the state disagrees with R. Schnabel's opinion at the Friday meeting and feels the road will last 6-10 years. He stated the road took 10-15 years to reach its current state. **SCOTT** related it will cost \$350,000 to \$500,000 to reconstruct the road. **STEPHENS** reported the road will be flattened and storm drains will be replaced. **SMITH** felt the state was doing a less than complete job, and the money should be spent now to fix the road while it is being worked on. **SCHNABEL** said water movement from the park under the pavement is an issue. **BERRY** agreed and believes there will be frost heaves within 3-6 years, as the entire town drains in this area. **SCOTT** remarked neither additional design nor work could be done this season. **BERRY** said he is against delaying this project and losing the state money. **WATERMAN** stated she hopes in the future the borough will be more involved in project design so the concerns of the community and assembly can be addressed before construction. **LAPP** agreed; let them do what is planned, and be more involved in the future. **SMITH** clarified it is the assembly's belief this will stay a state road after construction. **BERRY** stated this would be a good time to request the state spend future money on this area (but no motion was made). **JIMENEZ** stated other projects are going well. **WATERMAN** thanked **JIMENEZ** for the report.

* **B. Fire Department – Staff Report of May 2013**

C. Chilkat Center – Facility Report of May 2013

SCHNABEL spoke to the request of the Chilkat Center to provide honorariums to people who have provided service to the center, like the work Lee Heinmiller provided Yukon Tourism program.

Motion: **SCHNABEL** moved that "the manager be made aware that the assembly supports the suggestion of the Chilkat Center for the Arts manager to have an honorarium be provided to Lee Heinmiller for his service provided during the Yukon Travel Industry Association event" which carried unanimously.

In discussion, **CARLSON** stated she had spoken with Kay Clements, the facilities manager who had also spoken to the borough manager. She suggested to Clements these honorariums could be built into the future pricing for the rental agreements. **WATERMAN** agreed and supported the motion.

Motion: **WATERMAN** moved to "direct the manager to work with the Chilkat Center Advisory Board to create a better fee structure for events" and it carried unanimously.

In discussion, **VICK** spoke as the liaison to the Chilkat Center Advisory Board. The board didn't fully know what to expect with this event and were prepared as they could be. This was a good learning experience. **SCHNABEL** asked if this might be a tourism issue not a Chilkat Center issue. **WATERMAN** stated this was the Chilkat Center's fee structure and wanted to offer support. **SCHNABEL** wanted to clarify where these honorarium would come from in the future, although the Heinmiller fee would come from the tourism department on this occasion. **VICK** remarked the Chilkat Center is working with the tourism department to potentially arrange and formalize a relationship. **SCOTT** attended the tourism advisory board and they spoke to the need to formalize the convention sales and services as well.

*D. **Museum Board** – *Staff Report of May 2013*

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

*A. **Planning Commission** – *Minutes of 5/9/13*

*B. **Museum Board of Trustees** – *Minutes of 5/13/13*

C. **Assembly Standing Committee Reports** - None

10. UNFINISHED BUSINESS

A. Sales Tax Exemption Request – Great Bear Foundation

Note: this 501(c)3 organization applied for sales tax exemption status as allowed by HBC 3.80.050(13). On 5/28, debate resumed on a proposed motion to approve, but it was once again postponed to ask the applicant to come back with a list of what the organization proposes to use the sales tax exemption for, differentiating between educational activities and commercial tours.

Motion removed from the table: "approve the request from Great Bear Foundation for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate" and in a 3-3 roll call vote, with Mayor **SCOTT** breaking the tie in favor.

In discussion, **SCOTT** brought the assembly's attention to the memo from the Great Bear Foundation. **BERRY** stated this memo was just what the assembly was asked for, and he felt satisfied. **SCHNABEL** found it difficult to make a distinction between the educational and for-profit activities.

Motion: **SMITH** move to "take a 5 minute break" and it carried unanimously.

11. NEW BUSINESS

A. Resolutions

1. Resolution 13-06-468

A Resolution of the Haines Borough Assembly authorizing acceptance of certain late-filed 2013 Senior Citizen/Disabled Veteran Property Tax Exemption applications.

Motion: **BERRY** moved to "adopt Resolution 13-06-468," and it carried failed in a roll call vote of 4-2 with **BERRY** and **VICK** in support.

In discussion, **WATERMAN** stated she had concerns with the process being used. In years previous they looked at each application individually, like the board of equalization process and **LAPP** agreed. **SCHNABEL** also agreed the process was concerning, and it was the applicant's responsibility to provide reasoning for late-filing. She was also concerned staff collected the data presented. **BERRY** remarked the medical reasons listed seemed appropriate to him. **VICK** concurred the bulk listing was not a good process. **SCOTT** stated the code does not define a process and this resolution could be amended. **SMITH** wondered if some of these reasons would be accepted by the Internal Revenue Service. **SCHNABEL** wanted the process to be reasonable and compassionate, but the deadline should upheld and each application should have

documentation. **BERRY** stated he felt these applicants should be held to the same criteria as years previous. The process can be changed later. **VICK** said he would like to accept Canary's recommendations. **SMITH** asked why each applicant would have to file every year. **WATERMAN** stated besides age, another criterion is primary residence, which can change year to year.

Motion: WATERMAN moved to "have late-filing 2013 Senior Citizen/Disabled Veteran Property Tax Exemptions with medical reasoning be asked appear or provide written communication to the Haines Borough Assembly on or before July 30th to have their late-filed applications considered for acceptance." The motion passed as amended in a 5 to 1 vote with **VICK** opposed.

In discussion, several amendments were successfully added to the motion which clarified both written and verbal communications were acceptable and when the most appropriate deadline for the requested documentation would be. It was agreed each applicant would appear as a separate agenda item. **SMITH** asked if medical documentation should be required. **WATERMAN** stated she did not want to change the current process. She was concerned the number of both late-filing applicants and those with medical reasoning were both much higher this year. **SCHNABEL** wished to measure each applicant against code language. **BERRY** and **WATERMAN** agreed they wished to see the original forms submitted.

2. Resolution 13-06-469

A Resolution of the Haines Borough Assembly Authorizing an Early Retirement Incentive Program during the period of July 15, 2013 through November 30, 2013.

Motion: VICK moved to "refer to Personnel and Finance Committees," and it passed unanimously.

3. Resolution 13-06-470

A Resolution of the Haines Borough Assembly requesting the Legislative Affairs Council authorize and fund a Legislative Information Office in Haines, Alaska.

KURTZ spoke to his support of this resolution. The library director was also in support.

Motion: BERRY moved to "adopt Resolution 13-06-470," and it carried unanimously in a roll call vote.

In discussion, **SCHNABEL** questioned the financing of this resolution. **SCOTT** clarified this proposal would save the State of Alaska Legislative Information Office (LIO) administration money by donating space on technology at the library. **SMITH** asked how many other communities have a LIO office and **SCOTT** listed several communities. **SMITH** asked if this would affect the redistricting process. **SCOTT** said it may not, but she felt it would be good for the community. **WATERMAN** stated a LIO office will allow greater participation, including redistricting discussions.

B. Ordinances for Introduction - None

C. Other New Business

1. Letter to ADOT&PF regarding Herbicide Spraying

Motion: WATERMAN moved to "confirm the draft letter to ADOT&PF Commissioner Kemp regarding herbicide and pesticide use in the Haines Borough," and the motion carried unanimously.

In discussion, **SCOTT** stated she is going on the record to politely state the borough's opinion to Alaska Department of Transportation and Public Facilities (ADOT&PF).

2. Update on Redistricting Board Activity – Discussion Item

Note: the borough attorney informed that the Fairbanks Superior Court sent the Alaska Redistricting Board back to work on an aggressive schedule of daily work meetings followed by a series of public hearings in order to produce Alaska voting districts based on the Alaska Constitution. It is possible this process will result in re-districting Haines, moving Haines from its association with Sitka & other rural communities, and aligning Haines with the Northern Mendenhall Valley & Skagway. There were several questions to consider: 1) How should the Haines Borough participate in this process? 2) Prepare a statement defending our alignment with Sitka & present it during the July 2 public hearing? 3) Wait and see what plan is produced and whether it changes the boundaries from those we objected to in 2012 (through adopted Resolution 12-05-363)? 4) Should at least one person at least be assigned to listen to the teleconferenced hearing July 2?

In discussion, **SCOTT** and **BERRY** stated an additional Sealaska plan is still unknown at this time. **SMITH** didn't like sharing a district with Juneau. **BERRY** remarked he felt Plan E would leave Haines least impacted by Juneau. **SCOTT** stated it is the assembly's job to make a case that the Haines Borough is most socioeconomically similar to the communities in the assembly's

chosen plan. **SCOTT** stated when Tracy returns it will be easier to define which part of Juneau we will be grouped with on the maps. **LAPP** stated he supported Plan E. **SMITH** asked how much our opinion will impact the board's choice. **SCHNABEL** suggested contacting the leadership of the Plan E communities to see if consensuses can be built. She also requested the Ketchikan Plan be considered. **VICK** agreed the borough should work with our neighbors. **SCHNABEL** offered it might be good for someone to participate in the July 2 teleconference. **WENNER** stated the mayor may want to contact other cruise ship communities. **SMITH** recommended also evaluating the populations of other neighboring communities and **SCOTT** agreed to do so.

Motion: **LAPP** moved to "ask the mayor to contact the leadership some of the neighboring rural communities to see if they have a plan preference and to ask the reasons for their preferences." The motion passed unanimously.

3. Police Resources

VICK stated the police department is short a staff member and there is increased theft activity. He would like to see if there is something the assembly can do to help the department during this time of peak need. **VICK** inquired about how much overtime was being used. **FORD** reported before the recent large theft, it was 10 hrs, but it will increase with this case. He wanted to clarify he believes this theft was a single incident in one night, not a rash of incidents. **VICK** asked if there was a way to get another officer or have another person just for administrative work. **BERRY** stated if there was an active reserve program it would be able to meet this need, and its formation should be a priority. **SCHNABEL** was concerned this matter was brought to the assembly by a member, not directly from the department.

Motion: **VICK** moved to "ask the manager to work with the police department to seek additional resources to help alleviate some of the work load." The motion, as amended, carried 4 to 2 with **SCHNABEL** and **SMITH** opposed.

In discussion, **SMITH** said it was his understanding the manager was now in charge of the police department and this is a redundant instruction. **VICK** stated he did not see a problem with an assembly member offering support to a department in need. He specified the resource being discussed should entail hiring a staff member. **SCOTT** remarked Skagway hires police staff seasonally. However, she felt the department should work through the manager who will come to the assembly if additional resources are needed.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES - None

A. Government Affairs & Services Committee – Tuesday, July 2nd at 5:00pm at Assembly Chambers, to review parking citation ordinance 13-06-332 and other governmental issues

B. Personnel Committee – Monday, July 8th at 1:00pm at Assembly Chambers, to review the retirement program and finalizing the changes to the manager's contract

C. Finance Committee – Tuesday, July 9th at 5:00pm at Assembly Chambers, to look at the retirement program and adjusting the senior tax exempt process

14. PUBLIC COMMENTS

FRIEDENAUER requested a committee review the senior tax exemption process. Perhaps the need to reapply each year should be highlighted on the form. **SCOTT** stated the Government Affairs and Services committee may take up this issue. **SCHNABEL** argued it's in the finance code. The finance committee agreed to take up the matter in their next meeting.

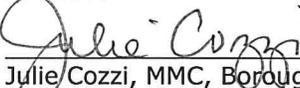
WENNER requested when the neighboring communities are called regarding redistricting that similarities like native population, fisherman, and cruise ship be discussed. He remarked we may have more in common with the areas south of Juneau than north Juneau.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT - 9:25pm

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

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor