

Haines Borough
Borough Assembly Meeting #251

AGENDA

August 13, 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 – Borough Clerk Report
- 8C – Museum Staff Report
- 9A – Museum Board Minutes
- 11A1 – Adoption of Resolution 13-08-477
- 11A2 – Adoption of Resolution 13-08-478
- 11A3 – Adoption of Resolution 13-08-479
- 11A4 – Adoption of Resolution 13-08-480
- 11A5 – Adoption of Resolution 13-08-481
- 11A6 – Adoption of Resolution 13-08-482
- 11B1 – Introduction of Ordinance 13-08-340
- 11B2 – Introduction of Ordinance 13-08-341
- 11B3 – Introduction of Ordinance 13-08-342
- 11B4 – Introduction of Ordinance 13-08-343
- 11B5 – Introduction of Ordinance 13-08-344
- 11B6 – Introduction of Ordinance 13-08-345
- 11B7 – Introduction of Ordinance 13-08-346
- 11B8 – Introduction of Ordinance 13-08-347

*** 4. APPROVAL OF MINUTES – June 25 and July 23 Regular**

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

6. MAYOR'S COMMENTS/REPORT

A. State's Response to Borough re. Herbicide Spraying

7. PUBLIC HEARINGS

**A. Appeal of 2013 Commercial Tour Permit Revocation
Alaska Cross Country Guiding & Rafting**

*Certain business activities operating within the borough are required to obtain a permit in advance. These include commercial tour permits, commercial passenger vehicle permits and commercial passenger vehicle parking permits. The permits are initially issued by the clerk. Once issued a permit may be revoked by the manager. HBC 5.04.120(A) lists 5 specific reasons a permit may be revoked or suspended. When the manager revokes a permit, the person holding the permit has the right to appeal to the assembly, and that is what has happened here. When considering appeals from actions of the manager revoking a permit, the assembly is acting as a jury. As such, the ultimate decision must be based ONLY on the information submitted during the hearing process. For this reason, documents pertaining to this revocation and appeal will be provided during the hearing. The appellant and the manager will each make their presentations to the assembly with the appellant going first. Since code says this is to be a public hearing, any others present wishing to provide information will be allowed to briefly do so following the manager's presentation. At the conclusion of the hearing, the assembly will deliberate either in public or in executive session at the discretion of the assembly. **Assembly Action:** Code allows the assembly to either completely undo the action of the manager, approve the action of the manager or modify the action of the manager.*

7. PUBLIC HEARINGS ---continued---

B. Ordinance 13-07-333 – Second Hearing

An Ordinance of the Haines Borough authorizing the issuance of general obligation bonds in an amount not to exceed \$5,050,000 to finance a plan of capital improvements to school facilities of the Borough; authorizing submission to the qualified voters of the Borough at the regular election to be held on October 1, 2013, of a proposition approving this ordinance and ratifying the authorization of the Bonds; appropriating funds for the projects; and providing for an effective date.

*This ordinance was introduced on 7/9 and had a first public hearing on 7/23. Since that time, because of additional information, it has become the administration's recommendation to withdraw any intention to bond these projects, at this time. **Motion:** Postpone Ordinance 13-07-333 indefinitely.*

C. Ordinance 13-07-335 – Second Hearing

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY14 budget.

*This ordinance originated from a motion made by the borough assembly on 6/25 to fund the replacement of sidewalks on Front Street. A memo from the manager and finance director asks for additional amendments, including: (1) higher than expected community jails contract revenue, (2) proposed changes to payroll, and (3) Front St. underdrain. It was introduced on 7/9 and had a first public hearing on 7/23. An additional amendment pertaining to the Picture Point wayside improvements grant is being proposed. The manager requests that amendment prior to adoption. **Motion:** Adopt Ordinance 13-07-335.*

D. Ordinance 13-07-336 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Section 2.10.010 to limit the length of borough assembly meetings.

*This ordinance was requested by Assembly Member Lapp. It was introduced on 7/23 and referred to the Government Affairs & Services Committee for review prior to adoption. **Motion:** Advance Ordinance 13-07-336 to a second public hearing on 8/27/13.*

E. Ordinance 13-07-337 – First Hearing

An Ordinance of the Haines Borough approving the conveyance by quitclaim deed of Tract B of Alaska Tideland Survey ("ATS") 1464 to the state of Alaska, Department of Transportation and Public Facilities ("ADOT&PF") for the Haines Ferry Terminal Improvements project (state Project #68433) and amending Haines Borough Ordinance No. 12-07-299 to authorize the conveyance of Parcel 3 (Tract C of ATS 1464) to ADOT&PF by quitclaim deed rather than warranty deed.

*A substitute ordinance has been prepared for this ordinance and is recommended by borough manager. The planning commission reviewed the matter on 7/11 and unanimously supports it. It was introduced on 7/23. **Motion:** Advance Ordinance 13-07-337 to a second public hearing on 8/27/13.*

F. Ordinance 13-07-338 – First Hearing

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY13 budget.

*This ordinance is recommended by the borough manager ~~and will be reviewed by the finance committee just prior to this meeting.~~ It was introduced on 7/23. **Motion:** Advance Ordinance 13-07-338 to a second public hearing on 8/27/13.*

8. STAFF/FACILITY REPORTS

- A. Borough Manager – 8/13/13 Report
- * B. Borough Clerk – 8/13/13 Report
- * C. Sheldon Museum – Staff Report of June/July 2013

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. Museum Board of Trustees – Minutes of 6/10/13 and 6/17/13
- B. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

***1. Resolution 13-08-477**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services contract with Haines Animal Rescue Kennel to provide animal control services during FY14 for an amount not to exceed \$47,813.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-08-477.*

***2. Resolution 13-08-478**

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 Wayside Improvements project funded through the National Scenic Byways Grant Program.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-08-478.*

***3. Resolution 13-08-479**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a loan from the Alaska Clean Water Fund for the project entitled Sewer Treatment Plant Health and Safety Upgrades.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-08-479.*

***4. Resolution 13-08-480**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a loan from the Alaska Drinking Water Fund for the project entitled Replace Allen Road AC Pipe.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-08-480.*

***5. Resolution 13-08-481**

A Resolution of the Haines Borough Assembly specifying the percentage of National Forest Receipts funding to be allocated to Title I and Title II.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-08-481.*

***6. Resolution 13-08-482**

A Resolution of the Haines Borough Assembly supporting the Borough's application to host the Alaska Municipal League Summer Meeting in 2015.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-08-482.*

7. Resolution 13-08-483

A Resolution of the Haines Borough assembly authorizing acceptance of the late-filed 2013 Senior Citizen/Disabled Veteran Property Tax Exemption for John Schnabel (Property # C-ERM-00-0200).

*The assessor's office received a late 2013 exemption application and the contract assessor recommended the assembly accept the late filing. On 6/25/13, the assembly delayed consideration of this matter and requested the applicant be asked to appear or provide written communication explaining the medical reason on or before July 30th and asked staff to provide them with a copy of the late-filed application. The applicant submitted additional information by the July 30th deadline. **Motion:** Adopt Resolution 13-08-483.*

8. Resolution 13-08-484

A Resolution of the Haines Borough assembly authorizing acceptance of the late-filed 2013 Senior Citizen/Disabled Veteran Property Tax Exemption for Teresa Hura (Property # C-HGL-05-0200).

*The assessor's office received a late 2013 exemption application and the contract assessor recommended the assembly accept the late filing. On 6/25/13, the assembly delayed consideration of this matter and requested the applicant be asked to appear or provide written communication explaining the medical reason on or before July 30th and asked staff to provide them with a copy of the late-filed application. The applicant submitted additional information by the July 30th deadline. **Motion:** Adopt Resolution 13-08-484.*

11.A. NEW BUSINESS/Resolutions ---continued---

9. Resolution 13-08-485

A Resolution of the Haines Borough assembly authorizing acceptance of the late-filed 2013 Senior Citizen/Disabled Veteran Property Tax Exemption for Dorothy Willard (Property # C-OCV-00-0700).

*The assessor's office received a late 2013 exemption application and the contract assessor recommended the assembly accept the late filing. On 6/25/13, the assembly delayed consideration of this matter and requested the applicant be asked to appear or provide written communication explaining the medical reason on or before July 30th and asked staff to provide them with a copy of the late-filed application. The applicant submitted additional information after the July 30th deadline. **Motion:** Adopt Resolution 13-08-485.*

10. Resolution 13-08-486

A Resolution of the Haines Borough assembly authorizing acceptance of the late-filed 2013 Senior Citizen/Disabled Veteran Property Tax Exemption for Albert Morgan (Property # C-MEA-01-1900).

*The assessor's office received a late 2013 exemption application and the contract assessor recommended the assembly accept the late filing. On 6/25/13, the assembly delayed consideration of this matter and requested the applicant be asked to appear or provide written communication explaining the medical reason on or before July 30th and asked staff to provide them with a copy of the late-filed application. The applicant submitted additional information by the July 30th deadline. **Motion:** Adopt Resolution 13-08-486.*

11. Resolution 13-08-487

A Resolution of the Haines Borough Assembly authorizing the allocation of FY14 Budgeted Funds to Non-profit Organizations.

*This resolution is recommended by the 2013 ad hoc Non-profit Funding Committee. **Motion:** Adopt Resolution 13-08-487.*

12. Resolution 13-08-488

A Resolution of the Haines Borough Assembly waiving the \$250.00 after-the-fact fee for the vacation rental located on parcel # 4-MBR-06-0500 belonging to Mark Sogge and Cecily Stern within the Mud Bay Planning/Zoning District.

*This resolution is recommended by the planning commission. **Motion:** Adopt Resolution 13-08-488.*

B. Ordinances for Introduction

* 1. Ordinance 13-08-340

An Ordinance of the Haines Borough amending Borough Code Section 3.70.030 to extend the application deadline for senior and disabled veterans property tax exemptions and to remove the provision for late applications.

*This is recommended by the finance committee. **Motion:** Introduce Ordinance 13-08-340 and set a first public hearing for 8/27/13.*

* 2. Ordinance 13-08-341

An Ordinance of the Haines Borough amending Borough Code Section 18.90.060(I) to add a size limitation for small informational signs.

*This is recommended by the planning commission. **Motion:** Introduce Ordinance 13-08-341 and set a first public hearing for 8/27/13.*

* 3. Ordinance 13-08-342

An Ordinance of the Haines Borough amending Borough Code Section 18.60.010(I) to remove the requirement for a wastewater disposal system to be inspected every two years by the Alaska Department of Environmental Conservation.

*This is recommended by the planning commission. **Motion:** Introduce Ordinance 13-08-342 and set a first public hearing for 8/27/13.*

11.B. NEW BUSINESS/Ordinances for Introduction ---continued---

* 4. **Ordinance 13-08-343**

An Ordinance of the Haines Borough amending Borough Code Section 18.80.030(B) to add setback regulations to the General Use Zone.

*This is recommended by the planning commission. **Motion:** Introduce Ordinance 13-08-343 and set a first public hearing for 8/27/13.*

* 5. **Ordinance 13-08-344**

An Ordinance of the Haines Borough amending Borough Code Section 18.20.020 to define temporary use dwellings.

*This is recommended by the planning commission. **Motion:** Introduce Ordinance 13-08-344 and set a first public hearing for 8/27/13.*

* 6. **Ordinance 13-08-345**

An Ordinance of the Haines Borough amending Borough Code Chapter 3.80 to clarify that sales of games of chance and contests of skill are subject to sales tax and to require persons conducting charitable gaming in the borough to file periodic reports with the borough.

*The borough attorney drafted this ordinance in response to a staff request. The recommendation is for the finance committee to review it. **Motion:** Refer Ordinance 13-08-345 to the finance committee.*

* 7. **Ordinance 13-08-346**

An Ordinance of the Haines Borough authorizing the borough manager to enter into a loan agreement in the amount of up to \$787,500 with the Alaska Department of Environmental Conservation for the Muncaster Road Asbestos Cement Pipe Replacement project.

*This is recommended by the borough manager. **Motion:** Introduce Ordinance 13-08-346 and set a first public hearing for 8/27/13.*

* 8. **Ordinance 13-08-347**

An Ordinance of the Haines Borough amending Haines Borough Code Chapter 2.72.080 to specify what categories of personnel records are available to the public.

*This is recommended by the borough manager. **Motion:** Introduce Ordinance 13-08-347 and set a first public hearing for 8/27/13.*

C. Other New Business

1. **Appeal of Planning Commission Decision**

Explanation/History: *The borough manager issued an enforcement order to property owner Neil Einsbruch requiring the payment of a \$250 after-the-fact fee for failure to file a construction declaration within 60 days of the start of construction, as required by HBC 18.30.010(A)(2)(c). Einsbruch appealed to the planning commission and, after consideration of it on 7/11, the planning commission voted to deny the appeal and thereby not recommending the assembly waive the fee (HBC 18.30.070(D)). HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision, and Einsbruch submitted an appeal to the borough clerk on 7/23. The burden of proof is on the appellant to make the case that the planning commission erred in their decision and that a rehearing by the assembly is warranted. The appellant may be out of town during this meeting and, if so, would like his written appeal to make his case.*

Assembly Action Needed at THIS meeting: *Per HBC 18.30.060, at this meeting, and following the appellant's presentation if he is in attendance, the assembly must decide by motion:*

- *whether or not to rehear the commission's decision and, if so,*
- *whether to rehear the entire decision or a particular portion.*

Note: *Any rehearing must take place at the next regularly scheduled assembly meeting (8/27) and include a duly-noticed public hearing.*

2. **Request to Purchase Borough Property – Former School Property** – Discussion Item

The borough has received a request to purchase a portion of the former school property. On 8/8/13, the planning commission considered whether to classify that property for sale, and a motion to that affect carried.

11.C. NEW BUSINESS/Other New Business ---continued---

3. Amendments to the Borough Manager's Contract Language

*The personnel committee was asked to review the content of the borough manager contract document. On June 11, 2013, committee chair Joanne Waterman reported the committee had met in a meeting that was well attended by members of the public. She said the committee recommended changes to the leave portion of the borough manager's contract, and they were still working on the language. That work is complete, and the proposed amendments (particularly benefits and professional development) now come to the assembly for consideration. The main thrust of the amendment is to clarify existing contract language and move to a consolidated leave system by combining annual, sick, and (the existing) personal leave into a combined personal leave. The proposed personal leave accrual rate is a balance between existing accruals and the loss of accrued sick leave. **Motion:** Approve changes to the borough manager contract, as proposed in the draft amendment dated August 13, 2013.*

4. Borough Comment to ADOT&PF re. Highway Realignment

*The manager has worked with the mayor along with other staff members to draft comments regarding the proposed Haines Highway Improvements from MP 3.5 to MP 25.3 Environmental Assessment (EA). This draft states the borough's support for the plan presented in the EA that mitigates the impacts to eagle and fish habitat, avoids cultural resources, and creates a safe transportation corridor. This letter expresses the belief that the EA strikes a balance between addressing public safety concerns and protecting and safeguarding important cultural, biological, and environmental assets. The borough assembly's confirmation is requested. The meeting packet contains written comments received by the borough clerk through 8/8/13. **Motion:** Confirm the draft letter to Alaska Department of Transportation & Public Facilities on behalf of the Haines Borough Assembly regarding Haines Highway Improvements - Milepost 3.5 to 25.3, Environmental Assessment Comments.*

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT