

Haines Borough  
Borough Assembly Meeting #261  
AGENDA



January 14, 2014 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

**Stephanie Scott,**  
Mayor

**Dave Berry Jr.,**  
Assembly Member

**Diana Lapham,**  
Assembly Member

**Debra Schnabel,**  
Assembly Member

**Joanne Waterman,**  
Assembly Member

**George Campbell,**  
Assembly Member

**Jerry Lapp,**  
Assembly Member

**TBD,**  
Borough Manager

**Julie Cozzi,**  
Interim Manager

**Michelle Webb,**  
Interim 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 – Chilkat Center for the Arts Report
- 8C – Fire Department Report
- 9A – Sheldon Museum Board of Trustees Minutes
- 9B – Planning Commission Minutes
- 9C – Public Safety Minutes and Report
- 11A1 – Adoption of Resolution 14-01-527
- 11A2 – Adoption of Resolution 14-01-528
- 11A3 – Adoption of Resolution 14-01-529
- 11A4 – Adoption of Resolution 14-01-530
- 11A5 – Adoption of Resolution 14-01-531
- 11B1 – Introduction of Ordinance 14-01-363
- 11B2 – Introduction of Ordinance 14-01-364
- 11B3 – Introduction of Ordinance 14-01-365
- 11C1 – Board Appointments

**\*4. APPROVAL OF MINUTES – 12/17/13 Special Meeting and 1/7/14 Special Meeting**

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

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

**A. Clean Harbor Presentation**

**7. PUBLIC HEARINGS**

**A. Ordinance 13-11-355 - Second Hearing**

**A Non-Code Ordinance approving the conveyance to the State of Alaska, Department of Natural Resources ("DNR") of Lot 7, Block B Excursion Inlet South Subdivision Plat No. 81-58 Juneau Recording District First Judicial District State of Alaska.**

*This ordinance is recommended by the borough attorney and finance director. It was introduced on 11/12 and had a first hearing on 12/10. **Motion:** Adopt Ordinance 13-11-355.*

**B. Ordinance 13-12-357 - First Hearing**

**An Ordinance of the Haines Borough authorizing renewal of a lease of the Human Resources Building with Chilkat Valley Preschool for the purpose of providing preschool 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 2014. Borough Charter states the leasing of borough property must be approved by the assembly by ordinance. It was introduced on 12/10. **Motion:** Advance Ordinance 13-12-357 to a second public hearing on 1/28/14.*

7. PUBLIC HEARINGS---continued

- C. **Ordinance 13-12-358** - First Hearing  
**An Ordinance of the Haines Borough amending Borough Code Section 18.80.030 to add setback regulations to the General Use zone and to correct a typographical error to make it consistent with the Section 18.20.020 definition of setback.**  
*This ordinance is recommended by the planning commission. It was introduced on 12/10.*  
**Motion:** Advance Ordinance 13-12-358 to a second public hearing on 1/28/14.
- D. **Ordinance 13-12-359** - First Hearing  
**An Ordinance of the Haines Borough amending Borough Code Section 18.100.092 to remove the biennial state inspection requirement for wastewater disposal systems to make this code section consistent with Section 18.60.010(i).**  
*This ordinance is recommended by the planning commission. It was introduced on 12/10.*  
**Motion:** Advance Ordinance 13-12-359 to a second public hearing on 1/28/14.
- E. **Ordinance 13-12-360** - First Hearing  
**An Ordinance of the Haines Borough amending Borough Code Title 18 Sub-Section 18.30.010(A)(2)(c) to change the filing period for Construction Declaration forms.**  
*This ordinance is recommended by the planning commission. It was introduced on 12/10.*  
**Motion:** Advance Ordinance 13-12-360 to a second public hearing on 1/28/14.
- F. **Ordinance 13-12-361** - First Hearing  
**An Ordinance of the Haines Borough amending Borough Code Title 18 Section 18.20.020 to revise the definition of "Agriculture, personal use" and Section 18.30.070 to reduce the fees for permits relating to animal husbandry.**  
*This ordinance is recommended by the planning commission. It was introduced on 12/10.*  
**Motion:** Advance Ordinance 13-12-361 to a second public hearing on 1/28/14.

8. STAFF/FACILITY REPORTS

- A. Interim Borough Manager – 1/14/14 Report  
\* B. Fire Department – Facility Report of November, December, and the 2013 Yearly Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- \* A. Sheldon Museum Board of Trustees – Minutes of 10/16/13  
\* B. Planning Commission – Minutes of 11/14/13  
\* C. Public Safety Commission – Minutes of 1/4/14 and request (which is being addressed)  
\* D. Chilkat Center for the Arts – Staff Report of December 2013  
E. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

- \*1. **Resolution 14-01-527**  
**A Resolution of the Haines Borough Assembly accepting an FY 2013 Designated Legislative Grant in the amount of \$15,000,000 for the purpose of Haines Boat Harbor Upgrades and authorizing the Borough Manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.**  
*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-527.*
- \*2. **Resolution 14-01-528**  
**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Henry Construction for the Haines Gym, Pool, and Chilkat Center Doors and Haines Gym Mat Hoist project for an amount not-to-exceed \$89,000.**  
*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-12-528.*
- \*3. **Resolution 14-01-529**  
**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of five surplus vehicles by any of the methods specified in Haines Borough Code 14.24.010 (Disposal of personal property).**  
*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-529.*

## 11. NEW BUSINESS

### A. Resolutions---continued

**\*4. Resolution 14-01-530**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a Cooperative Road Agreement with the Chilkoot Indian Association.**

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-530.*

**\*5. Resolution 14-01-531**

**A Resolution of the Haines Borough Assembly expressing support for Governor Parnell's proposal to appropriate \$3 billion from the Constitutional budget reserve into the Alaska Retirement Trust Funds in 2015.**

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-531.*

### B. Ordinances for Introduction

**\*1. Ordinance 14-01-363**

**An Ordinance of the Haines Borough amending Haines Borough Code Sections 2.50.030, 2.56.011, 2.60.055, 2.98.040, 2.100.040, 2.104.040, 2.105.040, 7.04.080, 16.08.010, and 18.30.040 to revise the procedure for filling board, committee, and commission vacancies.**

*A similar ordinance, 13-11-356, was introduced on 11/12/13, but was tabled indefinitely on 12/10/13. Ordinance 14-01-363 has increased the scope of revisions to include all occurrences of individual board references. This ordinance is recommended by the interim clerk, the interim manager, and the mayor. **Motion:** Introduce Ordinance 14-01-363 and set a first public hearing for 1/28/14.*

**\*2. Ordinance 14-01-364**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.62.030 to allow an assembly approved exception to the contracting or sale limit to a borough officer or employee.**

*This ordinance is recommended by the interim manager. **Motion:** Introduce Ordinance 14-01-364 and refer to the Governmental Affairs and Services Committee.*

**\*3. Ordinance 14-01-365**

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

*This ordinance is recommended by the interim manager. **Motion:** Introduce Ordinance 14-01-365 and set a first public hearing for 1/28/14.*

### C. Other New Business

**\*1. Board Appointments**

*Appointment recommendations have been received for seats on the Planning Commission, Museum, and Port and Harbor Advisory Committee. The mayor plans to make the recommended appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Jim Shook, Anastasia Wiley, and Jan Hill to the Museum Board of Trustees for terms ending 11/2016; Heather Lende and Rob Goldberg to the Planning Commission for terms ending 11/2016; and Glen Jacobson, Terry Pardee, and Don Turner, Sr. to the Ports and Harbor Advisory Committee for terms ending 11/2016.*

**2. GAS Recommendation: Ordinance 13-07-339**

**An Ordinance of the Haines Borough amending Borough Code Section 5.18.080 to change the procedure for amending the Commercial Ski Tour Areas Map.**

*This ordinance was proposed by Mayor Scott. It was introduced on 7/23/13 and referred to the Government Affairs and Services (GAS) Committee. It returned to the assembly on 10/22 when it was amended with a substitute ordinance and scheduled for a first public hearing. On 11/12, following the hearing, the ordinance was once again referred to the GAS Committee. On 12/3/13 the GAS committee proposed amendments to code, a manager policy, and recommended scheduling this ordinance for a second hearing. **Motion:** Adopt the GAS-recommended amendments and advance Ordinance 13-07-339, as amended, to a second public hearing on 1/28/14.*

## 11. NEW BUSINESS

### C. Other New Business ---continued

#### 3. **GAS Recommendation: Ordinance 13-10-352**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 13 to revise and clarify water and sewer service procedures.**

*This ordinance is recommended by the borough manager and finance director. It was introduced on 10/22 and referred to the Government Affairs and Services Committee. That committee met on December 3, and it proposes advancement to the first hearing. **Motion:** Direct the manager to provide justification for the proposed changes to the assembly by the 2/11/14 meeting and schedule Ordinance 13-10-352 for a first public hearing by 2/11/14.*

#### 4. **On Call Towing Services for the Haines Borough**

*This item was requested by Assembly Member Campbell. **Suggested Motion:** Direct the Manager to issue a Request for Proposals for towing and impound services to the borough on an "on call" basis at fixed per call rates.*

#### 5. **Proposed ATV Recreation Plan**

*This item was requested by Assembly Member Campbell. **Suggested Motion:** Request the Planning Commission to identify areas near or within the townsite of suitable size and terrain for designation as a Motorized Park to be returned to the assembly by the February 25th, 2014 assembly meeting.*

#### 6. **Appeal of Planning Commission Decision**

**Explanation/History:** *Gina St. Clair was denied a plat application by the borough on 10/8/13. St. Clair appealed to the planning commission and it was heard on 11/14/13. The planning commission voted to deny the appeal, thereby confirming staff's denial of the application per HBC 18.100.030(B). HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. An appeal was timely submitted to the Clerk which was clarified by the Interim Manager in a 1/2/14 email. 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.*

**Assembly Action Needed at THIS meeting:** *Per HBC 18.30.060, following the appellant's presentation if she 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 (1/28/14) and include a duly-noticed public hearing.*

#### 7. **Amend Previously Adopted Resolution – Ice House Coil Resolution**

*On 12/10/13, the assembly adopted Resolution 13-12-523, authorizing the Borough Manager to contract with Key Mechanical for an amount not to exceed \$18,000 to replace the coil in the Haines Boat Harbor ice house. Since that time, Key Mechanical has provided an updated quote of \$30,268 for the work. On or before the date on which the contract Notice to Proceed is issued, non-code Ordinance 14-01-365 shall be adopted by the borough assembly appropriating sufficient funds for the project, from additional raw fish tax receipts. Robert's Rules of Order allows a motion to amend something previously adopted. **Motion:** Amend Resolution 13-12-523 adopted at the 12/10/13 meeting by inserting proposed amendments.*

#### 8. **Reconsideration of Vote – Haines Borough Assembly Meeting Schedule**

*Assembly Member Schnabel has asked for a reconsideration of her vote made on 12/10/13. Note from the Clerk: The **motion to reconsider** can be made by any member of the assembly, as the motion to approve was unanimous by use of the consent agenda. The motion to reconsider must be seconded. Once seconded, the motion is eligible for debate and must gain a majority vote to pass. If the motion to reconsider a member's vote is successful, the **motion on table** will be to "approve the 2014 Haines Borough Assembly Meeting Agenda Preparation Calendar." At that time, a **motion to amend** to "send the Haines Borough Assembly Meeting Schedule to staff for review and consideration of two meetings in December and re-present the schedule at the 1/28/14 assembly meeting" could be made and considered.*

11. NEW BUSINESS

C. Other New Business ---continued

9. **Land Sale Update from Negotiation Team**

*On 1/7/14, the Haines Borough Assembly moved to dispose of Primary School Lots 6 & 7 by negotiated sale. It has been suggested that the assembly go into executive session to meet with the borough negotiation team to receive a more detailed update about the progress of the negotiations. **Motion:** Go into executive session as allowed by AS 44.62.310(c)(1) to discuss the negotiated land sale of Lots 6 and 7 of the Primary School Subdivision; this matter qualifies for executive session because it contains 'matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity' and the assembly invites Executive Assistant to the Borough Manager Darsie Culbeck and Interim Borough Manager Julie Cozzi into this meeting.*

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

- A. **Governmental Affairs and Services Committee** – Topic: to discuss Ordinance 14-01-364, Contracting Exception.
- B. **Committee of the Whole** - Topic: Pre-budget workshop with manager and department heads.
- C. **Committee of the Whole** - Topic: Set legislative priorities for FY15.
- D. **Joint Assembly and School Board Meeting** – An annual joint meeting mandated by Charter section 7.04 to discuss and coordinate financial planning, capital improvement needs, the six-year capital improvement plan, and other matters of mutual concern. The 1/7/14 scheduled meeting was postponed due to the absence of several school board members and this meeting needs to be rescheduled. **Discuss possible dates for staff to forward to the School Board.**
- E. **Board of Equalization Training** – State of Alaska Assessor, Steve Van Sant, has contacted the Haines Borough to inquire about the scheduling of Board of Equalization (BOE) training. The manager recommends that this training be scheduled for late February or March. **Schedule a date for BOE training.**

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT