

Haines Borough
Borough Assembly Meeting #261
January 14, 2014
MINUTES

Approved

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

2. ROLL CALL

Present: Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Debra **SCHNABEL**, Dave **BERRY**, George **CAMPBELL**, and Diana **LAPHAM**. Joanne **WATERMAN** was not present.

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Darsie **CULBECK**/Executive Assistant to the Borough Manager, Krista **KIELSMEIER**/Administrative Assistant, Carlos **JIMENEZ**/Director of Public Facilities, Phil **BENNER**/Harbormaster, and Al **GIDDINGS**/Community Youth Development Director.

Visitors Present: Tom **MORPHET**/CVN, Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Bill **STACY**, Mike **DENKER**, Gina **ST. CLAIR**, Glenda **GILBERT**, Sara **CHAPPELL**, Bill **STACY**, Rob **GOLDBERG**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

The following items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes - *Removed from Consent Agenda*
- 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 - *Removed from Consent Agenda*
- 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 - *Removed from Consent Agenda*
- 11A5 – Adoption of Resolution 14-01-531 - *Removed from Consent Agenda*
- 11B1 – Introduction of Ordinance 14-01-363 - *Removed from Consent Ag.*
- 11B2 – Introduction of Ordinance 14-01-364- *Removed from Consent Ag.*
- 11B3 – Introduction of Ordinance 14-01-365 - *Removed from Consent Ag.*
- 11C1 – Board Appointments - *Removed from Consent Ag.*

Motion: **LAPP** moved to “approve the agenda and consent agenda,” and it was amended to remove item 6A and 11C8 from the agenda; and the following items were removed from the consent agenda: 4, 9C, 11A4, 11A5, 11B1, 11B2, 11B3, and 11C1 were removed from the consent agenda for discussion; and item 11A2 was corrected to have the motion read “14-01-528”, not “14-12-528”. The agenda, as amended, carried 5-1 with **LAPP** opposed.

In discussion, **SCHNABEL** wished to remove the following items from the consent agenda: Item 4 to correct some language; 9C to clarify that the Klukwan School is not part of the Haines School District; 11A4 to amend the agreement to expire on December of 2014 and see borough’s involvement restricted to maintenance issues and not projects; and 11A5 due to a potential conflict of interest with the retirement program. **BERRY** clarified the state trooper is required to respond to the Klukwan School, regardless of the school district. Also, **CAMPBELL** asked to have the additional following items removed from the consent agenda; Item 11B1 as he felt this new ordinance needed discussion; 11B2 due to a potential conflict of interest; 11B3 regarding an issue with the budget; and 11C1 so there could be a public discussion.

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

SCHNABEL asked that her statement at the bottom of page 2 of 2 in the 1/7/14 Special Meeting minutes be examined. **CAMPBELL** also noted "buyer" needed to be replaced with "seller". The mayor said the corrected minutes would be brought back to the assembly.

In discussion, **CAMPBELL** stated he had not yet seen minutes of the November, October, or December meetings come before the assembly for approval. **WEBB** reported the minute's backlog would be addressed by end of February.

Motion: **SCHNABEL** moved that "meeting minutes for 12/17/13 be approved" and the motion carried unanimously.

5. PUBLIC COMMENTS

STACY said he spoke to the Police Chief candidates about the police reserve program. He would like the assembly to also think about the police reserves during this budgeting process. While there will be an investment in training, uniforms, and firearms he believed this was a beneficial investment to the community. In the past, the reserves have provided support at Beer Fest, the bike race, a bike safety rodeo for kids, and provided free helmets for the community.

GOLDBERG stated the Picture Point Committee met and there will be another public meeting on January 22 to look at the current design plans.

6. MAYOR'S COMMENTS/REPORT

Mayor **SCOTT** spoke to her written report and also talked about the Alaska Power & Telephone (AP&T) rate increase. She asked the Borough Attorney his option about filing a petition. The Borough Attorney said an intervention may take 10-20 hours of attorney time, plus some consultant time. She will bring any draft petition to the assembly for approval. Also, she was working with the Haines Borough Police Department and others regarding domestic violence. There was Mental Health First Aid training in Portland, OR available to help address this community need. **SCOTT** has asked the public safety commission to look into domestic violence statistics.

A. ~~Clean Harbor Presentation~~ - *This item removed from the agenda.*

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.

Mayor **SCOTT** opened and closed the public hearing at 6:58 pm; there were no public comments.

Motion: **LAPP** moved to "adopt Ordinance 13-11-355," and the motion carried in a roll call vote 4-1 with **CAMPBELL** opposed.

In discussion, **CAMPBELL** asked if more information was available. **COZZI** stated it was her understanding that the Borough Attorney could not finish negotiation without the passage of this ordinance. **COZZI** suggested the motion could be amended to direct the Borough Manager to follow up with the attorney, then to report back to the assembly. However, an amendment of that nature may delay the negotiations further. **LAPHAM** felt the Borough Attorney has the best interest of the Borough in mind, and this ordinance should be passed. **STUART** reminded the assembly this parcel was a property tax foreclosure. The former owner may have the right to any profits (after back taxes and fees are collected).

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.

Mayor **SCOTT** opened the public hearing at 7:06 pm.

CHAPELL thought it was a good idea to continue a lease with Chilkat Valley Preschool.

Mayor **SCOTT** closed the public hearing at 7:07 pm.

Motion: BERRY moved to "advance Ordinance 13-12-357 to a second public hearing on 1/28/14," and the motion carried unanimously.

SCHNABEL found several clerical errors where the year was listed incorrectly. In the 4th "whereas" the year needs to be corrected to "2014"; after the phrase "Now therefore be it enacted..." the year needs to be corrected to "2014"; and the year also needed to be corrected to "2014" in the lease agreement. These were concluded to be clerical errors and will be corrected by the clerk's office without motion.

In discussion, **CAMPBELL** asked why this asset could not be sold. **SCOTT** stated the administration was working on selling this property. **CAMPBELL** also asked if other groups have used this property and **SCOTT** answered yes.

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.

Mayor **SCOTT** opened the public hearing at 7:11 pm.

GOLDBERG on behalf of the Planning Commission (PC) stated he was happy to answer any questions about this item or the next three items on the agenda.

Mayor **SCOTT** closed the public hearing at 7:12 pm.

Motion: BERRY moved to "advance Ordinance 13-12-358 to a second public hearing on 1/28/14," and the motion carried unanimously.

In discussion, **GOLDBERG** stated the PC had previously presented an ordinance which the setback varied for different areas. It was recommended the new one-size-fits-all setback be presented in the current format instead of adding it to the chart. **CAMPBELL** stated he was confused about the terminology. He was concerned about satellite dishes in the right of way interfering with the emergency vehicle's access. **GOLDBERG** stated the safety issue had been addressed and 20 feet was required. **CAMPBELL** was further concerned about utilities being considered as structures and about elevation being considered in this ordinance. **SCOTT** and **COZZI** spoke to the definition of structure in section 18.20.020 Definitions – Regulatory. Fences have been previously exempted by set-back requirements. **LAPP** asked about a height restriction. **GOLDBERG** stated he does not believe there was one in the general use zone. Ordinance 13-12-360 would require "elevations" as a side view drawing. **SCHNABEL** stated she could bring amendments to the next meeting. **SCOTT** recommended working with the PC on amendments.

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).

Mayor **SCOTT** opened and closed the public hearing at 7:28 pm; there were no public comments.

Motion: BERRY moved to "advance Ordinance 13-12-359 to a second public hearing 1/28/14," and the motion carried unanimously.

There was no discussion.

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.

Mayor **SCOTT** opened and closed the public hearing at 7:29 pm; there were no public comments.

Motion: BERRY moved to "advance Ordinance 13-12-360 to a second public hearing on 1/28/14," and the motion carried unanimously.

In discussion, **SCHNABEL** remarked she could support this ordinance if **LAPP** was also in support.

Motion: CAMPBELL moved to amend to add a "1 year amnesty" to the ordinance. The amendment failed 2-3 with **SCHNABEL**, **BERRY** and **LAPP** opposed.

In discussion, **LAPP** was opposed to the amendment, as a building permit should have been completed before construction all along. **SCOTT** and **GOLDBERG** clarified when a violation was detected; no letters were sent. **BERRY** stated he was sensitive to a 1 year grace period. It may anger people who have recently been fined for violations. **CAMPBELL** stated there was a need for the public to have time to adapt to the change. **BERRY** suggested that 1 year was too long, perhaps April to October would be a more appropriate timeframe. **LAPP** suggested a public service announcement and a notice in the newspaper of the change in code. **GOLDBERG** stated this requirement was not a new, and has been in place since 2006. The only change was the need to file before construction. He further clarified there had been no change to the fee.

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.

Mayor **SCOTT** opened the public hearing at 7:41pm.

CHAPPELL said she was the individual who brought this to the planning commission last fall. She believed the planning commission had done a good job on considering this matter. She supports this ordinance as chickens have been gaining in popularity and local chickens and eggs align with the Haines Borough Comprehensive Plan.

Mayor **SCOTT** closed the public hearing at 7:44pm.

Motion: CAMPBELL moved to "advance Ordinance 13-12-361 to a second public hearing on 1/28/14," and the motion carried unanimously.

In discussion, **CAMPBELL** asked if roosters are prohibited, then why not allow an unlimited number? **BERRY** answered that in the traditional townsite area, many lots are small, and chickens may disturb the neighbors. **LAPHAM** believed assessing a fine without a warning letter was part of what was being addressed by the proposed ordinance.

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager - 1/14/14 Report

In addition to her written report, **COZZI** mentioned the Department of Environmental Conservation scheduled a pool inspection. The pool facility passed with flying colors. **BERRY** suggested the Mayor may be able to help with the negotiations with David Sosa. **COZZI** stated she had already pulled the mayor in to help. **SCHNABEL** stated for the record that it made more sense to her for the Mayor to negotiate a Manager contract. She also inquired about the borough employees having free access to the pool. She was unsure if this had been implemented, and questioned this policy. She asked to hold this program pending a discussion with the union about this benefit. Also, free use of the pool would benefit other aspects of the community. **COZZI** replied she had spoken to Tom Brice with the union, and he felt this was a great idea. She was very conscientious of public funds, but health costs were going up, and this may be a proactive cost savings. Free pool access to borough employees had little to no cost to the borough. This measure would help to protect the public's investment in borough employees to be strong, happy, and healthy on the job. It remains to be seen if this will increase use. Regardless of the reasons for this, she asked if it was the assembly's purview to decide who should have public use fees waived.

Motion: SCHNABEL moved to "have the implementation of the free pool passes for borough employees be directed to the personnel committee to consider and bring a recommendation back to the assembly." The motion carried unanimously.

In discussion, **CAMPBELL** stated he saw some good things about this, but felt there should be more discussion. He had concerns that a policy of this nature should be set by the assembly, not by the administration. **LAPHAM** asked if the borough would receive any reduction for health insurance premiums with this program. **COZZI** replied she would ask Tom Brice, but was not aware of any.

In further discussion of the Manager's Report, **CAMPBELL** asked if any cruise ship dockings will be lost due to the current construction. **JIMENEZ** stated there may be, and **CAMPBELL** asked if alternate dockings to be looked into. Also, when **CAMPBELL** inquired, **COZZI** stated basic checks had been completed on police chief application before the finalists were brought to town. She chose to delay her decision to wait for the background checks and psychological evaluations were completed. Further, he had not seen any policy manual come forward, and the assembly had not received any progress on the State Assessor's audit. **COZZI** stated she had not received any information on this matter, and continues to request an update. **CAMPBELL** stated there were a number of matters in State Assessor's report which did not involve the contract assessor, and inquired into those. Finally, **CAMPBELL** was concerned there appeared to be no policy in place before vehicles were towed by the borough. **COZZI** stated she would look into this matter and was unaware a vehicle had been towed.

* **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 & request (which was being addressed)*

SCHNABEL asked how the request of the Public Safety Commission regarding a mutual aid agreement with Alaska State Troopers was being addressed, and **SCOTT** stated the administration had addressed this. **SCHNABEL** wished to acknowledge publicly that action was being taken.

* **D. Chilkat Center for the Arts** – *Staff Report of December 2013*

E. Assembly Standing Committee Reports – None

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.

The motion adopted by approval of the consent agenda: "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.

The motion adopted by approval of the consent agenda: "adopt Resolution 14-12-01-528." (Motion Corrected to read "14-01-528" as part of the adoption of the agenda and consent agenda.)

* **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).

The motion adopted by approval of the consent agenda: "adopt Resolution 14-01-529."

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.

The Mayor requested this be a discussion item only.

SCHNABEL stated because the proposal had a 1 year lifespan with the option for renewal, she would like to see the administration work road maintenance into the budget cycle. **BERRY** stated this agreement was involved in the borough's preparations for a big road project on 3rd Ave. The tribe had offered to help pay for the project. However, in order to spend any federal fund, the tribe needed to identify an agreement with the borough and list the road as part of their inventory. **SCOTT** stated each project of the agreement will have to be individually agreed upon. **CAMPBELL** asked **BERRY** to clarify the definition of road inventory. **BERRY** explained it was a listed inventory, not owned inventory. If this agreement was limited to maintenance, then the tribe's contribution for 3rd Ave. construction would be lost. **SCOTT** reminded the assembly this resolution would be brought back on the 28th. **SCHNABEL** felt this was a very innovative way for the Haines Borough to augment or replace funds.

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.

CAMPBELL, LAPP, BERRY, and LAPHAM all stated they may have a conflict of interest.

Motion: **SCOTT** moved to "postpone consideration of this resolution to allow the mayor to review financial disclosures as the law of necessity may not prevail." There was no objection.

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.

In discussion, **SCOTT** wished to thank **DENKER** for his work on this matter. She explained the current procedures for board appointments. She stated it was awkward and the proposed ordinance simply requires the mayor and the board to explain their recommendation.

Motion: **BERRY** moved to "introduce Ordinance 14-01-363 and set a first public hearing for 1/28/14." The motion, as amended to change section 2.50 regarding the Public Safety Commission to say "three" meetings, not "two", carried 4-1 with **CAMPBELL** opposed.

In discussion, **CAMPBELL** was not in favor of this ordinance. He felt this should be a policy, not codified. **SCOTT** stated she would like to see this in code for future mayors.

*** 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.

CAMPBELL stated he may have a conflict of interest. **COZZI** explained that **CAMPBELL** was in contract with the borough before he was elected to the assembly. A different section of code pertained to his situation. **SCOTT** asked **CAMPBELL** to please bring his concerns to the administration before the meeting. **CAMPBELL** was excused.

Motion: LAPP moved to "introduce Ordinance 14-01-364 and refer to the Governmental Affairs and Services Committee." This motion carried unanimously.

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.

Motion: LAPP moved to "introduce Ordinance 14-01-365 and set a first public hearing for 1/28/14 and send to the finance committee." The motion carried.

CAMPBELL was concerned about incorrect prices coming to the assembly without research. He felt a dump trailer was not needed when the new flat bed truck could be used instead of a trailer. **CAMPBELL** also believed the sauna costs should come from the general fund.

C. Other New Business

1. Board Appointments

Motion: SCHNABEL moved to "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, Jr. to the Ports and Harbor Advisory Committee for terms ending 11/2016." The motion carried unanimously.

In discussion, **CAMPBELL** asked if the PC had a representative from the General Use Zone. **GOLDBERG** answered that Robert Venables is from the General Use area, and **SCOTT** was comfortable with the commission's composition. **BERRY** agreed with the mayor and applauded volunteers to these boards. **CAMPBELL** also thanked the volunteers.

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.

Motion: CAMPBELL moved to "adopt the Government Affairs and Services (GAS) Committee-recommended amendments and advance Ordinance 13-07-339, as amended, to a second public hearing on 1/28/14," and the motion carried unanimously.

The assembly took a 7 min. break

Motion: BERRY moved to "advance item 11C6 ahead of 11C3 on the agenda" and there was no dissent.

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.

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

In discussion, **CAMPBELL** stated he felt it was redundant to ask staff for information which should have been provided.

4. On Call Towing Services for the Haines Borough

Motion: CAMPBELL moved to "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," and the motion carried 4-1 with **LAPP** opposed.

In discussion, **CAMPBELL** stated he was interested in perusing a private industry solution. By providing a simple request for proposals (RFP) the vehicle tax could provide funding. **LAPP** stated assembly tried this same process for a year and only received one proposal. **CAMPBELL** rebuffed that the RFP was poorly written. **SCHNABEL** suggested **CAMPBELL** could provide language for an RFP. **SCHNABEL** remembered asking for a

program description when borough approved the Motor Vehicle Registration tax. **SCOTT** stated the current program had the borough accepting the risk of an unsecure impound area. **BERRY** remarked the last RFP required an insured impound yard, and asked why the borough hasn't held itself to the same requirement. **LAPP** stated he thought part of the long-term plan was to build a secure area, but it would take time. **JIMENEZ** explained the recent tow was a snow machine which had been removed as a safety hazard. It was his intention to bill the owner for the staff time. **CAMPBELL** stated the registration tax was to ensure junk vehicle could be removed. He was concerned the borough was very exposed to liability by towing vehicles before a towing policy was in place. **SCOTT** stated the borough had a higher duty to keep roads safe and **SCOTT** applauded the public works department for removing a safety hazard. **CAMPBELL** offered to prepare an outline for the administration, as he felt the billing and delivery parts of the RFP were confusing. **CULBECK** stated it seemed there was a problem as there was only one tow service available.

5. Proposed ATV Recreation Plan

Motion: **CAMPBELL** moved to "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," and the motion carried 4-1 with **SCHNABEL** opposed

There was no discussion.

Motion: **CAMPBELL** request to move item 11C9 in front of item 11C7. This motion failed from a lack of a second as **BERRY** withdrew his second for this motion.

6. Appeal of Planning Commission Decision

As a point of order, **CAMPBELL** was concerned the Manager's email documented the 10-day appeal deadline was missed. Therefore, this appeal should not be heard. **COZZI** read the pertaining portion of the email which explained her decision was due to a meeting requested by the mayor which delayed the appeal. **SCOTT** explained she thought an additional meeting might have resolved the issue. **SCHNABEL** spoke in support of accepting the appeal as timely filed, as this was very complex.

In the appellant's presentation, **ST. CLAIR** stated this was the 7th meeting she has attended on behalf of the subdivision of this property. At her appeal of the Manager's decision before the Planning Commission (PC), she felt the recommended motion was biased against her. Also, a letter arrived minutes before the meeting from the borough attorney. **ST. CLAIR** reported this memo told the PC they had no legal authority to grant her an exception. She felt the PC didn't have an opportunity to error. She referenced an email sent to assembly members earlier today and apologized. She felt the utility requirement in code may be a more global issue. No one seems to have the ability to grant this exemption. All the lots in this area need utilities, but she seems to be the only person required to have them before sale. She would like the assembly to exempt her from the 200 ft. rule and work with the borough to provide utilities to this area. She stated she had originally asked the borough if she needed utilities to subdivide and was told no, so she sold the land. She would like the borough to stand by the staff's statement.

Motion: **BERRY** moved to "grant Gina St. Clair a rehearing of the Planning Commission's decision to take place at the 1/28/2014 regularly scheduled assembly hearing. The appellant has met the burden of proof, and there may be a solution available that the assembly has the power to enact that was not available to the planning commission" and the motion failed 3-2 with **LAPHAM**, **CAMPBELL**, and **LAPP** opposed.

It's difficult to say the PC erred if the borough attorney stated the PC could not grant an exception. **SCOTT** said the memo also stated PC also could discuss the definition of "available." **CAMPBELL** encouraged the assembly to also vote against this as it will not solve the problem. He would like the borough staff to work with citizens to solve the cause of the issue. **SCHNABEL** stated that, to her understanding, it would be financially unreasonable to expect the land owner to bring utilities to the subdivided portion of the

land. **CAMPBELL** stated reversing the PC decision will not solve this issue. **SCHNABEL** asked if the assembly wanted to stick to code or fix the issue. **LAPP** stated the assembly took an oath to uphold code. **SCOTT** said she felt the PC error was not taking the work around offered by the Borough Attorney. **STUART** was not sure if there was a problem with code. Other land owners have provided utilities to subdivided land at considerable expense. **SCHNABEL** asked why the new owner not present about this matter. **SCOTT** was also surprised, but it was not pertinent to the re-hearing. **GOLDBERG** stated there were ways to sell property without a subdivision plat. **SCOTT** ruled this was not pertinent. **GOLDBERG** stated water was available to **ST. CLAIR's** house, right across the street. **CAMPBELL** disagreed that the assembly had the power to not follow code. There was a discussion whether a visit of a site would be ex-parte investigation, and **SCOTT** stated it would be. **CAMPBELL** said the cost of providing utilities was not germane to the code.

Motion: **CAMPBELL** moved "that the assembly refer to the Government Affairs (and Services) Committee the issue of the utilities in the Moose Lane/Sunshine Lane area of Piedad Rd. and have a discussion with the people interested in developing there and see if there is a solution for utilities and include also our public works department." The motion carried 5-1 with **LAPHAM** opposed.

SCOTT cautioned a similar meeting had been conducted and was the cause of the delay for this appeal.

Motion: **LAPP** moved to "adjourn the meeting at 10:00 pm, and carry over any business to the next regular assembly meeting." The motion carried unanimously.

7. Amend Previously Adopted Resolution – Ice House Coil Resolution

BENNER took responsibility for the mis-quote. First a repair was attempted, but it was not possible with the people and resources in town. Key Mechanical thought the scope was more limited on the original quote, hence the error. He was concerned a delay in this resolution and repair would cause a delay in ice production for the salmon season.

Motion: **CAMPBELL** moved to reconsider his vote on the adjournment time, which carried 5-1 with **BERRY** opposed.

Motion: **CAMPBELL** moved "to amend the adjournment time to 10:30 pm". The motion carried unanimously.

Motion: **LAPP** moved to "amend Resolution 13-12-523 adopted at the 12/10/13 meeting by inserting proposed amendments," and the motion carried unanimously.

In discussion, **SCHNABEL** asked if any person in Haines could install this coil. **BENNER** answered Mackowiak could, but he would be gone. He had also contacted Mike's Refrigeration in Juneau, but the answer was not good. **CAMPBELL** was asked if shipping was delayed, could Mackowiak install. **BENNER** stated no. **SCHNABEL** pointed out the quote's price was brought up by travel and administrative fees. She was concerned that by adopting this resolution the assembly was implicitly approving a budget amendment before it had been passed. **SCOTT** answered there was an intention to stop doing this. **LAPHAM** stated while she was caught off guard by the significant increase, she appreciated **BENNER's** explanation and would like to move forward before the beginning of the season.

~~8. Reconsideration of Vote – Haines Borough Assembly Meeting Schedule - This item was removed from the agenda~~

9. Land Sale Update from Negotiation Team

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

In discussion, **SCHNABEL** asked if **GILBERT** was the representative of the proposed buyer, which was answered yes. **GILBERT** stated Aspen Properties had a sole owner.

Motion: **CAMPBELL** moved to amend "to invite **GILBERT** into the executive session," and the motion died from a lack of second.

COZZI stated municipalities are different than normal land sellers. The Borough Attorney reported he could represent the borough's interest in this matter. It may be inappropriate to have the borough represented by a real estate agent.

The assembly went into executive session.

The assembly came out of executive session.

Motion: **CAMPBELL** moved to "authorize the manager to continue with the negotiations as stated and bring a sales agreement ordinance to the assembly at the earliest possible convenience." The motion passed unanimously.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

It was decided that committee chairs would arrange meeting dates outside of this meeting.

14. PUBLIC COMMENTS

FRIEDENAUER wished to remind the assembly a synopsis of evaluations was publicly available for employees which have negotiated contracts.

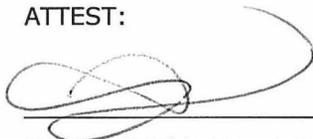
CULBECK stated he was 100% in support of the pool pass, but apologized for his part in pushing this faster than the assembly may have been comfortable.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS - None

16. ADJOURNMENT - 10:35 pm

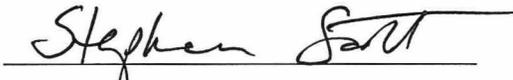
Motion: **LAPP** moved to "adjourn the meeting," and the motion carried unanimously.

ATTEST:



Michelle Webb, Interim Borough Clerk




Stephanie Scott, Mayor