

  
**Haines Borough**  
**Borough Assembly Meeting #263**  
**AGENDA**

February 11, 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 – Chief Fiscal Officer Report

11A1 – Adoption of Resolution 14-02-532

11A2 – Adoption of Resolution 14-02-533

11A3 – Adoption of Resolution 14-02-534

11B1 – Introduction of Ordinance 14-02-367

11B3 – Introduction of Ordinance 14-02-369

11C1 – Board Appointment

11C2 – Confirm Administrative Policy re. Heli Map Review Cycle

12A – Request for Letter of Support for Grant Funding

**\* 4. APPROVAL OF MINUTES** – Regular: 11/12/13 & 12/10/13, Special: 2/5/14

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

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

**A. Clean Harbor Presentation**

**7. PUBLIC HEARINGS**

**A. Rehearing on Appeal of a Planning Commission Decision**

**Gina St. Clair – Request for Exemption**

*The borough manager and staff denied Gina St. Clair's request to subdivide her property without providing water and sewer to the upper portion of her undeveloped land. It was determined that water and sewer service were available to the property within 200 feet and therefore is required by borough code HBC 18.100.092(A). St. Clair appealed to the planning commission on 11/14/13. The planning commission voted to deny the appeal. HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. Ms. St. Clair submitted appeals to the borough clerk on 12/2/13 and 12/23/13. The appeal process was delayed due to meetings with the mayor and staff to try to mediate the issue. On 1/14/14, the assembly voted not to rehear the matter. However, on 1/28 the vote was reconsidered. A rehearing was scheduled for this meeting as required by HBC 18.30.060(A).*

*The burden of proof shall be solely on the party challenging the commission's decision. The evidence shall be limited to a review of the record. "The Record" in this appeal is determined to be: all documents, oral statements, and any material objects that were provided to the planning commission in this matter. The evidence is limited to that same record, although further argument may be allowed. Argument is defined as "reasons given for or against a matter under discussion that is intended to convince or persuade the listener." Oral arguments are acceptable during this hearing. As typical for an appeal hearing, it will begin with presentations by Ms. St. Clair and the staff, and then proceed with any public testimony.*

**Assembly Action Needed:**

*1. Confirm or reverse the commission's decision. The assembly must make its decision at this meeting. The action shall be supported with written findings of fact keeping in mind that "in all decisions the burden of proof shall be on the party challenging the decision of the planning commission." The assembly may deliberate in open session or in executive session. Written findings that formalize the reasons for the decision will be drafted for assembly approval at the next meeting.*

7. PUBLIC HEARINGS --- continued

B. **Ordinance 14-01-363** - Second Hearing

**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.**

*This ordinance is recommended by the Interim Clerk, the Interim Manager, and the Mayor. **Motion:** Adopt Ordinance 14-01-363.*

C. **Ordinance 14-01-365** - Second Hearing

**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. It was introduced on 1/14/14 and had a first public hearing on 1/28/14, resulting in an amendment. **Motion:** Advance Ordinance 14-01-365 to a third public hearing on 2/25/14.*

D. **Ordinance 14-01-366** - First Hearing

**A non code ordinance of the Haines Borough approving the sale to Aspen Management, LLC of Lots 6 and 7 Primary School Subdivision plat No. 2008-21, Haines Recording District, First Judicial District, State of Alaska.**

*This ordinance with accompanying documents was prepared by the borough attorney and is recommended by the interim borough manager. This ordinance was introduced on 1/28/14 and set for a first public hearing. **Motion:** Advance Ordinance 14-01-366 to a second public hearing on 2/25/14.*

E. **Ordinance 13-10-352** - First Hearing

**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 chief financial officer. It was introduced on 10/22/13 and referred to the Government Affairs & Services Committee. That committee met on 12/3/13 and proposed advancement to the first hearing. The ordinance was introduced on 10/22/13, sent to the GAS committee, and set for its first public hearing on 2/11/14. **Motion:** Advance Ordinance 13-10-352, as substituted, to a second public hearing on 2/25/14.*

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 2/11/14 Report

\* B. Chief Fiscal Officer Report – 2/5/14 Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

A. **Ordinance 13-12-358**

**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 12/10/13 and had a first hearing on 1/14/14. On 1/28/14 this ordinance was in its second public hearing. The motion on the table was to "adopt Ordinance 13-12-358." The ordinance was postponed to this meeting and debate will resume with the motion to adopt and the motion to amend already on the table. The amendment proposes replacing the word "structures" with "permanent buildings" and removing the phrase "for all uses" on Page 3, Section C. **Suggested Motion:** Assign Assembly Member Schnabel to work with the planning commission to reconcile proposed ordinance 13-12-358 and adopted ordinance 13-12-360, and postpone adoption of the ordinance until that work is completed.*

11. NEW BUSINESS

A. Resolutions

\* 1. **Resolution 14-02-532**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Pacific Pile & Marine, LP for the Port Chilkoot Dock and Letnikof Cove Harbor Renovations project for an amount not to exceed \$43,355.45.**

*This is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-532.*

\* 2. **Resolution 14-02-533**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Southeast Road Builders to provide 2014 snow removal services for the Cathedral View/Piedad Area Subdivisions.**

*This is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-533.*

11. NEW BUSINESS

A. Resolutions --- continued

\* 3. Resolution 14-02-534

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Behrends Mechanical for the Haines School Fans Replacement project for an amount not-to-exceed \$319,235.

*This is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-534.*

4. Resolution 14-02-535

A Resolution of the Haines Borough Assembly authorizing the borough attorney to petition the Regulatory Commission of Alaska to intervene in Docket Number U-14-002, the rate making case filed by Alaska Power Company, and to represent the borough in that proceeding.

*This is recommended by the mayor and interim manager. **Motion:** Adopt Resolution 14-02-535.*

B. Ordinances for Introduction

\* 1. Ordinance 14-02-367

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.10.040 to modify assembly meeting minutes procedures.

*This ordinance is recommended by the mayor, the interim clerk, and the interim manager. **Motion:** Introduce Ordinance 14-02-367 and set a first public hearing for 2/25/14.*

2. Ordinance 14-02-368

An Ordinance of the Haines Borough amending Haines Borough Code Chapter 10.34 to authorize the use of ATVs on streets and highways within the borough and allowing use of snow machines on highway shoulders within the borough.

*This ordinance was proposed by Assembly Member Lapp. A similar ordinance (11-06-269) was considered in 2011 but was not adopted. Several changes have been made to this new ordinance.*

**Motion:** Introduce Ordinance 14-02-368 and set a first public hearing for 2/25/14.

\* 3. Ordinance 14-02-369

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.050 appeals to the commission to conform to the requirements of filing an appeal.

*This ordinance is recommended by the planning commission. **Motion:** Introduce Ordinance 14-02-369 and set a first public hearing for 2/25/14.*

C. Other New Business

\* 1. Board Appointments

*An appointment application has been received for a seat on the Tourism Advisory Board. The mayor plans to make the appointment and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Scott Sundberg to the Tourism Advisory Board for a term ending 11/2016.*

\* 2. Confirm Administrative Policy re. Heli Map Review Cycle

*As a result of its 12/3/13 meeting, the Government Affairs & Services Committee recommended this administrative policy regarding the cycle for reviewing the Haines Borough Commercial Ski Tour Areas map. This recommended policy was first presented by the committee to the assembly on 1/14/14. The interim manager seeks assembly confirmation.*

3. Confirm Chief of Police Hire

*Following a special meeting on 2/5, the assembly authorized the Interim Borough Manager to hire a police chief. This agenda item is provided in the event she is prepared to recommend an individual. This is a department head position hired by the manager but it must be confirmed by the assembly.*

**Motion:** Confirm the manager's decision to hire \_\_\_\_\_ as Chief of Police for the Haines Borough.

12. CORRESPONDENCE/REQUESTS

\* A. Request for Letter of Support for Grant Funding – Takshanuk Watershed Council Letter

13. SET MEETING DATES

A. Government Affairs and Services Committee – To discuss unfinished business and planning commission request to develop a policy allowing exemptions and/or deferral to participation in LIDs from their 1/9/14 Recommendation)

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT