

**Haines Borough**  
**Borough Assembly Meeting #258**  
**AGENDA**

**December 10, 2013 - 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:

- 8B – Fire Department Report
- 8C – Library Director Report
- 8D – Chilkat Center for the Arts Director Report
- 9A – Planning Commission Minutes
- 9B – Tourism Advisory Board Minutes
- 9C – Library Board Minutes
- 9D1 – Commerce Committee Minutes and Records of Decision
- 11A1 – Adoption of Resolution 13-12-521
- 11A2 – Adoption of Resolution 13-12-522
- 11A3 – Adoption of Resolution 13-12-523
- 11A4 – Adoption of Resolution 13-12-524
- 11B1 – Introduction of Ordinance 13-12-357
- 11B2 – Introduction of Ordinance 13-12-358
- 11B3 – Introduction of Ordinance 13-12-359
- 11B4 – Introduction of Ordinance 13-12-360
- 11B5 – Introduction of Ordinance 13-12-361
- 11C1 – Board Appointments
- 11C2 – 2014 Assembly Meeting/Agenda Preparation Schedule
- 11C3 – Adoption and Referral of the Haines Borough Organizational Chart
- 12A1 – Correspondence from the Haines Borough to Sen. Mark Begich
- 12A2 – Correspondence to the Assembly from Residents for a Better Haines
- 12A3 – Communication from Jack Wenner to the Assembly
- 12A4 – Correspondence from Thom Ely to the Assembly
- 15A - Report on Alaska Municipal League Conference

**4. APPROVAL OF MINUTES – None**

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

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

**A. Clean Harbor Award Presentation**

**7. PUBLIC HEARINGS**

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

**Fred Einspruch – After the Fact Fee**

*The borough manager issued an enforcement order to property owner Fred Einspruch requiring the payment of a \$250 after-the-fact fee for constructing a carport without a land-use permit, as required by borough code. Einspruch appealed to the planning commission and on October 10. 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. Mr. Einspruch submitted an appeal to the borough clerk on 10/17. On 11/12, the assembly voted to rehear the matter. This hearing 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 documentary or 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*

## 7. PUBLIC HEARINGS

### A. Rehearing on Appeal of a Planning Commission Decision---continued

*"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 Mr. Einspruch and the staff, and then proceed with any public testimony.*

#### **Assembly Action Needed:**

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.*

### B. Ordinance 13-10-353 – Second Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.070 to make changes to fees and penalties.**

*This ordinance is recommended by the planning commission and borough staff and was introduced on 10/22 and had a first hearing on 11/12. **Motion:** Adopt Ordinance 13-10-353.*

### C. Ordinance 13-10-354 – Second Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.70.030 to define recreational zone and adding Haines Borough Code Title 12 Section 12.50 to prohibit motorized use in the Chilkat River Beaches Recreational Zone.**

*This ordinance is recommended by the planning commission and was introduced on 10/22 and had a first hearing on 11/12. Staff discovered a minor error in the legal description and requests a motion to amend prior to adoption. **Motion:** Adopt Ordinance 13-10-354 as amended.*

### D. Ordinance 13-11-355 - First 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. This item could qualify for an executive session. **Motion:** Advance Ordinance 13-11-355 to a second public hearing on 1/14/14.*

### E. Ordinance 13-11-356 - First Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.60.055 to remove the review of membership applications by the committee, board or commission when filling vacancies.**

*It has been identified that this ordinance should include a more comprehensive reform of Title 2 as well as a small section of Title 16, and strict interpretation of code recommends a new ordinance. **Recommended Motion:** Table Ordinance 13-11-356 indefinitely.*

## 8. STAFF/FACILITY REPORTS

### A. **Interim Borough Manager** – Report for Dec. 10, 2013 including the following attached reports:

- Executive Assistant Report of Trip to Washington D.C.
- Deputy Clerk/Interim Borough Clerk Report of AAMC Conference
- Assistant Assessor Report of AAAO Conference
- Planning & Zoning Technician Report of AK-APA Conference
- Interim Police Chief Report
- Public Facilities Director Report

### \* B. **Fire Department** – Staff Report of October 2013

### \* C. **Library Director** – Report of October 16, 2013

### \* D. **Chilkat Center for the Arts** – Report of November 2013

## 9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

### \* A. **Planning Commission** – Minutes of 10/10/13

### \* B. **Tourism Advisory Board** – Minutes of 8/30/13 and 9/30/13

### \* C. **Library Board of Trustees** – Minutes of 9/18/13

### D. **Assembly Standing Committee Reports**

#### \* 1. **Commerce Committee Minutes and Records of Decision**

## 10. UNFINISHED BUSINESS – None

## 11. NEW BUSINESS

### A. Resolutions

\*1. **Resolution 13-12-521**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to renew for 2014 the Public Water System Compliance Monitoring Program (CMP) contract with Analytica Group, LLC, for testing Lily Lake and Piedad water for the quoted price of \$13,000.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-521.*

\*2. **Resolution 13-12-522**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a purchase agreement with GCSIT Solutions for replacement network servers for the quoted price of \$35,521.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-522.*

\*3. **Resolution 13-12-523**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Key Mechanical for an amount not to exceed \$18,000 to replace the coil in the harbor ice house.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-523.*

\*4. **Resolution 13-12-524**

A Resolution of the Haines Borough Assembly certifying that the municipality did experience significant effects during the program base year from fisheries business activities that occurred within the FMA 17: Northern Southeast Fisheries Management Area.

*This resolution is recommended by the finance director. **Motion:** Adopt Resolution 13-12-524.*

5. **Resolution 13-12-525**

A Resolution of the Haines Borough Assembly adopting the Borough's FY 2015 state legislative priorities.

*This resolution is adopted annually in advance of submitting legislative funding requests for capital projects and is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-525.*

6. **Resolution 13-12-526**

A Resolution of the Haines Borough Assembly adopting the Borough's FY 2014 federal priorities.

*This resolution is adopted annually and is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-526.*

### B. Ordinances for Introduction

\* 1. **Ordinance 13-12-357**

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. **Motion:** Introduce Ordinance 13-12-357 and set a first public hearing for 1/14/14.*

\* 2. **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. **Motion:** Introduce Ordinance 13-12-358 and set a first public hearing for 1/14/14.*

\* 3. **Ordinance 13-12-359**

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. **Motion:** Introduce Ordinance 13-12-359 and set a first public hearing for 1/14/14.*

## 11. NEW BUSINESS

### B. Ordinances for Introduction ---continued

**\* 4. Ordinance 13-12-360**

**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. **Motion:** Introduce Ordinance 13-12-360 and set a first public hearing for 1/14/14.*

**\* 5. Ordinance 13-12-361**

**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. **Motion:** Introduce Ordinance 13-12-361 and set a first public hearing for 1/14/14.*

### C. Other New Business

**\* 1. Board Appointments**

*Appointment applications and reapplications have been received for seats on the Historic Dalton Trail RMSA, Library Board of Trustees, Chilkat Center Advisory Board, and the Public Safety Commission. Each board has recommended the appointments listed. The mayor plans to make these appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of: Carol Meismer and Robert Venables to the Historic Dalton Trail RMSA for terms ending 11/2016; Meredith Pochardt, Anne Marie Palmieri, and Cecily Stern to the Library Board of Trustees for terms ending 11/2016; Joe Parnell, Tara Bicknell, and Kyle Gray to the Chilkat Center Advisory Board for terms ending 11/2016, 11/2016, and 11/2015 respectively; Bob Duis, Jim Stanford, and Kay Clements to the Public Safety Commission for terms ending 11/2016, 11/2016, and 11/2015 respectively.*

**\* 2. 2014 Assembly Meeting/Agenda Preparation Schedule**

*This schedule is recommended by the clerk's office. It establishes the assembly regular meeting schedule for 2014 and the agenda & packet deadlines. Special meetings may still be scheduled, as needed. **Motion:** Approve the 2014 Haines Borough Assembly Meeting Agenda Preparation Calendar.*

**\* 3. Adoption of the Haines Borough Organizational Chart**

*The last organization chart to be officially adopted by the assembly is dated June 2011. Ordinarily, the charts have been adopted as part of the annual budget, however this was not done for the past two years. The Interim Manager recently updated the chart to reflect the current structure. The changes in the structure since 2011 have been approved over time by the assembly, but the overall chart is in need of official adoption since that step was missed. It is also recommended the Personnel Committee review this chart for possible additional changes. **Motion:** Adopt the actual Haines Borough Organization Chart reflecting the current structure, and then refer it to the Personnel Committee for review.*

**4. Solid Waste Survey Proposal**

*Assembly Member Schnabel seeks assembly support, endorsement, and financial support of a Solid Waste Survey. **Motion:** Endorse, sponsor, and finance solid waste survey per the 12/3/13 memo.*

**5. Appeal of Ski Tour Allocation from Manager – Southeast Alaska Backcountry Adventures**

**Explanation/History:** *The borough manager Mark Earnest issued 2013 Heliskiing Allocations on 10/15/13, which were distributed to the Commercial Skiing Tour permit applicants on 10/22. On 11/5/13 Southeast Alaska Backcountry Adventures (SEABA) submitted an appeal to the assembly of the allocations per HBC 5.18.080(C)(4). Per HBC 5.04.110(A) the appeal "shall state with particularity the... decision from which the appeal is taken and the grounds for appeal. The stated grounds will be the only issues considered by the assembly in the appeal."*

**Assembly Action Needed at this meeting:**

*Following the hearing, per HBC 5.04.110(D) the assembly may:*

- *modify the manager's 2014 allocations*
- *revoke manager's 2014 allocations*
- *rescind manager's 2014 allocations*
- *affirm the manager's 2014 allocations*
- *or may enter its own 2014 allocations*

## 11. NEW BUSINESS

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

#### 6. Discuss Borough Manager Applicants

*Borough Manager Candidate David Sosa was interviewed by the Haines Borough Committee-of-the-Whole on 12/5/13. Candidate Susan Jensen was interviewed by Mayor Scott, Assembly Member Campbell and Lapham, and the Executive Assistant to the Borough Manager on 11/18/13 while in Anchorage attending the Alaska Municipal League Conference. This conversation may be eligible for to go into the executive session. **Motion:** "Go into executive session as allowed by AS 44.62.310(c)(2) to discuss the interviews of David Sosa and Susan Jensen. This matter qualifies for executive session because this discussion will contain subjects that tend to prejudice the reputation and character of any person. These applicants have been provided with an opportunity to request a public discussion. The assembly request Interim Borough Manager Cozzi to join the assembly in this session."*

## 12. CORRESPONDENCE/REQUESTS

### A. Correspondence

- \*1. **Correspondence from the Haines Borough to Sen. Mark Begich** regarding the Harbor Breakwater
- \*2. **Correspondence to the Assembly from Residents for a Better Haines** regarding maritime development
- \*3. **Communication from Jack Wenner to the Assembly** regarding his work with State of Alaska Department of Transportation Re: Juneau Access Road
- \*4. **Correspondence from Thom Ely to the Assembly** regarding Heli Map Committee.

## 13. SET MEETING DATES

- A. Committee-of-the-Whole** - Topic: Create a one, two, and three year strategic plan for the Borough Assembly based on the Comprehensive Plan
- B. Joint School Board and Borough Assembly Meeting** – Annual meeting mandated by Charter Sec. 7.04 to discuss and coordinate financial planning, capital improvement needs, the six-year capital improvement plan, and other matters of mutual concern
- C. Personnel Committee** – Topic: Review of organizational chart

## 14. PUBLIC COMMENTS

## 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

- \*A. **Report on Alaska Municipal League Conference** from George Campbell

## 16. ADJOURNMENT