


Haines Borough
Borough Assembly Meeting #265
AGENDA

March 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

David Sosa,
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 of Minutes
- 8B – Fire Department Report
- 9A – Tourism Advisory Board Report/Correspondence
- 9B – Sheldon Museum and Cultural Center Minutes
- 9C1 – Commerce Committee Report
- 11A1 – Adoption of Resolution 14-03-539
- 11A2 – Adoption of Resolution 14-03-540
- 11A3 – Adoption of Resolution 14-03-541
- 11A4 – Adoption of Resolution 14-03-542
- 11A5 – Adoption of Resolution 14-03-543
- 11A6 – Adoption of Resolution 14-03-544
- 11B1 – Introduction of Ordinance 14-03-371
- 11C1 – Board Appointments
- 12B – Juneau Access Letter from Mayor
- 12C – Loewen Letter re: Wood Sheds

*** 4. APPROVAL OF MINUTES – 2/25/14 Regular Meeting**

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

6. MAYOR'S COMMENTS/REPORT

A. Formal Oath of Office – Chief of Police Bill Musser

7. PUBLIC HEARINGS

A. New Commercial Tour Permit – Haines Rafting Company

*Andy Hedden, of the Haines Rafting Company, has applied for a new 2014 Commercial Tour Permit to offer Chilkat Bald Eagle Preserve tours by raft and van, as well as van tours in the Haines Borough and to Haines Junction, Canada. The tourism director, police chief, and harbormaster have reviewed the application and their comments are included in the packet. HBC Title 5 requires a public hearing before the assembly for all new tour activities. **Suggested Motion:** Authorize the interim borough clerk to process the Haines Rafting Company application, and if everything is in order, issue a 2014 commercial tour permit.*

B. New Commercial Tour Permit - Rainbow Glacier Adventures

*Joe Ordonez, of Rainbow Glacier Adventures LLC, has applied for a new expansion of tour operations to include rafting and canoeing in the Chilkat River watershed and Mosquito Lake. The tourism director, police chief, and harbormaster have reviewed the application and their comments are included in the packet. HBC Title 5 requires a public hearing before the assembly for all new tour activities. **Suggested Motion:** Authorize the interim borough clerk to process the Rainbow Glacier Adventures application, and if everything is in order, issue a 2014 commercial tour permit.*

C. Appeal of Planning Commission Decision – Big Salmon Ventures LLC Heliport Conditional Use Permit

On 1/27/14 Big Salmon Ventures LLC submitted a Conditional Use Permit (CUP) application for a heliport through its agent Scott Sundberg. At the 2/13/14 meeting, the planning commission made a motion to grant a one year CUP with conditions. That motion failed 4-3. BSV has submitted a timely filed appeal (on 2/18/14) of the planning commission's denial to approve the CUP with conditions. HBC 18.30.060

7. PUBLIC HEARINGS --- continued

allows for an appeal to the assembly of a planning commission decision. On 2/25/14 the assembly decided to rehear the appeal in its entirety. This 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 BSV, staff, and then proceed with any public testimony.

Assembly Action Needed:

Confirm or reverse the commission's decision to deny Big Salmon Ventures' Conditional Use Permit.

- Reverse the planning commission decision to deny the CUP and grant the permit
 - with or without conditions
- Confirm the planning commission decision to not issue the CUP

SPECIFIC REASONINGS FOR THE DECISION MUST BE STATED AS PART OF THE MOTION

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.

Note: In the event that the assembly confirms the planning commission decision, the assembly will need to take action on the planning commission request for action.

D. Ordinance 14-02-367 – Second Hearing

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. This ordinance was introduced on 2/11/14 and received a first public hearing on 2/25/14. **Motion:** Adopt Ordinance 14-02-367.*

E. Ordinance 14-02-368 - Second Hearing

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. The ordinance was introduced on 2/11/14. During the first public hearing on 2/25/14, the ordinance was amended to remove the section regarding private property permission. **Motion:** Adopt Ordinance 14-02-368.*

F. Ordinance 14-02-369 - Second Hearing

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. This ordinance was introduced on 2/11/14 and received a first public hearing on 2/25/14. **Motion:** Adopt Ordinance 14-02-369.*

G. Ordinance 13-10-352 – Second Public 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. The public was given an opportunity to comment on this ordinance at the 2/11/14 meeting. A substitute ordinance was adopted at the 2/25/14 meeting and a second public hearing date was set. **Motion:** Adopt Ordinance 13-10-352.*

7. PUBLIC HEARINGS --- continued

H. Ordinance 14-01-364 – First Public Hearing

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

*This ordinance is recommended by the director of public facilities. It was introduced on 1/14/14 and referred to Government Affairs and Services (GAS), which met on 2/11. GAS approved of this ordinance, and on 2/25/14 the assembly set it for a first public hearing at this meeting. **Motion:** Advance Ordinance 14-01-364 to a second public hearing on 3/25/14.*

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 3/11/14 Report

* B. Fire Department – Staff Report of February 2014

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* A. Tourism Advisory Board – Email Report/Correspondence of 2/28/14

* B. Sheldon Museum and Cultural Center – Minutes of 2/14/14 Meeting

C. Assembly Standing Committee Reports

* 1. Commerce Committee – Report of 2/26/14 Meeting

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

* 1. Resolution 14-03-539

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with APC Equipment & Manufacturing in the amount of \$12,495 for the purchase and delivery of a dump trailer for the Ports and Harbors Department.

*This resolution is recommended by the harbormaster. **Motion:** Adopt Resolution 14-03-539.*

* 2. Resolution 14-03-540

A Resolution of the Haines Borough Assembly accepting a 2014 Southeast Alaska Chinook Salmon Mitigation Infrastructure Grant in the amount of \$31,500 for the purpose of Haines Borough Harbors Fish Waste Disposal 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 14-03-540.*

* 3. Resolution 14-03-541

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Carson Dorn, Inc. for an amount not to exceed \$20,000 for Allen Road Water Design.

*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-03-541.*

* 4. Resolution 14-03-542

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. for an amount not to exceed \$1,719,515 for phase one engineering services for South Portage Cove Harbor Expansion – Concept No. 14.

*This resolution is a result of the assembly acceptance of the Port and Harbor Advisory Committee's recommendation of design concepts at the 1/28/14 meeting. **Motion:** Adopt Resolution 14-03-542.*

* 5. Resolution 14-03-543

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. for an amount not to exceed \$17,330 for Third Avenue street improvements final design and bid phase services.

*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-03-543.*

6. Resolution 14-03-544

A Resolution of the Haines Borough Assembly approving the temporary addition of territory to the Commercial Ski Tour Areas map to allow for a 2014 special ski competition event.

*This resolution was written by the interim manager. **Motion:** Adopt Resolution 14-03-544.*

11. NEW BUSINESS ---continued---

B. Ordinances for Introduction

*** 1. Ordinance 14-03-371**

An Ordinance of the Haines Borough amending Borough Code Title 5 Subsection 5.04.130(A), Section 5.18.030, Chapter 5.20, and Section 5.22.010 to repeal commercial passenger vehicle permitting.

*This ordinance is recommended by the commerce committee. **Motion:** Introduce Ordinance 14-03-371 and set a first public hearing for 3/25/14.*

C. Other New Business

*** 1. Board Appointments**

*Appointment applications have been received for seats on the Tourism Advisory Board and a seat on the Fire Service Area #3 Board. The mayor plans to make the appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Karen Hess and Barbara Mulford to the Tourism Advisory Board for a term ending 11/2016 and Keith Brooks to the Fire Service Area #3 Board for a term ending 11/2016.*

12. CORRESPONDENCE/REQUESTS

A. Assembly Member Campbell Email - Interim Manager's Letter to Gov. Parnell regarding HB1

*** B. Letter from Mayor Scott** - Juneau Access Project

*** C. Loewen Letter** – Wood Shed Taxation

13. SET MEETING DATES

A. Governmental Affairs and Services Committee – Suggested for April - Request to develop a policy allowing exemptions and/or deferral to participate in LIDs from their 1/9/14 recommendation

B. Committee-of-the-Whole - Election Reform Ordinance

C. Committee-of-the-Whole - Suggested Week of April 28th - Local Legislative Priorities continued

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT