

Haines Borough
Borough Assembly Meeting #267
April 8, 2014
Minutes

Approved

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

2. **ROLL CALL**

Present: Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, George **CAMPBELL**, Diana **LAPHAM**, and Joanne **WATERMAN**. Dave Berry and Debra Schnabel were absent.

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Michelle **WEBB**/Interim Clerk, Jila **STUART**/Finance Director, Darsie **CULBECK**/Executive Assistant, Tanya **CARLSON**/Tourism Director, Tammy **PIPER**/Visitor Information Coordinator, Bill **MUSSER**/Police Chief, Phil **BENNER**/Harbormaster, Helen **ALTEN**/Museum Director, Patty **BROWN**/Library Director, and others.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Karen **HESS**, Duck **HESS**, Sean **GAFFNEY**, Bill **KURZ**, Heather **LENDE**, Mike **CASE**, Robin **BENNER**, James **STUDLEY**, Carol **TUYNMAN**, and others.

Oath of Office (*added*)

The oath of office was administered to the new borough manager, **SOSA. COZZI** was thanked for her service as interim manager.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following items were on the published consent agenda:

Consent Agenda:

- 4 – Approval of Minutes
- 8B – Sheldon Museum and Cultural Center Director Report
- 9A – Tourism Advisory Board Minutes
- 9B – Downtown Revitalization Committee Minutes
- 9C – Historic Dalton Trail Road Maintenance Service Area Minutes
- 9D – Klehini Valley Volunteer Fire Department Board / Fire Service Area #3 Minutes
- 9E – Sheldon Museum and Cultural Center Board of Trustees Minutes
- 10A – Findings of Fact & Conclusions of Law for Big Salmon Ventures Conditional Use Permit
- 11A2 – Adoption of Resolution 14-04-548
- 11A3 – Adoption of Resolution 14-04-549
- 11A4 – Adoption of Resolution 14-04-550
- 11A5 – Adoption of Resolution 14-04-551
- 11B1 – Introduction of Ordinance 14-04-373
- 11B2 – Introduction of Ordinance 14-04-374
- 11B3 – Introduction of Ordinance 14-04-375
- 11C1 – Board Appointments
- 12A – Op Ed Piece from Mayor Scott for the Juneau Empire

Motion: **LAPP** moved to “approve the agenda and consent agenda.” The agenda was amended to add the Clean Harbor Award presentation to the Mayor’s Report and add item 11B4 - ordinance 14-04-376. The consent agenda was amended to add 11B4 - ordinance 14-04-376, remove the 3/25/14 Minutes from item 4, remove item 10A - Findings of Fact & Conclusions of Law for Big Salmon Ventures Conditional Use Permit, and remove item 12A – Op Ed Piece from Mayor Scott for the Juneau Empire. The motion, as amended, carried unanimously.

- * 4. APPROVAL OF MINUTES – 3/4/14 Joint School Board/Borough Assembly Meeting**
Minutes were approved by passage of the consent agenda.

3/25/14 Regular Meeting Minutes *(were removed from the consent agenda)*

Motion: **CAMPBELL** moved to “approve the 3/25/14 meeting minutes.” The motion was amended to add the following successful motion under item 11C3 “a bullet that states ‘strike the language ‘high impact’ in #3 of the Conclusions of Law to say ‘but a conditional use permit is required for: ‘landfills, commercial power plants, cemeteries, heliports, and hazardous materials storage facilities. HBC 18.70.030 (D) (5).’ ” The motion carried unanimously.

Clerk’s Note: In discussion, it was noted that this amendment was already incorporated into the Findings of Fact and Conclusion of Law as presented to the assembly in their packet.

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

BENNER invited all to the Blessing of the Fleet at 3pm on Sunday, April 13th at the harbor.

K. HESS was not in favor of the Op Ed piece to the Juneau Empire. She also thanked the borough manager for his service to our country.

STUDLEY thanked **COZZI** for her service as interim borough manager.

6. MAYOR’S COMMENTS/REPORT

Clean Harbor Presentation *(added to the agenda)*

A. Update on Petition to Intervene

B. Artplace America Site Visit Report

7. PUBLIC HEARINGS

A. Ordinance 14-03-371 – Second Public Hearing

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.

Mayor **SCOTT** opened and closed the public hearing at 6:52pm. There were no other public comments.

Motion: **WATERMAN** moved to “adopt the substitute ordinance”. The substitute was amended to: retain section 5.20.040 (G) to be re-lettered to (A); the phrase “historic, unique, or classic” to replace “historic or custom classic” in all locations; and all chapters and sections renumbered as necessary. The motion carried unanimously.

B. Ordinance 14-02-370 - First Public Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 3 to remove Haines Senior Assisted Living Inc. Property from the list of community purpose exemptions because it has been determined to be a required exemption under HBC 3.70.030(A)(3).

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

STUDLEY as president of Haines Assisted Living stated he was happy to answer any questions and spoke for the ordinance.

Mayor **SCOTT** closed the public hearing at 7:08pm. There were no other public comments.

Failed Motion: **CAMPBELL** moved to “postpone ordinance 14-02-370 to the meeting after the information is received from the state assessor.” The motion failed unanimously.

Failed Motion: **CAMPBELL** moved to “schedule the second public hearing of ordinance 14-02-370 to directly after the requested document from the state assessor is received.” The motion failed unanimously.

Motion: **WATERMAN** moved to “schedule ordinance 14-02-370 for a second public hearing on 4/22/14.” The motion carried unanimously.

C. Ordinance 14-03-372 - First Public Hearing
An Ordinance of the Haines Borough amending Borough Code Title 3 section 3.60.080 to update Borough Manager's purchasing authorization limits.

Mayor **SCOTT** opened the public hearing at 7:15pm.

STUART summarized the changes to borough code in this ordinance.

MORPHET stated he would like to see spending included in the manager's report.

Mayor **SCOTT** closed the public hearing at 7:20pm. There were no other public comments.

Motion: **LAPP** moved to "advance ordinance 14-03-372 to a second public hearing on 4/22/14." The ordinance was amended to replace "\$2,500" with "\$5,000" in section B. The motion, as amended, carried unanimously.

8. STAFF/FACILITY REPORTS

A. Borough Manager – *Julie Cozzi prepared a final interim manager report*

COZZI thanked the Mayor, Assembly, and staff for their support during her time as interim manager.

***B. Sheldon Museum and Cultural Center Director** – *Staff Report of 3/20/14*

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

***A. Tourism Advisory Board** – *Report of 1/24/14 and 2/24/14 Meetings*

***B. Downtown Revitalization Committee** – *Report of 3/24/14 Meeting*

***C. Historic Dalton Trail Road Maintenance Service Area** - *Report of 3/22/14 Meeting*

***D. Klehini Valley Volunteer Fire Department Board of Directors / Fire Service Area #3** - *Report of 3/1/14 Meeting*

***E. Museum Board of Trustees** - *Report of 1/16/14 and 2/14/14 meetings*

F. Assembly Standing Committee Reports - None

10. UNFINISHED BUSINESS

A. Findings of Fact & Conclusions of Law for Big Salmon Ventures Conditional Use Permit

Failed Motion: **CAMPBELL** moved to "suspend to Robert's Rules of Order for this agenda item." The motion failed from a lack of a second.

Motion: **WATERMAN** moved to "adopt the Findings of Fact and Conclusions of Law as drafted by the borough attorney for the Big Salmon Ventures heliport conditional use permit." The document was amended to say "Only one company, designated by Big Salmon Ventures, may use the heliport." in section 12C of the Conclusions of Law. The motion carried unanimously as amended.

A 5 minute recess was given.

Failed Motion: **CAMPBELL** moved to "amend the Conclusions of Law, section 12C to return the language to that of the previous meeting's draft which stated 'only one company is allowed to use the heliport.'" The amendment failed 3-1 with **WATERMAN** opposed.

B. Testing of the Impact of Heliskiing Operations at 26 Mile Heliport

Motion on the Table: That the Haines Borough Manager be directed to design, describe, and conduct the implementation of a test of the impact of heliskiing operations at 26 Mile heliport, which is conditionally approved for use in the 2015 season.

Motion: **LAPHAM** moved to amend the motion to "direct the borough manager to formally monitor the physical, social, and economic impacts of locating a heliport on the subject

property, from Feb. 1-28, 2015, and report the assessment to the assembly by April 15, 2015."

Failed Motion: **CAMPBELL** moved to amend the motion to "strike the monitoring dates as stated." The motion failed 3-1 with **LAPHAM** opposed.

Motion: **LAPP** moved to "postpone the previous motion to the next assembly meeting on 4/22/14 and to direct the manager to present the estimated costs of the study." The motion carried unanimously. This motion supersedes the previous motion.

11. NEW BUSINESS

A. Resolutions

1. Resolution 14-04-547

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to pay for the operation and maintenance of a sauna at the Haines pool if the sauna is purchased with private funds.

There was no public comment

Failed Motion: **LAPP** moved to "adopt Resolution 14-04-547 as amended to add 'Now, therefore be it resolved that the Haines Borough accepts the costs of operating and maintaining a sauna at the Haines borough pool facility if the sauna is purchased and installed by the Borough with funds donated from private sources.'" The motion, as amended, failed 3-1 with **CAMPBELL** opposed.

Motion: **WATERMAN** moved to "bring this item back at the next assembly meeting on 4/22/14." The motion carried unanimously.

*2. Resolution 14- 04-548

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Arcticom for the E-911 and Dispatch Services Project for an amount not to exceed \$34,495.00.

The motion adopted by approval of the consent agenda:"adopt resolution 14-04-548."

*3. Resolution 14-04-549

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Carson Dorn, Inc. for an amount not to exceed \$113,000 for Haines Wastewater Treatment Plant Improvements Design.

The motion adopted by approval of the consent agenda:"adopt resolution 14-04-549."

*4. Resolution 14-04-550

A Resolution of the Haines Borough Assembly setting the date of the 2014 Board of Equalization for May 19.

The motion adopted by approval of the consent agenda:"adopt resolution 14-04-550."

*5. Resolution 14-04-551

A Resolution of the Haines Borough Assembly authorizing and designating certain persons to sign and endorse checks pertaining to the borough's First National Bank Alaska accounts, and authorizing certain persons as signatories for the borough's security cash accounts and investments.

The motion adopted by approval of the consent agenda:"adopt resolution 14-04-551."

B. Ordinances for Introduction

*1. Ordinance 14-04-373

An Ordinance of the Haines Borough repealing Chapter 2.68 of the Haines Borough Code and reenacting Chapter 2.68 as Title 11 with amendments to certain borough election and election contest procedures.

The motion adopted by approval of the consent agenda: "introduce ordinance 14-04-373 and set a first public hearing for 4/22/14."

***2. Ordinance 14-04-374**

An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to provide for a 5% annual increase to the lightering facility flat fee and to clarify terms of facility use.

The motion adopted by approval of the consent agenda: "introduce ordinance 14-04-374 and set a first public hearing for 4/22/14."

***3. Ordinance 14-04-375**

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.08.030 and 2.16.020 to modify the starting date of assembly member and mayor regular terms of office.

The motion adopted by approval of the consent agenda: "introduce ordinance 14-04-375 and set a first public hearing for 4/22/14."

***4. Ordinance 14-04-376 (added)**

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

The motion adopted by approval of the consent agenda: "introduce ordinance 14-04-376 to a first public hearing on 4/22/14."

C. Other New Business

***1. Board Appointments**

The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of Lorraine Dudzik to the Chilkat Center Advisory Board for a term ending 11/2017, and Christy Fowler and Heather Lende to the Downtown Revitalization Committee."

***2. Manager Request for Approval of Contract Sum Exception**

The motion adopted by approval of the consent agenda: "approve the manager's request for an annual contracting exception of up to \$5,000 for Jonathan Sheets."

3. Winter Tourism Study

Motion: WATERMAN moved to "accept the McDowell Group proposal for a tourism study of the economic impacts of winter season activities in Haines and request a budget amendment to the FY14 budget to allocate fund balance from Fund 23 (Economic Development and Tourism Promotion) for this study." The motion carried unanimously.

12. CORRESPONDENCE/REQUESTS

A. Op Ed Piece from Mayor Scott for the Juneau Empire

Failed Motion: CAMPBELL moved to "send a delegation to Juneau, including the new manager, to speak to our senators and representatives and to request money for borough projects." The motion failed with LAPHAM and WATERMAN opposed.

Clerk's Note: no motion was made to send this piece to the Juneau Empire.

13. SET MEETING DATES

A. Committee-of-the-Whole - May 6th, 5:30pm to 7:30pm - Local Legislative Priorities, Part 2.

B. Special Meeting – April 29th at 5pm – The second public hearing of ordinance 14-04-376.

Motion: **LAPP** moved to “schedule the second public hearing of ordinance 14-04-376 on April 29th (at 5:00pm) before the committee-of-the-whole.” The motion carried unanimously.

14. PUBLIC COMMENTS

CARLSON thanked the assembly for their support of the winter tourism study and thanked Haines for a wonderful three years.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

During assembly comments and announcements **LAPHAM, SOSA, LAPP, WATERMAN, CAMPBELL,** and **SCOTT** spoke.

16. ADJOURNMENT – 8:42pm

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk