

Haines Borough  
Borough Assembly Meeting #270  
May 27, 2014

MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SCOTT** called the meeting to order at 6:30 p.m. 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**, George **CAMPBELL**, Joanne **WATERMAN**, Dave **BERRY**, and Diana **LAPHAM**.  
**Staff Present:** David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Bill **MUSSER**/Police Chief, Patty **BROWN**/Library Director, Helen **ALTEN**/Museum Director, and Jila **STUART**/Finance Director.  
**Visitors Present:** Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Paul **NELSON**, Leslie **ROSS**, Kay **CLEMENTS**, Holly **THOMAS**, Ray **STASKA**, Danny **GONCE**, Bill **MCCORD**, Joe **PARNELL**, and others.
3. **APPROVAL OF AGENDA & CONSENT AGENDA**  
The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Museum Report
- 8C – Library Report
- 9A – Library Board Minutes
- 11A1 – Resolution 14-05-563
- 11A2 – Resolution 14-05-564
- 11A3 – Resolution 14-05-565
- 11A4 – Resolution 14-05-566
- 11B1 – Ordinance 14-05-381
- 11B2 – Ordinance 14-05-382
- 11B3 – Ordinance 14-05-383
- 11C1 – Notification of Nelson Abatement Appeal
- 11C3 – Preschool Letter of Support
- 11C4 – Letter to F&G re. Crabbing
- 11C5 – Confirm Tourism Director Hire

**Motion:** **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to remove 11A2 from consent agenda. The motion, as amended, carried unanimously.

\*4. **APPROVAL OF MINUTES** – 5/13/14 Regular

5. **PUBLIC COMMENTS** - None

6. **MAYOR’S COMMENTS/REPORT**

Mayor **SCOTT** expressed condolences to the family of former Haines harbormaster Christian Racich who was very seriously injured the previous weekend. She also recounted the Alaska Municipal League board meeting she recently attended. She reported there seems to currently be an anti-municipality climate in the state legislature, and the future of community revenue sharing is of great concern.

7. **PUBLIC HEARINGS**

A. **Ordinance 14-04-373** - Third Public Hearing

**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.**

*Note: following the second hearing on 5/13, and with a motion to adopt and an amendment motion both on the table, the assembly postponed the ordinance for a third public hearing on 5/27.*

Mayor **SCOTT** opened and closed the public hearing at 6:43pm; there were no public comments.

Assembly debate resumed with the following motions already on the table:

**Main Motion:** "Adopt Ordinance 14-04-373."

**Primary Amendment Motion:** "Amend by making the changes proposed in the 5/13 clerk memo except in both 11.52.010(A) & 11.52.030(A) strike the phrase "any action" and replace with "misconduct, fraud, or corruption."

**Secondary Amendment Motion #1:** **CAMPBELL** moved to "amend the primary amendment by including the additional changes proposed in the 5/27 clerk memo," and the motion carried unanimously.

**Secondary Amendment Motion #2:** **CAMPBELL** moved to "amend the primary amendment by striking in HBC 11.40.010 *Election Officials* the requirement for the clerk or assistant to visit each polling place on Election Day," and the motion carried 5-1 with **LAPHAM** opposed.

The primary amendment motion, as amended, carried unanimously.

The main motion, as amended, carried unanimously in a roll call vote.

**Motion:** **CAMPBELL** moved to "direct the manager to establish a written election policy that the clerk or assistant will visit each polling place on Election Day and then bring the policy to the assembly," and the motion carried unanimously.

**B. Ordinance 14-04-377** - Second Hearing

**An Ordinance of the Haines Borough, providing for the additions or amendment of specific line items to the FY14 budget.**

Mayor **SCOTT** opened the public hearing at 6:54pm.

**HIRSH, STASKA,** and **ROSS** spoke in support of the Haines Ski Club request for funding for grooming ski trails.

Hearing no further comment, the mayor closed the public hearing at 7:07pm.

**Motion:** **WATERMAN** moved to "adopt Ordinance 14-04-377," and the motion carried unanimously in a roll call vote.

**Primary Amendment #1:** **CAMPBELL** moved to "amend by putting \$4,000 trail CIP funds towards the matching grant to groom ski trails," and the motion **FAILED** unanimously. NOTE: This failed in response to the borough manager's recommendation that this be given to the administration to identify a funding mechanism before bringing back to the assembly on 6/10.

**Motion:** **CAMPBELL** moved to "direct the manager to investigate a way to develop ski trails," and the motion carried unanimously.

**C. Ordinance 14-05-378** - Second Public Hearing

**An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the period July 1, 2014 through June 30, 2015.**

Mayor **SCOTT** opened at 7:31pm.

**THOMAS** expressed concern with the proposal that the mill rates be amended to have the Klehini Valley Volunteer Fire Department pay about 38% share of the dispatch budget.

Hearing no further comment, the mayor closed the public hearing at 7:40pm.

**Motion:** **LAPP** moved to "adopt Ordinance 14-05-378."

**Primary Amendment #1:** **LAPP** moved to "approve the amended organization chart drafted by the borough manager," and it carried 5-1 with **CAMPBELL** opposed.

**Primary Amendment #2:** **CAMPBELL** moved to "remove the Community & Economic Development Director position from the budget," and the motion **FAILED** 2-4 with **SCHNABEL, WATERMAN, LAPHAM,** and **LAPP** opposed.

The main motion, as amended, carried 4-2 in a roll call vote with **CAMPBELL** and **SCHNABEL** opposed.

**Motion to Reconsider:** **BERRY** moved to "reconsider the motion to adopt Ordinance 14-05-378," and the motion carried. This returned the motion to the table for debate. NOTE: the motion was reconsidered

in response to the mayor observing the manager's recommendation concerning the mill rates had not been considered.

**Primary Amendment #1: WATERMAN** moved to "accept the manager's recommendation to raise the mill rate for Fire Service Area #3," and the motion FAILED 1-5 with **LAPP, BERRY, WATERMAN, LAPHAM,** and **CAMPBELL** opposed.

**Primary Amendment #2: SCHNABEL** moved to "increase the amount of the *Community Chest* from \$32K to \$42K," and it died for lack of second.

The main motion carried a second time 4-2 in a roll call vote with **CAMPBELL** and **SCHNABEL** opposed, and Ordinance 14-05-378 was adopted.

**D. Ordinance 14-05-379** – First Public Hearing

**An Ordinance of the Haines Borough authorizing the Borough Manager to negotiate and execute a new lease with Goat Lake Hydro, Inc., a subsidiary of Alaska Power & Telephone, for the specified parcel of Borough property for the Goat Lake Hydro plant at Lutak.**

Mayor **SCOTT** opened the public hearing at 8:20pm.

**GONCE** said the agenda bill accurately summarized it, and he offered to answer questions.

Hearing no further comments, the mayor closed the public hearing at 8:21pm.

**Motion: LAPP** moved to "advance Ordinance 14-05-379 to a second public hearing on 6/10/14," and the motion carried unanimously.

**E. Ordinance 14-05-380** – First Public Hearing

**An Ordinance of the Haines Borough amending Borough Code Title 3 Section 3.24.050 to increase the cap for stock investments for the Permanent Fund from 25% to 50%.**

Mayor **SCOTT** opened and closed the public hearing at 8:23pm; there were no public comments.

**Motion: BERRY** moved to "advance Ordinance 14-05-380 to a second public hearing on 6/10/14," and the motion carried unanimously.

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager** – *5/27/14 Report*

**SOSA** summarized his written report and entertained questions about the cruise visitor shuttle, the Aspen Hotel development, quality of life, and the museum store.

\* **B. Sheldon Museum** – *Staff Report of April 2014*

\* **C. Public Library** – *Staff Report of April 2014*

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

\* **A. Library Board** – *Minutes of 3/19/14*

**B. Assembly Standing Committee Reports**

**WATERMAN** reported the Personnel Committee reviewed the draft job description for the Community & Economic Development Director position and made suggestions for amendments. She strongly encourages a committee of the whole meeting in the future to discuss goals for this new position.

**10. UNFINISHED BUSINESS** – None

**11. NEW BUSINESS**

**A. Resolutions**

\*1. **Resolution 14-05-563**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with MRV Architects for an amount not-to-exceed \$15,435 for Haines Borough Administration Building Roof Renovation Design.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-05-563."*

**2. Resolution 14-05-564**

**A Resolution of the Haines Borough Assembly accepting a grant offer entitled Asbestos Cement Pipe Replacement (MMG #39542) of up to \$551,250 from the State of Alaska, Department of Environmental Conservation.**

There were no public comments.

**Motion:** LAPP moved to "adopt Resolution 14-05-564," and the motion carried unanimously.

**\*3. Resolution 14-05-565**

**A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective nonprofit entity for participation in the FY15 Community Revenue Sharing Program.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-05-565."*

**\*4. Resolution 14-05-566**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Carson Dorn, Inc. for an amount not-to-exceed \$35,700 for Piedad Springs Water Treatment Design.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-05-566."*

**B. Ordinances for Introduction**

**\*1. Ordinance 14-05-381**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Chapter 2.104 to clarify management of the Chilkat Center for the Performing Arts.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 14-05-381 and set a first public hearing for 6/10/14."*

**\*2. Ordinance 14-05-382**

**An Ordinance of the Haines Borough authorizing a new lease of the Chilkat Center with Lynn Canal Broadcasting for the purpose of operating a non-profit, public FM broadcasting facility.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 14-05-382 and set a first public hearing for 6/10/14."*

**\*3. Ordinance 14-05-383**

**An Ordinance of the Haines Borough authorizing a new lease of the Chilkat Center with Lynn Canal Broadcasting for the purpose of operating a non-profit, public FM broadcasting facility.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 14-05-383 and set a first public hearing for 6/10/14."*

**C. Other New Business**

**\*1. Appeal of Nuisance Abatement Order**

*Note: the borough issued a Title 8 abatement order to Paul Nelson. He appealed in writing, and the clerk determined it to be filed timely. Per 8.12.130, the clerk presented this appeal to the assembly and sought assembly direction to schedule the appeal hearing. There was no other action on the appeal to be taken at that time*

*The motion adopted by approval of the consent agenda: "accept the appeal as timely-filed and direct the borough clerk to schedule a date, time, and place for the hearing by the assembly, such date to be no later than July 13, 2014 (60 days from date of appeal)."*

**2. Municipal (Muni-Plex) Building - Discussion**

*Note: this discussion was requested on 5/13/14 by Assembly Member Waterman.*

Following discussion about the desire to not lose momentum with the McCool Carlson Green study of the Public Safety Building and the need to examine the borough facility critical needs and determine priorities, the assembly agreed to schedule a committee of the whole meeting for this purpose. The manager will bring a prioritized list to that meeting.

**\* 3. Chilkat Valley Preschool Request for Letter of Support**

*Note: the Chilkat Valley Preschool plans to seek grant funding and has requested a general letter of support from the borough.*

*The motion adopted by approval of the consent agenda: "authorize a letter of borough support be drafted and given to Chilkat Valley Preschool for use in applying for grant funding."*

**\* 4. ADF&G Letter re. Crabbing in Upper Lynn Canal**

*Note: on 5/13/14, the mayor offered to draft a letter to ADF&G expressing the assembly's concerns about the management of the crab fishery in the Upper Lynn Canal. She sought assembly approval of the letter.*

*The motion adopted by approval of the consent agenda: "approve the letter to ADF&G as drafted regarding crab resource management in the Upper Lynn Canal."*

**\* 5. Confirmation of Tourism Director Hire**

*Note: this is a department head position hired by the manager but it must be confirmed by the assembly.*

*The motion adopted by approval of the consent agenda: "confirm the borough manager's decision to hire Leslie Ross as Tourism Director."*

**6. Executive Session – Update on Administrative Appeal of Temporary Heliport CUP**

**Motion:** LAPP moved to "go into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to discuss litigation strategies with the borough attorney regarding an administrative appeal of an assembly decision to issue a temporary conditional use permit to Big Salmon Ventures; this matter qualifies for executive session as attorney-client privilege; the borough manager and borough attorney are requested to attend." The motion carried unanimously.

Present: Mayor Scott; Assembly Members Lapp, Waterman, Lapham, Berry, Schnabel, and Campbell; Borough Manager Dave Sosa, and Borough Attorney Brooks Chandler (via teleconference). The executive session convened at 8:56pm and ended at 9:17pm.

No action was taken following the executive session.

**12. CORRESPONDENCE/REQUESTS - None**

**13. SET MEETING DATES**

**A. Committee of the Whole** – August 5, 2014, 5:30pm – Topic: Discuss Municipal (Muni-Plex) Building and facility priorities.

**14. PUBLIC COMMENTS - None**

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCHNABEL** inquired about how the voting for amendment motions is recorded in the action-only minutes. The clerk explained and will look at the option of including more information.

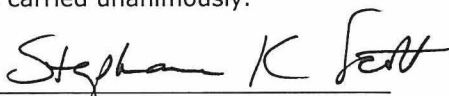
**16. ADJOURNMENT – 9:23pm**

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

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk



  
Stephanie Scott, Mayor