

Haines Borough
Borough Assembly Meeting #271
June 10, 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**, and Diana **LAPHAM**. Absent: Dave **BERRY**.
Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Simon **FORD**/Sergeant, Phil **BENNER**/Harbormaster, Xi "Tracy" **CUI**/Planning & Zoning Technician III, Leslie **ROSS**/Tourism Director, and Jila **STUART**/Finance Director.
Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Paul **NELSON**, John **FLORESKE**, Heidi **ROBICHAUD**, Jim and Julie **SHOOK**, Meredith **POCHARDT**, Marlena **SAUPE**, Randy **WANAMAKER**, Brad **RYAN**, John and Lynn **NOWAK**, George and Joan **MCCAMENT**, Jamie **MICHEL**, Gerard **GARLAND**, 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 – Accept Library Report
- 8C – Accept Museum Report
- 9A – Accept TAB Meeting Minutes
- 9B – Accept Museum Board Meeting Minutes
- 11A1 – Adopt Resolution 14-06-567
- 11C1 – Confirm FY15 ad hoc Non-Profit Scoring Committee
- 11C2 – Authorize Winter Recreation Area Letter of Support
- 11C3 – Authorize Letter of Interest to Sponsor Freeride World Tour Event

Motion: **WATERMAN** moved to "approve the agenda/consent agenda," and it was amended to remove 11C4 Job Description from the agenda and 11C2 from the consent agenda. The motion, as amended, carried unanimously.

- 4. APPROVAL OF MINUTES** – 5/27/14 Regular
- 5. PUBLIC COMMENTS** - None
- 6. MAYOR'S COMMENTS/REPORT**

Mayor **SCOTT** gave brief comments concerning the recent Port Chilkoot Dock opening ceremony, the new flower planters on Main Street, the upcoming Energy Round Table on June 26, and her plan to be out of town June 16-17.

7. PUBLIC HEARINGS

A. Appeal of a Nuisance Abatement Order – Paul A.L. Nelson

On May 5, 2014, the borough issued a nuisance notice and order of abatement to Paul Nelson regarding solid waste disposal on his property in Skyline Estates Subdivision. He filed a timely appeal.

Mayor **SCOTT** presided over the hearing and chose not to require oaths or compel witnesses.

Appellant: **NELSON** addressed the assembly by reading the June 9, 2014 written comments he provided to the assembly.

Borough: **SOSA** summarized the borough's nuisance abatement order, and the reasons it was issued.

Public Testimony: **J. NOWAK**, **MCCAMENT**, **Jim SHOOK**, **L.NOWAK**, and **GARLAND** spoke in support of the borough's nuisance abatement order. No persons spoke in opposition.

Appellant: **NELSON** offered a rebuttal of statements made by the manager and the public.

Assembly: The assembly asked questions, reviewed photographs, and considered all written documentation and oral statements prior to taking action.

Motion: **LAPP** moved to "uphold the order of nuisance abatement," and the order was modified to be issued, as follows:

1. The incorrectly processed glass may remain inside the foundation provided it is capped within 10 business days of the hearing date (June 21, 2014, midnight);
2. The fill outside of the foundation must be removed within 10 business days of the hearing date (June 21, 2014, midnight); and
3. Mr. Nelson must pay a fine of \$300 for depositing improper fill onto private property.

The motion, as amended, carried 4-1 in a roll call vote with **WATERMAN** opposed.

The assembly will adopt the appeal findings by resolution at the next meeting.

B. Ordinance 14-05-379 - Second 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 and closed the public hearing at 7:52pm; there were no public comments.

Motion: **LAPP** moved to "adopt Ordinance 14-05-379," and the motion carried unanimously in a roll call vote.

C. Ordinance 14-05-380 - Second 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 7:54pm; there were no public comments.

Motion: **WATERMAN** moved to "adopt Ordinance 14-05-380," and the motion carried unanimously in a roll call vote.

D. Ordinance 14-05-381 - First Public Hearing

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.

Mayor **SCOTT** opened and closed the public hearing at 7:55pm; there were no public comments.

Motion: **WATERMAN** moved to "advance Ordinance 14-05-381 to a second public hearing on 6/24/14," and the ordinance was amended to change "[t]he Chilkat Center managing director" in Section 2.104.020 to "[t]he manager of the Chilkat Center" and change "[t]he managing director" in Subsection 2.104.040(B) to "[t]he manager of the Chilkat Center." The motion as amended carried unanimously.

E. Ordinance 14-05-382 - First Public Hearing

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.

Mayor **SCOTT** opened and closed the public hearing at 7:58pm; there were no public comments.

Motion: **SCHNABEL** moved to "advance Ordinance 14-05-382 to a second public hearing on 6/24/14," and the ordinance was amended to replace "for a total value of \$2,337 per year" in the seventh WHEREAS with "for a total value of \$28,044 annually." The motion, as amended, carried 4-1 with **CAMPBELL** opposed.

F. Ordinance 14-05-383 - First Public Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to allow the placement of off-premises business signs on private property.

Mayor **SCOTT** opened and closed the public hearing at 8:11pm; there were no public comments.

Motion: **CAMPBELL** moved to "advance Ordinance 14-05-383 to a second public hearing on 6/24/14," and the ordinance was amended by replacing "[e]ach business shall be limited to one freestanding sign" in Section 18.90.04 with "[f]reestanding signs are limited to one per business." The motion failed 3-2 with **WATERMAN** and **CAMPBELL** opposed.

Motion to Reconsider: **WATERMAN** moved to reconsider her vote, and the motion carried 4-1 with **CAMPBELL** opposed.

The new vote to advance Ordinance 14-05-383, as amended, to a second public hearing on 6/24/14 carried 4-1 with **CAMPBELL** opposed.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 6/10/14 Report

SOSA summarized his written report and entertained questions and comments about the following topics: roadways that would provide access to the Aspen Hotel site, evaluating the Primary School Subdivision plat, the Mosquito Lake School building, and July 4th fireworks.

* **B. Public Library – Staff Report of April 2014**

* **C. Sheldon Museum – Staff Report of May 2014**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

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

* **B. Museum Board – Minutes of 4/30/14**

C. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

A. Ordinance 14-02-370

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).

Motion: **LAPP** moved to "adopt Ordinance 14-05-380," and it was amended to replace "March 1st" with "March 31st" in HBC 3.70.040(K)(4)and(6). The motion carried unanimously as amended in a roll call vote.

11. NEW BUSINESS

A. Resolutions

* **1. Resolution 14-06-567**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a contract with Southeast Road Builders, Inc. to provide D-1, Sand, and Pit Run materials to the Borough for 2014-15.

The motion adopted by approval of the consent agenda: "adopt Resolution 14-06-567."

B. Ordinances for Introduction - None

C. Other New Business

* **1. Appoint FY15 ad hoc Non-Profit Scoring Committee**

The motion adopted by approval of the consent agenda: "Confirm the appointment of an ad-hoc committee to score applications for FY15 funds received from non-profit entities and to make recommendation for funding levels to the Assembly."

2. Haines Memorial Recreation Park

Motion: **LAPHAM** moved to "authorize a letter of borough support for an application for a designated winter recreation area memorial in the Eagle Preserve," and it carried 4-1 with **CAMPBELL** opposed.

* **3. Freeride World Tour Hosting**

Note: Freeride World Tour (FWT) is an annual event held in various parts of the world. This is the first time for Alaska and they would like Haines to be a host community. The Tourism Advisory Board encouraged the assembly to consider and support sponsorship of this event.

The motion adopted by approval of the consent agenda: "authorize the Mayor to write a letter of interest to FWT expressing the borough's willingness to host but with a requirement for additional details prior to any commitment being made."

4. Job Description - Community & Economic Development Director

This item was completely removed during approval of the agenda. This new position was approved by the assembly; however a job description is the prerogative of the manager.

5. Preliminary Proposal to Explore the Impacts on the Haines Community of Developing the Palmer Deposit

Note: The Takshanuk Watershed Council was eager to help the community examine the impacts of the development of the Palmer Deposit in a non-positional, science-based forum. Mayor Scott requested assembly concurrence to continue to develop this proposal.

Motion: WATERMAN moved to "concur with continued development of a proposal for a non-positional, science-based forum to explore the impacts on the Haines Community of developing the Palmer Deposit: social, economic, environmental, and transportation," and the motion FAILED 1-4 with LAPP, CAMPBELL, LAPHAM, and WATERMAN opposed.

Motion: Just prior to 9:30 p.m., WATERMAN moved to "continue the meeting until the agenda is finished," and the motion carried unanimously.

Motion: SCHNABEL moved to "authorize the mayor to seek collaboration with CIA and CIV for conduct of a holistic exploration of the possible social, political, and economic impacts of a mining industry in our jurisdictions," and it carried 4-1 with CAMPBELL opposed.

6. Executive Session - Borough Manager Review of First 60 Days CUP

Motion: WATERMAN moved to "go into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to review the manager's first sixty days; this matter qualifies for executive session because this is a personnel matter and a public discussion may tend to prejudice the character and reputations of those involved; the borough manager is requested to attend." The motion carried unanimously.

Present: Mayor Scott; Assembly Members Lapp, Waterman, Lapham, Schnabel, and Campbell; and Borough Manager Dave Sosa. The executive session convened at 9:41pm and ended at 10:10pm. No action was taken following the executive session.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES - None

14. PUBLIC COMMENTS

FREIDENAUER asked if the assembly will put out a statement about the manager's 60-day review. Mayor SCOTT responded saying the general consensus is the assembly is very pleased with the manager's performance and looking forward to a long tenure.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

CAMPBELL and WATERMAN will both be absent from the July 22 meeting.

SCHNABEL suggested providing oversight on the nuisance abatement process to make sure ALL the glass is taken, as stipulated. She also asked if the grass at Tlingit Park can be fertilized.

SCOTT reminded that *Lemonade Day* is Saturday, the 14th.


WATERMAN said the old fire hall tower is now up. She noted the importance of remembering there are some really great people in this town.

CAMPBELL congratulated SCHNABEL on achieving her Master's degree in Public Administration.

16. ADJOURNMENT - 10:17pm

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

ATTEST:


Julie Cozzi, MMC, Borough Clerk


Stephanie Scott, Mayor