

Haines Borough
Borough Assembly Meeting #272
June 24, 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, Brooks **CHANDLER**/Borough Attorney, Carlos **JIMENEZ**/Director of Public Facilities, Bill **MUSSER**/Chief of Police, Christina **BASKAYA**/Special Projects Officer, Helen **ALTEN**/Museum Director, Patty **BROWN**/Library Director, and Jila **STUART**/Finance Director.
Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Patrick **MUNSON**/BCF, Corey **WALL**/MRV, Kay **CLEMENTS**/KHNS, Fred **EINSBRUCH**, Eric **KOCHER**, Dave **BUTTON**, James **ALBOROUGH**, Wayne and Cherri **PRICE**, Jeannie **KITYAMA**, Paul **WHEELER**, Neil **EINSBRUCH**, Dave **KAMMERER**, and others,
- 3. APPROVAL OF AGENDA & CONSENT AGENDA**
The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8C – Chilkat Center Facility Report
- 9A – Planning Commission Minutes
- 9B – Parks and Recreation Advisory Committee Minutes
- 11A1 – Adopt Resolution 14-06-568
- 11A2 – Adopt Resolution 14-06-569
- 11A3 – Adopt Resolution 14-06-570
- 11A4 – Adopt Resolution 14-06-571
- 11C1 – Notification of Edwards Abatement Appeal

Motion: **WATERMAN** moved to “approve the agenda/consent agenda,” and it was amended to remove 11A1 from the consent agenda. The motion, as amended, carried unanimously (the vote was 5-0; Schnabel was momentarily absent during this vote).

4. APPROVAL OF MINUTES – 6/10/14 Regular

5. PUBLIC COMMENTS

EINSBRUCH expressed concerns about the amount of money being spent to upgrade the audio capabilities of the assembly chambers.

6. MAYOR’S COMMENTS/REPORT

A. Proclamation: Honoring Wayne G. Price

Mayor **SCOTT** recognized those who paddled to Juneau for Celebration 2014, many of whom were present in the chambers during the meeting. The paddlers (also called pullers): Malia Geise, Tayla Hotch, Tammy Hotch, Alex Hotch, Bosch Hotch, Steven Hotch, Priscilla Hotch, Logan Hotch, Ivan Hotch, Stan Hotch, Don Hotch Jr., James Hart, Zach James, Ted Hart, James Hart, Jake Bell, Saldi Wilson, Siyel George, Shalimar George, Michael George, Gene Cornelius, Judy Hall, Terry Jacobson, Cherri Price, and Wayne Price. The mayor read aloud a proclamation honoring Wayne G. Price for his cultural leadership and for his skill as a Tlingit master carver, designer, and artist.

7. PUBLIC HEARINGS

A. Ordinance 14-05-381 – Second 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 6:45pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 14-05-381," and it was amended by striking the second sentence in Section 2.104.040 and replacing it with "*The manager of the Chilkat Center through the board shall submit to the Borough Manager an annual budget identifying income sources including borough funds for the coming year. A rental rate schedule shall accompany the budget submission.*" The motion, as amended, carried unanimously in a roll call vote.

B. Ordinance 14-05-382 – Second 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 6:50pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 14-05-382," and the ordinance and accompanying lease were amended, as follows:

1) Ordinance: Insert as a new second paragraph, "*WHEREAS, the public interest is served by Lynn Canal Broadcasting, Inc. (KHNS-FM) as the sole radio broadcast licensee mandated to serve the educational and informational needs of the Haines Borough*"; delete the original paragraph two and paragraphs three and nine, and strike the following text from the resolution statement at the end: "*by the Haines Borough Assembly, that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough to enter that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough.*"; and

2) Lease: Paragraph 1 Premises, insert a period after the word "*meetings*", strike "*but it is not intended for more than two fund-raising events per year*", and insert a new sentence: "*The tenant has use of the auditorium and/or lobby for not more than two fundraising events annually at no additional charge.*"

The motion, as amended, carried 5-1 in a roll call vote with **CAMPBELL** opposed.

C. Ordinance 14-05-383 – Second 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 the public hearing at 7:11pm.

EINSPRUCH spoke against the ordinance.

Hearing no further comments, the mayor closed the public hearing at 7:12pm.

Motion: **BERRY** moved to "adopt Ordinance 14-05-383," and the motion was seconded.

Motion to Refer: **CAMPBELL** moved to "refer this ordinance to the Commerce Committee," and the motion carried 5-1 with **LAPP** opposed.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 6/24/14 Report

SOSA summarized his written report and entertained questions and comments about the following topics: total land area considered for PILT calculation, pellet stove at the Senior Center, Nelson abatement, and the Mt. Riley Road sledding hill.

B. Borough Attorney – "Legal Year in Review" Report

CHANDLER introduced his associate attorney Patrick **MUNSON**, and they both provided updates to the assembly based on the written report provided in the packet and also responded to questions.

***C. Chilkat Center – Report of May 2014**

D. Library – Corey Wall (MRV Architects) Report on Library Addition

Note: *This was an opportunity to inform the assembly at the conceptual drawing level before money was spent on final drawings.*

WALL presented a PowerPoint presentation and entertained questions. No objections were raised.

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

*** A. Planning Commission – Minutes of 4/17/14 and 5/8/14**

- B. Parks & Recreation Advisory Committee** – Minutes of 5/22/14
C. Assembly Standing Committee Reports – None provided

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

1. Resolution 14-06-568

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a new agreement with Lynn Canal Broadcasting for management of the Chilkat Center.

There were no public comments.

Motion: WATERMAN moved to "adopt Resolution 14-06-568," and the accompanying MOU was amended, as follows:

- 1) In Section 2.2(g), strike "monitor the janitorial needs" and replace with "manage the janitorial function"; and
- 2) In Article VII, Insurance, insert as a third sentence the following text: *Tenant shall keep in full force a comprehensive commercial liability insurance policy covering all of tenant's activities with respect to the leased premises in an amount not less than five-hundred thousand dollars, with the Borough named as the additional insured."*

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

***2. Resolution 14-06-569**

A Resolution of the Haines Borough Assembly adopting written findings of the June 10, 2014 appeal hearing of the Nelson nuisance abatement order.

The motion adopted by approval of the consent agenda: "adopt Resolution 14-06-569."

***3. Resolution 14-06-570**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services contract with Haines Animal Rescue Kennel to provide animal control services during FY15 for an amount not to exceed \$47,814.

The motion adopted by approval of the consent agenda: "adopt Resolution 14-06-570."

***4. Resolution 14-06-571**

A Resolution of the Haines Borough Assembly establishing investment objectives for the Haines Permanent Fund, and adopting investment asset allocation goals and performance benchmarks.

The motion adopted by approval of the consent agenda: "adopt Resolution 14-06-571."

B. Ordinances for Introduction - None

C. Other New Business

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

The borough issued a Title 8 abatement order to George Edwards regarding an unauthorized junkyard on his property on Small Tracts Road. He appealed in writing, and the clerk determined it to be filed timely. Per 8.12.130, the clerk is presenting this appeal to the assembly and with the assembly's direction the clerk will schedule the appeal hearing. There is no other action to be taken at this 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 August 11, 2014 (60 days from date of appeal).

2. Classification and Method of Sale for a Portion of Lot 8, Primary School Subdivision

The borough received an application from Haines Brewing Company, Inc. for purchase of borough-owned real property, specifically a portion of Lot 8, Primary School Subdivision. On 6/12, the planning commission passed a motion recommending that portion be classified for sale as proposed.

CAMPBELL disclosed a possible conflict of interest, and the mayor ruled it not to be the case. There was no objection.

Motion: **CAMPBELL** moved to "classify Lot 8, Primary School Subdivision, for sale and direct the borough manager to find potential buyers and negotiate and come back to the assembly with a recommendation to sell it," and the motion FAILED 2-4 in a roll call vote with **WATERMAN, LAPHAM, LAPP, and SCHNABEL** opposed.

Motion: **BERRY** moved to "classify a portion of Lot 8, Primary School Subdivision for sale, as recommended by the planning commission; direct the borough manager to proceed with the process of subdividing the lot; and authorize the manager to dispose of the classified area by the negotiated sale method," and the motion carried 4-2 in a roll call vote with **WATERMAN** and **CAMPBELL** opposed.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

A. Energy Roundtable – 1:30 p.m. Thursday, 6/26, at Haines Borough Public Library

B. Commerce Committee – 5:00 p.m., Tuesday, 7/1 – Off-premises sign ordinance

14. PUBLIC COMMENTS

EINSBRUCH said the assembly is charged with maintaining the public interest, and he has some concerns about the way the planning commission is functioning.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

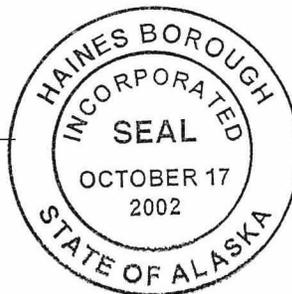
SCHNABEL noted the importance the media plays in this community.

16. ADJOURNMENT – 8:54 p.m.

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

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor