

**Haines Borough**  
**Borough Assembly Meeting #274**  
**AGENDA**

**July 29, 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, MPA**  
Assembly Member

**Joanne Waterman,**  
Assembly Member

**George Campbell,**  
Assembly Member

**Jerry Lapp,**  
Assembly Member

**David Sosa, MPA**  
Borough Manager

**Julie Cozzi, MMC**  
Borough Clerk

**Krista Kielsmeier**  
Deputy 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 Assembly Meeting Minutes
- 8B – Chilkat Center Report
- 8C – Fire Department Reports
- 9A – Planning Commission Minutes
- 9B – Tourism Advisory Board Minutes
- 11A1 – Resolution 11-07-577
- 11A2 – Resolution 11-07-578
- 11B1 – Ordinance 11-07-384
- 11B2 – Ordinance 11-07-385
- 11B3 – Ordinance 11-07-386

**\* 4. APPROVAL OF MINUTES – 7/8/14 Regular**

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

**6. MAYOR'S COMMENTS/REPORT**

**7. PUBLIC HEARINGS**

**A. New Commercial Tours – Alaska Mountain Guides**

*Alaska Mountain Guides has applied to add a new tour to their permitted 2014 commercial tour activities. They propose to provide guided canoeing on Chilkoot Lake. AMG is already permitted to operate tours in the Chilkoot River Corridor. The tourism director, police chief, and harbormaster have reviewed the proposed activities and have no objection. HBC Title 5 requires a public hearing before the assembly for all new tour activities. **Motion:** Authorize the borough clerk to process the Alaska Mountain Guides application add a guided canoeing tour to the company's list of permitted commercial tour activities.*

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – 7/29/14 Report**

**\* B. Chilkat Center – Facility Report of June 2014**

**\* C. Fire Department – Reports of May and June 2014**

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

**\* A. Planning Commission – Minutes of 6/12/14**

**\* B. Tourism Advisory Board – Minutes of 4/29/14**

**C. Assembly Standing Committee Reports**

**10. UNFINISHED BUSINESS**

**A. Ordinance 13-12-358 - Postponed on 1/28/14 and 2/11/14**

**An Ordinance of the Haines Borough amending Borough Code Section 18.80.030 to add setback regulations to the General Use zone and to correct a typographical error to make it consistent with the Section 18.20.020 definition of setback.**

*This was introduced on 12/10/13 and had a first hearing on 1/14/14. On 1/28/14 it had a second hearing, and then a motion was made to adopt it. Following discussion, adoption was postponed to 2/11/14 and on that date during debate, an amendment motion was made. It was then postponed, prior to dispensing with the motions, so the planning commission and assembly member Schnabel could do further work on it.*

## 10A. UNFINISHED BUSINESS/Ordinance 13-12-358 ---continued---

*The planning commission considered this matter during its June and July meetings, and are ready to return the ordinance to the assembly. The commission does recommend a substitute ordinance. Debate must resume with the motion to adopt and the motion to amend already on the table.*

*Motions already on the table:*

*Main Motion: Adopt Ordinance 13-12-358*

*Primary Amendment: "Replace the word "structures" with "permanent buildings" and remove the phrase "for all uses" on Page 3, Section C."*

*Important: the amendment motion on the table must be voted on first. After that, the proposed substitute could be considered.*

## 11. NEW BUSINESS

### A. Resolutions for Adoption

#### \* 1. Resolution 14-07-577

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Highland Estates Water System Upgrade project for an amount not-to-exceed \$89,500 to pave Oslund Drive as approved by the Alaska Department of Environmental Conservation.**

*This resolution is recommended by the Director of Public Facilities. **Motion:** Adopt Resolution 14-07-577.*

#### \* 2. Resolution 14-07-578

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Bicknell, Inc. for an amount not-to-exceed \$50,000 for the removal and disposal of 210 yards of contaminated soil.**

*This resolution is recommended by the Director of Public Facilities. **Motion:** Adopt Resolution 14-07-578.*

### B. Ordinances for Introduction

#### \* 1. Ordinance 14-07-384

**An Ordinance of the Haines Borough placing a proposition on the October 7, 2014 Haines Borough General Election ballot to amend Borough Charter Section 16.04 to remove the requirement for a runoff election if a candidate does not receive at least 40% of votes cast to be elected to borough office.**

*This ordinance is in response to one of the assembly's 2014 legislative priorities. **Motion:** Introduce Ordinance 14-07-384 and set a first public hearing for 8/12/14.*

#### \* 2. Ordinance 14-07-385

**An Ordinance of the Haines Borough to amend Borough Code Section 11.48.50 to provide that candidates receiving the greatest number of votes cast shall be declared the winners of an election even if the greatest number of votes cast is less than 40% of the total votes cast and to eliminate the requirement for a runoff election.**

*It amends the borough code pursuant to voter ratification of the proposition in Ordinance 14-07-384. **Motion:** Introduce Ordinance 14-07-385 and set a first public hearing for 8/12/14.*

#### \* 3. Ordinance 14-07-386

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

*This ordinance is recommended by the borough manager. **Motion:** Introduce Ordinance 14-07-386 and set a first public hearing for 8/12/14.*

#### 4. Ordinance 14-07-387

**A non-code Ordinance of the Haines Borough approving the sale to Haines Brewing Company Inc. of Lot [TBD], Primary School Subdivision Plat No. 2014-[TBD], Haines Recording District, First Judicial District, State of Alaska.**

*The manager conducted the negotiations for a negotiated land sale, as directed by the assembly on 6/25, and he took the sales proposal to the Planning Commission as required by code. The commission recommends it be considered by the assembly. **Motion:** Introduce Ordinance 14-07-387 and set a first public hearing for 8/12/14.*

**11B. NEW BUSINESS/Ordinances for Introduction ---continued---**

**5. Ordinance 14-07-388**

**An Ordinance of the Haines Borough authorizing the issuance of General Obligation Bonds in an aggregate amount not to exceed \$4,722,079 to finance up to four projects for capital improvements to school facilities of the Borough; authorizing submission to the qualified voters of the Borough at the regular Election to be held on October 7, 2014, of four propositions, one for each of the capital improvement projects authorized by this ordinance; appropriating funds for those projects that are approved by the voters; and providing for an effective date.**

*This ordinance was prepared by the borough's bond counsel. He advised a single ordinance could place multiple propositions on the ballot, and this draft includes a ballot question for four different school major maintenance projects. This is a result of applications made to the Alaska Department of Education (DEED) for school project funding reimbursement. The assembly and school board met jointly 3/4/14 and authorized staff to go forward with that application process, and the result is that most of the projects have been approved for 70% reimbursement. The project for pool mechanical, locker room, and ADA compliance upgrades has not as yet qualified. Staff requests an assembly discussion of whether to add a fifth ballot proposition that would authorize a bond for the pool upgrades knowing that project is currently ineligible for the 70% reimbursement. As with any ordinance, the assembly may choose to amend it. **Motion:** Introduce Ordinance 14-07-388 and set a first public hearing for 8/12/14.*

**C. Other New Business**

**1. Resolution 14-07-580**

**A Resolution of the Haines Borough Assembly opposing the passage of the initiative to legalize recreational marijuana in Alaska and urging voters to defeat ballot measure 2.**

*This draft resolution was submitted by Assembly Member Berry. Mayor Scott recommends a public hearing be held before this goes to an assembly vote, and Mr. Berry concurs. **Motion:** Schedule Resolution 14-07-580 for a public hearing to be held on 8/26/14.*

**2. Executive Session – UPDATE ON CUP LAWSUIT**

**Motion:** Move into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03 to receive a update on the heliport CUP lawsuit; this matter qualifies for executive session because a public discussion may adversely affect the finances of the borough and/or the borough's legal position; the borough manager is requested to attend.

**12. CORRESPONDENCE/REQUESTS**

**13. SET MEETING DATES**

**14. PUBLIC COMMENTS**

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**16. ADJOURNMENT**