

Haines Borough
Borough Assembly Meeting #274
July 29, 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**, Joanne **WATERMAN**, Dave **BERRY**, and Diana **LAPHAM**. **Absent:** George **CAMPBELL**.

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Bill **MUSSER**/Chief of Police, Helen **ALTEN**/Museum Director, and Jila **STUART**/Finance Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Ginger **JEWELL**/School District Superintendent, Bill and Libby **KURZ**, Janet **KURZ**, Mike **CASE**, Shane **HORTON**, Paul **WHEELER**, Jeanne **KITAYAMA**, Eli **FIERER**/AMG, Sean **GAFFNEY**/AMG, Thom **ELY**, Neil **EINSBRUCH**, Tim and Nicole **HOLM**, Dan **EGOLF**, Heidi **ROBICHAUD**, 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 – 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

Motion: **BERRY** moved to “approve the agenda/consent agenda,” and it was amended to remove item 11A2 (Resolution 11-07-578) from the consent agenda. The motion, as amended, carried unanimously.

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

5. PUBLIC COMMENTS - None

6. MAYOR’S COMMENTS/REPORT

Mayor **SCOTT** distributed *Welcome to Haines* hats and name tags to the manager and assembly members and encouraged them to consider joining her and the manager in greeting cruise passengers on Wednesdays. The borough is having a booth this year at the Southeast Alaska State Fair; she asked the assembly to consider manning it along with borough staff members.

Additionally, the mayor reported on the following:

- Senator Murkowski will be visiting Haines on August 7.
- A brief update on the review of nonprofit funding requests.
- Current status of the Highway Realignment project.

Mayor **SCOTT** will be attending the Alaska Municipal League/Alaska Conference of Mayors summer meetings in Nome and will be absent from the next assembly meeting. Deputy Mayor LAPP will preside.

7. PUBLIC HEARINGS

A. New Commercial Tours – Alaska Mountain Guides

Note: Alaska Mountain Guides applied to add a new tour to their permitted 2014 commercial tour activities; they proposed to provide guided canoeing on Chilkoot Lake. AMG is already permitted to operate tours in the Chilkoot River Corridor. HBC Title 5 requires a public hearing before the assembly for all new tour activities.

Applicants **GAFFNEY** and **FIERER** explained the proposed tour activity and their efforts to alleviate some of the congestion. They also responded to some of the comments made during the public hearing.

T. HOLM, N. HOLM, ELY, and EGOLF spoke against approval of the new tour activity citing congestion and over-saturation of commercial activities.

B. KURZ spoke in support and noted the economic development aspect.

Motion: **LAPP** moved to "authorize the borough clerk to process the Alaska Mountain Guides application to add a guided canoeing tour to the company's list of permitted commercial tour activities."

Motion to Postpone to a Time Certain: **SCHNABEL** moved to "postpone consideration of the Alaska Mountain Guides' tour permit request pending development of a plan to address the carrying capacity and congestion in the Chilkoot River Corridor and establish a moratorium until there is a plan," and the motion carried 4-1 with **LAPP** opposed.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 7/8/14 Report

SOSA summarized his written report. He said borough representatives will visit Excursion Inlet on August 18.

* **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.

Note: 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. The planning commission considered this matter during its June and July meetings and returned the ordinance to the assembly with a recommendation for a substitute ordinance. Debate resumed 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." The amendment failed unanimously.

Primary Amendment #2: **SCHNABEL** moved to "accept the substitute ordinance and replace the previous ordinance draft in its entirety," and the motion carried 4-1 with **LAPP** opposed.

The main motion to adopt the ordinance, as amended, carried 4-1 in a roll call vote with **LAPP** opposed.

11. NEW BUSINESS

A. Resolutions

*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.

The motion adopted by approval of the consent agenda: "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.

Motion: LAPP moved to "direct the borough manager to invite sealed bids for removal and disposal of the contaminated soil by an ADEC-approved method," and the motion carried unanimously.

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.

The motion adopted by approval of the consent agenda: "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.

The motion adopted by approval of the consent agenda: "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.

The motion adopted by approval of the consent agenda: "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.

Motion: LAPP moved to "introduce Ordinance 14-07-387 and set a first public hearing for 8/12/14," and the motion carried 4-1 with WATERMAN opposed.

Motion: SCHNABEL moved to "direct the manager to coordinate creation of a formal program to incentivize development and/or improvements to real estate in the downtown area for the purpose of overall economic development; that the program describe its physical boundaries; that it provide for waiver or exemption of taxes and other benefits that may be offered over time in exchange for meeting specific named criteria; that it provide for a process of application, a timeframe for program activity, and a process for evaluating an applicant's qualification for meeting criteria; that the program be presented for consideration by the assembly in the form of an ordinance by September 2, 2014; and that the proposed ordinance include a provision for appeal by the voters," and it carried unanimously.

Motion: SCHNABEL moved to "direct the manager to draft a Memorandum of Understanding between the Haines Borough and Haines Brewing Company that acknowledges qualification and preapproval of Haines Brewing Company for participation in a borough-initiated program to incentivize development and/or improvement of real property in the downtown area identified by the program," and it carried 4-1 in a roll call vote with WATERMAN opposed.

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 who advised a single ordinance to place multiple propositions on the ballot. This draft was 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 was that most of the projects were approved for 70% reimbursement.

Motion: WATERMAN moved to "introduce Ordinance 14-07-388 and set a first public hearing for 8/12/14," and the motion carried 4-1 with LAPP opposed.

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 recommended a public hearing be held before this went to an assembly vote, and Mr. Berry concurred.

Motion: BERRY moved to "schedule Resolution 14-07-580 for a public hearing to be held on 8/26/14," and the motion carried 4-1 with SCHNABEL opposed.

2. Executive Session – UPDATE ON CUP LAWSUIT

Motion: WATERMAN moved to "go 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," and 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 8:56pm and ended at 9:19pm.

Motion: WATERMAN moved to "direct the manager to continue negotiation through the borough attorney with the appellants in the heliport CUP lawsuit," and the motion carried unanimously.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

A. Ad hoc Nonprofit Funding Committee – Wednesday, 8/6, 5:30pm.

B. Commerce Committee – Topic: signage, Monday, 8/4, 4:00pm.

14. PUBLIC COMMENTS

FRIEDENAUR noted there are other major state ballot propositions the assembly may wish to consider weighing in on.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

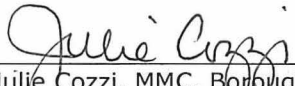
WATERMAN said she was pleased with this meeting; it made her feel like the assembly is moving forward on things. LAPHAM agreed.

LAPP thanked the manager and director of public facilities for grading the roads.


16. ADJOURNMENT – 9:31 p.m.

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

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor