

Haines Borough
Borough Assembly Meeting #277

AGENDA

September 9, 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 – Fire Department Report

9A – Planning Commission Report

11A1 – Resolution 14-09-585

11A2 – Resolution 14-09-586

11A3 – Resolution 14-09-587

11A4 – Resolution 14-09-588

11C1 – Appeal of Cease & Desist Order

11C6 – Motorized Use Area Proposal

*** 4. APPROVAL OF MINUTES – 8/26/14 Regular**

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

6. MAYOR'S COMMENTS/REPORT

A. Proclamation – Childhood Cancer Awareness

7. PUBLIC HEARINGS

A. Ordinance 14-08-389 – Second hearing

An Ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY15 budget.

*This ordinance is recommended by the borough manager. It was introduced on 8/12 and had a first hearing on 8/26. The CFO proposes an additional amendment as a result of the nonprofit funding resolution adopted on 8/26. **Motion:** Adopt Ordinance 14-08-389.*

8. STAFF/FACILITY REPORTS

A. Borough Manager – 9/9/14 Report

*** B. Fire Department – Report of August 2014**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

*** A. Planning Commission – Report re. DRC Recommendations**

B. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

*** 1. Resolution 14-09-585**

A Resolution of the Haines Borough Assembly appointing election officials for the regular election to be held October 7, 2014, and establishing the wages.

*This resolution is required by HBC 11.40.010. **Motion:** Adopt Resolution 14-09-585.*

11. NEW BUSINESS ---continued---

A. Resolutions

* 2. **Resolution 14-09-586**

A Resolution of the Haines Borough Assembly supporting a grant application for construction of a two-lane boat launch ramp with boarding float and upland parking improvements for Portage Cove Harbor through the Alaska Department of Fish and Game.

*This resolution is recommended by the Port and Harbor Advisory Committee. **Motion:** Adopt Resolution 14-09-586.*

* 3. **Resolution 14-09-587**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Alaska Indian Arts for a "Welcome to Haines" sign for an amount not-to-exceed \$28,310 as part of the Picture Point Wayside Improvements project.

*This resolution is recommended by the Picture Point Design Committee. **Motion:** Adopt Resolution 14-09-587.*

* 4. **Resolution 14-09-588**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Bicknell, Inc. for an amount not-to-exceed \$44,500 for the removal and disposal of 210 yards of contaminated soil.

*This resolution is recommended by the Director of Public Facilities. **Motion:** Adopt Resolution 14-09-588.*

B. Ordinances for Introduction

C. Other New Business

* 1. **Appeal of Cease & Desist Order**

*The borough issued a Title 8 cease & desist order to Gary Keller on 8/14/14. He appealed in writing on 8/26, 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. **Motion:** 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 October 24, 2014 (60 days from date of appeal).*

2. **Board Appointments**

*Appointment applications have been received for seats on the parks and rec committee. The mayor plans to make the appointment and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Jon Gellings and Ginger Jewell to the Parks and Recreation Advisory Board for 3-year terms ending 11/30/17.*

3. **Sales Tax Exemption Request – Becky's Place Haven of Hope**

*Becky's Place Haven of Hope, a 501(c)3 organization, has applied for sales tax exemption status as allowed by HBC 3.80.050(13). The borough has granted sales tax exemption certificates to other non-profit organizations. **Motion:** Approve the request from Becky's Place Haven of Hope for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.*

4. **Ordinance 14-05-383**

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.

*This ordinance was introduced on 5/27 and had public hearings on 6/10 and 6/24. Following the second hearing, it was referred to the Commerce Committee for more work. That committee has returned with a significant rewrite, and it is their recommendation the current draft be substituted with this new one. Because it is substantially different, staff recommends a third public hearings. **Motion:** Substitute Ordinance 14-05-383 in its with the draft recommended by the Commerce Committee and schedule a third public hearing for 9/23/14.*

11. NEW BUSINESS ---continued---

C. Other New Business

5. **Ordinance 14-08-390**

An Ordinance of the Haines Borough to amend Borough Code Section 5.18.080 to allow up to five permits for special ski events each calendar year, to enable a request for temporary additions to the ski map to be submitted prior to a ski season, and to clarify that permitted special ski events are not subject to the Shared Use Policy.

*This ordinance was originally requested by Assembly Member Campbell. On 8/26, it was referred to the Commerce Committee and staff for a recommendation to come to the assembly during this meeting. The committee met on 9/2/14 and prepared a new draft to be considered for introduction. **Motion:** Introduce Ordinance 14-08-390 as redrafted and schedule a first public hearing on 9/23/14.*

* 6. **Motorized Recreational Area in the Townsite**

Assembly Member Campbell would like the assembly to designate an area of not less than 20 acres of Borough land as motorized recreational use. He would like the land to be selected out of lands near the landfill and the Lily Lake access road and have direct access to current clearing at the end of FAA road. This topic has been considered by the planning commission.

Motion: Refer the motorized use area proposal to the Parks and Recreation for public discussion and to borough staff for assessment.

7. **Confirmation of Community & Economic Development Director Hire**

*This is a department head position hired by the manager but it must be confirmed by the assembly. **Motion:** Confirm the borough manager's decision to hire Darsie Culbeck as Community & Economic Development Director.*

8. **Executive Session – Plachta v. Haines Borough**

Motion: Move 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 the administrative appeal of the 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.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT