  
**Haines Borough**  
**Borough Assembly Meeting #277**  
**September 9, 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**, Dave **BERRY**, George **CAMPBELL**, and Diana **LAPHAM**. Absent: Joanne **WATERMAN**.

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

**Visitors Present:** Karen **GARCIA**/CVN, Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Mike **CASE**, Ron **JACKSON**, Anne **BOYCE**, Joe **PARNELL**, 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 – 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

**Motion:** **BERRY** moved to “approve the agenda/consent agenda,” and it was amended to add an item 6B-Ice Bucket Challenge to the agenda, and remove from the consent agenda item 4-Minutes; 9A-Planning Commission Report; and Resolutions 11A2, 11A3, 11A4, and 11C6. The motion as amended carried unanimously.

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

*Note: The clerk was asked to clarify the reason a particular motion was not included in the minutes, and COZZI explained that particular motion failed to carry through because it was withdrawn. Only main motions that are acted upon are included in action-only minutes.*

**Motion:** **SCHNABEL** moved to “approve the 8/26/14 minutes,” and the motion carried unanimously.

**5. PUBLIC COMMENTS**

**BOYCE** spoke in opposition to adding a new administrative position especially in light of reduced revenue projections.

**CASE** spoke regarding the giving of employee references and the associated liability if the borough gives more than objective information.

**MORPHET** disagreed with **CASE** and said there shouldn't be protective agreements with employees who leave. He also agreed with **BOYCE**'s comments about the new community & economic development director position.

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

**A. Proclamation – Childhood Cancer Awareness**

Mayor **SCOTT** said the borough joins many other municipalities in recognizing September as Childhood Cancer Awareness month.

**B. Ice Bucket Challenge**

The mayor explained the Skagway Assembly has challenged the borough assembly, manager, and clerk to accept the challenge.

**Motion:** **SCHNABEL** moved that "on September 23 at the end of the meeting, the assembly, manager, staff, and interested citizens should take part in an ice bucket challenge to be designed by the mayor," and the motion carried unanimously.

## **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.**

Mayor **SCOTT** opened and closed the public hearing at 6:53pm; there were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 14-08-389," and it was amended to include an appropriation of \$16,995 Title III funds for a Takshanuk Watershed Council afterschool forest program. The motion as amended carried 4-1 with **CAMPBELL** opposed.

## **8. STAFF/FACILITY REPORTS**

- A. Borough Manager – 9/9/14 Report**

**SOSA** summarized his written report. He also acknowledged assistant harbormaster Sean Bell's quick response to save a sinking vessel in the harbor. **SCHNABEL** asked why her employee reference proposal has not yet come to the assembly. **SOSA** explained it is first being reviewed by the union and the borough attorney.

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

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

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

**CAMPBELL** expressed concerns about the planning commission not working on land sales as directed by the assembly. He also does not believe the Downtown Revitalization Committee (DRC) is doing what it was formed to do. **SCHNABEL** said she will impress upon the planning commission the importance of addressing the land sales issue. **SCOTT** said the DRC is getting guidance from the manager.

- B. Assembly Standing Committee Reports**

**SCHNABEL** reported the committee met on 9/2/14 to finish work on a new draft signage ordinance that is on this meeting's agenda. The tax incentive program did not get discussed during the meeting as hoped, but she met with the manager, finance director, and mayor to iron out some things to bring back to the committee. The other item on the 9/2 committee agenda was the special events ordinance, also before the assembly on this agenda. On 9/11, the committee and the Tourism Advisory Board will meet jointly and one of the topics will be possible amendments to Title 5 of the borough code.

## **10. UNFINISHED BUSINESS - None**

## **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.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-09-585."*

- 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.**

There were no public comments.

**Motion:** **BERRY** moved to "adopt Resolution 14-09-586," and it carried 4-1 in a roll call vote with **CAMPBELL** opposed.

- 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.**

There were no public comments.

**Motion:** SCHNABEL moved to "adopt Resolution 14-09-587," and it carried unanimously in a roll call vote.

**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.**

There were no public comments.

**Motion:** CAMPBELL moved to "adopt Resolution 14-09-588," and it carried unanimously in a roll call.

**B. Ordinances for Introduction - None**

**C. Other New Business**

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

*Note: 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 presented this appeal to the assembly and with the assembly's direction, the clerk will schedule the appeal hearing. 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 October 24, 2014 (60 days from date of appeal)."*

**2. Board Appointments**

*Appointment applications were received for seats on the parks and recreation advisory committee, and the mayor sought assembly confirmation.*

There were no public comments.

**Motion:** CAMPBELL moved to "confirm the mayor's appointment of Jon Gellings and Ginger Jewell to the Parks and Recreation Advisory Committee for 3-year terms ending 11/30/17," and the motion carried unanimously.

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

*Note: Becky's Place Haven of Hope, a 501(c)3 organization, 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:** CAMPBELL moved to "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," and the motion carried unanimously.

**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.**

*Note: 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 returned with a substantially different substitute ordinance, and the mayor subsequently proposed another draft essentially the same but reformatted. The mayor's version is the one that was substituted in the following motion.*

**Motion:** BERRY moved to "substitute Ordinance 14-05-383 in its entirety with the draft recommended by the Commerce Committee and schedule a third public hearing for 9/23/14," and the motion carried unanimously.

**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.**

*Note: 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:** BERRY moved to "introduce Ordinance 14-08-390 as redrafted and schedule a first public hearing on 9/23/14," and the motion carried unanimously.

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

*Note: Assembly Member Campbell asked the assembly to designate an area of not less than 20 acres of borough land for motorized recreational use near the landfill and the Lily Lake access road.*

**Motion:** CAMPBELL moved to "formally introduce an ordinance or resolution at the 9/23/14 meeting that would set aside not less than 20 acres of borough land for motorized recreational use," and it carried unanimously.

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

*Note: This is a department head position hired by the manager requiring assembly confirmation.*

**Motion:** LAPP moved to "confirm the borough manager's decision to hire Darsie Culbeck as Community & Economic Development Director," and the motion carried in a roll call vote with CAMPBELL opposed.

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

**Motion:** LAPP moved to "go 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," and the motion carried unanimously. Subsequent to the motion, the borough clerk was invited to stay.

Present: Mayor Scott; Assembly Members Lapp, Waterman, Lapham, Schnabel, and Campbell; Borough Attorney Brooks Chandler; Borough Manager Dave Sosa; and Borough Clerk Julie Cozzi. The executive session convened at 8:41pm and ended at 9:35pm.

**Motion:** CAMPBELL moved to "authorize the borough attorney to proceed as outlined in his confidential memo to the assembly," and the motion carried unanimously.

**12. CORRESPONDENCE/REQUESTS**

**13. SET MEETING DATES**

**A. Commerce Committee** – Thursday, 9/16, 5:30pm, Topics: Solid Waste Management Plan.

**B. Commerce Committee** – Monday, 9/22, 5:30pm, Topics: Tax Incentive Program.

**14. PUBLIC COMMENTS** - None


**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

LAPP said the City of Ketchikan passed a resolution opposing state ballot proposition 2 (marijuana) like Haines did.

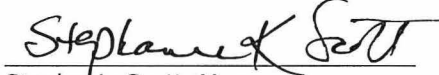
**16. ADJOURNMENT** – 9:42 p.m.

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

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk



  
Stephanie Scott, Mayor