

Haines Borough
Borough Assembly Meeting #480
December 12, 2023
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL:** Mayor **MORPHET** called the meeting to order at 6:30 pm in the Assembly Chambers and led the pledge to the flag.

Present: Mayor Thomas **MORPHET**, Assembly Members Gabe **THOMAS**, Debra **SCHNABEL**, Kevin **FORSTER**, Craig **LOOMIS**, Natalie **DAWSON** and Ben **AULTMAN-MOORE**. At the 12/13/23 meeting, all were present except Ben **AULTMAN-MOORE**.

Staff Present: Annette **KREITZER**/Manager, Alekka **FULLERTON**/Clerk, Kiersten **LONG**/Deputy Clerk, Andrew **CONRAD**/Planner.

Visitors Present: Thom **ELY**, Joe **PARNELL**, Richard **CLEMENT**, Don **TURNER** Jr., George **HOFFMAN**, Eric **HOLLE**, Fred **GRAY**, Gershon **COHEN**, Katie Emma **BEGLEY**, Ashley **SAGE**, Ayana **YOUNG**, TJ Mason, Kathleen **MENKE** and 62 others on zoom.

2. **APPROVAL OF AGENDA & CONSENT AGENDA**

Absent objection, item 7A was moved to be heard at item 10 and the Approval of the 11/28/23 Minutes were deferred until the next meeting.

Motion: **THOMAS** moved to "approve the agenda and the consent agenda" and the motion carried unanimously.

3. **APPROVAL OF MINUTES: Minutes from 11/28/23 Regular Assembly Meeting**

Removed from the consent agenda and deferred to the next meeting.

4. **PUBLIC COMMENTS:**

PARNELL: Comments on the state of several buildings

CLEMENT: Experience on Planning Commission over the last year

TURNER: Support for Lutak Dock

HOFFMAN on behalf of Chamber of Commerce: Support for Lutak Dock

HOLLE: Encouraging new design for the Lutak Dock

ELY: Reconsider design of Lutak Dock

GRAY: Support for Lutak Dock

YOUNG: Reconsider Lutak Dock

5. **ASSEMBLY COMMENTS:**

LOOMIS: Fort area is a National Historic Landmark.

FORSTER: Report from AML

6. **MAYOR'S REPORT and COMMENTS:**

The Mayor thanked CIA for allowing the Borough to use the Parade Grounds for the Lighting of the Fort; The Lynn Canal Players for the Snow Dragon in the Parade, and reminded the public about the Holly Jolly Follies this weekend; Reported on the Assessor RFP; reported on his conversation with MARAD; Swimming pool will be open December 27, 28 and 29 and the School Gyms will be open from 10:00 – 2:00 pm the week before; Proposal for an Assembly Retreat sometime January 24 – 31st; proposal to move assembly meetings to 5:30 pm; Meeting to discuss with the Manager about priorities; discussed the Alaska Municipal League conference – learned that Valdez pays \$60,000 to manage State Parks in Valdez; property values are skyrocketing statewide; seek an essential freight subsidy; Request a VPSO in the Upper Valley; Haines can require disclosure of real estate sales; Grant funding is high for rural Alaska; AML has a grant writing service we can hire; Sitka tried to hire Superintendent Roy Getchell and Mr. Getchell rejected the offer; CIV request letter.

7. PUBLIC HEARINGS

A. Rehearing on Appeal of a Planning Commission Decision - Glacier Construction Inc., dba Southeast Road Builders – Conditional Use Permit #23-87 for Resource Extraction ** *This matter was heard at item 10.*

B. Ordinance 23-11-663 – First Hearing
An Ordinance of the Haines Borough, Providing for the Addition or Amendment of Specific Line Items to the FY24 Budget.

The Mayor opened the public hearing at 7:23 pm and the following member of the public chose to speak: Katie Emma **BEGLEY**

The public hearing was closed at 7:25pm since no other member of the public chose to speak with respect to this Ordinance.

MOTION: FORSTER moved to “amend the Ordinance to provide \$800 for the Tlingit Language signs from Fund 23,” and the motion carried unanimously.

MOTION: SCHNABEL moved to “amend the Ordinance to provide \$78,130 of additional funds for the Comprehensive Plan revision,” and the motion carried unanimously.

8. STAFF/FACILITY REPORTS

A. Borough Manager Report – None

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES - None

10. UNFINISHED BUSINESS- Rehearing on Appeal of a Planning Commission Decision - Glacier Construction Inc., dba Southeast Road Builders – Conditional Use Permit #23-87 for Resource Extraction

** *This item was moved from item 7A*

The Mayor opened the public hearing at 7:51 pm.

Presentation by the Appellants: Gershon **COHEN** presenting on behalf of all appellants. Appellant Kathleen **MENKE** also presented her position.

Presentation by the Permittee: TJ **MASON** presented on behalf of Southeast Road Builders.

Assembly Deliberations: The following were areas of concern discussed by the Assembly:

- *Two different sites presented with very different attributes—really should have been two separate applications so the criteria could be evaluated with respect to the different sites.
- *Concerns about type of rock, types of cuts to enhance safety in this geologically unstable area. Hazard area of over 30% requires additional engineering.
- *Safety concerns with respect to the proximity to the AMHS terminal.
- *Less clear on the remand justification for Site B.
- *Concern for safety during major rain events.
- *Lane Closure coordination and coexistence with other existing uses.
- *Concerns about the value of the project for any bond or reclamation.
- *Concerns that the engineering and additional information should have been provided prior to the permit issuance rather than after approval.
- *This is appropriately a planning decision and the planning commission is best situated to rehear and make this decision.

10. UNFINISHED BUSINESS- Rehearing on Appeal of a Planning Commission Decision - Glacier Construction Inc., dba Southeast Road Builders – Conditional Use Permit #23-87 for Resource Extraction - *Continued*

Public Comments: TURNER, ELY, WILLARD, KERMOIAN, COHEN, MASON

MOTION: SCHNABEL moved to remand the permit to the Planning Commission with the requirement that Southeast Road Builders resubmit the permit application with different permits for Site A and Site B," and the motion carried 5-1 with **THOMAS** in opposition.

Direction to the Planning Commission: With the remand to the Planning Commission, as the subject matter experts with respect to approval criteria for conditional use permits, the Planning Commission is empowered to resolve the matter in any way it could resolve the original permit applications. Both the appellants and the permittee may provide additional information and need not be limited by the existing information. The Planning Commission may approve the permit, deny the permit, or grant the permit with modifications, including granting the permit for one site and denying it as to the other. If the Planning Commission's decision is an outright denial of all permit rights, it constitutes vacation of the existing permit. If the commission grants *any* permit rights, that is best accomplished as a modification of the existing permit. Site A should be referred to as Conditional Use Permit 23-87A and Site B should be referred to as Conditional Use Permit 23-87B.

**** Per HBC 2.10.010 this meeting was recessed at 10:00 pm and will be continued at 6:30 pm tomorrow (Wednesday, December 13, 2023 to finish the agenda.*

*****The December 12, 2023 meeting recommenced at 6:30 pm. All Assembly members were present except Assembly Member Ben AULTMAN-MOORE.*

11. NEW BUSINESS

A. Resolutions

- 1. Resolution 23-12-1081
Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order for a Caterpillar Snow Bucket for an amount not to exceed \$42,755.**

No member of the public chose to speak with respect to this Resolution.

Motion: THOMAS moved to "Adopt Resolution 23-12-1081," and the motion carried 4-1 with **LOOMIS** in opposition in a roll call vote.

B. Ordinances for Introduction – None

C. Other New Business

- 1. Comprehensive Plan Update – Verbal**
- 2. Lutak Dock Replacement Update – Verbal**
- 3. Boards and Commissions: Confirmation of Mayor's Appointments to Boards and Commissions.**

Motion: FORESTER moved to "Confirm the Mayor's appointments to Boards and Commissions including Darsie Culbeck for Parks and Recreation Advisory Committee and Dennis Geason and Dave Nussbaumer to the Letnikof RMSA," and the motion carried unanimously.

11. NEW BUSINESS

C. Other New Business - Continued

- 4. Heliski Report Recommendations**
- 5. Assembly member Craig Loomis Requests:**
 - a. Borough Attorney Contract Review**

Motion: **LOOMIS** moved to "End the Borough Attorney's Contract effective 12/31/23," and the motion FAILED 4-1 with **LOOMIS** in support in a roll call vote.

Motion: **DAWSON** moved to "Direct the Manager to create an RFP for Future Legal Counsel,"

Primary Amendment: **SCHNABEL** moved to amend the motion for the distribution of the RFP by 5/1/24," and the motion carried 4-1 with **THOMAS** in opposition.

And the main motion carried 4-1 with **THOMAS** in opposition.

- b. Borough Lobbyist Contract Review**
 - i. Ted Popley**
 - ii. Windward Strategies- Jay Sternes**

Motion: **LOOMIS** moved to "Not renew the lobbyist contract until we get a report on what they are doing,"**

Primary Amendment: **LOOMIS** moved to add "as of 12/31/23," and the motion FAILED 3-2 with **DAWSON** and **LOOMIS** in favor.

And the motion FAILED 3-2 with **DAWSON** and **LOOMIS** in favor.

Motion: **FORSTER** moved to "refer to GASC to discuss lobbyists," and the motion carried unanimously.

***Clerk's Note: The original motion made by Assembly Member LOOMIS was modified upon restatement- the original motion (made by LOOMIS) was to "not renew lobbyist's contracts as of 12/31/22 (corrected to 23 by Clerk) until we can identify what our future needs are" and the Mayor, after discussion, restated it as "Not renew the lobbyist contract until we get a report on what they are doing" which is the motion the Assembly voted upon.*

6. Assembly member Natalie Dawson Requests:

Motion: **DAWSON** moved to "Suspend the rules to hear 6C before 6A," and the motion carried unanimously.

THOMAS requested any assembly members disclose any potential conflicts of interest-

FORSTER disclosed that his Wife works for CIV; **DAWSON** disclosed that she works with CIV as a partner.

- a. FEMA and Porcupine Road.**
- b. Update from Manager on current activities from lobbyists.**
- c. Lutak Dock.**

**** This matter was taken up first.

- d. Constantine North Update.**
- e. Glacier Creek Bridge and Baby Brown Timber Sales**
- f. Update on current Grant Applications.**
- g. Update from the manager on the MOU with Four Winds Resource Center**

7. HEDC Presentation

11. NEW BUSINESS

C. Other New Business - Continued

8. AP&T Proposed Rate Increase - Executive Session

The manager requests the assembly by motion move into executive session in order to discuss AP&T proposed rate increase and Borough Attorney's advice thereon.

Motion: SCHNABEL moved to "Move into executive session as allowed by AS 44.62.310(d)(1)(a) and (c) to discuss with the borough manager matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the governmental unit; the Borough Manager, Borough Clerk and Finance Director are invited to attend.

Motion: DAWSON moved to "Suspend the rules to hear Item 14 Public Comment to after item 11 before moving into executive session," and the motion carried unanimously.

Motion: SCHNABEL moved to "allocate \$10,000 to oppose the APT rate increase," and the motion carried unanimously.

12. CORRESPONDENCE - None

13. SET MEETING DATES - None

14. PUBLIC COMMENT: TURNER: Mayor should not be contacting MARAD himself; new agenda items are cumbersome; supporting Lutak Dock

GRAY: On PHAC – worried about public safety- supporting Lutak Dock

HOFFMAN: Supporting the Lutak Dock project; APT rate increase – please push back on it

ELY: Meetings are too long; Heliski recommendations

MYREN: Lutak Dock caution

LAPHAM: Supporting Lutak Dock

PLACHTA: Stop Lutak Dock

SZYKOWSKI: Stop Lutak Dock

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS

SCHNABEL: Clarification of CUP

FORSTER: Wondering if we have heard from FEMA re Porcupine

16. ADJOURNMENT at 10:00 pm.

ATTEST:


Alekka Fullerton, MMC, Borough Clerk



Thomas C. Morphet, Mayor



