

Haines Borough
Borough Assembly Meeting #480
AGENDA

December 12, 2023 -6:30pm

Location: In Assembly Chambers and on ZOOM

Thomas Morphet
Mayor

Natalie Dawson
Assembly Member

Gabe Thomas
Assembly Member

Kevin Forster
Assembly Member

Debra Schnabel
Assembly Member

Ben Aultman-Moore
Assembly Member

Craig Loomis
Assembly Member

Annette Kreitzer
Borough Manager

Alekka Fullerton
Borough Clerk

Kiersten Long
Deputy Clerk

Haines Borough ZOOM information (You must download Zoom first)

Webinar ID: 824 2962 1650

Passcode: 517985

- 1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL**
- 2. 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:

3 - Approve Minutes from 11/28/23 Regular Assembly Meeting

- *3. APPROVAL OF MINUTES** -Approve Minutes of 11/28/23 Regular Assembly Meeting
- 4. PUBLIC COMMENTS** – [For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance] *Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time.*
- 5. ASSEMBLY COMMENTS**
- 6. MAYOR’S REPORT AND COMMENTS**
- 7. PUBLIC HEARINGS**

**A. Rehearing on Appeal of a Planning Commission Decision
Glacier Construction Inc., dba Southeast Road Builders –
Conditional Use Permit for Resource Extraction****

****Clerk’s Note: This matter was postponed from the 11/28/23 meeting upon the appellants’ request due to lack of a full assembly.**

On 10/23/23, the planning commission approved a conditional use permit (#23-87) for Glacier Construction Inc, dba Southeast Road Builders for resource extraction in the Waterfront Industrial Zone located at C-LTR-04-0090/0700/0010 (Site A) and C-LTR-04-1000/2940/0900/0800 (Site B). HBC 18.30.060 allows for an appeal to the assembly of a PC decision, and four appeals were timely submitted to the clerk (although one appeal was submitted after the assembly’s 11/14/23 packet was published). One appeal was presented (by Gershon Cohen) to the assembly at their 11/14/23 meeting, and the assembly voted to rehear the PC’s entire decision regarding CUP #23-87. The appeal hearing is scheduled for this meeting, as required by HBC 18.30.060(A).

The evidence considered shall be limited to a review of the record, and the burden of proof shall be solely on the parties (appellants) challenging the commission’s decision. “The Record” in these appeals is determined to be: all documentary or oral statements and any material objects that were provided to the PC in this matter. The evidence is limited to that same record, although further argument may be allowed. Argument is defined as “reasons given for or against a matter under discussion that is intended to convince or persuade the listener.” The Appellate record

7. PUBLIC HEARINGS

A. **Rehearing on Appeal of a Planning Commission Decision** **Glacier Construction Inc., dba Southeast Road Builders –** **Conditional Use Permit for Resource Extraction - Continued**

consists of written arguments submitted by the appellants. Oral arguments are acceptable during these hearings. As typical for appeal hearings, each one will begin with presentations by the appellant, permit-holder, and the borough manager, and then proceed with any public testimony. Assembly deliberations will follow public testimony.

Assembly Action Needed: *The assembly hearing an appeal from a PC conditional use decision is acting in a quasi-judicial capacity. Therefore, a supermajority is required, per Charter 5.06(D) for action. The assembly may confirm the commission's decision, reverse the commission's decision, change (or add) conditions which the commission placed on approval, or remand the decision to the PC for rehearing. The assembly must make its decision at this meeting keeping in mind that "in all decisions the burden of proof shall be on the party challenging the decision of the planning commission."*

The assembly may deliberate in open session or in executive session. Written findings that formalize the reasons for the decision will be drafted for assembly approval at the next meeting.

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.**

This Ordinance draft contains updated amounts for the cost of the Tlingit-English street signs and the proposed increase to the budget for the Comprehensive Plan Revision.

8. STAFF/FACILITY REPORTS

A. **Borough Manager Report - Verbal**

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

10. UNFINISHED BUSINESS ***

**** Clerk's Note: While item 7A is technically Unfinished Business since it was postponed from last meeting's agenda, the Clerk has elected to republish it under Public Hearings since the matter was postponed before the public hearing portion of the meeting.*

11. NEW BUSINESS

A. **Resolutions** (Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance)

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.
Motion: Adopt Resolution 23-12-1081

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: Confirm the Mayor's appointments to
Boards and Commissions.
4. **Heliski Report Recommendations**

11. NEW BUSINESS

C. Other New Business - *Continued*

5. Assemblymember Craig Loomis Requests:

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

6. Assemblymember Natalie Dawson Requests:

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

- a. HEDC 5-year Plan June 2023
- b. RERC Haines Final Action Plan

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: 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 government unit and matters which by law, municipal charter, or ordinance are required to be confidential; the Borough Manager, Borough Clerk and Finance Director are invited to attend.

12. CORRESPONDENCE

13. SET MEETING DATES

14. PUBLIC COMMENT

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS

16. ADJOURNMENT