


Haines Borough
Borough Assembly Meeting #485
March 26, 2024
MINUTES

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL:** Mayor **MORPHET** called the meeting to order at 6:00 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**, Ben **AULTMAN-MOORE** and Natalie **DAWSON**.

Staff Present: Annette **KREITZER**/Manager, Alekka **FULLERTON**/Clerk, Kiersten **LONG**/Deputy Clerk

Visitors Present: Robert **VENABLES**, Donnie **TURNER**, Blythe **CARTER**, Kim **ROSADO**, Ellen **LARSON**, Brenda **JOSEPHSON**, Holly **THOMAS**, Roy **JOSEPHSON**, Burl **SHELDON**, Eric **HOLLE**, Joe **PARNELL**, Lori **LAPYERI-SMITH**, Ann **MYREN**, Katie Emma **BEGLEY**, Bill **THOMAS**, Erica **MERKLIN**, Andrew **LETCHWORTH**, Kimberly **STRONG**, Joanie **WAGNER**, Ann **McENTIRE**, Don **TURNER JR**,

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

LOOMIS asked to remove Approval of the Minutes from the consent agenda since he had concerns about Bill Thomas speaking at the last meeting representing CIA;

Motion: **AULTMAN-MOORE** moved to "postpone item 11B1 until the next meeting," and the motion carried unanimously.

Motion: **SCHNABEL** moved to "approve the agenda as changed" and the motion carried unanimously.

3. **APPROVAL OF MINUTES:** - Approve the following Minutes:

- A. 3/12/24 Regular Assembly Meeting Minutes

**Clerk's note: After discussion, the minutes will not be changed since they accurately reflect what was said by Mr. Thomas.*

Motion: **AULTMAN-MOORE** moved to "Approve the minutes of the March 12, 2024 meeting," and the motion carried unanimously.

4. **PUBLIC COMMENTS:**

VENABLES: Update on Southeast Conference

SHELDON: Thank you for all of your work

B.JOSEPHSON: Read prepared statement from Paul Rogers; and her own comments

HOLLE: Lutak Dock comments

LAPYERI-SMITH: Assessment Notice not code compliant

ROSADO: Assessment Notice is confusing; Read Joe Cassie email

MYREN: Lutak Dock thank you

TURNER: Not a fan of the earlier meeting times

CARTER: Survey they completed received 72 responses

BEGLEY: Assessment Notice not code compliant; Need of Taxpayer Bill of Rights

R.JOSEPHSON: Please approve all Ordinances as drafted by Advisory Committee

PARNELL: Worried about nuisance buildings in Ft Seward Area

B.THOMAS: My comments at the last Assembly Meeting were my comments

MERKLIN: Where are we with the Mosquito Lake Facility MOA?

STRONG: CIV has no position on kind of dock being built at Lutak Dock; SEARHC – she wants a long term care facility and hospital- wants support from the Assembly

LETCHWORTH: Apology re Lutak Dock

5. ASSEMBLY COMMENTS:

DAWSON: MARAD extension on time for obligation for an additional 3 years; reported that the American Pacific Alaska Mining put out a video about what is going on in the upper valley.

6. MAYOR'S REPORT and COMMENTS:

The Mayor has submitted a written report. Additional Comments: Reminds people about PFD and Senior Exemption deadline of Sunday, March 31; the Mayor has orange garbage bags available for those who need them to prevent illegal dumping; Read statement from President James Hart of the Chilkoot Indian Association (CIA) confirming that CIA has voted to take no stance on the Lutak Dock project, he requested that the Haines Borough please strike CIA support from any and all records of the Haines Borough.

7. PUBLIC HEARINGS

A. Ordinance 24-02-664

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Prohibiting the Use of Engine (Jake) Brakes in the Townsite.

The Mayor opened the public hearing at 6:55 pm and the following members of the public chose to speak with respect to this issue: **CANFIELD, TURNER, BEGLEY, WAGNER.** Hearing no further comments, the public hearing was closed at 7:01 pm.

Motion: **LOOMIS** moved to "Adopt Ordinance 24-02-664," and the motion carried unanimously in a roll call vote.

B. Ordinance 24-02-666

An Ordinance of the Haines Borough Assembly Repealing and Replacing Haines Borough Code Section 3.72.110 Board of Equalization; Adding Section 3.72.115 Hearing Panels of the Board of Equalization; and Amending 3.72.100 Appeals.

The Mayor opened the public hearing at 7:05 pm and the following members of the public chose to speak with respect to this issue: **B.JOSEPHSON, CARTER, ROSADO, BEGLEY, McENTIRE.** Hearing no further comments, the public hearing was closed at 7:11 pm.

Motion: **AULTMAN-MOORE** moved to "Adopt Ordinance 24-02-666 with the amendment,"

Primary Amendment: **DAWSON** moved to "amend (*Section 5 – HBC 3.72.115*) b) to make the hearing panel five members,"

Secondary Amendment: **DAWSON** moved to "make (*Section 5 – HBC 3.72.115*) section C) four rather than three members and require a super majority vote," and the motion carried unanimously.

And the primary amendment, as amended, carried unanimously.

Primary Amendment: **FORSTER** moved to add the amendment to allow the Assembly may, by ordinance, appoint itself to sit as the board of equalization," and the motion carried unanimously.

And the main motion, as amended, was adopted by unanimously in a roll call vote.

7. **PUBLIC HEARINGS** - *Continued*

C. **Ordinance 24-02-667**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.020 Full and True Value.

The Mayor opened the public hearing at 7:40 pm and the following members of the public chose to speak with respect to this issue: **ROSADO, B. JOSEPHSON**
Hearing no further comments, the public hearing was closed at 7:42 pm.

Motion: **FORSTER** moved to "Adopt Ordinance 24-02-667," and the motion carried unanimously in a roll call vote.

D. **Ordinance 24-02-668**

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.105 Exchange of Information

The Mayor opened the public hearing at 7:43 pm and the following members of the public chose to speak with respect to this issue:

B. JOSEPHSON, CANFIELD, SHELDON, STOCKBRIDGE, CARTER, ROSADO, TURNER JR, BEGLEY

Hearing no further comments, the public hearing was closed at 8:04 pm.

Motion: **FORSTER** moved to "Postpone Ordinance 24-02-668 and schedule it for a third public hearing April 9," and the motion carried 4-2 with **THOMAS** and **LOOMIS** in opposition.

8. **STAFF/FACILITY REPORTS**

A. **Borough Manager Report** – *Supplemental Report*

Motion: **SCHNABEL** moved to "Direct the Manager to request Constantine to share the 2024 and possibly 2025 Operational Plan and permitting schedule," and the motion carried 5-1 with **THOMAS** in opposition. (*The Manager reported she has already made the request*).

Motion: **SCHNABEL** moved to "Direct the Manager to hire a Planner or similarly credentialed professional to redraft Title 18 specifically 18.5 and 18.6 to aid and facilitate the Planning Commission and staff in a discernable, understandable evaluation of proposed development activities in the Haines Borough," and the motion carried unanimously.

Motion: **LOOMIS** moved to "Direct the Manager to schedule a workshop with tribal participation regarding Lutak Dock in April," and the motion carried 5-1 with **THOMAS** in opposition.

9. **COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES** –

A. **Assembly Standing Committee Referred Topics**

B. **Tourism Advisory Board – Record of Decision**

C. **Tourism Advisory Board – January 18, 2024 Minutes**

D. **Planning Commission – Clerk's Excerpt of Minutes re referred Resolution 23-09-1064 and Approved 2-8-24 Minutes**

E. **Fire Service District #3 – Annual Report**

10. **UNFINISHED BUSINESS** – None

11. NEW BUSINESS

A. Resolutions

1. Resolution 24-03-1105

A Resolution of the Haines Borough Assembly Authorizing a Change Order and Reconciliation for the Professional Design and Engineering Contract with proHNS LLC for the December 2020 Natural Disaster Borough Road Repairs Projects for an amount not to exceed \$85,951.43

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

Motion: SCHNABEL moved to "Adopt Resolution 24-03-1105," and the motion carried unanimously in a roll call vote.

2. Resolution 24-03-1106

A Resolution of the Haines Borough Assembly Supporting Port Development, Impact and Cultural Preservation Fees for Cruise Passengers

Chilkoot Indian Association, through Zach Wentzel, voiced their support for the Resolution.

Motion: ALTMAN-MOORE moved to "Adopt Resolution 24-03-1106," and the motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 24-03-669

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Requiring Bulk Ore Shipments through the Haines Borough be Containerized.

** This Ordinance was postponed to the next meeting at the beginning of the meeting.*

Motion: FORSTER moved to "Extend the meeting past 10:00 pm" and the motion carried unanimously.

Motion: THOMAS moved to suspend the rules to move public comment to before the scheduled executive session and the motion carried unanimously.

2. Ordinance 24-03-670

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 18.40.030 Procedure – Staff decision.

Motion: THOMAS moved to "Introduce Ordinance 24-03-670 and set a first public hearing for 4/09/24 and a second public hearing for 4/23/24," and the motion carried unanimously.

C. Other New Business

1. Historic Dalton Trail RMSA Recommendation for Commercial User Fees

Motion: SCHNABEL moved to "Bring an Ordinance to codify the HDTRMSA recommendation for Commercial User Fees," and the motion carried unanimously.

11. NEW BUSINESS

C. Other New Business - Continued

2. Appointment to Board of Equalization

Motion: SCHNABEL moved to "Appoint George Campbell, Brenda Josephson, Jerry Lapp, Gabe Long, Barbara Nettleton and Joann Waterman to the Board of Equalization,"

Primary Amendment: FORSTER moved to include Col. Mark Smith and Kyle Ponsford," and the motion carried unanimously.

And the motion, as amended, carried unanimously.

3. Executive Session Regarding Pending Litigation with Chilkat Valley Rural Citizens

Prior to the Executive Session, Nicholas Szatkowski, summarized his request to discuss the litigation with the Borough Assembly.

Motion: AULTMAN- MOORE moved to "Move into executive session as allowed by AS 44.62.310(d)(1) to discuss with the Chilkat Valley Rural Citizens regarding pending litigation in the Chilkat Valley Rural Citizens v. The Haines Borough; this qualifies for executive session because AS 44.62.310(c)(1) allows the Borough to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit" and the motion carried unanimously.

Motion: AULTMAN-MOORE moved to invite the Chilkat Valley Rural Citizens, Charles Cacciola, the Borough Clerk and the Borough Deputy Clerk into the executive session," and the motion carried unanimously.

Motion: SCHNABEL moved to "file a motion before 3/29 to request a 60 days extension to file opening briefs", and the motion carried unanimously.

Motion: SCHNABEL moved that "the Assembly is on record indicating that permit #23-22 expires May 16, 2024," and the motion carried unanimously.

Motion: DAWSON moved to "direct the Borough Attorney to cooperate in filing all necessary motions to deconsolidate the two cases," and the motion carried unanimously.

12. CORRESPONDENCE

13. SET MEETING DATES

A. School Board Meeting – June 4, 2024 at 5:30 pm

14. PUBLIC COMMENT:

** Pubic comments were moved to be heard prior to item 11C3.*

CARTER: Comments regarding an individual assessment

CANFIELD: Explained why she is so upset

14. PUBLIC COMMENT: - *Continued*

B. JOSEPHSON: Support the Ad Hoc Committee

ROSADO: Disappointed the Ordinances were not all adopted

BEGLEY: Handed out Skagway Ordinance extending the Senior Exemption

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS: None

16. ADJOURNMENT 11:27 pm

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk