


Haines Borough
Borough Assembly Meeting #332
AGENDA

March 14, 2017 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Jan Hill
Mayor

Margaret Friedenauer
Assembly Member

Heather Lende
Assembly Member

Mike Case
Assembly Member

Tresham Gregg
Assembly Member

Tom Morphet
Assembly Member

Ron Jackson
Assembly Member

Brad Ryan,
Interim Manager

Julie Cozzi, MMC
Borough Clerk

Alekka Fullerton
Deputy Clerk

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 Assembly Meeting Minutes

11A1 – Adopt Resolution 17-03-714

11B1 – Introduce Ordinance 17-03-452 and Schedule Public Hearings

*** 3. APPROVAL OF MINUTES – 2/28/17 Regular**

4. PUBLIC COMMENTS - Sign-up is NOT required

[For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes]

Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time. Instead, comments and requests may be referred for further consideration to the administration, a committee, or a future assembly agenda.

5. ASSEMBLY COMMENTS

6. MAYOR'S REPORT/COMMENTS

7. PUBLIC HEARINGS

**A. Rehearing on Appeal of a Planning Commission Decision
Highland Estates, Inc. – Conditional Use Permit**

On 2/9/17, the planning commission (PC) approved a conditional use permit (#17-06) for Highland Estates, Inc. (Roger Schnabel) to develop property C-SEC-26-0100. HBC 18.30.060 allows for an appeal to the assembly of a PC decision, and the following two appeals were properly submitted to the clerk. On 2/28, the assembly considered each appeal separately and voted to rehear the PC's decision in each case. These hearings were scheduled for this meeting, as required by HBC 18.30.060(A). Each appeal must be heard separately.

A. Lenise Henderson Fontenot

B. Ella Bredthauer and Jeff Harrison

The evidence 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 deadline for written arguments was noon on Friday, 3/10. 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 (limited to 3 minutes).

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). The assembly may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on approval. 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.*

7. PUBLIC HEARINGS --continued--

B. Ordinance 17-02-450 - Second Hearing

An Ordinance of the Haines Borough Providing for the Addition or Amendment of Specific Line Items to the FY17 Budget.

*This ordinance is recommended by the interim borough manager. It was introduced on 2/14/17 and had a first hearing on 2/28/17. **Motion:** Adopt Ordinance 17-02-450.*

C. Ordinance 17-02-451 - Second Hearing

An Ordinance of the Haines Borough approving conveyance of any interest the Haines Borough may have, if any, in Lot 16A, Carr's Cove Subdivision, as depicted on Plat Number 97-22, Haines Recording District, First Judicial District, State of Alaska.

*This ordinance is recommended by the interim borough manager and borough attorney. This ordinance corrects the conveyance of land which was purchased at auction by Gregg Bigsby and Beth MacCready in 1997. A portion of the purchased property was never transferred to them. This ordinance needs to be done to allow the Mayor to sign the deed to correct title to such parcel. It was introduced on 2/14/17 and had a first hearing on 2/28/17. **Motion:** Adopt Ordinance 17-02-451.*

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 3/14/17 Report; the following topics may include assembly action:

- Revenue-generating mechanisms to pursue
- RCA Comments

B. Chilkat Center – Facility Report of February 2017

C. Finance Director – Report of 2009-2016 Sales Tax by Business Type

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

A. Code Review Commission – Minutes of 2/02/17

B. Parks and Recreation Advisory Committee – Minutes of 2/07/17

C. Public Safety Commission – Minutes of 2/21/17

D. Riverview Drive RMSA Board – Annual Report

E. Assembly Board Liaison Reports

F. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

*** 1. Resolution 17-03-714**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with River Adventures for \$95 per hour for the operation of the 2017 Visitor Shuttle Service.

*This resolution is recommended by the Interim Manager. This is the only proposal received by the borough in response to the RFP issued February 8, 2017 for Visitor Shuttle Service for a cruise ship and special event shuttle. **Motion:** Adopt Resolution 17-03-714.*

B. Ordinances for Introduction

*** 1. Ordinance 17-03-452**

An Ordinance of the Haines Borough authorizing a one-year extension of a lease of the Human Resources Building by Chilkat Valley Preschool for the purpose of providing preschool educational services.

*This ordinance is recommended by the Interim Manager. **Motion:** Introduce Ordinance 17-03-452 and set a first public hearing for 3/28/17 and a second public hearing for 4/11/17.*

C. Other New Business

1. Sales Tax Exemption Request – St. Joseph Catholic Church Boy Scout Troop 147

*This 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 Boy Scout troops. **Motion:** Approve the request from St. Joseph Catholic Church Boy Scout Troop 147 for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.*

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT