

Haines Borough
Borough Assembly Meeting #332
March 14, 2017
MINUTES

Approved

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

Present: Deputy Mayor Mike **CASE**, and Assembly Members Tresham **GREGG**, Ron **JACKSON**, Margaret **FRIEDENAUER**, Tom **MORPHET**, and Heather **LENDE**. **Absent:** Mayor Jan **HILL**.

Staff Present: Brad **RYAN**/Interim Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Heath **SCOTT**/Police Chief, Krista **KIELSMEIER**/ Executive Assistant, Tina **OLSEN**/Accounting Clerk, Holly **SMITH**/Planner, Brayton **LONG**/Police Officer, Shawn **BELL**/Acting Director of Public Facilities, Heath **SCOTT**/Chief of Police, and others.

Visitors Present: Kyle **CLAYTON**/CVN, Emily **FILES**/KHNS, Don **TURNER Jr.**, Mike **DENKER**, Debra **SCHNABEL**, Kay **CLEMENTS**, Jeremy **STEPHENS**, Candace **MUSTARD-SCOTT**, Carol **TUYNMAN**, Roy and Brenda **JOSEPHSON**, Kyle **GRAY**, Paul **NELSON**, Thom **ELY**, Joe **POOR**, Douglas **OLERUD**, Ashley **SAGE**, Sally **GARTON**, Mike **BINKIE**, Joe **ORDONEZ**, John **WINGE**, Norm **SMITH**, Sarah **ELLIOTT**, Jon **HIRSH**, Gregg **RICHMOND**, Elizabeth **LYONS**, Christine **HARDER**, Dan **EGOLF**, Ellen **LARSON**, Travis **RUSSELL**, Lexie **DEWITT**, Ed **BEITNER**, Jonathan **RICHARDSON**, Roger **SCHNABEL**, Lenise **HENDERSON-FONTENOT**, Mark **FONTENOT**, Charlotte **CISZEK**, Ella **BREDTHAUER**, and others.

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

The following Items were on the published consent agenda indicated by an asterisk (*):

- 3 – Approve Assembly Meeting Minutes
- 11A1 – Adopt Resolution 17-03-714
- 11B1 – Introduce Ordinance 17-03-452 and Schedule Public Hearings

Motion: **LENDE** moved to “approve the agenda/consent agenda,” and the motion carried unanimously.

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

The motion adopted by approval of the consent agenda: “approve minutes of the 2/28/17 regular borough assembly meeting.”

4. **PUBLIC COMMENTS:** The following individuals made comments:

HARDER, WINGE, NELSON, GARTON/CWS, RICHARDSON, TUYNMAN, ORDONEZ, HIRSH.

5. **ASSEMBLY COMMENTS:** The following assembly members made comments:

JACKSON, MORPHET.

6. **MAYOR’S REPORT/COMMENTS** – None

The deputy mayor requested that Assembly Member Friedenauer chair the remainder of the meeting. There was no objection.

7. **PUBLIC HEARINGS**

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

i. **Lenise Henderson-Fontenot Appeal**

Note: 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 appeal was properly submitted to the clerk. There were two appeals submitted. 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).

- a. **Appellant HENDERSON-FONTENOT** addressed the assembly and summarized her position and presented reasons why the planning commission decision should be reversed.
- b. **Developer R.SCHNABEL** – addressed the assembly and summarized his application and the reasons he felt the planning commission decision should be upheld.

- c. **Borough Manager RYAN** – addressed the assembly and summarized his recommendations and the underlying reasons for those recommendations.
- d. **Rebuttals were offered by:**
 - HENDERSON FONTENOT**
 - R.SCHNABEL**
- e. **Public Comments**
 - **The following individuals spoke in favor of reversing the Planning Commission decision (in opposition to the Conditional Use Permit):**
 - HENDERSON-FONTENOT, N.SMITH, CISZEK,**
 - **The following individuals spoke in favor of upholding the Planning Commission decision (in favor of the Conditional Use Permit):**
 - BINKIE, SAGE, WINGE, RICHMOND, B.JOSEPHSON, HIRSH,**
 - K.GRAY/Chamber of Commerce,**
- f. **Borough Assembly Deliberation**

Motion: MORPHET moved to "to uphold the planning commission's decision but require the manager's recommendations (as outlined during the PC meeting)."

Primary Amendment #1: MORPHET moved to amend the manager's recommendation #5 to add "as determined by the borough," and the motion carried unanimously.

Primary Amendment #2: M moved to amend the manager's recommendation #6 to limit hauling to Monday through Friday," and the motion carried 5-1 with **FRIEDENAUER** opposed.

Primary Amendment #3: MORPHET moved the borough and contractor will agree to a "pedestrian and traffic safety plan including but not limited to consideration of speed limit, road condition, and road width,"

Secondary Amendment: LENDE moved to insert a "representative of the Skyline neighborhood," and motion carried 5-1 with **FRIEDENAUER** opposed.

Primary Amendment #3 carried 4-2 with **JACKSON** and **FRIEDENAUER** opposed.

Primary Amendment #4: LENDE moved to "amend to make the permit for one year rather than three years," and the motion carried unanimously.

The main motion, as amended, carried unanimously in a roll vote.

JACKSON moved to suspend the rules and **FRIEDENAUER** seconded. No objection.

Following a brief discussion to determine how to manage the remaining agenda items given the late hour, the assembly agreed to resume the rules.

Motion: **FRIEDENAUER** moved to "relocate the Bredthauer appeal from Item 7(A)(B) to Item 11D," and the motion carried 4-2 **GREGG** and **MORPHET** opposed.

Motion: **FRIEDENAUER** moved to go only until 10:00pm this evening and continue the meeting to tomorrow at 1:00pm," and the motion carried 5-1 with **LENDE** opposed.

ii. **Ella Bredthauer and Jeff Harrison** – this was moved to Item 11D

7B. 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.

Assembly Member **FRIEDENAUER** (serving as chair) opened the public hearing at 9:26pm.

WINGE spoke in favor of funding the police department.

Hearing no further comments, the public hearing was closed at 9:27pm.

Motion: **FRIEDENAUER** moved to "adopt Ordinance 17-02-450," and it carried 5-1 in a roll call vote with **MORPHET** opposed.

Primary Amendment: MORPHET moved to "amend the ordinance to pay only the police department personnel expenses accrued," and the motion FAILED 2-4 with **LENDE, CASE, JACKSON,** and **FRIEDENAUER** opposed.

MUSTARD-SCOTT spoke in favor of funding the police department.

Motion: **LENDE** moved to "adjourn the meeting until 1:00pm on Wednesday, March 15, 2017," and it carried unanimously.

The meeting adjourned at 10:03pm.

Continued Meeting --- March 15, 2017

CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL: Deputy Mayor **CASE** called the continued meeting to order at 1:00 p.m. in the Assembly Chambers and led the pledge to the flag. He turned it over to Assembly Member Margaret **FRIEDENAUER** to chair the remainder of the meeting.

Present: Deputy Mayor Mike **CASE**, and Assembly Members Tresham **GREGG**, Ron **JACKSON**, Margaret **FRIEDENAUER**, Tom **MORPHET**, and Heather **LENDE**. **Absent:** Mayor Jan **HILL**.

Staff Present: Brad **RYAN**/Interim Manager, Julie **COZZI**/Borough Clerk, Alekka **FULLERTON**/Deputy Clerk, Krista **KIELSMEIER**/ Executive Assistant, Holly **SMITH**/Planner, and others.

Visitors Present: Kyle **CLAYTON**/CVN, Emily **FILES**/KHNS, Don **TURNER Jr.**, Mike **DENKER**, Debra **SCHNABEL**, Kay **CLEMENTS**, Carol **TUYNMAN**, Brenda **JOSEPHSON**, Kyle **GRAY**, Joe **POOR**, Douglas **OLERUD**, Sally **GARTON**, John **WINGE**, Andrew **GRAY**, Roger **SCHNABEL**, Daniel **BRUCE** (attorney on behalf of Southeast Road Builders), Lenise **HENDERSON-FONTENOT**, Bill **MCCORD**, Joann **ROSS CUNNINGHAM**, Ella **BREDTHAUER**, and others.

7C. 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.

Assembly Member **FRIEDENAUER** (serving as chair) opened and closed the public hearing at 1:03pm; there were no public comments.

Motion: **LENDE** moved to "adopt Ordinance 17-02-451," and it carried unanimously in a roll call vote.

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager - 3/14/17 Report

Motion: **MORPHET** moved to "send a second letter to the RCA and inform them we are interested in local oversight over garbage collection rates," and the motion carried 4-2 with **FRIEDENAUER** and **CASE** opposed.

Motion: **FRIEDENAUER** moved "direct the manager to conduct public meetings about Haines Borough Police Department coverage in the borough," and the motion carried unanimously.

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

Commerce Committee - **FRIEDENAUER** reported.

Government Affairs & Services Committee - **JACKSON** reported.

Motion: **JACKSON** moved to "recommend to the assembly that we invest in the suggested cost-saving measures from the manager and that we appoint an advisory board to the Mosquito Lake School Community Center similar to the one for the Chilkat Center in code and take the sale of the facility off the table for at least three years."

Motion to Postpone: **FRIEDENAUER** moved to "postpone to the next meeting," and the motion carried unanimously.

Motion to Lay the Motion on the Table: CASE moved to "lay the motion on the table," but it died for lack of a second.

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

***1. Resolution 17-02-714**

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

The motion adopted by approval of the consent agenda: "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.

The motion adopted by approval of the consent agenda: "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

Note: 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: LENDE moved to "approve the request from St. Joseph Catholic Church (Kentucky) for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate," and the motion carried unanimously in a roll call vote.

D. Bredthauer Appeal of Planning Commission Decision (this was moved from Item 7(A)(B) to Item 11D).

Note: 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 appeal was properly submitted to the clerk. There were two appeals submitted. 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).

- i. Appellant BREDTHAUER** addressed the assembly, summarized her position and presented reasons why the planning commission did not follow code and therefore their decision should be reversed.
- ii. Developer R.SCHNABEL** – addressed the assembly and summarized his application and the reasons he felt the planning commission decision should be upheld.
- iii. Borough Manager RYAN** – addressed the assembly and summarized code regarding notifications.
- iv. Rebuttals were offered by:**
BREDTHAUER
D. BRUCE, attorney on behalf of R.SCHNABEL
- v. Public Comments**

*** The following individuals spoke in favor of reversing the Planning Commission decision (in opposition to the Conditional Use Permit):**

POOR

* **The following individuals spoke in favor of upholding the Planning Commission decision (in favor of the Conditional Use Permit):**

WINGE, B.JOSEPHSON, OLERUD, TURNER JR,

Hearing closed at 4:47pm.

vi. Borough Assembly Deliberation

Motion: FRIEDENAUER moved to make a decision on this appeal identical to the decision on the first appeal, and the motion was WITHDRAWN.

Motion: CASE moved to "adjourn the meeting until 1:00pm on Friday, March 17, 2017," and it carried unanimously.

The meeting adjourned at 5:05pm.

Continued Meeting --- March 17, 2017

CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL: Mayor Jan **HILL** called the continued meeting to order at 1:02 p.m. in the Assembly Chambers.

Present: Mayor Jan **HILL**, and Assembly Members Mike **CASE**, Tresham **GREGG**, Ron **JACKSON**, Margaret **FRIEDENAUER** (via telephone), Tom **MORPHET**, and Heather **LENDE**.

Staff Present: Brad **RYAN**/Interim Manager, Alekka **FULLERTON**/Deputy Clerk, Brooks **CHANDLER**/Borough Attorney, Krista **KIELSMEIER**/ Executive Assistant, Holly **SMITH**/Planner, and others.

Visitors Present: Kyle **CLAYTON**/CVN, Emily **FILES**/KHNS, Don **TURNER Jr.**, Debra **SCHNABEL**, Joe **POOR**, John **WINGE**, Roger **SCHNABEL**, Elizabeth **LYONS**, Janet **LAWSON**, Ella **BREDTHAUER**, and others.

11.D. Bredthauer Appeal of Planning Commission Decision (Con't).

Assembly deliberations recommenced.

Motion: JACKSON moved to "go into executive session as allowed by AS 44.62.310(d)(1) and Haines Borough Charter Section 18.03 to discuss with the borough attorney the Bredthauer Appeal; this qualifies for executive session because the open meetings act does not apply to a government meeting when the governmental body is performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding; the interim manager and borough attorney are asked to attend."

Primary Amendment: CASE moved to "also invite the Deputy Clerk to the executive session," and the motion carried unanimously.

The main motion, as amended, carried with Case and Tresham opposed.

Present: Mayor Hill; Assembly Members Gregg, Jackson, Lende, Friedenauer (via telephone), Case, and Morphet; and Interim Borough Manager Brad Ryan, Attorney Brooks Chandler (via telephone) and Deputy Clerk, Alekka Fullerton. The executive session convened at 1:08 pm and ended at 2:48 pm.

Motion: MORPHET moved to "reconsider assembly action on the Henderson-Fontenot appeal from earlier in this meeting," and the motion carried unanimously.

Motion: LENDE moved to "vacate the Henderson-Fontenot decision arrived at earlier this meeting," and the motion carried unanimously.

Motion: LENDE moved to "consolidate the Henderson-Fontenot and Bredthauer appeals," and the motion carried unanimously.

Motion: LENDE moved to "uphold the Planning Commission's decision with the manager's conditions, the additional conditions added March 14, 2017, and two more conditions; a reclamation plan per HB 18.60.020 and a compliance monitor per the Alaska State Planning Commission handbook pg. 69 who will provide a detailed log of inspection, photos, narrative, tape recordings, and use a camera with a day/time feature. Haines Borough code 18.60.020, 18.50.040, 18.30.020, and 18.60. 010 have been considered in this decision."

Primary Amendment: JACKSON moved to "amend #3 to include signage to the traffic safety plan," and the motion carried unanimously.

The main motion, as amended, carried unanimously.

12. CORRESPONDENCE/REQUESTS. None.

13. SET MEETING DATES

A. Budget Committee of the Whole

Motion: MORPHET moved to "adopt the Budget COW schedule as submitted by the Manager and the CFO," and the motion carried unanimously. Including the following COWs:

Budget COW scheduled for April 4, 2017 at 5:30 – 8:00 pm Topic: Budget Overview & Revenue Enhancements

Budget COW scheduled for April 18, 2017 at 5:30 – 8:00 pm Topic: Areawide General Fund, Townsite Service Area, Vehicle Impoundment, Harbor, Lutak Dock & Port Chilkoot Dock

Budget COW scheduled for May 2, 2017 at 5:30 – 8:00 pm Topic: Capital Improvement Projects, Equipment Sinking Fund, Water, Sewer, Medical Service Area, Fire, Land Sales, Permanent Fund, Economic Development & Tourism, Commerical Passenger Vessel Tax & Debt Service Funds

B. Committee of the Whole for Preliminary Interviews of Borough Manager Applicants – March 24, 2017 from 3:00 – 5:00 pm. Patrick Jordan will be interviewed by telephone. The preliminary interviews shall be held in public but the public may not ask questions of the interviewees at this time. The applicants are requested not to attend the interviews of the others.

14. PUBLIC COMMENTS: The following individuals spoke at the meeting:

TURNER Jr, POOR, BRADTHAUER, LYONS, LAWSON, WINGE, SCHNABEL

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS: The following assembly members spoke at the end of the meeting:

A. ASSEMBLY COMMENTS- The following members commented:

FRIEDENAUER, LENDE, JACKSON, CASE, MORPHET, GREGG, HILL

B. DIRECTION TO MANAGER

Motion: MORPHET moved to "add consideration for the Assembly to evaluate the job performance of the Borough Clerk, Borough Attorney and Chief Fiscal Officer to the next agenda," and the motion carried unanimously.

Motion: MORPHET moved to "add to the next agenda the finance committee recommendation regarding the sales tax exemption card," it was seconded and carried 4-1 with CASE opposed.

16. ADJOURNMENT – 3:58 pm

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

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Janice Hill, Mayor