


Haines Borough
Borough Assembly Meeting #264
AGENDA

February 25, 2014 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Stephanie Scott,
Mayor

Dave Berry Jr.,
Assembly Member

Diana Lapham,
Assembly Member

Debra Schnabel,
Assembly Member

Joanne Waterman,
Assembly Member

George Campbell,
Assembly Member

Jerry Lapp,
Assembly Member

David Sosa,
Borough Manager

Julie Cozzi,
Interim Manager

Michelle Webb,
Interim Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. 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:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center for the Arts Report
- 8C – Fire Department Report
- 9A1 – Planning Commission Minutes
- 9B – Parks and Recreation Advisory Committee Report
- 11A1 – Adoption of Resolution 14-02-536
- 11A2 – Adoption of Resolution 14-02-537
- 11A3 – Adoption of Resolution 14-02-538
- 11B1 – Introduction of Ordinance 14-02-370
- 11C3 – Set Ordinance 14-01-364 for First Public Hearing
- 11C4 – Ports and Harbors Design Confirmation
- 11C5 – Confirmation of 3rd Ave. Road Design
- 12A – Request for Grant Support Letter for Senior Center
- 12B – Request for Support of AAHPA Resolutions

*** 4. APPROVAL OF MINUTES – 1/14/14, 1/28/14, and 2/11/14 Regular Meetings**

5. PUBLIC COMMENTS [Any topics not scheduled for public hearing]

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

A. Ordinance 14-01-365 - Third Hearing

An Ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY14 Budget.

*This ordinance is recommended by the interim manager. It was introduced on 1/14/14 and had a first public hearing on 1/28/14, resulting in an amendment. On 2/11/14 at the second public hearing, the ordinance was further amended and was set for a third public hearing. **Motion:** Adopt Ordinance 14-01-365.*

B. Ordinance 14-01-366 - Second Hearing

A non code ordinance of the Haines Borough approving the sale to Aspen Management, LLC of Lots 6 and 7 Primary School Subdivision plat No. 2008-21, Haines Recording District, First Judicial District, State of Alaska.

*This ordinance with accompanying documents was prepared by the borough attorney and is recommended by the interim borough manager. This ordinance was introduced on 1/28/14 and received a first public hearing on 2/11/14. **Motion:** Adopt Ordinance 14-01-366.*

C. Ordinance 14-02-367 - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.10.040 to modify assembly meeting minutes procedures.

*This ordinance is recommended by the mayor, the interim clerk, and the interim manager. This ordinance was introduced on 2/11/14. **Motion:** Advance Ordinance 14-02-367 to a second public hearing on 3/11/14.*

7. PUBLIC HEARINGS --- continued

D. **Ordinance 14-02-368** - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Chapter 10.34 to authorize the use of ATVs on streets and highways within the borough and allowing use of snow machines on highway shoulders within the borough.

*This ordinance was proposed by Assembly Member Lapp. A similar ordinance (11-06-269) was considered in 2011 but was not adopted. Several changes have been made to this new ordinance. The ordinance was introduced on 2/11/14. **Motion:** Advance Ordinance 14-02-368 to a second public hearing on 3/11/14*

E. **Ordinance 14-02-369** - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.050 appeals to the commission to conform to the requirements of filing an appeal.

*This ordinance is recommended by the planning commission. **Motion:** Advance Ordinance 14-02-369 to a second public hearing on 3/11/14.*

8. STAFF/FACILITY REPORTS

A. **Interim Borough Manager** – 3/11/14 Report

*B. **Chilkat Center for the Arts** – Facility Report of January 2014

*C. **Fire Department Report** – Facility Report of January 2014

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. **Planning Commission** –

*1. *Minutes of 1/9/14 Meeting*

2. *Record of Decision Re: Possible Identifying of a Motorized Park within Townsite Service Area*

*B. **Parks and Recreation Advisory Committee** – Report of 2/18/14

C. **Assembly Standing Committee Reports**

10. UNFINISHED BUSINESS

A. **Ordinance 13-10-352** – Postponed on 2/11/14

An Ordinance of the Haines Borough amending Haines Borough Code Title 13 to revise and clarify water and sewer service procedures.

*This ordinance is recommended by the borough manager and chief financial officer. It was introduced on 10/22/13 and referred to the Government Affairs & Services Committee. That committee met on 12/3/13 and proposed advancement to the first hearing. The ordinance was introduced on 10/22/13, sent to the GAS committee, and set for its first public hearing on 2/11/14. The GAS committee and borough assembly were unable to consider the ordinance fully as documentation was missing from the packet. However, the public was given an opportunity to comment on this ordinance at the 2/11/14 meeting. The finance director has drafted a substitute ordinance for consideration. **Motion #1:** Substitute ordinance 13-10-352 in its entirety with the draft ordinance recommended by the CFO. **Motion #2:** Advance Ordinance 13-10-352, as substituted, to a second public hearing on 3/11/14.*

B. **Confirm Administrative Policy re. Heli Map Review Cycle** - Postponed on 2/11/14

*As a result of its 12/3/13 meeting, the Government Affairs & Services Committee recommended this administrative policy regarding the cycle for reviewing the Haines Borough Commercial Ski Tour Areas map. This recommended policy was first presented by the committee to the assembly on 1/14/14. The policy was postponed at the 2/11/14 meeting to allow additional work. The interim manager seeks assembly confirmation. **Motion:** Confirm the manager's administrative policy regarding the Commercial Ski Tour Areas Map Cycle.*

11. NEW BUSINESS

A. Resolutions

*1. **Resolution 14-02-536**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Whiterock LLC for the Klehini Valley Fire Hall Septic System project for an amount not-to-exceed \$23,195.

*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-536.*

*2. **Resolution 14-02-537**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to apply to the State of Alaska, Department of Environmental Conservation (ADEC) for loans from the Alaska Clean Water Fund and Alaska Drinking Water Fund for the projects entitled West Fair Drive Sewer Main Replacement and Piedad Springs Water Source Upgrades.

*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-537.*

11. NEW BUSINESS

A. Resolutions --- continued

*3. **Resolution 14-02-538**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with APSCO, LLC in the amount of \$35,000 for the purchase and delivery of a sewer blower.

*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-538.*

B. Ordinances for Introduction

*1. **Ordinance 14-02-370**

An Ordinance of the Haines Borough amending Haines Borough Code Title 3 to remove Haines Senior Assisted Living Inc. Property from the list of community purpose exemptions because it has been determined to be a required exemption under HBC 3.70.030(A)(3).

*This ordinance was originated by the Assessment Department. **Motion:** Introduce Ordinance 14-02-370 and set a first public hearing on 3/11/14.*

C. Other New Business

1. **Appeal of Planning Commission Decision** - SEABA Conditional Use Permit

Explanation/History: *On 1/27/14 Big Salmon Ventures LLC submitted a Conditional Use Permit (CUP) application for a heliport through its agent Scott Sundberg. The Interim Manager, Julie Cozzi, recommended a "short duration permit of one-year be considered to provide a trial period." The planning commission chose to rule that "for 2014, the Planning Commission recommends the Assembly authorize the Borough Manager to issue a temporary conditional use permit that allows for a limited, pre-approved, borough-monitored number of random landings, incorporating conditions offered by the Big Salmon Ventures, only allowing for one company to use the site at one time, with all landings to be at least 1,100' from the centerline of Chilkat Lake Road to gauge actual impacts, between 8:30 a.m. and 4:30 p.m. with continued noise measurement and monitoring." Big Salmon Ventures has submitted a timely filed appeal (on 2/18/14) of the planning commission's decision to deny the CUP. HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. Only the appeal and the planning commission request for action have been included in the packet for this item. If the assembly chooses to rehear this appeal, then all the documents in the record of decision will be presented. The burden of proof is on the appellant to make the case that the planning commission erred in their decision and that a rehearing by the assembly is warranted.*

Assembly Action Needed at THIS meeting: *Per HBC 18.30.060, following the appellant's presentation if he is in attendance, the assembly must decide by motion:*

- *whether or not to rehear the commission's decision and, if so,*
- *whether to rehear the entire decision or a particular portion,*
- *and the reasoning why.*

Any rehearing must take place at the next regularly scheduled assembly meeting (3/11/14) and include a duly-noticed public hearing.

Note: In the event the BA declines to rehear the case, the assembly does need to take action on the planning commission request for action.

2. **Development of a Site for Marine Services - Request from Ports and Harbors Advisory Council**

The Ports and Harbor Advisory Committee (PHAC) have identified that an area by the Lutak Dock has the best potential for the development of marine services, such as a boat haul-out. The PHAC recommends that the borough take action to investigate this potential. Phil Benner, Harbormaster has provided the attached cost estimates and information.

Motion: Authorize the manager to include the development of a boat haul-out and storage area in the FY15 budget.

*3. **Ordinance 14-01-364**

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.62.030 to allow an assembly approved exception to the contract or sale limit to a borough officer or employee.

*This ordinance is suggested by the director of public facilities. It was introduced on 1/14/14 and referred to Government Affairs and Services (GAS) which met on 2/11. GAS approved of this ordinance. **Motion:** Advance Ordinance 14-01-364 to a first public hearing on 3/11/14.*

11. NEW BUSINESS

C. Other New Business --- continued

- *4. **Request for Design Confirmation from Ports and Harbors Advisory Council** – Partially Penetrating Wave Barrier Design #14 for South Portage Cove
On 1/28/14 the assembly confirmed the PHAC's choice of a partially penetration wave barrier design for South Portage Cove Harbor. The PHAC recommends having a 35% to 100% design created for design option 14. However, they have also included information for design 3A as a secondary choice. **Motion:** Confirm the Ports and Harbors recommendations for the South Portage Cove Boat Harbor Partially Penetrating Wave Barrier Design #14.

- *5. **Confirm 3rd Avenue Road Project Design**
This item corresponds with the 6pm public presentation of the 3rd Ave. Road design. **Motion:** Confirm the design of the 3rd Ave Project.

- 6. **Request from Public Safety Commission – Fund Mental Health Training**
The Public Safety Commission has requested \$4000 to sponsor two individuals to attend Mental First Aid Training. Lynn Canal Counseling will fund travel and other related expenses. **Possible Motion:** Authorize \$4000 for Mental First Aid Training from the Medical Services Area Fund.

12. CORRESPONDENCE/REQUESTS

- *A. **Request for Letter of Support for Grant Funding** – Support for Catholic Community Services request for funding for Senior Center Building upgrades.

- *B. **Request for Support of AAHPA Resolutions** – Harbormaster and AAHPA President, Phil Benner, is requesting assembly support letters for two Alaska Association of Harbor and Port Administrators (AAHPA) resolutions which speak to a harbor grant program and additional state legal protection for harbor employees.

13. SET MEETING DATES

A. **Committee-of-the-Whole – Election Reform Ordinance**

The borough attorney has finished preparing a draft ordinance and a C.O.W. has been suggested.

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT