

**Haines Borough**  
**Borough Assembly Meeting #264**  
**February 25, 2014**  
**MINUTES**

**Approved**

**1. CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SCOTT** called the meeting to order at 6:30pm in the Assembly Chambers and led the pledge to the flag.

**2. ROLL CALL**

**Present:** Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Debra **SCHNABEL**, Dave **BERRY**, George **CAMPBELL**, Diana **LAPHAM**, and Joanne **WATERMAN**.

**Staff Present:** Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Krista **KIELSMEIER**/Administrative Assistant, Carlos **JIMENEZ**/Director of Public Facilities, Phil **BENNER**/Harbormaster, Darsie **CULBECK**/Executive Assistant, Jila **STUART**/Finance Director, Ed **BRYANT**/Maintenance, Tanya **CARLSON**/Tourism Director, Simon **FORD**/Interim Police Chief.

**Visitors Present:** Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Glenda **GILBERT**, Thom **ELY**, Jim **SHOOK**, Mary Jean **SEBENS**, Mike **BORCIK**, Mike **CASE**, Jerry **ERNY**, Royce **DOMBROCK**, Heather **LENDE**, Tim **ACKERMAN**, Steve **ALCOCK**, Scott **SUNDBERG**, Libby **KURZ**, and others.

**3. APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent 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 3<sup>rd</sup> Ave. Road Design~~
- 12A – Request for Grant Support Letter for Senior Center
- 12B – Request for Support of AAHPA Resolutions

**Motion:** **BERRY** moved to “approve the agenda and consent agenda,” and it was amended to remove item 11B1 – Introduction of Ordinance 14-02-370 from the agenda at the request of administration; and the following items were removed from the consent agenda for discussion: 11A1 – Adoption of Resolution 14-02-536, 11A3 – Adoption of Resolution 14-02-538, 11C4 – Ports and Harbors Design Confirmation, and 11C5 – Confirmation of 3<sup>rd</sup> Ave. Road Design. The motion, as amended, carried 5-1 with **BERRY** opposed.

In discussion, **WEBB** clarified there was no public hearing scheduled for Ordinance 14-01-364, under “Other New Business.”

**\*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]

Royce **DOMBROCK** said police in town were overstepping their boundaries. **DOMBROCK** stated he was involved in a case where he was tased without warning. He believed there should be a warning before a person is tased. **DOMBROCK** said he had not been interviewed as part of an investigation.

## 6. MAYOR'S COMMENTS/REPORT

**SCOTT** thanked the assembly and community for sending her to an Alaska Municipal League (AML) winter legislative meeting and an AML board of directors meeting the previous week. She had meetings with legislators and government officials, discussing power rates, the wastewater treatment plant, and the borough's biomass project. Rep. Jonathan Kreiss-Tomkins assigned staffer Chandler Kemp to research two questions: What intervening parties have successfully appealed proposed rate increases in the past, and what arguments helped those intervening parties prevail? The borough had not heard whether the Regulatory Commission of Alaska had approved the petition to intervene. Rep. Doug Isaacson (North Pole) added the wastewater treatment plant to his list of state priorities. **SCOTT** referred to the Juneau Access Project and an upcoming hearing of the House and Senate transportation committees. She had not been called to testify, but said she would ask Kreiss-Tomkins and Isaacson to inquire about why the west side road was not being considered. She stated when Isaacson visited Haines, he had never heard of the west side route. Isaacson was willing to ask the Department of Transportation to bring that to the committee's attention. **SCOTT** also asked **SCHNABEL**, the chair of the borough's commerce committee, to attend a Southeast Conference summit March 12-14, and **SCHNABEL** agreed. **LAPP** told **SCHNABEL** that she would likely be asked to give a five-minute update on the community at the conference.

## 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.**

Mayor **SCOTT** opened and closed the public hearing at 6:40pm; there were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 14-01-365," and the motion carried unanimously.

In discussion, **CAMPBELL** requested to divide the question by discussing the dump trailer (item 3) on its own. He referred to a memorandum from the harbormaster claiming an \$8,000 savings per year from the trailer. **CAMPBELL** looked into how the savings were calculated, with figures from February. He requested the item be tabled until the next meeting, to allow the harbor department time to show the costs of labor. **BERRY** noted the harbor was much busier in the summer. **BENNER** said he wrote the memo months ago. He figured in manpower. From May to September, staff unloaded the dumpster at least once a day. The trailer would take two weeks to fill. This proposal was discussed with the Port and Harbor Advisory Committee and the Finance Committee. **BENNER** stated the 15 cents a pound rate quoted by **CAMPBELL** was for regular garbage, but electronics must be sorted and weighed separately at a different rate. **SCOTT** broke a 3-3 tie, voting in favor of including the trailer in the ordinance.

### 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.**

Mayor **SCOTT** opened and closed the public hearing at 6:51pm; there were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 14-01-366," and the motion carried unanimously.

In discussion, **BERRY** mentioned a proposed nonprofit hotel in Juneau, but noted Aspen Management, LLC was not a nonprofit. **SCOTT** cited a letter from Sue Folletti, which referred to discrepancies in land values. **SCOTT** said adjustments would be made in the upcoming tax assessments. She wanted to acknowledge that Folletti was concerned. The assistant assessor and contract assessor were focusing on downtown properties for changes. **SCOTT** said the assistant assessor's memo was based on current information.

**WATERMAN** asked about a letter from the Department of Environmental Conservation the borough was to receive, releasing the property. **CULBECK** said the property would be released for closure, but DEC still would be involved with institutional controls. **WATERMAN** said she thought there would be no restrictions on the property. **BERRY** stated the assembly previously discussed environmental concerns. **SCHNABEL** said another question was the liability the borough would take on with Aspen or any purchaser. State law allowed a purchaser with contaminated property to go through the chain of ownership to find the culpable entity. The assembly had to trust that Aspen would assume responsibility for the property and not come back to the borough with contamination issues. **WATERMAN** said she understood the memo to say the value had nothing to do with the contaminated soil. **SCOTT** said if there were more questions, the assembly could recess or postpone the ordinance. **COZZI** clarified she spoke with the assessor and assistant assessor, and both said they took the contaminated soil into consideration when setting the value of the property. **WATERMAN** said the memo was difficult to understand. She wanted to be clear the value reflected the contamination. **SCHNABEL** emphasized she was surprised by the land that was used in comparison to set the value, but she believed the properties were selected because they were vacant. There was a range in the values per square foot. **SCHNABEL** referred to responsibilities for the contaminated soil. She was concerned about taking on liability. **COZZI** stated she had been assured by the borough attorney that the only liability the assembly continued to have would be in the unlikely event of contamination runoff onto borough property. Aspen would be dealing with DEC. **LAPHAM** asked **CULBECK** about the upcoming letter from DEC and whether it would relieve the borough of liability. **CULBECK** responded that if there was an unknown contaminant, there could be a liability issue, but the borough did due diligence. Consultants drilled 100 holes at the property to investigate the contamination. DEC was very confident the borough had done due diligence. There also was a bond with the consultants to account for errors. **SCOTT** asked where revenues from the sale would go in the borough budget. **STUART** confirmed the revenue would be placed in the Permanent Fund. **CAMPBELL** said he thought there was an agreement when property was purchased for the new school; the old property would be sold to replace money used for the new school. **COZZI** researched this question previously. She found no record of any official action on the part of the assembly supporting that statement. She recalled discussion, possibly at a committee meeting, but there was no official action. **LAPP** asked the assembly to sell the property. **CAMPBELL** requested for the assembly to discuss the revenue from the sale at a future meeting.

**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.**

Mayor **SCOTT** opened the public hearing at 7:12pm.

**ELY** stated he thought it was important for the public to have full testimony from assembly members and the audience. He understood there was a backlog of minutes. If the assembly decided to go forward with action minutes, he would like audio files with tabs for easier navigation.

Mayor **SCOTT** closed the public hearing at 7:13pm.

**Motion:** **BERRY** moved to "advance Ordinance 14-02-367 to a second public hearing on 3/11/14," and the motion carried unanimously.

In discussion, **CAMPBELL** said audio files had been discussed, because people did not want to scroll through a whole meeting to find a five-minute item. Current minutes had a timestamp of when public hearings open and close. **SCOTT** said she was interested in the suggestion from **ELY** to codify having audio available for the public. **SCHNABEL** referred to communication from Deborah Vogt about available technology for more accessible audio files. **SCOTT** said more information might be presented at the next meeting.

**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.**

Mayor **SCOTT** opened the public hearing at 7:17pm.

**ACKERMAN** stated when he was a child, he drove on dirt roads. He was in favor of increased opportunities for youth transportation and recreation with motorized vehicles. He used his four-wheeler for launching his boat at Letnikof Cove and for hauling water and fish; this was much more economical. A four-wheeler could do the job of a \$50,000 truck. **ACKERMAN** also suggested including golf carts in the ordinance.

**SHOOK** said most people knew his position on ATVs. He supported their use on borough roads, with safety restrictions. The ordinance would improve mobility, create jobs and provide a certain amount of recreational value.

**LENDE** was not opposed to the ordinance. ATVs could add to the character of the town and might align with the comprehensive plan for a more vibrant downtown area. She suggested a slow lane for ATVs, snowmachines, skateboards, golf carts, skiers, etc. The roads could be safer and accessible to more user groups. ATVs have the potential for saving money and time.

**CULBECK** asked if a helmet requirement had been considered, and was answered yes.

**ELY** included written comments on the ordinance. He felt it would be difficult for the police department to enforce the ordinance and keep teenagers within the speed limit. There would be accidents and, possibly, fatalities.

**ALCOCK** said Wasilla had a 10mph speed limit for ATVs. There were accidents, but look at the percentages. If kids break the rules, it is up to the parents to watch them. ATVs are a primary mode of transportation in much of Alaska and are fuel efficient.

Mayor **SCOTT** closed the public hearing at 7:27pm.

**Motion:** **BERRY** moved to "advance Ordinance 14-02-368 to a second public hearing on 3/11/14," and it was amended to remove 10.34.030 (Private Property Permission) from the ordinance. The motion, as amended, carried unanimously.

In discussion, **LAPHAM** clarified the age requirement was 16 and a license was required. **BERRY** referred to sections 10.34.030 and 10.34.040, with private property permission and damages, and said those already were outlined by civil and criminal regulations. **LAPP** said those items were in the ordinance when he took it off the shelf. **CAMPBELL** requested to remove 10.34.030 from the ordinance. He understood the intent was to keep people from ripping across yards and tearing up shrubs. The police could confirm there already were laws on the books. There could be abuse to target people who were not carrying written permission. **SCHNABEL** asked about removing 10.34.040. **CAMPBELL** responded that he wanted to leave that in the ordinance to emphasize penalties. The amendment to remove 10.34.030 carried unanimously. **CAMPBELL** asked about requiring operators to be at least 16 years old; what about permits for younger drivers who were with a licensed adult? **BERRY** emphasized he wanted to stick with age 16 as the requirement.

**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.**

**SCOTT** opened and closed the public hearing at 7:35pm; there were no public comments.



**Motion:** **LAPHAM** moved to "advance Ordinance 14-02-369 to a second public hearing on 3/11/14," and the motion carried unanimously.

There was no discussion.

## **8. STAFF/FACILITY REPORTS**

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

**COZZI** stated that she would take questions. **SCOTT** asked about the special ski event proposal. **COZZI** said her response would be ready by the next evening. **SCOTT** said the assembly then would have to confirm or modify the manager's decision by resolution. She suggested assigning this to a committee prior to the 3/11/14 assembly meeting. **SCHNABEL** responded she was willing to have the commerce committee address the topic. **CAMPBELL** clarified that a resolution was required. **WATERMAN** questioned the live broadcast or streaming of assembly meetings. Assembly members previously discussed improving the audio system, but she had never heard any assembly direction calling for a live broadcast or live streaming. **COZZI** agreed. However, wanted to pass the quote on to the assembly and said **SCOTT** was interested in the topic. **COZZI** was most interested in improving the audio in the assembly chambers, especially since they were talking about indexing and making the audio more accessible. Live streaming might not improve the public process, unless there was an option for interaction. Video could be made available on the borough website for a limited time. **BERRY** clarified he requested information from Haines Cable. He saw a meeting on television and could not hear the audio. **SCOTT** stated the assembly's joint meeting with the school board would have the opportunity to go live, as the district could broadcast proceedings on the Internet. **KURZ** said he would not be able to record meetings forever. He had invested time and money into the process. Where he previously resided, live broadcasts encouraged the public process. If people saw something controversial, they would come to the meeting. When he stopped recording meetings in the borough, Haines Cable received comments from people who missed watching them. **KURZ** also felt that recording meetings helped improve behavior. **SCOTT** said she was particularly concerned about residents up in the valley, and their access. **LAPHAM** referred to the Mount Riley trail and asked what a floating easement was. **CULBECK** responded that he was unsure of the exact definition, but it would allow the parties to agree to slight movements of the easement in the future. **SCHNABEL** referred to the request for feedback on the presentation of the budget. She would like the assembly to agree on accessing the budget electronically. Updates could be downloaded on their iPads. **CAMPBELL** requested a paper budget, but he liked the idea of updating the document electronically while moving through the budget process. **LAPHAM** said she printed a hard copy on her own printer. An electronic version was more economical for the borough. **SCOTT** stated there would be some paper budgets issued. **STUART** clarified nine or 10 were printed last year. **SCOTT** asked about tracking changes to the budget. **COZZI** responded she would talk with **STUART** about work on tracking changes. **STUART** said electronic budgets were faster to produce, but if paper ones led to better scrutiny of the budget, the borough would be happy to issue them.

**\*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 Identification of a Motorized Park within Townsite Service Area**

In discussion of the Planning Commission report, **SCHNABEL**, as liaison, said she believed the commission was not responsive to the request from the assembly. The assembly could either deliberate on the decision that a motorized park within the

townsite service area was not a good idea, or it could override the commission. **SCOTT** asked if the assembly wanted to send this topic back. **BERRY** said he was under the impression the assembly asked the commission to identify areas, and the commission did not address the issue. **SCHNABEL** clarified that the commission did not like the proposal. **BERRY** stated the assembly asked if there were any potential areas. **CAMPBELL** said commission members did not have enough experience with motorized use to make decisions. Sending the topic back to the commission might not be productive, but he was willing to support that action. **SCHNABEL** agreed with sending it back; this topic was a planning issue.

**Motion:** **SCHNABEL** moved "that the request to identify areas that might be conducive for a motorized park within the townsite service area be referred to the planning commission for its response, within four months," and the motion carried unanimously.

*A six-minute recess was taken.*

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

**C. Assembly Standing Committee Reports – None**

**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.**

**Motion #1:** **BERRY** moved to "substitute ordinance 13-10-352 in its entirety with the draft ordinance recommended by the CFO," and the motion carried 5-1 with **SCHNABEL** opposed.

In discussion, **STUART** said the proposed substitute ordinance removed the language that would transition residential water and sewer services to metered services. Along with the memo, she attached a proposal from FCS Group for a rate study that would show the costs of switching from flat rate residential to a metered service.

**Motion #2:** **BERRY** moved to "advance Ordinance 13-10-352, as substituted, to a second public hearing on 3/11/14," and the motion carried unanimously.

In discussion, **CAMPBELL** asked why they were considering a rate study. **SCOTT** responded that the question was raised at the Government Affairs and Services Committee. **CAMPBELL** said the borough did not need to bring in consultants; staff could do some of this work in-house. He would like staff to present more information. **SCHNABEL** clarified that staff had provided an analysis of water-sewer system rates that showed the borough was not charging adequately for services. The data might be several years old. The borough had increased water and sewer rates based on an analysis of system costs. **SCOTT** clarified the last rate study was in 2008. **SCHNABEL** said she was intrigued that there seemed to be so much controversy over whether metering water was a cost-effective way of managing the system for customers. The proposal to have a systematic look at metering, and an analysis by people with experience, would be valuable. **BERRY** stated that in the 1970s, there was city-wide metering, but the meters were of poor quality. He referred to a memo from the state that 1,000 accounts appeared to be the minimum needed to start metering. **STUART** said only one component of the FCS study referred to metering.

**B. Confirm Administrative Policy re. Heli Map Review Cycle**

**Motion:** **WATERMAN** moved to "confirm the manager's administrative policy regarding the Commercial Ski Tour Areas Map Cycle," and the motion carried 4-2 with **CAMPBELL** and **LAPP** opposed.

In discussion, **LAPP** said he was opposed to the policy. He thought the map should be opened up; the Bureau of Land Management (BLM) was stalling. **CAMPBELL** agreed with **LAPP** regarding the need for changes due to BLM delays. **LAPHAM** stated the

assembly dealt with this contentious issue year after year. She was going to stick with the three-year policy to avoid waffling. **SCOTT** asked if **CULBECK** had new information regarding the BLM Ring of Fire, and he did not. **SCHNABEL** thought the borough manager would make an assessment whether a request to open up the map was legitimate and would serve some purpose. She had never supported the idea that the map be closed. Adjustments must be made as events occur. However, the map should not have to be opened every time there is a request. **SCOTT** clarified that the assembly had the responsibility to initiate the opening of the map by resolution. **CAMPBELL** asked whether **SCHNABEL** thought the manager should have the option to open the map. **SCHNABEL** responded that when this process was initiated two years ago, that was the idea. **SCOTT** reminded the assembly members that they were approving a policy that previously was in the ordinance. This policy was not to be codified, due to a need for more flexibility.

## **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.**

**Motion:** **BERRY** moved to "adopt Resolution 14-02-536," and it was amended to change the fifth "whereas" clause by inserting "and the Haines Borough hereby commits \$11,597 of Fund 50 deferred maintenance funds" after the word "project." The motion, as amended, carried unanimously.

In discussion, **SCHNABEL** said her amendment was aimed at consistency to clarify funding sources.

#### **\*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.**

**Motion:** *The motion adopted by approval of the consent agenda: "adopt Resolution 14-02-537."*

#### **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.**

**Motion:** **BERRY** moved to "adopt Resolution 14-02-538," and the motion carried unanimously.

In discussion, **SCHNABEL** said she was concerned about the reference to equipment being obsolete. **JIMENEZ** clarified and said this purchase would fix the problem. **CAMPBELL** asked if this was the first in a long line of requests for the wastewater treatment plant, and **JIMENEZ** said it was.

### **B. Ordinances for Introduction**

#### **1. Ordinance 14-02-370 - Removed from the agenda**

~~**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).**~~

### **C. Other New Business**

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

**Motion:** **CAMPBELL** moved to "rehear the appeal, and rehear the appeal in its entirety; there is enough evidence in various forms that part of the consideration of the denial was the fact that this was a residential neighborhood, and it is not a residential neighborhood, that is a general use zone area," and the motion carried 5-1 with **WATERMAN** opposed.

In discussion, **SCOTT** referred to two motions made at the planning commission meeting. One denied the conditional use permit. The other motion was a recommendation. **SCOTT** said there was no substantial financial interest for **CAMPBELL** and **SCHNABEL**, who had business relationships with Big Salmon Ventures/Southeast Alaska Backcountry Adventures (SEABA). Both members declared their impartiality in working on this issue. **CAMPBELL** clarified he also was a partner in a business that could be considered a competitor to SEABA. **SUNDBERG** stated Big Salmon Ventures believed the planning commission erred in its ruling on the conditional use permit. It would be irresponsible for the assembly not to hear this appeal. The proposal was more than just a heliport; it involved a complex up the highway, and community buy-in. There could be a community center, along with this heliport. **SUNDBERG** felt that the chair of the planning commission, Rob Goldberg, erred, because much of the community's welfare might depend on the bigger picture. Big Salmon Ventures brought forward decibel testing and other relevant information. He believed the planning commission decided to rule against them in a biased manner. He would like another body, especially a quasi-judicial body, to hear the appeal. Big Salmon Ventures wanted due diligence; that was why they were bringing the appeal forward. This topic had been a discussion for many years. **SUNDBERG** said he aimed to deliver a different kind of economy based on destination recreation and bringing eco-tourism to the community. The investors needed to move forward; knowing the business had access and ability to deliver the project was important. Otherwise, it was back to the drawing board. **WATERMAN** said she did not hear how the planning commission erred. **CAMPBELL** responded the error was the heliport was in a general use zone, not residential. **WATERMAN** disagreed. **SCHNABEL** stated she attended the hearing as liaison. The appeal did speak to the concerns stated by some members of the commission. Noise levels reported were not recorded scientifically, by a credible operator. The main issue seemed to be noise. **SCHNABEL** asked whether the noise issue was subjective, or something that could be measured to determine the impact on quality of life. There were federal government thresholds for noise. The manager's recommendation was for a trial period, and that was turned down. Immediately following the deliberation and refusal, the commission went forward with a recommendation that was not dissimilar to what the manager recommended. **SCHNABEL** wondered how the recommendation could be managed. **SCOTT** responded if the assembly agreed with the commission's recommendation in the first motion, members were free to examine the second motion. **WATERMAN** clarified that issuing a conditional use permit was the job of the planning commission. She did not find the commission's recommendation acceptable. **BERRY** said he was concerned; if he was an investor in this project, there were too many strings attached for him to be confident. **LAPHAM** said this was in the general use area. She found the restrictions to be unacceptable. **SUNDBERG** had done everything code required him to do. **SCOTT** reminded the assembly there were eight criteria for a conditional use permit. The chair of the planning commission did not think a one-year trial would work. **SCOTT** advised the assembly members to avoid ex parte communication.

## **2. Development of a Site for Marine Services - Request from Port and Harbor Advisory Committee**

**Motion:** **LAPP** moved to "authorize the manager to include the development of a boat haul-out and storage area in the FY15 budget," and the motion carried 5-1 with **CAMPBELL** opposed.

In discussion, **SCOTT** said this proposal would not include a boat trailer, because a boat trailer had been secured by a private individual. **WATERMAN** stated the proposal was a great opportunity to fill a need. She previously thought this



project would cost hundreds of thousands of dollars. This proposal was an excellent way to see if the need truly existed in Haines; it was a smart investment and portable. **CAMPBELL** responded it would be a great investment for private industry. He was concerned about requirements for handling hazardous materials. The borough should focus on building the harbor. **SCOTT** said she thought the proposal would be a popular service to provide. She had been told it was very necessary. She asked **BENNER** how the service would be managed. **BENNER** said this was a system used often in the military. He referred to similar services in Juneau, Kodiak and Wrangell. Lead paint could be an issue, but when power washing a boat, the paint was not regulated. Changing filters was not HAZMAT regulated, either. It was a self-contained unit. The reason **BENNER** recommended it was because it would be stamped as meeting regulations, and it would re-use water. The system was easily regulated, and could be placed on gravel so boats could be pulled onto the heavy-duty, rubberized surface. **SCOTT** reminded assembly members that if they approved the committee's request, they could visit it again throughout the budget process. **CAMPBELL** referred to best management practices for vessel cleaning. **BENNER** noted a yard had not been approved, so those requirements were not yet necessary.

**\*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.**

**Motion:** *The motion adopted by approval of the consent agenda: "advance Ordinance 14-01-364 to a first public hearing on 3/11/14."*

**4. Request for Design Confirmation from Port and Harbor Advisory Committee** – Partially Penetrating Wave Barrier Design #14 for South Portage Cove

**Motion:** **WATERMAN** moved to "confirm the Ports and Harbors recommendations for the South Portage Cove Boat Harbor Partially Penetrating Wave Barrier Design #14," and the motion carried 4-2 with **CAMPBELL** and **SCHNABEL** opposed.

**CAMPBELL** said he would like to see a cost of operations and income benefits analysis before moving forward. **SCOTT** said the design was not yet to the 35 percent level. Moving forward, the assembly could request costs of operation. She did not think this should keep the assembly from moving forward on the concept design. **SCHNABEL** said she requested for this to be removed from the consent agenda because she had not attended the meetings where this was discussed. She believed concept 3A seemed superior. **BENNER** responded the commercial fishermen felt that concept 14 was better. That concept separated commercial users from pleasure group users. The older generation also would prefer a shorter walk to their vessels. With the proposed drive-down float that might happen in the next few years, the fishermen would have easy access to the crane and work float. Most of the recreational boat launch users do not moor in the harbor. **SCHNABEL** said the parking seemed smarter in 3A, and more compact, not angling out into Portage Cove. **BENNER** clarified the concepts were preliminary. **SCHNABEL** agreed it was tough to go against what the fishermen wanted.

**5. Confirm 3<sup>rd</sup> Avenue Road Project Design**

**Motion:** **LAPP** moved to "confirm the design of the 3<sup>rd</sup> Ave Project," and the motion carried 5-1 with **SCHNABEL** opposed.

In discussion, **CAMPBELL** asked about the safety of the design, particularly with motorists backing their vehicles into the street. **JIMENEZ** responded the design included crosswalks to get to both sides of Third Avenue. **BERRY** said the Chilkoot Indian Association (CIA) submitted these plans to the federal government, which had no concerns about the design. **SCOTT** asked if a trail from the library to the

school could be made as a separate project to keep people off the street. **SCHNABEL** responded the borough participated heavily in the Safe Routes to School program. She suggested the topic for the joint meeting with the school board.

**Motion:** **CAMPBELL** moved to "add 15 minutes to the meeting," and the motion carried 4-2 with **BERRY** and **LAPP** opposed.

#### **6. Request from Public Safety Commission – Fund Mental Health Training**

**Motion:** **CAMPBELL** moved to "authorize \$4,000 for Mental Health First Aid Training from the Medical Services Area Fund," and the motion carried unanimously.

**Motion:** **WATERMAN** moved to "approve the MOU as written," and the motion carried unanimously.

In discussion, **LAPP** asked if this spending from the medical services fund had been discussed with the ambulance crew, and **SCOTT** responded no. **WATERMAN** asked if Aiding Women in Abuse and Rape Emergencies (AWARE) was contacted. **SCOTT** said AWARE recommended the course. Funding would be brought back to the assembly as a budget amendment. **SCHNABEL** questioned whether specific people had been identified to participate in the training. **SCOTT** answered Lynn Canal Counseling Services would send one staff member (Kelly Williamson) and the other individual would be a Haines community member. **SCHNABEL** was concerned about training non-borough employees. If an individual left town or was unable to provide services, there should be a rebate, so another person could participate in the training. **BERRY** said CIA had a similar reimbursement regulation, which he could forward to the assembly. **SCHNABEL** said she would like to support the \$4,000 in funding, and the issue of rebates could be a policy discussion. **WATERMAN** asked why this request was not going through the normal nonprofit funding process. **SCOTT** responded this request came through the Public Safety Commission. **FORD** stated the commission was asked to consider a problem in the community. The course would certify participants as trainers to assist with problems of domestic violence, sexual assault, suicide, etc. There was a sense of urgency, and this option provided high-quality training. **FORD** said this training was economical and would spread information throughout the community, quickly and effectively. **SCOTT** said the borough could not take on the administration of this, so Lynn Canal Counseling promised to take it on. **COZZI** noted in borough code, there was a requirement for an employee to reimburse training expenses if voluntarily leaving employment within six months.

#### **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** – Wednesday, 3/5/14, 4:30pm – Purpose: Election reform ordinance

#### **14. PUBLIC COMMENTS**

**FORD** stated former police chief Gary Lowe was adamantly opposed to allowing four-wheelers on borough roads. It was probably easier to say they were not allowed than to allow them under specific circumstances. He would like to speak with the new police chief, Bill Musser, about the ordinance. **FORD** did online research, with some websites in support and some in opposition. There was a lot of information, making it difficult to know which pieces to trust. The proposed ordinance would allow licensed and registered

drivers. Accidents were a problem when people broke laws that already existed. If the assembly passed the ordinance, the borough must find a way to make the public aware of the laws. **SCOTT** suggested a delay in the effective date and starting a public relations campaign.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**COZZI** thanked **FORD** for his work as interim police chief.

**LAPP** said he would set a finance committee meeting after looking at the calendar, with a topic of asset allocation.

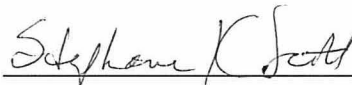
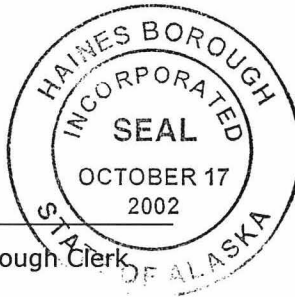
**16. ADJOURNMENT – 9:49pm**

**Motion:** **CAMPBELL** moved to “adjourn the meeting,” and the motion carried unanimously.

ATTEST:



Michelle Webb, Interim Borough Clerk



Stephanie Scott, Mayor