

**Haines Borough  
Borough Assembly Meeting #302  
October 27, 2015  
MINUTES**

**Approved**

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

**Present:** Mayor Jan **HILL**, and Assembly Members Diana **LAPHAM**, George **CAMPBELL**, Mike **CASE**, Dave **BERRY, Jr.**, Joanne **WATERMAN**, and Ron **JACKSON**; and Assembly Members-elect Margaret **FRIEDENAUER** and Tresham **GREGG**.

**Staff Present:** David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Robert **GRIFFITHS**/Interim Chief of Police, Patty **BROWN**/Library Director, and Brad **RYAN**/Director of Public Facilities.

**Visitors Present:** Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Carol **TUYNMAN**, Roy & Brenda **JOSEPHSON**, Paul **NELSON**, Mike **DENKER**, Dana **HALLETT**, Bill **MCCORD**, Don **TURNER** Jr., Kathy **GRIFFITHS**, John **HAGEN**, Debra **SCHNABEL**, Scott **SUNDBERG**, Ryan **JOHNSON**, Evelynna **VIGNOLA**, Audrey **SMITH**, Sean **GAFFNEY**, Joe **PARNELL**, and others.

- 2. APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

- 3 – Approve Assembly Meeting Minutes
- 8B – Accept Finance Report
- 11A3 – Adopt Resolution 15-10-648

**Motion:** **WATERMAN** moved to “approve the agenda/consent agenda,” and it was amended to remove item 8B from the consent agenda. The motion to approve the agenda/consent agenda, as amended, carried unanimously.

- \* 3. APPROVAL OF MINUTES** – 10/13/15 Regular, 10/13/15 Election Canvass

*The motion adopted by approval of the consent agenda: “approve minutes of the 10/13/15 borough assembly regular meeting and the 10/13/15 Election Canvass.”*

- 4. PUBLIC COMMENTS**

**NELSON** – Called for borough manager termination, because he believes he has violated his oath of office.

**PARNELL** – Has concerns about the Boat Harbor project and the condition of Lutak Dock.

**JOSEPHSON** – Thanked the outgoing assembly members, congratulated the new members, and read the administration mission statement.

**VIGNOLA** – Wants the warlike mentality to go away.

**SUNDBERG** – Supports the manager’s decision regarding the skier day allocation for 2016. Three permits without more skier days and more terrain is unfair.

- 5. 2015 BOROUGH ELECTION**

- A. Certification of October 6<sup>th</sup> Borough Election**

**Motion:** **BERRY** moved to “declare the October 6, 2015 Borough Election valid and certify the election results,” and the motion carried unanimously in a roll call vote.

- B. Administration of Oath to Newly-Elected Assembly Members**

Mayor **HILL** administered the oath of office to Assembly Members-elect **GREGG** and **FRIEDENAUER**.

**WATERMAN** and **BERRY** made brief outgoing statements, and **GREGG** and **FRIEDENAUER** replaced them at the dais.

- 6. MAYOR’S COMMENTS/REPORT**

Mayor **HILL** commented on the following: 1) Haines Highway Improvements project workshop and hearing at the school, 2) AMHS public forum date to be determined, 3) Alaska delegation staffers in town meeting with local veterans and the mayor and manager, and 5) would like assembly preferences for committee/liason appointments.

## **7. PUBLIC HEARINGS**

### **A. Ordinance 15-09-421 – Second Hearing**

**An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY15 budget.**

Mayor **HILL** opened and closed the public hearing at 7:05 p.m.; there were no public comments.

**Motion:** **LAPHAM** moved to “adopt Ordinance 15-09-421,” and the motion carried unanimously in a roll call vote.

### **D. Ordinance 15-10-422 – First Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.60.010(I) and 18.100.092(A) to be consistent with the State Department Of Environmental Conservation (DEC) on-site wastewater regulations.**

Mayor **HILL** opened and closed the public hearing at 7:10 p.m.; there were no public comments.

*Note: The assembly already scheduled the second hearing for 11/10/15. No motion was needed now unless the second hearing date needed to change or some other action was desired.*

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

### **A. Borough Manager – 10/27/15 Report**

The manager summarized his written report and responded to a few questions from the assembly.

**Motion:** **FRIEDENAUER** moved to “direct the planning commission to hold a public hearing on the question of whether the borough should regulate the use of commercial recreational helicopters in areas of the Haines Borough for the purpose of mitigating noise, and if so, determine what levels are acceptable under what conditions,” and the motion carried 5-1 with **CAMPBELL** opposed.

### **B. Finance Director – 9/30/15 Permanent Fund Snapshot**

The assembly discussed questions and concerns about the borough’s current investment strategy and decided a reevaluation with more education would be good in the near future.

## **9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES**

### **A. Assembly Board Liaison Reports**

**LAPHAM** – Planning Commission (for **CASE**).

### **B. Assembly Standing Committee Reports**

**CAMPBELL** – Commerce Committee, Economic Development position/structure.

## **10. UNFINISHED BUSINESS**

### **A. Ordinance 15-01-398**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.**

*Note: This ordinance was recommended by the planning commission and introduced on 1/27/15. It had public hearings on 2/10 and 2/24 after which it was referred to the GAS Committee. Following a meeting, that committee referred it back to the planning commission with a committee recommendation. The commission met on 5/14, 7/9, and 8/13 and worked with staff to prepare a substitute ordinance for consideration. On 9/22/15, the assembly unanimously accepted the substitute ordinance and scheduled a third hearing for the public’s sake. That hearing took place on 10/13. Subsequently, a motion to adopt the ordinance was made and then postponed to this meeting. The assembly asked the planning commission to explain its consideration of the GAS Committee’s recommendation. The planning commission discussed this request on 10/15.*

*This is NOT a public hearing, and a motion is already on the table. Therefore, the assembly may proceed with the vote or enter into additional debate.*

**Motion already on the Table:** Adopt Ordinance 15-01-398.

**Motion to Postpone:** **CAMPBELL** moved to “postpone to the next meeting,” and the motion **FAILED** 1-5 with **LAPHAM**, **CASE**, **GREGG**, **FRIEDENAUER**, and **JACKSON** opposed.

**Primary Amendment #1: CAMPBELL** moved to "allow a temporary residence to be on a lot nearby the lot under construction with manager's approval," and the motion **FAILED** 3-4 with **FRIEDENAUER, LAPHAM, and CASE** opposed and the mayor breaking the tie in the negative.

The main motion carried unanimously in a roll call vote with no amendments.

## **11. NEW BUSINESS**

### **A. Resolutions**

#### **1. Resolution 15-10-646**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services contract with Haines Animal Rescue Kennel to provide animal control services from September 1, 2015 through June 30, 2016 for \$23,784.**

**NELSON** asked who can issue citations related to animal control, and **SOSA** responded only the borough manager or the police department.

**SCHNABEL** said a majority of recent survey respondents showed great interest in the borough subsidizing HARK.

**Motion: LAPHAM** moved to "adopt Resolution 15-10-646," and the motion carried unanimously in a roll call vote.

#### **2. Resolution 15-10-647**

**A Resolution of the Haines Borough Assembly urging the state to maintain a viable marine highway system while deploying ferries to maximize economic benefit to the state and traveling public.**

There were no public comments.

**Motion: CAMPBELL** moved to "Adopt Resolution 15-10-647 and authorize the letter of comments to be sent to the AMHS, Governor Walker, and others."

**Primary Amendment #1: Jackson** moved to amend the fifth whereas clause in the resolution by adding the word 'vital' in front of transportation link, the sixth whereas clause in the resolution to add 'particularly in the northern Lynn Canal' after the word routes, the final resolution statement by striking the words 'that will provide economically important transportation services to the northern Lynn Canal while ensuring the viability of the ferry system', and in the letter itself, change the word 'should' to 'must' and state in the second paragraph that the northern Lynn Canal is the **ONLY** logical link." This motion **FAILED** 3-4 with **CASE, CAMPBELL, and LAPHAM** opposed and Mayor **Hill** breaking the tie in the negative.

**Primary Amendment #2: Friedenauer** moved to "strike the phrase 'including rate increases' from from the fifth paragraph in the letter," and the motion carried 4-2 with **CASE** and **LAPHAM** opposed.

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

#### **\* 3. Resolution 15-10-648**

**A Resolution of the Haines Borough Assembly authorizing disposition of public records in accordance with HBC 2.64.030(B) and the Haines Borough Records Retention Schedule.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 15-10-648."*

### **B. Ordinances for Introduction - None**

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

#### **1. Appeal of 2016 Skier Day Allocation**

*AMG and AH both filed timely appeals of the manager's skier day allocation for 2016. Per HBC 5.18080(C)(4), all permittees were parties to this appeal and had the opportunity to make their case before the assembly.*

**GAFFNEY** (Alaska Mountain Guides), **JOHNSON** (Alaska Heliskiing), and **SUNDBERG** (SEABA) all took the opportunity to speak to the assembly. **GAFFNEY** and **JOHNSON** asked for additional user days.

**SOSA** explained the process he went through to make the allocation and the rationale for his decision.

**JOHNSON** and **GAFFNEY** took the opportunity to give a rebuttal.

The assembly deliberated and asked questions of the permittees and the manager.

**Motion: CAMPBELL** moved to "amend the manager's 2016 skier day allocation by giving Alaska Mountain Guides 200 of the 250 reserve days and the remaining 50 to Alaska Heliskiing," and the motion carried unanimously.

The assembly followed this action with a unanimous roll call vote on a motion to "uphold the borough manager's skier day allocation for the 2016 heliskiing season as modified to give additional days to Alaska Mountain Guides and 50 additional days to Alaska Heliskiing."

## **2. Local Bidder Preference**

*Note: on 9/22, in response to a request from Haines Contractors, the assembly directed the manager to investigate this and bring a recommendation to this meeting.*

**Motion: CAMPBELL** moved to "direct the Manager to prepare an ordinance revising the local bidder preference from 3% to 5% and clarifying that the percent difference is calculated as the difference between the low overall bid and the lowest local bid; and, additionally, that the local bidder preference shall be noted in all Requests for Bids or Quotes issued by the Borough," and the motion carried unanimously.

**Motion:** At 9:20pm, **CAMPBELL** moved to "complete the agenda up to 10:30pm," and the motion carried unanimously.

## **3. Appoint Minor Offenses Code Review Committee**

*Note: on 10/13/15, the assembly passed a motion that the mayor was to appoint an ad hoc committee consisting of no more than seven assembly and public members. The mayor accepted letters of interest until Friday, 10/23, and was prepared to announce her appointments during the meeting. She sought assembly confirmation.*

Mayor **HILL** thanked those persons who submitted letters of interest to serve on the committee and announced the committee appointments, as follows:

Deborah Vogt, Mike Denker, Don Turner Jr., Bill Thomas, Ron Jackson, Margaret Friedenauer, and Mike Case

**Motion: LAPHAM** moved to "confirm the mayor's appointments to the Minor Offenses Code Review Committee," and the motion carried unanimously.

## **12. CORRESPONDENCE/REQUESTS**

### **A. Marijuana Regulation Task Force – Chamber of Commerce**

**SCHNABEL** said the Chamber of Commerce is interested in advancing the public discussion on this topic. Thom Ely will head up the Chamber's Task Force, and she asked the borough to please confer with him concerning this topic.

### **B. Public Process re. Committees, Commissions, and Boards – D. Hallett**

**HALLETT** encouraged the assembly to read the report he has in the meeting packet. He will ask to be on the 11/10 agenda when he hopes show his prepared presentation (technology did not cooperate this evening, as he had hoped).

### **C. Request for Resolution of Support for State Parks Management of Chilkoot River Corridor – Tourism Advisory Board**

**GAFFNEY** clarified it is for State Parks to take over the Chilkoot River Corridor management from ADOT. This is the first step to making this situation better. TAB would like a letter from the borough supporting them in that effort.

## **13. SET MEETING DATES**

### **A. Community Funding Committee – Tuesday, November 3, 1:00pm, Borough Administration Conference Room (this is not a public meeting)**

**B. Government Affairs & Services Committee** – Monday, November 9, 4:30pm –  
Legislative priorities and responsibility for setting administrative policies

The Committee of the Whole meeting regarding Cannabis will be rescheduled after the mayor meets with the Chamber of Commerce.

Mayor **HILL** reminded the assembly to let her know their preferences for committees and liaison assignments. She plans to make those appointments very soon.

Mayor **HILL** will send an email to the minor offenses code review committee regarding setting the first meeting date to get the ball rolling. She will keep the assembly apprised.

**14. PUBLIC COMMENTS**

**TUYNMAN** – Updated the assembly regarding the Fort Seward interpretive project. November 2 will start a public process for people to comment on 13 different proposed signs.

**SCHNABEL** – Said the Chamber of Commerce is supportive of the TAB's request regarding the Chilkoot River Corridor, noted a chamber survey showed strong community interest in the borough helping to fund a bear monitor, and encouraged a thank you from the borough to Mike Eberhardt for completing the Battery Point improvements.

**DENKER** – Had a good dialogue with the clerk and mayor regarding communication between the boards, borough, and public, believes all draft board minutes should be approved by the assembly, and really likes the public being able to comment on resolutions.

**HALLETT** – Said there are different requirements for boards and for the assembly committees. The assembly should align policy to code. His document under 12B contains recommendations for the assembly to consider.

**ELY** – The purpose of skier day allocations is to manage public lands and limit the number of helicopters flying around during the season. He called for status quo.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**CASE** – Recognized the borough clerk's efforts and her service to the community.

**CAMPBELL** – Asked for a note on the April meeting agenda to work on legislative priorities for timely inclusion in next year's governor's budget.

**JACKSON** – Welcomed the two new assembly members and noted not all meetings run this long.

**LAPHAM** – agreed with **CAMPBELL** about the governor's budget but added strategic planning and follow-up work are necessary. She too welcomed the two new assembly members.

**16. ADJOURNMENT** – 10:11 p.m.

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

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk

  
Janice Hill, Mayor



