

**Haines Borough**  
**Borough Assembly Meeting #301**  
**October 13, 2015**  
**MINUTES**

Approved

**1. CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** called the meeting to order at 6:31 p.m. in the Assembly Chambers and led the pledge to the flag.

**2. ROLL CALL**

**Present:** Mayor Jan **HILL**, and Assembly Members Diana **LAPHAM**, George **CAMPBELL** (via telephone), Mike **CASE**, Dave **BERRY, Jr.**, Joanne **WATERMAN**, and Ron **JACKSON**.

**Staff Present:** David **SOSA**/Borough Manager (via telephone), Julie **COZZI**/Borough Clerk, Robert **GRIFFITHS**/Interim Chief of Police, Jila **STUART**/Chief Fiscal Officer, and Helen **ALTEN**/Museum Director.

**Visitors Present:** Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Kyle **PONSFORD**, Carol **TUYNMAN**, Brenda **JOSEPHSON**, Margaret **FRIEDENAUER**, Paul **NELSON**, Sue **WATERHOUSE**, Neil **EINSBRUCH**, Tresham **GREGG**, Mike **DENKER**, Dana **HALLETT**, Debra **SCHNABEL**, Rhys **WILLIAMS**, Evelyn **VIGNOLA**, Audrey **SMITH**, Leonard **DUBBER**, Sean **GAFFNEY**, Kelleen **ADAMS**, Tom and Carolyn **GANNER**, Joe **PARNELL**, 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 – Accept Museum Report
- 9A – Accept Parks & Recreation Advisory Committee Minutes
- 9B – Accept Port & Harbor Advisory Committee Minutes
- 9C – Accept Tourism Advisory Board Minutes
- 11A1 – Adopt Resolution 15-10-645
- 11B1 – Introduce Ordinance 15-10-423 & Schedule Public Hearings

**Motion:** **BERRY** moved to “approve the agenda/consent agenda,” and it was amended to remove items 4 and 9C from the consent agenda and to move item 12A up in the agenda to follow the mayor’s report. The motion to approve the agenda/consent agenda, as amended, carried unanimously.

**4. APPROVAL OF MINUTES – 9/22/15 Regular**

**Motion:** **CAMPBELL** moved to “approve the minutes of the 9/22/15 borough assembly regular meeting,” and the minutes were amended to include all of **CAMPBELL**’s comments verbatim under item 10A and all of **DENKER**’s comments under item 14 verbatim. The motion, as amended, carried unanimously.

**5. PUBLIC COMMENTS**

**TUYNMAN** – Said the minor offenses issue is important to the whole community. There are good ideas.

**JOSEPHSON** – Asked the assembly to invalidate the minor offenses ordinance. During a two-week period, over 600 signatures were gathered from concerned Haines citizens asking the assembly to respect the public’s rights.

**C. GANNER** – Asked the assembly to reconsider the minor offenses ordinance. A large part of the community distrusts it.

**NELSON** – Asked for reconsideration of the minor offenses ordinance, and short of that, a mayoral veto.

**PARNELL** – Dismayed nothing has happened at the Lutak Dock to fix it. He asked the assembly to go out and look at it to see the problems and to read the engineer’s report.

**VIGNOLA** – Said the assembly needs to fix the minor offenses ordinance.

**HALLETT** – Said the assembly is in charge and needs to be directing and giving guidance to the administration.

**DENKER** – Said there are powerful arguments for reconsidering the minor offenses ordinances. The public is walking together on this, and the assembly has an opportunity tonight to foster that kind of community. He appealed to the mayor to exercise her veto power, if necessary.

**DUBBER** – Said the community thinks this minor offenses ordinance is a big mistake and should be reconsidered. Most petition signers are not opposed to minor offenses. They just want it done right.

#### **6. MAYOR'S COMMENTS/REPORT**

Mayor **HILL** 1) thanked **LAPHAM** for chairing the 9/22/15 meeting, 2) thanked the folks she was traveling with, and 3) thanked all of the election candidates. She appreciates anyone willing to get on a ballot, and congratulated **FRIEDENAUER** and **GREGG** for their successful election.

#### **12A. Citizen Request for Reconsideration of Ordinance 15-06-413** (moved during agenda approval)

**Motion to Reconsider:** **WATERMAN** moved to "reconsider the 9/22/15 vote to adopt Ordinance 15-06-413," and it carried unanimously.

**Main motion returned to the table:** Adopt Ordinance 15-06-413.

The main motion was amended to change Section 3 by striking the 1/1/16 effective date and have the ordinance stay in the public process and return for an update and further action on 4/27/16. This ordinance is to be sent to appropriate boards & committees and the manager is to continue to work on the policy and recommendations are to come to the assembly at the April 26, 2016 meeting." The amendment motion carried unanimously.

A roll call vote on the main motion, as amended, commenced. Midway during the voting, it became apparent to the clerk that there may have been confusion about what was being voted on. The clerk repeated the motion, and the vote was suspended with no objection.

**Postpone to a Time Certain:** **WATERMAN** moved to "postpone adoption of Ordinance 15-06-413 until April 26, 2016," and the motion carried unanimously.

**Motion:** **CASE** moved that "the mayor appoint an ad hoc committee of no more than seven assembly and public members to review the laws identified in the minor offenses ordinance and make recommendations to the Borough Assembly no later than April 26, 2016," and it was amended to clarify that the committee is to review the minor offenses ordinance as a whole. The motion, as amended, carried 5-1 with **JACKSON** opposed.

#### **7. PUBLIC HEARINGS**

##### **A. Ordinance 15-01-398** – Third Hearing

**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 it was 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. The clerk recommended the assembly schedule a third hearing for the sake of the public since it had been a while.*

Mayor **HILL** opened and closed the public hearing at 8:06 p.m.; there were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 15-01-398."

**Motion to Postpone:** **CAMPBELL** moved to "postpone Ordinance 15-01-398 to the next assembly meeting and ask the planning commission to address the GASC recommendations and explain why they weren't included in the ordinance or provide an explanation of why they don't agree with them," and it was amended to assign the planning & zoning technician the task of seeing this through. The motion to postpone, as amended, carried unanimously.

##### **B. Ordinance 15-09-419** – Second Hearing

**An Ordinance of the Haines Borough amending Title 11, Section 11.28.010 to change the ballot instructions to match the 2014 charter and code amendments that eliminated the requirement to get 40% of the vote in order to be elected.**

Mayor **HILL** opened and closed the public hearing at 8:24 p.m.; there were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 15-09-419," and the motion carried unanimously in a roll call vote.

- C. Ordinance 15-09-420** – Second Hearing  
**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.100.025 to allow a nonconforming lot when it is created as a result of the borough acquiring a portion of a lot to be used exclusively for public utility purposes in the best interest of the borough.**

Mayor **HILL** opened and closed the public hearing at 8:25 p.m.; there were no public comments.

**Motion:** **BERRY** moved to “adopt Ordinance 15-09-420,” and the motion carried 5-1 in a roll call vote with **CAMPBELL** opposed.

- D. Ordinance 15-09-421** – First 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 8:33 p.m.; there were no public comments.

*Note: The assembly already scheduled the second hearing for 10/27/15. No motion was needed now unless the second hearing date needed to change or some other action was desired.*

- E. Ordinance 15-09-422** – First Hearing  
**An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to extend the rate table and to allow for a cruise ship docking discount incentive.**

Mayor **HILL** opened the public hearing at 8:34 p.m.

**SCHNABEL** – Recognizes a resolution was already adopted approving the waiver, but for the record, there are people including herself who are opposed to it.

**GAFFNEY** – Thanked the assembly for their support of the waiver incentive. During the recent cruise line meetings, it was a key element.

Hearing no further comments, the mayor closed the hearing at 8:39 p.m.

*Note: The assembly already scheduled the second hearing for 10/27/15. No motion was needed now unless the second hearing date needed to change or some other action was desired.*

The mayor explained that staff requested the second hearing be rescheduled; the wording may need to be adjusted.

**Motion:** **BERRY** moved to “reschedule the second public hearing for 11/10/15,” and the motion carried unanimously.

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

- A. Borough Manager – 10/13/15 Report**

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

- \*B. Sheldon Museum – Director’s Report for September 2015**

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

- \* A. Parks & Recreation Advisory Committee – Committee-Approved Minutes of 8/17/15**  
**\* B. Port & Harbor Advisory Committee – Committee-Approved Minutes of 7/23/15 & 8/27/15**  
**C. Tourism Advisory Board – Board-Approved Minutes of 8/28/15**

**JACKSON** had a question about a letter referenced in the minutes.

- D. Assembly Board Liaison Reports**

**LAPHAM** – Tourism Advisory Board

**CASE** – Planning Commission

**JACKSON** – Public Safety Commission

- E. Assembly Standing Committee Reports**

**LAPHAM** - Committee of the Whole (Noise Study Presentation)

**WATERMAN** - Finance Committee

**LAPHAM** – Government Affairs & Services Committee

**10. UNFINISHED BUSINESS** - None**11. NEW BUSINESS****A. Resolutions****\* 1. Resolution 15-10-645**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a construction contract with Island Contractors for the Haines Senior Center Siding Replacement project for an amount not to exceed \$106,250.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 15-10-645."*

**B. Ordinances for Introduction****\* 1. Ordinance 15-09-422**

**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.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 15-10-423 and set a first public hearing for 10/27/15 and a second public hearing for 11/10/15."*

**C. Other New Business****1. Board Appointments**

*Note: Appointment applications were received for seats on the museum board. The mayor planned to make the appointments and sought assembly confirmation.*

**Motion: WATERMAN** moved to "confirm the mayor's appointments to the Museum Board of Trustees: Kelleen Adams for a term ending 11/30/2017 and Gregg Richmond for a term ending 11/30/2016," and the motion carried unanimously.

**2. Economic Analysis of Harbor – Discussion Item** (requested by Ron Jackson)

*Note: This agenda item was requested by Assembly Member Jackson.*

**JACKSON** likes the analysis Petersburg had done and would like to see cost estimates for hiring a consultant to do something similar for the Haines Harbor.

**3. Summer 2016 Ferry Schedule**

*AMHS was seeking comments. The assembly will draft a letter and compose language for a future resolution. The schedule could be accessed through a link at [FerryAlaska.com](http://FerryAlaska.com).*

**HILL** said the staff is gathering information for drafting a resolution and comments. There will also be a community letter-writing campaign.

Mayor **HILL** announced she will receive letters of interest until 5:00 p.m., October 23 for appointment to the Minor Offenses Code Review Committee, and the committee members will be announced on October 27.

**12. CORRESPONDENCE/REQUESTS****A. Citizen Request for Reconsideration of Ord. 15-06-413 Adopted 9/22/15**

*(During approval of the agenda, this item was moved up in the agenda ahead of the mayor's report.)*

**13. SET MEETING DATES** - None**14. PUBLIC COMMENTS**

**DENKER** – Suggested the communications class at the school could put together a video to make the borough's ferry comments stand out.

**TUYNMAN** – 1) Hopes a harbor economic analysis would compare the comprehensive plan and concept 14B, 2) is interested in serving on the minor offenses committee, and 3) believes the Cruise Ship Waiver sends a negative message to the community.

**NELSON** – Thanked the assembly for reconsidering the minor offenses ordinance and encouraged the assembly to look at the constitution.

**JOSEPHSON** – Thanked the assembly for reconsidering the minor offenses ordinance. It would be good to expand the committee membership to include local attorneys.

**PONSFORD** – Thanked **WATERMAN** and **BERRY** for their service on the assembly, and extended his appreciation to the whole group.

**GREGG** – Said it was a great meeting, and he is impressed by the assembly's understanding of the government process. He thanked **WATERMAN** and **BERRY** for their work on the assembly.

**ALTEN** – Thanked **WATERMAN** and **BERRY** for their service.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**LAPHAM** – Said it has been an honor to serve alongside **WATERMAN** and **BERRY**. She welcomed the incoming assembly. It's not an easy job but can be extremely rewarding. The ultimate goal is the betterment of the community, and the assembly genuinely cares.

**JACKSON** – 1) Congratulated the two new members, and 2) he is really impressed by the work the community did regarding the minor offenses ordinance.

**CAMPBELL** and **CASE** – Thanked **BERRY** and **WATERMAN** for their service.

**BERRY** – He has enjoyed his time serving the public but circumstances in his life have made it so he can't serve anymore. He appreciated the public's votes for him and he may be back.

**WATERMAN** – Said it has been a challenge and she is always learning. It's been fun for the most part, and she may return.

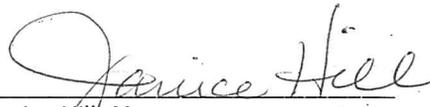
**16. ADJOURNMENT** – 9:25 p.m.

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

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk



  
Janice Hill, Mayor

