


Haines Borough
Borough Assembly Meeting #257
AGENDA

November 12, 2013 - 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

TBD
Borough Manager

Julie Cozzi,
Interim Manager

Michelle L. Webb,
Interim Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL

2. 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:

- 8B – Sheldon Museum Report
- 8C – Chilkat Center for the Arts Report
- 9A - Sheldon Museum Board of Trustee Minutes
- 11A1 – Adoption of Resolution 13-11-514
- 11A2 – Adoption of Resolution 13-11-515
- 11A3 – Adoption of Resolution 13-11-516
- 11A4 – Adoption of Resolution 13-11-517
- 11A5 – Adoption of Resolution 13-11-518
- 11B2 – Introduction of Ordinance 13-11-356
- 11C2 – Board Appointments
- 11C3 – Assembly Committee Appointments
- 11C4 – Opportunity for Comment - Dusty Trails Acquisition and Rehabilitation
- 11C5 – Rebate on Vehicle Registration Fees
- 11C6 – Review of Election Practices and Code
- 12A - Alaska Marine Highway Parking Waiver Application

3. APPROVAL OF MINUTES – None

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

5. 2013 BOROUGH ELECTION

A. Approve Election Contest Findings of Fact

(Note: the two new Assembly members should not participate in adopting the findings as they were not involved in making the certification decision.) **Motion:** Adopt Election Contest Findings of Fact.

B. Oaths of Office/Borough Assembly

C. Cost of Election Investigation

*Haines Borough Code 2.68.550 Expenses of contested election states that "All expenses incurred by the borough pursuant to an election contest shall be paid by the candidate or voters contesting the election and each of them shall be individually liable for the whole amount of such expenses, unless: (A) the results of the election are changed by a recount, or (B) the difference between the winning and losing vote on the result contested is changed by more than two percent, or (C) the assembly determines that the election was invalid, or (D) otherwise ordered by the assembly. (Ord. 10-05-229 § 4). The following motion is recommended by the Mayor (please attached memos). **Recommended Motion:** All expenses incurred by the borough pursuant to the election contest be absorbed by the Haines Borough.*

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

A. Ordinance 13-10-351 – Second 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 borough manager and chief financial officer. It was introduced on 10/8 and had a first public hearing on 10/22. A memo from the finance director outlines several additional recommended amendments as a result of the 11/6 Finance Committee Meeting. **Motion:** Adopt Ordinance 13-10-351.*

7. PUBLIC HEARINGS ---continued---

B. **Ordinance 13-10-353** – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.070 to make changes to fees and penalties.

This ordinance is recommended by the interim borough manager and was introduced on 10/22.

Motion: Advance Ordinance 13-10-353 to a second public hearing on 12/10/13.

C. **Ordinance 13-10-354** – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.70.030 to define recreational zone and adding Haines Borough Code Title 12 Section 12.50 to prohibit motorized use in the Chilkat River Beaches Recreational Zone.

This ordinance is recommended by the planning commission and was introduced on 10/22.

Motion: Advance Ordinance 13-10-354 to a second public hearing on 12/10/13.

D. **Ordinance 13-07-339** – First Hearing

An Ordinance of the Haines Borough amending Borough Code Section 5.18.080 to change the procedure for amending the Commercial Ski Tour Areas Map.

This ordinance was proposed by Mayor Scott. It was introduced on 7/23/13 and referred to the Government Affairs & Services Committee. It returned to the assembly on 10/22 when it was amended with a substitute ordinance and scheduled for a first public hearing. **Motion:** Advance Ordinance 13-07-339 to a second public hearing on 12/10/13.

8. STAFF/FACILITY REPORTS

A. **Interim Borough Manager** – 11/12/13 Report

* B. **Sheldon Museum** – Staff Report of August-September 2013

* C. **Chilkat Center for the Arts** – Adjusted Use Report for August 2013

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* A. **Sheldon Museum Board of Trustees** – Minutes of 10/7/13

B. **Assembly Standing Committee Reports**

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

*1. **Resolution 13-11-514**

A Resolution of the Haines Borough Assembly waiving the \$250.00 after-the-fact fee assessed for keeping chickens in a single residential zone without a conditional use permit on parcel # C-CEM-00-1500 belonging to Penny Fossman.

This resolution is recommended by the planning commission. **Motion:** Adopt Resolution 13-11-514.

*2. **Resolution 13-11-515**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of a surplus 1981 CAT 950 loader by any of the methods specified in Haines Borough Code 14.24.010 (Disposal of personal property).

This resolution is recommended by the interim borough manager. **Motion:** Adopt Resolution 13-11-515.

*3. **Resolution 13-11-516**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Pacific Rim Mechanical in the amount of \$19,500 for the installation of a harbor pump-out system.

This resolution is recommended by the director of public facilities, the ports and harbor advisory committee, and the harbormaster. **Motion:** Adopt Resolution 13-11-516.

*4. **Resolution 13-11-518**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Community Waste Solutions in the amount of \$40,000 for the disposal of surplus material from the demolition of the Port Chilkoot Dock.

This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 13-11-518.

11. NEW BUSINESS

A. Resolutions --continued--

*5. Resolution 13-11-519

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services agreement with CTA Architects and Engineers for Wood Heat Design for an amount not-to-exceed \$33,000.

*This resolution is recommended by the administration. **Motion:** Adopt Resolution 13-11-518.*

6. Resolution 13-11-517

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Arcticom for the E-911 and Dispatch Services Project for an amount not-to-exceed \$487,319.30.

*This resolution is recommended by the interim chief of police and the director of public facilities. The proposed funding of this resolution is dependent on the passage of an amendment to Ordinance 13-10-351. **Motion:** Adopt Resolution 13-11-518.*

7. Resolution 13-11-520

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Berry Brothers Towing & Transport for an amount not-to-exceed \$50,000 for the purchase of a Freightliner flatbed truck.

*This resolution is supported by the administration. The proposed funding of this resolution is dependent on the passage of an amendment to Ordinance 13-10-351. **Motion:** Adopt Resolution 13-11-518.*

B. Ordinances for Introduction

1. Ordinance 13-11-355

A Non-Code Ordinance approving the conveyance to the State of Alaska, Department of Natural Resources ("DNR") of Lot 7, Block B Excursion Inlet South Subdivision Plat No. 81-58 Juneau Recording District First Judicial District State of Alaska.

*This ordinance is recommended by the borough attorney and finance director. **Motion:** Introduce Ordinance 13-11-355 and set a first public hearing for 12/10/13.*

*2. Ordinance 13-11-356

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.60.055 to remove the review of membership applications by the committee, board or commission when filling vacancies.

*This ordinance is recommended by the mayor and interim borough manager. **Motion:** Introduce Ordinance 13-11-356 and set a first public hearing for 12/10/13.*

C. Other New Business

1. Appeal of Planning Commission Decision

Explanation/History: *The borough manager issued an enforcement order to property owner Fred Einspruch requiring the payment of a \$250 after-the-fact fee for constructing a carport without a land-use permit as required by borough code. Einspruch appealed to the planning commission and on October 10. The planning commission voted to deny the appeal, thereby recommending the assembly to not waive the fee (HBC 18.30.070(D)). HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. Einspruch submitted an appeal to the borough clerk on 10/17. 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.*

Note: *Any rehearing must take place at the next regularly scheduled assembly meeting (12/10) and include a duly-noticed public hearing.*

* 2. Board Appointments

*An appointment application has been received for a seat on the Public Safety Commission. The mayor plans to make the appointment and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Judy L. Erekson to the Public Safety Commission for a term ending 11/30/2015.*

11. NEW BUSINESS

C. Other New Business --continued--

* 3. **Assembly Committee Appointments**

*The mayor plans to make appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Standing and Advisory Committee assignments, appointment of Jerry Lapp as Deputy Mayor, and request for staff support for Assembly Standing Committees.*

* 4. **Opportunity for Comment - Dusty Trails Acquisition and Rehabilitation**

The St. Vincent de Paul Society has contacted the Haines Borough Assembly as they are applying to the Alaska Housing Finance Corporation's Goal Program to acquire and rehabilitate the Dusty Trails apartments. AHFC requires that the local government be contacted and are given opportunity to comment. No motion or comment is required, but an opportunity to comment is being provided.

* 5. **Rebate on Vehicle Registration Fees**

*Assembly member Schnabel has requested this issue to be examined by the Commerce Committee. **Motion:** Refer the examination of Motor Vehicle Registration Tax in conjunction with Commercial Passenger/Tour Vehicles fees to the Commerce Committee.*

* 6. **Review of Election Practices and Code**

*Mayor Scott recommends the GAS Committee review election practices and Title 2 election code as a result of the October 2013 election, election contest, and resulting investigation. **Motion:** Refer the review of election practices and code to the Governmental Affairs and Services Committee.*

7. **McDowell Group Revised Proposal Regarding Tourism Impact Study**

Staff is seeking direction.

8. **Haines Borough Manager Recruitment**

*The borough recently interviewed four applicants for the borough manager and would like to progress with an on-site interview and possible consulting. **Motion:** Authorize David Sosa travel to Haines for an on-site interview.*

12. CORRESPONDENCE/REQUESTS

- * A. **Alaska Marine Highway Parking Waiver Application** – Letter from Mayor Scott to AMHS requesting overnight parking waiver for the Haines ferry terminal.

13. SET MEETING DATES

- A. **Government Affairs & Services Committee** – Topics: Discussion of Ordinance 13-10-352 regarding revisions to Title 13 Water and Sewer Service procedures and potentially the review of election practices and code (item 11C6). Ordinance 13-10-352 was assigned to the GAS committee on 10/22/13.
- B. **Commerce Committee** – Topic: Discussion of Commercial Tour Vehicles and Motor Vehicle Registration Tax may be assigned at this meeting per item 11C5.

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT