

Haines Borough
Borough Assembly Meeting #257
November 12th, 2013
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG: Mayor **SCOTT** called the meeting to order at 6:30 p.m. 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**, George **CAMPBELL**, Joanne **WATERMAN**, Dave **BERRY**, and Diana **LAPHAM**.

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Borough Clerk, Jila **STUART**/Chief Financial Officer, Carlos **JIMENEZ**/Director of Public Facilities, Dean **OLSEN**/Assistant Assessor, Marty **MCGEE**/Contract Assessor, and Tanya **CARLSON**/Tourism Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Rob **GOLDBERG**/Planning Commission, Bill **KURZ**, Ardy **MILLER**, Mike **DENKER**, Dana **HALLETT**, Heidi **ROBICHAUD**, Heather **LENDE**, Thom **ELY**, Greg **PODSIKI**, Fran **TUENGE**, Leonard **DUBBER**, George **FIGDOR**, Nick **TRIMBLE**, and others.

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~~ 518 (corrected, but removed from the consent agenda)
- 11A5 - Adoption of Resolution 13-11-518----- 519 (corrected)
- 11B2 - Introduction of Ordinance 13-11-356
- 11C2 - Board Appointments
- 11C3 - Assembly Committee Appointments
- ~~11C4 - Opportunity for Comment - Dusty Trails Acquisition and Rehabilitation~~ (removed from the consent agenda)
- 11C5 - Rebate on Vehicle Registration Fees
- 11C6 - Review of Election Practices and Code
- 12A - Alaska Marine Highway Parking Waiver Application

Mayor **SCOTT** announced the following numerical changes to the consent agenda shown above. Also the motions for Resolutions 13-11-519, 13-11-517, 13-11-520 were corrected to match the resolution numbers. Also, **SCOTT** requested that item 5A - Approve Election Contest Findings of Fact be removed from the agenda, and there was no objection.

Motion: **LAPP** moved to approve the agenda and consent agenda with the following items removed from the consent agenda as notated above: 11A4 - Adoption of Resolution 13-11-518 and 11C4 - Opportunity for Comment - Dusty Trails Acquisition and Rehabilitation.

3. APPROVAL OF MINUTES - None

4. PUBLIC COMMENTS

MILLER thanked the assembly for their investigation. She was disappointed the election was not re-run and that some of her concerns were not addressed. She agreed with the borough attorney and Mayor **SCOTT** that the borough gained from the review of the election procedures. In light of this gain, she asked the cost of the election investigation be borne by the borough.

OLSEN introduced the new Borough Contract Assessor, Marty **MCGEE**.

MCGEE summarized his education and professional background and is looking forward to helping the borough with the challenges it's facing. He stated his availability to individuals and is looking forward to a meeting with the assembly as a whole in a future visit. He will be working with **OLSEN** and **COZZI** to send regular reports.

DENKER spoke about the cost of the election. He thanked **MILLER** for her bravery and agrees with the Mayor that the borough should bear the cost of the election

HALLETT agreed with other comments. **MILLER** should not be charged for the cost of the election. He supports the review of election practices moving forward.

ROBICHAUD also believes that the borough should pay for the election investigation and believes individuals should be free to question the election process.

5. 2013 BOROUGH ELECTION

~~**A. Approve Election Contest Findings of Fact** (Removed from the agenda)
(Note: the two new Assembly members should not participate in adopting the findings as they were not involved in making the certification decision.)~~

B. Oaths of Office/Borough Assembly

WEBB administered the public oath of office to **CAMPBELL** and **LAPHAM**, whose elections were certified during the October 22, 2013 assembly meeting. They were officially sworn in by the clerk on October 28, 2013.

C. Cost of Election Investigation

Motion: **SCHNABEL** moved that "all expenses incurred by the borough pursuant to the election contest be absorbed by the Haines Borough," and it carried with **CAMPBELL** and **BERRY** opposed.

In discussion, **WATERMAN** and **SCHNABEL** felt their feelings were explained well during the public comments. **BERRY** stated that because **MILLER** contested the process, not the outcome of the election, he is concerned about setting a precedence. **LAPP** felt this was a difficult decision. He remarked a letter of concern to the assembly about the election process would have been better.

6. MAYOR'S COMMENTS/REPORT

SCOTT reported she has been working on the election contest, reviewed manager applicants, and economic development. The mayor apologized for short notice of the release of the election investigation report. It was not purposeful. She explained that she is going to promote a minimum length of time between when documents are produced and when key decisions are made. She is also going to promote nine points of review of the election process and practices. She announced that **CULBECK** and **SCOTT** will be presenting at the Alaska Municipal League conference next week on economic development and biomass energy. Finally, Haines has been identified to be the leader in the food security. Haines created food security initiatives which led to a farmer's market and four new farms.

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.

Mayor **SCOTT** opened and closed the public hearing at 6:55pm; there were no public comments.

Motion: **WATERMAN** moved to "adopt Ordinance 13-10-351," and it was amended to include proposed amendments #1, #2, #3, and #4. This motion carried unanimously.

In discussion, **LAPP** remarked that the finance committee had reviewed the proposed amendments, and come forward with several more. **SCHNABEL** spoke in favor of amendment #4, which would provide funding for projects to move forward. **BERRY** clarified the flat bed truck would be used to move vehicles and other equipment. **CAMPBELL** stated his concern for the borough towing vehicles instead of issuing another request for proposals for towing services. **SCHNABEL** stated it was her understanding the borough would not be "in business" of towing, but the truck was to be used in borough operations. **LAPHAM** was concerned about the amount of manpower both towing and other tasks would take. **JIMENEZ** stated he was not concerned about towing pulling people away from activities like snow removal. **CAMPBELL** also was concerned about police impoundment.

Motion: **CAMPBELL** successfully moved to divide the question.

Primary Amendment Vote, as divided:

Amendment #1 – carried with **CAMPBELL** and **BERRY** opposed.

Motion: **SCHNABEL** moved to reconsider her previous vote, but then withdrew her motion.

Amendment #2 and Amendment #4 - carried unanimously.

In further discussion, **LAPP** asked **JIMENEZ** to explain amendment #3, which was also discussed at the finance committee. **JIMENEZ** stated that \$108,000 was a worst case scenario to make the

project happen. **SCOTT** stated her concern about the potential failure of the current E911 system. **JIMENEZ** said the equipment would be portable if a new public safety building was built. **COZZI** also added former Manager Earnest drafted an ordinance for a phone surcharge to pay for these upgrades, operations, and maintenance. She will bring this ordinance to the assembly at a future meeting.

In discussion of the main motion, **SCHNABEL** was sensitive to the concerns of paying for the flatbed truck. She would like to see a description of how this truck will be used and would like to see more information about how the towing program will work. **CAMPBELL** spoke against borough towing and the flatbed truck, but was in support of the other pieces of the ordinance.

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.

Mayor **SCOTT** opened the public hearing at 7:18pm.

GOLDBERG spoke on behalf of the planning commission. He stated when construction is not declared the borough is not able to collect taxes on the property improvements. The fee is for the loss of property tax, therefore, the \$250 amount. However, in cases where there are no monies lost, like too many chickens or RVs without a permit, the fees have been reduced. Additionally, this ordinance allows for a certified warning letter to be sent. Finally, the borough has had difficulty collecting fines assessed, and this ordinance will help with the collection process.

Mayor **SCOTT** closed the public hearing at 7:21pm.

Motion: **WATERMAN** moved to "advance Ordinance 13-10-353 to a second public hearing on 12/10/13," and it was amended to replace "\$1,000" with "\$2,500" for the maximum fine in section B. The motion, as amended, passed unanimously.

In discussion of the amendment, **CAMPBELL** felt that a more substantial fine would be more reasonable in consideration of the amount of time staff invests in enforcement. **BERRY** thought that \$2,500 was too much. **SCHNABEL** asked for staff to speak to the responsibility of the administration to enforce fees for building without a permit. **COZZI** reported that staff often notices un-permitted building while doing other tasks and inspections. Staff tries to monitor happenings in the community and some citizens report or question building. She is in favor of this ordinance as it allows for a warning letter before a fee is assessed. **SCOTT** stated that most people choose to comply voluntarily. **GOLDBERG** stated that 3% of the value of an improvement can be charged instead of a \$250 fine under the current code.

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.

Mayor **SCOTT** opened the public hearing at 7:30pm.

GOLDBERG representing the planning commission stated he wanted to clarify that not all recreational zones will be non-motorized.

LENDE read a statement from Betty Holgate who lives on Mud Bay road. She removed a number of dams and built a rock fish ladder on her property. She understood that this area was already protected from motorized vehicles. Holgate believes that banning motorized vehicles will protect the wildlife in this area.

ELY is a resident north of this area. There is no place for ATVs to go in this area. This beach was posted pedestrian access only, but the sign were removed at some point. He felt this is an ideal place for pedestrian use. He reported there are not many ATVs out in this area, and encourages that non-motorized use should be codified.

PODSIKI just started a vacation rental in this area, which has been very successful. He felt this is, in part, due to the area being peaceful without motorized vehicles. He remarked that there are other areas for motorized use. He likes ATVs and snow machines, just not in this area.

P. CAMPBELL has four sons and has used this area for ATV use. She is concerned the removal of this beach for motorized use will cause problems, as there is nothing for kids to do. She read a statement from the State of Alaska in regards to the use of common waters, tide areas, and submerged lands owned by the state. She presented a number of letters from Mud Bay residents. A written statement from A. Brooks letter stated that ATVs are not a problem, in her opinion, unlike loud noises, unleashed dogs, etc. and is opposed to this ordinance.

H. LENDE spoke for herself. She feels that this ordinance is needed. There has been voluntary compliance of no motorized use due to the belief that it was illegal. However, an ordinance will clear recent confusion and conflict of. She stated this beach is the only trap-free dog walk for pets off leash. **LENDE** believed that **CAMPBELL** was opposed to this ordinance because he felt it was a first step in banning ATVs in all areas. She believes that local control, and not state control, would be better in this area. In conclusion, she thanked the planning commission for their work.

TUENGE stated that she had been walking on this beach for years and loves it. She now lives in the area. She shared a story that a visiting couple from South Africa appreciated this location as a place to walk that was beautiful and easily accessible.

DUBBER is concerned that the borough doesn't own this land, and therefore, should not regulate it. **SCOTT** answered that the borough can work with the state to regulate use, and is commonly done.

FIGDOR shared his research on this matter. He cited a 2001 borough report which recommended prohibiting motorized use in this area. He commented there is a long history on this matter. His recollection is the Department of Natural Resources recommended that only two areas in the valley be restricted from motorized use: the top of Mt. Ripinsky and Chilkat River Beaches.

DENKER supported this ordinance and recommended that the assembly move this forward to a second public hearing.

Mayor **SCOTT** closed the public hearing at 7:53pm.

Motion: **WATERMAN** moved to "advance Ordinance 13-10-354 to a second public hearing on 12/10/13," and it carried 5-1 with **CAMPBELL** opposed.

In discussion, **BERRY** stated there may be a mischaracterization of some assembly members' concerns regarding this ordinance. He felt the borough should be more proactive and have a policy regarding where motorized vehicles should be used. **LAPHAM** has used this area for motorized vehicles, and she did not feel that this was a good place to ride. She also would like to see an area set aside to ride in the townsite. She recently walked her dogs in this area and agrees with citizens about the beauty and their hope to protect it. **LAPHAM** and **CAMPBELL** stated their belief that the acts of one individual led to this discussion. **CAMPBELL** clarified about his experience in this area with motorized vehicles. He felt that making regulations should be the last line of defense. He understands the concerns of the citizens, but has problems with this ordinance. He pointed out that less than a mile away is Chilkat State Park which is non-motorized for pedestrian use.

Motion: **CAMPBELL** moved to have this sent back to the planning commission. The vote was tied, and the mayor broke the tie. The motion failed.

In discussion of the failed motion, **SCHNABEL** spoke against sending this ordinance back to the planning commission. The planning commission spent significant time speaking with the public on this matter. In discussion of the main motion, **LAPP** also agreed this area is not good for motorized vehicles. However, he hates seeing places closed off to motorized use. He felt there was a way to regulate without prohibition and there should be an exception for motorized wheelchairs. **WATERMAN** stated the Americans with Disabilities Act would protect motorized wheelchair use. **SCOTT** stated that the 2001 borough plan also proposed improvements such as increased parking and walking trails. She believes there is still more work to do to develop this area. **LAPP** also asked to have Article 8, Section 3 of the Alaska Constitution reviewed to see if the borough is within their rights. **SCOTT** reported that she has been working with the State of Alaska. While the borough is not required to work with the state, the administration is choosing to do so.

A five minute recess was given.

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.

Mayor **SCOTT** opened the public hearing at 8:15pm.

ELY stated this legislation was long overdue. He believes there is an ample operating area available, and doesn't need to be re-hashed every year. However, he proposed the original committee make-up be used. He felt important stakeholders had been excluded and the proposed committee membership was stacked in favor of industry. He was also concerned

about having a representative from the commercial ski industry voting on the regulations that govern the industry.

FIGDOR also spoke to the map committee make-up. He remarked the committee is best served with many voices and a diversity of opinions. He was concerned some groups have been excluded, like Lynn Canal Conservation. He too would like to hear a discussion regarding industry voting on their own regulations.

TRIMBLE spoke on behalf of Southeast Alaska Backcountry Adventures (SEABA). It wasn't until this committee was created that industry had a seat at the table. He believes industry input about such a technical process as map creation is important. He would like more technical input and expertise be added to the process as technical information such as aviation experience, mountaineering information, weather, and safety are critical. He spoke to several particular areas which are important to maintain and grow business. He asked these areas to be returned to the map if the process is to be locked down for three years.

P. CAMPBELL requested the Chamber of Commerce be added to the committee. She believes there should be balance on the committee.

The mayor closed the public hearing at 8:25pm.

Motion: SCHNABEL moved to "advance Ordinance 13-07-339 to a second public hearing on 12/10/13. The motion and its successful amendments: inserting "change requests shall be limited to a body of 500 words. Documentation will not be limited, but shall be submitted as attachments" at the end of section 1A, and to add the Chamber of Commerce as a voting member of the committee were superseded by a motion (below) which sent the ordinance back to the GAS committee.

In discussion, **BERRY** stated the Government Affairs and Services committee (GAS) met and worked to make sure the committee make-up reached every portion of the community. He spoke in favor of the current committee membership, but would not be opposed to a Chamber of Commerce representative. **LAPHAM** asked **TRIMBLE** if the Pyramid Harbor and Haska areas were visible to neighbors. **TRIMBLE** responded that the Pyramid Harbor area was not, but the removal of the landing had basically eliminated this area for use. The Haska area was visible by neighbors, but is at least 5 miles away from residents and is used as a safe area. **CAMPBELL** stated there had been excellent work on this ordinance and agreed with the current committee membership.

In discussion of the amendment, **CAMPBELL** felt 500 words was satisfactory for a summary, but unlimited documentation will allow the committee to review information as needed. **LAPHAM** felt any additional documentation would be helpful with an issue this controversial.

Motion: SCHNABEL moved the language in paragraph D which states "will not be bound to the recommendations but" be replaced with "the manager shall present it to the assembly for consideration."

SCHNABEL remarked paragraph D was confusing and needed to be amended. **WATERMAN** clarified the borough manager will continue to be allowed to put forth their opinion on the matter. She felt the borough manager's consideration was important guidance to the assembly. **SCOTT** remarked the original language intended the committee's recommendation would be presented to the assembly with the manager's input.

Motion: SCHNABEL moved to withdraw her motion to amend and present different language at the next hearing.

LAPP felt the Chamber would represent business in town, which currently doesn't have a voice on the board. **SCHNABEL** spoke against this amendment as she feels the tourism advisory committee seat is adequately representative of business interests. In rebuttal, **LAPP** stated the tourism advisory committee seat only speaks for tourism business, not all businesses like the Chamber of Commerce. **SCOTT** stated she was sympathetic of **TRIMBLE**'s testimony about a lack of mountaineering representative to supply technical expertise.

Motion: SCHNABEL moved to "return this ordinance to the GAS committee for reconsideration of the map committee make-up". The motion carried 4-2 with **WATERMAN** and **BERRY** opposed. This motion supersedes the other main motion.

In discussion, **SCHNABEL** felt that an assembly member should not be a committee member. Also, she questioned the stakeholder interest of Chilkoot Indian Association (CIA) on the board. She asked for clarification if this was to be a political map or a technical map. She believed the true stakeholders had not yet been fully identified. **LAPP** concurred with **SCHNABEL**'s comments. **BERRY** disagreed and advised against having too many seats on the committee, as it would make meetings difficult. He said the committee is not stacked against the concerns of the public. However, he supported the need for a technical seat.

8. STAFF/FACILITY REPORTS

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

COZZI thanked **STUART** and staff for their work in her absence. She added to the information about the borough administration phone system. In **COZZI**'s absence **STUART** was able to tweak ring through options and re-recorded a shorter introduction. It is not her goal to replace the phone system, if it is not necessary. **COZZI** was also able to report that the new police officer's name is Travis Marshall. He will start Dec. 30th and is a current officer in Wasilla. Also, she has worked with Warren Johnson, the IT consultant, to provide restricted access to wireless internet for assembly members in the chambers. It is hoped this will be in place by the next meeting. She encouraged further suggestions and feedback. She was thanked for a great 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 – None

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.

The motion adopted by approval of the consent agenda: "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).

The motion adopted by approval of the consent agenda: "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.

The motion adopted by approval of the consent agenda: "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.

There were no public comments.

Motion: **BERRY** moved to "adopt Resolution 13-11-518" and the motion carried unanimously.

In discussion, **JIMENEZ** summarized the large estimate from the Port Chilkoot (PC) Dock contractor and the smaller proposed contract amount with Community Waste Solutions (CWS) for the disposal of dock wood. He stated there have also been discussions of alternate disposal methods such as continued bid sales and storage on borough property. **JIMENEZ** stated there are nuisance considerations to be accounted for if the borough wishes to store the wood on public land long term. **WATERMAN** remarked there may be more opportunities to sell wood through the bid process in the spring during the building season. **JIMENEZ** felt there was no rush in disposing of the wood already located at the Public Safety Building (PSB), and **COZZI**

agreed. **CAMPBELL** felt it was unwise to postpone the wood's removal. **BERRY** was concerned about spring snow melt leaching chemicals into the water table. **SCOTT** would like to remove the lumber from the PSB before spring as it is unsightly. **LAPP** was in favor. **COZZI** spoke to her report which stated the borough may benefit from further contract negotiations with CWS. She clarified adoption of the resolution would not prevent any further negotiation.

***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.

The motion adopted by approval of the corrected consent agenda: "adopt Resolution 13-11-519."

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.

There were no public comments.

Motion: **BERRY** moved to "adopt Resolution 13-11-517," and it passed unanimously.

There was no discussion.

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.

There were no public comments.

Motion: **BERRY** moved to "adopt Resolution 13-11-520," and it passed unanimously.

BERRY clarified he has no relation to the Berry Company in this resolution.

In discussion, **JIMENEZ** stated the truck is located in California and the borough had successfully negotiated on the price. Arrangements for transporting the truck to Haines were discussed. **CAMPBELL** asked if the borough contracts for towing with a private company, will this vehicle still be a good purchase. **JIMENEZ** answered yes, and stated this would still be useful in other borough operations. **CAMPBELL** restated that he is not in favor of the borough towing private vehicles.

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.

Motion: **WATERMAN** moved to "introduce Ordinance 13-11-355 and set a first public hearing for 12/10/13," and it passed 4-2 with **CAMPBELL** and **SCHNABEL** opposed.

In discussion, **STUART** explained the history of this parcel which was first sold to a private party in a state land sale. However, the borough foreclosed on the property due to non-payment of property tax. The foreclosure was conducted through the court system, and the borough received a deed to the land. The parcel was then resold in a bid auction to a new private land owner. A year and a half after foreclosure, the state has requested the deed to this property. It contends the first land owner never completed payment. The passage of this ordinance will allow the borough attorney to work toward an equitable solution for all parties.

***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.

The motion adopted by approval of the consent agenda: "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

Einspruch Appeal of an After-the-Fact Fine

EINSPRUCH (by phone) presented his appeal of the fine. He was not able to attend the 10/10/13 planning commission (PC) meeting to appeal and that code did not allow for a postponement or an extension. He was concerned that the PC ruled on his appeal without any appellant input. He stated he has not been allowed to present his case regarding the fine. He wished to present his case before the government and to receive due process regarding this matter. **SCOTT** clarified if **EINSPRUCH** felt the planning commission arrived at their decision because he was not able to present his case, and because no extension was available, he had not received due process for his case. He answered yes.

Several procedural questions were asked and answered including **BERRY**'s clarification the PC did not have the authority to postpone and **WATERMAN**'s clarification that this matter could not be given back to the PC.

Motion: **BERRY** moved to "rehear the entire planning commission decision of Fred Einspruch's appeal of a \$250 after-the-fact fine". The motion carried by roll call vote 5-1 with **SCHNABEL** opposed.

WATERMAN asked if the assembly would hear both sides. **COZZI** answered yes and clarified an audio recording of the meeting would be provided. Also, that no new documents or evidence would be allowed except for testimony.

*** 2. Board Appointments**

The motion adopted by approval of the consent agenda: "Confirm the mayor's appointment of Judy L. Erekson to the Public Safety Commission for a term ending 11/30/2015."

Motion: **LAPP** moved to "continue the meeting past 10pm to finish the business of the agenda" and it passed unanimously.

*** 3. Assembly Committee Appointments**

The motion adopted by approval of the consent agenda: "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

SCHNABEL is interested in discovering if there would be programmatic or operational changes with new owners. **WEBB** reported that when the organization was contacted. However, the borough was told that due to the competitive process of this grant, limited information was available. **SCOTT** stated that she would look into the matter further.

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

The motion adopted by approval of the consent agenda: "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**

The motion adopted by approval of the consent agenda: "refer the review of election practices and code to the Governmental Affairs and Services Committee."

7. McDowell Group Revised Proposal Regarding Tourism Impact Study

CARLSON (by phone) reported about the history and evolution of this proposal. The Tourism Advisory Board is in favor of the smaller economic impact analysis part of the proposal. **BERRY** asked about the amount budgeted for this study and **CARLSON** stated no. However, fund balance could be used. **CAMPBELL** asked if there was a 3 year or a 5 year plan for the tourism department. **CARLSON** stated yes, and a 10 page marketing plan accompanies the tourism budget every year. **CARLSON** said this study would conduct deeper research than just easily recalled public data. Other layers of information not easily accessible would be analyzed and presented to show how to help revenues grow. **SCOTT** stated she thought **CARLSON**'s memo did a good job of explaining why this study should be done. **SCOTT** felt that **CARLSON** was doing a good job of this on her own. She considered giving **CARLSON** a raise or an assistant instead of hiring this group. **CARLSON** stated one of the goals of this report was to establish a base line value of tourism, as the last report was in 2002, over a decade ago. It is difficult to increase the base line back up to 2002 levels with no current baseline information. **CAMPBELL** asked about what data was currently being collected. **CARLSON** stated that all points of entry were having data captured by the tourism

department. **CAMPBELL** felt data about how much tourism money was being spent could be easily captured by people in town. **SCHNABEL** was concerned that base line information will not inspire or increase growth. Also that Alaskan resident's tourism would not be captured by this study. **LAPP** agreed with **SCOTT** and **SCHNABEL**. **SCOTT** offered to have this proposal reviewed by economic experts at the Alaska Municipal League Conference (AML) and bring some feedback home.

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: **LAPP** moved to "authorize David Sosa and his spouse travel to Haines for an on-site interview," and it passed 5-1 with **SCHNABEL** opposed.

In discussion, **SCHNABEL** argued that further information could be gathered by distance interviews. She asked if the assembly was ready to offer the position. **LAPP** said meeting the applicant would answer this question. **SCHNABEL** also inquired about the Brown proposal. **WATERMAN** questioned about the additional cost of bringing a spouse. She was intrigued by the candidate, but was not convinced enough to entertain the additional cost of also inviting his spouse. She was willing to advertise again, if needed. **BERRY** had no problem bringing both people up. **CAMPBELL** argued the cost increase would not be significant.

Motion: **CAMPBELL** moved "to provide authorization to continue the hiring process between now and the next meeting on 12/10/13 to include pay negotiations while Mr. Sosa is present and re-advertisement of the job if necessary." It was withdrawn.

In discussion, **LAPP** pointed out that borough code allows for a meeting to be scheduled at any time at the request of three assembly members. **SCHNABEL** stated if Sosa wants the job he can help contribute to the cost of travel. It was mentioned **LAPHAM**, **CAMPBELL**, **SCOTT**, and possibly Darsie Culbeck will meet with Susan Jensen while at AML.

When the topic was reopened, **COZZI** and **STUART** stated they thought \$85,000-\$100,000 was a previous range published for the position of borough manager. **CAMPBELL** suggested that \$100,000 be mentioned at the invite.

Motion: **LAPP** moved that "the Haines Borough assembly is considering a salary range \$80,000 to \$110,000, dependent on experience, be conveyed with the invitation from the mayor to visit Haines". The motion carried 5-1 with **SCHNABEL** opposed.

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.
The correspondence was approved by the passage of the consent agenda.

13. SET MEETING DATES

- A. Government Affairs & Services Committee – Tuesday, 12/3, 6:00pm** - 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). Also, ordinance 13-10-352 was assigned to the GAS committee on 10/22/13 and a discussion the Heliski Map Committee assign at 11/12 meeting.
- B. Commerce Committee – Monday, 11/25, 10:00am** - Topics: Discussion of Commercial Tour Vehicles and Motor Vehicle Registration Tax (item 11C5), a discussion about solid waste community survey, and fish management issues.
- C. Finance Committee – Tuesday, 11/19, 5:30pm** - Topics: Discussion of the audit report and discussion of a harbor dump trailer.

14. PUBLIC COMMENTS

GOLDBERG said he would like the borough to make use of the surplus wood for municipal projects like pavilions.

STUART remarked she would like to have the assembly decide on a salary range before Mr. Sosa's arrival. The GAS is set to review Title 13, including some controversial issues. She encouraged past GAS committee members to attend and bring their knowledge to the current discussion.

Item 11C8 Haines Borough Manager Recruitment was reopened to discuss salary range.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

LAPHAM said she is happy to be a part of the assembly.

SCHNABEL remarked about a KHNS report about local fisheries and asked how involved the borough should be with fisheries management. **SCOTT** stated she felt the state should be requested to present on this matter.

SCOTT reminded assembly members of several meetings in the community.

WATERMAN and **LAPP** welcomed the new assembly members.

CAMPBELL said he felt an unfunded Public Employee Retirement System (PERS) was scary.

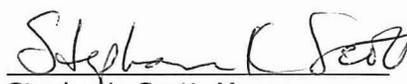
16. ADJOURNMENT– 10:27pm

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

ATTEST:



Michelle Webb, Interim Borough Clerk



Stephanie Scott, Mayor