

**HAINES BOROUGH ASSEMBLY MINUTES
REGULAR MEETING #33
DECEMBER 17, 2003 - 6:30 p.m.**

1. **Call To Order**: Mayor Mike **CASE** called the meeting to order at 6:32 p.m. in the Assembly Chambers of the Municipal Building.
2. **Pledge To Flag**: Led by Mayor **CASE**.
3. **ROLL CALL Present**: Mayor Mike **CASE** and Assembly Members Norm **SMITH**, Jerry **LAPP**, Stephanie **SCOTT**, Lucy **HARRELL**, and Douglas **OLERUD**. Debra **SCHNABEL** participated via teleconference.

Staff Present: Julie **COZZI**/Borough Clerk, Keith **BETTRIDGE**/Borough Manager, Scott **BRADFORD**/Fire Chief, Dave **GROSS**/Asst. W-S Operator, and Robert **VENABLES**/Economic Development Director.

Visitors Present: Steve **WILLIAMS**/CVN, Todd **SEBENS**/KHNS, Carolyn **WEISHAHN**, Jim **STANFORD**/Planning Commissioner, and Bill **THOMAS**.

4. **APPROVAL OF AGENDA/CONSENT AGENDA**:

M/S **HARRELL/LAPP** Motion to approve the Consent Agenda.

SCHNABEL requested that the minutes to be removed from the consent agenda and asked that the heliport issue be added to Item 18 - New Business. **OLERUD** asked for the Commerce Committee report to be added to Item 12 - Committee Reports.

The motion to approve the agenda as amended carried unanimously.

5. **Minutes Of Previous Meetings: December 3, 2003 Regular Meeting**

Regarding the minutes, **SCHNABEL** questioned the accuracy of the wording "back door efforts to scuttle the SUD" on page 9 under New Business. Mayor **CASE** confirmed the wording.

M/S **OLERUD/SCOTT** Motion to accept the minutes as presented.

The motion carried unanimously.

6. **Audience Participation/Appearance Requests**:

Mayor **CASE** opened the audience participation portion of the meeting at 6:37 pm.

Carolyn **WEISHAHN** spoke concerning the helicopter SUD delay. She requested that the Borough send a letter to the Governor, Lt. Governor, and legislators to say that the Borough is behind it and wants it in place as soon as possible.

Hearing no further comments, Mayor **CASE** closed the audience participation portion of the meeting at 6:39 pm.

7. Mayor's Comments/Report:

- **In response to WEISHAHN**, the mayor said that he has already written a letter to the Governor and believes that it will satisfy her request. He will get her a copy.

- **Heliport "Sunset Clause" Deadline in Ordinance 03-02-007**

Mayor **CASE** explained that the Planning Commission still needs to determine the new Special Use Zone in addition to the heliport areas they have recommended. More time is needed, and one solution is to consider extending the deadline.

- **DOT Juneau Access Flyer**

Mayor **CASE** said he believes that DOT has put a "slight spin" on the flyer, and he spoke with Tom Briggs and Gary Paxton of DOT about it when he was recently in Juneau. He told them that the assembly has not yet established an official position but he wanted them to understand all of the facts. For instance, he communicated that "an eastside highway would immediately cause a loss of jobs; the AML terminal would move from here." Also, a significant amount of area business comes from ferry travelers. Ed Lapeyri, owner of the Captain's Choice Motel told the mayor that more than half his annual business is a direct result of the ferry.

- **Public's and Media's Right to Know**

Mayor **CASE** said that an insufficient distribution of documents occurred last meeting. He assured those present that we are not trying to hide anything, and the Borough is willing to make documents available in reasonable quantities and time parameters.

- **Reappointment of Library Board members**

The mayor asked for approval to reappoint Ed May, Cherri Rakers, and Dwight Downer to the Library Board.

M/S **HARRELL/LAPP** Motion to approve their reappointment to the Board.

The motion carried unanimously.

8. Public Hearings: None**9. Reports Of Borough Officers/Department Heads:****A. Manager - written**

In addition to the written report, **BETTRIDGE** summarized the following:

- **New Finance Software**

Because of the required procurement process, he is working at getting two more quotes. He distributed a page to those present concerning Caselle, the financial software company he is most familiar with. He has checked their references in the past, and they have been proven. "The Caselle software is very professionally presented,

and everything is integrated. Currently, Haines uses separate modules for sales tax, property tax, general fund, accounts receivable, and accounts payable. Caselle has it all integrated which would make reporting easier." He distributed the Finance Department's current report--the controller's effort to try to get the present software---Fundware---to provide adequate information. It is very difficult to create and is not as informative as it needs to be.

- General Matters

BETTRIDGE mentioned that Elli Braaten, Acting Harbormaster, has done a good job of accomplishing the Port Security Plan.

SMITH asked for more information about the Admin Office Remodel, especially regarding the progress. **BETTRIDGE** responded that the floor is in, the walls are up, and he is getting bids on the telephone system. He encouraged the assembly to stop by and take a peek. Regarding funding, **BETTRIDGE** said that he is working to get all of the final accounting put together to present to the assembly and the funding agencies. **SCHNABEL** asked if there has been a positive response from the USDA, and **BETTRIDGE** said that they have been very helpful in coordinating with Denali and Rasmusson, but no decisions have been made. **SCHNABEL** asked if we have received the \$70,000 already committed. Mayor **CASE** responded that the borough has to turn in invoices from the construction company to get money from the USDA.

B. Finance (Written)

C. Economic Development/Tourism/Chilkat Center (Written)

D. Police (Written)

E. Library (Written)

F. Museum (Written)

SCHNABEL asked about the \$25,000 gift that was bequeathed to the museum by Joan Cumerford. She wondered if it had been communicated to the public. Staff will inquire.

G. Public Works (Written)

H. Water/Sewer (Written)

I. Fire/EMS (Written)

J. Harbors (Written)

K. Planning & Zoning (Written)

10. Bids/Proposals Received: None

11. Expenditure/Grant Approval Request(s): None

12. Reports Of Standing Committees/Commissions:

COMMERCE COMMITTEE meeting held on 12/9/2003

OLERUD said that the committee has given **VENABLES** the go-ahead to continue his efforts to explore funding for an ice house on the Port Chilkoot dock. **HARRELL** asked if any of the existing ice houses have any problem with it, and **OLERUD** said that all concerned say that more ice is needed. **LAPP** asked if **THOMAS** had any comments. **THOMAS** said that "continuity and quality control are important, and the borough can provide that. When Ward's Cove left, 60 boats were left with no ice. In order to have fleet stability, the borough needs to step in and provide it. Most boats need 3 totes of ice. Possibly, the borough could train 3 to 4 people to run it." He said that he was made aware that "we would get 15 additional vessels in when we get an ice house." **SCOTT** requested a brief summary of the ice house plan and asked, "Is it going to be a leased situation or hiring additional borough employees?" **OLERUD** said that all scenarios are being looked at, but no decisions have been made. The Commerce Committee and **VENABLES** are evaluating the needs of the fishermen, and several options are being examined. He said a lot of the ice house will be automated. **SCOTT** said that "it would be wise to come up with an economic analysis right up front so that the community can see what an ice house would mean for us." **OLERUD** assured **SCOTT** that they are currently working on that and reminded the assembly that he has proven over the years that he only supports projects that are cost effective. Mayor **CASE** commented on the apparent lack of participation by the fishermen. **THOMAS** in response said, "It always comes down to 2 or 3 guys because they all stick together anyway." He went on to add, "It's \$90 a ton, so ice is not free. You need ice on Friday and Saturday and many times on Sunday mornings." **LAPP** said "it is a good program because the quality of fish that comes out of here is important to the market down south. We could really shine if this project goes through." **THOMAS** reminded the assembly that they need to look at the fish tax and sales tax as part of the big picture. Mayor **CASE** said that when it is ready to present to the assembly, it will come in the form of a business plan. **SCOTT** said that she would not be influenced by the numbers of fishermen present at a meeting; it will be the economic analysis that will prove it to her. She would also like to see a history of fishing in Haines and "though it has waxed and waned, fishermen have not gone away; they deserve our support."

13. Reports Of Special Committees: None

14. Consideration Of Resolutions, Petitions And Memorials: None

15. Consideration Of Ordinances Proposed For Introduction:

A. ORDINANCE NO. 03-12-037

AN ORDINANCE OF THE HAINES BOROUGH, APPROPRIATING A \$134,225.00 GRANT FROM THE ALASKA DIVISION OF HOMELAND SECURITY TO THE HAINES BOROUGH FIRE DEPARTMENT FOR FIRST RESPONDER PREPAREDNESS.

M/S **OLERUD/SMITH** Motion to set Ordinance 03-12-037 for its first public hearing on January 7, 2004.

The motion carried unanimously.

16. Correspondence: None

17. Old Business: None

18. New Business:

A. Develop an official Borough position re. the fast ferry.

SCHNABEL said that her understanding is that the fast ferry schedule is not going to allow for the connection between Haines and Skagway. "This is going to seriously impact the Golden Circle." She asked **VENABLES** how to schedule the appropriate time for the Borough Assembly to take an official position. **VENABLES** said, "There will only be one or two days a week when we will have no ferry to Skagway. However, a lot of them are not during the daytime. It would be very important to write a letter." He added that the Silver Eagle owned by Bruce Gilbert is a possibility and could be purchased or put out on a contract. He said that the Yukon government has been very proactive with this issue, as well. **SCHNABEL** asked again about the assembly taking a position and asked **VENABLES** to explain what he means by the Yukon being proactive. **VENABLES** explained that they have been making phone calls and writing letters. He said that the appropriate step at this time would be for the mayor to write a letter stating the importance of transportation between the two communities. Mayor **CASE** said that we have already been sending that message but have not done it in an official way. There was no objection to the mayor writing such a letter.

B. Extending the Sunset Clause on Ordinance 03-02-007

SCHNABEL said that she believes "the most expedient way to deal with the situation is to extend the conditional-use sunset beyond the 12/31/03 deadline and to do that within this year so that we don't allow a black hole." **HARRELL** stated that she feels "very strongly that we establish a government of laws. Ultimate zoning is what is fair. That's why the Planning Commission was charged with this task. They were either unwilling or unable to make it happen. I would be willing to extend the deadline for no more than 30 days but require the Commission to discharge the tasks that were given to them in the first place. It is the only thing that is fair to the property owners." **SCOTT** said that, in her opinion, "the Assembly failed in writing the ordinance and communicating to the Commission the schedule that would have to be followed to meet that schedule." She differed with **HARRELL** saying that "the Planning Commission has been working very hard to bring this to fruition. They really believed that getting the recommendations to the Assembly by the end of the December was going to fulfill their obligation." **SCOTT** added that she believes "everything can be accomplished by Feb. 5, 2004 if we

pass an emergency ordinance." **LAPP** said that he does not see this as an emergency situation. **SCOTT** responded that she believes "a public safety argument can be made in this case because in the public hearings that the Commission held, people made comments regarding concerns for safety and liability." **OLERUD** disagreed with **SCOTT** saying, "The ordinance said that it involves heliports. No one would be able to build a heliport in the short *black hole* time. The situation is mostly for the industry to know where they can construct one prior to the heliskiing season." Mayor **CASE** said there are two options: 1) try to push it through tonight or 2) ask for it to be heard on January 7 or at a special meeting.

M/S **LAPP/HARRELL** Motion to put this issue on the next regular meeting agenda (1/7/04) for amending ordinance 03-02-007 by extending the sunset clause deadline 60 days.

OLERUD said, "No one in these areas want zoning although anyone of the property owners could have come forward to request a zone to make heliports a prohibited use. No one has come forward in the past 8 months, and I do not believe it is an emergency." **SCHNABEL** responded that when people have brought zoning issues to the Planning Commission over the past year, they have been told that the Commission is working on Title 18 and will not address any of the issues until the title is done." **STANFORD** said, "One of the reasons the Commission has had a difficult time in determining zoning is because they have not, to date, gotten consistent answers for dealing with the gray areas in the Charter." He asked if they realize that "the Commission has come up with the airport as a primary heliport and the other two as secondary. We worked our butts off on this issue and delivered our recommendations to the assembly by the deadlines. We've had people in our faces from all sides of the issues and have had a lot of input from people."

WEISHAHN asked about publishing the hearing in a paper while the Chilkat Valley News is on hiatus. Mayor **CASE** said, "The Code requires publishing in a paper. We can put it in the Juneau Empire if necessary." **WEISHAHN** said that she is still trying to get a definition for "landowner." **SCOTT** said she believes that "no one on staff provided the information that the Commission needed in order to meet the requirements in an adequate and timely manner." She added that she advocates voting the motion down and passing an emergency ordinance. **CASE** said that if none of the motions get passed tonight, he will introduce the motion himself on January 7.

The motion carried in a roll call vote with **HARRELL**, **SCHNABEL**, and **SCOTT** opposed and Mayor **CASE** breaking the tie with a "yes" vote.

OLERUD asked that a definition be determined for *landowner*, specifically the question--*if a person owns more than one lot, do they get more than one vote?* He said that it would be helpful for some Planning Commissioners and Scott Hansen to be present at the next assembly meeting since they participated in Commission meetings and public hearings. **STANFORD** asked the Assembly to assist the Planning Commission in getting some clarification for them from the borough attorney on Title 18. He asked for "specific motions from the assembly and then forward the text to us so that we know specifically what we are expected to do---no gray areas." He also asked if public initiatives could be used for zoning. Mayor **CASE** said that he understands it would not be allowed for anything to do with legislation, which includes code. **STANFORD** said that any special zone created and recommended by the Commission would have to comply with Title 18. **SCOTT** asked if the heliport recommendations would be on the next agenda. Mayor **CASE** said he does not believe it can be done without the metes and bounds first being defined. **OLERUD** said that he believes the Commission needs some input from the Assembly regarding whether or not the recommended areas are acceptable prior to establishing boundaries.

19. Set Committee Meeting Dates:

20. Assembly Member Comments:

SCHNABEL said that she would like to have the question of the joint meeting with the school board brought up. Because of the elections in October, she would like to see the meeting occur some time between October and October rather than the calendar year. Mayor **CASE** said that he attempted to contact Carol Kelly, School Board Chair, and she is out of town. When she returns, a meeting schedule can be discussed.

21. Adjournment:

M/S **SMITH/LAPP** Motion to adjourn.

The motion carried unanimously.

The meeting was adjourned at 8:35 p.m.

Mike Case, Borough Mayor

ATTEST:

Julie Cozzi, Borough Clerk

S E A L: