

**HAINES BOROUGH ASSEMBLY
REGULAR MEETING MINUTES
FEBRUARY 5, 2003**

1. **CALL TO ORDER:** Deputy Mayor **LAPP** called the meeting to order at 6:30 p.m. in the Assembly Chambers of the Municipal Building.
2. **PLEDGE TO FLAG:** Led by the Deputy Mayor.
3. **ROLL CALL: Present:** Deputy Mayor/Assembly Member Jerry **LAPP**, Assembly Members Chip **LENDE**, Douglas **OLERUD**, Lucy **HARRELL**, Debra **SCHNABEL** and Stephanie **SCOTT**.

Absent: Mayor Mike **CASE**

Staff Present: Vince **HANSEN**/Borough Manager, Susan **JOHNSTON**/Borough Clerk and Robert **VENABLES**/Economic Development Director.

Visitors Present: Steve **WILLIAMS**/CVN, Doug **FINE**/KHNS, Patricia **BLANK**, Carolyn **WEISHAHN**, Dawne **THOMSEN**, Don **OTIS**, Jim **STANFORD**, Ken **SERIGHT**, Rob **GOLDBERG**, Ray **MENAKER**, David **WARNER**, Joanne **WATERMAN**, Mike **KINNESON**, Budge **STUART**, Nicolas **SHOKOFSKY** and others.

4. **APPROVAL OF AGENDA/CONSENT AGENDA:** All items listed with an asterisk (*) are considered to be routine by the Borough Assembly 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 citizen so requests, in which event the Assembly, by a majority vote, may remove the item from the Consent Agenda and consider it in its normal agenda sequence.

No changes were made to the agenda.

M/S **OLERUD/LENDE** Motion to approve the agenda.

Motion carried unanimously.

- * 5. **MINUTES OF PREVIOUS MEETINGS:** January 21, 2003

6. **AUDIENCE PARTICIPATION/APPEARANCE REQUESTS:**

A. Ken **SERIGHT**

Mr. **SERIGHT** voiced his concern that he may not be able to land and take off with his helicopter from his home at Mud Bay. Regulations being discussed are for commercial heliports in the General Use Zone. Mr. **SERIGHT** lives in the Mud Bay Planning/Zoning District.

6. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS:

The Manager said he did not know what the regulations for the Mud Bay Planning/Zoning District allow, but he was sure Mr. **SERIGHT'S** private helicopter use was grandfathered in when they were written. The Manager will review the Mud Bay Planning/Zoning District regulations and write Mr. **SERIGHT** a letter confirming his "grandfathered" rights if allowed by that code.

B. David **WARNER**

Mr. **WARNER** asked if anyone who wants to fly a helicopter into the valley has to get a permit. Can individuals fly in for mining exploration? The Manager stated that the new state regulations do limit and prohibit helicopters in certain areas. Ken **SERIGHT** said that when Juneau considered curtailing helicopter landings at their airport, they found they would be in violation of a Federal regulation limiting one type of aircraft over another and would have lost Federal funding if they had done it. Haines should look at this carefully.

SCHNABEL stated that the issue of permits for flying helicopters into the valley is not with the Borough, but with the State. The Borough is only concerned with land uses - such as heliports. Permitting is a DNR and BLM function.

Mr. **WARNER** said that Haines airport maintenance is the worst he has seen. He has landed on a sheet of ice and three inches of slush. The runway should be sanded and properly cleared. He asked that the Borough do something about it.

7. MAYOR'S REPORT:

A. Convention and Visitors Bureau Board Appointments

The Deputy Mayor appointed Jeff **BUTCHER** to the Convention and Visitors Bureau Board and asked for confirmation from the Assembly.

M/S **SCHNABEL/LENDE** Motion to confirm the appointment of Jeff **BUTCHER** to the Convention and Visitors Bureau Board.

Motion carried unanimously.

7. MAYOR'S REPORT:

B. Chilkat Center Advisory Board Appointments

The Deputy Mayor appointed the following applicants to the Chilkat Center Advisory Board and asked for confirmation from the Assembly: Mick **McCARTER** and John **HEDRICK**.

M/S OLERUD/LENDE Motion to confirm the appointment of Mick **McCARTER** and John **HEDRICK** to the Chilkat Center Advisory Board.

Motion carried unanimously.

C. Proclamation - SCHOOL BOARD RECOGNITION MONTH

Deputy Mayor **LAPP** read the proclamation aloud.

8. PUBLIC HEARINGS:

A. ORDINANCE NO. 03-02-004
(Second Public Hearing)

AN ORDINANCE OF THE HAINES BOROUGH APPROPRIATING FUNDS FOR LOBBYING FOR CONSOLIDATION TRANSITION ASSISTANCE FUNDING.

The Deputy Mayor opened the hearing to the public at 6:55 p.m.

Jim **STANFORD** asked if the Manager said the platting authority was being given back to DNR because the Borough doesn't have enough money at this time for sufficient staff to review plats. He asked if this is being taken into account in the new budget. The Manager stated that all of these factors are being taken into account during the transition.

Hearing no further comment, the Deputy Mayor closed the public hearing.

M/S OLERUD/HARRELL Motion to adopt Ordinance 03-02-004.

Motion carried unanimously on a roll call vote.

8. PUBLIC HEARINGS: (cont.)

B. ORDINANCE NO. 03-02-005
(Second Public Hearing)

AN ORDINANCE OF THE HAINES BOROUGH TO APPROPRIATE GRANT FUNDS RECEIVED FROM THE LEGISLATURE FOR CONSOLIDATION TRANSITION EXPENSES.

The Deputy Mayor opened the hearing to the public at 6:37 p.m. Hearing no comment, he closed the public hearing.

M/S OLERUD/HARRELL Motion to adopt Ordinance 03-02-005.

Motion carried unanimously on a roll call vote.

C. ORDINANCE NO. 03-02-006
(Second Public Hearing)

AN ORDINANCE OF THE HAINES BOROUGH TO APPROPRIATE D.C.E.D. MINI-GRANT FUNDS RECEIVED FOR THE HAINES CONVENTION CENTER FEASIBILITY STUDY.

The Deputy Mayor opened the hearing to the public at 6:38 p.m. Hearing no comment, he closed the public hearing.

M/S OLERUD/SCOTT Motion to adopt Ordinance 03-02-006.

Motion carried unanimously on a roll call vote.

D. ORDINANCE NO. 03-02-007
(Second Public Hearing)

AN ORDINANCE OF THE HAINES BOROUGH TO ADOPT HAINES BOROUGH CODE SECTION 18.70.030, SUB-SECTION M, GU - GENERAL USE ZONING DISTRICT.

The Clerk pointed out that for clarification, a sentence was added to paragraph 5 referencing the definitions section of the old City Code and paragraph 6 was added regarding platting to be done by DNR.

The Deputy Mayor opened the hearing to the public at 7:02 p.m.

Joanne **WATERMAN** reported that at the last Planning Commission meeting, the Commission voted 5-1 to ask the Assembly to reconsider their action at the last Assembly meeting to remove heliports from the list of conditional uses in the General Use (GU) Zoning District. The Commission definitely felt heliports are a high-impact use.

8. PUBLIC HEARINGS: (cont.)

D. ORDINANCE NO. 03-02-007 (cont.)

They felt it was important to provide for a public process and ensure the safety and quality of life for the residents in the area.

Mike **KINNESON** read a prepared statement in which he stated that the list of conditional uses is insufficient and left out many high-impact uses other than heliports.

Patricia **BLANK** said she supported putting heliports back in as a conditional use. This is a high-impact activity that has caused many problems in the past. Placing it on the conditional use list may alleviate future problems. She suggested changing the wording to say "heliports for commercial use" to alleviate the concerns of private helicopter users.

Budge **STUART** said he lives at 18-Mile and liked allowing helicopters. He stated he is against any zoning in his area.

Rob **GOLDBERG** stated that the Planning Commission recommended putting heliports in the ordinance as a conditional use for a reason. A heliport in a residential neighborhood will have a significant impact on the residents there. He was disappointed that heliports were removed by the Assembly. While the GU Zoning District is for the most part sparsely populated, there are residential clusters and light commercial areas. The Planning Commission felt that these areas should have different zoning, but for now they are in GU. A heliport in these areas would be a very high impact. If heliports are conditional uses, the Planning Commission can put conditions on their operation to protect the residents.

Carolyn **WEISHAHN** stated that she lives in the GU Zoning District and has followed the Planning Commission and Assembly process. She felt that the ordinance addressed the intent to implement minimal planning, platting and zoning with no prohibited uses, but fell short on the list of high-impact uses. She felt the list of conditional uses in the former City Code was very comprehensive and should be adopted in the GU zoning district. She felt another public hearing was needed on this or it should be sent back to the Planning Commission for more work.

8. PUBLIC HEARINGS: (cont.)

D. ORDINANCE NO. 03-02-007 (cont.)

Jim **STANFORD** agreed with Budge **STUART** that they live out the highway for the freedom it affords them, however, he felt that uses that impact public safety, such as commercial helicopters, should be regulated. He wanted the Borough to act responsibly to protect the public's safety by making heliports a conditional use in the GU zoning district.

Nicholas **SHOKOFSKY** stated he lives out the highway and is not in favor of zoning, but the advisory vote put to the people of Haines mandated "managed helicopter activity" and heliports are obviously a high-impact use. The conditional use permit process allows for a process and public input.

Rob **GOLDBERG** voiced his concern that if heliports were not listed as conditional uses now, before the area can be zoned there will be many new heliports in that area that are un-regulated and will then be "grandfathered" in.

Hearing no further comment, the Acting Mayor closed the hearing to the public.

M/S OLERUD/HARRELL Motion to adopt Ordinance 03-02-007 with the new language added by staff.

Assembly member **LENDE** stated that he believed the helicopter industry will need heliports in the valley. He would prefer making heliports a conditional use for now, with a sunset clause which would require the Planning Commission to specify zones where heliports would be allowed as a use-by-right.

OLERUD stated that this ordinance as it stands provides minimum zoning. It will encourage the people in the GU Zoning District to come to the Planning Commission to request zoning to suit their needs. This is meant to be a temporary situation providing transitional zoning. That is why there are so few conditional uses.

SCHNABEL stated that she felt there should be more conditional uses listed. If high-impact activity is initiated, it will have a review and conditions set on it. She stated she would rather the ordinance go back to the Planning Commission to be re-worked. She felt items J, K, L, M and N under uses-by-right should be conditional uses.

8. PUBLIC HEARINGS: (cont.)

D. ORDINANCE NO. 03-02-007 (cont.)

SCOTT felt the list of uses-by-right was self-defeating. She suggested the Commission re-consider the ordinance and only list "existing uses" as uses-by-right. She felt if the language was changed to use guidelines and examples instead of a list of uses, it would be more workable. She feared the ordinance as written could cause legal problems.

The Clerk pointed out that the 120-day deadline for adopting the General Use Zoning District expires on February 14th and there was no time for re-writing the ordinance or advertising for another public hearing. This ordinance, or a version of it, must be adopted at this meeting.

Joanne **WATERMAN** said that the Planning Commission rushed the ordinance through because of the 120-day deadline. They fully realize that there will be more work to be done on the General Use Zoning District section. She asked how opening a dialogue about a use that raised serious questions of public safety could be a bad thing.

Assembly Member **HARRELL** suggested changing the language to read "high impact uses such as, but not limited to..." at the beginning of paragraph 5. **WATERMAN** stated that this change would make the Planning Commission a reactive body instead of a planning body. **OLERUD** felt it would be a better compromise than listing all the uses.

M/S **OLERUD/LENDE** Motion to amend the ordinance by adding the words "high-impact uses such as, but not limited to..." in paragraph 5, then listing the uses.

SCOTT felt that this motion was just an attempt to skirt the issue of heliports. Why not just add heliports and be done with it?

OLERUD stated that many people in the GU zoning district were in favor of removing heliports from the list of conditional uses.

Carolyn **WEISHAHN** suggested removing items J - N from the list of uses-by-right to avoid contradicting paragraph 5. High-impact uses must be defined.

SCHNABEL stated that items J - N were high-impact uses in her mind. Shouldn't they require a conditional use permit?

8. PUBLIC HEARINGS: (cont.)

D. ORDINANCE NO. 03-02-007 (cont.)

SCOTT suggested the motion be changed to retain items A and P under Uses By Right and delete all others in order to be more consistent with the charter. **SCHNABEL** felt it was dangerous to not have more uses listed as conditional uses.

HARRELL stated that she wanted to see the GU Zoning District get away from conditional uses and have zoning in place where specific uses are allowed in specific zones. Put a sunset clause on this ordinance and charge the Planning Commission to do a new one to be adopted later addressing the Assembly's concerns.

LENDE stated that he would support putting heliports back in to protect the area until the Planning Commission can identify an area or areas that can be zoned for heliports. He felt that heliports should be a conditional use, but he preferred it be done by zoning. **OLERUD** stated he would not support heliports as a conditional use unless there is a sunset clause built in.

Motion to amend failed unanimously on a roll call vote.

M/S SCHNABEL/LENDE Motion to amend the ordinance so paragraph 5 reads: "Conditional Uses. Landfills, commercial power plants, heliports and hazardous materials storage facilities require a conditional use permit. Heliports shall require conditional use permits until provided for in a special use zone - no later than December, 2003..." (the remainder of the paragraph shall remain the same as presented by staff)

Motion to amend carried unanimously on a roll call vote.

Motion to adopt carried unanimously on a roll call vote.

E. ORDINANCE NO. 03-02-008
(Introduction/First Public Hearing)

TO AMEND CERTAIN SECTIONS OF THE FORMER HAINES CITY CODE TITLE 18 DEALING WITH PLATTING, PLANNING AND ZONING, AND ADOPTING THE AMENDED SECTIONS AS NEW HAINES BOROUGH CODE. THESE REGULATIONS WILL APPLY TO THE ENTIRE BOROUGH, INCLUDING THE GENERAL USE ZONING DISTRICT.

The Manager stated that the Planning Commission has agreed to work more on this ordinance. Paragraph 6 added to the previous ordinance substitutes for this one.

8. PUBLIC HEARINGS: (cont.)

D. ORDINANCE NO. 03-02-008 (cont.)

The State Department of Natural Resources has agreed to continue to review subdivision plats in the GU Zoning District until such time as the Borough adopts its own platting regulations. The Manager asked that this Ordinance be tabled at this time.

M/S OLERUD/LENDE Motion to table Ordinance No. 03-02-008.

Motion carried unanimously.

9. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS:

A. Borough Manager

1) Lutak Dock Project

The Manager reported that negotiations continue on the cost overrun on this project. It is in the hands of a neutral third party and his evaluation should be completed within a week or two. He felt it was appropriate for the Borough to pay the good-faith payment of \$150,000.

2) Boat Harbor Expansion Project

It could be a month or more before the Corps of Engineers headquarters will review the Alaska District's comments on this project. \$400,000 was granted to the Borough in the appropriations bill for continued feasibility and design work. It is hoped that this project will be included in a 2003 WRDA bill if one is passed.

3) Legislative Report

The Manager traveled to Juneau to add his lobbying efforts for additional transition funding. He reported that the Haines delegation is strongly behind the request.

The Manager distributed a list of CIP requests and asked the Assembly to review it and make any suggestions for additions/deletions to it.

The Manager explained that the request for the Public Works Building, if granted, would free up Borough CIP funds for other projects.

9. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS: (cont.)

- A. Borough Manager (cont.)
 - 3) Legislative Report (cont.)

The Young Road Water Tank is old and too small. The tank above Skyline is not large enough to serve all of Skyline Estates and the area now served by the Young Road tank, so a new tank is necessary. It was pointed out that the restrooms should be specified for the Port Chilkoot Dock, not for "Haines-Skagway passengers...". The Manager pointed out that he may be allowed to combine the \$20,000 already granted for a "pavilion" at the dock with additional funding to construct a building that would house the restrooms as well.

- *B. Borough Clerk
 - *1) ABC Board Liquor License Renewals
 - *a) Great Land Wines - Winery
 - *b) Haines Packing Company - Package Store/Seasonal

C. Borough CFO NONE

D. Economic Development

- 1) Wards Cove Impact Survey

Economic Development Director, Robert **VENABLES**, reported that he has been surveying the fishing fleet. Many are out of town and he is having trouble reaching them. The ones he has reached have been very appreciative of being contacted. He has reached 20 - 25 so far and will do over 40 surveys before he is finished. The fishermen want more shore-based facilities and capacity. They are indicating a need for a processing facility and added ice production. The indications at this time is that the fishing fleet intends to stay here and fish the local waters, even if they have to take the fish elsewhere for processing.

There are two potential buyers for the Wards Cove properties. Negotiations are proceeding.

VENABLES said he would be attending the "Salmon For Success Summit" in Juneau next week.

9. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS: (cont.)

- E. Police Chief - NONE
- F. Library - NONE
- G. Museum - NONE
- H. Public Works - NONE
- I. Water/Sewer - NONE
- J. Fire/EMS - NONE
- K. Harbors - NONE

10. BIDS/PROPOSALS RECEIVED: NONE

11. REPORTS OF STANDING COMMITTEES/COMMISSIONS:

A. Commerce

The Southeast Alaska State Fair has requested a grant from the Borough of \$20,000 in order to continue operating. Staff will gather more information and look at the budget before proceeding on this request.

The Borough set aside \$50,000 for improvements to the Porcupine Road. There are right-of-way and permitting issues to be straightened out before improvements can be made. Part of the problem is that the road crosses an 80-year-old native allotment and there has been trouble finding out who is in charge of this land.

B. Personnel and Labor Relations

The Assembly is charged with negotiating a new agreement with Local 71. The committee identified issues and will review the issues identified with the Assembly at a Committee Of the Whole meeting. The hiring of a new C.F.O. was also discussed. It was decided that Heather **HAAS** and Jila **HANDJANI** would be interviewed at a Committee Of the Whole to be scheduled later in the meeting.

12. REPORTS OF SPECIAL COMMITTEES: NONE

13. CONSIDERATION OF RESOLUTIONS, PETITIONS AND MEMORIALS: NONE

**14. CONSIDERATION OF ORDINANCES PROPOSED FOR INTRODUCTION:
(See 8.E.)**

15. CORRESPONDENCE: NONE

16. OLD BUSINESS: NONE

17. NEW BUSINESS: NONE

18. SET COMMITTEE MEETING DATES:

- A. Committee Of the Whole - 2/12/03 at 6:30 p.m. to interview Treasurer applicants and short-list Manager applicants.
- B. Committee Of the Whole - 2/18/03 at 6:30 p.m. to discuss Union Local 71 issues.

19. ASSEMBLY MEMBER COMMENTS:

- A. Assembly Member **SCOTT** asked about the legality of on-line discussions between Assembly members. The Clerk stated that in her opinion it would be the same as any face-to-face meeting if a quorum or more are involved. She felt it would be construed as a violation of the open meetings act. Staff will research anything that has been drafted statewide to officially answer the question.
- B. Assembly Member **SCHNABEL** stated that she felt the Borough's advisory boards are the backbone of the public process. She was concerned that the Assembly did not accept the General Use Zoning District Ordinance as presented by the Planning Commission. She felt that it looked bad when the Assembly did not take the advice of its advisory boards and thought the Assembly should work with them more.

20. ADJOURNMENT:

M/S OLERUD/SCOTT Motion to adjourn.

Motion carried unanimously

Meeting adjourned at 9:10 p.m.

Jerry **LAPP**, Deputy Mayor

ATTEST:

Susan V. **JOHNSTON**, CMC, Borough Clerk

S E A L: