

**HAINES BOROUGH ASSEMBLY
REGULAR MEETING MINUTES
FEBRUARY 19, 2003**

1. **CALL TO ORDER:** Mayor **CASE** called the meeting to order at 6:30 p.m. in the new Library building.
2. **PLEDGE TO FLAG:** Led by the Mayor.
3. **ROLL CALL: Present:** Mayor Mike **CASE**; Assembly Members Jerry **LAPP**, Chip **LENDE**, Douglas **OLERUD**, Lucy **HARRELL**, Debra **SCHNABEL** and Stephanie **SCOTT**.

Staff Present: Vince **HANSEN**/Borough Manager, Susan **JOHNSTON**/Borough Clerk, Ann **MYREN**/Librarian and Cynthia **JONES**/Museum Curator.

Visitors Present: Steve **WILLIAMS**/CVN, Doug **FINE**/KHNS, Patricia **BLANK**, Carolyn **WEISHAHN**, Ray **STASKA**, Pam **RANGLES**, Al **GILLIAM**, Pam **COULTER**, Dale **MULFORD**, Roy **JOSEPHSON**, Paul **SWIFT**, Anne **BOYCE**, Sally **McGUIRE**, Kim **LARSON**, Cherri **HANES**, Dwight **DOWNER**, George **MARK**, Shane **HORTON**, Nancy **BERLAND**, Thomas **ELY**, Don **TURNER**, Jr., Herb **VAN CLEVE**, Dan **EGOLF**, Sarah **POSEY**, Michelle **BOISVERT**, 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.

The following changes were made to the agenda:

Add under Item 16. Old Business: A. Revised SUD language by DNR.

Move Item 11.A., Committee Of the Whole Meeting Report, to the end of the agenda in order to go into executive session to discuss personnel issues.

M/S **HARRELL/OLERUD** Motion to approve the agenda as amended.

Motion carried unanimously.

- * 5. **MINUTES OF PREVIOUS MEETINGS:** February 5, 2003

6. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS:

- A. Dale **MULFORD** - Request for letter of support for Takshanuk Mountain Trail Project on Mt. Ripinski.

Mr. **MULFORD** asked that the Assembly consider writing a letter of support to the DNR for the extension of his motorized vehicle trail to the 1,900-foot level on the back side of Mt. Ripinski.

Several of the Assembly Members went up the trail at different times to view the area in question.

Assembly Member **SCHNABEL** stated she felt uncomfortable with the Assembly supporting a private business. The Mayor said it is not an exclusive endorsement, so it should not be a problem.

Don **TURNER** spoke in favor of Mr. **MULFORD'S** request. He stated that the community needs to support businesses which may bring some economic benefit to Haines.

Al **GILLIAM** spoke in favor of Mr. **MULFORD'S** request, stating that the trail is on the back side of the mountain over a mile from the historic hiking trail.

Pam **RANGLES** stated that the SUD limits motorized vehicles above the 1,500-foot level.

Tom **ELY** spoke against Mr. **MULFORD** extending his trail above the 1,500-foot level. Sally **McGUIRE** agreed.

Don **TURNER** said that Mr. **MULFORD** applied for his trail before the non-motorized regulations were proposed.

Dan **EGOLF** spoke for maintaining the historical non-motorized use of the area in question.

Anne **BOYCE** stated she was upset that this subject was being discussed again. The SUD has been written and allows sufficient uses of the mountain.

Paul **SWIFT** gave a brief history of the development of the hiking trail system on Mt. Ripinski. He stated he would support Mr. **MULFORD'S** trail to the 1,500-foot level, but no higher.

Shane **HORTON** stated that the vehicles Mr. **MULFORD** plans to use are slow, deliberate, quiet vehicles that will not cause undue noise or disturb hikers on the other side of the mountain.

6. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS: (cont.)

- A. Dale **MULFORD** - Request for letter of support for Takshanuk Mountain Trail Project on Mt. Ripinski. (cont.)

Mr. **HORTON** explained that Mr. **MULFORD** is asking for the additional height in order to get above the timber for a better view. He owns the property where the lower part of the trail is and will control who uses the trail. The trail is nowhere near the walking trail. He thought the Assembly should support the request.

Assembly Member **LENDE** stated that he went to the 1,778-foot level and found from that level there was easy access to the alpine region of the mountain. His concern was that if the trail was extended to the 1,778-foot level, snow machines and other ATVs would have access to the alpine and cause damage there. He felt the best alternative for the end of the trail would be at the 1,562-foot level. There is still a good view and a better barrier to keep motorized vehicles out of the Alpine area. He said he would endorse the project only to 1,562 feet to ensure protection of the Alpine.

Mr. **MULFORD** stated he had already compromised from his original plan many times trying to accommodate the wishes of the hikers and did not wish to lower the level of his trail end once again. He stated that access to the alpine area from the 1,860-foot point is almost impossible. From the higher level people can ski and snow-board, providing year-round use of the area.

Assembly Member **OLERUD** felt the Assembly should support the project to the 1,860-foot mark. It is a good project and will be an asset to the community. He was confident that Mr. **MULFORD** would control the use of the area and not allow the alpine area to be disturbed. He felt this would be the ideal tour for the area's older visitors.

M/S OLERUD/HARRELL Motion to write a letter of support to the State Department of Natural Resources for the continuation of Dale **MULFORD'S** trail to 1,880 feet.

Assembly Member **HARRELL** said she rode up the trail as she is no longer capable of hiking it. The vehicles were small, efficient and quiet. The route was more than a trail but less than a road. She stated that no one group owns the mountain and it should be shared with all types of people. The physically limited should not be denied access.

6. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS: (cont.)

- A. Dale **MULFORD** - Request for letter of support for Takshanuk Mountain Trail Project on Mt. Ripinski. (cont.)

The trail is on the opposite side of the mountain and will not impact the hiking trails. She felt the permit should be issued and if there are violations, it could be rescinded.

LENDE asked if the motion could be amended to keep the trail end at 1,560 feet. He asked if this height would be acceptable to Pam **RANGLES**. She said it would.

M/S **LENDE/SCOTT** Motion to amend the main motion to read: ..to write a letter of support to DNR for Dale Mulford to continue his trail to the following coordinates which lie at approximately the 1,560-foot elevation: 59.17.137 X 135.30.89.

Motion to amend carried with **OLERUD** opposed.

Mr. **MULFORD** stated that if he got his permit tomorrow and could start preparing for construction, he could get to the lake in 2003 and to 1,560 feet the following year.

Main motion carried unanimously.

LENDE asked Ms. **RANGLES** if she would write a letter of support for the Mulford trail extension to 1,560 feet and get as many signatures on it as she could. She agreed.

- B. Pam **RANGLES** read a prepared statement asking for Assembly support of approving the regulations implementing the SUD ADL 106979 as it stands. She agreed that this support would be exclusive of the **MULFORD** trail extension. Anne **BOYCE** and Thomas **ELY** spoke in support of this request.

M/S **SCHNABEL/SCOTT** Motion to combine the subjects of both requests into one letter supporting the adoption of regulations implementing SUD 106929 with the exception of the Mulford trail extension.

Discussion followed regarding some other wording in the SUD about personal water craft not being allowed on Chilkoot and Chilkat Lakes.

6. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS: (cont.)

B. Pam **RANGLES** (cont.)

Roy **JOSEPHSON** said that the term "personal water craft" meant jet skis. Several Assembly Members stated it was difficult to vote to support a document they had not read. Mayor **CASE** agreed.

M/S **HARRELL/OLERUD** Motion to table further discussion on the matter until the Assembly has time to study the document in question.

Pat **BLANK** pointed out that the comment period would expire on 2/21/03.

Motion to table failed on a tie vote, Assembly Members **SCOTT, SCHNABEL, LENDE** and Mayor **CASE** opposed as the tie breaking vote.

Shane **HORTON** suggested the Assembly read the six-page document listing regulations in the SUD before they support it.

Main motion failed on a tie vote, Assembly Members **OLERUD, HARRELL** and **LENDE** and Mayor **CASE** opposed as the tie breaking vote.

C. Nancy **BERLAND**

Ms. **BERLAND** read a prepared statement regarding the **GILLIAM** permit supported by the Assembly. She felt that the DNR, in response to the Assembly's support of Gilliam's historical permit, changed the regulations to allow unlimited helicopter flights into the valley. She did not feel this was the Assembly's intent.

Mr. **GILLIAM** explained his operation and his former permit constraints. He is just trying to get his permit back as it was before it was taken away.

The Mayor referred further discussion on this subject to Old Business.

D. Don **TURNER, Jr.**

Mr. **TURNER** stated that there were six pages of regulations that had not been through the public review process. The regulations in question prohibit so many uses and place such limitations on numbers of persons that no business will be able to survive.

6. AUDIENCE PARTICIPATION/APPEARANCE REQUESTS: (cont.)

D. Don **TURNER**, Jr. (cont.)

He felt the Assembly needed to read the document and vote to not accept the regulations as written. He felt that the permitting process could address any potential problems without prohibiting everything.

SCHNABEL stated that there has been a public process on these regulations for over a year and she, for one, was fully aware of it. Roy **JOSEPHSON** agreed. Shane **HORTON** stated that the six-page document contained changes to the regulations, which have not seen any public process.

7. MAYOR'S REPORT:

A. Marine Transportation Advisory Committee Appointments

The Mayor appointed Bart **HENDERSON** and Robert **VENABLES** to the Marine Transportation Advisory Committee. There was no objection from the Assembly.

B. CVB Liaison

The Mayor appointed Assembly Member Chip **LENDE** as liaison between the Assembly and the Convention and Visitor Bureau Board. There was no objection.

C. Haines City Florida

The Mayor recently visited Haines City Florida, our "Sister City". He stated that the "Sister City" Agreement is on prominent display in the municipal offices.

8. PUBLIC HEARINGS:

A. ORDINANCE NO. 03-03-010
(Introduction/First Public Hearing)

AN ORDINANCE OF THE HAINES BOROUGH TO APPROPRIATE FUNDS FOR THE TLINGIT PARK RE-CREATION PROJECT TO BE FUNDED BY A LWCF REIMBURSEMENT GRANT.

The Mayor opened the hearing to the public. Hearing no comment, the Mayor closed the public hearing.

SCHNABEL voiced her concern about the future maintenance of the park after the new equipment is constructed. She also asked if the project had been reviewed by the Planning Commission.

8. PUBLIC HEARINGS: (cont.)

A. ORDINANCE NO. 03-03-010 (cont.)

The Clerk reported that the only increase in maintenance costs to the Borough will be electricity for the three new street lights and a little more garbage to be taken to the dump. The Haines Woman's Club has formed a "Friends of the Park" group committed to keeping up the maintenance of the playground equipment. The project was taken to the Planning Commission on February 17th at which meeting a permit was issued for initial clearing and installation of drainage. The playground structure itself will be re-designed to fit the new location and then that portion of the permit will be taken to the Planning Commission for final approval.

M/S LLENDE/SCOTT Motion to set Ordinance 03-03-010 for second public hearing March 5th.

Motion carried unanimously.

B. ORDINANCE NO. 03-03-011
(Introduction/First Public Hearing)

AN ORDINANCE OF THE HAINES BOROUGH TO APPROPRIATE \$20,000 FOR THE OPERATION OF THE S.E. ALASKA STATE FAIR.

The Mayor opened the hearing to the public.

Herb **VANCLEVE** explained the significant impact the Fair has on the community as far as bringing people to Haines, filling hotels, campgrounds and restaurants every year. He pointed out that the Fair buildings are used year-round by groups like the 4-H and for stabling horses - also winter storage space is made available. Dalton City provides a low-rent area for small business start-ups. Locals compromise 2/3 of the vendors, who make money during the fair. The community uses Payson's Pavilion during the winter for ice skating. He explained why the Fair is now asking for funding assistance, citing a gamble made by a former board to lower gate fees. The lower fees had no impact on the numbers of people attending, but did significantly lower income for two years. Fees will be raised this year.

Hearing no further comment, he closed the public hearing.

M/S LAPP/SCOTT Motion to set Ordinance 03-03-011 for second public hearing March 5th.

8. PUBLIC HEARINGS: (cont.)

LENDE stated that the Commerce Committee discussed the possibility of pre-paying several years of fees for rental of Payson's Pavilion for skating. The fee is currently \$4,000 per year.

M/S **LENDE/SCOTT** Motion to amend the ordinance to give the S.E. State Fair a grant for \$10,000 and pre-pay the rental on Payson's Pavilion for the skating rink for three years at \$4,000 per year.

After a brief discussion of other possible alternatives, the Assembly felt this was the best solution.

Motion to amend carried with **SCHNABEL** and **OLERUD** opposed.

Main Motion carried unanimously.

The Ordinance will be brought back for its second public hearing in its amended form.

9. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS:

A. Borough Manager

1) Lutak Dock Project

The expert third party has completed his evaluation of the cost over-runs on this project. There should be either a change order or information on an arbitration process in the next Assembly packets.

2) Boat Harbor Expansion Project

The Manager reported that \$250,000 was kept in the omnibus appropriations bill for continued feasibility and design work. Lee **CLAYTON** met with the General for the Corps of Engineers and discussed the project, asking that it move forward. He will be going to Washington D.C. and will also support the project during this trip.

3) Legislative Report -- NONE

4) P.C. Dock Tariff Changes

Staff decided not to change the tariff at this time.

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

A. Borough Manager (cont.)

5) Chilkat Center Staffing

It has been recommended that contract employees at the Chilkat Center be made regular employees. The Manager asked the Assembly to approve job descriptions for the positions of Chilkat Center Administrative Assistant and Chilkat Center Building Maintenance Worker.

M/S LAPP/LENDE Motion to approve the job descriptions for the Chilkat Center Administrative Assistant and Chilkat Center Building Maintenance Worker as submitted.

The Manager explained that these are both 19-hour-per-week positions.

Motion carried unanimously.

The Manager stated that Woody **WILSON**, school Superintendent, will be on the agenda March 5th. He will be proposing a facilities tour for March 6th at noon.

- B. Borough Clerk NONE
- C. Borough CFO NONE
- D. Economic Development NONE
- E. Police Chief - NONE

F. Library

Ann **MYREN** expanded on her written report. The final inspection on the new Library building will be in the first week of March. Meeting rooms have already been used by 18 groups. She pointed out the long-range goals report in the Assembly's packets. The library is getting lots of new volunteers.

G. Museum

Cynthia **JONES** said the "Eight Stars of Gold" exhibit will be at the museum through March. There will be an open house from 2 - 4 p.m. on Sunday, February 23rd. Tlingit classes continue on Tuesday evenings.

- H. Public Works - NONE
- I. Water/Sewer - NONE
- J. Fire/EMS - NONE
- K. Harbors - NONE

10. BIDS/PROPOSALS RECEIVED:

- A. D-1, Sand, Pit Run Supplies
- B. Janitorial Contract

The Clerk recommended awarding contracts for D-1, Pit Run and Maintenance Sand supplies to Southeast Roadbuilders, Inc., the sole bidder.

She also recommended awarding the janitorial contract to Tevye's Handyworks (Ray **VICHE**), whose bid was \$400 higher than the other bidder. The Clerk made this recommendation because of Ray **VICHE'S** long-standing relationship - first with the City, and then the Borough - as janitor, and the fact that he often goes out of his way to do extra work at no extra charge.

M/S OLERUD/LENDE Motion to accept the Clerk's recommendation to award the contracts for D-1, Pit Run and Maintenance Sand supplies to Southeast Roadbuilders, Inc., the sole bidder, for the amount bid.

Motion carried unanimously on a roll call vote.

M/S OLERUD/SCOTT Motion to accept the Clerk's recommendation to award the contract for janitorial services to Tevye's Handyworks for the amount bid.

Motion carried unanimously on a roll call vote.

11. REPORTS OF STANDING COMMITTEES/COMMISSIONS:

- A. Committee Of the Whole 1/13 & 1/18
Moved to end of Agenda

12. REPORTS OF SPECIAL COMMITTEES: NONE

13. CONSIDERATION OF RESOLUTIONS, PETITIONS AND MEMORIALS:

- A. RESOLUTION NO. 03-02-013

A RESOLUTION OF THE BOROUGH ASSEMBLY OF THE HAINES BOROUGH, ALASKA, REQUESTING FY04 SAFE COMMUNITIES FUNDING FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

M/S OLERUD/HARRELL Motion to adopt Resolution 03-02-013.

Motion carried unanimously on a roll call vote.

RECESS: 9:02 p.m.
RECONVENE: 9:12 p.m.

13. CONSIDERATION OF RESOLUTIONS, PETITIONS AND MEMORIALS:

B. RESOLUTION NO. 03-02-014

A RESOLUTION OF THE BOROUGH ASSEMBLY OF THE HAINES BOROUGH, ALASKA, PLEDGING THE HAINES BOROUGH AS SURETY OF NOTARY BOND FOR ROBERT MILLER AND MARK SATTERWHITE, PRINCIPALS.

M/S SCOTT/LENDE Motion to adopt Resolution 03-02-014.

Motion carried unanimously on a roll call vote.

14. CONSIDERATION OF ORDINANCES PROPOSED FOR INTRODUCTION:

A. ORDINANCE NO. 03-03-009

AN ORDINANCE OF THE HAINES BOROUGH TO APPROPRIATE FUNDS FOR THE OPERATION OF THE CHILKAT CENTER.

M/S LENDE/SCOTT Motion to introduce Ordinance 03-03-009 and set it for first public hearing March 5th.

Motion carried unanimously.

B. ORDINANCE NO. 03-03-012

AN ORDINANCE OF THE HAINES BOROUGH TO AMEND CITY CODE CHAPTER 3.28, PROPERTY TAX, BY DELETING THE EXISTING DIFFERENTIAL TAX ZONES.

M/S LENDE/HARRELL Motion to introduce Ordinance 03-03-012 and set it for first public hearing March 5th.

SCOTT asked that the Government Affairs Committee meet before the next meeting to discuss this Ordinance.

Motion carried unanimously.

15. CORRESPONDENCE:

A. Karen **BERTROCH**

Ms. **BERTROCH'S** letter requested that the Assembly forgive court costs and penalties, which the Assembly has the right to do. There was confusion as to what "court costs" referred to. Staff will research and bring information back at the next meeting.

16. OLD BUSINESS:

A. SCOTT stated that the Assembly made its recommendations for changes in the SUD to the DNR in good faith, but that the DNR expanded the regulations to allow commercial helicopter tours in the valley. She wanted the Assembly to let the State know that these activities must be limited in that area. There was a Borough-wide advisory vote on limiting commercial helicopter tours. The Assembly's decision was to allow Mr. **GILLIAM** to operate his business, not to open the area to commercial helicopter tours. It was explained that it was written this way because the State cannot form a monopoly by granting something only to one business.

HARRELL said that there is a difference between helicopter tours and simply transporting customers from one point to the other. The use of helicopters is incidental to the tour in **GILLIAM'S** case and affects only a very small area.

Carolyn **WEISHAHN** said the map showing where helicopter tours are allowed is much larger than just the **GILLIAM'S** area. It was suggested that the language be changed from limiting just "take-offs" to "take-offs" and "landings".

At the request of the Mayor, Mr. **GILLIAM** explained his operation.

LENDE said he felt adding in the words "and landings" will limit access to the area to fixed-wing aircraft and airboats. **SCHNABEL** felt this was the intent of the Assembly.

There was further discussion regarding "tours" vs "transport". It was felt that what Mr. **GILLIAM** does is "transport" by helicopter, not "tour".

M/S SCOTT/LENDE Motion to recommend to DNR that their specific stipulation #1 on page 8 of SUD ADL 106939 be amended by deleting the words "commercial helicopter tours" and inserting "the use of helicopters for transport"...may occur in the Tsirku... and ...where helicopter take-offs (add) "and landings" originate in this area.

Patricia **BLANK** stated she felt that **GILLIAM'S** helicopter flight was part of his tour.

16. OLD BUSINESS:

HARRELL stated that the Planning Commission will be working on defining areas in the valley to be zoned for heliports so that they will be allowed in non-sensitive areas.

Motion carried unanimously.

Nancy **BERLAND** stated that the Assembly should address the definition of "helicopter tour" and have it changed.

17. NEW BUSINESS:

- A. LENDE** stated that Don **TURNER** had a resolution he would like the Assembly to consider passing at this meeting. For discussion purposes it was assigned the number 03-02-015.

The Mayor read the Resolution "urging the Alaska Department of Natural Resources to rescind restrictions proposed on commercial use of public trails in the Haines Borough until the need for such restriction is obvious and demonstrated through the full public process."

M/S OLERUD/LAPP Motion to adopt Resolution 03-02-015.

SCHNABEL did not feel the Whereas that stated .."the Department of Natural Resources has not consulted the local government for input for trail use and management" was true.

Motion carried on a roll call vote, **SCHNABEL** and **SCOTT** opposed.

18. SET COMMITTEE MEETING DATES:

- A.** Government Affairs - 2/26/03 6:00 p.m. To discuss Ordinance No. 03-03-012.
B. Committee Of the Whole - 2/22/03 To interview Manager Candidates.

19. ASSEMBLY MEMBER COMMENTS:

- A.** Assembly Member **OLERUD** stated that when someone has handouts for the Assembly, they should be sure everyone on the Assembly gets a copy.

19. ASSEMBLY MEMBER COMMENTS:

- B. Assembly Member **SCHNABEL** said she felt the Planning Commission should be more involved with the issues coming before the Assembly that have to do with economic development and land use.

- D. Assembly Member **SCOTT** said that the Resolution submitted to the Assembly at the last minute should have come through staff first, who could have researched its validity before it was submitted for adoption.

11. REPORTS OF STANDING COMMITTEES/COMMISSIONS: [Moved]

- A. Committee Of the Whole 1/13 & 1/18

M/S OLERUD/LAPP Motion to move into executive session at the Assembly Chambers in the Municipal Building to discuss the results of the Manager short-list applicant reviews and further short-list the candidates for interviews.

Motion carried unanimously.

MOVED INTO EXECUTIVE SESSION: 10:10 p.m.

RECONVENED FROM EXECUTIVE SESSION: 10:50 p.m.

As a result of the executive session discussion, the Assembly decided to hold in-person interviews with Keith **BETTRIDGE**, Tim **TROLL** and Fred **SHIELDS** on or about March 7th.

The Assembly discussed the Manager's Recommendation on the hiring of a new C.F.O. The Manager recommended clarifying the duties of the current Accounts Receivable clerk so that she could complete more of the routine C.F.O. duties, such as coordinating department head requests, preparing reports, organizing and tracking grants, budget and audit preparation, etc. In order to compensate the A/R Clerk for performing these higher-level duties, the Manager recommended raising her salary to Step F on the step chart (\$15.28/hour) from her current step A (\$12.23/hour) during the period of this arrangement.

M/S LENDE/HARRELL Motion to accept the recommendation of the Borough Manager as presented.

Motion carried unanimously on a roll call vote.

20. ADJOURNMENT:

M/S OLERUD/SCOTT Motion to adjourn.

Motion carried unanimously

Meeting adjourned at 11:00 p.m.

Mike **CASE**, Borough Mayor

ATTEST:

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

S E A L: