

**HAINES BOROUGH ASSEMBLY
REGULAR MEETING MINUTES #24
AUGUST 06, 2003**

1. **CALL TO ORDER:** Mayor **CASE** 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 Mayor.
3. **ROLL CALL: Present:** Mayor Mike **CASE** and Assembly Members Chip **LENDE**, Douglas **OLERUD**, Jerry **LAPP** and Stephanie **SCOTT**.

Absent: Assembly Members Lucy **HARRELL** and Debra **SCHNABEL**.

Staff Present: Julie **COZZI**/Borough Clerk, Tim **TROLL**/Outgoing Borough Manager, Keith **BETTRIDGE**/Incoming Borough Manager, Michelle **GLASS**/Tourism Director, Greg **GOODMAN**/Police Chief, and Cynthia "CJ" **JONES**/Museum Director.

Visitors Present: Kristen **BIGSBY**/CVN, Doug **FINE**/KHNS, Eddie **HERZINGER**, Sally **MCGUIRE**, Lori **CRUPI**, Norm **SMITH**, Dave **BUTTON**, Jane **BUTTON**, Kelly **TEEL**, Burl **SHELDON**, Gary **WILKENS**, Carrie **WILKENS**, Bob **LOWDEN**, and Cheryl **LOWDEN**.

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

The Mayor made the following change to the Agenda:

Add Item 14E - Introduction of Ordinance 03-08-028

M/S **LENDE/LAPP** Motion to approve the consent agenda as changed.

Motion carried unanimously.

- * 5. **MINUTES OF PREVIOUS MEETINGS:** July 16,2003 Regular

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

A. **CHILKOOT RIVER CORRIDOR PROJECT (CRC)**

Request closure of Chilkoot River area Borough lands to foot traffic due to public safety concerns.

Burl **SHELDON** explained that in May 2001, the Chilkoot River Corridor Project group recommended that anglers be encouraged to avoid the East bank due to safety issues, specifically the bear population. Most of the Chilkoot River bears are sows with or without cubs. A bear has been involved recently in accosting anglers; they are now associating people and fish. He is concerned that it could end in a serious mauling or fatality. Some visitors and locals are not respecting the "No Trespassing" signs posted on the native lands. Most

people access the East bank by way of Borough land--from the bridge right-of-way approximately 700 feet upstream. CRC is requesting that the Borough land be closed to foot traffic, because of the safety issues and the need for space for the animals.

Sally **MCGUIRE** is a resident in the Chilkoot River area. She admonished the Assembly to consider CRC's request for closure, because it is becoming a serious problem. In her opinion, there are just a few people that go over to the East bank, and they are putting themselves and the bears in a very unsafe situation. The Chilkoot River Corridor is important for Haines tourism.

Lori **CRUPI** explained that she has assisted her husband in his long time CRC bear activity research. A lot of bears use the section of river under discussion; it's a very important and heavily used bear area. It is important that the bears be able to access their feeding area and be able to get enough substance for the winter. A sow a week or so ago purposely saw an angler and chased after the caught fish. It is important to close this area and address the problem before it expands. Some people have gotten stuck on that side and have had to go across the fish weir as their only way out away from the bears.

Norm **SMITH** said that the previous week he had the pleasure of hosting the Republican Congressman from Illinois, Mark Souder, who is on an independent Statewide visit of parks. Some folks in Skagway told him that the place to see bears was at Chilkoot Lake. He told Norm that this is the only place he knows of in the entire U.S. where people can go right up to bears. He has offered to assist us. He is on the Congressional Committee for National Parks and could be very influential in addressing this problem. If we need help with this, he is a person that can really help. It is a very critical issue for Haines. Norm also mentioned that Mr. Souder is on the committee that makes the decisions about Glacier Bay.

Mayor **CASE** closed this portion of the public hearing at 6:45.

SCOTT was told that CRC might possibly pay for the signs they are requesting and install them. She asked Mr. Sheldon to comment. **SHELDON** responded that the CRC project group has no money. It is grant-funded with specific tasks stipulated that does not include the signs. He pointed out that the signs must be of a very clear and simple nature; he believes the current signs are mysteriously worded.

LENDE would support closing Borough property to limit access to the East side. He does not believe it would negatively impact visitors to close it. If there is a mauling, the whole road could be closed and that would have an impact. Anything that can be done to minimize the contact with bears would be good.

OLERUD has a problem with posting "No Trespassing" signs on public lands. He believes the problem is the fish weir and until Fish & Game removes it the bears will continue to feed there. In his opinion, closing the Borough land to foot traffic would be a "feel good" step that would not really have much impact on the bear problem but would cause hard feelings among local user groups.

LAPP noted that the Haines Borough has a habit of making public lands accessible. He might go along with a temporary sign for a heavier-used time of year but would not be in favor of permanent signs.

TROLL said that his only concern from a management stand point is implementation...specifically police enforcement outside of the townsite service area. If "No Trespassing" or "Closed to Foot Traffic" signs are posted, does the Borough really want to enforce it and, if so, how? He clarified that the current signs say it is bear territory and discourage fishing there. **SHELDON** clarified the area in question by drawing a map on the blackboard.

LAPP asked who posted the current signs. **MCGUIRE** said that State Parks put up the signs. **CRUPI** explained that she has put up some handwritten signs that have been ripped down.

OLERUD said that 95% of the bear encounters out there are happening on the native allotment land. **CRUPI** countered that people go across the Borough lands to get to the native allotment lands.

M/S **LENDE/SCOTT** Motion to post "No Trespassing" signs during the heaviest-use time from July 1 to September 30.

SCOTT asked if the other Assembly members would consider signs that are more explanatory rather than *unfriendly* "No Trespassing" signs; something more in line with the educational goals of the CRC. The Borough could work with CRC to word them effectively. **LAPP** agreed that if signs are posted they should be informative and give the dates of closure.

OLERUD said that since the CRC group was established, a lot of people have stopped coming to Haines because they feel

they are being shut out. He has no problem with an informative sign. "No Trespassing" would send an incredibly negative message. He believes that the Borough should inform people of the potential threat only. He is concerned that certain people are using the potential for bear attacks as a means to accomplish an agenda of trying to shut down the entire area.

SMITH mentioned the Illinois Congressman again and said that Mr. Souder said it would behoove the Borough to show some effort to control the area. If the Borough doesn't show some initiative to solve the problem, he warned that the whole area may be cut off. The fish will still be there, but the bears won't.

Motion failed 3 to 1 with **OLERUD** opposed. 4 affirmative votes were required to carry the motion.

Mayor **CASE** stated that it is within the Borough Manager's prerogative to deal with the issue administratively now.

B. BOB & CHERYL LOWDEN

Land Use & Nuisance Issue

Bob **LOWDEN**, owner of Bushmaster, explained that he came before the Assembly because he has not gotten any results in his other efforts. His complaint is about the building at 4th & Union; he does not believe that it is approved by the Planning Commission to operate as an auto repair facility or a junkyard. The code clearly states that "junk" vehicles are not allowed. It is his understanding that the owner needs the proper fencing if it is going to be operated as a junkyard. He has tried to communicate with Scott **HANSEN**, Borough Administrative Assistant assigned to planning and zoning issues, but does not believe **HANSEN** is correctly interpreting the Code. The neighborhood is being "junked up" and unnecessary congestion is occurring in the intersection. The Code states that a maximum of two inoperable vehicles are allowed. **HANSEN**'s interpretation is that there are five lots across the street in Black Bear Trailer Court and believes the allowable number of vehicles would be ten. **LOWDEN** does not agree and is very frustrated. He asked the Assembly whether or not the Code is going to be enforced.

Cheryl **LOWDEN** pointed out that when the building in question was built, it was permitted only for storage and not for auto repair. There is not enough parking, no fire exits, etc.

Gary **WILKENS**, owner of Advanced Auto, said that he has been working with **HANSEN** since the issue was brought up. He has removed trees and has a go-ahead to put in a culvert, so that he can bring some cars around to a different side of the

building. He is a small business that builds up old cars. He gets old junkers "dumped" on him when people bring their broken down cars to him only to find them unrepairable. He wants to put up a large fence and is trying to deal with the issues, so he asked for patience as he works to address the concerns.

Mayor **CASE** said that it is definitely a management issue. It will take some time to get **BETTRIDGE** up to speed but will be one of his top priorities.

7. MAYOR'S COMMENTS/REPORT:

A. Mayor **CASE** introduced the new Borough Manager, Keith **BETTRIDGE** and gave a brief summary of his experience.

B. The Mayor attended a Juneau Access follow up meeting in Juneau and believes that erroneous statistics are being used to show that Haines is doing better economically than it really is. He admonished the Assembly and others present to be careful to make the facts known.

C. The old library building is destined to be the Administration Building for the Haines Borough. One building is very crowded and the other is very expensive and must be vacated soon. The Department of Agriculture will give the Borough \$75,000 if they approve the plans. **Smith** asked the Mayor to be more specific about the move. Mayor **CASE** explained that all of the Borough administrative employees would be in one place. The general plan is to raise the sunken floor and put in handicapped-accessible restrooms.

D. He announced the resignation of Joanne Waterman from the Planning Commission.

E. The Assembly was asked to make note of the upcoming Alaska Municipal League Convention in Nome in November and make plans as soon as possible.

8. PUBLIC HEARINGS:

A. CONTINUED HEARING ON NEW ECO ORCA COMMERCIAL TOUR

M/S **LAPP/LENDE** Motion to reconsider the previous meeting's motion to approve the new Eco Orca Tour.

Carried unanimously.

The Mayor opened the hearing to the public at 7:28 p.m.

Hearing no comments, he closed the public hearing at 7:28 p.m.

SCOTT asked if the applicants satisfied the Manager's requirements. **TROLL** said that they did; they signed a statement agreeing to abide by Borough Code and provided proof of worker's comp insurance. The pending suspension has been

removed. However, he still encouraged the Assembly to deny the new tour. **SCOTT** asked **TROLL** to explain his reasons. **TROLL** said that **BUTTON** obviously knew that he should not operate a vehicle that was not permitted and not on the required vehicle inventory. On May 12th **BUTTON** signed his 2003 tour permit agreeing to abide by the permit regulations. On June 11th he was cited by a police officer for operating a commercial vehicle without a permit. Even though **BUTTON** has contested the charge, at a minimum a new tour permit should not be allowed until that issue is resolved. Regarding the worker's comp insurance, the fact that he stated during the previous meeting that he uses volunteers without insurance shows a negligent disregard for their safety. Also, per Code volunteers cannot use an operator's tour permit. **TROLL** believes **BUTTON** is doing everything he can to avoid obeying the requirements of the permit process. The issues raise enough questions that the new permit should not be approved. These are direct violations that should not stand unnoticed. **TROLL** believes that careful consideration should be given next year as to whether or not to grant **BUTTON** a tour permit, period.

LENDE expressed appreciation for **TROLL**'s comments and believes they are pertinent and helpful to the decision process.

M/S **LAPP/SCOTT** motion to approve the new tour.

Failed unanimously on a roll call vote.

B. ORDINANCE NO. 03-08-027
(Introduction and First Public Hearing)

AN ORDINANCE OF THE HAINES BOROUGH, APPROPRIATING A \$139,932 GRANT FROM FEMA TO THE FY03/04 BUDGET FOR FIREFIGHTER TRAINING AND EQUIPMENT.

Mayor **CASE** opened the hearing to the public at 7:40 p.m.

Hearing no comments, he closed the public hearing at 7:40 p.m.

M/S **OLERUD/SCOTT** Motion to set Ordinance 03-08-027 for second public hearing on August 20, 2003.

Passed unanimously.

9. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS:

A. Borough Manager - Written Report

M/S **LAPP/SCOTT** Motion to approve both of the expenditure requests in the report exceeding the \$5,000 limit (scanner and sawmill creek).

Passed unanimously on a roll call vote.

- C. Borough CFO - NONE
- D. Economic Development/Tourism - NONE
- * **E. Police Chief** - WRITTEN
- F. Library - NONE
- G. Museum - NONE
- H. Public Works - NONE
- * **I. Water/Sewer** - WRITTEN
- J. Fire/EMS - NONE
- K. Harbors - NONE

10. BIDS/PROPOSALS RECEIVED:

- A.** R & M Engineering - Soils Investigation for Proposed Shop Building, \$5,920

M/S OLERUD/LAPP to approve the expenditure.

Passed unanimously on a roll call vote.

11. REPORTS OF STANDING COMMITTEES/COMMISSIONS:

12. REPORTS OF SPECIAL COMMITTEES:

13. CONSIDERATION OF RESOLUTIONS, PETITIONS AND MEMORIALS:

- A.** RESOLUTION NO. 03-08-029

A RESOLUTION OF THE BOROUGH ASSEMBLY OF THE HAINES BOROUGH, ALASKA, LISTING ASSETS OF THE FORMER HAINES BOROUGH AND THE FORMER CITY OF HAINES THAT PROVIDE OR WILL PROVIDE AREA WIDE BENEFIT AFTER CONSOLIDATION.

SCOTT said that this resolution grew out of the Government Affairs Committee.

M/S OLERUD/SCOTT Motion to adopt Resolution 03-08-029.

Carried unanimously.

- B.** RESOLUTION NO. 03-08-030

A RESOLUTION OF THE ASSEMBLY FOR THE HAINES BOROUGH SETTING FORTH A QUESTION FOR THE RATIFICATION BY CERTAIN VOTERS WITHIN THE HAINES BOROUGH WHETHER THE SALES TAX DEDICATED TO ECONOMIC DEVELOPMENT AND TOURISM SHOULD BE COLLECTED BOROUGH WIDE.

TROLL explained that he introduced it so that the Assembly can be looking at it as the corresponding ordinance (03-08-023) goes through the hearing process. No action should be taken on this until the ordinance passes. Keep it available.

14. CONSIDERATION OF ORDINANCES PROPOSED FOR INTRODUCTION:

A. ORDINANCE NO. 03-08-023

AN ORDINANCE OF THE HAINES BOROUGH AMENDING SECTION 3.40.030 AND 3.40.220 OF THE HAINES BOROUGH CODE REGARDING THE APPLICATION OF THE BOROUGH CONSUMER SALES TAX.

TROLL explained that this is his interpretation of the ordinance change that would be needed to carry out the Charter's mandate. This is his best shot at it.

M/S **SCOTT/LENDE** Motion to introduce Ordinance 03-08-023 and set it for first public hearing on August 20, 2003.

Motion passed unanimously.

B. ORDINANCE NO. 03-08-024

AN ORDINANCE OF THE HAINES BOROUGH PROVIDING GROUNDS FOR DENYING THE RENEWAL OF BUSINESS PERMITS AND ESTABLISHING THE PROCEDURE FOR APPEALING DENIALS OF PERMITS.

M/S **LAPP/OLERUD** Motion to introduce Ordinance 03-08-024 and set it for first public hearing on August 20, 2003.

Passed unanimously.

C. ORDINANCE NO. 03-08-025

AN ORDINANCE OF THE HAINES BOROUGH CLARIFYING THE REQUIREMENTS FOR A COMMERCIAL PASSENGER VEHICLE PERMIT.

M/S **LENDE/SCOTT** Motion to introduce Ordinance 03-08-025 and set it for first public hearing on August 20, 2003.

Passed unanimously.

D. ORDINANCE NO. 03-08-026

AN ORDINANCE OF THE HAINES BOROUGH AMENDING SECTION 2.74.030 MODIFYING THE ADVERTISING REQUIREMENT FOR RECRUITMENT OF POLICE OFFICERS AND DISPATCH/JAILERS.

M/S **OLERUD/LAPP** Motion to introduce Ordinance 03-08-026 and set it for first public hearing on August 20, 2003.

Passed unanimously.

E. ORDINANCE NO. 03-08-028

AN ORDINANCE OF THE HAINES BOROUGH PROVIDING FOR AN EXCEPTION TO THE HARBOR STALL WAITING LIST WHEN JUSTIFIED IN THE PUBLIC INTEREST.

M/S **OLERUD/LENDE** Motion to introduce Ordinance 03-08-028 and set it for first public hearing on August 20, 2003.

Passed unanimously.

15. CORRESPONDENCE:

16. OLD BUSINESS:

17. NEW BUSINESS:

18. SET COMMITTEE MEETING DATES:

19. ASSEMBLY MEMBER COMMENTS:

OLERUD thanked **TROLL** for the excellent job he has done in the short time he's been here, and he welcomed **BETTRIDGE**.

LAPP also thanked **TROLL** for his hard work and welcomed **BETTRIDGE**. He asked if reports of Borough investments could be included for the Assembly periodically. Mayor **CASE** said that the reports should be going to the Finance Committee.

SCOTT joined in thanking **TROLL** for his good work. She also said that Title 5 states that the Convention and Visitor Bureau is supposed to provide quarterly reports to the Assembly. It would be another way to bring the work of the Tourism Department before the public. **GLASS** agreed to make sure that the reports are provided.

20. ADJOURNMENT

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

Motion carried unanimously.

The meeting was adjourned at 8:13 p.m.

Mike Case, Borough Mayor

ATTEST:

Julie Cozzi, Borough Clerk

S E A L: