


Haines Borough
Borough Assembly Meeting #41
April 21, 2004
MINUTES

1. **CALL TO ORDER/PLEDGE TO FLAG:** Mayor Mike **CASE** called the meeting to order at 6:30 p.m. in the Assembly Chambers of the Municipal Building and led the pledge to the flag.
2. **ROLL CALL Present:** Mayor Mike **CASE**, Assembly Members Stephanie **SCOTT**, Lucy **HARRELL**, Norm **SMITH**, Jerry **LAPP**, Douglas **OLERUD**, and Debra **SCHNABEL**.

Staff Present: Scott **HANSEN**/Administrative Assistant, Keith **BETTRIDGE**/Borough Manager, Robert **VENABLES**/Economic Development Director, and Vince **HANSEN**/Consultant.

Visitors Present: Dawne **THOMSEN**/Planning Commission Chair, Steve **WILLIAMS**/CVN; Chip **LENDE**, George **FIGDOR**, Liz **MARANTZ-FALVEY**, Orion **FALVEY**, Wayne **STICKLER**, Daymond **HOFFMAN**, Fred **BRETTHAUER**, Shirley **BRETTHAUER**, Ruth **THOMPSON**, Joyce **THOMAS**, Adrian **BOCHART**, and a few others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA:**

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

SCHNABEL requested that the 4/7/04 meeting minutes be removed from the consent agenda in addition to the Economic Development report. Also, the following agenda amendments were requested:

- 1) By **SCHNABEL**: Add to New Business a discussion about Borough participation in the community's spring clean-up, and
- 2) Also by **SCHNABEL**: Add to New Business the question of exempting RVs from paying the Borough's "bed tax."

The motion to approve the consent agenda, as amended, carried unanimously.

4. **APPROVAL OF MINUTES:** *April 7, 2004, Regular Meeting

SCHNABEL said that Vince **HANSEN** was identified in the minutes as a visitor but it should actually be noted that he was present at the meeting because of his consultant relationship with the Borough. This would clarify his authority to make statements regarding Code titles. **CASE** said that the minutes will be amended to list **HANSEN** under staff with "Consultant" after his name. **SCHNABEL** also took issue with the presentation of the minutes regarding Title 18 where Dawne **THOMSEN**'s statement regarding the planning commission's role in regulating safety was quoted but her own response to that statement was not. She would like it to be in there. **CASE** said that it will be inserted verbatim. Additionally, with **OLERUD**'s concurrence, **SCHNABEL** asked for a correction to the statement regarding a Public Works shop. The minutes mention a "new" shop, and **OLERUD** actually talked about a shared facility with the Department of Transportation. **CASE** said that **OLERUD** will be quoted verbatim in the minutes.

M/S **OLERUD/LAPP** Motion to approve the minutes as amended.
The motion carried unanimously.

5. PUBLIC COMMENTS:

Fred **BRETTHAUER** said that there has been a serious decline in RV traffic since the "bed tax" was implemented in 1999. The peak year was the year 2000. In 2001, business was down %10 and another 10% in 2002. In 2003, they experienced another 8% decline. This tax is not the only factor, but it does have a significant impact on the business. RVers "vote with their wheels." He asked the assembly's consideration in exempting RVs from having to pay that tax since they, in essence, bring their own beds with them.

MARANTZ-FALVEY requested that the skateboard ordinance be moved up in the agenda, if possible, to accommodate the students and parents present in the audience that must leave early to go to an out-of-town music festival. **SCOTT** had no objection but pointed out the importance of first addressing Ordinance 04-03-049 (Item 7C) since it deals with adopting Title 10. It was agreed.

6. PUBLIC HEARINGS:

A. Ordinance 04-03-049 - (second hearing)

An Ordinance of the Haines Borough adopting Haines Borough Code Title 10 - Vehicles and Traffic; and Title 14 - Acquisition and Disposal of Borough Lands, and setting an effective date pursuant to Haines Borough Charter Requirements.

Mayor **CASE** opened and closed the public hearing at 7:04pm; there was no comment.

M/S **OLERUD/HARRELL** Motion to adopt Ordinance 04-03-049.
The motion carried unanimously with a roll call vote.

B. Ordinance 04-03-052 - (second hearing)

An Ordinance of the Haines Borough, amending Haines Borough Code Title 10, Section 10.26.300, to prohibit the use of skateboards on sidewalks in business districts or where otherwise regulated by signage, and Section 10.02.210, to allow signage placement on Borough property to regulate skateboarding.

Mayor **CASE** opened the public hearing at 7:06pm.

MARANTZ-FALVEY summarized what HASL has been doing in the year since the assembly sanctioned Oslund Park as a skateboard park. They have been having weekly meetings and researching different skateboard parks and companies. They have included much of that information in the two grant applications they have submitted that the Borough has signed off on. A proposed budget was included in the requests, as well. It is really important that the assembly reconsider their sanction of Oslund Park as the skateboard park. It would be more

convenient to have a centrally-location place, and there is an immediate need. Willard Street is not a good safe surface and kids look for rails, edges, and ramps. Lookout is a great skating area; it has all of the components they look for. There are 30-50 skaters in the community now. Until the skatepark is complete, they are asking that skateboarding be allowed in Lookout Park. Additionally, HASL would like to request Borough support for a different option; the lot next to the municipal building. She asked the assembly, on behalf of HASL, to consider being responsible for pouring a pad. HASL will continue their fund-raising efforts.

BOCHART asked why signage is already posted in the public areas. She wondered about the public process. She said that Lookout Park was not discussed in the committee meetings, so the skateboarders had not had an opportunity to weigh in on the Park as a location. Additionally, she said that the ordinance language is confusing and still contains gray areas that need to be clarified before adoption.

LENDE reiterated the immediate need for the kids to have a skateboarding location. The Borough needs to address both the long term and the short term solutions to this growing youth activity in Haines.

Mayor **CASE** closed the public hearing at 7:25pm and asked **BETTRIDGE** to address **BOCHART**'s signage question.

BETTRIDGE explained that the signage was a result of assembly discussion and a review of the area and safety concerns. The off-limits signs were installed pending a final determination.

M/S **OLERUD/SCHNABEL** Motion to adopt ordinance 04-03-052.

OLERUD said he likes the Police Chief's idea of allowing the youth to use the back parking lot of the Municipal Building for a temporary skateboard area, including bringing their ramps from Oslund Park. However, they would need to make sure they stayed out of the way of the fire equipment. **SCOTT** said that the idea is important and needs to be discussed but is not relevant to the ordinance; it should be addressed aside from it. She clarified that Lookout Park was, indeed, a part of the committee's discussion, and two-thirds of the committee wanted Lookout Park restricted. It is still being used by the community as a picnic site. Furthermore, **SCOTT** said that she is supportive of Chief Goodman's recommendation to change the penalty clause but does not want to further restrict Second Avenue, as suggested. **HARRELL** said that posted hours might be a consideration for Second Avenue. **MARANTZ-FALVEY** said that the skaters would be amenable to posted hours---similar to Juneau. It could be closed when cruise ships are in. **LAPP** said he likes the idea of pouring a pad next to the Municipal Building rather than cordoning off an area of the existing

parking lot---as a start to the long-range plan. **SCHNABEL** said she supports the ordinance because she does not in favor of identifying streets and sidewalks for skateboarding. There is too much risk when you sanction a roadway where there is vehicular traffic. She prefers an ordinance that discourages use of public roadways, but does agree with **LENDE** that acceptable areas need to be identified for the skaters. She suggested that the assembly consider making Lookout Park a part of a skateboard park IF it is made a safe place to skate. Kids are off the street when they are in Lookout Park. Then, in budget discussions, long-term options could be considered.

M/S **SCOTT/LAPP** Motion to amend the ordinance by deleting item 3 - Third Avenue and rewording the penalty portion (D) to say "shall be punished by being assigned a \$25 fine increasing in increments of \$5 for each subsequent offense."

SCHNABEL spoke against the removal of item 3 saying it has a short narrow sidewalk and is not safe. **SMITH** said his understanding was that the steps and sidewalk in front of the new Library need to be preserved. **LENDE** said HASL is really not concerned about the availability of Third or Second avenues, because they generally prefer not to skate on sidewalks. The assembly should focus its efforts on an area that can be created.

HARRELL requested a division of the question. There was no objection.

Mayor **CASE** called for the question regarding deleting item 3 from the ordinance. It failed 1-5 with **SCOTT** voting for it.

Mayor **CASE** called for the question regarding rewording the penalty portion of ordinance. It passed unanimously with a roll-call vote.

M/S **SCHNABEL/LAPP** Motion to amend the ordinance by deleting item #4 - Lookout Park.

SMITH said he is against this memorial park being turned into a skateboard park. Ron Casperson, per Lee Heinmiller, is willing to rebuild the park at no cost to the borough. It should be maintained as a quiet place to meditate, etc. It was not built to be a skateboard park. **SCHNABEL** agreed that it would be a big sacrifice, because she appreciates the park as it was built. However, a alternative needs to be identified. **OLERUD** agreed that Lookout Park is inappropriate for skateboard use but that another area is needed. **SCOTT** said she thought that Lookout Park was going to be included in the budget for restoration. She said that an area could quickly be cordoned off in the parking lot behind the Municipal Building. She added that, with all due respect, skateboarding is a tough sport and can be rough on things. Lookout Park would not be a safe location.

The motion to amend by removing item 4 failed 1-5 with **SCHNABEL** voting for it.

The main motion to adopt ordinance 04-03-052 carried unanimously with a roll call vote.

CASE thanked the skateboarders for their efforts. **OLERUD** asked if a committee meeting could be set before the skateboarders leave. A Government Services Committee meeting was set for Wednesday, 4/28, at 3:30 p.m.

7. MAYOR'S COMMENTS/REPORT:

Municipal Clerk's Week - May 2-8, 2004

Mayor **CASE** read a proclamation.

Chilkat Center Advisory Board Appointments

The mayor recommended Marva Crecelius and Bobbi Figdor for the two vacancies on the Chilkat Center Advisory Board. He explained that Crecelius represents a church user of the facility, and Figdor represents a recreational user. There was no objection.

Re. Earth Day Award - Haines Sanitation, Composting System

Lynda Walker, Owner, has been innovative and responsive in addressing a community solid waste problem. The assembly had no objection to recommending her for an award.

Mayor **CASE** called a brief recess at 8:12pm.

The meeting reconvened at 8:20pm.

8. PUBLIC HEARINGS (continued):

C. New Tour Proposal - Chilkat Cruise and Tours

Chilkat Cruises & Tours Proposes to Provide a Motorcoach or Mini Coach Tour from Haines to Kroschel Wild Animal Park off Mosquito Lake Road a Distance of 26 miles. The 3-3/4 Hour Tour would Consist of a Visit to the Wildlife Park followed by a drive back to Haines to visit the Bald Eagle Foundation.

Mayor **CASE** opened and closed the public hearing at 8:20pm; there was no comment.

M/S **OLERUD/HARRELL** Motion to approve the new Chilkat Cruises tour to Kroschel Wild Animal Park.

SCHNABEL asked **THOMAS** to clarify the planned route from the Eagle Foundation and "picture point." She is concerned about buses at the Main Street intersections in the summer. **THOMAS** said that the plan is to travel along Second Avenue. **SMITH** said he would be against any bus traffic on Front Street because of how narrow it is.

The motion carried unanimously.

D. Ordinance 04-03-048 - (second hearing)

An Ordinance of the Haines Borough adopting Haines Borough Code Titles 18 - Land Use and Development, and setting an

effective date pursuant to Haines Borough Charter requirements.

Mayor **CASE** opened and closed the public hearing at 8:31pm; there was no comment.

M/S **OLERUD/LAPP** Motion to adopt Ordinance 04-03-048.

M/S **OLERUD/LAPP** Motion to amend the ordinance, Section 18.70.020, per the 4/20/04 recommendation by Vince Hansen.

The motion to amend Ordinance 04-03-048 by incorporating Vince Hansen's recommendations carried unanimously.

SCOTT and **SCHNABEL** each pointed out that they plan to vote "no" on the adoption of Title 18 because heliports were removed from the list requiring conditional use permits.

The main motion to adopt the ordinance carried 4-3 with **SCOTT, SCHNABEL,** and **SMITH** voting against and Mayor **CASE** breaking the tie with a "yes" vote.

Vince **HANSEN** congratulated the mayor and assembly on this occasion of adopting the final title of the new Haines Borough Code.

E. Ordinance 04-03-051 - (second hearing)

An Ordinance of the Haines Borough, appropriating \$7,004.05 to the Haines Borough Ports Department for a replacement rubber fender to make emergency repairs to the Port Chilkoot Dock.

Mayor **CASE** opened and closed the public hearing at 8:52pm; there were no comments.

M/S **OLERUD/LAPP** Motion to adopt Ordinance 04-03-051.

CASE noted that the old fender was finally located by divers, and it has been installed. The new fender will be used as a spare. He also said that the harbormaster has implemented a good maintenance program.

The motion carried unanimously with a roll call vote.

F. Ordinance 04-04-053 - (first hearing)

An Ordinance of the Haines Borough adopting the Haines Borough Comprehensive Plan pursuant to Haines Borough Charter Requirements.

Mayor **CASE** opened the public hearing at 8:56pm.

FIGDOR said he made many comments to the Planning Commission. He spoke to overall document organization problems; an effective document depends on including objectives and strategies in every section, listed in a consistent measurable way. He also expressed concern that the recreation part of

the plan be much better defined and include objectives and strategies to maintain the quality of life enjoyed here.

Mayor **CASE** closed the public hearing at 9:02pm.

M/S **OLERUD/HARRELL** Motion to move Ordinance 04-04-053 to its second hearing on 5/5/04.

HARRELL said that it is important to adopt the Comprehensive Plan so that the Planning Commission can take care of the zoning business before them. **SCHNABEL** said that she believes the community made a "fundamental error" in the Charter by making the Planning Commission responsible for the Comprehensive Plan. **SCOTT** said she does not share **HARRELL**'s lack of concern that the assembly adopts the plan prior to the deficiencies being corrected.

M/S **SCOTT/SCHNABEL** Motion to postpone consideration of this ordinance indefinitely.

The motion to postpone failed 3-4 with **SCHNABEL**, **SCOTT**, and **LAPP** opposed and **CASE** breaking the tie with a "no" vote.

The main motion to move the ordinance to its second hearing carried 5-1 with **SCOTT** opposed.

9. STAFF REPORTS:

A. Manager

BETTRIDGE summarized his written report.

New Ambulance - **BETTRIDGE** said that Scott Bradford has been looking for grants to replace the 1972 2-wheel drive ambulance. He has located a grant that would only require the Borough to provide a \$25,000 match. Bob **KLING** has identified the money in the Borough's "sinking fund." **OLERUD** questioned the need to upgrade the ambulance and asked where it would be kept. **LAPP** said he feels it would be money well spent. No action was taken.

Water/Sewer Treatment System - Re. the USDA planning grant: Haines median household income does not qualify us to apply for that grant. Additionally, that median income means that we would also have to provide a 45% match (\$1.5m). **SCHNABEL** said that the FY04 budget has a \$15K allocation for grant writing and wondered if the assembly should consider funding the planning project. **BETTRIDGE** asked if the USDA's \$1.5m match requirement would change the assembly's priorities. **SCHNABEL** asked that the topic be addressed during the upcoming strategic planning session. **CASE** said he is opposed to spending public monies to investigate only one specific system. He would like to investigate the alternatives, as well.

B. Economic Development Dept. Report

SCHNABEL asked **VENABLES** if he has a recommendation for updating the Overall Economic Development Plan (OEDP). **VENABLES** said he is looking for direction and it is one of the topics for the next Commerce Committee meeting.

9. COMMITTEE/COMMISSION REPORTS:

A. Government Affairs Committee

1. Tanani Bay Marine Outfall - **HARRELL** reported that the committee recommends that the Borough NOT take over responsibility for this "satellite" sewer system as requested by Don Turner. The committee has encouraged him to work with the existing property owners to form an association or LID to address the issues.

2. FEMA flood insurance - **HARRELL** said there is no other flood or water damage insurance available, and it does not cost the Borough anything. FEMA has provided the Borough with a sample ordinance. The Government Affairs Committee will work with the Planning Commission on this matter. **SCOTT** expressed concern that this be put through a public hearing process because of the FEMA requirements that may affect construction decisions.

B. Commerce Committee

1. Design Agreement between the Corps and the Haines Borough

M/S **OLERUD/HARRELL** Motion to authorize the Borough Mayor to execute the Design Agreement between the Department of the Army and the Haines Borough for navigation improvements

VENABLES said that the Borough voters will ultimately be the ones to obligate any funds.

The motion carried unanimously with a roll call vote.

2. Memorandum of Agreement between the Borough and the State

M/S **OLERUD/LAPP** Motion to authorize the Borough Mayor to execute the Memorandum of Agreement between the Borough and the State.

The motion carried unanimously with a roll call vote.

3. Proposal for representation in Washington, D.C.

M/S **SCHNABEL/SCOTT** Motion to allocate \$4,200/month from the Economic Development fund balance to hire the firm of Robertson Monagle & Eastaugh for a period of three months to lobby for the boat harbor on behalf of the Haines Borough.

SCHNABEL and **SCOTT** agreed to change the motion to remove the time limit. **SCOTT** expressed a concern that the assembly be kept in the communication loop. **LAPP** asked for regular reports. **VENABLES** pointed out that the firm can concurrently lobby for other Haines projects.

The motion to enter into the agreement carried unanimously with a roll call vote.

10. OLD BUSINESS:

1. School District - Request for Additional FY04 Funds

M/S **OLERUD/SCOTT** Motion asking for a letter to be written to the Superintendent informing them of the assembly's decision to NOT provide the requested funds.

The motion carried 5-1 with **SCHNABEL** opposed.

11. NEW BUSINESS:

A. Ordinances for Introduction

1. Ordinance 04-04-054

An Ordinance of the Haines Borough amending Haines Borough Code Title 8, Section 8.16, to allow the sale of fireworks within the townsite service area.

M/S **LAPP/SMITH** Motion to introduce the ordinance and set it for its first public hearing on 5/5/04.

SCOTT asked if the ordinance could be reworded to allow fireworks sales outside the pre-annexation boundaries of the townsite area. There was no amendment motion.

The motion carried 4-2 with **SCOTT** and **HARRELL** opposed.

B. OTHER NEW BUSINESS

1. Adoption of By-Laws - Chilkat Center Advisory Board

M/S **OLERUD/SCOTT** Motion to adopt the Chilkat Center Advisory Board By-Laws.

SCHNABEL asked for correction of two items on Page 3 of 4 in the By-Laws, and there was no objection: 1) Item 3a - Remove "of Trustees" and 2) Item 3d - Omit "The Haines Borough Assembly shall fund the operation of the Chilkat Center." The issue of title ownership was briefly discussed. **CASE** said the manager will research the title and report at the next meeting.

M/S **SCOTT/SMITH** Motion to postpone adoption of the By-Laws until the next meeting.

The motion carried 5-1 with **LAPP** opposed.

2. Community Clean-up

SCHNABEL suggested that the assembly and borough employees consider taking on a special area or project during the Clean-up. **SCOTT** recommended discussing it during the strategic planning session.

3. RV Parking at the Elks

SMITH asked if the Elks charge RVers "bed tax" when they park in the lodge parking lot. The Elks have a sales tax exemption but do not have an exemption from the bed tax. **CASE** said that he does not believe a tax is applicable

because the only ones who can park there are Elks members, and it is on a strictly donation basis. He agreed to verify it and investigate land use permit terms relative to it.

M/S **OLERUD/SMITH** Motion to go into Executive Session to discuss a follow-up to the Borough Manager's evaluation.

The motion carried unanimously.

The Mayor called a brief recess at 9:55pm.

12. EXECUTIVE SESSION - Borough Manager's Evaluation Follow-up

The Executive Session started at 10:01pm and ended at 10:46pm (duration: 45 minutes)

M/S **OLERUD/LAPP** Motion to go out of Executive Session and back into the regular meeting.

The motion carried unanimously.

13. SET COMMITTEE MEETING DATES

A Government Services Committee meeting was scheduled for Wednesday, 4/28/04 at 3:30pm to discuss skateboarding.

The Commerce Committee will meet on Tuesday, 4/27/04 at Noon to discuss the boat harbor and the ice machine.

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SCOTT asked which agency of the Borough addresses traffic flow concerns. None were identified.

SCHNABEL said she always thought that a new tour application should include a map and still believes that the planning commission should review every new tour.

OLERUD said, concerning the lengthy assembly meetings, that he would like the comments to be as focused as possible during the meetings and to have more discussion occur at the committee level so that the meetings can be more efficient and hopefully much shorter.

15. ADJOURNMENT - 10:54 p.m.

Mike Case, Borough mayor

ATTEST:

Julie Cozzi, Borough Clerk