

Haines Borough  
Borough Assembly Meeting #68  
March 8, 2005  
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG: Mayor **CASE** called the meeting to order at 6:30 p.m. in the Assembly Chambers of the Public Safety Building and led the pledge to the flag.

2. ROLL CALL **Present**: Mayor Mike **CASE**, Assembly Members Scott **ROSSMAN**, Stephanie **SCOTT**, Herb **VANCLEVE**, Debra **SCHNABEL**, and Jerry **LAPP**. **Absent**: Norm **SMITH**

**Staff Present**: Robert **VENABLES**/Borough Manager, and Julie **COZZI**/Borough Clerk.

**Visitors Present**: Bonnie **HEDRICK**/CVN, Carolyn **WEISHAHN**, Douglas **OLERUD**, Carol **KELLY**, Dan **EGOLF**, Polly **HESSING** and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA:

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

The following requests were made to remove items from the Consent Agenda:

- a) Mayor **CASE** - Item 9F-School Board.
- b) **SCOTT** - Item 9H-Parks and Recreation Advisory Board.
- c) **SCHNABEL** - the minutes, and Items 9E-Planning Commission and 9I-Convention & Visitors Bureau Board.

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

4. APPROVAL OF MINUTES:

\*February 8, 2005 Regular

M/S **LAPP/SCOTT** Motion to approve the minutes.

**SCHNABEL** asked that the minutes be amended to reflect that she returned to the meeting when the phone line was cleared.

The motion carried unanimously; the amended minutes were approved.

5. PUBLIC COMMENTS:

**WEISHAHN** referenced the helicopter regulations ordinance and said the current map does not show that any thought was given to the impacts of helicopter use on residential areas and wildlife. She asked the assembly to address the issues and concerns that many people have brought before the state and

the assembly and to reflect them on the map.

**EGOLF** said he supports the heli-skiing industry but added that he believes there is plenty of space to prevent helicopters from going over a residence. He wants to see the industry do well but not impact subsistence, other businesses, or the big goat producing area on the ridge behind Chilkat Lake.

## **6. MAYOR'S COMMENTS/REPORT:**

### **a) LIAISONS TO THE ADVISORY BOARDS**

**CASE** made the following assignments without objection:

- Parks and Recreation Advisory Board - **SCOTT**
- Convention and Visitors Bureau - **VANCLEVE**
- Chilkat Center Advisory Board - **SCHNABEL**
- Planning Commission - **ROSSMAN**
- Museum and Library Boards - **SMITH**

The mayor added that any assembly member is free to attend any meeting of interest. He added that he will be developing an ordinance for the assembly to review that would establish a public safety commission.

### **b) HARBOR EXPANSION TRIP TO WASHINGTON, D.C.**

Mayor **CASE** summarized the trip and said it was very productive. He added that Senator Stevens mentioned his fondness for Fort Seward. Other things were discussed during meetings in addition to the harbor project, including roads, upland development, Eldred Rock, and the water & sewer system. **CASE** noted that he was impressed with the borough's lobbyist, Brad Gillman, who did an outstanding job of setting up the meetings. He asked **OLERUD** to comment. **OLERUD** said he was impressed with the coordination between **VENABLES** and the lobbyist prior to the trip. He added that it was obvious that Gilman has done a lot of work for the borough. "He seems to be well worth the money he is being paid."

### **c) CONFIRMATION OF SERVICE AREA BOARD REAPPOINTMENTS**

**CASE** asked for the assembly's confirmation of the following reappointments to the Letnikof Estates Road Maintenance Service Area Board: Allen Moore, Carol Moore, Peter Enticknap, & Linda Enticknap. Additionally, he requested confirmation of reappointments to the Riverview Drive Road Maintenance Service Area Board as follows: Teresa Visscher, Scott Visscher, & Marianne Rasmussen.

M/S **SCHNABEL/SCOTT** Motion to confirm the mayor's reappointments to the Letnikof and Riverview Drive RMSA boards.

The motion carried unanimously.

**7. PUBLIC HEARINGS:**

**A. Ordinance 05-02-097 - (second hearing)**

**An ordinance of the Haines Borough amending Haines Borough code Title 5 to clarify the commercial tour permit process.**

Mayor **CASE** opened the public hearing at 6:56pm. **WEISHAHN** asked for the following amendments: 1)5.18030(c)2 - replace the words "or brochure" with "or website information", and 2) 5.18.060 - change to say "or proposes to expand the capacity by 25%". She wondered about cumulative expansion and asked if the text should say "up to 25%."

The mayor closed the public hearing at 7:01, because there was no further comment.

M/S **SCOTT/LAPP** Motion to adopt Ordinance 05-02-097.

M/S **SCOTT/LAPP** Motion to amend the ordinance as recommended by the borough attorney by changing Section 5.04.070 as follows: replace "before the assembly within three days of receipt of the notice" with "**per Section 5.04.090**".

**CASE** asked how it is determined that an individual is in violation and if conviction is necessary. **VENABLES** said, according the attorney, the higher threshold is not mandated. **SCHNABEL** noted that non-payment of taxes is one example of code violation and does not require conviction in a court of law.

The amendment motion carried unanimously.

**SCHNABEL** responded to **WEISHAHN**'s issues. She said the word "website" can be added eventually. Additionally, she believes the code clearly shows the intent to require a public hearing when the tour capacity reaches 25% or more of the initial permit, regardless of how many years it takes to get to that point.

The motion carried unanimously in a roll call vote, and the ordinance was adopted, as amended.

**8. STAFF REPORTS:**

**A. Manager - VENABLES** summarized his written report that covered the following subjects:

1. Washington D.C. trip summary
2. Harbor Expansion Project
3. Ferry Service Update
4. School Construction
5. Project Clerk hire
6. Recommendation regarding school property acquisition

7. New Fish & Game employees in Haines
8. BudgetProcess.
9. Fire District #4 Differential Tax Requests
10. Chilkat Center Lease

M/S **LAPP/SCHNABEL** Motion to forward-fund the project clerk position until the money becomes available from the school bond.

**SCHNABEL** said she wants to make sure an accounting code is created so school bond expenditures will be accounted for and reimbursed. **CASE** said a separate cost center will be set up for it and possibly some unique accounts. **SCOTT** said she would feel more comfortable with a ceiling being established. **SCHNABEL** said the "Strategic Planning & Oversight Committee" approved the position, the job description, and the pay range. **CASE** added that the project clerk will be supervised by the borough manager. **SCOTT** said she is not convinced there is enough work for a project clerk to need 20 hours a week. **ROSSMAN** said it may be that tasks will be a little light in the beginning but he can believe things would soon get very busy. **SCHNABEL** said she can already see how much better things might have been if there had been coordination. **SCOTT** requested forward-funding just for the current budget year.

**LAPP** and **SCHNABEL** both agreed to add "through 6-30-05" to their motion. The motion carried unanimously in a roll call vote.

- \*B. Borough Clerk
- \*C. Chief Fiscal Officer
- \*D. Chief of Police
- \*E. Museum
- \*F. Library

9. COMMITTEE/COMMISSION REPORTS:

- A. Commerce Committee - None
- B. Finance & Budget - Written

**SCHNABEL** summarized the last two meetings of the committee and the written reports before the assembly. She noted the committee's desire to establish some type of "building declaration" form not to be confused with a building permit to assist in fair assessments of taxes.

- C. Personnel & Labor Relations - None
- D. Government Services/Affairs - Written
- E. Planning Commission - 2/17 Draft Meeting Minutes

**SCHNABEL** referred to the motion passed to ask the assembly to request an opportunity to provide input on the university land bill. **VENABLES** said the state has already opened up a comment opportunity, and the bill is slowly

moving through the legislature. He said there is no need for the planning commission to ask the assembly to request it of the state; it is already there. **SCHNABEL** asked how the borough's comments will be conveyed. **VENABLES** offered to forward to the assembly the House Bill information and the proposed lands. **SCHNABEL** requested the issue be added to the 3/22/05 assembly meeting agenda to identify and select additional entitlement lands and provide input to the state.

**F. School Board**

**KELLY** said, regarding the selection of a school architect proposal, that SERRC-provided criteria was used to establish the following short-list of architectural firms:

- Bettisworth + Northwind Architects & Planners, LLC
- Jensen Yorba Lott, Inc.
- Minch Ritter Voelckers Architects

She said each firm will want approximately two hours to make a presentation. SERRC will provide a standard list of questions for consistency. Also, she talked of the need for assembly members, school board members, and community members to visit different facilities around the state that have been designed by the three architects and said it is standard practice throughout the U.S. **SCHNABEL** offered that well-placed telephone calls, the Internet, and photographs could produce needed information about the different building examples. **KELLY** said architects tend toward the same types of buildings. Physically being in a building reveals the ambiance and shows how the students and staff move through it. She added that she is going on her own to Fairbanks and has made arrangements to see several schools the Fairbanks architect has designed. **KELLY** added that most of the schools left to be visited are in or near Juneau. **SCOTT** said she is not convinced the trips are necessary, and **VANCLEVE** agreed with her saying it doesn't seem cost-effective. **LAPP** agreed. **KELLY** said the school board wants to do it.

M / S **SCHNABEL/SCOTT** Motion to schedule the architect presentations for 3/29 and 3/30 in the open area of the high school from 6 to 10 p.m.; two architects on the 29th, and the third one on the 30<sup>th</sup> followed by discussion and possible follow-up interviews. The motion carried unanimously.

**KELLY** said any school facility visits would have to be an official delegation. **LAPP** suggested polling the local students who have visited different schools. **VENABLES** will coordinate with the school superintendent

regarding school facility visits and a travel budget.

**G. Chilkat Center Advisory Board**

**H. Parks & Recreation Advisory Board**

**SCOTT** referred to the 2/24/05 letter from the board asking for training in Roberts Rules of Order. She asked if the manager had responded to this. **VENABLES** said he has spoken with Dan Henry about facilitating training. Henry suggested a couple of group sessions and opening them up to all of the boards and anyone else that wants to attend. Henry will work up some ideas and costs.

M/S **SCOTT/SCHNABEL** Motion to approve the concept and funding up to \$1000 for training in Roberts Rules of Order.

The motion carried unanimously in a roll call vote.

**SCHNABEL** questioned the efficacy of the CYD Director being an ex-officio member of the Parks and Rec Board and asked **SCOTT** to review the code. **VENABLES** said the by-laws have been approved by the board and the assembly will be given an opportunity to confirm them.

**I. CVB Advisory Board - 2/15/05 Meeting Minutes**

**SCHNABEL** said she was surprised to read in the minutes things that seemed to border on the policy level. **VENABLES** clarified the wording and said he will work with staff on clarifying the minutes.

**10. OLD BUSINESS:**

**A. Ordinance 05-01-094**

**An ordinance amending Haines Borough code Title 5, to stipulate the conditions for heliskiing and commercial helicopter tours.**

Mayor **CASE** ruled that assembly member **SCHNABEL** would be asked to vote on the main motion to introduce the ordinance; there was no objection. [reference 3/8/05 assembly meeting minutes] **SCHNABEL** voted "No."

**B. Juneau Access Road - Haines Borough position**

M/S **SCOTT/SCHNABEL** Motion to reaffirm support of Resolution 04-04-042-Supporting Marine Transportation and date it as of March 22, 2005.

**ROSSMAN** said he would support the motion if lines 3 and 6 are removed from the resolution. **SCHNABEL** said it seems to her that the assembly needs to make a proactive statement that is directly responsive to the state's road proposal; she spoke against the motion.

The motion failed 1-4 with **SCOTT** voting for it.

**C. Chief Fiscal Officer Recruitment**

**VENABLES** referenced his memo recommending the hire of Jila Stuart as the Chief Fiscal Officer.

M/S **LAPP/SCOTT** Motion to make an offer to Jila Stuart for the position of Chief Fiscal Officer with the salary to be discussed in executive session.

**SCHNABEL** said she is concerned that the assembly has not had an opportunity to review the applications. **SCOTT** responded by saying Stuart previously applied for the position of Controller and was not hired for that but was subsequently hired as accountant. She has had substantial interaction with her and is very impressed with her. **CASE** also pointed out that borough code does ask for borough employee applicants to be preferred. **SCHNABEL** said a recommendation from the auditors would provide a level of comfort. **VANCLEVE** agreed with **SCHNABEL** and said the assembly should go through a short-listing process and review the applicants to make an informed decision.

M/S **SCHNABEL/LAPP** Motion to table the motion until 3/22/05.

The motion carried 4-1 with **SCOTT** opposed.

The assembly members will individually visit the Clerk's office to review the applications prior to the next meeting.

**11. NEW BUSINESS:**

- A. Resolutions - None
- B. Ordinances for Introduction
- 1. Ordinance 05-02-091

An ordinance of the Haines Borough amending Haines Borough code Title 18, Section 18.30.050 - Appeals to the Commission, and Section 18.030.060 - Appeals to the Borough Assembly, to make provision for appealing a borough manager land-use decision.

M/S **LAPP/ROSSMAN** Motion to introduce Ordinance 05-02-091 and set it for its first public hearing on 3/22/05. The motion carried unanimously.

- C. Other New Business
- 1. Sales Tax Exemption Request - Catholic Community Service

M/S **SCHNABEL/LAPP** Motion to grant sales tax exemption to Catholic Community Service based on their 501(c)3 nonprofit status. The motion carried unanimously in a roll call vote.

## **2. Lease of Borough Office Space**

M/S **LAPP/ROSSMAN** Motion to lease offices in the Public Safety Building to the State of Alaska and authorize the manager to negotiate the lease with them.

**SCHNABEL** declared a conflict of interest because she had attempted to lease space in her building to them. The mayor accepted it, and she was recused from voting.

The motion carried unanimously 4-0.

## **3. Award Fuel Contract to Delta Western**

M/S **LAPP/ROSSMAN** Motion to award the fuel contract to Delta Western and to authorize the manager to negotiate with them. The motion carried unanimously in a roll call vote.

## **4. Award Bond Counsel Contract for Refunding 1995 PC Dock Bonds**

M/S **SCHNABEL/LAPP** Motion to award the bond counsel contract for refunding the 1995 PC Dock bonds to Preston, Gates, and Ellis and to authorize the manager to negotiate with them. The motion carried unanimously in a roll call vote.

## **5. Reconsideration of the motion to introduce Ordinance 05-01-094.**

Reconsideration was requested by **SCHNABEL**, a member of the prevailing side. **SCOTT** spoke in favor of reconsideration saying it would provide the assembly the opportunity to start back at the original ordinance and tighten up the text.

The motion to reconsider failed 3-2 with **ROSSMAN**, **LAPP**, and **VANCLEVE** opposed.

## **12. EXECUTIVE SESSION - Re. Employee Wage & Step Chart**

M/S **LAPP/SCOTT** Motion to go into executive session to discuss the employee wage & step chart to present to the Local 71 union. The motion carried unanimously, and the session began at 8:59pm.

The regular session reconvened at 10:05pm.

## **13. SET COMMITTEE MEETING DATES**

A Government Affairs & Services Committee Meeting was

scheduled for Friday, 3/18/05 at 1:00pm; the topic will be the Chilkat Center agreement and lease.

The Finance Committee will meet on Tuesday, 3/15/05 at 4:00pm.

A Committee-of-the-Whole was scheduled for 5.45pm on 3/22/05 to discuss the Economic Development Director position.

On 3/29 & 3/30, from 6-10pm, the assembly and the school board will meet in joint work session to hear presentations by the three architect finalists.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SCOTT** said she is concerned about the way snow was removed at the Fort and in the process totally dug up the four corners of the parade grounds. She also expressed disappointment in the assembly's failure to put some type of helicopter regulations ordinance before the public so they can comment on it. She believed the failed ordinance was a pretty good compromise and is uncertain how to proceed at this time. "If some assembly members are predisposed to having no regulation, then I am reluctant to keep bringing it up." **SCOTT** added that the people in the valley are concerned about noise and wildlife and said the public is asking for some management. She spoke of investing a lot of hours in an effort to come up with a good compromise.

**SCHNABEL** expressed disappointment in the outcome of the motion to reconsider the helicopter regulations ordinance. She said the assembly can expect her to come back with another ordinance.

**CASE** said he believes the borough will end up with helicopter regulations eventually.

**15. ADJOURNMENT - 10:26 pm**

M/S **LAPP/VANCLEVE** Motion to adjourn. The motion carried unanimously.

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Mike Case, Mayor

ATTEST:

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Julie Cozzi, Borough Clerk