

Haines Borough  
Borough Assembly Meeting #69  
March 22, 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**, Norm **SMITH**, and Jerry **LAPP**.

**Staff Present**: Julie **COZZI**/Borough Clerk and Cindy "CJ" **JONES**/Museum Contractor.

**Visitors Present**: Bonnie **HEDRICK**/CVN, Carolyn **WEISHAHN**, Nancy **BERLAND**, Al **GILLIAM**, Gary **ARENSON**, Henriette **ARENSON**, Thom **ELY**, Eric **HOLLE**, Donny **TURNER**, Mike **RICKER**, Betty **RICKER**, Constance **GRIFFITH**, Anthony **CRUPI**, Sean **BROWNELL**, Rob **GOLDBERG**, Burl **SHELDON**, Anne **BOYCE**, Paul **SWIFT**, Tim **JUNE**, Sue **LIBENSON**, Gordon **WHITEMORE**, Shelly **McLAUGHLIN-TRUE**, Mike **VanNOTE**, LaVerne **BRYANT**, Sandy **BARCLAY**, Sherrie **GOLL**, Peter **GOLL**, Laurie **DADOURIAN**, Mardell **GUNN**, Ray **STASKA**, Jennifer **POTRATZ**, Deborah **VOGT**, Patricia **BLANK**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA:

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

The following Agenda & Consent Agenda changes were requested:

- a) Mayor **CASE** - Add an Item 10B-FSA #4 *Differential Tax Recommendation* under Old Business. There was no objection.
- b) **SCHNABEL** - Remove the 3/8 and 3/9 minutes from the Consent Agenda. Remove Ordinance 05-03-102-Introduction from the Agenda since the manager is not present to speak to it. **SMITH** disagreed with postponing the ordinance introduction, and **SCHNABEL** withdrew that request.

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

4. APPROVAL OF MINUTES:

\*March 8, 2005 Regular and March 9, 2005 Special

**SCHNABEL** asked the Clerk to change the executive session purpose in both minutes from *union negotiations* to a more accurate *Employee wage and step chart*.

M/S **SCOTT/LAPP** Motion to approve the 3/8/05 and the 3/9/05 minutes.

**5. PUBLIC COMMENTS:**

**WEISHAHN** encouraged the assembly to put helicopter regs in place. She asked for a public hearing to be scheduled so a permit could be in place prior to the end of the grace period.

**BLANK, VOGT, BOYCE,** and **GOLDBERG** spoke in support of the Ordinance 05-03-098 and asked the assembly to introduce it. **GOLDBERG** also added that the planning commission heard a lot of testimony, and he believes managed helicopter use is imperative.

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

The mayor announced that he would be attending a portion of the Southeast Conference Mid-Session in Juneau and said that the manager is participating in the whole session.

**CASE** said he has done an initial draft of an ordinance to establish a public safety commission. The draft has ben provided to the Government Affairs & Service Committee.

The mayor informed the audience that he would provide opportunities for input during certain portions of the meeting like the helicopter ordinance and the Ricker appeal.

**7. PUBLIC HEARINGS:**

**A. Ordinance 05-02-091 (first hearing)**

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.

Mayor **CASE** opened and closed the public hearing at 6:43pm; there was no comment.

M/S **LAPP/SMITH** Motion to advance Ordinance 05-02-091 to a second public hearing. The motion carried unanimously.

**B. Ordinance 05-03-098 (introduction & first hearing)**

An ordinance of the Haines Borough amending Haines Borough Code Title 5, to stipulate the conditions for permitting helicopter-supported commercial recreation activities by amending Section 5.04.020, Definitions; Section 5.18.030 Application Process; adding Sections 5.18.080, General Standards.

M/S **SCHNABEL/SMITH** Motion to introduce Ordinance 05-03-098 .

**SCHNABEL** spoke in favor of the ordinance and said a map is an integral part of being able to manage helicopter use in the Haines Borough. She asked the assembly's approval for the introduction of the ordinance to be able to continue to refine the ordinance in accordance with the assembly's wishes.

M/S **SCOTT/SCHNABEL** Motion to amend the ordinance by changing Section 5.18.080(A)1 to read: *"For the purpose of managing impacts of helicopter-supported commercial recreation in the Haines Borough, there shall be an initial map dated the same as the adoption date of this ordinance and entitle "Haines Borough Helicopter-supported Recreation Areas." The assembly may from time to time amend the map by motion following a duly-noticed public hearing."*

**SCHNABEL** spoke in favor of the amendment and added that the word *action* should replace the word *motion* to be more accurate. There was no objection to the change, and it was so ordered.

The amendment motion carried unanimously.

M/S **ROSSMAN/LAPP** Motion to amend the map removing the flight line that goes up Little Boulder Creek and insert a flight line from 33-mile to the flight line that goes along the river the whole length and a flight line from 18-mile that goes along the same flight line.

**SCOTT** asked **ROSSMAN** to explain his reasons for wanting to delete the flight path up to the Four Winds area since it is used by the industry. **ROSSMAN** said he wants to just follow landmarks to make it easier to know the permitted areas. **LAPP** spoke against the motion saying the flight line should be left in there. **ROSSMAN** withdrew his motion.

M/S **SCOTT/ROSSMAN** Motion to amend Section 5.18.080(A)8 by inserting "on public lands" right after the word *wildlife*.

**SCHNABEL** said a better way is to simply title it as an ordinance for regulating helicopter-supported recreation activities "on public lands." **CASE** said if the intention is to manage lands, it should be done under Title 18.

The amendment motion carried unanimously.

The motion to introduce the ordinance carried unanimously.

M/S **SCOTT/SMITH** Motion to hold the first public hearing tonight

since it was duly-noticed by the Clerk.

The motion carried unanimously.

The mayor called a brief recess at 7:13pm.

The meeting reconvened at 7:17pm.

**HOLLE** spoke generally in favor of the ordinance. He said the problem with the "Haines Borough Helicopter-supported Recreation Areas" map is that a huge body of work is being thrown out. That work involved input from many residents, the industry, and the state during the SUD process. He said the SUD map should be used as the working document because the delineations were inserted for reasons.

**WHITEMORE** questioned this process and said he doesn't understand why the assembly is not doing what the community has said they want during the planning commission hearings.

**BERLAND** said the original SUD map had BLM and DNR areas that were given to the helicopter businesses---over 250 square miles. She believes it is time to give the residents something back. There were lines to protect wildlife, private recreation areas, and quiet residences. She said this ordinance now allows helicopter tours as opposed to just heliskiing, and she is concerned that this will open up the door to unlimited helicopter use.

**SHELDON** said prior to the consolidation vote, the people outside of the former city felt their political strength was going to be diluted or taken over by consolidation. This current ordinance and map seems to validate that fear. He does not believe the new map is sufficient and believes the SUD map should be adopted.

**GOLDBERG** said the SUD map is the one the planning commission recommended to the assembly. It protected different areas for a reason and the new map opens up some of those. He said that if the assembly really wants to protect the residents of the borough, they should go back to that original map.

**BOYCE** spoke of the community and the importance of neighborliness. She urged the assembly to go by the SUD map.

**BROWNELL** said he tends to agree with the comments about the map. He tries to use some of the back areas to be out of sight and have the least amount of impact on residents. He has been trying to concentrate around Four Winds. With the

SUD map, there were things he didn't agree with, but it was closer than the map with this ordinance. His main issues with the SUD were related to dates. For him having a larger operating area adds to safety issues. There are different areas and drainages and different weather scenarios, so it gives more options.

**VOGT** said she left Juneau because of "over the top" tourism. It seems to her that, if she were calling the shots, #1-The money stays here, #2-Don't annoy your neighbor, and #3-Don't destroy the resources we all live here for. This particular activity is quite feasible to meet all of those criteria. She agreed that the SUD map might be the better place to start.

**WEISHAHN**, referred to the SUD map, said if the river is used as a boundary line, then her property will be surrounded by sound. She does not want the front ranges to be included. The residents and the wildlife need protection.

**BLANK** said the SUD map originated with the Tourism Planning Commission. She asked the assembly to consider all of the comments regarding that map.

Peter **GOLL** asked why there is a different map before the assembly. **SCHNABEL** said the map introduced tonight as a part of the ordinance is the best attempt by staff to interpret the previous motions passed by the assembly. She said she started by introducing the map that was passed by the assembly because she did not believe starting with the SUD map would have gone over well. **GOLL** said he does not like helicopter noise but understands that responsible management is probably necessary. If there is a map that has been on the table for a long time, he urged the assembly to take the "high road" and respond to the consensus and hard fought decisions by the community.

**LIBENSON** encouraged the assembly not to lose sight of the purpose of managing helicopter use.

**ELY** talked about the importance of keeping in mind that this is a compromise issue and asked for the SUD map to be used. He would like to see some kind of distance back from the inlet. He hopes the issue can be resolved.

**CASE** read comments from John Katzeek regarding hibernating bears. Mr. Katzeek wrote that the helicopters don't bother the sleeping bears as much as the skiers above them do.

**McLAUGHLIN-TRUE** said hundreds of hours have gone into the SUD map and asked for the effort to be respected. **VanNOTE** agreed with her saying he believes ignoring the map would be disrespectful.

**JUNE** said having spent many hours listening to public testimony as a member of the helicopter service area board, he is very supportive of the SUD map that was developed. In terms of concern for certain landing sites, the 18-mile site is adjacent to the eagle preserve and should not be used as a regular landing site. He asked the assembly to consider bringing the take-off and landing zones to the airport. The airport should be considered because it provides security and other infrastructure.

**GUNN** asked the assembly to keep the perspective that this ordinance is for the long term.

Mayor **CASE** closed the public hearing at 7:50pm.

M/S **SCOTT/LAPP** Motion to advance Ordinance 05-03-098 to a second public hearing on 4/12/05.

The motion carried unanimously.

**LAPP** asked **BROWNELL** to make his recommended changes to the SUD map and present it to the assembly prior to the 4/12/05 meeting to be in the packets. **BROWNELL** agreed to the request.

Mayor **CASE** said his intention is to protect some summer use and not to allow a total stifling of it.

The mayor called a brief recess at 7:49pm.

The meeting reconvened at 7:57pm.

## **8. STAFF REPORTS:**

### **\*A. Manager**

#### **B. Borough Clerk**

**COZZI** summarized her written memo regarding Alaska Heliskiing's permit status and request for a grace period extension.

M/S **SCOTT/LAPP** Motion to extend the grace period to April 26, 2005 for heliski businesses to operate without a commercial tour permit provided an application is on file and to hold the required public hearing on that date.

The motion carried unanimously.

### **\*C. Chief Fiscal Officer**

\*D. Chief of Police

\*E. Museum

\*F. Library

9. COMMITTEE/COMMISSION REPORTS:

- A. Commerce Committee
- B. Finance & Budget - Written
- C. Personnel & Labor Relations
- D. Government Services/Affairs - Written
- E. Planning Commission
- F. School Board
- G. Chilkat Center Advisory Board
- H. Parks & Recreation Advisory Board
- I. CVB Advisory Board

10. OLD BUSINESS:

A. Chief Fiscal Officer Recruitment

Tabled Motion: "Motion to make an offer to Jila Stuart for the position of Chief Fiscal Officer with the salary offer to be discussed in executive session."

M/S **LAPP/VANCLEVE** Motion to untable the motion.

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

M/S **SCHNABEL/SCOTT** Motion to move into Executive Session as an Item 11C4 to discuss CFO applicants. There was no objection to it.

B. FSA #4 Differential Tax Recommendation

M/S **SCOTT/ROSSMAN** Motion to accept the Fire Service Area #4 Board's recommendation for granting a 25% FY05 tax differential on selected properties.

The motion carried unanimously in a roll call vote.

11. NEW BUSINESS:

A. Resolutions - None

B. Ordinances for Introduction

1. Ordinance 05-03-100

An ordinance of the Haines Borough amending Haines Borough Code Title 18, Section 18.30.010 - Permits Required, to add area-wide construction requirements, and provide for penalties.

M/S **LAPP/SCHNABEL** Motion to introduce Ordinance 05-03-100.

**ROSSMAN** said the penalty in the ordinance seems too much. In the townsite, the penalty is \$250 and this

should be the same. **SCOTT** said the penalty should be the taxes that would have accrued had it been properly declared plus penalty and interest.

M/S **ROSSMAN**/ Motion to amend 18.0.0102(c) to say penalty is "equal to the taxes on the property." The motion died for lack of a second.

The motion carried unanimously.

**2. Ordinance 05-03-099**

**An ordinance of the Haines Borough amending Haines Borough Code Title 3, Section 3.72.070 - Assessment Roll, to require notice to the assessor of every building permit and construction declaration.**

M/S **SCHNABEL/SCOTT** Motion to introduce Ordinance 05-03-099.

M/S **SCOTT/LAPP** Amend the motion to introduce and advance this Ordinance 05-03-099 and companion Ordinance 05-03-100 to a first public hearing on 4/12/05.

The motion carried unanimously.

**3. Ordinance 05-03-101**

**An ordinance of the Haines Borough amending Haines Borough Code Title 3, Section 3.24.040 - Investments, to provide for interest income on land sales to accrue to the general fund.**

M/S **SCHNABEL/LAPP** Motion to introduce Ordinance 05-03-101 and set it for its first public hearing on 4/12/05.

The motion carried unanimously.

**4. Ordinance 05-03-102**

**An ordinance of the Haines Borough amending Haines Borough code section 2.56 to clarify the functions and organization of the Convention and Visitors Bureau Board.**

M/S **SMITH/LAPP** Motion to introduce Ordinance 05-03-102.

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

M/S **SMITH/LAPP** Motion to advance Ordinance 05-03-102 to its first public hearing on 4/12/05. The motion carried unanimously.

**C. Other New Business**

**1. Appeal of Planning Commission Decision - Mike & Betty Ricker**

M/S **SCOTT/SCHNABEL** Motion to uphold the Planning Commission's decision on the Ricker case. **SCOTT** withdrew the motion after **VANCLEVE** clarified the assembly's options in code.

M/S **VANCLEVE/SMITH** Motion to rehear the Planning Commission's decision on the Ricker case.

**SCHNABEL** said she understands the request was to change a zone, and the decision was a denial of that request. She believes there may be a resolution other than rezoning. **LAPP** said he believes the assembly can reverse the decision, uphold the decision, or make its own decision.

Michael **RICKER** said a year ago, the former manager told them the zoning was changed around their property. **CASE** added that the Rickers are not contesting the zoning; they are just saying it never changed for them because their property has always been commercial and became a "non-conforming use."

Gary **ARENSON** said there was a café, but it ceased to exist in 1987. For over a decade, a restaurant was not operated in the building; an accounting business located in there in 2001---perfectly compatible with residential use. The zoning changed in 2001. There was a request by the Rickers for a zoning variance to build a second story, and he had no objection to that. The public notice for that variance said the entire building will be used for residential purposes. Betty **RICKER** said the entire area was zoned commercial/residential when her family purchased the property in 1972. After the cafe was in operation, it was changed to residential. She said she has repeatedly requested copies of permits from the local government. She spoke about poor recordings and discrepant or incomplete minutes. She expressed frustration at not being able to get copies of records.

Michael **RICKER** said Betty inherited the property from her deceased mother and has worked hard for the last decade to prepare the building for a continued commercial use.

**SCOTT** asked if there is a dormancy limitation in Title 18 for a commercial use.

**SMITH** said he has thoroughly read the Ricker's appeal documents. He referred to the variance permit that was approved 10 years ago. Regardless of the fact that it may not have been a functional commercial business since then, it appears to him that it was already approved. **SCHNABEL** clarified that the part that was approved was the addition

to the property. She said she desires to resolve the problem. She spoke with the planning commission chair and asked why it couldn't be approved. Stanford said the Rickers wanted the zone changed so that ANY commercial activity could take place in the building. The planning commission was only willing to allow a rental property which is the current plan for the property.

**ROSSMAN** called for the question. That vote passed 5-1 with **SCOTT** opposed.

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

**SCOTT** clarified that the planning commission's decision was to NOT rezone the property commercially. The assembly will rehear that decision. The hearing will take place at the 4/12/05 meeting.

## 2. Discussion of the University Land Bill

**SCHNABEL** said her concern was that the assembly be aware of the lands under consideration. **SCOTT** believes it is too late for the municipalities to ask for some of the land. She suggested the planning commission may want to identify any possible land planning concerns. **ROSSMAN** said the manager believes the Haines Borough still has 35 acres of entitlement lands left to claim (aside from Exi lands pending). **SCOTT** said there is a lot of expense in developing land. **ROSSMAN** suggested a letter be written asking for the land.

M/S **SCHNABEL/ROSSMAN** Motion asking the manager to write a letter to the Governor's Office to say the Haines Borough objects to the proposal to give four parcels of Chilkat Peninsula land to the University of Alaska, and to lay claim to them for the borough.

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

## 3. Rural Community Designation

**SCHNABEL** reminded the assembly that Haines was not allowed to qualify for the quota for the bottom fish because we were not considered rural enough. Sitka is considered rural because they are an island. Haines is not considered rural because of the road.

M/S **SCHNABEL/LAPP** Motion asking the manager to write a letter to the Federal Subsistence Board in support of rural reclassification and requesting Haines to be designated as rural.

**SCHNABEL** called for the question. The vote was unanimous.  
The motion carried unanimously.

**C4. EXECUTIVE SESSION - Re. Chief Fiscal Officer Hiring**

M/S **SCHNABEL/LAPP** Motion to go into executive session to discuss the CFO hiring. The motion carried unanimously, and the session began at 8:20pm.

The regular session reconvened at 9:58pm.

M/S **LAPP/VANCLEVE** Motion to amend the motion to offer the Chief Fiscal Officer position to Jila Stuart at \$25.00 per hour. **LAPP** withdrew the motion with **VANCLEVE**'s concurrence.

M/S **SCHNABEL/LAPP** Motion to Offer the Chief Fiscal Officer position to Jila Stuart at an annual salary of \$45K for the first six months and, following favorable review, the salary will increase.

**SCHNABEL** requested that the CFO get training, especially in governmental accounting and investment management. The others agreed.

The motion carried unanimously in a roll call vote.

**13. SET COMMITTEE MEETING DATES**

4/4/05, 3:00pm - Government Affairs & Services Committee meeting to discuss the Chilkat Center Lease and Management Agreement, and other issues.

4/5/05 and 4/19/05, 4:00pm - The regular meetings for Finance Committee.

4/12/05, 5:45pm - Committee-of-the-Whole prior to the regular meeting to discuss the vacant Economic Development Director position and the need for administrative staff support.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**SMITH** asked what happened to the Third Ave. road project. He asked for a roads RFP to be done with Third Avenue being a top priority.

**SCHNABEL** said Teton Gravity Research has asked to use Weeping Trout as a base of operation during April 12-19 for their filming operation, and she wanted to make full disclosure.

**ROSSMAN** said Juneau is redoing their harbor and giving away their serviceable floats. He believes the Haines Borough might be able to get some of them.

**SCOTT** said she is pleased with the introduction of the helicopter ordinance.

**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