

Haines Borough  
Borough Assembly Meeting #70  
April 12, 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**: Robert **VENABLES**/Borough Manager, Scott **HANSEN**/Planning & Zoning Tech II (recording the meeting in the absence of the Borough Clerk), and Jila **STUART**/Chief Fiscal Officer.

**Visitors Present**: Bonnie **HEDRICK**/CVN, Chris **SHARP**/KHNS, Michael and Betty **RICKER**, Carolyn **WEISHAHN**, Nancy **BERLAND**, Al **GILLIAM**, Karen **HESS**, Eric **HOLLE**, Jim **WILSON**, Bruce **BAUER**, Shawn **MCMAMARA**, Anthony **CRUPI**, Sean **BROWNELL**, Vicki **GARDNER**, Rob **GOLDBERG**, Gordon **WHITERMORE**, Ed **MAY**, Peter and Sherrie **GOLL**, Laverne **BRYANT**, Adrian **BOCHART**, Laurie **DADOURIAN**, Ray **STASKA**, Deborah **VOGT**, Patricia **BLANK**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA:

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

The motion carried unanimously.

4. APPROVAL OF MINUTES:

\*March 22, 2005 Regular

5. PUBLIC COMMENTS:

**SAUNDERS** announced that Ocean Beauty Seafoods has awarded the Haines Fishing Fleet a 2-cent per pound bonus for last year's chum salmon catch. He said this is a major boost to the local economy, and he thanked the Assembly for their support of the fleet.

6. MAYOR'S COMMENTS/REPORT:

- A. **Oaths of Offices - Borough Manager & Chief Fiscal Officer**

Mayor **CASE** administered the oaths of office to **VENABLES** and **STUART**.

- B. **Recommendation & confirmation of Bruce Hale to the Planning Commission**

Mayor **CASE** said this appointment would be to the seat

previously held by Lynda Walker who recently resigned for medical reasons. There was no objection and Bruce Hale was appointed to the Planning Commission.

**7. PUBLIC HEARINGS:**

**A. Rehearing of the Planning Commission's Decision to deny the Ricker Re-zoning Request**

Michael **RICKER** presented his arguments regarding the request to rezone two lots in a residential area to commercial. **SCOTT** said that in order to overturn the Planning Commission's decision, the Assembly must find that the decision was made in error. **GOLDBERG** said the Commission's decision was largely based on testimony from neighbors. Another factor in the decision was the fact that Code says non-conforming use status is lost if the property is not used in that way for two years. **HESS** spoke on behalf of the **RICKER** request.

M/S **SCOTT/SCHNABEL** Motion to uphold the Planning Commission's decision to deny the rezoning request, and to recommend that the Commission consider the Ricker's duplex application. The motion carried unanimously.

**SCOTT** said she does not want the Assembly to sit as the Planning Commission.

The motion carried unanimously.

**B. Ordinance 05-02-091 (second 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 7:06pm; there was no comment.

M/S **VANCLEVE/LAPP** Motion to adopt Ordinance 05-02-091.

The motion carried unanimously in a roll call vote.

The mayor called a brief recess at 7:06 p.m.

The meeting reconvened at 7:10 p.m.

**SCHNABEL** asked that Agenda Item G - Ordinance 05-03-102 be addressed first. It was so ordered.

**C. Ordinance 05-03-102 (first hearing)**

**An ordinance of the Haines Borough amending Haines Borough**

**code Title 2, Section 2.56 to clarify the function and organization of the Convention and Visitors Bureau Board.**

Mayor **CASE** opened and closed the public hearing at 7:12pm; there was no comment.

M/S **LAPP/VANCLEVE** Motion to advance Ordinance 05-03-102 to a second public hearing on 4-26-05.

**SCHNABEL** said she will not vote in favor of the motion or adopting the ordinance. She asked the assembly to review code section 2.56.030 before the next hearing. She believes there is a conflict.

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

**D. Ordinance 05-03-098** (second 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.**

Mayor **CASE** asked **SCOTT** to explain the various maps on display in the Chambers. He then opened the hearing at 7:21 p.m. and called on people according to a signup list.

**WHITERMORE** spoke against the ordinance and said the assembly should adopt the State SUD instead.

**WEISHAHN** spoke for her husband, Ron, and said he has been researching ways to turn negative issues into positives. He would appreciate it if all helicopter flights began at the airport and if no helicopters flew the Flower Mountain corridor.

**BAUER** said he contacted 100% of households/residents on or attached to Mosquito Lake Road. Out of the 47 residents, 31 said they are for the heli industry, the noise has not been a problem, and they appreciate the boost to the economy. 7 residents said they are politically neutral but don't mind the helicopter noise to this point and have no complaints. 7 residents are adamantly opposed to helicopter noise and wish to have none of it. The remaining 2 residents abstained from stating their opinion.

**MCNAMARA** spoke in opposition to the idea of considering heliskiing as a "tour" business. He also does not agree with adopting the State's SUD, because he believes it was severely flawed.

**BLANK** said she prefers the State SUD, as opposed to this ordinance. She also noted that she is not against the heliskiing industry and believes there is a place for them in the Haines Borough.

**VOGT** urged the assembly to respect the huge amount of work done in the SUD process and to consider the recommendation of the Planning Commission to adopt it. She added that she believes heliskiing businesses should be considered commercial tour operators.

**KOCH** encouraged the assembly to make it as easy as possible for the industry to operate. He is a visiting heliskiier who has spent dollars in the community and believes it is beneficial for Haines.

**GARDNER** thanked the Borough for its patience in dealing with the matter and stressed that Alaska Heliskiing is a small family-owned business. They don't have any problem with regulation, but they do have some problems with the coordinates. The time of day for operation, the number of skier days, and the map are all areas of concern that could affect the company's ability to survive. She asked the assembly to consider their concerns so they may continue to operate in this area and raise their family here.

**BERLAND** said she does not believe the assembly can come up with a better compromise than the State SUD. As for economics, she offered that Haines has a hidden economy driven by quality of life.

**HOLLE** agreed that the SUD was a reasonable compromise. He added that every industry has to operate with constraints.

**STASKA** said he is not against the heliskiing industry, but it is time to honor the people and the efforts of the Planning Commission. It's time to go back to the SUD.

**BROWNELL** said he created a map that addresses the business issues he has in addition to goat and noise concerns. He said his map has more closures on it than the SUD map, and encouraged the assembly to adopt his map. Additionally, he believes his business is more like the hunting guide businesses as opposed to a commercial tour.

**GOLDBERG** urged the Assembly to adopt the State SUD with the original SUD map. He believes that map provides the greatest protection for residents, recreational users, and wildlife.

**DEDOURIAN** and **BOCHART** both spoke in favor of using the original SUD map.

**CRUPI** thanked the assembly for bringing the issue to the table. He said he has been hearing a lot of helicopter noise from his home in Lutak and would prefer the SUD map.

**GILLIAM** said he is in total support of the heliskiiers, but he has been dismayed that his small business has been swept up in the heli controversy. He asked the assembly to consider separating the summer and winter heli businesses in the ordinance.

**LIEBENSON** said she resides in Haines because of the quiet and quality of life. She spoke in support of the original SUD and map.

**WILSON** said he is with Coastal Helicopters out of Juneau and contracts with Alaska Heliskiing. He is concerned about safety more than anything. The FAA controls air space. The Haines Borough can only regulate whether or not aircraft may land or take off. He asked how the Borough plans to enforce the altitude and landing regulations.

**SUNDBERG** encouraged the Assembly to take more time to develop regulations and identify issues.

Mayor **CASE** closed the public hearing at 7:55 p.m.

The meeting reconvened at 8:00 p.m.

M/S **SCHNABEL/SCOTT** Motion to adopt Ordinance 05-03-098.

M/S **SCOTT/SCHNABEL** Motion to amend the ordinance Section 5.18.080(B) by requiring client access to "and from" the area..., and eliminating the following sentence: "Seasonal helicopter access to permitted areas including helicopter-supported transport of personnel and supplies shall be limited to Designated Flight Corridors."

Mayor **CASE** explained that this amendment would allow the delivery of supplies for mining operations, summer hiking camps, etc.

The amendment motion carried unanimously.

**SCHNABEL** said she is concerned that **BROWNELL**'s map does not contain flight corridors lines. She said she is willing to consider continuing to work on the map. Even though she moved to adopt the ordinance, she would like the assembly to consider that the map could be worked on until a certain completion. She suggested that Nancy Berland and Sean

Brownell meet together over a period of time and be compensated to produce a compromise map.

M/S **SCHNABEL/** Motion to amend the motion to adopt the ordinance now with the map to be completed by May 30, 2005. The motion did not receive a second.

**SCOTT** said she does not believe it provides enough time.

M/S **SCOTT/SMITH** Motion to amend the ordinance Section 5.18.080(A) by striking "dated the same as the adoption date of this ordinance" and replacing it with "adopted by the assembly."

The amendment motion carried unanimously.

The motion carried unanimously in a roll call vote.

M/S **SCHNABEL/SCOTT** Motion to appoint a committee or contract with someone to develop a map by July 1, 2005 that will comply with the adopted ordinance.

M/S **SCOTT/SMITH** Motion to amend by eliminating "appoint a committee or" and just go with contract.

**SCOTT** said she believes a contract would be more efficient. **VANCLEVE** agreed and said the contractor should be free to develop the map in a controlled environment. Public comment will come when the proposed map goes to public hearing. **ROSSMAN** disagreed with the concept of a contract. **SCHNABEL** said a contract does not need to be for money. People engaged in the activity can negotiate---can volunteer. The map cannot be developed by hearing. It can be done by educated and motivated people. **CASE** said that a contract must include consideration. He said he would rather see a committee.

The amendment motion carried 4-2 in a roll call vote with **SCHNABEL** and **ROSSMAN** opposed.

The main motion carried unanimously in a roll call vote.

**E. Ordinance 05-03-100 (first hearing)**

**An ordinance of the Haines Borough amending Haines Borough Code Title 18, Section 18.30.010 to require area-wide construction declaration, and provide for penalties.**

Mayor **CASE** opened and closed the public hearing at 8:29pm. **SAUNDERS** spoke against the ordinance and said it is the reason he voted against consolidation.

Mayor **CASE** opened and closed the public hearing at 8:31pm.

M/S **SMITH/VANCLEVE** Motion to advance Ordinance 05-03-100 to a second public hearing on 4-26-05.

**SCOTT** said this is not a permit but is just a informational form to make sure the assessor is notified of any new construction. **CASE** said the intent is not to allow a person to build a house that is not on the tax roll.

M/S **SMITH/SCOTT** Motion to amend the ordinance to change "100 sq. ft." to "500 sq. ft."

The amendment motion carried unanimously.

The motion carried unanimously.

**F. Ordinance 05-03-099 (first hearing)**

**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.**

Mayor **CASE** opened and closed the public hearing at 8:37pm; there was no comment.

M/S **LAPP/SCOTT** Motion to advance Ordinance 05-03-099 to a second public hearing on 4-26-05.

The motion carried unanimously.

**G. Ordinance 05-03-101 (first hearing)**

**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.**

Mayor **CASE** opened and closed the public hearing at 8:39pm; there was no comment.

M/S **LAPP/VANCLEVE** Motion to advance Ordinance 05-03-101 to a second public hearing on 4-26-05.

The motion carried unanimously.

**8. STAFF REPORTS:**

**A. Manager**

**VENABLES** summarized his written report that addressed the following topics:

- Municipal land selection
- Requests for Proposals: Ice House, Lookout Park & road work
- Capital improvement project planning
- Capital improvement funding sources

- Alaska Dept. of Environmental Conservation Loan Program
- Boat Harbor Update

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

9. COMMITTEE/COMMISSION/BOARD REPORTS:

- A. Commerce Committee
- B. Finance & Budget
- 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. Pool Memorandum of Understanding

SCOTT said the assembly approved it, but the School Board has some issues with it. **VENABLES** said there are two substantial issues: 1) the School District is asking for \$50K instead of \$30K and 2) the Borough's being asked to share in the cost of installing meters. **SCHNABEL** said she believes the school district is being uncooperative. **SCOTT** said it was not a reimbursable amount; it was a budgeted amount. Therefore, the money needs to remain what was budgeted. The meter issue must be resolved. The school district is dragging their feet about installing meters, so she would like to see Article 7 eliminated from the agreement. **SCHNABEL** said if the school district is not going to install the meters, then a negotiated and factored fee needs to be implemented. **SCOTT** said this needs to be resolved before the budget is adopted. **CASE** asked the manager to research the remaining issues and report back to the assembly at the next meeting to recommend action.

11. NEW BUSINESS:

A. Resolutions

1. Resolution 05-04-059

A resolution of the Haines Borough Assembly of the Haines Borough, Alaska, changing the date of the 2005 Board of Equalization.

M/S **LAPP/VANCLEVE** Motion to adopt Resolution 05-04-059.

The motion carried unanimously in a roll call vote.

**2. Resolution 05-04-060**

A resolution of the Haines Borough Assembly of the Haines Borough, Alaska, approving the Borough's participation in a proposed refinancing by the Alaska Municipal Bond Bank of the Bond Bank's 1995 Series A General Obligation Bonds, which provided funds to purchase the City of Haines General Obligation Bond 1995 pursuant to a loan agreement between the City and the Bond Bank, and authorizing the Borough Manager to approve a revised schedule of principal and interest payments on the City of Haines General Obligation Bond, 1995, in accordance with such loan agreement, and to deliver an amended bond, if the Bond Bank successfully refinances its bonds.

M/S **LAPP/VANCLEVE** Motion to adopt Resolution 05-04-060.

The motion carried unanimously in a roll call vote.

**3. Resolution 05-04-061**

A resolution of the Haines Borough Assembly of the Haines Borough authorizing application to the USDA for a planning grant to provide solar energy to the Haines Borough Public Library and the Borough Administration Building.

M/S **SCOTT/VANCLEVE** Motion to adopt Resolution 05-04-061.

**SCHNABEL** said it has been determined that it is not cost effective and Ann Myren, Library Director, said it is not in the best interest of the Borough, after all.

The motion failed unanimously in a roll call vote.

**B. Ordinances for Introduction - None**

**C. Other New Business**

**1. Award Public Works Materials Contracts - D-1, Sand, & Gravel**

M/S **LAPP/SMITH** Motion to award the contracts to the sole bidder, Southeast Roadbuilders.

The motion carried unanimously in a roll call vote.

**2. Award GIS Programming Contract**

M/S **VANCLEVE/LAPP** Motion to award the contract to the low bidder GeoNorth, LLC and to authorize the borough manager to negotiate with them. The motion carried unanimously in a roll call vote.

**3. New Passport Requirements**

**SMITH** said the assembly should pass a resolution against it or send a letter to Senator Lisa Murkowski explicitly voicing opposition. **SCHNABEL** said the fluidity of the Canadian-US border is important for commercial and recreational reasons. **SCOTT** said the letter should express that the status quo works for us. The mayor and the manager will draft a letter to the senator and present it to the assembly at the next meeting for their review.

**4. Policy Statements by Advisory Boards and Commissions**

**SCOTT** asked if the Planning Commission's opinions would always have to be endorsed by the Assembly prior to publicizing it. **ROSSMAN** said the Commission is appointed and is not a political body. **SCHNABEL** agreed and said the Commission is appointed to do a specific job, and they should not take a position on issues. **VANCLEVE** said he believes there should be no problem as long as the Planning Commission makes it clear that they are speaking for the Commission and not the Assembly or the Haines Borough, as a whole. He also agreed with **SCHNABEL** that the Commission should not take positions on political issues. **CASE** said it is not a good idea to send mixed messages out of the Borough, and he will continue his instructive discussions with members of the Commission.

**13. SET COMMITTEE MEETING DATES**

The assembly will meet as a Committee-of-the-Whole for the budget review rather than just the Finance Committee. Assembly Member Schnabel, Chair of the Finance Committee will continue to chair the meetings.

The Borough's union negotiating team will meet on Wednesday, April 13, 2005 at 9:00 a.m.

**14. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**15. ADJOURNMENT - 9:38 p.m.**

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

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Mike Case, Mayor

ATTEST:

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Julie Cozzi, Borough Clerk