

Haines Borough
Borough Assembly Meeting #71
April 26, 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 and Julie **COZZI**/Borough Clerk.

Visitors Present: Bonnie **HEDRICK**/CVN, Chris **SHARP**/KHNS, Carolyn **WEISHAHN**, Rob **POLLOCK**, Nancy **BERLAND**, Al **GILLIAM**, Sally **MCGUIRE**, Sean **BROWNELL**, Deborah **VOGT**, Patricia **BLANK**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA:

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

SCOTT requested the following Agenda & Consent Agenda changes:

- a) Add to Old Business a reconsideration of the 4/12 motion to contract the development of helicopter use map.
- b) Remove the minutes and the police report from the consent agenda.

The agenda and consent agenda, as amended, were approved unanimously.

4. APPROVAL OF MINUTES:

*April 12, 2005 Regular, March 30, 2005 Special Joint Session with School Board, and March 31, 2005 Special Session

M/S **SCOTT/SCHNABEL** Motion to delay approval of minutes to the next assembly meeting to provide adequate time to review them. The motion carried unanimously.

5. PUBLIC COMMENTS:

WEISHAHN asked for an update on the contract to work on the map. Mayor **CASE** reminded her that the assembly just voted to amend the agenda to add that subject to Old Business.

6. MAYOR'S COMMENTS/REPORT:

Parks and Recreation Board - The mayor said two board members

have submitted resignations, because they have each accepted jobs out of the area: Merri Noel and Anthony Crupi.

Four Winds RMSA - Mayor **CASE** recommended reappointment of Nick Degtoff to the Four Winds Road Maintenance Service Area Board.

M/S **SCOTT/ROSSMAN** Motion to confirm reappointment of Nick Degtoff to the Four Winds RMSA Board.

The motion carried unanimously.

The Whale at the Public Safety Building - The mayor said the whale needs to be painted and will be done with a small sole-source contract. He will trim the surrounding bushes himself.

Borough Radio Show - Mayor **CASE** said KHNS plans to have a bi-monthly radio show that will include a 5-minute Haines Borough government segment, and the clerk, manager, and mayor will be involved at different times.

HB 273 - He asked the audience to look at HB 273. He said the bill's good intent is to prevent PFD cheating, but at the same time it would hurt the Alaskans in military service.

7. PUBLIC HEARINGS:

A. Tour Permit Request - Alaska Heliskiing, LLC

Mayor **CASE** opened the public hearing at 6:43pm.

BLANK said the permit approval should be considered a moot point since the heliskiing season is complete and the map is not yet done.

POLLOCK objected to the exceptions that have been made for Alaska Heliskiing, LLC and said he has personally been negatively impacted by the helicopters.

BERLAND read comments alleged to be from Sue Liebenson objecting to the tour permit. For herself, she asked for a 1,000 day limit and not to grant a permit without a map. Additionally, she would like the helicopter industry to comply with wildlife reporting.

CASE asked if the assembly wants to continue with the permit hearing since the heliskiing season is over.

SCHNABEL said she would like to continue because it will produce meaningful information for the future. **VANCLEVE** noted that there is actually a significant consideration to whether or not this permit gets issued this year---namely, next year the permit renewal would be handled administratively.

WEISHAHN objected to the issuance of the permit because there is no map and she has concerns with the operating plan and what she sees as discrepancies between the code and the application. She requested a variable method for identifying used skier days and said she believes it would be wise to issue up to 1,000 skier days and up to 140 photographer days. She stressed that it is important for the assembly to consider quality of life and to see that reasonable limits are put on helicopter use.

VOGT recommended that a permit not be issued this year but start all over next year when all the parameters are known, and **McGUIRE** agreed.

BROWNELL confirmed that his season is over, and the total skier days was 985 including photographer days.

Mayor **CASE** closed the public hearing at 7:04pm.

M/S **VANCLEVE/ROSSMAN** Motion to approve the tour and authorize the clerk to finalize the 2005 application documents and issue the permit.

SCHNABEL agreed with the members of the public that want a map before a permit is granted. She applauded Alaska Heliskiing "for going along with the Borough even though we weren't ready." **VANCLEVE** said the permit is based in code and the wording in the code demands that we create the map. "The permit is not based on a map; it's based on code that references a map that we need to create. Next year's renewal will be based on whatever changes to code the assembly makes prior to next year." **LAPP** agreed with **VANCLEVE** saying the assembly should go ahead and approve the permit. **SCHNABEL** said she has a problem with approving the permit, because it is not clear what is being permitted. She said this application cannot be approved by the assembly unless they approve it with a map condition. She added that she would be willing to waive a public hearing requirement for next year because she has faith in the map that will be developed. **CASE** said the assembly may put any conditions on the permit that they want. **VANCLEVE** said **BROWNELL** may ask for whatever he wants, but the assembly approves whatever it wants. **SMITH** said if the assembly approves the permit, it clears the way for its renewal next year. **SCOTT** asked the manager if there needs to be a provision in code for adding conditions to a future permit. **VENABLES** said he sees no problem. "The code that exists on January 1, 2006 would have to be adhered to when the company applies for a permit renewal. They submitted

this year's application in March before a map was required. There will be one required next year." **VANCLEVE** said, "I have heard over and over and over again that people want the assembly to get on with it. Now the same people are telling us to put the brakes to it."

M/S **SCHNABEL/VANCLEVE** Motion to amend the motion to add the word *retroactively* to the main motion and to restrict the permit to 1,000 skier days.

SCOTT said she is uncomfortable authorizing a permit that includes some things in its operating and safety plan that seem to conflict with code. **SCHNABEL** said the assembly should not confuse an application with a permit. Just because the document asks for certain things doesn't mean the assembly has to grant them all. The borough doesn't take on responsibility just because the applicant's documentation says so. **SMITH** spoke against approving the permit without parameters.

M/S **SCOTT/SCHNABEL** Motion to amend the amendment to add "guided heliskiing activities will be conducted in the regions of the Haines Borough as outlined in 5.18.080(A)1."

The motion to amend the amendment carried unanimously.

The amendment motion carried unanimously.

BROWNELL stated for the record that he considers his business to be a guide company, not a heliski company.

The main motion as amended carried 5-1 with **SMITH** opposed.

B. Ordinance 05-03-100 (second 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 the public hearing at 8:42pm.

BLANK said she does not agree with the \$5,000 value in the ordinance.

Mayor **CASE** closed the public hearing at 8:43pm.

M/S **SCOTT/VANCLEVE** Motion to adopt Ordinance 05-03-100.

M/S **SCHNABEL/LAPP** Motion to amend the ordinance by changing it to \$5,000 assessed value.

VANCLEVE said any assessment is going to happen long after it is built.

SCHNABEL/SCOTT called for the question, and that vote passed 5-1 with **ROSSMAN** opposed.

The amendment motion carried 5-1 with **SMITH** opposed.

M/S **ROSSMAN/LAPP** Amend penalty section to make it the same as the townsite service area building permit penalty.

SCHNABEL spoke against the motion because she believes the penalty is woefully low and needs to be raised. She added that it has no teeth to it. **ROSSMAN** agreed but said he would at least prefer the penalties to be equal at the start and raise them both later.

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

The main motion to adopt Ordinance 05-03-100 carried unanimously in a roll call vote.

C. Ordinance 05-03-099 (second 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 7:51pm; there was no comment.

M/S **SCOTT/SMITH** Motion to adopt Ordinance 05-03-099.

VANCLEVE, for the record, said he believes this should be a given, but he has no problem with it being put in code. **SMITH** concurred in principal but said it should be put in code, at this time, since we have a contract assessor who is not always here. It is important to make sure he receives the information right away for the borough's benefit.

The motion carried unanimously in a roll call vote.

D. Ordinance 05-03-101 (second 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 the public hearing at 7:54pm.

WEISHAHN wondered where the money is currently supposed to go and asked for clarification. **SCHNABEL** explained that no specific direction existed, and this ordinance provides it.

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

M/S **LAPP/SMITH** Motion to adopt Ordinance 05-03-101.

The motion carried unanimously in a roll call vote.

E. Ordinance 05-03-102 (second 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 8:56pm; there was no comment.

M/S **VANCLEVE/LAPP** Motion to adopt Ordinance 05-03-102.

SCHNABEL spoke against the ordinance saying she believes it conflicts with Section 2.56.050. **SCOTT** agreed and added that the chapter is about the Convention & Visitors Bureau, and the clause referring to a *Department of Tourism* seems to conflict with it. **SCHNABEL** said she would personally like the CVB Board to be an empowered board, but apparently that board prefers to be advisory. **SMITH** asked to hear from the manager. **VENABLES** agreed that wordsmithing may be needed, but disagreed that the code is conflicting. **CASE** said the Charter trumps the code, and it clearly says the manager is in charge. **SCHNABEL** said she believes people go to the code before they go to the Charter, and she would like it to go to committee.

M/S **SCHNABEL/ROSSMAN** Motion to refer the ordinance to the Government Affairs & Services Committee.

The motion to refer Ordinance 05-03-102 to committee carried unanimously and the main motion became moot.

8. STAFF REPORTS:

A. Manager

VENABLES summarized his written report covering the following topics:

- Marine Transportation Advisory Board resolutions concerning Haines ferry service
- Chilkat Lake Road and Porcupine Road transfer
- Pool Memorandum-of-Understanding
- Municipal Land Selection
- Anway Road development and extension
- Legislation efforts to fund a king-salmon release and to renovate the pool.

SCOTT asked what the Borough will be responsible for if it accepts ownership of Chilkat Lake Road and Porcupine Road. **VENABLES** said the maintenance of those roads is managed through the Historic Dalton Trail RMSA. **SMITH** commented on the Anway Road proposal saying it would make the area much safer for the school buses.

M/S **ROSSMAN/LAPP** Motion to authorize the manager to move forward with the Anway extension.

The motion carried unanimously.

- *B. Borough Clerk
- *C. Chief Fiscal Officer
- D. Chief of Police

SCOTT requested that the Chief interpret the statistics for the assembly and provide a written evaluation of events and trends to be included with the monthly statistics. She believes it would help to open up communication lines between law enforcement and the citizenry, and it may help to guide the assembly in making policy and funding decisions. She asked the manager to assist in getting more information from the Chief. There was no objection by the assembly, and the manager agreed to take the request to the Chief of Police.

- *E. Museum
- *F. Library

9. COMMITTEE/COMMISSION REPORTS:

- A. Commerce Committee
- B. Finance & Budget

SCHNABEL said municipalities have an opportunity to amend their PERS contracts with the State of Alaska. The Haines Borough PERS rate increase this year is about 22%. The Chief Fiscal Officer will work on processing a request to amend the borough's contract. It would translate into a savings of approximately \$47,000.

- C. Personnel & Labor Relations
- D. Government Services/Affairs
- E. Planning Commission
- F. School Board
- G. Chilkat Center Advisory Board
- H. Parks & Recreation Advisory Board
- I. CVB Advisory Board

10. OLD BUSINESS:

M/S **SCOTT/SCHNABEL** Motion to reconsider the following 4/12/05 motion: Motion to contract with someone to develop a map by July 1, 2005 that will comply with the adopted ordinance.

SCOTT said she has become convinced that the contract idea is ill-advised and that it would be better for the mayor to appoint a committee.

The motion to reconsider carried unanimously.

The revote on the 4/12 motion failed unanimously.

M/S **SCOTT/LAPP** Motion to authorize the mayor to appoint a committee of two to develop a map in accordance with 5.18.080 that will be delivered to the manager's office by July 1, 2005. The motion carried unanimously.

11. NEW BUSINESS:

A. Resolutions

1. Resolution 05-04-062

A resolution of the Borough Assembly, of the Haines Borough, Alaska, against HB 273 and strongly urging the Alaska State Legislature to remove any provisions that would deny or defer payment of permanent fund dividends to Alaskans serving in the military service of the United States.

M/S **LAPP/SMITH** Motion to adopt Resolution 05-04-062.

The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 05-04-103

An ordinance of the Haines Borough amending Haines Borough Code Title 13 Sections 13.04.010 - Definitions and 13.04.270 - Billing and Payment, to allow a privately-owned mobile home located within a mobile home park to have a separate Borough utility account.

M/S **SCOTT/LAPP** Motion to introduce Ordinance 05-04-103.

M/S **SCOTT/LAPP** Motion to amend the ordinance to allow separate accounts in a mobile home park and to remove the requirement for the park owner to petition the assembly.

The amendment motion carried 5-1 with **SMITH** opposed.

M/S **LAPP/SMITH** Motion to amend by adding that the ordinance will have its first public hearing on 5/10/05.

The amendment motion carried 4-2 with **ROSSMAN** and **VANCLEVE** opposed.

The main motion carried 4-2 with **ROSSMAN** and **VANCLEVE** opposed.

C. Other New Business

1. Chilkat Center Lease and Management Agreement

M/S **ROSSMAN/VANCLEVE** Motion to postpone this topic until the 5/10/05 meeting.

13. SET COMMITTEE MEETING DATES

A Commerce Committee meeting was scheduled for Tuesday, May 3 at 3:00 p.m. to discuss the 2005 CEDS list.

The Government Affairs & Services Committee will meet on Monday, May 2 at 5:00 p.m. to discuss the proposed public safety commission and Ordinance 05-03-102 (CVB Board).

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SMITH noted that this is the first year that Canadians will be able to buy a resident fishing license, and it may translate into increased sales tax revenue for the borough.

Regarding a map for recreational helicopter use, **CASE** said the Haines Borough is not in the Fish & Game business. The Charter does not mandate that the borough manage fish & game. **SCOTT** said she wants the map to be developed with a rationale that can be articulated and defended. She understands that a lot of data went into the development of the state SUD map and also believes that the wildlife in the Chilkat valley is a resource to consider. **VANCLEVE** agreed with **SCOTT** about the importance of rationale and said, when the map finally comes to the assembly, changes will certainly be made if anything isn't right. **LAPP** said the committee that helps develop the map should include a person who has actually flown over the valley because it provides a different perspective. **SCHNABEL** said she believes the rationale most often heard will be "that was my compromise."

15. ADJOURNMENT - 9:26 pm

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

Mike Case, Mayor

ATTEST:

Julie Cozzi, Borough Clerk