

Haines Borough
Borough Assembly Meeting #78
August 9, 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** and Assembly Members Scott **ROSSMAN**, Debra **SCHNABEL**, Norm **SMITH**, Jerry **LAPP**, Herb **VANCLEVE**, and Stephanie **SCOTT**.

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

Visitors Present: Bonnie **HEDRICK**/CVN, Chris **SHARP**/KHNS, Carolyn **WEISHAHN**, Jessie **BADGER**, Rich **KALOOSTIAN**, LaVerne **BRYANT**, Greg **STUCKEY**, Lucy **HARRELL** and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA:

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

SMITH requested removal of the minutes from the consent agenda and an addition to New Business: a discussion of the proposed AMHS schedule. **CASE** asked for an addition to Old Business: a discussion of the Patriot Act.

The motion carried unanimously.

4. APPROVAL OF MINUTES: *July 26, 2005 Regular

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

SMITH said that "Deputy Mayor **CASE**" needs to be changed to "Deputy Mayor **LAPP**" in two places. There was no objection, and it was so ordered.

The motion carried unanimously.

5. PUBLIC COMMENTS: None

6. MAYOR'S COMMENTS/REPORT:

Request that the Assembly declare a "Step Family Day."

This request came from the SFA - Step Families of America. The assembly chose to delay the declaration and the mayor will ask for more information from the requestor.

7. PUBLIC HEARINGS:

A. Ordinance 05-06-112 (third hearing)

An ordinance of the Haines Borough amending Article VIII Sections 8.06 and 8.07 of the Haines Borough Charter pursuant to a vote of the people at the October 4, 2005 regular election.

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

M/S **LAPP/VANCLEVE** Motion to adopt Ordinance 05-06-112.

M/S **SCOTT/SCHNABEL** Motion to amend the ordinance language in Section 8.07 Protest to read "A petition protesting the assembly's decision on a zoning change must be signed by 25% of the landowners in the zone. The assembly may change the protested decision only upon the vote of a supermajority of the assembly."

SCOTT said the amendment was suggested by Deborah Vogt and endorsed by Rob Goldberg, the planning commissioner who drafted the original language. It more clearly states the procedure. **SCHNABEL** offered a friendly amendment that the protest percentage say "at least" 25%. **SCOTT** had no objection.

The amendment motion carried unanimously.

The motion carried unanimously in a roll call vote.

B. Ordinance 05-07-116 (second hearing)

An ordinance of the Haines Borough, Alaska, authorizing the issuance of general obligation bonds of the borough in the principal amount of not to exceed \$17,500,000 to fund the construction and equipping of school facilities, as authorized by Ordinance No. 04-08-079 of the borough and ratified by the borough's voters at an election held on December 14, 2004; providing for the date, form and terms of the bonds and authorizing unlimited tax levies to pay principal of and interest on the bonds; and providing for the sale of the bonds to the Alaska Municipal Bond Bank.

Mayor **CASE** opened and closed the public hearing at 6:46pm; there were no comments.

M/S **LAPP/VANCLEVE** Motion to adopt Ordinance 05-07-116.

The motion carried unanimously.

C. Ordinance 05-07-117 (second hearing)

An ordinance of the Haines Borough, appropriating a \$42,000 grant from the State of Alaska, Department of Transportation, to the FY06 budget to establish a corridor management plan, interpretive plan, and marketing plan for the Haines Highway.

Mayor **CASE** opened the public hearing at 6:48pm.

HARRELL asked if commercial use along portions of the highway would still be allowed.

M/S **LAPP/SMITH** Motion to adopt Ordinance 05-07-117.

SMITH said he doesn't believe the Tourism Department has the staffing or expertise to pull off the project. **SCOTT** responded to **HARRELL** and said that commercial activity will be allowed under certain circumstances. She recommended that the Sheldon Museum be involved in this project because they have the staff and the expertise. She said she spoke with Addison Field, and he would be very interested in working on it. **VENABLES** clarified that it is not exclusively a Tourism Department project; there will be many community partners. The main goal is to create a marketing plan for this corridor to help promote tourism in this area especially for the independent traveler. The byways designations, *All American Road* and *National Scenic Byway* are in addition to that. **SCHNABEL** said she believes the borough should accept the grant funds and do the project. However, the grant narrative needs to be reworked to be more accurate. She also offered that a byways designation might strengthen the borough's position for getting a better ferry schedule. **LAPP** agreed saying that it will help promote the highway and promote tourism on a national basis. Additionally, it could mean improvements to the highway since it is federal. **HARRELL** asked what the Planning Commission's involvement is in this process. **ROSSMAN** said it is his understanding that this project has nothing to do with planning and zoning. **CASE** said signage might be an issue in the future. **ROSSMAN** said that in the near future, the State is going to spend a lot of money on the state highway. He wondered if that project should be done before this grant project is pursued. **SCOTT** said that a byways designation would be valuable because the highway is worth driving in and of itself. "We have the intelligence in our community and commitment to local history to pull this off."

The motion carried 5-1 in a roll call vote with **SMITH** opposed.

D. Ordinance 05-07-118 (first hearing)

An ordinance of the Haines Borough amending Haines Borough code 3.70.040(d) to include the St. Vincent de Paul, St. Lucy Conference property in the list of tax-exempted properties.

Mayor **CASE** opened the public hearing at 7:05pm.

HARRELL said that St. Vincent de Paul Board hopes to meet next week to finalize the property transfer. She thanked the assembly for their consideration of this request.

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

M/S **LAPP/ROSSMAN** Motion to advance Ordinance 05-07-118 to its second public hearing on 8/23/05.

M/S **SCOTT/SCHNABEL** Motion to amend the effective date to say this ordinance shall become effective beginning with tax year 2006 upon transfer of the *Lots 11-14, Block 8, Townsite Addition* property to St. Vincent de Paul.

The amendment motion carried unanimously.

The motion carried unanimously.

E. Ordinance 05-08-120 (introduction and first hearing)

An ordinance of the Haines Borough amending Sections 3.80.030, 3.80.35, and 3.80.220; and Chapter 3.23 of the Haines Borough code regarding the collection and application of the borough consumer sales tax pursuant to a vote of the people at the October 4, 2005 regular election.

M/S **SCHNABEL/LAPP** Motion to introduce Ordinance 05-08-120 and hold the first public hearing during this meeting since it was properly advertised.

The motion carried unanimously.

Mayor **CASE** opened the public hearing at 7:12pm.

WEISHAHN questioned the entire Borough being able to vote on a Townsite Service Area tax issue.

The mayor closed the public hearing at 7:59pm.

M/S **SCHNABEL/LAPP** Motion to advance Ordinance 05-08-120 to a second public hearing to be held on August 23, 2005.

VANCLEVE said he believes there is a problem with having all four tax reform questions on the same ballot and does not agree with the Borough Attorney's opinion that it should be.

He does agree that it could be problematic to have two separate ballot questions if one passes and the other doesn't. **CASE** said he believes that each ballot question can be made contingent on the other one passing. **SCHNABEL** said she does not agree that people outside the Townsite Service Area should be able to vote for the repeal of the 1% tourism-dedicated sales tax. **LAPP** agreed. **VANCLEVE** said he believes that a single ballot would be legally challenged. **SCHNABEL** noted that the Townsite Service Area-specific question should include the repeal AND the reinstatement of ½% for general municipal purposes including economic development. She added that her preference would be to have the questions 1, 2, 4 for areawide voters, and the Townsite Service Area voters should get an additional ballot that has question 3. The Clerk will adjust the ballot language in the ordinance and have it ready for review at the Finance Committee meeting.

The motion carried unanimously.

8. STAFF REPORTS:

A. Manager

The manager summarized his written report which included the following topics:

- Letnikof Harbor Ramp Repair
- Boat Harbor Expansion Workshop
- Assessment Services Contract
- Road Improvement Projects
- Excursion Inlet Surveying

SMITH asked what can be done to make the Letnikof ramp operable now. **VENABLES** said the gangway and ramp are not attached to the pilings. 34 feet of the gangway is cracked and damaged and is not safe. That repair could be done more quickly. The launch ramp cement bid is expected this week. There are laminated informational signs posted. **SMITH** said it is being used now in spite of the danger. **ROSSMAN** asked what the borough is going to do. **VENABLES** said the State has identified the funds. His best estimate is that work might start in the next two weeks.

SCHNABEL re. helicopter-equipped vessels, said the previous week the assembly identified that there are different staffing interpretations of the borough's licensing and permitting requirements. **VENABLES** said he did not explain requirements to the yacht companies. He simply informed them that the Haines Borough has licenses and permits that must be complied with. **LAPP** said if someone gets a permit to operate a

helicopter within the Haines Borough, we may stipulate the flight paths, etc. However, if someone does not need a permit (no take-offs and landings within the Borough), then the FAA would strictly govern the flight paths.

The mayor called a brief recess at 7:39pm.

The meeting reconvened at 7:44pm.

SMITH said the Borough Attorney did not answer the question of helicopters landing on Borough terra firma. **ROSSMAN** said the issue needs to be dropped because it has not been determined that the yacht helicopters were conducting commercial tours. **SMITH** strongly demanded that something be done. **CASE** said the assembly has not legislated private helicopters and should not complain to the borough management about something the assembly has failed to do.

*B. Borough Clerk

*C. Chief Fiscal Officer

*D. Chief of Police

*E. Museum

*F. Library

9. COMMITTEE/COMMISSION/BOARD REPORTS:

A. Commerce Committee

LAPP reported that the committee met and discussed conditional use permits for businesses. He said borough code §18.50 gives the planning commission authority to place stipulations on conditional use permit. The manager is given authority in §18.30.80 to enforce conditional use permit terms for compliance. This process ensures the conformity of the use, and the public can notify the manager of potential violations. If permit stipulations require a re-evaluation and possible revocation of the permit, the use itself becomes only temporary. This conflicts with the permanent nature of uses, some of which require a substantial financial investment. The permitting process is not intended to be a tool to stop a use already deemed consistent with existing borough code. **LAPP** said the Commerce Committee recommends to the assembly that the Planning Commission be asked to clarify any reason why time limits would be imposed on permits and recommend a process for reviewing compliance of conditional use permits. He said the borough manager has offered to write a letter to the Planning Commission. There was no objection and it was so ordered.

- B. Finance & Budget
- 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:

A. School Design/Site Recommendation from the School Board

VENABLES said he has some documents and rationale that pertain to the property negotiations and would like to present them to the assembly in executive session.

M/S **LAPP/SCOTT** Motion to delay the executive session to the end of the meeting.

The motion carried unanimously.

B. Patriot Act - (added during agenda approval)

CASE asked for clarification regarding the letter he was asked to write to the Alaskan Delegation in Washington D.C. **SCOTT** said the assembly is opposed to the Patriot Act in general and wants to go on record in that way and not relating to recent legislation. **CASE** said he is not opposed to some portions of the Act but agreed to write a letter on behalf of the assembly saying they are opposed to the abrogation of constitutional rights.

11. NEW BUSINESS:

A. Resolutions

1. Resolution 05-08-066

A resolution of the Haines Borough authorizing the mayor, deputy mayor, borough manager, chief fiscal officer and borough clerk as signatories for the borough's security cash accounts and investments.

M/S **SCOTT/ROSSMAN** Motion to adopt Resolution 05-08-066.

The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 05-08-119

An ordinance of the Haines Borough amending Haines Borough code Title 9, Chapter 9.04 to delete sections 9.04.030-selling alcohol to drunken persons, and 9.04.040-minors in alcohol-licensed premises, because these offenses are actually misdemeanors under state law.

M/S **SCOTT/LAPP** Motion to introduce Ordinance 05-08-119 and to advance it to its first public hearing on 8/23/05.

The motion carried unanimously.

C. Other New Business

1. Award Contract - Boat Harbor Transient Float Electrical Upgrade

M/S **LAPP/ROSSMAN** Motion to award the Transient Float Electrical and PC Dock Lighting contracts to Northern Construction.

M/S **SCHNABEL/SCOTT** Motion to divide the question.

The division motion carried unanimously.

The motion to award the transient float electrification contract carried unanimously in a roll call vote.

2. Award Contract - Port Chilkoot Dock Lighting

SCHNABEL asked for the scope and reasons for the project. **SMITH** said it looks like there are already lights down there. Both expressed concern about the power costs. **VENABLES** said the additional lighting is primarily for security and public safety reasons. The manager was asked to look into timers and also research the harbor department's current practice and procedure for turning lights on and off.

CASE asked if there was any way to use some of the unexpended transient float grant funds to cover the difference between the low bid and the grant funds. **VENABLES** said it is not possible because the grant funding agencies are different.

The motion to award the PC Dock Lighting contract carried unanimously in a roll call vote.

3. AMHS Proposed Schedule (added during agenda approval)

SMITH summarized the proposed fall/winter schedule and asked the manager what he intends to say at the upcoming Marine Transportation Advisory Board meeting and teleconference. **VENABLES** said the main issue with the ferry schedules is not what is printed on paper but what is actually delivered. Except for a two-week period in October when only two ferries per week are scheduled, the printed schedule looks good. He added that there are current efforts locally to come up with additional events in Haines to help justify the ferry

service.

12. SET COMMITTEE MEETING DATES

The Commerce Committee will meet on August 23 at 5:30pm.

The Finance Committee will meet on August 16 at 4:00pm.

13. ANNOUNCEMENTS/ASSEMBLY COMMENTS

SCOTT said she has a new job with SEARHC working on the issue of substance & alcohol use among the young people.

LAPP said he is willing to be assembly liaison for the new Public Safety Commission, but he requested another assembly member to replace him on the Boat Harbor Advisory Committee.

SCHNABEL requested that the issue of naming a street after Ed Shirley be added to the next meeting agenda. She also asked that staff make sure to add the Helicopter Map to the first meeting in September. Additionally, regarding former Governor Jay Hammond's death, she asked the assembly to consider honoring him in some way because he was a very big friend to Haines.

SMITH encouraged the Assembly to follow through and do something about the congestion and bear problem out in the Chilkoot River Corridor. He said it needs to be pursued as a bear sanctuary and the work to get the road moved should be aggressive. **VENABLES** said he has been trying to work with Fish and Game on this issue and hopes to have a report soon.

SCOTT referred to the Tongass Forest money (\$75K) currently in the bank. She encouraged **VENABLES** to get with the Watershed Council because she believes they would be a good partner in this issue.

CASE commended Don Turner of Turner Construction for voluntarily informing the Manager that less work was needed on Dalton Street than was originally anticipated. That information resulted in a reduced contract amount and saved tax dollars.

M/S **LAPP/SCOTT** Motion to go into Executive Session to consider the possible acquisition of the Shafer property for use as a school site. (An Executive Session was warranted pursuant to AS 44.62.310(c) and because premature disclosures of information would prejudice the bargaining position of the Haines Borough.)

The motion carried unanimously.

The Executive Session convened at 9:00pm and ended at 9:41pm.

M/S **SCHNABEL/LAPP** Motion to authorize the manager to make an offer to purchase the Schafer property (Haines Borough - Lots 1-11, Block 3, Mission Subdivision; and Lots 4-6, Block 4, Mission Subdivision) for \$350,000 with \$5,000 earnest money, and the balance to be paid at closing.

The motion carried unanimously in a roll call vote.

14. ADJOURNMENT - 9:43 pm

M/S **ROSSMAN/LAPP** Motion to adjourn.

The motion carried unanimously.

ATTEST:

Mike Case, Mayor

Julie Cozzi, Borough Clerk