

  
**Haines Borough**  
**Borough Assembly Meeting #117**  
**August 14, 2007**  
**MINUTES**

**Approved**

1. **CALL TO ORDER/PLEDGE TO THE FLAG** Mayor **SHIELDS** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** **Present:** Mayor Fred **SHIELDS** and Assembly Members Jerry **LAPP**, Pete **LAPHAM**, Scott **ROSSMAN**, Deborah **VOGT**, and Donnie **TURNER**. **Absent:** Doug **OLERUD** (excused unanimously).

**Staff Present:** Robert **VENABLES**/Borough Manager, Julie **COZZI**/Borough Clerk, Suzanne **NEWTON**/Administrative Assistant, Phil **BENNER**/Harbormaster, and Joe **PARNELL**/Assistant Harbormaster.

**Visitors Present:** Tom **MORPHET**/CVN, Dave **BUTTON** (via telephone), Chris **SCHELB**, Jan **HILL**, Greg **STUCKEY**, Georgiana **HOTCH**, Mike **CASE**, Danny **GONCE**, Jack **SMITH**, Nancy **SERIGHT**, Patty **CAMPBELL**, Jan **HOTZE**, Michael **EPPS**, Deatrea **MARCEIL**, Melina **SHIELDS**, Robert **WHITCUMB**, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

**VOGT** requested the removal of Item 9E (Planning Commission) from the consent agenda and the addition of New Business Item 11C4 - CIA Tank Farm. There was no objection.

**Motion** by **LAPP**: Approve the Agenda/Consent Agenda, as amended. It was seconded by **VOGT**. The motion carried unanimously.

4. **APPROVAL OF MINUTES\*** 7/17/07 Regular
5. **PUBLIC COMMENTS**

**CASE** expressed concern that the school board and assembly meetings are both occurring this evening and asked that the "powers that be" consider the fact that citizens may want to attend both. Regarding the tank farm property, he believes the topic should be addressed soon so that ownership does not go to a corporation outside of the borough. He suggested that the Chilkoot Indian Association (CIA) has certain sovereignty and may have access to funding for development that the borough doesn't have. He believes the borough and the CIA will be good partners.

Michael **EPPS** said his property assessment is too high because of a clerical error, and he asked the assembly to intervene on his behalf. The mayor said it will be addressed.

**SCHELB** spoke concerning live-aboards in the harbor being prohibited during certain months of the year. He said it is

necessary to have people in that vicinity to keep an eye on things. He believes it is short-sighted to prevent people from being down there during the winter.

**CAMPBELL** distributed information to the assembly pertaining to Neighborhood Watch programs. She said vandalism has become a big problem in Haines. She asked that the topic be referred to an assembly committee. **VOGT** asked if assembly action is required to set up a Neighborhood Watch program. **CAMPBELL** said it could be set up by the public without government action.

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

**SHIELDS** said one of the Washington DC lobbyists recently visited Haines and was given the grand tour by the mayor and manager. The lobbyists continue to work on the harbor expansion and Secure Schools in addition to other projects for the community.

The mayor and manager met recently with Chilkoot Indian Association representatives regarding the tank farm property.

**7. PUBLIC HEARINGS**

**A. Application for New Commercial Tour - ECO ORCA LTD**

**David Button of Eco Orca Ltd has applied for a 2007 Commercial Tour Permit in order to conduct tours originating from and/or occurring within the Haines Borough. The proposed tours include two different Zodiac Wildlife Quests and a Chilkat Bald Eagle Preserve Raft Trip.**

The mayor opened and closed the public hearing at 6:42pm; there were no comments.

**Motion by VOGT: Grant a 2007 commercial tour permit to Eco/Orca Ltd. It was seconded by LAPP.**

**VOGT** said she did some research regarding standards that might apply to this. She believes Mr. **BUTTON** has shown a long history of disregard for regulation, and she is inclined to vote against her own motion. She asked **BUTTON** if the cost of his tours include the costs of the transportation to and from the take-off/landing points. **BUTTON** said yes. **ROSSMAN** said he dislikes it when the government tells an individual that they cannot make a living. He suggested that the remaining weeks of this season might be a trial period for **BUTTON**. **VOGT** said that if the permit is granted to **BUTTON**, he would not be required to have another hearing next year. His renewal would be before the clerk. **ROSSMAN** asked if the rules could be changed requiring **BUTTON** to have a public hearing for a renewal

permit next year. **SHIELDS** said it would be inconsistent treatment. **LAPP** expressed concern that **BUTTON** keeps changing his mind about the tours he would offer. **TURNER** said he is inclined to take the recommendations of the Chief of Police and the Tourism Director to deny the permit.

The motion failed 1-4 in a roll call vote with **LAPHAM**, **VOGT**, **LAPP**, and **TURNER** opposed.

**B. Ordinance 07-07-160 - first hearing**

**An ordinance of the Haines Borough amending Haines Borough Code Title 7 Sections 7.08.010-040 and Title 3 Chapters 3.31-33 to consolidate Fire Service Areas 1, 2, and 4 pursuant to a vote of the people at the October 2, 2007 Regular Municipal Election.**

The mayor opened and closed the public hearing at 6:50pm; there were no comments.

**Motion by **LAPP****: Advance Ordinance 07-07-160 to a second public hearing on 8/28/07. It was seconded by **VOGT**. The motion carried unanimously.

**C. Ordinance 07-08-161 - introduction & first hearing**

**An ordinance of the Haines Borough amending the Haines Borough Charter Section 9.09 to clarify the use of proceeds from the Permanent Fund pursuant to a vote of the people at the October 2, 2007 regular election.**

The mayor briefly summarized the ordinance.

**Motion by **VOGT****: Introduce Ordinance 07-08-161 and hold the first public hearing at this meeting since it has been duly advertised. It was seconded by **LAPHAM**. The motion carried unanimously.

The mayor opened and closed the public hearing at 6:52pm; there were no comments.

**Motion by **LAPHAM****: Advance Ordinance 07-08-161 to a second public hearing on 8/28/07. It was seconded by **VOGT**. The motion carried unanimously.

**8. STAFF REPORTS**

**A. Borough Manager**

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

- **CIA and Tank Farm Property**
- **School Construction Update**
- **DEC Loan Program**
- **Harbor Workshop**
- **Harbor Security Fencing**

- **Personnel Update**

Regarding the DEC loan program, **VOGT** asked how the borough would repay a loan. **VENABLES** said it would be repaid out of the CIP fund and would not be a General Obligation bond. **LAPP** said he supports taking advantage of the program to get some much-needed work done. **SHIELDS** said between the new public works building, the PC Dock, the pool, and the fuel lines, the borough's CIP funds are dwindling.

**Motion** by **LAPP**: Support the manager in seeking low interest loan funds for capital improvement projects. It was seconded by **LAPHAM**. The motion carried unanimously.

**VENABLES** announced that the Union Street/Third Avenue projects are finally moving forward with the bid documents scheduled to go out next week.

**VOGT** asked for specifics about the proposed harbor fencing. **VENABLES** explained the locations, and the assembly seemed pleased. **SHIELDS** asked why the ice house needs security fencing. **VENABLES** said it is recommended by the project manager and is meant to keep people from the premises, especially the stairs.

**LAPHAM** asked if training will take place before the planning and zoning technician leaves. **VENABLES** assured the assembly that cross training is currently taking place and part-time training is scheduled to occur after the replacement is hired.

Regarding the ice house, **VENABLES** provided some average operational costs. He added that harbor staff is now trained in its operation and things are going well. **BENNER** added that the ice house will be shut down as planned during the winter months.

**ROSSMAN** asked what the Lutak Dock sink hole rental amount is. The state has neglected to repair it in the three years since it happened. **VENABLES** said it is approximately \$39,000, and the borough will negotiate with the state.

**VOGT** asked who will be acting manager in the manager's absence. **VENABLES** said it will be the clerk. The personnel committee has received the proposed organization chart, and it will be coming to the assembly soon.

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

- E. Museum
- F. Library
- G. Chilkat Center

9. COMMITTEE/COMMISSION/BOARD REPORTS

- A. Commerce Committee
- B. Finance & Budget
- C. Personnel
- D. Government Affairs & Services
- E. Planning Commission

VOGT requested that action requests received from the planning commission not be included on the consent agenda. SHIELDS asked if the assembly is aware of any action that needs to be addressed. VENABLES said the staff is currently working on the issues brought forth by the commission. VOGT brought the assembly's attention to the commission recommendation stated in packet item 9E (waterfront access). SHIELDS said he has been surveying visitors in his shop. Nearly unanimously, the visitors say the waterfront is a treasure and an asset. He believes a walkway to Nukdik Point would be good for the community. LAPHAM said a plan should be developed for that. VOGT agreed and said it should be a part of the Comprehensive Plan. Even though it is a recommendation in the Sheinburg report, it is not as likely to happen unless it is included in an official plan. She added that the borough should be sure to compensate property owners for land in that area. TURNER asked the manager if there has been any progress on the Matthias acquisition. VENABLES said there has been some inquiry that met with a certain amount of opposition. LAPHAM asked if the assembly will have to maintain Oslund Drive in the wintertime if it is not a through-road. SHIELDS said no. ROSSMAN suggested that the easement be improved so that it is usable in an emergency situation but not through-traffic. VOGT asked what would happen in the case of 8-feet of snow. VENABLES said he would look into it. SHIELDS said in an ideal world, Oslund Drive would be open and the borough has the ability to do that. ROSSMAN said he is adamantly opposed to eminent domain. SHIELDS said the manager will make a report at an assembly meeting in September. He also asked each of the assembly members to take a look at that area themselves.

- F. School Board
- G. Chilkat Center Advisory Board
- H. Parks & Recreation Advisory Board
- I. Tourism Advisory Board
- J. Boat Harbor Advisory Committee
- K. Public Safety Commission

10. OLD BUSINESS - None

11. NEW BUSINESS

A. Resolutions

1. Resolution 07-08-107

A resolution of the Haines Borough Assembly authorizing an owner-built sewer main extension within the Townsite Service Area to service certain lots on Muncaster Road within the Highland Estates Subdivision.

Motion by **LAPHAM**: Adopt Resolution 07-08-107. It was seconded by **TURNER**. The motion carried unanimously in a roll call vote.

The mayor called a brief recess at 7:28pm. The meeting reconvened at 7:35pm.

2. Resolution 07-08-106

A resolution of the Haines Borough Assembly establishing a Harbor Fee Schedule and setting rates and fees for use of the Small Boat and Letnikof Cove harbors.

Motion by **LAPP**: Adopt Resolution 07-08-106. It was seconded by **ROSSMAN**.

**SHIELDS** said he has received comments from a member of the community that believes the proposed increase to the recreational boat launch rate is punitive. **VOGT** said she is not inclined to set fees and rates by resolution since it does not require public hearings like an ordinance does. **SHIELDS** suggested that the resolution could be held over for a public hearing if the assembly so desires. He also said that adopting a fee schedule outside of code is consistent. **LAPHAM** said there may be some validity to some of the complaints that the proposed recreational launch ramp fee is too high. **BENNER** said he suggested the recreational amount be doubled from the existing \$25, and there is currently no commercial rate. **VOGT** said she would be supportive of having a higher commercial rate and retaining the \$25 recreational fee. **BENNER** It is important that the fee receipts pay for the cost of the stickers (\$650 for 300) and ramp maintenance. **ROSSMAN** said he does not believe the \$50 annual launch ramp fee for recreational users is outrageous. **BENNER** said the launch ramps are actually used year-round. It was very common for him to get a call after a snowfall complaining about the launch not yet being open. **LAPP** said the commercial ramp fee should be higher.

Motion by **LAPP** Amend the harbor fee schedule by changing the proposed commercial boat launch ramp fee from \$100 to \$250 per

year. It was seconded by **VOGT**.

**LAPHAM** asked how many recreational boaters have permits. **BENNER** said currently around 250 have been sold with approximately 15 of those being for commercial use. **ROSSMAN** asked what "commercial" means. **BENNER** said his position is that it applies to those people using the ramp daily as a part of their business. It does not include the gillnetter putting his boat in and out once a year. Most of the fishermen are harbor stall renters anyway.

The amendment motion carried unanimously.

**VOGT** recommended a technical amendment; change the effective date to "upon adoption of Ordinance 07-08-162." There was no objection voiced.

**BENNER** said the proposed annual moorage rates are approximately a 20 percent increase. There was no objection to having a policy to hold two public hearings before adopting future harbor fee schedule resolutions.

The motion carried unanimously in a roll call vote.

#### **B. Ordinances for Introduction**

##### **1. Ordinance 07-08-162**

**An ordinance of the Haines Borough amending Title 16 Chapter 16 to remove the harbor fees and payments from the code and to reference an assembly-approved harbor fee schedule.**

**Motion** by **LAPP**: Introduce Ordinance 07-08-162 and set it for its first public hearing on August 28, 2007. It was seconded by **TURNER**. The motion carried unanimously.

**BENNER** noted that the live-aboard prohibitions are currently within code. He acknowledged **SCHELB**'s comments but said he discourages live-aboards and does not recommend a code change. **TURNER** said the main reason for the existing code is the lack of sewer or water in the harbor.

##### **2. Ordinance 07-08-163**

**An ordinance of the Haines Borough amending Title 3 Sections 3.60.080, 3.60.170, and 3.60.180 to update purchasing limits and clarify procedural requirements.**

**Motion** by **VOGT**: Introduce Ordinance 07-08-163 and set it for its first public hearing on August 28, 2007. It was seconded by **LAPP**.

**VOGT** suggested amendments. **SHIELDS** asked **VOGT** to work

with the manager on an amended ordinance to recommend at the first public hearing.

The motion carried unanimously.

**3. Ordinance 07-08-164**

**An ordinance of the Haines Borough amending Title 3 Chapters 3.08 and 3.24 to clarify Permanent Fund Investments.**

**Motion** by **LAPHAM**: Introduce Ordinance 07-08-164 and set it for its first public hearing on August 28, 2007. It was seconded by **VOGT**.

**ROSSMAN** said the borough needs to be able to use a portion of land sale proceeds for developing other lands. **SHIELDS** assured him that it is currently being done and will continue to be the regular procedure. **ROSSMAN** said it seems that the borough is reaching a point where it will have no more land to sell and therefore will not have money going into the permanent fund unless more land is subdivided. **VOGT** summarized the reasons for the proposed code changes.

The motion carried unanimously.

**ROSSMAN** said this code ordinance should be effective only if the charter is amended. The rest of the assembly agreed, so **SHIELDS** asked **VOGT** to bring a recommended amendment to the first public hearing on August 28.

**4. Ordinance 07-08-165**

**An ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY08 budget.**

**Motion** by **LAPP**: Introduce Ordinance 07-08-165 and set it for its first public hearing on August 28, 2007. It was seconded by **VOGT**. The motion carried unanimously.

**C. Other New Business**

**1. Award Contract for 2008 Haines Vacation Planner**

**Motion** by **LAPHAM**: Authorize the borough manager to negotiate a contract with the Chilkat Valley News to print the 2008 Haines Vacation Planner. It was seconded by **VOGT**.

**VOGT** commented that some of her B&B guests believe the Haines vacation planner is one of the best they have ever seen. **SHIELDS** said the Haines publication is a higher quality product since it does not contain advertising like other vacation planners.

The motion carried unanimously in a roll call vote.

**2. Award Contract to Upgrade Highland Estates Sewer System**

**Motion** by **LAPP**: Authorize the borough manager to negotiate a contract with Southeast Road Builders to upgrade the Highland Estates Sewer System, Part One. It was seconded by **TURNER**. The motion carried unanimously in a roll call vote.

**3. Liquor License Transfer Request - Fort Seward Lodge**

**Motion** by **LAPP**: Approve the transfer of the Fort Seward Lodge liquor license to the new owners. It was seconded by **LAPHAM**. The motion carried unanimously.

**4. Chilkoot Indian Association (CIA) - Tank Farm Property**

**VOGT** said the proposed resolution should be added to the August 28, 2007 assembly meeting, but should require two public hearings. She expressed an unwillingness to lend her support to the CIA indefinitely. She does have additional concerns not addressed by the proposed resolution; including making sure that the property is held by a taxable entity and that the borough does not lose any opportunity to get the property if CIA's bid should be unsuccessful. However she does believe it is time to bring the issue before the public. **ROSSMAN** said he doesn't have any problem with the CIA proposal. The CIA may have more access to federal money than the borough does. He wants to see it on the agenda and moved forward. **LAPHAM** wants the issue on the agenda. He believes the CIA can potentially do something about converting the property to industry and jobs if the land transfer goes forward. He agreed with **VOGT** that it is important that the borough not lose it's rights if something goes wrong with the CIA bid. **LAPP** added his support for the issue being on the next agenda. He believes the borough can safeguard itself by adding some wording in the resolution regarding the borough not losing its place in line for the property if the CIA efforts are not successful. **TURNER** agreed with the sentiments. He wondered if the borough is even in line for the property.

There was no objection to the issue being on the August 28, 2007 agenda.

**12. SET COMMITTEE MEETING DATES**

**CAMPBELL's** issues will be referred to the Public Safety Commission. She was satisfied with that decision. **LAPHAM** asked if the school vandalism reward notice has generated any response. **VENABLES** said there are a couple of leads but no arrests have yet been made.

13. PUBLIC COMMENTS

**CAMPBELL** thanked the assembly for their consideration of her vandalism concerns. She requested additional street lighting, saying the current lights stop at Sixth Avenue. She does not believe all of the vandalism is done by juveniles. **SHIELDS** suggested that the street lights be extended to Allen Road especially since the new school is in that area. The manager was asked to look into it and report to the assembly at the next meeting.

M. **SHIELDS** asked for more harbor amenities in exchange for increased rates, including clean restrooms.

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

**LAPP** agreed that if more lights are installed around the new school, vandalism and crime will be discouraged.

**VOGT** said she participated in the recent tours of the new school and believes it is a wonderful new facility.

**ROSSMAN** asked why the harbor restrooms are in such bad shape. The manager said he look at them right away to assess the condition. Jack **SMITH** was allowed to speak, and he said the harbor restrooms are in horrendous shape.

**LAPP** expressed concern that the site of the burned up barracks at the fort still remains a hazard.

Motion by **LAPP**: Request the property owner, Port Chilkoot Company, to clean up the site where the barracks building burned. It was seconded by **LAPHAM**.

**VENABLES** said the site was much worse a year ago, so some cleanup has taken place.

The motion carried unanimously. **VENABLES** said a letter will be sent.

15. ADJOURNMENT - 8:44pm

Motion by **TURNER**: Adjourn the meeting. It was seconded by **LAPHAM**. The motion carried unanimously.

---

Fred Shields, Mayor

ATTEST:

---

Julie Cozzi, Borough Clerk