



Haines Borough
Borough Assembly Meeting #149
February 10, 2009
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG Mayor HILL called the meeting to order at 6:35 p.m. in the Assembly Chambers and led the pledge to the flag.
2. ROLL CALL Present: Mayor Jan HILL and Assembly Members Scott ROSSMAN, Jerry LAPP, Doug OLERUD, Pete LAPHAM, and Norm SMITH (via teleconference).

Absent: Assembly Member Steve VICK.

Motion by LAPP: Excuse Assembly Member Vick's absence. It was seconded by LAPHAM. The motion carried unanimously.

Staff Present: Tom BOLEN/Borough Manager, Julie COZZI/Borough Clerk, Jila STUART/Chief Fiscal Officer, and Gary LOWE/Chief of Police.

Visitors Present: Jessica EDWARDS/CVN, Tara BICKNELL/KHNS, Gary LIDHOLM, Scott SUNDBERG, Donnie TURNER, Duck and Karen HESS, Dean RISLEY, Bruce BAUER, Roger MAYNARD, Ray STASKA, Liz HEYWOOD, Heather LENDE, Nick TRIMBLE, Kamla TRIMBLE, Gregg JOHNSON, Ron MARTIN, Gabe LONG, Bill and Libby KURZ, Krystal NORBERG, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

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

- * 4. APPROVAL OF MINUTES - 1/27/09 Regular

5. PUBLIC COMMENTS

LENDE gave a report of the library board, staff, and operations. She said it's running well and everyone is working hard to keep it that way. She announced that Barb Blood has been appointed acting director.

6. MAYOR'S COMMENTS/REPORT

HILL explained the meetings that kept her away from the last assembly meeting. One of them was a strategic planning session for a youth-oriented program that will be a great benefit to the whole community. More information will be forthcoming.

The mayor will be attending her first meeting of the Chilkat Bald Eagle Advisory Council.

The mayor announced the upcoming 2/28 Energy Fair (10-3 at the high school). She encouraged everyone to participate.

7. PUBLIC HEARINGS

A. APPLICATION TO CHANGE HELISKI PERMIT ACTIVITIES SOUTHEAST ALASKA BACKCOUNTRY ADVENTURES

Scott Sundberg, of Southeast Alaska Backcountry Adventures, has applied for a renewal of the Commercial Tour Permit initially granted to his company in 2006. The company's 2009 application includes proposals for two additional heliports:

- 1) Upper Chilkat Valley on the Chilkat River approx. 7.25 air miles north from the outlet of Mosquito Lake, and
- 2) Tahkin Valley along the Takhin Ridge in a location known as the Fox Strip.

Mayor **HILL** opened the public hearing at 6:42pm.

BAUER said the assembly should approve the requested heliports as he sees no reason why they would negatively affect citizens.

LONG also spoke in support. He believes SEABA has made significant concessions. They are citizens of the Haines community, and too often regulations cripple a local business. The community should strongly support them.

K. **HESS** also supports SEABA's request for the two additional heliports. There are no residents in the Chilkat Cabins area. D. **HESS** agreed and added that the noise factor is nil.

RISLEY encouraged the assembly to approve SEABA's request.

The clerk read three written comments into the record at the mayor's request: Weishahn, Gunn, and Blank. All three citizens are opposed to SEABA's request.

Hearing no further public comments, the mayor closed the public hearing at 7:57pm.

Motion by **LAPP**: Approve SEABA's request to add two additional heliports to the previously permitted operating plan. It was seconded by **ROSSMAN**.

ROSSMAN said the two new sites would help alleviate congestion. **OLERUD** said he does not have a problem with the sites per se but he is against making any changes before the borough has a way to monitor compliance with the helicopter map. **LAPHAM** has no problem with the original permit or with adding these two sites. He does not, however, want to piece meal review of the map, and he believes these requests may require a map change. **ROSSMAN** disagreed that the map needs to change. **LAPHAM** said the permit as it is should be renewed without the requested heliports. **BOLEN** says there are several

issues to consider including the fact that the existing heliports are not indicated on the current map, and there is no code definition of a heliport. He agreed with **LAPHAM** that the map needs to be considered. **SMITH** wondered if the two new heliports would be available to other operators. He agreed with **BOLEN** that a heliport definition is important. He has no objection to the Fox strip, but doesn't believe it should be discussed at this point. **ROSSMAN** said he still believes a map amendment is unnecessary. **SMITH** said if the assembly approves this, the whole valley could end up peppered with landing spots. **LAPHAM** said he does not like the statement in the proposed SEABA operating plan that says they will make mistakes. **SUNDBERG** says it does not mean they wouldn't be penalized for mistakes that are made. **ROSSMAN** wanted to make sure SEABA could still request renewal of the previous permit if the new requests are defeated this evening. [Yes] **BOLEN** added that SEABA could come back to the assembly to request changes at any time following permit renewal. **BOLEN** brought up the 2008 Dr. Bowman letter where he expressed great concern about SEABA's handling of an injured skier. The manager recommended a phrase in the SEABA operating plan that would say that an injured skier would be brought to the airport where an ambulance would be waiting to take the person to the clinic. The helicopter would stand by in case the individual needs to go to Juneau. **SUNDBERG** agreed to make that change. **LAPP** said that the Fox strip area might alleviate the reported congestion at 18-mile.

OLERUD suggested the manager ask the planning commission to develop a definition for "heliport." **BOLEN** agreed to do that.

The motion failed 2-3 in a roll call vote with **OLERUD**, **LAPHAM**, and **SMITH** opposed.

B. Ordinance 09-01-195 - second hearing

An ordinance of the Haines Borough amending Borough Code Title 16 to 1)Redefine the Boat Harbor Advisory Committee (§16.08.010), 2)Remove additional harbor fees from the code that are referenced in the assembly-approved harbor fee schedule (§16.12.030, §16.24.050), and 3)to change the impounded boat appeal hearing timeframe (§16.24.070).

Mayor **HILL** opened and closed the public hearing at 7:21pm; there were no public comments.

Motion by **LAPP**: Adopt Ordinance 09-01-195. It was seconded by **LAPHAM**. The main motion carried unanimously in a roll call vote.

C. Ordinance 09-01-196 - second hearing

An ordinance of the Haines Borough amending Title 14 to

clarify the application process for borough right-of-way (ROW) vacations.

Mayor **HILL** opened and closed the public hearing at 7:23pm; there were no public comments.

Motion by **LAPHAM**: Adopt Ordinance 09-01-196. It was seconded by **SMITH**. The motion carried unanimously in a roll call vote.

D. Ordinance 09-01-197 - first hearing

An ordinance of the Haines Borough amending Title 18 to increase the time allowed for final plat submission, and to simplify the road construction requirements for a final plat.

Mayor **HILL** opened and closed the public hearing at 7:25pm; there were no public comments.

Motion by **LAPHAM**: Advance Ordinance 09-01-197 to a second public hearing on February 24, 2009. It was seconded by **LAPP**. The motion carried unanimously.

E. Ordinance 09-01-198 - first hearing

An ordinance of the Haines Borough amending Title 3 to allow road maintenance service areas to voluntarily request taxation that exceeds the one-percent tax cap in order to maintain or obtain services.

Mayor **HILL** opened and closed the public hearing at 7:26pm; there were no public comments.

Motion by **LAPP**: Advance Ordinance 09-01-198 to a second public hearing on February 24, 2009. It was seconded by **LAPHAM**. The motion carried unanimously.

8. STAFF REPORTS

A. Borough Manager

The manager summarized his written report that provided an update on various projects, activities, and departmental issues.

BOLEN informed the assembly that there is a turf war going on between AK-DOT&PF and DNR regarding the management rights of the Letnikof Cove Harbor. DOT believes that those rights were transferred to the Haines Borough with the harbors, but DNR disagrees. This disagreement is holding up the new boarding float construction planned for this summer.

The assembly directed the manager to apply for the Emergency Management grant.

LAPHAM said he was informed that Holland America was very pleased to hear of the assembly's resolution welcoming more cruise ships. **BOLEN** said the mayor and he will attend the

upcoming cruise wastewater event in Juneau. Cruiseline representatives will be in attendance, and the two of them will seek opportunities to meet with them.

BOLEN welcomed assembly input regarding the confusing, conflicting, and vague sections of code pertaining to the library and museum. **OLERUD** said the library board recognizes the need for clarification. There is interest in having representatives of the library, the museum, and the borough look at the issues together. **BOLEN** suggested the assembly might want to address this as a committee-of-the-whole.

BOLEN asked if there are any problems with his recommendation to reorganize work stations within the administration building. **ROSSMAN** expressed some concern about using facility maintenance funds to do it. **BOLEN** said he only asks for it as a way to begin the project earlier. **OLERUD** said the \$30K-50K sounds like major work. He wondered if blueprints and fire marshal approval would be required. **BOLEN** said he believes the building as it stands is not fire-approved. **OLERUD** explained that the 2003 building remodel had fire marshal approval especially since it involved federal USDA funds.

- * 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

ROSSMAN said the committee met to discuss the road maintenance service areas in general including funding issues. They did not yet arrive at any possible solutions. The committee asked the manager to look into the idea of having one single road maintenance service area for all areas outside the townsite. Another option might be consolidating some of the existing service areas so that there are fewer. **LAPP** said the former borough had a ballot question to establish one single area wide service area but the voters rejected the idea. He suspects that the citizens did not understand the question, and more education would be needed if it was attempted again.

- *E. Planning Commission
- *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
- *L. Waterfront Improvement Committee
- M. Energy & Sustainability Commission

ESC Commissioner Gary **LIDHOLM** announced that Karen Peterson is coming to Haines to make two wood heat presentations--- one at the museum for the general public and one during a special meeting of the ESC. He encouraged the assembly to attend one or both of them.

ROSSMAN asked if the borough is any closer to the LED street lights. **BOLEN** said he wants to put a pilot project in place, and it will be a budget issue. He is convinced it is the best way to save energy and believes there are likely grant opportunities that would help pay for them. Additionally, LEDs might be considered for the harbor project. "There is a small window of opportunity, but if we can convince ourselves that it's a smart move it may be able to happen." He noted that it would add to the total harbor project cost. **LAPHAM** said he would want assurance that the LEDs lights would work well in the harbor. **BOLEN** said the PND engineers do not advise using them, and he would have to prove to himself that they would work in the harbor before he would advocate for them. The engineers are concerned about corrosion in the salt environment and the different light patterns causing illumination problems. **ROSSMAN** said since the borough is paying the engineers, they should be tasked with getting the information/costs on LEDs. **BOLEN** said he has been talking with them for two months and is not getting anywhere.

10. OLD BUSINESS - None

11. NEW BUSINESS

A. Resolutions - None

B. Ordinances for Introduction

1. Ordinance 09-02-199

An ordinance of the Haines Borough amending borough code section 2.12.030 to allow a minimum of one public hearing for adoption of an ordinance.

Motion by **OLERUD**: Introduce Ordinance 09-02-199 and set a first public hearing for February 24, 2009. It was seconded by **LAPP**. The motion carried unanimously.

C. Other New Business

1. Harbor Construction Phase Engineering Services

Motion by **LAPHAM**: Authorize the borough manager to negotiate a contract with PND for an amount not to exceed \$271,989 to provide engineering services for the construction phase of the Portage Cove Harbor Reconstruction project. It was seconded by **LAPP**. The motion carried unanimously in a roll call vote.

12. CORRESPONDENCE

A. Thank you for Resolution 09-01-149

B. Library Director Resignation

C. AP&T re. Goat Lake Hydro Lease Renewal

D. ATIA request re. Cruise Ship Waste Water Permit Standards

OLERUD asked for the opportunity to consider a resolution at the 3/10 assembly meeting that would support ATIA's request. No objections were stated. He also asked the manager and mayor to forward to the assembly any information they get from the cruise waste water meeting in Juneau.

13. SET MEETING DATES

The assembly will meet as a committee-of-the-whole with the library and museum directors and boards on Tuesday, March 17th, 6:00pm to discuss the code as it pertains to them.

The Personnel Committee will meet on Monday, 2/16, 6:30pm to address borough officer contracts and other personnel-related matters. [Note: this was subsequently rescheduled for 3/10.]

14. PUBLIC COMMENTS

JOHNSON asked the assembly to consider defining heliports and landing zones as two separate things. He noted the 4th of July landing of black hawk helicopter. Perhaps there should be temporary use permits as opposed to permanent landing zones like the airport.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

LAPHAM and **OLERUD** asked to be excused from the next meeting on 2/24. The mayor will check with **SMITH** to see if he will be able to attend to make a quorum.

16. ADJOURNMENT - 8:20pm

Motion by **OLERUD**: Adjourn the meeting. It was seconded by **LAPP**. The motion carried unanimously.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, Borough Clerk