

Haines Borough
Borough Assembly Meeting #169
December 29, 2009

MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG: Mayor **HILL** 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 Janice **HILL** and Assembly Members Jerry **LAPP**, Joanne **WATERMAN**, Daymond **HOFFMAN**, Norman **SMITH**, Scott **ROSSMAN**, and Steve **VICK**.

Staff Present: Julie **COZZI**/Borough Clerk/Acting Manager, Gary **LOWE**/Chief of Police, Jila **STUART**/Chief Fiscal Officer, Brad **MAYNARD**/Director of Public Facilities, and Angie **ROBINSON**/Visitor Information Coordinator.

Visitors Present: Tom **MORPHET**/CVN, Carolyn **WEISHAHN**, Deborah **VOGT**, George **FIGDOR**, Roger **MAYNARD**, Stacie and Don **TURNER III**, Dennis **MILES**, Jack **WENNER**, Kip **KERMOIAN**, Patty **KERMOIAN**, Libby and Bill **KURZ**, James **STUDLEY**, Scott **CAREY**, Eric **HOLLE**, Katey **PALMER**, Joe **ORDONEZ**, Anne **BOYCE**, Paul **SWIFT**, Pete and Diana **LAPHAM**, Luck and Amy **DUNBAR**, Christy **FOWLER**, Ira **HENRY**, Nick and Kami **TRIMBLE**, Heidi **ROBICHAUD**, Kerry and Joyce **TOWN**, Ashley and Heather **CALL**, Van **KABLO**, Charles **GLOVER**, Megan **MOREHOUSE**, Karen and Don "Duck" **HESS**, Jay **LINHART**, Ron **MARTIN**, Spencer **CLARK**, Gary **LIDHOLM**, Dwight **DOWNER**, Nancy **BERLAND**, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

Motion: **LAPP** moved to "approve the Agenda/Consent Agenda." Amended to pull Finance report and ESC from the consent agenda, and the motion carried unanimously.

*** 4. APPROVAL OF MINUTES – 12/8 Regular**

5. PUBLIC COMMENTS

VOGT spoke concerning the borough attorney's performance and took exception to the clerk's opinion that the borough received good legal advice during the 2009 Election. She added that the clerk conducted the election recount "impeccably."

6. MAYOR'S REPORT/COMMENTS

HILL said she attended with **WATERMAN** the employee holiday dinner. Employees were recognized for years of service. A 30-year service award was given to Ellen Borders including a key to the town. We have a very dedicated staff and they deserve appreciation. The borough is alive and well.

7. PUBLIC HEARINGS

A. Ordinance 09-12-220 – First Public Hearing

An ordinance of the Haines Borough amending Haines Borough code Title 5 section 5.18.080 to amend the heli-ski reporting requirements, add a preseason meeting requirement, and add a provision for additional skier days.

Mayor **HILL** opened the public hearing at 6:36pm.

B.KURZ, D.HESS, K.HESS, K.TOWN, STUDLEY, A.CALL, KABLO, P.LAPHAM, D.LAPHAM, LINHART, R.MAYNARD, FOWLER, L.DUNBAR, BAUER, G.HESS, J.TOWN, MILES, MARTIN, CLARK, and WENNER spoke in support of the heli-ski industry, encouraging business growth, and helping the wintertime economy. Most expressed concern that this ordinance will over regulate heli-skiing and they are opposed to that. Some said more skier days are needed.

WEISHAHN, BERLAND, BOYCE, VOGT, FIGDOR, P.BLANK, ORDONEZ, HOLLE, PALMER, P.KERMOIAN, K.KERMOIAN, CAREY, and ROBICHAUD all spoke to the need for heli-ski activities to be regulated because of noise, impacts on wildlife and property values, and violations they believe are occurring. Many spoke to the importance of thorough GPS reporting as a way to verify permit compliance and spoke against adding skier days and allowing any more growth.

N.TRIMBLE, representing one of the heli-ski companies, believes there is a lot of misunderstanding about how heli-skiing operates. He explained that skier days have very little to do with the number of helicopters---whether there are 2 skiers or 8, they still fly. A skier day is one person going skiing in one day or a portion of a day. The assembly is not limiting skier days but instead the ability of this business to grow.

Hearing no further public comments, the mayor closed the public hearing at 7:49pm.

Motion: ROSSMAN moved to "advance Ordinance 09-12-220 to a second public hearing on January 12, 2010," and it was subsequently amended to add a section C(7) as follows:

7. A season-end report shall be compiled by the borough manager and submitted to the borough assembly annually during the first meeting in July. The report shall include the number of skier days used by each permitted company as compared to previous years, and it shall include any verified permit infractions along with correspondence and other information documenting reasons for the infractions.

During assembly discussion, **LAPP** explained that only one member of the public attended the Commerce Committee meeting---**TRIMBLE** of SEABA---when this topic was discussed, and they met for 2 hours. The committee's proposed amendments were the result of a compromise. **SMITH** agreed with him and said Pete Lapham and he were the other committee members. He said **TRIMBLE** suggested reporting GPS coordinates data in response to the committee's offer of 1,000 additional skier days. He believes the money this industry brings in does get spread around this community, but incremental industry growth is important rather than just wide open with no restrictions. **ROSSMAN** agreed and believes it's a good ordinance because everybody's unhappy with it in one way or another. **HOFFMAN** said a forum for community consensus is needed. He is having a hard time ignoring the Commerce Committee's recommendations. **VICK** said the ski industry does need to be regulated, but it needs to be nurtured and allowed to grow. He agreed that the community needs to work together to find a way to make this happen rather than just fight about it. **WATERMAN** encouraged people to have more potlucks and get together on issues.

The main motion carried unanimously.

8. STAFF REPORTS

- * A. Borough Manager
- B. Borough Clerk
- C. Chief Fiscal Officer

STUART summarized the results of the recent Citizen Budget Survey.

- D. Chief of Police
- * E. Museum
- * F. Library
- * G. Chilkat Center

9. COMMITTEE/COMMISSION/BOARD REPORTS

- A. Commerce Committee
- B. Finance & Budget
- C. Personnel and Labor Relations
- D. Government Affairs & Services
- * 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

SCOTT explained the November Municipal Energy Use Report that was provided to the assembly and said the wood heat feasibility study is available for public comment.

- * N. Service Area Boards

10. OLD BUSINESS

A. Grant Writer/Administrator – Job Description

Motion: LAPP moved to "reconsider the motion to accept the grant writer/administrator job description as presented by the manager." The motion carried unanimously, and the motion to accept the job description was back on the table for debate.

Motion: LAPP moved to "amend the title of the position to "Grant Writer-Economic Development Administrator." The amendment motion carried 5-1 with **ROSSMAN** opposed.

During discussion assembly members expressed both support for the idea of adding the economic development aspect and concern that it might make it more of a permanent position. There was a suggestion that it might be advertised as a one-year temporary position when ready to recruit.

Motion: LAPP moved to "postpone decision on the main motion until the January 26, 2010 assembly meeting" to provide time for staff to add the economic development duties to the job description. The motion carried unanimously.

11. NEW BUSINESS

A. Resolutions

1. Resolution 09-12-172

A resolution of the Haines Borough assembly authorizing and designating certain persons to sign and endorse checks pertaining to certain bank accounts.

Motion: SMITH moved to "adopt Resolution 09-12-172." There was no discussion, and the motion carried unanimously in a roll call vote.

2. Resolution 09-12-173

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

Motion: WATERMAN moved to "adopt Resolution 09-12-173." There was no discussion, and the motion carried unanimously in a roll call vote.

3. Resolution 09-12-179

A resolution of the Haines Borough Assembly urging Coeur Alaska, Inc. to consider the Haines community and workforce as they continue to develop and operate the Kensington Mine project.

Motion: ROSSMAN moved to "adopt Resolution 09-12-179." The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction

1. Ordinance 09-12-221

An ordinance of the Haines Borough readopting, by ordinance, the existing water-sewer rate schedule including the current rates, fees and charges for water and sewer services.

Motion: LAPP moved to "introduce Ordinance 09-12-221 and set a first public hearing for January 12, 2010." There was no discussion, and the motion carried unanimously.

C. Other New Business

*** 1. Liquor License Renewals**

The assembly had no objection to the following license renewal applications:

Fogcutter Bar

2. Advisory Board Appointments

Motion: LAPP moved to "confirm the mayor's appointment to the Energy Sustainability Commission," and the motion carried unanimously.

The following appointment was made: Patty Campbell – Energy Sustainability Commission.

3. Appeal of Planning Commission Decision

DEWITT, the appellant, read aloud her written statements given to the planning commission during the 12/3/09 conditional use permit hearing. She is frustrated and has many questions she believes have never been addressed by the commission including water problems on her property, noise, and traffic safety concerns.

Motion: SMITH moved to "rehear the entire planning commission's decision to authorize a 3-year renewal of a conditional use permit to Turner Construction to operate their gravel pit situated on Allen Road."

During the discussion, the assembly agreed that the chair of the planning commission should attend any rehearing. There were observations that the main portion of the gravel pit is a non-conforming use so the pit would still operate even without a conditional use permit. **B.MAYNARD** agreed to visually survey the areas of concern and assess the situation.

TURNER said five different planning commissions have renewed his conditional use permit. The company has been operating for a long time, and his trucks are inspected 2 to 3 times every year. He disagreed that his pit operation is the cause of the appellant's water problems. **DEWITT** said she has appealed to the planning commission for 11 years and has never had here questions answered or concerns addressed. She believes a new engineering study should be done.

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

4. First Avenue, Willard Street, and Ocean View Drive Water System Upgrade

Motion: LAPP moved to "authorize the acting manager to negotiate a contract with the lowest responsive bidder, Southeast Road Builders, for the First Avenue, Willard Street, and Ocean View Drive Water System Upgrade project in an amount not to exceed \$263,388." The motion carried unanimously in a roll call vote.

5. Marine Facilities Inspections

Motion: VICK moved to "authorize the acting manager to negotiate a contract with PND Inc. and Enviro-Tech Diving, Inc. to perform a condition assessment of the borough's port and harbor facilities for an amount not to exceed \$74,274."

During discussion, **B. MAYNARD** said condition assessments must be done within two years of applying for the state tier-1 and tier-2 grant funds.

The motion carried unanimously in a roll call vote.

6. Library Professional Services Agreement Amendment

Motion: WATERMAN moved to "authorize an amendment to the professional services agreement with Ann Myren for an amount not to exceed \$3,200, as recommended by the Library Board of Trustees, to provide 2009 IMLS Enhancement grant assistance." The motion carried 5-1 in a roll call vote with **LAPP** opposed.

7. EXECUTIVE SESSION – The Assembly, upon motion, will move into executive session to discuss the performance of the borough attorney the immediate knowledge of which would tend to prejudice the reputation and character of those persons involved. AS 44.62.310(C)(2) The attorney did not request a public discussion.

Motion: ROSSMAN moved to "postpone the executive session to the January 12, 2010 assembly meeting," and the motion carried unanimously.

12. CORRESPONDENCE

A. Re. Tax Opposition/Request for Services - Excursion Inlet Resident

LAPP suggested that the borough should find a way to provide something to the residents in EXI.

B. Re. Human Resource Building In-Kind Lease – Big Brothers Big Sisters

C. Re. Haines Assisted Living Facility/Relocation Assistance – AK-DCCED & HAL

13. SET MEETING DATES

The assembly will meet as a committee-of-the-whole regarding legislative priorities on Tuesday, January 5, 2010, at 6pm.

14. PUBLIC COMMENTS

KURZ expressed somewhat tongue-in-cheek concerns about commercial parking lots that require people to back out onto the highway and the safety and noise issues related to chainsaw use.

STUART suggested two items the borough might do for Excursion Inlet taxpayers: 1) pay for a tourism ad to market their lodges, or 2) add something on the CIP list that would benefit them. Additionally, she spoke in support of the borough attorney and said he has been professional, accessible, and easy to deal with and understand.

MORPHET commented that the Chilkat Valley News has dealt with a lot of attorneys who have worked much better with the media than the current attorney.

WENNER informed the assembly that the buses are unable to drive under the senior center building overhang. That situation should be corrected so the elderly can get in and out in a protected area.

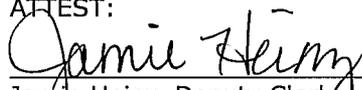
STUDLEY requested that more emphasis be put on sanding the roads during these extremely icy conditions.

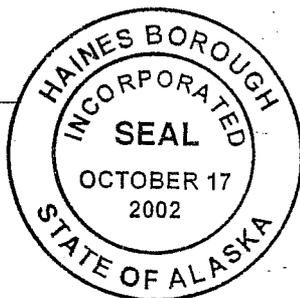
15. ANNOUNCEMENTS/ASSEMBLY COMMENTS - None

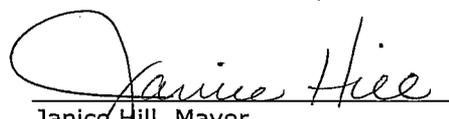
16. ADJOURNMENT - 10:32 p.m.

Motion: VICK moved to adjourn the meeting, and the motion carried unanimously.

ATTEST:


Jamie Heinz, Deputy Clerk




Janice Hill, Mayor