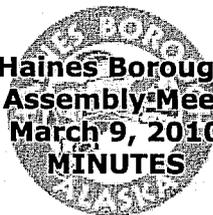


Haines Borough
Borough Assembly Meeting #174
March 9, 2010



Adopted

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 Jan **HILL**, Assembly Members Jerry **LAPP**, Daymond **HOFFMAN**, Joanne **WATERMAN**, Steve **VICK**, Norm **SMITH**, and Scott **ROSSMAN**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Brad **MAYNARD**/Director of Public Facilities, Gary **LOWE**/Chief of Police, and Jila **STUART**/Chief Fiscal Officer.

Visitors Present: Jessica **EDWARDS**/CVN, Bill & Libby **KURZ**, Bud **STEWART**, Susannah **DOWDS**, David **WERNER**, George **FIGDOR**, Scott **CAREY**, Karl **HEINZ**, Danny **GONCE**, Sean **CONE**, Scott **SUNDBERG**, Nick **TRIMBLE**, Jessica **KAYSER**, Jim **SHOOK**, Roger **MAYNARD**, Al **KELLY**, Joe **POOR**, Sean **MCNAMARA**, Eric **KOCHER**, Dan **HENRY**, Tom **WAYS**, Jan **TRIGG**/Coeur Alaska, and others.

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

VICK requested removal of the minutes from the consent agenda.

Motion: **LAPP** moved to "approve the Agenda/Consent Agenda, as amended." The motion carried unanimously.

3. **APPROVAL OF MINUTES** – February 23, 2010

VICK pointed out that he attended the meeting, but the minutes do not note him as present. The clerk will make the correction.

Motion: **LAPP** moved to "approve the minutes, as amended," and the motion carried unanimously.

5. **PUBLIC COMMENTS**

The following citizens offered comments regarding Resolution 10-03-184 and the heli-ski regulations:

B.KURZ asked the assembly to consider different resolution wording, and he distributed a handout with some recommendations.

FIGDOR said it is important for conservation interests to be represented in any heli-ski working group, and that the resolution text should reflect the importance of sustainability.

CONE believes it would be advisable for the borough attorney to contact the FAA's regional attorney. He believes the borough is significantly overstepping its authority in trying to regulate air space.

SHOOK thinks the assembly should solve the heli-ski issue rather than consider the idea of hiring yet another consultant.

CAREY is not against the idea of a conflict-resolution team but is concerned that it may set a precedent for spending money to form a group every time there is a controversial issue. He is adamantly opposed to the group even considering any growth of the heli-ski industry.

STEWART believes that regulating air space is questionable. Helicopter noise is a non-issue, in his opinion. He lives in one of the take-off/landing areas, but rarely hears them. Far noisier things going by his house are the state snowplows and the tanker trucks.

KELLY said the assembly needs to decide whether or not it wants to support business and heli-skiing as opposed to passing it off on another committee.

R.MAYNARD said Haines needs to show some world-class hospitality for a world class sport. He asked the assembly not to adopt the resolution and added that the newly-adopted heli-ski ordinance is an unenforceable mess. He agreed that the borough attorney should weigh in on it.

TRIMBLE said the constant fog of misinformation and lack of knowledge about heli-skiing is causing continued problems. He explained that they are not there to fly around in helicopters but to go skiing. It

seems to him that there are some people who are just philosophically against the sport. He is happy to be a part of discussions and efforts to make this work for Haines.

SUNDBERG said the assembly should investigate the borough's authority to regulate activities on state lands. The tour permit was designed to regulate commercial tour activity for those tours that operate on or depart from borough property.

WERNER said the heli-ski industry needs to have good places to go in order to keep the costs down. The borough should set up some strategic areas where they can operate freely.

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

The clerk administered the oath of office to borough manager Mark **EARNEST**. Mayor **HILL** asked the citizens and assembly to be cognizant of the need to allow him time to heal from his serious injury. She also provided a brief report of the Southeast Conference Mid-session Summit she recently attended in Juneau. The newly-revived Southeast Conference of Mayors also met.

7. **PUBLIC HEARINGS**

A. **Ordinance 10-02-223** – First Hearing

An ordinance of the Haines Borough amending Haines Borough Code 3.70.040(D) to include the Takshanuk Watershed Council Property in the list of tax-exempted properties.

The mayor opened the public hearing at 7:08pm.

SHOOK spoke against the ordinance saying the assembly needs to limit tax exemption.

R.MAYNARD read and distributed a written statement submitted by the Alaska Alliance for Commerce speaking against the ordinance.

KAYSER represented the Takshanuk Watershed Council (TWC) and said the organization is politically neutral. In regards to Connelly Lake, they have done a watershed assessment in that area and have not taken a stance for or against.

Hearing no further comment, the mayor closed the public hearing at 7:15pm.

Motion: VICK moved to "Advance Ordinance 10-02-223 to a second public hearing on 3/23."

LAPP spoke against the ordinance. **STUART** said a grant to the borough was for the purpose of preserving that property. **ROSSMAN** said the borough often stores snow on the subject property and asked if that would be allowed to continue. **KAYSER** offered to get the answer. **HOFFMAN** said TWC told him they try to be apolitical, and he thinks the educational value is worth it. **ROSSMAN** asked if the public will be allowed access to this property. **KAISER** said yes. She said they have been collaborating with the School District to take students on fieldtrips and conduct long term research projects with them. She encouraged the assembly to talk with the school district about the educational value.

The motion carried 4-2 with **WATERMAN** and **LAPP** opposed.

B. **Commercial Tour Permit – New for 2010**

The mayor opened the public hearing at 7:25pm.

SHOOK expressed dismay that the assembly would even consider the application. **CONE** agreed.

BUTTON said he has not had a tour permit for five years and has no Coast Guard violations. He is qualified to operate the proposed tour, and he'd like to answer questions from the assembly.

Hearing no further comments, the mayor closed the public hearing closed 7:28pm.

Motion: SMITH moved to "Authorize the borough clerk to process the Eco-Orca application and, if everything is in order, issue a 2010 commercial tour permit." There was no discussion and the motion failed unanimously in a roll call vote.

8. **STAFF REPORTS**

A. **Borough Manager**

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

- Haines Borough Additional Lands Selection
- Excursion Inlet Land Survey Update

- Safe Routes to Schools

Regarding the selection of additional lands, the manager reported that he is working with Representative Thomas on an amendment to HB 273, relating to general grant land entitlements for the City and Borough of Wrangell. The amendment would allow the Haines Borough to have an additional general grant land entitlement. He has been working with other borough staff as well as AK-DNR to identify conveyable parcels.

Motion: **VICK** moved that "the assembly authorizes the borough manager to pursue the selection of additional lands and submit whatever is needed to get on the list to make it happen." The motion carried unanimously.

The assembly briefly discussed the Excursion Inlet land survey update and the surveyor's recommendation to ask AK-DNR for an exception.

Motion: **ROSSMAN** moved to "go forward with a correct and complete survey and do not ask AK-DNR for an exception," and the motion carried unanimously.

Regarding, Safe Routes to Schools, **EARNEST** said it's probably best to have the school district take the lead on those areas within the school campus with the borough providing support. **B.MAYNARD** said the borough is trying to work on getting AK-DOT's blessing and design, because so much of what needs to be done involves the state highway. **ROSSMAN** said a sidewalk is needed along the highway, and he wondered if it could be located on borough property off the state right-of-way as soon as this summer. **VICK** suggested adding the Safe Routes to Schools topic to the agenda for the upcoming joint meeting with the school board, and all agreed.

- * 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 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
- * N. Service Area Boards

10. OLD BUSINESS - None

11. NEW BUSINESS

A. Resolutions

1. Resolution 10-03-183

A resolution of the Haines Borough Assembly to authorize the temporary suspension of consumer sales tax on energy efficiency and renewable energy products and services purchased and paid for at the Haines Energy & Sustainability Energy Fair, April 24, 2010 within the Haines Borough.

Motion: **WATERMAN** moved to "adopt Resolution 10-03-183." The motion carried unanimously in a roll call vote.

2. Resolution 10-03-184

A resolution of the Haines Borough Assembly to create a work group, trained in conflict management, to address issues relating to the heli-ski industry and submit a report to the Borough Manager by August 31, 2010.

Motion: **VICK** moved to "adopt Resolution 10-03-184."

During discussion, resolution sponsors **VICK** and **HOFFMAN** appealed to the rest of the assembly to support the resolution as a good step toward finding community consensus on the heli-ski issue and getting the public involved in the process. **ROSSMAN** said he understands the intent but believes there's already a public process. The issue should go to the Commerce Committee, in his opinion. **LAPP** would like the borough attorney to review the heli-ski ordinance for enforceability and legality. **SMITH** supports discussion at the committee level again and would like to be involved. **WATERMAN** said the public process does exist and she hopes it can be used to facilitate a constructive conversation, because the assembly is open to constructive ideas. **VICK** explained that the working group would have a public process, and there's training that would be very helpful. He doesn't believe the public process worked for the citizens. Mayor **HILL** weighed in with concerns about the resolution including cost and staff and time commitments. She agreed that there has been a public process, and even though it was uncomfortable, she believes it works.

The motion failed 2-4 in a roll call vote with **WATERMAN**, **LAPP**, **ROSSMAN**, and **SMITH** opposed.

3. Resolution 10-03-185

A resolution of the Haines Borough Assembly supporting the Haines Borough School District in its application to be an Alaska Wind for Schools participant.

It was noted that the Energy Sustainability Commission had requested this agenda item but, in the mean time, the School Board has chosen not to support it.

Motion: **ROSSMAN** moved to "table Resolution 10-03-185." The motion carried unanimously in a roll call vote.

2. Resolution 10-03-186

A resolution of the Haines Borough assembly adopting the Haines Multi-Hazard Mitigation Plan.

Motion: **LAPP** moved to "adopt Resolution 10-03-186."

EARNEST said there are a number of state and federal grants that require the municipality to have adopted a hazard mitigation plan in order to be eligible. There is funding in the program for improvements at the local level and many have no matching grant requirements.

B.MAYNARD said a port security grant has been applied for, and having this plan will be important.

The motion carried unanimously in a roll call vote.

B. Ordinances for Introduction - None

C. Other New Business

1. Energy Audit – Additional Two Buildings

Motion: **ROSSMAN** moved to "Authorize the manager to execute a change order with Alaska Energy Engineering to add the Borough Administration Building and the Senior Center to the audit for an amount not to exceed \$9,985." The motion carried unanimously in a roll call vote.

2. Heli-Ski Regulation Policies – Discussion Item

EARNEST said he will be following up on the legal questions. He expressed appreciation for all those who have brought forward concerns and information. There are a lot of technical issues associated with the GPS. He asked where the assembly would like the administration to focus its efforts. **ROSSMAN** wondered if this could also be addressed at a Commerce Committee meeting. **VICK** agreed and said there are legal questions that need to be answered. **EARNEST** explained that getting GPS data tied to a map will involve considerable effort. He likes the idea of committee work. **VICK** and **WATERMAN** encouraged everyone to contact the interest groups and encourage them to attend the committee meetings. **EARNEST** said he will try to get an opinion out of the state and federal attorneys general offices. Those opinions can be requested through our state and federal representatives, but a complete package is necessary at the time the request is made. **WATERMAN** wondered how the forest service does it and said the borough should do all the research it can before turning the attorney loose on it. **SMITH** said this is a fluid document, and if everyone remains calm and continues to give their input, it can be

resolved. **ROSSMAN** suggested meeting with the local state forester for some GPS ideas. **WATERMAN** said that, to her, "effective immediately" on the ordinance means staff is doing what it can to implement it, and she thanked the staff for working hard to get answers as fast as possible. **LAPP** believes the attorney should look over the ordinance, and it should be the standard procedure for every ordinance. **EARNEST** agreed. He will itemize the issues and the results of the staff's research and bring it to the committee.

12. CORRESPONDENCE

A. Re. PC Dock/Waterfront Improvement Plan – Dadourian

B. Re. Upper Lynn Canal Ferry Service – Haines ANS

WATERMAN asked if the assembly wants to support increased ferry service. The mayor will look into a possible letter of support.

13. SET MEETING DATES

A. Joint Meeting with School Board – March 18, 6:30pm, High School Commons

14. PUBLIC COMMENTS

B.KURZ still believes a community group to address contentious issues would be useful. He also appealed to the borough to advertise meetings on the cable TV channel.

R.MAYNARD does not believe the majority of the people are being properly represented regarding heli-skiing. He offered some ideas and encouraged the assembly to keep working at it.

WAYS is a heli-ski guide and would love to relocate his family to Haines if he can make a living. He offered to assist the borough with sorting this out and mentioned that his wife works for Chugach Powder Guides.

CONE said he was in contact with FAA attorneys today, and they are not going to get involved in this matter unless or until it goes to court. He would like to see it resolved before it becomes a legal matter.

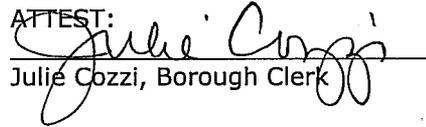
SUNDBERG thanked **VICK** and **HOFFMAN** for their efforts with the resolution. He believes the heli-ski industry has been disenfranchised, and it's time to look into the real issues: "How to save an industry in these hard economic times."

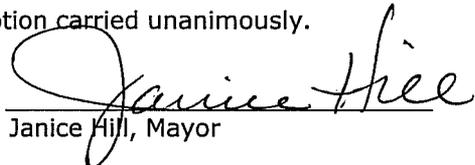
15. ANNOUNCEMENTS/ASSEMBLY COMMENTS - None

16. ADJOURNMENT – 9:35 p.m.

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

ATTEST:


Julie Cozzi, Borough Clerk


Janice Hill, Mayor

