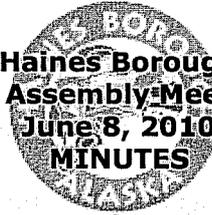


Haines Borough  
Borough Assembly Meeting #180



Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

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

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Brad **MAYNARD**/Director of Public Facilities, Jerrie **CLARKE**/Museum Director, Patricia **BROWN**/Library Director, Simon **FORD**/Police Officer, and Gary **LOWE**/Chief of Police.

**Visitors Present:** Thomas **MORPHET**/CVN, Suzanne **VUILLET-SMITH**, Rob **GOLDBERG**/Planning Commission, Richard **BUCK**, Tim **MCDONOUGH**, Tom **MCGUIRE**, Harley **MORDEN**, Bill **KURZ**, Les and Kelly **HOSTETLER**, Molly **SMITH** (via teleconference), Sara **CHAPPELL**, Suzanne **BLUE STAR BOY**, Stanley **MAZEIKAS**, and others.

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

9M – Energy Sustainability Commission report was removed from consent agenda at **VICK**'s request.

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

\* 4. **APPROVAL OF MINUTES** – Regular: 5/11, 5/25 Special: 5/7

5. **PUBLIC COMMENTS**

**VUILLET-SMITH** commented about the recent drowning at the Port Chilkoot beach, and she urged the assembly to consider some type of safety equipment such as life rings and possibly kick boards.

**MORDEN** asked the assembly to establish a teen center for the community's youth.

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

Mayor **HILL** said she welcomed the Women's Club Conference attendees and attended the sold out Beer Festival banquet as mayor.

She encouraged people to be mindful of safety and watch for children, especially those on bicycles, and pedestrians in general.

The mayor announced her decision to appoint Lorraine Dudzik and Michael Marks to share a single seat on the Museum Board of Trustees. That board is supportive of the idea. Additionally, she appointed Susan Johnston to the Haines Centennial Committee.

**Motion:** **VICK** moved to "confirm the mayor's appointments," and the motion carried unanimously.

Mayor **HILL** introduced Simon **FORD**, the newest police officer who has completed his academy training. She asked the borough clerk to administer the oath of office. **FORD** was welcomed with applause by those present.

7. **PUBLIC HEARINGS**

A. **Rehearing on Appeal of a Planning Commission Decision  
Asper Property Guest House**

On 5/13/10, the planning commission directed property owner, James Asper, to remove the exterior walls enclosing the porch on his guest house located within the Lutak Inlet Planning Zoning District, enlarging the guest house to a size that exceeds the 800 square foot limit. This appeal of that planning commission decision was properly submitted to the borough clerk by the guest house owner, Suzanne Blue Star Boy. On 5/25, the assembly decided to rehear the entire planning commission decision at this meeting, and it was conducted as prescribed in HBC 18.30.060.

The mayor opened the public hearing at 6:43pm.

**BUCK** explained the history of the Lutak Inlet Zoning Area. An electric fence is a good bear deterrent, and the bear path mentioned in the appeal has not been active for many years. The planning commission carefully thought out the decision they made concerning the planning and zoning regulations.

**MCDONOUGH** spoke against the appeal. This roofed, walled porch should be included with the square footage of the house. If not, then his arctic entryway should not count with his. Bears are not a problem if care is taken regarding food smells and garbage. It's difficult to speak against this appeal because it is a neighbor and will be costly for them to remedy it. However, it is important to follow the borough code.

**MCGUIRE** spoke against the appeal, as well, and echoed **MCDONOUGH**'s comments. The subject structure is quite large, and he does not believe it fits the intent of the ordinance. A deck is an open structure and, if it's enclosed, it should be considered part of the footprint. The code is clear, and the borough needs to start enforcing it.

**BLUE STAR BOY** presented her appeal by reading her written statement. The porch is not heated and is not intended for living. She is very concerned about bears; they have had regular encounters. She believes strongly that the original code was not clear when they constructed their building, and they should not be held to a new law.

Hearing no further public comments, the mayor closed the public hearing at 6:56pm.

**Motion:** **WATERMAN** moved that "the borough assembly confirms the planning commission's decision to require the removal of the exterior walls enclosing the porch on the guest house located on the James Asper property," and the motion carried 5-1 in a roll call vote with **LAPP** opposed.

During discussion, **GOLDBERG** explained the rationale for the planning commission's decision. When this first came to the commission, they looked at the drawings. There was originally just a normal deck. Then a roof was added, and then walls. There was no ambiguity in the code, but it was not crystal clear. It was clear to the planning commission that when the walls went up, it went beyond a deck into living space. The other homeowners have to count their arctic entries, etc. as part of their square footage. The commission believed the code had been pushed a little too far in this case. It was difficult to require something to be removed, but they believe it is necessary. He agreed that electric fences do work very well to deter bears, and there are other solutions to that problem. **LAPP** asked if **GOLDBERG** believes there was enough of a gray area in the code. **GOLDBERG** said the language in the code didn't specifically say you couldn't wall in a deck. It was more of a common sense decision for the commission. **WATERMAN** established with **BLUE STAR BOY** that the porch has 27-inch high railings rather than a wall. Windows are in place as opposed to screens.

**SMITH** asked who owns the guest house. **M. SMITH** said she and **BLUE STAR BOY** are building the guest house on Asper's property. **GOLDBERG** said the old ordinance said the guest house could only be 800 square feet. The commission looked at the actual structure and determined the roof and walls changed the deck into a room. **HOFFMAN** asked if they take the walls down, if it would make a difference. **GOLDBERG** said the assessor will value a walled area differently than screened walls. **WATERMAN** said the planning commission saw a need for a better definition in code, but the intention of the existing code was clear to them. The situation is also very cloudy because of the ownership situation. It is important to look at what the intent of that service area is. **HOFFMAN** said it seems like there was something there in the code that changed in the middle to make it something else. **WATERMAN** explained the definition needed clarification. There was a definition but the porch morphed into something else, and the neighbors complained. The planning commission, upon hearing the complaint, clarified it. **ROSSMAN** agreed with **WATERMAN**, and said when it was just a deck it was okay, but when it got walls it crossed the line. It became something else---a room and part of the house.

**LAPP** asked if the walls are insulated. **BLUE STAR BOY** said there is no electricity and no insulation. There was nothing in code that said anything about a porch or a deck. **LAPP** said porch and deck are two different things. **GOLDBERG** reiterated that the original ordinance said a guest house could be no larger than 800 square feet. When the planning commission looked at it, it seemed like another room had been added to the guest house and should count toward the total square footage. Therefore, the commission asked the owners to remove the walls but said they could maintain the roof. With the new ordinance, they wouldn't be allowed to have a roof.

**SMITH** said this same thing has been done to many of the Fort buildings. He has a difficult time with this concept that it's a guest house that has an enclosed porch for safety reasons. It's added

square footage to the house. Being enclosed with windows changed it from a porch or deck.

**BLUE STAR BOY** said it is unlawful to apply a new ordinance to them, and she asked the assembly to consider that as a valid issue. It's a porch to her but a room to the planning commission. She abided by the old ordinance in good faith.

**WATERMAN** said she finds it disconcerting that this is a second house on that property. She has a hard time viewing it as a guest house of Jim Asper's. It is a second residence on that property which is against ordinance to begin with. The assembly should not compound it in a service area that has definite zoning plans.

**GOLDBERG** explained, once again, that the planning commission did not apply the new ordinance to them. If they had, they could have required them to take it all the way down to just a deck. It's not correct to say they were applying the new ordinance. The commission was working off of the old ordinance when they made their decision. The assessor told him that anything with a roof is considered part of the square footage. He also noted that the code says the guest house can be for family members, and **M.SMITH** is a family member.

**WATERMAN** asked for a clear understanding of what has to be removed, and **GOLDBERG** confirmed that what the planning commission wants removed are the windows and the facing wall with the doorway and the studs supporting the windows. The railings can remain, and they can still keep the roof.

**B. Commercial Taxi/Tour Permit – New for 2010  
Taxi Service - Stanly Mazeikas**

The mayor opened and closed the public hearing at 7:25pm; there were no comments.

**Motion:** **LAPP** moved to "authorize the borough clerk to process the Stanley Mazeikas Taxi Service application and, if everything is in order, issue a 2010 commercial tour permit," and the motion carried unanimously in a roll call vote.

During discussion, the assembly asked **MAZEIKAS** to explain his plans including his fares, and he distributed his proposed fare sheet. He said he is also interested in providing a courier service as a way to help the business succeed. He was commended him for taking this on; it is much needed.

**C. Ordinance 10-04-226 – Third Public Hearing**

**An ordinance of the Haines Borough providing for the establishment and adoption of the budget of the Haines Borough for the period July 1, 2010 through June 30, 2011.**

The mayor opened the public hearing at 7:35pm.

**K. HOSTETLER** said the Governor vetoed the Harriet Hall renovation project, and she asked the borough to fund it. It would allow the Fair to work with the borough's tourism department to attract larger conferences of up to 350 people. One option is to fund it in this new budget.

**VUILLET-SMITH** asked the assembly to consider the Haines Dolphin Swim Team request for funding. This year they are about 16% over budget which correlates to the increased pool use fees. She urged the borough to support every child learning how to swim.

Hearing no further public comments, the mayor closed the public hearing at 7:40pm.

**Motion:** **LAPP** moved to "adopt Ordinance 10-04-226," and it was amended to...

1. Distribute a total of \$100K in community funding as follows: Southeast Alaska State Fair - \$13.5K, Southeast Senior Services - \$6K, Haines Friends of Recycling - \$7K, Haines Chamber of Commerce - \$3K, Chilkat Valley Preschool - \$18K, Lynn Canal Counseling - \$28K, Chilkat Snowburners (Alcan 200) - \$1.5K, Haines Dolphins Swim Team - \$5K, Big Brothers Big Sisters - \$3.5K, Haines Animal Rescue Kennel - \$5K, Chilkat Valley Foundation - \$5K, Lynn Canal Broadcasting (KHNS Radio) - \$2.5K, and Southeast Alaska Independent Living (SAIL) - \$2K;
2. Provide the Southeast Alaska State Fair with \$175K for the renovation of Harriett Hall to be funded as follows: \$57,333 from the tourism/economic development fund, \$57,333 general fund, and \$57,333 cruise ship head tax;
3. Fund the purchase of the Emerson Field property with \$50K from the General Fund and areawide fund balance;
4. Allocate \$2K to fund the four drums to be designated for businesses to dispose of antifreeze (3

drums) and sludge (1 drum) during the 2010 Household Hazardous Waste Collection; and

5. Fund the Excursion Inlet access road improvements with \$5K out of CIP funds.

After assembly discussion that primarily focused on the Fair's \$175k request that was brought to this meeting, the motion to adopt the FY11 budget carried 4-2 in a roll call vote with **LAPP** and **ROSSMAN** opposed.

**D. Ordinance 10-05-230** – Second Public Hearing

An ordinance of the Haines Borough amending Haines Borough Code 2.64.010 to clarify borough document assent.

The mayor opened and closed the public hearing at 8:40pm; no public comments.

**Motion:** **WATERMAN** moved to "adopt Ordinance 10-05-230," and the motion carried unanimously.

**E. Ordinance 10-05-231** – Second Public Hearing

**An ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY10 budget.**

The mayor opened and closed the public hearing at 8:42pm; no public comments.

**Motion:** **LAPP** moved to "adopt Ordinance 10-05-231," and the motion carried unanimously.

**F. Ordinance 10-05-232** – First Public Hearing

**An ordinance of the Haines Borough amending Haines Borough Code Title 8, Section 8.16.025(A) to permit fireworks use at Borough port facilities by licensed pyrotechnicians under contract to the Borough.**

The mayor opened and closed the public hearing at 8:44pm; no public comments.

**Motion:** **LAPP** moved to "advance Ordinance 10-05-232 to a second public hearing on June 22, 2010," and the motion carried 5-1 with **SMITH** opposed.

**8. STAFF REPORTS**

**A. Borough Manager**

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

- Crystal Cathedrals Water and Sewer System
- Emerson Field Property Acquisition
- Downtown Revitalization Action Plan
- Contract Assessor RFP
- Union Negotiations
- Harbormaster Candidate Update

\* **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**

**VICK** reported on the 6/8 committee meeting to discuss the election code ordinance. The committee made recommendations to the assembly.

**Motion:** **VICK** moved to "direct the manager and staff to revise the draft election code to closely follow the State regulations regarding write-in votes and to add that for ballots received after Election Day without a postmark a voter affidavit would be required in order to be counted, with faxed affidavits allowed." The motion carried 4-2 with **LAPP** and **ROSSMAN** opposed.

\* **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

VICK summarized the Commission's memo to the Assembly.

\* N. Service Area Boards

10. **OLD BUSINESS** - None

11. **NEW BUSINESS**

A. Resolutions

1. **Resolution 10-06-209**

**A resolution of the Haines Borough Assembly declaring the intention to create Bear Creek Trails Local Improvement District for the purpose of providing municipal water service including fire hydrants.**

**Motion:** LAPP moved to "adopt Resolution 10-06-209," and the motion carried unanimously in a roll call vote.

During discussion, it was noted that the project cost is a very rough estimate. The LID process is prescribed by code and that process will determine the assessment formula, the funding method, and other details as it moves along. The property owners will have opportunities for hearings and appeals, and they will be kept informed. EARNEST said that the normal pipe size is 8-inch but the borough would want to see a 12-inch size for future expansion. The borough would pay for the additional size.

2. **Resolution 10-06-210**

**A resolution of the Haines Borough Assembly authorizing the borough manager to acquire, in the best interests of the community, the Emerson Field property legally described as Tract "A", Government Lot 5, SEC. 26, T28S. R. 55E CRM.**

**Motion:** WATERMAN moved to adopt Resolution 10-06-210," and it was amended to insert the following language after the third whereas: *WHEREAS, the property has been exempt for community purpose since April, 1997, but was assessed at \$45,650.00 in 1996 and nearby properties increased in value an average of 46% since that time and applying that percentage increase to this property would value the property at \$66,649.* The motion carried 5-1 in a roll call vote with ROSSMAN opposed.

B. **Ordinances for Introduction** - None

C. **Other New Business** - None

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

EARNEST said the assembly's Excursion Inlet trip needs to happen either in the first half of July or the first half of August due to Ocean Beauty's fish processing schedule. He recommended it be a committee of the whole meeting. The assembly agreed on the first week of August, and staff will work on the logistics.

14. **PUBLIC COMMENTS**

LOWE observed that the assembly spent \$242K during this meeting---an amount equal to about a 10% pay increase to the borough employees.

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

ROSSMAN asked for the overall total budget number, and STUART said \$11,727,003.

VICK said he would like to see a float added to the beach or other safety measures, and EARNEST said staff members are actively working on the issue. VICK announced he will be out of town during July and the first part of August. He may be able to phone in the first meeting in July but is not sure. He asked to be excused from the assembly meetings during that time.

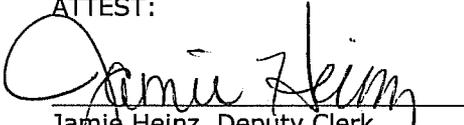
SMITH congratulated LOWE for applying for another bicycle safety grant. He also appreciated the

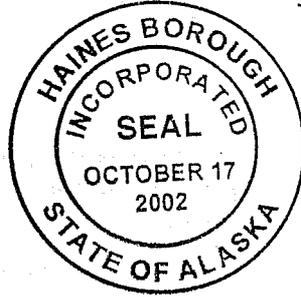
centennial police badge.

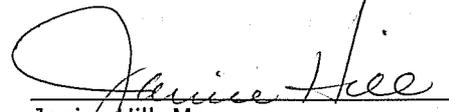
**16. ADJOURNMENT** -9:40 p.m.

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

ATTEST:

  
Jamie Heinz, Deputy Clerk



  
Janice Hill, Mayor