

**Haines Borough**  
**Borough Assembly Special Meeting**  
**August 24, 2010**  
**MINUTES**      **Approved**

**THIS SPECIAL MEETING WAS HELD SOLELY FOR CONSIDERING THE ITEMS LISTED ON THE PUBLISHED AGENDA. NO ADDITIONAL ISSUES WERE CONSIDERED AT THIS MEETING.**

**1. CALL TO ORDER/PLEDGE TO THE FLAG:**

Mayor **HILL** called the meeting to order at 5:01pm in the Assembly Chambers of the Public Safety Building and led the pledge to the flag.

**2. ROLL CALL:**

**Present:** Mayor Jan **HILL** and Assembly Members Norm **SMITH**, Scott **ROSSMAN** (arrived at 5:05pm), Steve **VICK**, Jerry **LAPP**, Joanne **WATERMAN**, and Daymond **HOFFMAN**.

**Staff Present:** Mark **EARNEST**/ Borough Manager and Julie **COZZI**/Borough Clerk.

**Visitors Present:** Tom **MORPHET**/CVN, Stan **JONES**, Bill and Libby **KURZ**, Janet **KURZ**, Les **HOSTETLER**, George **FIGDOR**, Bud **STEWART**, Patty **CAMPBELL**, Fred **EINSBRUCH**, Nick **TRIMBLE**, Tim **THOMAS**, Christy **FOWLER**, Roger **MAYNARD**, Kerry and Joyce **TOWN**, Sean **CONE**, Deborah **VOGT**, Bruce **BAUER**, Linda **GEISE**, Don "Duck" **HESS**, Stephanie **SCOTT**, Leonard **DUBBER**, Liz **CHAPMAN**, Matt **CHAPMAN**, Jonathon **CHAPMAN**, Jason **GAFFNEY**, and others.

**3. APPROVAL OF SPECIAL MEETING AGENDA**

**Motion:** **LAPP** moved to approve the special meeting agenda, and the motion carried 4-1 with **SMITH** opposed.

**4. BUSINESS**

**A. EXECUTIVE SESSION – to discuss with the borough attorney the heliski ordinance and communication from heliski operators for the purpose of providing direction to the borough attorney regarding the handling of this specific legal matter.**

**Motion:** **LAPP** moved to "move into executive session to discuss with the borough attorney the heliski ordinance and communication from heliski operators for the purpose of providing direction to the borough attorney regarding the handling of this specific legal matter, as allowed by AS 44.62.310(b) and Haines Borough Charter Section 18.03(B)," and the motion carried 4-2 with **ROSSMAN** and **SMITH** opposed.

Present: Mayor Hill; Assembly Members Lapp, Waterman, Vick, Rossman, Smith, Hoffman; and Borough Manager Earnest. The executive session convened at 5:07 p.m. and ended at 6:28 p.m. After the meeting reconvened, the mayor made the following statement:

*"The Assembly has discussed the threat of litigation and we have directed our attorney to do a further review and analysis of this threat to determine its risk to the borough before we take any enforcement action. This analysis will be prepared and delivered to the assembly in time for the September 14<sup>th</sup> assembly meeting at which time we will address whatever we receive from our attorney."*

**B. Commercial Heli-ski Permit Violations and Penalties**

This agenda item was not addressed (see the mayor's statement in Item 4A).

**5. PUBLIC COMMENTS –**

**EINSBRUCH** believes the borough should not continue to issue a permit to SEABA if they cannot adhere to the terms. He is generally not opposed to heliskiing industry, but they need to follow the borough's laws.

**B.KURZ** asked the assembly to carefully consider any reprisals they might take. He believes most other businesses in Haines operate without such restrictive regulations, and the heli-ski operators should not be singled out.

**P. CAMPBELL**, representing the Haines Chamber of Commerce, read a lengthy official statement from the organization in support of wintertime industry including heliskiing.

**L. GEISE** remembered when Haines was a booming town in the 1960s. She spoke in support of the heliski industry and added that clear regulations and permittee responsibilities are important issues.

**BUD STEWART** said the problem is with the regulations, not the operators. He believes the regulations could be as simple as, "start skiing when it's economically feasible, stop when it isn't, and in the meantime be a good citizen." He believes the majority of people in the community support the heliski industry.

**BRUCE BAUER** believes the assembly has no legal right to govern air space. Hunting guides, rafting companies, and charter fisherman don't seem to have limits on their growth.

**GEORGE FIGDOR** encouraged the assembly to review the history because, if it's not considered within that context, they will fail to understand the reasons for the regulations. He said there was a bona fide effort to compromise with the regulations even though the desire of many was to have no heliski industry.

**VOGT** said this whole issue arose out of a concern that Haines not turn into a Juneau or Skagway with helicopters buzzing overhead all the time. Before the regulations were in effect, there were complaints all the time. A lot of the complaints have evaporated since the regulations were put in place. She said she has become a fan of the industry and believes there is a way to make managed helicopter-use work.

**SEAN CONE** cautioned the assembly to get good sound legal advice before continuing to regulate airspace.

**KERRY TOWN** said the assembly has some tough choices to make. He asked them to help businesses thrive including those that add a much-needed economic boost in the wintertime.

**NICK TRIMBLE**, representing SEABA, said he believes there is a lot of misunderstanding about skier days and what number of people that equates to. Temsco helicopters flew 80,000 people on a down season. SEABA took 113 people into the mountains this their biggest year, and it's the first time the company has been in the black. Heliskiing in Haines will never be like cruise ship tourism, because the potential is not there. He figures the maximum growth capacity would be 48 people per day equaling 48 skier days each day. The season is at most 92 days and of that, he figures at best that 60% would have flyable/skiable weather (55). This would be a maximum of 2640 skier days. They could not grow beyond that.

**CHRISTY FOWLER** said the heliski activities really help her business, and she pleaded with the assembly to help keep this winter industry in Haines and thriving.

**ROGER MAYNARD** noted that on Hainesnews.org there is a legal opinion that the City and Borough of Juneau received regarding them not being able to regulate airspace. If the assembly hinders the heli-ski industry, they hurt the other businesses.

**TIM THOMAS** works for Alaska Heliskiing as a lead guide. He owns property at 34 mile and wants to start coming to the assembly meetings to get an understanding of the issues. He thanked the heliskiing supporters. He believes there should be some type of management because Alaska Heliskiing doesn't want other operations coming in. However, the regulations need to be reasonable and not discourage growth.

**STAN JONES** lives in an area right down town in the area of several bars. They are quite noisy but he doesn't call the police asking for them to be shut down just because he is annoyed. He encouraged a healthy heliski industry that is a viable part of the community.

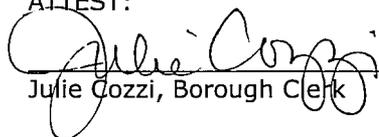
**LES HOSTETLER** said he went with skiing SEABA this winter, and the people he skied with stayed at the Captain's Choice; ate at the Bamboo Room, Mountain Market, and Fort Seward Lodge; went to Fogcutter Bar; shopped at Babbling Book, etc. One individual flew in from Argentina and stayed a week. It helps the local economy, and the heliski industry needs to be allowed to make a living.

**DUCK HESS** said these businesses rely on the weather. His business, River Adventures, can't operate until there is enough water in the river, for example. The heliki industry can't make a living unless they are allowed to accommodate everyone that comes when there is good skiing weather. He noted that SEABA's 2010 proceeds amounted to \$16K split between four people.

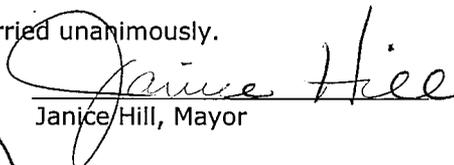
## 6. ADJOURNMENT - 7:01 pm

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

ATTEST:

  
Julie Cozzi, Borough Clerk



  
Janice Hill, Mayor