


Haines Borough
Borough Assembly Meeting #192
December 28, 2010
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** called the meeting to order at 6:31 p.m. in the Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

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

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, and Ed **BARRETT**/Harbormaster.

Visitors Present: Tom **MORPHET**/CVN, Bill **KURZ**, Jerry **ERNY**, Jim **TURNBULL**, Roger **MAYNARD**, and others.

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

Motion: **LAPP** moved to "approve the Agenda/Consent Agenda," and it was amended to move Item 10D to follow Item 14-Public Comments. The motion carried unanimously.

During discussion, **VICK** asked if a Heliskiing Work Group report could be added to the agenda under Item 9-Board Reports. The mayor responded that she was planning to update the assembly during the mayor's report.

* 4. **APPROVAL OF MINUTES** – Regular: 12/14

5. **PUBLIC COMMENTS**

ERNY believes it would be inappropriate for the borough to purchase Nukdik Point. With citizen taxes rising, the borough should not consider removal of this large piece of property from the tax rolls. He asked the assembly to permanently table the whole issue. He also expressed concern that the assembly was considering spending public money in private discussions such as tonight's executive session.

TURNBULL echoed those sentiments. He suggested a private company or a group of tour operators should buy the Nukdik Point property and keep it on the tax rolls. He also opposes granting tax-free status to the Bald Eagle Foundation's parcel in the Chilkoot Valley, and said it's about time the borough started cutting back like the general public has had to.

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

Mayor **HILL** reported on the progress the Heliskiing Work Group is making. The Group has been working on the issues of GPS reporting and revisions to the map, and at yesterday's meeting, the focus also turned to user limits such as skier or client days. The goal is to finish the initial work soon and then, after the 2011 season is over, regroup and evaluate what worked and what didn't work. **HOFFMAN** said he sent out an email this morning summarizing the Group's discussions and concerns, and it is available through the Clerk's Office. **WATERMAN** said communication is the most important thing, and that is happening with this group.

The mayor announced that **LAPP** will preside over the 1/11 meeting as she will be on vacation during that time.

7. **PUBLIC HEARINGS**

A. **Ordinance 10-10-242** – fourth hearing

An ordinance of the Haines Borough amending Haines Borough Code Title 5, to enlarge the waiting period for persons who have had a commercial tour permit suspended or revoked from one year to two years and to apply the two year waiting period to persons whose application for a commercial tour permit has been denied and to revise the commercial tour permit application fees.

The mayor opened and closed the public hearing at 6:43pm; there were no public comments.

Motion: **GOODMAN** moved to "adopt Ordinance 10-10-242." The ordinance was amended to "substitute a new draft" prepared by the borough attorney. The motion carried 5-1 in a roll call vote with **VICK** opposed.

B. **Ordinance 10-11-249** – second hearing

An ordinance of the Haines Borough amending Haines Borough Code 3.70.040(d) to add

one parcel of real property to the existing list of American Bald Eagle Foundation tax-excluded properties.

The mayor opened and closed the public hearing at 6:48pm; there were no public comments.

Motion: **WATERMAN** moved to “adopt Ordinance 10-11-249,” and the motion carried 3-4 in a roll call vote with **HOFFMAN**, **VICK**, and **GOODMAN** opposed, and the mayor breaking the tie in the negative.

During discussion, the assembly talked about possibly amending code to limit how much property goes into tax exempt status for a non-profit, such as allowing only the primary property to be eligible. There was concern that the American Bald Eagle Foundation (ABEF) application and presentation did not adequately demonstrate that this Chilkoot Camp property qualifies as “community purpose.” They have seen no plans, curriculum, or mission statement, and the parcel has limited access. At least one assembly member understood that the ABEF is using the property as a base of operations for studies they are conducting in the Upper Chilkoot and that they have future plans for the property. They wondered if the assembly is subject to state guidelines in this matter. **STUART** explained the state guidelines pertain to the mandatory, statutory exemption. The state allows municipalities to develop their own guidelines for additional *optional* exemptions which the ABEF has applied for. She noted that, for the mandatory exemptions, the state does not allow it for future plans. The use must be current. She read Haines Borough code section 3.70.030(A)(3) pertaining to mandatory exemptions. The “educational purpose” apparently has a high threshold; case law has shown it pretty much has to be a school.

8. STAFF REPORTS

A. Borough Manager

The manager gave an oral report and distributed a brief written report covering the following topics:

- Comprehensive Plan
- Heliskiing Work Group
- Tourism Director

Motion: **LAPP** moved to “confirm the borough manager’s hire of Tanya Carlson for the position of Tourism Director beginning at Step 3 on the wage chart,” and the motion carried 5-1 with **GOODMAN** opposed.

During discussion, the assembly talked about the need for someone to address economic development, and **EARNEST** said that will be one main focus of the Comprehensive Plan update. Some would prefer to see an employee dedicated to economic development rather than a tourism director. As part of the budget process, the assembly decides how the dedicated sales tax is divided between tourism and economic development. **EARNEST** said Ms. Carlson may be on the job by mid-February; she has to give 30 days’ notice to her current employer.

Regarding the Heliskiing Work Group, **EARNEST** said he has tasked the borough attorney with drafting a revised heliski ordinance based on the information received thus far from the Work Group.

The manager was asked if the Excursion Inlet survey plat has been delivered to DNR, and he apologized that he has not yet checked on it.

The assembly decided it is time to evaluate the manager since he will soon have completed the first year of his two-year contract, and the manager said he would welcome that. The assembly will receive the forms for a January evaluation.

- * 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 the Government Affairs & Services Committee met just prior to this meeting to provide CCWSS customers an opportunity to bring their concerns forward. They are generally happy the rates are going down but would like them to be even lower and more equitable. This was a good avenue for the customers and the Borough to learn some things. He suggested the Committee might

meet again to discuss the water rates. **HOFFMAN** said comparable rates, water quality, and metered vs flat rate were the three main issues he heard. **WATERMAN** said one customer who has lived in that area since 1968 claimed they were paying higher rates even then, and she wondered if staff could look into it to see if that is accurate. This customer claimed promises were made that the higher rate was only temporary until the system was improved. **STUART** explained the higher rate is probably because they were outside of the townsite at that time and therefore subsidized by those in the town who were paying higher taxes. **ROSSMAN**, who lives on Small Tracts within the townsite but outside of the public water system, said he subsidizes the system as do other people; he pays taxes for water and sewer but gets no service. He has a septic system and well and would gladly pay \$114 a month for service that he has no option of getting. He believes the CCWSS customers are getting a good deal. **HILL** said it was a good meeting with good dialogue.

- * 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. Service Area Boards
- * M. Ad-Hoc Boards & Committees

10. OLD BUSINESS

A. Ordinance 10-12-250

An ordinance of the Haines Borough amending Haines Borough Code 2.08.020 to clarify the residency requirement for Assembly members.

Motion: **WATERMAN** moved to "introduce Ordinance 10-12-250 and set a first public hearing for 1/11/11," and the motion carried unanimously. There was no discussion.

B. Ordinance 10-12-251

An ordinance of the Haines Borough amending Haines Borough Code sections 3.70.030 and 3.70.040 to include a process for handling late-filed applications for senior & disabled property tax exemptions.

Motion: **LAPP** moved to "introduce Ordinance 10-12-251 and set a first public hearing for 1/11/11," and the motion carried unanimously. There was no discussion.

C. Waiver of Timely Application for 2010 Senior Property Tax Exemption

Wayne Streets had made late application for senior property tax exemption status for 2010 and asked for approval and a refund of taxes paid. The assembly was asked to consider whether to accept this late-filed application and authorize staff to process it for a refund.

Motion: **LAPP** moved to "accept the late application," and the motion failed unanimously.

During discussion, the assembly expressed sympathy that the applicant didn't know about the application process, but they also believed that it is not a valid reason for applying late such as a medical emergency might be.

- D. **EXECUTIVE SESSION** – See below. This item was moved to follow Item 14-Public Comments during approval of the agenda.

11. NEW BUSINESS

A. Resolutions

1. Resolution 10-12-252

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to task Carson Dorn, Inc. with providing engineering and design services for replacing the water lines on Fourth Avenue, View Street, and Lynnvue Drive, for an amount not to exceed \$24,000.

Motion: **WATERMAN** moved to "adopt Resolution 10-12-252," and the motion carried unanimously in a roll call vote. There was no discussion.

- B. **Ordinances for Introduction** - None
- C. **Other New Business** –

1. Advisory Board Appointments

HILL recommended the following board/commission/committee appointments:

Chilkat Center Advisory Board

Lorraine Dudzik – new appointment – term expires 11/13

Riverview Drive Road Maintenance Service Area Board

Scott Visscher – re-appointment – term expires 11/13

Motion: WATERMAN moved to “confirm the mayor’s recommended appointments,” and the motion carried unanimously.

2. Property Taxpayer’s 2009 Refund Request – Ed Ezrre

Motion: GOODMAN moved to “Correct the manifest clerical error on Ed Ezrre’s property assessment and authorize a refund of \$120.67 in overpaid 2009 property taxes on parcel 3-NCS-00-0700,” and the motion carried unanimously in a roll call vote. There was no discussion.

12. CORRESPONDENCE

A. Comments regarding Ordinance 10-11-249 – McGuire

There was no discussion.

13. SET MEETING DATES

The Government Affairs & Services Committee will meet on 1/11 at 5:30pm prior to the assembly meeting to discuss water-sewer rates.

It was confirmed that 2/7 will be the date of the joint meeting of the Haines Borough and Skagway Assemblies.

14. PUBLIC COMMENTS – None

10D. EXECUTIVE SESSION – Nukdik (Picture) Point Acquisition Negotiations----moved during approval of the agenda.

Motion: WATERMAN moved to “go into executive session so the borough manager can discuss with the assembly the results of negotiations regarding acquisition of the Nukdik (Picture) Point property, because discussion in open session could jeopardize the deal and have an adverse effect upon the finances of the borough; the borough manager and borough clerk are requested to attend.” The motion carried 4-2 with ROSSMAN and LAPP opposed.

Present: Mayor Hill; Assembly Members Lapp, Waterman, Vick, Rossman, Goodman, and Hoffman; Borough Manager Earnest; and Borough Clerk Cozzi. The executive session convened at 7:52pm and ended at 8:48pm.

Out of executive session, the mayor made the following statement: “we have given our manager clear direction for more research and a series of questions to answer. Hopefully, we’ll have new information on the 11th.”

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS - None

16. ADJOURNMENT – 8:51 p.m.

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

Jerry Lapp, Deputy Mayor

ATTEST:

Julie Cozzi, Borough Clerk