


Haines Borough
Borough Assembly Meeting #196
February 22, 2011
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 Jan **HILL**, and Assembly Members Jerry **LAPP**, Scott **ROSSMAN**, Joanne **WATERMAN**, Greg **GOODMAN**, Steve **VICK**, and Daymond **HOFFMAN**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**, MMC/Borough Clerk, and Gary **LOWE**/Chief of Police.

Visitors Present: Krista **KIELSMEIER**/CVN, Margaret **O'NEAL**/JEDC, Bill and Libby **KURZ**, Rob **GOLDBERG**, Sean **BROWNELL**, Mike **DENKER**, Lisa **BLANK**, Scott **SUNDBERG**, Nick **TRIMBLE**, Tim **THOMAS**, Scott **CAREY**, Nelson **MERRELL**, Gabe **KELLEY**, Charlie **MOLINE**, Carol **TUYNMAN**, Tim **HOCKIN**, Nicholas **SZATKOWSKI**, Jessica **PLACHTA**, Michael **AHMUTY**, Bart **HENDERSON**, Les **HOSTETLER**, Patty **KERMOIAN**, Joe **ORDONEZ**, Eric **HOLLE**, Rob **LIBERMAN**, Zach **BERMAN**, Kristin **HATHHORN**, Bertrand **VILLON**, Tucker **OLSON**, Seb **LARCHER**, Mike **FORTNEY**, Seth **KOCH**, John **BRESSETTE**, Mardell **GUNN**, Bill **GLUDE**, Orion **KOLEIS**, Baumgart **TOBIAS**, Alben **GLASER**, Roland **GREIL**, Tobias **ARNOTT**, Mike **MANNELIN**, Joyce **TOWN**, Ela **SOKOLOWSKA**, Erik **STEVENS**, Janine **ALLEN**, Kate **KNOTT**, Matthew **BORISH**, Jen **WENTWORTH**, Joe **ENULSON**, Michal **OSININ**, Hunter **THOMAS**, Hans Christian **GULSUT**, Bruce **TATTERSALL**, Tom **KONOP**, Chauncey **SORENSEN**, Tom **WAYES**, Ted **PURDY**, Kent **SCHELER**, Gabe **GIOFFNE**, Bruce **BAUER**, Teak **DANIELS**, Micaela **BAUER**, Matt **POLZIN**, George **BAKOS**, Fred **GRAY**, Pete **DAHLE**, Isaac **DEULING**, Joshua **RANDICH**, Jeffrey **KNAUB**, Tim **WARD**, Ted **CHENEY**, Andrew **CORTIS**, Lucas **MERLI**, Thad **STEWART**, Carolyn **WEISHAHN**, Katey **PALMER**, Laurie **DADOURIAN**, Vince **HANSEN**, Lucy **HARRELL**, and others.

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

Motion: **LAPP** moved to "approve the Agenda/Consent Agenda," and the motion carried unanimously. There was no discussion.

* 4. **APPROVAL OF MINUTES** – Regular: 2/8/11

5. **PUBLIC COMMENTS**

KURZ said he had an occasion to read a 2002 edition of the Chilkat Valley News containing an article about heliskiing that covered essentially the same issues. On a different topic, he believes Alaska Statute Title 29 requires the borough clerk to attend all committee & board meetings and record minutes.

WEISHAHN encouraged the assembly to introduce Ordinance 11-02-257, because it's very important for it to happen now that there is more interest.

TRIMBLE said, regarding SEABA's desire to land a helicopter on their 26-mile property, that they first discussed this in October with the borough manager and borough attorney. There has always been some contention, but they have come up with ways to mitigate potential problems with the area residents. They have letters of recommendation from their neighbors. He asked the assembly to look past the "slandorous" misinformation in the written public comments.

WARD spoke in support of SEABA's plan to use their 26-mile property for their heliskiing operation.

PALMER said she is upset that this meeting venue prevents the overflow crowd in the entryway from hearing the comments.

CAREY said SEABA has been deceitful about their plans to use their 26-mile property, because they did not disclose that in their recent tour permit application. He asked the assembly to revoke the permit.

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

The mayor said she will participate in a third conference call with Senator Begich and other Alaska mayors and report back. It's important that the public know Begich is reaching out to the mayors. The second week of March, she will attend mid-winter Southeast Conference. It will include a full-day strategic planning session and she will report back on that, as well.

Mayor **HILL** announced that **COZZI** has earned the prestigious Master Municipal Clerk certification after

many years of effort, and said it is the pinnacle for her profession. She presented her with a plaque from the International Institute of Municipal Clerks.

7. PUBLIC HEARINGS

A. Rehearing on Appeal of a Planning Commission Decision Haines Assisted Living Facility – Building Separation Variance

NOTE: HBC 18.80.030 stipulates a 15-foot separation between buildings. In 2009, the Planning Commission granted a 2-foot variance to Haines Assisted Living (HAL). In late 2010, it was revealed that the actual construction exceeded the approved variance, and HAL returned to the Planning Commission to ask for the variance to be amended after-the-fact. Following a public hearing on 12/9/10, the Commission amended the variance to allow a total separation of roughly 8 feet from eave to eave. This area is zoned commercial. Adjoining property owners, Mike Denker and Lisa Blank, subsequently asked the Planning Commission to reconsider its approval of the variance amendment, and they did so at their 1/20/11 meeting. The Commission ultimately made the same decision to approve HAL's amended variance. As allowed by Borough code, Denker and Blank appealed that decision to the Borough Assembly on 2/8/11 at which time the assembly decided to "rehear" the matter. This public hearing was conducted according to HBC 18.30.060.

The mayor opened the public hearing at 6:50pm.

SUNDBERG said the experts in a planning and zoning situation should be able to foresee problems so they can be mitigated from the outset. In this situation, a remedy is needed that both parties can agree with.

Hearing no further public comments, the mayor closed the public hearing at 6:52pm.

DENKER presented his appeal. He and his wife accepted the 2-foot variance. At some point, the plans showed it was going to exceed that variance yet there was no effort to take the situation back to the borough. The second variance was after-the-fact, and the planning commission granted it with no penalties, no fees, no conditions, and no considerations. All sides need to be able to weigh in on an issue before construction takes place. Their home was built in 1912. This thing blind-sided them, because what they understood was going to happen did not happen. They have some issues that could affect them monetarily in the future.

HANSEN, representing Haines Assisted Living (HAL), said that since HAL is the sponsor of this HUD addition, they will pay for any repercussions and look for a way to resolve the matter. He believes the appellant's contentions regarding the lack of due process are incorrect. A volunteer submitted a permit application with the information available at the time. HAL now knows it was incomplete, but the borough accepted it. This was not an effort to slip something over. In the interim, HUD stopped the construction until the additional variance was approved, and the planning commission approved it after two meetings. Although previous decisions were not the desire of the appellants, there was public due process. This is a building separation matter, not a setback issue. Borough Code does not provide a process for amending a variance, but the borough chose to require another public hearing. HAL realizes it is subject to the law. Even if the eaves are removed, the building would still be relatively large and close. He believes they will be great neighbors. Their purpose is to keep seniors in Haines.

GOLDBERG, representing the planning commission, said he is sympathetic to the appellants. The planning commission was given a plan view (a view from above) to use when the first variance was considered. No elevations or side views were provided. In hindsight, the commission should have asked if it was the accurate perimeter. An after-the-fact variance is not a very comfortable thing to do. The hardest part of being on the planning commission is that on one hand you're dealing with people's lives and finances and on the other hand the code must be followed. HAL's Board of Directors consists of all volunteers. HAL is on a limited budget, and it would have been a hardship to remove the overhang; the commission had the power to force them to cut the roof overhang off. Unfortunately, it has created a hardship on the appellants. Now the borough assembly is faced with the same quandary as the planning commission.

DENKER said he understands that there is confusion about the original 2009 variance. Unfortunately, in this instance, it's not just the eave--it's the entire wall that is only 11.5 to 12 feet from their home. The biggest problem he has is the due process, and he disagrees with **HANSEN**. The process of submitting an application FIRST was followed for the first variance, but there was no application to amend the variance until after-the-fact. Now, he has some issues with future access to his sewer line. If there is a problem, he has serious financial concerns about how he could fix it. He did not expect

the HAL building to have these dimensions. He doesn't like being in this position, but he has to stand up. There needs to be some type of concession, because there has been none to this point.

LAPP asked **DENKER** what he wants out of this. **DENKER** responded that he needs some assurances about his sewer line since he didn't create the situation. He needs access to it if it becomes necessary. He had it before but now he doesn't. There's not enough room to put equipment in the space. Since it's right along the house, there is no place to put the dirt. He wondered if he would have to abandon his sewer line in the event of a problem. **ROSSMAN** asked if it is possible to require HAL to grant a legal easement for utility work. [yes] **GOLDBERG** said generally it's a property owner who grants an easement. **BLANK** said the separation is not wide enough even if there is an easement. **WATERMAN** observed that HAL for one reason or another didn't have a lot of checks and balances with their building process. She would like to see the planning commission look at commercial land use applications very carefully; they should get nothing less than what the State fire marshal gets, and everything should be complete and in place before construction starts. She asked if staff could follow through with a revision of the land use permit application form for commercial buildings. The appellants deserve reasonable access and use. She wondered if the retaining wall could be brought up to level so a small backhoe could access the side of the house and the sewer line. **ROSSMAN** agreed with **WATERMAN**'s idea about the retaining wall. **GOLDBERG** said the planning commission plans to propose some changes including a requirement to provide elevation information. **GOODMAN** said HAL made mistakes along the way and tried to correct them, but in the end, the appellants are harmed. Regarding the retaining wall idea, **HANSEN** explained the reason for the slope is for water runoff. He suggested that there might be other options, and the Board would be willing to have a discussion with the appellants. **GOLDBERG** said the planning commission never wants to see an after-the-fact application, because it means the applicant violated the code and now wants permission to do that. Public awareness and education is needed, and he has volunteered to write up a citizen's guide to permits. **HOFFMAN** reminded that the appellant's other issue is that the public process was not followed. He wondered how the borough can ensure that happens better in the future. **DENKER** encouraged the assembly to work with the planning commission to put some checks and balances in place. **VICK** wondered if both lawyers could mediate this and report back to the manager. **GOODMAN** asked if the borough could facilitate it. **EARNEST** said he would be open to that if it was requested, but it would be better for the two parties to attempt it first. **DENKER** said he would prefer someone from the borough to be involved. He understands **HANSEN** has to go to his board. He would be happy to come to the table with the three parties. As for the retaining wall, he believes **HANSEN** is right that drainage issues need to be considered. **GOODMAN** suggested a French drain might work in this situation. **ROSSMAN** reminded that the assembly must make a decision at this meeting. **WATERMAN** said she supports the parties meeting, but there should be a time limit of no more than two months.

Motion: **WATERMAN** moved to "confirm the Planning Commission decision with the following conditions: in hearing the facts presented to us, we find that the appellants are due reasonable and usable access to the side of their house and sewer line, so representatives of HAL, the appellants, and the borough shall meet by means of mediation to come to agreement of a remedy and shall report back to the Assembly within two months." The motion carried 6-0 in a roll call vote.

HANSEN stated for the record that in spite of many written and oral statements alleging multiple HAL violations, HAL is actually guilty of only one---encroaching into the 15-foot building separation by more than the first approved 2-foot variance.

B. Ordinance 10-10-243 – fourth hearing

An ordinance of the Haines Borough amending Haines Borough Code Title 5 to repeal permit requirements for heli-ski operations and commercial helicopter tours and add permit requirements for commercial skiing tours.

The mayor opened the public hearing at 7:45pm.

SCHELER, snow safety director for Alaska Heliskiing, said his main concern is safety. There's been talk of issuing a third permit. There are often overcrowding issues. During certain weather conditions, they are forced to operate in limited areas. The two companies are working together on safety issues. A third operator would increase aircraft density and possibly increase wildlife disturbance.

KELLEY said the heliskiing industry benefits the local economy. Their operation has used many of the local businesses for support, and they also employ a lot of local people.

TRIMBLE said Temsco provided heliskiing until 2001 when they decided there wasn't enough money and there was too much liability. Since then, small companies have taken that over, and Temsco

does flight seeing. As proposed, Temsco would be providing the helicopter service to Alaska Mountain Guides, and he wondered if they would really be satisfied with only 200 skier days. The issue is not money. It's safety. He asked the assembly to please not allow a third operator in Haines.

KONOP is an avid client of Alaska Heliskiing. In the world of heliskiing, Alaska is considered the pinnacle and Haines is considered quite the gem. Being an Alaska heliski operator is very difficult and expensive. He asked the assembly to please work with the two existing operators and consider a multi-year permit in the future so they may plan ahead. He encouraged them to provide enough skier days to be profitable.

KOCH said Alaska Heliskiing had about 1600 user days under the current interpretation of photo days. He wanted to clarify that the 2600 days is not actually an increase. If a third operator gets added, he does not believe they can survive with only 200 skier days.

THOMAS thanked the mayor and the heliskiing work group. There are so many issues, and for the first time, people are becoming educated with the facts and getting away from hearsay. He supports the work group and the new ordinance. This group can be a blueprint for a lot of other community issues---a forum for all sides to bring their issues and concerns. He added that another great thing the work group has done is cause Alaska Heliskiing and SEABA to start working together.

BAUER would like the assembly to limit the number of permits and do away with skier days.

GLUDE is an avalanche specialist out of Juneau, and he has been conducting avalanche training for Alaska Heliskiing's Guide School. He commended the Haines operators for their attention to safety. There is not a lot of money in this business. Many times he gets paid out of Sean Dog's fishing earnings rather than heliskiing monies. There are avalanche issues and wind issues in some areas. Some days there is only 15% of usable area because of thin snow layer, winds, etc.

PURDY, lead guide for Alaska Heliskiing, said he spends a lot of his time marketing Haines. It would be a shame to over saturate, and he is not supportive of a third operator.

WARD reiterated the other comments about safety being the number one priority for the operators. They bring entertainment to the community, pay taxes, etc., and the borough should support them. He also would like two permits to be the limit.

GUNN admitted she wishes she could get rid of heliskiing but acknowledged it is not her right. She would like to make sure heliskiing is managed in a reasonable way. She asked the assembly not to grant a third permit. She is concerned there are plans to develop a large wintertime operation. She does not trust the skier days will have a ceiling and asked the assembly not to adopt the ordinance as it is.

PLACHTA said she was speaking for herself and her neighbors. She said they would like to rezone themselves as rural residential, and she mentioned a signed petition. She asked the borough to begin the rezoning process.

ORDONEZ believes the ordinance is flawed. The work group was great but it tried to tackle too much rather than simply addressing the initial problem of SEABA's excess skier day usage. There was a violation of trust, and there should be a penalty for that. He suggested that everything slow down.

HOLLE said after the last assembly meeting that Ryan Scott attended, he phoned him to see if Fish & Games' position had changed regarding mountain goats. Scott confirmed it had not. People in this valley voted for managed heliskiing, and he is against the proposed increase in skier days. The current version of the ordinance does not reflect consensus, so he recommends going back to the original ordinance and taking things slowly and calmly. He also wants SEABA's permit to be given to someone else.

CAREY supports a well-managed heliskiing business that is compatible with the community's needs and wants. Changing the map via resolution does not provide enough public input, and the proposed 2600 skier days is "outrageous." The days should be incrementally increased and should not include any changes to the map. If GPS is not being used currently, the operators are out of compliance with the existing ordinance. He believes keeping the existing ordinance and having an agreement regarding flight paths is the way to go.

PALMER said as a backcountry user she feels disenfranchised. The existing ordinance should be allowed to work, especially the GPS reporting. She wondered if the borough is currently receiving bi-weekly GPS reports. Alaska Fish & Game has provided guidelines, and she wants to know if there is any reason why the assembly would not follow them. She asked why SEABA was not fined up to \$300

day for their 100 skier day overage.

SUNDBERG said the proposed ordinance is the result of a lot of work. Trust is being built again. He clarified that the first GPS report will be due from SEABA on 2/27. It is proprietary information, and he was assured it would be seen only by the borough and not the general public.

WEISHAHN said we need to take stock of where we currently are. There is an ordinance on the books that the borough has not enforced. The heliskiing operators have said the ski runs go outside of the map so they have been reluctant to provide GPS data. The ordinance is not a consensus document, and she asked the assembly to keep that in mind. The 2600 skier days should be a blank. There is a trust issue. The ordinance needs to simply address the attorney's issues of flight routes, skier day allocation, and a process for the heliskiing operators to appeal.

WAYES, one of the lead guides for SEABA, agreed that a third operator would bring congestion.

DADOURIAN asked the assembly to please require GPS reporting, restrict areas, and limit skier days to minimize impacts on wildlife and residents. She concurs with the Lynn Canal Conservation letter that was published recently in the Chilkat Valley News, and she asked the assembly not to adopt the ordinance.

P.KERMOIAN asked the assembly to table the ordinance and go back to the one currently on the books. GPS needs to be reported, and she believes "bi-weekly" means twice each week and not twice a month.

HATHHORN has been following the work group, and she has observed consensus and team building. However, she recommended that, even though a lot of work has taken place, the ordinance not be adopted in its present form.

TUYNMAN said so much progress has been made and the issue has become a conversation. However, the discussion needs to continue. All sides seem to support the idea of limiting to two permits.

SZATKOWSKI said his issues are democracy and authority. It's crucial to operate with the proper process. He wondered why we would just overturn all of the years of work on the existing ordinance. The only ones there representing the public concerns don't believe a coherent result came out of the group. A controversy doesn't go away when you try to ram it through. It just makes the controversy worse. The assembly needs to use their regulatory authority, and there needs to be standards. SEABA has had multiple violations, and their permit should be revoked.

HOCKIN said he's an avid backcountry skier. It appears that the public process took a giant leap forward without taking the previous work into account. He wants to know why SEABA's violation was ignored, and what will keep violations from happening in the future. He spoke against the proposed ordinance, and said we should go back to what we have to give it a chance to work.

Hearing no further public comments, the mayor closed the public hearing at 8:48pm.

Motion: **WATERMAN** moved to "advance Ordinance 10-10-243 to a fifth public hearing on 3/8/11," and the ordinance was amended to "substitute draft ordinance #4" prepared by the borough attorney. The motion carried 4-2 with **GOODMAN** and **VICK** opposed.

During discussion, **WATERMAN** pointed out that the Heliskiing Work Group actually reached consensus on some very significant items in the proposed ordinance. **VICK** made an unsuccessful attempt by motion to amend the ordinance to reduce the number of skier days to 1600. He is concerned the proposed ordinance gives unlimited loopholes, and he would like incremental increases instead. **EARNEST** clarified 2600 is the maximum number, and any ability to request additional days has been eliminated except for a request for a special ski competition event. **HOFFMAN** said he is confident that **GOLDBERG** took a lot of time and effort to arrive at the 2600 number and feels comfortable with it. It seems like an increase but is actually representative of what the industry has been doing with the photo days along with the skier days. **GOODMAN** doesn't generally agree with increasing the skier days, although he said 1500 skier days plus the current 140 photo days would be fine with him. He also believes three permits are too many. **WATERMAN** said one of the goals is quantifiable information, and the photo days did not provide that. She acknowledged 2600 is a big number compared to 1200, but is it really different from what's actually happening? She reminded that the borough doesn't have to allocate them all; they can be incremented through the allocation process. She believes this ordinance is going in a lot of good directions, and she appealed to the assembly not to stop it but keep it moving forward. She observed that democracy is fluid; it changes every time there is a different group in the audience and different elected officials. **LAPP** said there

are things in the ordinance he doesn't like but the existing code is illegal. He said heliskiing's footprint is very small, but it's over regulated. He added he recently found out that domestic sheep are causing disease in the mountain goat population. **ROSSMAN** said he supports heliskiing and more areas and more days. Everything in the ordinance was done in good faith, and he doesn't believe he would do a disservice by voting for it. **VICK** reiterated his concerns about the 2600 skier day formula. **COZZI** noted that the term "bi-weekly" has two meanings that seem to contradict: 1) every two weeks and 2) twice a week.

C. Ordinance 11-02-252 – first hearing

An Ordinance of the Haines Borough Assembly approving the Lutak Land lease agreement between the Haines Borough and Delta Western, Inc.

The mayor opened and closed the public hearing at 9:25pm; there were no public comments.

Motion: **WATERMAN** moved to "advance Ordinance 11-02-252 to a second public hearing on 3/8/11," and the ordinance was amended to change Article 4 of the lease, as follows:

Section 4.1 Base Rent. (a) Lessee shall pay to Lessor as base rent for the Demised Premises the sum of \$25,000 per annum during the term of this Agreement ("Base Rent").

(b) Base Rent shall be paid in ~~twelve (12) monthly~~ **two (2) semi-annual** installments of ~~\$2,083~~ **\$12,500** each, payable in advance on or before the first business day of **January 1 and July 1 of** each calendar ~~month~~ **year**.

The motion carried unanimously.

During discussion, it was explained that the lease amendment was necessary because code requires semi-annual payments rather than monthly.

11C1 - JEDC Presentation moved to this point with no objection.

Margaret O'Neal, from the Juneau Economic Development Council (JEDC), gave a brief presentation to the assembly about the Southeast Alaska Revolving Loan Fund. She said there is currently no Haines representation on the JEDC loan consideration committee. Four loans have been made to Haines businesses since the Fund was established. JEDC would like to continue the relationship and do a better job of outreach and getting the referral structure more organized. They have hired additional staff but have not been getting any referrals. Real estate deals are ineligible. The loans need to turn over every 3 to 5 years, and typical loans are \$25K to \$45K, but no amount is too small. Most of the deals have two or three lenders to spread the risk, and they try to encourage resourcefulness. JEDC provides semi-annual reports to the borough.

Motion: **VICK** moved to "authorize continued participation in the Southeast Alaska Revolving Loan Fund and authorize the borough manager to enter into a renewed agreement with JEDC to administer it on behalf of the borough," and the motion carried unanimously.

D. Ordinance 11-02-253 – first hearing

An Ordinance of the Haines Borough Assembly amending Haines Borough Code 7.08.090 to expand the boundaries of the Letnikof Estates Road Maintenance Service Area to include Tract A, Port. USS 1242.

No one signed up to speak during the public hearing.

Motion: **WATERMAN** moved to "postpone consideration of Ordinance 11-02-253 to the 3/8/11 meeting," and the motion carried unanimously.

E. Ordinance 11-02-254 – first hearing

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Section 3.70.050 to clarify mobile home registration requirements.

No one signed up to speak during the public hearing.

Motion: **WATERMAN** moved to "postpone consideration of Ordinance 11-02-254 to the 3/8/11 meeting," and the motion carried unanimously.

F. Ordinance 11-02-255 – first hearing

An Ordinance of the Haines Borough Assembly amending the port of Haines Terminal Tariff No. 3 to increase demurrage, dockage and wharfage rates.

No one signed up to speak during the public hearing.

Motion: WATERMAN moved to "postpone consideration of Ordinance 11-02-255 to the 3/8/11 meeting," and the motion carried unanimously.

8. STAFF REPORTS

A. Borough Manager

EARNEST reported that he executed a contract with Sheinberg & Associates for phase one of the Comprehensive Plan Update project. She will be in Haines on March 1 to kick off the process.

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

10. OLD BUSINESS

A. Commercial Tour Permit – New Activity – Chilkat Guides

Motion: VICK moved to "postpone consideration of the Chilkat Guides marine sightseeing tour permit to the 3/8/11 meeting," and the motion carried unanimously.

11. NEW BUSINESS

A. Resolutions

1. Resolution 11-02-261

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to purchase replacement drain assemblies and surface wash assemblies for the Haines Water Plant from Infilco Degremont at the quoted price of \$23,733.15 plus freight.

Motion: WATERMAN moved to "adopt Resolution 11-02-261," and the motion carried unanimously in a roll call vote. There was no discussion.

B. Ordinances for Introduction

1. Ordinance 11-02-256

An Ordinance of the Haines Borough Assembly providing for the addition or amendment of the FY11 budget.

Motion: WATERMAN moved to "introduce Ordinance 11-02-256 and set a first public hearing for 3/8/11," and the motion carried unanimously. There was no discussion.

2. Ordinance 11-02-257

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 18 to make heliport uses conditional uses in the waterfront industrial, commercial, waterfront, significant structures area, single residential, multiple residential, rural residential and rural mixed use zoning districts.

Motion: WATERMAN moved to "introduce Ordinance 11-02-257 and set a first public hearing for 3/8/11," and the motion carried 5-1 with LAPP opposed. There was no discussion.

C. Other New Business

1. **JEDC Presentation and Agreement** – moved ahead of agenda item 7D
2. **Reconsideration of Ordinance 10-12-251** – to correct typographical errors
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 veterans property tax exemptions.

Motion: WATERMAN moved to “reconsider the 2/8/11 motion to adopt Ordinance 10-12-251,” and the motion carried unanimously.

The effect of the passage of this motion put the motion to “Adopt Ordinance 10-12-251” on the floor and opened it for discussion.

Motion: WATERMAN moved to “amend Ordinance 10-12-251 to correct additional typographical errors,” and the amendment motion carried unanimously.

The main motion to adopt Ordinance 10-12-251 carried unanimously in a roll call vote.

3. **Executive Session - Manager’s Evaluation**

Motion: WATERMAN moved to “postpone the Executive Session regarding the manager’s evaluation to the 3/8/11 meeting,” and the motion carried unanimously.

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

The following meetings were scheduled:

- 3/1/11 – 6:30pm – Annual Joint Meeting with the School Board
- 3/7/11 – 7:00pm – Joint Work Session with Skagway Assembly (ferry over 5:15, ferry back 9:15)
- 3/22/11 – 6:30pm – Regular assembly meeting at the Public Library
- 4/26/11 – 6:30pm – Regular assembly meeting at the Sheldon Museum
- 3/1/11 – 5:15pm – Government Affairs & Services Committee meeting – topic: sludge use & disposal
- 3/15/11 – 5:30pm - Commerce Committee meeting – topic: Lutak port development

The assembly was reminded of the following scheduled meeting:

- 3/8/11 – 5:30pm - Finance Committee meeting – topic: FY11 budget amendment ordinance

14. **PUBLIC COMMENTS**

KURZ said he talked to John of Temsco who said he does not know Mr. Gaffney of Alaska Mountain Guides. One of the reasons he talked to John was to ask if Temsco is interested in coming to Haines for heliskiing, and he said Temsco is not.

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

GOODMAN announced he will miss the 3/7 Skagway work session due to a medical appointment.

16. **ADJOURNMENT** – 10:27 p.m.

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

Janice Hill, Mayor

ATTEST:

Julie Cozzi, Borough Clerk