

Haines Borough  
Borough Assembly Meeting #206  
July 26, 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 Janice **HILL**, and Assembly Members Joanne **WATERMAN**, Daymond **HOFFMAN**, Jerry **LAPP**, and Steve **VICK**. **Absent:** Scott **ROSSMAN**.

**Staff Present:** Mark **EARNEST**/Borough Manager, Kathy **FRIEDLE**/Acting Clerk, Gary **LOWE**/Chief of Police, Jila **STUART**/Chief Fiscal Officer, and Tanya **CARLSON**/Tourism Director.

**Visitors Present:** Krista **KIELSMEIER**/CVN, Debra **SCHNABEL**, Roger **MAYNARD**, Jim **SHOOK**, Deborah **VOGT**, Tom **MCGUIRE**, Gary **HESS**, Scott **SUNDBERG**, Dennis **FRANKS**, Dan **HART**, and others.

**Motion:** **WATERMAN** moved to "designate Kathy Friedle as the acting clerk for this meeting," and the motion carried unanimously.

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

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

**Motion:** **VICK** moved to "excuse Assembly Member Rossman," and the motion carried unanimously.

\* 4. **APPROVAL OF MINUTES** – None (7/12 minutes will be on the 8/9 agenda)

5. **PUBLIC COMMENTS**

**SCHNABEL** suggested a possible solution to the AK-DOT rights-of-way (ROW) issue would be for the borough to consider purchasing six feet on either side so that the borough owns its own sidewalks. AK-DOT already maintains only the roadways and not the sidewalks. There are many businesses facing the requirement to pay \$100 each year for a ROW encroachment permit.

**VOGT** takes exception to the borough attorney's advice concerning the recall petitions. In his memorandum, he did not address the charter, and she believes the borough deserves a better analysis. She has prepared a memo stating her opinion.

**MAYNARD** reminded the assembly there is still a vacancy on the assembly in violation of the code requirement to make an appointment within 30 days, and there is nothing on the agenda about it. It's not too late to rectify the situation.

**MCGUIRE** said the language in the sales tax ballot question needs to be written more clearly. It's confusing the way it is and doesn't seem to accurately reflect the issue.

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

Mayor **HILL** read a proclamation to declaring August 7-13 National Health Center Week in Haines. It will be presented to the Haines SEARHC Clinic.

7. **PUBLIC HEARINGS**

A. **Application of Commercial Tour/Heliskiing Permit for 2012 - SEABA**

The mayor opened the public hearing at 6:48 pm.

**HESS** said this is one of the vital enterprises in the borough, and he would very much like to see the assembly approve the 2012 permit.

**VOGT** said there is nothing in the manager's report about the required heliski season reports, and she believes because of SEABA's 2010 violations, the public and the assembly need to be able to review that information prior to issuance of a new permit. She asked that the agenda item be postponed until that information is available.

**SUNDBERG** said the ordinance states it's the manager's responsibility to submit a year-end report, and SEABA should not be blamed if that was not done. They diligently tried to comply this year with the new laws and need to move on with their business. The planned

operation is unchanged, and SEABA would appreciate the assembly authorizing the permit.

The mayor closed the public hearing at 6:52 pm.

**Motion:** **LAPP** moved to "approve the SEABA permit for 2012."

**Motion to Postpone to a Time Certain:** **VICK** moved to "postpone this matter to the 8/9 meeting so the correct documentation is provided to the assembly per code 5.18.040(C)," and it carried unanimously.

During discussion, **WATERMAN** responded to **VOGT**'s public hearing comments by explaining that the manager provided a heliski season report at the last assembly meeting. **LAPP** noted there were only two deviations: one to provide a demonstration for an assembly member and the other was the result of a mistake by the manager. **VICK** said he is concerned that the Heliskiing Work Group follow up meeting take place. He also noticed the tourism director, harbormaster, and police chief recommendations were not provided, as required by HBC 5.18.040(C), so this should be postponed until they are available. **HOFFMAN** asked if the Work Group could be scheduled to take place prior to the next public hearing. **HILL** said the manager and she will try. It has been difficult to get group member's schedules to coordinate. **WATERMAN** said she hates to delay the approval. If there has been an oversight on the part of the borough, she apologized for SEABA's inconvenience. **EARNEST** believes **VICK**'s code interpretation is accurate in this case. **VICK** made clear he supports SEABA's permit and has every intention of voting for it. He apologized to them that they have to come in again.

**B. Ordinance 11-06-269** - second hearing

**An Ordinance of the Haines Borough Alaska amending Haines Borough Code Chapter 10.34 to authorize the use of ATVs on streets and highways within the borough and allowing use of snow machines on highway shoulders within the borough.**

Mayor opened the public hearing at 7:00 pm.

**FRANKS** spoke in favor of this ordinance. He lives on Beach Road which is not a high priority for snow removal, and an ATV could enable him to get into town.

**HART** agreed that it would help them get into town when snow conditions make it difficult to get from point A to point B.

**HESS** is in favor of having ATVs on the road. There are motorcycles, bicycles, and three-wheelers currently on the roads. He wondered if a helmet law for the ATVs would be superseded by state law. How would a visitor from another state be handled who has a three-wheeler and no helmet?

**SHOOK** offered to answer any questions the assembly might have since he did a lot of research. He clarified for **FRANKS** and **HART** that Beach Road is a state road, so unfortunately the ATVs could not be ridden on it. The borough encompasses a lot of neighborhoods that have gravel or dirt roads, and this ordinance would allow ATV use within them. He explained that three-wheelers are very unsafe and have been outlawed since 1987, so he doesn't believe they should be mentioned in the ordinance. Restricting the ATV use to the townsite keeps people from using them legally out the road.

**SUNDBERG** said he supports the ordinance. It would be good to be able to ride ATVs within the neighborhoods.

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

**Motion:** **VICK** moved to "adopt Ordinance 11-06-269."

**Motion to Postpone to a Time Certain:** **VICK** moved to "postpone to the 9/13 assembly meeting," and it carried unanimously.

During discussion, **HOFFMAN** said he supports this ordinance, but he is in a quandary because of the Chief of Police being opposed to it. He finds it difficult to go against his

recommendation, since it's the Chief's job to protect the community. **LAPP** said recently he was on vacation in Montana and observed that that state regulates ATV use and it's possible to ride from one end of the state to the other. However, you don't see that many of them, because most of them are used on dirt roads. Montana's helmet laws are the same as Alaska's---they are required for those under 18. He appreciates the work the Chief's research, but a lot of the statistics involved young people less than 16 years of age, and that age group would not be operating the ATVs in Haines. **WATERMAN** said her biggest concern is the education process for the public. Her fear is that people will hear that it's okay to ride on the streets but won't hear all of the requirements that go with it. If this ordinance passes, she would like some type of special event where ATVs will be registered and people informed. At the last meeting, she asked for a fiscal note on the cost to process the permits and provide the inspections, and which department(s) would be responsible. She does not see that the manager provided that information. **VICK** supports the Chief's comments. It seems pretty unfeasible to operate them in town without illegally operating on state roads. For example, two out of three gas stations are located on state roads. **HOFFMAN** referred back to **SHOOK's** comments about neighborhood use. He asked the Chief if it's possible to rework the ordinance so that ATVs could be operated on borough roads outside of the townsite. He wonders if this can be made to work for neighborhoods. The assembly understands the intent of this ordinance, and he would like the Chief to feel good about it. **LOWE** said ATVs are not made for paved roads and are unsafe on them. **EARNEST** said he talked with the Chief about **WATERMAN's** fiscal information request, and there are no answers, at this time. He requested thirty days to work out the details. **LAPP** supported the postponement provided it keeps the ordinance alive. He would like to be able to get around his neighborhood legally on an ATV.

**C. Ordinance 11-06-270** - second hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Section 18.90.050 and 18.90.070 to allow the placement of off-premises signs as a conditional use.**

Mayor opened the public hearing at 7:27 pm.

**SCHNABEL** spoke against the ordinance because it doesn't identify what signs that would be allowed, e.g. size or shape. She is concerned that off-premises signage can proliferate to the point of competition. People should advertise their businesses on their own property. She asked the assembly to consider not approving it, at this time.

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

**Motion: WATERMAN** moved to "adopt Ordinance 11-06-269," and the motion failed unanimously in a roll call vote.

During discussion, **WATERMAN** clarified the ordinance would only allow the signage with a conditional use permit. She's always been concerned with how this relates to the state law against billboards and signage along the roadways and wonders if the borough code is in conflict. There are currently off-premises signs out and about, and this ordinance was put forth by the planning commission to address it. **EARNEST** asked, in light of the ordinance defeat, what to do with the existing signs out there. Property owners should be informed that they are not allowed. **WATERMAN** suggested communicating with the planning commission to get more information. If she had some questions answered, she would be willing to consider this ordinance again. **EARNEST** said the state law applies to signage within the state rights of way. One of the planning commission's tasks could be to look into how the local ordinance would work with state law.

**8. STAFF REPORTS**

**A. Borough Manager**

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

- Haines Community Center
- Chilkat Center for the Performing Arts
- Haines Borough Road Rehabilitation and Maintenance Phase III - \$4,500,000
- Haines Borough - Lutak Port Development Plan - \$120,000

- PC Dock AED

The assembly discussed the condition of the Chilkat Center, and **EARNEST** and **LEMCKE** explained that there are major underlying issues that need to be addressed, including issues that concern safety and health. In 2008, the estimate to fix the problems was over \$11m. With a new roof, new ventilation is required. There are different costs for different approaches, and a summary will be brought to the assembly.

- \* 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. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS**

A. Resolutions

1. **Resolution 11-07-291**

A Resolution of the Haines Borough Assembly designating the acquisition of State of Alaska, Department of Environmental Conservation (ADEC) grant funds for the project entitled *Barnett Tank Replacement* as the number one local state funding priority for fiscal year 2012.

**Motion:** **WATERMAN** moved to "adopt Resolution 11-07-291," and the motion carried unanimously in a roll call vote. There was no discussion.

2. **Resolution 11-07-292**

A Resolution of the Haines Borough Assembly accepting a FY-2012 Designated Legislative Grant of \$4,500,000 for the purpose of Road Rehabilitation and Maintenance and authorizing the borough manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.

**Motion:** **LAPP** moved to "adopt Resolution 11-07-292," and the motion carried unanimously in a roll call vote. There was no discussion.

3. **Resolution 11-07-293**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into an agreement with Southeast Road Builders for the Haines Street Improvements Phase 2 project for an amount not to exceed \$957,910.

**Motion:** **LAPP** moved to "adopt Resolution 11-07-293," and the motion carried unanimously in a roll call vote. There was no discussion.

4. **Resolution 11-07-294**

A Resolution of the Haines Borough Assembly accepting a FY-2012 Designated Legislative Grant of \$120,000 for the Lutak Port Development Plan and authorizing the borough manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.

**Motion:** **LAPP** to adopt Resolution 11-07-294," and the motion carried unanimously in a roll call vote. There was no discussion.

**5. Resolution 11-07-295**

**A Resolution of the Haines Borough Assembly accepting a FY-2012 Designated Legislative Grant of \$250,000 for the High School Gymnasium Floor Replacement and authorizing the borough manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.**

**Motion:** **LAPP** moved to "adopt Resolution 11-07-295," and the motion carried unanimously in a roll call vote. There was no discussion.

**6. Resolution 11-07-296**

**A Resolution of the Haines Borough Assembly accepting a FY-2012 Designated Legislative Grant of \$4,290 for the Haines Elementary School – Skiis for Students program and authorizing the borough manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.**

**Motion:** **LAPP** moved to "adopt Resolution 11-07-296," and the motion carried unanimously in a roll call vote. There was no discussion.

**B. Ordinances for Introduction**

**1. Ordinance 11-07-271**

**An Ordinance of the Haines Borough amending Haines Borough Code 3.80.220(a) to delete the designation of one percent of sales tax proceeds for use for tourism development and promotion of economic development subject to voter ratification.**

**Motion:** **WATERMAN** moved to "introduce Ordinance 11-07-271 and advance it to a second public hearing on 8/9/11," and the motion carried unanimously.

**VOGT** was allowed to speak and noted that the ordinance title contains a small error and should be corrected to match the code.

**2. Ordinance 11-07-272**

**An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY12 Budget.**

**Motion:** **WATERMAN** moved to "introduce Ordinance 11-07-272 and advance it to a second public hearing on 8/9/11," and the motion carried unanimously.

During discussion, **LAPP** said the finance committee still needs to meet to review this ordinance, and he takes exception to the Picture Point item. **EARNEST** said he will call in during the finance committee meeting even though he will be on vacation.

**C. Other New Business**

**1. Advisory Board Appointments**

**Motion:** **LAPP** moved to "confirm the mayor's appointments of Logan Simpson, Jennifer Talley, Melany Zimmerman, Ron Jackson, and Jessica Kayser to the Parks and Recreation Advisory Committee," and the motion carried unanimously.

**2. Demolition of Remaining Old School Structure - Discussion**

**Motion:** **LAPP** moved to "start the demolition on the school building with the available funds," and the motion carried unanimously in a roll call vote.

During discussion, **WATERMAN** said when the assembly reserved this portion of the school, the idea was to give it a year for ideas or plans to come forward for its use. It's been over a year and nothing concrete has come to the assembly. The building is degrading and is a liability. It's time to tear it down. **LAPP** was interested in saving the building to use for borough offices/assembly chambers/community fitness center purposes, but that no longer seems feasible. It may be less expensive to add on to the borough administration building to address the need for more borough office space. **VICK** agreed it is time to take it down. **HOFFMAN** supports the demolition but would

like the assembly to start talking about the next step right away---to explore other options for a community center, borough offices, center for performing arts, etc. **LAPP** agreed. He added that with the unfortunate report about the Chilkat Center's condition, it might be time to build something to replace it. **HOFFMAN** said the intentions were good among various potential user groups to try to make something happen with the old school building, but they discovered it is not affordable to renovate that particular structure. **LAPP** said the entire heating system was already removed and, without the heat, there is probably a mold problem.

**12. CORRESPONDENCE**

**A. Suggested language for Sales Tax Ballot Question (Ord. 11-07-271) - Vogt**

**13. SET MEETING DATES**

8/9, 5:30pm - Finance Committee meeting to review the FY12 budget amendment ordinance.

**14. PUBLIC COMMENTS**

**SCHNABEL** said she wondered what might happen if the community attempted to auction off the remaining portion of the old school building by advertising nationally, almost as an economic development activity. It seems it is a possibility there may be money in private hands that could look at it as an investment. She offered to assist with the exploration of that type of idea, if the assembly is willing to reconsider their decision to tear it down.

**KIELSMEIER** asked for clarification of the motion to demolish the building, whether to tear it down or just begin the process to tear it down. **EARNEST** said there is a process to demolish a building, and he suspects this would have to go back out to bid. At some point, the assembly will be asked to approve the project contract and cost.

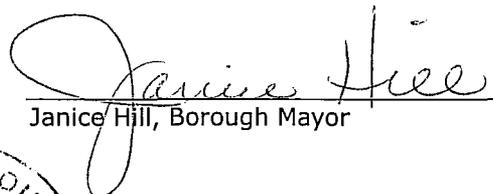
**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

**HOFFMAN** volunteered to be the liaison for the Parks and Recreation Advisory Committee, and all agreed.

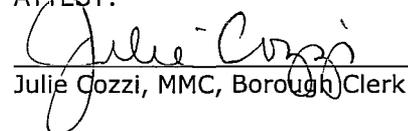
**VICK** said Brian Lemcke told him a citizen was pointing out things that need to be done, so he offered him the task of whacking weeds, and the citizen happily did that. **VICK** said it has him thinking that Haines might consider some type of community volunteer corps. Instead of just complaining, people could be a part of the solution by doing coordinated volunteer work such as painting or weeding. **HILL** noted that young people might get involved with something like this since they are required to have a certain amount of community service hours for graduation. **VICK** wondered about liability. **EARNEST** said there are some issues like liability that would have to be addressed before moving ahead with something like this.

**16. ADJOURNMENT - 8:16 p.m.**

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

  
Janice Hill, Borough Mayor

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk

