


Haines Borough
Borough Assembly Meeting #207
August 9, 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**, Scott **ROSSMAN**, and Steve **VICK**.

Staff Present: Julie **COZZI**/Borough Clerk, Gary **LOWE**/Chief of Police, and Jila **STUART**/Chief Fiscal Officer.

Visitors Present: Krista **KIELSMEIER**/CVN, Tara **BICKNELL**/KHNS, Debra **SCHNABEL**, Joe **POOR**, Thom **ELY**, Adam **PATTERSON**, Stephanie **SCOTT**, Zbigniew "Ned" **ROZBICKI**, Dave **BUTTON**, Sue **WATERHOUSE**, Jamie **KING**, and others.

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

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

★ 4. **APPROVAL OF MINUTES** – Regular: 7/12/11 and 7/26/11

5. **PUBLIC COMMENTS**

POOR read a written statement containing several examples of how unresponsive he believes the borough manager is.

SCOTT spoke concerning the APOC financial disclosure statement. It is a complex, 12-page form requiring information that in some cases prevents people from filing for office. She asked that the Government Affairs & Services Committee consider meeting to hammer out a local alternative to make it passable by the voters but is not sure a local process is even necessary. The last time the question was on the ballot to exempt the Haines Borough from the reporting requirements, she voted against it, but today she would vote for it now that she understands how onerous the requirements are for municipalities.

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

Mayor **HILL** said the Southeast Alaska State Fair was very successful and thanked everyone for the great effort. She believes the attendance was high but is still waiting for the full report. She also thanked the fire department for the show of respect for Pete Lapham. During the procession to the cemetery, she observed both visitors and residents stopping along Main Street to show respect. The funeral service was simple, but the honor was extraordinary.

She said there is a meeting tentatively scheduled for 8/22/11 in Whitehorse for the manager and her to meet with government and mining officials.

This week, she will attend the Alaska Municipal League Summer Legislative Session and Alaska Conference of Mayors in Sitka.

7. **PUBLIC HEARINGS**

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

The mayor opened the public hearing at 6:47 pm.

ELY said he witnessed a SEABA violation and believes there may have been others. He is dismayed that there seems to be a double standard for tour operator conduct. **BUTTON** is not allowed to operate but SEABA keeps getting permits. He believes the manager took the fall for them, and he doesn't believe they deserve a permit. They are not a fair business. The rest of the tour operators try to do things right. He noted that no SEABA representatives were present for this hearing.

Hearing no further public comments, the mayor closed the public hearing at 6:49 pm.

Motion: **LAPP** moved to "authorize the borough clerk to process the permit application for SEABA and, if everything is in order, issue a 2012 commercial tour/heliskiing permit," and the motion carried unanimously in a roll call vote.

During discussion, **VICK** asked for clarification about the reporting requirements and how the data gets disseminated. He would like the Heliskiing Work Group to discuss this and get it nailed down. **LAPP** appreciates that SEABA applied early and noticed the tourism director, harbormaster, and police chief all endorse the permit. **WATERMAN** agreed there needs to be a clear policy about what staff is supposed to do with the submitted GPS data. The code was adopted, but now there are some gray areas that don't necessarily belong in ordinance but require some type of administrative staff policy. It wasn't specifically laid out in ordinance. Right now, the operators email their data and it's put into the borough's computer system for safe-keeping until such time a violation needs to be verified. However, the public wants certain assurances that the companies are in compliance whether there is a complaint or not. Mayor **HILL** said staff was not given clear direction. Her expectation was that the process for dealing with the GPS data would be developed by the manager and staff following ordinance adoption.

B. Ordinance 11-07-272

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

Mayor opened and closed the public hearing at 6:55 pm; there were no public comments.

Motion: **VICK** moved to "advance Ordinance 11-07-272 to a second public hearing on 8/23/11," and it was amended to reduce the \$3,000 amount for Chilkat Indian Village tables to \$1,040. The motion carried unanimously.

During discussion, **WATERMAN** explained the reason for the amendment is Chilkat Indian Village revised the needed amount because they were able to get more information on actual costs. **LAPP** said the Finance Committee met prior to this meeting to review the ordinance and recommends the amendment. He added he may offer an additional amendment at the next meeting.

C. 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.

Mayor opened the public hearing at 6:59 pm.

SCOTT read a written statement asking the assembly to forego this ordinance, at this time, to provide more time for research and consideration.

POOR said he objects to what this ordinance does which he understands to be moving the dedicated tourism/economic development funds to the general fund. He believes there are serious economic issues not being addressed by the assembly and manager, and he doesn't believe there is any economic development effort going on.

Hearing no further public comments, the mayor closed the public hearing at 7:06 pm.

Motion: **WATERMAN** moved to "advance Ordinance 11-07-271 to a second public hearing on 8/23/11," and the motion failed 2-3 with **WATERMAN**, **LAPP**, and **ROSSMAN** opposed.

During discussion, **VICK** moved to amend with the substitute ordinance prepared and offered by staff, but that amendment motion failed 3-2 with **LAPP** and **ROSSMAN** opposed. **LAPP** agreed with those who spoke during the public hearing and is not supportive of this going on the ballot. **WATERMAN** acknowledged the borough can probably make better decisions regarding the tourism department, but as far as taking away the dedication, she doesn't see that the budgetary amounts will change that much. If the money is needed, she believes it will be there. A citizen petition would ask for the entire 1% sales tax to be stricken. She doesn't believe tourism and economic development will be abandoned if the dedication is removed. **VICK** is not a big fan of dedicated taxes and believes they should be removed. Temporary dedications can be appropriate, however. The goal is not to eliminate the economic development and

tourism budgets but rather to submit to the voters the question of removing the dedication of the 1% tax, and he believes it should go on the ballot. **ROSSMAN** disagreed. He originally voted for this 1% tax because it was dedicated, and he has no problem with that. When people know a tax is going to go for a specific purpose, they are more likely to vote for it. He believes the voters approved the 1% tax in the first place because they knew what it would be used for. **HOFFMAN** said some people feel like economic development and tourism are a waste of money. He would like to see this question go to the voters. **STUART** recounted the history timeline for the dedicated tourism sales tax from her copy of an earlier manager's report.

8. STAFF REPORTS

- *A. Borough Manager
- *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

ROSSMAN reported on the road assessment field trip he took with **EARNEST**, Brian Lemcke, Robert Venables, and Matt Boron. They went the full length of Chilkat Lake Road and identified maintenance needs. Additionally, Porcupine Road, Corrina Avenue, and Riverview Drive were looked at. Most of the needed work will not be as expensive as road work typically is in town. One of the borough's engineering firms will do a rough order of magnitude, but his guess is that it would be about one half million.

- 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

The mayor recognized Assembly Member **WATERMAN**:

Motion: WATERMAN moved to "reconsider her 7/26/11 vote to adopt Ordinance 11-07-270 regarding off-premises signs," and the motion carried unanimously. This placed the original motion to adopt the ordinance back on the table for discussion.

During discussion, **WATERMAN** said she doesn't believe the assembly intended to kill the ordinance and probably should have postponed it to give the planning commission time to address the assembly's concerns. **ROSSMAN** said the borough already has sign regulations in place, so he doesn't see huge problems with the ordinance. **WATERMAN** would like to get the planning commission's rationale, and she believes adoption of the ordinance could be postponed until after the September planning commission meeting.

Motion: WATERMAN moved to "postpone Ordinance 11-07-270 to the September 27, 2011 assembly meeting," and the motion carried unanimously.

10. UNFINISHED BUSINESS - None

11. **NEW BUSINESS**

A. Resolutions

1. **Resolution 11-08-297**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into an agreement with PND Engineers, Inc. to provide contract administration and inspection services for the Street Improvements Phase Two project for a not-to-exceed amount of \$93,770.

Motion: LAPP moved to "adopt Resolution 11-08-297," and the motion carried unanimously in a roll call vote.

There was a brief discussion about the reasons the inspection services are necessary.

B. Ordinances for Introduction - None

C. Other New Business - None

12. **CORRESPONDENCE** – There was no discussion.

A. Comments re. ATV Ordinance - Patterson, Vuillet-Smith, and Buxton

B. Comments re. SEABA permit and ATV Ordinance - Ely

C. Comments re. SEABA permit –Holle

13. **SET MEETING DATES**

Mayor **HILL** hopes to convene the first meeting of the new Parks and Recreation Advisory Committee within the month of August. Additionally, the Heliskiing Work Group will meet very soon.

August 16, 5:30pm – Government Affairs & Services Committee meeting - Begin discussion about dedicated sales taxes, especially at this particular meeting to determine what information will be needed to discuss the matter.

The assembly was reminded of the August 23, 5:30pm Committee of the Whole meeting to discuss the proposed Title 16 changes.

14. **PUBLIC COMMENTS**

Jamie **KING** spoke concerning the GPS data and believes there are issues with how it's being collected and recorded. He encouraged the assembly to take the time to plot the data onto a map and look at it.

WATERMAN asked for a copy of the map he prepared, and he agreed to make it available.

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

VICK asked the status of a resolution to put a community center advisory question on the ballot, and **HILL** said she will ensure it is on the 8/23/11 agenda.

16. **ADJOURNMENT** – 7:55 p.m.

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

Janice Hill, Borough Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk