

Haines Borough  
Borough Assembly Meeting #265  
March 11, 2014  
MINUTES

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SCOTT** called the meeting to order at 6:30pm in the Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

**Present:** Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Debra **SCHNABEL**, Dave **BERRY**, George **CAMPBELL**, Diana **LAPHAM**, and Joanne **WATERMAN**.

**Staff Present:** Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Krista **KIELSMEIER**/Administrative Assistant, Carlos **JIMENEZ**/Director of Public Facilities, Darsie **CULBECK**/Executive Assistant, Jila **STUART**/Finance Director, Ed **BRYANT**/Maintenance, Tanya **CARLSON**/Tourism Director, Bill **MUSSER**/Police Chief, Brooks **CHANDLER**/Borough Attorney and others.

**Visitors Present:** Tom **MORPHET**/CVN, Tara **BICKNELL**/KHNS, Joe **PARNELL**, Royce **DOMBROCK**, John **WENGE**, Andy **HEDDEN**, Nick **TRIMBLE**, Joe **ORDONEZ**, Dave **PAUL**, Scott **VISSCHER**, Lindsey **JOHNSON**, Laurie **DADOURIAN**, Erik **HOLLE**, Sally **BOISVERT**, Patty **KERMOIAN**, Debra **VOGT**, Chris **NEGY**, Mark **BATTAION**, Katey **PALMER**, Jeffery **MOSKOWITZ**, Duck **HESS**, Gary **HESS**, Ben **KIRKPATRICK**, Heidi **ROBICHAUD**, Kip **KERMOIAN**, Ann **FOSSMAN**, Lani **HOTCH**, Jones **HOTCH**, Jerry **ERNEY**, Tim **THOMAS**, Scott **SUNDBERG**, Randy **CONRAD**, Mike **KINISON**, Shawna **KINISON**, Rebecca **HUNT**, Nicholas **SZATKOWSKI**, Jessica **PLACHTA**, Mario **BENASSI**, Shawn **McNAMARA**, and Patty **KERMOIAN**, and others.

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

The following items were on the published consent agenda:

Consent Agenda:

- 4 - Approval of Minutes
- 8B - Fire Department Report
- 9A - Tourism Advisory Board Report/Correspondence
- 9B - Sheldon Museum and Cultural Center Minutes
- 9C1 - Commerce Committee Report
- 11A1 - Adoption of Resolution 14-03-539
- 11A2 - Adoption of Resolution 14-03-540
- 11A3 - Adoption of Resolution 14-03-541
- 11A4 - Adoption of Resolution 14-03-542
- 11A5 - Adoption of Resolution 14-03-543
- 11A6 - Adoption of Resolution 14-03-544
- 11B1 - Introduction of Ordinance 14-03-371
- 11C1 - Board Appointments
- 12B - Juneau Access Letter from Mayor
- 12C - Loewen Letter re: Wood Sheds

**Motion:** **WATERMAN** moved to "have items 11A1, 11A2, and 11A4 removed from the consent agenda." Also, item 11A6 was moved to the top of the agenda after the mayor's report. The agenda and consent agenda was unanimously approved, as amended.

\*4. **APPROVAL OF MINUTES** - 2/25/14 Regular Meeting

5. **PUBLIC COMMENTS** [Any topics not scheduled for public hearing]

The following individuals spoke during public comments:

**PARNELL** spoke about termination grievance with the borough and asked for assembly action.

**WENGE** asked if **PARNELL's** concerns would be voted on. **SCOTT** stated it was unknown, but **SCHNABEL** said there may be a meeting scheduled under Set Meeting Dates.

**MORPHET** asked about a speaker in the hallway for people who might be waiting, as previously discussed.

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

### **A. Formal Oath of Office – Chief of Police Bill Musser**

## **7. PUBLIC HEARINGS**

### **A. New Commercial Tour Permit – Haines Rafting Company**

Mayor **SCOTT** opened the public hearing at 7:48pm.

The following people stated their concerns against issuing the permit: L. **HOTCH** and J. **HOTCH**.

**HEDDEN** (the applicant) spoke for the permit.

Mayor **SCOTT** closed the public hearing at 7:54pm.

**Motion:** **CAMPBELL** moved to "authorize the interim borough clerk to process the Haines Rafting Company application, and if everything is in order, issue a 2014 commercial tour permit." The motion carried 5-1 with **WATERMAN** opposed.

### **B. New Commercial Tour Permit - Rainbow Glacier Adventures**

Mayor **SCOTT** opened the public hearing at 8:04pm.

The following people stated their concerns against issuing the permit: **TRIMBEL**, L. **HOTCH**, and **PAUL**.

The following people spoke for issuing the permit: **ORDONEZ** (the applicant), **ERNY**, and **VISSCHER**.

Mayor **SCOTT** closed the public hearing at 8:17pm.

**Motion:** **LAPP** moved to "authorize the interim borough clerk to process the Rainbow Glacier Adventures application, and if everything is in order, issue a 2014 commercial tour permit. The motion was amended to "remove Map 4 dealing with Mosquito Lake and Slough per the request of the operator." The motion, as amended, carried 5-1 with **WATERMAN** opposed.

*A seven-minute break was given.*

### **C. Appeal of Planning Commission Decision – Big Salmon Ventures LLC Heliport Conditional Use Permit**

Mayor **SCOTT** opened the public hearing at 8:27pm.

The following people stated their concerns against issuing the permit: M. **KINISON**, **HUNT**, **SZATKOWSKI**, **PLACHTA**, **BOISVERT**, **VOGT**, **VISSCHER**, **NEGY**, S. **KINISON**, **BENASSI**, and P. **KERMOIAN**.

The following people spoke for the permit: **McNAMARA** and **DOMBROCK**.

**SUNDBURG** and **TRIMBLE** were the representatives of the appellant and **COZZI** spoke on behalf of staff and the administration. **GOLDBERG** spoke on the behalf of the Planning Commission.

**Motion:** **LAPHAM** moved to "continue the meeting through the end of this agenda item and discuss the rest of items at that time," and the motion carried with **BERRY** opposed.

Mayor **SCOTT** closed the public hearing at 9:37pm.

**Motion:** **LAPHAM** moved to "deliberate in public," and there was no objection to the motion.

**Motion: WATERMAN** moved to "confirm the planning commission's decision not to approve the conditional use permit at this time, as she didn't believe that Big Salmon Ventures showed the burden of proof that the planning commission erred." It died from a lack of second.

**Motion: CAMPBELL** moved to "overturn the planning commission's decision to deny the conditional use permit; that the planning commission erred as the planning commission ignored the information given to them by their own commissioners."

*A five-minute break was given.*

**Motion: SCHNABEL** moved to amend the motion to "overturn the planning commission's decision to deny the conditional use permit because the planning commission erred as the planning commission gave undue weight to considerations of noise." The permit was further amended to have the following conditions: "no Bell 212 helicopters at the site", "that only one company can use the site", "the hours be limited to 8am to 6pm" and the other conditions as listed in the application. The motion, as amended, carried 5-1 with **WATERMAN** opposed.

*NOTE: The following amendment motions failed:*

**Failed Motion: WATERMAN** moved to amend the motion to state "that only one company is allowed to use the site and the operation can only be between 8:30am to 4:30pm with continual noise monitoring." This motion failed with **BERRY, LAPHAM, CAMPBELL, and LAPP** opposed.

**Failed Motion: SCHNABEL** moved to amend the motion to read "conditional on the construction and operation of a lodge proposed by Big Salmon Ventures, no operation until the lodge is built." The motion died from a lack of a second.

**Failed Motion: CAMPBELL** moved to amend the motion to "limit the conditional use permit to end on May 7th, 2014." This motion died from lack of a second.

**Failed Motion: SCHNABEL** moved "that the Haines Borough design a test to find the facts to know the impact of a heliport at the Big Salmon Ventures' proposed conditional use permit heliport site; that the frame work of the test be outlined in 10 days by Southeast Alaska Backcountry Adventures and staff for testing and monitoring." This motion was successfully reconsidered and withdrawn.

*At 11:57pm, due to the restriction in Haines Borough Charter Section 18.03 (C), the assembly was requested to recess before midnight.*

**Motion: WATERMAN** moved to "recess until 6:30pm tomorrow night, 3/12/14." The motion carried unanimously.

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**Haines Borough  
Borough Assembly Meeting #265, continued  
March 12, 2014**

**CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SCOTT** called the meeting to order at 6:30pm in the Assembly Chambers and led the pledge to the flag.

**ROLL CALL**

**Present:** Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Dave **BERRY**, George **CAMPBELL**, Diana **LAPHAM**, and Joanne **WATERMAN**. Debra **SCHNABEL** participated by phone.

**Staff Present:** Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Jila **STUART**/Finance Director, Ed **BRYANT**/Maintenance, Bill **MUSSER**/Police Chief, and others.

**Visitors Present:** Tom **MORPHET**/CVN, Tara **BICKNELL**/KHNS, Joe **PARNELL**, and Royce **DOMBROCK**.

**7. PUBLIC HEARINGS --- continued**

**D. Ordinance 14-02-367-- Second Public Hearing**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.10.040 to modify assembly meeting minutes procedures.**

Mayor **SCOTT** opened the public hearing at 6:31pm.

During the public hearing the following people stated their concerns against the ordinance: **MORPHET** with the Chilkat Valley News and **BICKNELL** with KHNS Public Radio.

Mayor **SCOTT** closed the public hearing at 6:34pm. There were no other public comments.

**Motion: LAPP** moved to "adopt Ordinance 14-02-367." The motion carried unanimously.

**E. Ordinance 14-02-368** – Second Public Hearing

**An Ordinance of the Haines Borough 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 **SCOTT** opened the public hearing at 6:31pm.

During the public hearing the following people spoke for of the ordinance: **DOMBROCK**. There were no other public comments.

Mayor **SCOTT** closed the public hearing at 6:34pm.

**Motion: BERRY** moved to "adopt Ordinance 14-02-368." The motion, was amended to remove "highway shoulders within the borough" and replace it with "highway and streets owned by the borough" in the title of the ordinance; to remove section 10.34.007 Off-highway vehicle use permitted for snow removal purposes; and to adopt all amendments recommended by Chief Bill Musser as included in the packet. The motion, as amended, carried unanimously.

**F. Ordinance 14-02-369** – Second Public Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.050 appeals to the commission to conform to the requirements of filing an appeal.**

Mayor **SCOTT** opened and closed the public hearing at 7:06pm. There were no public comments.

**Motion: BERRY** moved to "adopt Ordinance 14-02-369," and the motion carried unanimously

**G. Ordinance 13-10-352** – Second Public Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 13 to revise and clarify water and sewer service procedures.**

Mayor **SCOTT** opened and closed the public hearing at 7:09pm. There were no public comments.

**Motion: BERRY** moved to "adopt Ordinance 13-10-352." The motion carried 5-1 with **SCHNABEL** opposed.

**H. Ordinance 14-01-364** – First Public Hearing

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.62.030 to allow an assembly approved exception to the contract or sale limit to a borough officer or employee.**

Mayor **SCOTT** opened and closed the public hearing at 7:13pm. There were no public comments.

**Motion: CAMPBELL** moved to "advance Ordinance 14-01-364 to a second public hearing on 3/25/14." The motion carried unanimously.

**8. STAFF/FACILITY REPORTS**

**A. Interim Borough Manager – 3/11/14 Report**

**\*B. Fire Department – Staff Report of February 2014**

**9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES**

**\*A. Tourism Advisory Board – Email Report/Correspondence of 2/28/14**

**\*B. Sheldon Museum and Cultural Center – Minutes of 2/14/14 Meeting**

**C. Assembly Standing Committee Reports**

**\*1. Commerce Committee – Report of 2/26/14 Meeting**

**Motion:** SCHNABEL moved that "SCOTT communicate with The Mental Health Trust (to keep communications open)." There was no objection, and the motion carried.

**10. UNFINISHED BUSINESS - None**

**11. NEW BUSINESS**

**A. Resolutions**

**1. Resolution 14-03-539**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with APC Equipment & Manufacturing in the amount of \$12,495 for the purchase and delivery of a dump trailer for the Ports and Harbors Department.**

There were no public comments.

**Motion:** LAPP moved to "adopt Resolution 14-03-539."

**Motion:** LAPHAM moved to "postpone this resolution to the 3/25/14 meeting." The motion carried 4-2 with CAMPBELL and SCHNABEL opposed. *This motion superseded the previous motion.*

**2. Resolution 14-03-540**

**A Resolution of the Haines Borough Assembly accepting a 2014 Southeast Alaska Chinook Salmon Mitigation Infrastructure Grant in the amount of \$31,500 for the purpose of Haines Borough Harbors Fish Waste Disposal and authorizing the Borough Manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.**

There were no public comments.

**Motion:** BERRY moved to "adopt Resolution 14-03-540." The motion carried 5-1 with CAMPBELL opposed.

**\* 3. Resolution 14-03-541**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Carson Dorn, Inc. for an amount not to exceed \$20,000 for Allen Road Water Design.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-03-541."*

**4. Resolution 14-03-542**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. for an amount not to exceed \$1,719,515 for phase one engineering services for South Portage Cove Harbor Expansion – Concept No. 14.**

There were no public comments.

**Motion:** LAPP moved to "adopt Resolution 14-03-542." The motion carried 4-2 with CAMPBELL and SCHNABEL opposed.

**Motion:** BERRY moved to "request very strongly that the administration provide possible operation costs and revenues for the harbor expansion." The motion carried 5-1 with CAMPBELL opposed.

**\* 5. Resolution 14-03-543**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. for an amount not to exceed \$17,330 for Third Avenue street improvements final design and bid phase services.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 14-03-543."*

**6. Resolution 14-03-544 (Note: This agenda item was moved up to follow Item 6, the mayor's report during approval of the agenda.)**

**A Resolution of the Haines Borough Assembly approving the temporary addition of territory to the Commercial Ski Tour Areas map to allow for a 2014 special ski competition event.**



During public comment, the following people spoke against the resolution: **JOHNSON, DADOURIAN, BOISVERT, KERMOIAN, VOGT, NEGY, BATTATION, PALMER, KIRKPATRICK, ROBICHAUD, KERMOIAN, FOSSMAN, L. HOTCH, J. HOTCH, HOLLE** for Lynn Canal Conservation, and **CONRAD**.

The following people spoke for the resolution: **MOSKOWITZ, ERNEY, THOMAS, D. HESS, G. HESS, and SUNDBERG**.

**Motion: CAMPBELL** moved to "adopt Resolution 14-03-544," and the motion was amended to: delete "involving a photo contest" in 1<sup>st</sup> paragraph, in the 4th paragraph strike the language "based on a desire to protect wildlife and cultural resources in those particular areas", and amend the proposal's dates to "March 21 through April 10<sup>th</sup>." The main motion, as amended, failed with Mayor **SCOTT** breaking the tie in the negative.

*The following amendment motion also failed.*

**Failed Motion CAMPBELL** moved to amend the motion to change "the dates of March 15<sup>th</sup> through April 10<sup>th</sup>." This amendment failed 3-4 with **BERRY, SCHNABEL, and WATERMAN** opposed and Mayor **SCOTT** breaking the tie in the negative.

## **B. Ordinances for Introduction**

### **\*1. Ordinance 14-03-371**

**An Ordinance of the Haines Borough amending Borough Code Title 5 Subsection 5.04.130(A), Section 5.18.030, Chapter 5.20, and Section 5.22.010 to repeal commercial passenger vehicle permitting.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 14-03-371 and set a first public hearing for 3/25/14."*

## **C. Other New Business**

### **\*1. Board Appointments**

*The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of Karen Hess and Barbara Mulford to the Tourism Advisory Board for a term ending 11/2016 and Keith Brooks to the Fire Service Area #3 Board for a term ending 11/2016."*

## **12. CORRESPONDENCE/REQUESTS**

### **A. Assembly Member Campbell Email - Manager's Letter to Gov. Parnell regarding House Bill 1**

There was no discussion.

### **\*B. Letter from Mayor Scott - Juneau Access Project**

### **\*C. Loewen Letter - Wood Shed Taxation**

## **13. SET MEETING DATES**

**A. Governmental Affairs and Services Committee** - postponed to April - Request to develop a policy allowing exemptions and/or deferral to participate in LIDs from their 1/9/14 recommendation.

**B. Committee-of-the-Whole** - 3/25/14 at 5pm - Election Reform Ordinance

**C. Committee-of-the-Whole** - 4/29/14 at 5:30pm - Local Legislative Priorities continued

**D. Commerce Committee** - 3/24/14 at 5pm - Analysis of the Haines Waste Management Survey

**E. Personnel Committee** was suggested to hear the grievance of Mr. Parnell, but a meeting was not scheduled because this matter is not under the purview of the assembly.

**Motion: SCHNABEL** moved to "have Mr. Joe Parnell receive a letter directly from the mayor, explaining our inability to address this issue." The motion carried unanimously.

## **14. PUBLIC COMMENTS**

The following individuals spoke during public comments:

**DOMBROCK** had concerns about the police department. **SCOTT** encouraged him to work with staff about his concerns.

**BRYANT** stated the he enjoyed his job and the people he worked with at the Haines Borough. He also spoke on behalf of **PARNELL**.

**STUART** spoke to her memo in the packet regarding the budget shortfall of the current harbor expansion design.

**PARNELL** voiced his disappointed that his grievance will not be heard by the Personnel committee.

#### 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

During announcements/assembly comments **LAPHAM** and **BERRY** spoke.

**Motion:** **BERRY** moved to "reconsider his vote on Resolution 14-03-544." The motion to reconsider carried 4-2 with **WATERMAN** and **SCHNABEL** opposed. This returned the motion to adopt amended Resolution 14-03-544 to the table. *Note: see Item 11A6.*

**Failed Motion:** **SCHNABEL** moved to "postpone this item of business to 3/25/14." The motion failed unanimously.

**Primary Amendment:** **CAMPBELL** moved to amend the proposal's dates to "March 21 through April 10." The amendment motion carried 5-1 with **WATERMAN** opposed.

**Motion:** **WATERMAN** moved to "postpone this item to 3/17/14," and it was amended to change the date to 3/25/14. The motion, as amended, carried 4-2 with **WATERMAN** and **CAMPBELL** opposed.

*Clerk's Note: At the 3/25/15 meeting, the main motion to be considered will be:*

"Adopt Resolution 14-03-544 with the following approved amendments:

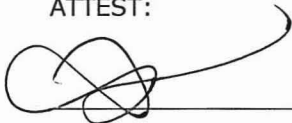
1. Delete "involving a photo contest" in the first paragraph,
2. Strike in the fourth paragraph the language "based on a desire to protect wildlife and cultural resources in those particular areas,"
3. Change the proposal's dates to "March 21 through April 10.
4. Only allow area 21 (striking areas 1 & 2) for the special ski event.

During further comments, **LAPP** and **CAMPBELL** spoke.

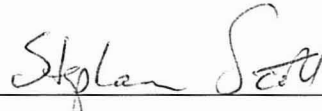
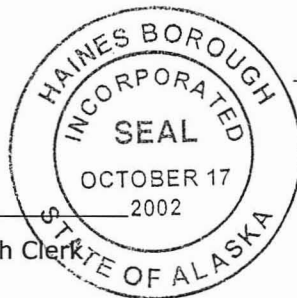
#### 16. ADJOURNMENT – 9:38pm

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

ATTEST:



Michelle Webb, Interim Borough Clerk



Stephanie Scott, Mayor