  
**Haines Borough**  
**Borough Assembly Meeting #266**  
**March 25, 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 Debra **SCHNABEL**, Dave **BERRY**, George **CAMPBELL**, Diana **LAPHAM**, and Joanne **WATERMAN**. Jerry Lapp was absent.

**Staff Present:** Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Carlos **JIMENEZ**/Director of Public Facilities, Darsie **CULBECK**/Executive Assistant, Tanya **CARLSON**/Tourism Director, Bill **MUSSER**/Police Chief, Phil **BENNER**/Harbormaster, Albert **GIDDINGS**/Community and Youth Development Director, and others.

**Visitors Present:** Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Don **TURNER** Jr., Karen **HESS**, Don **HESS**, Sean **GAFFNEY**, Bill **KURZ**, Libby **KURZ**, Kyle **GRAY**, Jon **HIRSCH**, Doug **OLERUD**, Scott **SUNDBERG**, Marlena **SAUPE**, Paul **NELSON**, Joe **ORDONEZ**, Chris **NAGY**, Jim **STUDLEY**, Steve **FOSSMAN**, and others.

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

The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve of Minutes
- 6B – Request from Alaska Arts Confluence
- 8B – Chilkat Center Advisory Board Report
- 8C – Library Director Report
- 9A – Library Board Minutes
- 9B – Riverview Road Maintenance Service Area Minutes
- 9C – Planning Commission Minutes
- 9D1 – Commerce Committee Report
- 11A2 – Adoption of Resolution 14-03-546
- 11B2 – Introduction of Ordinance 14-03-372
- 11C1 – Board Appointments
- 11C2 – Amend Previously Adopted Resolution 12-06-367
- 12A – Request for Letter of Support from Chilkat Indian Village
- 12B – Request for Letter of Support from Takshanuk Watershed Council
- 12C – Report from Southeast Conference

**Motion:** **WATERMAN** moved to approve the agenda and the consent agenda, with the following amendments. The the letter from Bureau of Land Management was added as item 12H. The request from Parks and Recreation Advisory Committee to to authorize manager to work with Alaska Division of Parks for Battery Point Markers was added as item 11A2a. The following items were removed from the consent agenda: 11C1 – Board Appointments, 12A – Request for Letter of Support from Chilkat Indian Village, 12B - Request for Letter of Support from Takshanuk Watershed Council, and item 4 – Approve of Minutes, and 11A2 – Adoption of Resolution 14-03-546. The motion, as amended, carried unanimously.

#### 4. APPROVAL OF MINUTES – 3/11/14 Regular Meeting

**Motion:** **BERRY** moved to "approve the minutes as amended to: list the topic of the speakers under public comments (items 5 and 14) and to have the minutes corrected to show that that E. Holle spoke against the resolution in item 11A6 and both D. and G. Hess spoke in favor of the resolution." The motion carried unanimously, as amended.

#### 5. PUBLIC COMMENTS

The following individuals spoke during public comments:

**TURNER** speaking on his own behalf, not as a member of the Ports and Harbor Advisory Committee, asked to have item 10B - the harbor dump trailer postponed.

The following people spoke against House Bill 368: **CARLSON, OLERUD, KURZ, D. HESS,** and **CULBECK.**

**SAUPE** spoke in favor of House Bill 368.

**K. HESS** stated she was attending the meeting to represent the Haines - Skagway Fast Ferry and would be happy to answer any questions and thanked the borough allowing them to operate at the dock. She also spoke in support the special ski event.

**NELSON** asked the assembly to consider a borough solid waste management plan.

**ORDONEZ** was in favor of the special ski event, but outlined the negative effects of opening currently closed commercial ski areas.

**GAFFNEY** supported the Jilkaat Kwaan Cultural Heritage Center project and the Fast Ferry.

**NAGY** spoke against opening special ski event areas.

**STUDLEY** was in support of the Jilkaat Kwaan Cultural Center project.

**SUNDBERG** was against House Bill 368 and in favor of special ski event. He stated that South East Alaska Backcountry Adventures (SEABA) has stopped business for the season. He announced that he would like to have a big ski event next year.

**FOSSMAN** was against the special ski event and the addition of ski areas.

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

**A. Additional Information from the APC (AP&T) Intervention**

**\*B. Request from Alaska Arts Confluence to Appoint Liaison**

#### 7. PUBLIC HEARINGS

**A. Ordinance 14-01-364** – Second 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 7:11pm. There were no public comments.

**Motion:** **BERRY** moved to "adopt Ordinance 14-01-364." The motion carried unanimously.

**B. Ordinance 14-03-371** - First Public Hearing

**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.**

Mayor **SCOTT** opened the public hearing at 7:13pm.

The following people spoke for the ordinance: **K. HESS, ORDONEZ, GAFFNEY**

Mayor **SCOTT** closed the public hearing at 7:20pm. There were no other public comments.

**Motion: LAPHAM** moved to "advance Ordinance 14-03-371 to a second public hearing on 4/8/14," and carried unanimously.

**Motion: CAMPBELL** moved to "have language proposed for the next meeting in the form of amendments to approve: 1.) the existing code definition of unique classic vehicle and 2.) a requirement that vehicles be specifically identified by number or letter, not by license plate." The motion carried unanimously.

**Motion: WATERMAN** moved to "request the administration consult the borough attorney review the removal of the requirement to have the borough listed as an additional in the auto insurance." The motion carried without dissent.

## **8. STAFF/FACILITY REPORTS**

**A. Interim Borough Manager – 3/25/14 Report**

\***B. Chilkat Center Advisory Board – Staff Report of February 2014**

\***C. Library Director – Staff Report of 2/18/2014**

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

\***A. Library Board – Minutes of 1/15/14 Meeting**

\***B. Riverview Road Maintenance Service Area – Minutes of 8/12/13 & 3/6/14 Meetings**

\***C. Planning Commission – Minutes of 2/13/14 Meeting**

**D. Assembly Standing Committee Reports**

\***1. Commerce Committee – Report of 3/11/14 Meeting**

## **10. UNFINISHED BUSINESS**

**A. Reconsideration of Resolution 14-03-544, as amended**

**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.**

*Clerk's Note: the main motion to be considered, as postponed at the 3/11/14 meeting was:*

"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.

**Motion:** Adopt Resolution 14-03-544, as amended (above). The motion failed 3-2 with **SCHNABEL** and **WATERMAN** opposed.

**B. 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.**

**Motion: WATERMAN** moved to "adopt Resolution 14-03-539. The motion failed 3-2 with **BERRY** and **CAMPBELL** opposed.

## **11. NEW BUSINESS**

### **A. Resolutions**

#### **1. Resolution 14-03-545**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a "preferential use agreement" with Haines-Skagway Fast Ferry, LLC for the 2014 summer tourism season.**

There was no public comment.

**Motion: BERRY** moved to "adopt Resolution 14-03-545," and the motion carried unanimously.

#### **2. Resolution 14-03-546**

**A Resolution of the Haines Borough Assembly authorizing \$15,000 matching funds to be given to Alaska State Parks to further the development of Battery Point Trail.**

**Motion: CAMPBELL** moved to "adopt Resolution 14-03-546" and the title was amended to "A Resolution of the Haines Borough Assembly offering \$15,000 in matching funds to the Alaska State Parks for use on the Battery Point Trail for materials and transportation of materials." It was also amended to replace the statement after "NOW THEREFORE BE IT RESOLVED" to read "that the Haines Borough Manager enter in a Memorandum of Understanding with Alaska State Parks for the described project of improvements to the Battery Point Trail for the 2014 season."

##### **a. Battery Point Trail Markers** (item added to agenda)

**Motion: LAPHAM** moved to "provide assistance to the State of Alaska Division of Parks and Outdoor Recreation as requested of March 12, 2014 letter." The motion carried unanimously.

### **B. Ordinances for Introduction**

#### **1. Ordinance 14-02-370**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 3 to remove Haines Senior Assisted Living Inc. Property from the list of community purpose exemptions because it has been determined to be a required exemption under HBC 3.70.030(A)(3).**

**Motion: BERRY** moved to "introduce Ordinance 14-02-370 and set a first public hearing on 4/8/14." The motion carried unanimously.

#### **\* 2. Ordinance 14-03-372**

**An Ordinance of the Haines Borough amending Borough Code Title 3 section 3.60.080 to update the Borough Manager's purchasing authorization limits.**

*The motion adopted by approval of the consent agenda: "introduce Ordinance 14-03-372 and set a first public hearing for 4/8/14."*

### **C. Other New Business**

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

**Motion:** **SCHNABEL** moved to "confirm the mayor's appointment of Scott Visscher to the Riverview Road Maintenance Service Area Board for a term ending 11/2016." The motion carried to 4-1 with **CAMPBELL** opposed.

**\*2. Amend a Previously Adopted Resolution - 12-06-367**  
**(Comerford Lease)**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to the Estate of Richard M. Comerford Thomas and Dena Selby.**

*The motion adopted by approval of the consent agenda: "amend Resolution 12-06-367 as proposed by the interim manager to reflect current property ownership."*

**3. Adoption of Findings of Fact and Conclusions of Law**

**Motion:** **BERRY** moved to "adopt the Findings of Fact and Conclusions of Law as drafted by the borough attorney for the Big Salmon Ventures heliport Conditional Use Permit" and it was amended to:

- Direct the attorney to include in the findings of fact #3, the language from general use district code definition and correct statement to say 'general use planning/zoning district'.
- Correct the numbering in the findings of fact as there was no number 8 or 9 in the listing.
- Add an item number item 10 in the findings of fact which would indicate that the material in the record shows there were decibels measured on and off the Property and on adjoin properties.
- Clarify in number 14 in the findings of fact that the appeal was of planning commission to deny the timely filed conditional use permit application.

**Motion:** **WATERMAN** moved to "send these amendments and corrections to the borough attorney, and recess at the end of meeting till Friday evening." The motion carried unanimously.

**12. CORRESPONDENCE/REQUESTS 36:17**

**A. Request for Letter of Support - Chilkat Indian Village**

**Motion:** **WATERMAN** moved to "authorize Mayor Scott to send a letter of support to the Chilkat Indian Village Jilkaat Kwaan Cultural Heritage Center Project." The motion carried unanimously.

**B. Request for Letter of Support - Takshanuk Watershed Council**

**Motion:** **BERRY** moved to "authorize Mayor Scott to complete and send a letter of support for the Takshanuk Watershed Council grant request to the Department of Agriculture." The motion carried 4-1 with **CAMPBELL** opposed.

**Motion:** **WATERMAN** moved to "continue the meeting past 9:30pm to the end of the agenda items." The motion carried with no dissent.

**\*C. Report from Assembly Member Schnabel from Southeast Conference**

**D. Request for Comment - Department of Natural Resources regarding Five Year Forest Management Plan**

**Motion:** **SCHNABEL** moved to "the Haines Borough advance the recommendation of the Parks and Recreation Advisory Committee to Division of National Resources for consideration." The motion carried unanimously.

**E. Request for Funding – Southeast Senior Services**

*Clerk note: This was on the agenda for information purposes and no action was taken.*

**F. Request for Letter of Support – Public Input (HB 77)**

**Motion:** **SCHNABEL** moved to "authorize Mayor Scott to send a letter of support from the Haines Borough assembly for House Bill 77." Initially the motion carried 4-1, but the vote was successfully reconsidered. In the final vote, the motion failed 3-2 with **BERRY** and **WATERMAN** opposed.

**G. Request for Comment - Reciprocal Fishing License (HB 368)**

**Motion:** **CAMPBELL** moved to "send Representative Jonathan Kreiss-Tomkins a letter of thanks and appreciation for his attention and request that he withdraw House Bill 368." The motion carried unanimously.

**H. BLM letter draft** (item added to agenda)

**Motion:** **WATERMAN** move to "approve the letter as drafted by Mayor Scott and have it sent to Mr. Bittner and the borough lobbyist." The motion carried unanimously

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**13. SET MEETING DATES**

**A. Joint Planning Commission and Borough Assembly Meeting – May 7<sup>th</sup>,**  
time to be set later.

**B. Budget Committee-of-the-Whole Dates** as proposed in the document distributed at the meeting. The budget will be looked at fund by fund.

**Motion:** **BERRY** to approve the timeline for budget work as proposed (introduced). The motion carried unanimously.

**C. Commerce Committee– April 22<sup>nd</sup>, 5pm.**

**14. PUBLIC COMMENTS**

**NELSON** thanked the assembly all for the hard work.

**CULBECK** thanked Public Works for set up and asked for help cleaning up.

**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

During assembly comments **SCHNABEL, LAPHAM, BERRY, WATERMAN** and **CAMPBELL** spoke.

**Motion:** **WATERMAN** moved to "recess until Friday at 5:30pm, the only topic being the findings of fact," and the motion carried unanimously.

*The meeting recessed at 9:57pm.*

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**Haines Borough  
Borough Assembly Meeting #266, continued  
On March 28, 2014**

**ROLL CALL**



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

**Staff Present:** Michelle **WEBB**/Interim Clerk

**Visitors Present:** Nicholas **SZATKOWSKI**

**11C3. Adoption of Findings of Fact and Conclusions of Law**, continued

*The motion on the table was read.*

**Motion:** "adopt the Findings of Fact and Conclusions of Law as drafted by the borough attorney for the Big Salmon Ventures heliport Conditional Use Permit with the following corrections and amendments:

- Direct the attorney to include in the findings of fact #3, the language from general use district code definition and correct statement to say 'general use planning/zoning district'.
- Correct the numbering in the findings of fact as there was no number 8 or 9 in the listing.
- Add an item number item 10 in the findings of fact which would indicate that the material in the record shows there were decibels measured on and off the Property and on adjoin properties.
- Clarify in number 14 in the findings of fact that the appeal was of planning commission to deny the timely filed conditional use permit application.

Furthermore, there was a motion to postpone this item until March 28<sup>th</sup>, 2014 and the meeting was recessed.

The following additional amendments and corrections were added:

- To replace the current #8 and #9 in the Findings of Fact into a new #8 reading: "Material in the record shows in some conditions for the decibel level associated with the use of the portion of Property proposed for use for a helipad to be measured at 62 decibels at one or more points at property approximately 1100 to 1600 feet from the helipad site." and renumber the subsequent items.
- Define the duration of use as the date of approval through March 31, 2015 in the Conclusions of Law, number 12, section e, sub section 3.
- Strike the language "high impact" in #3 of the Conclusions of Law to say "but a conditional use permit is required for: landfills, commercial power plants, cemeteries, heliports, and hazardous materials storage facilities. HBC 18.70.030 (D) (5)."

The following primary motions failed:

- Change number #3 in the conclusion of law to change the words from "high impact" to "specific uses". The motion failed unanimously.
- Change the duration of the period of use to commence at the signing of this document and end on February, 28<sup>th</sup>, 2015. The motion died from a lack of second.
- Change the duration of the period of use to commence at the signing of this document and end on February, 27<sup>th</sup>, 2015. The motion died from a lack of second.

**Motion: WATERMAN** moved that this document be sent back to the borough attorney for review. The motion carried unanimously.

**Motion: BERRY** move to table this item till the next borough assembly meeting on April 8<sup>th</sup>, 2014. The motion carried unanimously.

**Motion: SCHNABEL** moved "that the Haines Borough Manager be directed to design, describe, and conduct the implementation of a test of the impact of heliskiing operations at 26 mile heliport, which is conditionally approved for use in the 2015 season."

**Motion: CAMPBELL** moved to postpone this motion to directly follow the Findings of Fact and Conclusion of Law at the April 8<sup>th</sup>, 2014 assembly meeting. The motion carried 4-2 with **WATERMAN** and **BERRY** opposed.

**14. PUBLIC COMMENTS**

**SZATKOWSKI** stated that he felt the conditional use permit did not met the requirements of law.

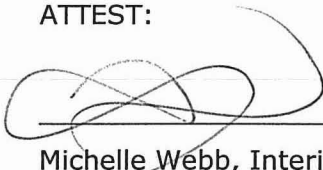
**15. ANNOUNCEMENTS/ASSEMBLY COMMENTS**

During assembly comments **BERRY** and **SCHNABEL** spoke.

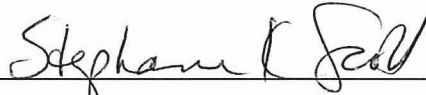
**16. ADJOURNMENT - 6:28pm**

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

ATTEST:



Michelle Webb, Interim Borough Clerk

  
Stephanie Scott, Mayor