

Haines Borough
Borough Assembly Meeting #287
AGENDA

March 10, 2015 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Jan Hill,
Mayor

Dave Berry Jr.,
Assembly Member

Diana Lapham,
Assembly Member

Mike Case
Assembly Member

Joanne Waterman,
Assembly Member

George Campbell,
Assembly Member

Ron Jackson,
Assembly Member

David Sosa, MPA
Borough Manager

Julie Cozzi, MMC
Borough Clerk

Krista Kielsmeier
Deputy Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF AGENDA & CONSENT AGENDA

[The following Consent Agenda items are indicated by an asterisk () and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Reports
- 8C – Fire Department Report
- 8D – Library Report
- 9A – Harbor Committee Minutes
- 9B – Library Board Minutes
- 9C – KVVFD Board Annual Report
- 9D – Riverview Drive RMSA Board Annual Report & Minutes
- 9E – Letnikof Estates RMSA Board Annual Report & Minutes
- 11B1 – Ordinance 15-03-402

*** 4. APPROVAL OF MINUTES – 2/24/15 Regular**

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

6. MAYOR'S COMMENTS/REPORT

- A. Proclamation – Operation Clean Sweep, May 1-2, 2015**
- B. BLM Field Manager for Haines, Dennis Teitzel (introduction)**

7. PUBLIC HEARINGS

A. Appeal of a Nuisance Abatement Order – Paul A.L. Nelson

On February 10, 2015, the borough manager issued a supplemental order related to the 2014 nuisance abatement order that had been issued to Paul Nelson concerning his property in Skyline Estates Subdivision. As is his right under HBC 8.12.130, he submitted an appeal of that order and it was determined to be timely-filed. On 2/24, the clerk gave the appeal to the assembly and with the assembly's direction the clerk scheduled this date, time, and place for the hearing.

As is typical for an appeal hearing, it will begin with presentations by Mr. Nelson and the staff, and then proceed with any public comment since this is a public hearing. Following the hearing, the assembly may, in whole or part, reverse, affirm, or modify the appealed abatement order (fines). Written findings formalizing the reasons for the assembly's decision will be drafted for assembly approval by resolution at the next meeting.

B. Ordinance 15-02-400 – Second Hearing

An Ordinance of the Haines Borough authorizing a five-year extension of a lease of an upstairs portion of the Public Safety Building by the State of Alaska for the purpose of providing services through the Department of Fish and Game, with the option to renew for five additional one-year periods.

*This ordinance is recommended by the borough manager. It was introduced on 2/10/15 and had a first hearing 2/24/15. **Motion:** Adopt Ordinance 15-02-400.*

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

C. **Ordinance 15-02-401** – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 3, Chapter 70, Section 40 to establish a procedure for community purpose exemptions.

*This ordinance is recommended by the borough manager and was introduced on 2/24/15. **Motion:** Advance Ordinance 15-02-401 to a second public hearing on 3/24/15.*

8. **STAFF/FACILITY REPORTS**

A. **Borough Manager** – 3/10/15 Report

* B. **Chilkat Center** – Report of February 2015 and Revised Report of January 2015

* C. **Fire Department** – Report of February 2015

* D. **Public Library** – Report of January 2015

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

* A. **Port and Harbor Advisory Committee** – Minutes of 1/26/15

* B. **Library Advisory Board** – Minutes of 1/21/15

* C. **KVVFD Board** – Annual Report

* D. **Riverview Drive RMSA Board** – Annual Report and Minutes of 2/18/15

* E. **Letnikof Estates RMSA Board** – Annual Report and Minutes of 10/13/14

F. **Assembly Standing Committee Reports**

10. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS**

A. **Resolutions** - None

B. **Ordinances for Introduction**

* 1. **Ordinance 15-03-402**

An Ordinance of the Haines Borough amending Haines Borough Code Title 3 Subsection 3.80.090 to modify the threshold for eligibility for quarterly sales tax filing.

*This ordinance is recommended by the borough manager. **Motion:** Introduce Ordinance 15-03-402 and set a first public hearing for 3/24/15.*

C. **Other New Business** - None

12. **CORRESPONDENCE/REQUESTS**

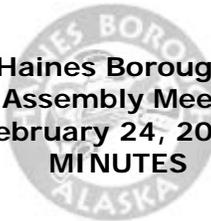
13. **SET MEETING DATES**

A. **Budget C.O.W. Meeting Schedule**

14. **PUBLIC COMMENTS**

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

16. **ADJOURNMENT**


Haines Borough
Borough Assembly Meeting #286
February 24, 2015
MINUTES

Draft

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 Diana **LAPHAM**, Joanne **WATERMAN**, Ron **JACKSON**, Mike **CASE**, Dave **BERRY, Jr.**, and George **CAMPBELL**.

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Bill **MUSSER**/Chief of Police, Jila **STUART**/Finance Director, Bill **MANDEVILLE**/Community & Economic Development Director, Phil **BENNER**/Harbormaster, and Helen **ALTEN**/Museum Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAU**/KHNS, Jack **WENNER**, Mike **DENKER**, Vija **PELEKIS**, Kathryn **CHENEY**, Alissa **HENRY**, Thom **ELY**, Melissa **ARONSON**, Paul **NELSON**, Dean **LARI**, David **KAMMERER**, Emily **MCMAHAN**, Jessica **EDWARDS**, Debra **SCHNABEL**, and others.

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

The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Fire Department Report
- 9A – Planning Commission Minutes
- 11A1 – Resolution 15-02-613
- 11A2 – Resolution 15-02-614
- 11A3 – Resolution 15-02-615
- 11B1 – Ordinance 15-02-401
- 11C1 – Nelson Abatement Appeal

Motion: **CASE** moved to “approve the agenda/consent agenda,” and it was amended to remove items 11A3 and 11B1 from the Consent Agenda. The motion to approve the agenda, as amended, carried unanimously.

*4. **APPROVAL OF MINUTES** – 2/10/15 Regular and 2/11/15 Special (Joint with School Board)

5. **PUBLIC COMMENTS**

EDWARDS – Concerned about community purpose exemption ordinance

LARI – Encouraged a community process about cannabis

ELY – Fund school rather than studies

ARONSEN – Agreed with Edwards and Ely

NELSON – Agreed with Edwards, Lari, and Ely

KAMMERER – Supports third-party police department study

6. **MAYOR’S COMMENTS/REPORT**

Mayor **HILL** summarized the Alaska Municipal League Legislative Conference in Juneau she recently attended. Former Representative Bill Thomas was there and made a special point to introduce her to various key legislators. That was very helpful. Governor Bill Walker hosted a reception at the Governor’s Mansion and was a speaker at the conference as well as Senator Lisa Murkowski. The governor apologized to her for not being able to attend the Lutak Dock Summit, and he promised to come to Haines. He seems to have an understanding of the importance of this project. Regarding the marijuana issue, she has a lot of information she is happy to share. The message communicated at the conference was for municipalities to not be in a big hurry to get things done as far as regulations, etc. The state expects theirs to be a two-year process.

SCHNABEL, representing Chamber of Commerce, announced preliminary plans for a community clean-up campaign scheduled for May 1-2.

7. PUBLIC HEARINGS

A. Ordinance 14-12-395 – Second Hearing

An Ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY15 budget.

Mayor **HILL** opened the public hearing at 6:58 p.m.

SCHNABEL – concerns about harbor parking lot and boat storage, as well as the police department study.

FRIEDENAUR – supports and uses the boat storage.

ELY – heliport company with the conditional use permit should split cost of noise study.

Hearing no further comments, the mayor closed the public hearing at 7:07 p.m.

Motion: **WATERMAN** moved to “adopt Ordinance 14-12-395,” and it was ultimately amended to add the police department study and the noise study as outlined in the 1/19/15 memorandum from the finance director.

Amendment Motions:

Primary Amendment: **CAMPBELL** moved to “add an appropriation of \$21,875 to fund a police department study.”

Secondary Amendment: **BERRY** moved to “add an appropriation of \$42,000 to fund a noise study,” and the motion carried 4-3 with **CASE**, **WATERMAN**, and **JACKSON** opposed and the mayor breaking the tie in the affirmative.

The primary amendment, as amended, carried 5-1 with **JACKSON** opposed.

The main motion, as amended, carried 5-1 in a roll call vote with **JACKSON** opposed.

B. Ordinance 15-01-396 – Second Hearing

An Ordinance of the Haines Borough authorizing a one-year extension of a lease of the Human Resources Building by Chilkat Valley Preschool for the purpose of providing preschool educational services.

Mayor **HILL** opened the public hearing at 7:41 p.m.

MCMAHAN and **PELEKIS** spoke in support.

Hearing no further comments, the mayor closed the public hearing at 7:45 p.m.

Motion: **WATERMAN** moved to “adopt Ordinance 15-01-396,” and the motion carried unanimously in a roll call vote.

C. Ordinance 15-01-397 – Second Hearing

An Ordinance of the Haines Borough determining whether a foreclosed property deeded to the borough shall be retained for a public purpose or sold.

Mayor **HILL** opened and closed the public hearing at 7:53 p.m.; there were no public comments.

Motion: **WATERMAN** moved to “adopt Ordinance 15-01-397,” and the motion carried unanimously in a roll call vote.

D. Ordinance 15-01-398 – Second Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

Mayor **HILL** opened and closed the public hearing at 7:56 p.m.; there were no public comments.

Motion: **BERRY** moved to “refer Ordinance 15-01-398 to the Government Affairs & Services Committee,” and the motion carried unanimously.

E. Ordinance 15-01-399 – Second Hearing

An Ordinance of the Haines Borough adopting a new water-sewer rate schedule to set rates, fees and charges for water and sewer services.

Mayor **HILL** opened and closed the public hearing at 7:59 p.m.; there were no public comments.

Motion: **WATERMAN** moved to “adopt Ordinance 15-01-399,” and the motion carried unanimously in a roll call vote.

BERRY had to leave and was excused from the remainder of the meeting.

F. **Ordinance 15-02-400** – First Hearing

An Ordinance of the Haines Borough authorizing a five-year extension of a lease of an upstairs portion of the Public Safety Building by the State of Alaska for the purpose of providing services through the Department of Fish and Game, with the option to renew for five additional one-year periods.

Mayor **HILL** opened the public hearing at 8:18 p.m.

SCHNABEL – Suggested shorter duration lease and also keeping in mind private property owners who also lease property.

Hearing no further comments, the mayor closed the hearing at 8:20 p.m.

Motion: **LAPHAM** moved to “advance Ordinance 15-02-400 to a second public hearing on 3/10/15,” and the motion carried 5-1 with **CAMPBELL** opposed.

Primary Amendment: **CAMPBELL** moved to “change it from a five-year to a two-year lease,” and the motion **failed** 3-2 with **JACKSON** and **LAPHAM** opposed.

8. STAFF/FACILITY REPORTS

A. **Borough Manager – 2/24/15 Report**

SOSA summarized his written report.

* B. **Fire Department – Report of January 2015**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* A. **Planning Commission – Minutes of 1/15/2015**

B. **Assembly Standing Committee Reports**

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. **Resolutions**

* 1. **Resolution 15-02-613**

A Resolution of the Haines Borough Assembly authorizing the filing of a lawsuit for the foreclosure of municipal real property tax liens.

The motion adopted by approval of the consent agenda: “adopt Resolution 15-02-613.”

* 2. **Resolution 15-02-614**

A Resolution of the Haines Borough Assembly approving certain unincorporated communities and their respective nonprofit entity for participation in the FY16 Community Revenue Sharing Program.

The motion adopted by approval of the consent agenda: “adopt Resolution 15-02-614.”

3. **Resolution 15-02-615**

A Resolution of the Haines Borough Assembly authorizing the borough manager to enter into a contract with Mead & Hunt to conduct a noise study for an amount not to exceed \$41,300.

Motion: **CAMPBELL** moved to “adopt Resolution 15-02-615,” and the motion carried 4-1 in a roll call vote with **JACKSON** opposed.

B. **Ordinances for Introduction**

1. **Ordinance 15-02-401**

An Ordinance of the Haines Borough amending Haines Borough Code Title 3, Chapter 70, Section 40 to establish a procedure for community purpose exemptions.

Motion: **WATERMAN** moved to “introduce Ordinance 15-02-401 and schedule a first public hearing for 3/10/15,” and the motion carried unanimously.

C. **Other New Business**

* 1. **Appeal of a Supplemental Nuisance Abatement Order**

Note: the borough issued a supplemental Title 8 abatement order to Paul Nelson. He appealed in writing, and the clerk determined it to be filed timely. Per 8.12.130, the clerk presented the

appeal to the assembly and, with the assembly's direction, the clerk could schedule the appeal hearing. There was no other action to be taken.

The motion adopted by approval of the consent agenda: "accept the appeal as timely-filed and direct the borough clerk to schedule a date, time, and place for the hearing by the assembly, such date to be no later than April 13 (60 days from date of appeal)."

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

No meetings were scheduled. The mayor will discuss a date for a Government Affairs & Services Committee meeting with **BERRY**, the chair.

14. PUBLIC COMMENTS

HENRY – Appreciates preschool lease renewal. The board is working hard.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

CASE – iPad use and need for access to more documents during meetings.

JACKSON – Marijuana: encourages local conversation and education.

CAMPBELL – Utilization of funded studies, and effects of harbor expansion plans on Lookout Park.

16. ADJOURNMENT – 9:00 p.m.

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 14-473

Assembly Meeting Date: 3/10/15

Business Item Description:		Attachments:
Subject: Nelson Nuisance Abatement Order - Supplemental		1. Mr. Nelson's Appeal Letter with Attachments 2. HBC Chapters 8.12.080,130 3. 3/3/15 Memo from the Manager to the Assembly 4. Communication Borough TO Nelson Since 2014 Assembly Decision 5. 2014 Assembly Decision, Written Findings (Res. 569) 6. Written Comments Submitted for Packet
Originator: Borough Clerk		
Originating Department: Administration		
Date Submitted: 2/25/2015; Originally 5/14/14		

Full Title/Motion:
Following the hearing, the assembly may, in whole or part, reverse, affirm, or modify the appealed supplemental abatement order (the fines).

Administrative Recommendation:
The borough manager recommends you uphold the borough's abatement order in this matter.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$	\$	n/a

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: Consistent: Yes No

Summary Statement:
On February 10, 2015, the borough manager issued a supplemental order related to the 2014 nuisance abatement order that had been issued to Paul Nelson concerning his property in Skyline Estates Subdivision. This supplemental order consisted of additional fines totaling \$1,200 because the site was not cleaned up by the assembly-imposed deadline. The clean-up exceeded that deadline by a full four days, and the manager assessed \$300 per day. Mr. Nelson does not believe he should have been fined, he has appealed to the assembly.

As is typical for an appeal hearing, it will begin with presentations by Mr. Nelson and the staff, and then proceed with any public testimony since this is a public hearing. Following the hearing, the assembly may, in whole or part, reverse, affirm, or modify the appealed abatement order. Written findings that formalize the reasons for the assembly's decision will be drafted for assembly approval by resolution at the next meeting.

Referral:
Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:
Meeting Date(s): 6/10/14, 6/24/14, 2/24/15, 3/10/15 Public Hearing Date(s): 6/10/14, 3/10/15
Postponed to Date:

Paul A. L. Nelson
P. O. Box 858
Haines, Alaska 99827
907-303-0130

Haines Borough
P. O. Box 1209
Haines, Alaska 99827

RECEIVED
FEB 12 2015
HAINES BOROUGH

February 12, 2015

Attention: Mayor Hill and Assembly Members

RE: Appeal of fine amount at 78 Skyline Drive.

Dear Mayor Hill and Assembly Members,

I am writing to you to request an appeal of the amount of the fine that I have been assessed by the Haines Borough Planning and Zoning Technician, and the Borough Manager.

Please consider the following facts regarding the amount of the penalty that the Haines Borough Assembly levied against me for the use of recycled glass as fill material:

1. The Haines Borough Assembly, hereafter Assembly, considered the use of recycled glass as fill on my private property at the June 10, 2014, Assembly meeting. The Assembly found that I should not use recycled glass as fill and that I would be fined \$300.00 (three hundred dollars) for littering.

Assemblyman George Campbell asked Manager Sosa what was the maximum amount I could be fined for the use of recycled glass as fill? Manager Sosa stated on the record, the maximum fine was \$300.00 (three hundred dollars).

Also at the June 10, 2014, Assembly meeting, Assemblyman George Campbell asked Manager Sosa what the Manager would do if I did not complete the cleanup and removal of the recycled glass within the time set by the Assembly. Manager Sosa stated on the record that he would hire a contractor to remove the recycled glass.

2. I complied with the Assembly order to cap the recycled glass inside the foundation and removed the recycled glass outside the foundation as quickly as possible. No contractor was hired to remove the recycled glass.
3. On June 25, 2014, I received a letter from the Haines Borough, signed by Tracy Cui (attached) which states, in part;

".....determines that you are in violation of the instructions and should be assessed an additional fine of \$300.00/day, per Haines Borough Code 1.24.010....."

4. The Haines Borough determination (by Tracy Cui) that I should be assessed an additional fine of \$300.00/day per Haines Borough Code 1.24.010 is incorrect, because, Haines Borough Code 1.24.010 states, in part:

".....may be punished by a fine of not more than \$300.00."

5. I paid the \$300.00 maximum fine on July 30, 2014, with my personal check #1020. (copy attached) The Haines Borough accepted my personal check #1020, clearly marked;

"PAID IN FULL! FINE @ 78 SKYLINE DR."

By accepting and cashing my personal check #1020, the Haines Borough has been paid in full for the June 10, 2014, Assembly determination of a littering violation fine.

Please consider my appeal of the \$1200.00 fine. The \$1200.00 fine is not in compliance with Haines Borough Code and the Haines Borough has accepted payment in full for the correct fine amount.

Sincerely,



Paul A. L. Nelson



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

June 25, 2014

Paul Nelson
PO Box 858
Haines, AK 99827

via Hand Delivery

Re: Solid Waste Disposal on Private Property
C-SKY-0B-1700; Lot 17, Block B, Skyline Estates Subdivision

Dear Mr. Nelson:

During the Assembly meeting you were informed that litter and rubbish within the foundation must be capped and that litter and rubbish outside the foundation must be removed no later than 11:59.59 on 21 June 2014.

On Friday 20 June, Saturday 21 June, and on Sunday 22 June the Borough staff inspected your property to insure that progress was being made in meeting the instructions that the Assembly set forth on 10 June. While out doing investigation, we found you have made progress on cleaning the site but did not complete the task in the required time period. There was still broken glass and litter adjacent to the area where dirt/gravel had been laid down. Based on the inspections, the Borough determines that you are in violation of the instructions and should be assessed an additional fine of \$300.00/day, per Haines Borough Code 1.24.010. This fine shall be assessed on a daily basis until such time as the site passes inspection.

Since it has been four days after the deadline that set forth at the Assembly meeting, you are being assessed a \$1,200 penalty fee so far. This needs your immediate attention. The penalty will continue to accrue \$300/day until the site is completely cleaned.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cui".

Tracy Cui
Planning & Zoning Technician

PAUL A. L. NELSON
PH. 907-303-0130
P.O. BOX 858
HAINES, AK 99827

1020
89-601252

7/28/14
DATE

PAY TO THE ORDER OF HAINES BOROUGH \$300⁰⁰/₁₀₀

Three Hundred and ⁰⁰/₁₀₀ DOLLARS

PAID IN FULL! NO FURTHER CLEANUP
REQUIRED!

Northrim Bank
FOR FINE@78.SKYLINER, PAUL A. L. NELSON

⑆ 125200934⑆ 7102126476⑆ 01020

ENCLOSURE
125200934 7102126476 01020

>125200060<
FNBA Alaska
2014-08-04
9904724802



8.12.080 Service of notice.

A. The abatement notice and order issued under HBC [8.12.070](#) and any amended or supplemental notice and order shall be posted on and served upon the record owner of the property affected by the public nuisance. A copy thereof shall also be served on each of the following if reasonably ascertainable to the abatement official or readily available from official public records:

1. The holder of any mortgage, deed of trust, lien, or other encumbrance of record;
2. The lessor or holder of any lease of record;
3. The owner of any other estate or legal interest of record in or to the property affected with the public nuisance;
4. The person in possession of the property.

B. The failure of the abatement official to serve any person required to be served under subsection (A) of this section shall not invalidate any proceedings herein as to any other person duly served or relieve such person from any duty or obligation imposed by the provisions of this chapter.

8.12.130 Appeal to assembly.

A. A person entitled to service under HBC [8.12.080](#) may appeal a notice and order or an action of the abatement official concerning abatement of a public nuisance, by filing at the office of the clerk, within 15 days from the date of service of such order, a written appeal to the assembly.

B. Upon receipt of an appeal filed pursuant to this section, the clerk shall present it at the next regular or special meeting of the assembly.

C. Within five days of the assembly meeting referred to in subsection (B) of this section, and as directed by the assembly, the clerk shall fix a date, time, and place for the hearing by the assembly, or shall notify the appellant that the appeal has been rejected for lack of timeliness. Such hearing date shall not be less than 10 days or more than 60 days from the date the appeal was filed with the clerk. Written notice of the time and place of the hearing and the issue(s) to be heard shall be given at least 10 days prior to the date of the hearing to each appellant by the clerk either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal. If applicable, the notice shall state that the appeal was not filed in a timely manner and require that the appellant show good cause for the late filing before proceeding on the merits of the appeal.



NELSON APPEAL MEMORANDUM

DATE: March 3, 2015
TO: Mayor and Borough Assembly
FROM: David B. Sosa, Borough Manager

Mr. Paul Nelson is appealing an enforcement order issued by the Borough Manager for his failure to comply with an abatement order to remove litter from his property by midnight June 21, 2014, as issued by the Borough Assembly on June 10, 2014.

The Borough Manager or his designee conducted daily site inspections and did not find compliance until after June 25, a full four days after the assembly-imposed deadline. Specifically, daily inspections by the Borough Manager or his designee were conducted from June 11 through June 26. Mr. Nelson failed each property inspection until the inspection on the 26th when it was determined the clean-up had finally taken place.

HBC 8.12.140 specifies enforcement requirements for an abatement order and notes that "...a person to whom such order is directed shall be subject to punishment in accordance with HBC 1.24.010." HBC 8.12.140 further notes that failure to obey the order can result in prosecution, appropriate actions to abate, or both.

As a result of Mr. Nelson's failure to obey the abatement order on four separate inspection occasions, the Borough Manager levied fines of \$300.00 for each occurrence in accordance with HBC 8.12.140 (A). It should be noted that the Borough Manager could have also sought prosecution and other abatement activity in accordance with the provisions of HBC 8.12.140 (B)(1) (2) and (3) but the Borough Manager demonstrated leniency by merely issuing fines.

Mr. Nelson was formally notified of his requirement to pay these fines two separate times via certified mail. Copies of these notices are included with the appeal record in the packet. Mr. Nelson received an additional notification after he requested to renew a building permit for this same property and was informed that a permit would not be issued until the fines were paid. This notice is also available in the packet. In an effort to allow construction to continue, Mr. Nelson and the Borough Manager agreed that Mr. Nelson would pay the fines under protest, he would receive a permit, and that, should the Assembly rule in Mr. Nelson's favor, the monies would be returned to Mr. Nelson.

The Manager recommends that the full amount of levied fines be upheld.

Relevant Section of Haines Borough Code:

8.12.140 Enforcement

A. Generally. After an order of the abatement official or assembly becomes final, a person to whom such order is directed who fails, neglects, or refuses to obey such order shall be subject to punishment in accordance with HBC 1.24.010

B. Failure to obey order. If, after any order of the abatement officer or assembly has become final, any person to whom such order is directed fails, neglects, or refuses to obey such order, the abatement official may:

1. Cause such a person to be prosecuted under subsection (A) of this section;
2. Institute any appropriate action to abate such public nuisance; or
3. Take both of the actions specified in subsections (B) (1) and (2) of this section

Respectfully,

D.B. Sosa

David B. Sosa
Borough Manager
Haines, Alaska



HAINES BOROUGH
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 29
907-766-2716 (fax)

February 10, 2015

Paul Nelson
PO Box 858
Haines, AK 99827

Re: Land Use Permit Application
C-SKY-0B-1700; Lot 17, Block B, Skyline Subdivision

Dear Mr. Nelson:

I reviewed your letter dated 01/28/2015, involving a penalty fee of \$1,200 and the extension of your land use permit application. I have discussed with staff, and determined to concur with the letter from the Planning and Zoning Technician Tracy Cui dated 01/09/2015, with the following reasons:

- On 06/10/2014 Assembly meeting, the Assembly took actions to modify the nuisance abatement order and they issued to you: (1)The incorrectly processed glass may remain inside the foundation provided it is capped within 10 business days of the hearing date (06/21/2014, midnight); and (2)The fill outside of the foundation must be removed within 10 business days of the hearing date (06/21/2014, midnight); and (3)Pay a fine of \$300 for depositing improper fill onto private property.
- On 06/20/2014, 06/21/2014 and 06/22/2014, the Borough staff inspected your property to insure that progress was being made in meeting the instructions that the Assembly set forth on 06/10/2014. While out doing investigation, staff found you made progress on cleaning the site but did not complete the task in the required time period. There was still broken glass and litter adjacent to the area where dirt/gravel had been laid down. Based on the inspections, the Borough determined that you were in violation of the instructions and should be assessed an additional fine of \$300.00/day, per Haines Borough Code 1.24.010. This fine shall be assessed on a daily basis until such time as the site passes inspection.
- On 06/26/2014, the Public Facilities Director, Carlos Jimenez, inspected your property on Skyline Drive. Mr. Jimenez concluded the areas he had previously expressed concerns about had been addressed and properly cleaned up. Mr. Jimenez did not inspect any areas underground, and no test holes were dug. The Borough at that point was satisfied with the clean-up and approved your capping the material. On 06/27/2014, the Borough ceased the fines for that particular abatement order.

- It was five days after the deadline when you completely finished cleaning the site, so you were being assessed a \$1,500 penalty fee. (\$300/day)
- On 07/29/2014, you submitted a penalty fee of \$300 to the Borough.
- As of today, the remaining balance is \$1,200.

Therefore, please comply with the letter sent to you on 01/09/2015 requiring a penalty fee of \$1,200. Upon the submittal of the payment, the Borough will continue processing your permit application. This is the manager's final decision. You have the right to appeal this decision to the Assembly and, to do so, a written appeal must be submitted to the Borough clerk within 10 days of the date of this letter.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Sosa", written in a cursive style.

David Sosa
Borough Manager



HAINES BOROUGH
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 29
907-766-2716 (fax)

January 9, 2015

Paul Nelson
PO Box 858
Haines, AK 99827

Re: Land Use Permit Application
C-SKY-0B-1700; Lot 17, Block B, Skyline Subdivision

Dear Mr. Nelson:

Thank you for submitting the land use permit application to continue constructing your 30' by 40' single family residence on the above-listed property. In reviewing your application, staff noticed that there is a penalty fee of \$1,200 that has not been paid yet. (See details in attached letter dated July 31, 2014) Upon the submittal of the remaining balance, the Borough will continue processing your permit application.

Please contact the Borough if you have any questions. Thank you for your attention on this matter.

Respectfully,

A handwritten signature in cursive script that reads "Tracy Cui".

Tracy Cui
Planning & Zoning Technician III



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

July 31, 2014

Paul Nelson
PO Box 858
Haines, AK 99827

via Certified Mail & Email

Email: paul.bigfoot@gmail.com

Re: Solid Waste Disposal on Private Property
C-SKY-0B-1700; Lot 17, Block B, Skyline Estates Subdivision

Dear Mr. Nelson:

Thank you for submitting a penalty fee of \$300 to the Borough on July 29. As of today, it appears the penalty fees have not been paid in full. On the June 10, 2014's Assembly meeting, the Assembly took action to modify the nuisance abatement order and they issued it to you, as following:

1. The incorrectly processed glass may remain inside the foundation provided it is capped within 10 business days of the hearing date (June 21, 2014, midnight);
2. The fill outside of the foundation must be removed within 10 business days of the hearing date (June 21, 2014, midnight); and
3. Mr. Nelson must pay a fine of \$300 for depositing improper fill onto private property.

Additionally, according to the notice sent to you on June 25, you were assessed additional penalty fee of \$1,200 for not cleaning the site completely in the required time period. Therefore, the total amount of penalty fees is \$1,500.

Your remaining balance on this matter is \$1,200. This needs your immediate attention. Please pay the remaining balance of \$1,200 by **August 14, 2014.**

If you have any questions, please contact the Borough.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cui".

Tracy Cui
Planning & Zoning Technician



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

July 31, 2014

Paul Nelson
PO Box 858
Haines, AK 99827

via Certified Mail & Email

Email: paul.bigfoot@gmail.com

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If you have any questions, please contact the Borough.

Sincerely,

Tracy Cui
Planning & Zoning Technician



HAINES BOROUGH
Planning & Zoning
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 23
907-766-2716 (fax)

June 25, 2014

Paul Nelson
PO Box 858
Haines, AK 99827

via Hand Delivery

Re: Solid Waste Disposal on Private Property
C-SKY-0B-1700; Lot 17, Block B, Skyline Estates Subdivision

Dear Mr. Nelson:

During the Assembly meeting you were informed that litter and rubbish within the foundation must be capped and that litter and rubbish outside the foundation must be removed no later than 11:59.59 on 21 June 2014.

On Friday 20 June, Saturday 21 June, and on Sunday 22 June the Borough staff inspected your property to insure that progress was being made in meeting the instructions that the Assembly set forth on 10 June. While out doing investigation, we found you have made progress on cleaning the site but did not complete the task in the required time period. There was still broken glass and litter adjacent to the area where dirt/gravel had been laid down. Based on the inspections, the Borough determines that you are in violation of the instructions and should be assessed an additional fine of \$300.00/day, per Haines Borough Code 1.24.010. This fine shall be assessed on a daily basis until such time as the site passes inspection.

Since it has been four days after the deadline that set forth at the Assembly meeting, you are being assessed a \$1,200 penalty fee so far. This needs your immediate attention. The penalty will continue to accrue \$300/day until the site is completely cleaned.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cui".

Tracy Cui
Planning & Zoning Technician

A Resolution of the Haines Borough Assembly adopting written findings of the June 10, 2014 appeal hearing of the Nelson nuisance abatement order.

WHEREAS, on May 5, 2014, the borough issued a nuisance notice and order of abatement to Paul A.L. Nelson regarding solid waste disposal on his and adjoining property within Skyline Estates Subdivision, a single residential zone within the Townsite; and

WHEREAS, as was his right under HBC 8.12.130, Mr. Nelson submitted a timely appeal of that order; and

WHEREAS, per HBC 8.12.130(F), enforcement of the nuisance notice and order of abatement was stayed pending final disposition of the appeal; and

WHEREAS, on May 27, 2014, the borough clerk gave the appeal to the assembly and with the assembly's direction the clerk scheduled June 10, 2014 for the appeal hearing; and

WHEREAS, the mayor acted as presiding officer and chose not to administer oaths or compel the attendance of witnesses; and

WHEREAS, Mr. Nelson appeared in person on his own behalf and made the following ARGUMENTS as part of his presentation or in answer to assembly questions:

- *He used recycled glass as sub-grade fill on his property where he is building a house in the Haines Townsite;*
- *The recycled glass came from the free glass disposal site at Acme Transfer Co. Inc. (Acme); it did not come from garbage; the only glass he used is what citizens put in the Acme glass pile; he put up a sign telling people he could only accept "clean" glass;*
- *Acme has provided free disposal of glass to the people of Haines for over 10 years with no complaints, and in the past the state of Alaska, Department of Environmental Conservation (ADEC) has allowed him to use recycled glass from Acme with no mention of permits;*
- *When he first started, he included ceramics and pottery, but after ADEC corrected him, he took no more of that to the building site;*
- *All of the hauling of fill took place in 2013 both prior to May 2013 and again in the fall, because he believed ADEC communicated to him that no permit was required; he has hauled no material in 2014;*
- *A claim that he threw Sandra Woods, the ADEC Municipal Landfill Specialist, off of his property is untrue; she toured both Acme and his building site;*
- *His most recent communication with the ADEC was with Douglas Buteyn, Northern Solid Waste Program Coordinator, who said the ADEC will consider an application from him for the use of recycled glass as sub-grade fill if the Haines Borough allows him to use it for that purpose;*
- *He would like a variance to allow the use of recycled glass as sub-grade fill on his property, because there will be no glass exposed when he is finished building;*

- *The Constitution of the state of Alaska and Alaska Supreme Court decisions that enforce and support privacy on private property should be considered;*
- *The Haines Borough needs a Solid Waste Management Plan;*
- *This was his effort to recycle the glass to keep it out of the landfill;*
- *Three quarters of the house foundation is filled with the recycled glass; his intention is to cover all glass with at least 6-8 inches of pit run or three-quarter D-1;*
- *Before taking the glass up to his property from Acme, he ran over it with a loader and then loaded it into trucks for transport;*
- *It is a building site; his workers throw whole bottles on the ground;*
- *Glass has a very good compaction rate and was compacted as it went into the foundation; the foundation is anchored right into the bedrock; it will be insulated and then completely capped with concrete; it will be a vault; nothing will leach out of it;*
- *There are no hazardous materials in the fill such as petroleum products and batteries; he offered to pay for testing if the borough wants that; and*

WHEREAS, Borough Manager David Sosa summarized the borough's enforcement order: Mr. Nelson has been dumping broken glass as fill on his property for some time; the borough received complaints from residents due to overspill on adjacent private property, glass on the roadway, and foul smells coming from the fill; following site inspections, conversations with both the ADEC and the appellant, and a review of borough code and state statute, borough staff determined Mr. Nelson to be dumping unpermitted material in violation of the following laws and was ordered to cease dumping and to remove all of the already-deposited material:

HBC 8.08.020(E), "It is unlawful for any person to deposit any litter on private property, whether owned by the person or not";

HBC 8.12.020(B), "It shall be unlawful for any person to annoy, injure or endanger the safety, health, comfort, or repose of the public"; and

18 AAC 60.007(c), "[a] person may not place solid waste on the land until the person has submitted a proposal to the department [ADEC] and that proposal has been approved";

WHEREAS, HBC Chapter 8.08 includes the following definitions:

"Garbage" means all waste accumulations of animal, fruit, and vegetable matter that attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, vegetables, or fruits; "garbage" includes containers originally used to store, collect, or transport such food stuffs;

"Litter" means garbage, refuse, rubbish and all other waste material which, if thrown or deposited as prohibited in this chapter, tend to create a danger or nuisance to public health, safety, and welfare; and

"Rubbish" means all other refuse that is not considered garbage, ashes, or industrial waste; "rubbish" includes waste paper, cardboard, wood, tin cans, glass, bottles, yard rakings, tree limbs, bedding, metals, trash, sweepings, and all similar substances; and

WHEREAS, five members of the public gave testimony in support of the borough's abatement order, expressing concerns about stench, shards of glass, non-glass garbage, contaminated

soil, and the large volume of this material that has been dumped at this site, with one individual submitting as evidence a bucket of various materials he believed to have been brought to the site by the appellant, including plastic, whole bottles, and a syringe; and

WHEREAS, no members of the public spoke in opposition of the borough's abatement order; and

WHEREAS, the borough assembly asked questions of Mr. Nelson and Manager Sosa, reviewed photographs submitted by one of the complainants, and considered all written and oral statements before reaching the following CONCLUSIONS:

1. There is a foundation for a house at the site, and much of the glass material that has been brought to the site is inside the foundation that Mr. Nelson intends to encapsulate with concrete;

2. Outside the foundation, the broken up glass is used as fill, and it consists of larger items within a pile of non-uniform glass pieces;

3. There is a strong likelihood the fill contains hazardous materials including petroleum products, plastics, syringes, and other items the borough cannot be certain of;

4. The ADEC is not concerned about hazardous materials underneath a concrete floor; anything inside the foundation is likely not a public health risk, but materials outside the foundation are;

5. The glass came from Acme's free glass disposal site, and in spite of a posted sign telling people Acme could only accept "clean" glass, some people dumped plastics and other materials into the glass area; Mr. Nelson admitted he doesn't actually wash the glass or sift out the non-glass materials;

6. The glass was not processed correctly;

7. While it is possible Mr. Nelson did not completely understand the difference between crushed glass and other glass, it is more likely he understands the ADEC's "crushed glass" specifications since he is in the recycling business;

8. The site looks like a landfill in the middle of a nice residential neighborhood;

9. Mr. Nelson is trying to help the community with glass recycling;

10. Mr. Nelson made an assumption that he could dump the recycled glass as fill without communicating with the borough;

11. Damage has already been done to the Skyline Subdivision residents, and if Mr. Nelson had approached the neighbors ahead of time, they may have worked with him; the residents have waited long enough;

12. Removal of the fill within the foundation might be more disruptive than leaving it there and encapsulating it, because it could be difficult to deal with;

13. A maximum fine of up to \$300 per violation may be levied; and

WHEREAS, as a result of these conclusions, and as allowed by HBC 8.12.130(H), the assembly took action to modify the nuisance abatement order and they issued it to Paul A.L. Nelson, as follows:

1. The incorrectly processed glass may remain inside the foundation provided it is capped within 10 business days of the hearing date (June 21, 2014, midnight);

2. The fill outside of the foundation must be removed within 10 business days of the hearing date (June 21, 2014, midnight); and

3. Mr. Nelson must pay a fine of \$300 for depositing improper fill onto private property.

WHEREAS, HBC 8.12.130(H) requires the assembly to adopt its findings by resolution following the public hearing,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly adopts the above-listed findings of the June 10, 2014 appeal hearing of the Nelson nuisance abatement order.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 24th day of June, 2014.

Attest:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor

David Sosa, Haines Borough Manager
Jan Hill, Haines Borough Mayor
Haines Borough Assembly Members

February 27, 2014

Re: Paul Nelson appeal of abatement fines from 2014, Skyline Estates Property

Dear Borough Members:

This letter is in regard to Paul Nelson's appeal of fines resulting from his abatement order of nuisance dumping in June of 2014 on his Skyline Dr. property. A few things come to mind when considering his request. As a brief refresher, Mr. Nelson had 10 days starting 12:01 a.m. June 11, 2014 to complete the removal of nuisance glass. As the property owners directly to the south of his, the following aspects might be taken into account when you are considering his appeal request.

First, he was well aware of the consequences of his actions when he appeared before the Assembly June 10, 2014 and agreed in testimony of the results of the Assembly findings and order to remove the "glass" outside the foundation and to encapsulate with concrete the "glass" inside the foundation.

Second, clearly only a portion of the glass was removed outside the foundation. None of the roadway glass north or south of the bridge was removed; yes, this is outside the foundation and amounts to days of truckloads of glass and debris. This was stated to be the "complete removal" in his order. There was, and currently still remains, glass and other debris falling onto our property from the roadway with no effort on his part to remove it. What was removed was the glass and debris immediately adjacent to the foundation on the south side (our side).

Third, after the Borough's abatement order Mr. Nelson quickly built another wall on the north side of the bridge and then took glass from somewhere else on his property (not the roadway), and proceeded to fill this new area with onsite glass and then covered it with concrete. Please note that the Borough Assembly order allowed him to cover foundations with concrete under the encapsulation part of his order and unknowingly gave him this new option of non-removal by rearranging its location. We believe it was Assembly person Ms. Waterman who was concerned about setting a precedent with allowing any glass to remain onsite, and she was quite right to be concerned as it happened immediately.

It would seem unfair to the Borough residents and the immediate Skyline Estates neighborhood if the Borough would forgive any of the fines that were given to Mr. Nelson. Since it would appear to us that the original order was never fully complied with nor completed

and that aspects of the order were circumvented with shrewd thinking and deviation on Mr. Nelson's part, the fine should be stayed.

We thank you for our concern on this continuing matter of Code enforcement and abatement orders.

Sincerely frustrated property owners,

John C. Nowak

74 Skyline Dr.

B. Lynn Nowak

FOR THE CONSIDERATION OF HAINES BOROUGH ASSEMBLY REFUND OF MR PAUL NELSONS FINES

The photos were taken on March 3, 2015

The following is a listing of my opinions on just a few of the obvious reasons to not only decline Mr. Paul Nelson's appeal to refund his fines, but consider followup fines for non compliance.



From the start of his construction, did Mr. Nelson follow any zoning codes, waste disposal regulations, survey property lines, borough road easement requirements and height requirements? Mr. Nelson's neighbor's approached him to stop him from cutting down the neighbor's trees, yet he continued to cut down several trees. Mr Nelson trespassed on his neighbor's property to the extent of numerous loads of broken glass and garbage from his transfer station running over on his neighbor's property and still is.

Note:

1. The post and rope is the property line on the South side of Mr. Nelson's property. The road or ramp was one of the first constructed ramps. (see last page for first photos of ramp). It is a few feet of dirt fill over several truck loads of glass and garbage, which left a lot of jagged edged glass during delivery on Sky Line drive, falling out of the truck. The exact number of truck loads probably can be confirmed from the company that hauled the loads. Several of the neighbors spent time picking up glass that fell off the truck to prevent their pets, kids, local wild life and tire damage. The town manager was alerted to the problem and did nothing for days. Finally, a grader came up and mushed the glass around; none of the glass was removed by anyone except concerned residents.

2. The large rocks that form the side to the ramp were supporting the main road put there by the borough when Sky Line Drive was built and removed from the road to be used for Mr. Nelson's private purpose. No known permission from borough granted.

3 The home was placed right on the easement line which should impede the building of a full landing and stairs for the side door on that side.

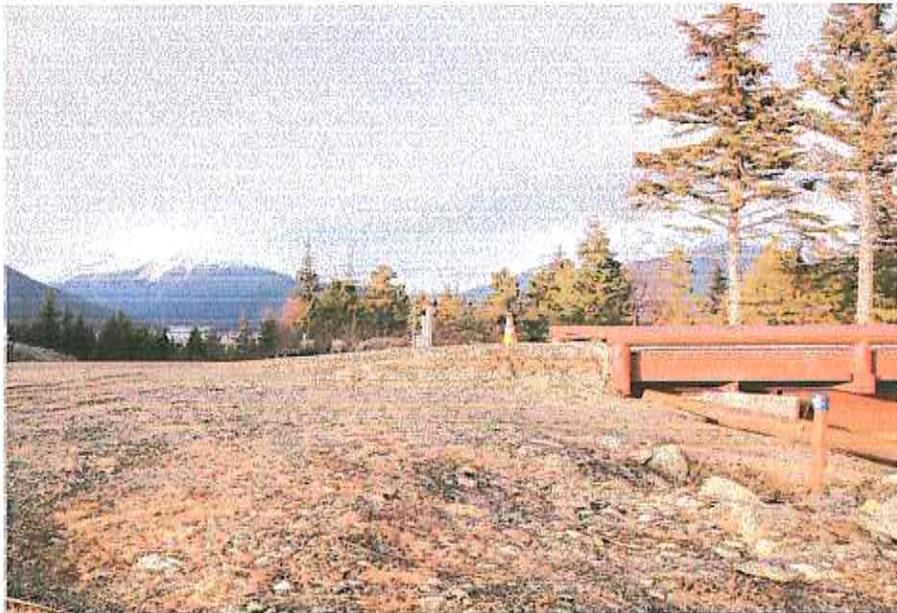
4. The bottom of the ramp to the south side of the home was also glass and garbage but is covered by fill placed after Mr. Nelson was told to remove all the glass NOT contained within the foundation. The majority of tons of glass and garbage was covered with fill and some concrete that was poured after Mr Nelson promised the assembly he would remove all the glass and garbage not contained in the foundation.

5. The bridge STRUCTURE was not on building permit, only a statement of driveway access.

6. The green area below the white trash that has blown over from Mr. Nelsons property and just to the right of the post is where a drain pipe that would allow the water to follow it's natural path of flow now forms small ponds that are mosquito's breeding grounds in the summer. The "Drive Way" should have had a drain line under the "Drive Way" but Mr. Nelson did not place one there. See photo at end of how the water collects at low spot on neighbor's property.

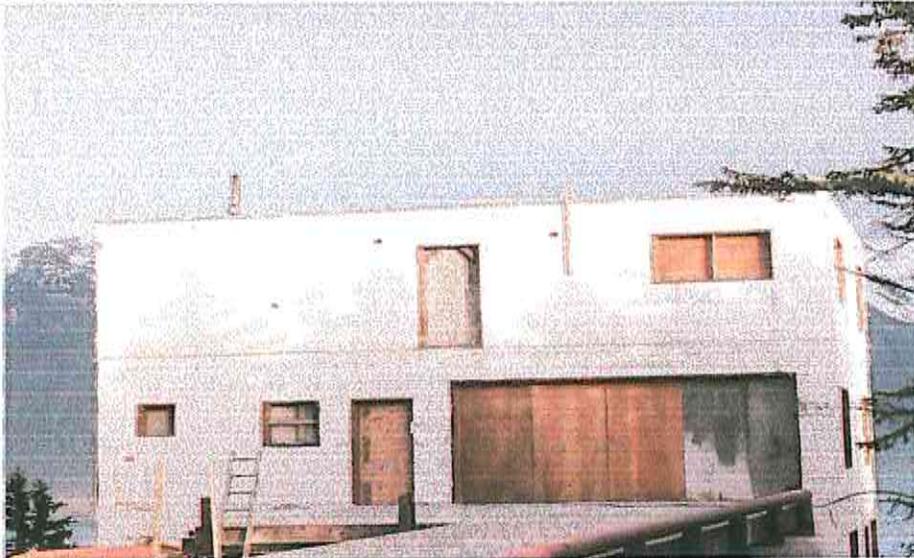
7. The elevated "DRIVE WAY" is connected to the road and is an obvious attraction for small children to play on or bike/ATV/snow machine on without any means to prevent falling off or over the edge of the low side railing. A fence and a gate should be required. Normally signs of "NO TRESPASSING" do not protect against *attractive nuisances* or relieve liability for the owner.

“DRIVE WAY RAMP” looking north on Sky Line Drive



Looking North on Sky Line Drive. The post and down ramp are in the right lower corner from the other photo. The ramp is significantly elevated above the borough road bed and the elevation takes place on the right of way of the borough road bed. Snow falls for six inches or more might cause the borough snow plow blades to hook on the ramp and cause damage to the borough's property. Normally, this should not concern anyone but Mr. Nelson but by the history of Mr. Nelson and any kind of issues created by Mr. Nelson with the borough the tax payers seem to be the ones who pay. It should be noted the ramp area should be level with the road bed or Mr. Nelson should put a bond up for any damage to borough Equipment damaged due to the encroachment on the borough right a way. Only another opinion.

Photo taken from the middle of Sky Line Drive



1. The maximum elevation of the construction flat top is rumored to be at the maximum required by Haines Borough Code and NOTHING should be above the maximum height. The stove pipe chimney exceeds the rule and nothing should be allowed higher than the roof. Not planned elevator shafts, railings, chimneys. Question does the restriction apply for satellite dishes?

2. The stove is operational and being used; when is the alternate legal chimney going to be installed if ever?

During the dumping phase an E mail question was sent a Ms Sandra Woods who worked for the state's environmental protection solid waste dept Can Mr. Nelson use his transfer station glass and garbage for fill on private land? E mail ANSWER:

He is considered a transfer station by the department and not a landfill and therefore not allowed to bury solid waste. We do have two different regulations that could apply to his circumstances. The first regulation is 18 AAC 60.005 Exempted Wastes (c)(5) for crushed glass. However he is not using crushed glass rather he is using broken glass. He is required to submit a plan and a request to us to do what he is doing (which I have told him in his letter). There is also 18 AAC 60.007 Using Solid Waste as fill and again he has to submit a plan and a proposal to us to do so. We will work through the enforcement process with Mr. Nelson to achieve his compliance with the solid waste regulations.

Sandra Woods
Solid Waste Program

Later when Ms Wood inspected Mr Nelson's dump: Mr.Nelson threw her off the property with a challenge to see him to court. After that incident the state basically told me that the Haines Borough had regulations that apply to this issue and if they were not going to enforce their own rules and regs, there was no reason for the state to get involved.

Mr. Nelson has not followed the commitment he made to the Haines Borough Assembly and appears never intended to. He has pushed the limits and beyond, disregarded everyone he has contact with while building this home so there is no reason to assume that he will keep any contract he might proffer to get his appeal approved.. Again, all the regulations and codes he has ignored and trashed should be brought in to compliance before another board, brick or nail is used on this property. Totally opposed to approve any appeal to issue a refund.

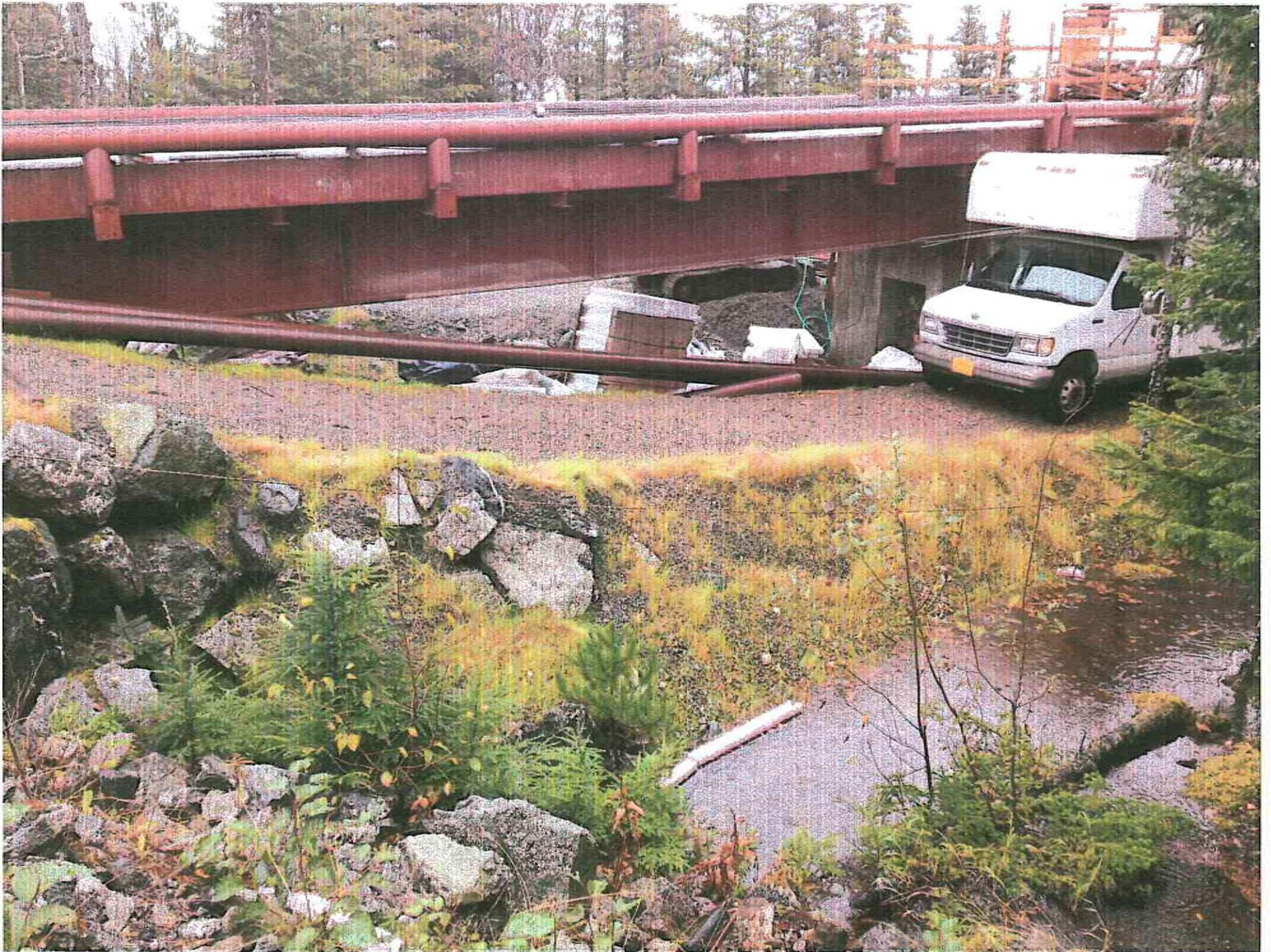
George McCament
POB 587
Haines, Alaska
99827

Just a reminder of what is under the fill outside of the foundation: glass that was approved by the Haines Assembly and the source of the fines Mr. Nelson wants returned to him. He actually has done nothing of significance to live up to the commitments he made to Haines Assembly. To return his money, the only inconveniences Mr. Nelson as incurred would make it a clean sweep. Might as well bury the Haines Borough Building Codes, regulations with the garbage Mr. Nelson has buried on his property in violation of the rules mentioned above.

This photo was just the beginning truck loads of glass and garbage dumped after he was told to stop dumping by Ms Woods of the solid waste dept.



Ramp photo of garbage fill prior to being covered by dirt fill and never removed as ordered. Only glass in foundation contained in cement box was approved to remain on the property by the Haines Borough Assembly, all other broken glass was to be removed.



Run off trapped by newly constructed ramp and elevated road.
This is the reason to all natural down

SKYLINE DRIVE LOOKING EAST ~~CH~~ RIGHT SIDE OF DRIVEWAY



ALL PHOTOS TAKEN FROM SKYLINE DRIVE OR ADJACENT PROPERTIES



RAMP

Road Bed

APPROX.
ROAD
R. OF WAY



LATEST PHOTO MAR 3 2015 OF ELEVATED RAMP GLASS COVERED
WITH AERIAL PHOTO TO HELP ASSESS WALLS & H. DROPTAIL OTHER PHOTO



South Side of Drive Way



OVER FLOW GLASS riddled DIRT Foundation is visible on LEFT Foundation extends PAST
NEARBY BOTTOM OF PHOTO

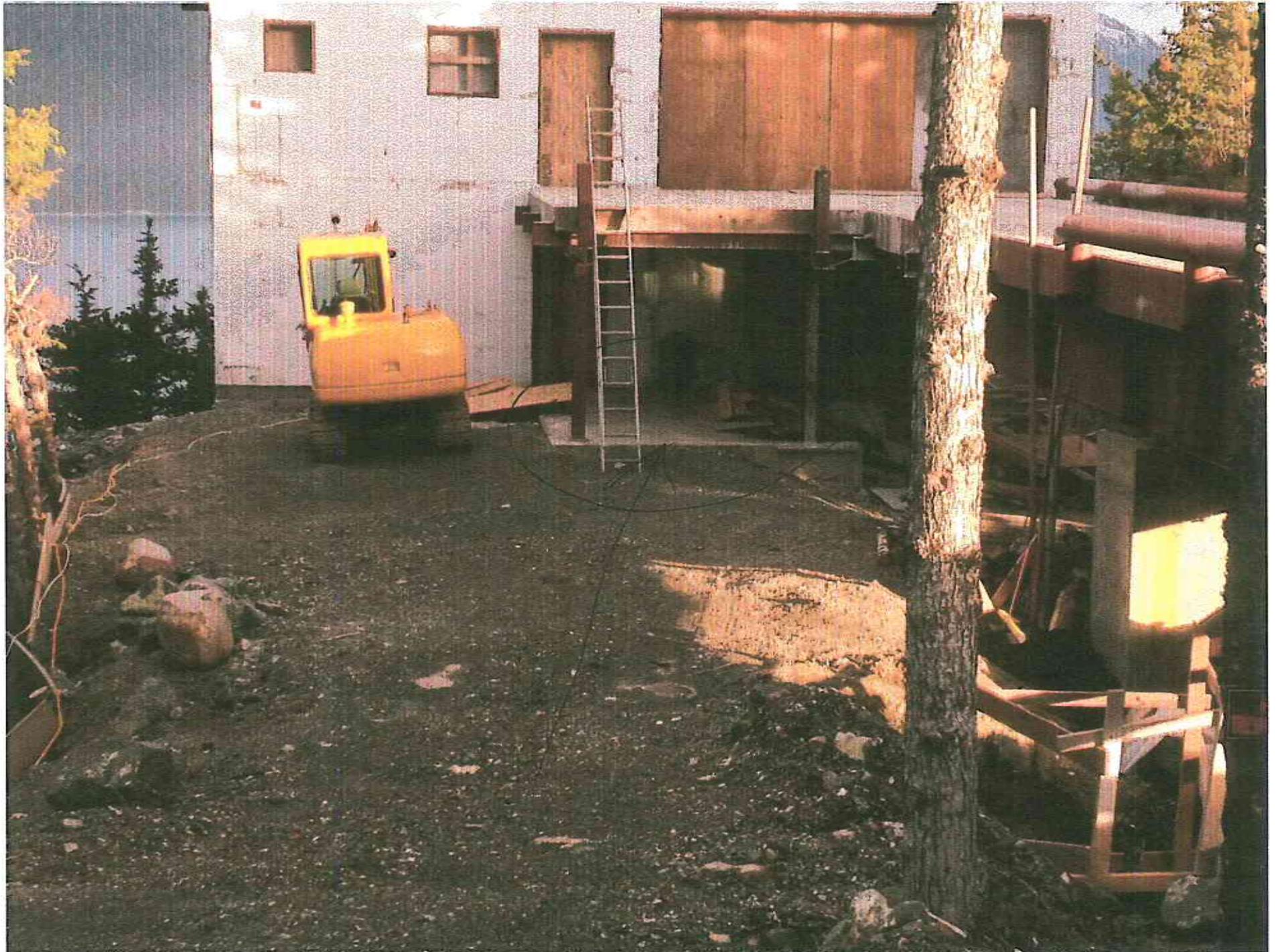


↗ Neighbors Property Limit ↖



NOTE CONCRETE WALL OF FOUNDATION - FOUNDATION TOTALLY FULL

North Side of Drive way



PRIOR TO FILL + PAD
ON NEXT PAGE

SMALL SLAB DONE AFTER REQUEST TO REMOVE GLASS FILL

INSIDE OF ~~STAIRCASE~~ FOUNDATION

ON ~~SLAB~~ DRIVE



Area To ROAD + RAMP
on LEFT side -

Long Shot of Following Photo Taken After Foundation AND



FOUNDATION covered By BROKEN GLASS + GARBAGE. NOTE NO CONCRETE SLAB. Poured AFTER
DOMINANT REMOVED



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-545

Assembly Meeting Date: 3/10/15

Business Item Description:	Attachments:
Subject: Authorize Extension of a Lease of a Portion of the Public Safety Building by the State of Alaska	1. Ordinance 15-02-400 2. Proposed Lease Agreement, now for a period of two years (rather than five)
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 2/4/15	

Full Title/Motion:
Motion: Adopt Ordinance 15-02-400.

Administrative Recommendation:
This ordinance is recommended by the Borough Manager.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	N/A

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>Haines Borough Charter 3.03(8) stipulates that the leasing of borough property must be granted by the assembly by ordinance. The State of Alaska has been leasing approximately 360 square feet of office space in an upstairs portion of the Borough's Public Safety Building, 213 Haines Highway, to provide services through the Department of Fish and Game. The existing lease was effective April 1, 2005, with a termination date of March 31, 2015, and the proposed lease amendment would extend this lease for a period of two years beginning April 1, 2015, through March 31, 2017, with the option to renew for eight additional one-year periods. The new base monthly lease rate shall be \$505.95 effective April 1, 2015, an increase of \$15 per month. The monthly lease rate may be adjusted effective April 1, 2016, and each April 1 thereafter and will be made in accordance with the percentage change in the U.S. Department of Labor Consumer Price Index (CPI).</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 2/10, 2/24, 3/10/15	Public Hearing Date(s): 2/24, 3/10/15
	Postponed to Date:

An Ordinance of the Haines Borough authorizing a five-year extension of a lease of an upstairs portion of the Public Safety Building by the State of Alaska for the purpose of providing services through the Department of Fish and Game, with the option to renew for five additional one-year periods.

WHEREAS, Haines Borough Charter 3.03(8) stipulates that the leasing of borough property must be granted by the assembly by ordinance; and

WHEREAS, the State of Alaska has been leasing approximately 360 square feet of office space in an upstairs portion of the Borough's Public Safety Building, 213 Haines Highway, to provide services through the Department of Fish and Game; and

WHEREAS, the existing lease was effective April 1, 2005, with a termination date of March 31, 2015, and the proposed lease amendment would extend this lease for a period of five years beginning April 1, 2015, through March 31, 2020, with the option to renew for five additional one-year periods; and

WHEREAS, the new base monthly lease rate shall be \$505.95 effective April 1, 2015, an increase of \$15 per month; and

WHEREAS, the monthly lease rate may be adjusted effective April 1, 2016, and each April 1 thereafter and will be made in accordance with the percentage change in the U.S. Department of Labor Consumer Price Index (CPI),

NOW, THEREFORE, BE IT ENACTED by the Haines Borough Assembly that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough to authorize the borough manager to execute a new lease with the State of Alaska for the specified portion of the Borough's Public Safety Building under the conditions of the attached lease agreement, and for a period of five years, with the option to renew for five additional one-year periods.

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2015.

Attest:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 02/10/15
Date of First Public Hearing: 02/24/15
Date of Second Public Hearing: 03/10/15



**STATE OF ALASKA
AMENDMENT TO LEASE
LEASE 2559**

This agreement, to be known as **Amendment Number Twelve (12)** to the existing lease, entered into on the 1st day of April, 2005, and **first recorded at the Haines Recording District as serial number 2005-000231-0** by and between:

**HAINES BOROUGH
P.O. BOX 1209
HAINES, ALASKA, 99827**

hereinafter called the Lessor, and

**STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION - 11
550 WEST 7TH AVENUE, SUITE 1970
ANCHORAGE, ALASKA 99501-3558**

hereinafter called the Lessee, covering:

The Lessor hereby leases to the State of Alaska the following described premises:

Approximately 360 square feet of net usable office space in the Haines Borough Public Safety Building, 213 Haines Highway, Haines, AK 99827; whose legal description is: "Frac. Sec. 34, R59E, Mission Subdivision, Block L, Haines Recording District."

OFFICIAL STATE BUSINESS -- NO RECORDATION CHARGE

After Recordation, Return Document To:

State Of Alaska - Department Of Administration

Division Of General Services

Leasing Section

550 West 7th Avenue, Suite 1970

Anchorage, AK 99501-3558

LEASE NO. **2559**

Amendment No. **12**

Page 1 of 4

2559 A12 Extend.docx

Initials _____ Initials _____

THIS AMENDMENT SHALL

1. Extend this lease for a period of two (2) years beginning April 1, 2015 through March 31, 2017.
2. Recognize that the Lessee shall have the option to renew this lease for eight (8) additional one (1) year periods to be exercised at the sole discretion of the Lessee prior to expiration of the term.
3. Recognize that the Lessor shall have the option to terminate this lease after April 1, 2017 with 12-month advance written notice to Lessee.
4. Recognize that the **New Current Monthly Lease Rate shall be \$505.95**, effective April 1, 2015.
5. Recognize that the **New Base Monthly Lease Rate shall be \$505.95** effective April 1, 2015.
6. Effective April 1, 2015, remove all CPI adjustment language and replace it with the following:

Adjustments in the lease rate may be made if requested in writing by the Lessor at least thirty (30) days prior to the effective date of the adjustment. Request must be made annually only. Such adjustments may be made annually to reflect the changes in the Lessor's variable costs, and defined as all operational cost other than debt service and profit. Operational costs, for purposes of the lease resulting from this RFP, are equal to thirty-five percent (35%) of the Base Monthly Lease Rate.

The monthly lease rate may be adjusted effective April 1, 2016 and each April 1 thereafter and will be made in accordance with the percentage change in the U.S. Department of Labor Consumer Price Index, for All Urban Consumers, All Items, (CPI-U) Anchorage Area, in effect for each July through December (2nd Half). The percentage difference between the CPI in effect for **the base year six (6) month average, CPI-W Index, 2nd half 2014, (215.679)** and each CPI July through December (2nd Half) average thereafter will determine the maximum allowable adjustment of the variable costs over the Base Monthly Lease Rate.

The Base Monthly Lease Rate is \$505.95.

OFFICIAL STATE BUSINESS -- NO RECORDATION CHARGE

After Recordation, Return Document To:

State Of Alaska - Department Of Administration
Division Of General Services
Leasing Section
550 West 7th Avenue, Suite 1970
Anchorage, AK 99501-3558

LEASE NO. **2559**

Amendment No. **12**

Page 2 of 4

2559 A12 Extend.docx

Initials _____ Initials _____

The formula is expressed as:

$[(35\% \times \text{Base Monthly Lease Rate}) \times \% \text{ change in CPI}] + \text{Base Monthly Lease Rate} = \text{Adjusted Monthly Lease Rate}$.

If the index is discontinued or revised during the term of the lease, such other governmental indices or computations with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

Retroactive adjustments will not be allowed.

7. Recognize the Lessee address is changed to read: 550 WEST 7TH AVENUE, SUITE 1960. The remainder of the address is unchanged.

All other terms and conditions of the lease remain the same.

Lessor: HAINES BOROUGH

By: _____
Dave Sosa
City Manager

Date: _____

Lessee: STATE OF ALASKA

By: _____
Shawn Gallagher 
Contracting Officer 

Date: _____

OFFICIAL STATE BUSINESS -- NO RECORDATION CHARGE

After Recordation, Return Document To:

State Of Alaska - Department Of Administration

Division Of General Services

Leasing Section

550 West 7th Avenue, Suite 1970

Anchorage, AK 99501-3558

LEASE NO. 2559

Amendment No. 12

Page 3 of 4

2559 A12 Extend.docx

Initials _____ Initials _____

**ACKNOWLEDGMENT BY LESSOR: Haines Borough
STATE OF ALASKA
HAINES BOROUGH**

This is to certify that on this _____ day of _____, 2015 before me a Notary Public in and for the State of Alaska duly commissioned and sworn personally appeared **Dave Sosa** to me known and known by me to be the person(s) described in and who executed the instruments set forth above and severally stated to me under oath that he is **City Manager** and that he has been authorized by **The Haines Borough** to execute the foregoing lease amendment for and on behalf of the said company, corporation, individual, or other entity and they executed same freely and voluntarily as a free act and deed of **Same**.

WITNESS my hand and official seal the day and year this certificate first above written.

Notary Public for Alaska
My Commission Expires: _____
Residing at: _____

**ACKNOWLEDGMENT BY LESSEE: STATE OF ALASKA
STATE OF ALASKA
CITY OF ANCHORAGE**

This is to certify that on this _____ day of _____, 2015 before me a Notary Public in and for the State of Alaska duly commissioned and sworn, personally appeared **Shawn Gallagher, Contracting Officer**, to me known and known by me to be the person described in the executed instruments set forth above as an agent of the Division of General Services of the State of Alaska and that this person has been authorized by the State of Alaska to execute the foregoing lease amendment on behalf of said State of Alaska and that this person executed the same freely and voluntarily as the free act and deed of the State of Alaska.

WITNESS my hand and official seal the day and year this certificate first above written.

Brian Blessington
Notary Public for Alaska
My Commission Expires with Office
Residing at: Anchorage, Alaska

OFFICIAL STATE BUSINESS -- NO RECORDATION CHARGE

After Recordation, Return Document To:
State Of Alaska - Department Of Administration
Division Of General Services
Leasing Section
550 West 7th Avenue, Suite 1970
Anchorage, AK 99501-3558

LEASE NO. **2559**
Amendment No. **12**
Page 4 of 4

2559 A12 Extend.docx

Initials _____ Initials _____



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-549
Assembly Meeting Date: 3/10/15

Business Item Description:	Attachments:
Subject: Community Purpose Exemption Standards & Requirements	1. Ordinance 15-02-401, draft 2. 3/3/15 Memo from the Manager 3. Administrative Policy (to become effective following adoption of the ordinance)
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 2/9/15	

Full Title/Motion:
Motion: Advance Ordinance 15-02-401 to a second public hearing on 3/24/15.

Administrative Recommendation:
This ordinance is recommended by the Borough Manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	TBD; + or - to property tax receipts

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-----------------------------	---------------------------------------------------------------------------------

Summary Statement:

Borough code does not currently define "community purpose" or prescribe standards and requirements. This ordinance was drafted by staff in conjunction with the borough attorney and was reviewed by the manager's community purpose working group that included community representation. The proposed ordinance replaces HBC 3.70.040 (D) and replaces the permanent exemptions granted in code with a process for regular review and approval similar to that provided for Senior/Disabled Veterans Property Tax Exemptions. It establishes a definition of Community Purpose Exemption that is in line with those of other communities and in accordance with the Alaska Association of Assessing Officers Standard on Community Purpose Exemption. Additionally, the ordinance makes provision for a companion administrative policy which the manager has drafted to become effective upon adoption of the ordinance. That policy is attached to this agenda bill for information purposes.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 2/24, 3/10/15	Public Hearing Date(s): 3/10/15
	Postponed to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 3, Chapter 70, Section 40 to establish a procedure for community purpose exemptions.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Effective Date. This ordinance is effective upon adoption.

Section 3. Amendment of Section 3.70.040 Section 3.70.040 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

3.70.040 Local exemptions and exclusions.

A. The following property is exempt from general taxation:

1. Business inventory and items held for resale;
2. All motor vehicles which are subject to the motor vehicle registration tax described in Chapter 3.85 HBC.

B. The assembly may by ordinance exempt or partially exempt from taxation privately owned land, wetland and water areas for which a scenic, conservation, or public recreation use easement is granted to the borough. To be eligible for a tax exemption, or partial exemption, the easement must be in perpetuity. However, the easement is automatically terminated before an eminent domain taking of fee simple title or less than fee simple title to the property, so that the property owner is compensated at a rate that does not reflect the easement grant.

C. The increase in assessed value of improvements to real property shall be exempt from taxation if an increase in assessed value is directly attributable to alteration of the natural features of the land or to new maintenance, repair or renovation of an existing structure, and if the alteration, maintenance, repair, or renovation, when completed, enhances the exterior appearance or aesthetic quality of the land or structure.

An exemption may not be allowed under this subsection for the construction of an improvement to a structure if the principal purpose of the improvement is to increase the amount of space of occupancy or nonresidential use in the structure or for the alteration of land as a consequence of construction activity. An exemption provided in this subsection shall continue for four years from the date the improvement is completed, or from the date of approval for the exemption by the assessor, whichever is later.

~~D. Pursuant to AS 29.45.050(b)(1)(A), the below-listed properties shall remain exempt from property taxation so long as they remain the property of their present owners (organizations not organized for business or profitmaking purposes) and so long as they remain used exclusively for community purposes:-~~

- ~~1. Southeast Alaska Fairgrounds: that area containing 42 acres, more or less, in USS 735, currently owned by Southeast Alaska State Fair, Inc.;~~

~~2. Port Chilkoot Parade Ground, currently owned by Alaska Indian Arts, Inc., that area surrounding Block G, Port Chilkoot Subdivision, containing 7.58 acres, more or less, not used for commercial purposes;~~

~~3. Land and improvements situated on Lots 1 through 7, Block O, Presbyterian Mission Subdivision, currently owned by the American Bald Eagle Foundation;~~

~~4. Land and improvements situated on Small Tracts Road, specifically the north 300 feet of the west 100 feet of Lot 40, Section 2, Township 31 South, Range 59 East, of the Copper River Meridian, currently owned by the Haines Animal Rescue Kennel;~~

~~5. Charles Anway Cabin: land and improvements situated on Lot 2C within the resubdivision of Lot 2, Meacock Subdivision within Survey 206 currently owned by the Chilkat Valley Historical Society;~~

~~6. Land and improvements situated on Lots 1 through 5, Block 12, and Lots 5 through 8, Block 6, Townsite, currently owned by Takshanuk Watershed Council.~~

D. Community purpose exemption. The borough exempts from taxation the real property of an organization not organized for business or profit-making purposes and used exclusively for community purposes, provided that income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter.

1. In order to qualify for this exemption:

a. The property owner must be a not-for-profit entity having a current 501(c)(3) or 501(c)(4) exemption ruling from the Internal Revenue Service;

b. The property must be used exclusively for community purposes; and

c. All income derived from rental of the property does not exceed the actual cost to the owner of the use by the renter(s).

2. The property may be apportioned, according to physical space, into community-purpose and non-community-purpose space. The smallest practical portion integrally related to the property for the actual and exclusive use as community purposes may be eligible for the exemption.

3. In determining whether the property is used exclusively for a community purpose, the borough assessor may consider, but is not limited to considering, the portion of the community that directly benefits from the property's use, the portion of the community that has direct use of the property, any entrance, membership or other fee the organization charges, if the property is actively being used for the activities of the organization as well as the overall benefit to the community the use provides in relation to the loss of revenue resulting from an exemption. The assessor may disregard *de minimus* non-community purpose use. The borough administration may adopt a written policy setting forth additional community purpose standards and requirements, including standards and requirements applicable to housing serving a community purpose.

4. "Actual cost to the owner" shall include any costs that, in the reasonable judgment of the borough assessor, the owner incurred that would have been avoided but for the rental. The borough administration may adopt a written policy setting forth specific costs that may and may not be considered.

5. An exemption may not be granted under this subsection except upon written application for the exemption on a form provided by the borough assessor. The applicant must also submit an affidavit, supplied by the borough, attesting that the applicant meets the subscribed criteria. The assessor shall require proof, in the form the assessor considers necessary, of the right to and amount of an exemption claimed

under this subsection. The assessor may require additional proof under this section at any time. If the applicant fails to respond to a request for additional proof, such failure may be considered by the assessor in determining whether to grant the exemption.

6. The claimant must file the application no later than March 31st of the assessment year for which the exemption is sought. The claimant must file a separate application for each assessment year in which the exemption is sought.

7. If an application is filed by the deadline and approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the claimant has already paid taxes for that year prior to approval of a timely application, the exempted tax amount, without interest, shall be refunded to the claimant.

8. Upon receipt of the completed application, any additional proof required, and affidavit, the borough assessor shall evaluate the request and grant or deny the exemption within 30 borough business days. If denied, the borough assessor shall specify the reasons for the denial.

9. A person may appeal the denial of an exemption granted under this subsection either to the board of equalization or to the Superior Court in accordance with HBC 3.72.100 through 3.72.120.

E. The borough exempts from taxation an interest, other than record ownership, in real property of an individual residing in the property if the property has been developed, improved, or acquired with federal funds for low-income housing and is owned or managed as low-income housing by the Alaska Housing Finance Corporation under AS 18.55.100 through 18.55.960 or a regional housing authority formed under AS 18.55.996.

F. Any firm that begins operation after July 1, 1986, in the Haines Borough to process timber after it has been delivered to the processing site, if the firm has a yearly payroll of at least \$250,000, shall have 75 percent of the real property exempted from taxation for a period of five years.

~~G. Land and improvements situated on Lots 17, 19, 22, 23, and 24, Block F, Mission Subdivision, owned by Haines Senior Citizens' Center, Inc.~~

~~H. Land and improvements in the SE1/4, SE1/4, Section 22, T28S, R55E, CRM, managed by Klehini Valley Sports and Recreation. This exemption shall require a review on a yearly basis and becomes void if property is not used exclusively for nonprofit recreation.~~

I. Hardship Exemption. That portion of the property tax levied on the residence of a qualified senior citizen or disabled veteran who applies for the exemption and meets the standards set forth in 3 AAC 135.040(b) and (c), which exceeds two percent of their gross household income.

1. In order to qualify for this exemption, the applicant must:

a. Have gross family income, from all sources in the prior year, which does not exceed 135 percent of the poverty guideline as established by the United States Department of Health and Human Services for a similar sized household in the state of Alaska for the year requested;

b. Be eligible for a permanent fund dividend under AS 43.23.005 for the same year or for the immediately preceding year;

c. Not own more than one parcel of real property in Alaska on the date of application, excluding an adjacent parcel that is necessary for the use of the primary residence; and

d. Have net worth as of the date of application of less than \$250,000 including the first \$150,000 of the market value of the principal residence of the applicant.

2. This exemption will be apportioned in the same manner and formula as applied to the standard senior citizen/disabled veteran exemption previously granted.

3. An exemption may not be granted under this subsection except upon written application for the exemption on a form provided by the borough assessor. The applicant must also submit an affidavit, supplied by the borough, attesting that the applicant meets the subscribed criteria. The assessor shall require proof, in the form the assessor considers necessary, of the right to and amount of an exemption claimed under this subsection, and shall require a disabled veteran claiming an exemption to provide evidence of disability rating. The assessor may require additional proof under this section at any time. If the applicant fails to respond to a request for additional proof, such failure may be considered by the assessor in determining whether to grant the exemption.

4. The claimant must file the application no later than March 31st of the assessment year for which the exemption is sought. The claimant must file a separate application for each assessment year in which the exemption is sought.

5. If an application is filed by the deadline, and approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the claimant has already paid taxes for that year prior to approval of a timely application, the exempted tax amount shall be refunded to the claimant.

6. If an otherwise qualified claimant is unable to comply with the March 31st application filing deadline, the claimant may submit an application to the assessor's office for review by the assembly. If the claimant has submitted a valid application, the assembly may, by resolution, waive the claimant's failure to file the application by the March 31st deadline, and authorize the assessor to accept the application as if timely filed. For purposes of this subsection, an inability to comply must be caused by a serious medical condition of the applicant or member of the applicant's family, or an extraordinary event beyond the claimant's control. No late applications can be submitted after November 1st of the qualifying year. This section does not create any private rights whatsoever, nor does it in any manner require the assembly to introduce or adopt any such resolution.

7. Upon receipt of the completed application, any additional proof required, and affidavit, the borough assessor shall evaluate the request and grant or deny the hardship exemption within 15 borough business days. If denied, the borough assessor shall specify the reasons for the denial.

8. A person may appeal the apportionment of a hardship exemption granted under this chapter or a denial of an application to the board of equalization in accordance with HBC 3.72.100 through 3.72.120.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 02/24/15
Date of First Public Hearing: 03/10/15
Date of Second Public Hearing: ___/___/___



Community Purpose Exemption MEMORANDUM

DATE: March, 3 2015
TO: Mayor and Borough Assembly
FROM: David B. Sosa, Borough Manager

Community Purpose Exemption: This week's agenda includes an Ordinance to update how the Borough addresses Community Purpose Exemptions in response to direction the Borough Assembly gave the Manger in October 14 2014.

Considerations:

- AS 29.45.050 addresses optional exemptions and exclusions. The section relating to Community Purpose Exemptions (CPE) states:
 - (b) A municipality may by ordinance
 - (1) classify and exempt from taxation
 - (A) the property of an organization not organized for business or profit-making purposes **and** used exclusively for community purposes if the income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter;
 - (B) historic sites, buildings, and monuments;
 - (C) land of a nonprofit organization used for agricultural purposes if rights to subdivide the land are conveyed to the state and the conveyance includes a covenant restricting use of the land to agricultural purposes only; rights conveyed to the state under this subparagraph may be conveyed by the state only in accordance with [AS 38.05.069\(c\)](#);
- HBC 3.70.040 address local exemptions and exclusions and currently states:
 - D. Pursuant to AS [29.45.050\(b\)\(1\)\(A\)](#), the below-listed properties shall remain exempt from property taxation so long as they remain the property of their present owners (organizations not organized for business or profit making purposes) and so long as they remain used exclusively for community purposes
- Consistencies AS 29.45.050 and HBC 3.70.040
 - Non Profit Status
 - Exclusively Used for Community Purposes
- Challenges with HBC 3.70.040
 - Policy not clearly defined
 - No opportunity for review
 - Does not adequately address the statement "if the income derived from rental of that property does not exceed the actual cost to the owner of the use by the renter;"
 - Understanding the terms exclusive use and community purposes

- Other Guidance: Alaska Association of Assessing Officers Standard on Community Purpose Exemption in 2006 identifies seven key elements for granting a CPE (for more details see PowerPoint Presentation):
 - Community Purposes
 - Exclusive Use Requirement
 - Ownership Requirement
 - Exemption Date
 - Property must be open to the General Public
 - Properties of the Ownership Organization
 - Senior Housing Provision
 - The Application
- Other Key Considerations:
 - This is about Property Tax
 - Property Tax Accounts for 42% of Area Wide General Fund Revenues
 - Property Tax is used to fund the School District and pay for essential services
 - These essential services are used by all residents of the borough
 - An exemption excludes a property owner from paying all or a portion of the property tax but;
 - The essential services must still be provided so the cost is transferred to other property owners
 - An exemption is essentially a subsidy to a person or an organization.
 - Because the exemption constitutes a subsidy and the cost is transferred to other property owners it is very important to demonstrate that the value of the product or service the individual or organization provides is sufficient to warrant an exemption.
 - It is also important that clear criteria be developed and that there is a process to ensure that the individual or organization meets the criteria.
 - Individuals or organizations that do not meet the criteria should not receive an exemption due to the additional tax burden that this places on the other property owners.
 - The criteria for receiving an exemption should serve to demonstrate that
 - The individual or organization provides a product or service of sufficient value to merit an exemption.
 - That is product or service serves a community purpose.
 - That this product or service is available to the general public.
 - That if this product or service is not directly available to the general public the indirect benefit of providing the service to a limited group (seniors, disabled, economically disadvantaged, etc) benefits the community as a whole.

Development Process: The Manager sent out the DRAFT ordinance and a DRAFT Policy to those community groups impacted by the ordinance and policy and representatives of several organizations were on hand during the Finance Committee meeting of Monday 19 January. The Committee had several questions so I met again with representatives of community organizations on Wed, 21 January and discussed additional revisions to the policy. For clarity the Assembly votes on the ordinance which contains a provision for the administration to develop a policy. The Administration published a policy but there is no requirement for Assembly action with respect to the policy. The key changes incorporated in the policy relate to the following:

- Assessor review of the IRS 990

- Language that addresses concerns with respect to operating reserves, monies reserved for Capital Projects, and depreciation which present a more liberal interpretation of the term “actual cost to owner of the use by the renter”
- Ensuring that groups that had exemptions for tax year 2013 retain the exemption for tax year 2014. This ensures that groups have time to come in compliance.

Questions That the Manager Has Been Asked:

Will some of the groups that have received exemptions in the past no longer be eligible? This may be the case with some groups. For this reason the policy states that for the 2014 tax year groups that were eligible in 2013 remain eligible. They will be given time to come into compliance with the new policy.

Why are the policies with residential rental property so restrictive? The main reason for this is that residential rental properties are businesses. Providing a tax exemption serves as a subsidy to one business which makes their product more competitive. Therefore it is very important to demonstrate that a clear community purpose is served in providing a subsidy.

Why doesn't the Manager view providing affordable rental housing to Veterans as sufficient justification to warrant a Community Purpose Exemption? The Manager honors the service of all Veteran's but recognizes that not all Veteran's need access to subsidized housing and the current criteria for living at SMVV do several things that are inconsistent with considerations for a CPE and which make the criteria both too broad and too narrow to be considered;

- First the SMVV limits who can live in the housing which is not in keeping with the requirement that CPE's be available to the general public.
- Second, the limitation is not sufficiently narrow in that is open to all Veterans and it is difficult to see the community purpose that this conveys. Further narrowing the criteria to focus on individuals with service related disabilities, medically documented conditions requiring access to medical care, financial need, etc more clearly serves a community purpose and can overcome the fact that the residential units are not available to the general public.
- Finally, some may argue that military service in and of itself should warrant this consideration because of the sacrifice incurred. This is a strong argument but can it overcome the fact that others who also sacrificed such as police officers, firemen, teachers, etc. are not eligible to reside in this building if they do not have military service?



Haines Borough
Administrative Policy

Community Purpose Exemption Policy

Applicable to: All persons seeking to qualify for exemption of real property taxes under the *community purpose* category, as described in HBC 3.70.040(D). This policy outlines additional standards and requirements:

Effective Date: _____ *Note: the manager plans to put this policy into place immediately following the adoption of Ordinance 15-02-401.*

Documentation Requirements:

- A letter to the Assessor requesting exemption
 - Must provide a description of the use of the property and consistency with the requested exemption
 - Must describe any remuneration received by the applicant organization including;
 - Any property, or portions of the property from which rentals of income are derived
 - Actual operating expenses, excluding debt service or depreciation
- Copy of By-Laws
- Copy of Articles of Incorporation
- Copy of IRS 501(c)(3) or 501(c)(4)
- Where property is leased by the organization to other entities, financial statements for the past tax year including income and expense reports, and description of any debt service or depreciation included in the financial statements for the property
- Documentation supporting/describing the activities of the organization. For example, brochures, pamphlets and web pages are acceptable forms of documentation.
- The municipal assessor or designee may request additional information prior to its determination, as reasonably necessary to determine the exempt status of a property in accordance with municipal code and regulations and state law.

A request for exemption from the property taxes must be received by **March 15** of the applicable tax year. The property must be in use as of January 1 of the tax year in order to obtain an exemption for that year. Exemptions are not prorated and are granted based on two critical criteria; not for profit ownership and exclusive use of the property for an exempt purpose. Typically vacant land is not exempt.

NOTE: A taxpayer claiming a tax exemption has the burden of showing that the property is eligible for the exemption. (Greater Anchorage Area Borough vs. Sisters of Charity, Sup. Ct. No. 1299)

Policy on Community Purpose Exemption

The Community Purpose exemption is intended to allow property tax relief to those organizations providing services that result in a community-wide benefit. To qualify for the exemption the following requirements must be met:

- Properties deemed exempt by Haines Borough for the 2013 tax year will be deemed exempt for the 2014 tax year in order to provide sufficient time for organizations to come into compliance with this policy.

- The applicant must maintain a current 501(c) (3) or 501(c) (4) IRS non-profit classification.
- The organization must provide copies of the previous year and current year IRS 990 for review
- The property use must be directly related to the qualifying community purpose, the property must be used exclusively for the community purpose, and the property must be in active use by the organization offered the exemption
- The organization using the property must provide the community purpose benefits to a significant portion of the community
- The receipt of the benefit by that portion of the community must benefit the community as a whole
- The community purpose benefit must be open to the public without reservation, membership, exclusion or fee
- The income derived from rental of the property must not exceed the actual cost to the owner of use by the renter
 - The Assessor will have latitude to exclude from consideration funds set aside for Capital Projects, reasonable amounts set aside as an operating reserve, and costs of depreciation.
 - Property utilized as long-term residential housing only qualifies if the rental of the property provides a clear benefit to the community as a whole and sufficient to address the advantage to the property owner of providing a Borough supported subsidy. The community service provided must be clearly evident and sufficiently compelling to warrant an exemption. Examples of uses outweighing
 - Providing affordable rental housing for the indigent
 - Providing affordable rental housing with access to care for Senior Citizens (age 65 and older)
 - Providing affordable rental housing with access to care for US military Veterans with a service related disability of 50% or higher as determined by the Veteran's Administration
 - Providing affordable rental housing with access to care for members of the community with a long term illness, injury, or disability

Property used for the following activities and functions **does not qualify** for the community purpose exemption:

- Activities which require a membership fee
- Activities which are not open or available to the general public
- Activities where the main community purpose benefit is derived from spectator attendance

David Sosa
Borough Manager

Signature Date



MANAGER'S REPORT

DATE: March, 10 2015
 TO: Mayor and Borough Assembly
 FROM: David B. Sosa, Borough Manager

BOROUGH ADMINISTRATION MISSION

Under the guidance and direction of the Borough Assembly, the mission of the Haines Borough Administration is to deliver critical and desired services; to protect the safety and well-being of the community; and to create conditions for a vibrant, sustainable economy that enhances and safeguards quality of life

Manager's Comments:

FY 2016 Budget Preparation: Department Heads provided their budgets to the Finance Officer and those are being reviewed with the Manager as part of the budget development process. During this week's staff meeting we reviewed the timeline and confirmed due dates for additional input. I have been invited to be interviewed on KHNS radio next Thursday where the topic will be the Borough Budget and I will be joined by our Finance Officer. Upcoming items on the Budget preparation timeline:

FY16 Budget Administrative Preparation Timeline

8-Jan Budget Kickoff Staff Meeting	Manager/CFO
9-Jan Budget letters to RMSA & FD#3 Boards	CFO
2/7/2015 Manager/CFO Meet with School Superintendent	Manager/CFO/Superintendent
13-Feb Technology Request Forms Due	Department Directors
13-Feb Capital Improvement Project Request Forms Due	Department Directors
2-Mar Department & Museum Budgets Due	Department Directors
2-Mar Real Property Assessed Values Due from Assessment	Assessor
2-Mar Draft Technology Budget due from Warren	System Administrator
March 1-20 Staff Review and Input	Manager, CFO & Department Directors
13-Mar RMSA & FD#3 Budgets Due	Boards
16-Mar Manager Review Draft CIP with Facilities Director	Manager/Facility Director/CFO
23-Mar CIP Budget Finalized	Facility Director
25-Mar Manager Final Review	Manager/CFO
27-Mar Manager Transmittal Letter	Manager
27-Mar Mayor's Review of Manager's Budget	Manager/Mayor/CFO
1-Apr Manager's Budget Due to Assembly	Manager/CFO
April 1 - June 15 Assembly/Public Review and Input	Assembly/Public/Staff
9-Apr Budget Summary published in paper per Charter	CFO/Clerk
28-Apr Budget Introduction	Assembly/Mayor/Manager/Clerk/CFO
1-May School Budget Due to HB	HBSD
12-May 1st Public Hearing	Assembly/Mayor/Manager/Clerk/CFO
26-May 2nd Public Hearing (may adopt)	Assembly/Mayor/Manager/Clerk/CFO
1-Jun Deadline by which budget 2 PH must have taken place per Charter	
9-Jun ADOPT (with 3rd PH)	Assembly/Mayor/Manager/Clerk/CFO
15-Jun Deadline by which budget must be adopted per Charter	
1-Jul New Fiscal Year Begins	

Manager's Comments: ---continued---

Community Purpose Exemption: See memo included with Agenda item.

Nelson Violation: See memo included with Agenda item.

Noise Study and associated Resolution: I received and signed a contract with Mead & Hunt to conduct the study. A Technician will arrive on Sunday 8 March and will conduct readings at 4 locations from 9-16 March. Over the past week I met with representative from SEABA and coordinated over e-mail to ensure that property owners were amenable to having reading conducted on their property. I will travel with the Technician on the first visit out to the site and make arrangements to observe throughout the week to ensure that the test is in accordance with contractual arrangements.

Police Assessment: Chief Musser and I spoke with Mr. Russell and confirmed deliverables and timeline for the review. Mr. Russell's initial visit will be during the week of 16 March and will include interviews with department personnel and other members of the community.

Phil Benner's Last Day: Mr. Benner's last day at work was 27 Feb and on 26 Feb a farewell event was held at the Borough offices. Mr. Bell will assume the duties as Interim Harbor Master effective 2 March. The Job was posted locally and will be advertised online in Juneau, Anchorage, and Seattle. Additional notices will be sent to professional associations, Coast Guard Bases, and Naval Stations.

Helicopter Complaint: On Wed 25 February Ms. Jessica Plachta filed an official complaint regarding a helicopter flight on February 24, 2015. The matter has been referred to the appropriate staff office for review and actions as deemed necessary.

Community Cleanup: I let Department Heads know that the Borough Administration will be supporting the Cleanup and my plan is to provide paid time to employees for the 2 hours spent in cleanup on May 1st (3-5 PM). We will maintain the office and facilities at minimal manning so that we can support this community activity.

Harbormaster Hiring: The Borough advertised this position in the local paper and sent to online sites in Juneau, Anchorage and Seattle. Additionally, the information was made available to professional harbormaster organizations in the northwest, to USCG District 17 and the Navy Regional Command HQ.

FWT Permit Application: The permit has been delayed because the Borough has not received proof that FWT is covered under SEABA's insurance. A letter was sent to SEABA and FWT reiterating the requirements and outlining exactly what is needed for the event to occur. There has been extensive communication with both SEABA and FWT on this item which includes a series of 8 e-mail communications between 21 January and 4 March. These communications include the original requirement on the application and an e-mail acknowledgement from Mr. Nicholas Hale-Woods in which he stated "Thank you for your mail. Sunny should be able to have the coverage confirmation in the days to come. The process was delayed because of contract verbiage that had to be reviewed by a lawyer. It is absolutely clear to us that not event will happen without insurance coverage." On 5 March 2015 the Borough received an e-mail communication containing a letter from CBIZ Insurance Services, Inc stating that "Southeast Alaska Backcountry Adventures is working in good faith with CBIZ Sattler Insurance Services and Scott Sunberg (sic) has indicated he and the Freeride World Tour has every intention to place special event insurance coverage once it is available. The contract between SEABA and the FWT has taken extra time to review delaying the insurance underwriting process."

Borough Roads: A roads assessment is being conducted this month to help us identify road status and repair priorities. At present, roads are too wet for significant repair and we anticipate being able to start repairs in April, weather permitting.

Facilities & Public Works:

Allen Road 2015 Water System Upgrade

The Borough posted this project on Feb. 26. The work consists of furnishing and installing approximately 2,450' of 8-inch AWWA C-900 PVC water pipe and associated fire hydrants, water services and gate valves. It also includes removal of existing asphalt chip seal road surfacing, replacing it with a D-1 surface and imported backfill in areas with unsuitable subsurface soils. The project is to be complete by July 15, 2015. The Borough applied for a \$500,000 loan through the Alaska Department of Environmental Conservation to fund this project. This loan has a \$311,587 subsidy (62 percent), making it comparable to a DEC Municipal Matching Grant that funds up to 70 percent of project costs. The loan agreement is expected to be signed shortly.

Haines Borough Vocational Education Building Upgrade

This project is scheduled to be posted by Thursday, March 12, with work done during the summer break at Haines High School. The Alaska Department of Education and Early Development currently is reviewing the bid documents, as the project is eligible for 70 percent debt reimbursement from the state. Residents in the Borough election last October voted to issue general obligation bonds in a principal amount not to exceed \$1,711,027 to pay costs of mechanical system upgrades to the Vocational Education Building. Following DEED approval of the bid documents, bids tentatively would be due on April 3, 2015, with Haines Borough Assembly authorization set for the meeting on Tuesday, April 14.

Finance: NSTR

Lands & Planning: NSTR

Library: NSTR

Museum: NSTR

Ports & Harbor: NSTR

Public Safety: NSTR

Department of Community and Economic Development:

Economic Development:

Lutak Dock: Fill storage options

- Plan A entails the Borough relinquishing the ownership of the 20,000 yd³ fill material. AKDOT would dump the material on the west end of the Chilkoot Lumber Mill and fine grade it to match the surround area.
- Plan B entails the Borough maintaining ownership of the 20,000 yd³ of fill material. It has a value of approximately \$120,000; however, it would cost over \$200,000 to haul it back to the Lutak Dock site, plus an additional \$6,000 per year in rent.
- Plan C entails the Borough maintaining ownership of the 20,000 yd³ of fill material and stockpiling it on Borough-owned property next to the dock. Initial inspection of the site indicates the site is too small and unsuitable.

At this time Plan A appears to be the best option. A savings of \$120,000 represents less than 1% of the estimated total cost of the \$15 million to repair the dock. Since the Borough does not currently have any firm plans in place to repair the dock within the foreseeable future, savings will get even smaller with each passing year. Borough staff will get together next week to select a plan.

Department of Community and Economic Development: ---continued---

Excursion Inlet Bridge: Forestry still has the bridge that they are willing to donate to Haines Borough. Mandeville met via teleconference with Forestry officials. They report cost to design, transport and install bridge will be about \$500,000. Borough has approximately \$200,000 in Forestry Title 3 funds. Forestry said they could probably match those funds – leaving a \$100,000 finance gap. Potential funding sources include USDA grants. Mandeville will prepare a project management plan. They plan to meet again on April 10.

Small Boat Harbor: Mandeville made presentation to Parks and Recreation Committee. A similar presentation was made by Norman Hughes to the Planning Commission. Mandeville and Chi will prepare some conceptual designs regarding the preservation and/or relocation of the Memorial Park. They will need to finalize the designs and park plan before the end of the year.

Planning & Community Development:

ArtPlace Grant: Mandeville provided the Chamber of Commerce some technical assistance regarding this potential \$3 million project. Grant application due on March 12.

Community Development Think Tank: Mandeville met with executive directors of the Fair Grounds and Alaska Arts Conference. They discussed potential ways and means to collaborate on various non-profit projects. The talk evolved into how to organize the Borough's "Community Development" department or program to support non-profits and the existing grass roots, bottom up delivery of goods and services. They discussed putting together and distributing information regarding the impact non-profits have upon the community. They discussed organizing a three calendar of events along with collaboration on on-line marketing and advertising.

Public Participation Plan: Work on the Marijuana Ordinance was temporarily postponed to all time to draft a public participation plan. This plan will become part of the Comprehensive Plan. It will serve as a guide relative to scoping out complex issues such as the Marijuana Ordinance. An early draft of the plan should be ready soon.

Tourism:

Winter Economy Survey with McDowell Group: Leslie Ross and Bill Mandeville met via teleconference with the consultants. Consultants pointed out where in the report the Borough can pull the metrics it needs. Ross and Mandeville plan to put together a presentation for the Borough's various committees and work groups.

Tourism Advisory Board: Mandeville made a presentation regarding tourism and the sales tax. He discussed ways to figure out a rate of return generated by waiving the dock on 900 foot, 2,000 passenger cruise ships. TAB wants Mandeville to present his presentation to the Assembly on March

Community Youth Development:

Hoop Time Basketball: CYD continued to get four teams ready for the Mike Jackson Memorial Hoop Time Shootout Tournament scheduled for March 18-21 in Juneau. Haines CYD is sponsoring four teams, two boy and two girl teams. Approximately 38 Haines youth will participate in this tournament.

Upcoming Soccer Season: CYD put together its budget for FY2016. The process spun off into putting together its schedule for the upcoming year. They plan to introduce several non-sports activities such as drama, debate and drumming.

Swimming Pool:

Pool Budget: Work will get underway next week to get a better handle on pool revenues. The Pool's budget estimates \$40,000 in revenues; whereas, at the end of December it collected only \$4,000 in revenues. Mandeville will work with the Pool Manager to either close this gap or figure out why such a huge difference exists.

Facility Administration Report February 2015

Usage:

After a month off to reboot the theater with new curtains, sound, lights etc., we hosted some interesting events. In addition to the usual weekly classes film seemed to take center stage. The Sheldon Museum offered up a Valentine Casbah fundraiser with dinner and a film which sold out. The Lynn Canal Conservation held the Clean Water Fest in the lobby on Feb 7th and the Haines Arts Council had two nights of Oscar nominated shorts, dramatic one night, animated the following. These are always anticipated and well-attended and with the new sound in the lobby, it was like being in a theater with surround-sound. Having sound in the lobby is a new and advantageous addition that has enhanced every event in the lobby since it was installed.

The Salvation Army came armed with brisket and coleslaw as part of their volunteer appreciation brunch but it also was an example of how they would show up in an emergency and what they could provide for food. The offering was simple but warm and nourishing.

Rivertalk had another great evening of entertainment with community members stepping up to the mic to tell their stories which are always funny, wacky, sad, thoughtful and always revealing an aspect of someone we know but didn't know everything about. These are well-worth your time and support and only two left for the season. With the new café tables funded by the CVCF, it is even more intimate with snacks and drinks available for a modest fee.

The Crown Jewel for February was "Dancing at Lughnasa", the play produced by the Lynn Canal Community Players, directed by Tod Sebens, and starring local thespians. It ran for two nights and a matinee and despite having to compete with the Dick Hotch Tournament, brought in an appreciative crowd.

The renovation of the theater is nearly done, a few odds and ends to clean up including installation of a projector in the sound booth that will make movie night an even more professional event.

Events to put on your calendar:

- We have several events planned for March:
- March 8 – More films from the Haines Arts Council
- March 19th -- River Talk
- March 21 – Concert in the theater
- March 22 and 29 – The Northern Lights Showcase
- March 28 – HARK annual meeting

Maintenance:

Dance Studio received some new lighting that will help reduce electric energy costs. Thanks to Andus and Ted for climbing those high ladders and working with our user schedule. KHNS finished painting in the outer foyer and continuing our upgrades within the office suites which, when combined with the dance studio facelift and hallway painting has given a fresh and clean look to the whole upstairs.

Submitted by Facilities Manager, Kay Clements, February 2015

Chilkat Center for the Arts			
2/28/2015			
Contact	Function	Participants	Amount
	Dance Studio		
Chorus Bishop	Jujutsu for kids and adults	126	\$277.50
Marilyn Harrold	Tai Chi	11	\$45.00
	Lobby		
Well and Fit	Morning Muscles	14	\$30.00
St Michael's	Sunday Services - 3 Sundays	50	\$225.00
St Michael's	Wednesday, Feb 18th service	20	\$75.00
Well and Fit	Strength and Stretch	86	\$120.00
Lynn Canal Conservation	Water Film Festival Feb 7	60	\$100.00
LCCP	Rivertalk - Feb 19	50	\$75.00
Haines Arts Council	Oscar Shorts 2/21 and 2/25	100	\$150.00
Salvation Army	Volunteer luncheon 2/15/15	25	\$50.00
	Conference Room		
FCCA	Board meeting	7	n/c
KHNS	Board meeting Feb 18th	8	n/c
CCA	Board Meeting Feb 24	6	n/c
	Auditorium		
LCCP	Dancing at Lughnasa - Play 3 performances	420	\$1,300.00
Sheldon Museum	Casablanca Movie Night 2/14/15	50	\$200.00
		subtotal	
	February Totals	1033	\$2,647.50

Chilkat Center for the Arts			
1/31/2015			
Contact	Function	Participants	Amount
	Dance Studio		
Chorus Bishop	Jujutsu for kids and adults	130	\$285.00
Marilyn Harrold	Tai Chi - Last Class	22	\$75.00
HBSD	Cheer and Stunt Team Practice	7	\$30.00
	Lobby		
Well and Fit	Morning Muscles	61	\$105.00
St Michael's	Sunday Services - 4 weeks	70	\$300.00
Well and Fit	Strength and Stretch	87	\$105.00
HBSD	Homecoming Dance	50	\$100.00
LCCP	Rivertalk - Jan 15th	50	\$75.00
	Conference Room		
FCCA	Board meeting	7	n/c
KHNS	Board meeting	8	n/c
CCA	Board Meeting	6	n/c
	Auditorium		
Sue Libenson	Haines Music and Dance Camp -- using the entire fa	70	\$400.00
		subtotal	
	January Totals	568	\$1,475.00

February 2015 Haines Vol. Fire Dept. Monthly Report

The Haines Vol. Fire Dept. had one fire (17 responders/8.5 hours) callout in February. The call was for a fire alarm activated by burnt toast, and responders were recalled prior to arrival. Fire callouts for 2015 total 2. The Haines Vol. Fire Dept. responded to 10 ambulance callouts (37 responders /42 hours) in February. Calls included 2 nausea & vomiting, a chest pain, a general weakness, an expected Comfort One death, a patient refusal, and 4 medivac/transport. Ambulance callouts for 2015 total 30. There were no SAR callouts in February.

The first joint meeting (20 Fire & 11 EMS, 3hrs) was a business meeting with 3 new members being accepted as probationary members, (Shawn Bell, David Lockerman, & Ken VanSpronsen) for the fire company. Training was a general overview of SCBA use and donning, changing out SCBA bottles, base line vital signs and rehab practice for EMS responders on SCBA firefighters, and the classroom portion of Drivers' Training. The EMS training meeting (13 volunteers, 2.5 hrs) was on trauma scenarios (Simulated sledding accident & a fall in the bathroom). Two groups practiced on each scenario with different lead and responder activities for the group. The fire training (21 volunteers, 2.5h) was on extrication tool use, startup & setup procedures. CPR recertification was also offered. This was followed by a Fireground Operations presentation by Fire Captain Greg Palmieri.

The HVFD Spouses' Dinner is scheduled for Saturday March 7th at the American Legion. Appetizers start at 5:30, dinner at 6:00, and a presentation by Chief Scott Bradford will follow dinner. We thank our families for their patience and willingness to allow responders to go to calls many times when it is not convenient.

The Alaska Health Fair is happening on March 21 with the members agreeing to pay for basic blood work for any interested HVFD responder. The Helisking season is starting and this year a big event is being held in Haines. We hope for a safe season for all participating.

We continue to have many new members come in for basic training, which makes them able to benefit our department much sooner. Thanks to all that put in the extra time, you are going to make a difference.

Volunteer Hours for February 2015

HVFD Fire 145	HVFD Ambulance 138	SAR
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Volunteer Hours HVFD for 2015

HVFD Fire 282	HVFD Ambulance 313	SAR
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Total Volunteer Hours HVFD for 2015	595 Hours
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Respectfully Submitted,



AL Badgley HVFD Training Officer

January Statistics

Visits: 5,594
 Monthly Circulation: 7,833
 Internet Use: 1,250; Wi-Fi: 1,320
 Library Programs: 53, Attendance: 589
 Non-Library Programs: 1, Attendance: 8
 Meeting Room Organization Reservations: 33; Attendance: 186

February 18, 2015**Director's Report**

Staff:

- Holly Davis received the Alaska Library Conference attendance award. The recipient of this award receives \$500 towards conference expenses and has conference registration fees waived. Holly is required to keep a log of sessions attended and write a summary of her reactions to the conference for the state-wide library publication *Newspoke*.
- Holly applied for and received an Early Literacy Playspace mini-grant in amount of \$1,657 through the State Library. The grant funds will assist us in creating a Board Book Nook at the entrance to the children's room. This allows us to turn a currently congested area which includes books and puzzles into a Puzzle Center. Third, a new portable puppet stage will create a Puppet Theater Center and finally, acrylic, wall-mounted shelves will be added to the end of the J FIC section for display and easy access.
- Janine Allen has taken a full-time position at KHNS. Her last day is Friday, Feb. 20. She will be missed. The position is currently posted and applications will be reviewed beginning Feb. 20th. The new employee will begin in early March.
- Jen Kain will be out of town for the months of March and April due to a training her husband will be attending for his work. Jedediah will be returning to his former schedule prior to Jen's hire to cover these hours.
- I will begin my duties as President of the Alaska Library Association at the conference in Juneau at the end of this month.

Budget:

- I met with Dave Sosa and Jila to go over the library 2nd quarter financials. By the end of December, our expenses were at 52% which puts on target for the year.
- We submitted a Technology budget request for replacement UPS batteries for the staff workstations, replacement hard drives for failing server drives and a replacement public printer/scanner/copier.
- A CIP request asking for supplemental funds for LEAP of \$40,000 to assist us in demonstrating community financial support for the organization and project. It is recommended that we put a similar amount on the CIP list for FY17.

Programs:

- Forty-five people attended our project kick-off event with Ishmael Hope, author, actor, and storyteller, on Feb. 12. During the day, he visited class rooms at the school for

Haines Borough Public Library

storytelling events and in the evening he was at the library reading from his latest book of poetry and sharing his involvement in the development of the first video game developed in collaboration with the Inupiat, *Never Alone (Kisima Ingitchuna)*. The presentation about the video game allowed us to talk about the gaming portion of our project, *Ikaduwaḡaa: Doorways to the Past, Gateway to the Future*. Wayne Price has developed a beautiful logo for project flyers and brochures, while Erik and James have already been working on the webpage and game development.

- We will be participating with other libraries via OWL in a discussion of the film, *For the Rights of All: Ending Jim Crow in Alaska* on Tuesday, Feb. 17 from 5:30-7:30.

Other:

- The Donor Recognition, Finance, Publicity, and Special Events committees have all been meeting during the last month in fulfillment of the Capital Campaign goals and objectives.
- We return to summer hours on March 1. Open hours are Monday-Thursday, 10-9; Friday, 10-6; Saturday & Sunday 12:30-4:30.
- I will be out of town Wednesday, February 25th through Monday, March 2 for the Alaska Library Association conference and Executive Council meetings.

Minutes of 1-26-15 Haines Borough Ports and Harbors Advisory Committee Meeting

Committee members present: Terry, Bill, Don, Glen, Norman, and David Sosa, Phil, Shawn, Mike Case, Karen CVN.

After Manager and Harbormaster's report, committee discussed CIP list, raw fish tax, budgets, fee schedule, restrooms which will be addressed again on February 23 committee meeting.

Committee reviewed Harbormaster's recommended code change to 16.28.010 HBC. Committee voted to forward 16.28.010 Prohibited acts code D. addition to Haines Borough Assembly for their consideration.

Norman Hughes requested permission to speak on behalf of the harbor committee at future meetings with planning commission, parks and rec, and tourism advisory committees. Public outreach for information on South Portage Cove Harbor expansion. Permission granted.

Norman Hughes, HBPHAC Chair.

Haines Borough Public Library Board
Approved Meeting Minutes
January 21, 2015
4:00 PM

9B

The mission of the Haines Borough Public Library is to be responsive to community needs by assembling, preserving and providing access to materials, information, and technology. Therefore, the Library will offer an environment conducive to providing programs, sharing information, and stimulating ideas. The library will be a community gathering place where all ages are welcome.

Call to Order - 4:06pm

Present - Patty Brown, Dick Flegel, Heather Lende, Stacey Gala, Diana Lapham, Lorrie Dudzik, James Alborough, Cecily Stern (on Skype), Anne Marie Palmieri

Excused - JoAnn Ross Cunningham, Tracy Wirak

Additions or Revisions to Agenda - none

Consent Agenda Items

The following items are consent items for final action to be taken on all by a single vote. Any item may be removed for separate consideration if necessary.

1. Approval of Agenda
2. Approval of Minutes 12/17/2014

Heather/Stacey moved/seconded to approve the consent agenda as written. Approved

Reports

- Director's Report - Board was informed about a break-in last week and apprised of the list of library accomplishments during Patty's tenure of the last five years.
- Treasurer's Report
- Publicity Committee update

Items for Discussion

- Library Board bylaws – approve changes - Lorrie/Dick moved/seconded to approve changes to bylaws. Approved.
- Director's evaluation - upcoming - return form to James before February 3rd
- FY16 budget planning / meeting date - February 10, 2015, 4:00pm

Other

- Radio
January 23 - Heather , February 13 - Dick ,
February 20 - James

Board Comments - Diana mentioned that the borough website has a new timeline for assembly projects.

Director's Comments - none

Next Meeting February 18, 2014, 4:00pm

Adjournment - 5:04pm

Klehini Valley Volunteer Fire Department
Board of Directors Meeting
February 27, 2015

Meeting Minutes – Annual Report

The meeting was called to order by Chair Venables. Board members present: Chief Robert Clay, Sean McLaughlin, Sage Thomas and Robert Venables. Absent: Keith Brooks (out of town/excused). Department members present: Treasurer Holly Sage. There were no members of the public present.

The minutes of March 2, 2013 were approved and Robert Venables was re-elected as Board Chair. Passed unanimously.

Chief's Report:

After 2-3 years of not having regular contact with Dispatch in town, the radios are working better but there are still glitches being worked out. The Borough Administration is requesting that FD #3 participate in paying for the cost of **Dispatch operations**. Multiple models were discussed on how to provide this payment. It was agreed to have Fire District #3 budget one tenth of one mill (**0.1 mill**) towards dispatch operating costs in FY16. With 2014 assessed taxable values this amount would be approximately **\$3,490** (the exact amount raised with the .1 mill rate for FY16 is unknown until the 2015 tax roll is certified. The board of directors concurred that this was an equitable solution and authorized the Chief to communicate this to the borough and include it in the FY16 budget. The **FD #3 mill rate would be expected to rise or fall as the assessed rate in town and budget for dispatch gets set.**

Chief Clay reported that 2 new members have joined the department and all are engaged in training sessions on a regular basis (twice monthly). There have been no recent fire calls and the building and all equipment/trucks were in good working order. The septic system is working well – for the first time in years. The department continues to **reach out to Klukwan** and has invited them to participate in training sessions whenever they'd like. The department will reach out to the Klukwan school and offer fire safety information if desired. A community awareness event is being planned for the future.

New Business: The treasurer presented the year to date financials and the department's budget expenditures to date. Discussion also centered on how to finance a future fire truck after the final payment is made on the current loan with the recommendation that the budget continue to raise those funds with placement into an equipment sinking fund. **The borough will be asked to place a 4,000 gallon tanker/pumper fire truck on the 6-year CIP list.** The Chief will fill out the necessary CIP form for this request.

The department's proposed FY16 budget was discussed. With the increase of \$4,798 to the annual budget, the board approved the proposed **FY16 budget for a total of \$33,216.00**. This is the highest budget ever proposed for FD #3 and the department was recognized for their continual volunteer efforts to keep the budget as lean as possible for so many years.

Misc.

The Board requested the Chief to work toward **reducing the ISO rating** for the fire district. Board member McLaughlin will work with the Chief to identify tasks toward that goal. Increased water capacity will be key to lowering the ISO – highlighting the **need for a tanker truck**. The chief was encouraged to discuss this with FD #1 and try to touch base with other departments around the state for possible surplus trucks.

Discussion ensued regarding the **Canadian border facilities** and the need for that government to contribute to the fire department's budget. Previous conversations have been initiated in the past with no progress reported to date. The Chief and Chair will ask the borough for an update. **The borough assembly is urged to prioritize resolving this dilemma**. If there is a fire at any of the Canadian housing, there is **no authorization to respond**.

With no other business before the board, the meeting was adjourned.

DRAFT

RE: Fy 15 Annual report and budget request, Riverview Dr. RMSA
02/18/15 To: Haines Borough

The Only meeting of the Riverview RSMA in FY 2015 was held on 02/15/2015. In attendance were board members Dave Pahl, Marianne Rasmussen, and Scott Visscher. Others in attendance were Carol Pahl, Greg Rasmussen, and Teresa Visscher. Since the Mosq. Lk. school no longer functions as a meeting place for us we held the meeting at .9 mile Riverview at the Visschers residence.

2:25pm Dave P. motioned to start the meeting, Marianne R. 2nd

Scott V. motioned to ask the Borough to generate 1500.00 in FY 2016 from the Riverview tax base. Marianne R. 2nd

Marianne R. motioned to request one grading in late May/early June after the rd. has dried out. Scott V. 2nd

Marianne R. motioned to end the meeting @2:45pm, Dave P. 2nd

Please note that the budget request is half the previous yrs. amount. The board feels that it is appropriate to keep our Fund balance in the 10,000.00 range. Thanks to Jila Stuart for the requested Fund balance sheet and to Carlos Jeminez for his approachability and willingness to work with us. We would like to mention that the grading of the upper valley roads would probably be the least expensive if co-ordinated with the contractor so that all could be done at the same time. We have invited other residents of Riverview to take a more active part in our RMSA and become board members but so far to no avail.

Sincerely,
The board members of RV, RMSA
Scott Visscher
Marianne Rasmussen
Dave Pahl

RECEIVED Haines Borough

FEB 18 2015
JEC
Clerk's Office

SUMMARY 2014

Letnikof Estates Road Maintenance Service Area

The Board Members of the Letnikof Estates Road Maintenance Service Area conclude that the services provided by the Haines Borough and contracted services were of the highest standards.

All Board Members, Scott Sunberg, Gary Murray, Tom Ganner, Dennis Geasan and Michael Marks had their annual meeting on October 13, 2015 at Noon at the Haines Borough Public Library in the Conference Room. The agenda included a vote to re-appoint Dennis Geasan and Tom Ganner to another term of service. The budget was reviewed and on that date it was calculated at \$14,834. The Board discussed upcoming road maintenance issues which included road grading/blading and snow removal and sanding procedures. Carlos Jimenez attended the final portion of the meeting where it was discussed the need for two different road grading/blading projects, one in the Fall and one in the Spring. It was determined that this was greatly needed to keep the road in a safe driving condition. Mr. Jimenez offered to have the Haines Borough cover the expense of one road grading/blading project and the LERMSA Board voted to pay for the second road grading/blading project. A letter was later submitted to the Mayor with the Boards recommendations to re-appoint Dennis Geasan and Tom Ganner and the Haines Borough Assembly later approved their re-appointments.

The snow removal and sanding in the LERMSA was minimal to date during 2014/2015 as compared to other years.

The Road Board members pride themselves on safety first and to listening to numerous requests from residents and acting upon them when requested. Communication between Carlos Jimenez, private contractors and the Letnikof Road Maintenance Service Area Board members is excellent.

It was determined that our current budget allocation for FY 14 of \$10,000 was sufficient for snow removal and road maintenance and request that the FY 15 continue at the current budget allocation of \$10,000. The LERMSA requests the Haines Borough to consider future road maintenance to include improved road crowning, brush and ditch cleaning.

In conclusion, the Board Members of the Letnikof Estates Road Maintenance Service Area thank the Haines Borough, and want to highlight the excellent customer service provided by Carlos Jimenez and his staff. We also recommend the selection of Turner Construction for future road service contracts in our service area due to their excellent service.

Letnikof Estates Road Maintenance Service Area
BOARD MEETING
October 13, 2014 Noon-1:00 p.m.
Haines Borough Public Library-Conference Room

Letnikof Estates Road Maintenance Service Area

Board of Directors:

Scott Sundberg, Tom Ganner, Gary Murray, Dennis Geasan and Michael Marks

Minutes:

- Call to Order at Noon with all board members present and approved the Agenda

- Approval of Re-appointments for Dennis Geasan and Tom Ganner
Both Dennis and Tom have filed for re-appointment to serve new terms. The LERMSA Board voted unanimously to have Dennis and Tom be re-appointed as board members for new terms.

- Review of Budget: \$14,834
Discussion on this years budget which included a balance of \$5,072 and FY15 Tax of \$9,762.

- Discussion on upcoming road maintenance and road blading/grading
All board members agreed that the road was in serious need of maintenance and blading/grading. Two key areas were identified as the most in need of repair that was approximately 100 feet from the entrance of Letnikof Road and the main road and the intersection of Letnikof Road and Inlet Drive.

- Snow removal and sanding for 2014/2015
Discussion on working with Turner Construction for snow removal and the Haines Borough for sanding. Michael and Scott will be in charge of contacting both parties for services. Last year all work provided was excellent.

- Additions to the agenda: Fees
Short discussion on changing the fee structure from assessed property taxes to a flat rate. No vote was taken. Some members thought it was a good idea and most members wanted to stay with the current plan of fees for road maintenance.

- Discussion with Carlos Jimenez who will arrive to the meeting at 12:45 p.m.
Carlos arrived and discussion on the upcoming road maintenance and blading/grading. Carlos recommended additional material be delivered to build up the road in the two locations that have been determined. It was also discussed to build in two road gradings a year in order for the road not to deteriorate as much as it did this year and previous years with only one grading a season. Also discussed the last year of the Turner Construction Snow Removal Contract and all board members informed Carlos that they have done an excellent job in the past and we hope they win the next contract for snow removal.

Meeting adjourned at 1:00 p.m.

Submitted by,

Michael Marks
Secretary



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-550
Assembly Meeting Date: 3/10/15

Business Item Description:	Attachments:
Subject: Increase Threshold for Filing Quarterly Sales Tax Returns	1. Ordinance 15-03-402, draft
Originator: Finance Director	
Originating Department: Finance	
Date Submitted: 3/4/15	

Full Title/Motion:
 Motion: Introduce Ordinance 15-03-402 and schedule a first public hearing for 3/24/15.

Administrative Recommendation:
 This ordinance is recommended by the Borough Manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	N/A; impact is primarily on efficiency

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

This ordinance would increase the threshold for quarterly sales tax filing from \$1,000 of monthly gross receipts to \$3,000. The borough's auditors suggested the borough take a look at this threshold which has not changed at least since consolidation. Over time inflation has chipped away at the threshold causing an increase in the number of businesses required to file monthly.

Raising the filing threshold for quarterly returns as proposed would increase the number of filers that could file quarterly by roughly 50 businesses. This would reduce the annual number of returns processed by the finance department by roughly 400 returns (8 months x 50 returns) and would reduce the administrative burden on those business owners who qualify to file quarterly under the proposed new rules. The ordinance also adds a requirement that delinquent businesses will be required to file monthly.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 3/10/15	Public Hearing Date(s):
	Postponed to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 3 Subsection 3.80.090 to modify the threshold for eligibility for quarterly sales tax filing.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. July 1, 2015.

Section 4. Amendment of Section 3.80.090(D): Subsection 3.80.090(D) of the Haines Borough Code is hereby amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

3.80.090 Monthly returns – Penalties and interest for delinquency.

D. Businesses with taxable gross monthly receipts of ~~\$1,000~~ **\$3,000** or less may file and pay sales tax quarterly, provided notice is given the borough that this option is being exercised prior to an account's delinquency under subsection (B) of this section.

1. A quarter is three months, the first quarter is January, February and March; the second quarter is April, May and June; the third quarter is July, August and September; the fourth quarter is October, November and December.
2. When filing quarterly, taxes shall be paid and returns filed on or before the twentieth day of the month following the third month of the quarter for which the return is made.
3. When filing quarterly, interest shall be charged on the whole of the unpaid tax for the delinquent quarter from the date delinquent until paid.
4. If taxable gross receipts for any one month of a quarter are more than ~~\$1,000~~ **\$3,000**, the allowance for quarterly filing is voided and the monthly filing and payments must be instituted.

5. Businesses with taxable gross monthly receipts of \$3,000 or less that have failed to file sales tax returns and remit sales tax receipts to the Borough in a timely manner must file on a monthly basis rather than a quarterly basis.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 03/10/15
Date of First Public Hearing: 03/24/15
Date of Second Public Hearing: 04/14/15