

  
**Haines Borough**  
**Borough Assembly Meeting #235**  
**AGENDA**

**November 6, 2012 - 6:30 p.m.**

**Location: Assembly Chambers, Public Safety Bldg.**

**Stephanie Scott,**  
Mayor

**Dave Berry Jr.,**  
Seat A  
Assembly Member

**Steve Vick,**  
Seat B  
Assembly Member

**Debra Schnabel,**  
Seat C  
Assembly Member

**Joanne Waterman,**  
Seat D  
Assembly Member

**Norman Smith,**  
Seat E  
Assembly Member

**Jerry Lapp,**  
Seat F  
Assembly Member

**Mark Earnest,**  
Borough Manager

**Julie Cozzi,**  
Borough Clerk

**Michelle Webb,**  
Deputy Clerk

**1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL**

**2. 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:

- 3 – Approve 10/23/12 Assembly Meeting Minutes
- 8B – Library Staff Report
- 9A – Library Board Minutes
- 11A1 – Adopt Resolution 12-11-416
- 11A2 – Adopt Resolution 12-11-417
- 11B1 – Introduce Ordinance 12-11-309
- 11C1 – Library Board Appointments
- 11C2 – Letter re. State Trooper in Haines

**3. APPROVAL OF MINUTES – Regular: 10/23/12**

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

**5. 2012 BOROUGH ELECTION - Oaths of Office/Assembly Seats A and D**

**6. MAYOR'S COMMENTS/REPORT – 11/6 Report**

**A. Presentation of Award: Haines Harbor Employee of the Year – Mark Allen**

**7. PUBLIC HEARINGS**

**A. Ordinance 12-10-305 – Second Hearing**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3, Chapter 3.25 to clarify the purpose of the Medical Services Fund.**

*A code amendment is needed to allow for the funding being provided to Lynn Canal Counseling from the Medical Services Fund. While researching the matter, the clerk found no evidence the post-consolidation assembly intended to limit the medical services funds to ambulance service. This was introduced on 10/9 and had a first public hearing on 10/23. **Motion:** Adopt Ordinance 12-10-305.*

**B. Ordinance 12-10-306 – Second Hearing**

**Amending Haines Borough Code Title 5 to increase the fine for violations of business permits up to \$1,000 per violation per day, to amend the approved commercial ski tour area map, to adopt a fee for allocated skier days, and to require a system for receiving and responding to complaints.**

*The manager recommends a combination of policy and code changes for the 2013 heliskiing season, and his recommendations were "approved" by on 9/11. Some changes require code amendments. This was introduced on 10/9 and had a first public hearing on 10/23. **Motion:** Adopt Ordinance 12-10-306.*

**C. Ordinance 12-10-308 – First Hearing**

**An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 3 to Establish a Junk and Abandoned Vehicle Disposal Fund, to Levy a Motor Vehicle Registration Tax, and Exempt from Property Taxes All Vehicle Subject to the Registration Tax.**

*This ordinance was introduced on 10/23. The finance committee reviewed it on 10/30 and recommends revising the tax rate schedule to a flat \$22 biannual fee regardless of vehicle class. Staff is preparing an amendment. **Motion:** Advance Ordinance 12-10-308 to a second public hearing on 11/27/12.*

**8. STAFF/FACILITY REPORTS**

**A. Borough Manager – November 6, 2012 Report**

**\* B. Library – Staff Activity Report of September 2012**

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

**\* A. Library Board of Trustees – Minutes of September 12, 2012 Meeting**

**B. Assembly Standing Committee Reports**

10. UNFINISHED BUSINESS

A. Ordinance 12-08-302

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

*This was introduced on 8/28 and the first hearing was 9/11. Following the second public hearing on 10/23, the assembly postponed the matter to this meeting as a result of discussion concerning the timeframe for suspension or revocation appeal hearings. The agenda item was postponed with the following motions on the table. The assembly will resume discussion of the primary amendment.*

**Main Motion:** WATERMAN moved to "adopt Ordinance 12-08-302," and it was seconded.

**Primary Amendment:** WATERMAN moved to amend the ordinance draft by replacing it in its entirety with the substitute ordinance recommended by the Port and Harbor Advisory Committee, and the motion was seconded.

B. Borough Manager Contract

*On 10/9, a motion to extend the manager's contract was made and, after discussion, was postponed to this meeting. **Motion on the Table:** Extend the manager's contract for an additional year.*

C. Manager Transition Plan and Options for Hiring Process

*This item was on the 10/9 agenda and was postponed to this meeting. The personnel committee met on 9/21 to discuss the manager transition plan and hiring process and recommends a "traditional" recruitment method. **Motion #1:** Use a traditional recruitment method to hire the next borough manager. **Motion #2:** Refer development of a selection matrix to the Personnel Committee.*

11. NEW BUSINESS

A. Resolutions

\* 1. Resolution 12-11-416

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Haines Street Improvements Phase 3 project for an amount not to exceed \$83,583.32.

*This is recommended by the Borough Manager. **Motion:** Adopt Resolution 12-11-416.*

\* 2. Resolution 12-11-417

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Fourth, View, Lynnview Water System Upgrades project for an amount not to exceed \$50,367.74.

*This is recommended by the Borough Manager. **Motion:** Adopt Resolution 12-11-417.*

B. Ordinances for Introduction

\* 1. Ordinance 12-11-309

An Ordinance of the Haines Borough Assembly amending Borough Code Title 5, Section 8.20.010 to remove certified landfill material from the list of items not considered a bear attraction nuisance.

*The topic of bear attractants was recently revisited in a meeting attended by several interested groups including Community Waste Solutions. Those in attendance agreed it would be important to have some type of deterrent at the landfill. Therefore, a recommendation was made to strike "certified landfill material" from the list of items exempt from the bear attraction nuisance code.*

**Motion:** Introduce Ordinance 12-11-309 and set a first public hearing for 11/27/12.

C. Other New Business

\* 1. Library Board of Trustees Appointments

*The terms for three Library Board seats are up this year, and those members have requested reappointment, and the Board recommends this. The mayor intends to reappoint and seeks assembly confirmation. **Motion:** Confirm the mayor's reappointment of Dick Flegel, Stacey Gala, and Lorraine Dudzik to the Library Board of Trustees.*

\* 2. Need for Alaska State Trooper in Haines

*A letter has been drafted to make a formal inquiry with state officials regarding the staffing of an Alaska State Trooper in Haines, and assembly concurrence is sought.*

12. SET MEETING DATES

13. PUBLIC COMMENTS

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

15. ADJOURNMENT

Haines Borough  
Borough Assembly Meeting #234  
October 23, 2012  
MINUTES

Draft

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

**Present:** Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Joanne **WATERMAN** (via teleconference), Norman **SMITH**, Steve **VICK** (via teleconference), Debra **SCHNABEL**, and Daymond **HOFFMAN**.

**Staff Present:** Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Michelle **WEBB**/Deputy Clerk, Gary **LOWE**/Chief Of Police, Carlos **JIMENEZ**/Director Of Public Facilities, Xi **CUI**/Planning & Zoning Technician, and Darsie **CULBECK**/Assistant to the Manager.

**Visitors Present:** Tom **MORPHET**/CVN, Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill and Libby **KURZ**, Kelly **LOWE**, Scott **SUNDBERG**, Thom **ELY**, Pam **RANDLES**, Dave **KAMMERER**, Terry **PARDEE**, Bill **Rostad**, Bob **MUSSEMAN**, Bob **GRANT**, Tim **AUKERMAN**, Patrick **PHILPOTT**, Eric **HOLLE**, Heidi **ROBICHAUD**, Scott **CAREY**, George **FIGDOR**, Mark **ALLEN**, Richard **BUCK**, Forrest **BOWERS**/ADF&G, Bob **DUIS**, Carol **TUYMAN**, Sean **GAFFNEY**, Stan **JONES**, Dave **SUNDNAS**, Ben **ANDERSON**, Amy **GULICK**, and others.

2. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

- 3 – Approve Assembly Meeting Minutes
- 8B – Fire Department Report
- 9A – Tourism Advisory Board Minutes and Request
- 9B – Planning Commission Meeting Minutes
- 11A1 – Adopt Resolution 12-10-409
- 11A2 – Adopt Resolution 12-10-410
- 11A3 – Adopt Resolution 12-10-411
- 11A4 – Adopt Resolution 12-10-412
- 11A6 – Adopt Resolution 12-10-414
- 11A7 – Adopt Resolution 12-10-415
- 11B1 – Introduce Ordinance 12-10-307
- 11B2 – Introduce Ordinance 12-10-308
- 11C1 – Confirm Hire – Director of Public Facilities

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

**SCHNABEL** asked for removal of item 11B1 from the Consent Agenda, and **SMITH** requested item 11B2 be removed, as well. **WATERMAN** asked to move item 6A before public comments to provide those in attendance with an opportunity to comment on the Dungeness crab presentation. There were no objections to the agenda changes.

- \* 3. **APPROVAL OF MINUTES** – 10/9/12 Regular Meeting; 10/9/12 Election Canvass

**6A. Discussion of Local Dungeness Subsistence and Commercial Crab Fishery**

*This item was moved to this place in the meeting during approval of the agenda. Forrest Bowers, Marine Fisheries Supervisor, Alaska Department of Fish and Game, made a PowerPoint presentation.*

**BOWERS** explained Assembly Member **SMITH** contacted him earlier this fall with a number of questions and it seemed it might be beneficial to come to Haines to make a presentation to the assembly. He said he will make the PowerPoint presentation available to borough staff.

4. **PUBLIC COMMENTS**

**PHILPOTT** said he is appalled at the large number of commercial pot in the bay this summer. He's always been able to get his food supply but after ten days, he only got one crab.

**BUCK** said about two weeks ago, he counted more than 60 pots in front of his house in Lutak Inlet. It has shut out all subsistence and sport-fishing. He asked if there can be an exclusive zone set up for subsistence fishing. **BOWERS** responded there is an area in Mud Bay that is closed to commercial fishing. There are about 14 such areas in Southeast Alaska.

**PARDEE** said he is a commercial crab fisherman. A natural decline in crab numbers down south and higher prices brought crabbers up to this area who would ordinarily fish elsewhere. The numbers were alarming this year and are not sustainable. Just a year or so ago, the first pick was 10-15 per pot, and this year it was ½ crab per pot. He doesn't want this to happen. He's always tried to fish away from town himself. He doesn't want to see the commercial fishermen demonized, but he is not sure what the answer is. A 75-pot permit holder cannot make it work now. He's not optimistic for next spring. It's about as lean as he's ever seen it, and he's been fishing since 1970. He's afraid the stock is going to be so depleted it will take 5-6 years for the biomass to recover.

**AUKERMAN** is a member of the Southeast Subsistence Advisory Council. It's been lean for halibut and now the crab. The resource belongs to everyone here. Under AS 44.62.270, it's an emergency. In this case, it would be up to the state to declare a disaster, since it is state-managed water. It's a problem on the entire west coast.

**GRANT** said many residents subsistence and sport fish. It was unbelievable this year. A person could almost jump from buoy to buoy. There is a sea otter problem south of here, and they eat crabs and clams. That could be one of the reasons more commercial crabbers came here this year.

**SCHNABEL** recalled the assembly's Commerce Committee hosted a meeting with Alaska Fish & Game (ADF&G) during the summer regarding salmon. She asked **BOWERS** if he recognizes a management issue. **BOWERS** said the policies are set by the Alaska Board of Fisheries. They take up potential regulatory changes either at the request of the public or ADF&G. Any fundamental changes would have to go through that Board. ADF&G can close an area, but he doesn't see anything right now that tells him the long-term population is in jeopardy. However, he does believe there is a user group conflict. **SCOTT** said Haines is interested in making a case to the managers. **SMITH** thanked **BOWERS** for coming to Haines. He has been impacted this year. This is his first year with no crab and he's been here his whole life. He asked if pre-season thresholds can be changed and when they are determined. **BOWERS** said the thresholds themselves don't change because they are set in regulation. Region-wide harvest projections are made each year that determine season lengths. It's not really "pre-season," because it actually takes place in the first week of the season. Their projections have been very accurate. **SCOTT** asked **BOWERS** if he would consider returning, and he said he would consider it.

#### **PUBLIC COMMENTS** continued for other topics:

**ELY** asked if Resolution 12-10-413 involves the replacement of existing street lights. [Yes]

**RANGLES**, representing the Bear Foundation, asked the assembly to consider an ordinance to amend Title 8 to strike "certified landfill material" from the list of items exempt from the bear attraction nuisance code. Some deterrent is needed at the landfill. There was recently a meeting involving Community Waste Solutions, and they agree with the amendment.

**GULICK**, author of "Salmon in the Trees" said she has enjoyed her visit to Haines, and this is a fantastic community. She presented a copy of her book to the mayor for the community. **SCOTT** said this is a great intersect of science and art.

**B.KURZ** said he gave the mayor a copy of a letter from the Port Development Council and copies are in the assembly's blue folders.

**MORPHET** introduced **GARCIA**, a new reporter for the Chilkat Valley News.

#### **5. 2012 BOROUGH ELECTION – Certification of Results**

**Motion:** **LAPP** moved to "declare the October 2, 2012 Borough Election valid and certify the election results," and the motion carried unanimously.

**COZZI** announced that no notice of election contest was received by the 5:00 p.m. deadline, so certification may take place. There was no discussion.

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

*The mayor summarized her written report dated 10/15/12 that was included in the meeting packet.*

##### **A. Discussion of Local Dungeness Subsistence and Commercial Crab Fishery**

*This item was moved ahead of Item 4 during approval of the agenda.*

#### **7. PUBLIC HEARINGS**

##### **A. Ordinance 12-08-302 – Second Hearing**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats**

against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

Mayor **SCOTT** opened and closed the public hearing at 7:40pm; there were no public comments.

**Motion:** **WATERMAN** moved to "adopt Ordinance 12-08-302," and it was seconded.

**Primary Amendment #1:** **WATERMAN** moved to "amend the ordinance draft by replacing it in its entirety with the substitute ordinance recommended by the Port and Harbor Advisory Committee," and it was seconded.

During the discussion, **SCHNABEL** moved to amend Prohibited Acts, item S by replacing the word *violent* with the word *emotional*, and it was seconded by **SMITH**. She does not want to provide language that implies violence is ever reasonable. **WATERMAN** said this is part of the definition under Alaska law. **EARNEST** said this language was carefully worded by the borough attorney. There was a balance struck to have an ordinance that did not violate first amendment rights. If there is assembly support for this amendment, he would like to present that to the borough attorney. **VICK** does not favor the amendment. He believes it is more about the person who is speaking the words as opposed to the recipient. The term "emotional" is too broad and could mean anything. **SMITH** said the average reasonable listener can be provoked by an abusive comment. He agrees with **EARNEST** that the attorney should be consulted prior to going any further. **WATERMAN** agreed it is always hoped any reasonable listener would not become violent. She would not be opposed to holding it over to another public hearing so the attorney can weigh in. **SCHNABEL** said there is a tremendous amount of effort the borough is trying to put into place to manage behavior. Though people can be violent, it is not the kind of response we would ever want to engender. **SCOTT** agreed that the use of the word emotional is too broad. The amendment motion failed 1-5 with on **SCHNABEL** voting in the affirmative.

**SCHNABEL** moved to amend 16.28.030 paragraph C to require the manager to actually convene a hearing within 14 business days as opposed to just calling for a hearing within that timeframe, and it was seconded by **SMITH**. **EARNEST** said it may be a problem at times due to fishing season, public notice requirements, etc. He wondered what happens in those situations when a quorum is not available. **SCHNABEL** said if it's the borough's intent to take care of business within 14 days, the wording currently says the manager could call a meeting on the 14<sup>th</sup> day. **VICK** agreed with the manager---what happens if it can't happen within 14 business days? The motion was withdrawn; there was no objection from the group.

**Motion to Postpone:** **VICK** moved to "postpone the matter to the 11/6/12 assembly meeting," and it carried 5-1 with **LAPP** opposed.

**VICK** said this postponement would allow time to work on the wording in question.

**B. Ordinance 12-09-304 – Second Hearing**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3, Section 3.70.040(D) to remove from the list of community purpose-exempted properties the parcels owned by Lynn Canal Human Resources, Inc.**

Mayor **SCOTT** opened and closed the public hearing at 7:59pm; there were no public comments.

**Motion:** **LAPP** moved to "adopt Ordinance 12-09-304," and the motion carried unanimously in a roll call vote.

**C. Ordinance 12-10-305 – First Hearing**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3, Chapter 3.25 to clarify the purpose of the Medical Services Fund.**

Mayor **SCOTT** opened and closed the public hearing at 8:01pm; there were no public comments.

**Motion:** **WATERMAN** moved to "advance Ordinance 12-10-305 to a second public hearing on 11/6/12," and the motion carried unanimously.

**D. Ordinance 12-10-306 – First Hearing**

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 5 to increase the fine for violations of business permits up to \$1,000 per violation per day, to amend the approved commercial ski tour area map and to adopt a fee for allocated skier days.**

Mayor **SCOTT** opened the public hearing at 8:02pm.

**HOLLE** reminded he proposed that any heliskiing map changes should be run by ADF&G, especially regarding mountain goats. This would not require the borough to cede authority to that agency. It would simply get more information to the assembly to make the best decisions possible. His concern is that this should happen and if it's not part of an ordinance it probably won't. He hopes the assembly will consider his proposal.

**ELY** said it's nice to see the assembly taking some action to add penalties that might actually mean something. He supports the fine and the user day fees, and he would like to see the fees implemented this season. Regarding the map, he was very disappointed with the map additions that were made during the Heliskiing Working Group meetings. Wildlife biologists were not consulted. He acknowledged the heliskiers should have some of the spots added that allow skiing down to the valley bottom, but he would like to see substantial areas removed, as well. He does not support the assembly amending the map by resolution because the public should be able to comment on proposed changes.

**FIGDOR** said these are public lands and a slight user fee is appropriate for a business making money off of those lands. The current mapping system identifies only areas for commercial skiing. It should be expanded to include other multi-uses, including backcountry skiing and residential areas. More and more people are coming to Haines as independent tourists to ski in the backcountry and they should be considered, as well.

**SUNDNAS**, guide with SEABA, is a resident of Haines, owns property and pays his taxes. A \$1,000 fine is pretty steep. The map needs to be revised a little for pickups and drop-offs. If he's going to be liable for a \$1,000 fine, the boundaries need to make sense. With more regulation, they will be pigeon-holed into potentially unsafe areas. Safety is a big concern for him.

**SUNDBERG** said SEABA does not recommend any amendments to the current code. They would, however, like some map revisions. He would appreciate a committee-of-the-whole to give the assembly an opportunity to understand the issues. He agrees there are other user groups in those areas. SEABA is prepared to take as much time as necessary to deal with the map, especially in light of large fines. Safety is also a huge consideration. He's a guide and has been for 16 years. SEABA is working with the commissioner of ADNR on jurisdiction issues related to wildlife. The goats are fine. They have seen heavy increases in the population since they began heliskiing. He looks forward to working with the assembly.

**GAFFNEY**, of Alaska Mountain Guides, asked if the proposed code changes regarding the map would allow for public input. **SCOTT** said the assembly could require that.

**ANDERSON** is a new resident of Haines and last year was his first working with SEABA. Safety is the biggest concern. Snow quality changes between glaciated and non-glaciated terrain. He doesn't understand the user fees. As for the fines, the guides don't make much money. A lot of money goes in and out of the industry but the guides don't make much. It doesn't seem like any amendments are needed except for the mapping.

**CAREY** supports **HOLLE**'s idea of requiring the assembly to consult with ADF&G before making any map changes. Also, map changes need to have public input and hearings. It's a good idea to delineate nonmotorized and motorized use on the map.

Hearing no further public comments, the mayor closed the public hearing at 8:28pm.

**Motion:** **WATERMAN** moved to "advance Ordinance 12-10-306 to a second public hearing on 11/6/12," and it was amended to replace it with the substitute ordinance proposed by the manager. The motion carried unanimously.

**PRIMARY AMENDMENT #1 :** **WATERMAN** moved to "amend the ordinance draft by replacing it in its entirety with the substitute ordinance proposed by the manager," and it was amended to add the citizen complaint procedure requirement noted in the 9/3/12 manager memo that was approved by assembly motion on 9/11/12.

**SCOTT** clarified the fines would not be levied against the guides themselves but the heliski companies. **EARNEST** explained the complaint procedure requirement was inadvertently omitted from the draft ordinance.

**VICK** moved to amend the substitute ordinance to add a requirement that prior to amending the map, the ADF&G wildlife biologists shall be consulted to identify any possible areas of concern, and it was seconded. **HOFFMAN** asked if the borough can manage state land, and **SCOTT** said to a degree. **SCHNABEL** said the idea of consulting with ADF&G is a good idea, but she wondered who

does the consulting. She likes the idea of codifying a map committee and can develop language if the assembly is interested. **WATERMAN** asked if ADF&G was consulted on these proposed changes. **EARNEST** said yes. **WATERMAN** said it's being taken care of so she questions the need to put it in code. The administration did consult. **SMITH** said mountain goats don't stay in one place---they move around. ADF&G knows where the animals are. **HOFFMAN** agreed with **WATERMAN**. **SCOTT** said there has been consultation, and it is ongoing. **VICK** said there could be times when ADF&G does not have input. There's value for the borough and no risk in codifying it. The motion failed with **WATERMAN**, **HOFFMAN**, **SCHNABEL**, and **LAPP** opposed.

Primary Amendment #1, as amended, carried 5-1 with **LAPP** opposed.

Mayor **SCOTT** believes the assembly should address the heliskiing map as a committee of the whole. **LAPP** said he believes the borough has gone way overboard on the regulations. Expense is added every time new regulations are imposed. He noted the preamble to the Charter says the borough will not over-regulate.

The main motion, as amended, carried 5-1 with **LAPP** opposed.

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

### **A. Borough Manager - October 23, 2012**

*Attachments:*

1. *Federal Involvement Priorities for the Haines Borough*
2. *Alaska Wood Heat Energy Conference Report from Darsie Culbeck*
3. *Draft Trip Report Policy*
4. *Prophecy Platinum Agreement with Kluane First Nation*

**EARNEST** announced the state has signed the Notice to Proceed on the grant agreement for the purchase of Picture Point, and the property owner is preparing a short plat.

**SMITH** asked the status of the Mosquito Lake School fire suppression system and also the idea of a similar system for the new public works building. **EARNEST** said he recently visited the school with the new director of public facilities. **JIMENEZ** said the plan is at the State Fire Marshal at present, and the estimated cost is about \$75,000. The project needs to be expedited and includes a replacement tank, sprinkler heads, and pump. **EARNEST** said the school district has committed the funds and the borough will manage the project. Regarding the public works shop, the borough has purchased some containers that will house flammables in order to segregate them. **SMITH** would like the borough to focus on putting a sprinkler system in the public works shop. Regarding the Sunshine-Piedad waterline improvements project, **WATERMAN** asked if there is a possibility a fire hydrant could be installed at the end of road where there isn't one, and **EARNEST** said he will look into that. **SCHNABEL** said she would like to see the new schedule of road projects. **EARNEST** is actively working on that list with the director of public facilities. **JIMENEZ** said the Chilkat Center Roof Repairs are almost substantially complete, and he believes there is some money remaining that will allow a bit more support to be added, as well. **EARNEST** said when the exterior shell was removed, there was not as much rot as was expected.

### **B. Fire Department – Activity Report for September 2012**

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

- \* **A. Tourism Advisory Board** – August 23, 2012 meeting and Mayor's response to request
- \* **B. Planning Commission Minutes** – August 9, 2012 and September 13, 2012

## **10. UNFINISHED BUSINESS - None**

## **11. NEW BUSINESS**

### **A. Resolutions**

#### **\* 1. Resolution 12-10-409**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Little Diggers to provide 2012-2013 snow removal services for Cathedral/Piedad Area & Riverview RMSA.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-409."*

#### **\* 2. Resolution 12-10-410**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Alaska Marine Trucking to provide 2012-2013 snow removal services for the Lutak Dock.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-410."*

**\* 3. Resolution 12-10-411**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Turner Construction to provide 2012-2013 snow removal services for Letnikof Estates RMSA & Tanani Bay Subdivision.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-411."*

**\* 4. Resolution 12-10-412**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Southeast Road Builders to provide 2012-2013 snow removal services for the Chilkat Center & Townsite Public Schools.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-412."*

**5. Resolution 12-10-413**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Alaska Power & Telephone to provide 16 new LED streetlights in the amount of \$ 12,246.2.**

*There were no public comments.*

**Motion: LAPP** moved to "adopt Resolution 12-10-413," and the motion carried unanimously in a roll call vote.

During a brief discussion, **SMITH** asked how the 16 lights were selected and why they aren't all being replaced. **SCOTT** explained this plan was put in place when the Energy Sustainability Commission existed. These particular lights are all borough-owned. The borough is not allowed to switch out the state-owned lights.

**\* 6. Resolution 12-10-414**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into an agreement with Roadrunner Fence Co. for installation of chain link security fencing and gates at Lutak Dock in the amount of \$128,500.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-414."*

**\* 7. Resolution 12-10-415**

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into an agreement with PND Engineers, Inc. for the South Portage Cove Expansion Offshore Bathymetry and Onshore Topography Surveys in the amount of \$97,393.**

*The motion adopted by approval of the consent agenda: "adopt Resolution 12-10-415."*

**B. Ordinances for Introduction**

**1. Ordinance 12-10-307**

**An ordinance of the Haines Borough Assembly amending the Port of Haines Terminal Tariff No. 3 to increase water rates at Haines port facilities, increase dockage rates at the Port Chilkoot Dock, and move text from one tariff page to another.**

**Motion: WATERMAN** moved to "introduce Ordinance 12-10-307 and set a first public hearing for 11/6/12," and the motion carried unanimously.

During a brief discussion, **SCHNABEL** said she wants to better understand the approach being taken with the enterprise funds. They should pay for themselves rather than being subsidized. The Finance Committee should advance an ordinance dealing with tariffs.

**Motion to Refer to Committee: SCHNABEL** moved to "refer Ordinance 12-10-307 to the Finance Committee," and the motion carried unanimously.

**WATERMAN** asked that the Finance Committee also investigate why the advisory boards want to table the lightering float rate increases.

**2. Ordinance 12-10-308**

**An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 3 to Establish a Junk and Abandoned Vehicle Disposal Fund, to Levy a Motor Vehicle Registration Tax, and Exempt from Property Taxes All Vehicle Subject to the Registration Tax.**

**Motion: WATERMAN** moved to "introduce Ordinance 12-10-308 and set a first public hearing for 11/6/12," and the motion carried 5-1 with **SMITH** opposed.

During the discussion, **SMITH** said there is already an ordinance that specifies a maximum

number of non-functional vehicles allowed on property in the townsite. If this code was properly enforced, the junk vehicle problem might not exist. He also does not like the idea of taxing the public yet again. This issue could be addressed by the police department if there is a stricter enforcement of state law. There are many people who drive their out-of-state vehicles into Haines for the summer season and then leave and they never register them in Alaska. He believes it is wrong to impose another tax on the public without enforcing the current ordinances. **SCOTT** explained the state would enforce the vehicle tax. **WATERMAN** said it's her understanding this has been discussed by both the finance and commerce committees. The fees need to be more reasonable. **EARNEST** said the numbers could be modified. **SCHNABEL** said the borough should decide what kind of program it needs and then determine how much money must be raised to pay for it. **CULBECK** explained there is a looming timeframe---the first of the year---to submit this to the state. Then the money isn't seen for a year. The proposed fees could raise \$40,000 a year. He said the borough currently has no way to tow abandoned vehicles or a place to put them. If a vehicle is involved in an accident, legally it is supposed to be kept in a secure area. The first phase of this is just to deal with junk vehicles on borough property. **EARNEST** said impounded vehicles are currently staged at the sewer treatment facility where they are unsecure. This violates the requirement to secure vehicles that may be evidence. In order for this to take effect in 2014, the ordinance has to be adopted, and the state has to be notified of the borough's intent to establish this fee. That doesn't mean the schedule can't be modified. **CULBECK** added it is legal to forward-spend the anticipated revenue. For example, a tow truck could be purchased next year even though the money wouldn't actually come until 2014. **EARNEST** said a special fund would be established.

### C. Other New Business

#### \* 1. Confirm Hire – Director of Public Facilities

*Borough Charter 5.03(B) says all department head appointments are subject to assembly confirmation. The motion adopted by approval of the consent agenda: "confirm the hire of Carlos Jimenez as the new Director of Public Facilities."*

#### 2. Disposition of the Federal Priorities Sub-Committee

*On 8/28 the assembly established a 2013 Federal Priorities Steering Committee. The mayor was ready on 10/9 to appoint Allen Turner (chamber of commerce), Royal Henderson (school board), Robert Venables (planning commission), and Jerry Lapp (assembly) and sought assembly confirmation. The motion to confirm failed 3-2 with Waterman and Smith opposed (Schnabel left the meeting prior to that vote). The assembly met as a committee-of-the-whole at 6:00pm on 10/23 to discuss the situation of having a committee with no appointees.*

**Motion:** **WATERMAN** moved to "discard formation of a federal priorities committee and assign tracking and development activities to the assembly itself sitting as a committee of the whole," and the motion carried unanimously.

### 12. CORRESPONDENCE/REQUESTS

#### A. Request for Assembly C.O.W. to Review Heliskiing Map – SEABA, Inc.

There were no comments.

### 13. SET MEETING DATES

A. **Finance Committee** – Tuesday, 10/30, 5:30pm - Purpose: Port Tariff Ordinance and look at the junk vehicle rates.

### 14. PUBLIC COMMENTS

**B.KURZ** suggested rather than the borough raising money to take care of problem vehicles, an RFP should be put out so that private enterprise will be encouraged.

**ELY** thanked **HOFFMAN** for his service on the assembly.

**ALLEN** believes the borough should tax people who don't register their cars, and leave everyone else alone. It's already not easy to make a living here.

**CULBECK** said he is very excited **JIMENEZ** has joined the team.

### 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

**VICK** said the government affairs & services committee met about the police complaint policies. The committee recommends a review of the policies every five years. The police department has a very large policies and procedures manual, and if a resident wants to file a complaint, they might get lost. Perhaps a

flowchart or a short form would be helpful. He thanked **HOFFMAN** for his service.

**SCHNABEL** thanked the mayor for investigating the assault charge against a harbor employee. To have the charge reduced concerned her because it's important to publicly demonstrate concern when employees are subjected to abusive behavior.

**HOFFMAN** said this was a very enjoyable term, and he appreciates the support he has received.

**SCOTT** responded to the public comment about putting out an RFP for vehicle impounding. She explained that the borough can do that but would still have to pay for it. Covering the cost is the purpose of the proposed motor vehicle tax.

**LAPP** thanked **HOFFMAN** for his service.

**WATERMAN** thanked **HOFFMAN**. She also said there is a lot going on in the borough, and she is excited about the new staff members.

**SMITH** said in spite of the public sentiment that government works very slowly, he's impressed with the new roof and the new boiler at the Chilkat Center. Government does work if everyone participates. He thanked **HOFFMAN**, as well.

16. **ADJOURNMENT** – 9:46pm

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

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-173

**Assembly Meeting Date:** 11/6/12

| <b>Business Item Description:</b>                        |  | <b>Attachments:</b>   |
|--|--|---|
| Subject:<br>Clarify Purpose of the Medical Services Fund | Originator:<br>Assembly Member Waterman (agenda bill by clerk) | 1. Ordinance 12-10-305<br>2. 1996 Election Results - Proposition A - former third class borough<br>3. An adopted ordinance the former third class borough assembly introduced only 3 months after the 1996 election that clarified the purpose of the funds<br>4. Former third class borough code at the time of consolidation. |
| Originating Department:<br>Borough Assembly              | Date Submitted:<br>10/3/12                                     |   |

**Full Title/Motion:**  
Motion: Adopt Ordinance 12-10-305.

**Administrative Recommendation:**  
This ordinance is recommended by the borough manager.

**Fiscal Impact:**

| Expenditure Required | Amount Budgeted | Appropriation Required |
|----------------------|-----------------|------------------------|
| \$                   | \$              | \$                     |

**Comprehensive Plan Consistency Review:**

|   |   |
|---|---|
| Comp Plan Policy Nos. :<br>Objective 17C, Page 39 | Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

**Summary Statement:**

A code amendment may be needed to allow for the funding the borough already provides to Lynn Canal Counseling from the Medical Services Fund monies. The existing code references Proposition A from the 1996 former third class borough election & those election results are attached to this agenda bill along with other documents that show what the intent of that fund is. The former City of Haines code had an "Ambulance Service Area Fund," and the former Third Class Borough had a "Medical Service Area Fund."

While researching the matter, the clerk found no evidence the post-consolidation assembly intended to limit the medical services funds to ambulance service. It is suspected the language just got missed when the two codes were joined. This ordinance was introduced on 10/9/12.

**Referral:**

|                 |               |
|-----------------|---------------|
| Sent to:        | Date:         |
| Recommendation: | Meeting Date: |
| Refer to:       |               |

**Assembly Action:**

|  |  |
|--|--|
| Workshop Date(s):                      | Public Hearing Date(s): 10/23, 11/6/12 |
| Meeting Date(s): 10/09, 10/23, 11/6/12 | Tabled to Date:                        |

**An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3, Chapter 3.25 to clarify the purpose of the Medical Services Fund.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Section 4 of 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. This ordinance is effective upon adoption.

Section 4. Amendment of Chapter 3.25: Chapter 3.25 of the Haines Borough Code is hereby amended to read as follows:

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

**Chapter 3.25  
MEDICAL SERVICES FUND**

Sections:

- [3.25.010](#) Policy and intent.
- [3.25.020](#) Purpose.
- [3.25.030](#) Management.
- [3.25.040](#) Investment policy.

**3.25.010 Policy and intent.**

The intent of this chapter is to provide for the proper accounting and management of public funds derived from the passage by the people of Haines Borough Proposition A, ratified by borough voters October 1, 1996.

**3.25.020 Purpose.**

There is established a separate fund entitled the "medical services fund." Proceeds derived from the one-half percent sales tax levied and collected pursuant to Haines Borough Proposition A (1996) shall be used to provide ambulance service **and financial support for local medical services** within the authorized area of service, including all areas within the borough except the area south of the southern boundary line of Township 34 south.

**3.25.030 Management.**

The borough chief fiscal officer is designated as the official with the responsibility for managing the moneys received and disbursed within the medical service fund and as directed by the assembly. **Recipients must be public or private nonprofit organizations providing medical equipment or services to the Haines community at large.**

**3.25.040 Investment policy.**

Investment policy is set forth in Chapter [3.08](#) HBC.

Haines Borough  
Ordinance No. 12-10-305  
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

|                                |          |
|--------------------------------|----------|
| Date Introduced:               | 10/09/12 |
| Date of First Public Hearing:  | 10/23/12 |
| Date of Second Public Hearing: | 11/06/12 |

OCTOBER 1, 1996  
MUNICIPAL ELECTION RESULTS

|   | Chilkat<br>#135 | Highway<br>#165 | Peninsula<br>#220 | City<br>#170 | ABS/<br>?'D | TOTAL      |
|---|-----------------|-----------------|-------------------|--------------|-------------|------------|
| <u>BOROUGH ASSEMBLY/<br/>SCHOOL BOARD SEAT A:</u><br>DEBRA SCHNABEL |                 |                 |                   | <u>245</u>   | 26          | <u>271</u> |
| DARRELL MAPLE   |                 |                 |                   | <u>168</u>   | 15          | <u>183</u> |

BOROUGH ASSEMBLY/  
SCHOOL BOARD SEAT D:

|                 |           |           |           |  |    |            |
|-----------------|-----------|-----------|-----------|--|----|------------|
| GARY KOENIG     | <u>45</u> | <u>52</u> | <u>70</u> |  | 37 | <u>204</u> |
| TIM JUNE        | <u>39</u> | <u>29</u> | <u>94</u> |  | 34 | <u>196</u> |
| SEAN MCLAUGHLIN | <u>9</u>  | <u>36</u> | <u>9</u>  |  | 11 | <u>65</u>  |

BOROUGH ASSEMBLY/  
SCHOOL BOARD SEAT E:

|              |           |           |           |  |    |            |
|--------------|-----------|-----------|-----------|--|----|------------|
| KAREN HESS   | <u>40</u> | <u>69</u> | <u>62</u> |  | 33 | <u>204</u> |
| DWIGHT HALES | <u>27</u> | <u>30</u> | <u>91</u> |  | 37 | <u>185</u> |
| ED FABECK    | <u>25</u> | <u>9</u>  | <u>17</u> |  | 10 | <u>61</u>  |

|                     | ABS/<br>?'D             | #135                    | #165                     | #220                      | #170  | Total |
|---------------------|-------------------------|-------------------------|--------------------------|---------------------------|---|-------|
| PROPOSITION A 72-48 | Y <u>46</u> N <u>49</u> | Y <u>81</u> N <u>35</u> | Y <u>97</u> N <u>71</u>  | Y <u>207</u> N <u>208</u> | Y <u>503</u> N <u>411</u>                         |       |
| PROPOSITION B 68-56 | Y <u>58</u> N <u>36</u> | Y <u>62</u> N <u>51</u> | Y <u>89</u> N <u>79</u>  | Y <u>266</u> N <u>140</u> | Y <u>543</u> N <u>362</u>                         |       |
| PROPOSITION C 14-68 | Y <u>23</u> N <u>64</u> | Y <u>12</u> N <u>99</u> | Y <u>22</u> N <u>133</u> | Y <u>206</u> N <u>205</u> | Y <u>71</u> N <u>364</u><br><i>w/c- 277 - 569</i> |       |
| *INITIATIVE 1 69-60 | Y <u>55</u> N <u>41</u> | Y <u>55</u> N <u>62</u> | Y <u>126</u> N <u>48</u> | Y <u>216</u> N <u>205</u> | Y <u>521</u> N <u>416</u>                         |       |
| REFERENDUM 1 69-60  | Y <u>37</u> N <u>59</u> | Y <u>44</u> N <u>71</u> | Y <u>69</u> N <u>106</u> | Y <u>204</u> N <u>212</u> | Y <u>423</u> N <u>508</u>                         |       |

VOTER TURNOUT PERCENTAGES

|                             |                 |   |             |
|-----------------------------|-----------------|---|-------------|
| CITY PRECINCT #170          | <u>483/1028</u> | = | <u>47 %</u> |
| CHILKAT PRECINCT #135       | <u>125/202</u>  | = | <u>62 %</u> |
| HIGHWAY PRECINCT #165       | <u>137/236</u>  | = | <u>58 %</u> |
| PENINSULA PRECINCT #220     | <u>227/365</u>  | = | <u>62 %</u> |
| TOTAL ALL PRECINCTS TURNOUT | <u>972/1831</u> | = | <u>57 %</u> |

|                        | #135       | #165 | #170 | #220 | UNRETURNED |   |
|------------------------|------------|------|------|------|------------|---|
| ABSENTEE BALLOTS       | <u>121</u> | 18   | 12   | 43   | 40         | 8 |
| QUESTIONED BALLOTS     | <u>27</u>  | 5    | 7    | 6    | 9          |   |
| ABSENTEE BY PERS. REP. | <u>1</u>   |      |      | 1    |            |   |

**SAMPLE BALLOT**  
**TUESDAY, OCTOBER 1, 1996**  
**GENERAL MUNICIPAL ELECTION**

TO BE REMOVED  
BY ELECTION BOARD

FOLD BALLOT TO THIS LINE

Mark your ballot only by the use of cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks or plus signs that are clearly spaced in the square desired.

Marks must be inside or touching the square so as to indicate the intent of the voter. Erasures and corrections will invalidate only that part of the ballot in which it appears.

If you spoil or mar your ballot, you may return it to the election judge and receive another ballot. Your spoiled ballot will be destroyed immediately in your presence.

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**HAINES BOROUGH MUNICIPAL ELECTION**

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**PROPOSITION A**

Shall the property tax of 1.13 mill currently levied to support the medical service area be eliminated in favor of a 1/2 percent sales tax?

YES

NO

---

**PROPOSITION B**

Currently it is the Haines Borough policy to place borough lands in private hands by landsale, lease or temporary use permit as soon as is practical after receiving title to the property from the State. Should this continue or should we review policy to allow for other procedures?

YES

NO

---

**INITIATIVE 1**

Shall the Haines Borough Assembly communicate to all commercial booking agents and tour operators, within the Haines Borough, that it is the wish of the residents of the community that there be no regularly scheduled helicopter tours within the Haines Borough?

YES

NO

---

**REFERENDUM 1**

Do you wish to abolish the powers of planning, platting and zoning via service areas in the Haines Borough?

YES

NO

HAINES BOROUGH  
ORDINANCE #97-02

AN ORDINANCE OF THE HAINES BOROUGH AMENDING TITLE 07.60.010 AND 07.60.015 BY ADDING GUIDELINES FOR FUNDING REQUESTS AND ADDING SECTION .020 PROVIDING ACCOUNTABILITY.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature, and code sections hereby adopted 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 invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective. This ordinance becomes effective upon adoption by the Haines Borough Assembly.

Section 4. Purpose. This ordinance amends Sections 07.60.010 and 07.60.015 adding guidelines for funding requests.

Section 5. Adoption of Code Sections. The following sections amended hereto bearing Haines Borough Code 07.60.010 and 07.60.015 (C) and Section 07.60.020 are hereby adopted as part of Title 7 of the Haines Borough Code:

Note: Underlined items are to be added.

Section 07.60.010. Services Provided. The Haines Borough may provide financial support for local medical services. (HB Ord #90-01 ratified by voters in special election 6/28/90).

An applicant must be a public or a private non-profit organization providing medical service to the Haines community at large.

Applications should be submitted to the Haines Borough after other avenues of funding have been explored. The Borough shall refer applications to the Medical Service Area Board. The Board shall review applications at public meetings and make funding recommendations to the Assembly. If the Medical Service Area Board denies a request, the applicant has the right to appeal to the Assembly.

Section 07.60.015. Board of Directors.

(C) The Board shall serve to make recommendations to the Assembly concerning services in the service area as permitted by statute.

(D) The Medical Service Area Board shall function as an advisory body for the Haines Borough Assembly to review ambulance budget requests and requests from other organizations for medical equipment or services. The board will gather any or all information including financial information and make a recommendation to the assembly based on financial need and community-wide merit.

Section 07.60.020. Accountability.

A final report must be submitted to the Borough within 30 days of the end of the Borough's fiscal year. Any unused funds must be returned to the Borough. A report must be submitted before money is disbursed for the following fiscal year.

INTRODUCED: 1/28/97

ADOPTED: 3/18/97

ATTEST: Jacki Martin  
Jacki Martin, Clerk/Treasurer  
Haines Borough

Jerry L. Lapp  
Jerry L. Lapp, Mayor  
Haines Borough

## Former Third Class Haines Borough Code at the Time of Consolidation

### 6.08.130 Medical service area.

A. Establishment of Medical Service Area. The Haines Borough medical service area is established with area and boundaries as set forth in a plat appended to the ordinance codified in this section as Appendix A and whose boundaries are as follows:

Beginning at Eldred Rock light at latitude 58 degrees 58.3' north and longitude 135 degrees 13.2' west; thence south paralleling the boundary of the City and Borough of Juneau to the southern boundary line of township 34 South; thence due west to the western boundary of the Haines Borough; thence northwesterly to Mt. Harris on the Alaska-Canada boundary; thence in a meandering easterly line following the Alaska-Canada boundary to Monument No. 124 at latitude 59 degrees 44' north and longitude 135 degrees 43' west; thence southeasterly to a point in the center of Lynn Canal on Taiya Inlet at approximately latitude 59 degrees 21' north and longitude 135 degrees 22.5' west; thence due east to the mean high tide line on the east side of Taiya Inlet; thence in a meandering southerly direction to its intersection with the Haines Borough boundary; thence due west to the Eldred Rock light, the point of beginning. (All of Haines Borough north of the southern tip of Sullivan Island with the exception of the east side of Lynn Canal.)

B. Services Provided. The Haines Borough may provide financial support for local medical services.

An applicant must be a public or a private nonprofit organization providing medical service to the Haines community at large.

Applications should be submitted to the Medical Service Area Board (the Haines Borough assembly) after other avenues of funding have been explored. The board shall review applications at public meetings.

C. Board of Directors.

1. The Haines Borough assembly shall be the medical service area board.

2. The medical service area board shall review ambulance budget requests and requests from other organizations for medical equipment or services. The board will gather any or all information including financial information in order to make decisions based on financial need and community-wide merit.

3. All meetings shall follow public notice guidelines as set forth in Section 2.04.100(B) and (C) of this code.

D. Accountability. A final report must be submitted to the borough within thirty (30) days of the end of the borough's fiscal year. Any unused funds must be returned to the borough. A report must be submitted before money is disbursed for the following fiscal year. (Ord. 99-02 § 5, 1999; Ord. 97-02 § 5, 1997; prior code §§ 07.60.005 -- 07.60.020)



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-163

**Assembly Meeting Date:** 11/6/12

| <b>Business Item Description:</b>                                  | <b>Attachments:</b>   |
|--|---|
| Subject:<br>Recommendations for the 2013 Heliskiing Season         | 1. Ordinance 12-10-306 - Current Draft<br>2. Proposed 2013 Heliskiing Map<br>3. Memo from Assembly Member Schnabel proposing an ordinance amendment<br>4. 10-31-12 SEABA email with Takhin Ridge Map attachment |
| Originator:<br>Borough Manager (Agenda Bill by the Clerk's Office) |   |
| Originating Department:<br>Administration                          |   |
| Date Submitted:<br>9/4/12  |   |

| <b>Full Title/Motion:</b>          |
|------------------------------------|
| Motion: Adopt Ordinance 12-10-306. |

| <b>Administrative Recommendation:</b> |
|---------------------------------------|
|                                       |

| <b>Fiscal Impact:</b> |                 |                        |
|-----------------------|-----------------|------------------------|
| Expenditure Required  | Amount Budgeted | Appropriation Required |
| \$                    | \$              | \$                     |

| <b>Comprehensive Plan Consistency Review:</b> |  |
|---|--|
| Comp Plan Policy Nos.:                        | Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No |

| <b>Summary Statement:</b>   |
|---|
| <p>The manager recommends a combination of policy and code changes for the 2013 heliskiing season, and his recommendations were "approved" by on 9/11. Some changes require code amendments. The ordinance was introduced on 10/9.</p> <p>Assembly Member Schnabel has proposed an additional amendment concerning the process for revising the heliskiing map, and a memo is attached to this agenda bill.</p> |

| <b>Referral:</b> |                 |       |               |
|------------------|-----------------|-------|---------------|
| Sent to:         | Recommendation: | Date: | Meeting Date: |
|                  | Refer to:       |       |               |

| <b>Assembly Action:</b>                     |  |
|---|--|
| Workshop Date(s):                           | Public Hearing Date(s): 10/23, 11/6/12 |
| Meeting Date(s): 9/11, 10/9, 10/23, 11/6/12 | Tabled to Date:                        |

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 5 TO INCREASE THE FINE FOR VIOLATIONS OF BUSINESS PERMITS UP TO \$1,000 PER VIOLATION PER DAY, TO AMEND THE APPROVED COMMERCIAL SKI TOUR AREA MAP, TO ADOPT A FEE FOR ALLOCATED SKIER DAYS, AND TO REQUIRE A SYSTEM OF RECEIVING AND RESPONDING TO COMPLAINTS.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 5-8 of this ordinance are of a general and permanent nature and those provisions, if adopted with or without 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. Section 6 shall be effective January 1, 2014. The remainder of this ordinance is effective upon adoption.

Section 4. Legislative Findings. The Assembly finds as follows:

- A. The Haines Borough regulates various business operations conducted within the Borough by requiring annual permits.
- B. The Borough incurs significant annual costs associated with the permit system which are only partially recovered through permit fees. Commercial ski tour permits, in particular, have greater administrative costs associated with the permit system than other types of business permits. Such costs are estimated to exceed \$9,000 per year in staff time and the cost of outside consultants.
- C. The current penalty for violation of business permits of \$300 per violation per day does not provide a sufficient incentive for compliance with Borough code and permit conditions. It also does not provide sufficient incentive for the Borough to request a court to impose a penalty for non-compliance.
- D. The current approved commercial ski tour areas map could be improved to increase the relationship between approved commercial ski tour areas and natural topography of skiing and snowboarding routes and landing areas.

Section 5. Amendment of Section 5.04.140(A). Section 5.04.140(A) of the Haines Borough Code of Ordinances is amended to read as follows:

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

**5.04.140 Penalties.**

A. Operation of any commercial tour or business enterprise for which a permit is required under this title without a permit, or the failure to follow any permit condition, shall constitute an offense punishable, upon conviction, by a fine not exceeding ~~\$300.00~~ **\$1,000** for each offense plus any surcharge required to be imposed by AS [12.55.039](#).

...

Section 6. Amendment of Section 5.04.130. Section 5.04.130 of the Haines Borough Code is hereby amended by adding a new subsection D to read as follows:

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

5.04.130 Fees designated.

...

**D. Skier Day Allocation Fee. Each applicant for an allocation of skier days pursuant to this title shall pay an annual nonrefundable fee in an amount equal to five dollars (\$5.00) per allocated skier day. The fee shall be paid no later than ten (10) calendar days after the date of the manager's decision on allocation of skier days for that year or the decision of the Assembly on any appeal of an annual allocation whichever is later. If payment is not received from the applicant within ten (10) calendar days, the allocated skier days will be reallocated at the manager's discretion.**

Section 7. Amendment of Section 5.18.080(C)(1). Section 5.18.080(C)(1) of the Haines Borough Code of Ordinances is amended to read as follows:

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

C. Allocation of Skier Days.

1. At the time of an application for each commercial ski tour permit authorized by this chapter, the permit applicant shall request an allocation of skier days. **Commercial ski tour permit applications and requests for allocation of skier days must be submitted to the City Manager no later than August 31 of each year for the following season. If the deadline falls on a weekend or holiday, applications and requests must be submitted no later than the following business day. The date of submission shall be determined by the postmark or, if hand delivered, by the date the application and request are delivered to the Borough Manager's office.**

...

Section 8. Amendment of Section 5.18.080(F)(3). Section 5.18.080(F)(3) of the Haines Borough Code is hereby amended to read as follows and the previously approved map is replaced with the map attached hereto:

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

F. General Permit Conditions and Regulations.

...

3. Commercial ski tours, commercial ski productions and special ski competition events shall be conducted only in areas identified on the map attached to the ordinance codified in this section which shall remain on file with the borough clerk and labeled "Haines Borough Approved Commercial Ski Tour Areas." **The Haines Borough Approved Commercial Ski Tour Areas map may be amended annually by Assembly resolution.**

...

Section 9. Amendment of Section 5.18.080(F). Section 5.18.080(F) of the Haines Borough Code is hereby amended, as follows:

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

F. General Permit Conditions and Regulations.

7. **The Borough will establish a system for receiving and responding to complaints from the public.**

~~78.~~ Every commercial ski tour operator shall submit to the borough clerk annually a safety and operating plan that, at a minimum, will include (a) avalanche safety (addressing client safety, as well as safety of other backcountry users in the area); (b) helicopter safety; (c) emergency rescue procedures; **and** (d) guide requirements; ~~and (e) a system for resolving complaints from the public.~~

~~89.~~ Explosives shall not be used for avalanche control.

~~910.~~ Commercial ski tour operators shall annually register contracted helicopters, their N number, color scheme, and pilot's name with the borough.

~~1011.~~ Commercial ski tour operators shall provide mountain goat, and other wildlife sightings to the borough. The borough clerk will provide commercial ski tour operators with incidental wildlife observation forms to be filled out daily. These forms shall be submitted annually upon completion of the permit season.

~~1112.~~ The permittee is responsible for obtaining authorizations required by other agencies for the permitted activity. Each permittee will provide a copy of any other authorizations to the borough clerk.

~~1213.~~ Every commercial ski tour operator shall submit to the borough clerk a copy of a signed mutual aid agreement requiring all permittees to come to each other's aid in the event of an accident or a mechanical problem that strands a helicopter used to transport participants in a commercial ski tour away from a heliport.

~~1314.~~ Commercial ski tour operators transporting participants in a commercial ski tour or a special ski competition event or commercial ski production by helicopter shall use one of the following heliports;

- a. Haines Airport;
- b. The Stewart landing strip at 18 Mile Haines Highway;
- c. The heliport adjacent to the 33 Mile Roadhouse;
- d. Any heliport authorized by the Haines Borough planning commission as a conditional use.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

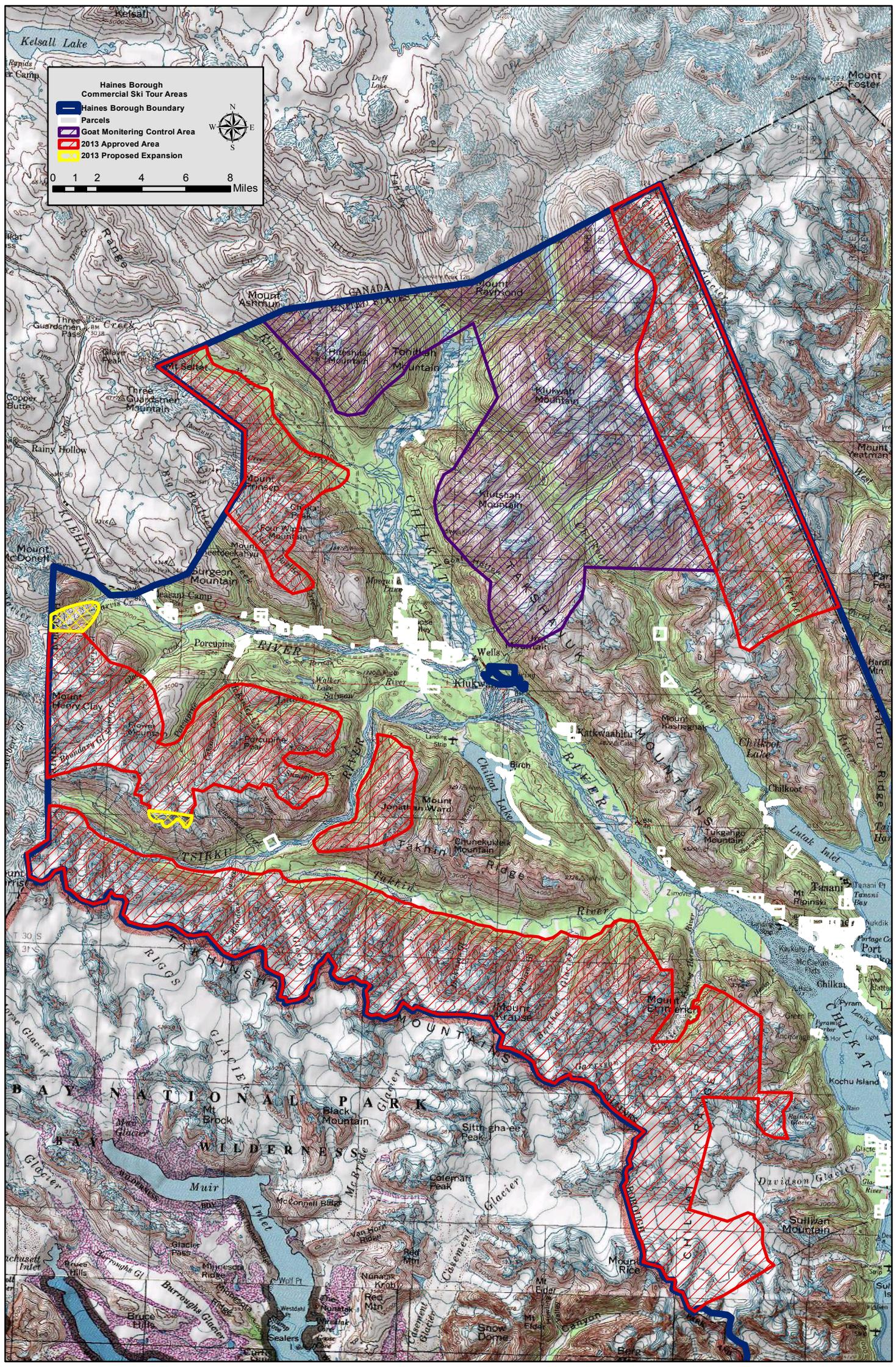
\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 10/09/12  
Date of First Public Hearing: 10/23/12  
Date of Second Public Hearing: 11/06/12

**Haines Borough Commercial Ski Tour Areas**

-  Haines Borough Boundary
-  Parcels
-  Goat Monitoring Control Area
-  2013 Approved Area
-  2013 Proposed Expansion

0 1 2 4 6 8 Miles

**October 31, 2012**

To: Julie Cozzi, Clerk

Copy: Mark Earnest, Manager; Stephanie Scott, Mayor

I want to submit to the Assembly an amendment to the Heliski Ordinance scheduled for public hearing. I offer the language for your preparation and codification. Thank You.

The purpose of this amendment is to clarify under what conditions amendments to the heliski map will be considered by the Assembly.

The Borough Manager will receive proposals for amendments to the Heliski Map from May 1 to May 31 each year.

All proposals shall be written and submitted via email or on paper to the Manager and shall include an illustration to indicate at least the general subject area. The rationale for the proposed amendments shall be offered in no more than 500 words.

After May 31 and before June 10 the Manager shall convene an advisory committee to review the proposed amendments to the Heliski map. The committee shall organize itself as to procedure and shall make recommendation to the Manager on or before June 30 of that year. The Manager is not bound to the recommendations, but shall address the recommendations and prepare any proposed amendments to the map for the Assembly to accept or reject by resolution (alternatively, as provided for in this ordinance).

The advisory committee shall be composed as follows:

One Heliski Tour operator permittee, whose name shall be drawn at random from a list of all Heliski Tour permittees.

One citizen, whose name shall be drawn at random from a list of all people except Heliski Tour operator Permittees who submitted written proposals.

One member of the Tourism Advisory Committee who shall be appointed by the Tourism Advisory Committee.

One member of the Parks and Recreation Committee who shall be appointed by the Parks and Recreation Committee.

One staff member of the AK Dept. of Fish and Game knowledgeable of local mountain goat habits.

**From:** Sunny Sundberg [mailto:sunny@seaba-heli.com]  
**Sent:** Wednesday, October 31, 2012 7:27 AM  
**To:** Julie Cozzi  
**Cc:** Nic Trimble; Bja407; Shawn McNamara  
**Subject:** meeting packet comments for assembly

To: Assembly members:

I would like to reconfirm that the heliski ordinance is workable the way it reads, the fines that it imposes, and certainly we do not need any more burdensome regulation of fees to help manage the industry.

What we need is closure on a promise made by the borough under Mayor Jan Hill, and her organization of the Heliski task force.

We were told that all the problem areas, and perhaps new areas would be opened up based on new information, prevalent to justify the action.

As I mentioned in the meeting last week, the map has always been the most contentious and difficult part of the regulation. I believe this is because the decision makers, the assembly, and many of the task force members did not have a clear enough grasp of the industry how it works, and what it needs to be safe, efficient, and reputable in a emerging world wide eco-tourism industry. Now some may laugh but almost all countries, including the US, consider tourism out of a helicopter eco friendly.

Less face it besides a little noise, like a greyhound bus, it has no real impacts.

SEABA has been operating in the valley long enough to know if our activities in the mountains have done permanent damage, yet in this time no one has come to the assembly and pointed out accurate data, evidence or proof that we are damaging the environment in any way. Yet the map still remain to restrictive. This again i believe is due to the assembly bending to the will a few very loud radicals. There are areas that are certainly sensitive, both in terms of wildlife and residents, but at this point 99% of the residents, and perhaps a similar number of goats, bears, wolverines, and trumpeter swans, have had no more impact on them in the past 5 years. This system that the borough has put forward is working however, the focus has been more on policing the ordinance, then developing the industry, which is also a partial definition of management.

We feel that in the absence of a vocal majority, that this supports or claim that there is no real problem and there is support for the industry borough wide.

We would like to see a exploratory area added to the allowed areas this season only. Some of you may know that for two years, over half of the area that is allowed under the commercial ski area map has been off limits to the industry, as the BLM produces a EIS in conjunction with NEPA. This was submitted finally to Washington D.C. for approval the first week of October 2012.

Unfortunately it is stalled out and even Rep. Don Young, and Senator Lisa Murkowski's offices can not get the BLM to push on this in Washington ( This information from your lobbyist in D.C.). Without the immediate approval, which doe not look like it will happen, we will go another entire season without 50% of our historical terrain.

This has created congestion, safety issues, and tension in the industry.

The map I am submitting, are entitled exploratory units. It is of the Tahkin Ridge, an area that both Alaska Heliskiing and SEABA both held BLM permits to ski between 2001-2008 until the state legislature selected the lands from the BLM and placed them under state management.

The date on these maps is late January 2011, and early Feb 2011, the final weeks of the Heli-ski task force. We put these forward as a way to help mediate the congestion that was going to occur without BLM lands unavailable to ski. Unfortunately, it came at a time when all of the task force members were

tired, felt like they had made all the progress they were going to make, and time was running out prior to our 2011 season, which was a bust because of very low snow and severe cold weather conditions.

We need more area this season. This would help get us off boundaries close to legal sensitive areas like the Rainbow Glacier and Pyramid Harbor. One season in the Tahkin ridge area, would benefit a few different groups, as it is a very unfrequented mountain range by back country users, the goats and bear populations are healthy, ( check with ADFnG :) as well as let us offer terrain that we had already skied for 5 years prior to the borough closing it with the first map committee.

We have gps, we have identified heliports, we have skier days, we have penalties if rules are broken, I believe it is time to let the industry show the community that it can work in any part of the borough and not have detrimental intrusions, or create undo harm on wildlife or residents.

We need to be able to compete with the world when it comes to heliskiing. If you go to Russia, Chile, and Argentina, and other nations with no or little regulations, we seem a little constrictive to guests. Heliskiing is growing world wide, and there comes a time when to many restrictions forces users elsewhere.

I would hope that the BLM gets though a 5 month public process in the next six to 8 months so that in 2013-14 we can get a lot of terrain back. However, the borough could show its support of the industry by allowing us to use the areas suggested the Exploratory map for a period of one season, This would help considerably even though it only replaces 15% of what we do not have..

I want to point out that all south facing slopes are out of the ski area, these areas tend to be where goats live most of the winter.

I also want to point out that we would have a departure date from this area by April 10th, well before the emergence of sows and cubs, and the migration of animals into the Alpine in May .

We also believe that areas on the map that are problematic still, are areas that were not effectively changed or not discovered until the late in the 2011 season. This was due to a late code adoption, no map to work with until late April of 2011, and no follow up on the map or ordinance as was promised in spring of 2011 by borough officials in the Heliski task force. The follow up was meant to clean up areas that that specifically were cutoff runs, and that did not add anymore significant impact than current use. I would agree that you will have a few people, less than 25, upset at any map changes except for more terrain put off-limits, but the bulk of the Haines community does not oppose the borough supporting the industry with helpful, meaningful legislative changes to the code that help preserve this winter recreation industry for the future.

By doing this, the assembly is exercising its right to manage an industry, not restrict it to fiscal disparity.

I would still highly recommend a COW for the purposes of educating yourself in regards to the map. Part of this is coming in with an open mind, releasing any historical rhetoric that could cloud present judgment, and listen?

SEABA stands by it willingness to help educate, inform, and participate in the management of the heliski industry in Haines.

I do appreciate your time.

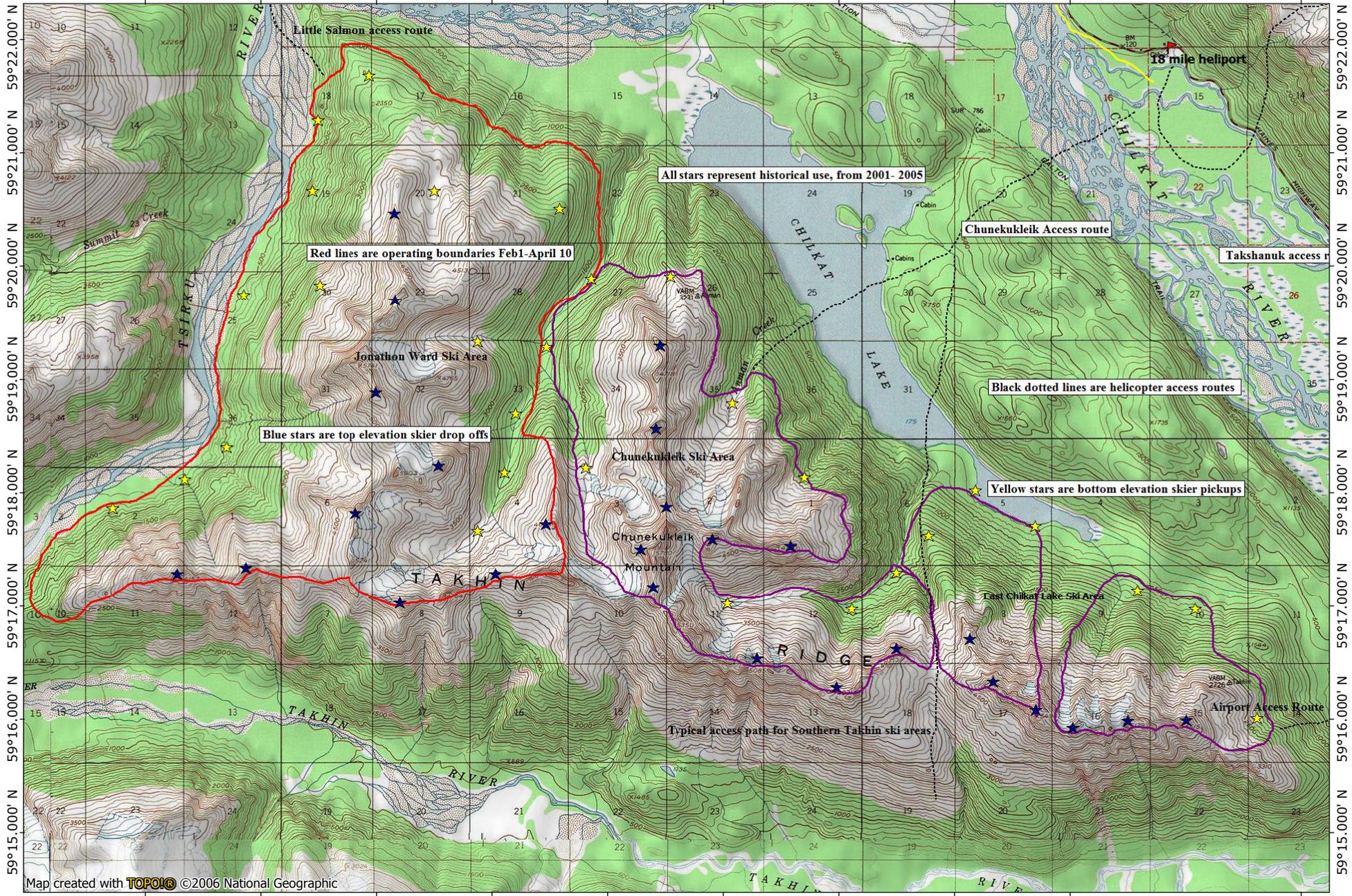
Scott

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Scott Sundberg  
GM /Lead Guide  
SEABA LLC

TOPO! map printed on 01/31/11 from "Takhin Ridge exploratory units.tpo"

136°06.000' W 136°04.000' W 136°02.000' W 136°00.000' W 135°58.000' W 135°56.000' W 135°54.000' W 135°52.000' W 135°50.000' W WGS84 135°46.000' W



All stars represent historical use, from 2001- 2005

Red lines are operating boundaries Feb1-April 10

Blue stars are top elevation skier drop offs

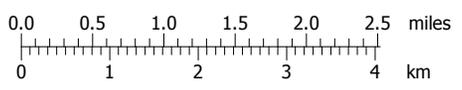
Black dotted lines are helicopter access routes

Yellow stars are bottom elevation skier pickups

Typical access path for Southern Takhin ski areas

Map created with TOPO! ©2006 National Geographic

136°06.000' W 136°04.000' W 136°02.000' W 136°00.000' W 135°58.000' W 135°56.000' W 135°54.000' W 135°52.000' W 135°50.000' W WGS84 135°46.000' W



TN\* / MN  
22 1/2°  
01/31/11



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-177  
**Assembly Meeting Date:** 11/6/12

| <b>Business Item Description:</b>          | <b>Attachments:</b>  |
|--|--|
| Subject:<br>Motor Vehicle Registration Tax | 1. Ordinance 12-10-308<br>2. Memo from the Borough Manager |
| Originator:<br>Borough Manager             |  |
| Originating Department:<br>Administration  |  |
| Date Submitted:<br>10/16/12                |  |

**Full Title/Motion:**  
 Motion: Advance Ordinance 12-10-308 to a second public hearing on 11/27/12.

**Administrative Recommendation:**  
 Ordinance introduction is recommended by the Borough Manager.

**Fiscal Impact:**

| Expenditure Required | Amount Budgeted | Appropriation Required |
|----------------------|-----------------|------------------------|
| \$                   | \$              | \$                     |

**Comprehensive Plan Consistency Review:**

|   |   |
|---|---|
| Comp Plan Policy Nos. :<br>Objective 15I, Page 33 | Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

**Summary Statement:**

To offset the costs of junk, abandoned and impounded vehicles, the Haines Borough may opt into the municipal Motor Vehicle Registration Tax (MVRT) program through the Department of Motor Vehicles (DMV). Haines could expect to receive approximately \$40,000 annually from the program. It is anticipated that money from the MVRT will be spent on administration, purchase of a tow truck, creation of a small impound yard and eventually a vehicle drain rack system.

The Finance Committee discussed this ordinance on 10/30, and they recommend revising the motor vehicle tax rate schedule to a flat \$22 biannual fee regardless of vehicle class. Staff is preparing an amendment for consideration during the assembly meeting.

**Referral:**

|                            |                                  |
|----------------------------|----------------------------------|
| Sent to: Finance Committee | Date: 10/23/12                   |
| Recommendation: Amend      | Refer to: Meeting Date: 10/30/12 |

**Assembly Action:**

|                                 |                                 |
|---------------------------------|---------------------------------|
| Workshop Date(s):               | Public Hearing Date(s): 11/6/12 |
| Meeting Date(s): 10/23, 11/6/12 | Tabled to Date:                 |

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 TO ESTABLISH A JUNK AND ABANDONED VEHICLE DISPOSAL FUND, TO LEVY A MOTOR VEHICLE REGISTRATION TAX, AND TO EXEMPT FROM PROPERTY TAXES ALL VEHICLE SUBJECT TO THE REGISTRATION TAX.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 5, 6, and 7 of this ordinance are of a general and permanent nature and shall become a part of the Haines Borough Code. Sections 4 and 8 of this ordinance shall not be codified.

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. Section 8 of this ordinance shall be effective upon adoption. All other sections shall be effective on January 1, 2014.

Section 4. Legislative Findings.

- A. Abandoned and junked vehicles pose an environmental hazard, and comprise a blight on the landscape.
- B. Environmental problems often fall to local governments to address.
- C. Many vehicles brought to Haines Borough will eventually end up as junked vehicles.
- D. The difficulty of tracking down the owners of abandoned and junked vehicles to require them to pay the costs of disposal has precluded this as a full funding alternative.
- E. It is reasonable to require vehicle owners to pay the costs of disposing of junked and abandoned motor vehicles, rather than using general tax revenues.
- F. The State of Alaska allows local governments to levy taxes on motor vehicle registrations collected by the state, with an eight percent administrative fee.
- G. State law requires that boroughs give notice of election to come under the state motor vehicle registration program by January 1st of the year before the tax goes into effect.
- H. Vehicles subject to motor vehicle registration tax are exempted by state law from municipal personal property tax.
- I. The state motor vehicle registration program includes exemptions such as senior citizens, disabled persons, and certain military personnel.

Section 5. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.46 titled "Junk and Abandoned Vehicle Disposal Fund" to read as follows:

**Chapter 3.46**

**JUNK AND ABANDONED VEHICLE DISPOSAL FUND.**

**Sections:**

**3.46.010 Policy and intent.**

**3.46.020 Allocation.**

**3.46.030 Management**

**3.45.040 Investment policy**

**3.46.010 Policy and intent.**

**The intent of this chapter is to provide for the proper accounting and management of public funds derived from the motor vehicle registration tax established by Chapter 3.85 of the Haines Borough Code of Ordinances and AS 28.10.431.**

**3.46.020 Purpose.**

**There is established a separate fund entitled the "Junk and Abandoned Vehicle Disposal Fund." All proceeds derived by the borough from the motor vehicle registration tax shall be deposited in said fund and used for the purpose of impounding, removing, or otherwise facilitating the voluntary or involuntary disposal of inoperable and abandoned vehicles within the borough.**

**3.46.030 Management.**

**The borough chief fiscal officer is designated as the official with the responsibility for managing the moneys received and disbursed by the Junk and Abandoned Vehicle Disposal Fund and as directed by the assembly.**

**3.46.040 Investment policy.**

**Investment policy is set forth in Chapter 3.08 HBC.**

Section 6. Amendment of Section 03.70.040(A). Haines Borough Code 03.70.040(A) is 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. ~~Personal motor vehicles.~~ **All motor vehicles which are subject to the Motor**

**Vehicle Registration Tax described in Chapter 03.85.**

Section 7. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.85 titled "Motor Vehicle Registration Tax" to read as follows:

**Chapter 3.85**

**MOTOR VEHICLE REGISTRATION TAX.**

**Sections:**

**3.85.010 Levy of Motor Vehicle Registration Tax.**

**3.85.020 Allocation.**

**3.85.010 Levy of Motor Vehicle Registration Tax.**

**A. There is levied a biennial motor vehicle registration tax within the borough pursuant to the provisions of AS 28.10.431 and as such statute may be hereafter amended, revised or replaced. The rate of said tax shall be based on the age of the vehicle as determined by model year in the first year of the biennial period, according to the following schedule. The categories under "Type" are intended to coincide with the categories provided in AS 28.10.431(b), as now enacted or as may be hereinafter amended.**

**B. The annual motor vehicle tax on commercial vehicles that are registered annually is one-half the rate of the biennial tax plus \$20.00.**

**MOTOR VEHICLE TAX SCHEDULE**

**BIENNIAL SCHEDULE Tax according to age of vehicle since model year:**

| <b><u>VEHICLE TYPE</u></b>   | <b><u>1st</u></b> | <b><u>2nd</u></b> | <b><u>3rd</u></b> | <b><u>4th</u></b> | <b><u>5th</u></b> | <b><u>6th</u></b> | <b><u>7th</u></b> | <b><u>8th or over</u></b> |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------------------|
| <b><u>(1) Motorcycle</u></b>   | <b><u>18</u></b>  | <b><u>16</u></b>  | <b><u>14</u></b>  | <b><u>10</u></b>  | <b><u>8</u></b>   | <b><u>6</u></b>   | <b><u>4</u></b>   | <b><u>4</u></b>           |
| <b><u>(2) Passenger (AS 28.10.421(b)(1)): non-commercial passenger vehicles, motor homes, and low speed vehicles; taxicabs</u></b>   | <b><u>122</u></b> | <b><u>100</u></b> | <b><u>78</u></b>  | <b><u>56</u></b>  | <b><u>40</u></b>  | <b><u>28</u></b>  | <b><u>20</u></b>  | <b><u>16</u></b>          |
| <b><u>(3) Commercial (AS 28.10.421(c)(1-4))</u></b>  |                   |                   |                   |                   |                   |                   |                   |                           |
| <b><u>5,000 pounds or less</u></b>   | <b><u>122</u></b> | <b><u>100</u></b> | <b><u>78</u></b>  | <b><u>56</u></b>  | <b><u>40</u></b>  | <b><u>28</u></b>  | <b><u>20</u></b>  | <b><u>16</u></b>          |
| <b><u>5001–12,000 pounds</u></b>   | <b><u>198</u></b> | <b><u>154</u></b> | <b><u>122</u></b> | <b><u>100</u></b> | <b><u>78</u></b>  | <b><u>56</u></b>  | <b><u>34</u></b>  | <b><u>22</u></b>          |
| <b><u>12,001 – 18,000 pounds</u></b>   | <b><u>448</u></b> | <b><u>392</u></b> | <b><u>348</u></b> | <b><u>304</u></b> | <b><u>260</u></b> | <b><u>228</u></b> | <b><u>206</u></b> | <b><u>194</u></b>         |
| <b><u>18,001 pounds or over</u></b>  | <b><u>546</u></b> | <b><u>470</u></b> | <b><u>404</u></b> | <b><u>348</u></b> | <b><u>304</u></b> | <b><u>260</u></b> | <b><u>216</u></b> | <b><u>194</u></b>         |
| <b><u>(4) Commercial motor bus (AS 28.10.421(b)(4)): motor buses with a seating capacity for 20 or more persons and used exclusively for commercial purposes in transporting of visitors or tourists</u></b> | <b><u>198</u></b> | <b><u>154</u></b> | <b><u>122</u></b> | <b><u>100</u></b> | <b><u>78</u></b>  | <b><u>56</u></b>  | <b><u>34</u></b>  | <b><u>22</u></b>          |
| <b><u>(5) Non-commercial trailer (AS 27.10.421(b)(6), including trailers offered for rent</u></b>  | <b><u>18</u></b>  | <b><u>16</u></b>  | <b><u>14</u></b>  | <b><u>10</u></b>  | <b><u>8</u></b>   | <b><u>6</u></b>   | <b><u>4</u></b>   | <b><u>4</u></b>           |
| <b><u>(6) Non-commercial pickup/van (AS 28.10.421(b)(2): less than 10,000 pounds and not registered to a company or business</u></b>   | <b><u>122</u></b> | <b><u>100</u></b> | <b><u>78</u></b>  | <b><u>56</u></b>  | <b><u>40</u></b>  | <b><u>28</u></b>  | <b><u>20</u></b>  | <b><u>16</u></b>          |
| <b><u>(7) amateur mobile radio station vehicles (AS 28.10.421(d)(8))</u></b>   | <b><u>150</u></b> | <b><u>140</u></b> | <b><u>130</u></b> | <b><u>120</u></b> | <b><u>110</u></b> | <b><u>100</u></b> | <b><u>90</u></b>  | <b><u>70</u></b>          |
| <b><u>(8) vehicles eligible for dealer plates (AS 28.10.421(d)(9))</u></b>   | <b><u>150</u></b> |                   |                   |                   |                   |                   |                   |                           |

**3.85.020 Allocation.**

**Subject to assembly appropriations, all of the money received by the borough under this section and AS 28.10.431, and as such statute may hereafter be amended, revised or replaced, shall be deposited in the Junk and Abandoned Vehicle Disposal Fund established by in Chapter 3.46 of the Haines Borough Code of Ordinances.**

Section 8. Notice. The Manager shall give notice to the State of Alaska pursuant to AS 28.10.431 that the Haines Borough has elected to levy this tax.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
 Stephanie Scott, Mayor

\_\_\_\_\_  
 Julie Cozzi, Borough Clerk

Date Introduced: 10/23/12  
 Date of First Public Hearing: 11/06/12  
 Date of Second Public Hearing: \_\_/\_\_/\_\_



**Haines Borough Administration**  
**Mark Earnest, Borough Manager**  
(907)766-2231 • Fax(907)766-2716  
mearnest@haines.ak.us

October 23, 2012

### **Motor Vehicle Registration Tax**

To offset the costs of junk, abandoned and impounded vehicles, the Haines Borough may opt into the municipal Motor Vehicle Registration Tax (MVRT) program through the Department of Motor Vehicles (DMV). Haines could expect to receive approximately \$40,000 annually from the program.

To opt-in, Haines must pass an ordinance and submit it to DMV. In order to begin to collect revenue on January 1, 2014, Haines must submit an ordinance to DMV before January 1, 2013. Under state law, the law may not become effective until the following year, so Haines will not receive any revenue from this election until 2014. However it is possible to pre spend anticipated funds.

Opting-in means that when vehicles are registered in Haines Borough with DMV and state registration fees are paid; an additional MVRT fee would be paid. Municipalities have an option to add a local MVRT, per AS 28.10.431. The State levies and collects the municipal MVRT at the same time it collects the State registration fee, then retains 8% for administration, and passes the remainder of the MVRT collected to the municipality.

The tax rate is based on the age and the registration class of the vehicle. The state statute includes a pre-set tax rate, but the Borough may change these rates every two years by ordinance. The borough can also enact the tax at a higher initial rate than provided by the statute. The ordinance as currently drafted uses the base rates set by statute, which is the same rates we used to estimate the revenue this tax will generate for Haines Borough.

The taxes are normally collected for a biennial registration period. Some commercial use vehicles are registered annually, however, so the ordinance must address that class of vehicles separately. Charging half the biennial tax is normal, although at least one Borough added a \$20.00 administrative fee to the half-tax as well. Vehicle owners who change their vehicle registration month pay a pro-rated registration fee to cover the added period between 13 and 24 months, but these owners are charged the total biennial MVRT. There is no provision in the law to prorate the tax.

We obtained a list of all vehicles registered in Haines Borough, by age of vehicle, and entered this data into a spreadsheet provided by DMV to determine what the estimated MVRT

would be for Haines. The spreadsheet in Table 2, shows an estimated total of \$89,768 collected biannually, so about \$44,500 annually - less 8% (\$3,560) = \$40,940.

The municipal MVRT is based on the age of the vehicle, and the newer the vehicle is the higher the tax. For example, see Table 1 below for the MVRT fee for passenger cars. Each fee can be seen on the attached spreadsheet. Most vehicles in Haines are older, so the majority of the tax would be collected from smaller increments assessed on older vehicles.

| <b>Year of<br/>Passenger Car<br/>MVRT</b> |
|---|
| 2012 \$122                                |
| 2011 \$100                                |
| 2010 \$78                                 |
| 2009 \$56                                 |
| 2008 \$40                                 |
| 2007 \$28                                 |
| 2006 \$20                                 |
| 2005 or older \$16                        |

*Table 1*

As of FY 10, boroughs that use the municipal MVRT are Anchorage, Bristol Bay, Juneau, Kenai Peninsula, Ketchikan, Kodiak, Matanuska-Susitna, Sitka and North Slope (has its own program). Boroughs that do not utilize the MVRT are Fairbanks, Haines, Skagway, Wrangell and Yakutat (Alaska Taxable 2010)

It is anticipated that money from the MVRT will be spent on administration, purchase of a tow truck, creation of a small impound yard and eventually a vehicle drain rack system.

**Table 2 - HAINES BOROUGH MVRT Collection Estimates – Prior to 8% reduction in DMV collection fee  
Tax According to Age of Vehicle Since Model Year**

|   | TOTAL           | 2012  |      |              | 2011  |      |         | 2010  |                |         | 2009  |      |         | 2008  |                |         | 2007  |      |         | 2006  |                |         | 2005 and earlier |       |         |                 |
|---|-----------------|-------|------|--------------|-------|------|---------|-------|----------------|---------|-------|------|---------|-------|----------------|---------|-------|------|---------|-------|----------------|---------|------------------|-------|---------|-----------------|
|   |                 | Rate  | Qt y | Revenue      | Rate  | Qt y | Revenue | Rate  | Qt y           | Revenue | Rate  | Qt y | Revenue | Rate  | Qt y           | Revenue | Rate  | Qt y | Revenue | Rate  | Qt y           | Revenue | Rate             | Qty   | Revenue |                 |
| <b>TOTAL MVRT collected</b>   | <b>\$89,768</b> |       |      | <b>\$138</b> |       |      |         |       | <b>\$4,240</b> |         |       |      |         |       | <b>\$5,058</b> |         |       |      |         |       | <b>\$3,107</b> |         |                  |       |         | <b>\$65,338</b> |
| (1) Motorcycles   | \$1,119         | \$17  |      |              | \$15  | 11   | 165     | \$13  | 2              | 26      | \$10  | 20   | 200     | \$7   | 11             | 77      | \$5   | 15   | 75      | \$4   | 9              | 36      | \$4              | 135   | 540     |                 |
| (2) vehicles specified in AS 28.10.421(b)(1) - passenger            | \$35,530        | \$121 | 1    | 121          | \$99  | 28   | 2,772   | \$77  | 33             | 2,541   | \$55  | 27   | 1,485   | \$39  | 51             | 1,989   | \$28  | 70   | 1,960   | \$19  | 50             | 950     | \$16             | 1,482 | 23,712  |                 |
| (3) vehicles specified in AS 28.10.421(b)(3) - taxicab              | \$0             | \$121 |      | -            | \$99  |      | -       | \$77  |                | -       | \$55  |      | -       | \$39  |                | -       | \$28  |      | -       | \$19  |                | -       | \$16             |       | -       |                 |
| (4) vehicles specified in AS 28.10.421(c)(1-4) - commercial         | \$0             |       |      | -            |       |      | -       |       |                | -       |       |      | -       |       |                | -       |       |      | -       |       |                | -       |                  |       | -       |                 |
| 5,000 lbs or less   | \$1,230         | \$121 | -    | -            | \$99  | 1    | 99      | \$77  | -              | -       | \$55  | -    | -       | \$39  | 1              | 39      | \$28  | 2    | 56      | \$19  | 4              | 76      | \$16             | 60    | 960     |                 |
| 5001-12,000 lbs   | \$3,817         | \$198 | -    | -            | \$154 | 2    | 308     | \$121 | -              | -       | \$99  | 3    | 297     | \$77  | 8              | 616     | \$55  | 6    | 330     | \$33  | 8              | 264     | \$22             | 91    | 2,002   |                 |
| 12,001-18,000 lbs   | \$10,187        | \$447 | -    | -            | \$392 |      | -       | \$348 |                | -       | \$304 |      | -       | \$260 | 1              | 260     | \$227 | 1    | 227     | \$205 | -              | -       | \$194            | 50    | 9,700   |                 |
| 18,000 lbs or over  | \$9,276         | \$546 | -    | -            | \$469 |      | -       | \$403 |                | -       | \$348 |      | -       | \$304 | 2              | 608     | \$260 | 1    | 260     | \$216 | 3              | 648     | \$194            | 40    | 7,760   |                 |
| (5) vehicles specified in AS 28.10.421(b)(4) - commercial motor bus | \$704           | \$198 |      | -            | \$154 |      | -       | \$121 |                | -       | \$99  |      | -       | \$77  |                | -       | \$55  |      | -       | \$33  |                | -       | \$22             | 32    | 704     |                 |
| (6) vehicles specified in AS 28.10.421(b)(6) - non-comm trailer     | \$3,441         | \$17  | 1    | 17           | \$15  | 7    | 105     | \$13  | 28             | 364     | \$10  | 30   | 300     | \$7   | 26             | 182     | \$5   | 41   | 205     | \$4   | 41             | 164     | \$4              | 526   | 2,104   |                 |
| (7) vehicles specified in AS 28.10.421(d)(8) - amateur mobile radio | \$0             | \$121 |      | -            | \$99  |      | -       | \$77  |                | -       | \$55  |      | -       | \$39  |                | -       | \$28  |      | -       | \$19  |                | -       | \$16             |       | -       |                 |
| (8) vehicles specified in AS 28.10.421(b)(2) - non-comm pickup/van  | \$24,464        | \$121 | -    | -            | \$99  | 17   | 1,683   | \$77  | 17             | 1,309   | \$55  | 12   | 660     | \$39  | 33             | 1,287   | \$28  | 25   | 700     | \$19  | 51             | 969     | \$16             | 1,116 | 17,856  |                 |
| (9) vehicles specified in AS 28.10.421(d)(9) - dealer plates        | \$0             | \$88  |      | -            |       |      | -       |       |                | -       |       |      | -       |       |                | -       |       |      | -       |       |                | -       |                  |       | -       |                 |
| (10) vehicles specified in AS 28.10.421(d)(7) - snowmobile or ATV   | \$0             |       |      | -            |       |      | -       |       |                | -       |       |      | -       |       |                | -       |       |      | -       |       |                | -       |                  |       | -       |                 |

Source: Sheinberg Associates, 2011(using DMV data)



**Haines Borough Administration**  
**Mark Earnest, Borough Manager**  
 (907)766-2231 • Fax(907)766-2716  
 mearnest@haines.ak.us

**November 6, 2012**

### **Potential FY 2014 Legislative Priorities**

Attached is a list of potential capital projects for the FY 2014 Legislative Priorities. The planning commission will review the list at their November 8<sup>th</sup> meeting. In the mean time, we're working on refining the cost estimates. It should be noted that this is a working draft as a starting point for discussions. Following the planning commission meeting, a resolution will be prepared and forwarded to the assembly at the earliest opportunity.

### **Borough Facilities Master Plan**

Jason Gamache of McCool, Carlson Green Architects will be in Haines on November 26, 2012 to present a rough draft of their technical analysis. Lenise Henderson will discuss the community survey and our funding consultants will give an update on funding opportunities.

### **State of Alaska Raw Fish Tax Revenue**

We just received the State Raw Fish Tax payment, which was significantly greater than the expected. The FY 2013 Budget had projected revenues in the amount of \$180,000, whereas the actual payment was about \$326,800—or approximately \$146,800 over the budgeted amount. The State Raw Fish Tax is a Fund 01 - Areawide General Fund revenue.

### **Chilkat Center Roof Replacement**

Chilkat Center for the Arts Roof replacement is substantially complete. There is some work left to do, but the contractors are waiting for material that was an extra to the job.

### **Senior Center Pellet Boiler**

The Senior Center Pellet Boiler construction and installation project is underway. Plumbers are installing the new baseboard heat and preparing for the installation of the boiler. Stickler Construction has begun forming the concrete pad where the silo is to be built. Stickler Construction will pour the pad soon and then begin construction of the silo. Boiler installation should be complete by the week of the 19<sup>th</sup>.

### **Haines Borough Street Improvements - Phase 3**

The punch list for the Townsite portion of the Phase III road rehabilitation is now complete.

The Chilkat Lake Road improvements project is demobilized for the winter. Southeast Roadbuilders worked until the ground frost no longer permitted working. Repair of the slumped area of the road between Porcupine Crossing and Eagle Bluff was begun in early October. SRI also began road upgrades and repair to Eagle Bluff and Corrina consisting of widening the road and repairing potholes, installing culverts, and recondition ditches. Work will resume again in the spring/summer of 2013.

### **Port Chilkoot Dock Improvements - Phase 2**

Attached to this report is the 35% Design Review Submittal of the Port Chilkoot Dock Improvements - Phase 2 project. As previously reported, this phase of the cruise ship dock renovations includes replacing the existing access trestle, dock, and lightering float gangway. This project combines the original Phase 2 (trestle and gangway) and Phase 3 (dock) into a single (renumbered) Phase 2. The Port and Harbor Advisory Committee will be hosting a special meeting November 1, 2012 to review the

35% Design Review Submittal drawings. The Planning Commission and Tourism Advisory Board have been specially invited to attend. Construction is scheduled to begin August 16, 2013.

### **Klehini Valley Volunteer Fire Department Roof and Door Replacement**

The Klehini Valley Volunteer Fire Department roof and door replacement is 99% complete. Henry Construction has completed their scope of work. Northern Construction needs to run power for the new overhead doors and then the project will be complete.

### **Barnett Water Tank Replacement**

The Barnett water tank plans are under review and should go out to bid soon with construction slated to start in the spring of 2013.

### **Lutak/Oceanview Slump Mitigation**

PND engineers are continuing to work on a drainage plan for the Lutak/Oceanview slump area.

### **Public Safety Building Boiler**

The boiler replacement at the Public Safety Building is underway and should be complete no later than November 9, 2012.

### **South Portage Cove Harbor**

Plans are being made to add card lock fuel management equipment to the Portage Cove Harbor.

### **E911 System Upgrades**

The preliminary plans for a new E911 system for the police station are underway. We are currently researching different contractors who can provide a design, sales, installation, and service contract.

### **PC Dock Tariff Revisions**

We are preparing an amendment to Ordinance 12-10-308 based on recommendations from the Finance Committee meeting on October 30, 2012. The amendment will include the following:

1. Change the port tariff ordinance to reflect a 10% annual increase for the lightering fee, effective January 1, 2014, with the 2014 rate set at what the rate would be if the increase took effect for 2013.
2. Establish a "Dock Development Fee" (or similar designation) in the \$1-3 per foot dollar range.

We will contact cruise ship company representatives to discuss this concept.

### **Vehicle Registration Tax**

We are preparing an amendment to Ordinance 12-10-307 based on a recommendation from the Finance Committee meeting on October 30, 2012. The amendment will include the following:

1. Revise the motor vehicle tax rate schedule to a flat \$22 biannual fee regardless of vehicle class.

### **Other Issues:**

#### **Dodov**

Nothing new to report at this time. I will keep you apprised of any additional developments.

#### **Williamson vs. Haines Borough, et al**

The Borough's attorney on this matter is scheduled to travel to Haines to take depositions December 10-12, 2012.

#### **Kammerer**

Mr. Kammerer has submitted additional complaints against the Borough.

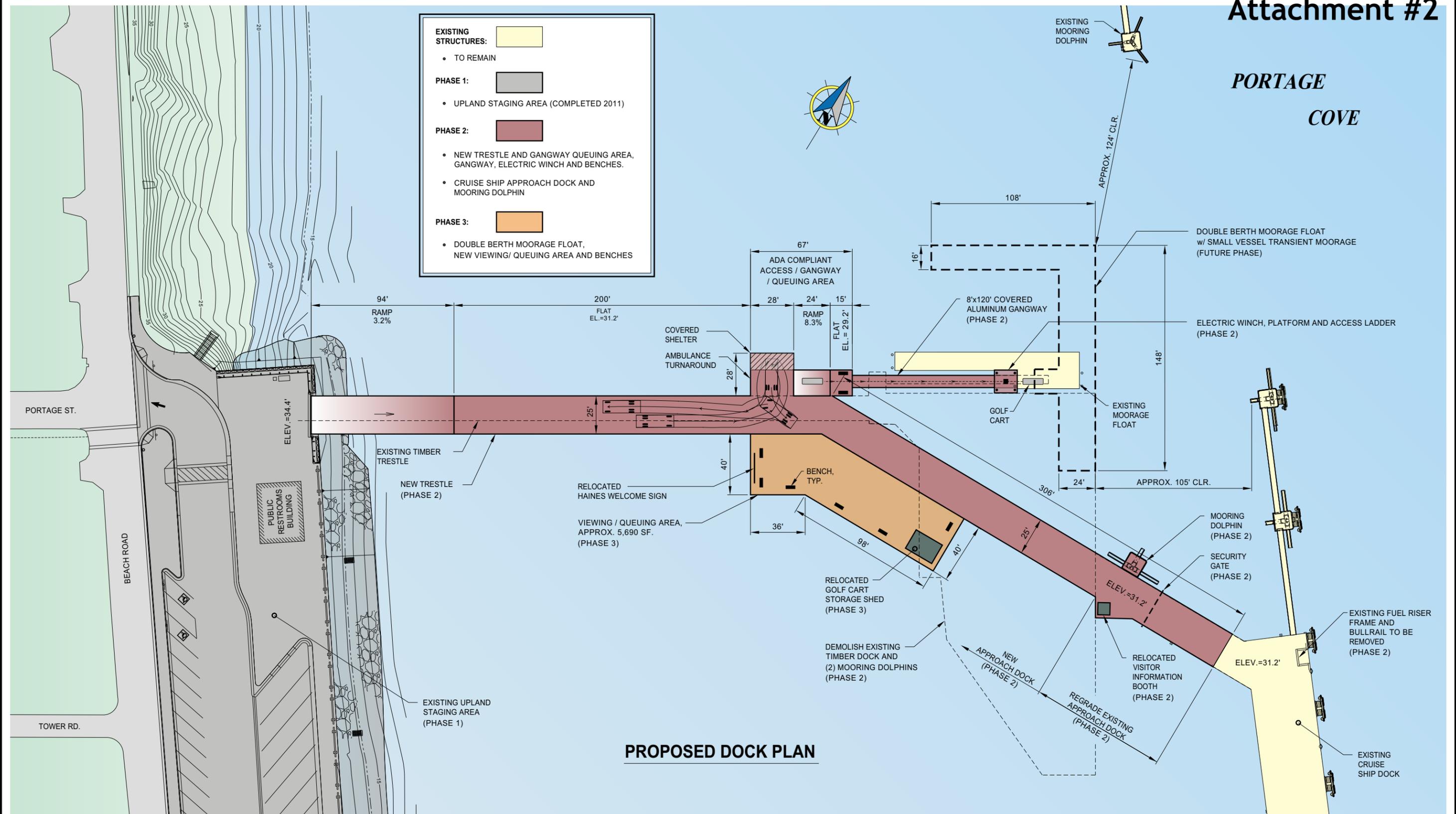
# Attachment #1

## FY 2014 Legislative Priorities - Working Draft

| <b>Project</b>  | <b>PROM Cost*</b> |
|---|-------------------|
| <b>Lutak Dock Upgrades</b>  |                   |
| Dock Resurfacing and Drainage Improvements  | 0.5               |
| Transfer Bridge Load and Capacity Upgrades and Repairs                                    | 0.6               |
| High Mast Lighting  | 0.4               |
| Offshore Bathymetry and Onshore Topographic Surveys                                       | TBD               |
| Mob, Contingency, Design, CA/CI, Permitting   | TBD               |
| <b>Road Improvements - Phase IV</b>   |                   |
| Third Avenue  | 1.0               |
| Tower, Blacksmith, Totem, Portage, Ft. Seward area sidewalks                              | 2.0               |
| <b>School Locker Room / Pool Upgrades</b>   | TBD               |
| <b>Lutak / Oceanview Area Slump Mitigation &amp; Drainage Improvements</b>                | TBD               |
| <b>Public Safety Building</b>   | TBD               |
| <b>Road Maintenance Equipment</b>   |                   |
| Autocar Dump Truck: dump truck with a nose plow, belly blade, and sander                  | TBD               |
| Loader Cat 950 or CAT 966 with quick coupler, digging bucket, large snow bucket and forks | TBD               |
| Ford Dump Truck: need a general purpose dump truck  | TBD               |
| Street Sweeper  | TBD               |
| <b>Sewer Treatment Plant Safety Upgrades / Feasibility Study</b>                          | TBD               |

\*Preliminary Rough Order of Magnitude Cost (in millions of dollars)

## PORTAGE COVE



### REVISIONS

| REV. | DATE | DESCRIPTION | DWN. | CKD. | APP. |
|------|------|-------------|------|------|------|
|      |      |             |      |      |      |
|      |      |             |      |      |      |
|      |      |             |      |      |      |
|      |      |             |      |      |      |



9360 Glacier Highway Ste 100  
Juneau, Alaska 99801  
Phone: 907-586-2093  
Fax: 907-586-2099  
www.pndengineers.com

DESIGN: SRY CHECKED: CRS  
DRAWN: LRG APPROVED: CRS

SCALE: SCALE IN FEET  
0 30 60 FT.



**HAINES BOROUGH  
PORT CHILKOOT DOCK  
TRESTLE REPLACEMENT**

SHEET TITLE: **PORT CHILKOOT DOCK  
PHASED DEVELOPMENT PLAN**

PND PROJECT NO.: 112048.02 DWG. FILE:

**1**  
SHEET  
OF 1



## HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]

Director's Report  
October 16, 2012

### September Statistics

Circulation 8,248

Internet Use 1,722

Meeting Room Use: 22 groups, Total Attendance, 111

Library Programs: 53, Total Attendance: 1,010

### Updates

- The Cultural Exchange Program, which included 2 days of events and visitors from the Yukon, was an enormous success. Attendance for the events was over 350. Plans are already being made for a second Cultural Exchange program.
- Historian John Cloud of the National Oceanic and Atmospheric Administration Central Library in Silver Spring, Maryland stopped by the library to share his work with historic maps of SE Alaska. Much of his map digitization work coincides with our Storyboard project and we are invited to use this resource.
- The OWL Sustainability Summit, Oct. 24-27, included presentations and discussions on the National Broadband policy, Universal Service Reforms, E-rate, Broadband and Sustainability in Alaska.
- An OWL grant has been applied for that will supply funding for a temporary, part-time aide position. This employee will work, primarily, with videoconferencing programs and general computer or digital literacy classes.
- An agreement has been signed with Equinox for the next Evergreen upgrade. We hope to be able to schedule this for some time in November.
- A successful visioning and planning meeting with the Library Board and staff was held on Wed., Oct. 10. Thanks to all the library board members and staff for their input and efforts.

### Friends of the Library

- A grant application to the Chilkat Valley Community Foundation was submitted. The grant is seeking funds for new padded folding chairs, a storage rack and bi-fold doors for easier access to the existing closet space.
- A wine tasting fundraiser is scheduled for this Friday, Oct. 19<sup>th</sup>, 7-9pm, Harriett Hall. Tickets are \$25. Proceeds will benefit the FOL and SE Alaska State Fair.
- Lighting of the Library Committee has planned the event, *Holiday Magic*, for Saturday, November 24<sup>th</sup>, 3-5pm. There will be no door charge this year. The silent auction of the trees will continue.

### Other

- I am currently working on the end of the year narrative and financial report for the IMLS Enhancement grant project as well as the fourth quarter financial reimbursement forms.

### Upcoming meetings

- DirLead, (Directors and Leaders annual meeting), Girdwood, Oct. 17-20



#### LIBRARY DIRECTOR

Patricia Brown

#### LIBRARY BOARD

Anne Marie Palmieri,  
Chair

Heather Lende, Vice-  
Chair

Richard Flegel, Treasurer

James Alborough,  
Secretary

JoAnn Ross Cunningham

Cecily Stern

Lorrie Dudzik

Meredith Pochardt

Stacey Gala



# Library News

## *Elder Marge Jackson Shares Stories*

Elder Marge Jackson, age 94, came to us from Haines Junction to share stories and bannock at the Cultural Exchange for local and Canadian Tribes. Sixty-five people came to hear her speak, including former mayor Jan Hill, who shared her own stories about Marge, and local Tlingit artist Sue Folletti. The gathering was sponsored in part by the Chilkat Valley Storyboard project, which is seeking to bring the region's rich history, culture, and traditions to life through the creation of an interactive mapping interface.



Sue Folletti, Marge Jackson, and Jan Hill

### Youth Programs

#### Monday

11 A.M. Mother Goose Time

3:30 P.M. Afterschool Art

4:30 P.M. Homework Help

#### Tuesday

4 P.M. Chess Club

#### Wednesday

3:30 P.M. Afterschool Art

4:30 P.M. Homework Help

#### Fridays

11 A.M. Story Time

3:30 P.M. Afterschool Art

4:30 P.M. Homework Help

## *Tlingit/Inupiaq Storyteller Ishmael Hope*



Storyteller Ishmael Hope performs

Tlingit/Inupiaq storyteller Ishmael Hope is famous not only for his storytelling, but for his one-of-a-kind Tlingit comic book *Strong Man*, which tells the tale of a young Tlingit teenager, Dukt'ootl, who works hard to build his strength until he is ready to become a leader of his people. According to the Anchorage Daily News, Kari Sagel, Sitka's Blatchley Middle School librarian, said "this book can appeal to avid readers as well as 'reluctant readers' and put them on a path to reading. It's one book, one series that can change their path." Hope spoke to a large group in the evening on Tuesday, September 11, and then two elementary classes back-to-back at the public library on Wednesday, September 12. He shared stories from the Tlingit and Inupiaq traditions.

CALLING ALL PHOTOGRAPHERS: Join Amy Gulick for a photography workshop on award-winning book

*Salmon in the Trees* on Wed., Oct. 17 6:30-8:30 P.M.



## *Amazing Display of Native Foods at Library Culture Days*



## Haines Borough Public Library



P.O. Box 1089  
Haines, AK 99827  
Phone: 907-766-2545  
Renew online at [www.haineslibrary.org](http://www.haineslibrary.org)

### Discussions and Demos at the Cultural Exchange



Lee Heinmiller, Joe Hotch, moderator Cecily Stern, Barb Hume, Marge Jackson, Chuck Hume, and Christopher Hotch speak at panel discussion on “Place Names from Haines to Haines Junction” on Tuesday, September 11.

Klukwan’s Sally Burratin introduces Ishmael Hope with an entertaining story of her own. Hope appreciated the local introduction very much.



Also, the library thanks the Chilkoat Indian Association for the generous three thousand dollars they donated to Chilkat Valley Storyboard project.



Valentino Burratin helps make traditionally-prepared salmon spread made by Helen Watkins, a Tlingit culture educator and chef from Juneau.

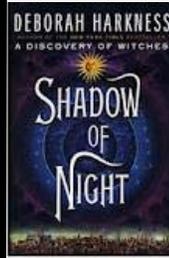
Ray Watkins teaches the crowd about the traditional uses of trees and carving tools, as they have been used by Native people for thousands of years. The Cultural Exchange also included Cory Mann sharing



his film *Smokin’ Fish*, which premiered on PBS last year. In it, Cory tells about the experience of dealing with the modern world as it collides with traditional living.

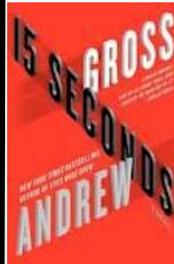
**Library will be closed Thursday, October 18 for Alaska Day.**

## Featuring More New Books



### *Shadow of Night* by Deborah E. Harkness

Deborah Harkness exploded onto the literary scene with her debut novel, *A Discovery of Witches*, Book One of the magical *All Souls Trilogy*. The novel introduced Diana Bishop, Oxford scholar and reluctant witch, and the handsome geneticist and vampire Matthew Clairmont; together they found themselves at the center of a supernatural battle over an enchanted manuscript known as Ashmole 782. Now, picking up from *A Discovery of Witches*’ cliffhanger ending, *Shadow of Night* plunges Diana and Matthew into Elizabethan London, a world of spies, subterfuge, and a coterie of Matthew’s old friends.



### *15 Seconds* by Andrew Gross

15 seconds can tear your life apart . . .

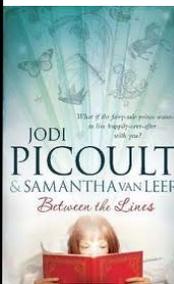
Henry Steadman didn’t know what was about to hit him when he pulled up to a red light. A successful Florida plastic surgeon, he is in town to deliver a keynote address at a conference when suddenly his life becomes an unrelenting chase to stay alive. With breakneck pacing and nonstop action, *15 Seconds* shows what can happen when even the best life is turned upside down in an instant



### *Gone Girl: a novel* by Gillian Flynn

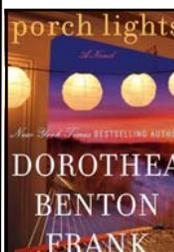
Marriage can be a real killer.

One of the most critically acclaimed suspense writers of our time, *New York Times* bestseller Gillian Flynn takes that statement to its darkest place in this unputdownable masterpiece about a marriage gone terribly, terribly wrong. The *Chicago Tribune* proclaimed that her work “draws you in and keeps you reading with the force of a pure but nasty addiction.” *Gone Girl*’s toxic mix of sharp-edged wit and deliciously chilling prose creates a nerve-fraying thriller that confounds you at every turn.



### *Between the Lines* by Jodi Picoult

*New York Times* bestselling author Jodi Picoult and her teenage daughter present their first-ever novel for teens, filled with romance, adventure, and humor. What happens when happily ever after . . . isn’t? Delilah is a bit of a loner who prefers spending her time in the school library with her head in a book—one book in particular. *Between the Lines* may be a fairy tale, but it feels real. Prince Oliver is brave, adventurous, and loving. He really speaks to Delilah. And then one day Oliver actually speaks to her.



### *Porch Lights* by Dorothea Benton Frank

Told in Annie’s and Jackie’s alternating voices, and filled with Dorothea Benton Frank’s charming wit, indelible poignancy, and hallmark themes—the bonds of family, the heart’s resilience, and the strength of love—*Porch Lights* is a triumph from “the queen of Southern fiction”.

**Haines Borough Public Library**  
**Approved Meeting Minutes**  
**9/12/12**

Present: Heather Lende, Dick Flegel, Lorrie Dudzik, Cecily Stern, Patty Brown, Anne Marie Palmieri, James Alborough  
Excused: Stacy Gala, JoAnn Ross-Cunningham, Meredith Pochardt

Call to Order: 4:40pm

Additions or Revisions to Agenda

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.

Approval of Agenda

Approval of Minutes 08/15/2012

Director's Report

M/S Alborough/Lende to approve the consent agenda. All approved.

Financial Report

Treasurer's Report for August (Dick)

Checking: \$26,127.29

Savings: \$14,193.08

CD: \$20,503.85

The check register was passed around for approval.

Old Business

Combined Board and Staff meeting

Date proposed: October 10 at 9am. Potluck breakfast.

Topics to go over: Visioning status, hone it down to doable stuff. What does it mean to be essential?

Visioning plan review and update

Patty sent out the latest updates and it will be pursued at the joint meeting.

New Business

Building Committee updates

Brian Lemke presented conceptual drawings from Larry Larsen around potential storage solutions. Discussion of options and ideas.

Building committee to meet to discuss the ideas provide by Brian and Larry Larsen.

Suggested time: Building committee on October 11 4pm.

Brian updated the board on the status on the heater controls. Redoing the controllers will cost approximately \$30,000. The Borough would need to cover it under major maintenance. Board will need to ask the Borough for funding.

Library winter hours

Staff requested winter hours (closing at 7pm Monday - Wednesday) November 15th - March 1st

M/S Alborough/Stern to approve the winter hours. All approved.

Other

Appendix to Policy Manual – 1. Procedures for a Challenge Hearing, 2. Procedures for conducting a library board meeting

Suggestion to move the Challenge Hearing procedures to the materials section and the Board meeting procedures to the board section.

Radio

September 14 (James), September 21 (Meredith?) October 12 (Dick), October 19 (James)

Board Comments:

None

Director's Comments:

Patty's vacation dates: 9/26 - 10/4

Next Meeting: Tuesday October 16 at 4pm

Adjournment: 5:10pm

-----  
James Alborough



**Agenda Bill No.:** 12-155  
**Assembly Meeting Date:** 11/6/12

| Business Item Description:  | Attachments:   |
|---|--|
| <b>Subject:</b><br>Amend Title 16 to prohibit certain behaviors and give the harbormaster authority to suspend or revoke privileges | 1. Ordinance 12-08-302 - Current Draft<br>2. Proposed Substitute Ordinance containing amendments recommended by the Port and Harbor Advisory Committee |
| <b>Originator:</b><br>Borough Manager (Agenda Bill by Clerk's Office)   |  |
| <b>Originating Department:</b><br>Administration  |  |
| <b>Date Submitted:</b><br>8/7/12  |  |

**Full Title/Motion:**

The following motions are already on the table:

- 1) Main Motion: WATERMAN moved to "adopt Ordinance 12-08-302," and it was seconded.
- 2) Primary Amendment: WATERMAN moved to amend the ordinance draft by replacing it in its entirety with the substitute ordinance recommended by the Port and Harbor Advisory Committee, and the motion was seconded.

**Administrative Recommendation:**

The manager recommends this ordinance.

**Fiscal Impact:**

| Expenditure Required | Amount Budgeted | Appropriation Required |
|----------------------|-----------------|------------------------|
| \$                   | \$              | \$                     |

**Comprehensive Plan Consistency Review:**

|                         |  |
|-------------------------|--|
| Comp Plan Policy Nos. : | Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No |
|-------------------------|--|

**Summary Statement:**

This ordinance was introduced on 8/28 and the first hearing was 9/11. The port and harbor advisory committee was asked to review it prior to the second hearing, and they did so on 10/11. They recommend a substitute ordinance that includes the following changes: 1) prohibits using port/harbor refuse containers for non-harbor or port-related trash, 2) defines "verbal abuse" and 3) clarifies the appeal procedure language. Following the second public hearing on 10/23, the assembly postponed the matter to this meeting as a result of discussion concerning the timeframe for suspension or revocation appeal hearings. There is currently a main motion and a primary amendment motion on the table, and the assembly will resume discussion of the primary amendment.

**Referral:**

|   |                        |
|---|------------------------|
| Sent to: Port and Harbor Advisory Committee | Date: 9/11/12          |
| Recommendation: Sub Ordinance Refer to:     | Meeting Date: 10/11/12 |

**Assembly Action:**

|   |  |
|---|--|
| Workshop Date(s):                           | Public Hearing Date(s): 9/11, 10/23/12 |
| Meeting Date(s): 8/28, 9/11, 10/23, 11/6/12 | Tabled to Date:                        |

**An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.**

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. This ordinance is effective upon adoption.

Section 4. Amendment of Section 16.28.010. Haines Borough Code 16.28.010 is amended, by the addition of sections S – U, to read as follows:

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

#### **16.28.010 Prohibited Acts**

It shall be unlawful for any vessel owner, master or manager or other person in charge of the operation of a vessel using the borough port and harbor facilities to commit any of the prohibited acts:

...

**S. To verbally abuse, physically assault, or threaten any Borough or harbor personnel at any time.**

**T. To physically assault or threaten other harbor users or members of the public while within the Borough port and harbor facilities.**

**U. To refuse to comply with any lawful order of the harbormaster or his representatives.**

Section 5. Amendment of Section 16.28.030. Haines Borough Code 16.28.030 is amended, as follows:

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

#### **16.28.030 Penalties for violations.**

**A.** Any person violating any of the provisions of this title will be fined according to the fees set out in the most current assembly approved fee schedule.

**B. In addition to the remedies under subsection A, the privilege of using the Borough port and harbor facilities may be suspended or revoked if the harbormaster**

**determines that suspension or revocation is in the best interest of the Borough or other harbor users. Notice of suspension or revocation of privileges shall be delivered in person or by certified mail to ensure receipt, and, for the purposes of AS 11.46.320 -- 11.46.350, shall constitute a lawful directive by the person in charge of the premises to vacate and to refrain from entering all borough port and facilities for any reason for as long as the suspension or revocation is in effect. Failure to comply with the harbormaster's revocation of mooring privileges or an order to vacate may result in impoundment under Chapter 16.24.070 of this title. The remedies of this title are in addition to any civil and criminal remedies the harbormaster, Borough, State of Alaska, or any other authority may have.**

**Any person or vessel owner whose privileges have been suspended or revoked has the right to an administrative hearing to determine whether there was probable cause for the suspension or revocation of privileges. The request shall be in writing submitted to the borough within five (5) business days of the suspension or revocation. The manager shall call a meeting of the Port and Harbor Advisory Committee within fourteen (14) business days for the purpose of conducting the requested administrative hearing. The hearing shall be conducted in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing the right for reinstatement. The Harbormaster shall carry the burden of establishing just cause for the suspension or revocation.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 08/28/12  
Date of First Public Hearing: 09/11/12  
Date of Second Public Hearing: 10/23/12 – Adoption Postponed to 11/6/12

# Proposed Substitute Ordinance

HAINES BOROUGH, ALASKA  
ORDINANCE No. 12-08-302

**Draft**

**An Ordinance of the Haines Borough amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff; physical assault and threats against members of the public while within the harbor; using port and harbor refuse containers for non-harbor or port refuse; refusing to comply with lawful directives by the harbormaster; and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.**

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. This ordinance is effective upon adoption.

Section 4. Amendment of Title 16. Haines Borough Code Title 16 is amended to clarify chapter titles to read as follows:

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

Chapters:

- 16.20 Duties of ~~Vessel~~ Boat Owners
- 16.24 Harbor Nuisances
- 16.28 **Hazardous Conditions**, Prohibited Acts and Enforcement

Section 5. Amendment of Section 16.28.010. Haines Borough Code 16.28.010 is amended, by the addition of sections S – U, to read as follows:

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

## **16.28.010 Prohibited Acts**

It shall be unlawful for any **person** ~~vessel owner, master or manager or other person in charge of the operation of a vessel~~ using the borough port and harbor facilities, to commit any of the **following** prohibited acts:

A. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the borough port and harbor facilities, in excess of three miles per hour. All vessel operators are legally liable for any damages from their wake.

B. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the borough port and harbor facilities, in a negligent manner in willful and wanton disregard for the safety of persons or property.

C. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the borough port and harbor facilities, in a negligent manner likely to endanger the safety of person or property.

D. To throw or otherwise cause to be deposited gasoline, oil, trash, garbage or refuse on any float or into the water of the borough port and harbor facilities. **To use the borough port**

**and harbor refuse containers for non-harbor or port refuse.** It is prohibited to leave snow removed from vessels on any dock, float, or finger.

E. To fail to register with the harbormaster, as provided in HBC [16.20.010](#).

F. To leave any vessel or floating structure moored at any of the borough port and harbor facilities unattended while any fire is burning thereon. Any such fire shall be deemed unattended unless the owner or operator is within 100 feet of the same.

G. To start or allow to continue any fire on a float or dock.

H. To create and maintain any nuisance within the borough port and harbor facilities.

I. To conduct or carry on any unlawful business or occupation within the limits of the borough port and harbor facilities.

J. To live aboard a vessel moored in the harbor at any time from October 15th to April 1st, except on a transient moorage basis for periods of two weeks or less. For any person or owner in charge of any dog or animal to allow or permit such dog or animal to run at large within the borough port and harbor facilities.

K. To deposit, place or leave any cargo, merchandise, supplies, freight, articles or thing, including fecal matter deposited on docks, upon any float, ramp, walk or other public place in the borough port and harbor facilities, except while loading to or from a boat or vehicle.

L. For any person or owner in charge of any dog or animal to fail to clean up after their animals.

M. To tap, disconnect, interfere with, or tamper with any water outlet, water pipe, water connection, or any electrical wiring, electrical outlet, or electrical device of any kind installed or maintained in the borough port and harbor facilities by the borough without first having obtained the permission of the harbormaster.

N. To interfere with any wharf, gangplank, ramp or any other facility of the borough port and harbor facilities.

O. To write or post any written or printed matter or sign upon any bulletin board constructed or maintained by the borough without first having obtained the permission of the harbormaster.

P. To erect, place, post or maintain any advertising matter, sign or other printed matter other than legal notices on any part of the borough port and harbor facilities without approval thereof first being obtained from the harbormaster.

Q. To disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the harbormaster or by the direction of the borough assembly relating to the use of mooring areas or other uses of the borough port and harbor facilities.

R. To moor, berth, tie, attach or connect to any part of the Letnikof Cove facility any boat or other waterborne structure without paying the fees or charges prescribed in this title.

**S. To verbally abuse, physically assault, or threaten any borough or harbor personnel at any time.**

**For the purposes of this section, "verbal abuse" means "fighting words" as that term is defined under Alaska law, and encompasses oral utterances which would be expected to provoke an immediate violent response in the average reasonable listener. "Verbal abuse" includes, but is not limited to, threatening significant physical harm or threatening or causing significant emotional harm to a person through the use of:**

**1. Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or**

**2. Harassment, coercion, threats, intimidation, humiliation, mental cruelty, or inappropriate sexual comments.**

**T. To physically assault or threaten other harbor users or members of the public while within the Borough port and harbor facilities.**

**U. To refuse to comply with any lawful order of the harbormaster or his representatives.**

Section 6. Amendment of Section 16.28.030. Haines Borough Code 16.28.030 is amended, as follows:

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

**16.28.030 Penalties for violations.**

**A.** Any person violating any of the provisions of this title will be fined according to the fees set out in the most current assembly approved fee schedule.

**B.** **In addition to the remedies under subsection A, the privilege of using the borough port and harbor facilities may be suspended or revoked if the harbormaster determines that suspension or revocation is in the best interest of the borough or other harbor users. Notice of suspension or revocation of privileges shall be delivered in person or by certified mail to ensure receipt, and, for the purposes of AS 11.46.320 -- 11.46.350, shall constitute a lawful directive by the person in charge of the premises to vacate and to refrain from entering all borough port and facilities for any reason for as long as the suspension or revocation is in effect. Failure to comply with the harbormaster's revocation of mooring privileges or an order to vacate may result in impoundment under chapter 16.24.070 of this title. The remedies of this title are in addition to any civil and criminal remedies the harbormaster, borough, state of Alaska, or any other authority may have.**

**C.** **Any person or vessel owner whose privileges have been suspended or revoked has the right to an administrative hearing to determine whether there was probable cause for the suspension or revocation of privileges. The request shall be in writing submitted to the port and harbor advisory committee via the borough manager within five (5) business days of the suspension or revocation. Within fourteen (14) business days, the manager shall call a port and harbor advisory committee meeting to address the suspension or revocation. The hearing shall be conducted in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing the right for reinstatement. The harbormaster shall carry the burden of establishing just cause for the suspension or revocation.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
Stephanie Scott, Mayor

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 08/28/12  
Date of First Public Hearing: 09/11/12  
Date of Second Public Hearing: 10/23/12



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-186  
**Assembly Meeting Date:** 11/6/12

| Business Item Description:                                     | Attachments:  |
|--|---|
| Subject:<br>Extend Manager Contract                            | 1. Manager Memo Communicating Interest in a Contract Extension<br>2. Borough Manager Contract<br>3. Excerpt of 1/10/12 assembly minutes extending contract to 7/15/13 |
| Originator:<br>Assembly Member Waterman (Agenda Bill by Clerk) |   |
| Originating Department:<br>Borough Assembly                    |   |
| Date Submitted:<br>10/23/12 during assembly meeting            |   |

**Full Title/Motion:**  
 Motion already on the table: Extend the manager's contract for an additional year.

**Administrative Recommendation:**

| Fiscal Impact:       |                 |                        |
|----------------------|-----------------|------------------------|
| Expenditure Required | Amount Budgeted | Appropriation Required |
| \$                   | \$              | \$                     |

**Comprehensive Plan Consistency Review:**  
 Comp Plan Policy Nos. : \_\_\_\_\_ Consistent:  Yes  No

**Summary Statement:**  
 On 10/9, a motion to extend the manager's contract was made and, following a discussion, it was postponed to this meeting. Motion on the Table: Extend the manager's contract for an additional year.  
  
 The manager's initial contract had an end date of January 15, 2012. On January 10, 2012, the assembly extended the contract for 18 months (to July 15, 2013). This current motion to extend for an additional year would provide for a new end date of July 15, 2014.

**Referral:**  
 Sent to: \_\_\_\_\_ Date: \_\_\_\_\_  
 Recommendation: \_\_\_\_\_ Refer to: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

**Assembly Action:**  
 Workshop Date(s): \_\_\_\_\_ Public Hearing Date(s): \_\_\_\_\_  
 Meeting Date(s): 10/23, 11/6/12 Tabled to Date: \_\_\_\_\_



**Haines Borough Administration**  
**Mark Earnest, Borough Manager**  
(907)766-2231 • Fax(907)766-2716  
mearnest@haines.ak.us

**November 6, 2012**

### **Manager Contract Extension**

This is to confirm and more properly communicate my interest in continuing to serve as Borough Manager for an additional one-year extension of my contract through July 15, 2014. My interest in continuing for an additional year is based on a number of factors, including recent developments involving the Lutak waterfront initiative, as well as many other projects that are also identified in the recently adopted Haines Borough Comprehensive Plan. We are approaching a critical juncture for many of the most challenging and exciting projects in recent years.

The Lutak waterfront development, at least the most recent iteration, began two years ago when we submitted an FY 2012 Legislative funding request in the amount of \$120,000 for a master plan. This project was the Borough's #3 state and the #2 federal priority. As you are aware, that request was funded, and we are proceeding with the plan. As part of this process, we have been engaged in discussions with mining and energy interests in Alaska and the Yukon, as well as the Yukon Government, State of Alaska and the Alaska Congressional delegation. We have put a tremendous amount of time and effort into this project, and we appear to be gaining significant traction at all levels. There are a lot of moving parts in a project like this, over about a two year timeline, which was a major contributor in my thinking about my continued involvement in this project.

There are many other projects and initiatives that are in the planning or pre-construction phases that could use a bit more nurturing, such as the Borough Facility Master Plan, Portage Cove and Letnikof harbor improvements, Passage Canal Dock replacement, as well as continuation of the roads, water and sewer, and building improvement and vehicle replacement programs. In short, there is no shortage of priority projects and initiatives ahead of us as laid out in the Comprehensive Plan Action Summary.

# EMPLOYMENT AGREEMENT

## Borough Manager

This Agreement effective January 11, 2010, is between the Haines Borough, Alaska, (hereinafter "the Borough"), a municipal corporation, and Mark Earnest ("the Manager"), and is effective as provided below.

This Agreement is based upon the following premises:

**WHEREAS**, the Borough wishes to employ the Manager, in accordance with the Borough's authority under State law, the Haines Borough Charter and the Haines Borough Code, and the Manager wishes to be employed by the Borough; and

**WHEREAS**, the Borough and the Manager wish to memorialize the terms and conditions of the Manager's employment by the Borough, including benefits, conditions of employment, and working conditions.

### **Section 1: DUTIES**

The Manager shall be employed by the Haines Borough and hold the title 'Borough Manager'. The Manager shall perform all duties and discharge all responsibilities of that position as prescribed by the laws of the State of Alaska, the Charter of the Haines Borough, the Haines Borough Code, and the direction of the Borough Assembly. The Manager reports to the Mayor and the Borough Assembly and shall maintain residency within the Haines Borough during the entire term of this Agreement.

### **Section 2: COMPENSATION**

1. **Salary**. In return for services, the Manager shall receive an annual salary of \$100,000, payable in installments in accordance with the Borough's code and customary practice. This salary shall be effective for the term of this Agreement, subject to annual review by the Borough Assembly.

2. **Exempt Position**. The Manager acknowledges that the position of Borough Manager is salaried and exempt from overtime requirements. The Manager understands and agrees that he is exempt under the Fair Labor Standards Act (FLSA) and the Borough and the Manager further acknowledge that, while the Manager will often be required to work in excess of 40 hours per week and 8 hours per day, the Manager shall have the flexibility in scheduling the performance of his duties customarily allowed to salaried, exempt administrative employees.

3. **Union**. The Manager is an officer of the Borough and, as such, shall not be a member of the borough employee's union or subject to the collective bargaining agreement.

4. **Benefits**. The Manager shall be entitled to benefits provided under Haines Borough Code Title 2 (Sections 2.72 through 2.92) and those benefits customarily

provided to a permanent, full-time, exempt Borough employee, including annual leave, personal leave, executive leave, sick leave, insurance, and PERS participation in accordance with generally applicable policies in effect from time to time, provided that such benefits shall not be reduced during the term of this Agreement. Leave by the Manager or cashing-in of leave benefits by the Manager shall be subject to prior approval by the Mayor or Borough Assembly.

- A. Annual Leave – The Manager shall be entitled to 30 working days annual leave, including executive leave, except that any request for leave exceeding two consecutive weeks must be approved by the Borough Assembly.

5. **Travel, Meetings, and Professional Development.** The Manager shall receive allowance for travel, out-of-town meetings, and professional development expenses as authorized by the Borough Assembly in the budget for each fiscal year or as approved in advance by the Borough Assembly from time to time.

6. **Dues and Subscriptions.** The Borough agrees to pay the Manager's professional dues and subscriptions necessary for the Manager's full participation in no more than two national, regional, state or local associations and organizations necessary and desirable for the Manager's continued professional participation, growth, and advancement, and for the good of the Borough.

### **Section 3: PERFORMANCE EVALUATION**

The Mayor and individual members of the Assembly may but are not required to periodically identify their concerns to the Manager by either informal discussions with the Manager or by more formal means during Assembly meetings. The Assembly may but is not required to meet with the Manager annually for the purpose of setting Assembly goals and priorities. The Assembly may but is not required to meet with the Manager annually to evaluate and assess the performance of the Manager in meeting or progressing toward the goals of the Assembly. If the Assembly chooses to evaluate the Manager, the Manager is required to fully cooperate with the Assembly in completing that evaluation process.

- A. In the event the Assembly determines that the performance of the Manager is unsatisfactory in any respect or needs significant improvement in an area, the Assembly may but is not required to describe these concerns in writing.

### **Section 4: TERM, TERMINATION AND SEVERANCE PAY.**

1. **Term.** The term of this Agreement shall begin at 8:00 am on the date first written above and expire on January 15, 2012 at 5:00 pm. The Manager's employment pursuant to the terms of this Agreement automatically expires on January 15, 2012. This Agreement may only be extended in writing signed by both the Borough and the Manager. In the event the Manager remains as the Borough Manager after January 15, 2012 without a written Agreement or written extension of this Agreement, the terms and conditions of this Agreement specifically do not apply to employment after January 15, 2012 in those circumstances.

2. **Termination.** This Agreement and the Manager's employment under this Agreement are terminable at will and at any time by the Borough Assembly without any notice of any kind whatsoever, it being expressly and explicitly understood by the Manager that he holds his position at the will of the Borough Assembly. The Manager understands and agrees that no representations or course of conduct by the Borough Assembly will establish any legally enforceable expectation of his continued employment by the Borough.

The Manager shall provide the Borough Assembly with written notice of his resignation no less than sixty (60) days prior to the effective date of his resignation or expiration of this employment agreement. If the Manager quits or resigns without providing such notice, then the Manager shall forfeit all benefits which the Manager otherwise may be entitled to receive under this Agreement.

Dismissal and grievance procedures for borough employees provided in the Haines Borough Code shall not apply to the termination of the Manager's employment by the Borough Assembly.

3. **Severance Pay.** In the event that the Borough Assembly terminates the Manager's employment without cause, the Borough shall pay the Manager severance pay of three month's benefited salary for the Manager. Benefited salary, purposes of this section, shall mean an amount equal to three months prorated salary and benefits, and all cashable leave the Manager is otherwise entitled to under Section 2 (Compensation) of this Agreement. Severance pay shall be subject to all applicable local, state, and federal withholdings. A decision of the Borough Assembly not to renew this Agreement upon the expiration of its term under Section 4.1 (Term) of this Agreement shall not constitute a termination without cause event for purposes of this section.

If Borough Assembly terminates the Manager's employment with cause, or if the Manager terminates his employment, regardless of cause, then the Manager shall receive no severance pay. For purposes of the Agreement, any of the following shall constitute "cause" for termination:

- A. The Manager's failure to satisfactorily perform his duties in accordance with the provisions of this Agreement, or establish or maintain his Haines Borough residency as required by this Agreement;
- B. The Manager's failure to obey any lawful directive of the Assembly;
- C. The Manager's willful failure to comply with the Charter of the Haines Borough Charter or the Haines Borough Code;
- D. Conduct which the Borough Assembly reasonably believes reflects adversely on the Manager's position as the Manager's or on the Borough, including but not limited to:
  1. acts involving dishonesty;

2. fraudulent acts;
  3. embezzlement; or
  4. substance abuse;
- E. The Manager's death; or illness, incapacity or serious health condition that renders the Manager unable to adequately perform the duties and to discharge the responsibilities contemplated by this Agreement, with or without reasonable accommodation, for more than eight (8) consecutive work weeks. The Manager expressly waives any statutory right to additional paid or unpaid leave, available under state or federal law governing family leave or disability, acknowledging that the demands and responsibilities of the Borough Manager position do not permit extended leave beyond eight (8) consecutive weeks. Without waiver of this limitation, the Borough reserves the right, at the Manager's request and at the Borough's exclusive option, to continue benefits or payroll status for the Manager, despite the Borough's replacement of the Manager or termination of any statutory reinstatement right, for any period of time that would otherwise be available for leave qualified under state or federal family leave acts, not to exceed 18 weeks total.

4. **Termination Due to Charter Amendment:** If the voters of the Haines Borough approve an amendment to the Charter of the Haines Borough that has the effect of abolishing the office of Borough Manager, The Manager's employment shall be treated as terminated without cause as of the effective date of the Charter amendment, and the Manager shall be entitled to severance pay for a termination without cause as provided in this Agreement; *provided, however,* that the Manager shall not be entitled to severance pay if the Borough offers the Manager immediate reemployment within 30 days after the effective date of the Charter amendment in another Borough position with pay and benefits at least equal to the pay and benefits received by the Manager immediately before the effective date of the Charter amendment.

5. **Suspension:** The Borough may suspend the Manager with full pay and benefits at any time during the term of this Agreement, upon a vote of a majority of the Borough Assembly.

#### **Section 5: OTHER EMPLOYMENT**

It is recognized that the Manager must devote a great deal of time outside normal Borough office hours to the business of the Borough. Normal Borough office hours hereunder shall be construed to mean Monday through Friday (excluding Borough holidays), an 8-hour period sometime between 7:00am and 7:00pm. The Manager shall not undertake employment with any person or entity other than the Borough without prior approval of the Borough Assembly.

#### **Section 6: INDEMNIFICATION**

The Borough shall indemnify, hold harmless and defend the Manager against all claims and liability which may result from any claim, action or suit by any person based

upon alleged injury to or death of a person or alleged loss of or damage to property that may occur or that may be alleged to have been caused by the Manager in the course of performance of his official duties during the duration of his employment with the Borough under this Agreement. PROVIDED HOWEVER, that the Borough shall NOT be obliged to indemnify, hold harmless or defend the Manager against any such claim to liability arising out of or resulting from acts or omissions that, in the sole judgment of the Borough, may occur or that may be alleged to have been caused by the Manager while acting outside the course of performing his official duties, or from any false, deceptive, dishonest or criminal act/omission under the laws and regulations of the United States of America, the State of Alaska and/or any political subdivision thereof.

**Section 7: GENERAL PROVISIONS**

1. Any controversy or claim arising out of or related to this Agreement or the breach thereof shall be governed by the laws of the State of Alaska, and the Haines Borough, Alaska, and the forum for any legal proceeding thereon shall be the Superior Court for the State of Alaska, First Judicial District. The Manager agrees that venue for trial in any such action shall be in Haines, Alaska.

2. This Agreement constitutes the entire Agreement between the Manager and the Borough, supersedes all prior oral and written understandings, if any, between the Borough and Mark P Earnest, Borough Manager, which shall terminate as of the effective date of this Agreement.

3. Any amendment to this Agreement must be in writing and signed by both parties to be effective. The Manager understands and agrees that no Borough employee, nor the Mayor nor any individual member of the Assembly, has any authority to make any promises to the Manager, nor any authority to modify or alter the terms and conditions of this Agreement.

4. Except as required by this Agreement, or the laws of the State of Alaska, the Charter of the Haines Borough or the Haines Borough Code, the Borough's generally applicable personnel and employment policies and rules shall apply to the Manager's employment under this Agreement.

**Section 8: MEDIATION:**

As a condition precedent to filing any action in court with respect to any dispute arising out of or relating to this Agreement or arising out of or relating to the Manager's employment with the Borough, the Manager agrees to submit that dispute to mediation with a professional mediator mutually agreed to by the Manager and the Borough, and the Manager agrees to make a good faith effort to resolve the dispute in mediation.

**Section 9: ACKNOWLEDGEMENT OF REPRESENTATION:**

The Manager acknowledges that he has had a full opportunity to consult with attorneys of his choice before signing this Agreement. The Manager acknowledges that he is not relying on any statements or representations made by any employees, representatives, officers, consultants, the Mayor, or Assembly members of the Borough

in entering this agreement, and he further acknowledges that he has not received and is not relying on any legal advice or representations by the Borough attorneys.

**Section 10. NOTICES:**

Notices pursuant to this Agreement shall be given by personal delivery or by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

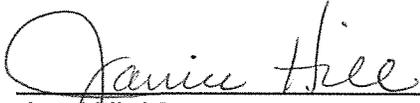
- (1) Borough:  
Haines Borough Clerk  
Haines Borough  
P.O. Box 1209  
Haines, Alaska 99827
  
- (2) Manager:  
Mark Earnest

Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

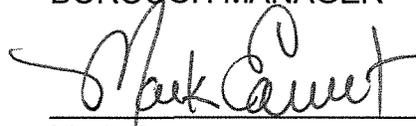
**IN WITNESS WHEREOF**, the Haines Borough Assembly has caused this Agreement to be signed and executed on the Borough Assembly's behalf by its Borough Manager and duly attested by its Borough Clerk, and Mark Earnest has executed this Agreement for and on behalf of himself, on the day and year first written above.

**THE UNDERSIGNED HAVE READ THIS AGREEMENT CAREFULLY, AND HAVE HAD THE OPPORTUNITY TO HAVE THE AGREEMENT FULLY EXPLAINED BY THEIR RESPECTIVE ATTORNEYS. THE UNDERSIGNED FULLY UNDERSTAND THE BINDING EFFECT OF THIS AGREEMENT AND ACKNOWLEDGE THAT THEY SIGN IT VOLUNTARILY.**

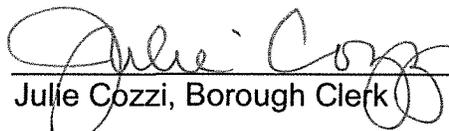
HAINES BOROUGH

  
\_\_\_\_\_  
Jan Hill, Mayor

BOROUGH MANAGER

  
\_\_\_\_\_  
Mark Earnest

ATTEST:

  
\_\_\_\_\_  
Julie Cozzi, Borough Clerk

**Haines Borough**  
**Borough Assembly Meeting #215**  
**January 10, 2012**  
**EXCERPT OF MINUTES**

**11C. Other New Business**

**10. Borough Manager's Contract & Evaluation – Executive Session**

*Note: the mayor and manager requested the assembly to, by motion, move into executive session in order to discuss with the manager the results of his performance evaluation (he waived his right to request discussion in open session). This matter qualified for executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03.*

**Motion: WATERMAN** moved to "go into Executive Session to discuss the manager's evaluation & contract because discussion in open session may tend to prejudice the reputations of those involved," and it was seconded. The motion carried unanimously.

Present: Mayor Scott; Assembly Members Lapp, Waterman, Vick, Hoffman, and Schnabel; and Borough Manager Mark Earnest. The executive session convened at 10:05pm and ended at 11:17pm.

**Motion: WATERMAN** moved to "renew the manager's contract for 18 months with a 2% salary increase," and it was seconded. The motion carried unanimously in a roll call vote.

**Motion: WATERMAN** moved that "the assembly is going to release the composite numerical and comment documents (pertaining to the manager's evaluation)," and it was seconded. The motion carried unanimously.

**Motion: WATERMAN** moved the following goals be set for the manager:

1. Hire an assistant.
2. Work on taking direction from the assembly as a whole.
3. Provide clear, brief, and concise reports.
4. Nurture and rebuild relationships with the press.
5. Coordinate with the mayor on press comments (press releases).
6. Provide a transition plan by July 24, 2012.

**Motion to amend: SCHNABEL** moved to "replace the word 'press' with the word 'media' and add that the assistant should be hired as soon as possible," and it was seconded. The amendment motion carried unanimously.

The main motion, as amended, carried unanimously.

I certify that the above is a true and complete excerpt of agenda item 11C10 from the January 10, 2012 borough assembly minutes.



  
Julie Cozzi, MMC, Borough Clerk  
Haines Borough, Alaska



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-176

**Assembly Meeting Date:** 11/6/12

| <b>Business Item Description:</b>                         | <b>Attachments:</b>  |
|---|--|
| Subject:<br>Borough Manager Transition and Hiring Process | 1. Draft Transition Plan prepared by the manager for the personnel committee<br>3. 9/16/12 Memo from the Mayor |
| Originator:<br>Assembly (Agenda Bill by Clerk's Office)   |  |
| Originating Department:<br>Borough Assembly               |  |
| Date Submitted:<br>9/25/12                                |  |

| <b>Full Title/Motion:</b>   |
|---|
| Motion #1: Use a traditional recruitment method to hire the next borough manager<br>Motion #2: Refer development of a selection matrix to the Personnel Committee |

| <b>Administrative Recommendation:</b> |
|---------------------------------------|
|                                       |

| <b>Fiscal Impact:</b> |                 |                        |
|-----------------------|-----------------|------------------------|
| Expenditure Required  | Amount Budgeted | Appropriation Required |
| \$                    | \$              | \$                     |

| <b>Comprehensive Plan Consistency Review:</b> |  |
|---|--|
| Comp Plan Policy Nos.:                        | Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No |

| <b>Summary Statement:</b>  |
|--|
| <p>The manager prepared a draft transition plan for the Personnel Committee. There are two well-established procedures for management recruitment: (1) traditional - using media and on-line classifieds offered through organizations such as the Alaska Municipal League and International City/County Management Association; and (2) professional recruiting service. The personnel committee met on 9/21 and recommends going with a traditional recruitment process rather than contracting for professional services. Mayor Scott outlined her preference in memo dated 9/16/12.</p> <p>On 10/9/12, this agenda item was postponed to this meeting.</p> |

| <b>Referral:</b> |           |               |  |
|------------------|-----------|---------------|--|
| Sent to:         |           | Date:         |  |
| Recommendation:  | Refer to: | Meeting Date: |  |

| <b>Assembly Action:</b>         |                         |
|---------------------------------|-------------------------|
| Workshop Date(s):               | Public Hearing Date(s): |
| Meeting Date(s): 10/09, 11/6/12 | Tabled to Date:         |

**Draft Manager Transition Plan Schedule**

|            | <b>Executive Search</b>                                | <b>Traditional Recruitment</b>                          |
|------------|--|---|
|            |  |   |
| 9/15/2012  | Develop transition plan                                | Develop transition plan/position profile development    |
| 10/15/2012 | Advertise RFP for recruiting firm                      | Re-advertise position with first review date of 3/31/13 |
| 11/15/2012 | Select firm and issue NTP/position profile development | Establish selection criteria, etc.                      |
| 12/15/2012 | Begin recruitment/establish selection criteria, etc.   |   |
| 1/15/2013  |  |   |
| 2/15/2013  |  |   |
| 3/15/2013  |  |   |
| 4/15/2013  | Candidate screening and interviews                     | Candidate screening and interviews                      |
| 5/15/2013  | Negotiate terms of employment agreement                | Negotiate terms of employment agreement                 |
| 6/15/2013  | Relocation and begin transition                        | Relocation and begin transition                         |
| 7/15/2013  | Transition completed                                   | Transition completed                                    |

# Memorandum

Haines Borough  
Office of the Mayor  
103 Third Avenue S.  
Haines, Alaska 99827  
sscott@haines.ak.us  
Voice (907) 766-2231 ext. 30

September 16, 2012

To: Mark Earnest, Manager;

Cc: Julie Cozzi, Borough Clerk  
JoAnn Waterman, Chair, Personnel Committee

From: Stephanie Scott, Mayor, Haines Borough

Subject: Managerial Transition Plan

Your recent indisposition has increased our awareness of the critical importance of this position in a manager form of government. I am grateful that you are recovered! Given this heightened awareness, I have been encouraged me to recommend initiation of a transition plan, given that the current manager contract expires June 15, 2013.

I do believe that the development of a transition plan is an element of the manager's current contract. Even so, I encourage you to take advantage of the Personnel Committee, of which you are a member, and currently chaired by Assembly member Waterman, to aid in the development of a transition plan.

Between April and June 2012, the Assembly spent considerable time and effort on a manager hiring process. Minimally we learned that the process is time consuming. The three intervening months resulted in a long "short list" of 9 applicants. But the effort also illuminated concerns among the Assembly with respect to the content of the application. Mainly, there seemed to be a disconnect between the content of the application and the matrix used to evaluate each candidate's application.

To streamline an inherently difficult process, I hope that you, the Manager, perhaps with the advice and consent of the Personnel Committee, would be willing to outline a search process to be launched January 1, 2013, with a target date of hire May 15, 2013. That would enable the new hire to intern under your expertise for one month prior to contract's end.

I make no secret of my preference to use an executive recruiting service, such as the service proposed by the Seattle based Prothman Company prepared June 5, 2012 for the Haines Borough. I believe that working with a recruitment service will enhance

our capacities to perceive the qualities we seek in applicants. It will leverage Assembly input, not diminish it. Using such a service may also hone our perception of the job itself.

As an example, the Prothman approach includes

- a review of the scope of work,
- review of the hiring schedule,
- review and recommendations related to the compensation package.

Prothman involves meeting with the Assembly , Officers, Department heads, the community, and other key stakeholders to develop an understanding of the organization and the values and culture of Haines. Prothman then composes a “profile” of the ideal candidate for Haines, which the Assembly must approve. That profile then serves as a foundation for the determination of a candidate’s fit for the community and organization. Essentially, the carefully constructed profile replaces the “matrix” that we strove to develop.

I believe that using a recruitment service does not minimize the role of the Assembly in the selection of a manager and it will ensure that the Assembly articulates clear performance standards for a manager and has the tools to detect the embodiment of the standards in its candidates. The final choice of a manager rests exclusively with the Assembly.

Regardless of the strategy ultimately pursued for hiring a manager, it is time to begin the process; and I will very much appreciate your leadership in this important matter.



**Agenda Bill No.:** 12-187  
**Assembly Meeting Date:** 11/6/12

| Business Item Description:   | Attachments:                               |
|--|--|
| <b>Subject:</b><br>Authorize a change order with Southeast Road Builders for the Street Improvements Phase 3 Project | 1. Resolution 12-11-416<br>2. Change Order |
| <b>Originator:</b><br>Carlos Jimenez   |  |
| <b>Originating Department:</b><br>Public Facilities  |  |
| <b>Date Submitted:</b><br>10/29/12   |  |

**Full Title/Motion:**  
 Motion: Adopt Resolution 12-11-416

**Administrative Recommendation:**  
 The resolution is recommended by the manager and the director of public facilities.

**Fiscal Impact:**

| Expenditure Required | Amount Budgeted | Appropriation Required |
|----------------------|-----------------|------------------------|
| \$ 83,583.32         | \$ 4,500,000    | \$ 0                   |

**Comprehensive Plan Consistency Review:**

|   |   |
|---|---|
| Comp Plan Policy Nos.:<br>Objective 15A, Page 29; and Page 18 | Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

**Summary Statement:**  
 The Haines Street Improvements Phase 3 project consisted of final grading, drainage and paving improvements, and the major items of work included 1) 4th Avenue (Union Street to View Street); 2) View Street (2nd Avenue to 4th Avenue); 3) Third Avenue/Lynnview Drive (Union Street to 2nd Avenue); and 4) Lower 4th Avenue Curb Construction. On 5/8/2012, the assembly authorized the manager to contract with Southeast Road Builders (SRI) for completion of the project for an amount not to exceed \$1,358,225.75. Additional work is necessary (described in the attached change order) and SRI provided a proposal to complete the work for \$83,583.32. Assembly approval of a change order is needed. The project is funded by an FY 2012 designated legislative grant.

**Referral:**

|                 |               |
|-----------------|---------------|
| Sent to:        | Date:         |
| Recommendation: | Meeting Date: |
| Refer to:       |               |

**Assembly Action:**

|                          |                         |
|--------------------------|-------------------------|
| Workshop Date(s):        | Public Hearing Date(s): |
| Meeting Date(s): 11/6/12 | Tabled to Date:         |

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Haines Street Improvements Phase 3 project for an amount not to exceed \$83,583.32.**

**WHEREAS**, the Haines Street Improvements Phase 3 project consisted of final grading, drainage and paving improvements, and the major items of work included

- 1) 4th Avenue (Union Street to View Street)
- 2) View Street (2nd Avenue to 4th Avenue)
- 3) Third Avenue/Lynnview Drive (Union Street to 2nd Avenue)
- 4) Lower 4<sup>th</sup> Avenue Curb Construction; and

**WHEREAS**, the Assembly, on 5/8/2012, authorized the Borough Manager to contract with Southeast Road Builders, Inc. of Haines for completion of the project for an amount not to exceed \$1,358,225.75; and

**WHEREAS**, Southeast Road Builders provided a proposal to complete additional work for \$83,583.32; and

**WHEREAS**, the Haines Borough has been appropriated a FY-2012 Designated Legislative Grant per AS 37.05.315 for the purpose of Road Rehabilitation and Maintenance in the amount of \$4,500,000; and

**WHEREAS**, the Assembly, through resolution 11-07-292, accepted this Legislative Grant and authorized the manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development; and

**WHEREAS**, the balance of funds budgeted and granted by the Department are sufficient.

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Haines Street Improvements Phase 3 project for an amount not to exceed \$83,583.32.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

# HAINES BOROUGH

## CHANGE ORDER

ORDER NO. 1  
Page 1 of 1

DATE: October 26, 2012

PROJECT NAME: Haines Street Improvements, Phase III

CONTRACT AGREEMENT DATE: May 17, 2012

OWNER: HAINES BOROUGH

CONTRACTOR: Southeast Roadbuilders

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification: Extra work as described below.

Original CONTRACT AGREEMENT: \$1,358,225.75 DAYS: September 15, 2012

Current CONTRACT AGREEMENT adjusted by previous CHANGE ORDER(S) \$ \_\_\_\_\_ DAYS \_\_\_\_\_

This CHANGE ORDER will **increase** the CONTRACT AGREEMENT by \$83,583.32 DAYS \_\_\_\_\_

The new CONTRACT AGREEMENT including this CHANGE ORDER will be \$1,441,809.07 DAYS \_\_\_\_\_

The date for completion of all work will be September 15, 2012 (Date).

| DESCRIPTION OF CHANGES  | INCREASE<br>IN CONTRACT<br>AMOUNT<br>(\$) | (DECREASE)<br>IN CONTRACT<br>AMOUNT<br>(\$) | CONTRACT<br>TIME<br>EXTENSION<br>(DAYS) |
|---|---|---|---|
| Underdrain; sewer conflict; boulder; abandon manhole; pipe utility conflict; sub-excavation on Lynnview Drive; View Street curb and gutter; Third Avenue perforated pipe; sewer installation and additional landscaping | 83,583.32                                 |   |   |
| <b>TOTALS</b>   | <b>\$83,583.32</b>                        | <b>\$</b>                                   |   |
| <b>NET CHANGE CONTRACT AMOUNT<br/>INCREASE OR (DECREASE)</b>  | <b>\$83,583.32</b>                        |   |   |

### Signatures Required:

The undersigned Contractor approves the foregoing Change Order as to the changes, if any, in the contract price specified for each item, including any and all supervision costs and other miscellaneous costs relating to the change in work, and as to the extension of time allowed, if any, for completion of the entire work on account of said Change Order. The Contractor agrees to furnish all labor and materials and perform all other necessary work, inclusive of that directly or indirectly related to the approved time extension, required to complete the Change Order items. This document will become a supplement of the contract and all provisions will apply hereto. It is understood that the Change Order shall be effective when all signatures are in place.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

State or Federal Agency, if applicable: \_\_\_\_\_ Date: \_\_\_\_\_



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-188

**Assembly Meeting Date:** 11/6/12

| <b>Business Item Description:</b>   |  | <b>Attachments:</b>  |
|---|--|--|
| Subject:<br>Authorize a change order with Southeast Road Builders for the 4th Ave, View, Lynnview W-S Upgrade Project |  | 1. Resolution 12-11-417<br>2. Change Order<br>3. ADEC final payment authorization<br>4. SRI Cost Spreadsheet |
| Originator:<br>Jila Stuart  |  |  |
| Originating Department:<br>Finance  |  |  |
| Date Submitted:<br>10/29/12   |  |  |

| <b>Full Title/Motion:</b>          |
|------------------------------------|
| Motion: Adopt Resolution 12-11-417 |

| <b>Administrative Recommendation:</b>   |
|---|
| The resolution is recommended by the manager and the director of public facilities. |

| <b>Fiscal Impact:</b> |                 |                        |
|-----------------------|-----------------|------------------------|
| Expenditure Required  | Amount Budgeted | Appropriation Required |
| \$ 50,367.74          | \$ 740,800      | \$ 0                   |

| <b>Comprehensive Plan Consistency Review:</b>     |   |
|---|---|
| Comp Plan Policy Nos. :<br>Objective 15A, Page 29 | Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| <b>Summary Statement:</b>   |
|---|
| The Fourth Ave., View St. and Lynnview Dr. Water-Sewer Upgrade Project consisted of furnishing and installing water pipe and associated fire hydrants, water services and gate valves as well as removing existing asphalt road surfacing, replacing it with a D-1 surface and imported backfill in areas with unsuitable subsurface soils. On 5/10/2011, the assembly authorized the manager to contract with Southeast Road Builders for completion of the project for an amount not to exceed \$429,337.50. The project is funded by an ADEC loan and grant. ADEC authorized final payment of additional work and a change in work quantities, and assembly approval of a change order is needed for the additional \$50,367.74. |

| <b>Referral:</b>  |
|---|
| Sent to: _____ Date: _____<br>Recommendation: _____ Refer to: _____ Meeting Date: _____ |

| <b>Assembly Action:</b>   |
|---|
| Workshop Date(s): _____ Public Hearing Date(s): _____<br>Meeting Date(s): 11/6/12 Tabled to Date: _____ |

**A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Fourth Avenue, View Street and Lynnview Drive Water-Sewer Upgrade Project for an amount not to exceed \$50,367.74.**

**WHEREAS**, the Fourth Avenue, View Street and Lynnview Drive Water-Sewer Upgrade Project consisted of furnishing and installing water pipe and associated fire hydrants, water services and gate valves as well as removing existing asphalt road surfacing, replacing it with a D-1 surface and imported backfill in areas with unsuitable subsurface soils; and

**WHEREAS**, the Assembly, on 5/10/2011, authorized the Borough Manager to contract with Southeast Road Builders, Inc. of Haines for completion of the project for an amount not to exceed \$429,337.50; and

**WHEREAS**, Southeast Road Builders provided a proposal to complete additional work for \$50,367.74; and

**WHEREAS**, the Borough Assembly, through resolution 10-10-245, authorized the manager to apply for a loan from the Alaska Department of Environmental Conservation (DEC) to obtain \$740,800 for the project, and that loan agreement was signed in June 2011; and

**WHEREAS**, additionally, the Borough applied for a grant through the DEC as a source of funding for 70% of the project (\$517,125), that request was subsequently appropriated in the FY12 Capital Budget at the request of the Governor, and a grant agreement has been signed; and

**WHEREAS**, the balance of funds budgeted and granted by the Department are sufficient for the total cost of the project (\$738,750),

**NOW, THEREFORE, BE IT RESOLVED** that the Haines Borough Assembly authorizes the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Fourth Avenue, View Street and Lynnview Drive Water-Sewer Upgrade Project for an amount not to exceed \$50,367.74.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Stephanie Scott, Mayor

Attest:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

# HAINES BOROUGH

## CHANGE ORDER

ORDER NO. 1  
Page 1 of 1

DATE: October 31, 2012

PROJECT NAME: Fourth, View, Lynnview WS Upgrade

CONTRACT AGREEMENT DATE: June 7, 2011

OWNER: HAINES BOROUGH

CONTRACTOR: Southeast Roadbuilders

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification: Extra work as described below.

Original CONTRACT AGREEMENT: \$429,337.50 DAYS: September 1, 2011

Current CONTRACT AGREEMENT adjusted by previous CHANGE ORDER(S) \$ \_\_\_\_\_ DAYS \_\_\_\_\_

This CHANGE ORDER will **increase** the CONTRACT AGREEMENT by \$50,367.74 DAYS \_\_\_\_\_

The new CONTRACT AGREEMENT including this CHANGE ORDER will be \$479,705.24 DAYS \_\_\_\_\_

The project is complete, pending final payment.

| DESCRIPTION OF CHANGES  | INCREASE<br>IN CONTRACT<br>AMOUNT<br>(\$) | (DECREASE)<br>IN CONTRACT<br>AMOUNT<br>(\$) | CONTRACT<br>TIME<br>EXTENSION<br>(DAYS) |
|---|---|---|---|
| Missing service valves; ¾" vs. 1" services; service locations; View Street connection/hydrant conflict; Fourth Avenue service locations; 8" x 6" connection instead of planned 8" x 8"; 14+35 service depth; installation of 18" culvert; erosion and pollution control, etc. | 50,367.74                                 |   |   |
| TOTALS  | \$50,367.74                               | \$  |   |
| NET CHANGE CONTRACT AMOUNT<br>INCREASE OR (DECREASE)  | \$50,367.74                               |   |   |

### Signatures Required:

The undersigned Contractor approves the foregoing Change Order as to the changes, if any, in the contract price specified for each item, including any and all supervision costs and other miscellaneous costs relating to the change in work, and as to the extension of time allowed, if any, for completion of the entire work on account of said Change Order. The Contractor agrees to furnish all labor and materials and perform all other necessary work, inclusive of that directly or indirectly related to the approved time extension, required to complete the Change Order items. This document will become a supplement of the contract and all provisions will apply hereto. It is understood that the Change Order shall be effective when all signatures are in place.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

State or Federal Agency, if applicable: \_\_\_\_\_ Date: \_\_\_\_\_

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

**DIVISION OF WATER**

**MUNICIPAL GRANTS & LOANS PROGRAM**

*SEAN PARNELL, GOVERNOR*

555 Cordova Street, 4<sup>th</sup> floor

Anchorage, AK 99501-2617

Phone: (907) 269-7502

Fax: (907) 269-7509

[www.dec.state.ak.us](http://www.dec.state.ak.us)

30 May 2012

Mark Earnest  
Borough Manager  
Haines Borough  
P.O. Box 1209  
Haines, AK 99827

**Re: A/C Pipe Replacement – Southeast Road Builders Inc. Contract and Final  
Pay Estimate Concurrence**

Haines – ADWF Loan No. 395141

Haines – ADEC Grant No. 39540

Mr. Earnest:

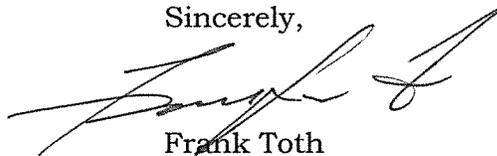
I have reviewed the contract for the A/C Pipe Replacement Project dated 07 June 2011 with Southeast Road Builders Inc. (SE) and give concurrence. The total contract amount of \$429,337.50 was found eligible under the subject project. The Notice-to-Proceed for this contract was authorized on 07 June 2011. In addition, we have reviewed the final pay estimate from SE and concur with the final adjusted contract amount of \$479,705.24.

In my review I found that the project was properly advertised and that SE was determined the lowest responsive responsible bidder from the three bids received as detailed in the 26 April 2011 Bid Opening. It was also confirmed that SE is not on the Federal Excluded Parties List System and that all the necessary insurance and bond documents were provided. It was confirmed that the Davis-Bacon requirements were included in the specifications and that they provided documentation showing that a good faith effort was made to meet the DBE goal for this project.

In general, the eligible scope of work under SE's contract is to furnish and install approximately 2,770 lineal feet of eight-inch PVC water pipe and associated appurtenances. It was noted that the Contractor's Pay Estimate No. 03 (final) reconciled estimated quantities from the original bid which resulted in a contract increase of \$25,600.00 with no extension of time. Also included in the final pay estimate were nine items of additional work, totalling \$24,767.75, increasing the total and eligible contract amount to \$479,705.24.

Thank you for your contract document submittals and please email me at [frank.toth@alaska.gov](mailto:frank.toth@alaska.gov) or call (907) 465-5302 if you have any further questions.

Sincerely,



Frank Toth  
Project Engineer

cc: Brian Lemcke/Director Public Facilities/Haines (email copy)  
Jila Stuart /Finance Director/Haines (email copy)  
Scott Forgue, P.E./ADEC EH-DW/Kenai/SE (email copy)  
David Khan, P.E./ADEC EH-DW/Juneau (email copy)

**SOUTHEAST ROADBUILDERS, INC.  
PROGRESS ESTIMATE**

|  |              |  |                      |                      |            |                     |                 |                     |            |                     |  |  |
|--|--------------|--|----------------------|----------------------|------------|---------------------|-----------------|---------------------|------------|---------------------|--|--|
| <b>Contractor:</b>                                 |              | Southeast Roadbuilders, Inc.               |                      |                      |            |                     |                 |                     |            |                     |  |  |
| <b>Owner:</b>                                      |              | Haines Borough                             |                      |                      |            |                     |                 |                     |            |                     |  |  |
| <b>PROJECT:</b>                                    |              | Haines Borough - 2011 Water System Upgrade |                      |                      |            |                     |                 |                     |            |                     |  |  |
| <b>ESTIMATE #:</b>                                 |              | 3 (FINAL)                                  |                      |                      |            |                     |                 |                     |            |                     |  |  |
| <b>DATE:</b>                                       |              | 08/01/2011 - 08/31/2011                    |                      |                      |            |                     |                 |                     |            |                     |  |  |
|  |              |  |                      | <b>TOTAL TO DATE</b> |            |                     | <b>PREVIOUS</b> |                     |            | <b>CURRENT</b>      |  |  |
| <b>ITEM DESCRIPTION</b>                            | <b>UNITS</b> | <b>PLAN QUANTITY</b>                       | <b>COST PER UNIT</b> | <b>AMOUNT</b>        | <b>QTY</b> | <b>\$ AMT</b>       | <b>QTY</b>      | <b>\$ AMT</b>       | <b>QTY</b> | <b>\$ AMT</b>       |  |  |
| 1505.1 Mobilization                                | LS           | 1  | 17,500.00            | 17,500.00            | 1          | 17,500.00           | 0.75            | 13,125.00           | 0.25       | 4,375.00            |  |  |
| 1570.1 Erosion Control                             | LS           | 1  | 1,700.00             | 1,700.00             | 1          | 1,700.00            | 0.75            | 1,275.00            | 0.25       | 425.00              |  |  |
| 2201.1 Clearing & Grubbing                         | LS           | 1  | 7,250.00             | 7,250.00             | 1          | 7,250.00            | 1.0             | 7,250.00            | 0          | 0.00                |  |  |
| 2203.1 Imported Backfill                           | CY           | 1500                                       | 10.00                | 15,000.00            | 3482       | 34,820.00           | 1,500           | 15,000.00           | 1982       | 19,820.00           |  |  |
| 2203.1 Sheeting & Shoring                          | LS           | 1  | 1,000.00             | 1,000.00             | 1          | 1,000.00            | 0.75            | 750.00              | 0.25       | 250.00              |  |  |
| 2203.3 Additional Trench Exc - Shot Rock           | CY           | 150  | 25.00                | 3,750.00             | 0          | 0.00                |                 | 0.00                | 0          | 0.00                |  |  |
| 2203.4 Filter Cloth                                | LF           | 1400                                       | 3.40                 | 4,760.00             | 0          | 0.00                |                 | 0.00                | 0          | 0.00                |  |  |
| 2204.1 Base Course, Grading D-1                    | Ton          | 2350                                       | 20.00                | 47,000.00            | 2337       | 46,740.00           |                 | 0.00                | 2337       | 46,740.00           |  |  |
| 2401.1 Sewer Service 4"                            | Each         | 4  | 1,650.00             | 6,600.00             | 4          | 6,600.00            | 4               | 6,600.00            | 0          | 0.00                |  |  |
| 2601.1 Water Pipe, C900 8" PVC                     | LF           | 2770                                       | 47.75                | 132,267.50           | 2770       | 132,267.50          | 1,460           | 69,715.00           | 1310       | 62,552.50           |  |  |
| 2602.1 Gate Valve 8"                               | Each         | 8  | 2,400.00             | 19,200.00            | 8          | 19,200.00           | 4               | 9,600.00            | 4          | 9,600.00            |  |  |
| 2603.1 Fire Hydrant Assembly                       | Each         | 3  | 8,480.00             | 25,440.00            | 5          | 42,400.00           | 3               | 25,440.00           | 2          | 16,960.00           |  |  |
| 2605.1 Water Service 1"                            | Each         | 39   | 1,950.00             | 76,050.00            | 39         | 76,050.00           | 31              | 60,450.00           | 8          | 15,600.00           |  |  |
| 2605.2 Water Service 1 1/2"                        | Each         | 1  | 4,060.00             | 4,060.00             | 0          | 0.00                | 1               | 4,060.00            | -1         | -4,060.00           |  |  |
| 2605.3 Water Service 2"                            | Each         | 1  | \$4,300.00           | 4,300.00             | 1          | 4,300.00            |                 | 0.00                | 1          | 4,300.00            |  |  |
| 2702.1 Construction Surveying                      | LS           | 1  | \$3,475.00           | 3,475.00             | 1          | 3,475.00            | 0.75            | 2,606.25            | 0.25       | 868.75              |  |  |
| 2806.1 Removal & Disposal of Existing AC           | SY           | 7460                                       | \$2.25               | 16,785.00            | 7460       | 16,785.00           | 0               | 0.00                | 7460       | 16,785.00           |  |  |
| <b>Additive Alternate # 1</b>                      |              |  |                      |                      |            |                     |                 |                     |            |                     |  |  |
| 2401.1 Sewer Service, 4"                           | Each         | 12   | \$1,650.00           | 19,800.00            | 13         | 21,450.00           | 0               | 0.00                | 13         | 21,450.00           |  |  |
| 2605.1 Water Service, 1"                           | Each         | 12   | \$1,950.00           | 23,400.00            | 12         | 23,400.00           |                 | 0.00                | 12         | 23,400.00           |  |  |
| <b>Extra Work:</b>                                 |              |  |                      |                      |            |                     |                 |                     |            |                     |  |  |
| DSC #1 - Missing Service Valves                    | LS           | 1  | \$584.63             |                      | 1          | 584.63              |                 | 0.00                | 1          | 584.63              |  |  |
| DSC #2 - 3/4" vs 1" Services                       | LS           | 1  | \$441.54             |                      | 1          | 441.54              |                 | 0.00                | 1          | 441.54              |  |  |
| DSC #3 - Service Locations                         | LS           | 1  | \$1,549.65           |                      | 1          | 1,549.65            |                 | 0.00                | 1          | 1,549.65            |  |  |
| DSC #4 - View Street Connection / Hydrant Conflict | LS           | 1  | \$7,995.24           |                      | 1          | 7,995.24            |                 | 0.00                | 1          | 7,995.24            |  |  |
| DSC #5 - 4th Avenue Service Locations              | LS           | 1  | \$4,164.79           |                      | 1          | 4,164.79            |                 | 0.00                | 1          | 4,164.79            |  |  |
| DSC #6 - 8"x6" Connection vs Planned 8"x8"         | LS           | 1  | \$3,216.74           |                      | 1          | 3,216.74            |                 | 0.00                | 1          | 3,216.74            |  |  |
| DSC #7 - 14+35 Service Depth                       | LS           | 1  | \$1,289.85           |                      | 1          | 1,289.85            |                 | 0.00                | 1          | 1,289.85            |  |  |
| 18" Culvert - Installed                            | LF           |  | \$79.00              |                      | 50         | 3,950.00            |                 | 0.00                | 50         | 3,950.00            |  |  |
| Erosion & Pollution Control                        | LS           |  | \$1,575.30           |                      | 1          | 1,575.30            |                 | 0.00                | 1          | 1,575.30            |  |  |
| <b>TOTAL CONTRACT AMOUNT:</b>                      |              |  |                      | <b>\$429,337.50</b>  |            | <b>\$479,705.24</b> |                 | <b>\$215,871.25</b> |            | <b>\$263,833.99</b> |  |  |
| <b>TOTAL EARNED TO DATE:</b>                       |              | 479,705.24                                 |                      |                      |            |                     |                 |                     |            |                     |  |  |
| <b>LESS PAYMENTS RECEIVED:</b>                     |              |  |                      |                      |            |                     |                 |                     |            |                     |  |  |
| <b>CK # 313931 - 8/05/2011</b>                     |              | 117,831.50                                 |                      |                      |            |                     |                 |                     |            |                     |  |  |
| <b>AMOUNT DUE:</b>                                 |              | <b>\$361,873.74</b>                        |                      |                      |            |                     |                 |                     |            |                     |  |  |



**Agenda Bill No.:** 12-189  
**Assembly Meeting Date:** 11/6/12

| Business Item Description:                                      | Attachments:           |
|---|------------------------|
| Subject:<br>Bear Attractants at Landfill                        | 1. Ordinance 12-11-309 |
| Originator:<br>Borough Assembly (Agenda Bill by Clerk's Office) |                        |
| Originating Department:<br>Assembly                             |                        |
| Date Submitted:<br>10/23/12 during assembly meeting             |                        |

**Full Title/Motion:**  
 Motion: Introduce Ordinance 12-11-309 and set a first public hearing for 11/27/12.

**Administrative Recommendation:**

**Fiscal Impact:**

| Expenditure Required | Amount Budgeted | Appropriation Required |
|----------------------|-----------------|------------------------|
| \$                   | \$              | \$                     |

**Comprehensive Plan Consistency Review:**

|  |   |
|--|---|
| Comp Plan Policy Nos.:<br>Objective 15H, Page 32 | Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|---|

**Summary Statement:**

On October 8, representatives of the Borough, Bear Foundation, and Community Waste Solutions met to discuss installing an electric fence at the landfill to prevent the habituation of bears to garbage. Those in attendance agreed it would be important to have some type of deterrent at the landfill. Therefore, a recommendation was made to strike "certified landfill material" from the list of items exempt from the bear attraction nuisance code. The Bear Foundation and CWS have agreed to enter into a Memorandum of understanding regarding consultation and design of an electric fence to be installed by and maintained by CWS. The fence will enclose the building that receives waste at the landfill.

**Referral:**

|                 |               |
|-----------------|---------------|
| Sent to:        | Date:         |
| Recommendation: | Meeting Date: |
| Refer to:       |               |

**Assembly Action:**

|                          |                         |
|--------------------------|-------------------------|
| Workshop Date(s):        | Public Hearing Date(s): |
| Meeting Date(s): 11/6/12 | Tabled to Date:         |

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 5, SECTION 8.20.010 TO REMOVE CERTIFIED LANDFILL MATERIAL FROM THE LIST OF ITEMS NOT CONSIDERED A BEAR ATTRACTION NUISANCE.**

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance shall not 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. This ordinance is effective upon adoption.

Section 4. Amendment of Section 8.20.010(A). Section 8.20.010(A) of the Haines Borough Code of Ordinances is amended to read as follows:

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

**8.20.010 Definitions.**

The terms and phrases used in this chapter shall have the following meanings:

A. "Bear attraction nuisance" means, except as otherwise provided in this section:

1. More than one-half gallon of any putrescible waste, including packaging or other surfaces to which the material is adhered;

2. "Bear attraction nuisance" does not include:

~~a. Material in a certified landfill;~~

**ba.** Manure or sewage;

**eb.** Material in a garbage can temporarily placed outside for purposes of collection after 4:00 a.m. on a day scheduled for collection;

**ec.** Material completely enclosed in a structure or container which requires hands or tools to open.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Stephanie Scott, Mayor

ATTEST:

\_\_\_\_\_  
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 11/06/12  
Date of First Public Hearing: \_\_/\_\_/\_\_  
Date of Second Public Hearing: \_\_/\_\_/\_\_



**Haines Borough  
Assembly Agenda Bill**

**Agenda Bill No.:** 12-190

**Assembly Meeting Date:** 11/6/2012

| <b>Business Item Description:</b>                              | <b>Attachments:</b>  |
|--|--|
| Subject:<br>Mayoral Appointments to Library Board              | 1. Board Recommendation<br>2. Applications for Reappointment |
| Originator:<br>Mayor Scott (agenda bill by the Clerk's Office) |  |
| Originating Department:<br>Mayor's Office                      |  |
| Date Submitted:<br>10/26/12                                    |  |

**Full Title/Motion:**  
Motion: Confirm the mayor's reappointment of Dick Flegel, Stacey Gala, and Lorraine Dudzik to the Library Board of Trustees.

**Administrative Recommendation:**

**Fiscal Impact:**

| Expenditure Required | Amount Budgeted | Appropriation Required |
|----------------------|-----------------|------------------------|
| \$                   | \$              | \$                     |

**Comprehensive Plan Consistency Review:**

|                        |  |
|------------------------|--|
| Comp Plan Policy Nos.: | Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No |
|------------------------|--|

**Summary Statement:**  
The terms for three Library Board seats are up this year, and those members have requested reappointment to new three-year terms ending 11/30/15. The Board recommends this. The mayor intends to reappoint and seeks assembly confirmation.

**Referral:**

|                 |                         |
|-----------------|-------------------------|
| Sent to:        | Date:                   |
| Recommendation: | Refer to: Meeting Date: |

**Assembly Action:**

|                          |                         |
|--------------------------|-------------------------|
| Workshop Date(s):        | Public Hearing Date(s): |
| Meeting Date(s): 11/6/12 | Tabled to Date:         |

From: Greg & Anne Marie [mailto:palmieri@aptalaska.net]  
Sent: Friday, October 19, 2012 8:38 AM  
To: Julie Cozzi; director@aptalaska.net  
Subject: Library Board Seats

Julie:

The Library Board of Directors met on October 16th. During that meeting, we discussed the three (3) board seat terms which will be expiring this November; specifically seats currently held by Lorrie Dudzik, Dick Flegel, and Stacey Gala. The Board has requested that these members continue to serve on the Library Board. Both Dick and Stacey indicated that they are interested in continuing and will be contacting you.

Lorrie was out of town last week, so we do not know whether or not she intends on continuing. I have asked that all of them email you directly.

Please let me know if you have any questions, or need anything else. Thanks!

Anne Marie Palmieri, Chair  
Library Board of Directors

**From:** Stacey Gala [mailto:[bellemoonmama@yahoo.com](mailto:bellemoonmama@yahoo.com)]  
**Sent:** Tuesday, October 16, 2012 2:44 PM  
**To:** Julie Cozzi  
**Subject:** Library Seat

Hi Julie, I am writing to let you know that my seat on the library board is up for renewal and i would love to keep my position. Let me know if you have any questions or comments. Thanks!  
~Stacey Gala

From: Michael Marks [mailto:kayakcove@att.net]  
Sent: Wednesday, October 24, 2012 2:57 PM  
To: Julie Cozzi  
Subject: library board

Dear Julie,

This is to let you know that I would like to continue serving on the Library Board. It has been a stimulating experience working with such intelligent and committed individuals. I hope that I have been and will be an asset to that group.

Sincerely,

Lorraine Dudzik

**From:** Richard & Carol Flegel [mailto:209beachrd@gmail.com]

**Sent:** Monday, October 29, 2012 3:51 PM

**To:** Julie Cozzi

**Cc:** Library Director

**Subject:** Library board term

Hi Julie, I will be happy to serve another term on the Library's board. Is there anything else I should do besides this letter? Thanks, Dick Flegel

Date

Joseph Masters, Commissioner  
Alaska Department of Public Safety  
5700 East Tudor Road  
Anchorage, Alaska 99507

Re. The need for an Alaska State Trooper in Haines

Dear Commissioner Masters:

Last May, we were informed that Haines was going to be without a State Trooper presence for the summer. We did get officer Ken VansPronsen assigned to fill the Wildlife Trooper post. However, the Road Trooper position (aka Blue Shirt) has not been filled and seemingly is not going to be filled. Without a Road Trooper, there is a large void in emergency service protection for the residents of Haines Borough.

Trooper VansPronsen has taken some of the calls that would normally have been assigned to the Road Trooper, but the Haines Police Department has also had to deal with a large amount of calls which technically are outside of its jurisdiction.

It appears from our inquiries that there are no immediate plans to fill this position, but we ask you to strongly consider posting a permanent trooper in Haines. Thank you.

Sincerely,

Stephanie Scott  
Mayor

Mark Earnest  
Borough Manager

Gary Lowe  
Chief of Police

cc: Terry Vrabec, Deputy Commissioner  
Colonel Keith Mallard, Director, Alaska State Troopers  
Captain Anthony April, Commander "A" Detachment  
Representative Bill Thomas