

Haines Borough
Borough Assembly Meeting #245
AGENDA

May 14, 2013 - 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**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA & CONSENT AGENDA**

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

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Museum Report
- 8C – Library Report
- 8D – Fire Department Report
- 8E – Chilkat Center Report
- 9A – Planning Commission Minutes
- 9B – Museum Board Minutes
- 9C – Library Board Minutes
- 11A1 – Adoption of Resolution 13-05-458
- 11A2 – Adoption of Resolution 13-05-459
- 11A3 – Adoption of Resolution 13-05-460
- 11A4 – Adoption of Resolution 13-05-461
- 11A5 – Adoption of Resolution 13-05-462
- 11A6 – Adoption of Resolution 13-05-463
- 11B1 – Introduction of Ordinance 13-05-325
- 11B2 – Introduction of Ordinance 13-05-326
- 11B2 – Introduction of Ordinance 13-05-327
- 11C1 – Board & Committee Appointments
- 11C2 – Support Letter re. Walker Lake Hydro

- * 4. **APPROVAL OF MINUTES** – April 24, 2013 Regular and April 29, 2013 BOE #1
5. **PUBLIC COMMENTS** [Any topics not scheduled for public hearing]
6. **MAYOR'S COMMENTS/REPORT**
 - A. **Proclamation Honoring US Coast Guard – May 15**
 - B. **Proclamation Recognizing Emergency Medical Services Week – May 19-25**

7. **PUBLIC HEARINGS**

- A. **Ordinance 13-04-322** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.72.100 to change the assessment appeal deadline to be in compliance with state law.

*This is a housekeeping ordinance amending borough code to change the assessment appeal deadline to be in compliance with state law. The borough is required to follow the thirty-day deadline set forth in AS 29.45.190(b) rather than the May 1st deadline in HBC 3.72.100(b). **Motion:** Adopt Ordinance 13-04-322.*

- B. **Ordinance 13-04-323** – First Hearing

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY13 Budget.

*This ordinance is recommended by the finance committee. The borough manager has proposed three additional amendments for consideration. **Motion:** Advance Ordinance 13-04-323 to a second public hearing for 5/28/13.*

- C. **Ordinance 13-04-324** – First Hearing

An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the Period July 1, 2013 through June 30, 2014 (Fiscal Year 2014).

*This ordinance is recommended by the borough manager. **Motion:** Advance Ordinance 13-04-324 to a second public hearing for 5/28/13.*

8. STAFF/FACILITY REPORTS

- A. Borough Manager – 5/14/13 Report
- *B. Sheldon Museum – Staff Report of March 2013
- *C. Public Library – Staff Reports of March and April 2013
- *D. Fire Department – Staff Report of April 2013
- *E. Chilkat Center – Facility Report of April 2013

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- *A. Planning Commission – Minutes of 3/14/13
- *B. Museum Board of Trustees – Minutes of 3/20/13
- *C. Library Board of Trustees – Minutes of 2/19/13 and 3/13/13
- D. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

*1. Resolution 13-05-458

A Resolution of the Haines Borough Assembly correcting a manifest clerical error involving real property account C-SEC-26-0200 for tax years 1998-2012 and authorizing a full refund in the amount of \$7,815.29.

*This resolution is recommended by the borough manager and the assessor. **Motion:** Adopt Resolution 13-05-458.*

*2. Resolution 13-05-459

A Resolution of the Haines Borough Assembly authorizing an owner-built water main extension within the Townsite Service Area to service lots 1-3 within the Picture Point Subdivision.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-05-459.*

*3. Resolution 13-05-460

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Lutak Dock.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-05-460.*

*4. Resolution 13-05-461

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Letnikof Cove.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-05-461.*

*5. Resolution 13-05-462

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$174,630 for South Portage Cove Harbor protection additional analysis.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-05-462.*

*6. Resolution 13-05-463

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed \$429,960 without prior written authorization for South Port Chilkoot Dock & Letnikof Cove Harbor Renovation for Contract Administration and Inspection Services during construction.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-05-463.*

B. Ordinances for Introduction

*1. Ordinance 13-05-325

An Ordinance of the Haines Borough amending Haines Borough Code Chapter 2.40 and Section 2.50.040 to authorize the manager to appoint the police chief, to modify the duties of the police chief, and to make the hiring of police and correctional officers subject to state law.

*This ordinance is recommended by the personnel committee. **Motion:** Introduce Ordinance 13-04-325 and set a first public hearing for 5/28/13.*

11. **NEW BUSINESS** --continued--

* 2. **Ordinance 13-05-326**

An Ordinance of the Haines Borough amending borough code title 16, section 16.16.010 establishing a deadline for returning harbor slip license agreements.

This ordinance is recommended by the harbormaster and the port and harbor advisory committee.

Motion: Introduce Ordinance 13-05-326 and set a first public hearing for 5/28/13.

* 3. **Ordinance 13-05-327**

An Ordinance of the Haines Borough Amending borough code title 2, sections 2.08.010, 2.68.140, 2.68.200, and 2.68.510 to allow for election of assembly and school board members through single lists of candidates.

*This ordinance is in response to one of the goals in the assembly's 2012-13 Strategic Plan: "Begin Investigation into New Approach for Election of Assembly Members." The draft includes the school board members in this new approach. **Motion:** Introduce Ordinance 13-05-327 and set a first public hearing for 5/28/13.*

C. **Other New Business**

* 1. **Board & Committee Appointments**

The mayor intends to make appointments to the remaining seats on the Public Safety Commission. Additionally, the mayor plans to recommend five appointments to the recently-established Downtown Revitalization Committee. The mayor seeks assembly confirmation.

Motion: Confirm the mayor's appointments of Evangeline Willard (term 11/30/2015), Dee Owens (term 11/30/2014), and Jim Stanford (term 11/30/2013) to the Public Safety Commission and the appointments of Lenise Henderson (business), Kristine Harder (business), Patty Campbell (Chamber), Harriett Brouillette (CIA), and Rob Miller (PC) to the Downtown Revitalization Committee.

* 2. **Southern Energy's application to FERC for a non-jurisdiction ruling on Walker Lake Hydro**

*The mayor drafted a letter of support and seeks assembly confirmation. **Motion:** Confirm the mayor's to submittal of the letter of support for Southern Energy's FERC application for a determination of non-jurisdiction on the Walker Lake Hydro project.*

3. **Executive Session – Review of Assembly Investigative Procedures**

Motion: Move into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to review assembly investigative procedures; this matter qualifies for executive session because a public discussion would tend to prejudice the character and reputations of persons involved; the borough manager and borough attorney are requested to attend.

12. **SET MEETING DATES**

A. **Schedule 2nd Board of Equalization – Tuesday, 5/21. 6:00pm**

13. **PUBLIC COMMENTS**

14. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

15. **ADJOURNMENT**


Haines Borough
Borough Assembly Meeting #244
April 23, 2013
MINUTES

Draft

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

2. **ROLL CALL**

Present: Mayor Stephanie **SCOTT**, and Assembly Members Debra **SCHNABEL**, Dave **BERRY**, Joanne **WATERMAN**, Jerry **LAPP**, Norman **SMITH**, and Steve **VICK**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Michelle **WEBB**/Deputy Clerk, Simon **FORD**/Acting Chief of Police, Carlos **JIMENEZ**/Director of Public Facilities, Darsie **CULBECK**/Executive Assistant to the Manager, Tanya **CARLSON**/Tourism Director, and Jerrie **CLARKE**/Museum Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Dave **KAMMERER**, J.R. **MYERS**, Roc **AHERNS** Victoria **MOORE**, Albert **SACKS**, Don **TURNER JR.**, Mike **HARTLEY**, Dick **SOMERVILLE**, and others.

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

The following Items were on the published consent agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Fire Department Report
- 9A – Tourism Advisory Board Minutes
- 11A1 – Adoption of Resolution 13-04-456
- 11A2 – Adoption of Resolution 13-04-457
- 11B1 – Introduction of Ordinance 13-04-323
- 11C1 – Liquor License Transfer
- 11C2 – Revised Budget Schedule

Motion: **LAPP** moved to “approve the agenda/consent agenda”. The agenda, as amended, was approved unanimously.

* 4. **APPROVAL OF MINUTES** – April 9, 2013 Regular

5. **PUBLIC COMMENTS**

CLARKE – The Gross Building windows on Main Street and the Ferry Terminal will feature a Alaska Marine Highway 50th Anniversary display. The borough approved \$1000 for this project. The three displays for the Gross Building front windows and displayed at the PC Dock on May 5th. She also spoke about her resignation and pending move to a new position with the State of Nevada. She articulated she will return to Haines for the upcoming conference and when the new director is hired to help with the transition. **SCOTT** thanked her for her service.

6. **MAYOR’S COMMENTS/REPORT**

Mayor **SCOTT** said her report is a bit different today.

A. **Proclamation establishing the month of May 2013 as Haines Borough Bike Month**

Mayor **SCOTT** read the proclamation into the record.

SCOTT also spoke to the Haines Borough sponsorship of Lemonade Day on May 11th. Packs are available at the Borough offices for children who register. She then allowed Mike **HARTLEY** and Dick **SOMERVILLE** of PND Engineers to present.

B. **PND Engineers Slump Update**

HARTLEY presented the study results and recommended remedies. The project could total about \$1,770,122 for all improvements. While other concepts have been discussed, it is felt the phased approach is best at this time. **SCOTT** suggested a committee meeting might be helpful to discuss this project. **SMITH** asked how the phased approach would impact development in this area. **HARTLEY** answered there would be minimal affects as the work would be preformed between the lots in the established right-of-way. **SMITH** inquired about the pit in Basin 1 and how it would affect the drainage on Young Road. **HARTLEY** said the pit in Basin 1 would not be modified with the proposed

work. **SCHNABEL** clarified it would be one phase per a year. **SMITH** stated if the Muncaster Road work is going to be done this year then the State of Alaska work in this area could be leveraged into this project. **SCOTT** asked **EARNEST** to explore this possibility. **HARTLEY** pointed out there is still water percolating in this area and recommended that a liner be added to this. **EARNEST** said he would schedule a time to meet with ADOT about this. **SCOTT** asked if PND Engineering had an opportunity to meeting with the family whose home was damaged by the slope movement. **HARTLEY** responded he had spoken to the family. **SCOTT** noted she is looking forward to resolution on this matter.

C. PND Engineers Portage Cove Harbor Geotech Report

Two figures were shown, one rubble mound and another steel structure. **HARTLEY** described a number of bore holes were made in different locations. The soil characteristics and soil hardness were discussed. The presence of soft clay is an issue with a rubble mound breakwater. A slope stability analysis was completed. He explained as a breakwater becomes more stable as it ages due to the water leaving the structure over time. Several options for constructing a breakwater were shown in diagrams. This initial analysis led to the recommendation a more complex analysis be conducted to gather information. Other approaches which varied in cost and completion time were also discussed as additive alternatives to the project. He discussed a wick drain system would drain the clay of water more quickly. He recommended that contractors who have worked with this kind of system be consulted by the borough. A steel, permeable wave barrier was then discussed. Due to the high blow counts (soil stiffness) this may be difficult, but this kind of structure has less of a footprint and is easier to obtain permits for. He recommended a cost benefit analysis be performed next.

VICK inquired about the timeline for the steel wave barrier option. **HARTLEY** answered approximately 6-8 months total. **SMITH** asked about the life expectancy of these structures and the outfall line cost. **HARLEY** answered the outflow movement cost is unknown and a 50 year design line is normal. **EARNEST** remarked the outflow movement would be in the range of \$200,000. **SCOTT** requested more information about the current breakwater rubble mound. **BERRY** clarified the current breakwater only took one summer to build, but was on top of an existing breakwater which helped increase the strength of the structure. **EARNEST** asked for further explanation regarding the difference in soil profiles and to look at dredging possibilities. **BERRY** reflected he had met with Senator Stevens in 1997 regarding this project.

7. PUBLIC HEARINGS

A. Ordinance 13-03-316 – Second Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160(D) to clarify the wage and bonding requirements for public construction projects and to change the project amount that is subject to minimum wage rates to match the state's increase from \$2,000 to \$25,000.

Mayor **SCOTT** opened and closed the public hearing at 7:18pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 13-03-316," and the motion carried unanimously. There was no discussion.

B. Ordinance 13-03-317 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.10.200(B) to remove the requirement for assembly approval in order for a member to participate by teleconference and to clarify cost responsibility.

Mayor **SCOTT** opened and closed the public hearing at 7:19pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 13-03-317," and the motion carried unanimously.

In discussion, **VICK** asked if the costs of long distance teleconference had been researched, and **SCOTT** explained cost can vary.

C. Ordinance 13-03-318 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Chapter 3.33 to correct the name of the Port Chilkoot Dock Enterprise Fund.

Mayor **SCOTT** opened and closed the public hearing at 7:21pm; there were no public comments.

Motion: **VICK** moved to "adopt Ordinance 13-03-318," and the motion carried unanimously.

D. Ordinance 13-03-319 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.04.010 to

stipulate school district budget submittal and appropriation dates.

Mayor **SCOTT** opened and closed the public hearing at 7:23pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 13-03-319," and the motion carried unanimously. There was no discussion.

E. Ordinance 13-03-320 – Second Hearing

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

Mayor **SCOTT** opened and closed the public hearing at 7:24pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 13-03-320," and it was amended to replace it in its entirety with the proposed substitute ordinance. The motion carried unanimously. There was no discussion.

This item was revisited later in the meeting as assembly member **LAPP** reconsidered his vote on this matter.

COZZI clarified a minor error was found. Two properties were incorrectly listed as a land sale and tax foreclosure. The property listed to Lisa Esparza as the last owner of record under the first "Whereas" needs to be the third "Whereas" and the property listed to Marcia Carlisle need to be switched from the third "Whereas" to the first "Whereas".

WATERMAN moved to amend the ordinance to correct the listings. The ordinance passed unanimously as further amended.

F. Ordinance 13-03-321 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 7, Section 7.08.010 to discontinue the Fire Service Area #1 Board.

Mayor **SCOTT** opened and closed the public hearing at 7:25pm; there were no public comments.

MYERS said he wished to be here in person to speak to this ordinance. He appreciated the opportunity to serve on this board and he feels that the board was just coming into its own. He wanted to make it clear the board did not have any concerns with particular individuals. **SCHNABEL** inquired who the members of the board were. **SCOTT** related the membership and reported that during the last fire service area board meeting the issue of retaining this board failed in a vote of 2-2.

Motion: **VICK** moved to "adopt Ordinance 13-03-321," and 7.08.010(D)(3) was amended to read:

3. A differential rate of taxation is applicable at a 25 percent reduction for properties within the fire service area based on a response time greater than 40 minutes **as determined by the Haines Borough Fire Department**. "Response time" is defined as the arrival of a hose from a fire truck to the property as referenced in the pre-fire plan developed by the Haines volunteer fire department. The property owner seeking an exemption shall file a written application to the ~~fire service area board~~ **borough manager** prior to January 1st of the year the exemption will apply. The ~~service area board assembly~~ shall review exemptions periodically.

The motion as amended carried 5-1 with **SCHNABEL** opposed.

LAPP proposed an amendment drafted by the mayor and she described the changes. **SCOTT** described that the assembly would serve as the Fire Service area (FSA) #1 board. The 40 minute response time exemption was described which will result in a 25% reduction of costs. She felt this periodic review would be best coming from the Assembly. The Haines Borough Fire Department would make the travel time determination. **BERRY** inquired where the delineation between Haines Volunteer Fire Department and Klehini Valley Fire Department was, **LAPP** answered 16 mile. **SMITH** asked if inclement weather was factored into the 40 minute time. **AHRENS**, Assistant Fire Chief remarked 3 to 4 homes currently qualified due to road conditions and distance, mostly in the Rutebeck area.

SCOTT read a statement she wrote which reflected the retirement of the board had nothing to do with the personalities of its members. The matter has to do with the functionality of the board.

SCHNABEL was intrigued with **MYERS** comments about what things the board could help do. She inquired to **LAPP** as the sponsor of this ordinance if he believed the borough assembly could be as responsive as FSA #1 Board could be. He felt it could be. He said the assembly has served well in the past. **SCHNABEL** commented the FSA #1 board has a bigger jurisdiction than the townsite. **LAPP** voiced this was correct. He feels consolidation may have missed this piece of code.

LAPP moved to reconsider his vote on Ordinance 13-03-320. This item was reconsidered. Please

see further amendments to this ordinance above.

G. Ordinance 13-04-322 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.72.100 to change the assessment appeal deadline to be in compliance with state law.

Mayor **SCOTT** opened and closed the public hearing at 7:43pm; there were no public comments.

Motion: **BERRY** moved to “advance Ordinance 13-04-322 to a second public hearing on 5/14/13,”. The motion carried unanimously. There was no discussion.

SCOTT remarked this ordinance will align borough code with state code.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 4/23/13

EARNEST summarized his written report. **EARNEST** expressed his gratitude to **CLARKE** for her service to Haines.

LAPP inquired about the parcels from Alaska Division of Natural Resources. He asked if this means the borough would be unable to subdivide them. **EARNEST** articulate he is still researching this matter and will distribute a map and more information regarding these lands. **SMITH** requested details about the Barnett Water Tank surplus wood distribution of small lots to the public. **EARNEST** clarified a public announcement would be made for sale of this wood. **SCHNABEL** asked if the assembly voted on the Card Lock project. **STUART** responded an appropriation was approved by the assembly. **EARNEST** communicated this project is currently on hold. Stringent institutional controls are currently being instituted regarding the harbor fuel deliveries and sales. Also, the contractor for the Card Lock project said there is an alternate fuel management technology which may be a better solution. **SCOTT** expressed the reason for the Card Lock project was to make sure fuel and the funds were fully accounted for and to improve efficiency. **VICK** remarked about the very large stumps on the way to the ferry terminal. **SCOTT** declared this issue is being worked on and the stumps are located on private property. **SCOTT** requested a timeline for interaction with the Army Corps of Engineers. **EARNEST** said he currently doesn't have a timeline on this, but Brad Gillman has seen more progress in this matter than in the last decade. He also stated there is work on this project can be completed while Congress works on the potential funding legislation. **SCOTT** requested a report from Mr. Gilman regarding this matter by the next meeting. **VICK** requested a teleconference with Mr. Gilman as well. **SMITH** queried about the incident from this weekend regarding the helicopter landing in Mosquito Lake area. **SCOTT** clarified this landing was not associated with heliskiing.

***B. Haines Fire Department – March 2013 Report**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

***A. Tourism Advisory Board – Minutes of 2/20/13**

B. Assembly Standing Committee Reports

COMMERCE – SCHNABEL reported a meeting was held, but no action was taken. The towing request for proposal and response was discussed. A phased budget for an impound lot and car recycling center is being investigated by the committee. Interest has been expressed from a local company and the committee will entertain their proposal at their next meeting. A proposed ordinance for solid waste and the timing for severance taxes as a revenue source were also discussed.

FINANCE – LAPP said the committee went over items in the FY 13 budget amendment. They recommend assembly discussion of the amendment on the agenda.

10. UNFINISHED BUSINESS

A. Sales Tax Exemption Request – Great Bear Foundation

Note: Great Bear Foundation, a 501(c)3 organization, applied for sales tax exemption status as allowed by HBC 3.80.050(13). On 3/26, the assembly postponed consideration of the approval motion until this meeting to provide the borough's finance director with an opportunity to research the. The following motion is already on the table: “approve the request from Great Bear Foundation for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.”

Motion: **WATERMAN** moved to “postpone this request to the May 28th meeting to allow additional time to research the pending report from the finance director,” and the motion carried unanimously.

In discussion, **STUART** presented that based on the limited research that she has done, the assembly could approve the request as not all activities may qualify for sales tax exemption. The

IRS has clear guidelines about "unrelated income" not substantially related to the primary purpose, even if the activity raises funds for the organization. Borough auditors suggested looking at recent City and Borough of Juneau activity in the matter. She suggested the finance committee discuss this matter.

11. **NEW BUSINESS**

A. **Resolutions**

* 1. **Resolution 13-04-456**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to lease an easement within a borough-owned Right of Way to Albert Sacks.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-456."

* 2. **Resolution 13-04-457**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Southeast Road Builders, Inc. for the Barnett Drive Bolted Steel Water Tank project for an amount not to exceed \$115,686.43.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-457."

B. **Ordinances for Introduction**

* 1. **Ordinance 13-04-323**

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY13 Budget.

The motion adopted by approval of the consent agenda: "introduce Ordinance 13-04-323 and set a first public hearing for 5/14/13."

2. **Ordinance 13-04-324**

An Ordinance of the Haines Borough, Alaska, providing for the establishment and adoption of the budget of the Haines Borough for the Period July 1, 2013 through June 30, 2014 (Fiscal Year 2014).

Motion: LAPP moved to "introduce Ordinance 13-04-324 and set a first public hearing for 5/14/13," and it was amended to strike the assembly chairs from the budget. The motion, as amended, carried unanimously.

During discussion of the amendment, VICK reflected in this time of budget constraints such as cutting pool time and staffing levels he felt it was inappropriate to spend money on new chairs. BERRY responded the chairs were quite old and he felt they should be replaced. SCHNABEL remarked the cuts that VICK is concerned about are not yet in place. The amendment vote was 3-3 and Mayor SCOTT broke the tie in the affirmative.

SMITH moved to take a 5 minute break and the motion carried unanimously.

C. **Other New Business**

* 1. **Liquor License Transfer**

Note: the Alaska Alcohol Beverage Control Board, prior to its final approval, is giving the local government an opportunity to make a statement, if so desired. Since this is a preexisting liquor license, assembly action is optional.

* 2. **Revised Budget Schedule**

Note: the Mayor added additional Committee of the Whole (C.O.W.) Budget meetings as an outcome of the 4/16/13 Budget C.O.W.

3. **Early Retirement Incentive Program**

Note: the mayor requested this topic in response to Assembly Member Vick's request for the opportunity to discuss possible policy statements for assembly consideration for an early retirement incentive program and relating to budget issues.

Motion: VICK moved to "direct the manager to research the impact on borough finances and the Fiscal Year 2014 budget of an employee early retirement incentive program and report findings to the assembly before the adoption of the FY 14 budget," and the motion carried 4 to 2.

During discussion, VICK recounted other governments and organizations do this. The idea is to offer an incentive to retire early and make it a win-win situation with organization. For example, in a previous C.O.W. meeting a budget saving was identified due to a longer term employee

leaving the Borough. He expressed it would be interesting to look into this with the Union and PERS.

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

- A. Personnel Committee** – Tuesday, 4/30, 4:30pm – Topic(s): Police Department Organization – Location, Assembly Chambers

EARNEST described in a previous personnel committee meeting a restructure of the chief position was discussed. This restructure would make the police chief as an employee of the manager instead of an employee of the assembly. Secondly, there has been some staffing discussion regarding a four police officer team versus a five officer team in regards to cost and benefits. The third item would be to move forward with the police chief job announcement and a review of qualifications. **SCHNABEL** wanted to clarify the manager is in charge of the organization chart, and it would be nice know when the assembly is invited to discuss staff organization. **SMITH** asked if code or charter mandates a chief of police.

- B. Commerce Committee** – Tuesday, 5/7, 5:30pm – Topic(s): Misc. Commerce Issues

- C. Board of Equalization** – The Board of Equalization (BOE) is currently scheduled for April 29th. The assessor wrote a report thanking and apologizing for his absence during the appeal process. 420 appeals have been logged and 30 claims have been settled. While there are currently no appellants wishing to come before the BOE, there are more appointments scheduled. If there are no appellants then the members of the BOE/assembly will be notified of cancellation. A second BOE meeting will need to be scheduled. **SCOTT** requested if the BOE does not meet on the 29th, that the assembly meet as a C.O.W. for the budget. **SCOTT** asked if the group could meet early at 4:30pm for the C.O.W. **STUART** commented amended notices were sent out for Chilkat Lake and the assessor feels it will remedy many of the Chilkat Lake appeals. **SCOTT** clarified the assessor is completing as many reassessments as possible before the 29th date. The assembly agreed to meet at 4:30pm with food and coffee provided. **SCHNABEL** voiced her concern about the manpower hours that this appeal process will take. **SCHNABEL** clarified all applicant will have an opportunity to be heard.

- D. SCHNABEL** would like to see a change in the election nomination procedures to have a single slate of candidates. **SCOTT** suggested putting an ordinance on the agenda.

14. PUBLIC COMMENTS

CLARKE said the budget cuts to the museum were a factor in her decision to leave. She hopes her resignation will allow for a lower paid acting director to return some money to the museum budget.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VICK appreciated **CLARKE**'s comments and took no negative connotation from them. **SCHNABEL** would like the assembly to engage in a debriefing and review the process which led to the separation of the police chief from the borough. **BERRY** will be gone for the May 14th meeting. **EARNEST** will be participating in the bike race on June 15. **LAPP** would counsel caution about the new proposed land manager position. He has heard complaints about building permits taking up to 3 months to process. **SMITH** stated he launched his boat at the Lutak Boat Launch Ramp and ramp material has caused issues. He felt the upcoming lowtide at 8am would be an excellent opportunity to work in this area. He also inquired about how to remove inactive sales tax exempt organizations.

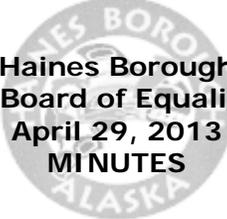
16. ADJOURNMENT – 8:51pm

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Deputy Clerk


Haines Borough
2013 Board of Equalization
April 29, 2013
MINUTES

Draft

1. **CALL TO ORDER:** The Board of Equalization meeting of the Haines Borough, held in the Assembly Chambers of the Public Safety Building, was called to order at 6:00pm by Mayor Stephanie Scott.

2. **ROLL CALL:** **Present:** Mayor Stephanie **SCOTT** and Assembly Members Jerry **LAPP**, Norm **SMITH**, Dave **BERRY** Jr., Steve **VICK**, Joanne **WATERMAN**, and Debra **SCHNABEL**.

Staff Present: Julie **COZZI**/Borough Clerk, James **CANARY**/Contract Assessor, Dean **OLSEN**/Assistant Assessor, Jila **STUART**/Chief Fiscal Officer, Mark **EARNEST**/Borough Manager, and Carlos **JIMENEZ**/Director of Public Facilities.

Appellants Present: Richard **BUCK** and Glenda **GILBERT**.

Visitors Present: Karen **GARCIA**/CVN, Don **TURNER** Jr., Shirley **BRETTTHAUER**, and others.

3. **APPROVAL OF AGENDA**

Motion: **BERRY** moved to "approve the agenda," and it was seconded. The motion carried unanimously.

4. **SWEARING IN OF BOARD MEMBERS:** **COZZI** administered the following oath to the members of the Board of Equalization:

Do you solemnly swear (or affirm) that you will support the Constitution and laws of the United States, the Constitution and laws of the State of Alaska, and the Charter and laws of the Haines Borough, and that you will faithfully and impartially perform the duties of 2013 Board of Equalization Member to the best of your ability, and that you will not allow your actions as a member of the Board of Equalization to be influenced by personal or political relationships or obligations?

COZZI administered the following oath to the assessment team and the appellants:

Do you solemnly swear (or affirm) that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth?

5. **OVERVIEW AND INSTRUCTIONS:** **CANARY** provided a brief overview of the BOE roles and responsibilities. He also summarized his assessment and the process of reviewing the appeals and sales data.

6. **APPEALS**

A. **Appeals # 2013-12**

Subject properties: **2-LTI-02-0D00**

Appellants: **Richard Buck**

BUCK said he owns two pieces of property that go just up to the right of way, and he does not own the beach at all. His garage is 22x22 and he's up against the bank. He cannot get up to the rest of his property. It's a moraine from a glacier---all sand. Roger Schnabel said it is not possible to build a road up to the rest of his property. Other neighbors have more usable land. Three houses out in that neighborhood have sold in the last three years, and those values have all gone down when you look at sales. He should be given a pretty good valuation adjustment.

CANARY said he went out to both properties with the assistant assessor to measure and inspect. They looked at the information provided by the appellant and also spoke with the neighbors who had some of the same concerns. They also spoke with both real estate agents in town who did not believe there was a market difference. The people with property across the road can't do much with it. About all they can do is to ask people to leave that are camping or having a bon fire. They compared sales properties with the appellant's properties. The reason for the increase in value is based on the two sales they acquired. Based on the market grid for these properties, the assessor recommends no change.

SCHNABEL asked about the guest cabin that was missed and subsequently picked up. **CANARY** said it will increase the value next year since it was the borough that missed it this year. **SMITH** has a problem with the comparables. The smaller pieces are assessed at a higher rate. How much is buildable? **CANARY** said the only person who has a lot of buildable land is Holmes. Everyone else, including the comparables, are built up next to the hillside---all are moraine. **VICK** asked why there is such an increase in the land this year. **CANARY** said he cannot speak for those reasons since he wasn't here, but they have been grossly undervalued for a long time. Assessments are based on January 1. The number is locked in based on the sales information on hand to that date. His job is to bring it up as close as possible to market value. **LAPP** said the more work you do on a parcel, the higher the value. **SCHNABEL** asked **CANARY** to address the per acre price variations in the neighborhood. **CANARY** said everyone was run through the same process.

Motion: **WATERMAN** moved to "sustain the assessor's 2013 valuation of \$275,100 for parcel 2-LTI-02-0D00," and the motion carried 4-2 in a roll call vote with **BERRY** and **SMITH** opposed.

WATERMAN said it is the appellant's responsibility to prove a difference and she doesn't believe that happened.

B. Appeal # 2013-11

Subject properties: **2-LTI-02-0E00**
Appellant: **Highland Estates Inc.**

BUCK said he has the same arguments as his other property. There is not much buildable space.

CANARY recommends no change to the value. **SMITH** asked how much of an impact the ocean view has on the value of the property. **CANARY** said waterfront view property is higher value. The view of these two properties is the same. This cabin is not up against the hillside like the big house in the previous property. **VICK** asked if the buildable areas are similar. [Yes]

Motion: **WATERMAN** moved to "sustain the assessor's recommendation to value parcel 2-LTI-02-0E00 at \$195,300," and the motion carried 4-2 in a roll call vote with **BERRY** and **SMITH** opposed.

SCHNABEL asked if there were other appeals in that area and if adjustments were made. **CANARY** said there were three out there that signed off. Basically the land did not change.

C. Appeal # 2013-393

Subject properties: **4-RBA-01-0400**
Appellants: **Judith Clark**

CANARY said the appellant is concerned that the value went down. He visited it---it's in Paradise Cove and a beautiful parcel. He recommends increasing the value to \$42,300 as requested by the appellant.

Motion: **VICK** moved to "sustain the assessor's recommendation to value this parcel at \$42,300," and the motion carried unanimously in a roll call vote.

D. Appeal # 2013-392

Subject properties: **4-RBA-02-0900**
Appellants: **Judith Clark**

CANARY said the appellant is concerned that the value went down. He visited it---it's in Paradise Cove and a beautiful parcel. He recommends increasing the value to \$23,800 even though the appellant asked for \$26,500. He is trying to be consistent with the view adjustments. It has been tagged as an area that the borough will reinspect next year.

Motion: **VICK** moved to "sustain the assessor's recommendation to value this parcel at \$23,800," and the motion carried unanimously in a roll call vote.

E. Appeal # 2013-301

Subject properties: **4-LAS-00-0100**
Appellant: **Richard Walsh**

CANARY said this is in Viking Cove out at the end of Mud Bay Road. This lot is two lots separated from the turnaround. It does not currently have electricity to the site. It is just a waterfront lot with a "jeep trail" in front of it. He inspected the property. There is a very nice building site on the lot. The value was based on the sale of parcel 4-LAS-00-0300.

Motion: **LAPP** moved to "sustain the assessor's recommendation to value this parcel at \$126,500," and the motion carried unanimously in a roll call vote.

F. Appeal # 2013-302

Subject property: **4-LAS-00-0200**
Appellant: **Richard Walsh**

CANARY said this is in Viking Cove out at the end of Mud Bay Road. This lot does not currently have electricity to the site. He inspected the property.

Motion: **LAPP** moved to "sustain the assessor's recommendation to value this parcel at \$106,900," and the motion carried unanimously in a roll call vote.

G. Appeal # 2013-145

Subject properties: **2-RBA-02-0C00**
Appellants: **Marla and Kevin Brownlee**

CANARY said this property has a good view. He re-measured the exterior of the building and recalculated from \$63,300 to \$61,300. He recommends no change to the land value.

Motion: **LAPP** moved to "sustain the assessor's recommendation to value this parcel at \$186,300," and the motion carried unanimously in a roll call vote.

H. Appeal # 2013-344

Subject properties: **C-STR-02-3210**
Appellant: **Travis Stuart**

Motion: **SMITH** moved to “postpone the Travis Stuart appeal until the next Board of Equalization because the appellant is out halibut fishing,” and it failed 3-3 with **SMITH**, **BERRY**, and **LAPP**.

CANARY said the Board should hear it this evening as the appellant was aware of the BOE date and also knew the property was going to be inspected as a result of the appeal.

Motion: **VICK** moved to “sustain the assessor’s recommendation to value this parcel at \$116,100,” and the motion carried unanimously in a roll call vote.

I. Appeal # 2013-430, 431, 432, 433

Subject properties: **4-MBR-07-0110, 4-MBR-07-02B0, 4-MBR-07-0330, 4-MBR-07-0430**, and **4-MBR-07-0220**

Appellant: **Henry Clay Frick**

CANARY said this is several parcels that he bundled for this appeal. Adjustments were made based on the appraisal provided by appellant as well as accreted land that was useless. There is ponding, no view, and other issues. He looked at each and every parcel and came in at a total of \$699,500.

Motion: **VICK** moved to “sustain the assessor’s recommendation to value these parcels for a total of \$699,500 [(4-MBR-07-0110 (\$107,700), 4-MBR-07-02B0 (\$153,400), 4-MBR-07-0330 (\$243,700), 4-MBR-07-0430 (\$181,800), and 4-MBR-07-0220 (\$12,900)],” and the motion carried unanimously in a roll call vote.

J. Appeal # 2013-390

Subject properties: **C-STR-02-16D0**

Appellant: **Kevin Shove and Lisa Sele**

CANARY said the owner paid \$50,000 for this property.

Motion: **LAPP** moved to “sustain the assessor’s recommendation to value this parcel at \$29,600,” and the motion carried unanimously in a roll call vote.

K. Appeal # 2013-246

Subject properties: **C-HEM-23-0100**

Appellant: **Jacqueline Acquistapace**

CANARY said this is a very large house. The property appears to be unfinished. He left a note on the door. He recalculated the property and dropped the value because of the unfinished nature.

Motion: **LAPP** moved to “sustain the assessor’s recommendation to value this parcel at \$169,600,” and the motion carried unanimously in a roll call vote.

L. Appeal # 2013-349

Subject properties: **1-CAR-00-0800**

Appellant: **Mary Jean Sebens**

CANARY said part of the building is unfinished and there was an error in the square footage, so he recommends lowering it to \$59,900 for a total assessment of \$479,300.

Motion: **LAPP** moved to “sustain the assessor’s recommendation to value this parcel at \$479,300,” and the motion carried unanimously in a roll call vote.

M. Appeal # 2013-297

Subject properties: **2-EVS-01-1000**

Appellant: **Mike and Judy Durand**

CANARY said the owner is having foundation issues. There has been flooding because of a large deep stream. A surveyor says the lot size on the plat is incorrect but the borough has not yet been provided with a new plat. Based on this information, a reduction is recommended for a total of \$90,600.

Motion: **WATERMAN** moved to “sustain the assessor’s recommendation to value this parcel at \$90,600,” and the motion carried unanimously in a roll call vote.

N. Appeal # 2013-409

Subject properties: **C-STR-02-2300**

Appellant: **Bruce Smith**

CANARY said he lowered the square footage after visiting, and some of the building is unfinished. He recommends a total of \$153,200.

Motion: **LAPP** moved to “sustain the assessor’s recommendation to value this parcel at \$153,200,” and the motion carried unanimously in a roll call vote.

O. Appeal # 2013-369

Subject properties: **C-STR-02-3110**

Appellant: **Bruce Smith**

CANARY said several of the buildings are no longer on the lot. Junk on the property does not diminish the value. He recommends a total of \$69,800.

Motion: **WATERMAN** moved to “sustain the assessor’s recommendation to value this parcel at \$69,800,” and the motion carried unanimously in a roll call vote.

P. Appeal # 2013-370

Subject properties: **C-STR-02-1400**

Appellant: **Bruce Smith**

CANARY said there is no building on the site. He recommends no change in the \$89,300 value. **WATERMAN** said she believes there is actually a metal building on this parcel. It was noted for review next year.

Motion: **VICK** moved to “sustain the assessor’s recommendation to value this parcel at \$89,300,” and the motion carried unanimously in a roll call vote.

Q. Appeal # 2013-09

Subject properties: **C-HEM-33-0500**

Appellant: **James Axsom**

GILBERT asked if this could be postponed to the next Board of Equalization to give an opportunity to work out the appeal. **CANARY** said, as of last night, the appellant rejected his action review and said he wanted to come to the BOE. The assessor inspected and found the square footage upstairs was incorrect. That has been corrected. There are three site pads on the property. In addition to the log home, there is a detached garage with an upper apartment and a detached RV shed. He did a sketch and a cost approach including a market analysis on the property. He tried to use sales within a stone’s throw of this property. He also found two log home sales in the area with one being in Skyline Estates and the other at 25-mile Haines Highway. His analysis is that the value of \$340,000 is reasonable for this unique property. He made an adjustment on the site for a total of \$339,800. This parcel is 1.1 acres with ¾ of it developed.

Motion: **LAPP** moved to “sustain the assessor’s recommendation to value this parcel at \$339,800,” and the motion carried 5-1 in a roll call vote with **VICK** opposed.

SCHNABEL asked for square footage of living space. **CANARY** said the log house is 15,050 square feet. It is unique and well-built. **GILBERT** said this is a lot of money for a property on FAA Road with a filtered view. The land value seems high. It's a single lot. **BERRY** observed this is only a difference of \$9,000 between the owner's estimate and the assessor's recommended adjustment.

R. Appeal # 2013-08

Subject properties: **C-HEM-33-0500**

Appellant: **James Axsom**

CANARY said when the site was originally purchased the seller gave this land to the appellant. According to appellant, the right of way for FAA Road goes through part of the hillside. The appellant believes the value is \$25,000. The property does have value---privacy for one. The assessor recommends reducing it by basically 50% for the steep access and the ponding. There is a recent sale on FAA Road for \$18,000. He is not opposed to going down further on this. It is a very "what do you do with it" type of lot. **GILBERT** said there was a sale in the vicinity and very similar in size. There is very little value to this lot. **CANARY** respects **GILBERT**. He struggled with this value, trying to be as fair as possible. There is very steep access to this property. **CANARY** recommends a value of \$18,000.

Motion: **LAPP** moved to "value the this parcel at the owner's estimated value of \$25,000," and it was amended to accept the assessor's recommendation of \$18,000. The motion carried 4-2 in a roll call vote with **SCHNABEL** and **LAPP** opposed.

LAPP asked what if the owner's don't want it lowered. **SCHNABEL** noted the BOE has not gone lower than the owner's estimate. **WATERMAN** said she can accept this because of the sale found today, and it is the assessor's recommendation. **SCHNABEL** and **LAPP** were opposed to the amendment.

CANARY said there are still many appeals to review, and he asked the Board to set a date for a second Board of Equalization. Mayor **SCOTT** suggested May 21st. 6:00pm, and there was no objection.

8. PUBLIC COMMENTS - None

9. ANNOUNCEMENTS/BOARD COMMENTS

VICK likes the BOE packet very much. It has been easy to follow.

10. ADJOURNMENT – 8:27pm

Motion: **BERRY** moved to "adjourn," and it was seconded. The motion carried unanimously.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Office of the Mayor
Haines Borough, Alaska

Proclamation

US Coast Guard Appreciation Day
May 15, 2013

WHEREAS, a Coast Guardsman can be described as a lifesaver, law enforcer, pollution responder, aviator, and teacher, and so much more; and

WHEREAS, Coast Guardsmen have fulfilled all of these roles for the citizens of Haines; and

WHEREAS, Coast Guardsmen have been called upon and responded unstintingly and professionally to emergencies on land and sea in Haines over the past year,

NOW, THEREFORE, I, Stephanie Scott, Mayor of the Haines Borough, do hereby proclaim May 15, 2013, Haines Coast Guard Appreciation Day in recognition of the many times Coast Guardsmen have come to our aid.

Signed and Sealed on this 14th day of May, 2013.

Stephanie Scott, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

Office of the Mayor
Haines Borough, Alaska

Proclamation

Emergency Medical Services Week
May 19-25, 2013

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

NOW, THEREFORE, I, Stephanie Scott, Mayor of the Haines Borough, do hereby proclaim the week of May 19-25, 2013 as *Emergency Medical Services Week* with the theme “EMS: One Mission One Team,” and I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Signed and Sealed on this 14th day of May, 2013.

Stephanie Scott, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



Agenda Bill No.: 13-259
 Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Amend Title 3 to Change the Assessment Appeal Deadline in Borough Code to Comply with State Law	1. Ordinance 13-04-322 2. Borough Attorney Opinion
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 3-27-13	

Full Title/Motion:
 Motion: Adopt Ordinance 13-04-322.

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:

This is a housekeeping ordinance amending borough code to change the assessment appeal deadline to be in compliance with state law.

The borough attorney has advised the borough is required to follow the thirty-day deadline set forth in AS 29.45.190 (b) rather than the May 1st deadline in HBC 3.72.100(b).

Referral:

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 4/23, 5/14/13
Meeting Date(s): 4/9, 4/23, and 5/14/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 3, SECTION 3.72.100 TO CHANGE THE ASSESSMENT APPEAL DEADLINE TO BE IN COMPLIANCE WITH STATE LAW.

BE IT ORDAINED 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 Section 3.72.100. Section 3.72.100 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

3.72.100 Appeal.

A. A person who receives notice or whose name appears on the assessment roll or the agent or assigns of that person may appeal to the board of equalization for relief from any alleged error in valuation not adjusted by the assessor to the taxpayer's satisfaction.

B. The appellant shall, no later than ~~May 1st~~ **thirty days from the date of mailing of the assessment notices**, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply.

C. The assessor shall notify an appellant by mail of the time and place of hearing.

D. Upon receipt of a copy of the notice of appeal, the assessor shall make a record of the appeal in such form as the board of equalization may direct. The record shall contain all the information shown on the assessment roll with respect to the subject matter of the appeal, and the assessor shall place the record before the board of equalization prior to the time for hearing the appeal.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2013.

Stephanie Scott, Mayor

ATTEST:

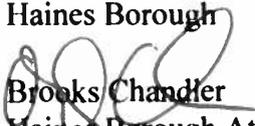
Julie Cozzi, MMC, Borough Clerk

Date Introduced: 04/09/13
Date of First Public Hearing: 04/23/13
Date of Second Public Hearing: 05/14/13

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MEMORANDUM

TO: Jila Stuart
Finance Director
Haines Borough

FROM: 
Brooks Chandler
Haines Borough Attorney

RE: Appeal Date for 2013 Property Tax Appeals

DATE: March 26, 2013

A question has arisen regarding whether the April 15 deadline for filing an appeal from the 2013 assessment notice set out in this year's assessment notices is contrary to HBC 3.72.100(B) which provides written appeals must be submitted "no later than May 1st".

Based on our review of Borough Charter, Borough Code and relevant provisions of Title 29, in our opinion state law prohibits the May 1 deadline set out in HBC 3.72.100(B). Instead, a "thirty day from the date of mailing of the assessment notices" deadline established by state law applies. The BOE's ability to extend this deadline is limited to situations in which a taxpayer is "unable to comply". The BOE could adopt rules by ordinance which flesh out the circumstances which will meet the "unable to comply" standard.

The reasons for these conclusions are set forth in greater detail below.

FACTS

The Borough Assembly passed a resolution on March 5, 2013 (Resolution No. 13-02-440) scheduling a Board of Equalization hearing for April 29, 2013. This was done to accommodate schedules of BOE members. The 2013 property tax assessment notices were mailed to taxpayers on March 13, 2013. The deadline for filing appeals set out in the assessment notices is April 15, 2013.

LAW

A. Borough Charter

Section 10.04 of the Charter states in part, “[t]he assembly by ordinance shall prescribe the procedures for tax assessment, levy, and collection”.

B. Borough Code

HBC 3.72.100 states in part:

- A. A person who receives notice or whose name appears on the assessment roll or the agent or assigns of that person may appeal to the board of equalization for relief from any alleged error in valuation not adjusted by the assessor to the taxpayer’s satisfaction.
- B. The appellant shall, no later than May 1st, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply.
- C. The assessor shall notify an appellant by mail of the time and place of hearing.

HBC 3.72.110(B) states:

The board of equalization shall meet on the second Monday in May unless otherwise changed by resolution. The board shall adjourn over and continue its session as business requires.

C. State Law

AS 29.45.190(b) states:

The appellant shall, within 30 days after the date of mailing of notice of assessment, submit to the assessor a written appeal specifying grounds in the form that the board of equalization may require. Otherwise, the right of appeal ceases unless the board of equalization finds that the taxpayer was unable to comply.

AS 29.10.200(51) states:

Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. These provisions supersede existing and prohibit future home rule enactments that provide otherwise:

(51) AS 29.45.010 - 29.45.560 and 29.45.800 (property taxes);

AS 29.45.200(b) states in part: “[t]he board of equalization is governed in its proceedings by rules adopted by ordinance that are consistent with general rules of administrative procedure.” No specific rules allowing for extensions of otherwise applicable deadlines have been adopted by the Borough.

ANALYSIS

The May 1 deadline established by HBC 3.72.100(b) is “otherwise than as provided” in AS 29.45.190(b) which establishes a thirty day deadline for filing property tax appeals. In our opinion, the May 1 deadline is specifically prohibited by AS 29.10.200(51). The Borough is required to follow the thirty day deadline set forth in AS 29.45.190(b) rather than the May 1 deadline of HBC 3.72.100(b).

In our opinion, the BOE cannot adopt a rule that changes the appeal deadline established by AS 29.45.190(b). The BOE could, however, adopt rules regarding what circumstances will be deemed to meet the “unable to comply” standard allowing for an extension of the appeal deadline. Such rules would need to be adopted by ordinance.

Let me know if there are any additional questions on this topic. Since a public request to extend the appeal deadline has been received we suggest this memorandum be considered a public document.



Agenda Bill No.: 13-270

Assembly Meeting Date: 5/14/13

Business Item Description:		Attachments:
Subject: FY13 Budget Amendment #4	Originator: Borough Manager	1. Ordinance 13-04-323 2. Memo from the manager requesting additional amendments 3. FY13 Budget Amendment Worksheet dated 4/17/13 4. Letter from the school board regarding major maintenance (pertaining to a proposed budget amendment)
Originating Department: Administration	Date Submitted: 04/16/13	

Full Title/Motion:
 Motion: Advance Ordinance 13-04-323 to a second public hearing on 5/28/13.

Administrative Recommendation:
 The borough manager recommends adoption.

Fiscal Impact:		
Expenditure Required \$ see ordinance	Amount Budgeted \$ see ordinance	Appropriation Required \$ see ordinance

Comprehensive Plan Consistency Review:
 Comp Plan Policy Nos.: _____ Consistent: Yes No

Summary Statement:
 This provides for the addition or amendment of specific line items to the FY13 budget, as described in the ordinance draft. The Finance Committee met on 4/8/13 and 4/15/13 to review the proposed amendments and recommends them.
 The manager has proposed additional amendments for the assembly's consideration:
 1. Appropriate \$10,000 for Lutak Dock bathymetric survey
 2. Appropriate \$150,000 for Fire Truck Replacement
 3. Appropriate \$165,000 for Dump Truck Replacement

Referral:
 Sent to: Finance Committee Date: _____
 Recommendation: Yes Refer to: _____ Meeting Date: 4/8 and 4/15/13

Assembly Action:
 Workshop Date(s): _____ Public Hearing Date(s): 5/14/13
 Meeting Date(s): 4/23, 5/14/13 Tabled to Date: _____

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY13 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not become a part of the Haines Borough Code of Ordinances.

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2012 through June 30, 2013.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY13 budget as follows:

(1) To recognize FY13 Federal Secure Rural Schools funding (<i>this amount is down \$172,305 from FY12</i>).				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-12-00-4534	Federal Revenue	\$0	\$205,595	\$205,595
(2) To appropriate Capital Improvement sales tax funds and 2005 school bond proceeds to replace a fire suppression water tank at the Mosquito Lake school.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
55-01-00-7312	Profession Svc (school bond)	\$0	\$33,500	(\$33,500)
50-01-00-7392	Project Expenditures	\$0	\$42,500	(\$42,500)
Total for Mosquito Lake School fire suppression				(\$76,000)
(3) To appropriate \$1,000 of Economic Development & Tourism Promotion sales tax funds to the Museum to create displays for the ferry terminal building and for an empty downtown storefront.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
23-03-00-7312	Professional Services	\$57,900	\$58,900	(\$1,000)
(4) To appropriate an additional \$7,000 from the Economic Development and Tourism Promotion Fund for Facility department labor on the visitor's center including sheet rocking, caulking, painting, and boiler work.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
23-02-00-7908	Work Orders – Facilities to Toursim	\$1,000	\$8,000	(\$7,000)
01-04-20-7908	Work Orders – OUT from Facilities	\$150,800	\$157,800	\$7,000
Net cost to Borough of Facility Dept. work orders				\$0
(5) To appropriate \$660 of general fund dollars to fund student travel to Kensington Mine for an educational tour.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-01-11-7710	Assembly Appropriations - Students	\$0	\$660	(\$660)

ORDINANCE # 13-04-323

(6) To reduce the FY13 appropriation for a land development plan from \$50,000 to \$10,000. This project will take place primarily in FY14 and \$40,000 has been recommended in the Manager's FY14 budget.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
17-01-00-7312	Professional Services	\$50,000	\$10,000	\$40,000
(7) To appropriate \$12,812 of areawide general funds for FY13 public Library operations. In FY12 \$12,812 which was appropriated to the Library but which was unspent rolled over into general fund balance. Previously unspent funds at the end of the fiscal year were turned over to the Library for future use, but due to a change in the Library's legal status from a component unit to a department funds were not turned over to the Library.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-14-00-611X	Payroll Expense – Library	\$281,620	\$294,432	(\$12,812)
(8) To appropriate areawide general funds for a part-time temporary administrative assistant for the public facilities department.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-04-20-611X	Payroll – Facilities Department	\$235,569	\$253,569	(\$18,000)
(9) To appropriate \$3,500 of harbor enterprise fund revenues to construct new pit toilets at Letnikof boat harbor.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
92-01-00-611X	Payroll Expense – Harbor	\$186,828	\$188,828	(\$2,000)
92-01-00-7230	Material & Equipment	\$12,850	\$14,350	(\$1,500)
Appropriation to construct new pit toilets				(\$3,500)
(10) To appropriate \$6,500 of areawide general funds for materials for Chilkat Center repairs and maintenance and to record \$5,500 of work orders for the Chilkat Center from the facilities department.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-08-00-7371	Building Maintenance & Repairs	\$5,000	\$11,500	(\$6,500)
01-08-00-7908	Work Orders – In from Facilities	\$7,500	\$13,000	(\$5,500)
01-04-20-7908	Work Orders – OUT from Facilities	\$157,800	\$163,300	\$5,500
Appropriation for materials for repairs & maintenance				(\$6,500)
(11) To appropriate \$10,000 of Commercial Passenger Vessel Tax funds for construction of a new visitor's center kiosk at the Port Chilkoot Dock.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
34-01-00-7312	Professional Services	\$0	\$10,000	(\$10,000)
(12) To appropriate \$1,050 of Economic Development and Tourism Promotion sales tax funds for entertainment at the Port Chilkoot Dock on cruise ship days.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
23-02-00-7312	Professional Services	\$11,700	\$12,750	(\$1,050)

(13) To adjust project budgets for CIP appropriations which are now complete:				
Source	Project	Appropriated	Spent	Fund Balance Increase / (Decrease)*
FY08	Parks Lawn Tractor	15,000	17,985	(2,985)
FY09CIP	Vehicle Lift for New Shop	15,000	8,321	6,679
FY09CIP	Waterfront Improvements	25,000	7,075	17,925
09/11 CIP	Barnett Pump Station Match	128,000	97,930	30,070
FY10CIP	Sheldon Museum Fire Suppression	120,000	136,618	(16,618)
FY10CIP	Public Works Shop Phase II	120,000	123,779	(3,779)
FY10CIP	Road Sweeper	30,000	20,270	9,730
FY10CIP	Police Hybrid Vehicles	80,000	77,569	2,431
FY10CIP	Library Computer Upgrades	25,000	24,930	70
FY11CIP	Sr. Center Concrete Slab & Energy Effic.	69,000	71,333	(2,333)
FY11CIP	Ports & Harbors New Vehicle	25,000	22,082	2,918
FY11CIP	Pub Safety Boilers & energy efficiency	55,000	60,558	(5,558)
FY11CIP	Public Works Tools	6,000	1,409	4,591
FY11CIP	Sheldon Museum Replace Carpet	50,500	37,911	12,589
FY11CIP	Purchase Emerson Field	50,000	50,604	(604)
FY11CIP	Equipment Repairs (loader repair)	9,930	10,671	(741)
FY12CIP	Admin Color Printer Scanner	21,150	14,865	6,285
FY12CIP	Used Grader Purchase	23,000	23,905	(905)
FY12CIP	Barnett Tank Resize Tank	20,000	13,983	6,017
FY12CIP	Chilkat Center roof repair	150,000	153,942	(3,942)
FY13CIP	Public Facilities Mobile Storage Units	7,500	13,042	(5,542)
FY13CIP	Police Patrol Vehicle	28,500	26,167	2,333
Total of CIP funds un-used for prior appropriations (available for appropriation)				\$58,632

(14) To recognize \$22,500 in federal revenues passed through the Alaska Department of Fish & Game for purchase and installation of a boat sewage pumpout and to appropriate \$7,500 of harbor user fees for the required 25% local match for a total project cost of \$30,000.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
42-92-00-4589	Federal Revenue	\$0	\$22,500	\$22,500
42-92-00-7392	Project Expenditures (<i>pumpout</i>)	\$0	\$30,000	(\$30,000)
42-92-00-8263	Operating Transfer – In from Harbor	\$0	\$7,500	\$7,500
92-98-00-8263	Operating Transfer – OUT from Harbor	\$0	7,500	(7,500)
Local Appropriation for harbor sewage pumpout				(\$7,500)

* A positive amount in this column is favorable. A negative amount is unfavorable.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ____ day of _____, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 04/23/13
Date of First Public Hearing: 05/14/13
Date of Second Public Hearing: __/__/__



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

May 14, 2013

Budget Amendment Requests

I am requesting Assembly consideration and support for accelerating the schedule for three Budget amendment actions in the FY 2013 Budget Amendment (Ordinance No. 13-04-323).

1. Appropriate funding in the amount of \$10,000 for Lutak Dock bathymetric survey. There are existing funds available for this purchase in the Lutak Dock Enterprise Fund; a budget amendment sheet will be provided prior to the meeting.
2. Appropriate funding in the amount of \$150,000 for Fire Truck Replacement. These funds would be used for purchasing and shipping a good used tanker truck to replace Engine 3. The existing tanker truck is a 1967 Peterbilt log truck that was converted into a tanker. Engine 3 is the backup tanker; however, it cannot leave the Fire Hall because it leaks profusely. There is existing funding for this purchase; a budget amendment sheet will be provided prior to the meeting.
3. Appropriate funding in the amount of \$165,000 for "Dump Truck Replacement" The Borough is in need of replacing the dump truck that was taken out of service a year ago due to an irreparable structural fracture. (Note: this item is currently included in the Manager's FY 2014 Budget; if the FY 2013 amendment is approved, corresponding action amending the FY 2014 Budget (Ordinance No. 13-04-324) striking the appropriation of \$150,000 for "Dump Truck" would be necessary.)

HAINES BOROUGH

Proposed Amendments to the FY13 Budget - Ordinance #13-04-323



FUND	Area-wide General	Townsite General	Econ Dev & Tourism	CPV Tax	CIP	School Construction	Harbor*	Totals
	01	02	23	34	50	55	92	
Fund/Cash Balance as of 06/30/2012	\$ 2,430,109	2,083,560	382,289	465,117	11,458,068	53,242	1,066,822	
FY13 Current BUDGET Excess Revenue Over (Under) CASH Expense	(106,926)	51,242	3,628	62,575	248	(19,739)	(85,150)	
1 Secure Rural Schools Appropriations	205,595							205,595
2 Mosquito Lake fire suppression water tank					(42,500)	(33,500)		(76,000)
3 Ferry terminal and downtown displays			(1,000)					(1,000)
4 Visitor Center sheet rock, mud, paint	7,000		(7,000)					-
5 Student trip to Kensington Mine	(660)							(660)
6 Reduce funds for land development plan			40,000					40,000
7 Appropriation to Library	(12,812)							(12,812)
8 Facilities administrative assistant	(18,000)							(18,000)
9 Letnikof Pit toilets							(3,500)	(3,500)
10 Chilkat Center Maint & Repairs	(6,500)							(6,500)
11 Visitor's Center Kiosk at PC Dock				(10,000)				(10,000)
12 PC Dock Entertainment			(1,050)					(1,050)
13 Adjust CIP appropriations					58,632			58,632
14 Harbor boat sewage pumpout							(7,500)	(7,500)
PROPOSED Excess Revenue Over (Under) CASH Expense	67,697	51,242	34,578	52,575	16,380	(53,239)	(96,150)	167,205
NEW Proposed Projected Fund/Cash Balance 06/30/2013	\$ 2,497,806	2,134,802	416,867	517,692	11,474,448	3	970,672	167,205

* For Enterprise funds the cash balance is shown instead of the fund balance and the cash budget is shown which does not include depreciation expense

Annual Operating Budget	4,002,606	1,571,380
Projected Fund Balance as a % of Operating Budget	62%	136%
Amount in excess of 6 months of operating budget	496,503	1,349,112

To: Stephanie Scott, Mayor, Haines Borough;
Haines Borough Assembly Members; and
Mark Earnest, Borough Manger.

From: Haines Borough School Board

Re: Major Maintenance

This memorandum is in response to a request to provide information regarding the Haines School Board's understanding of the State of Alaska's statutes regarding major maintenance and the maintenance of the Haines Borough School District Fund account 880 – Maintenance and Equipment Acquisition.

Question 1) What is the statutory definition of major maintenance?

Major maintenance is facility renewal that requires major repair or rehabilitation to protect the structure and correct building code deficiencies, and shall exceed \$25,000 per project, per site. (Alaska Schools Facilities Preventative Maintenance Handbook, Appendix D, Definitions, page 18)

Alaska Statute under Title 14. Chapter 14, Section 60 – Relationship Between Borough School District and Borough; Finances and Buildings. States the following:

AS 14.14.060

(e) The borough school board is responsible for the design criteria of school buildings. To the maximum extent consistent with education needs, a design of school buildings shall provide for multiple use of the building for community purposes. Subject to the approval of the assembly, the school boards shall select the appropriate professional personnel to develop the designs. The school board shall submit preliminary and subsequent designs for a school building to the assembly for approval or disapproval; if the design is disapproved, a revised design shall be prepared and presented to the assembly. A design or revised design approved by the assembly shall be submitted by the board to the department in accordance with AS 14.07.020 (a)(11).

(f) The borough school board shall provide custodial services and routine maintenance for school buildings and shall appoint, compensate, and otherwise control personnel for these purposes. **The borough assembly through the borough administrator shall provide for all major rehabilitation, all construction and major repair of school buildings.** The recommendation of the school board shall be considered in carrying out the provisions of this section.

This statute states that the Borough Assembly is required to provide for all major rehabilitation, all construction and major repair of the school buildings. When the word "shall" is used in the Alaska Statute it is generally imperative or mandatory for the action to occur. However, Alaska Statute allows for a Memorandum of Agreement (MOA) to be created which allows the Assembly and School Board to divide these responsibilities and adds as a final paragraph the following:

AS 14.14.060 (i) Notwithstanding (e) and (f) of this section, a borough assembly and a borough school board may divide the duties imposed under (e) and (f) of this section **by agreement between the borough assembly and borough school board.**

A Memorandum of Agreement (MOA) regarding major maintenance is not currently in place. As has been discussed previously during the annual joint meeting of the Borough Assembly and the School Board, the School District is willing to work together to create a mutually-agreeable definition of major and minor maintenance and to establish a MOA.

Question 2) Why won't the school pay for the Mosquito Lake (ML) sprinkler?

The ML sprinkler system is a major maintenance item. According to the State Fire Marshal, the ML building has sufficient alarms and egress so that the fact that the sprinkler system is currently not operational is not a safety issue for the students. Replacing the tank and installing additional sprinkler heads to meet current code is a project to protect the building and to correct a code issue.

Question 3) What type of capital/facility projects does the school see spending its fund on?

The School Board has unanimously agreed that capital and facility projects on which it spends its funding are **those which promote student achievement**. An example of this is the recent expenditure to purchase iPads to use in the elementary and middle schools to engage students who might be struggling as well as provide enrichment opportunities for students who need more of a challenge.

However, the School Board recognizes that in FY13, the Haines Borough provided about a quarter of the funding for the District's budget. The School Board has allocated a portion of the 880 funds for major maintenance in an effort to show goodwill and partner with the Borough. The District has submitted two projects to the Department of Education and Early Development for state funding and when those projects are funded, a local match of 30% of the cost of the project will be required. The District has set aside \$37,402.28 in 880 funds to cover this local match. Attached is a schedule of planned expenditures.

It is necessary for the District to maintain funds to respond to needs of the school that are both planned (as per the attached schedule) and unplanned. These are needs that fall within the District's responsibilities. An example of an unplanned need was the prioritization of improving the school security systems after the recent tragic events of the school shootings at a Connecticut elementary school. Therefore, it is necessary for the District to keep a balance of 880 funds to meet an unforeseen need which may arise. Currently, the balance of 880 funds is \$259,008.

Question 4) How does the school set its priorities for facility projects?

The mission of the Haines Borough School District is to graduate life-long learners with the confidence, skill, and knowledge to realize their aspirations and contribute to a changing world. It is the responsibility of the School Board to proactively seek out increasingly effective ways to ensure that every student will reach his or her highest possible potential.

The funds accumulated in account 880 are for use by the school district for promoting student achievement. The funds are for investing in leasehold improvements and for purchasing equipment owned and used by the School District. This fund is maintained consistent with Alaska Department of Education and Early Development Uniform Chart of Accounts and is for the following purpose:

880 – Activities of acquiring land, buildings and equipment; remodeling of buildings; construction of buildings and additions to buildings; initial installation or *extension of service systems and other built-in equipment; and improvements to sites.*

Haines Borough School District students consistently achieve at high levels. Haines Elementary School is a Title 1 Distinguished School. Haines High School has been nominated as a National Blue Ribbon School. We value the support, both financially and collaboratively, that we receive from the Borough Assembly. Thank you for working with us to provide the best possible environment for student success.

The Haines Borough School Board

**880 FACILITIES/EQUIPMENT
FY13**

875,532

	Leasehold Improvement	Major Maintenance
Expenditures:		
HS Wrestling Mat Lift	\$50,000	
School-Wide Digital-Video Security System	\$45,000	
Copier Replacement (4 copiers)	\$30,000	
4 Elementary iPad labs	\$45,000	
Art Room Noise Abatement		\$10,000
Elementary Gym Stage Improvements	\$25,000	
Card Lock System (Exterior Doors)	\$35,000	
Interior HS Gym Doors	\$10,000	
Exterior HS Gym Doors		\$5,000
Garage Heating System	\$15,000	
Landscaping/Exterior Lights	\$35,000	
Voc-Ed Construction/In-Kind Equipment/Technology	\$59,500	\$176,612
Intercom System Extension	\$8,000	
Superintendent Office Wall	\$22,412	
Locker Room Renovation		\$45,000
Total Expenditures	<u>\$379,912</u>	<u>\$236,612</u>
Grand Total	\$616,524	
FUND BALANCE	\$259,008	



Agenda Bill No.: 13-269
 Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: FY14 Budget	1. Ordinance 13-04-324
Originator: Mark Earnest, Manager (Agenda Bill by Clerk's Office)	
Originating Department: Administration	
Date Submitted: 4/18/13	

Full Title/Motion:
 Motion: Advance Ordinance 13-04-324 to a second public hearing on 5/28/13.

Administrative Recommendation:
 This budget is recommended by the Borough Manager

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 manager submitted a proposed budget to the assembly on 4/1/13, and the assembly has conducted various budget work sessions. Per the charter 9.01(D), the budget must be adopted by 6/15. Two public hearings must be held prior to June 1st which are currently scheduled for 5/14 and 5/28 with a potential third meeting on 6/11 to be scheduled as needed. On 4/23, the assembly amended the budget by removing the proposed replacement of the dais chairs in the assembly chambers.

Referral:

Sent to: Assembly Budget Committee of the Whole	Date:
Recommendation:	Refer to: Meeting Date: Various

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 5/14/13
Meeting Date(s): 4/23, 5/14/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH, ALASKA, PROVIDING FOR THE ESTABLISHMENT AND ADOPTION OF THE BUDGET OF THE HAINES BOROUGH FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. General Provisions. The following FY14 budget document, listing estimated resources and expenditures is hereby adopted and established as the budget for the period of July 1, 2013 through June 30, 2014 and made a matter of record for that purpose. Except in the case of appropriations for capital improvements, all unexpended balances not otherwise encumbered or disposed of in this ordinance as of June 30, 2014, shall lapse to those appropriate funds.

Section 3. Authorization and Appropriation. The expenditures set forth herein are authorized and appropriations as provided for are hereby made.

01 AREAWIDE GENERAL FUND

REVENUES

Property Tax	\$ 1,668,000
Sales Tax	567,000
State Revenue	678,200
Federal Revenue	397,102
Interest Earnings	110,000
User Fees	58,950
License, Permits, & Fees	38,000
Penalty & Interest	45,000
Rents	69,000
Other Miscellaneous Revenue	14,317
TOTAL AREAWIDE REVENUES	\$ 3,645,569

EXPENDITURES

Administration	518,599
Borough Assembly	121,223
Elections	7,311
Finance	381,622
Assessment/Land Management	297,805
Information Technology	70,927
Dispatch	347,604
Public Facilities	205,288
Solid & Hazardous Waste	22,450
Chilkat Center for the Arts	97,850
Road Maintenance Service Areas	22,000

Haines Borough
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Haines Borough School District	1,781,666
Library	437,261
Museum	175,301
Parks	60,951
Community Youth Development	29,989
Swimming Pool	208,569
Transfers	(115,000)
Allocated Expense	(746,973)
TOTAL EXPENDITURES & TRANSFERS	3,924,443
CONTRIBUTION TO (FROM) FUND BALANCE	\$ (278,874)

02 TOWNSITE SERVICE AREA

REVENUES	
Property Tax Revenue	\$ 390,000
Sales Tax	657,000
State Revenue	451,848
Chilkoot Indian Assoc. Road Maint.	220,000
Miscellaneous Revenues	6,200
	1,725,048
EXPENDITURES	
Police	565,573
Public Works	619,661
Animal Control	47,813
Operating Transfers	333,000
Allocated Expense	398,681
TOTAL EXPENDITURES & TRANSFERS	1,964,728
CONTRIBUTION TO (FROM) FUND BALANCE	\$ (239,680)

17 LAND DEVELOPMENT & SALES

REVENUES	\$ 246,576
EXPENDITURES	
Direct Expenditures	46,050
Operating Transfers	186,019
Allocated Expense	14,507
TOTAL EXPENDITURES & TRANSFERS	246,576
CONTRIBUTION TO (FROM) FUND BALANCE	\$ -

20 MEDICAL SERVICE AREA

REVENUES	\$	246,000
EXPENDITURES		
H.E.L.P. Committee		11,000
Other Medical Services		30,000
Ambulance		46,000
Operating Transfers		63,500
Allocated Expense		160,707
TOTAL EXPENDITURES & TRANSFERS		311,207
CONTRIBUTION TO (FROM) FUND BALANCE	\$	(65,207)

21 TITLE III FOREST RECEIPTS

REVENUES	\$	50,000
EXPENDITURES		50,000
CONTRIBUTION TO (FROM) FUND BALANCE	\$	-

23 ECONOMIC DEVELOPMENT & TOURISM PROMOTION

REVENUES	\$	495,500
EXPENDITURES		
Tourism		382,695
Economic Development		74,575
Operating Transfers		50,000
Allocated Expense		49,259
TOTAL EXPENDITURES & TRANSFERS		556,529
CONTRIBUTION TO (FROM) FUND BALANCE	\$	(61,029)

25 FIRE SERVICE AREAS

REVENUES		
Fire District #1	\$	192,000
Fire District #2		28,450
TOTAL REVENUES		220,450

EXPENDITURES	
Fire District #1	215,862
Fire District #2	28,450
Operating Transfers	58,500
Allocated Expense	(14,432)
TOTAL EXPENDITURES & TRANSFERS	288,380
CONTRIBUTION TO (FROM) FUND BALANCE	\$ (67,930)

34 COMMERCIAL PASSENGER VESSEL TAX

REVENUES	\$ 130,000
EXPENDITURES	81,100
CONTRIBUTION TO (FROM) FUND BALANCE	\$ 48,900

50 CAPITAL IMPROVEMENT PROJECTS

REVENUES	\$ 738,000
EXPENDITURES	
Direct Expenditures	1,204,700
Operating Transfers	(500,000)
Allocated Expense	29,211
TOTAL EXPENDITURES & TRANSFERS	733,911
CONTRIBUTION TO (FROM) FUND BALANCE	\$ 4,089

61 EQUIPMENT SINKING FUND

TRANSFERS	(40,000)
CONTRIBUTION TO (FROM) FUND BALANCE	\$ 40,000

75 LIBRARY BOND FUND

REVENUES	\$	14,150
EXPENDITURES		14,148
CONTRIBUTION TO (FROM) FUND BALANCE	\$	2

76 SCHOOL G.O. BOND FUND

REVENUES	\$	1,298,729
EXPENDITURES		1,298,184
CONTRIBUTION TO (FROM) FUND BALANCE	\$	545

90 WATER REVENUE FUND

REVENUES	\$	357,250
EXPENDITURES		
Direct Expenditures		379,682
Allocated Expense		(18,382)
Depreciation Expense		198,000
TOTAL EXPENDITURES		559,300
CONTRIBUTION TO (FROM) FUND BALANCE	\$	(202,050)

91 SEWER REVENUE FUND (WASTEWATER TREATMENT)

REVENUES	\$	403,850
EXPENDITURES		
Direct Expenditures		339,341
Allocated Expense		74,430
Depreciation Expense		239,000
TOTAL EXPENDITURES		652,771
CONTRIBUTION TO (FROM) FUND BALANCE	\$	(248,921)

92 BOAT HARBOR FUND

REVENUES	\$	462,620
EXPENDITURES		
Direct Expenditures		622,734
Allocated Expense		(107,854)
Depreciation Expense		267,000
TOTAL EXPENDITURES		781,880
CONTRIBUTION TO (FROM) FUND BALANCE	\$	(319,260)

93 LUTAK DOCK FUND

REVENUES	\$	466,824
EXPENDITURES		38,900
Allocated Expense		112,558
Depreciation Expense		150,000
TOTAL EXPENDITURES		301,458
CONTRIBUTION TO (FROM) FUND BALANCE	\$	165,366

94 PORT CHILKOOT DOCK FUND

REVENUES	\$	56,000
EXPENDITURES		
Direct Expenditures		16,625
Allocated Expense		48,287
Depreciation Expense		241,500
TOTAL EXPENDITURES		306,412
CONTRIBUTION TO (FROM) FUND BALANCE	\$	(250,412)

97 PERMANENT FUND

REVENUES	\$	200,000
EXPENDITURES		
Direct Expenditures		22,750
Operating Transfers		(36,019)
TOTAL EXPENDITURES & TRANSFERS		(13,269)
CONTRIBUTION TO (FROM) FUND BALANCE	\$	213,269

Haines Borough
Ordinance No. 13-04-324
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Section 4. Rates of Levy. The following are rates of levy on taxable property within the Haines Borough for the Calendar Year beginning January 1, 2013, based upon the proposed Year FY14 beginning July 1, 2013.

	<u>Borough Areawide</u>	<u>Fire Service Area</u>	<u>Road / Other Service Area*</u>	<u>Debt Service Mills*</u>	<u>FY14 Total Levy</u>
Townsite	5.42	0.84	2.20	1.33	9.79
Fire District #1 (outside the Townsite)	5.42	0.84	-	1.33	7.59
Fire District #3	5.42	0.73	-	1.33	7.48
Dalton Trail RMSA	5.42	0.73	0.20	1.33	7.68
Dalton Trail RMSA (no fire service)	5.42	-	0.20	1.33	6.95
Dalton Trail & Eagle Vista RMSA	5.42	0.73	2.93	1.33	10.41
Dalton Trail & Chilkat Lake RMSA	5.42	-	0.20	1.33	6.95
Riverview RMSA	5.42	0.73	1.15	1.33	8.63
Letnikof RMSA	5.42	0.84	1.19	1.33	8.78
Borough	5.42	-	-	1.33	6.75

*Debt service mills and Road Maintenance Service Area mills are not subject to the 10 mill tax cap.

Section 5. Effective Date. This ordinance becomes effective July 1, 2013.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 04/23/13
Date of First Public Hearing: 05/14/13
Date of Second Public Hearing: ___/___/___
Date of Third Public Hearing: ___/___/___



Haines Borough Administration
Mark Earnest, Borough Manager
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 mearnest@haines.ak.us

May 14, 2013

Picture Point Property Acquisition

I am pleased to report that the property acquisition for Lot 4 of the newly created Picture Point Subdivision closed on Friday, April 26. The purchase price for the property was just under the agreed price of \$450,000—there were adjustments in the final purchase price related to closing costs and property tax. The Borough also received the accreted lands for Lot 4, bringing the amount of property acquired through this transaction from approximately 3 acres to 4.55 acres (198,347 square feet). The Borough previously received 0.649 acres of accreted tidelands for the Picture Point Tidelands Park, which was a compensatory mitigation stipulation of the Port Chilkoot Dock – Phase I project. The total amount of Borough property at Picture Point is about 5.2 acres.

I signed a Quit Claim Deed on May 8, 2013 for the accreted lands for Lots 1, 2 and 3, which are not part of the purchase and sale agreement and being retained by Roger Beasley. The accreted lands are now included within the boundaries of the replatted lots 1-3. Since these are the lots that will be conveyed in the future by Mr. Beasley any “cloud” on these lots related to accreted tidelands is eliminated via this quitclaim. It is not necessary for the Assembly to approve this conveyance since the Borough does not own the property referenced in the quitclaim and is only providing the deed as part of our good faith obligations under the existing purchase and sale agreement.

We have submitted a grant report and reimbursement request to the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the acquisition of Lot 4. The next task related to the project is planning for improvements. We have requested a set of the bid documents issued by the ADOT&PF for Tanani Point wayside improvements, which include concrete restrooms, bear resistant waste containers, tables and spits, and wheel stops. The ADOT&PF engineer’s estimate for the Tanani Point improvements (in 2008) was \$50,000, and the low bid for that portion of the project was \$60,000. This information is for planning purposes only, but can serve as a guide for our efforts to develop Picture Point.

The grant and non-federal match totals for the Picture Point project is as follows:

Phase I	Federal	\$495,840
	Non-federal match	<u>\$124,960</u>
	Total	\$620,800
Phase II	Federal	\$184,400
	Non-federal match	<u>\$46,100</u>
	Total	\$230,500

Barnett Tank Demolition

The surplus redwood has been sold to the public to cover the cost of demolition. Approximately 200 linear feet of the wood was donated to the school’s vocational education program. The steel from the tank was donated to the school and currently the students are welding bicycle racks for the Haines community.

Barnett Tank Construction

Excavation has begun in preparation for the replacement of the Barnett Tank. This project is scheduled to be completed by August 31, 2013.

Borough Radio Communication System

Begenyi Engineering visited Haines last week to work on the final design for the Radio Project. Bid Ready Documents will be ready in May.

Mosquito Lake School Fire Suppression

Pacific Rim Mechanical has substantially completed the fire suppression work at the Mosquito Lake School. The State Fire Marshall will be notified for inspection by May 15.

E-911 System

Proposals have been received for the Borough E-911 system replacement project. The review committee is reviewing and evaluating the submittals.

Public Safety Building

The Facilities Master Plan Steering Committee met in April and will be making recommendations on how to proceed with actions pertaining to the Public Safety Building.

Visitor Information Kiosk

Stickler Construction of Haines is currently constructing the new visitor's information kiosk which will be place at the Port Chilkoot Dock prior to this season's first cruise ship.

High School Air Handling Unit

Murray & Associates has submitted a design proposal for the replacement of the Air Handling units above the Art Room in the High School. The Borough and the School District are looking in to the possibility of advertising an RFP for a Design Build for this project to possibly lessen the expense of the design.

Lutak Security Fence

The Borough has been reimbursed for all of the expenses toward the construction of the Lutak Security Fence. The project has been inspected by the grantor. Due to the wrong material being delivered to Haines, the gate will be nonoperational until approximately May 15.

Stump Dump

The Borough will be placing a lock on the Stump Dump located near the Mt. Riley trailhead on Mud Bay Rodd. Due to dumping of non-organic materials the Borough feels that better management of the property is required. Contractors and residents will still have access to dump organic inert materials there. Contractors will be issued keys to the lock, and sign a contract stating that they will not dump any banned material. Residents can request a key for the stump dump. A Borough employee will inspect the load before issuing the key.

PC Dock and Letnikof Harbor Upgrades

Pacific Pile and Marine (PPM) of Seattle has been issued the contract for the Port Chilkoot Dock and Letnikof Harbor Upgrades. PPM plans on beginning the PC Dock Project in early September of this year. They will submit a finalized schedule by the end of May.

Sawmill Creek Fish Passage Improvement project (SCIFP)

Grant paperwork has been finalized for the (SCFIP) and Takshanuk Watershed Council will be performing the work on this project this summer. This was funded by a \$101,386 grant from the Community Coastal Impact Program.

Battery Point Trail Improvements

The Borough is working with Alaska Department of Natural Resources, State Parks to improve the Battery Point Trail. State Parks is putting up to \$10,000 and some staff, and the Borough is doing some of the management to hire a contractor to design and oversee trail work. Some of the trail will be board walked using salvaged wood from the PC dock, other sections will be gravel. The Borough will contribute \$5,000 from the Trail Maintenance fund and some staff time.

Senior Center Heating

An analysis of heating costs for the past five months has been completed by Ron Jackson. It appears that the new pellet boiler, programmable thermostats, and upgraded heating system has resulted in a 47% cost savings over the same period last year. Of note, it has been an average of 2 degrees colder this year.

Contaminated Soil

Contracts have been signed with Chilkat Environmental to continue clean up of the contaminated soil on the old Primary and Elementary school sites. It is expected that five yards of soil will be removed from the Elementary site and that it will be considered remediated by the state. Test wells will be installed on the Primary School site to monitor for offsite migration.

Heliski

The Alaska State Troopers report regarding the heliski fatality on March 3, 2013 has been received by the Borough. That report concluded that SEABA was on Bureau of Land Management Property at the time of the accident without a valid permit. The Borough fined SEABA \$500 for violation of Haines Borough Code 5.04.080(A). A permittee is responsible for complying with all municipal, state, and federal ordinances, statutes, and regulations applicable to the permittee's activities.

Budget Amendment Requests

I am requesting Assembly consideration and support for accelerating the schedule for replacing two pieces of Department of Public Works equipment. The requested action includes the following: (1) amending the FY 2013 Budget Amendment (Ordinance No. 13-04-323) to appropriate funding in the amount of \$165,000 for "Dump Truck Replacement" and (2) amending the FY 2014 Budget (Ordinance No. 13-04-324) striking the appropriation of \$150,000 for "Dump Truck" and adding \$220,000 for "Loader Replacement." The funding source for both pieces of equipment is Fund 02 - Townsite fund balance. The Loader Replacement is currently scheduled in the Borough Six-Year CIP for FY 2015.

The reasons for accelerating the timeframe for replacing the equipment are as follows:

Dump Truck:

The Haines Borough is in need of replacing the dump truck that was taken out of service a year ago due to an irreparable structural fracture. Public Works have been getting quotes from different dealers and private sellers. It is my recommendation that the Borough budget \$165,000 for the purchase of a new or used 10-yard dump truck.

Loader:

The Borough is currently operating a 1982 CAT 950 Loader which has approximately 18,000 hours on it. The loader is in need of numerous overhaul projects including but not limited to:

- Replace the diesel engine. The cost of the engine is \$23,500 (not including labor).
- Replace or rebuild the hydraulic system. Estimated cost: \$12,000
- Replace the drive train:
 - Transmission: \$29,370
 - Torque convertor: \$13,522
 - Brakes: \$4,212
 - Differentials: \$19,300
 - Tires: \$6,024
 - Seat: \$1,235

The estimated total cost of overhaul not including labor is \$108,995.

The above is the scope of work the Borough mechanic has identified for immediate attention. All of the above are prices for parts and do not reflect the cost of labor or shipping. It is my suggestion that the Borough appropriates \$220,000 for a used loader, rather than continue to put money into an obsolete piece of equipment.

LEGEND

- ⊗ U.S.G.S. 3-1/2" BRASS MONUMENT RECOVERED THIS SURVEY AS SHOWN
 - ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
 - SECONDARY MONUMENT RECOVERED THIS SURVEY AS SHOWN
 - SEE TYPICAL SECONDARY DETAIL
 - SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN AS SHOWN
- SURVEY LINE
 - CENTERLINE
 - SURVEYED
 - - - NON BOUNDARY LINE
 - - - EASEMENT LINE
 - - - EASEMENT
 - - - ORIGINAL ADJUSTED MEANDER LINE
 - - - ORIGINAL MEANDER LINE (VACATED THIS PLAT)
 - - - ORIGINAL ADJUSTED MEANDER LINE
 - ⊖ EXISTING ALASKA HIGHWAY EASEMENT

TYPICAL SECONDARY MON.
2" ALUMINUM CAP
5/8" REBAR, 36" LONG

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND THAT I DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Date: _____, 2013

Owner:
ROGER BEASLEY
6503 SANTOLINA COVE
AUSTIN, TEXAS 78731

NOTARY'S ACKNOWLEDGEMENTS:

UNITED STATES OF AMERICA)
STATE OF TEXAS) S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2013 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public for Texas _____
My Commission Expires _____

CERTIFICATION OF BOROUGH ASSESSOR

I HEREBY CERTIFY THAT THE APPLICANTS ARE NOT DELINQUENT ON PROPERTY TAXES FOR THE PROPERTY SPECIFIED ON THE SUBDIVISION PLAT SHOWN HEREON.

Date: _____, 2013.

Haines Borough Assessor _____

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT ALL EASEMENTS AND RIGHT OF WAYS APPEARING ON THE LAND ARE AS SHOWN.

Date: _____



J.W. BEAN
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA
(907) 789-0280
SURVEYOR - PLANNER
PROJ: HNS-110110-1-BEASLEY-LOTS1-4

LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH	LINE #	DIRECTION	LENGTH
L1	S38°08'29"W	43.66'	L21	S79°28'53"W	8.40'	L41	S46°23'44"W	34.06'	L61	S73°56'16"W	20.92'
L2	S31°05'58"W	121.98'	L22	S14°00'14"W	10.26'	L42	S57°34'09"W	17.96'	L62	S48°38'09"W	122.41'
L3	S35°54'37"W	38.39'	L23	S23°49'58"W	32.20'	L43	S71°59'36"W	69.17'	L63	S50°11'30"W	54.29'
L4	S37°37'51"W	27.44'	L24	S23°49'58"W	3.14'	L44	S71°03'26"W	43.83'	L64	S45°00'53"W	63.47'
L5	S47°14'21"W	25.00'	L25	S7°48'44"W	8.03'	L45	S76°18'28"W	35.92'	L65	N45°46'39"W	56.18'
L6	S59°07'17"W	37.31'	L26	S56°08'27"W	21.02'	L46	S81°53'10"W	43.23'	L66	N45°46'39"W	67.57'
L7	S89°09'49"W	32.49'	L27	S14°22'31"W	12.57'	L47	S75°15'47"W	62.84'	L67	N07°15'44"E	29.41'
L8	S73°43'16"W	25.36'	L28	S25°45'50"W	24.99'	L48	S67°38'38"W	20.60'	L68	N41°53'58"E	61.32'
L9	S71°43'23"W	51.56'	L29	S38°41'33"W	34.80'	L49	S75°36'27"W	21.10'	L69	N68°48'41"E	367.28'
L10	S84°44'38"W	12.36'	L30	S80°44'17"W	7.81'	L50	S66°08'18"W	68.85'	L70	S60°05'23"W	16.35'
L11	S64°49'51"W	22.12'	L31	S53°28'34"W	58.28'	L51	N10°24'31"W	49.61'	L72	S51°16'03"E	56.58'
L12	S56°36'05"W	34.62'	L32	S65°19'34"W	22.52'	L52	S89°31'21"W	79.55'	L73	N42°02'23"E	61.50'
L13	S45°55'25"W	66.89'	L33	S69°54'19"W	23.58'	L53	S53°52'18"W	33.38'	L79	N67°13'14"W	69.73'
L14	S39°37'19"W	68.23'	L34	S61°48'14"W	42.46'	L54	S74°16'56"W	62.49'	L80	N47°09'05"W	30.00'
L15	S30°37'29"W	9.77'	L35	S61°13'05"W	35.08'	L55	S47°42'21"W	89.13'			
L16	S17°27'15"W	24.48'	L36	S70°41'47"W	44.17'	L56	S65°54'02"W	40.28'			
L17	S31°08'27"W	27.23'	L37	S64°17'27"W	32.85'	L57	S49°41'53"E	81.21'			
L18	S31°08'27"W	38.22'	L38	S57°07'22"W	11.17'	L58	S42°58'01"W	15.63'			
L19	S22°45'40"W	74.84'	L39	S48°02'07"W	36.15'	L59	S74°37'29"W	68.29'			
L20	S27°27'28"W	14.99'	L40	S42°49'20"W	27.19'	L60	S77°24'06"W	66.95'			

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	27°50'53"	535.00'	260.03'	257.48'	S55°52'42"W
C2	16°17'57"	310.00'	88.19'	87.89'	N61°39'43"E
C3	5°49'25"	1959.86'	199.20'	199.11'	N69°52'25"E
C4	6°53'01"	1959.86'	235.46'	235.32'	N63°32'45"E
C5	16°31'28"	766.20'	220.98'	220.21'	N51°50'09"E
C6	14°37'57"	766.20'	195.68'	195.15'	N36°15'20"E
C7	14°36'19"	796.20'	202.96'	202.41'	N36°14'31"E

LINE #	DIRECTION	LENGTH
L74	S47°09'05"E	96.80
L75	S28°56'23"W	234.00
L76	S28°56'23"W	89.26
L77	S61°03'37"E	30.00
L78	N28°56'23"E	31.04
L81	N47°09'05"W	96.40

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C8	118°13'54"	35.00'	72.22'	60.07'	N59°49'26"E
C9	61°46'56"	35.00'	37.73'	35.93'	N30°10'34"W

NOTE:

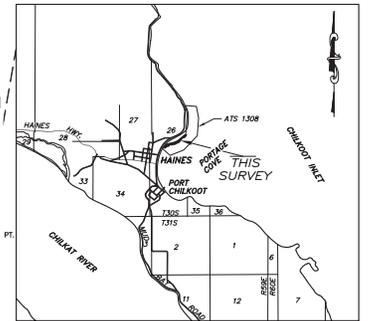
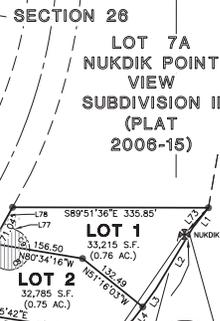
- THIS PLAT IS IN THE WATER FRONT DEVELOPMENT ZONING DISTRICT
- ON-SITE WASTEWATER DISPOSAL PER APPROVAL OF ADEC AND ALL FUTURE PROPERTY OWNERS IN THE SUBDIVISION MUST PROVIDE WRITTEN DEC APPROVAL OF THEIR ON-SITE SYSTEM DESIGN PRIOR TO A LAND USE PERMIT BEING ISSUED.
- THE 30' COMMON ACCESS EASEMENT TO LOTS 1 THRU 3 IS FOR AP&T UTILITIES, WATER AND ALL OTHER UTILITIES.



Scale in feet

OWNERS:

ROGER BEASLEY
6503 SANTOLINA COVE
AUSTIN, TEXAS 78731
HAINES BOROUGH
PO BOX 1208
HAINES, ALASKA 99827



VICINITY MAP
SOURCE: USGS QUAD. SKAGWAY (A-2)
1954, MIN. REV. 1977
SCALE: 1" = 1 MILE

BASIS OF BEARING
BASIS OF BEARING FOR THIS PLAT IS A LINE OF SIGHT BETWEEN CORNER UCCRS NUKDIK, A.D.L. NO. 100175 AND REF. MON. NO. 1, A.T.S. 1308. THE ACCEPTED BEARING BETWEEN SAID MONUMENTS IS DUE S34°33'18"W.

CERTIFICATE BY THE HAINES BOROUGH

THE REPLAT OF LOT 3, NUKDIK POINT VIEW SUBDIVISION AND ACCRETED LANDS FROM A.T.S. 1308 PER PLAT NO. 2013-02, DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISIONS SET FORTH IN HC. 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINES RECORDERS OFFICE.

DATE: _____, 2013.

ROB GOLDBERG
PLANNING COMMISSION CHAIR
DATE _____

STEPHANIE SCOTT
MAYOR
HAINES BOROUGH
DATE _____

STATEMENT OF OWNERSHIP:

I HEREBY CERTIFY THAT HAINES BOROUGH IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Date: _____, 2013

Owner: _____
STEPHANIE SCOTT
MAYOR
HAINES BOROUGH

Owner: _____
MARK EARNEST
BOROUGH MANGER
HAINES BOROUGH

NOTARY'S ACKNOWLEDGEMENTS:

UNITED STATES OF AMERICA)
STATE OF TEXAS) S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2013 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public for Alaska _____
My Commission Expires _____

**A PLAT OF
PICTURE POINT SUBDIVISION
A REPLAT OF
LOT 3
NUKDIK POINT VIEW SUBDIVISION
AND ACCRETED LANDS FROM A.T.S. 1308
LOCATED WITHIN
SECTION 26, T.30S., R.59E., C.R.M.
WITHIN HAINES BOROUGH, ALASKA
HAINES RECORDING DISTRICT - HAINES, ALASKA**

3/18/2013 3:10:08 PM AST E:\G_DRIVE\BEAN\HAINES\HNS-11010-1-BEASLEY-LOTS1-4.DWG

Michelle Webb

From: Phil Benner
Sent: Monday, April 29, 2013 11:03 AM
To: Mark Earnest; Darsie Culbeck; Carlos Jimenez
Cc: Julie Cozzi; Michelle Webb
Subject: CPE Course

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Good Morning,

I would take this opportunity to do a trip report on my Certified Port Executive course in Anchorage from 22 to 26 April 2013.

I stayed at the Sockeye Inn on the corner of Fireweed and C St in Anchorage. It cost \$250 for the week and was an excellent facility. It featured "European Inn" living which may not be acceptable to everyone. You have a very nice room with refrigerator/freezer, TV, computer desk, bed etc. that you would expect from any other facility but the shower and restroom facilities were lockable individual men/women areas in the passages three of each per floor. On each floor was a full cooking facility with had everything you need to do your own cooking. It was located directly across the street from my training.

The training was excellent and very informative. I received a graduation certificate and upon graduation you can put CPE after your name when you sign documents as it is a worldwide recognized certification like PE, MM etc.

The highlights included:

Module 1 - The Intermodal Transportation System
Module 2 - The Port Industry
Module 3 - Port Governance and Management Concepts
Module 4 - Transportation Linkages-Voyage Frameworks
DAY 2 (0800-1700, Lunch break at 1200)
Module 5 - Harbors and Waterways
Module 6 - Port and Terminal Operations
Module 7 - Cargo Management
Module 8 - Cost of Transportation Modes
DAY 3 (0800-1700, Lunch break at 1200)
Module 9 - Regulatory Requirements and Legal Issues
Module 10 - Tariffs, Terminal Regulations and Operating Plans
Module 11 - Safety and Security
Module 12 - Emergency Planning and Response
DAY 4 (0800-1700, Lunch break at 1200)
Module 13 - Business Development and Planning
Module 14 - Property and Facility Management,
Risk Management and Marine Infrastructure
Module 15 - Administration and Finance
Module 16 - Public and Media Relations
DAY 5 (0800-1200)
Module 17 - Strategic and Master Planning

PRACTICAL EXERCISE

We toured the Port of Anchorage.

Attendees were:

Michael Lukshin	State of Alaska DOT Port and Harbors
Rich Wilson	Director, Port of Anchorage
Carl Uchytill	Juneau Port Director
Pete Williams	Bethel Port Director
Garry White	Sitka Private Port Director
Sue Lazlo	Port of Portland, OR Director, HDR Consultant
Murph O'Brien	HDR Consultant
Steve Ribuffos	Assistant Director, Port of Anchorage
Joy Baker	Port Director Nome
James Hinkle	CFO Port of Anchorage
Christy Terry	Seward Dock Operations Manager, Alaska Railroad
Terry Laughlin	CERES Manger Port of New Orleans

Thank you,
Phil

**Sheldon Museum
Monthly Staff Report
March-April 2013**

MARCH VISITORS

Local Walk-in	82
Paying Walk-in	13
Non-paying Walk-in	3
Children local and non-local	4
With School Group	51
Programs/meetings at Museum	284
Off-site Activity	21
In tours	0
Web Site Page Hits: 1,775 page views	
[813 visits (repeat visitors), 634 unique visitors (1-time visitor)]	

YEAR THROUGH MARCH

Local Walk-in	137
Paying Walk-in	22
Non-paying Walk-in	5
Children local and non-local	7
With School Group	70
Programs/meetings at Museum	389
Off-site Activity	66
In tours	0
page views	3,109

MARCH VOLUNTEERS

Number:	21		
Total Hours:	203.50	Hours Year Total	428.50

USE OF MUSEUM BY OTHER GROUPS

- Haines A cappella Women's Chorus
- Chilkat Valley Historical Society
- Bureau of Land Management
- Used for a concert by a visiting musician

UPCOMING EVENTS/PROJECTS

- William McRoberts 6-Week Spotlight 4/19 - 6/1
- Volunteer Party May 18
- Museums Alaska / Alaska Historical Society Annual Conference Sep. 25-28.

ADMINISTRATION and OPERATIONS

- BLM used the museum for a public meeting involving BLM land and helisking on March 6th.
- Joe Ordonez brought in the first tour of the season on March 29th. 24 students from Quebec.
- The KTOO documentary for the AMHS Anniversary was aired on public television on March 31st. Part of the interview with Marge Ward standing in front of the maritime exhibit was in the show.
- The volunteer appreciation party will be held on Saturday, May 18th at noon in the Chilkat Center Lobby.

EDUCATION

- Wednesday Walk and Talks included a trip with the 4th grade Haines Borough students, teachers, and parents to the Water Treatment Plant for a tour with Scott Bradford, and then on to Lilly Lake. Other walks went to Moose Meadows and to Pyramid Island.
- The first Saturday Walk and Talk was led by volunteers Paul Swift and Annie Boyce up the trail that Paul made in the early 1970's to the radio tower on Mount Ripinsky.
- The 2nd grade class came to the museum and "chose" an object from the Education Collection. Then with the help of visiting storyteller, Bret Dillingham, the students created, practiced, and then later performed their story before a packed house at the school. Public

recognition was given to the SMCC at this performance for the students, parents, faculty, staff, and community.

- The Tlingit Language class continues, and one of this month's classes was held in Klukwan

ARCHIVE

The archive was used 9 times in March.

- Contractor Andrea Nelson used the archive several times to research the ferry system for an exhibit.
- The restorer of a Fort Seward building researched the building and sought relevant historical photographs; with repeat visits.
- DOT asked for Haines Highway information
- A member of the Eldred Rock committee researched Eldred Rock buildings and keepers.
- A local person came in to do family research.
- Another local person sought ANB/ANS land claims.

COLLECTIONS

- Kris continues the Alaska State Museum and Ripin family funded project to reorganize and update locations on PastPerfect. Grants are being sought to continue the work with archive storage, especially with the map cased in the artifact storage room.

EXHIBITS

- About 30 people attended a reception for the **ANB 100th Anniversary exhibit**. David Light spoke about the ANB in Haines, Joe Hotch about the ANB in Klukwan, and Marilyn Wilson about the ANS in Haines.
- Mark Earnest arranged for the boards to be taken off the windows of the Gross Building. Mayor Scott and Mr. Earnest approved hiring Andrea Nelson to do a **50th Anniversary of the Ferry System exhibit** for the windows and at the Ferry Terminal. The museum will provide the paper, ink, etc.
- **Final Reception for the Bio Exhibit** was held April 7th from 3-5pm. Attendance was small but it did garner attention from the public. Bios continue to come in and, as well as adding them to the exhibit, Kris posts all the bios on the **Museum's Facebook page**. All of the bios will be added to the museum's archive. There has been an average of 300-500 views with the one on Mildred Sparks, posted on a Sunday, receiving 1,128 views!
- **Six Week Spotlight: William McRoberts Digital Art Photography** will be up April 19th through June 1st. The opening reception will be held April 19th from 5-7pm.

HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]

Director's Report

March 13, 2013

February Statistics

Monthly Circulation 6,817

Internet Use 864

Visits 4,357

Meeting Room Use: 32 groups, Total Attendance 148

Library Programs: 49, Total Attendance: 574

Updates

Jessie Morgan has been offered the position of Education/Cultural Coordinator. Jessie has been involved with the library in a number of ways. She worked with the Dragonfly project as a tutor and attended the Association of Tribal Archives, Libraries, and Museums conference in 2007, accepting the Guardian of Language, Memory and Lifeway's award for HBPL. She's also worked as a library page, a volunteer and, most recently, as an emergency hire for a library aide position. She comes to the position with passion for the library and enthusiasm for the current programs and projects.

We were surprised to realize, at the end of the month, that the library hosted and/or participated in 7 videoconference events this past month. The use will continue to grow. This is one reason to encourage the support of the Governor's budget to fully fund the statewide OWL project.

Programs

- Erik has stepped in for a portion of Jolanta's duties by taking Patty Brown's class on a field trip to one of the sites on our Storyboard. Sally Burratin will be available for the students to interview. John Hagen is assisting with filming the event.
- Holly has taken over the organization of the upcoming event, *Art of the Harp*, lecture and concert, scheduled for Tuesday, March 26 at 6:45. Portia Diwa, a harpist from San Francisco and Diana Stork, director of the Multi-Cultural Music Fellowship non-profit will be in Haines to share an educational and inspirational lecture-demonstration on the 3,000 year history of the Harp.
- Six students have signed up to participate in the Art Workshop with Jim Heaton.
- Meredith Pochardt, John Hagen, Jake Bell of CIA and I met to discuss some shared youth program ideas. We hope to include the youth in traditional food activities as a portion of our Storyboard program in April.
- The Irene Ingle Public Library in Wrangell will host our shared Cultural Program event. Tis Peterman of Wrangell will discuss the history and current renovation project of the Shakes Island Tribal House, Thursday, March 28th at 6:30 via videoconference.

Upcoming

- I will be attending AKLA March 21-25 in Valdez. This is also the time when the Alaska Library Network board has their yearly face to face meeting as well as our membership meeting. ListenAlaska partners meeting is scheduled for Sunday the 25th.
- Rebecca and Erik are scheduled to attend the Evergreen International Conference in Vancouver, BC, April 10-13.
- **Storyboard Unveiling, program and lecture, Monday April 8th**
- National Library Week is April 14-20. This year's theme is *Communities Matter @your Library*.



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

Director's Report April 2013

March Statistics :

Visits – 6,365

Internet Use – 1,265

Circulation*

Programs – 39, Attendance – 485

Meeting Room Use – 34, Attendance - 261

Updates

- National Library Week was filled with many events: a Storyboard scavenger hunt, Music in the Stacks - Monday through Friday, a comment sheet, fine free week and the volunteer dinner. Fifty people attended the volunteer dinner on Friday while one “Music in the Stacks” program expanded to a three hour concert with an appreciative audience.
- Rebecca and Erik attended the Evergreen International Conference, April 10-13, returning with new ideas and insights.
- Following discussion at the Alaska Library Network Board meeting at AKLA, a new scale has been decided upon for libraries subscribing to Listen Alaska. The scale is based primarily on population tiers which will drop our subscription cost from \$3000 to \$1500 per year. This cost continues to be covered by the Friends of the Library.
- Holly has already started planning for the Summer Reading program with the kick-off scheduled for the end of May.
- We will continue to work with Jila Stuart as we make the transition in our accounting from component to department status.

Enhancement Grant

- The Chilkat Valley Storyboard Unveiling was attended by over 100 people. Library staff is still thrilled to have had Dr. Thomas Thornton as our guest speaker. Following the event, he was headed to Los Angeles to participate in a symposium for geographers, titled *Geographies of Hope*. He shared with me that he had prepared his presentation for the event but had decided to change it and talk about the Storyboard project, if we approved. Of course, we said yes! Upon his return, he emailed us for pictures and any media coverage of the event as Oxford would like to add a story to their webpage. Sealaska Corporation has requested the same. I also received thank-yous from Tribal President, Harriet Brouillett and other tribal members. For those of you unable to make it, you missed a special event.
- We continue to share our monthly cultural programs via videoconference. This month's program has 10 libraries signed up to participate.
- I am currently working on the quarterly financial report for IMLS Enhancement grant.

OWL (Online with Libraries) Program Activities

- Jedediah continues to teach *Super Computer Basics for Seniors*. The class has been very successful with requests for extra practice sessions. We have fulfilled this need by having Jedediah teach a review session at the Senior Center from 9-11am on Tuesday mornings. The class will continue through mid-June.
- Our first videoconference event scheduled with a remote provider was attended by 36 students and adults. They worked in teams to create their own robots from a provided kit.
- I attended an OWL training event in Anchorage, April 16-18. The Haines library staff was asked to present a portion of the training for the second time. We will also present one of the sessions, via videoconference, for their final training event on May 23.

Upcoming

- The statewide ANLAMS (Alaska Native Library, Archives and Museums Summit) is planning a workshop for libraries at the end of May. I have requested scholarship funding in hopes that Jessie Morgan will be able to attend.
- I will be attending the ATALM (Association of Tribal Archives, Libraries and Museums) conference in June. This is the required conference for Enhancement grant reporting. I was also previously invited to participate on a panel for one of the sessions to talk about our project and how we got started.
- I am working on securing funding so Erik is able to attend the ATALM conference as well.

*The reports module in Evergreen is currently down so I am unable to gather statistics at this time.

April 2013 Haines Vol. Fire Dept. Monthly Report

The Haines Vol. Fire Dept. had six fire callouts in April. Calls included a motor home fire with the fire out upon arrival, a controlled burn in a barrel that got out of control, a motor vehicle accident canceled en route, a standby for a possible avalanche, a false alarm, and a chimney fire canceled en route. Fire callouts for 2013 total 23. The Haines Vol. Fire Dept. responded to 17 ambulance callouts in April. Calls included an altered level of consciousness, one with abdominal pain, one with general weakness, three with respiratory distress, one experiencing nausea and vomiting, a fall, two with stroke like symptoms, one snow machine accident with a shoulder injury, one with extremity trauma, a patient refusal, a standby for possible avalanche injuries and 3 medivacs/ transports. Ambulance callouts for 2013 total 78. There was no SAR callout in April.

The first joint meeting for April was a business meeting followed by a Critical Incident Stress Management presentation by Liana Shull (a local mental health counselor). Certain types of calls affect people differently and we want our responders to be both physically and mentally healthy. Following the CISM presentation was the classroom portion of our Drivers training. The ambulance training was a class on Behavioral emergencies presented by new member Penny Fossman a nurse that works with patients with these types of conditions in Juneau part time. The fire training was a wild land fire presentation by fire Lt. Roy Josephson & fireman Greg Palmieri, both local forestry representatives. Thanks to all that share their expertise on different training topics.

Paul Lorentz is our newest fire company member. Al Giddings passed his probationary vote for the fire and Rosalie Loewen for the ambulance company.

Julie Anderson, Jenn Walsh and Al Badgley attended the SEREMS Symposium in Sitka. Julie helped teach some classes, Jenn became a certified BLS CPR Instructor and all attended classes with topics including Gun Shot Wounds, Traumatic Brain Injury, Pediatric Emergencies, Spinal Trauma, Giving a run report, Stroke care, and How Sick am I.

Our membership voted to renew our medivac insurance policy with Apollo and pay for basic blood screening for members at the Health Fair. Thanks goes out to Julie Anderson, Thom Andriesen, Jenn Walsh, Chuck Mitman, and Al Badgley for drawing blood and to Darwin Feakes and Penny Fossman for helping out with other areas.

Many still come in for more training thanks for the extra effort.

Volunteer Hours for April 2013

HVFD Fire	152	HVFD Ambulance	386
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Volunteer Hours for all 2013

HVFD Fire	708	HVFD Ambulance	1048
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Total volunteer hours HVFD for 2013	1756	Hours
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Respectfully submitted,



Al Badgley
HVFD Training Officer

Chilkat Center for the Arts

A Community Facility Operated by the Haines Borough

(907) 766-3573

facsimile (907) 766-3574

E-mail business@khns.org

Facility Administration Report

April 2013

Usage

April has been a month of eclectic performances and preparation for the tourism conference in May. The Green Room, Basement hallway and floor and upstairs hallways were washed and painted by board members. Organization and cleaning ensued to make sure the center was in good condition for our visitors.

The Lynn Canal Community Players produced “Dinner with Friends” with Tod Sebens directing three performances. Working with the Skagway Arts Council, Skagway residents had an opportunity to take the boat over and back to see the play which many took advantage of. The Haines Arts Council hosted the Hatch Magician Academy and the regular classes took place over the month including a special yoga workshop.

- May is off to a good start with the Yukon Travel Industry Association conference on May 3rd and 4th, “lunchbox” yoga classes during the noontime hour and various meetings and luncheons.

Governance of the Center

The Chilkat Advisory Board and the Friends of the Chilkat Center Board worked together to bring about much of the cosmetic sprucing up of the center this past month. Currently the two boards are acting as one but an upcoming meeting is set to separate and define the boards and their individual roles more clearly along with electing officers for each board as recommended in the Chilkat Center Strategic Plan set up with the help of Cecily Stern and Ann Myren.

In order to accommodate the need for a conference space, the Board(s) have been asked to consider putting in place policies and/or equipment that will facilitate a more comfortable and clear experience for the attendees.

Maintenance

*The main upstairs hallway and the basement floor were freshly painted by Annette Smith in time for the conference in May

*The auditorium ceiling is waiting for repair from the fall roofing mishap.

*The auditorium has some fixtures along the side of the theater that we’ve asked to have activated so there will be more light in the wings when tables are set up there.

*The ladies restroom in the lobby has a small leak that is being addressed

*When the regional Fire Marshall visited the Chilkat Center, the building passed on all counts but were advised that we keep the snow blower in the scene shop area and out of the theater (where it is often stored for easier access to the outside). In lieu of an outside shed, a ramp will be built to get it out through the scene shop back door

*We have a tremendous amount of paint in the scene shop that could be assessed by LCCP to see what is worth keeping. Summer is a good time as there will be toxic and waste disposals.

Submitted by Facilities Manager, Kay Clements, April 2013



Chilkat Center for the Arts			
Apr-13			
Contact	Function	Participants	Amount
	Dance Studio		
SEARHC	Yoga Tuesday and Thursday 5:15-6:30, Sun 9:30am, 2 week noon - 1pm	442	435
Chorus Bishop	Seibukan Jujitsu --	116	300
	Lobby		
SEARHC	Morning Muscles	93	120
St Michael's	Sunday Services	80	300
SEARHC	Strongwoman	55	120
Haines Arts Council	Hatch Magician Academy	90	75
	Basement		
Haines School	Whale Assembly w/ Mario Benassi Sr.	10	n/c
	Conference Room		
FCCA	Board Meeting	8	n/c
	Auditorium		
LCCP	Dinner with Friends	400	1300
	Kitchen		
Sarah J		1	250
	April Totals	1295	\$2,900



**Haines Borough
Planning Commission Meeting
March 14, 2013
MINUTES**

Approved

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

2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Rob **Miller**, Lee **Heinmiller**, Don **Turner III**, Danny **Gonce**, Andy **Hedden**, and Robert **Venables** (Call-in).

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Mark **Earnest**/Borough Manager, Jila **Stuart**/Borough Chief Fiscal Officer

Also Present: Albert **Sacks**, Pam **Long**, Jan **Van Dort** (Call-in), James **Studley**, Tim **Mullikin** (Call-in), Lenise **Henderson**, Ady & Stan **Milos**, Maria **Paquet**, Chip **Strong**, Ron **Jackson**, Nick **Trimble**, Chris **Brooks**, Diane **Lacourse**, Leanne **Converse**, Scott **Sundberg**, Karen **Garcia** (CVN), Bill **Kurz**, and others.

3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda” It was seconded by **Gonce**. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – February 14, 2013 Regular Meeting

Motion: **Gonce** moved to “approve the February 14, 2013 Regular Meeting Minutes.” It was seconded by **Hedden**. The motion carried unanimously.

5. **PUBLIC COMMENTS** – None

6. **CHAIRMAN’S REPORT** - None

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

8. **PUBLIC HEARINGS**

A. Albert Sacks – Vacation-Purchase of Borough-Owned Real Property

Goldberg opened up the public hearing at 6:35 p.m.

Long stated that she is working as an agent on behalf of **Sacks** who is seeking to obtain a vacation-purchase of a portion of the Borough right-of-way directly to the north of his property. His existing structure (Summer Inn) encroaches into the Borough right-of-way by approximately 0.73 feet along the length of his building (approximately 68.57 feet). The building maintains a current lease allowing the continued location of the northerly wall encroachment dated August 11, 1986, and the duration of this lease was established for 30 years. Mr. **Sacks** is seeking a permanent solution to this issue through the Vacation-Purchase of 0.73 feet of the northerly alley right-of-way along the entire 117.42 feet of the property’s northern lot line.

Goldberg closed the public hearing at 6:37 p.m.

Goldberg mentioned we had a similar situation before. **Comerford's** house encroaches into the Borough right-of-way, and the Borough approved an easement lease with **Comerford** for the encroachment area with another 30-year lease term. **Goldberg** repeatedly stated that **Sacks** requested to purchase a portion of the Borough right-of-way, but he was concerned that there is no guarantee that the house will remain forever, therefore it is better to continue a lease of the easement for another 30 years.

Motion: Miller moved "not to sell a portion of the Borough right-of-way to **Sacks**, but instead to negotiate a 30-year lease of an easement for the portion of his building that encroaches into the Borough right-of-way." It was seconded by **Gonce**. The motion passed unanimously.

B. Lynnvista Estates – Preliminary Plat Review

Goldberg opened up the public hearing at 6:51 p.m.

Converse questioned what the purpose of this preliminary plat is. She is concerned about the traffic issues. If the upper portion will be accessed by Barnett Dr.; and the lower portion will be accessed by Oceanview Dr., then no one will be required to build a loop through the whole subdivision.

Van Dort stated that this Lynnvista Estates Phase II plat is to subdivide lot 4 into 2 lots. Subdividing lot 4 makes it easier for the future developers to do further subdivision of the land.

Studley commented that the property will be re-subdivided in the near future, and it still has to go through the Planning Commission review process. He believes that the public safety issues, access issues and water/drainage issues will be considered at some point of time.

Heinmiller questioned **Earnest** if there is any drainage plan in the PND Engineering Report proposed in Jan **Van Dort's** Subdivision.

Earnest answered that the Borough may need drainage easement running across the subdivision. The PND proposed drainage plan is to increase the flow in the existing drainage by diverting large quantities of water through the relatively small ditches.

Van Dort said the culvert he will install eventually under the Barnett extension is 48 inches in diameter and will be large enough to handle the flow.

Goldberg closed the public hearing at 7:02 p.m.

Turner mentioned that the potential of developing the loop through the subdivision is his only concern. If only one of the lots is sold, then it will be difficult to develop the loop. But other than that, the whole idea of this plat meets the Borough code.

Motion: Turner moved to "approve the Lynnvista Estates preliminary plat." It was seconded by **Miller**. The motion passed unanimously.

C. Haines Borough – Excursion Inlet Municipal Selection Preliminary Plat

Goldberg opened up the public hearing at 7:04 p.m.

Earnest stated that the Borough is requesting the Planning Commission to approve this revised preliminary plat, in order to permit the long-delayed conveyance of this land selection from the State to the Borough to move ahead.

Mullikin stated that the preliminary plat was approved in March, 2011 and the final approval plat was approved in June, 2011. After the final approval by Haines Borough

Planning Commission and Alaska DNR Survey Division, the final plat was sent to Ocean Beauty for their signature. Ocean Beauty would not sign the plat, requesting that easements over their water lines be added to the ASLS plat. However, DNR Survey Section has been consistent in the past of not allowing the utility easement to be created by the ASLS plat. Since summer of 2011, Haines Borough, Ocean Beauty and DNR have debated the easement issue. The ASLS survey was put on hold pending the outcome of those easement negotiations. After conferring with the Attorney General's office, the DNR Survey Section issued a letter authorizing the Haines Borough as future landowner to proceed with final filing of the ASLS plat without Ocean Beauty's signature. **Mullikin** continually stated that the current plat has been modified as Ocean Beauty has been removed as a signatory from the Index Sheet, the ADL designations for Tracts M and N have been removed, and a portion of the easement along Neva Lake has been removed. However, according to Haines Borough Code 18.100.090, it requires the depiction on the plat of existing utilities. The Borough proposes to comply with the Borough code, by obtaining the Planning Commission's approval, but also obtaining a maximum delay of 180 days in the effective date of Commission approval, to permit the Borough to reach a possible mutual agreement with Ocean Beauty Seafoods regarding the location and extent of utility easements that need to be depicted on plat before its recording.

Goldberg closed the public hearing at 7:16 p.m.

Motion: Gonce moved to "approve the Excursion Inlet Municipal Selection Plat, to take effect not later than 180 days following tonight's meeting. If no mutual agreement is reached within the requested 180 days, the approval would be made effective on the 180th day, and the Borough would thereafter be authorized by that approval to record the plat with those utilities it believes should be depicted." It was seconded by **Heinmiller**. The motion passed unanimously.

9. **UNFINISHED BUSINESS** - None

10. **NEW BUSINESS**

A. **Historic District/Building Review**

1. **Henderson Family Properties – Historic Pryor Drug Building Front Remodel**

Henderson stated that she is requesting for the Planning Commission to approve front remodeling on the Pryor Drug building. Originally she tried to repair the concrete, but it kept falling off. She went to the Sheldon Museum, did research on this building to figure out what it looked like back to 1916. **Henderson** is seeking the Planning Commission's permission to restore the building by installing cedar siding, new moldings for windows, new trim board, a new door, and replacing the windows.

Motion: Heinmiller moved to "approve the Henderson front remodeling on the Pryor Drug building." It was seconded by **Miller**. The motion passed unanimously.

B. **Haines Borough Code Amendments** - None

C. **Project Updates** – None

D. **Other New Business**

1. **Possible Rezoning of the Eagle Vista Area and the Carr's Cove Area**

Goldberg stated that tonight the Planning Commission is still not going to take any actions, he just wanted to provide information and answer the questions/comments from the audience.

Milos mentioned that the Master Declaration of Covenants, Conditions and Restrictions (CCRs) for Eagle Vista Subdivision was recorded in Haines Borough on August 28, 2000. The Borough in effect signed off and accepted these CCRs. The University of Alaska could not have sold property under those CCRs if the Borough did not agree to them. Based on property tax assessments, the Borough accepted and endorsed those CCRs by accepting the tax from those properties. If the CCRs are more restrictive than the Borough regulations, then what is the purpose of rezoning? The CCRs are binding on all parties for 25 years from the year 2000. The CCRs are legally in effect, whether or not the Planning Commission chooses to acknowledge them.

Paquet said that they bought property in Eagle Vista because it is in the General Use Zone and has CCRs. She does not think those CCRs are over-restrictive. CCRs are very well-drafted legal and binding documents, and also anticipate the potential for future zoning changes. She does not see any benefits to the residents of Eagle Vista in this zoning change.

More discussion ensued.

Turner said he thinks it is a done deal for now until someone comes with 51% of the property owners proposing rezoning to the Planning Commission. He does not see any reasons to change the zoning now.

Heinmiller said he appreciates people came to the meeting, and gave opinions.

No rezoning action was made.

2. Classification of Lands for Sale

Goldberg mentioned there are four properties that have been foreclosed on by the Borough. Title 14 requires that no land which the Borough owns or has an interest shall be sold until it has been classified for sale by the Planning Commission.

Motion: Venables moved to “classify for sale the four foreclosed properties that have returned to Borough ownership”. It was seconded by **Turner**. The motion passed unanimously.

3. ADOT & PF Sidewalk Project

Turner questioned if the state road maintenance crew will take the responsibility of maintaining this new sidewalk.

The Borough Manager **Earnest** will speak to ADOT&PF and pursue these issues.

No motion was made.

4. Downtown Revitalization Committee

Motion: Heinmiller moved to “recommend to the Assembly the creation of the Downtown Revitalization Committee (DRC) as an ad-hoc committee of the Borough. The DRC will have 7 members appointed by the Mayor with seats designated as follows: 1 Planning Commission, 1 Chamber of Commerce, 1

Chilkoot Indian Association, 3 Downtown Business Owners and 1 Downtown Resident.” It was seconded by **Turner**. The motion passed unanimously.

11. **COMMISSION COMMENTS** - None
12. **COMMUNICATION** - None
13. **SET MEETING DATES** – The next Regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, April 18th, 2013.
14. **ADJOURNMENT**– 8:35 p.m.

SHELDON MUSEUM AND CULTURAL CENTER, INC
Board of Trustees Meeting Minutes
Wednesday, March 20, 2013, at the Sheldon Museum

CALL TO ORDER: 1:16 p.m. by Acting Board President Jim Heaton

ATTENDANCE: BOARD – Bob Adkins, Pam Randles, Jim Heaton, Anastasia Wiley, and Jim Shook: **STAFF** – Jerrie Clarke, Kris Reeves (part time): **BOARD LIAISON** – None

ADDITIONS TO THE AGENDA: None

APPROVAL OF AGENDA: M/S Pam & Jim S., approved unanimously

APPROVAL OF MINUTES: M/S Anastasia & Jim S. – approved unanimously

CORRESPONDENCE/VISITORS: Lengthy phone call to Steve Mahoney, tax attorney and one of the original staff of Alaska Community Foundation, who explained the different options and ramifications of investing in the Alaska Community Fund. He also answered a number of questions from Board members. Discussion will follow under Old Business.

STAFF REPORT:

- See two page handout in packet
- Kris explained SMCC's new FaceBook page, community website, and electronic newsletter. These three are all linked together now.
- Conference update - see handout in packet for main details. Mid Arctic Technology Services (Whitehorse) has requested to be a sponsor for the conference.
- Anastasia has offered to do an archeological tour of Chilkoot for conference attendees.

FINANCIAL REPORT: See Fund Balance Sheet handout in your package.

- The appraised value of SMCC's parcel in Port Chilkoot went up 300%.

COMMITTEE REPORTS:

- Eldred Rock Committee will meet later this evening to discuss assessment plan, incorporation plan, visitation plan. ERC is sponsoring a logo contest with a Whale Watching tour in Glacier Bay as the prize.

OLD BUSINESS:

- Totem Pole – deadline postponed until mid-April.

- SMCC Retreat is scheduled for Saturday, April 20, in Anastasia's bomb shelter.
- Strategic Plan meetings will be Friday April 26 from 9 a.m. until 3 p.m. (Bomb shelter) and Saturday April 27 from 10 a.m. until 1 p.m. (Museum)

M/S Anastasia & Jim S. to table the CVHS Endowment discussion. Approved.

NEW BUSINESS: M/S Anastasia & Pam to table the Store Committee discussion.

- Jerrie will actively advertise for a summer season intern. Intern will live with Melissa Aronson and be paid a stipend of approx. \$1,000.
- Jerrie will also actively advertise for a janitor and a new summer aide.

- Jerrie will arrange a meeting to survey Chilkat Valley assets and desires for cooperating with SMCC during the September conference.

BOARD DISCUSSION: It was agreed that Jerrie will submit bimonthly reports to Board members.

COMMITTEE MEETINGS: None scheduled.

NEXT BOARD MEETING: Regular Board Meeting –Wed., April 17, 2013, at 1:00 p.m.

MEETING ADJOURNED at 2:48 p.m.

Respectfully submitted,

Bob Adkins, secretary

Haines Borough Public Library
Approved Meeting Minutes
3/13/13

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

Call to Order: 4:06pm

Additions or Revisions to Agenda
Add Staffing under items for discussion.

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 2/20/2013
Director's Report

M/S Alborough/Pochart to accept the agenda as revised. All approved.

Financial Report

Treasurer's Report for February (Dick)
Checking: \$21,452.01
Savings: \$14,202.46
CD: \$20,503.81
Everything reconciled through Feb.
Register was passed around for signatures.

Items for Discussions

OWL and legislative finance committee
Status of funding is still unclear as it is a line-item in the Governor's budget. The video conferencing unit is getting more and more use. Suggestion for the Board to rend a resolution to the Senate Finance Committee indicating support for OWL and Live Homework Help. Also need some media and web publicity about the OWL program. Patty will send board members some messaging and email addresses.

Department Unit – changes for library

Patty is discussing details of checking, savings and CDs with the Borough accounting department. Having our own checking is OK, but savings and CDs need to be dissolved. The Friends will receive those funds. It will need an assembly resolution. Recommendation is to keep \$5000 in savings.
M/S Flegel/Alborough to keep \$5000 in savings and have the balance go to the Friends.
All approved.

Budget discussion updates

Patty submitted the budget to the Borough with a cover letter explaining the 2% increase in our request and all the activities we offer.
COW meeting is April 9 at 4:30pm. Some board members should plan on attending.

Public hearings will be in May.

Building updates

Patty has addressed our addition plan with Mark and Stephanie. They agree that we could proceed. Combining CIP funds to move forward on designs and plans was also approved. Patty has approval to move ahead with Carlos and MRV (using Larry's design as a starting point). The library addition is also on the legislative library construction list.

Board positions & policy consideration

JoAnn presented a policy amendment suggesting that we open the board to have seasonal seats. We'd have 9 voting members, but more actual board members. There is no prohibition in Borough code. Suggestion to designate two seats as seasonal seats (filled by 4 people) and 7 core seats. Policy committee to refine the wording (to be run by Julie Cozzi and then voted on next meeting).

National Library Week and Volunteer Dinner

April 14-20. Theme is "Communities Matter"

Volunteer dinner is April 19. Friends to provide the potatoes. Board to provide the fixings.

Staffing

Jessie Morgan hired as Education Coordinator.

Patty wants to promote 2 staff members.

M/S Gala/Ross-Cunningham to approve the promotion of Angie Papas and Rebecca Heaton. All approved.

Other

Radio

March 15 (Meredith), March 22 (Stacey), April 12 (Dick), April 19 (Heather)

Board Comments

Story Board: interest is growing and Meredith updated the board on collaboration with Jake Bell at CIA and potential involvement in the April 8th unveiling event. More info will be coming via email once details are finalized.

Friends will be tasked with straightening out the decoration storage.

Director's Comments

Next Meeting: April 17 at 4pm

Adjournment: 5:21pm

James Alborough
907-766-2082

Haines Borough Public Library
Approved Meeting Minutes
2/19/13

Call to Order: 4:06pm

Present: James Alborough, Meredith Pochardt, Anne Marie Palmieri, Stacey Gala, Patty Brown, Heather Lende, Lorrie Dudzik, Dick Flegel, Cecily, Jo-Ann Ross Cunningham

Additions to Agenda and Consent agenda

No additions.

M/S Dudzik/Pochardt to approve the consent agenda

Financial Report

Treasurer's report

Checking: \$49,728.35

Savings: \$14,202.46

CD: \$20,503.81

Report was passed around for signatures.

Items for Discussion

Legislative information update:

Follow up to Stephanie's visit at the last meeting about using the library as a LIO. The tricky part is coming up with a staffer to run the LIO.

FY 14 Budget Draft:

Patty presented the draft budget with two funding options: flat and with a 2.5% increase (insurance and union increases). Recommendation to ask for the 2.5% increase. Some discussion about the library fund balance and the intent is still to have the borough cut a check to the Friends.

M/S Alborough/Flegel to present the budget with the 2.5% increase. All approved.

FY 14 CIP Request

Patty submitted the CIP request on the 15th. Patty request that the Borough combine the past year's CIP requests into one request. Patty also submitted a request for a new phone system for conference calls. Carlos put the boiler system on his emergency CIP list.

Director Evaluation

Anne Marie took all of the input from all the board members and consolidated it into a single evaluation document. All numbers were averaged. Personnel committee met to review and Anne Marie met with Patty on 2/19/13 and reviewed the evaluation. In summary, Patty is doing a fantastic job. A particular highlight is the way the staff is a cohesive and motivated team, thanks to Patty's leadership. Praise also for the energy infused into the institution.

M/S Lende/Dudzik to approve the evaluation. All approved.

Staffing: timeline for new hire

Deadline has been extended to Feb 20 due to some changes to the job description and application. Any interviewer who is also a reference for an individual will need to recuse themselves.

Radio:

March 8 - Heather, March 15 - Meredith , March 22 - Stacey

Board comments

Thanks to Patty.

Commendation on smooth budget and evaluation process.

Jim Heaton's art installation is still in the works.

Director's Comments

Patty reported on the cleaning. The carpets were filthy and Nishon recommended more frequent cleaning (once a year). It costs approximately \$2200 to clean.

Patty thanked the board for the board support.

Next meeting:

March 13 4pm

Adjournment: 4:50pm

James Alborough



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-273
Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Correct Manifest Clerical Error and Authorize Refund of Taxes Incorrectly Paid	1. Resolution 13-05-458 2. Report from Assistant Assessor
Originator: Assistant Assessor	
Originating Department: Assessment/Lands	
Date Submitted: 5-1-13	

Full Title/Motion:
Motion: Adopt Resolution 13-05-458.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 7,815.29	\$	\$

Comprehensive Plan Consistency Review:

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

Summary Statement:

A clerical error has been discovered involving real property account C-SEC-26-0200 that began 1/1/98. prior to 1998, this property account was active with a legal description of T30S R59E SEC 26 NE portion of SE 1/4 of NW 1/4 4.32 acres. Sept 1997, Plat 97-23 Skyline Estates Subdivision was recorded, thereby changing the account with the development of Lots 5 through 9 that were a part of the new plat and since that time the property has been taxed correctly. Effective 1/1/98 account C-SEC-26-0200 should have been deleted and no longer taxed, but taxes were paid each year from 1998 through 2012. The owner of record, Highland Estates, Inc., c/o Roger Schnabel, has requested a full refund totaling \$7,815.29 of property taxes paid in error. HBC 3.74.260(C) states that the assembly may correct manifest clerical errors at any time. Code also authorizes the assembly to grant tax refund requests for more than one tax year.

Referral:

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

A Resolution of the Borough Assembly correcting a manifest clerical error involving real property account C-SEC-26-0200 for tax years 1998-2012 and authorizing a full refund in the amount of \$7,815.29.

WHEREAS, staff discovered a clerical error involving real property account C-SEC-26-0200 that began January 1, 1998; and

WHEREAS, prior to 1998, this property account was active with a legal description of T30S R59E SEC 26 NE portion of SE 1/4 of NW 1/4 4.32 acres; and

WHEREAS, in September 1997, Plat 97-23 Skyline Estates Subdivision was recorded, thereby changing account CSEC-26-0200 with the development of Lots 5 through 9 that were a part of the new plat and since that time the property has been taxed correctly; and

WHEREAS, effective January 1, 1998 account C-SEC-26-0200 should have been deleted and no longer taxed, but the following taxes were paid:

1998 - \$410.90
1999 - \$410.90
2000 - \$490.30
2001 - \$490.30
2002 - \$479.58
2003 - \$479.58
2004 - \$458.54
2005 - \$512.49
2006 - \$629.65
2007 - \$629.65
2008 - \$556.13
2009 - \$556.13
2010 - \$578.43
2011 - \$578.43; and

WHEREAS, the Haines Borough Code authorizes the Manager to grant a refund of taxes requested for a single tax year, but not multiple years; and

WHEREAS, HBC 3.74.260(C) states that the assembly may correct manifest clerical errors at any time; and

WHEREAS, Haines Borough Code authorizes the Assembly to grant tax refund requests for more than one tax year; and

WHEREAS, the owner of record, Highland Estates, Inc., c/o Roger Schnabel, has requested a full refund totaling \$7,815.29 of property taxes paid in error; and

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly authorizes the Manager to make tax refunds for the 1998 through 2012 tax years, as proposed, to Highland Estates, Inc., c/o Roger Schnabel.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2013.

Attest:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk



Memo

Date: 5/1/2013
To: Haines Borough Assembly
Cc: Mark Earnest
Borough Manager
From: Dean Olsen
Assistant Assessor
Re: Manifest Clerical Error on account C-SEC-26-0200

While providing property information for the 2013 appeal process, it was discovered that real property account **C-SEC-26-0200** has been the subject of a clerical error since January 1, 1998. The following is the history of this account:

- Prior to 1998 this account was active under the property I.D number **C-SEC-26-0200** with a legal description of T30S R59E SEC 26 NE PORTION OF SE 1/4 OF NW 1/4 4.32 ACRES. The owner of record is listed as: **C/O ROGER SCHNABEL, HIGHLAND ESTATES, INC., HC 60, BOX 4800, HAINES, AK 99827**
- In September of 1997, **Plat 97-23 Skyline Estates Subdivision** was recorded, therefore changing account **C-SEC-26-0200** with the development of Lots 5 through 9 that were a part of the new plat. As of January 1, 1997, however, **this account was taxed correctly.**
- On January 1, 1998 per **Plat 97-23** for **Skyline Estates Subdivision**, account **C-SEC-26-0200** should have been **deleted**, and no longer taxed as the vacant 4.32 acre parcel it was the previous year. A comparison of the **Haines Borough City Map & Plat 97-23** will show that the subject parcel of 4.32 acres became part of **Lots 5-9** in the **Skyline Subdivision** in the fall of 1997.
- An appraisal by Horan, Corak & Company in July of 1997 & letters from the Haines Borough Assessor to the owner of record in September of 1997 addressing the influence of the **Skyline Estates Subdivision** on account **C-SEC-26-0200**, indicate that the owner of record and the Haines Borough were both aware that the original 4.32 acre parcel was subject to change; and would become parts of Skyline lots 5-9 with the development of the **Skyline Estates Subdivision.**

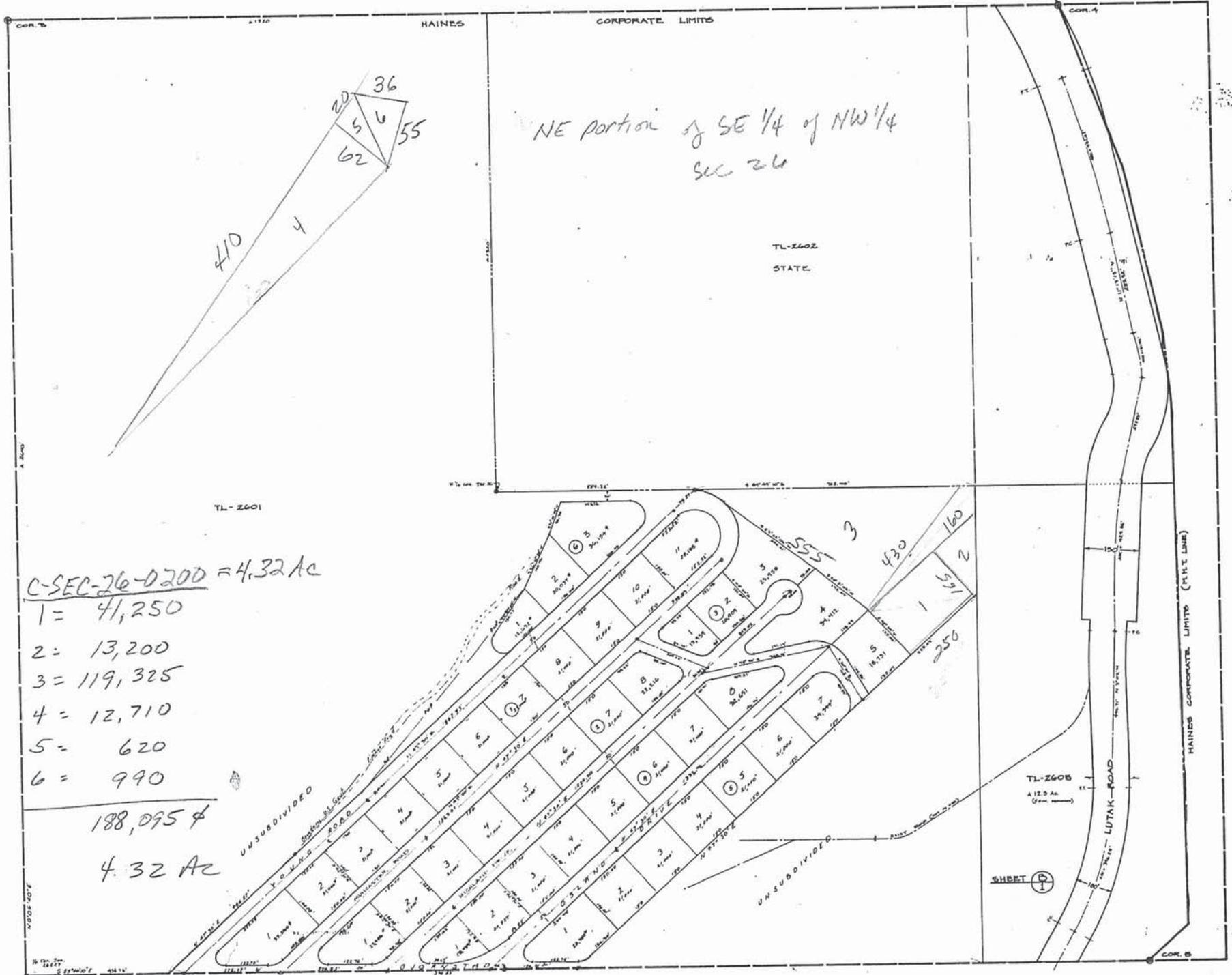
After reviewing Alaska Statue **AS 29.45.500**, and Haines Borough Code **3.74.260 Refund of taxes**, I consulted with the Office of the State Assessor, (OSA). Being in compliance with Alaska Statue and Haines Borough Code, the assessor has the authority to approve a refund of past taxes paid, plus interest, on the account in error, (C-SEC-26-0200), only for the years 2013, & 2012. However, the Assembly has the authority to grant any, or all prior year tax payments with interest per AS 29.45.500.

Since the Assessor only has the authority to approve a refund for the year immediately prior to discovery of the clerical error, and the owner of record has requested a **full** refund of all taxes paid in error, determination of an appropriate refund should be made by the Haines Borough Assembly.

Please review all additional documentation I have included with this memo for greater insight into the manifest clerical error that occurred with account **C-SEC-26-0200**. It is recommended that you use the history of this account, the related documentation provided, Alaska Statue, and Haines Borough code to guide your decision for appropriate, legal compensation to the owner of record on this account.

Sincerely,

Dean Olsen
Assistant Assessor
Haines Borough Land Department



NE portion of SE 1/4 of NW 1/4
Sec 26

TL-2602
STATE

TL-2601

C-SEC-26-0200 = 4.32 Ac
 1 = 41,250
 2 = 13,200
 3 = 119,325
 4 = 12,710
 5 = 620
 6 = 990
 188,095 \$
 4.32 Ac

HAINES BOROUGH MAP
 CITY AREA
 FRAC. SEC. 26, T30S, R59E, GRM.

SCALE: 1" = 100'

SHEET 1

TL-2605
 412.3 Ac
 (from previous)

HAINES CORPORATE LIMITED (M.I.T. LINE)

CITY OF HAINES PLAT APPROVAL
 THE UNDERSIGNED HEREBY CERTIFY THAT THIS SUBDIVISION PLAT
 HEREIN HAS BEEN FOUND TO COMPLY WITH RC 86.030.010 AND
 THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE
 HAINES RECORDING OFFICE.

DATE: 9/10/97
 Mayor: *Jim Collins*
 City Clerk: *Susan Johnston*

SECTION 26 (N.A.P.)
 ZONING DISTRICT:
 DEVELOPMENT

CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT I AM THE MAYOR OF HAINES BOROUGH
 AND THAT THE HAINES BOROUGH IS THE OWNER OF THE PROPERTY
 SHOWN AND DESCRIBED HEREON. I HEREBY ADAPT THIS PLAT FOR
 THE HAINES BOROUGH WITH MY FREE CONSENT AND RESOLVE ALL
 EASEMENTS, ROADS, TRAILS, PARKS AND OTHER OPEN SPACES TO
 PUBLIC AND PRIVATE USE AS NOTED HEREON.

DATE: 9/10/97
 Mayor: *Jim Collins*
 City Clerk: *Susan Johnston*

NOTARY ACKNOWLEDGEMENT
 THIS IS TO CERTIFY THAT ON THIS DAY OF 09/10/97, BEFORE ME THE UNDERSIGNED,
 A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COUNSELLED AND SWORN, APPEARED
 KNOWN TO ME TO BE THE MAYOR OF HAINES BOROUGH AND WHO EXECUTED THE ABOVE
 AND FOREGOING INSTRUMENT, AND ADJUDICATED TO ME THAT HE UNDERSTOOD AND
 SEALED THE SAME VOLUNTARILY FOR THE PURPOSES THEREIN MENTIONED. WITNESS MY
 HAND AND OFFICIAL SEAL OF OFFICE ON THIS DATE IN THIS CERTIFICATE
 FIRST ABOVE WRITTEN.

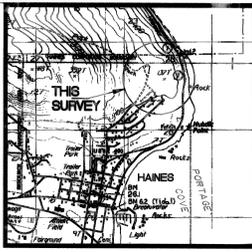
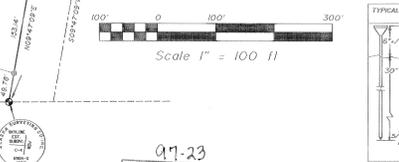
NOTARY PUBLIC FOR THE STATE OF ALASKA, HIS COMMISSION EXPIRES 10-12-97

CERTIFICATION OF HAINES BOROUGH ASSESSOR
 I CERTIFY THAT THE APPLICANTS IS (ARE) NOT DELINQUENT ON
 PROPERTY TAXES FOR THE PROPERTY SPECIFIED ON THE
 PLAT SURVEY HEREON.
 DATE: 9-10-97
 DANIEL TURNER, HAINES BOROUGH ASSESSOR

- GENERAL NOTES
- THE BASIS OF BEARINGS AND BASIS OF POSITION FOR THIS SURVEY WAS THE RECOVERED B.L.M. BRASS CAP MONUMENT AT THE CORNER OF SECTIONS 27 AND 28, 29 AND 30, A 3/4" OPEN PIPE, HAVING AN ACCEPTED BEARING OF 100°54'00" ON P.L.C. AT THE HAINES RECORDERS OFFICE. THIS SURVEY IS FURTHER BASED ON THE RECORD PLAT OF YOUNG'S SUBDIVISION, PLAT NO. 74.3, ON FILE AT THE HAINES RECORDERS OFFICE.
 - THE COURSES AS SHOWN HEREON ARE NOTATED ABOVE THE BASIS OF BEARINGS AND MAY BE SET FROM THESE COURSES.
 - THE LOTS IN BLOCK B AND LOT 15, BLOCK C ARE HEREBY DEDICATED FOR THE USE OF THE ENVIRONMENT OF THE PUBLIC.
 - THE ACCURACY OF THIS SURVEY IS GREATER THAN 1:5000.
 - ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA, WITHIN 500 FT. OR MORE OF A SURVEYED SECTION LINE MAY BE SUBJECT TO A 50' WIDE EASEMENT, WHICH IS RESERVED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS AND OTHER PURPOSES FOR A.S. 86.0300 UNLESS SUCH SECTION LINE HAS BEEN VACATED.
 - LOCAL HIGHWAY RIGHT-OF-WAY HAS BEEN SURVEYED BY UTILITIES EXISTING ALASKA DEPARTMENT OF TRANSPORTATION CENTERLINE MONUMENTS AS SHOWN HEREON AND SUPERVISED BY HAINES LUTAK ROAD RIGHT-OF-WAY MAP, ALASKA PROJECT NO. F-89-000.
 - SOME LOTS MAY INCLUDE INDIVIDUAL SEWER LIFT STATIONS.
 - THIS SURVEY WAS CONDUCTED AT THE REQUEST OF HAINES BOROUGH, P.O. BOX 208, HAINES, ALASKA 99827.

LEGEND

- LOT LINES
- SUBDIVISION BOUNDARY
- ROAD CENTERLINE
- PRIMARY MONUMENTS RECOVERED THIS SURVEY (B.U.M.)
- SECONDARY MONUMENTS SET THIS SURVEY (B.U.M.)
- PRIMARY MONUMENTS SET THIS SURVEY
- SECONDARY MONUMENTS SET THIS SURVEY (LOT CORNERS)
- ADJUT CENTERLINE MONUMENTS RECOVERED POINTS OF INTERSECTION



VICINITY MAP
 SKAGWAY (B-2) SE QUADRANGLE
 SKAGWAY (A-2) NE QUADRANGLE
 HAINES BOROUGH, ALASKA

CURVE	LENGTH	DELTA	RADIUS	SECTION	CHORD
C1	59.56	104°27'00"	300.00	N09°30'00"W	52.38
C2	102.98	100°00'00"	500.00	N00°00'00"W	100.00
C3	400.02	27°07'18"	1000.00	N02°39'44"W	399.99
C4	65.30	17°49'00"	300.00	N05°16'34"W	65.04
C5	65.89	100°00'00"	300.00	N00°00'00"W	65.79
C6	27.98	80°00'00"	300.00	S36°26'26"E	25.70
C7	26.08	100°00'00"	300.00	N00°00'00"E	25.98
C8	33.42	100°00'00"	300.00	N00°00'00"E	33.42
C9	15.43	100°00'00"	300.00	S69°00'00"E	15.47
C10	48.45	100°00'00"	300.00	S69°00'00"E	48.50
C11	16.72	100°00'00"	300.00	N00°00'00"E	16.72
C12	59.05	100°00'00"	300.00	N75°26'34"E	58.98
C13	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C14	74.69	24°24'28"	1000.00	N02°39'44"W	74.64
C15	65.89	100°00'00"	300.00	N00°00'00"E	65.79
C16	46.23	04°58'18"	800.00	N03°28'56"W	46.23
C17	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C18	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C19	22.05	03°00'00"	500.00	N03°00'00"W	22.05
C20	22.05	03°00'00"	500.00	N03°00'00"W	22.05
C21	30.37	09°53'40"	1700.00	N04°10'09"W	30.34
C22	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C23	80.04	17°04'24"	300.00	S69°24'54"E	80.07
C24	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C25	80.04	17°04'24"	300.00	N00°00'00"E	80.07
C26	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C27	121.07	100°00'00"	300.00	N00°00'00"E	121.07
C28	50.00	100°00'00"	300.00	N00°00'00"E	50.00
C29	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C30	34.42	100°00'00"	300.00	N00°00'00"E	34.42
C31	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C32	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C33	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C34	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C35	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C36	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C37	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C38	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C39	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C40	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C41	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C42	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C43	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C44	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C45	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C46	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C47	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C48	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C49	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C50	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C51	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C52	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C53	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C54	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C55	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C56	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C57	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C58	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C59	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C60	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C61	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C62	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C63	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C64	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C65	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C66	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C67	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C68	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C69	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C70	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C71	102.98	100°00'00"	300.00	N00°00'00"E	102.98
C72	102.98	100°00'00"	300.00	N00°00'00"E	102.98

LUTAK HIGHWAY CENTERLINE MONUMENTS

FLY FROM	BEARING	DISTANCE	FLY TO
M1	S30°00'00"E	53.60	M2
M2	S30°00'00"E	53.60	M3
M3	S40°00'00"E	287.25	M4

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO
 PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THAT THIS PLAT
 REPRESENTS A LAND SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION
 THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED,
 AND ALL OTHER DETAILS ARE CORRECT.

DATE: 9/12/97
 TIME: 12:31 P.M.
 Address: Haines, Borough

DATE: 2047.10.1997
 REVISION NUMBER: 8204-5
 REGISTERED LAND SURVEYOR



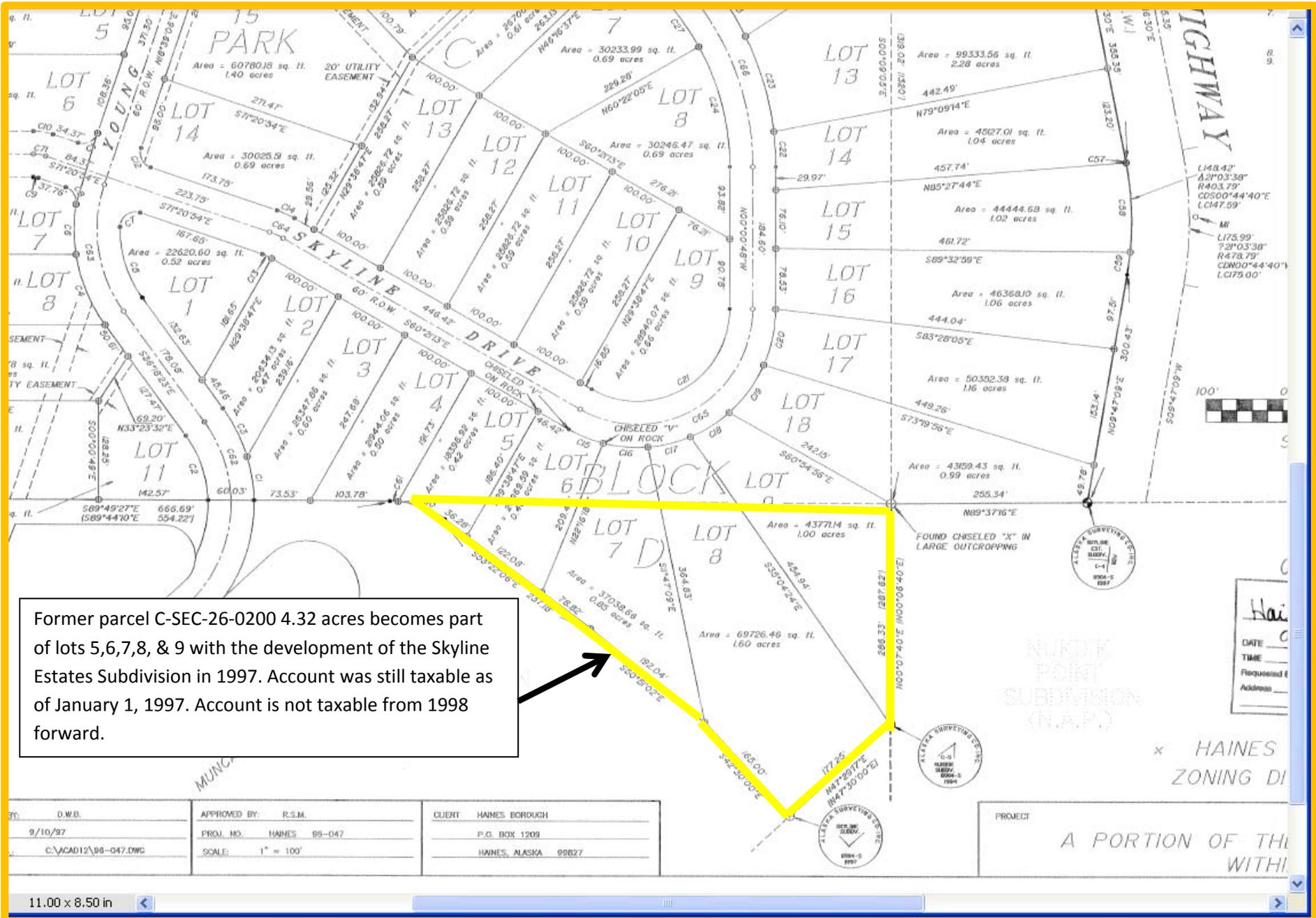
HAINES RECORDING DISTRICT
 ZONING DISTRICT: DEVELOPMENT

SKYLINE ESTATES
 A PORTION OF THE NW 1/4 OF SECTION 26, T30S, R59E, C.R.M.
 WITHIN THE CITY OF HAINES, ALASKA

ALASKA SURVEYING CO. INC.
 P.O. BOX 8887, HAINES, ALASKA 99827
 LAND SURVEYING/CIVIL ENGINEERING SERVICES

DRAWN BY: D.W.E.	APPROVED BY: R.S.M.	CLIENT: HAINES BOROUGH
DATE: 9/10/97	TITLE NO.: HAINES-97-547	P.L. BOX 1008
DRAWING NO.: CA001238-047.DWG	SCALE: 1" = 100'	HAINES, ALASKA 99827

PROJECT:	SHEET NO.:	1 OF 1
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Former parcel C-SEC-26-0200 4.32 acres becomes part of lots 5,6,7,8, & 9 with the development of the Skyline Estates Subdivision in 1997. Account was still taxable as of January 1, 1997. Account is not taxable from 1998 forward.

BY: D.W.B.	APPROVED BY: R.S.M.	CLIENT: HAINES BOROUGH
9/10/97	PROJ. NO. HAINES 95-047	P.O. BOX 1209
C:\ACAD12\95-047.DWG	SCALE: 1" = 100'	HAINES, ALASKA 99827

PROJECT: A PORTION OF THE WITHIN

**Manifest Error Research
C-SEC-26-0200**

Tax year	TAX ID NO	LNAME	FNAME	LAND	Bldg.	TOTALVAL	MILLRA	TOTALTAX		
1997	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700				
Account active until 1997. Land merged w/Skyline lots in 1998. See over payment record below.										
1998	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700	10.25	\$410.90		
1999	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700	10.25	\$410.90		
2000	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700	12.35	\$490.30		
2001	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700	12.35	\$490.30		
2002	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700	12.08	\$479.58		
2003	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700	12.08	\$479.58		
2004	C-SEC-26-0200	HIGHLAND ESTATES		\$39,700	0	\$39,700	11.55	\$458.54		
2005	C-SEC-26-0200	HIGHLAND ESTATES		\$41,700	0	\$41,700	12.29	\$512.49		
2006	C-SEC-26-0200	HIGHLAND ESTATES		\$47,955	0	\$47,955	13.13	\$629.65		
2007	C-SEC-26-0200	HIGHLAND ESTATES		\$47,955	0	\$47,955	13.13	\$629.65		
2008	C-SEC-26-0200	HIGHLAND ESTATES		\$49,390	0	\$49,390	11.26	\$556.13		
2009	C-SEC-26-0200	HIGHLAND ESTATES		\$49,390	0	\$49,390	11.26	\$556.13		
2010	C-SEC-26-0200	HIGHLAND ESTATES		\$51,370	0	\$51,370	11.26	\$578.43		
2011	C-SEC-26-0200	HIGHLAND ESTATES		\$51,370	0	\$51,370	11.26	\$578.43		
2012	C-SEC-26-0200	HIGHLAND ESTATES		\$51,370	0	\$51,370	10.79	\$554.28	Refund per A.S.Sec. 29.45.500	
2013	C-SEC-26-0200	HIGHLAND ESTATES	Accnt. history questioned per appeal process. No payment.							
Tax collected since land merged with Skyline lots.							Total	\$7,815.29		

Alaska Statutes 2012

Sec. 29.45.500. Refund of taxes.

(b) If, in payment of taxes legally imposed a remittance by a taxpayer through error or otherwise exceeds the amount due, and the municipality, on audit of the account in question, is satisfied that this is the case, the municipality shall refund the excess to the taxpayer with interest at eight percent from the date of payment. A claim for refund filed one year after the due date of the tax is forever barred.

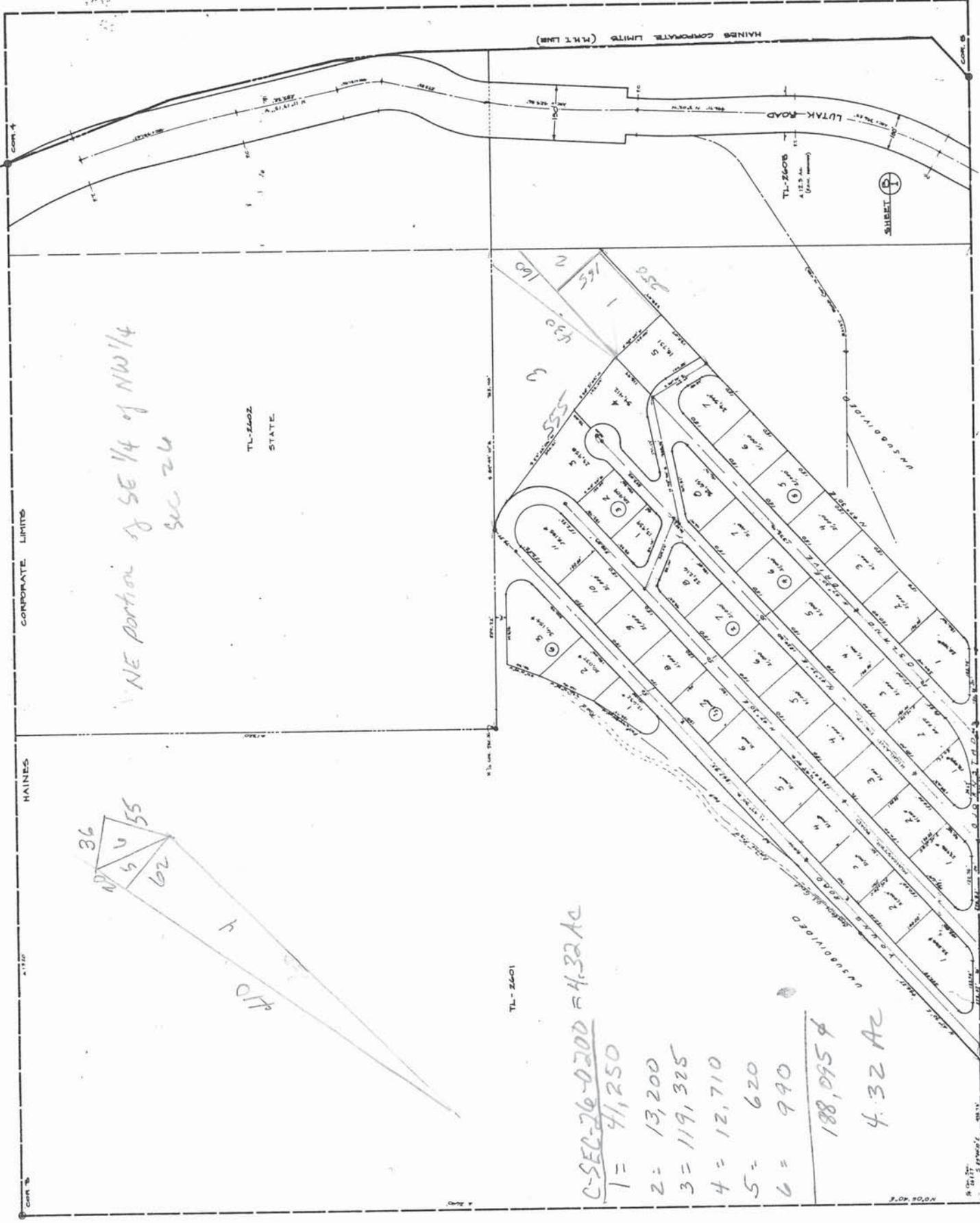
(c) The governing body may correct manifest clerical errors at any time.

MAILING ADDRESS Box 1129

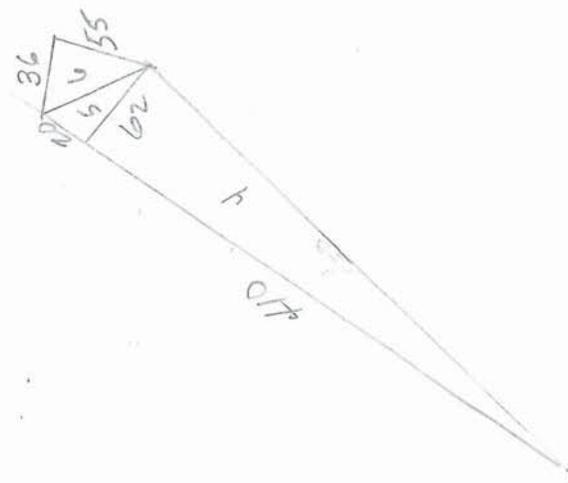
Haines

PARCEL NO. 1-SEP-26-0200
 LEGAL DESCRIPTION Unsubdivided, NE portion of SE 1/4 of NW 1/4 of Sec 26, T30S, R59E NE of Washland Estab

YEAR	ASSESSED VALUATION			MILL RATE	TAX	COMMENTS:
	LAND	IMPROVEMENTS	TOTAL			
1985	14,050	-	14,050			
86	14,050	-	14,050			
87	25,900	-	25,900			
88	25,900	-	25,900			
89	25,900	-	25,900			
90	25,900	-	25,900			
91	25,900	-	25,900			
92	26,750	-	26,750			
93	26,750	-	26,750			
94	26,750	-	26,750			
95	36,150	-	36,150			
96	36,150	-	36,150			
97	39,700	-	39,700			1st Tax
98	39,700	-	39,700	10.35	410.90	
99	39,700	-	39,700	10.35	410.90	
00	39,700	-	39,700	12.35	490.30	
01	39,700	-	39,700	12.35	490.30	
02	39,700	-	39,700	12.08	479.58	
03	39,700	-	39,700	12.08	479.58	
04	39,700	-	39,700	11.55	458.54	
05	41,700	-	41,700	12.29	512.49	
06	47,955	-	47,955	13.13	629.65	
07	47,955	-	47,955	13.13	629.65	
08	49,390	-	49,390	11.26	556.13	
09	49,390	-	49,390	11.26	556.13	
2010	51,370	-	51,370	11.26	578.43	
11	51,370	-	51,370	11.26	578.43	
12	51,370	-	51,370	10.79	551.28	
13	86,400	-	86,400			Account history in question. Parcel was part of land development in 97-98.



NE portion of SE 1/4 of NW 1/4
SEC 26



- TL-2601
- C-SEC-26-0200 = 4.32 AC
- 1 = 4,250
 - 2 = 13,200
 - 3 = 119,325
 - 4 = 12,710
 - 5 = 620
 - 6 = 990
-
- 188,095 ft
- 4.32 AC

HAINES BOROUGH MAP
CITY AREA
FRAC. SEC. 26, T30S, R5E, GR1.

SCALE: 1" = 100'

**APPRAISAL REPORT IN FEE SIMPLE INTEREST
OF LOTS 5, 6, 7, 8, AND 9, OF THE PROPOSED TO BE
DEVELOPED SKYLINE ESTATES, LOCATED IN THE
CITY OF HAINES, ALASKA**

PREPARED FOR: Dan Turner, Lands Manager
Haines Borough
PO Box 1209
Haines, AK 99827

PREPARED BY: James A. Corak, Real Estate Appraiser
HORAN, CORAK & COMPANY
403 Lincoln Street, Suite 210
Sitka, AK 99835

EFFECTIVE DATE: August 15, 1997

DATE OF REPORT: July 18, 1997

OUR FILE NO.: 97-64

HORAN, CORAK & COMPANY

403 LINCOLN STREET, SUITE 210 SITKA, ALASKA 99835
(907) 747-6666 FAX (907) 747-7417

CHARLES E. HORAN, MAI / JAMES A. CORAK, WILLIAM G. FERGUSON, TAMARA L. PERENSOVICH

REAL ESTATE APPRAISERS / CONSULTANTS

July 18, 1997

Dan Turner, Lands Manager
Haines Borough
PO Box 1209
Haines, AK 99827

Re: Appraisal Report in Fee Simple Interest of Lots 5, 6, 7, 8, and 9, Block D, proposed Skyline Estates, City of Haines, Alaska; Our File No. 97-64

Dear Mr. Turner:

At your request, I inspected the above-referenced property for the purpose of estimating the current market value in fee simple interest. As a result of my investigation and analysis of the real estate market in Haines, Alaska, it is my opinion that the subject property has a fee simple value, when the subdivision is completed, estimated here as of August 15, 1997 as follows:

Lot 5	\$26,900
Lot 6	\$29,600
Lot 7	\$45,700
Lot 8	\$75,200
Lot 9	\$55,000

The fee simple interest in the above lots is estimated as an entire lot. The actual ownership of the subject lots are split between Haines Borough and the private ownership of Roger Schnabel. According to your sources, the size of these lots are allocated on a percentage basis, as follows:

	Haines Borough	Roger Schnabel
Lot 5	89.4%	10.6%
Lot 6	52.3%	47.7%
Lot 7	16.6%	83.4%
Lot 8	9.3%	90.7%
Lot 9	34.4%	65.6%

The corresponding market value for the subject lots are based on an allocation between the Haines Borough portion of the lot and the Roger Schnabel portion of the lot. My allocation for the lots, however, is based on the percent of ownership, and is as follows:

Haines Borough

July 18, 1997

Page 2

	Haines Borough	Roger Schnabel
Lot 5	\$24,049	\$ 2,851
Lot 6	\$15,481	\$14,119
Lot 7	\$ 7,586	\$38,114
Lot 8	\$ 6,994	\$68,206
Lot 9	\$18,920	\$36,080

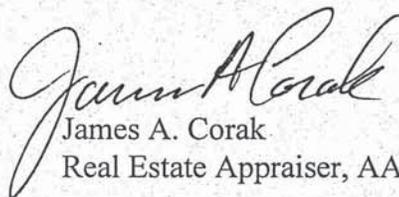
Your attention is invited to the attached report which contains a description of the subject property, limiting and contingent conditions, Certification of Appraisal, and the most pertinent data considered in arriving at the final opinion of value. The appraisal has been made in conformance with the rules and regulations set forth by the Appraisal Institute, the Uniform Standards of Professional Appraisal Practice, and State of Alaska Board of Certified Real Estate Appraisers.

This report will be utilized by the Haines Borough to allocate sales prices of these subject lots when they are sold between the owners, that being Haines Borough and Roger Schnabel. It is anticipated that Skyline Estates subdivision, which is 50 individual lots and 2 lots set aside for parks, will be developed with all the infrastructure proposed. This includes public right-of-way roads developed with gravel topping, underground water and sewer service to all lots, and underground power available to the subject lots. As understood, the subdivision is currently underway as far a development with the right-of-ways being cleared and road construction to begin the middle of July 1997. It is imperative that the subdivision be completed per the plans and specifications outlined to the appraiser. When the utilities and roads are developed, the market value estimates here will be justified.

Thank you for this opportunity to be of service to you and Haines Borough. Please do not hesitate to call if you have any questions.

Respectfully submitted,

HORAN, CORAK & COMPANY

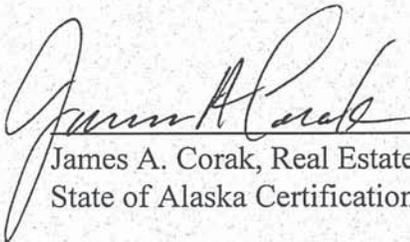

James A. Corak
Real Estate Appraiser, AA 35

JAC:sg

CERTIFICATION OF APPRAISAL

I, the undersigned, certify that, to the best of my knowledge and belief,

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Uniform Standards of Professional Practice of the Appraisal Institute.
- the use of this report is subject to requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have made a personal inspection of the property that is the subject of this report.
- no one provided significant professional assistance to the person signing this report unless specified.
- the appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.


James A. Corak, Real Estate Appraiser
State of Alaska Certification No. AA 35

July 8, 1997
Inspection Date

August 15, 1997
Effective Date of Appraisal

July 18, 1997
Date of Report

1 INTRODUCTION

1.1 IDENTIFICATION OF SUBJECT PROPERTY

Legal Description

The subject parcels have a legal description of Lots 5, 6, 7, 8, and 9, Block D, Skyline Estates, a portion of the northwest one quarter of Section 26, Township 30S, Range 59E, Copper River Meridian, within the City of Haines, Alaska, First Judicial District, State of Alaska.

Location

The subject is located in the northwestern fringe of the City of Haines with frontage on Lutak Highway and currently access via Young Road.

1.2 PURPOSE OF APPRAISAL

The purpose of this appraisal is to provide the current market value for the above described lots. It is understood that these lots will be sold in 1997 and 1998. Since they are jointly owned by Haines Borough and Roger Schnabel, this report is an attempt to allocate the portions of the different ownerships of the subject properties. When the lots sell, the sales price will be allocated according to the percentage of the market value or ownership.

1.3 PROPERTY RIGHTS APPRAISED

The subject property is appraised in fee simple interest. Mineral rights are reserved.

1.4 OSTENSIBLE OWNER

The ostensible owner of the subject property is Haines Borough for the upper portion of the lots and Roger Schnabel for the lower portion of the lots. Haines Borough portions front the proposed right-of-way and utilities, whereas, Roger Schnabel portion is south from these upland portions owned by Haines Borough.

1.5 INSPECTION DATE AND DATE OF REPORT

The subject property was inspected with Dan Turner on July 8, 1997. The date of the report is July 18, 1997, which was the writing of the draft of the appraisal report after the assembly of market data and analysis. The effective date, that is the date when the subdivision is completed, is estimated as August 15, 1997. This date may be pushed back due to weather considerations and overruns in the development of the subdivision.

1.6 PROPERTY HISTORY

The subject property is scheduled to have a sale of about 24 lots within the next 30 to 60 days. This outcry auction will be an attempt to sell approximately 24 of the lots. Of the lots in the subdivision and most particularly lots of this report, Lots 5, 7, and 9 are scheduled to be sold at the auction as soon as the subdivision is completed. Lots 6 and 8 will be sold in 1998. Haines Borough received title to this property, according to the Lands Manager and the subdivision is an effort to bring more lots onto the market and more land into the tax base of Haines Borough. The actual land is contained within the City of Haines.

1.7 SCOPE OF APPRAISAL

The market value is best estimated by the Sales Comparison Approach. It is also known as the Market Data Approach. This approach examines and analyzes sales of competing vacant lots in order to estimate a current market value for the subject lots. The Income and Cost Approaches are not typically used with development of market value opinions of vacant land.

In an effort to gather as much information of vacant lot sales in the City and Borough of Haines, the appraiser has consulted with the Lands Manager who is also the Acting Assessor in Haines Borough, to get leads for possible comparable sales of vacant lots similar to the subject. The appraiser also consulted with both realtors in Haines, that being Jim Studley and Chris Turner, which represent Coldwell Banker, Jean Whiting Realty, and Haines Land Company, respectively.

Once leads from the assessor's office, recording district, and other sources such as brokers, lenders, other appraisers, and knowledgeable people to these transactions were obtained, the appraiser attempted to contact buyers and sellers to confirm the market data when it was available.

Horan, Corak & Company has continually analyzed the Haines market transactions and the transactions are written on a sales comparison sheet. These sheets are geographically filed in the appraisers office. Sales of improved properties, etc., are also tracked in Haines Borough. The market database consists of approximately 20 years of transactions in Haines Borough. Horan, Corak & Company has performed real estate appraisals in Haines Borough for many years and are well qualified to perform this appraisal task.

1.8 MARKETING TIME

The marketing time for the subject lots is estimated to be 30 to 90 days under normal marketing conditions. It is understood that the subject lots will be sold at an outcry auction with minimum bids. This auction is anticipated to be in the middle of August 1997, say August 15, when the proposed subdivision is estimated to be completed. Lots 6 and 8 will be withheld from the market until the summer of 1998 when the remainder of the subdivision is sold off at an outcry auction.

Marketing time examines the depth of the market, the depth of supply and demand, competing lots, and the historical lot absorption. The marketing time estimate is different from exposure time which precedes an appraisal date. Marketing time is assumed to be the time to secure an earnest money agreement on the subject lots at the appraised value after the date of the appraisal.

The Haines market is experiencing a glut of small lots in and around the city. This includes the University of Alaska subdivision, a separate subdivision performed by Haines Borough on Mud Bay Road, the subject subdivision, and other privately owned subdivisions within the city limits and the competing areas in Haines Borough. Typically, there are 40 to 70 vacant lot sales per year in Haines. This year, according to realtors the vacant lot market has subsided somewhat, probably reflecting the anticipation of the subject subdivision and the University of Alaska subdivision.

The University of Alaska subdivision has a mailing list of interested parties of over 230. Haines Borough's subdivision interest list is over 200 persons. Therefore, there seems to be an abundance of interest in these lots and it is anticipated that both the University of Alaska and Haines Borough subdivisions will be completely sold as far as the number of lots being offered. The total number appears to be between 45 and 60 lots.

Often times good financial terms are impetuous for purchasers. The terms offered on the subject property are 5% down, a 10 to 20 year term, and an interest rate near 10%. The actual terms have not been set as of the date of this report. However, these terms are quite typical on the market place. The University of Alaska, for example, is offering their lots at a 10% down, a 10 to 20 year term, and a 10% interest rate. Again these terms will be set at the time of the auctions.

The University of Alaska's auction for their approximately 20 lots will be in September 1997, after the completion of their subdivision. That subdivision off Mud Bay Road, however, is somewhat inferior to the subject in that it lacks water and sewer connections to city utilities. This would require successful bidders to develop their onsite water and sewer system. The Haines Borough subdivision, identified as the Skyline Estates, will have all municipal utilities including water and sewer provided to the lot lines of the lots. Some of the lots in the subject subdivision, including the subject lots, may require a sewage lift device in order to pump the sewage from homes that will be constructed on the sites to the existing sewer system. This added cost is estimated between \$500 and \$1,000 and is quite minimal in the overall development cost of the lots in Haines.

Based on the competition and the depth of demand, it is the appraiser's opinion that the subject lots (Lot 5, 7, and 9) will sell within the auction date or more normal marketing time of 90 days or less.

1.9 ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal report and valuation contained herein are expressly subject to the following assumptions and/or conditions:

1. It is assumed that the data, maps and descriptive data furnished by the client or his representative are accurate and correct.
2. The valuation is based on information and data from sources believed reliable, correct and accurately reported. No responsibility is assumed for false data provided by others.
3. No responsibility is assumed for building permits, zone changes, engineering or any other services or duty connected with legally utilizing the subject property.
4. This appraisal was made on the premise that there are no encumbrances prohibiting utilization of the property under the appraiser's estimate of the highest and best use.
5. It is assumed that the title to the property is marketable. No investigation to this fact has been made by the appraiser.
6. No responsibility is assumed for matters of law or legal interpretation.
7. It is assumed that no conditions exist that are not discoverable through normal diligent investigation which would affect the use and value of the property. No engineering report was made by or provided to the appraiser.
8. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however,

is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

9. The Value Estimate is made subject to the purpose, date and definition of value.
10. The appraisal is to be considered in its entirety, the use of only a portion thereof will render the appraisal invalid.
11. Any distribution of the valuation in the report between land, improvements, and personal property applies only under the existing program of utilization. The separate valuations for land, building, and chattel must not be used in conjunction with any other appraisal and is invalid if so used.
12. One (or more) of the signatories of this appraisal report is a candidate of the Appraisal Institute. The bylaws and regulations of the Institute require each member and candidate to control the use and distribution of each appraisal report signed by such member or candidate. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report in its entirety to such third parties as selected by the party for whom this appraisal report was prepared; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatories of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations media, news media, sales media or other media for public communication without the prior written consent of signatories of this appraisal report.
13. The appraiser shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described herein unless prior arrangements have been made.

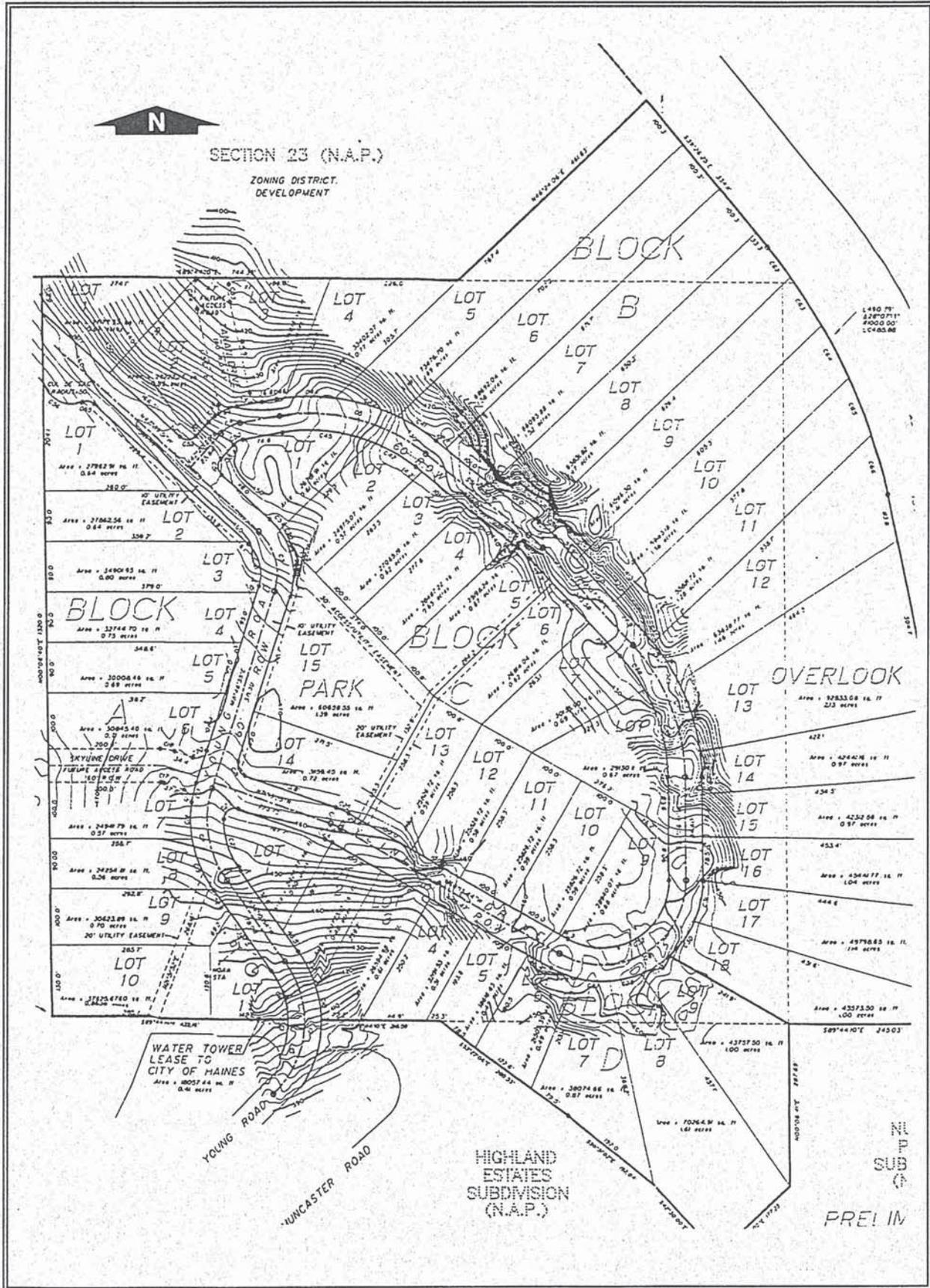
DEFINITION OF MARKET VALUE

FIRREA defines market value as: *The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and the seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.*

Implicit in this definition is consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised and each acting in what he considers his own best interest;
- A reasonable time is allowed for exposure in the open market;

- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.



PLAT MAP

3 PROPERTY DESCRIPTION

3.1 SITE DESCRIPTION

The subject sites are located off the proposed to be completed right-of-way identified as Skyline Drive, within the Skyline Estates. This subdivision is in the process of being developed and is expected to be completed about August 15, 1997. This area is located about one mile north of downtown Haines.

Size and Shape

The subject lots are irregular in shape, however, all of the lots have proposed frontages: 100' for Lot 5, declining to 94.8' for Lot 6, 58.8' for Lot 7, 57.1 for Lot 8, and 59.9' for Lot 9. The average depth of Lot 5 is approximately 190'. Lot 6 is about 200'. Lot 7 is about 290'. Lot 8 is 412'. Lot 9 has an average depth of about 350'.

The following is the total size of the subject lots and the allocation between the Borough and Schnabel for these lots.

Lot #	Total Acreage	Borough	Schnabel	% Borough	% Schnabel	SF Total
5	0.4265	0.3811	0.0454	89.4%	10.6%	18,478.3
6	0.4854	0.2540	0.2314	52.3%	47.7%	21,144
7	0.8609	0.1431	0.7178	16.6%	83.4%	37,500.8
8	1.6096	0.1495	1.4602	09.3%	90.7%	70,114.2
9	1.0103	0.3478	0.6625	34.4%	65.6%	44,008.7

Topography, Soil, and Vegetation

Topography is sloping in a southerly direction from the right-of-way. The preliminary plat of Skyline Estates does not have extensive topographical lines on these particular lots. In the area of Lot 7, the topography lines are drawn in for approximately one third of the lot. It appears that the lot would slope gradually from Skyline Drive, which is at an elevation of nearly 460' down to 450' in about the center of the lot. From this point, the topography on Lots 7, 8, and 9 drop very dramatically with steep rock outcropping to a level of approximately 350' to 400'. The most predominant drop in the topography is evident on Lot 7, 8, and 9, with the most severely affected being Lot 8, which is also one of the largest lots in the subject subdivision and the largest lot considered in this appraisal report.

The soils observed on Lots 5, 6, 7, 8, and 9, Block D, Skyline Estates Subdivision, appeared to be a thin layer of overburden over rock outcropping. In some areas, particularly towards Lots 8 and 9, the outcropping is more obvious and the ground cover is consistently more rock than overburden. Closer to the road right-of-way and the areas owned by the borough, there appears to be more overburden over the rock. However, this overburden appears to be fairly thin in most locations. It should be adequate for the development of foundations for single family residences. However, some of the yards that would be developed on the subject subdivision would probably require more top soil to be brought in.

The appraiser has considered a size adjustment graph to plot the comparable sales on a price per square foot basis in relationship to their sizes. The graph is typical of many size adjustment graphs performed on vacant land sales. That is the smaller lots sell for a higher price per square foot than the larger lots.

Since the comparable sales bracket the subject's size, no size adjustment will be utilized. The lots will be valued on their individual characteristics based on the comparables that are most similar in size and physical attributes.

No positive time adjustment is used for any of the comparable sales, even though Comparable 5 is about 2 years old. Due to the abundance of lots that are emerging on the Haines market, it is unlikely to see any positive time adjustments and, therefore, none will be made.

The valuation for the subject lots will be performed individually.

Lot 5 Valuation

Lot 5 contains 18,578 SF from the comparable sales table. The most similar sized lots are Comparables 2 and 4. Comparable 2 is given the most weight since it is located in the subject subdivision and shares many of the similar attributes to this comparable sale. Its topography, however, is somewhat better than Comparable 5. Therefore, this will set the upper end of the indicated value for the subject at \$1.53/SF. Comparable 4 is the sale in Hemlock Subdivision at \$1.43/SF. This is felt to be the lower end of the range of value for this lot considering the location of the subject, its size, and its physical attributes. A market value of \$1.45/SF seems reasonable. The valuation for Lot 5 then can be processed as follows:

$$18,578 \text{ SF} \times \$1.45 = \begin{matrix} \$26,938 \\ \$26,900 \text{ (rounded)} \end{matrix}$$

Lot 6 Valuation

Lot 6 contains 21,144 SF. Its topography is sloping downward from the proposed Skyline Drive by about 50' to 60'. The most similar sales to Lot 6 are felt to be Comparables 2, 4, and 5. These sales indicate a range of value for the subject between \$1.36/SF (Comparable 5) and \$1.53/SF (Comparable 2). The lower end of this range is used due to the larger size of the subject and its sloping topography. Therefore, \$1.40/SF will be utilized as a market value on a price per square foot basis. The value of this lot can be processed as follows:

$$21,144 \text{ SF} \times \$1.40 = \begin{matrix} \$29,602 \\ \$29,600 \text{ (rounded)} \end{matrix}$$

Lot 7 Valuation

Lot 7 contains 38,075 SF. Its topography for the lower or the southern portion of the site becomes steeper with rock outcropping, etc. Its views, however, are superior to that of Lots 5 and 6. Its larger size would indicate a lower price per square foot since it is twice the size of Lot 5. The most similar sales for Lot 7 are Comparables 5 and 6. These two sales indicated \$1.33/SF for Comparable 6 and \$1.36/SF for Comparable 5 (not including driveway and pad on that site). Considering the topography of this site, and in light of Comparable 6, it is felt that \$1.20/SF is more reasonable, especially considering the final value estimate of then \$45,700. This is higher than the sales prices of Comparables 1 through 5, but lower than Comparable 6 and seems appropriate in that regard.

Therefore, as a site, Lot 7 will have a market value estimate of \$1.20/SF. The lot value can be processed as follows:

38,075 SF x \$1.20	\$45,690
	\$45,700 (rounded)

Lot 8 Valuation

Lot 8 is the largest lot appraised here. It contains 70,265 SF. It is most similar to Comparables 6, 7, and 8. Comparable 8, however, is an asking price at \$1.07/SF. Comparable 7 is actually a larger site that sold for \$118,000 or \$1.10/SF. It has similar views to this site, but has superior soils and somewhat superior topography. In that regard, the lower end of the indicated range would be appropriate. The appraiser will utilize \$1.07/SF as a reasonable valuation for this lot. It can be processed as follows:

70,265 SF x \$1.07	\$75,184
	\$75,200 (rounded)

As a check for reasonableness, this lot value is substantially higher than the other subject lots due to its larger size. The comparable sales table is referred to and Comparables 6 and 7 are good examples of larger view lots that have sold in the Haines market and are located nearby. Both of these two lots have sold for a similar to higher value than what is valued here.

Lot 9 Valuation

Lot 9 contains 44,009 SF. The most similar comparable sales to Lot 9 are Comparables 2, 3, and 6 from a square foot range. These indicated a range of \$1.33/SF to \$1.59/SF, however, most of these sales are similar to superior to this lot due to the steeper topography found on the southeast corner. In that regard, the subject should be valued at less than \$1.33/SF as indicated by Comparable 6, which had superior soils and topography. Lacking better comparable sales data, the appraiser will utilize \$1.25/SF as an estimate of market value for Lot 9. Thus the market value can be processed as follows:

44,009 SF x \$1.25 =	\$55,011
	\$55,000 (rounded)

Allocation of Values

The allocation of the market values estimated earlier in this report will be made between the Borough and Schnabel based on a percentage of the area of each lot owned by the different parties. This method of allocating the estimated market value is based on a percentage of the size. In fact, the Borough's interest may be somewhat higher in some of these lots due to the location of the Borough lots being on the frontage of the road. The development costs of the subdivision were born by Haines Borough. The appraiser is unaware of any written agreement between the two parties on the form of allocation of the potential sales prices of these properties. For example, if the properties sell for a higher value than what is stated or estimated here, how the split would be divided is assumed to be based on the percentages presented to the appraiser based on land ownership, regardless of the costs of the subdivision being born by Haines Borough.

The following is the valuation which sets forth the base value of these five lots and the allocation made based on the percentage of land ownership in each of the lots:

	VALUATION/BASE VALUE		ALLOCATION	
			Borough	Schnabel
Lot 5	18,578 SF x \$1.45 = \$26,938	\$26,900 (rounded)	89.4% = \$24,049	\$ 2,851
Lot 6	21,144 SF x \$1.40 = \$29,602	\$29,600 (rounded)	52.3% = \$15,481	\$14,119
Lot 7	38,075 SF x \$1.20 = \$45,690	\$45,700 (rounded)	16.6% = \$ 7,586	\$38,114
Lot 8	70,265 SF x \$1.07 = \$75,184	\$75,200 (rounded)	9.3% = \$ 6,994	\$68,206
Lot 9	44,009 SF x \$1.25 = \$55,011	\$55,000 (rounded)	34.4% = \$18,920	\$36,080

The market value estimate for these lots was derived from lot sales in the Haines area, and most particularly in the subject's neighborhood. It is likely that at an outcry auction, the sales prices will differ from the appraised values. In that case, it is essential that the allocations be made based on the percentages agreed to prior to the sale.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-272

Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Authorize Water Main Extension - Lots 1-3, Picture Point Subdivision	1. Resolution 13-05-459 2. Application for Water Main Extension
Originator: Planning & Zoning Technician	
Originating Department: Planning and Zoning	
Date Submitted: 5-1-13	

Full Title/Motion:
Motion: Adopt Resolution 13-05-459.

Administrative Recommendation:
The manager recommends adoption.

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Chapter 9.2, Drinking Water	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
The borough received a water service application for lots 1 through 3 in Picture Point Subdivision from Southeast Road Builders on behalf of property owner, Roger Beasley. All applicable fees have been paid including the \$50 application fee and a \$132.50 water main extension inspection fee. The state has issued a utility permit for the 4-inch extension, as well. Per HBC 13.04.150(A), water main extensions may be installed to areas not presently served with water only after authorization of the assembly by resolution. The property owner will pay the cost of the extension, as required by code.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING AN OWNER-BUILT WATER MAIN EXTENSION WITHIN THE TOWNSITE SERVICE AREA TO SERVICE LOTS 1-3 WITHIN THE PICTURE POINT SUBDIVISION.

WHEREAS, Roger Beasley (hereinafter, "Owner") is the record owner of Lots 1-3 within the Picture Point Subdivision (hereinafter, the "Property"), within the Borough's Townsite Service Area; and

WHEREAS, the Owner, through contractor Southeast Road Builders, has requested an owner-built extension of the Haines water system to the property; and

WHEREAS, HBC 13.04.150(A) allows a water main extension to be installed to an area not presently served with water only after authorization of the assembly by resolution; and

WHEREAS, the owner of property adjacent to or benefiting from a water main extension shall bear all costs of the main extension, including 4-inch water service lines; and

WHEREAS, all costs associated with the design, permitting, construction, and inspection of the water main extensions shall be borne by the Owner,

NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH ASSEMBLY that the Owner is granted approval to connect to the Haines water system and to complete the systems improvements as requested; and

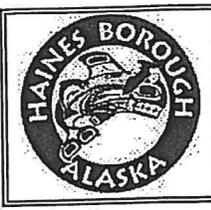
BE IT FURTHER RESOLVED that all such improvements shall comply with all requirements prescribed in HBC 13.04.150 and any other appropriate sections of the code; that the owners shall bear all costs of the owner-built work; and that the work shall be subject to borough inspection and final approval prior to acceptance by the borough for operation and maintenance.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2013.

Attest:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk



HAINES BOROUGH
APPLICATION FOR NEW WATER/SEWER SERVICE



S.E. Road Builders HC 60 Box 4800 Haines AK. 99827
 APPLICANT NAME (please print) MAILING ADDRESS PHONE #

Lots 1-3 Piusse Point Subdivision
 LOCATION OF SERVICE (lot, block, subdivision and street address, if known) 766-2833

TYPE AND SIZE OF SERVICE APPLIED FOR: (standard residential 1" water -- 4" sewer)

WATER 4" SEWER N.A.
 Size Size

Zone WFD

SINGLE RESIDENTIAL _____ MULTIPLE RESIDENTIAL _____ (Give # of residential units _____)

RESIDENTIAL/COMMERCIAL _____ (Meter Required) COMMERCIAL ONLY _____ (Meter Required)

SUBDIVISION X (Number of lots to be served 3) INDUSTRIAL _____ STANDBY FIRE _____

DATE OF APPLICATION 4/2/12 DATE SERVICE TO BEGIN (Actual or Approximation) 4/30/12

PLEASE NOTE: IF COMMERCIAL, INDUSTRIAL OR COMBINED RESIDENTIAL/COMMERCIAL APPLICATION, WATER METER MUST BE INSTALLED AT APPLICANT'S COST.

PLEASE ATTACH A DRAWING OF YOUR LOT SHOWING THE PROPOSED UTILITY LOCATION(S).

CUSTOMER AGREEMENT

I hereby verify that I am aware that the hookup fees and State utility access fees noted below are only minimums and I agree to pay any and all of the Borough's hookup costs and State permit charges applicable above these minimum fees as well as all other standard fees. I further agree to comply with the provisions of the sewer and water regulations. I understand that service lines on private property must be a minimum of 1" in diameter. I understand that if I am applying for a commercial or industrial water use, I am responsible for the cost of the water meter and its installation. This application is a request for service and does not bind the Borough to furnish service.

X [Signature]
 APPLICANT SIGNATURE

4/12/13
 DATE

- *****OFFICE USE ONLY BELOW THIS LINE*****
- \$50 Non-Refundable Borough Application Fee
 - \$150 Subdivision Application Fee
 - \$50/\$400 State Utility Permit-Water*
 - \$50/\$400 State Utility Permit-Sewer*
 - \$50 Borough Administrative Fee
 - \$650 Minimum Water Hookup Fee*
 - \$450 Minimum Sewer Hookup Fee*
 - \$ _____ Water Expansion Charge**
 - \$ _____ Sewer Expansion Charge**
 - \$100 Water Inspection Fee
 - \$100 Sewer Inspection Fee

*Minimums - Actual costs may be more
 **Based on size of water line

Fees Paid \$ 182.50 Date Paid 4/30/13 Receipt No. 021194 Rec'd By Tolgen
 Fees Paid \$ _____ Date Paid _____ Receipt No. _____ Rec'd By _____

\$132.50 Water main extension inspection Fee

APPLICATION APPROVED:

MAINTENANCE SUPERINTENDENT _____ Date _____ WATER/SEWER OPERATOR _____ Date _____

BOROUGH MANAGER _____ Date _____ APPLICATION DENIED: _____ BOROUGH MANAGER _____ Date _____

COMMENTS/SPECIAL CONDITIONS: (See Reverse Side)

DOCUMENTS\WSAPFFRM 4/03

COMMENTS/SPECIAL CONDITIONS:

PUBLIC WORKS SUPERINTENDENT'S COMMENTS/SPECIAL CONDITIONS:

WATER/SEWER OPERATOR'S COMMENTS/SPECIAL CONDITIONS:

COMMERCIAL OR INDUSTRIAL SERVICE _____ Meter Required -- Size _____

BOROUGH MANAGER'S COMMENTS/SPECIAL CONDITIONS:

Power line same

Water line 4"

LOT 7 A

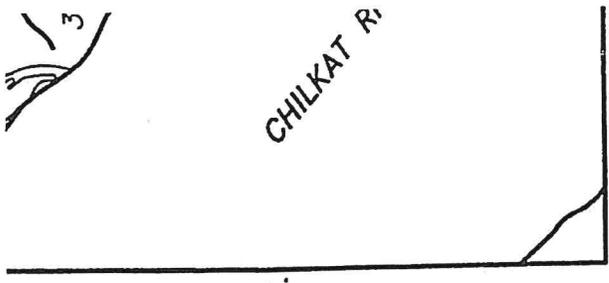
4" Service

UTILITIES WITHIN ROW,
RIGHT OF WAY

2" Service
Conduit

2" CONNECTION

2" Foam Cover



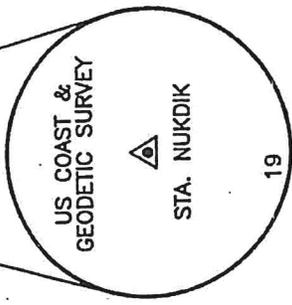
CHILKAT R.

NUKDIK PT.

LOT 1
S89°51'36"E 335.85'
33,215 S.F.
(0.76 AC.)

LOT 2
N80°34'16"W 156.50
32,785 S.F.
(0.75 AC.)

LOT 3
N28°56'23"E 424.30'
223.26'
151 S.F.
(1.24 AC.)



SOURCE: USGS (

BASIS
BASIS C
CORNER
1, A.T.S
IS DUE

3 1/2" BRASS CAP

BEARING
(865.48')
(2)

Jim Snoddy: 766.3510
723.1599



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-277

Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Authorize Lutak Dock Bathymetric Survey	1. Resolution 13-05-460 2. PND Fee Proposal
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 5-2-13	

Full Title/Motion:
Motion: Adopt Resolution 13-05-460.

Administrative Recommendation:
The borough manager recommends this.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 9,845	\$	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Page 144: Goal 4, Objective 4B	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------------------------------------------------	---------------------------------------------------------------------------------

Summary Statement:
PND was asked to assist the borough by providing a limited bathymetric survey at Lutak Dock while their subconsultants (DEA & Braun) are mobilized in Haines for similar work at South Portage Cove Harbor. PND proposes to complete this work on a Time and Materials basis. These services will be paid for out of the Lutak Dock Enterprise Fund fund balance, for which monies are sufficient.

Referral:

Sent to:	Date:
Recommendation:	Meeting Date:
Refer to:	

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Lutak Dock.

WHEREAS, subconsultants for PND Engineers, Inc. in April performed additional field work at Lutak Dock at the Haines Borough's request while already mobilized in Haines for similar work at South Portage Cove Harbor; and

WHEREAS, PND Engineers has provided a proposal of \$9,845 for a limited bathymetric survey at Lutak Dock; and

WHEREAS, the proposal includes project administration, subconsultant agreements and client coordination; survey control research and planning; bathymetric survey data acquisition (field work); bathymetric data processing, report and quality control; bathymetric data mapping; final deliverables and a work session with the Borough; and

WHEREAS, PND Engineers proposes to complete the work on a time and materials reimbursable basis; and

WHEREAS, these services will be paid for out of the Lutak Dock Enterprise Fund fund balance, for which monies are sufficient; and

WHEREAS, the work is to be completed by June 15, 2013,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Lutak Dock.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this _____ day of _____, 2013.

Stephanie Scott, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



ENGINEERS, INC.

May 7, 2013

PND 13J040

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

Re: Lutak Dock Bathymetric Survey
Fee Proposal & Agreement

Dear Mr. Earnest:

PND appreciates this opportunity to assist the Haines Borough (HB) by providing a limited bathymetric survey at Lutak Dock. This additional field work was performed at your request on April 24th while our subconsultants (DEA & Braun) were already mobilized in Haines for similar work at South Portage Cove Harbor. The estimated costs are as summarized below:

Task Description	Estimated Fee \$
Project administration, subconsultant agreements, client coordination	\$ 525
Survey control research & planning	\$ 775
Bathymetric survey data acquisition – field work	\$ 3,425
Bathymetric data processing, report and QC	\$ 3,000
Bathymetric data mapping	\$ 1,595
Final deliverables and work session with HB	\$ 525
Total Estimated Fee	\$ 9,845

PND proposes to complete this work on a Time and Materials reimbursable basis. We estimate our fees will not exceed \$9,845. The work will be completed by June 15, 2013. Please indicate your authorization for PND to proceed with this work by signing below. Feel free to call me at any time if you have any questions and we will look forward to hearing from you soon.

Sincerely,
PND Engineers, Inc. | Juneau Office

Dick Somerville, P.E.
Vice President

Authorized by:

Date:



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-278

Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Authorize Letnikof Bathymetric Survey	1. Resolution 13-05-461 2. PND Fee Proposal
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 5-6-13	

Full Title/Motion:
Motion: Adopt Resolution 13-05-461.

Administrative Recommendation:
The borough manager recommends this.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 9,845	\$	\$ 0

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Page 144: Goal 4, Objective 4B	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
PND was asked to assist the borough by providing a limited bathymetric survey at Letnikof Cove while their subconsultants (DEA & Braun) are mobilized in Haines for similar work at South Portage Cove Harbor. PND proposes to complete this work on a Time and Materials basis. These services will be paid for out of the Lutak Dock Enterprise Fund fund balance, for which monies are sufficient.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Letnikof Cove.

WHEREAS, subconsultants for PND Engineers, Inc. in April performed additional field work at Letnikof Cove at the Haines Borough's request while already mobilized in Haines for similar work at South Portage Cove Harbor; and

WHEREAS, PND Engineers has provided a proposal of \$9,845 for a limited bathymetric survey at Letnikof Cove; and

WHEREAS, the proposal includes project administration, subconsultant agreements and client coordination; survey control research and planning; bathymetric survey data acquisition (field work); bathymetric data processing, report and quality control; bathymetric data mapping; final deliverables and a work session with the Borough; and

WHEREAS, PND Engineers proposes to complete the work on a time and materials reimbursable basis; and

WHEREAS, these services will be paid for out of the Legislative grant that was awarded for this purpose, and available monies are sufficient; and

WHEREAS, the work is to be completed by June 15, 2013,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with PND Engineers, Inc. in the amount of \$9,845 for a limited bathymetric survey at Letnikof Cove.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this _____ day of _____, 2013.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



ENGINEERS, INC.

May 7, 2013

PND 13J040

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

Re: Letnikof Cove Bathymetric Survey
Fee Proposal & Agreement

Dear Mr. Earnest:

PND appreciates this opportunity to assist the Haines Borough (HB) by providing a limited bathymetric survey at Letnikof Cove. This additional field work was performed at your request on April 24th while our subconsultants (DEA & Braun) were already mobilized in Haines for similar work at South Portage Cove Harbor. The estimated costs are as summarized below:

Task Description	Estimated Fee \$
Project administration, subconsultant agreements, client coordination	\$ 525
Survey control research & planning	\$ 775
Bathymetric survey data acquisition – field work	\$ 3,425
Bathymetric data processing, report and QC	\$ 3,000
Bathymetric data mapping	\$ 1,595
Final deliverables and work session with HB	\$ 525
Total Estimated Fee	\$ 9,845

PND proposes to complete this work on a Time and Materials reimbursable basis. We estimate our fees will not exceed \$9,845. The work will be completed by June 15, 2013. Please indicate your authorization for PND to proceed with this work by signing below. Feel free to call me at any time if you have any questions and we will look forward to hearing from you soon.

Sincerely,
PND Engineers, Inc. | Juneau Office

Dick Somerville, P.E.
Vice President

Authorized by:

Date:



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-279

Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Authorize Harbor Protection Additional Analysis	1. Resolution 13-05-462 2. PND Proposal and Scope of Work
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 5-6-13	

Full Title/Motion:
Motion: Adopt Resolution 13-05-462.

Administrative Recommendation:
The borough manager recommends adoption.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 174,630	\$	\$ 0

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Page 144: Goal 4, Objective 4B	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>Recently, PND presented draft geotechnical information to the assembly acquired during an investigation conducted for the South Portage Cove Harbor Expansion. As part of the study, information was provided for a steel partial penetrating wave barrier and a rubble mound breakwater. PND recommended more refined PLAXIS analysis be conducted to analyze risk, construction options, time required for construction, construction costs and life cycle costs in order to provide the borough the necessary information to verify the best option for harbor protection. At the borough's request, PND prepared a scope of proposed work including an assessment of a floating breakwater option. These services will be paid for out of the Legislative grant that was awarded for this purpose, and available monies are sufficient;</p>

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. in the amount of \$174,630 for South Portage Cove Harbor protection additional analysis.

WHEREAS, PND Engineers, Inc. has presented draft findings of its geotechnical investigation for the South Portage Cove Harbor expansion, with analysis of proposed options including a steel partial penetrating wave barrier and rubble mound breakwater; and

WHEREAS, PND recommended more refined PLAXIS (finite element) analysis be conducted to analyze risk, construction options, time required for construction, construction costs and life cycle costs for harbor protection; and

WHEREAS, the Borough requested the project scope include an assessment of a floating breakwater option; and

WHEREAS, PND Engineers has provided a proposal of \$174,630 for South Portage Cove Harbor protection additional analysis; and

WHEREAS, the proposal includes task management and quality assurance; PLAXIS analysis; wick drain research and assessment; floating breakwater attenuator; construction cost estimates; life cycle cost estimates; narrative and report; and presentations to the Haines Borough Assembly, Port and Harbor Advisory Committee and public; and

WHEREAS, PND Engineers proposes to complete the work on a time and materials reimbursable basis; and

WHEREAS, these services will be paid for out of the Legislative grant that was awarded for this purpose, and available monies are sufficient; and

WHEREAS, according to PND Engineers' proposed schedule, the final report will be submitted by August 6, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with PND Engineers, Inc. in the amount of \$174,630 for South Portage Cove Harbor protection additional analysis.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this _____ day of _____, 2013.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

SCOPE OF WORK

SOUTH PORTAGE COVE HARBOR EXPANSION Harbor Protection Additional Analysis

May 6, 2013

INTRODUCTION

PND Engineers Incorporated (PND) recently presented draft findings for the geotechnical investigation conducted for the South Portage Cove Harbor Expansion. As part of the study information was provided for a steel partial penetrating wave barrier and a rubble mound breakwater.

The geotechnical information has been presented in draft form in order to provide the Borough the opportunity to review the study and provide input prior to finalizing the document. At the Borough Assembly meeting PND recommended more refined PLAXIS (finite element) analysis be conducted to analyze risk, construction options, time required for construction, construction costs and life cycle costs in order to provide the Borough the necessary information to verify the best option(s) for harbor protection. At the request of the Borough the scope of this proposed work was also refined to include an assessment of a floating breakwater option.

The primary work activities that will be accomplished as part of this contract amendment are:

- **Task Management and Quality Assurance**
PND Senior Management will provide overall management of the tasks to be performed providing direction for efficient completion of the tasks, quality control review, and overall review of invoicing and schedule to ensure project delivery to the Client.
- **PLAXIS Analysis**
A finite element analysis will be conducted to assess the rubble mound breakwater settlement, stability, strength increase of clays over time, and construction time period required. The analysis will further refine studies and provide the necessary risk assessment of this alternative.
- **Wick Drain Research and Assessment**
Additional research will be conducted with contractors specializing in wick drain installations to determine ability to construct where denser soils are overlying clay. If wick drains are deemed feasible then additional analysis will be conducted to determine the installation requirements, spacing, and time periods required for construction that will be used in assessment of construction costs and life cycle costs analysis.
- **Floating Breakwater Attenuator**
An assessment of a floating breakwater option will be performed to determine the viability of its use for harbor protection.
- **Construction Cost Estimates**
Detailed construction cost estimates will be prepared for a steel permeable wave barrier, rubble mound breakwater, and floating breakwater.
- **Life Cycle Cost Estimates**
The cost estimate will also include preparation of life cycle costs for each alternative.
- **Narrative and Report**
PND will prepare a narrative study summarizing the results, advantages and disadvantages of each option, construction costs, construction time periods, and life cycle cost estimates along with present values of each for comparison purposes.
- **Presentations to Borough Assembly, Harbor Board, and Public**

PND will present our findings to the Borough Assembly and be available to meet with the Harbor Board and/or make presentations to the public in an open house format.

The tasks, shown below, detail the work that will be accomplished. Included is a time schedule for completion of the work along with estimated time and material costs to perform the work.

TASK 1. Task Management and Quality Assurance

PND Senior Management will provide overall management of the tasks to be performed providing direction for efficient completion of the tasks, quality control review, and overall review of invoicing and schedule to ensure project delivery to the Client.

TASK 2. PLAXIS Analysis

A more refined and detailed analysis will be conducted using PLAXIS. PLAXIS is a computer software program that provides finite element analysis in much more detail for review of deformation and stability.

The proposed site for the breakwater is underlain with soft to very soft silty clay that may make construction of a rubble mound breakwater difficult. Potential failure modes include bearing failure, static slope instability, and seismic slope instability. Pore water pressures will increase in the clay as construction of the breakwater occurs. If construction occurs too quickly then the breakwater could fail during construction. PND has initially determined that the site likely can be constructed incrementally or using staged construction techniques in order to maintain stability during construction. This staged construction would load the clay and consolidate it, in a way that excess pore water pressure can dissipate over time, while clay shear strength increases resulting in embankment stability.

This process may be analyzed with staged loading tools built into PLAXIS 2-D, tools that can be used to estimate the time to reach limits of acceptable soil movement and stability. Soil parameters related to settlement and compressibility and soil permeability can be obtained from existing laboratory test data. Variations within the soil tests can be easily accounted for in the analysis to ascertain their sensitivity. The proposed breakwater stage geometry, and number of stages, can be readily modified to determine optimal timing for soil stage placement.

While increasing the number of stages may decrease the time for consolidation the project costs could increase with each additional site mobilization. The stage analysis will need to consider the additional costs to balance time and project costs to meet the Borough's objectives.

We estimate that three different cross sections, one longitudinal section, and one transition section along the existing breakwater into the new breakwater will be required in the analysis. By performing these two-dimensional analyses it will aid in analyzing the differential settlement and anticipating breakwater geometry during consolidation of the clay soils. This will provide us with insight into the 3-D nature of the site without the expense of a 3-D analysis. While PND has the ability to perform 3-D analysis we have found it to be very expensive and not any more accurate for design purposes.

Note: If a rubble mound breakwater is selected as the preferred alternative PND has recommended in our geotechnical report that additional pore pressure, strain, and survey monitoring of the rubble mound breakwater should be conducted. This data can often be used to fine tune the PLAXIS model to provide more accurate estimates for time between construction stages.

PND will provide several levels of seismic analysis from a simple pseudo-static PLAXIS analysis with standard site specific analysis in accordance with AASHTO, to a more sophisticated use of United States Geological Survey (USGS) Peak Ground Acceleration (PGA) analysis with development of scaled time-histories (matched to

the breakwater response) and a 1-d site response analysis for dynamic input into 2-d PLAXIS model. These analyses will provide estimates for displacement and an estimated Factor of Safety for dynamic loading.

Included in other tasks will be the narrative development, summary of advantages and disadvantages, construction cost estimates, and life cycle costs estimates for the recommended procedures to be used for a rubble mound breakwater system.

TASK 3. Wick Drain Research and Assessment

PND has previously indicated that wick drains might be an option that could be used at the site to accelerate water removal from clay soils. The accelerated removal of pore water results in faster settlement and increased strength in silty clay. The result is improved static and seismic stability; more stable soils during construction; and enhancements to construction timing.

PND has indicated that the primary concern for wick drain installation is the denser sands and gravels overlying the soft to very soft clay. We will conduct additional research with contractors specializing in wick drain installations to verify whether they can be installed, the rate of installation, and the potential for damage during installation through sands and gravels. If it is determined that they can be installed, based on review of site conditions, PND will perform additional analysis to determine recommended spacing to enhance stability and accelerate settlement during construction. The task will be split into two items. Task 3a will be the initial research and discussions with Contractors specializing in this type of installation. If the work conducted in this Task indicates it may be feasible to use wick drains then the additional analysis will be conducted as part of Task 3b to determine requirements site specific to the project.

Included in other tasks will be the narrative development, summary of advantages and disadvantages, construction cost estimates, and life cycle costs estimates for a rubble mound breakwater using wick drains as an alternative.

TASK 4. Floating Breakwater Attenuator

This scope of work describes a study of a floating wave attenuator as an alternative for extending the existing rubble mound breakwater to the south. The general configuration is shown in Figure 1. The work will include the following elements.

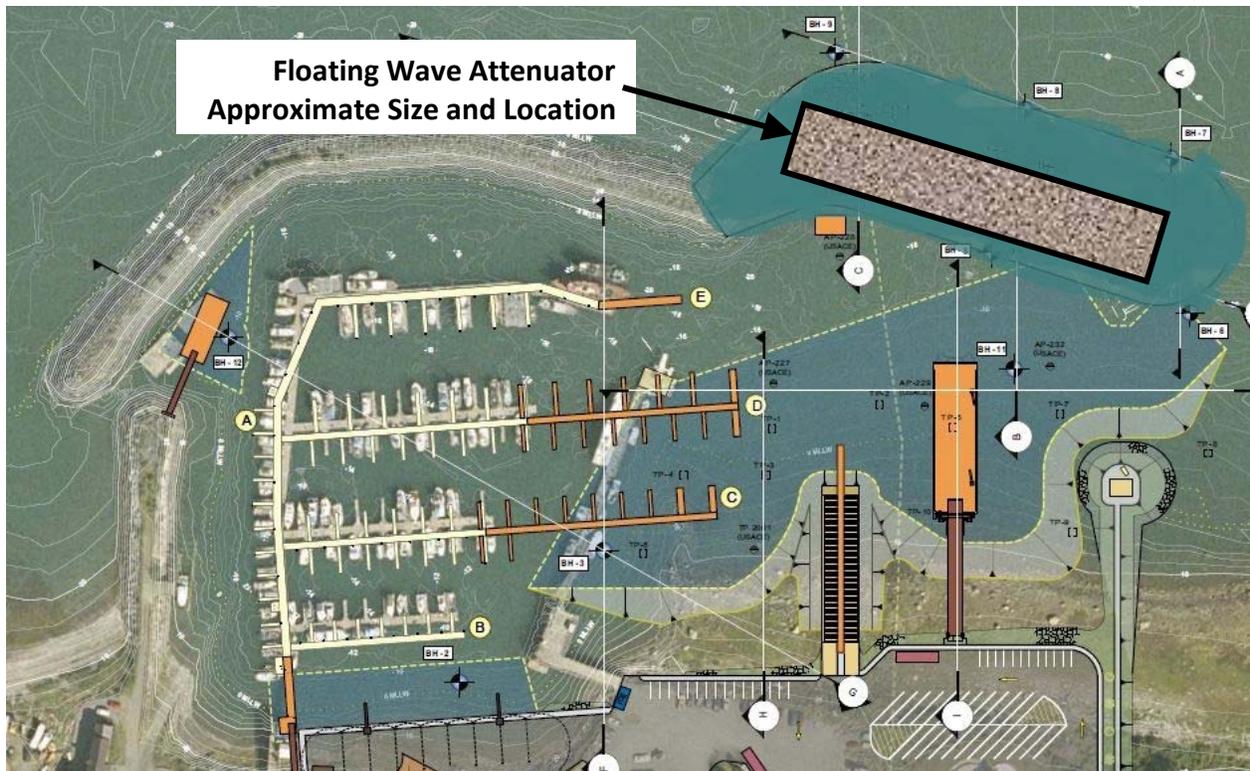


Figure 1. SPCHE - Floating Wave Attenuator - Concept Plan

- A kick-off meeting will be held between Borough personnel and PND to discuss the floating wave attenuator.
- Existing information and data will be collected, summarized and used in the analysis.
- An investigation of Owner operation criteria analysis will be performed including the structural needs for the float and the size of crane needed for the intended use(s).
- An investigation of floating breakwater alternatives will be conducted. This will include research and review of used float structures versus new steel and new concrete float alternatives. The evaluation will also determine the overall length, width, and height required for the floating wave attenuator to be effective.
- A wave transmission analysis will be performed for the floating wave attenuator.
- Wave load calculations will be conducted.
- An analysis of the necessary foundation/mooring loads for the floating wave attenuator will be conducted.
- A concept design drawing will be developed and presented as part of the study.
- Included in other tasks will be the narrative development, summary of advantages and disadvantages, construction cost estimates, and life cycle costs estimates of this alternative.

Costs and time schedules for completion of this portion of the work are included in the accompanying sections.

TASK 5. Construction Cost Estimates

Detailed construction cost estimates will be developed for each alternative considered. Based on the timing of construction PND will develop cost estimates, anticipated contingencies, and other construction related costs to design, construct, and administer each alternative.

TASK 6. Life Cycle Cost Estimates

Life cycle cost estimates will be developed for each alternative. First costs, annual maintenance costs, and recurring costs over time will be developed for each of the alternatives over a 50 year design life. The costs will be correlated to a Present Value to allow direct comparison between each alternative. Assumptions made for each alternative will be summarized and included in the narrative report.

TASK 7. Narrative and Report

A summary of the research, calculations, analysis, and recommendations will be included in a draft report. The draft report will include a summary of options, advantages and disadvantages, time schedule to allow construction, estimated construction costs with contingencies, and estimated life cycle costs. The report will be prepared in draft form to allow for input from the Borough, Harbor Board, Borough Assembly, and public prior to finalizing. It is anticipated the final report will be completed and submitted within 2 weeks of the Borough Assembly meeting.

TASK 8. Presentations to Borough Assembly, Harbor Board, and Public

PND will prepare presentation graphics summarizing the results of the investigation. The graphics will depict the key points, costs, life cycle costs and other important factors that will be presented. It is assumed that the Borough Assembly presentation will be approximately ½ hour in duration and that the Harbor Board and Open House discussion will be approximately 2 hours in duration.

PND will have two Principals (Dick Somerville and Mike Hartley) travel to Haines for coordination and presentations. Based on initial schedules it is assumed that the presentation would be on July 23, 2013 at the regularly scheduled Borough Assembly meeting. A second Harbor Board and Public presentation could occur on the morning of July 24, 2013.

ASSUMPTIONS

1. The analysis conducted and presented is to further refine concepts, perform assessment and desktop calculations of options. Additional work will be required in the design phase and during construction that may alter the required design and/or construction schedule.
2. Concepts proposed will require final design and permitting. These activities are not included in the analysis. Permitting agency comments may alter the ability to use any of the options considered in this analysis.
3. PND will not use numerical modeling, such as software Orcaflex (wave-floating structure dynamics) during this phase of the project. Should a floating wave attenuator be selected to advance into final design additional more detail wave/floating structure dynamics may need to be modeled.
4. PLAXIS analysis using two-dimensional techniques will be used in analysis of the rubble mound breakwater structure including seismic analysis. Three-dimensional techniques are not proposed for the project as they are significantly more expensive and not necessarily appropriate to analyze site conditions.
5. If wick drain research indicates that they are not suitable for use at the project site as an alternative then Task 3b will not be conducted (additional analysis and calculations to determine site specific requirements).
6. The narrative required for each task will be combined into one narrative report. PND will present a draft report for presentation at Borough Assembly, Harbor Board and Public open house. A final signed and sealed report will be delivered within two weeks of completion of the meetings.

7. The schedule developed for the project assumes a Borough Assembly approval on May 14, 2013; Notice to Proceed on May 15, 2013. PND estimates two months to complete the work. The schedule has been developed to allow a Borough presentation of our findings on Tuesday, July 23, 2013. If a delay to Borough Assembly approval occurs PND will revise the schedule and work with the Borough on an acceptable alternative schedule.

DELIVERABLES

1. Deliverables will be 2 printed and bound draft reports, final reports. An electronic Adobe pdf copy of the draft and final report will also be provided.
2. PND will develop presentation graphics using a third-party vendor where required for the Borough Assembly, Harbor Board, and Public meetings. The graphics for the presentations will be provided to the Borough following completion of the meeting presentations.

SCHEDULE

The following is the anticipated schedule. The dates will change if the Notice to Proceed is delayed.

- Borough Assembly Meeting Approval May 14, 2013
- Notice to Proceed May 15, 2013
- Draft Analysis, Research, Report Submittal July 23, 2013
- Borough Assembly Presentation July 23, 2013
- Final Report Submittal August 6, 2013

FEE

PND will provide these services on a time-and-materials basis according to our current rate schedule (attached). Expenses will be billed at cost plus 15 percent. An upper limit estimate of fees is summarized below.

Task 1. Task Management and Quality Assurance

1a. Task Management and Invoicing	\$600
1b. Quality Assurance Reviews	<u>\$2,400</u>
Subtotal	\$3,000

Task 2. PLAXIS Analysis

2a. Soil Properties Determination	\$5,295
2b. PLAXIS Modeling for Staged Loading	\$27,450
2c. Sensitivity Analysis	\$3,050
2d. PLAXIS and Settlement/Differential Settlement Analysis	\$4,575
2e. Staged Construction Analysis	\$7,540
2f. USGS Peak Ground Acceleration Analysis and Scaled Time Histories	\$3,050
2g. Soil Column Properties and One-Dimensional Analysis	\$3,895
2h. PLAXIS 2-D Dynamic Time History Analysis	\$6,100
2i. Seismic Analysis Report Preparation	<u>\$7,540</u>
Subtotal	\$68,495

Task 3. Wick Drain Research and Analysis

3a. Research with Wick Drain Contractors	\$3,000
3b. Wick Drain Assessment of Settlement vs. Spacing	<u>\$8,500</u>
Subtotal	\$11,500

Task 4. Floating Breakwater Attenuator

4a. Kick-Off Teleconference	\$615
4b. Collect and Review Existing Data, Reports, and Studies	\$900
4c. Investigation Owner operation criteria, structural needs, and crane	\$5,000
4d. Research Used Float Structures vs. New Steel or Concrete Alternatives	\$5,000
4e. Wave Transmission Analysis	\$1,240
4f. Wave Load Calculations	\$1,065
4g. Foundation/Mooring Loads Analysis	\$3,420
4h. Concept Design Drawing (1 Sheet)	<u>\$3,470</u>
Subtotal	\$20,710

Task 5. Construction Cost Estimates

5a. Construction Cost Estimates	<u>\$6,800</u>
Subtotal	\$6,800

Task 6. Life Cycle Cost Estimates

6a. Identify Life Cycle Costs (LCC) for Annual Service and Maintenance	\$6,800
6b. LCC Determinations for Each Alternative	<u>\$10,400</u>
Subtotal	\$17,200

Task 7. Narrative and Report

7a. PLAXIS Staged Construction Report Narrative	\$7,540
7b. PLAXIS Seismic Analysis Report Narrative	\$7,540
7c. Wick Drain Analysis Report Narrative	\$3,900
7d. Floating Wave Attenuator Report Narrative	\$6,365
7e. Narrative for Construction and Life Cycle Costs	<u>\$5,800</u>
Subtotal	\$31,145

Task 8. Presentations to Borough Assembly, Harbor Board, and Public

8a. Travel Seattle to Juneau (1 - Airfare, Taxi, Expenses)	\$1,175
8b. Misc. Travel Expenses (taxis, parking)	\$100
8b. Travel Juneau to Haines (2 - Airfare, Expenses)	\$270
8c. Lodging and Meals- Haines (2)	\$775
8d. Time to Prepare Presentation Graphics	\$2,000
8e. Expenses for Graphic Printing	\$960
8f. Travel time and Presentation Time in Haines	<u>\$10,500</u>
Subtotal	\$15,780

TOTAL ESTIMATED T&M COST **\$174,630**

**PND ENGINEERS, INC.
STANDARD RATE SCHEDULE
EFFECTIVE MAY 2012**

		<i>Regular Rate</i>
<u>Professional:</u>	Senior Engineer VII	\$180.00
	Senior Engineer VI	\$165.00
	Senior Engineer V	\$150.00
	Senior Engineer IV	\$140.00
	Senior Engineer III	\$130.00
	Senior Engineer II	\$120.00
	Senior Engineer I	\$110.00
	Staff Engineer V	\$100.00
	Staff Engineer IV	\$95.00
	Staff Engineer III	\$90.00
	Staff Engineer II	\$85.00
	Staff Engineer I	\$80.00
	Senior Environmental Scientist	\$100.00
	Environmental Scientist	\$90.00
	GIS Specialist	\$90.00
<u>Surveyors:</u>	Senior Land Surveyor	\$105.00
	Land Surveyor I	\$95.00
<u>Technicians:</u>	Technician VI	\$125.00
	Technician V	\$105.00
	Technician IV	\$90.00
	Technician III	\$80.00
	Technician II	\$70.00
	Technician I	\$45.00
	CAD Designer V	\$95.00
	CAD Designer IV	\$85.00
	CAD Designer III	\$70.00



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-280

Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Authorize Contract Administration & Inspection Services for PC Dock & Letnikof Cove Harbor Renovations Project Originator: Borough Manager Originating Department: Administration Date Submitted: 5-6-13	1. Resolution 13-05-463 2. PND Proposal and Scope of Work

Full Title/Motion:
 Motion: Adopt Resolution 13-05-463.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 429,960	\$	\$ 0

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Page 144: Goal 4, Objective 4B	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
 The borough has requested a bid from PND Engineers, Inc. for contract administration and inspection services for the recently awarded PC Dock & Letnikof Cove Harbor Renovations project. PND proposes to do the work on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed \$429,960 without prior written authorization. This contract is recommended by the Borough Manager and the Director of Public Facilities, and the services will be paid for out of the Legislative grant that was awarded for this purpose, and available monies are sufficient.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed \$429,960 without prior written authorization for South Port Chilkoot Dock & Letnikof Cove Harbor Renovation for Contract Administration and Inspection Services during construction.

WHEREAS, PND Engineers has provided a proposal for Contract Administration and Inspection Services for the South Port Chilkoot Dock & Letnikof Cove Harbor Renovation projects on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed \$429,960 without prior written authorization by the Borough; and

WHEREAS, proposed PND services include the following: fabrication inspections of structural materials including piles, structural steel and heavy timber at fabrication plants in the Pacific Northwest; site civil and structural inspections, assuming one full time inspector working on average 60 hours/week covering one shift/day; and special inspections on concrete and structural welding; and

WHEREAS, these services are necessary in order to address design, construction and quality assurance issues efficiently and promptly to avoid costly project delays for the Haines Borough; and

WHEREAS, due to normal uncertainties associated with the contractor's performance, PND proposes to contract on a time and expenses (T&E) basis in accordance with their May 2012 billing rates; and

WHEREAS, these services will be paid for out of the Legislative grant that was awarded for this purpose, and available monies are sufficient; and

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with PND Engineers, Inc. on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed \$429,960 without prior written authorization for South Port Chilkoot Dock & Letnikof Cove Harbor Renovation for Contract Administration and Inspection Services during construction.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this _____ day of _____, 2013.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



**AMENDMENT
To
PROFESSIONAL SERVICES AGREEMENT
Between
HAINES BOROUGH &
PND ENGINEERS, INC.
For Task Order
PORT CHILKOOT DOCK & LETNIKOF COVE HARBOR RENOVATIONS
CONTRACT ADMINISTRATION & INSPECTION SERVICES**

All provisions of the Basic Agreement not specifically changed by this Amendment remain in full force and effect. This Amendment makes the following changes:

Article II. The Work. Provide engineering services during construction in accordance with PND proposal dated April 19, 2013, attached.

Article III. Time of Commencement and Contract Term. Services under this amendment shall be completed by August 1, 2014.

Article IV. Cost of the Work. Compensation for services under this Amendment shall be in accordance with PND proposal dated April 19, 2013.

Services shall be provided on a Time and Expenses (T&E) reimbursable basis for an amount not to exceed \$429,960 without prior written authorization. Invoices shall be prepared using Standard Billing Rates at time of service. All third party and other reimbursable expenses shall include a 10% administrative fee.

IN WITNESS WHEREOF, the parties have executed this Amendment:

Approved for Haines Borough:

Approved for CONSULTANT:

By: _____
Title: Mark Earnest, Borough Manager


By: _____
Title: Dick Somerville, P.E., PND Vice President

Date: _____

Date: April 19, 2013



ENGINEERS, INC.

April 19, 2013

PND 112048.09

Mr. Carlos Jimenez
Haines Borough
P.O. Box 1209
Haines, Alaska 99827

Re: Port Chilkoot Dock & Letnikof Cove Harbor Renovation
Contract Administration and Inspection Services during Construction

Dear Mr. Jimenez:

PND Engineers, Inc. (PND) and our electrical consultant, Haight & Associates, Inc. (HAI), are pleased to provide this fee proposal for engineering services during construction of the Port Chilkoot Dock & Letnikof Cove Harbor Renovation projects. We have prepared the enclosed fee breakdown for the tasks we anticipate based on our past experience with projects of a similar nature and the contract completion schedule.

This proposal has been prepared in advance of actual work schedule discussions with the Borough's construction contractor, Pacific Pile and Marine. Our proposal anticipates the Work will be completed within the contract completion schedule. We assume that the fabrication of structural materials including piles, structural steel and heavy timber will be completed within four months at fabrication plants in the Pacific Northwest. PND's Seattle office will provide periodic fabrication inspections. Our local office will cover on site civil and structural inspections, assuming one full time inspector working on average 60 hours/week covering one shift/day. We have included budget for special inspections on concrete and structural welding. We have not included budget for double shift coverage and will address that at a future date if needed. Our goal is to address design, construction and quality assurance issues efficiently and promptly to avoid costly project delays for the Haines Borough.

We hope that we have perceived your needs appropriately and offer the attached scope and fee proposal breakdown for your consideration. Due to normal uncertainties associated with the Contractor's performance, we propose to contract on a time and expenses (T&E) basis in accordance with our May 2012 billing rates. We will monitor expenditures with you on a monthly basis and will not exceed the estimated budget without your prior written authorization.

Feel free to call me at any time should you have any questions or need additional information regarding this proposal. We look forward to working with you towards the successful completion of this project.

Sincerely,

PND Engineers, Inc. | Juneau Office

Dick Somerville, P.E.
Vice President

Enclosures



PND Engineers, Inc.
Port Chilkoot Dock & Letnikof Cove Harbor
Engineering Services Fee Proposal - April 19, 2013
Contract Administration and Inspection Services during Construction
PND Project No. 112048.09

Scope of Services

	PND Senior Engineer VII	PND Senior Engineer III	PND Senior Engineer I	PND Tech V	PND Staff Engineer IV	PND Staff Engineer III	CAD Designer V	PND Tech IV	Line Item Costs	Task Subtotal Costs
	\$175.00	\$130.00	\$110.00	\$105.00	\$95.00	\$90.00	\$95.00	\$90.00		
ANTICIPATED TASKS										
1. Contract administration - Contract and subcontract agreements, CA/CI file system, direct subconsultants & inspectors, prepare contract correspondence, pay applications, change orders, RFI's, DCVR's. Assume 58 weeks (May 15, 2013 to July 1, 2014)	58	116	232					58	\$55,970	
2. Conduct Preconstruction Conference in Haines & Prepare Minutes	8	8	8						\$3,320	
3. Structural Submittal Reviews - floats, gangway, piles, structural steel, approach dock, timber decks, railings, dolphin, concrete reinforcement, transition plates, demolition plans, fabrication work plans	12	64	48					8	\$16,420	
4. Civil Submittal Reviews - upland improvements & water system	4		8		32			2	\$4,800	
5. Design assistance for scope changes, unanticipated site conditions & review proposed substitutions	8	24	24		16		16	4	\$10,560	
6. PM monthly site visits and attend progress meetings with Borough & Contractor, prepare progress reports (8 each)	32	64	48					12	\$20,280	
7. Fabrication periodic inspections for piles, structural steel, timber, & gangway: photos & reports - periodic basis 16 hrs/wk x 20 weeks	8	32	320					16	\$42,200	
8. On site construction inspections w/ daily reports & photos - assume 1 inspector on site 32 weeks at 60 hrs/wk through substantial completion, split inspector duties 4 on /1 off		192	192		1536			36	\$195,240	
9. Substantial Completion Inspection & Prepare Final Punch List	8	8	8						\$3,320	
10. Punch List Inspections through Final Completion & Contract Closeout Documentation, O&M Manual	4	8	40		40				\$9,940	
11. Transfer contractor provided as-built data to electronic files	2	6	4		12		24		\$4,990	\$367,040
Total Estimated Manhours	144	522	932		1636		40	136		
Estimated Third Party Expenses										
Haight & Associates, Inc.	Electrical Engineering Services								\$4,500	
Lodging	Assume 10 months @ \$1,500/mo with utilities								\$15,000	
Meal per diem allowance - fabrication inspection & on site inspection	280 man days * \$65								\$18,200	
Vehicle	8 months * \$1,000/month								\$8,000	
Travel Allowance	Airfares, AMHS, AML & mileage for site move/demove & fabrication inspections								\$6,500	
Materials Testing	Independent Lab Testing Allowance								\$1,000	
Misc. Expenses	Job consumables, fuel, freight, small tools, field supplies, goldstreaks, etc.								\$4,000	
Administrative Fee	10% admin markup on third party expenses								\$5,720	\$62,920
Total Estimated T&M Fee										\$429,960

Note: This budget assumes single shift during construction of both projects.



CONSULTING
ELECTRICAL
ENGINEERS

MEMORANDUM

To: Dick

Date: 18 April 2013

From: Ben

H&A Job#: 137-89

Regarding: Haines Port Chilkoot Dock - Construction Services

For this project, I propose to assist you with the following engineering services:

- Submittals including product information and shop drawings,
- Respond to Contractor questions and RFI's,
- Participate in project meetings when electrical systems are being addressed, and
- Provide one inspection at the Substantial Completion of work.

I estimate our effort for this work to be \$4,500, including expenses. We can invoice this on a time and expense basis. And additional services for extra modifications or inspections can be provided as needed.

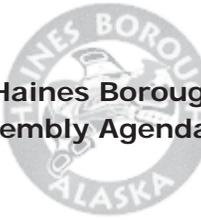
526 Main Street
Juneau, Alaska
99801

Telephone
(907) 586-9788
Fax
(907) 586-5774



**PND ENGINEERS, INC.
STANDARD RATE SCHEDULE
EFFECTIVE MAY 2012**

		<i>Regular Rate</i>
<u>Professional:</u>	Senior Engineer VII	\$175.00
	Senior Engineer VI	\$165.00
	Senior Engineer V	\$150.00
	Senior Engineer IV	\$140.00
	Senior Engineer III	\$130.00
	Senior Engineer II	\$120.00
	Senior Engineer I	\$110.00
	Staff Engineer V	\$100.00
	Staff Engineer IV	\$95.00
	Staff Engineer III	\$90.00
	Staff Engineer II	\$85.00
	Staff Engineer I	\$80.00
	Senior Environmental Scientist	\$100.00
	Environmental Scientist	\$90.00
	GIS Specialist	\$90.00
<u>Surveyors:</u>	Senior Land Surveyor	\$105.00
	Land Surveyor I	\$95.00
<u>Technicians:</u>	Technician VI	\$125.00
	Technician V	\$105.00
	Technician IV	\$90.00
	Technician III	\$80.00
	Technician II	\$70.00
	Technician I	\$45.00
	CAD Designer V	\$95.00
	CAD Designer IV	\$85.00
	CAD Designer III	\$70.00



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-276
Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Authorize Manager to Appoint Police Chief & Modify the Police Chief's Duties	1. Ordinance 13-05-325 2. Memo from the Manager
Originator: Borough Manager (at request of Personnel Committee)	
Originating Department: Administration	
Date Submitted: 5-2-13	

Full Title/Motion:
Motion: Introduce Ordinance 13-05-325 and set a first public hearing for 5/28/13.

Administrative Recommendation:
The borough manager recommends this.

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
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Summary Statement:

At the request of the Personnel Committee, the borough manager is submitting this ordinance for consideration to establish the Chief of Police as a position appointed by the Manager, rather than the Assembly, but subject to confirmation by the Assembly. This would place the Chief of Police, as it relates to the organizational structure, equivalent to the Director of Public Facilities, for example. Currently, the position is appointed by and serves at the pleasure of the Assembly, but supervised by the Manager. The proposed ordinance also removes the Chief of Police as an Officer of the Borough. This change is necessary to avoid a conflict in Charter (Section 5.04).

Referral:

Sent to:	Date:
Recommendation:	Refer to: Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE CHAPTER 2.40 AND SECTION 2.50.040 TO AUTHORIZE THE MANAGER TO APPOINT THE POLICE CHIEF, TO MODIFY THE DUTIES OF THE POLICE CHIEF, AND TO MAKE THE HIRING OF POLICE AND CORRECTIONAL OFFICERS SUBJECT TO STATE LAW.

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 2.40.010. Haines Borough Code 2.40.010 is amended, as follows:

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

2.40.010 Police department organization – Appointment of chief.

There shall be a police department, the head of which shall be the police chief who shall be appointed by the **manager subject to confirmation by the Assembly and who shall hold office at the discretion of the manager** assembly. The number of regular policemen shall be determined by the ~~assembly, but hired by the manager or as authorized in writing to be delegated to the police chief.~~ There shall also be a force of reserve policemen not to exceed eight in number appointed by the chief, subject to approval by the manager, who shall have all powers vested in the regular policemen and shall assist the chief. The reserve force shall adopt bylaws to govern its internal management, membership and organization; but bylaws shall not limit the powers of the police chief who is accountable to the borough assembly.

Section 5. Amendment of Section 2.40.030. Haines Borough Code 2.40.010 is amended, as follows:

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

2.40.030 Chief of police.

The police chief shall be the commanding officer of the police force. The chief shall:

A. ~~Be responsible for the enforcement of law and order~~ **Attempt to apprehend, arrest, and bring to justice all violators of federal, state, or borough law;**

B. **Establish a set of rules and regulations governing the discipline, training, and operation of the department** ~~Direct the police training and police work of the department;~~

C. **Provide a community contract jail** ~~Arrange for the attendance of one or more police officers at every fire within the townsite service area, to preserve order and to prevent theft and destruction;~~

D. **Provide or oversee animal control services** ~~Cause the streets and alleys of the townsite service area to be inspected regularly, and cause all nuisances, obstructions or~~

~~impediments therein to be removed, and cause offenders to be prosecuted when necessary to abate such nuisances;~~

~~E. **Attempt to generally keep the peace** Observe and report immediately to the public works department all defects and want of repair in streets, sidewalks, signs and all defective street lights;~~

~~F. **Serve warrants, writs, executions, and other processes properly directed and delivered to it** Receive and deliver all notices and papers to members of the borough assembly, manager and officers appointed by either, when requested by the borough clerk, and make due return thereof;~~

~~G. **Supervise all activities of the department** Be responsible for the maintenance and care of all property used by the police department;~~

~~H. M. Perform such other duties as shall be required of the chief **as may be specified in this Code or** by the manager;
Investigate, or cause to be investigated, the cause and circumstances of any accident occurring for which the borough may be liable; instruct all police officers to report to the chief such accidents; and notify the chief fiscal officer promptly of all such accidents. Whenever the attention of any police officer shall in any manner have been called to any accident for which the borough may be liable, it shall be the duty of such police officer to communicate such facts and information as the officer may have to the police chief;~~

~~I. **Investigate all applicants for any license or permit when such application requires certification by the Police Department.** Investigate promptly all applicants for any license or permit when such application requires certification by the police chief, and either deliver promptly to the borough clerk a certificate approving such license or permit, or promptly advise the borough clerk of the chief's refusal to so certify;~~

~~J. Maintain and staff the borough jail and be responsible for the prisoners; ;~~

~~K. At least monthly, turn over to the chief fiscal officer all bail deposits, fines, impounding and towage and storage fees, other fees and all moneys received by the department, subject to such rules as may be prescribed by the manager or chief fiscal officer;~~

~~L. Develop operating and procedures manuals for use by the various job classifications and duties within the department;~~

~~N. Be responsible for the direction and organization of the dispatch center as well as its command and control.~~

Section 6. Amendment of Chapter 2.40. Haines Borough Code Chapter 2.40 is amended by repealing Section 2.40.040 in its entirety.

Section 7. Amendment of Chapter 2.40. Haines Borough Code 2.40 is amended by adding a new section 2.40.035 to read as follows:

2.40.035 Application of state law to police and correctional officers.

The hiring, employment, certification and dismissal of police and corrections employees shall be consistent with state law and regulations as defined in AS 18.65.130 - 18.65.290, and 13 AAC Chapter 85.

Section 8. Amendment of Section 2.04.020. Haines Borough Code 2.40.020 is amended, as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETED

2.04.020 Officers.

The officers of the borough shall consist of:

A. Elected Officers. A mayor and six assembly members, who shall be elected by direct vote of the electors of the borough, and who are designated "elected officials";

B. Appointed Officers. A manager, clerk, attorney, ~~chief of police~~, and chief fiscal officer, who shall be appointed by and serve at the pleasure of the assembly. Said officers are designated as "borough officers," shall be appointed by the assembly, and shall be removed only by the assembly. Each borough officer shall hold office until terminated by the assembly or until the officer's successor is appointed, whichever shall first occur.

Section 9. Amendment of Section 2.50.040. Haines Borough Code 2.40.020 is amended, as follows:

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

2.50.040 Duties and responsibilities.

The public safety commission shall:

A. Promote positive public relations with police, fire and emergency medical departments.

B. Review police reports to detect trends evident in Haines as portrayed through police statistics and advise the borough assembly on programs addressing these data-based needs.

C. Conduct public hearings, surveys, or ceremonies as requested.

D. Advise the borough assembly with respect to the organizational structure and policies of the police, fire and emergency medical departments.

E. When the position of chief of police is or is about to become vacant and has been properly advertised, review all applications received. The public safety commission shall make a recommendation for hire to the manager. The manager shall, after reviewing all applications, and considering the commission's recommendation, make his or her ~~recommendation to the borough assembly~~. ~~The police chief is an officer of the borough and serves at the pleasure of the assembly~~ **hiring decision subject to confirmation by the borough assembly.**

Section 10. Effective Date. This ordinance shall be effective upon adoption.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2013.

ATTEST:

Hon. Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 05/14/13
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___



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

May 14, 2013

At the request of the Personnel Committee, I am submitting for your consideration an ordinance that would establish the Chief of Police as a position appointed by the Manager, rather than the Assembly, but subject to confirmation by the Assembly. This would place the Chief of Police, as it relates to the organizational structure, equivalent to the Public Facilities Director, for example. Currently, the position is appointed by and serves at the pleasure of the Assembly, but supervised by the Manager.

The proposed ordinance also removes the Chief of Police as an Officer of the Borough. This change is necessary to avoid a conflict in Charter, which states as follows:

"Section 5.04 Officers and Staff

The officers appointed by the assembly shall serve at the pleasure of the assembly and work under the direct supervision of the manager. All staff members are subject to the direction and supervision of the borough manager."



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-274
Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Establish Harbor Slip Agreement Deadline	1. Ordinance 13-05-326
Originator: Harbormaster	
Originating Department: Ports & Harbors	
Date Submitted: 5-2-13	

Full Title/Motion:
Motion: Introduce Ordinance 13-05-326 and set a first public hearing for 5/28/13.

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 Port and Harbor Advisory Committee and the harbormaster recommend this amendment to Title 16. It will establish a deadline for returning harbor slip agreements.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE
TITLE 16, SECTION 16.16.010 ESTABLISHING A DEADLINE FOR RETURNING
HARBOR SLIP LICENSE AGREEMENTS.**

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 Section 16.16.010. Section 16.16.010 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

16.16.010 Assignment of spaces.

Assignment of use of a designated and numbered space, either slip side mooring or bow mooring, shall be made by the harbormaster, who shall give the vessel owner a duplicate of the slip license agreement. Presentation of this duplicate, signed by the vessel owner, shall be made to the borough finance department or harbormaster when payment of the fee indicated thereon is made. **If the slip license agreement is not returned within sixty (60) days of billing, the Harbormaster shall begin procedures for removing the vessel from the harbor in accordance with HBC 16.28.010(E).** Assigned licensees may retain space licensed by them only so long as they continue to be vessel owners. If a licensee sells or disposes of their vessel, the licensee may retain the space until the end of the license period and may not renew the same unless the licensee has acquired or given notice of intent to acquire another vessel within a reasonable time. If a licensee's new vessel is inappropriately sized for the assigned space, the licensee shall be placed at the end of the wait list for the new size, unless they already hold an appropriately sized position on a wait list. Otherwise, the slip shall be assigned to the first appropriate-sized vessel on the waiting list. Vessels owned or leased by government entities, U.S. corporations, or limited liability companies may be assigned license of a slip for a term not to exceed 10 years, at which time the license will be reviewed for renewal. Any changes in the corporation or the specific vessel occupying the space may initiate a review and possible revocation of the licensed space. The intent of this section of code is to ensure that slips cannot be held in perpetuity.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: ___/___/___
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-275

Assembly Meeting Date: 5/14/13

Business Item Description:	Attachments:
Subject: Change the way Assembly Members and School Board Members are elected.	1. Ordinance 13-05-327
Originator: Assembly (draft ordinance by D.Schnabel and J.Cozzi)	
Originating Department: Assembly	
Date Submitted: 5-6-13	

Full Title/Motion:
Motion: Introduce Ordinance 13-05-327 and set a first public hearing for 5/28/13.

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:
This ordinance is in response to one of the goals in the assembly's 2012-13 Strategic Plan: "Begin Investigation into New Approach for Election of Assembly Members." The draft includes the school board members in this new approach. Assembly Member Schnabel and the borough clerk have worked together to prepare this draft. If it is adopted, it will require Dept of Justice preclearance prior to becoming effective. The hope is that this can be implemented for the 2013 Haines Borough Election.

Referral:			
Sent to:		Date:	
Recommendation:	Refer to:	Meeting Date:	

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 5/14/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 2, SECTIONS 2.08.010, 2.68.140, 2.68.200, AND 2.68.510 TO ALLOW FOR ELECTION OF ASSEMBLY AND SCHOOL BOARD MEMBERS THROUGH SINGLE LISTS OF CANDIDATES.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendments 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. In accordance with the Voting Rights Act of 1965, 42 U.S.C. § 1973 et. seq., following submission to the U.S. Department of Justice for preclearance, this ordinance shall become effective upon notification of a decision not to object from the U.S. Attorney General, or if the U.S. Attorney General fails to interpose an objection to these changes to the Borough election code, not sooner than sixty (60) days following preclearance submission pursuant to 28 C.F.R. § 51.42.

Section 4. Amendment of Section 2.08.010. Section 2.08.010 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

2.08.010 Assembly members – Election number and ~~seat designation terms~~.

There shall be an assembly of six members, all of which shall be elected at large for three-year terms. ~~For the purposes of election only, each assembly position shall be designated by seat, with the initial term of each seat being as follows:~~

Seat A	Seat B	Seat C
2003 2006	2002 2004	2002 2005
Seat D	Seat E	Seat F
2003 2006	2002 2004	2002 2005

Section 5. Amendment of Section 2.68.140. Section 2.68.140 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

2.68.140 Declaration of candidacy and nomination petition.

A. Nomination. Any person qualified to serve in an elective office in the borough may have the person's name placed on the ballot as a candidate for elective office by filing a nomination petition and declaration of candidacy on forms prescribed and provided by the borough clerk. The nomination petition must be signed by no fewer than 10 voters qualified to vote in the borough. Signatures to a nomination petition need not all be appended to one page. To each separate

page of a petition shall be attached an affidavit of the person circulating the petition stating that each signature appended thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. To each nominating petition shall be attached declaration of candidacy stating that the candidate named in the petition consents to serve if elected to the ~~position~~ **office** for which the person is nominated. The nominating petition and declaration of candidacy must be filed with the borough clerk or a duly authorized representative not more than 87 and not less than 67 days prior to the general election. The candidate's signature on the declaration of candidacy shall be notarized.

The nominating petition shall be in substantially the following form:

Nominating Petition

We, the undersigned qualified voters of the Haines Borough, in the State of Alaska, hereby nominate and sponsor _____, who resides in the Haines Borough, for the office of _____, and ask that his/her name be placed on the October ____, 20__ General Election ballot.

We individually certify that we are qualified to vote in the named election.

Name Residence Address Date Signed

(Followed by at least 10 lines for signatures.)

The declaration of candidacy shall be in substantially the following form:

Declaration of Candidacy

I, _____, declare that I reside at _____ in the Haines Borough, Alaska; that I am a registered voter in the borough; that I have resided in the borough continuously for a period of at least one year immediately preceding the date of the election for which I am being nominated and meet the definition of resident in Borough Charter 18.09(J) and the residency standards in HBC 2.68.130(A)(2).

I declare myself a candidate for the office of _____ ~~for a term of _____ years,~~ and request that my name be printed upon the official ballot for the borough election to be held on the _____ day of _____, 20__.

SIGNATURE: _____

FOLLOWED BY A NOTARIZATION BLOCK.

Section 6. Amendment of Section 2.68.200. Section 2.68.200 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

2.68.200 Form of ballot.

A. The clerk shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections.

B. The official ballot shall contain, at the top thereof, the words "Official Ballot" and the date of the election, whether such election is a general borough election or a special borough election, and such instructions to the voters as will enable them intelligently to mark their ballots for the candidates for whom they desire to vote, and to intelligently vote upon the questions which are submitted.

C. The clerk shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law. The ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.

D. The names ~~title~~ of all offices ~~and candidates~~ to be voted upon (**mayor, assembly member, or school board member**) shall be printed on the ballot. The title of each office to be filled shall be followed by the printed names of the candidates for such office **in a single list arranged alphabetically**, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for ___ only" with the appropriate number replacing the blank shall be placed before the list of candidates for each office. **Instruction notes shall state that offices will be filled by the candidates receiving the greatest number of votes exceeding 40%, and if terms are of different lengths, the candidate with the highest number of votes will be elected to the longest term.** The names of candidates shall be printed as they appear upon the nomination petitions filed with the borough clerk except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of the proper name. ~~The names of candidates shall be arranged alphabetically. Provision shall be made for voting for a write-in candidate for each seat.~~

E. Following the offices and candidates there shall be placed on the ballot or on separate ballots as the clerk may determine, all propositions or questions to be voted upon. The words "Yes" and "No" shall be placed with the statement of each proposition or question for selection.

Section 7. Amendment of Section 2.68.510. Section 2.68.510 of the Haines Borough Code of Ordinances is amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
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2.68.510 Votes required to elect – Runoff elections.

If in a borough election **an office is not filled because** ~~no candidate receives~~ **received** ~~in excess of~~ **fewer than** 40 percent of the votes cast ~~for the respective office,~~ the **assembly borough** shall hold a runoff election between the candidates receiving the greatest number of votes for the office on the first Tuesday in November following the canvass and certification as in HBC 2.68.500. **There shall be two runoff candidates for each office to be filled.** Notice of the runoff election shall be published at least 10 days before the election date. The person**(s)** receiving the highest number of votes shall be elected ~~to the seat~~ following canvass and certification of the election as provided in HBC 2.68.500.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: _/_/_
Date of First Public Hearing: _/_/_
Date of Second Public Hearing: _/_/_

Mayoral Appointments 5/14/13

Public Safety Commission

Evangeline Willard – Appointment - term expires 11/2015

Dee Owens – Appointment - term expires 11/2014

Jim Stanford – Appointment - term expires 11/2013

This will leave 0 vacancies

Ad hoc Downtown Revitalization Committee

Lenise Henderson – Appointment – Downtown Business Owner

Kristine Harder – Appointment – Downtown Business Owner

Patty Campbell – Appointment – Chamber of Commerce

Harriett Brouillette – Appointment – Chilkooot Indian Association

Rob Miller – Appointment – Planning Commission

This will leave 2 vacancies (One more Downtown Business Owner and a Downtown Resident)

Remaining Board Vacancies:

Tourism Advisory Board – 1 seat

Chilkat Center Advisory Board – 2 seats

Museum Board of Trustees – 1 seat

Four Winds RMSA Board – up to 4 seats

Historic Dalton Trail RMSA Board – 1 seat

Riverview Drive RMSA Board – up to 2 seats

Office of the Mayor**Haines Borough Alaska****P.O. Box 1209****Haines, Alaska****Tele #: (907) 766-2231; Fax: (907) 766-2716****DRAFT**May 6th, 2013

Kimberly D. Bose

Secretary Federal Energy Regulatory Commission

Office of Energy Projects

888 First Street, NE

Washington, D. C. 20426

Via: E-file Transmittal & U.S. Postal

Re: DI Filing for Non-Jurisdiction

Walker Lake – Haines, Alaska

Docket #: D-113-4-000

Dear Secretary Bose,

On March 1st, 2013 Southern Energy Inc. filed a DI for Non-Jurisdiction for the “Walker Lake Hydro Project”. That filing was reflective of the following findings:

1. The project is not located on navigable waters of the United States.
2. The project does not occupy public lands or reservations of the United States.
3. The project does not utilize surplus water or waterpower from a Federal dam.
4. The project is not located on a body of water over which Congress has Commerce Clause jurisdiction nor does the project affect the interests of interstate or Foreign Commerce.

We concur with these findings and request you consider ruling in a positive manner on their request for a finding of non-jurisdiction on the project.

The Haines Borough has gone on record in support of Walker Lake Hydroelectric development as shown in our previously filed correspondence to FERC dated April 29th, 2012. We continue to seek opportunities in which we can best represent the interests of our citizens in the thoughtful production of electric energy and its related consumption.

In addition, it is important to understand that our community continues to rely upon supplemental diesel generation which we seek to supplant not just due to excessive costs, but also for the impact it has on our environment from such items as the transfer by sea of the fuel, storage on land, particulate matter from generation and noise.

May 6th, 2013

Haines Borough Alaska

FERC E-file Support for DI on Non-Jurisdiction D-113-4-000 Walker Lake Hyrdo

Our position to support a determination of non-jurisdiction also reflects the local interests of our citizens whom as rate payers seek to benefit from lower cost utility rates. We believe that a decision of non-jurisdiction will result in lower licensing, permitting and project development costs.

Sealaska, on behalf of the communities they serve in Southeast Alaska, published a report entitled "Comprehensive Renewable Energy Study for Sealaska" on October 2005. The report was prepared by Alaska Power & Telephone Company. A portion of that report highlights the future of hydropower in the Haines/Klukwan area, (Haines Borough), including the Walker Lake project and cites in Section D (6), on page 45, that the project should likely be determined non-jurisdiction by FERC.

For a jurisdictional history of projects in the Haines area the only other two operating hydropower projects in our Borough are "Lutak Hydro" and "Ten Mile Hydro" both projects were determined to be non-jurisdictional by FERC. Both previously developed and operated by Southern Energy Inc., the current DI applicant in this referenced filing.

Thus it is our request that you find that the DI Filing by Southern Energy for non-jurisdictional determination be found as such.

Sincerely yours,

Stephanie Scott, Haines Borough Mayor

Cc: Harry Ecton/Kim Nguyen
FERC Hydropower Division
888 1st Street
Washington, DC 20426

Inside Passage Electric Cooperative
P.O. Box 210149
Auke Bay, Alaska 99821

Southern Energy Inc.
P.O. Box 489
Haines, Alaska 99827

Tlingit Haida Regional Electric Authority
P.O. Box 210149
Auke Bay, Alaska 99821

Alaska Power & Telephone
P.O. Box 30
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Division of Alaska Land (AK963)
227 W. 7th Avenue, Stop 13
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Alaska Regional Office
P.O. Box 21688/709 W. 9th Street
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