
Haines Borough
Borough Assembly Meeting #253
AGENDA

September 10, 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 – Police Department Report
- 9A – Tourism Advisory Board Minutes
- 11A1 – Adoption of Resolution 13-09-493
- 11A2 – Adoption of Resolution 13-09-494
- 11A3 – Adoption of Resolution 13-09-495
- 11A4 – Adoption of Resolution 13-09-496
- 11A5 – Adoption of Resolution 13-09-497
- 11C1 – Committee Appointments
- 11C2 – Haines Rail Access Assessment

- * 4. **APPROVAL OF MINUTES** – August 27 Regular
5. **PUBLIC COMMENTS** [Any topics not scheduled for public hearing]
6. **MAYOR'S COMMENTS/REPORT**
7. **PUBLIC HEARINGS**

A. **Ordinance 13-07-334** – Third Hearing

An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.68.510 to change runoff election procedures in cases of candidates receiving less than 40% votes.

*This ordinance was recommended by Assembly Member Schnabel and was introduced on 7/9. In its original form, it would not comply with Charter Section 16.04. Therefore, a substitute ordinance was prepared based on wording recommended by the mayor. On 7/23, following the first public hearing, it was referred to the Government Affairs & Services Committee for further review. On 8/13, the assembly scheduled it for a second public hearing. On 8/27 the assembly amended the ordinance and scheduled it for a third public hearing. **Motion:** Adopt Ordinance 13-07-334.*

B. **Ordinance 13-08-340** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Section 3.70.030 to extend the application deadline for senior and disabled veterans property tax exemptions and to remove the provision for late applications.

*This is recommended by the finance committee and was introduced on 8/13. The first public hearing was 8/27. **Motion:** Adopt Ordinance 13-08-340.*

C. **Ordinance 13-08-341** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Section 18.90.060(I) to add a size limitation for small informational signs.

*This is recommended by the planning commission and was introduced on 8/13. The first public hearing was 8/27. **Motion:** Advance Ordinance 13-08-341 to a third public hearing on 9/24/13.*

7. PUBLIC HEARINGS ---continued---

D. **Ordinance 13-08-342** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Section 18.60.010(I) to remove the requirement for a wastewater disposal system to be inspected every two years by the Alaska Department of Environmental Conservation.

*This is recommended by the planning commission and was introduced on 8/13. The first public hearing was 8/27. **Motion:** Advance Ordinance 13-08-342 to a third public hearing on 9/24/13.*

E. **Ordinance 13-08-343** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Section 18.80.030(B) to add setback regulations to the General Use Zone.

*This is recommended by the planning commission and was introduced on 8/13. The first public hearing was 8/27. **Motion:** Advance Ordinance 13-08-343 to a third public hearing on 9/24/13.*

F. **Ordinance 13-08-346** – Second Hearing

An Ordinance of the Haines Borough authorizing the borough manager to enter into a loan agreement in the amount of up to \$787,500 with the Alaska Department of Environmental Conservation for the Muncaster Road Asbestos Cement Pipe Replacement project.

*This is recommended by the borough manager and was introduced on 8/13. The first public hearing was 8/27. **Motion:** Adopt Ordinance 13-08-346.*

G. **Ordinance 13-08-348** – First Hearing

An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to adjust water rates at Haines port facilities, adjust dockage rates at the Port Chilkoot Dock, add logs to the wharfage rates, and move text from one tariff page to another.

*On 9/11/12, the assembly adopted an ordinance revising the water-sewer rates including an increase to the commercial bulk water rate. The port tariff must be revised to provide for that rate change, and the assembly authorizes tariff revisions by non-code ordinance. Additionally, the port and harbor advisory committee met jointly with the tourism advisory board on 10/11/12 to discuss possible increases to the PC Dock dockage rates, and they recommend incremental increases. On 10/23/12, a draft tariff amendment ordinance was referred to the finance committee. Since that time, staff has drafted a new ordinance essentially the same but with the addition of a wharfage rate for logs at Lutak Dock. The assembly is asked to, once again, consider these amendments, and this ordinance was introduced on 8/27. **Motion:** Advance Ordinance 13-08-348 to a second public hearing on 9/24/13.*

8. STAFF/FACILITY REPORTS

A. Borough Manager – 9/10/13 Report

* B. Police Department – 9/6/13 Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* A. Tourism Advisory Board – Minutes of 6/24/13 and 7/22/13

B. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

* 1. **Resolution 13-09-493**

A Resolution of the Haines Borough Assembly appointing election officials for the regular Election to be held October 1, 2013, and establishing the wages.

*This resolution complies with HBC 2.68.330. **Motion:** Adopt Resolution 13-09-493.*

* 2. **Resolution 13-09-494**

A Resolution of the Haines Borough Assembly creating a five-member ad hoc committee to assist in the development of the Picture Point Wayside Project.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-09-494.*

* 3. **Resolution 13-09-495**

A Resolution of the Haines Borough Assembly supporting application for a design and construction grant through the Alaska Energy Authority for installing wood pellet boilers in borough facilities.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-09-495.*

11.A. NEW BUSINESS/Resolutions ---continued---

***4. Resolution 13-09-496**

A Resolution of the Haines Borough Assembly supporting a feasibility grant application through the Alaska Energy Authority Round VII Renewable Energy Fund for hydroelectric power in Excursion Inlet.

*This resolution is recommended by the borough manager. **Motion:** Adopt Resolution 13-09-496.*

***5. Resolution 13-09-497**

A Resolution of the Haines Borough Assembly authorizing a renewed "sister city" relationship with the town of Dunbar, Scotland, to recognize a mutual association with John Muir.

*This resolution is brought forward by the borough clerk. **Motion:** Adopt Resolution 13-09-497.*

B. Ordinances for Introduction - None

C. Other New Business

***1. Committee Appointments**

*With the adoption of Resolution 13-09-494 creating a five-member ad hoc committee to assist in the development of the Picture Point Wayside project, members have been identified and assembly confirmation is requested. **Motion:** Confirm the appointments of Brad Ryan (Takshanuk Watershed Council), Rob Goldberg (Planning Commission), Barbara Mulford (Chamber of Commerce), Judy Heinmiller (Tourism Advisory Board), and John Hirsh (Parks & Recreation Advisory Committee) to the Picture Point Wayside Project ad hoc Committee.*

***2. Haines Rail Access Assessment**

*This agenda item was requested by the borough manager. **Motion:** Direct the Manager to negotiate: (1) a grant agreement with the Alaska Department of Transportation and Public Facilities for the purpose of conducting a Preliminary Assessment for Rail Access to the Port of Haines; and (2) a sole source contract with ALCAN RaiLink/PROLOG Canada to perform said work.*

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #252
August 27, 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**, Jerry **LAPP** (via teleconference), Norman **SMITH**, Dave **BERRY**, Joanne **WATERMAN**, and Steve **VICK**.
Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Phil **BENNER**/Harbormaster, Carlos **JIMENEZ**/Director of Public Facilities, Tanya **CARLSON**/Tourism Director, Simon **FORD**/Interim Police Chief, and Michelle **WEBB**/Deputy Clerk.
Visitors Present: Karen **GARCIA**/CVN, Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, George **CAMPBELL**, Fred **EINSPRUCH**, Heather **LENDE**, Bill **KURZ**, Janet **KURZ**, Dick **SOMERVILLE**/PND, Nels **SULTAN**/PND, Sean **GAFFNEY**, and others.

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

The following items were on the published consent agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Report
- 8C – Fire Department Report
- 8D – Museum Report
- 8E – CFO Report
- 9A – Planning Commission Minutes
- 9B – Museum Board Minutes
- 11A1 – Adoption of Resolution 13-08-489
- 11A2 – Adoption of Resolution 13-08-490
- 11A3 – Adoption of Resolution 13-08-491
- 11A4 – Adoption of Resolution 13-08-492
- 11B1 – Introduction of Ordinance 13-08-348

Motion: **WATERMAN** moved to “approve the agenda/consent agenda,” and the motion carried unanimously.

- *4. **APPROVAL OF MINUTES** – August 13/14 Regular
5. **PUBLIC COMMENTS** - None
6. **MAYOR’S COMMENTS/REPORT**

- A. **Herbicide Spraying**

SCOTT said she wanted the assembly to see the letter Petersburg sent to the state. She would like to know if the assembly would like to pursue the same path, and the attorney will be tasked with a draft ordinance. **VICK** said he would like that, and there was no objection to it.

The mayor briefly recounted the meeting earlier today with the Governor. The topics discussed were ferries, fisheries, sewer plant, and the highway reconstruction project.

7. **PUBLIC HEARINGS**

- A. **Ordinance 13-07-334** – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.68.510 to change runoff election procedures in cases of candidates receiving less than 40% votes.

Mayor **SCOTT** opened and closed the public hearing at 6:35pm; there were no public comments.

Motion: **WATERMAN** moved to “adopt Ordinance 13-07-334,” and the motion was amended to substitute the ordinance in its entirety, replacing in Subsection A the words ‘*calculated as the number of votes cast divided by the number of vacancies*’ with the words ‘*determined by the number of voters voting*’, and holding it over for a third public hearing on 9/10/13 rather than adopting it. The main motion as amended carried unanimously.

During the discussion, **SCHNABEL** said she has no problem with the proposed substitute ordinance. However, she believes the determination for the 40% should be the number of voters voting rather than the number of votes cast. She believes the intention of the Charter is that 40% of the people voting should determine the winning candidates.

COZZI noted the number of people stepping into the voting booths does not necessarily mean each one voted for everything on the ballot. The mayor suggested if there is interest in this amendment, it could be approved and a third public hearing scheduled to provide time to review this issue. **VICK** agreed with the intent and also the holding over to a third hearing to give time to work more on the wording.

B. Ordinance 13-07-336 – Second Hearing

An Ordinance of the Haines Borough amending Borough Code Section 2.10.010 to limit the length of borough assembly meetings.

Mayor **SCOTT** opened the public hearing at 6:47pm.

CAMPBELL suggested the assembly meetings be considered one single meeting even if separated into more than one session as recently happened. Mayor **SCOTT** explained that is indeed the way it is now.

EINSPRUCH believes this ordinance is completely unnecessarily. Each assembly member has the ability to motion for recess or adjournment at any time. It would be better to adopt the custom or practice of recessing meetings by a certain time.

Hearing no further comments, the mayor closed the public hearing at 6:48pm.

Motion: **BERRY** moved to “adopt Ordinance 13-07-336.” The motion carried 4-2 in a roll call vote with **SCHNABEL** and **WATERMAN** opposed.

During the discussion, **SCHNABEL** believes the ordinance is unnecessary. **LAPP** said it seems in the past that no one has been willing to recess. This will be a reminder that it can be done. **VICK** agreed with both sentiments. He likes it in the code, because people are a bit reluctant to say “I’m tired and want to go home...”

C. Ordinance 13-07-337 – Second Hearing

An Ordinance of the Haines Borough approving the conveyance by quitclaim deed of Tract B of Alaska Tideland Survey (“ATS”) 1464 to the State of Alaska, Department of Transportation and Public Facilities (“ADOT&PF”) for the Haines Ferry Terminal Improvements project (State Project #68433); amending Haines Borough Ordinance No. 12-07-299 to authorize the conveyance of Parcel 3 (Tract C of ATS 1464) to ADOT&PF by quitclaim deed rather than warranty deed; and approving a right of entry upon and the sale to DOT&PF of Parcel E-5, a perpetual easement containing 3,484.8 sq. ft., more or less, located in Tract A of ATS 1464 for ADOT&PF to establish, construct and maintain a retaining wall for the Lutak Dock.

Mayor **SCOTT** opened the public hearing at 6:53pm.

EINSPRUCH spoke against this ordinance. They can have this easement if they give the borough an easement for overnight parking.

Hearing no further comments, the mayor closed the public hearing at 6:55pm.

Motion: **BERRY** moved to “adopt Ordinance 13-07-337,” and the motion carried unanimously in a roll call vote.

During the discussion, **BERRY** asked the manager what the issue of safety for the dock would be without the retaining wall. **EARNEST** said it was originally designed to be an armored slope but there were complications, so it was redesigned. This was determined to be the best solution. E-5 was originally a temporary easement. **WATERMAN** reiterated she is an employee of the Alaska Marine Highway System (AMHS) and in no way represents the state, Alaska Department of Transportation, or AMHS as an assembly member. **VICK** said he appreciates the need for overnight parking, but trying to negotiate a policy of no parking with an easement exchange is not appropriate. **EARNEST** said they cannot include negotiation of this because it involves federal highway funds. The two issues are separate and will be dealt with separately. Mayor **SCOTT** said she believes this is not a problem, to-date, and the conversations have been positive. **EARNEST** said the borough will be paid fair market value for the property.

D. Ordinance 13-07-338 – Second Hearing

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

Mayor **SCOTT** opened and closed the public hearing at 7:02pm; there were no public comments.

Motion: **BERRY** moved to “adopt Ordinance 13-07-338,” and the motion carried unanimously in a roll call vote.

E. Ordinance 13-08-340 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Section 3.70.030 to extend the application deadline for senior and disabled veterans property tax exemptions and to remove the provision for late applications.

Mayor **SCOTT** opened and closed the public hearing at 7:04pm; there were no public comments.

Motion: **WATERMAN** moved to “advance Ordinance 13-08-340 to a second public hearing on 9/10/13,” and it was amended to change the deadline from March 30 to March 31 since that is the PFD application deadline. The motion as amended carried unanimously.

F. Ordinance 13-08-341 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Section 18.90.060(I) to add a size limitation for small informational signs.

Mayor **SCOTT** opened and closed the public hearing at 7:07pm; there were no public comments.

Motion: **BERRY** moved to “advance Ordinance 13-08-341 to a second public hearing on 9/10/13,” and the motion carried unanimously.

G. Ordinance 13-08-342 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Section 18.60.010(I) to remove the requirement for a wastewater disposal system to be inspected every two years by the Alaska Department of Environmental Conservation.

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

Motion: **WATERMAN** moved to “advance Ordinance 13-08-342 to a second public hearing on 9/10/13,” and the motion carried unanimously.

EARNEST said if waste water system inspection are a state requirement, removing it from borough code would not affect that. **SCHNABEL** and **BERRY** would like more information.

H. Ordinance 13-08-343 – First Hearing

An Ordinance of the Haines Borough amending Borough Code Section 18.80.030(B) to add setback regulations to the General Use Zone.

Mayor **SCOTT** opened the public hearing at 7:15pm.

CAMPBELL spoke against this. He does not believe the borough successfully enforces the existing setback requirements.

GAFFNEY spoke against it, as well. He believes it will stifle development, because it would affect things such as parking. Developing a business is a challenge, as it is.

EINSPRUCH said Haines has the least parking problem of all of the places he has lived.

Hearing no further comments, the mayor closed the public hearing at 7:18pm.

Motion: **WATERMAN** moved to “advance Ordinance 13-08-343 to a second public hearing on 9/10/13,” and the motion carried 5-1 with **BERRY** opposed.

WATERMAN does not believe it is too restrictive, because zero setbacks are allowed except for industrial development. **SCHNABEL** said 50 feet seems excessive. **WATERMAN** said it refers to an industrial area. **VICK** agreed with **WATERMAN**. It's acceptable to expect industrial uses to have a setback requirement next to a residential area. There's a quality of life issue there. **BERRY** wondered why he would build a residence if he bought property next to an industrial area. **SCOTT** noted this is the general use zone and it would be difficult to know whether or not something industrial was planned. **VICK** said if a gravel pit was put in on the lot line of your residence, you might be upset. **SCHNABEL** said the General Use zone was intended to have no restrictions. When this borough wants to decide to introduce zoning restrictions in the General Use zone, then it will be important to be very conscious. **SCOTT** agreed this is not a matter to be taken lightly, and it can have more than two public hearings. **VICK** would like to see this continue on through the process to encourage discussion. There are restrictions on wetlands, for example, even in the General Use zone. It's not uncommon or burdensome. It's just new. **WATERMAN** said as it grows out there, planning and zoning is going to happen. What's going to be the first step? Actually, the first step was the requirement for a construction declaration form. **VICK** would like to hear more from the planning commission what they mean by public safety reasons for recommending this ordinance. **EARNEST** said the planning commission vote for this was unanimous. Ensuring there

would be space for emergency vehicles and to protect property interests were two of the reasons stated. He noted the ordinance has an effective date of January 1, 2014, if it is adopted. **WATERMAN** suggested the planning commission could look at some allowances such as the ability to use a parking area for the 50-foot setback. She said she hoped staff would bring up these questions and concerns to the planning commission.

I. **Ordinance 13-08-344** – First Hearing

An Ordinance of the Haines Borough amending Borough Code Section 18.20.020 to define temporary use dwellings.

Mayor **SCOTT** opened the public hearing at 7:34pm.

EINSPRUCH does not understand the distinction between the townsite and his property. Technically, he is in the townsite but he has no water or sewer service. He sees this as unfair.

GAFFNEY questioned the logic of this being an areawide ordinance. Usually, things like this are put in things like covenants. It is hard for him to see the benefit. **SCOTT** clarified this only applies to the zones within the townsite service area.

LENDE wondered why this came up. Who is going to enforce this? Yurts are not unattractive.

Hearing no further comments, the mayor closed the public hearing at 7:38pm.

Motion: **WATERMAN** moved to “advance Ordinance 13-08-344 to a second public hearing on 9/10/13,” and the motion failed 1-5 with **SMITH, LAPP, BERRY, SCHNABEL,** and **VICK** opposed.

During the discussion, **WATERMAN** understands where this is coming from. This is for temporary use applications. They are trying to define more what a temporary use is. **VICK** moved to amend by removing “yurt” from the definition but there was no second. **SCHNABEL** doesn’t believe this is needed. Staff needs to be perfectly clear about what is temporary. It’s the use, not the thing. **SMITH** said the borough is trying to prevent these temporary use dwellings from becoming permanent. There are a lot of situations that just continue. He can think of three different people living in buses. That is not being enforced. He doesn’t agree with people being allowed to live in temporary things. **SCHNABEL** said the borough seems to be impotent about the issue of trailers being used as commercial buildings. It is an issue of enforcement. She reiterated that temporary is a usage question. **SMITH** moved to amend the ordinance to add school buses to the list in the definition, after wall tents but there was no second.

SCHNABEL called for the question and it carried 5-1 with **SMITH** opposed.

J. **Ordinance 13-08-346** – First Hearing

An Ordinance of the Haines Borough authorizing the borough manager to enter into a loan agreement in the amount of up to \$787,500 with the Alaska Department of Environmental Conservation for the Muncaster Road Asbestos Cement Pipe Replacement project.

Mayor **SCOTT** opened and closed the public hearing at 7:50pm; there were no public comments.

Motion: **BERRY** moved to “advance Ordinance 13-08-346 to a second public hearing on 9/10/13,” and the motion carried unanimously.

EARNEST said this is to match the municipal matching grant appropriation. **JIMENEZ** said this is Highland Estates project that includes other roads in addition to Muncaster. **EARNEST** said explained the borough’s loan agreement has to match the ADEC grant name.

K. **Ordinance 13-08-347** – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Chapter 2.72.080 to specify what categories of personnel records are available to the public.

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

MORPHET believes this ordinance would also make job applications confidential. Additionally, evaluations would not be public. His attorney disagrees with the borough attorney’s opinion that the Chilkat Valley News attorney memo was taken out of context. He doesn’t understand the effort to do this.

FREIDENAUER said law is a lot of opinion. This may have to be a test case. The media is not looking for rank and file annual evaluations. Additionally, employment contracts should not have a confidentiality clause for evaluations.

LENDE said as a library board member, the board always assumed the library director’s evaluation was public. She assumes it would be in the best interest of the public. It seems it’s always been a good thing.

BENNER said he thinks there's going to be a problem with the union employees. There's a difference between union and at-will.

EINSPRUCH does not understand the purpose of this ordinance. High-level officials are subject to public scrutiny. The public is not even sure evaluations are even being performed. The public should be able to actually observe what's really going on. There should be relatively few things that are secret. More open public access to records is good.

CAMPBELL believes the assembly members are the only ones evaluated, and the borough attorneys are often wrong.

Hearing no further comments, the mayor closed the public hearing at 8:03pm.

Motion: **LAPP** moved to "advance Ordinance 13-08-347 to a second public hearing on 9/10/13," and it was seconded by **BERRY**.

SCHNABEL asked to hear from the manager the reason this is being moved forward. **EARNEST** said he had a conversation with the mayor about possibly having the attorney on the phone to respond to legal questions during a committee of the whole meeting. **EARNEST** explained the practical problem of open evaluations. There would be a dampening effect on the directness of an evaluation or critique. If there are corrective measures that need to occur, and those issues aren't addressed and the behavior becomes worse, then there will not be an evaluation that justifies the termination, if it is challenged. Also, it is a matter of fairness to the employee. If there are deficiencies, there would be a tendency for the public to grab those deficiencies and use them in a damaging way. What if 90% of the employee's performance is acceptable but 10% needs improvement? It would be wrong for the public to use that 10% as a hammer. Employees should not be subjected to unfair criticism. The evaluations need to be meaningful and direct, without the words being softened. **BERRY** said as a person who manages people in the community this is almost identical to what the Chilkoot Indian Association does because it follows federal law. Their personnel records are not open to public inspection, period. **VICK** asked about the applicability to union members. **EARNEST** responded that would be a question for the borough attorney. **SCHNABEL** would like to see this go to the personnel committee.

Motion: **SCHNABEL** moved to "refer Ordinance 13-08-347 to the Personnel Committee," and the motion carried 4-2 with **VICK** and **WATERMAN** opposed.

SCHNABEL said if there are in fact legal exclusions, they should be in the code. She has an understanding of the manager's concerns about employee evaluations, but applicants for positions have a different relationship with the borough than the employees. She would like to hear the reason for those not being public. **EARNEST** noted this is not *applicants*. It's referring to applications of people who become employees.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 8/27/13 Report

1. PND Presentation – Boat Harbor Design Options

SOMERVILLE and **SULTAN** from PND Engineers made a presentation of the harbor protection alternatives and entertained assembly questions.

SMITH asked for an update on the primary school property sale. **EARNEST** explained the assembly has only classified the property for sale. The actual process to sell is quite involved.

SCHNABEL questioned proposed contract assessor plan. She thought the plan presented during the budget was to have this settled by now. **EARNEST** said the plan, and what was put in the budget, is to proceed with contract assessment services. He wants a contract assessor to have some opportunity this year before deep snow to work with staff. Proposals are currently being sought.

* **B. Chilkat Center – Facility Report of July 2013**

* **C. Fire Department – Staff Report of July 2013**

* **D. Sheldon Museum – Staff Report of July/August 2013**

* **E. Finance Department – CFO Permanent Fund Report**

9* COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* **A. Planning Commission – Minutes of 7/11/13**

B. Museum Board – Minutes of 7/18/13

C. Assembly Standing Committee Reports - None

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

* 1. Resolution 13-08-489

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Kendall Ford in the amount of \$51,690 for the purchase of two Ford Interceptor SUVs.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-08-489."

* 2. Resolution 13-08-490

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Arctic Sales, Inc. in the amount of \$13,125 for the purchase of LED street lights.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-08-490."

* 3. Resolution 13-08-491

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with NC Machinery in the amount of \$219,792 for the purchase and delivery of a CAT 950H wheel loader.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-08-491."

* 4. Resolution 13-08-492

A Resolution of the Haines Borough Assembly accepting a grant offer entitled Barnett Water Tank Replacement (MMG# 39541) of up to \$675,500 from the State of Alaska, Department of Environmental Conservation.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-08-492."

B. Ordinances for Introduction

* 1. Ordinance 13-08-348

An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to adjust water rates at Haines port facilities, adjust dockage rates at the Port Chilkoot Dock, add logs to the wharfage rates, and move text from one tariff page to another.

The motion adopted by approval of the consent agenda: "introduce Ordinance 13-08-348 and set a first public hearing for 9/10/13."

C. Other New Business

1. ATVs on Chilkat River Beaches - Discussion

The mayor requested this discussion item and offered a possible motion might be to direct the planning commission to explore avenues to designate this area for non-motorized recreational use only.

Motion: SMITH moved to "refer this issue to the Planning Commission, as soon as possible," and it carried 4-2 with BERRY and LAPP opposed.

During the discussion, BERRY said it is important that "Chilkat Inlet Beaches" be well-defined. This will be step-one. If someone complains about ATV use in another area, will the assembly then prohibit their use there? It will be so much easier next time for uses to be prohibited in certain areas. SCOTT explained the limitation of this area to non-motorized use is only a recommendation in the state's plan. There is currently no authority within the borough code for that recommendation to be enforced. LAPP said it is difficult, if not impossible, to find a place close to town to ride an ATV. He would rather see reckless operators be regulated and cited. SMITH said everyone is suffering from growth issues. The planning commission should deal with this. LENDE explained the common understanding since 2001 was that ATVs would not be allowed in that area. Lately, some people have been driving recklessly, doing donuts with their ATVs. There is really no legal access because of salmon-spawning streams. Chief FORD said he would be reluctant to classify "donuts" with an ATV as reckless. An officer has to witness reckless activity, and it has to do with endangerment of property or people. The police department is more than willing to enforce the law.

Motion: VICK moved to "extend this meeting beyond 9:30pm to complete the meeting agenda," and it carried unanimously.

2. Alaska Department of Transportation and Public Facilities Request for Scoping Comments: Haines Airport Drainage Improvements, Pavement Rehabilitation & Fence Reconstruction Project

The Planning Commission discussed this project at its August 8, 2013 meeting. There was a motion in support of the project, but some concern regarding a toad pond that is scheduled for destruction.

Motion: WATERMAN moved to "authorize submittal of the draft borough comments to the Alaska Department of Transportation & Public Facilities on behalf of the Haines Borough Assembly regarding the Haines Airport Drainage Improvements, Pavement Rehabilitation & Fence Reconstruction Project," and the motion carried 5-1 with SCHNABEL opposed.

3. Requested Tourism Impact Study - Discussion

The tourism advisory board (TAB) has requested a study of tourism impacts, and a proposal was submitted by the McDowell Group. The tourism director has asked for an assembly discussion of the TAB's request. It may lead to assembly action.

SCHNABEL is intrigued and would like to know the cost benefit of this. It seems a \$30,000 study to tell what is already known is a puzzle. It is already known tourism is important for the community and the reason the borough continues to fund it. CARLSON said the Tourism Advisory Board (TAB) has been discussing this since March. A lot comes down to not being able to get a firm breakout of what visitors are spending and what taxes are being collected, along with the indirect benefits such as food, fuel, etc. In some ways, a winter study is more important because there is more unknown. A study will also help know the obstacles and the needed infrastructure. VICK agreed it might be interesting, but wondered how actionable it would be. What provides the most return on investment? Cruise ships? Events? Something else? SMITH believes a lot of this information exists and just needs to be compiled. He is interested in the economic impact the Heliskiing industry has on Haines and thinks this is a good thing to do now and again every ten years. VICK would like to know what the study would produce before approving it. BERRY said this proposal involves only a preliminary investigation and is a good start. It will produce more questions. Mayor SCOTT wants a more targeted analysis. The traffic between Haines and Skagway is an issue, and an economic feasibility study would show if it makes business sense. She would support an analysis of winter tourism and the linkage between the two communities. She would be interested in meeting with the TAB to hone the idea of this study and determine what the question(s).

Motion: SCHNABEL moved "to, for all who can attend, continue this discussion at the Tourism Advisory Board meeting on Friday, August 30, at 9:30am, and it carried unanimously.

For public notification purposes, a straw poll showed it is likely fewer than three assembly members will be able to attend.

4. Method for Recruitment of New Manager

This is an outcome of the 8/19 Committee-of-the-Whole meeting. Staff was asked to gather some information about professional recruitment. One proposal was received in time for the published packet.

LAPP is concerned about the cost in the proposal. SMITH said the average term of a manager in Alaska is about two years. He is opposed to the idea of a professional service. He doesn't believe the borough will gain anything by going that way. BERRY also expressed concerns with the total cost, and EARNEST agreed. VICK sees benefits to both professional and in-house. He wondered what happens if someone doesn't last two years, and the borough ends up paying severance. SMITH said the borough just spent \$20,000 to upgrade the borough's website. The borough should use its existing tools. Utilize Alaska Municipal League and Southeast Conference. Mayor SCOTT said she was informed the pool of municipal managers has shrunk significantly, and the borough will have to look very hard. SMITH believes staff will do the job well until the assembly fills the space. VICK observed even with the police chief search, the borough is not getting a lot of response. If the manager pool is that thin right now, the borough may need some advertising help. SCOTT said EARNEST suggested trying it the traditional way and if it becomes necessary go with a professional service. WATERMAN said at the Committee of the Whole meeting, staff took notes of the things that are a priority for the assembly. A job notice should be prepared accordingly.

Motion: **VICK** moved to “direct the manager to advertise his job using a traditional recruitment method,” and it carried 5-0 with **SCHNABEL** abstaining. No reason was given for the abstention and, although abstaining is not allowed by code, it was not challenged.

12. **CORRESPONDENCE/REQUESTS** - None

13. **SET MEETING DATES**

A. **Personnel Committee** – Monday, 9/9, 11am – Topic: Ordinance re. personnel records disclosure.

14. **PUBLIC COMMENTS** - None

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS**

SCHNABEL said she attended the recent ADOT/AMHS ferry presentation. The attendance was very low. She also met with Governor Parnell today and chatted with him about the “lack of transparency” in his department. He feels very frustrated about that, himself.

BERRY and **WATERMAN** will be absent from the September 24 meeting.

16. **ADJOURNMENT** – 10:09pm

Motion: **SMITH** moved to “adjourn the meeting,” and the motion carried unanimously.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-304
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Election procedures in case of >40% votes.	1. Ordinance 13-07-334, current draft 2. 9/2/13 Email from the Mayor re. Votes Cast
Originator: Assembly Member Debra Schnabel	
Originating Department:	
Date Submitted: 7/1/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-07-334.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ -0-	\$	\$ -0-

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

Summary Statement:
Currently, HBC 2.68.510 states that in the instance a candidate receives fewer than 40% of the vote, an election shall be held between the candidates and that there shall be two candidates. Assembly Member Schnabel recommends a code amendment and the ordinance was introduced on 7/9. As currently drafted, it would not comply with Charter Section 16.04. Therefore, a substitute ordinance was prepared based on wording recommended by the mayor. On 7/23, following the first public hearing, it was referred to the Government Affairs & Services Committee for further review. On 8/13, the assembly scheduled it for a second public hearing that was held on 8/27. It was determined more review of the draft was needed, so a third public hearing was scheduled.

Referral:
Sent to: Government Affairs & Services Committee Date: 7/23/13
Recommendation: Hold a 2nd PH Refer to: _____ Meeting Date: 8/12/13

Assembly Action:
Workshop Date(s): _____ Public Hearing Date(s): 7/23, 8/27, 9/10/13
Meeting Date(s): 7/9, 7/23, 8/27, 9/10/13 Tabled to Date: _____

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE
TITLE 2, SECTIONS 2.68.510 TO ALTER RUNOFF ELECTION PROCEDURE.**

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. This ordinance is effective upon adoption.

Section 4. 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
STRIKETHROUGH ITEMS ARE DELETED

2.68.510 Votes required to elect – Runoff elections.

A. Votes required to elect. A candidate for borough office is required to receive at least 40 percent of the votes cast. Votes cast shall be determined by the number of voters voting.

B. Runoff elections. If in a borough election an office is not filled because candidates received fewer than 40 percent of the votes cast, the borough shall hold a runoff election between the **top two unseated** 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 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: 07/09/13
Date of First Public Hearing: 07/23/13 – referred to G.A.S. Committee
Date of Second Public Hearing: 08/27/13
Date of Third Public Hearing: 09/10/13

Julie Cozzi

From: Stephanie Scott
Sent: Monday, September 02, 2013 5:36 PM
To: Debra Schnabel; Debra Schnabel
Cc: Julie Cozzi
Subject: Ordinance 13-07-334: votes cast

Hi Debra,

Would you mind trying to write out your justification for changing "Votes cast shall be calculated as the number of votes cast divided by the number of vacancies" to "Votes cast shall be determined by the number of ballots cast"? I'm not sure I get it. A ballot isn't a vote; and as you say, people sometimes don't vote as they "could" (i.e. as in "vote for 2," but the voter only votes for 1).

Since there are no longer seats, you have to divide the number of votes (not ballots, but votes) by the number of vacancies to determine the denominator. You have to have 40% of what? If just "40% of votes cast," then that will be a much larger number and perhaps harder to achieve.

Take the simple example. Two vacancies, 100 ballots cast, but only 70 votes because some people did not vote for 2, only for 1. Not only that, but there were x number of candidates (including write ins). Your proposal would calculate the required 40% as 40% of 100 (ballots cast), so a candidate would have to have 40 votes to prevail. But what is really required is that the candidate have 40% of the votes cast for office (i.e. the number of votes cast divided by the number of offices (i.e. vacancies) available. So that would be $70/2 = 45$. 40% of 45 is 18. Out of the field of candidates, the prevailing candidate has to have at least 18 votes, not 40.

I hope that our Election Official can work this through for us. That being said, I would love to include your written explanation for the change you proposed in the packet so that folks can properly consider it. I bet there is some mathematician out there who can confirm your proposal or mine, or adjust either one so that we are correct!

Thanks.

S

Stephanie Scott
Mayor, Haines Borough
907-766-2231 ext.30



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-326
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Amend Title 3 to extend application deadline and remove provision for late applications.	1. Ordinance 13-08-340
Originator: Planning Commission	
Originating Department:	
Date Submitted: 7/24/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-08-340.

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
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Summary Statement:

The Finance Committee met on July 9, and one of the agenda items was a review of the current senior or disabled veteran tax exemption process. The committee recommends extending the deadline 30 days for filling the exemption paperwork, and allowing for no late applications or appeals. Staff drafted the ordinance for assembly consideration. On 8/13, the assembly introduced the ordinance and scheduled a first public hearing that was held on 8/27.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 8/27, 9/10/13
Meeting Date(s): 8/13, 8/27, 9/10/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 3.70.030 TO EXTEND THE APPLICATION DEADLINE FOR SENIOR AND DISABLED VETERANS PROPERTY TAX EXEMPTIONS AND TO REMOVE THE PROVISION FOR LATE APPLICATIONS.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 3.70.030. Section 3.70.030 of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE
STRIKETHROUGH ITEMS ARE DELETIONS

3.70.030 Required exemptions.

A. The following property is exempt from general taxation:

1. Municipal, state or federally owned property, except that a private leasehold, contract or other interest in the property is taxable to the extent of the interest;
2. Household furniture and personal effects of members of a household;
3. Property used exclusively for nonprofit religious, charitable, cemetery, hospital or educational purposes;
4. Property of a nonbusiness organization or its auxiliary composed entirely of persons with 90 days or more of active service in the armed forces of the United States whose conditions of service and separation were other than dishonorable;
5. Money on deposit;
6. The first \$150,000 of the assessed value of real property owned and occupied as the primary residence and permanent place of abode by a:
 - a. Resident 65 years of age or older; or
 - b. Resident at least 60 years old who is the widow or widower of a person who qualified for an exemption under subsection (A)(6)(a) or (c) of this section; or
 - c. Disabled veteran whose disability has been rated as 50 percent or more, subject to AS 29.45.030(e) through (i).
 - d. To be eligible for an exemption under this subsection (6) for a year, the resident shall also meet all requirements for a permanent fund dividend under AS 43.23.005 for the same year or for the immediately preceding year.
 - e. An exemption may not be granted under this subsection except upon written application for the exemption on a form provided by the borough assessor. The claimant must file the application no later than March ~~1st~~ **30th** of the assessment year for which the exemption is sought. The claimant must file a separate application for each assessment year in which the exemption is sought. If an application is filed by the deadline, and approved by the assessor, the assessor shall allow an exemption in accordance with the provisions of this section. If the claimant has already paid taxes for that year prior to approval of a timely application, the exempted tax amount shall be refunded to the claimant. The assessor shall require proof, in the form the assessor considers necessary, of the right to and amount of an exemption claimed under this subsection, and shall require a disabled veteran claiming an exemption under subsection (A)(6)(c) of this section to provide evidence of disability rating. The assessor may require proof under this section at any time. ~~If an otherwise qualified~~

Haines Borough
Ordinance No. 13-08-340
Page 2 of 2

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

7. Real property or an interest in real property that is exempt from taxation under 43 U.S.C. 1620(d), as amended, subject to AS [29.45.030](#)(m) and (n).

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: 08/13/13
Date of First Public Hearing: 08/27/13
Date of Second Public Hearing: 09/10/13



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-319
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Add Size Limitation for Small Informational Signs	1. Ordinance 13-08-341 2. Planning Commission Recommendation 3. 9/2/13 Memo from the Mayor
Originator: Planning Commission	
Originating Department:	
Date Submitted: 7/24/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-08-341.

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
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Summary Statement:

In Title 18, small informational signs related to the operation of a business, such as "Open/Close" or credit card signs, are exempt from regulation. The planning commission recommends a code revision to add a size limit for these small signs. On 8/13, the assembly introduced this and scheduled the first public hearing that was held on 8/27. The mayor expressed a need for more information in the attached memo dated 9/2/13. The manager concurs there are questions that need planning commission answers. That has been communicated to the commission, and they intend to address the questions at their 9/12 meeting. Because of that, it is recommended this ordinance be held over for a third public hearing.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 8/27, 9/10/13
Meeting Date(s): 8/13, 8/27, 9/10/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.90.060(I) TO ADD A SIZE LIMITATION FOR SMALL INFORMATIONAL SIGNS.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.90.060(I). Section 18.90.060(I) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE

18.90.060 Signs exempt from regulation under this chapter.

The following signs shall be exempt from regulation under this chapter, provided these signs, if placed on private property, conform to the setback and placement standards set forth in HBC 18.90.050:

- A. Signs required by law, or temporary signs serving as public notice of a public event;
- B. Works of art, including murals, that do not contain a commercial message;
- C. Holiday lights or decorations;
- D. Traffic control, parking, directional or informational signs or devices, provided they contain no commercial message;
- E. Real estate signs up to six square feet advertising the sale, lease or rental of property upon which they are placed;
- F. Temporary display window signs on the interior surface of windows;
- G. Permanent signs in existence before June 19, 1996. Such signs shall not be replaced, moved, enlarged, altered, or reconstructed except in compliance with this chapter;
- H. Political signs up to 24 square feet in area displayed on private property. Such signs may be erected no more than 60 days prior to the election date and must be removed no later than seven days following the election date;
- I. Small informational signs **up to six square feet**, related to the operation of a business, such as "Open/Closed" or credit card signs;
- J. Construction signs not exceeding 32 square feet erected during construction, alteration or repair of a structure;
- K. Signs of less than two square feet giving information about a residential building or its occupants;
- L. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use. Vehicle signs shall be attached to the surface of the vehicle and shall

Haines Borough
Ordinance No. 13-08-341
Page 2 of 2

not project from the vehicle surface more than the sign thickness. Vehicle signs include painted or magnetic signs;

M. Temporary signs used to advertise casual and isolated sales not made in the regular course of business. Such signs shall be located on private property and utilized only while the items for sale are available on that site. No more than one sign shall be allowed on the site for this purpose. The sign shall be portable, no larger than 16 square feet in area, shall not include the name of any business, but may show the name of a product for sale. The sign shall be removed from the site at the end of the business day. No temporary sign exempted under this subsection shall be allowed for more than two consecutive days at any one site.

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: 08/13/13
Date of First Public Hearing: 08/27/13
Date of Second Public Hearing: 09/10/13

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: July 11, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: W/S Hedden moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.90.060(I).” This motion passed unanimously.

RATIONALE: Currently, “the small informational signs related to the operation of a business, such as “Open/Close” or credit card signs” are exempt from regulation under Title 18. The Planning Commission determines to add a size limit for small signs.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.90.060(I) to read:

I. Small informational signs up to six square feet, related to the operation of a business, such as “Open/Closed” or credit card signs;

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chairman

Memorandum

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

September 2, 2013

To: Mark Earnest, Manager

Cc: Julie Cozzi, Borough Clerk

From: Stephanie Scott, Mayor, Haines Borough

Subject: Communication with Planning Commission re Assembly action on September 27

On September 27, the Assembly conducted public hearings on 4 ordinances brought forward by the Planning Commission. Additionally, the Assembly moved to request the Planning Commission to examine rules governing the use of ATV's on the Chilkat Inlet beaches along Mud Bay Road (presently zoned Recreation).

I am not sure of the protocol for conveying Assembly action and relevant discussion and questions to the Planning Commission and its staff. If one is not established, I am inclined to suggest that the Manager's office convey Assembly action and questions to the Planning Commission, but I do not want to duck my responsibility to be a spokesperson for the Assembly either! So I have settled on a compromise. I will summarize the Assembly's actions below and attempt to convey the information that the Assembly seeks. But I will direct it to you Mark, for clarification, and transmittal further down the line! Please get back to me with corrections or confirmation of my information. After we have settled on the accuracy of the information, perhaps you will let me know to whom you will circulate the memo.

I have two general observations.

1) None of the accompanying agenda bills noted a "Comprehensive Plan Consistency Review." I think it would be helpful to show alignment with the Comp Plan – or even to show that it is not mentioned in the Comp Plan – or even that the proposal is at odds with the Comp Plan! Bottom line: let's use the Comp Plan.

2) The rationale for the proposals was "thinly" described in the transmittal document. Might we beef up that trail? Maybe by excerpting the discussion from the PC minutes?

Ordinance 13-08-341. Amending Borough Code Section 18.90.060 (I) to add a size limit for small informational signs. Assembly set the ordinance for a second public hearing Sept. 10. Assembly discussion assumed that the change was justified by a need for specification in order to accurately regulate, but that was not stipulated in the transmittal document from the Planning Commission. There was some surprise that 2 x 3 (6 square feet) equates with the concept “small sign.”

Ordinance 13-08-342. Amending Borough Code Section 18.60.010 (I) to remove the requirement for DEC inspection every two years of a septic system. Assembly set the ordinance for its second public hearing on Sept. 10. The Assembly expressed a desire for more education on local regulation of septic systems. The transmittal document justified the removal of the regulation because “it cannot be enforced.” The Assembly would like to know what is going on with local and DEC regulation of septic systems. I have to note that relaxation of oversight does not seem to align with the goals and objectives in the new Comprehensive Plan.¹ Perhaps staff has a suggestion as to how to provide for public safety with respect to septic system installations.

Ordinance 13-08-343. Amending Sections 18.80.030 (B) to add setback regulations to the General Use Zone. The Assembly set this ordinance for its second public hearing on Sept. 10. The transmittal from the Planning Commission justified this regulation on the basis of “public safety concerns.” The Assembly noted that the motion to provide for setbacks was passed unanimously by the Planning Commission. Some more discussion on the specific public safety concerns that will be addressed by this regulation would be helpful. Comments from the audience and discussion among the Assembly included concern over the 50-foot requirement from residential lots for industrial² uses. I note that there is at least one objective in the Comprehensive Plan that could be said to support this regulation:

Objective 5G: Protect homeowner’s investments by minimizing adjacent incompatible land development.

¹ I note that the Comprehensive Plan speaks to septic systems in **Goal 15. Provide, or support provision of, adequate and cost effective utilities to enable residential living, economic opportunity, public safety and add to the quality of life.** One of the Objectives is Objective 15B: Monitor and protect the community’s drinking water sources and quality, with a strategy of “Identify locations of onsite septic systems in Borough and distribute information on proper maintenance. Start with more densely developed areas. Objective 15E is more direct: All private septic systems must comply with ADEC mandated separations and setbacks from wells and drinking water sources and property lines to prevent contamination and public safety threats. Maintain septic systems.

² Question: Does “industrial” include both light and heavy industrial; and does “commercial” include light, medium, and heavy?

The associated strategy is:

3. To promote efficient land use, good neighbors and protect homeowner investments and lifestyles, require buffers between residential and non-residential land uses, between differing types/densities of residential development, or when home occupations or light approved commercial uses are adjacent. Depending on the situation common measures could be landscaping, retained or additional vegetation, setbacks, fences, sound barriers, restriction on hours of operation of noise generating equipment or activity, control of traffic speeds, and requiring off-street parking. etc.

Ordinance 13-08-344. Defining temporary use dwellings to include recreational vehicles, yurts, wall tents, and similar structures. The Assembly did not schedule this ordinance for a second public hearing.

The Assembly was concerned about identifying a structure as temporary by name as opposed to how it is used. The thought was that the focus of the regulation is on the use, not so much as on the nature of the structure itself, and that to focus on the structure type could result in being overly restrictive. The Assembly understands that the purpose of the modification to the regulation was in service of judging compliance. The Assembly is interested in knowing more about the problems around compliance with respect to temporary use.

ATV Use on Chilkat River Inlet Beaches in the Townsite, currently zoned Recreation. The subject beach runs approximately from the bottom of Cemetery Hill to Carrs Cove. There is confusion regarding what is and what is not allowed on this beach area or portions of the beach area. Residents have been under the impression that motorized use is disallowed; however, neither the Haines PD nor the Alaska State Troopers could identify the regulation that would allow them to publicize the area as off limits to private ATV users. The Assembly would like the Planning Commission to investigate this situation and advise with respect to the adoption of an ordinance that would prohibit motorized access to this area.

The Chilkat River Beach area was definitely “called out” in the new Comp Plan. Maybe this is the reminder we needed to begin to address this goal and implement the objective. Here is how this area is addressed in the Comp Plan:

Goal 8. Provide public access to coastal areas, rivers and lakes.

Objective 8A: Formalize access, manage areas, and provide infrastructure to improve public access and use of the Portage Cove waterfront, Lutak beaches and Tanani Pt, Chilkat River/Carrs Cove beaches, Chilkoot River corridor, Chilkat Lake, Klehini River, and other coastal areas, rivers and lakes important to Haines residents and visitors.

10. Show natural trail along beach along Chilkat River between Carr's Cove and Jones Point and provide continued public use and coastal access (see Figures 7-4, 7-8, 8-1 and 8-2). Acquire ROW and easements and rezone as needed. Link to trails that connect to Sawmill Rd and Southeast Fairgrounds as depicted on Figure 8-1 to develop a connected non-motorized circle.

Specifics: A)Carr's Cove Beach Access/ Chilkat Beaches-Jones Pt. natural trail: Provide access to beach, bags to scoop dog poop, trashcans & pick-up, improve parking, and formalize beach trail from Carrs Cove to Jones Pt. Work with private landowners. B) Construct trail connecting beach to Southeast Fairgrounds, CIA Mitigation area, and Haines Hwy. Work with private landowners. C) Construct boardwalk/ education trail (potential mitigation project) from Jones Pt. to and along Sawmill Creek to Crystal Cathedral wellhead road. Work with private landowners. D) Build One Mile Creek trail, viewing area, beach access.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-320
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Remove code requirement for an ADEC biennial inspection of wastewater systems	1. Ordinance 13-08-342 2. Planning Commission Recommendation
Originator: Planning Commission	
Originating Department:	
Date Submitted: 7/24/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-08-342.

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
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Summary Statement:

Title 18 requires wastewater systems to be inspected by a DEC-approved inspector every two years, at the property owner's expense. The planning commission recommends a code revision to remove this requirement because it cannot be enforced. Initial DEC inspection and approval would still be required. On 8/13, the assembly introduced this and scheduled the first public hearing that was held on 8/27. The mayor expressed a need for more information in memo dated 9/2/13 (attached to agenda bill 13-319). The manager concurs there are questions that need planning commission answers. That has been communicated to the commission, and they intend to address the questions at their 9/12 meeting. Because of that, it is recommended this ordinance be held over for a third public hearing.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 8/27, 9/10/13
Meeting Date(s): 8/13, 8/27, 9/10/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.60.010(I) REMOVE THE REQUIREMENT FOR A WASTEWATER DISPOSAL SYSTEM TO BE INSPECTED EVERY TWO YEARS BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.60.010(I). Section 18.60.010(I) of the Haines Borough Code is hereby amended to read as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETIONS

18.60.010 General approval criteria.

A land use permit, or conditional use permit, or a platting action permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of HBC [18.60.020](#) are complied with. The burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area. The burial of uncremated human remains outside a cemetery is prohibited.

...

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. ~~The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

Haines Borough
Ordinance No. 13-08-342
Page 2 of 2

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:	08/13/13
Date of First Public Hearing:	08/27/13
Date of Second Public Hearing:	09/10/13

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: July 11, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: M/S Gonce moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.60.010(I).” This motion passed unanimously.

RATIONALE: Currently the code requires the wastewater system must be inspected by a DEC-approved inspector every two years. The Borough will consider removing this from the code since this cannot be enforced.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.60.010(I) to read:

I. Utilities. The proposed use shall be adequately served by public water, sewer, on-site water or sewer systems, electricity, and other utilities prior to being occupied. The borough may require a letter of commitment from a utility company or public agency legally committing it to serve the development if such service is required. If property on which a use is proposed is within 200 feet of an existing, adequate public water and/or sewer system, the developer shall be required to connect to the public systems. The borough may require any or all parts of such installation to be oversized, however the additional cost beyond the size needed for the development will be borne by the borough.

When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property, the developer may request an exemption from the requirements to connect to these public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a developer must provide written Department of Environmental Conservation (DEC) approval of the on-site wastewater system design prior to permit approval. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. ~~The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

SUBMITTED BY Rob Goldberg (signature)

Rob Goldberg
Planning Commission Chairman



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-322
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Amend Title 18 to add setback requirements to the General Use zone.	1. Ordinance 13-08-343 2. Planning Commission Recommendation
Originator: Planning Commission	
Originating Department:	
Date Submitted: 7/24/13	

Full Title/Motion:
Motion: Advance Ordinance 13-08-343 to a third public hearing on 9/24/13.

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
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Summary Statement:
Title 18 does not currently have setback requirements for the General Use zone, and the planning commission recommends some requirements be added. On 8/13, the assembly introduced this and scheduled the first public hearing that was held on 8/27. The mayor expressed a need for more information in memo dated 9/2/13 (attached to agenda bill 13-319). The manager concurs there are questions that need planning commission answers. That has been communicated to the commission, and they intend to address the questions at their 9/12 meeting. Because of that, it is recommended this ordinance be held over for a third public hearing.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 8/27, 9/10/13
Meeting Date(s): 8/13, 8/27, 9/10/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.80.030(B) TO ADD SETBACK REGULATIONS TO THE GENERAL USE ZONE.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance will become effective January 1st, 2014.

Section 4. Amendment of Section 18.80.030(B). Section 18.80.030(B) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE

18.80.030 Setbacks and height.

B. Height is measured from the average grade of the footprint of the structure to the highest point on the structure, measured at the center of each of the four exterior walls.

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
I/H	30 *	0	50	0	0	N/A	N/A	N/A
I/L/C	30	0	50	0	0	20	10	10
I/W	30	0	50	0	0	20	10	10
C	30	0	50	0	0	20	10	10
W	30	0	50	0	0	20	10	10
SSA	30 **	N/A	N/A	10	5	20	10	10
SR	30	N/A	N/A	N/A	N/A	20	10	10
MR	30	N/A	N/A	0	0	20	10	10
RR	30	N/A	N/A	0	0	20	10	10
RMU	30	0	50	0	0	20	10	10
MU	30	0	50	0	0	20	10	10

Haines Borough
Ordinance No. 13-08-343
Page 2 of 2

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
REC	30	N/A	N/A	N/A	N/A	20	10	10
<u>GU</u>	<u>N/A</u>	<u>0</u>	<u>50</u>	<u>0</u>	<u>0</u>	<u>20</u>	<u>10</u>	<u>10</u>

* May exceed 30 feet only by provisions of a conditional use permit granted by the planning commission.

** May be up to 40 feet under the provisions of a conditional use permit granted by the planning commission, but only if for a replica building replacing a building of that height that has been destroyed, and if all special provisions of the historic district and all other provisions of this title are met.

*** As long as all requirements of the state fire code or other applicable regulations are met.

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: 08/13/13
Date of First Public Hearing: 08/27/13
Date of Second Public Hearing: 09/10/13

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: July 11, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: M/S Venables moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.80.030(B) with an effective date of January 1, 2014.” This motion passed unanimously.

RATIONALE: Currently the Borough code does not have setback requirements for general use zone. This issue should be addressed for public safety concerns. Setbacks information can be required in the construction declaration form. However, HBC 18.30.010(A)(2)(c) requires a construction declaration should be filed within 60 days of the start of construction. The filing period could be a problem if construction starts before the construction declaration is filed, and the buildings do not meet the proposed setback requirements. If the Assembly considers adopting this proposed ordinance, the Planning Commission needs some time to amend the filing period of a construction declaration.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC **18.80.030(B)** to read:

B. Height is measured from the average grade of the footprint of the structure to the highest point on the structure, measured at the center of each of the four exterior walls.

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
I/H	30 *	0	50	0	0	N/A	N/A	N/A
I/L/C	30	0	50	0	0	20	10	10



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-314

Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Authorize Manager to sign loan documents from ADEC for the purposes of AC Pipe Replacement (Muncaster).	1. Ordinance 13-08-346 2. Resolution 12-07-387 - adopted 7/24/12 3. Loan documents from the Alaska Drinking Water Fund awaiting the manager's signature
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 7/24/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-08-346.

Administrative Recommendation:
The manager recommends adoption.

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 15A, Page 252	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>As authorized by Resolution 12-07-387, the borough manager applied to the Alaska Department of Environmental Conservation for a loan to replace the Muncaster asbestos cement Pipe. The loan agreement has been received, and per Charter section 3.03, the borrowing of money requires authorization by ordinance.</p> <p>The loan terms are 20 years with an interest rate of 1.5%.</p> <p>On 8/13, the assembly introduced this and scheduled the first public hearing that was held on 8/27.</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 8/27, 9/10/13
Meeting Date(s): 7/24, 8/13, 8/27, 9/10/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A LOAN AGREEMENT IN THE AMOUNT OF UP TO \$787,500 WITH THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE MUNCASTER ROAD ASBESTOS CEMENT PIPE REPLACEMENT PROJECT.

WHEREAS, on July 24, 2012, the Borough Assembly adopted Resolution No. 12-07-387 which (1) designated "Haines Asbestos Cement Pipe Replacement" as the number one state funding priority for Fiscal Year 2014 and (2) authorized the Borough Manager to apply to the Alaska Department of Environmental Conservation (ADEC) for a low-interest loan through the Alaska Drinking Water Fund (ADWF) for Muncaster Road asbestos cement pipe replacement project; and

WHEREAS, the ADEC has authorized an ADWF loan for the Muncaster Road asbestos cement pipe replacement in the amount of up to \$787,500, with up to \$322,875 of the loan amount offered as a subsidy in the form of principal forgiveness (grant) under a federal "disadvantage assistance" program; and

WHEREAS, the Alaska State Legislature appropriated funding in the amount of \$570,544 through the ADEC Municipal Matching Grant Program (MMGP), which requires a 30% local match, in the State Fiscal Year 2014 capital budget for the Haines Asbestos Cement Pipe Replacement project; and

WHEREAS, ADWF loan qualifies as a funding source for the MMGP; and

WHEREAS, Haines Borough Charter Section 3.03 requires assembly authorization by ordinance when borrowing money,

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE HAINES BOROUGH, ALASKA:

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

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

Section 3. Purpose. Authorize the Borough Manager to accept a loan from the Alaska Department of Environmental Conservation.

The Haines Borough authorizes the Borough Manager to execute a loan agreement with the Alaska Department of Environmental Conservation pursuant to the Borough's loan application to the Alaska Drinking Water Fund for \$787,500 for asbestos cement pipe replacement, as well as any and all documents that may be required by the Alaska Department of Environmental Conservation to reflect indebtedness, the terms of repayment, and any security therefore, including an agreement for the loan and promissory note.

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: 08/13/13
Date of First Public Hearing: 08/27/13
Date of Second Public Hearing: 09/10/13

HAINES BOROUGH
RESOLUTION No. 12-07-387

Adopted

A resolution of the Haines Borough Assembly designating the acquisition of State of Alaska, Department of Environmental Conservation (ADEC) grant funds for the project entitled *Haines Asbestos Cement Pipe Replacement* as the number one local state funding priority for fiscal year 2014 and authorizing the Borough Manager to apply to the ADEC for a loan from the Alaska Drinking Water Fund for Muncaster Road asbestos cement pipe replacement.

WHEREAS, the Haines Borough through the State of Alaska, Department of Environmental Conservation (ADEC) will request grant funding for *Haines Asbestos Cement Pipe Replacement*; and

WHEREAS, the ADEC has requested that the Haines Borough identify if this project is the community's number one local state funding priority for fiscal year 2014; and

WHEREAS, *Haines Asbestos Cement Pipe Replacement* will provide for the replacement of approximately 3,400 feet of asbestos cement pipe that is brittle and prone to leaks and major breaks in the vicinity of Muncaster Road; and

WHEREAS, small leaks and breaks in the line add significantly to the costs of pumping water in this area; and

WHEREAS, a recent break in the line due to settlement revealed the immediacy of this project and has caused the Borough Assembly to elevate it to the highest priority for fiscal year 2014; and

WHEREAS, the Haines Borough seeks to obtain the necessary financial assistance for Muncaster Road asbestos cement pipe replacement; and

WHEREAS, the ADEC is able to offer funding through the Alaska Drinking Water Fund; and

WHEREAS, the Haines Borough wishes to apply for a loan from the Alaska Drinking Water Fund,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly:

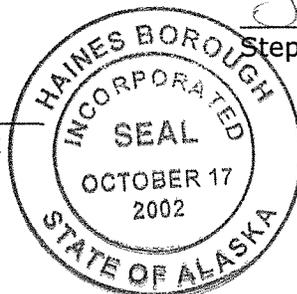
Section 1: Designates *Haines Asbestos Cement Pipe Replacement* as the number one local state funding priority for fiscal year 2014; and

Section 2: Authorizes the Borough Manager to apply to the ADEC for a loan from the Alaska Drinking Water Fund for Muncaster Road asbestos cement pipe replacement.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 24th day of July, 2012.

Attest:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor

ALASKA DRINKING WATER FUND AGREEMENT

ADEC LOAN NUMBER 395161
HAINES BOROUGH
A/C Replacement - Muncaster



THIS AGREEMENT is entered into as of July 11, 2013 by the Alaska Department of Environmental Conservation (the Department) and the Haines Borough (Borrower), acting pursuant to Resolution No. 12-07-387 approved by the Haines Borough for a loan amount of \$787,500 and loan term of 20 years.

SECTION I - DEFINITIONS

Section 1.1. Except where the context clearly indicates otherwise, terms used in this Agreement will have the meaning ascribed to them in this section.

(a) "Approved Application" means the application submitted to the Department on March 13, 2013, together with all attachments and supporting documentation, as approved by the Department and the Borough.

(b) "Finance Charge Rate" means 1.5 percent per annum.

(c) "Contract period" means the time period commencing on the date this agreement is signed by the Borrower and terminating on the date the Borrower repays the loan in full.

(d) "Funding Subsidy" means a principle forgiveness amount awarded under this agreement.

(e) "Default" means the Borrower has failed to make a loan repayment within 90 days of the due date, as determined by the repayment schedule prepared by the Department immediately following initiation of operation of the facility.

(f) "Eligible Project Costs" include the following costs disbursed from the Alaska Drinking Water Fund, estimated to not exceed \$787,500; engineering and construction for the Project Facility; surveys, plans, estimates, and specifications; financial and environmental investigations; laboratory testing, purchase of any equipment that requires a long lead time for

manufacture and delivery, legal expenses; and any other necessary miscellaneous expenditures, minus the amount of any grant applicable to foregoing costs.

(g) "Participation Payment" means the amount per year necessary to amortize the loan.

(h) "Project Facility" means the facility to be constructed pursuant to this Agreement as described generally in the Approved Application dated August 2, 2013. This project will replace approximately 3,400 feet of asbestos cement pipe, including all service connections to existing properties.

SECTION II - RIGHTS OF ACCESS

Section 2.1. The Department has the right at all reasonable times to enter the project site, for the purpose of obtaining a status of the work.

SECTION III - ACQUISITION OF PROJECT SITE, CONSTRUCTION OF PROJECT FACILITY, LOAN DISBURSEMENT, AND PAYMENT OF COSTS

Section 3.1. With the exception of land easements, all real estate and personal property constituting the Project Facility and the project must belong to the Borrower.

Section 3.2. In connection with the construction of the project facility, the Borrower agrees that:

(a) The Borrower will not begin construction of the Project Facility until the Department has reviewed and approved the plans and specifications for the project. In its approvals, the Department may specify changes or conditions to the plans and specifications. The Department must approve any subsequent changes to, or deviations from, approved plans.

(b) The Borrower will ensure that contract wages paid are the higher of the State or Federal wage rate on a classification by classification basis for the construction of the Project Facility. Both prevailing wage rates established for the locality by the Alaska Department of Labor under AS 36.05.010, and Federal standards in accordance with subchapter IV of chapter 31 of Part A of subtitle II of Title 40, U.S.C. (commonly referred to as the "Davis Bacon Act") apply. In addition, the Borrower will consult with the Department on any required contract or bid document language to ensure that appropriate federal "Davis Bacon Act" material is included in the documentation.

(c) Any construction contract estimated to equal or exceed \$50,000 will be awarded through a competitive bidding process and any construction contract estimated to be less than \$50,000 may be negotiated if the Department approves the solicitation and negotiation procedures.

(d) All construction contracts and contractors' estimate forms will be prepared so that materials and equipment may be readily itemized as to allowable project costs and noneligible costs.

(e) Any change in a construction contract that will alter the contract specifications, time, price or will substantially modify the proposed treatment process must be submitted to the Department for approval if the Borrower wishes to have the modifications considered loan eligible.

(f) The construction of the Project Facility will conform to applicable federal, state, and local laws, ordinances, and regulations.

(g) The Borrower will proceed expeditiously and complete the Project Facility in accordance with the Approved Application, project schedule, surveys, plans, profiles, cross-sections, specifications, and amendments.

Section 3.3. The Borrower agrees to administer this loan in a non-discriminatory manner. No person shall be discriminated against based on race, religion, color, national origin, gender or disability. In addition, all contracts issued by the Borrower under this loan agreement must include the following statement:

“The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.”

Section 3.4. When applicable, the Borrower will comply with Title I- Employment of the Americans with Disabilities Act of 1990 (P.L. 101-336) and in accordance with Title I of that Act, shall not discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

Section 3.5 When applicable, the Borrower will comply with Title II-Public Services of the Americans with Disabilities Act of 1990 (P.L. 101-336) and in accordance with Title II of the Act, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

Section. 3.6 When applicable, the Borrower will comply with Title II, Part 35, Section 35.151 of the Act 'New Construction and Alterations' (a) Design and construction: Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992. (b) Alteration: Each facility or part of a facility altered by, on behalf, of or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992. (c) Accessibility standards: Design, construction or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR part 101-19.6) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR Part 36) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.5(1)(j) of ADAAG shall not apply.

Section 3.7 When applicable, the Borrower will comply with Title III, Part 36, Section 36.401 of the Act "New Construction." Except as provided in paragraph (b) and (c) of the Act, discrimination for purposes of this part includes a failure to design and construct facilities for first occupancy after January 26, 1993, that are readily accessible to and usable by individuals with disabilities.

Section 3.8 When applicable, the Borrower will comply with Title III, Part 36, Section 36.402 of the Act "Alterations" (a) General: Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. (b) Alteration: An alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof.

Section 3.9. The Borrower shall fully comply with Subpart C of 40 CFR Part 32, entitled “Responsibilities of Participants Regarding Transactions.” The Borrower is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. The Borrower is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The Borrower acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Section 3.10. The Borrower will comply with the disadvantage business enterprise requirements of the State Revolving Loan Fund program, and will require its contractors to also meet these requirements.

Section 3.11. When applicable, the Borrower will require each construction contractor to furnish a performance and payment bond in an amount at least equal to 100 percent of the contract price.

Section 3.12. The Borrower will require its contractors and subcontractors to maintain workers compensation, commercial general liability, property damage, and vehicle liability insurance. Until the Project Facility is completed by the Borrower, the Borrower (or at the option of the Borrower, the contractor) will maintain insurance for the loss of the facility for the benefit of the Department, the Borrower, the prime contractor, and all subcontractors, as their interests in the Project Facility may appear.

Section 3.13. Subject to the terms and conditions of this Agreement, the eligible project costs less other funding sources will be disbursed by the Department upon submittal and departmental approval of invoices.

Section 3.14. If this project finishes under the estimated cost of construction, it will be funded only as necessary to complete the project.

Section 3.15. Upon completion of the Project Facility, the Borrower will provide a statement to the Department of the project final costs by category of expenditure, including but not limited to costs for administration, design, construction engineering, construction and equipment.

SECTION IV - PARTICIPATION PAYMENTS BY THE BORROWER

Section 4.1. This loan is made to the Borrower from the Alaska Drinking Water Fund for the maximum amount of \$787,500. Of this total amount, \$322,875 is offered to the Borrower as a subsidy (as principle forgiveness) for

disadvantage assistance. All remaining unsubsidized funds will be repaid as provided in the following sections.

Section 4.2. The Borrower agrees to repay the principal amount and the finance charge rate on all cash draws made to the Borrower according to the repayment schedule, which will be prepared by the Department and confirmed by the Borrower following initiation of operation of the facility. The repayment schedule for the actual amount of loan payments made to the Borrower will provide that:

(a) the Borrower will pay a finance charge of 1.50 percent on each disbursement. Accrual of interest will begin one year after the date of the first disbursement to the Borrower.

(b) the loan amount will be paid back within 20 years following initiation of operation of the facility. Repayment of the loan will be made with either equal annual principle payments plus the finance charge or equal annual total payments including the finance charge. Other repayment methods may be negotiated with the Department.

(c) the first loan repayment will be due one year following substantial completion and initiation of operation of the facility.

Section 4.3. The Borrower assures the Department that the Borrower has not pledged revenues for the repayment of its loan that have been previously pledged or encumbered. The pledged revenues for repayment of the loan and each separate source of revenue are specifically identified and described in the Borrower's submitted application.

Section 4.4. In the event that any of the revenues pledged by the Borrower for the repayment of its loan are encumbered by a lien of any prior outstanding debt, the Borrower will furnish the Department with legal assurance that the excess of such prior encumbered revenues are legally available for pledging to the Alaska Drinking Water Fund.

Section 4.5. The Borrower agrees that if pledged revenues are insufficient to meet any loan payment to the Department when due, the Borrower will pay the deficiency in its loan payment from any legally available funds accruing to or in the possession of the Borrower. Repayment of the loan, which is the subject of this loan agreement, shall not be a direct and general obligation of the Borrower.

Section 4.6. If a payment is received by the Department more than 30 days after it is due, the Municipality will be subject to a late charge in accordance with the following conditions.

If the Borrower is in good standing with the Department and has no late payments on any loans within the last five years:

(a) And a payment is more than two months late a 1% charge will be applied against the outstanding amount due.

(b) And a payment is more than three months late a 3% charge will be applied against the outstanding amount due.

(c) And a payment is more than four months late a 5% charge will be applied against the outstanding amount due.

If the Borrower has had late loan payments in the last five years.

(a) And a payment is more than one month late a 1% charge will be applied against the outstanding amount due.

(b) And a payment is more than two months late a 3% charge will be applied against the outstanding amount due.

(c) And a payment is more than three months late a 5% charge will be applied against the outstanding amount due.

Additionally, interest on the unpaid balance will continue to accrue at the contract interest rate and must be paid in addition to the late charge. Payments in arrears when the 5% late charge is assessed will be referred to the Department of Law for collection.

Section 4.7. The Borrower agrees that it will separately account for all monies received from the Alaska Drinking Water Fund and will maintain project accounts in accordance with generally accepted accounting principles.

Section 4.8. If, prior to completion of the contract period, the Project Facility is damaged or destroyed, the Borrower is liable to the Department for all amounts due under this Agreement.

Section 4.9. The provisions of AS 37.15.575 relating to state aid interception apply to the loan made under this agreement.

SECTION V - MAINTENANCE, OPERATION, INSURANCE and AUDIT

Section 5.1. If applicable, the Borrower agrees to prepare a manual for operation and maintenance of the facility which is approved by the Department.

Section 5.2. The Borrower must ensure that a Department approved ordinance and a user charge system are adopted prior to initiation of operation of the facility.

Section 5.3. The Borrower must ensure that the Project Facility is given a final inspection and is certified complete to the Department.

Section 5.4. The Borrower shall initiate operation of the Project Facility immediately upon completion of construction and may not discontinue operation of the Project Facility without Departmental approval. Within one year after the initiation of operation, the Borrower must certify to the Department that the facility is performing up to design standards. The Borrower must ensure that sufficient qualified operating personnel certified by the State of Alaska will be retained to operate the Project Facility. Nothing contained in this Agreement shall be construed as an obligation or pledge of the Borrower to appropriate or expend general funds and general revenues of the Borrower to operate or maintain the Project Facility.

Section 5.5. If applicable, until the Project Facility is completed by the Borrower, the Borrower (or at the option of the Borrower, the contractor) will maintain insurance for the loss of the facility for the benefit of the Department, the Borrower and the prime contractor, and all subcontractors, as their interests in the Project Facility may appear. The Borrower agrees to insure the Project Facility against loss or damage in an amount at least equal to the loan amount specified in Section 1.1(g).

Section 5.6. If applicable, an insurance policy issued pursuant to Section 5.5 must be written or endorsed to make losses payable to the Department and the Borrower as their interests may appear. The interests of the Department are limited to the unpaid principal balance of the loan and any finance charge and penalties accrued as of the date such loan may be paid in full as a result of any insurance payoff, following destruction or damage to the facility.

Section 5.7. In the event the Borrower fails to maintain the full insurance coverage required by this Agreement, the Department may take out the required policies of insurance and pay the premiums. All amounts so advanced by the Department will become an additional obligation of the Borrower to the Department.

Section 5.8. The Borrower agrees to submit a financial report for the Project Facility for Departmental approval within one year after initiation of operation of the facility. A project audit, performed by the Department, will cover the entire multi-year project.

Section 5.9. Financial assistance received under this loan agreement is considered federal assistance and is to be included when determining the threshold amount for a Federal Single Audit. However, financial assistance received under this loan agreement is not subject to State Single Audit.

SECTION VI - MISCELLANEOUS PROVISIONS

Section 6.1. Any disbursement or repayment made under this Agreement by the department shall be delivered by electronic transfer, registered or certified mail, courier service or delivered personally. Any repayment made under this Agreement by the loan recipient shall be delivered by registered or certified mail, or delivered personally, and,

(a) if addressed to the Department, will be sent or delivered personally to:

Alaska Department of Environmental Conservation
Division of Water - Alaska Drinking Water Fund
410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, AK 99811-1800
ATTN: Municipal Administration Team (MAT)

(b) if addressed to the Borrower, will be sent to or delivered personally to:

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

Section 6.2. Departmental approvals, required by this Agreement will not be unreasonably withheld.

Section 6.3. This Agreement is made subject to and conditional upon the availability of funds.

Section 6.4. This Agreement is effective as of the date set forth above and continues in full force and effect until the final day of the Contract Period.

Section 6.5. This Agreement is binding upon the parties specified below, and to any person, office, or board succeeding either of the parties. This Agreement may not be assigned by the Borrower without written consent of the Department.

Section 6.6. The Department may cancel all or any part of this agreement if:

(a) Any representation or other statement made by the Borrower to the Department in connection with its application for a loan from the Alaska Drinking Water Fund is incorrect or incomplete in any material respect;

(b) The Borrower has violated commitments made by it in its Approved Application and supporting documents, has not adhered to the regulations of the Alaska Drinking Water Fund (18 AAC 76), has violated any of the terms of this Loan Agreement; or

(c) The financial position of the Borrower has, in the opinion of the Department, suffered a materially adverse change.

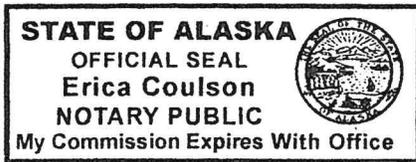
Section 6.7. No portion of this loan amount may be used for lobbying or propaganda purposes as prohibited by 18 U.S.C. Section 1913 or Section 607(a) of Public Law 96-74.

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: Michelle Bonnet Hale
Michelle Bonnet Hale, Director
Division of Water

**ACKNOWLEDGEMENT
STATE OF ALASKA
First Judicial District**

The foregoing instrument was acknowledged before me this 11th day of
July, 2013



Erica Coulson
Notary Public, State of Alaska
My commission expires: with office

By: _____
Haines Borough

**ACKNOWLEDGEMENT
STATE OF ALASKA
First Judicial District**

The foregoing instrument was acknowledged before me this _____ day of
_____, 2013

Notary Public, State of Alaska
My commission expires: _____



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-344
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Amend Haines Port Tariff	1. Ordinance 13-08-348 2. 11/29/12 Letter from the Tourism Advisory Board 3. Lightering, Dockage, and Water Usage spreadsheets
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: Originally 10/16/12; Resubmitted 8/19/13	

Full Title/Motion:
Motion: Advance Ordinance 13-08-348 to a second public hearing on 9/24/13.

Administrative Recommendation:
The borough manager recommends this.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: 4.5.5 Borough Enterprise Funds; Page 53	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
History: On 9/11/12, the assembly adopted an ordinance revising the water-sewer rates including an increase to the commercial bulk water rate. The port tariff must be revised to provide for that rate change, and the assembly authorizes tariff revisions by non-code ordinance. Additionally, the port and harbor advisory committee met jointly with the tourism advisory board on 10/11/13 to discuss possible increases to the PC Dock dockage rates, and they recommend incremental increases. On 10/23/12, a draft tariff amendment ordinance was referred to the finance committee. Since that time, staff has drafted a new ordinance essentially the same but with the addition of a wharfage rate for logs at Lutak Dock. The assembly is asked to, once again, consider these amendments. This was introduced on 8/27.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 9/10/13
Meeting Date(s): 10/23/12, 8/27/13, 9/10/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING THE PORT OF HAINES TERMINAL TARIFF NO. 3 TO ADJUST WATER RATES AT HAINES PORT FACILITIES, ADJUST DOCKAGE RATES AT THE PORT CHILKOOT DOCK, ADD LOGS TO THE WHARFAGE RATES, AND MOVE TEXT FROM ONE TARIFF PAGE TO ANOTHER.

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance shall not become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Rule No. 34, 305, Page 15-A, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to annually adjust dockage rates at the Port Chilkoot Dock by \$.025 per foot over a five-year period and shall read, as follows:

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

RULE NO. 34 TERMINAL TARIFFS

305. PORT CHILKOOT DOCK ~~AND PORT CHILKOOT LIGHTERING FACILITY~~ DOCKAGE RATES

Port Chilkoot Dock dockage charges are assessed upon Length-Over-All (LOA) of the vessel. LOA is defined as the linear distance, in feet, from the most forward point at the stem to the aftermost part of the stern of the vessel, measured parallel to the base of the vessel.

LOA of the vessel as published in "Lloyds Register of Shipping" will be used and when not published, the Port reserves the right to: (a) obtain the LOA from the vessel's register, or (b) measure the vessel.

Dockage rates per foot per 24-hour period **shall be as follows, increasing annually by \$.25 effective January 1 each year:**

Vessel LOA	Charge <u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
000/149	\$0.75	<u>\$1.00</u>	<u>\$1.25</u>	<u>\$1.50</u>	<u>\$1.75</u>	<u>\$2.00</u>
150/199	\$0.94	<u>\$1.19</u>	<u>\$1.44</u>	<u>\$1.69</u>	<u>\$1.94</u>	<u>\$2.19</u>
200/299	\$1.19	<u>\$1.44</u>	<u>\$1.69</u>	<u>\$1.94</u>	<u>\$2.19</u>	<u>\$2.44</u>
300/399	\$1.50	<u>\$1.75</u>	<u>\$2.00</u>	<u>\$2.25</u>	<u>\$2.50</u>	<u>\$2.75</u>
400/499	\$1.88	<u>\$2.13</u>	<u>\$2.38</u>	<u>\$2.63</u>	<u>\$2.88</u>	<u>\$3.13</u>
500/599	\$2.38	<u>\$2.63</u>	<u>\$2.88</u>	<u>\$3.13</u>	<u>\$3.38</u>	<u>\$3.63</u>
600/699	\$2.75	<u>\$3.00</u>	<u>\$3.25</u>	<u>\$3.50</u>	<u>\$3.75</u>	<u>\$4.00</u>
700 and over	\$3.00	<u>\$3.25</u>	<u>\$3.50</u>	<u>\$3.75</u>	<u>\$4.00</u>	<u>\$4.25</u>

Minimum charge of \$80.00

These rates shall be increased, effective January 1 of each year.

Section 5. Amendment of Rule No. 34, 305, Page 15-B, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to renumber the Port Chilkoot Dock Lightering Facility item number and to insert a paragraph moved from Page 15-A. The text remains unchanged but is relocated to the next page in the tariff. Page 15-B shall read, as follows:

NOTE: **Bolded**/UNDERLINED ITEMS ARE TO BE ADDED OR MOVED FROM A PREVIOUS PAGE
STRIKETHROUGH ITEMS ARE DELETED

RULE NO. 34 TERMINAL TARIFFS

~~305~~ **306**. PORT CHILKOOT DOCK LIGHTERING FACILITY RATES-(C)

For use of Port Chilkoot Dock lightering float dock, including lightering to transfer passengers to or from larger vessels; to pick up or discharge passengers for local marine tours; moorage of vessels; and moorage of vessels unable to moor in the small boat harbor.

Rates per 24 Hour Period:

Lightering or transfer of passengers to or from a larger vessel:

Two hundred fifty (\$250) dollars flat rate per day.

Use of the facility by vessels with a capacity of ten passengers or more to load or unload passengers for tours or charters originating or ending in Haines. This fee shall not apply to vessels mooring at the lightering facility for more than one hour per docking:

Twenty (\$20) dollars

When use of the facility is for temporary or emergency transient moorage, or under the terms of a preferential use agreement approved by the Borough Assembly ("PUA"), standard small boat harbor transient moorage rates shall apply. Such use shall only be in case of an emergency or lack of moorage space in the small boat harbor or under the terms of a PUA and shall apply for no more than seventy-two consecutive hours per vessel. Such use shall not interfere with the scheduled use of the dock by the other vessels. Following expiration of the seventy-two hour period, standard dockage rates shall apply.

All other vessels shall pay standard dockage rates.

Section 6. Amendment of Rule No. 34, 310, Page 16, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to adjust water rates at Haines port facilities and shall read, as follows:

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

RULE NO. 34 TERMINAL TARIFFS

310. ITEM 310 WATER RATES

\$50 service charge plus ~~\$4.00~~ **\$4.50** per 1,000 gallons for water, ~~except that this charge shall not apply at the Lutak Dock~~ **at any Haines Port Facility.**

Haines Borough
Ordinance No. 13-08-348
Page 3 of 4

Section 7. Amendment of Rule No. 34, 400, Pages 17 and 18, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 is amended to add logs to the Wharfage Rates and shall read, as follows:

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

RULE NO. 34 TERMINAL TARIFFS

400. ITEM 400 WHARFAGE AND HANDLING

WHARFAGE

ITEM 401:

Freight, N.O.S.

ITEM 402: ~~RESERVED~~

Logs

ITEM 403:

Gravel, Pit run Sand or Gravel; Sand;
Crushed Aggregate; Process Stone or Boulders

ITEM 404:

Explosives and other Hazardous Cargo, Viz.:

Powder, gun or blasting; Blasting Caps
and Agents; Dynamite; High Explosives;
Ammunition other than small arms; and
other cargo deemed hazardous by the
Haines Borough. (See Note 1)

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Item 401: NOS	\$3.50	\$3.85	\$4.25	\$4.65	\$5.15
<u>Item 402: Logs</u>			<u>\$0.50</u>	<u>\$0.55</u>	<u>\$0.60</u>
Item 403: Gravel	\$0.20	\$0.25	\$0.30	\$0.35	\$0.40
Item 404: Explosives/ Hazardous Waste	\$8.00	\$8.80	\$9.70	\$10.65	\$11.70

NOTE 1) Material subject to Rule 34.250. Written permission of the Haines Borough must be obtained prior to any movement of explosives and other hazardous cargo over Borough Port facilities.

These rates shall be increased, effective January 1 of each year.

Haines Borough
Ordinance No. 13-08-348
Page 4 of 4

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: 08/27/13
Date of First Public Hearing: 09/10/13
Date of Second Public Hearing: __/__/__

Haines Borough
Tourism Advisory Board
November 29, 2012

Mayor Scott, Mark Earnest, and Borough Assembly,

I am writing on behalf of the Haines Tourism Advisory Board regarding the proposed Port Tariff amendment to the lightering float at the PC Dock.

The Tourism Advisory Board (TAB) and the Port and Harbor Advisory Committee (PHAC) held a joint meeting on October 11, 2012, with the sole purpose of discussing the Port of Haines Terminal Tariff and developing recommendations for revision beginning in 2014. After lengthy discussion, the advisory committees agreed on a recommended tariff increase to the cruise ship terminal, however both committees also agreed that more information and data was needed prior to making a recommendation on the lightering float, and more specifically the tariff for the Haines Skagway Fast Ferry. The committees voted to table the item until March, allowing for adequate time for the retrieval of necessary information that accurately summarized the impact of a tariff increase at that terminal. The committees understood that March was a suitable timeframe, as the proposed increases would not take effect until 2014, and it was in advance of scheduling and pricing by the operators for the 2014 season.

The TAB was extremely disappointed to learn that the Finance Committee did not heed the recommendation from the joint meeting to postpone the discussion until March. Rather, the Finance Committee is recommending an annual 10% increase on the tariff over 5 years, which equates to a 61% increase at the conclusion of the 5 year period. At the joint meeting, Borough Manager Mark Earnest made it clear that the town of Haines needs to be sending the correct message to the tourism industry that the town supports the industry and wants to see it continually grow. The TAB fails to understand how a 61% increase over a 5 year period on an essential service within the tourism industry sends a positive message.

The possible ramifications from a tariff increase are enormous to the tourism industry, and it is our hope that the Borough Assembly also understands the value in delaying the discussion until March when more information can be presented. The Fast Ferry is a lifeline to tourism in the Haines Borough, without which tourism companies in Haines would not be able to survive. The Fast Ferry is under extreme pressure from the cruise line industry not to raise rates at this point in time, resulting in the additional cost of the tariff being burdened by the operating company. The profit margin for the Fast Ferry is minimal enough that any increases in costs threaten its survival.

The TAB does not understand the need or urgency to make this decision before more information can be obtained that helps better illustrate the impact of a tariff increase at the lightering terminal. The TAB continues to request that the discussion on the proposed Port Tariff amendment to the lightering float at the PC Dock be postponed until March, as recommended by the both the TAB and PHAC, in order to obtain further information on the economic impact to both operators and the town of Haines, as well as the actual costs associated with the operation of the dock.

Thank you in advance for your time and consideration.

Sincerely,

Ross Silkman
President - Tourism Advisory Board

LIGHTERING

Flat Fee		2012	2013	2014	2015	2016	2017
5% Annual Increase		\$20.00	\$21.00	\$22.05	\$23.15	\$24.31	\$25.53
HSFF 2012 Landings	409	\$ 8,180.00	\$ 8,589.00	\$ 9,018.45	\$ 9,469.37	\$ 9,942.84	\$ 10,439.98

Flat Fee		2012	2013	2014	2015	2016	2017
10% Annual Increase		\$20.00	\$22.00	\$24.20	\$26.62	\$29.28	\$32.21
HSFF 2012 Landings	409	\$ 8,180.00	\$ 8,998.00	\$ 9,897.80	\$ 10,887.58	\$ 11,976.34	\$ 13,173.97

Per Head		\$0.25	\$0.50	\$0.75	\$1.00
HSFF2012 Passengers	20,000	\$ 5,000.00	\$ 10,000.00	\$ 15,000.00	\$ 20,000.00

DOCKAGE

	Vessel Lengths (per foot)						
5% Annual Increase		2012	2013	2014	2015	2016	2017
	000/149	\$ 0.75	\$ 0.79	\$ 0.83	\$ 0.87	\$ 0.91	\$ 0.96
	150/199	\$ 0.94	\$ 0.99	\$ 1.04	\$ 1.09	\$ 1.14	\$ 1.20
	200/299	\$ 1.19	\$ 1.25	\$ 1.31	\$ 1.38	\$ 1.45	\$ 1.52
	300/399	\$ 1.50	\$ 1.58	\$ 1.65	\$ 1.74	\$ 1.82	\$ 1.91
	400/499	\$ 1.88	\$ 1.97	\$ 2.07	\$ 2.18	\$ 2.29	\$ 2.40
	500/599	\$ 2.38	\$ 2.50	\$ 2.62	\$ 2.76	\$ 2.89	\$ 3.04
	600/699	\$ 2.75	\$ 2.89	\$ 3.03	\$ 3.18	\$ 3.34	\$ 3.51
	700/OVER	\$ 3.00	\$ 3.15	\$ 3.31	\$ 3.47	\$ 3.65	\$ 3.83
Each Visit	205	\$ 243.95	\$ 256.25	\$ 268.55	\$ 282.90	\$ 297.25	\$ 311.60
12 Visits	205	\$ 2,927.40	\$ 3,075.00	\$ 3,222.60	\$ 3,394.80	\$ 3,567.00	\$ 3,739.20
Each Visit	780	\$ 2,340.00	\$ 2,457.00	\$ 2,581.80	\$ 2,706.60	\$ 2,847.00	\$ 2,987.40
22 Visits	780	\$ 51,480.00	\$ 54,054.00	\$ 56,799.60	\$ 59,545.20	\$ 62,634.00	\$ 65,722.80
ANNUAL TOTALS		\$ 54,407.40	\$ 57,129.00	\$ 60,022.20	\$ 62,940.00	\$ 66,201.00	\$ 69,462.00

	Vessel Lengths (per foot)						
\$0.25 Annual Increase		2012	2013	2014	2015	2016	2017
	000/149	\$ 0.75	\$ 1.00	\$ 1.25	\$ 1.50	\$ 1.75	\$ 2.00
	150/199	\$ 0.94	\$ 1.19	\$ 1.44	\$ 1.69	\$ 1.94	\$ 2.19
	200/299	\$ 1.19	\$ 1.44	\$ 1.69	\$ 1.94	\$ 2.19	\$ 2.44
	300/399	\$ 1.50	\$ 1.75	\$ 2.00	\$ 2.25	\$ 2.50	\$ 2.75
	400/499	\$ 1.88	\$ 2.13	\$ 2.38	\$ 2.63	\$ 2.88	\$ 3.13
	500/599	\$ 2.38	\$ 2.63	\$ 2.88	\$ 3.13	\$ 3.38	\$ 3.63
	600/699	\$ 2.75	\$ 3.00	\$ 3.25	\$ 3.50	\$ 3.75	\$ 4.00
	700/OVER	\$ 3.00	\$ 3.25	\$ 3.50	\$ 3.75	\$ 4.00	\$ 4.25
Each Visit	205	\$ 243.95	\$ 295.20	\$ 346.45	\$ 397.70	\$ 448.95	\$ 500.20
12 Visits	205	\$ 2,927.40	\$ 3,542.40	\$ 4,157.40	\$ 4,772.40	\$ 5,387.40	\$ 6,002.40
Each Visit	780	\$ 2,340.00	\$ 2,535.00	\$ 2,730.00	\$ 2,925.00	\$ 3,120.00	\$ 3,315.00
22 Visits	780	\$ 51,480.00	\$ 55,770.00	\$ 60,060.00	\$ 64,350.00	\$ 68,640.00	\$ 72,930.00
ANNUAL TOTALS		\$ 54,407.40	\$ 59,312.40	\$ 64,217.40	\$ 69,122.40	\$ 74,027.40	\$ 78,932.40

WATER

2012 Gallons
2,612,000
22 Hook Ups

2012 Rate
x 0.004
plus \$50 per hook up
\$11,548.00

Proposed 2013 Rate
x 0.0045
plus \$50 per hook up
\$12,854.00
(using 2012 figures)



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

September 10, 2013

South Portage Cove Harbor Expansion

The Port and Harbor Advisory Committee is scheduled to meet on September 19, 2013 to discuss and possibly make a recommendation regarding harbor protection alternatives for the South Portage Cove Harbor Expansion project that were developed by PND and presented to the Assembly and community on August 27 and 28. The Draft Harbor Protection Analysis Report prepared by PND Engineers presents the results of a study to evaluate the following breakwater alternatives for harbor protection:

1. Rubble Mound Breakwater
2. Partially Penetrating Wave Barrier
3. Floating Breakwater (wave attenuator)

In the Harbor Protection Analysis Report, PND recommends proceeding with a rubble mound breakwater *if* the budget and schedule permits (emphasis added). Generally, a rubble mound breakwater would be the preferred breakwater alternative based on the following:

- They are a time-proven and reliable means of harbor protection;
- They require minimal maintenance; and
- They are effective in dissipating (absorbing) wave energy and produce less reflected wave action than wall-type systems (this is particularly beneficial for minimizing wave conditions within the harbor basin and entrance).

Rubble mound breakwater: The rubble mound breakwater, however, would by far have the highest construction and live-cycle cost of all of the options presented in the PND report. The proposed location of the rubble mound breakwater is at considerable water depth and it overlays a thick layer of clay-rich soil that has very poor load-bearing characteristics. The amount of required material for rubblemound breakwater construction increases rapidly with increased water depth, and because of poor soil conditions at the site, PND is strongly recommending the installation of wick drains, which are very expensive to install. Ignoring likely higher mitigation costs and permitting and construction timelines associated with a rubble mound breakwater, the cost of this option would have a significant impact on the constructability of the proposed improvements, including the C-, D-, and E-Float extensions, a drive-down work float, boat ramp, and shoreline development, given the amount of project funds currently available. Relocating the breakwater toward the shoreline (to the west) would significantly lower the rubble mound construction cost; however, it would also result in a smaller harbor basin and provide less room for the inner harbor improvements.

One possible variation to this alternative is relocating the breakwater toward the shoreline, coupled with additional dredging and excavation of the shore. This could be Alternative 1B. There may be practical limits to dredging and excavation based on the amount of bedrock present in that area; nonetheless, it is an idea that might be worth exploring. I recommend that additional investigation be performed to determine the depth of bedrock in the shoreline area, as well as an evaluation of the benefits and costs of this proposed new alternative.

Partially penetrating wave barrier: The partially penetrating wave barrier has the advantage of having the lowest construction and live-cycle cost of all of the options presented in the report, thus allowing for significantly more inner harbor development. However, this alternative features a vertical steel wall-type construction, which has a higher maintenance cost than a rubble mound breakwater due to costs associated with maintaining the corrosion protection system. (It should be noted that routine maintenance is typically not an eligible expense for most grants.) For comparison, the partially penetrating wave barrier has a projected 50-year maintenance cost of \$900,000 as compared to \$600,000 for the rubble mound breakwater, or \$18,000 per year versus \$12,000 per year. There is also a greater risk of wave agitation in the harbor due to overtopping during storms and/or wave transmission of long-period waves under the breakwater, as well as greater wave reflection inside the harbor basin and entrance.

The partially penetrating wave barrier could readily be constructed in the deep-water location as shown in the PND report, provided the support piles are able to penetrate sufficiently into the gravel/sand/silt layer underlying the lean clay layer. If, however, bedrock is present at depths just below the clay, a different and more costly anchoring system would be required. Additional investigation is needed to determine the depth of bedrock below the lean clay.

Floating breakwater (wave attenuator): The floating breakwater is the least desirable alternative due to relatively high construction and maintenance costs, as well as its relative ineffectiveness in dampening or attenuating waves. The only advantage with the floating breakwater alternative is the ability to provide for vessel moorage; however, there would be no shore access in its proposed configuration.

- Near-term follow up investigation: I recommend requesting a scope and fee proposal from PND to determine the depth of bedrock in the area of the proposed partially penetrating wave barrier and shoreline area for possible dredging and/or excavation for a possible relocated rubble mound breakwater (proposed new Alternative 1B). There may be a possibility of using the Pacific Pile and Marine barge while it is in Haines this winter for the Port Chilkoot Dock Improvement and Letnikof Harbor Refurbishment projects, thus minimizing mobilization and demobilization costs for that work.

Local Road Improvement Plan

I am recommending the creation of a local Road Improvement Plan (RIP) for ongoing major maintenance upgrades to the Borough's road system. The proposal consists of describing, prioritizing, and developing cost estimates for local road segments throughout the Borough, as well as setting aside design and construction funding on an annual basis. Due to decreased funding opportunities through the State of Alaska for capital projects, the Assembly should consider appropriating CIP and possibly other local funds such as Fund 01 - Townsite to take advantage of an Alaska Department of Transportation and Public Facilities' (ADOT&PF) road maintenance program with chip coat crew and equipment as it rotates throughout Southeast Alaska and tie local road improvement projects to its availability in Haines.

There is a good possibility that the ADOT&PF chip coat crew and equipment will be in Haines next summer (2014). Because the Assembly accelerated the dump truck and loader replacement purchases in FY 2013 and FY 2014, the FY 2015 Capital Improvement Program could support a major funding contribution to the Road Improvement Plan. The proposed improvements for FY 2014/15 include reconstruction of Third Avenue, which is currently being designed, Chilkat Lake area road improvements, including two miles of chip coat resurfacing, and Allen Road and Oslund Drive repairs.

The plan would include adding funding in the amount of \$500,000 from the FY 2015 CIP fund to existing and committed funds totaling approximately \$1.25 million. The sources for the existing and committed funds include the following: (1) existing FY 2012 Legislative grant balance - \$850,000; (2) existing CIP funds - \$50,000; and (3) committed Chilkoot Indian Association Tribal Transportation Program (TTP) funds - \$350,000. The RIP is outlined in the table below.

Proposed Project		
Third Avenue	Reconstruction	\$1,250,000
Chilkat Lake Area Roads	Resurfacing	\$250,000
Allen Rd./Oslund Dr./other	Resurfacing	\$250,000
		<u>\$1,750,000</u>

Funding Source	
Existing Legislative Grant Funds	\$850,000
Existing CIP Funds	\$50,000
CIA Funds (committed - 2 years)	\$350,000
FY 2015 CIP Funds (proposed)	\$500,000
	<u>\$1,750,000</u>

Lutak Dock Loss of Fill Investigation

Attached is the Borough's submittal through the State of Alaska CAPSIS process for the Lutak Dock project. It was identified by the Assembly as the Borough's top legislative capital project priority for FY 2014. As you are aware, the Borough received no funding from the Legislature in 2013.

I am recommending proceeding with a reconnaissance-level investigation of the loss of fill at the dock. The proposed scope of work includes a dive inspection, performed by underwater engineers, and partial excavation of the portions of the dock surface where sink holes have been occurred over a period of many years. As part of this work, I intend to request PND contact Reid Middleton for information regarding the work they did on the dock. Based on the results of that investigation, we would expect to move forward with a remedy.

Alaska Marine Highway System - Haines Ferry Terminal Improvements

I signed a Right of Entry allowing the Alaska Department of Transportation and Public Facilities (ADOT&PF) to begin work on the Haines Ferry Terminal Improvements project at Lutak Dock. This action was authorized by Ordinance No. 13-07-337. The project consists of the following: (1) dredging existing berth; (2) removing four deteriorated sheet pile cells and replacing them with a new fill slope protected with armor rock; (3) installing new mooring dolphins and fender system; and (4) expanding and improving the staging area, including relocating the generator and storage building and utility work. This project required the acquisition of Borough Lutak Dock property, as well as granting easement for construction and installation of subgrade structures, to which the ADOY&PF is granted access for repairs and maintenance. Ordinance No. 13-07-337 also established clear title to property on the dock already owned by the State of Alaska. As you are aware, a recent project design change required conversion of a portion of the Temporary Construction Easement (TCE) to a regular easement—a fair market value determination regarding the easement conversion is being performed by Horan & Company for the State of Alaska. The Ferry Terminal Improvements project has a budget of \$11.0 million. The current construction, subject to change, is as follows:

- October 2013: Advertise Project
- December 2103: Contract in Place
- March 1 - April 15, 2014: Offshore Dredging
- May 1 - October 31, 2014: Upland & Electrical Site Improvements / Covered Walkways / Generator and Storage Buildings / Start Retaining Wall Structures
- July 1 - October 31, 2014: Excavate Cells / Place New Fill / Finish Retaining Wall Structures / Offshore Structures
- November 1, 2015 - March 1, 2015: Winter Suspension
- March 1, 2015 - April 15, 2015: Complete Offshore Structures (if needed)
- May 1, 2015 - August 1, 2015: Complete Upland Work / Asphalt Concrete Pavement
- August 1, 2015: Contract Completion Date

Land Assessment Plan

The Borough received three proposals in response to the recent Request for Proposals (RFP) for contract assessment services for the current fiscal year. The deadline for submitting proposals was September 4, 2013. The plan, as previously reported, is to transition to a full-time, staff Land Assessor by July 1, 2014. The proposals will be reviewed and ranked by staff, followed by a recommendation to the Assembly for consideration in the very near future.

2014 Heliski Permit Applications

The Borough received permit applications for the 2014 Heliski season from the three local companies, including allocation requests, by the new deadline established in Borough Code. The applications and allocation requests will be reviewed by staff.

Personnel:

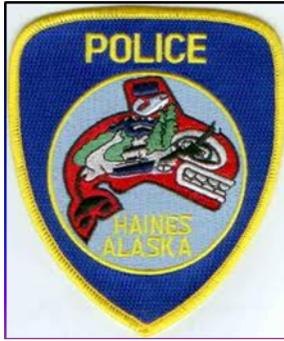
Police Officer: The Borough received ten applications for the vacant police officer position. The applications have been reviewed and interviews have been conducted for the top ranked applicants, who are non-local, but in-State, with the possible addition of one local candidate who has been out of town. The next step in the hiring process will be to submit the finalists to a written test, oral board interview, physical test, and a psychiatric evaluation. The Borough is making arrangements the finalists to perform the tests in Haines. The candidates both have relevant experience but are not Alaska Certified Police Officers. One is a military police officer and the other is a correctional officer, so either person would have to attend the Law Enforcement Training Academy from February to June of 2014 to be certified by the APSC. The local candidate has been Alaska Certified and would have to attend a "refresher" academy. The department is going to a lot of extra effort in raising the standards of the hiring process. These extra steps are used by other agencies, including the Juneau Police Department (Alaska's only accredited police department) and the Alaska State Troopers. I believe this investment will help us employ top quality officers that will be a good fit for Haines.

Police Chief: The application period for Chief of Police was extended until September 11, 2013. As of September 4, six additional complete applications have been received, bringing the total number of applications to ten.

Borough Manager: The borough manager position has been posted in the following places:

1. nwjobs.com (Seattle Times)
2. careerbuilder.com
3. International City/County Management Association (ICMA)
4. Alaska Municipal League (AML) website & FAX alert
5. Workplace Alaska
6. Borough website
7. Posted in usual places around town

The deadline for applications is 5:00 pm, Thursday, October 3, 2013, or thereafter until filled.



**HAINES BOROUGH
POLICE
DEPARTMENT**
PO BOX 1209
HAINES, AK 99827

PHONE (907) 766-2121 FAX (907) 766-2190

Interim Chief of Police Simon Ford

September 6, 2013

Police Department Report

Staff

PATROL

Since Chief Lowe's separation from the Borough in March of this year, I have been serving as Interim Chief of Police. In April, Jason Rettinger was appointed Acting Sergeant and has been exemplary in that role. His leadership and commitment have contributed greatly to the progress the department has made in recent months. Officer Adam Patterson recently experienced the loss of a close family member and was out of the state for about ten days. He has been refining his skills and has especially excelled in interviewing and report writing. Officer Josh Knore resigned from the department at the end of July. He returned from his new home in Ohio to testify in an important jury trial and helped secure a conviction in which he was assaulted in the line of duty.

RECRUITMENT

In an effort to replace Officer Knore, we posted an advertisement for a patrol officer and received applications from ten candidates. We are moving forward with two of those candidates to the next step in the selection process. This will include a psychiatric evaluation, written test, physical test, and an oral board interview. The applicants will be coming to Haines for a day of testing and will be able to meet the staff, tour the facilities and get acquainted with the town. The psychiatric evaluation will be done by the end of next week and the testing in Haines will happen in the next two weeks. The hiring recommendation will be made shortly after that.

DISPATCH

Dispatch Supervisor Celeste Grimes recently became a certified trainer of two important sets of instruction, public safety telecommunicator and emergency medical dispatcher. Through some creative scheduling and the hiring of part time, temporary dispatcher Shelina Turner, Celeste will be teaching these classes to all the dispatchers. By the 23rd of October, all of our dispatchers will be certified in both areas. Katie Whitley will be leaving for maternity leave and Shelina will be covering her shifts in her absence. Jane Clark has been receiving additional training in the State's public safety information network and is the terminal security officer for the department. She is working with Warren on implementing the State's new security requirements. Rosalie Leowen and Tamsen Cassidy are tentatively scheduled to attend the Correctional Officer academy in Palmer this fall. The date is to be determined.

News

- New parking tickets have been ordered and will be arriving shortly. This will allow us to enforce the new ordinance that made parking violators subject to civil fines and also to leave the citations on the windshield of the vehicle.
- An important jury trial was held in Haines. This was centered on an incident involving a conflict between police officers and an intoxicated patron at a local drinking establishment. In the subsequent arrest, an officer was assaulted. The jury found the defendant guilty of disorderly conduct, assault on a police officer and resisting arrest. Courtroom testimony is a very stressful part of a police officer's duty. The officers did an outstanding job on the stand.
- A new Department of Law policy in the state will significantly reduce the District Attorney's discretion to plea bargain cases. We will likely see more trials in the future.
- Officers will be participating in the Haines School's resurrection of Red Ribbon Week. We will be teaching classes on controlled substances, DUI, alcohol impairment (with the "drunk goggles" and also the effect of drugs and alcohol on domestic violence in Alaska.
- The department is partnering with a federal agency to scrutinize drug traffic through the postal service. Parcels will be tested for the presence of controlled substances when sent to addresses that have been identified by HPD.
- Sgt. Rettinger and I have become members of the Regional Information Sharing Service and the Western States Information Network. This will allow us to access information gleaned by other law enforcement officers when investigating crimes and suspects.

Projects

After restructuring the entire E-911 dispatch center project, we are finally producing documents to purchase and install a system with features to include Computer Aided Dispatch, Automatic Location Identification, Automatic Number Identification, Narrow Band Radios for police, fire, EMS, VHF, and FAA to monitor air traffic. The new console will allow dispatchers to access relevant information on touch screen computers so they can send the right help to the right place quickly. Work will also be done to the radio repeater system. All work, including training on the new system, should be complete by the end of the year.

Two new 2014 Ford Interceptor SUV Patrol Vehicles have been ordered through Kendall Ford in Wasilla. These new vehicles will have substantially increased safety measures and were designed by Ford specifically for patrol duty. They will feature barricades between front and back seats, locking gun mounts, manual spotlights on the driver's side door (that work in the winter, too.) They will have new RADAR detectors but the lights, sirens, radios, and dash mounted video systems have been removed from the Ford Escapes to be installed on the new vehicles.

Through a grant offered by the Department of Public Safety, our department will be receiving three more "Toughbook" laptop computers, as well as scanners, stands and printers allowing all the officers in the department to issue tickets, investigate motor vehicle crashes and document information in their patrol vehicles. DPS staff will travel to Haines to provide training on the software once the hardware has been installed, sometime this fall.

The Department of Corrections is funding the purchase of a new digital scanning fingerprint imaging instrument for the booking area of the jail. This will replace the 1950's era fingerprint cards we have been using and will allow the images to be uploaded directly to the FBI and DPS. The State of Alaska has developed a new web-based secure database called the Alaska Records Management System (ARMS). This is an important development in information sharing between law enforcement agencies. The State Troopers have been using ARMS for over a year and through a partnership with the troopers, Haines PD will be part of the first team of municipal agencies to be able to use ARMS. This will give us the ability to contribute to and access data contributed by other Alaskan departments in a huge searchable database and will be extremely valuable in collecting information while investigating crimes, particularly the movement of drugs between communities. This also should happen by the end of the year.

Through a buy-back program offered to law enforcement agencies by Glock, we purchased new Gen-4 .45 caliber Glock pistols. These redesigned semi automatic handguns have a duplex recoil spring, improved sights, and grips that can be adjusted to conform to the size of the officers' hands. After trading in the old pistols, the new guns cost the department \$152 each. All officers have qualified with the new Glocks and are carrying them on duty.

While we are reconstructing the dispatch center and rerouting computer and telephone cables throughout the building, the carpets and vinyl will be replaced in most of the police department. Some painting and reorganizing projects are also ongoing.

Training

Over the past year, Jason Rettinger is now a certified firearms instructor and a field training officer. He also was sent to a class called "methods of instruction" which teaches officers to customize the presentation of information to a specific audience and communicate in ways that will be effective with different learning styles. Adam Patterson attended training in Anchorage to learn about the new system of documenting vehicle crashes. All officers were trained on the new Datamaster DMT breath testing instrument in the jail. Jason also became an instructor for the Datamaster DMT. Celeste Grimes was certified as an instructor for EMD and PST and is teaching other dispatchers these classes. Julie Anderson presented a class for the officers that covered emergency first aid for law enforcement. This was focused on what we can do as first responders in the first minutes before the ambulance arrives and what to do when your partner is wounded by a gunshot. Lenise Henderson Fontenot has provided training focused on teambuilding, communication and leadership. Representatives from the Department of Juvenile Justice and the District Attorney's office came to teach a class on Juvenile Procedures. ADA Amy Williams also traveled to Haines to provide instruction on investigation, documentation, patrol level drug enforcement and courtroom testimony.

In the coming months, Adam and I will be attending InCOP Information Collection on Patrol in Juneau. Instructors will be traveling to Haines to teach officers how to use new software developed by the Troopers for traffic enforcement and crime scene investigation. HPD officers are working through a police ethics curriculum called "Becoming an exemplary police officer." This guides an officer step by step through the process of applying ethical standards to police work and how to maintain appropriate boundaries in law enforcement.

Tourism Advisory Board Meeting Agenda / Meeting Minutes

Friday, June 24 – 9:30 am (Assembly Chambers)

Meeting Call to Order: Barb Mulford – Acting President – 9:32 am

Roll Call: Present Barb Mulford, Rhonda Hinson, Judy Heinmiller, Jason Gaffney, Karen Hess, Jeff Butcher (9:53)

Absent

Also Present Tanya Carlson, Stephanie Scott

Approval of excused / unexcused absences:

Approval of Agenda: Hess moved to approve the agenda, Heinmiller seconded; all in favor.

***Approval of Minutes:** April 24 & May 31

Public Comments: None

Chair Report: *Title 5 – Letter from Dan Egolf*

Dan Egolf sent a letter voicing concerns regarding a tour permit being denied due to personal property taxes not being up to date. Business licenses can be renewed as long as sales taxes are current but tour permits cannot if anything is delinquent. Mulford wanted to bring it to the board to see about changes to Title 5. Hess agrees that personal property tax should not be included but everything pertaining to the business should be. Gaffney does not agree with tour operators having these layers placed upon them that are not placed upon other businesses.

Hess asked what the penalties were for violations. Carlson replied up to \$1000 fine per violation. Permits can be revoked or suspended as well.

Hess motions that TAB make a recommendation to the borough that tour permits have the same requirements as business licenses. Carlson added that Tour Permits is already on the agenda and the committee to discuss title 5. Hess rescinded her motion.

July 4th – Chamber of Commerce

July Fourth is around the corner. Bill Thomas is grand marshal and she urges everyone get out there, participate and make a float.

New Business: *Heli-Ski Map Ad Hoc Committee Update*

Mulford participates on this committee. Mulford feels that the makeup of the committee between outlooks and knowledge is all very good. She feels that all decisions are being based

on facts, science and data. They are working to back up every change (addition or subtraction) with a solid reason why. The maps currently have straight lines that don't follow any contour or topography. The committee is keeping in mind quality of life for residents, safety for guests and consideration for wildlife inhabiting the area.

Vacant Seat / Appointment

There are two applications for the open board seat: Michael Marks and Scott Sundberg. Mulford feels they are both active in the community and have a vested interest. Heinmiller was not familiar with Michael Marks. Butcher recommended Marks. Butcher said Marks started coming to Haines about eight years ago and they ended up moving here. He and his wife are active in the community on the Museum Board, with the Chilkat Center, Eldred Lighthouse Board and other volunteer items throughout Haines. His background is in marketing and planning events/conventions. He is retired and looking to be involved.

Gaffney thinks it's good to have someone with time to dedicate be part of the board. He realizes that most of them are very busy with their businesses and it makes it difficult at times. Heinmiller thinks Marks would be a good addition to TAB

Neither applicant was in attendance. There was a discussion as to why this was or if they had been told/invited to attend. The mayor is unaware of a specific procedure that speaks to this. Hess motioned that the borough invite any applicant for any board to said board meeting where appointments are being discussed, Gaffney seconded; all in favor.

Butcher motioned to recommend Michael Marks to TAB, Heinmiller seconded. Hess asked if Sundberg was planning on being in Haines most of the year. Mulford wanted to make sure the board is well balanced, something she considered with the Chamber board recently as well. Marks has nice rounded and external knowledge and the board already has three tour operators, one of which is involved in heli-skiing. Heinmiller asked how long the term was. Carlson replied that this person will be filling out Silkman's term which ends this November. Gaffney would like to recommend that whichever candidate is not recommended for the seat to bring them on in a non-voting capacity.

Question for the motion: All in favor of Michael Marks for the open seat.

Heinmiller moves to extend an invitation to Scott Sundberg to be an ex-officio to TAB, Gaffney seconded; all in favor.

Chair Vacancy / Appointment

Mulford is currently acting chair with Silkman's departure. Heinmiller nominated Mulford for the Chair, Butcher seconded; all in favor. Mulford thanked everyone.

The board decided to wait until Marks has joined the board to vote on vice chair. Gaffney reminded everyone that the board is not required to have an acting vice chair.

PC Dock Tariffs – Business Case - Meeting with Holland America

Mulford spoke with the Manager regarding this. The borough is working on a business case for the tariff increase. Carlson spoke to the phone meeting with Bill Sharp from Holland America and he had the same questions that Mulford had looking at why the rates need to go up.

Upcoming Events and Conventions

Butcher spoke to the upcoming 3rd Annual Music Festival. This year the bill is filled with all local groups and musicians. Last year the radio station took it over and they were able to keep the door receipts minus expenditures but they cannot take it this year. John Hunt has been working with Butcher on it this year. They have decided to create a scholarship this year with the proceeds. Butcher invested into equipment this winter so as not to have to pay someone to bring their equipment up. Hunt has radio interviews coming up to promote the event. Butcher will be looking for volunteers to assist at the event; they will receive free entrance and certificates for food at the event and at the Halsingland.

Carlson said the Pie Eating contest is back for the 4th at the Visitor Center.

Mulford mentioned the Fisherman's BBQ being the same night as the bike race and the concerns locals and local businesses have about that. Heinmiller knew several fishermen who didn't go because they didn't want to stand in line with 1200 people. A question was asked as to why they pick that date and the Mayor said it's right before the opening of the season and all of the fish is donated by Ocean Beauty.

State Museum Conference is the end of September.

Emergency Preparedness Drill being held the beginning of September.

There was discussion of trying to get more meeting/conventions, staff time to do so, a new staff member to handle the responsibility, etc. Gaffney would like to see the EIS done before we go spending money on it to see what brings money onto the community and have a better understanding of how it flows.

Old Business:

BackRoads Alaska

Carlson said the website is about done for BackRoads Alaska. Mulford asked what we'll do when we launch it. Carlson replied that it would be sent to each of the lines/people we met with last year and let them know that we are still here and still pushing the concept. Ideally we would do another trip down to meet with them all next year.

Economic Impact Study – Budget Update

Carlson thinks it will go to the Assembly either the second meeting in July or the first meeting in August. We are going to shoot for both the summer and winter study. Gaffney would like to make sure that if the Assembly doesn't want to do both that we put a preference on the summer.

Tour Permits – Meeting Scheduled for Committee

This committee has not yet met. Carlson emailed the clerk, etc. that TAB was working on making modifications on Title 5 and should have a recommendation to the Assembly by October.

The Committee chose to meet July 8 in the Library.

Directors Update: *2014 Cruise Schedule Update*

Carlson let everyone know that Princess will not be docking in Haines in 2014. It just happened that every time the ship was scheduled to be in the northern Lynn Canal next summer that Skagway had an open berth.

Gaffney reminded everyone the reason for BackRoads Alaska particularly with the super class ships that will be coming once the Panama Canal is finish. Those ships will be pushing out some of the smaller ships and lines will be looking to see if they have a reason to keep smaller ships in Alaska or if they should move them someplace else.

Triathlon for August

Carlson is planning a triathlon to start an event in August. The triathlon will be a run, bike and kayak event going from Chilkat State Park to Chilkoot State Park. She has spoken with Preston with State Parks and he is fine with it. Carlson is targeting August 17.

Gaffney has concerns regarding bears in Chilkoot at that time of year and is surprised that Preston would be okay with it.

Board Comments: Hinson is concerned about the newly painted yellow curbs and the amount of parking that has been lost along Main St. Gaffney thinks it has to do with certain regulations for vehicles being so far from a corner.

Set Next Meeting Date: *Monday, July 22, 2013 – 9:30 am*

Assembly Chambers, Safety Building

Butcher motioned to adjourn, Gaffney seconded; all in favor. Meeting ended at 11:18 am.

Tourism Advisory Board Meeting Agenda / Meeting Minutes

Monday, July 22 – 9:30 am (Assembly Chambers)

Meeting Call to Order: Barb Mulford – President – 9:30 am

Roll Call: Present Michael Marks, Barb Mulford, Rhonda Hinson, Judy Heinmiller, Jason Gaffney, Karen Hess, Jeff Butcher

Absent

Also Present Scott Sundberg, Tanya Carlson

Approval of excused / unexcused absences:

Approval of Agenda: Hess moved to approve the agenda, Butcher seconded. Mulford motioned to amend the agenda to include voting for a Vice Chair. Heinmiller motioned to approve the agenda as amended, Gaffney seconded; all in favor of amended agenda.

***Approval of Minutes:** N/A

Public Comments: None

Chair Report: *Haines Representative on the AMHS Vessel Columbia*

Mulford received an email from the Mayor from George Campbell regarding the fact there are no interpreters on the ferries to say anything about Haines. He feels there should be a tourism representative onboard to tell people about Haines.

Carlson replied that she had already replied to Mr. Campbell breaking down the cost of doing something like this and why it would be a hindrance. With twelve weeks left in the season it would cost over \$4500 if we got everything at the cheapest rate possible. If we do it for the Bellingham ferry we should probably do it for the Prince Rupert ferry as well.

Mulford asked why the interpreters were removed. The State Parks supplied the representatives but with the recent ferry cutbacks the interpreter was one of the items that got cut. Gaffney recommends that AMHS do a video or recording of the presentation that they used to have and play them over the PA or in the movie lounge.

Tuesday Assembly Meeting

Tomorrow's assembly meeting will have the Manager making the recommendation for the heli-ski map from the ad-hoc committee. The Mayor has re-written the entire code to the process for the Assembly to also take a look at because of some public complaints to the process this year.

Sales Tax

Mulford has been investigating Skagway and how they decrease some of their sales tax in the winter time and bump it up in the summer. Hess likes the concept but she sees a lack of revenue occurring; if we have a drop in visitors than the borough loses money in the long run. Gaffney also likes the concept but also has many concerns for it in our community.

Carlson also mentioned the designated funds and how it may affect each of those but also for the residents it may be less in the summer but we would still be making up for it by paying a higher tax in the summer. Hess thinks a heating fuel break would be good as it strictly affects the residents of Haines.

New Business:

Welcome New Board Members

Mulford welcomed Michael and Scott to TAB

Heli-Ski Map Ad Hoc Committee Update

Hess asked is TAB had done any type of support for the new map. Mulford feels that is part of the reason why TAB had a seat on the committee but agrees that TAB should say something.

Mulford and Sundberg feel that the committee asked ADF&G many question regarding wildlife and wildlife studies when making changes to the map. Mulford said they went through every single proposal and discussed. The changes that the committee made to the map took all information into account and expanded or decreased area based on the information and safety concerns.

Hess motions that TAB support the Heli-ski Ad-Hoc Committee recommendation, Heinmiller seconded. Gaffney supports this but he would like to see the map and recommendations. Sundberg said they should be available on the website.

Tour Permit Evaluation Committee

Hess said the committee met to try and clean-up Title 5. At this point there are just a few things that they would like to change rather than re-doing the whole thing. Items that came up included making heli-skiing a separate entity within Title 5 and not part of the main tour permit section, taking personal property taxes out for tour permits and make it more in line with Business Licenses and to make the tour permits good for multiple years.

Carlson said the Julie Cozzi sat with the Manager after the committee meeting and there were a few concerns he had to the current recommendations. Cozzi suggests the committee have another meeting with the Manager included. Mulford also mentioned that they were looking at an exemption for transient tour operators (group tours not originating in Haines, passing through and possibly staying overnight). Carlson does not currently know the Manager's concerns.

Sundberg questioned the heli-ski plan. Hess said they feel heli-skiing should be its own stand alone code. The clean-up of Title 5 is to make it easier on the borough administration,

less time consuming for both the administration and tour operators and to make things easier on the tour operators.

Carlson stated the whole process will take a while. Ideally she would like to see something go to the borough in October. Anything the committee comes up with will go to the Manager who will send it to the borough attorney and then it will go to the assembly.

BackRoads Alaska

The BackRoads Alaska group met on Friday. The goal is to launch the website by ATIA convention at the latest.

Elect Vice Chair

Hess, Gaffney and Butcher are all going to be gone for winter and do not want to take the seat on. Gaffney motions to nominate Heinmiller as Vice Chair, Butcher seconded; all in favor.

Old Business:

Economic Impact Study – Budget Update

Carlson has spoken with the Manager and they are planning on putting it on the agenda next month but there are currently a lot of financial items going through the Assembly right now that are iffy. The goal is to go for both studies. Carlson told the Manager that if the Assembly will only do one that the preference is for the summer study. The money's for this will come from fund balance.

Sundberg that there is a \$5 / skier day fee being implemented this year that is going into the General Fund. Hess questioned why the funds can't be dedicated or directed to economic development.

Hess motions the TAB support the \$5 / skier day user fee go to Fund 23 to support and promote heli-skiing and winter tourism, Heinmiller seconded; all in favor.

PC Dock Tariffs – Business Case Update

Carlson believes the numbers are together and once the Manager approves it they will go out. She thinks the tariffs will in the first meeting in August. Mulford asked if they would have the opportunity to see it before it goes to the public; Carlson doesn't think this will be problem.

Upcoming Events & Conventions

Michael mentioned the Museum Conference the end of September that will bring about 200 delegates. This conference includes the Alaska Historical Society.

The Mass Casualty Training will be the beginning of September.

Directors Update:

Haines Century Ride

Haines Century Ride will take place August 17. We have the DOT permit, police permission and maps in place. The ride goes out Mud Bay Rd, up to the US Border and out to the ferry terminal. Discovery Day in the Yukon is August 19 so it is a Canadian long weekend. This is something she would like to see grow as an August event. The triathlon is still on the table for early June.

Hess questioned traffic on the highway. Carlson said it's not a relay race so road traffic will be minimal. The ride will have hydration stations set up on the course to help alleviate support vehicles.

Mulford asked where we were advertising. Carlson is placing ads in the Yukon News and Juneau Empire plus posters are going up in the Yukon and Juneau. The ride is up against the Tour of Juneau, another biking event.

In the future Carlson would like to tie in a Criterium ride the following day which is an in town event for spectators that races a loop on city streets.

2012 Visitor Survey

Carlson is working on finishing up analyzing all the data collected last summer to put out a report. There was a lot of information so it's taken a bit of time but the organization working on the byway interpretive signage is requesting some of the data. She hopes to have it complete by the end of August.

Fort Seward Signs

This is also in the works. Carlson has gone out to photograph all of the Fort Seward signs and will be working with the Museum regarding information and photos that may need to be updated and then she will put out an RFP for new signs.

Parks & Rec. Committee

Carlson said she normally goes to the meeting but they are Wednesday's so she can't in the summer. A member of the Parks & Rec. committee is looking into the possibility of having tour operators pay a user fee to the borough if they utilize trails. She has talked with several operators and Preston and let the Parks & Rec. Committee know that all the tour operators operating anywhere in a state park are already paying \$3 per person.

Winter Tourism Workshop

Carlson is organizing a meeting next month to discuss winter tourism to take to the ATIA Convention for the winter tourism summit

Upcoming Schedule

Carlson said she will be out the first part of August for a conference and then she will be out for two and a half weeks in September for a trade show combined with Vacation. The trade show is the final 50th AMHS celebration in Bellingham. Bellingham is putting on the trade show at the ferry terminal and looking to get as much southeast involvement as possible.

Board Comments: Mulford said southeast conference is looking for a representative to sit on their board. The Chamber is struggling to find a representative and said if anyone knows someone interested to urge them in. There's also a DOT meeting coming up August 5 for the highway improvements and she urges everyone to get involved.

Set Next Meeting Date: *Friday, August 23, 2013 – 9:30 am*

Assembly Chambers, Safety Building

Heinmiller motioned to adjourn, Hess seconded; all in favor. Meeting ended at 10:46 am.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-337
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Appoint Election Workers for the October 1, 2013 Borough Election	1. Resolution 13-09-493
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 8/28/13	

Full Title/Motion:
Motion: Adopt Resolution 13-09-493.

Administrative Recommendation:
The borough clerk recommends adoption.

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:
<p>HBC 2.68.330 provides that prior to each election the borough clerk, with assembly approval through resolution, shall appoint election workers for each polling place, and if a worker is unable to serve on election day, the clerk may appoint a replacement. Additionally, the election workers shall be compensated for their services as is determined by assembly resolution. The FY14 budget provides for specific hourly rates and estimates the number of hours based on previous elections, and it is anticipated the budget will be sufficient for the October 1, 2013 Election.</p> <p>This resolution complies with the code requirements.</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/10/13	Tabled to Date:

A RESOLUTION OF THE BOROUGH ASSEMBLY APPOINTING ELECTION OFFICIALS FOR THE REGULAR ELECTION TO BE HELD OCTOBER 1, 2013, AND ESTABLISHING THE WAGES.

WHEREAS, HBC 2.68.330 provides that prior to each election, the borough clerk, with assembly approval through resolution, shall appoint election workers for each polling place, and if a worker is unable to serve on election day, the clerk may appoint a replacement; and

WHEREAS, the election workers shall be paid such compensation for their services as is determined by resolution of the assembly; and

WHEREAS, the FY14 budget provides for specific hourly rates and estimates the number of hours based on previous elections, and it is anticipated the budget will be sufficient for the October 1, 2013 Election,

NOW, THEREFORE, BE IT RESOLVED by the Haines Borough Assembly:

Section 1. The following persons shall be appointed election officials and alternates for the Haines Borough Regular Election to be held on October 1, 2013:

Precinct 34-710 – Haines #1

Jeannette Heinrich – Chair/Judge
Donna Truax-Hess – Judge/Alternate Chair
Leslee Downer – Judge
Diann Ahrens –Relief Judge
Ramona Holmes – Relief Clerk
Donna Catotti – Relief Clerk

Precinct 34-715- Haines #2

Frances Perry - Chair/Judge
Holly Thomas – Judge/Alternate Chair
Beverly Leak– Clerk
Amy Jacobson– Clerk;

Section 2. Should any of these persons be unable to work as an election official on Election Day, the borough clerk is hereby authorized to appoint a qualified replacement; and

Section 3. The election chair/judges shall be paid \$12.50 per hour, and the election judges and clerks shall be paid \$11.00 per hour.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-350

Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Create an ad hoc committee to work with staff on the Picture Point Wayside project	1. Resolution 13-09-494
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 9/2/13	

Full Title/Motion:
Motion: Adopt Resolution 13-09-494.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

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

Summary Statement:
<p>On 8/13, the assembly adopted Resolution 13-08-478 authorizing the borough manager to enter into a grant agreement and notice to proceed with the Alaska Department of Transportation and Public Facilities for the Picture Point Wayside Improvements project funded through the National Scenic Byways Grant Program.</p> <p>The borough manager recommends the assembly create a five-member ad hoc committee comprised of one representative from each of following: (1) Haines Borough Planning Commission; (2) Haines Borough Tourism Advisory Board; (3) Haines Borough Parks and Recreation Advisory Committee; (4) Haines Chamber of Commerce; and (5) Takshanuk Watershed Council to assist and work with Borough staff in the development of the Picture Point Wayside project.</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/10/13	Tabled to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 13-09-494

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY CREATING A FIVE-MEMBER AD HOC COMMITTEE TO ASSIST IN THE DEVELOPMENT OF THE PICTURE POINT WAYSIDE PROJECT.

WHEREAS, the Haines Highway has been designated a National Scenic Byway; and

WHEREAS, the Borough has recently acquired a five-acre parcel of land at Picture Point for use a National Scenic Byway Wayside; and

WHEREAS, the Borough has entered into a grant agreement and notice to proceed with the Alaska Department of Transportation and Public Facilities for the Picture Point Wayside Improvements project funded through the National Scenic Byways Grant Program; and

WHEREAS, the Borough is seeking input from a variety of community stakeholders in planning and designing the wayside improvements; and

WHEREAS, the Haines Borough Assembly believes that an ad hoc committee comprised of representatives from various Borough committees and other organizations can provide valuable and constructive input for the development of the wayside improvements,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly hereby creates a five-member ad hoc committee comprised of one representative from each of following: (1) Haines Borough Planning Commission; (2) Haines Borough Tourism Advisory Board; (3) Haines Borough Parks and Recreation Advisory Committee; (4) Haines Chamber of Commerce; and (5) Takshanuk Watershed Council to assist and work with Borough staff in the development of the Picture Point Wayside project.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, Borough Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-347
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Authorize Manager to apply for AEA Grant for wood pellet boilers.	1. Resolution 13-09-495
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 8/30/13	

Full Title/Motion:
Motion: Adopt Resolution 13-09-495.

Administrative Recommendation:
The manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 15L, Page 256-7	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

This loan application will enable the Haines Borough to apply for Alaska Energy Authority grant funds. These funds would be used for wood pellet boilers to be installed in multiple borough facilities where standard boilers are in need of replacement. Wood pellet technology is less polluting, fueled by renewable energy, and would save the borough money over time. The borough manager seeks assembly approval to apply for this AEA grant from the Renewable Energy Fund.

This action is consistent with the comprehensive plan, strategy 5 "Support feasibility studies and developments of small scale renewable power or heating projects that power or heat individual buildings, or a series of connected buildings or an area through district heat; such as local wind, biomass....."

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/10/13	Tabled to Date:

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING APPLICATION FOR A DESIGN AND CONSTRUCTION GRANT THROUGH THE ALASKA ENERGY AUTHORITY FOR INSTALLING WOOD PELLET BOILERS IN BOROUGH FACILITIES.

WHEREAS, the Haines Borough places a high priority on reducing its use of fossil fuels; and

WHEREAS, the Haines Borough is committed to reducing airborne carbon emissions; and

WHEREAS, the Haines Borough is interested in renewable energy sources that make economic sense; and

WHEREAS, wood pellets boilers produce less airborne carbon than heating oil; and

WHEREAS, the use of wood pellet boilers will save the Borough money over their life cycle; and

WHEREAS, multiple borough facilities are in need of new boilers; and

WHEREAS, the AEA is accepting Round VII applications for grants from the Renewable Energy Fund and will make project recommendations to the Legislature for FY2015 funding; and

WHEREAS, Round VII grant funds will enable the Haines Borough to install Wood Pellet Boilers in multiple Borough Facilities,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly supports the application for funding for design and construction of wood pellet boiler systems in borough facilities and authorizes the borough manager to sign all grant application documents.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, Borough Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-348

Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Authorize Manager to apply for AEA Grant for hydroelectric power in Excursion Inlet	1. Resolution 13-09-496
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 9/5/13	

Full Title/Motion:
Motion: Adopt Resolution 13-09-496.

Administrative Recommendation:
The manager recommends adoption.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 15M, Page 257	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>This loan application will enable the Haines Borough to apply for Alaska Energy Authority grant funds to conduct a feasibility study for hydroelectric power at Excursion Inlet. The borough has already worked with ENVIRON to conduct the preliminary feasibility study for hydroelectric power generation development and the findings show additional feasibility analysis is warranted. If awarded, these grant monies would fund these additional studies. Therefore, the manager seeks assembly approval to apply for this AEA grant from the Renewable Energy Fund. This action is consistent with the comprehensive plan, strategy 5M "Develop renewable energy sources sufficient to meet current and future year residential, institutional, commercial, and industrial needs in the Haines Borough, [including] feasibility studies and other technical assessments ... particularly projects support and protect energy production at at existing hydro facilities ... or planned facility at North Creek in Excursion Inlet..."</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/10/13	Tabled to Date:

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING A FEASIBILITY GRANT APPLICATION THROUGH THE ALASKA ENERGY AUTHORITY ROUND VII RENEWABLE ENERGY FUND FOR HYDROELECTRIC POWER IN EXCURSION INLET.

WHEREAS, the Alaska Energy Authority (AEA) is accepting applications for renewable energy projects through the Renewable Energy Grant Fund - Round VII; and

WHEREAS, applications are due on September 24, 2013; and

WHEREAS, the AEA requires that the applicant demonstrate formal approval and endorsement of its project by its governing authority—for this project, that would be the Haines Borough Assembly; and

WHEREAS, eligible activities through the Renewable Energy Grant Fund include feasibility studies, reconnaissance studies, energy resource monitoring, and/or work related to the design and construction of an eligible project; and

WHEREAS, the Borough received a grant from the Alaska Energy Authority (AEA) in round IV of the Renewable Energy Grant Fund to conduct a preliminary feasibility study for hydroelectric power at Excursion Inlet; and

WHEREAS, the Borough entered into a professional services agreement with ENVIRON International Corporation (ENVIRON) to conduct the preliminary feasibility study for hydroelectric power generation development at Excursion Inlet in an amount not to exceed \$101,115; and

WHEREAS, Phase I and Phase II of the ENVIRON study has been completed; and

WHEREAS, based on the findings of the preliminary feasibility study, additional feasibility analysis is warranted; and

WHEREAS, the proposed feasibility study will further investigate potential hydroelectric projects the purpose of providing reliable, lower-cost power to the Ocean Beauty fish processing facility and existing and future residential subdivisions at Excursion Inlet; and

WHEREAS, this project is consistent with Objective 15M of the Haines 2025 Comprehensive Plan which states: *"Develop renewable energy sources sufficient to meet current and future year residential, institutional, commercial, and industrial needs in the Haines Borough, [including] feasibility studies and other technical assessments that will lead to development of additional larger renewable or clean power sources in the Borough, particularly projects that will reduce or stabilize power costs to consumers [and] support and protect energy production at existing hydro facilities ... or planned facility at North Creek in Excursion Inlet,"*

NOW THEREFORE BE IT RESOLVED the Haines Borough Assembly supports the application for a hydroelectric power generation feasibility study and authorizes the borough manager to sign all grant application documents.

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

Stephanie Scott, Borough Mayor

ATTEST:

Julie Cozzi, Borough Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-349
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Renew Sister City Relationship with Dunbar, Scotland	1. Resolution 13-09-497 2. Letter from Dunbar Community Council 3. Dunbar resolution adopted January 18, 1999 4. City of Haines resolution adopted December 16, 1998
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 9/2/13	

Full Title/Motion:
 Motion: Adopt Resolution 13-09-497.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 0	\$	\$

Comprehensive Plan Consistency Review:

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

The Haines Borough received a letter from the Community Council of Dunbar, Scotland, the birthplace of John Muir. They expressed interest in renewed contact with Haines, especially in anticipation of the upcoming 2014 centennial of John Muir's death.

On December 16, 1998, the former City of Haines City Council adopted Resolution 98/99-15 authorizing a sister city designation with Dunbar to recognize a mutual association with John Muir.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/10/13	Tabled to Date:

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY AUTHORIZING A RENEWED "SISTER CITY" RELATIONSHIP WITH THE TOWN OF DUNBAR, SCOTLAND, TO RECOGNIZE A MUTUAL ASSOCIATION WITH JOHN MUIR.

WHEREAS, on December 16, 1998, the former City of Haines City Council adopted Resolution 98/99-15 authorizing a "twinning" or "sister city" designation with the town of Dunbar, Scotland, to recognize a mutual association with John Muir; and

WHEREAS, the former City of Haines and former Haines Borough consolidated into a single government in 2002; and

WHEREAS, Dunbar, Scotland, was the birthplace of John Muir; and

WHEREAS, the Dunbar Community Council has contacted the Haines Borough to request renewed correspondence in anticipation of the 2014 centennial of John Muir's death; and

WHEREAS, the Haines Borough Assembly wishes to encourage a renewed exchange of social and historic resources between Dunbar and Haines related to the life and work of John Muir and to other matters of mutual interest,

NOW THEREFORE BE IT RESOLVED the Haines Borough Assembly authorizes a renewed "sister city" relationship with the town of Dunbar, Scotland; and

BE IT FURTHER RESOLVED the Haines Borough Assembly is grateful for this renewed contact and extends best wishes to the Community Council and the people of Dunbar in anticipation of the upcoming 2014 centennial of John Muir's death.

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, Borough Clerk

S. A. BUNYAN
DUNBAR COMMUNITY COUNCIL
INCHGARTH
EAST LINKS
DUNBAR
EAST LOTHIAN
EH42 1LT
Tel: (01368) 863335

17 July 2013

The City Administrator
City of Haines
Alaska
PO Box 1049
Haines AK 99827
fax 907 766 3179

Dear Sir

This community Council responded to a suggestion of your City Council to conclude a Sister City Agreement in December 1998. I attach a copy of our resolution.

We have continued to declare this to be so, but I am conscious, that there has been no recent contact.

I attempted to e mail Tom Healy some time ago but, perhaps understandably, without success.

& Similarly with the Fox News above
The importance of John Muir is now more fully realised and, as we move forward to the centenary of his death in 2014, an important number of developments are taking place in Scotland. We would welcome renewed contact so that we can update you about all this and hear what the present situation is in Haines.

Your resolution was no 98/99 -15 on 16th December 1998 and ours to you was on 18th January 1999

I look forward to hearing from you.

My email address is s.bunyan@yahoo.co.uk

Best wishes from Dunbar
The Birthplace of John Muir

Yours sincerely


Chairman

RECEIVED Haines Borough

JUL 30 2013

Clerk's Office

DUNBAR COMMUNITY COUNCIL welcomes the resolution of the City Council of Haines, Alaska authorising a 'Sister City' designation because of our mutual association with John Muir, and is happy that the Royal Burgh of Dunbar should agree to such designation.

JOHN MUIR was influenced by his childhood in Dunbar, and from his walks and rambles on its cliffs and surrounding countryside came his love of nature and all places wild. John Muir left Dunbar on the 19th of February 1849 for North America. His contribution to a worldwide recognition of the importance of the environment is increasingly recognised in Scotland, and in Dunbar with the creation of the John Muir Country Park and the establishment of the John Muir Birthplace Trust.

THE COMMUNITY COUNCIL will encourage the exchange of social and historic resources between the City of Haines and Royal Burgh of Dunbar related to the life and work of John Muir and to other matters of mutual interest.

FURTHER, the Community Council, in the name of the people of Dunbar, offers best wishes to the City Council and the people of Haines for the future as we enter the dawn of a new millennium.

AGREED by a duly constituted quorum of the Community Council of the Royal Burgh of Dunbar on the 18th day of January, 1999.

Stephen Bunyan, Chairman

CITY OF HAINES

RESOLUTION NO. 98/99-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAINES, ALASKA, AUTHORIZING A "TWINNING" OR "SISTER CITY" DESIGNATION WITH THE TOWN OF DUNBAR, SCOTLAND, TO RECOGNIZE A MUTUAL ASSOCIATION WITH JOHN MUIR

WHEREAS, Dunbar, Scotland, is the birthplace of John Muir; and,

WHEREAS, during his childhood in Dunbar, John Muir formed a love of the outdoors and wild places that influenced his life and his endeavors to protect wilderness, including his efforts that contributed to the creation of Yosemite and Glacier Bay National Parks; and,

WHEREAS, John Muir in 1879 traveled with Reverend S. Hall Young throughout Southeast Alaska and visited the Chilkat Valley to accomplish S. Hall Young's goal of arranging the establishment of a Presbyterian mission; and,

WHEREAS, John Muir also traveled to nearby Glacier Bay, which his publications helped to promote as a National Park; and,

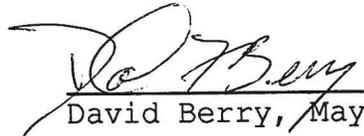
WHEREAS, the Haines area and Glacier Bay remain in large part "wild places" as viewed and appreciated by John Muir; and,

WHEREAS, the City of Haines wishes to recognize John Muir's contributions to the appreciation and preservation of wild places and the association through John Muir between Haines and Dunbar, and to recognize the similarities of these coastal communities.

NOW THEREFORE BE IT RESOLVED by the City Council as follows:

1. That the City of Haines encourages the exchange of social and historic resources between Dunbar and Haines related to the life and work of John Muir and to other matters of mutual interest.
2. That the City of Haines, Alaska and the town of Dunbar, Scotland, be declared "Twins" or "Sister Cities".

ADOPTED by a duly constituted quorum of the Haines City Council on the 16TH day of December, 1998.



David Berry, Mayor

ATTEST:



Susan V. Johnston, City Clerk

S E A L:



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-351
Assembly Meeting Date: 9/10/13

Business Item Description:	Attachments:
Subject: Haines Rail Access Assessment	1. Memo from the Manager 2. Proposal from ALCAN RaiLink/PROLOG Canada
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 9/2/13	

Full Title/Motion:
Motion: Direct the Manager to negotiate: (1) a grant agreement with the Alaska Department of Transportation and Public Facilities for the purpose of conducting a Preliminary Assessment for Rail Access to the Port of Haines; and (2) a sole source contract with ALCAN RaiLink/PROLOG Canada to perform said work.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 4E, Page 17 of Action Summary	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The Alaska Department of Transportation and Public Facilities (ADOT&PF) is interested in funding the rail access assessment project, and they have offered to provide grant funding to the Haines Borough for this purpose. The proposed Haines Rail Access Study would expand on the Alaska Canada Rail Link (ACRL) Feasibility Study prepared by ALCAN/PROLOG. The fee proposal is in the amount of \$86,800. The borough manager has been informed that the ADOT&PF supports increasing the budget and grant amount to cover additional project expenses such as the cost of conducting public meetings. What will be needed for the project to go forward as envisioned is a grant agreement between the borough and ADOT&PF and a budget amendment to accept and expend the funds.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 9/10/13	Tabled to Date:



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

September 10, 2013

Haines Rail Access Assessment

Attached is a copy of proposal titled: "A Preliminary Assessment for Rail Access to the Port of Haines," submitted by ALCAN RaiLink/PROLOG Canada¹ (ALCAN/PROLOG) to the Haines Port Development Council. The proposed Haines Rail Access Study would expand on the Alaska Canada Rail Link (ACRL) Feasibility Study prepared by ALCAN/PROLOG. The ACRL Study was a \$5 million effort funded by the State of Alaska and the Government of Yukon; the ACRL Phase 1 Feasibility Study considered a rail connection through Alaska, Yukon and Northern B.C. linking North Pacific Rim markets in the shortest trade corridor between North Asia and North America, via a U.S. port. ALCAN/PROLOG has proposed to expand on their earlier work following the same format as the ACRL to complete a comprehensive business case assessment from both a private and public sector perspective rail access to Haines.

The Alaska Department of Transportation and Public Facilities (ADOT&PF) is interested in funding the rail access assessment project, and they have offered to provide grant funding to the Haines Borough for this purpose. The fee proposal submitted by ALCAN/PROLOG is in the amount of \$86,800. I have been informed that the ADOT&PF supports increasing the budget and grant amount to cover additional project expenses such as the cost of conducting public meetings. What will be needed for the project to go forward as envisioned is a grant agreement between the Borough and ADOT&PF and a budget amendment to accept and expend the funds.

This project is consistent with Objective 4e of the Haines 2025 Comprehensive Plan which states: *Pro-actively address possibility of railroad between Port Lutak area, the Yukon Territory and Interior Alaska* (the content of which is reproduced on page 2 of this report). Should the Assembly wish to proceed with this project, I am recommending a sole source contract with ALCAN/PROLOG for the Haines Rail Access Study. They are uniquely qualified for the proposed work. ALCAN RaiLink was incorporated to conduct the ACRL study, which was completed in 2007 and remains the most comprehensive evaluation of northern rail infrastructure investment. Since that time, a number of additional infrastructure investment studies have been completed under ALCAN RaiLink, including the *Yukon Short Track Report* and the *Canol Resource Corridor Study*. The proposed Haines Rail Access Study is to update the ACRL Study where it specifically covers what was designated as the *Haines Rail Benchmark*. ALCAN/PROLOG Principals and Associates provide a broad background of multi-modal railway, highway, aviation, marine and pipeline transportation experience, including infrastructure planning, transportation policy development, freight and passenger market analysis, economic impact assessment, modal traffic forecasting, intermodal systems analysis, and regional distribution economics.

Recommended Motion: direct the Manager to negotiate: (1) a grant agreement with the Alaska Department of Transportation and Public Facilities for the purpose of conducting a Preliminary Assessment for Rail Access to the Port of Haines; and (2) a sole source contract with ALCAN RaiLink/PROLOG Canada to perform said work.

¹ALCAN RaiLink is a Whitehorse, Yukon based company also doing business as PROLOG Project Logistics Yukon and is affiliated with PROLOG Canada Inc. based in Calgary, Alberta

Strategies	Timeframe			Responsibility
	1-2	3-5	6-10+	
Objective 4E: Pro-actively address possibility of railroad between Port Lutak area, the Yukon Territory and Interior Alaska.				
1. Identify land and resource concerns, at a planning level, along the three routes that being discussed as options to identify issues important to the Borough that a future engineering or environmental study would need to address.	X	X		Borough
2. Identify the route likely to be preferred (at a planning level) by Haines Borough and rationale.		X		Borough
3. Survey route from Lutak to Zimovia Point (just past 9 mile) where a possible bridge would be built, to assess costs and feasibility so that Borough is positioned to assist State, Yukon Government, or other potential funders. This could be partially combined with action 4D (1).		X	X	Borough, Yukon Government, producers/private sector, ADOT&PF
4. Conduct preliminary engineering study to estimate construction costs and exit point for 3-mile tunnel from Lutak Dock to airport area for alternative truck or railroad route to Lutak Dock.		X		Borough, Yukon Government, producers/private sector, ADOT&PF

Source: ACTION SUMMARY – Haines Borough 2025 Comprehensive Plan / September 2012, page 17.

August 12, 2013

Proposal to Conduct

A Preliminary Assessment For Rail Access To the Port of Haines, Alaska



Submitted to Haines Port Development Council
Submitted by ALCAN RaiLink/PROLOG Canada

Proposal to Conduct
A Preliminary Assessment For Rail Access
To the Port of Haines, Alaska

Contents

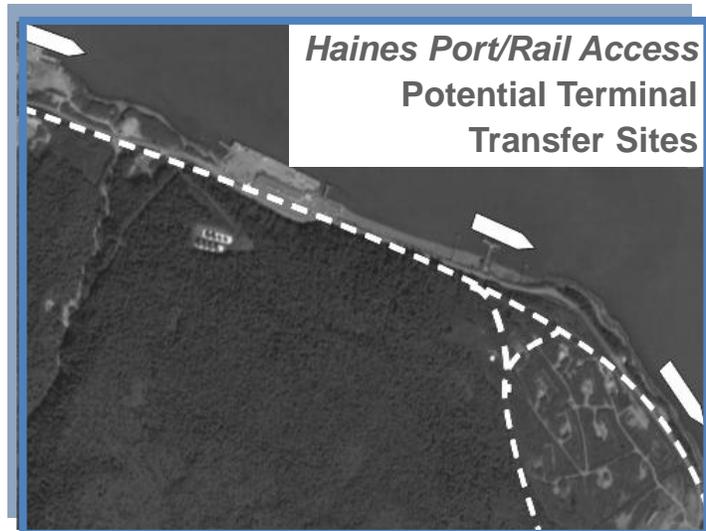
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Proposal to Conduct A Preliminary Assessment For Rail Access To the Port of Haines, Alaska

1. Introduction

ALCAN RaiLink/PROLOG Canada (ALCAN/PROLOG)¹ is pleased to provide this proposal at the request of the Haines Port Development Council. Haines is in the unique position of having a well protected, deep water port with substantial back-up lands available to support high volume rail operations that may be required to fully develop Yukon resources.

The assessment we propose will build on the \$5 million Alaska Canada Rail Link Project Feasibility Study (ACRL Study) conducted by ALCAN RaiLink on behalf of the State of Alaska and the Government of Yukon. We will refocus that work on rail access to Haines.



In our Whitehorse office we hold a complete library of all consultant studies completed under contract to ALCAN RaiLink. These include previously unpublished engineering routing and cost estimates for rail access to Haines.

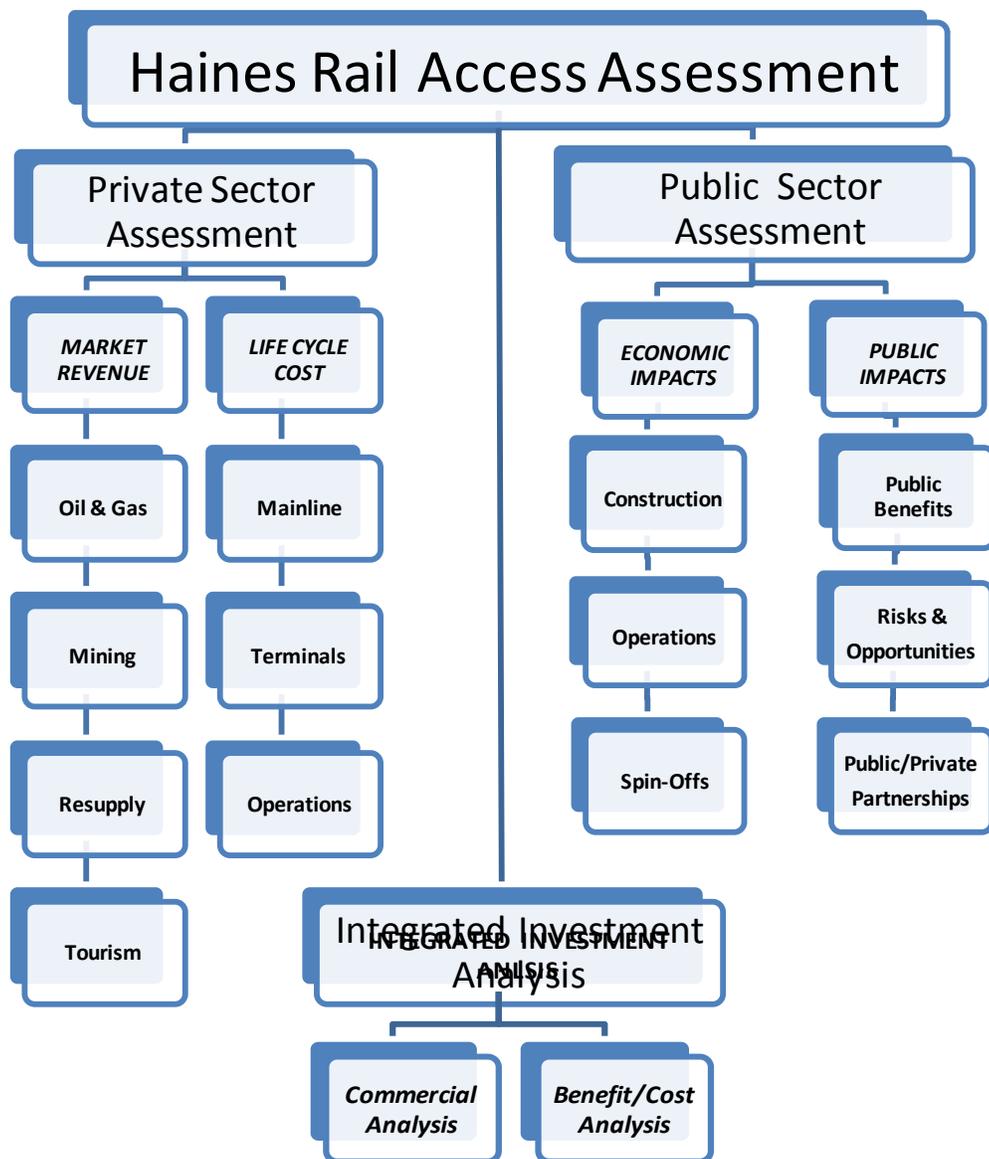
The work plan we propose follows the same format as the ACRL Study to complete a comprehensive business case assessment from both a private and public sector perspective. We will update ACRL Study data for recent changes in the long term resource development outlook for Northern Canada. We will also carefully consider potential synergies with the proposed Alberta Oil Sands Railway and the Alaska Railroad Northern Extension Project.

¹ ALCAN RaiLink Inc. is a Whitehorse, Yukon based company also doing business as PROLOG Project Logistics Yukon and is affiliated with PROLOG Canada Inc. based in Calgary, Alberta

2. Work Scope.

We understand the work scope as proposed in the following Work Breakdown Structure for the Haines Rail Access Assessment.

STUDY WORK BREAKDOWN STRUCTURE



3. Approach.

Our approach to the Haines Rail Access Project is to update the work of the ACRL Study where it specifically covers what was designated as the *Haines Rail Benchmark*. Note that this designation derived from the fact that a rail line between Carmacks and Haines was the only component of the Alaska Railroad to Canadian National connection that showed potential to fully cover life cycle capital and operating costs from commercial revenues.

Following the ACRL Study format, we will complete the following:

- Private Sector Assessment;
- Public Sector Assessment; and
- Integrated Investment Analysis

3.1 Private Sector Assessment - will estimate commercial revenues, operating costs and investment capital required for Haines Rail Access:

a) Commercial Revenue – We will identify revenue potential from Canadian resource development and resupply markets, the largest of which include:

- Crest Iron Ore
- Prophecy Platinum
- Casino Copper Concentrate
- Mackenzie Delta/Beaufort Oil & Gas
- Emerging in and outbound LNG Markets

We will also review freight and tourism traffic that will be possible with connection to the Alaska Railroad over intermodal marine and cruise ship terminals at Haines.

b) Life Cycle Costs – From the ACRL Study we will review the unpublished route evaluation, and identify the capital and operating costs, for Haines to Carmacks rail construction and operations – as well as previously published costs for an Alaska Railroad connection between Carmacks and Delta Junction. We will also provide capital and operating cost estimates for intermodal transfer facilities at Haines, Haines Junction and Carmacks.

3.2 Public Sector Assessment – will identify broader public impacts and benefits anticipated for Haines Rail Access:

- a) Economic Impacts – Direct, indirect and induced economic activity will be extrapolated from the Alaska Rail Link Study. This will include:
- One time additional economic activity and job creation during construction
 - Life cycle additions to economic output and job creation during operations
- b) Public Impacts – Benefits, risks and opportunities, beyond the business of building and operating a railroad, will be drawn from the ACRL Study to include the relative merits of rail versus truck for heavy haul operations to and from a revitalized Port of Haines. These will include:
- enhanced tourism
 - improved public highway safety
 - reduced highway maintenance and repair cost
 - lower greenhouse gas emissions and environmental footprint.

We will also review both positive and negative issues for public participation as a potential partner with private sector investors (Public/Private Partnerships).

3.3 Integrated Investment Analysis – will integrate a high level private and public business case assessment for Haines Rail Access:

- a) Commercial Analysis – We will complete a discounted cash flow analysis of the extent to which life cycle rail revenues, after covering ongoing operating expenditures, can pay back capital and provide a return on investment.
- b) Benefit/Cost Analysis - We will quantify where possible and otherwise identify broader public benefits and costs as a project viability metric.

Integrating results from both the commercial and benefit/cost analysis, we will conclude project financial feasibility at this point and make recommendations for progressing further.

4. Qualifications

ALCAN RaiLink Inc was incorporated in Whitehorse, Yukon in 2005, at the request of the State of Alaska and the Government of Yukon, to conduct the \$5 million ACRL study of the feasibility for an Alaska Railroad connection through Canada to the continental rail system. The study was completed in 2007 and remains the most comprehensive evaluation of northern rail infrastructure investment. Since that time a number of additional northern infrastructure investment studies have been completed under ALCAN RaiLink, including the *Yukon Short Track Report* and the *Canol Resource Corridor Study*.

ALCAN RaiLink is affiliated through common ownership with PROLOG Canada Inc. based in Calgary, Alberta. PROLOG is a transportation and logistics consulting firm that has been serving industry and government since 1979. With an extensive northern portfolio of projects and clients, ALCAN/PROLOG can bring to this project the depth of experience and expertise in northern transportation that is required to carry it through to a successful conclusion.

ALCAN/PROLOG Principals and Associates provide a broad background of transportation experience that is multi-modal: railway, highway, aviation, marine and pipeline. We have extensive on-the-ground northern experience that has been acquired through successfully completing numerous major projects with a practical focus on the North. Our capabilities include Infrastructure Planning, Transportation Policy Development, Freight and Passenger Market Analysis, Economic Impact Assessment, Modal Traffic Forecasting, Intermodal Systems Analysis, and Regional Distribution Economics.

4.1 Key Clients and Projects.

ALCAN/PROLOG has been contracted by many major clients with northern interests, including:

- BP Alaska
- Petro-Canada
- Transport Canada
- Selwyn Resources
- Indian and Northern Affairs Canada
- Government of Northwest Territories
- Government of Yukon
- Foothills Pipe Lines
- Denali – The Alaska Gas Pipeline
- Lynden Transport (Alaska),
- Behcho Ko Development Corp.
- Amoco Eurasian Petroleum Co.
- The State of Alaska
- Yukon Energy

Our portfolio of projects includes:

- *Northern Territories Transportation Systems Study (1998)* - evaluation of transportation infrastructure, operations and opportunities across the Canadian territories and into Alaska.
- *Manitoba-Nunavut Transportation Assessment (2000)* - assessment of Manitoba's developing gateway role (land, marine, air) for accessing the emerging territory of Nunavut.
- *Arctic Gas Pipeline Construction Impacts on Northern Transportation (2002)* - assessment of transport requirements for both the Mackenzie Valley and Alaska Highway Gas Pipelines.
- *Mackenzie Gas Project – Logistics Opportunities and Transportation Impacts (2004)* - assessment of Mackenzie Valley Pipeline local transportation impacts and opportunities.
- *Denali – The Alaska Gas Pipeline – Project Logistics Plan (2008)* - extensive logistics planning for large diameter pipeline construction from the North Slope of Alaska.
- *The Northern Transportation Systems Assessment (2011)* – investment analysis of multi-modal infrastructure required across the Canadian North over the next 20 years.

4.2 Lead Consultants

On this project, we propose Kells Boland in the Whitehorse office and Don Dean in the Calgary office to lead work on the Haines Rail Access Assessment.

Kells Boland manages the ALCAN/PROLOG office in Whitehorse, Yukon. He is a PROLOG Principal with over 30 years experience from projects spanning the Canadian North, Alaska and Western Siberia. His previous employment includes logistics planning positions on several northern pipeline projects, in-house executive department consultant for a major railway, and military transportation officer at a number of Pacific ports. He is a former Board Member and Surface Committee Chairman of the Calgary Transportation Authority. In 2003 Mr. Boland was appointed to the Alaska-Alberta Bilateral Council and in 2005 he was selected to manage the \$5 million *Alaska Canada Rail Link Project Feasibility Assessment* for the governments of Yukon and Alaska. He currently chairs the Yukon Chamber of Commerce Transportation Policy Committee.

Don Dean is a PROLOG Principal and civil engineer, managing the PROLOG Canada office in Calgary, Alberta. Mr. Dean has many years experience as a transportation and resource industry executive. Over a 25 year consulting career, Mr. Dean has assisted governments and industry with infrastructure investment planning in remote regions of Canada, Alaska and abroad. He has been instrumental in evaluating new applications to remote project logistics requirements, including equipment and facilities design, costing and financing. Mr. Dean is currently leading PROLOG work on LNG transportation alternatives for Fairbanks, Whitehorse and Inuvik.

Detailed resumes are provided in the personnel qualifications appendix.

5. Price Proposal

We propose a firm, fixed price of \$86,800 to complete this project:

Haines Rail Access Assessment Price Proposal		Persondays
COST ESTIMATES		
mainline		3
terminals		5
operations		5
REVENUE ASSESSMENT		
Mining		4
Resupply		3
Oil & Gas		1
Connecting		1
Tourism		1
ECONOMIC IMPACT		
Construction		5
Operations		4
Spin Offs		3
INVESTMENT ANALYSIS		
Risk/Opportunity		2
Commercial Viability		2
Public Cost/Benefit		5
Public/Private Partnership		1
REPORTING RESULTS		
Progress Reports		2
Draft Report		10
Final Report		<u>5</u>
	Total Days	62
	Rate/Day	<u>\$1,400</u>
	Total Price	\$86,800

We can complete this project during the four month period September-December, 2013.

Haines Rail Access Proposal

Personnel Qualifications Appendix

Qualifications of . . .

KELLS S. BOLAND, M.B.A.

Mr. Boland is the founding principal, and manages the Whitehorse Office, of PROLOG Canada Inc., a management and economics consultancy specializing in transportation policy and planning. He has practical background in transport operations, advanced education in public utility economics and working familiarity with regulatory reforms. Following 15 years of broad based employment experience in the pipeline, rail and marine sectors, Mr. Boland's consulting career has covered a further 25 years assisting government and industry to develop strategic transportation policies and initiatives. His employment history includes railway/intermodal operations and costing as an in-house Executive Department consultant with Southern Pacific Railroad. He was previously on retainer as Director of Legislative Affairs for the Canadian Industrial Transportation League - Western Office and was an original appointee to the Alaska-Alberta Bilateral Council. He is a former board member and Surface Committee Chairman of the Calgary Transportation Authority and currently chairs the Yukon Chamber of Commerce Transportation Policy Committee. He recently completed assignment as Project Manager for the Alaska Canada Rail Link Project Feasibility Study.

MAJOR ASSIGNMENTS:

- Managed multi-client economic research and analysis for PROLOG study of northern gas pipeline options (1990).
- Analyzed public investment in marine transport infrastructure to promote competition in Yukon fuel supply (1991).
- Participated in PROLOG Petrochemical Exports Infrastructure Study for Alberta Economic Development (1993).
- Reviewed U.S. Port Authority Models vs. Canada Port Authority proposals under a new Canada Marine Act (1996)
- Directed PROLOG study of context for joint running rights in Canadian rail sector for Saskatchewan Govt. (1997)
- Directed Northern Territories Transport Systems Study for Transport Canada, Yukon, NWT and Nunavut (1998).
- Project Manager on the Manitoba-Nunavut Transportation Assessment and Highway Corridor study (1999).
- Participated in PROLOG Market Validation Report for VIA Rail service Vancouver-Calgary-Winnipeg. (2002).
- Directed Peace Region International Container Access Study for Northern Alberta Development Council (2003)
- Participated in a Future Outlook on the Transportation Sector for Alberta Economic Development Authority (2003)
- Directed PROLOG Arctic Gas Pipeline Construction Logistics Impacts Study for Transport Canada (2004)
- Participated in Alaska Railroad Fort Greely Extension Benefit-Cost Analysis on behalf of U.S. Army (2004)
- Directed PROLOG report of Logistics Opportunities and Transportation Impacts for Northwest Territories (2005)
- Managed 15 firms in a \$5 million Northern Railway Construction Feasibility Study for Yukon and Alaska (2006)
- Conducted the Yukon Short Track Study for right sizing rail options to move mineral resources to tiedewater (2007)
- Participated in PROLOG Infrastructure Assessment for Canadian segment of the Alaska Hwy Gas Pipeline (2008)
- Managed multi-client infrastructure and operating cost assessment for SuperLoad Canol Corridor mine hauls (2009)
- Managed the Northern Transportation Systems Assessment of required investments over the next 20 years (2010)
- Provided rail operations and capital cost analysis for the White Pass & Yukon Freight Rail Restart Study (2012)

Haines Rail Access Proposal **Personnel Qualifications Appendix**

Qualifications of . . .

Kells S. Boland (con't)

EMPLOYMENT HISTORY:

1978 - 1979: Senior Planner-Transportation
Northwest Alaskan Pipeline Company, Alaska Gas Pipeline Project

Planned personnel and material logistics, subsequently with Foothills Pipe Lines on a consulting basis.

1977 - 1978: Project Cost Engineer - Risk Analysis Team
Canadian Arctic Gas Study, Williams Brothers Engineering

Evaluated logistics risks and cost/schedule consequences for northern pipeline construction.

1975 - 1977: Senior Project Traffic Administrator - Bechtel Inc.
Trans-Alaskan Pipeline and Roads Project

Organized project personnel and material movements through integrated marine/rail/truck/air systems.

1973 - 1975: Executive Department Analyst
Southern Pacific Railroad

Analyzed rail/intermodal operations and cost as in-house consultant on corporate planning projects.

1967 - 1973: Naval Officer

Military Sealift Command - *Active duty assignment at military transportation facilities in the Port of New York/New Jersey, Port of Seattle and Port of Oakland.*
Naval Station Kodiak, Alaska - *Military Traffic, Stevedoring and Aviation Fueling Officer.*
Naval Station Pearl Harbor - *Western Pacific Destroyer Duty*

1965 - 1967: Pennsylvania Railroad Operating Employee

PROFESSIONAL BACKGROUND:

College of Wooster - B.A. in Economics (1967)

University of Maryland - M.B.A. in Transportation (1973)

American Association of Cost Engineers - Full Certification (1987)

Canadian Transportation Research Forum:

"Logistics Planning for Mega Projects"	Published in Proceedings (1980)
"Changing Tracks for Rail Productivity"	Published in Proceedings (1994)
"Calgary Commuter Rail Experiment"	Published in Proceedings (1997)
"Probing Railway Operating Ratios"	Published in Proceedings (2000)
"Railway Competition & Consolidation"	Runner Up Best Paper (2001)

Haines Rail Access Proposal

Personnel Qualifications Appendix

Qualifications of . . .

DONALD P. DEAN, P. Eng.

Don Dean is a Principal Consultant with PROLOG Canada. He was formerly Vice President at Turbo Resources Limited, Vice President of the Commerce Group of Companies and President of Trimac Consulting Services Ltd., which he founded in 1972. Mr. Dean is a civil engineer and project manager specializing in transportation and logistics. He is experienced with financial and market planning for new businesses in start-up situations. His background includes assisting government and industry with economic development opportunities and planning for major projects, in Canada, Alaska and abroad.

RECENT CONSULTING ASSIGNMENTS include:

- DENALI – THE ALASKA GAS PIPELINE: Logistics program planning for a large diameter pipeline for transporting natural gas from the North Slope of Alaska to southern markets.
- NORTHERN PIPELINE TRANSPORTATION STUDY, conducted for Transport Canada, of all proposed pipelines, including project freight flows for the Alaska Highway and Beaufort Sea options for gas pipeline construction from both the Alaska North Slope; and from the Mackenzie Delta.
- DIAVIK DIAMOND MINE: Developed new fuel supply program for this remote NWT mine featuring barge deliveries to a dedicated tank farm on north shore of Great Slave Lake - included full Business Plan.
- MACKENZIE GAS PROJECT LOGISTICS OPPORTUNITIES AND TOTAL TRANSPORTATION IMPACTS, identifying logistics impacts for the Northwest Territories transportation system, including mining, community re-supply and all other major activities as well as project requirements anticipated during pipeline construction.
- PETRO/CHEMICAL CARGO STUDIES periodic studies of the petrochemical and petroleum product distribution conducted for Vancouver Port Authority commencing in 1999
- NORTHERN TERRITORIES TRANSPORTATION SYSTEMS STUDY for Transport Canada, Yukon, the Northwest Territories and Nunavut, a comprehensive air, road, rail and marine systems audit with recommendations for improvements.
- LNG Transport Options Assessments conduct for Yukon Energy, NWT Power and Alaska Industrial Development & Export Authority (HDR subcontract).

OTHER MAJOR CONSULTING ASSIGNMENTS Include:

- WESTERN ARCTIC TRANSPORTATION STUDY of long range infrastructure needs for Federal Government.
- NATIONAL ROAD TRANSPORT ORGANIZATION in Swaziland for Canadian Int'l Development Agency.
- TRUCKING ORGANIZATION/OPERATIONS DEVELOPMENT for National Chemical Corp. of Saudi Arabia.
- YUKON FUEL SUPPLY OPTIONS STUDY of investment alternatives for new marine bulk terminal facilities.
- YAMAL PENINSULA LOGISTICS SURVEY of new infrastructure prerequisites for Russian joint stock venture.
- PETROCHEMICAL EXPORT INFRASTRUCTURE STUDY for Vancouver Port Authority.
- MEXICO CITY MULTIMODAL TERMINAL PRE-FEASIBILITY SURVEY for Grupo Tribasa Ring Road.
- MANATOBA-NUNAVUT TRANSPORTATION ASSESSMENT and Kivalliq Access Corridor Study.
- VANCOUVER PORT AUTHORITY assessment of Alberta Petrochemical Industry and Port Terminal Operations.
- PRINCE RUPERT PORT AUTHORITY analysis of Southeast Alaska intermodal marine cargo short sea options.

EDUCATIONAL BACKGROUND

University of Saskatchewan - B.Sc. in Civil Engineering (1960)

University of Toronto - Business Management Curriculum (1968)

Qualifications of . . .

Donald P. Dean (con't)

EMPLOYMENT HISTORY

1982 – Present PROLOG CANADA INC., Principal & Partner

Partner in a transportation and logistics management consulting practice offering solutions-oriented analysis to difficult distribution problems. Strategies developed for clients to maximize logistics opportunities are based on practical knowledge and hands-on operational experience in transport management, infrastructure construction, warehousing and terminaling. Much of this experience is northern-oriented, in Canada, Alaska and Russia, and relates to the planning of resource projects, including pipelines, mining and oil and gas.

1980 - 1982 TURBO RESOURCES LIMITED, Vice President

Responsible for a \$480 million industrial and residential development portfolio including design/construction of associated roads and utilities. Managed modular component pre-assembly construction site for Shell's Scotford Refinery; 160,000 square foot research centre for Petro Canada; and 10,000 population planned community development.

1978 - 1980 THE COMMERCE GROUP OF COMPANIES, Vice President

Responsible for planning, financing and construction control for this organization's U.S. and Canadian real estate projects. Ultimately managed marketing for these developments and obtained required equity participation from private sources.

1978 - 1980 TRIMAC CONSULTING SERVICES LTD., President

Directed an internationally distinguished transportation consulting group applying logistics planning skills to projects in Canada and abroad. Acquired responsibility for all Trimac research and development activities

1971 - 1976 TRIMAC CONSULTING SERVICES LTD., Vice President/General Manager

Initiated Trimac's transportation consulting services. Directed third world contracts to develop railway, truck and bus systems as well as domestic policy planning assignments with government transportation agencies.

1970 - 1971 MUNICIPAL TANK LINES, Vice President & General Manager

Directed operations of a major Ontario-based transport carrier. Supervised design and construction of a large truck terminal. Undertook applications for expanded operating authority in U.S. and Canada. Established transportation rates and tariffs.

1962 - 1970 SHELL CANADA LIMITED, Plant Manager and Field Engineer

Responsibilities included feasibility studies; project investment and profitability analyses; design and construction supervision for hydraulic systems, aircraft fueling facilities, bulk storage terminals, tank farms, chemical installations, warehouses and retail outlets.

PROFESSIONAL AFFILIATIONS

KIK Technologies - Chairman of the Board

Association of Professional Engineers, Geologists and Geophysicists of Alberta

Past:

Calgary Transportation Authority - Surface Committee Member
Member, Calgary Taxi Commission

China Korea

Japan

