

Haines Borough
Borough Assembly Meeting #261
AGENDA



January 14, 2014 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Stephanie Scott,
Mayor

Dave Berry Jr.,
Assembly Member

Diana Lapham,
Assembly Member

Debra Schnabel,
Assembly Member

Joanne Waterman,
Assembly Member

George Campbell,
Assembly Member

Jerry Lapp,
Assembly Member

TBD,
Borough Manager

Julie Cozzi,
Interim Manager

Michelle Webb,
Interim Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF AGENDA & CONSENT AGENDA

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

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center for the Arts Report
- 8C – Fire Department Report
- 9A – Sheldon Museum Board of Trustees Minutes
- 9B – Planning Commission Minutes
- 9C – Public Safety Minutes and Report
- 11A1 – Adoption of Resolution 14-01-527
- 11A2 – Adoption of Resolution 14-01-528
- 11A3 – Adoption of Resolution 14-01-529
- 11A4 – Adoption of Resolution 14-01-530
- 11A5 – Adoption of Resolution 14-01-531
- 11B1 – Introduction of Ordinance 14-01-363
- 11B2 – Introduction of Ordinance 14-01-364
- 11B3 – Introduction of Ordinance 14-01-365
- 11C1 – Board Appointments

***4. APPROVAL OF MINUTES – 12/17/13 Special Meeting and 1/7/14 Special Meeting**

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

6. MAYOR'S COMMENTS/REPORT

A. Clean Harbor Presentation

7. PUBLIC HEARINGS

A. Ordinance 13-11-355 - Second Hearing

A Non-Code Ordinance approving the conveyance to the State of Alaska, Department of Natural Resources ("DNR") of Lot 7, Block B Excursion Inlet South Subdivision Plat No. 81-58 Juneau Recording District First Judicial District State of Alaska.

*This ordinance is recommended by the borough attorney and finance director. It was introduced on 11/12 and had a first hearing on 12/10. **Motion:** Adopt Ordinance 13-11-355.*

B. Ordinance 13-12-357 - First Hearing

An Ordinance of the Haines Borough authorizing renewal of a lease of the Human Resources Building with Chilkat Valley Preschool for the purpose of providing preschool educational services.

*The preschool has leased the Human Resources Building on a year-to-year basis since the year 2000, and they have requested a renewed lease for calendar year 2014. Borough Charter states the leasing of borough property must be approved by the assembly by ordinance. It was introduced on 12/10. **Motion:** Advance Ordinance 13-12-357 to a second public hearing on 1/28/14.*

7. PUBLIC HEARINGS---continued

- C. **Ordinance 13-12-358** - First Hearing
An Ordinance of the Haines Borough amending Borough Code Section 18.80.030 to add setback regulations to the General Use zone and to correct a typographical error to make it consistent with the Section 18.20.020 definition of setback.
This ordinance is recommended by the planning commission. It was introduced on 12/10.
Motion: Advance Ordinance 13-12-358 to a second public hearing on 1/28/14.
- D. **Ordinance 13-12-359** - First Hearing
An Ordinance of the Haines Borough amending Borough Code Section 18.100.092 to remove the biennial state inspection requirement for wastewater disposal systems to make this code section consistent with Section 18.60.010(i).
This ordinance is recommended by the planning commission. It was introduced on 12/10.
Motion: Advance Ordinance 13-12-359 to a second public hearing on 1/28/14.
- E. **Ordinance 13-12-360** - First Hearing
An Ordinance of the Haines Borough amending Borough Code Title 18 Sub-Section 18.30.010(A)(2)(c) to change the filing period for Construction Declaration forms.
This ordinance is recommended by the planning commission. It was introduced on 12/10.
Motion: Advance Ordinance 13-12-360 to a second public hearing on 1/28/14.
- F. **Ordinance 13-12-361** - First Hearing
An Ordinance of the Haines Borough amending Borough Code Title 18 Section 18.20.020 to revise the definition of "Agriculture, personal use" and Section 18.30.070 to reduce the fees for permits relating to animal husbandry.
This ordinance is recommended by the planning commission. It was introduced on 12/10.
Motion: Advance Ordinance 13-12-361 to a second public hearing on 1/28/14.

8. STAFF/FACILITY REPORTS

- A. Interim Borough Manager – 1/14/14 Report
* B. Fire Department – Facility Report of November, December, and the 2013 Yearly Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. Sheldon Museum Board of Trustees – Minutes of 10/16/13
* B. Planning Commission – Minutes of 11/14/13
* C. Public Safety Commission – Minutes of 1/4/14 and request (which is being addressed)
* D. Chilkat Center for the Arts – Staff Report of December 2013
E. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

- *1. **Resolution 14-01-527**
A Resolution of the Haines Borough Assembly accepting an FY 2013 Designated Legislative Grant in the amount of \$15,000,000 for the purpose of Haines Boat Harbor Upgrades and authorizing the Borough Manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.
*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-527.*
- *2. **Resolution 14-01-528**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Henry Construction for the Haines Gym, Pool, and Chilkat Center Doors and Haines Gym Mat Hoist project for an amount not-to-exceed \$89,000.
*This resolution is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-12-528.*
- *3. **Resolution 14-01-529**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of five surplus vehicles by any of the methods specified in Haines Borough Code 14.24.010 (Disposal of personal property).
*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-529.*

11. NEW BUSINESS

A. Resolutions---continued

***4. Resolution 14-01-530**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a Cooperative Road Agreement with the Chilkoot Indian Association.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-530.*

***5. Resolution 14-01-531**

A Resolution of the Haines Borough Assembly expressing support for Governor Parnell's proposal to appropriate \$3 billion from the Constitutional budget reserve into the Alaska Retirement Trust Funds in 2015.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-531.*

B. Ordinances for Introduction

***1. Ordinance 14-01-363**

An Ordinance of the Haines Borough amending Haines Borough Code Sections 2.50.030, 2.56.011, 2.60.055, 2.98.040, 2.100.040, 2.104.040, 2.105.040, 7.04.080, 16.08.010, and 18.30.040 to revise the procedure for filling board, committee, and commission vacancies.

*A similar ordinance, 13-11-356, was introduced on 11/12/13, but was tabled indefinitely on 12/10/13. Ordinance 14-01-363 has increased the scope of revisions to include all occurrences of individual board references. This ordinance is recommended by the interim clerk, the interim manager, and the mayor. **Motion:** Introduce Ordinance 14-01-363 and set a first public hearing for 1/28/14.*

***2. Ordinance 14-01-364**

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.62.030 to allow an assembly approved exception to the contracting or sale limit to a borough officer or employee.

*This ordinance is recommended by the interim manager. **Motion:** Introduce Ordinance 14-01-364 and refer to the Governmental Affairs and Services Committee.*

***3. Ordinance 14-01-365**

An Ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY14 Budget.

*This ordinance is recommended by the interim manager. **Motion:** Introduce Ordinance 14-01-365 and set a first public hearing for 1/28/14.*

C. Other New Business

***1. Board Appointments**

*Appointment recommendations have been received for seats on the Planning Commission, Museum, and Port and Harbor Advisory Committee. The mayor plans to make the recommended appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Jim Shook, Anastasia Wiley, and Jan Hill to the Museum Board of Trustees for terms ending 11/2016; Heather Lende and Rob Goldberg to the Planning Commission for terms ending 11/2016; and Glen Jacobson, Terry Pardee, and Don Turner, Sr. to the Ports and Harbor Advisory Committee for terms ending 11/2016.*

2. GAS Recommendation: Ordinance 13-07-339

An Ordinance of the Haines Borough amending Borough Code Section 5.18.080 to change the procedure for amending the Commercial Ski Tour Areas Map.

*This ordinance was proposed by Mayor Scott. It was introduced on 7/23/13 and referred to the Government Affairs and Services (GAS) Committee. It returned to the assembly on 10/22 when it was amended with a substitute ordinance and scheduled for a first public hearing. On 11/12, following the hearing, the ordinance was once again referred to the GAS Committee. On 12/3/13 the GAS committee proposed amendments to code, a manager policy, and recommended scheduling this ordinance for a second hearing. **Motion:** Adopt the GAS-recommended amendments and advance Ordinance 13-07-339, as amended, to a second public hearing on 1/28/14.*

11. NEW BUSINESS

C. Other New Business ---continued

3. **GAS Recommendation: Ordinance 13-10-352**

An Ordinance of the Haines Borough amending Haines Borough Code Title 13 to revise and clarify water and sewer service procedures.

*This ordinance is recommended by the borough manager and finance director. It was introduced on 10/22 and referred to the Government Affairs and Services Committee. That committee met on December 3, and it proposes advancement to the first hearing. **Motion:** Direct the manager to provide justification for the proposed changes to the assembly by the 2/11/14 meeting and schedule Ordinance 13-10-352 for a first public hearing by 2/11/14.*

4. **On Call Towing Services for the Haines Borough**

*This item was requested by Assembly Member Campbell. **Suggested Motion:** Direct the Manager to issue a Request for Proposals for towing and impound services to the borough on an "on call" basis at fixed per call rates.*

5. **Proposed ATV Recreation Plan**

*This item was requested by Assembly Member Campbell. **Suggested Motion:** Request the Planning Commission to identify areas near or within the townsite of suitable size and terrain for designation as a Motorized Park to be returned to the assembly by the February 25th, 2014 assembly meeting.*

6. **Appeal of Planning Commission Decision**

Explanation/History: *Gina St. Clair was denied a plat application by the borough on 10/8/13. St. Clair appealed to the planning commission and it was heard on 11/14/13. The planning commission voted to deny the appeal, thereby confirming staff's denial of the application per HBC 18.100.030(B). HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. An appeal was timely submitted to the Clerk which was clarified by the Interim Manager in a 1/2/14 email. The burden of proof is on the appellant to make the case that the planning commission erred in their decision and that a rehearing by the assembly is warranted.*

Assembly Action Needed at THIS meeting: *Per HBC 18.30.060, following the appellant's presentation if she is in attendance, the assembly must decide by motion:*

- *whether or not to rehear the commission's decision and, if so,*
- *whether to rehear the entire decision or a particular portion.*

Note: *Any rehearing must take place at the next regularly scheduled assembly meeting (1/28/14) and include a duly-noticed public hearing.*

7. **Amend Previously Adopted Resolution – Ice House Coil Resolution**

*On 12/10/13, the assembly adopted Resolution 13-12-523, authorizing the Borough Manager to contract with Key Mechanical for an amount not to exceed \$18,000 to replace the coil in the Haines Boat Harbor ice house. Since that time, Key Mechanical has provided an updated quote of \$30,268 for the work. On or before the date on which the contract Notice to Proceed is issued, non-code Ordinance 14-01-365 shall be adopted by the borough assembly appropriating sufficient funds for the project, from additional raw fish tax receipts. Robert's Rules of Order allows a motion to amend something previously adopted. **Motion:** Amend Resolution 13-12-523 adopted at the 12/10/13 meeting by inserting proposed amendments.*

8. **Reconsideration of Vote – Haines Borough Assembly Meeting Schedule**

*Assembly Member Schnabel has asked for a reconsideration of her vote made on 12/10/13. Note from the Clerk: The **motion to reconsider** can be made by any member of the assembly, as the motion to approve was unanimous by use of the consent agenda. The motion to reconsider must be seconded. Once seconded, the motion is eligible for debate and must gain a majority vote to pass. If the motion to reconsider a member's vote is successful, the **motion on table** will be to "approve the 2014 Haines Borough Assembly Meeting Agenda Preparation Calendar." At that time, a **motion to amend** to "send the Haines Borough Assembly Meeting Schedule to staff for review and consideration of two meetings in December and re-present the schedule at the 1/28/14 assembly meeting" could be made and considered.*

11. NEW BUSINESS

C. Other New Business ---continued

9. **Land Sale Update from Negotiation Team**

*On 1/7/14, the Haines Borough Assembly moved to dispose of Primary School Lots 6 & 7 by negotiated sale. It has been suggested that the assembly go into executive session to meet with the borough negotiation team to receive a more detailed update about the progress of the negotiations. **Motion:** Go into executive session as allowed by AS 44.62.310(c)(1) to discuss the negotiated land sale of Lots 6 and 7 of the Primary School Subdivision; this matter qualifies for executive session because it contains 'matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity' and the assembly invites Executive Assistant to the Borough Manager Darsie Culbeck and Interim Borough Manager Julie Cozzi into this meeting.*

12. CORRESPONDENCE/REQUESTS

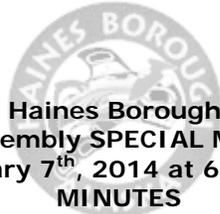
13. SET MEETING DATES

- A. **Governmental Affairs and Services Committee** – Topic: to discuss Ordinance 14-01-364, Contracting Exception.
- B. **Committee of the Whole** - Topic: Pre-budget workshop with manager and department heads.
- C. **Committee of the Whole** - Topic: Set legislative priorities for FY15.
- D. **Joint Assembly and School Board Meeting** – An annual joint meeting mandated by Charter section 7.04 to discuss and coordinate financial planning, capital improvement needs, the six-year capital improvement plan, and other matters of mutual concern. The 1/7/14 scheduled meeting was postponed due to the absence of several school board members and this meeting needs to be rescheduled. **Discuss possible dates for staff to forward to the School Board.**
- E. **Board of Equalization Training** – State of Alaska Assessor, Steve Van Sant, has contacted the Haines Borough to inquire about the scheduling of Board of Equalization (BOE) training. The manager recommends that this training be scheduled for late February or March. **Schedule a date for BOE training.**

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT



Haines Borough
Borough Assembly SPECIAL Meeting #260
January 7th, 2014 at 6:30pm
MINUTES

THIS SPECIAL MEETING WAS HELD SOLELY FOR CONSIDERING THE ITEMS LISTED ON THE PUBLISHED AGENDA. NO ADDITIONAL ISSUES WERE CONSIDERED AT THIS MEETING.

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 Jerry **LAPP**, Debra **SCHNABEL**, Dave **BERRY**, and Diana **LAPHAM**. George **CAMPBELL** and Joanne **WATERMAN** participated by phone.

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, and Darsie **CULBECK**/Executive Assistant to the Borough Manager.

Visitors Present: Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Bob **DUIS**, Jim **STANFORD**, Glenda **GILBERT**, and others.

3. **APPROVAL OF AGENDA**

Motion: **LAPP** moved to "approve the agenda." The motion carried unanimously.

4. **PUBLIC COMMENTS**

STANFORD spoke on the behalf of the Public Safety Committee. They will propose to ask the borough assembly, at the 1/14/14 meeting, to have the borough attorney review the current Memorandums of Understanding (MOUs) that concern the police department. This is to ensure the Haines Police Department has the legal authority to respond outside the townsite without direct State Trooper supervision. The goal is to decrease the response time to schools outside the townsite.

5. **BUSINESS**

A. Method of disposal of Lots 6 and 7 of the Primary School Subdivision

On 8/13/13 the assembly followed the planning commission's recommendation and voted to classify Lots 6 and 7 of the Primary School Subdivision for sale. The administration recommends disposal of this borough property by negotiated sale. Authority to do that requires assembly designation of the method by motion.

Motion: **LAPP** moved to "authorize the interim borough manager to dispose of Lots 6 and 7 of the Primary School Subdivision by the negotiated sale method." The motion passed unanimously.

In discussion, **SCHNABEL** asked if the borough manager could speak to the status of the soil contamination at this site. On behalf of the administration, **CULBECK** stated Chilkat Environmental has been hired and has placed monitoring wells on the site. Studies showed there was no contamination found in the top 4 feet of soil and there is no migration of contamination offsite. The State of Alaska Department of Environmental Conservation (DEC) is ready to close this site with a few institutional controls. The purchaser will need to work with the DEC to dig lower than 4 feet. **CULBECK** believes the site will be sold as is, and therefore there should be no further liability to the borough. Aspen Hotels, the potential purchaser, is aware of this contamination and will negotiate with the borough about any further liabilities. **CULBECK** stated the borough has done its due diligence and both Chilkat Environmental and DEC are comfortable with the current level of remediation.

Motion: **CAMPBELL** moved to "go into executive session, as allowed by state law, to discuss the land sale as it is a matter that would affect the finance of the borough". The motion failed with **WATERMAN**, **LAPP**, and **LAPHAM** opposed. The mayor broke the tie by voting in the negative.

COZZI summarized the options of methods of sale and the process of a possible sale, as outline in her memo. **SCHNABEL** felt without full soil remediation, the price of the sale would be impacted. Also, she asked the borough to attempt to negotiate certain benefits to the community in the cost of the sale, such as a public fitness room. **BERRY** was in favor of a negotiated sale, but felt it might be difficult to negotiate with a for-profit business for community facilities. **LAPP** was in favor of moving forward with a negotiated sale and is happy to discuss the negotiation details in further steps of the land sale process. **WATERMAN** and **LAPHAM** agreed. **LAPHAM** was comfortable with DEC's position on the contamination. **SCOTT** believes remediation of this land is complete. **CAMPBELL** asked if the remediation information has been made public and was available to the seller. **GILBERT**, on behalf of the potential purchaser, has received 60+ pages of DEC information and a condition of the sale will be full discloser of all DEC documents. **SCHNABEL** asked whether the borough or Aspen will pick the starting price. **COZZI** answered the borough has and the starting price was in collaboration with the borough's assistant assessor and the borough's lands department. **COZZI** stated the land sale procedure in code was a little awkward, but the advice of the borough attorney was to hold this meeting to make the process as clear as possible.

6. PUBLIC COMMENTS

STANFORD stated as a track coach, he has noticed there is a problem with sewage seeping up under the high school track. **SCOTT** thanked him for the information.

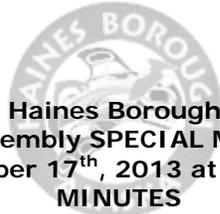
7. ADJOURNMENT– 7:04pm

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk



Haines Borough
Borough Assembly SPECIAL Meeting #259
December 17th, 2013 at 5:30pm
MINUTES

THIS SPECIAL MEETING WAS HELD SOLELY FOR CONSIDERING THE ITEMS LISTED ON THE PUBLISHED AGENDA. NO ADDITIONAL ISSUES WERE CONSIDERED AT THIS MEETING.

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **SCOTT** called the meeting to order at 5:30 p.m. in the Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL**

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

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Krista **KIELSMEIER**/Administrative Assistant, and Tanya **CARLSON**/Tourism Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Janet **KURZ**, and others.

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

The following items were on the published consent agenda:

5B – Board Appointments

Motion: **BERRY** moved to “approve the agenda/consent agenda,” and it was amended to “remove item 5B – Board Appointments.” The motion, as amended, carried unanimously.

4. **PUBLIC COMMENTS** - None

5. **BUSINESS**

A. **Consideration of hire of David Sosa, Borough Manager Candidate**

At the 12/10 assembly meeting a motion was made to “ask the interim manager and the mayor to call the additional references that Mr. Sosa has provided, and also ask for a community interface scenario that can be provided for us so that we can research it.” The assembly requested the information be presented at this meeting.

SCOTT, **COZZI**, and **SCHNABEL** read aloud references and interview notes regarding Mr. Sosa. All comments were positive and in favor to the borough’s hiring Mr. Sosa as borough manager.

Motion: **CAMPBELL** moved to “go into executive session per Alaska Statue to discuss the references of Borough Manager Candidate David Sosa which may contain subjects that tend to prejudice the reputation and character of any person.” This motion died from a lack of a second.

No action was taken in executive session.

Motion: **WATERMAN** moved to “go into executive session as allowed by AS 44.62.310(b) (2) to discuss the interview and potential hire of David Sosa, this matter qualifies for executive session because this discussion may contain... ‘subjects that tend to prejudice the reputation and character of any person...’ this applicant has been provided with an opportunity to request a public discussion and the assembly requests Interim Borough Manager Julie Cozzi to join the assembly in this session.” This motion passed 5-1 with **SCHNABEL** opposed.

Motion: **BERRY** moved to “offer the position of Borough Manager to Dave Sosa and have the interim manager negotiate the contract” and the motion was amended to “require an acceptance or rejection by the 31st of December”. The motion passed unanimously.

SCHNABEL asked if there would be a time Mr. Sosa would be required to answer the borough’s offer. She proposed 2 calendar weeks. **CAMPBELL** suggested the 3rd or 4th of January. **WATERMAN** was concerned that would be too long and suggested December 31st. It

was stated the contract will center on the parameters discussed in executive session. It was clarified that first he needs to accept the position, and then negotiate with an acceptance pending the outcome of the negotiation.

***B. Board Appointments** – Removed from Agenda

6. PUBLIC COMMENTS - None

7. ADJOURNMENT– 6:46pm

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk

Mayor's Report

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

January 8, 2014

Mosquito Lake School

The Haines Borough School Board is conducting a public hearing regarding the future of Mosquito Lake School 5 PM at the school January 21st. A van will leave town from the Haines School at 4 PM. Superintendent Byer has extended an invitation to all of us to attend. I will do so; I hope others on the Assembly will be able to come as well. Due to the drop in enrollment, the closure of the school may be considered. From a borough point of view as the owner of the building, it will be important to describe the continued cost to the municipality that will be associated with the building should it no longer be used as a school.

Domestic Violence

When interviewed by the Chilkat Valley News about domestic violence a few weeks ago, I stated that I did not know the extent of the problem in Haines. I have endeavored to correct my ignorance and I am unhappy by what I have found. I have attached the summary of domestic violence statistics provided by Interim Chief Ford December 26. Chief Ford reminds us that 2 additional cases took place outside of the Townsite; I have asked the Alaska State Troopers for their records as well. Another source of information is the AWARE shelter in Juneau. AWARE administrators report 3 clients who named Haines as their place of residence in FY12, 8 in FY 13, and 3 in the First Quarter of FY14. Finally, Jackie Mazeikas, SEARHC health educator for domestic violence, has posted local statistics on the Becky's Place Haven of Hope website (http://www.beckysplacehavenofhope.org/dvsa_factsstatics.aspx from the court and from counseling services:

- **From the Court House:**
 - In 2011 - 11 cases in which DV Protective Orders were given.
 - in 2012 - 14 cases in which DV Protective Orders were given.

Data from the counseling service in Haines - For Domestic Violence and Sexual Assault Victims

- 2011 - DV incidents reported = 7
- 2012 - DV incidents reported = 14
- 2011 - SA clients served = 72

- 2012 - SA clients served = 86

Goal 16 of the Haines Borough Comprehensive Plan, Objective 16 A states that we will “emphasize outreach and community policing programs to reduce crime, enhance safety, target local problems (e.g. alcohol and drug issues), and enhance community-police relationship. Strategy 3 specifically requires us to “Determine if gaps in Haines’ domestic violence services network exist.”

I am asking the Haines Borough Public Safety Commission to address the Public Safety objectives outlined in the Comprehensive Plan, and give priority to issues related to domestic violence, working closely with the Haines Police Department to determine what is required to improve the conviction rate for domestic violence offenders.

I am also asking AWARE to come to Haines to train volunteers who wish to provide temporary safe homes. The AWARE budget allows them to do this as well as to provide stipends for the volunteers when service is provided.

LIO for Haines

I continue to work to establish a legislative information office (LIO) for Haines through a partnership between the Haines Borough Library and the Legislative Affairs Agency. It is slow going. However, I have uncovered an additional ally in the Rural Governance and Empowerment Commission which met last month. I wrote to the RGEAC to ask for their support for LIOs in rural communities. Veronica Slajer, Principal Advisor to the Commission responded on January 8:

I sympathize with your situation and support your need for a LIO . Anything we can do to make it easier for the public to engage in the public process is extremely important. Not only will your comments be incorporated into the record but they'll also be forwarded to the RGC planning team writing the report and action plan.

APT Rate Increase

You have been provided a copy of the comment I submitted regarding APT’s request for an 18.6% rate increase. I asked the RCA to reject the request because development in Haines that will clearly add to the APT’s customer base immediately, in the near future, and in one or two years. In addition to the list of development I submitted to the RCA, after writing the comment I learned that Southeast Road Builders will connect their rock crushing operation to the grid – another substantial commercial account for the utility.

In my opinion, a rate increase of this magnitude will be a significant barrier to development in Haines.

Attachment: Haines Borough Police Department Domestic Violence Statistics



12-202 (REV. 1/00)

HAINES BOROUGH POLICE DEPARTMENT

Case No.
DV Case Study
Date Investigated
2011-2013

Reporting Officer	PermID	Investigating Agency
Sgt. Simon Ford	# 212	Haines Borough Police Department

Detach	UnitID
Patrol	HAIZ

2011

- 15 DV Related Calls to Police
- 9 Suspects Arrested
- 14 Charges Filed by Police
- 2 Charges Convicted (including one elevated to higher level crime by DA)
- 1 Charge Reduced to Lesser Crime and Convicted

2012

- 12 DV Related Calls to Police
- 8 Suspects Arrested
- 19 Charges Filed by Police
- 5 Charges Convicted as Referred
- 1 Charge Reduced to Lesser Crime and Convicted

2013 (Jan 1-Dec 26)

- 15 DV Related Calls to Police
- 10 Suspects Arrested
- 13 Charges Filed by Police
- One Suspect Pled Guilty, Three convicted at trial, several cases still open

Additional points to consider:

These are compiled from investigations involving the Haines Borough Police Department. There were at least 2 felony DV arrests from the outer borough that HPD assisted, but the record management for those cases would be done by from the Alaska State Troopers as they were the arresting agency.

Some calls were investigated and it was determined that no crime of domestic violence was committed, but there may have been a "domestic disturbance" resulting in a noise complaint or similar call. These calls were still classified as "DV" related because we approach investigations like these as reports of domestic violence. This year we have seen an increase in the use of Domestic Violence Protective Orders (DVPO) which place restraints on a person's ability to contact or communicate with an alleged victim of domestic violence. We have served 39 DVPO's this year, which hopefully is preventing domestic violence crimes from happening.

*****END OF REPORT*****

SGT. SIMON FORD, #212
HAINES BOROUGH POLICE DEPARTMENT

REVIEWED AND APPROVED BY	PERM ID	DATE



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-390

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Excursion Inlet Land Conveyance to State of Alaska DNR	1. Ordinance 13-11-355
Originator: Borough Attorney	
Originating Department: Administration	
Date Submitted: 11/6/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-11-355.

Administrative Recommendation:
The Borough Attorney and Finance Director recommend this ordinance.

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

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

Summary Statement:
The Borough Attorney is currently in negotiations with the State of Alaska Division of Natural Resources regarding a piece of land at Excursion Inlet. The adoption of this ordinance is a necessary step. The attorney will provide an update to the assembly later as progress is made in the negotiations. However, this item is eligible for executive session should the assembly need more information.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 12/10/13 & 1/14/14
Meeting Date(s): 11/12/13, 12/10/13, & 1/14/14	Tabled to Date:

A NON-CODE ORDINANCE APPROVING THE CONVEYANCE TO THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES (“DNR”) OF LOT 7, BLOCK B EXCURSION INLET SOUTH SUBDIVISION PLAT NO. 81-58 JUNEAU RECORDING DISTRICT FIRST JUDICIAL DISTRICT STATE OF ALASKA

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is for the specific purpose of approving a conveyance of the interest Lot 7, Block B Excursion Inlet South Subdivision Plat No. 81-58 Juneau Recording District First Judicial District State of Alaska (“the Property”) acquired by the Haines Borough in a tax foreclosure to DNR and 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 shall become effective upon adoption.

Section 4. Purpose. This ordinance authorizes the manager to conclude arrangements for the conveyance of the Borough’s interest in the Property as a means to resolve a dispute with the State of Alaska as to the Borough’s claim of ownership of the Property.

Section 5. Authority. This ordinance is adopted under the authority granted the Assembly by HBC 14.20.010, HBC 14.20.020 and HBC 14.20.100 to approve the disposal of real property by negotiation.

Section 6. Authorization and Approval. The Borough Manager is hereby authorized to complete the process of transfer of the Borough’s interest in the Property to DNR by quitclaim deed upon terms and conditions to be attached hereto.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ___ DAY OF _____, 2014.

ATTEST:

Stephanie Scott, Mayor

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 11/12/13
Date of First Public Hearing: 12/10/13
Date of Second Public Hearing: 01/14/14



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-394

Assembly Meeting Date: 1/14/2014

Business Item Description:	Attachments:
Subject: Authorize Renewal of Chilkat Valley Preschool (CVP) Lease of the Human Resources Building	1. Ordinance 13-12-357 2. Proposed 2014 Lease 3. 11/6/13 Letter from CVP Requesting Renewal
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 11/6/2013	

Full Title/Motion:
Motion: Advance Ordinance 13-12-357 to a second public hearing on 1/28/14.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 17E(7), Page 294 Objective 18A(3), Page 299	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
Chilkat Valley Preschool (CVP) has been leasing the borough's Human Resources Building at no charge on a year-to-year basis since 9/20/2000. CVP has made its annual written request for renewal of the lease for the 2014 calendar year. As the Chilkoot Indian Association has withdrawn its previously expressed interest in acquiring this property, the leasing of this borough building would continue until such time as other disposition decisions may be made. Borough Charter 3.03(8) requires that the leasing of borough property must be granted by the assembly by ordinance.

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

Assembly Action:	
Workshop Date(s): Meeting Date(s): 12/10/13 & 1/14/14	Public Hearing Date(s): 1/14/14 Tabled to Date:

An Ordinance of the Haines Borough authorizing renewal of a lease of the Human Resources Building with Chilkat Valley Preschool for the purpose of providing preschool educational services.

WHEREAS, HBC 14.16.060 provides that “[t]he lease of any borough land may be made to any state or federal agency, nonprofit organization, or political subdivision of the state for less than the appraised value, and for a consideration to be determined by the assembly to be in the best interests of the borough”; and

WHEREAS, the nonprofit organization known as Chilkat Valley Preschool (CVP) has been leasing the downstairs portion of the borough’s Human Resources Building situated on Lots 8 and 9, Block 13, Haines Townsite Subdivision to provide a preschool program; and

WHEREAS, CVP has leased this property on a year-to-year basis since the Haines City Council first granted the lease on September 20, 2000; and

WHEREAS, on November 6, 2013, CVP made its annual written request for renewal of the lease for the 2013 calendar year; and

WHEREAS, the borough has offered the upper portion of the building rent-free to non-profit groups on a year-to-year basis with the only cost to the tenants being to share utilities with the CVP (there are currently no upstairs tenants); and

WHEREAS, RuralCap leased the premises for many years on a year-to-year lease basis for the purpose of providing Head Start program services to the community’s children; and

WHEREAS, the borough manager wishes to continue to provide the use of this building at no charge as an in-kind donation to CVP for the betterment and early childhood development of the children of the community; and

WHEREAS, the assembly concurs that the continued leasing of this borough building is in the public interest until such time as other disposition decisions may be made; and

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

NOW THEREFORE BE IT ENACTED, by the Haines Borough Assembly, that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough to renew the existing terms of the Human Resources Building lease with the Chilkat Valley Preschool for the purpose of providing preschool educational services for the 2013 calendar year .

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

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

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

Haines Borough
Ordinance No. 13-12-357
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2014.

Attest:

Stephanie Scott, Mayor

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 12/10/13
Date of First Public Hearing: 01/14/14
Date of Second Public Hearing: ___/___/___

**Haines Borough
Human Resource Building**

In-Kind Lease Agreement

LEASE AGREEMENT made as of the _____ day of _____, 2013

BY and BETWEEN the Lessor: **Haines Borough**

and the Lessee: **Chilkat Valley Preschool**

The Lessor and the Lessee agree as set forth below.

WITNESSETH:

That for and in consideration of the agreements hereinafter mentioned to be kept and performed by the Lessee, Lessor does hereby lease unto said Lessee the main floor of the building known as the Human Resources Building, situated on Lots 8 and 9, Block 13, Haines Townsite Subdivision, and such area as necessary to carry out the preschool program.

TO HAVE AND TO HOLD the above described premises, with the rights, privileges, easements and appurtenances thereunto belonging or in any way appertaining, unto Lessee for a **term commencing on the 1st day of January, 2014 and terminating on the 31st day of December, 2014**, and yielding possession thereof as hereinafter provided subject to an option to renew.

1. **RENT:** No charge for rent.
2. **USE:** Preschool
3. **ALTERATIONS AND REPAIRS:** Lessee shall not make any alteration or repair of the said premises, or any part thereof, without first obtaining the written consent of Lessor. Lessee shall, at its sole cost and expense, repair all damage to the leased premises caused by the Lessee's use of the premises. Lessee shall keep and maintain the leased premises in good condition and repair, normal wear and tear excepted.
4. **LIENS:** Lessee shall not cause the demised premises to be encumbered by any liens, and shall, whenever and as often as any such liens may be recorded against said property, purporting to be for labor or materials furnished or to be furnished to the Lessee, take steps to discharge such liens within a reasonable time after the date of filing. Lessor shall not be liable for any labor or materials furnished or to be furnished to the Lessee upon credit.
5. **UTILITIES:** Lessee shall pay for all heat, lights, power, water, sewer and phone services supplied to the property used by them.
6. **INDEMNIFICATION:** Lessee shall defend, indemnify and save harmless Lessor from and against any and all losses, damages, liabilities, expenses, claims and demands of whatsoever character, direct or indirect, arising out of or in any way connected with, this lease of the demised premises or use or occupancy thereof by Lessee.
7. **INSURANCE:** Lessor shall provide and maintain fire insurance on the leased building. Lessee shall provide the necessary insurance on its personal property on the premises and liability insurance of not less than \$500,000 bodily injury, \$100,000 property damage and \$5,000 medical payments. Proof of such insurance shall be provided to Lessor by Lessee's insurance company upon execution of this lease and upon any renewal of said policies. Lessee shall provide lessor written notice thirty days in advance of any cancellation of insurance coverage.

8. **ENTRY BY LESSOR**: Lessee shall permit Lessor and its agents to enter the premises at all reasonable times for the purposes of access to areas in the leased building not covered in this lease and for the purpose of inspecting the same or making repairs.
9. **SUBLETTING AND ASSIGNMENT**: Lessee shall not assign this lease, or any interest thereof, without the written consent of Lessor.
10. **COMPLIANCE WITH LAW**: Lessee shall, at their sole cost and expense, comply with all the requirements of the Haines Borough, State of Alaska and Federal laws, regulations, statutes or ordinances pertaining to said premises and their use, including all regulations prohibiting smoking in public buildings.
11. **DESTRUCTION OF PREMISES**: In the event of damage or destruction of the leased premises from any cause, the Lessor shall have the option to repair the same. In the event Lessor does not elect to make such repairs, this lease may be terminated at the option of either party. A total destruction of the premises shall terminate the lease. Lessor shall give notice of its election to repair within ten days from the date of the damage or destruction.
12. **REMEDIES OF LESSOR ON DEFAULT**: In the event of any breach of this lease by Lessee, then Lessor shall have the right of re-entry subject to the Landlord and Tenant Act provisions.
13. **OCCUPANCY**: Lessee shall have the right of occupancy as of the signing of this lease.
14. **LEASE RENEWAL**: Lessee may request to renew this lease for additional terms by submitting a written renewal request to the Lessor at least thirty days prior to lease expiration. The utilities payment (see Section 5) may be renegotiated prior to any lease renewal, and any lease renewal may be subject to approval by the Borough Assembly.
15. **TERMINATION**: The Lessee may terminate this lease upon giving thirty days written notice to the Lessor if the use of the premises by the Lessee ceases for any reason. In such a case, upon quitting the premises, the Lessee shall remove all personal and business property from the premises and shall leave the premises in good condition, normal wear and tear excepted.
16. **ENTIRE AGREEMENT**: This lease sets forth the entire understanding of the parties, and no modifications may be made hereto except by written addendum signed by the parties. This lease binds the heirs, personal representatives, successors and legal assigns of all the parties hereto.

IN WITNESS WHEREOF, the parties have executed this lease as of the day, month and year first above written.

This Lease Agreement entered into as of the day and year first written above.

LESSOR

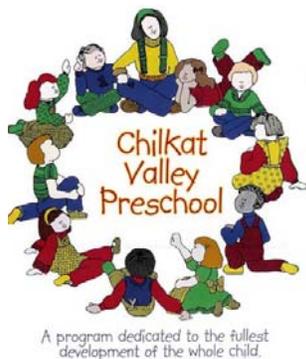
LESSEE

Julie Cozzi, Interim Borough Manager
Haines Borough

Alissa Henry, Board President
Chilkat Valley Preschool

Attest:

Michelle L. Webb, Interim Clerk



Chilkat Valley Preschool

PO Box 1165 Haines AK 99827

(907) 766-3213

cvpreschool@aptalaska.net

www.chilkatvalleypreschool.org

2013 - 2014 BOARD OF DIRECTORS

Alissa Henry
President

Melissa Ganey
Vice President

Katherine Lee
Treasurer

Jolanta Glaybeck
Secretary

STAFF

Janet Hayes
Lead Teacher

Josie Allen
Assistant Teacher

Meghan Elliott
Teacher Aide

Renee Hoffman
Office Manager

November 6, 2013

Julie Cozzi
Borough Clerk
Haines Borough, Alaska
P.O. Box 1209
Haines, AK 99827

Re: Human Resources Building – In-Kind Lease Agreement

Dear Julie,

I am writing to you on behalf of the students, staff and Board of Directors of Chilkat Valley Preschool. Our current In-Kind Lease Agreement is due to expire on December 31, 2011. Please consider this letter as a request to renew this Agreement.

Please let me know if I need to provide you with any more information.
Thank you and thanks to the Borough for their generosity. It is greatly appreciated.

Sincerely,

Renee Hoffman
Office Manager



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-395
Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Title 18 to add setback regulations to the General Use zone & correct a setback definition typo	1. Ordinance 13-12-358 2. Planning Commission Recommendation
Originator: P&Z Technician III & Planning Commission	
Originating Department: Planning & Zoning	
Date Submitted: 9/12/13 & 10/10/13	

Full Title/Motion:
Motion: Advance Ordinance 13-12-358 to a second public hearing on 1/28/14.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Page 151 - Future Growth; Page 199 - Goal 5; Page 200 - Objective 5G	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
This ordinance is recommended by the planning commission. It will establish setbacks of 20 feet from roads and 10 feet from other lot lines for all uses in the General Use Zone. The benefits to the community of setbacks have been established over centuries of land use planning.

Additionally, the ordinance corrects a typo. Per HBC 18.20.020, setback means the perpendicular distance from the appropriate lot line to the nearest point on a building or structure including but not limited to porches, steps, and roof edges. However, HBC 18.80.030 incorrectly exempts cantilevered floors, decks or other similar building extensions from setback regulations.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 1/14/14
Meeting Date(s): 12/10/13 & 1/14/14	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.80.030 TO ADD SETBACK REGULATIONS TO THE GENERAL USE ZONE AND TO CORRECT A TYPOGRAPHICAL ERROR TO MAKE IT CONSISTENT WITH THE SECTION 18.20.020 DEFINITION OF SETBACK.

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 immediately upon adoption.

Section 4. Amendment of Section 18.80.030. Section 18.80.030 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 DELETED

18.20.020 Definitions – Regulatory

“Setback” means the perpendicular distance from the appropriate lot line to the nearest point on a building or structure, including, but not limited to, porches, steps, and roof edges.

18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Incidental architectural features such as window sills, cornices and eaves may not project into any required setback. This ~~exemption~~ **regulation** also applies to cantilevered floors, decks or other similar building extensions. No building or structures may be located within a setback, except that fences may be constructed within the required setback by permit. The following items shall be exempt from setback requirements, provided the item is located to achieve its purpose without constituting a hazard to vehicles or pedestrians, is located such that it does not obscure sight angles at intersections or driveways, and is not in any location prohibited by state regulation:

1. Driveways and culverts that meet Chapter 12.08 HBC;
2. Parking areas that meet Chapter 10.44 HBC;
3. Satellite dishes;
4. Signs that meet Chapter 18.90 HBC; and
5. French drains, culverts, or similar infrastructure.

Where more than one setback standard is applicable, the most restrictive setback standard applies.

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.

Haines Borough
Ordinance No. 13-12-358
Page 2 of 3

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
REC	30	N/A	N/A	N/A	N/A	20	10	10

* 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.

Buildings constructed to zero lot line must be designed so that snow falling from the roof is not deposited on adjacent properties.

The distance between unattached buildings must be 15 feet unless approved as a conditional use by the planning commission. Building separation is intended for public safety; fire-related concerns must meet the approval of both the State Fire Marshal and local fire department, where applicable. The 15-foot separation between unattached buildings applies only when at least one of the buildings is for human occupancy.

Setbacks from anadromous fish streams: See HBC 18.60.010(P).

Between Second Avenue and the intersection of Union Street and Main Street, all structures must be set back 20 feet from lot lines adjacent to Union Street. Due to its historical nature, Block 16, Haines Townsite Subdivision shall have special setbacks. All structures built within Block 16 must be set back a minimum of 10 feet from any property lines not abutting Union Street.

Haines Borough
Ordinance No. 13-12-358
Page 3 of 3

If a publicly owned road easement exists inside of a property line, the setback shall be measured from the easement line and not the property line.

If a public utility easement exists inside of a property line, the setback shall be measured from the easement rather than the property line and shall be not less than 10 feet unless a variance is granted by the planning commission.

C. Structures shall be located no less than 20 feet from street lot lines, 10 feet from other lot lines for all uses in the General Use Zone.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2014.

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 12/10/13
Date of First Public Hearing: 01/14/14
Date of Second Public Hearing: ___/___/___

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: October 10, 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 to amend HBC 18.80.030”. The motion passed unanimously.

RATIONALE: This proposed ordinance will establish setbacks of 20 feet from roads and 10 feet from other lot lines for all uses in the General Use Zone. The benefits to the community of setbacks have been established over centuries of land use planning.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.80.030 to read:

HBC 18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate.

...

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.

...

C. **Structures shall be located no less than 20 feet from street lot lines, 10 feet from other lot lines for all uses in the General Use Zone.**

SUBMITTED BY _____



(signature)

Rob Goldberg
Planning Commission Chairman

HAINES BOROUGH, ALASKA
ORDINANCE No. xx-xx-xxx

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.80.030 TO EXPAND “SETBACK REGULATIONS IN TOWNSITE SERVICE AREA” BOROUGH WIDE.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective on January 1, 2014 upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.80.030 to expand “setback regulations in townsite service area” Borough wide by adding setbacks and height restrictions for general use zone.

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

18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate.

...

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

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/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
REC	30	N/A	N/A	N/A	N/A	20	10	10

* 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.

...

C. Structures shall be located no less than 20 feet from street lot lines, 10 feet from other lot lines for all uses in the General Use Zone.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-398

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Title 18 to correct a code inconsistency concerning wastewater system inspections	1. Ordinance 13-12-359 2. Planning Commission Recommendation
Originator: P&Z Technician III & Planning Commission	
Originating Department: Planning & Zoning	
Date Submitted: 10/10/13	

Full Title/Motion:
Motion: Advance Ordinance 13-12-359 to a second public hearing on 1/28/14.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: N/A (This is a housekeeping ordinance)	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
This ordinance is recommended by the planning commission. After the assembly adopted Ordinance 13-08-342 removing the requirement for biannual DEC inspection of wastewater systems, it was discovered the same language that was deleted from the code still exists in another part of Title 18. This ordinance will correct the inconsistency.

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

Assembly Action:	
Workshop Date(s): Meeting Date(s): 12/10/13 & 1/14/14	Public Hearing Date(s): 1/14/14 Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 18.100.092 TO REMOVE THE BIENNIAL STATE INSPECTION REQUIREMENT FOR WASTEWATER DISPOSAL SYSTEMS TO MAKE THIS CODE SECTION CONSISTENT WITH SECTION 18.60.010(I).

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 immediately upon adoption.

Section 4. Amendment of Section 18.100.092. Section 18.100.092 of the Haines Borough Code is hereby amended to read as follows:

NOTE: ~~STRIKETHROUGH~~ ITEMS ARE DELETED FROM THE CURRENT LANGUAGE

HBC 18.100.092 Requirements prior to final plat approval.

A. Utilities.

1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to 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 plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. 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.~~

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

Haines Borough
Ordinance No. 13-12-359
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2014.

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 12/10/13
Date of First Public Hearing: 01/14/14
Date of Second Public Hearing: __/__/__

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: October 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: M/S Heinmiller moved to “recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.100.092”. The motion passed unanimously.

RATIONALE: After the Assembly passed ordinance No. 13-08-342 it was discovered that the same language that was deleted from the Code still existed in another part of Title 18. This proposed ordinance will correct the inconsistency.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.100.092(A)(2) to read:

HBC 18.100.092 Requirements prior to final plat approval.

A. Utilities.

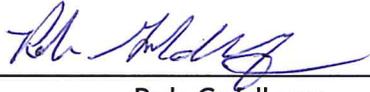
1. Water and Sewer. The subdivider, at the subdivider’s own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to 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 plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. 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.~~

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

SUBMITTED BY



(signature)

Rob Goldberg
Planning Commission Chairman

HAINES BOROUGH, ALASKA
ORDINANCE No. xx-xx-xxx

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.100.092(A)(2) TO CONSISTENT WITH TITLE 18 SECTION 18.60.010(I).

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance amends Title 18 Section 18.100.092(A)(2) to keep consistency with ordinance No. 13-08-342.

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

HBC 18.100.092 Requirements prior to final plat approval.

A. Utilities.

1. Water and Sewer. The subdivider, at the subdivider's own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to 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 plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. 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.~~

When public sanitary sewer and/or water service becomes available, property owners will be required to connect to the public utility within six months.

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
24th DAY OF SEPTEMBER, 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
Date of Third Public Hearing	09/24/13 - Adopted



Agenda Bill No.: 13-399
 Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Title 18 to change the construction declaration filing deadline	1. Ordinance 13-12-360 2. Planning Commission Recommendation
Originator: P&Z Technician III & Planning Commission	
Originating Department: Planning & Zoning	
Date Submitted: 8/8/13	

Full Title/Motion:
 Motion: Advance Ordinance 13-12-360 to a second public hearing on 1/28/14.

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Page 151 - Future Growth; Page 199 - Goal 5; Page 200 - Objective 5G	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

This ordinance is recommended by the planning commission. Currently, a construction declaration must be filed within 60 days of construction start. That filing period could be a problem if construction starts before the declaration is filed and staff review shows proposed construction does not meet a zoning requirement. The ordinance would require the form to be filed prior to starting construction.

This ordinance was originally proposed when the planning commission recommended Ordinance 13-08-343 to expand setback regulations to the General Use (GU) Zone. Because that ordinance was not adopted and the topic was referred back to the planning commission, the question of the construction declaration filing deadline was delayed. A new GU setback ordinance is now being proposed by the planning commission (13-12-358), so this construction declaration ordinance is now coming to the assembly.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/14/14
Meeting Date(s): 12/10/13 & 1/14/14	Tabled to Date:

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE
TITLE 18 SUB-SECTION 18.30.010(A)(2)(c) TO CHANGE THE FILING
PERIOD FOR CONSTRUCTION DECLARATION FORMS.**

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 immediately upon adoption.

Section 4. Amendment of Section 18.30.010. Sub-Section 18.30.010(A)(2)(c) 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 DELETED

18.30.010(A)(2) Construction Declaration.

...
c. Construction Declaration. New construction outside of the townsite service area that exceeds \$5,000 in assessed value or 500 square feet must be declared on a construction declaration form and filed with the borough assessor per HBC 3.72.070. Failure to file a construction declaration ~~within 60 days of the start of construction~~ **prior to commencement of construction** shall result in penalties equal to the townsite service area after-the-fact penalties.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2014.

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 12/10/13
Date of First Public Hearing: 01/14/14
Date of Second Public Hearing: __/__/__

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: August 8, 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 18.30.010(A)(2)(c).” This motion passed unanimously.

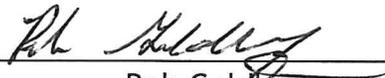
RATIONALE: The Planning Commission considers expanding “setback regulations in townsite service area” Borough wide by adding setbacks and height restrictions to general use zone. However, HBC 18.30.010 requires a construction declaration should be filed within 60 days of the start of construction. The filing period could be a problem if construction starts before the construction declaration is filled, and the buildings do not meet the proposed setback requirements. This ordinance amends Title 18 Section 18.30.010(A)(2)(c) to keep consistency with ordinance No. 13-08-343.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.30.010(A)(2)(c) to read:

18.30.010(A)(2)(c) Construction Declaration.

c. Construction Declaration. New construction outside of the townsite service area that exceeds \$5,000 in assessed value or 500 square feet must be declared on a construction declaration form and filed with the borough assessor per HBC 3.72.070. Failure to file a construction declaration ~~within 60 days of the start of construction~~ prior to commencement of construction shall result in penalties equal to the townsite service area after-the-fact penalties.

SUBMITTED BY _____


Rob Goldberg

Planning Commission Chairman

(signature)

HAINES BOROUGH, ALASKA
ORDINANCE No. xx-xx-xxx

Draft

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES
BOROUGH CODE TITLE 18 SECTION 18.30.010(A)(2)(c) TO ADJUST THE
FILING PERIOD OF A CONSTRUCTION DECLARATION.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption of ordinance No. 13-08-343.

Section 4. Purpose. This ordinance amends Title 18 Section 18.30.010(A)(2)(c) to keep consistency with ordinance No. 13-08-343.

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

18.30.010(A)(2)(c) Construction Declaration.

c. Construction Declaration. New construction outside of the townsite service area that exceeds \$5,000 in assessed value or 500 square feet must be declared on a construction declaration form and filed with the borough assessor per HBC 3.72.070. Failure to file a construction declaration ~~within 60 days of the start of construction~~ **prior to commencement of construction** shall result in penalties equal to the townsite service area after-the-fact penalties.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-396
Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Title 18 to revise the "Agriculture, Personal Use" definition & reduce the permit fee for animal husbandry	1. Ordinance 13-12-361 2. Planning Commission Recommendation
Originator: P&Z Technician III & Planning Commission	
Originating Department: Planning & Zoning	
Date Submitted: 10/10/13	

Full Title/Motion:
Motion: Advance Ordinance 13-12-361 to a second public hearing on 1/28/14.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Page 200 - Objective 5F	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
This ordinance is recommended by the planning commission. It will increase the number of chickens or other small animals in Personal Use Agriculture to six for lots under one acre and twelve for lots over one acre. It also reduces the permit for animal husbandry to \$25 (conditional use fees would remain \$150).

The planning commission heard from several residents that with the high cost of food and a desire to be more self-sufficient, Townsite Service Area residents want to have the option of raising chickens for food and eggs without having to pay for a \$50 land use permit (or a conditional use permit for more than three).

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 1/14/14
Meeting Date(s): 12/10/13 and 1/14/14	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 18 SECTION 18.20.020 TO REVISE THE DEFINITION OF "AGRICULTURE, PERSONAL USE" AND SECTION 18.30.070 TO REDUCE THE FEE FOR PERMITS RELATING TO ANIMAL HUSBANDRY.

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 immediately upon adoption.

Section 4. Amendment of Section 18.20.020. The definition for "Agriculture, personal use" in Section 18.20.020 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 DELETED

18.20.020 Definitions – Regulatory.

"Agriculture, personal use" means a use involving the growing of vegetation or raising of animals for beautification, consumption or barter, including: ornamentals, vegetables or the keeping of any combination of up to ~~three~~ **six small** animals **(as described in HBC 18.60.020 C.2.) on lots of less than one acre and twelve on lots greater than one acre** grown for use as food, but which do not produce objectionable odors, noise or nonpoint source pollution. Personal use agriculture does not include the keeping of animals capable of growing to 75 pounds or more. **Greater numbers of small animals than specified herein will be considered animal husbandry and shall be regulated by HBC 18.060.020(C).**

. . .

"Animal husbandry" means the keeping of any animal except traditional household pets or those allowed under "agriculture, personal use." For the purposes of this title, no form of horse, cow, goat, fowl or pig shall be considered a traditional household pet. Animal husbandry, where allowed, shall be regulated by HBC 18.60.020(C).

Section 5. Amendment of Section 18.30.070. Section 18.30.070 of the Haines Borough Code is hereby amended to read as follows:

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

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

<u>Animal husbandry, NOT including conditional use permits for these uses</u>	<u>\$25.00</u>
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Haines Borough
Ordinance No. 13-12-361
Page 2 of 2

Sign Permit	\$25.00
Land Use Permit	\$50.00
Lot Line Vacation/Adjustment	\$50.00
Short Plat	\$75.00
Special Conditions Permit	\$150.00
Conditional Use/Variance Permit	\$150.00
Rezoning/Subdivision Permit	\$200.00

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2014.

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 12/10/13
Date of First Public Hearing: 01/14/14
Date of Second Public Hearing: ___/___/___

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: October 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: M/S Hedden moved to “recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.20.020 & 18.30.070”. The motion passed 4-1 with Turner opposed.

RATIONALE: HBC has two definitions that deal with the raising of animals: Personal Use Agriculture and Animal Husbandry. Personal Use Agriculture is a use by right in all residential zones and does not require a land use permit. Animal husbandry requires a land use permit in all zones where it is allowed, and a conditional use permit in the single residential and multiple residential zones. The code currently allows for three or fewer chickens or other small animals raised for food or eggs as Personal Use Agriculture. The Planning Commission heard from many residents at its September and October meetings that three chickens are not enough for a family. With the high cost of food and a desire to be more self-sufficient, residents in the Townsite Service Area want to be able to raise chickens for food or eggs without having to pay for a land use permit (\$50) and a conditional use permit (\$150) if they want to have more than three chickens.

This proposed ordinance increases the number of chickens or other small animals in Personal Use Agriculture to six for lots under one acre and twelve for lots over one acre. It also reduces the permit for animal husbandry to \$25, while keeping the conditional use fee at \$150.

The Comprehensive Plan supports this proposed ordinance in Chapter 7.13, Objective 5F: Support local agriculture, gardening and food production.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.20.020 & 18.30.070 to read:

18.20.020 Definitions – Regulatory.

“Agriculture, personal use” means a use involving the growing of vegetation or raising of animals for beautification, consumption or barter, including: ornamentals, vegetables or the keeping of any combination of up to ~~three~~ **six small animals (as described in HBC 18.60.020 C.2.) on lots of less than one acre and twelve on lots greater than one acre** grown for use as food, but which do not

produce objectionable odors, noise or nonpoint source pollution. Personal use agriculture does not include the keeping of animals capable of growing to 75 pounds or more. **Greater numbers of small animals than specified herein will be considered animal husbandry and shall be regulated by HBC 18.060.020(C).**

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

<u>Animal husbandry, not including conditional use permits for this use</u>	<u>\$25.00</u>
Sign Permit	\$25.00
Land Use Permit	50.00
Lot Line Vacation/Adjustment	50.00
Short Plat	75.00
Special Conditions Permit	150.00
Conditional Use/Variance Permit	150.00
Rezoning/Subdivision Permit	200.00

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chairman

HAINES BOROUGH, ALASKA
ORDINANCE No. xx-xx-xxx

Draft

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES
BOROUGH CODE TITLE 18 SECTION 18.20.020 TO DEFINE
“AGRICULTURE, PERSONAL USE” AND SECTION 18.30.070 TO REDUCE
THE FEES FOR PERMITS REALTING TO ANIMAL HUSBANDRY.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance would allow up to six small animals on lots smaller than one acre and twelve on lots greater than one acre. Numbers greater than stated above would be considered “Animal Husbandry” and would need a conditional use permit in single and multiple residential zones. Also, this proposed ordinance reduces the permit for animal husbandry to \$25, while keeping the conditional use fee at \$150.

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

18.20.020 Definitions – Regulatory.

“Agriculture, personal use” means a use involving the growing of vegetation or raising of animals for beautification, consumption or barter, including: ornamentals, vegetables or the keeping of any combination of up to ~~three~~ **six small animals (as described in HBC 18.60.020 C.2.) on lots of less than one acre and twelve on lots greater than one acre** grown for use as food, but which do not produce objectionable odors, noise or nonpoint source pollution. Personal use agriculture does not include the keeping of animals capable of growing to 75 pounds or more. **Greater numbers of small animals than specified herein will be considered animal husbandry and shall be regulated by HBC 18.060.020(C).**

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

<u>Animal husbandry, not including conditional use permits for this use</u>	<u>\$25.00</u>
Sign Permit	\$25.00
Land Use Permit	50.00
Lot Line Vacation/Adjustment	50.00
Short Plat	75.00
Special Conditions Permit	150.00
Conditional Use/Variance Permit	150.00
Rezoning/Subdivision Permit	200.00

INTERIM MANAGER'S REPORT

DATE: January 14, 2014
TO: Mayor and Borough Assembly
FROM: Julie Cozzi, Interim Borough Manager

Administration

- **Staff Support**: Krista Kielsmeier has been providing extra staff support as a temporary administrative assistant for the Clerk's Office during my tenure as interim manager. She has voluntarily proposed to attend the assembly meetings so she can be more familiar with the process and stay more up-to-date with assembly packet preparation. I'm a great fan of cross training. Krista is also a regular administrative assistant with the Public Facilities Office, so this additional knowledge will be very useful when position coverage or extra help is needed in the future. I appreciate her enthusiasm. Her schedule is adjusted, as necessary, to allow for attending the meetings without causing overtime.
- **Darsie in Washington D.C.**: Attached as *Appendix A* is a memo from Brad Gilman regarding Darsie Culbeck's recent trip to Washington D.C. Gilman appreciates the extensive knowledge Darsie has of Haines projects (as do I) and the impact federal policies can have on the community and believes it was well worth the trip. Gilman suggests consideration be given to sending Darsie back periodically to follow up.
- **SEABA and BLM**: The borough has been in contact with BLM regarding SEABA's infractions on BLM land and the pending plea agreement. The BLM has been cooperative and expects to share more information with the borough after documents are finalized on January 21.
- **Office Hours at the Admin Building**: Starting on January 1, the office hours at the Borough Administration Building became 9:00 a.m. to 5:00 p.m. Staff is still arriving at 8:00 a.m., but the office is closed to the public until 9. So far, it seems to be working out very well. There have been no complaints and staff is taking advantage of the 8-9 hour to organize their day, get important work done without interruption, and collaborate together. I believe this is going to help staff be more productive and it is still providing eight hours of public access to the Admin Building. Certainly, if a member of the public is in a real bind, we will do our best to accommodate them before 9. Also, we still have the drop box at the front door so people can pay bills or leave correspondence when the office is closed. We are still open during the noon hour.
- **New Borough Manager**: Dave Sosa and I have just begun contract negotiations now that we are through the holidays. He had requested we wait for the sake of his family, and I certainly was happy to honor that. He is very enthusiastic, and I look forward to bringing a contract to the assembly ASAP for approval.

Finance/Insurance

- **FY15 Budget Process**
 - **Manager's Budget**: The finance director and I have started working with the department directors on the FY15 budgeting process. We all know we are facing possible reductions to our revenues along with potential increases to certain expenditures such as electricity costs. This year, I have asked the directors to develop two draft budgets for their departments: one that holds their current operating budget steady at basically the same level and one that makes a 10% cut to the FY14 level. We are already operating with fairly lean budgets, so I recognize this exercise will involve difficult decisions. It is important to do this since the directors are close to their own operations; they are the "boots on the ground." I want to give them an opportunity to

envision cuts early on as a way to help guide the administration and assist the assembly in grappling with any hard choices that may have to be made. I have encouraged each director to think of ideas to generate more revenue, ways to be more efficient, and clever ideas to maintain or improve services in this time of shrinking resources. As I have previously reported, we have been working through the comprehensive plan action summary since we recognize it should be a decision-making and planning guide for us. Our plan is to tie our budgets to the comp plan, as much as possible. We will submit narrative statements with the budgets.

- o Pre-Budget Workshop: The finance director and I met with Mayor Scott at her request to discuss a possible pre-budget workshop prior to the manager’s budget being developed. This would provide an opportunity to look at economics and community priorities. It would be wonderful to look ahead three years even though we can only create a one-year budget at a time. Since we are facing the very real possibility of declining revenues for the next five or more years, I believe our workshop should include economic development and other revenue enhancements along with looking at what expenditure cuts might look like. The plan is to do this as a group without contracted facilitation and, if the assembly is amenable, the department directors are willing and eager to participate in determining priorities and coming up with ideas. Our hope is this workshop will be a way for the staff and elected officials to meet together early in the budget process.
- **Federal Budget and PILT**: Attached as *Appendix B* is information provided by our Washington D.C. lobbyists regarding the federal budget along with a letter recently sent by 17 pro-PILT senators to the Senate appropriates committee (Murkowski is the ranking member). AML lobbied Begich and Mayor Scott sent a personal appeal to Tom Udall, given both individual’s history in local government. The finance director Jila Stuart provided us the following data showing the amounts the Haines Borough normally receives:

<u>Amount</u>	<u>HB Fiscal Year</u>	<u>Fed Fiscal Year</u>
\$366,573	FY14	FY13
\$375,243	FY13	FY12
\$364,189	FY12	FY11
\$364,214	FY11	FY10
\$359,766	FY10	FY09
\$347,197	FY09	FY08

- **Federal Priorities**: Brad Gilman has informed us Senators Murkowski and Begich are getting ready to put out notices next week regarding community submissions of federal priorities (Representative Young is withholding unless the House decides to revoke the earmark ban). He has the resolution that was adopted by the assembly on December 10 and will make sure it is submitted along with related information.
- **REMINDER - Value-added Farm Grants Available**: As reported last month, the USDA has announced the opening for applications for value-added farm grants. These are grants to small producers that are pursuing value-added niche markets. This would include products derived from timber harvest such as pellet production. Grants range up to \$75,000 for planning and \$200,000 for capital purchases, although most awards are below that amount. Applications are due February 24. More details are available at: http://www.rurdev.usda.gov/BCP_VAPG.html

Information Technology

- **Wireless Access in the Assembly Chambers for Elected Officials**: I am pleased to announce the wireless access in the assembly chambers is now available for the mayor and assembly. I appreciate Warren Johnson and his assistant Erik Stevens making it happen. With your iPad, you can now access the borough’s website (including downloading the meeting packet, if needed), the online borough code, the various Alaska government sites, and the Haines visitor website. You will not be able to access the assembly Dropbox or your email. Those areas are more problematic because of open meetings laws and the need for transparency. Unfortunately, the public will still not be able to have wireless access in the

assembly chambers because of the borough's limited Internet quota. We hope to make it available in the future, because it is something we would really like to do.

- **Teleconferencing:** I have become increasingly frustrated with our existing teleconferencing capabilities in the assembly chambers. With the mayor's encouragement, I have asked staff to look into options. System Administrator Warren Johnson has thus far looked into Spiderphone and is investigating other options such as Skype, GoToMeeting, and Voice over IP (VoIP).
 - *Spiderphone:* Warren reports the best pricing he can get through Spiderphone is 4.5 cents/minute for toll-based calls and 7 cents/min for toll-free. That fee is charged for every line that calls in - so if 3 people call in for an assembly meeting, the main phone in the chambers would be the 4th line and it would be 4 x # minutes of session. That sounds like it could get really expensive quickly, especially if the borough is paying long-distance on its call. We don't yet have a sense of how much it will actually be used. We would be charged only for actual usage, so we wouldn't pay anything in a month if it didn't get used. Southeast Conference, AML, and MTAB all use Spiderphone, so we will contact them to ask about the costs they are paying and how it is working for them.
 - *Skype:* (or something similar) is Internet-based and does not provide a call-in number.
 - *GoToMeeting:* This is primarily used for web-based presentations in conjunction with phone call-in, but Warren is contacting them about a teleconference-only option.
 - *Voice over IP (VoIP):* This is a phone system that uses the Internet instead of the normal telephone lines for long distance. The borough could add a toll-free number that would get routed to the internal phone system. The initial cost might be expensive but it would be a vast improvement to the current phone system (integrates with email, can be programmed to ring to different stations, etc.) and a better value in the long-term for teleconferencing.

The mayor has also expressed hope we could eventually find a good teleconferencing solution that might allow for public access to meetings via telephone.

- **Network Server Upgrades:** Warren Johnson will arrive in Haines on January 21 to begin work on the network server upgrades funded by the CIP.

Lands-Assessment-Planning & Zoning

- **Senior Property Tax Exemptions:** As part of our renewed efforts to get the word out about the Senior & Disabled Veterans Property Tax Exemption application process, Kathy Friedle went to the Senior Center on December 16 and talked with seniors during the lunch hour about the exemption application form, i.e., how to fill it out, deadline, etc. Some people were either not aware of it or didn't understand how to fill out the form. It was a great opportunity for Kathy to introduce herself and explain she has taken Sue Nelson's place and is working on land issues, property taxes and property files. She was able to answer a few property-related questions, as well. She is planning a second visit soon. I appreciate this employee going the extra mile as so many of our borough employees do, and it's a great example of government meeting the citizens where they live, so to speak.
- **Proposed Helipads at 10-mile:** John Floreske submitted an application to the U.S. Army Corps of Engineers (ACOE) for construction of three helipads at 10-Mile, Haines Highway. The December 17 public comment period has closed. Now the applicant waits for the ACOE to determine if it will grant the permit, and if it does, if there are any conditions that must be responded to. The ACOE is fully aware of local land use regulations and will stipulate that its permit, if granted, does not preclude the need to be in compliance with other local, state, and federal regulations. If ACOE approval is received, and the applicant accepts the terms of the permit, then the applicant will work with Xi "Tracy" Cui, the borough's planning & zoning technician to apply for necessary borough permits. The borough has informed Floreske that the helipads would not be permitted without a conditional use (CU) permit regardless of ACOE permission. The borough's CU permit application process involves a public hearing before the planning commission.

- **State and Federal Public Notices:** I have been asked to consider putting in place a system for letting the public know the borough is tracking notifications of state and federal activity in the borough---to provide a portal of information for our residents. I think it's a great idea, and we are currently working with our website developer to make a couple of programming changes to enable us to provide this service to the public.

Parks and Recreation

- **Community Youth Development:** New CYD Director Albert Giddings is on the job and has been familiarizing himself with all of the program activities by reviewing the files, interacting with the coaches, and getting all program equipment in place.
- **REMINDER - Trapping Season until February 15:** All trail users and dog owners should be aware trapping season runs until February 15th. During this time please be aware any trail in the borough may have traps located along it and it is recommended dogs be kept on leashes by their owners.
- **Picture Point Wayside:** On January 22 at the Haines Borough Public Library, the ad hoc Picture Point Wayside Development Design Committee will host the first public showing of the preliminary designs/drawings/concepts for the new Picture Point Wayside. The public is invited to come and comment. We expect to break ground this summer.
- **Pool use by Borough Employees:** In an effort toward employee wellness, generating more revenue, and increasing pool use, the Haines Borough will be adding free use of the pool facility as a benefit to all borough employees. This benefit will be limited to the *employee only* (family members will not be included). Most of the pool costs are fixed so this employee benefit will be little to no cost to the borough. The reasoning is threefold:
 - 1) *Wellness and money savings:* Healthy borough employees have fewer sick days, can save the borough money on health care expenses, and can be more productive workers. The borough's health insurance is a trust fund. The more healthcare claims are paid out, the more it can affect the cost of premiums. By encouraging wellness, I hope we can help hold down the costs. In the union agreement, the borough pays 50% of any premium increase.
 - 2) *Generate more revenue for the pool:* Hopefully employees will bring their families and friends to the pool, and those people will pay the regular fees.
 - 3) *Generate more use for the pool:* More users can create vitality at the pool and may cause more community members to use the pool facility.
- **Assistant Pool Manager:** Lifeguard Brittney Hupp has been hired as Assistant Pool Manager. Pool Manager Rae Ann Galasso reports she is enthusiastic, hard-working, and provides tremendous support.

Police Department

- **Police Chief Recruitment:** As reported last month, staff took another look at some of the original sixteen police chief applications and found 6-7 who were qualified and available. The Public Safety Commission members were provided copies of the applications and were invited to participate in the interview process. After conducting three rounds of interviews via Skype, the field was narrowed down to two finalists: Rick Crays (Wyoming) and Bill Musser (Idaho). Following the second round, Interim Chief Simon Ford withdrew his application stating he is "excited for the opportunity to serve under the mentorship of a more experienced chief and will apply himself diligently to achieving his professional goals in the department." Crays and Musser each traveled to Haines to meet with administrative staff, the police department, and to tour the area. There were also opportunities for the public to meet them at informal receptions. Background checks are currently being conducted, and the reports are expected within approximately two weeks. I hope to bring my hire recommendation to the assembly on January 28 for confirmation.
- **Patrol Officer Recruitment:** Unfortunately, Travis Marshall withdrew his acceptance of the patrol officer position. He is in the military and is being deployed overseas. He appreciates all the time and effort that was put towards the selection process and wishes he

could have joined the Haines Borough Police Department. We have begun the recruitment process anew and hope to be fortunate to find a good candidate who is already Alaska-certified. The position is open until filled with the first application review on January 17.

- **Interim Police Chief Report:** Interim Chief Ford submitted a department activity report along with a Domestic Violence report. It is attached as *Appendix C*.

Ports and Harbors

- **Crane Repairs:** The crane has been shut down for a rebuild including a repair of the hydraulic seal on the brake. The day before it was shut down, the winch broke. A replacement has been ordered and is six weeks out. The harbormaster reports it should be back on line by the end of February....in plenty of time for the start of the fishing season. The borough's mechanic is assisting with the repair.
- **Harbor Expansion:** The Port and Harbor Advisory Committee (PHAC) will be meeting on January 20 to consider four different designs for a wave barrier. At its previous meeting, the PHAC voted unanimously to recommend the assembly direct PND engineers to focus on a sheet metal wave barrier as opposed to a rubble mound breakwater. This matter is scheduled to come to the assembly on January 28.
- **Ice House Repair:** The harbor ice house needs a replacement coil unit due to leaks that prevent the coil from holding refrigerant. The harbormaster reports the ice house is expected to be back in service in plenty of time for the start of the fishing season.
- **APDES General Permit:** The borough attorney notified me the Alaska Department of Environmental Conservation (DEC) is in the process of developing an Alaska Pollutant Discharge Elimination System (APDES) General Permit. The permit requires industrial facilities to implement and maintain site-specific storm water control measures and to develop a site-specific storm water pollution prevention plan (SWPPP). The current permit regulates the discharge of storm water from an estimated 280 industrial facilities in 29 industrial sectors. These sectors include mineral mining, coal mining, sand and gravel mining, boat harbors, and larger airports. The permit includes direction on the types of storm water control measures to install to limit the extent of storm water runoff. The permit includes inspection requirements during construction and active mining from mineral, coal or sand and gravel mines. For all sectors, there are monitoring and reporting requirements. Permit documents can be accessed from the [ADEC Wastewater Discharge Authorization Program website](#) under the Public Notice section. There will be a 45-day public comment period soon.

Since the list of sectors includes *boat harbors*, Harbormaster Phil Benner contacted ADEC and was informed Portage Cove and Letnikoff harbors do not need a SWPPP at this time and Haines will continue to have non-exposure waivers. If/when we start having upland storage and cleaning of vessels such as a boat yard, we would have to obtain these permits.

- **Wind Turbine:** HAL, Inc. was given an essentially brand new wind turbine that retails for \$17,500. They have no need for it themselves and have offered to sell it to the borough for \$5,000. We think it could possibly be useful at the harbor, and I asked the harbormaster to gather information regarding a possible location so that an anemometer can be installed, more information about the turbine itself, and what interconnection would be required with AP&T. The Port and Harbor Advisory Committee will consider this on January 20, and it may come to the assembly on the January 28. More information is attached as *Appendix D*.

Public Facilities

- **Snow Removal:** Huge thanks to Carlos, Ralph, and the Public Works crew for working so hard to keep the streets plowed and sanded. Even on weekends and holidays. Most mornings start at 4:00am.
- **Wastewater Treatment Plant:** On Tuesday, we noticed one area of the Wastewater Treatment Plant roof was sagging, and there was a noticeable bend to the purlins. Staff cleared the snow off of that area of the roof and it rebounded to an almost normal position. There has been a lot more snow buildup in past years than what was up there this time, so

we should assume the roof has deteriorated more than we thought. Our plan is to clear the snow off of that area of the roof any time we get 2 feet of snow. This is the number one borough project. We do have a 35% percent design in place and are pursuing completion of the design work and application for project funding.

- **Biomass Grant:** I'm pleased to announce the Haines Borough Municipal Building Biomass project was recently recommended for funding by the Alaska Energy Authority (AEA) through their Renewable Energy Fund. The AEA grant award \$1,237,403 and the borough match of \$137,448 will convert ten borough buildings from oil boilers to wood pellet boilers. The first buildings to be converted will be the school/pool complex followed by the Wastewater Treatment Plant. The full ten building conversion is calculated to save an estimated \$4,000,000 in heating costs over the next 20 years. This grant is contingent upon legislative funding. At this point, the Governors' budget has included \$20M for the Renewable Energy Fund. With this amount of funding, the grant is fully-funded. I want to thank Darsie Culbeck for his work on the grant application and express my appreciation for this important effort.

- **Project Update:**

- Port Chilkoot Dock Renovation

- Substantial completion: June 2, 2014

- Final completion: July 1, 2014

- Letnikof Cove Harbor Renovation

- Substantial completion: May 1, 2014

- Final completion: May 15, 2014

- Haines School Fans Replacement

- Substantial Completion: August 4, 2014

- Final completion: September 4, 2014

- E-911 and Dispatch Services Project

- The entire project will be constructed with one completion date, June 30, 2014

- Other Projects in the Works and Planned for this Year:

- Replace Allen Road AC Pipe

- West Fair Drive Sewer Main Replacement

- Third Avenue

- Chip Seal Oslund Drive

- Picture Point Wayside

Appendix A

ROBERTSON MONAGLE & EASTAUGH

ATTORNEYS AT LAW
1810 Samuel Morse Dr., Suite 202
RESTON, VA 20190
PHONE: 571 313 1792
FAX: 571 313 1973

December 13, 2013

To: Julie Cozzi
From: Brad Gilman
Re: Darsie Culbeck's trip to Washington, D.C.

I've been meaning to send you this memo, but my schedule got very hectic in the first two weeks of December.

I just wanted you to know that we enjoyed our week with Darsie. He has extensive knowledge of the Haines public works projects and the impact of federal policies on the community and its residents. As you know, I've had an ongoing discussion with the Borough about trips back to Washington, D.C. These trips are difficult to coordinate and can also be financially burdensome during those periods when the Borough's budget is under stress. One solution may be to send Darsie back to make the rounds and follow up with the agencies and the Alaska Delegation staff during those periods when Mayor Scott and the Assembly do not feel they can afford either the time or the expense to come to Washington.

The Borough got its money's worth out of Darsie last month. We can use him back here any time you can spare him. Have a great holiday season if I don't talk to you sooner.

Julie Cozzi

From: Seb O'Kelly [tarpon@hsgblaw-dc.com]
Sent: Friday, December 13, 2013 6:49 AM
To: Julie Cozzi; Darsie Culbeck
Subject: Federal Budget & PILT

Follow Up Flag: Follow up
Flag Status: Flagged

Julie & Darsie,

I have done a little write up on the Federal budget below. It's good news even if it is just an incremental agreement and for the first time in some time we might be getting back to regular order on budget matters.

Shifting gears, I know AML has been sounding the alarm up in the State about PILT expiration. I am cautiously optimistic that Congress will extend it in early 2014 but this is not a done deal and it is a good idea to keep the pressure on. If Mayor Scott would like to weigh in with the Delegation, let me know and I will put a letter together.

Seb

The House and Senate Budget Committees have reached a bi-partisan agreement on a Budget Resolution that sets overall levels for Federal agency spending for FY 2014 and FY 2015. The Resolution lifts for those two years the automatic spending cuts called the sequester and provides modest increases in Federal discretionary spending largely paid for by increases in certain user fees (higher customs duties, aviation security fees, private company dues for pension guarantees) as well as formula changes that will lower pension payments for Federal employees. Overall Federal agency spending is set at \$1.012 trillion in FY 2014 and \$1.014 trillion in FY 2015. Current agency spending is \$986 billion, which would have been further reduced to \$967 billion in January if the sequester remained in place.

While many fiscal experts urged the negotiators to consider larger tax and entitlement reforms to put the Federal government on sounder fiscal footing over the long-term, the agreement at the very least establishes regular order for the consideration of appropriations for the next two years and demonstrates after the dysfunction of the government shutdown that the two parties can work together on budget issues in the shorter term. Tea party groups are opposing the agreement but the House passed the resolution yesterday with a solid bipartisan majority and the Senate will take it up next week.

Once the resolution passes, the House and Senate Appropriations Committee will begin drafting an FY 2014 Omnibus Appropriations Bill to be considered in early 2014 and before the January 15 expiration of the current Continuing Resolution funding Federal agencies. While there may be some stops and starts in the development and consideration of the Omnibus, neither party is showing any interest in the type of political brinkmanship that would lead to another government shutdown.

Sebastian O'Kelly
Consultant
Robertson, Monagle & Eastaugh
1810 Samuel Morse Drive
Reston, VA 20190
Ph – 571-313-1792
Cell -- 301-529-2924
tarpon@hsgblaw-dc.com
<•)))))>

United States Senate

WASHINGTON, DC 20510

December 23, 2013

The Honorable Barbara Mikulski
Chairwoman
Committee on Appropriations
The Capitol S-128
Washington, DC 20510

The Honorable Richard Shelby
Vice Chairman
Committee on Appropriations
The Capitol S-146A
Washington, DC 20510

The Honorable Jack Reed
Chairman
Subcommittee on Interior, Environment
Committee on Appropriations
SD-131
Washington, DC 20510

The Honorable Lisa Murkowski
Ranking Member
Subcommittee on Interior, Environment
Committee on Appropriations
SH-125
Washington, DC 20510

Dear Chairwoman Mikulski, Vice Chairman Shelby, Chairman Reed, and Ranking Member Murkowski:

As the Senate Appropriations Committee works to develop a final Fiscal Year (FY) 2014 spending measure, we respectfully request that your committee fully support the Payments in Lieu of Taxes (PILT) program. The PILT program provides critical funding to nearly 1,900 counties in 49 states and 3 U.S. territories. While the Bipartisan Budget Act of 2013 included a placeholder for PILT, we want to make certain that the program is funded in the upcoming appropriations bill.

PILT is authorized at \$425 million for FY 2014 to help offset losses to local governments from the presence of non-taxable federal lands. As you know, property taxes fund county governments allowing them to provide essential services such as law enforcement, public safety, infrastructure maintenance, education, and health services for local communities. A fully funded PILT program helps to offset the loss of these important revenues and fulfill the federal government's obligation to local communities with large amounts of federal land.

We urge you to consider the economic hardship and uncertainty that counties across the nation will face if the PILT program is not given consistent funding. We understand the Appropriations Committee has some tough funding decisions in the coming weeks, and we appreciate your consideration of this important issue. Moving forward, we hope that we can work together to seek a long-term solution to provide a consistent and stable source of funding for the nation's PILT counties.

Sincerely,



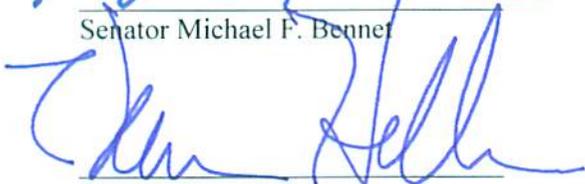
Senator Michael B. Enzi



Senator Tom Udall



Senator Michael F. Bennet



Senator Dean Heller



Senator Carl Levin



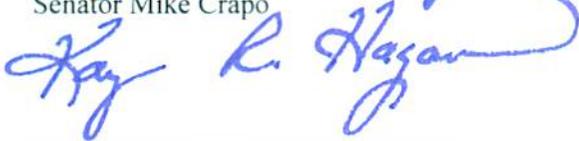
Senator James Risch



Senator John D. Rockefeller IV



Senator Mike Crapo



Senator Kay R. Hagan



Senator Tim Scott



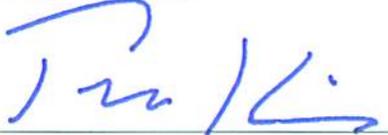
Senator James Inhofe



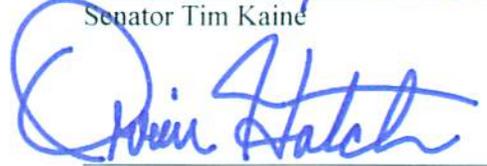
Senator Martin Heinrich



Senator Mike Lee



Senator Tim Kaine



Senator Orrin G. Hatch



Senator Debbie Stabenow



Senator John Barrasso



HAINES BOROUGH POLICE DEPARTMENT

**PO BOX 1209
HAINES, AK 99827**

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

Interim Chief of Police Simon Ford

January 1, 2014

Police Department Report ~ Simon Ford

PATROL

The winter season tends to bring a decrease in the level of criminal activity in Haines and that has been our experience again this year. Our officers are investigating some reports of stolen property, have responded to several domestic disturbances and have assisted motorists as they battle winter driving conditions on area roads. The officers have also been able to use some well deserved vacation time while activity levels have slowed down.

DISPATCH

Katie Whitley is back to work after welcoming her son into the world. We are very thankful for the excellent efforts of Shelina Turner who filled in during Katie's absence. Shelina will be returning soon to UAF to pursue her degree in criminal justice. Preliminary work has been done to set the stage for the installation of the E-911 equipment in our dispatch center. Current projections put the bulk of the transition occurring in early February.

PROJECTS

- Our Ford Interceptor patrol vehicles have entered service and have exceeded our expectations in performance. The vehicles were designed to do exactly what we do with them and they are set up perfectly. We are thankful for the support of the assembly to have these safe, well equipped "mobile offices."
- I have been working with the Alaska State Troopers to develop and implement a response plan to potential emergency incidents in the schools. The purpose of this plan is to clearly define the roles of the multiple agencies who would be involved in a major incident so a coordinated plan is in place and training occurs so all responding personnel will be prepared to provide safety and security to the students and staff at the school.
- I have also been editing the Haines Borough Police Department's website in an effort to make it more informative to the public and meaningful as a tool in the process of recruiting new officers. This is often the first impression potential team members have of our department in this era of internet based searches for employment opportunities.

TRAINING

In early December, I attended the APSC / AACOP Executive Development Conference in Anchorage. I was thankful for the opportunity to represent our department at this event. I was able to develop relationships with police chiefs and Alaska State Trooper command staff from all over the state, as well as members of the Alaska Association of Chiefs of Police, Alaska Police Standards Council and presenters at the conference. I attended seminars on "Gender Intelligence," "Leading for the Winning Mind" and a class about how to develop an attitude that promotes teambuilding and success within the ranks. The quality of the information presented at the conference was excellent and it was a privilege to attend. While in Anchorage, I met with the Southeast Cities Against Drugs (SEACAD) and attended the APSC meeting.



12-202 (REV. 1/00)

HAINES BOROUGH POLICE DEPARTMENT

Case No.	
DV Case Study	
Date Investigated	
2011-2013	
Detach	UnitID
Patrol	HAIZ

Reporting Officer	PermID	Investigating Agency
Sgt. Simon Ford	# 212	Haines Borough Police Department

2011

- 15 DV Related Calls to Police
- 9 Suspects Arrested
- 14 Charges Filed by Police
- 2 Charges Convicted (including one elevated to higher level crime by DA)
- 1 Charge Reduced to Lesser Crime and Convicted

2012

- 12 DV Related Calls to Police
- 8 Suspects Arrested
- 19 Charges Filed by Police
- 5 Charges Convicted as Referred
- 1 Charge Reduced to Lesser Crime and Convicted

2013 (Jan 1-Dec 26)

- 15 DV Related Calls to Police
- 10 Suspects Arrested
- 13 Charges Filed by Police
- One Suspect Pled Guilty, Three convicted at trial, several cases still open

Additional points to consider:

These are compiled from investigations involving the Haines Borough Police Department. There were at least 2 felony DV arrests from the outer borough that HPD assisted, but the record management for those cases would be done by from the Alaska State Troopers as they were the arresting agency.

Some calls were investigated and it was determined that no crime of domestic violence was committed, but there may have been a "domestic disturbance" resulting in a noise complaint or similar call. These calls were still classified as "DV" related because we approach investigations like these as reports of domestic violence. This year we have seen an increase in the use of Domestic Violence Protective Orders (DVPO) which place restraints on a person's ability to contact or communicate with an alleged victim of domestic violence. We have served 39 DVPO's this year, which hopefully is preventing domestic violence crimes from happening.

*****END OF REPORT*****

SGT. SIMON FORD, #212
HAINES BOROUGH POLICE DEPARTMENT

REVIEWED AND APPROVED BY	PERM ID	DATE



Retail Price: **\$17,500 USD**

Includes:

- 4.5 kW (peak) vertical axis wind turbine
- Inverter - Aurora PVI 6000
- Wind Interface Module
- Diversion Load

Basic Information

Double the size, double the power, the Helix S594 is designed to deliver. A bigger platform for applications requiring more power, the S594 continues producing through all wind speeds and conditions. Turbulent gusty wind? High speeds? Rapid changes in direction? Our patent pending design efficiently and safely captures the wind's power across a broader range of conditions than traditional HAWTs or other VAWT designs.

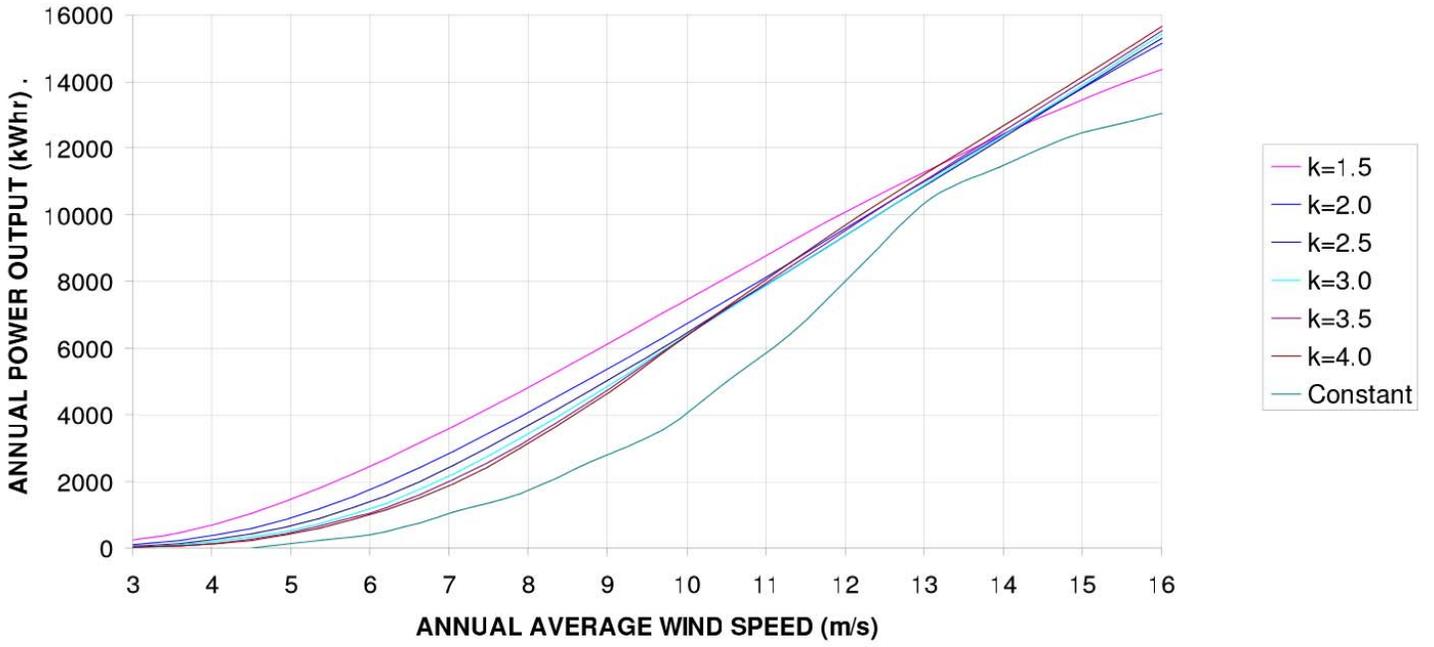
Specifications

- * **Swept Area** - 5.88m² (63.29 ft²)
- * **Rotor Dimensions** - 1.21m W x 4.87m H
(4ft x 16ft)
- * **Overall Height** - 6.0m (19.8')
- * **Rotor Construction** - Ultra tough Aluminum Alloy
- * **Type** - Vertical axis helical Savonius rotor (VAWT)
- * **Generator** - 4.5 kW (peak) high efficiency Permanent Magnet Generator
- * **Cut-in Speed** - 5 m/s (11.1 MPH)
 - » *The lowest wind speed at which the turbine begins producing usable power.*
- * **Optimal Annual Wind Speed** - An average of 7 m/s (15.6 MPH) or greater
- * **Braking** - No braking needed for normal operation. Manual override for maintenance.
- * **Grid Connection** - 110 VAC - 240 VAC, 50-60 Hz Grid Tied Inverter.
- * **Tower** - Recommended 4.57m (15 ft) depending on obstructions.
- * **Weight** - 605 kg (1330 lb)
- * **Design Life** - 30 years
- * **Monopole Tower** - 4.5m to 6.0m (15 ft to 20 ft) depending on obstructions
- * **Warranty** - 5 year Limited Warranty.
- * **Monopole** - NOT INCLUDED
- * **Certifications** - [Current List](#)

Other Details

- * Unique patent pending design.
- * Rugged aluminum and steel construction for extreme environments
- * Modular, 3D blade for easy assembly and toughness.
- * Helical turbine for smooth power production.
- * Ultra reliable Low RPM Permanent magnet generator.
- * Design gives silent operation at less than 5 decibels above background noise.
- * Completely safe for our friends, the birds and bats.
- * Utilizes turbulent omni-directional air instantly, no yaw control required.

HELIX S594 ANNUAL PRODUCTION CURVES



Julie Cozzi

From: Stephanie Scott
Sent: Tuesday, January 07, 2014 11:05 AM
To: James Studley
Cc: Julie Cozzi; sscott@aptalaska.net
Subject: Re: Stuff

Hi Jim,

I spoke to the Interim Manager about your proposal. Julie is enthusiastic and said that she would ask the harbor master to work on details - the most important of which are: 1) to determine placement so that an anemometer can be installed; 2) to speak with Kent and Mike and the company about the turbine itself; and 3) to speak to APT about the interconnection required.

I do not see the next Port and Harbor Advisory Committee meeting noticed on the Borough Calendar yet, but I believe it is to be January 20th. I do not know whether enough details can be developed to bring the idea to them for a recommendation to the Assembly at that meeting, so I thank you for your patience.

It is clear as day to me that our community is steadily increasing its demand for electrical power and that additional power sources absolutely need to be acquired - either by APT, the municipality, or by the users themselves. I have always said that the municipality can be helpful by leading through example, as we have done with the pellet fired boiler at the Senior Center. The associated costs, including maintenance, are public documents and can be helpful to any who are considering a similar path. The same can be said with supplemental power sources. There are private customers who are doing this by having developed private microhydro systems to supplement and sometimes replace grid provided energy. If we can do the same economically with wind, that would be wonderful.

S

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

On Jan 6, 2014, at 12:21 PM, "James Studley" <thebrokerinhaines@gmail.com> wrote:

If you do not want it let me know.

I can wait no rush.

jim

On Mon, Jan 6, 2014 at 10:56 AM, Stephanie Scott <sscott@haines.ak.us> wrote:

I NEVER overlook maintenance and operating expense!! That is a persistent concern re the expenditure of any public money as far as I am concerned. However, you are correct to say that "we" as in "we the community" often fail to take that into consideration.

It is one of the BIG reasons I am very very cautious re wind. Wind turbines require a high level of maintenance; and maintenance is not "easy." There absolutely has to be a Big Bang for the

bucks; as there is in Kodiak. The larger the scale, the easier it is to absorb those maintenance/operating costs, etc. They had the perfect scenario up there on Pillar Mountain. Kotzebue is doing well too; and Fire Island ought to work. None of those are "supplemental" though they are complementary (wind/hydro; wind/diesel). That relationship has to be synchronized and mechanized. It is tricky. A supplemental power source as proposed by a small turbine is actually going to require, I believe, a much higher level of human attention.

The other thing that makes wind so expensive are days when it is not blowing! It's like owning a car but never using it.

S

Stephanie Scott
Mayor, Haines Borough
[907-766-2231 ext.30](tel:907-766-2231)

On Jan 6, 2014, at 10:16 AM, "James Studley" <thebrokerinhaines@gmail.com> wrote:

Always the one item we never over look. Expense of long term maintenance and not quite with our mission, which is housing and helping elders; now if you want HAL to give you this and share in the return its a deal but we do not want any portion of the operational expenses or maintenance.

jim

On Mon, Jan 6, 2014 at 10:10 AM, Stephanie Scott <sscott@haines.ak.us> wrote:
I think it is a great idea and a generous offer. As I said, experts I have consulted do not agree that we have a reliable wind source; they say that our wind is gusty and that is not what is required. However, I think a VAT is a different beast and can take gusty wind in stride. What we need is an anemometer installed at the intended location. It's a simple step. Why would HAL not take advantage of the turbine for its own needs?

S

Stephanie Scott
Mayor, Haines Borough
[907-766-2231 ext.30](tel:907-766-2231)

On Jan 6, 2014, at 10:03 AM, "James Studley" <thebrokerinhaines@gmail.com> wrote:

Stephanie,

If this wouldn't work at the harbor where there is a constant wind I would be amazed. <http://www.helixwind.com/en/S594.php>

Regardless, Mike Duran installed the wind mill with Kent. Kent is the person to be in touch with and he is very competent on just about anything construction related. So calling him (he is in phone book) would be a good idea.

Kent however is in great pain. He had a neck surgery and they fused a few of his vertebrae and damaged a nerve along the way so he is in pain again but in a different area of his body.

Kent and Mike would be the team. As to a "working" wind mill I am pretty sure it never was installed or ran. BUT with Fuzzy living there maybe they did run a few tests. Kent would know.

As to purchase we did not buy the wind mill. It was a gift from Michelle. We're trying to sell it to make money for HAL. The actual cost is \$17,500, HAL would accept \$5,000 as a sale to the borough not a donation and it is brand new and never been run according to Kent. But I would want the Harbor to have it for the use down here as I think this is the best location and the best management available to watch it and care for it. Phil seemed interested.

Personally I have never seen the wind NOT blowing at the harbor (the turbine works down to 5 MPH or less). If anything it blows too strong and would need to be lowered some times which it will do with manual assistance. I think over 50 MPH it has to be taken and dropped down. But as to the wind blowing at the harbor rare. Look at the wave studies. I suspect we have some data from the Harbor engineering already.

Anyway I don't care who buys it really, I had hoped the borough was interested to try it as an experiment and possibly produce power when the harbor needs it most such as spring through fall. Probably could be lowed in the winter, just a thought.

jim

On Mon, Jan 6, 2014 at 9:37 AM, Stephanie Scott

<sscott@haines.ak.us> wrote:

Hi Jim,

Beth delayed her trip to see Doug until this Thursday; it turns out to be serious but not the immediate prelude to death as originally thought.

I will work with the clerk re the agenda today - usually in the afternoon. I will let you know.

Phil mentioned wind energy for the harbor yesterday (we were both on the LeConte), but he didn't say that he was thinking about

Michelle's wind generator. If any wind generator were to work at the harbor, her's might since it is a vertical axis generator.

However, when her's was installed at her home out at Mud Bay, there seemed to be intractable issues related to it. For one thing, according to Fuzzy, it was enormously noisy. Did you interview Kent Dobbins when you purchased it? He is the person who tried to install it. I am under the impression that he is competent.

You probably recall that I convened a "wind" group here when I first took office and acquired the volunteer services of a well known wind engineer who is living here now: Reuben Loewens. He wrote a lengthy opinion about our wind resource. He concludes that we do not have an economic resource available to us for commercial use. However, he would not exclude or discourage anyone from using what wind we have as supplemental. Nor would I if it penciled out. Our very first step is to identify the location and erect an anemometer to determine the wind resource. I believe that APT has some anemometers.

So, I am willing to work to "pencil it out" at a high level. I will ask Reuben, again, to help. Can you tell me the brand name of the wind generator you have; and the manufacturer and any other info you have on it? I believe I can find a way to contact Kent Dobbins (he lives out here off the park road) but if you have contact info for him, that would be great.

The arrangement with APT is also something that needs to be determined. Michelle had a preliminary power sales agreement but I believe she was envisioning a much larger scale operation - something that would include more than one turbine. We might be looking at something more along the lines of net metering.

S

Stephanie Scott
Mayor, Haines Borough
[907-766-2231 ext.30](tel:907-766-2231)

On Jan 2, 2014, at 6:40 PM, "James Studley"
<thebrokerinhaines@gmail.com> wrote:

> Heard you were out of town.
>
> Hope all is well. Also understand Beth made a quick exit to see her dad. Not doing well I guess.
>
> Two issues.
>
> 1. Is HAL on the agenda next week? Just want to be sure I am present if the question comes up about the non profit status.

>
> 2. Do you think the Haines Borough would want to purchase a
wind turbine for \$5000 for use at the Haines Small Boat Harbor?
HAL has one for sale that was Michele's and my thought was you
might want to experiment with aux. power to the harbor. Just a
thought. Phil indicates it was up to the borough but also said the
Juneau Harbor had something similar.

>
> jim
>
> --
> You now have a key, open the door.

--
You now have a key, open the door.

--
You now have a key, open the door.

--
You now have a key, open the door.

November 2013 Haines Vol. Fire Dept. Monthly Report

The Haines Vol. Fire Dept. had two fire callouts in November. Both fire callouts were for chimney fires that were out upon our arrival. Responders inspected the heating system prior to returning to the hall. Fire callouts for 2013 total 39. The Haines Vol. Fire Dept. responded to 25 ambulance callouts in November. Calls included two falls, three seizures, a respiratory distress, a chest pain, an airway obstruction, an extremity trauma, two with abdominal pain, one with blood in their urine, 4 medical transports, 3 recalls and six medivacs. Ambulance callouts for 2013 total 234. There were no SAR callouts. SAR callouts for 2013 remain at 1.

The first joint meeting for November was a business meeting followed by Hazmat Awareness training using the Emergency Response Guidebook to assist with three tabletop scenarios. The ambulance training was roles and responsibilities of responders in a CPR response in conjunction with Advanced Cardiac Life Support protocols with our EMT 2 & 3s. A code scenario was then practiced. The fire training was advancing charged hoselines in a building and scene lighting setup.

Election for officers for 2014 took place at our joint meeting. Elected officers include Scott Bradford as Fire Chief, Roc Ahrens as Assist. Chief, Thom Andriesen as Treasurer and Vince Hansen as Secretary. Company officers will be announced at the annual joint meeting in January.

Fire responders assisted in burning an old commercial boat for its owner. This provided some good hands on training for some of our new fire responders. Thanks to all that participated. We recently purchased a used 3500 gallon fire tender to replace our current 45 year old tender. It is scheduled to arrive in early December.

Jenn Walsh took a Methods of Instruction for Fire Fighting class in Juneau this month and will take an EMS MOI in January. Penny Fossman, Lucy Tate, Jenn Walsh & Al Badgley took their Advanced Cardiac Life Support class this month.

HVFD Fire	129	Ambulance	189	HVFD SAR
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Total volunteer hours HVFD for 2013

HVFD Fire	1331	Ambulance	2537	SAR	128
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Combined 3996 Hours

Respectfully submitted,



Al Badgley
HVFD Training Officer

December 2013 Haines Vol. Fire Dept. Monthly Report

The Haines Vol. Fire Dept. had one fire callout in December. The fire callout was for a chimney fire that was out upon our arrival. Responders inspected the heating system prior to returning to the hall. This fire spread outside the chimney, but use of a fire extinguisher by the homeowner stopped the fire while it was still small. The homeowner was alerted to the conditions by a working smoke alarm. Without a working smoke alarm and fire extinguisher use, the outcome would have probably been a fully involved structure fire. Fire callouts for 2013 total 40. The Haines Vol. Fire Dept. responded to 15 ambulance callouts in December. Calls included one fall, one seizure, an extremity trauma, a chest pain, two with altered level of consciousness, one with abdominal pain, an allergic reaction, three with dizziness, one with arm pain, one with alcohol abuse, a medical transport, and one medivac. Ambulance callouts for 2013 total 249. There were no SAR callouts. SAR callouts for 2013 remain at 1.

The first joint meeting for December was our annual family Christmas party at the school. Our families allow us to leave, missing many events and this is a small gesture of thanks to them. The ambulance training was roles and responsibilities of responders in a CPR response in conjunction with Advanced Cardiac Life Support protocols with our EMT 2 & 3s. Code scenarios were then practiced. Thanks to Dr. Dave McCandless for his help with this training. The fire training was canceled.

Our recently purchased 1989, 3500 gallon fire tender arrived replacing our current 45 year old tender. Thanks to all that worked on making this purchase happen.

Doctor Noble Anderson and Julie Anderson have moved to Juneau for work. Both have agreed to stay involved with our department. Doctor Dave McCandless will now be a co-medical director for our department with Doctor Anderson. We wish the Andersons the best, and are pleased that they are willing to help. They are keeping their home in Haines and will be traveling back here frequently. Julie is recertifying our EMT 2 & 3s the end of February, and recertified our EMT 1s during December.

Thanks again to all our volunteers for another year of making Haines a safer and better place for all.

HVFD Fire	32	Ambulance	142	HVFD SAR
-----------	----	-----------	-----	----------

Total volunteer hours HVFD for 2013

HVFD Fire	1363	Ambulance	2679	SAR	128
-----------	------	-----------	------	-----	-----

Combined 4160 Hours

Respectfully submitted,



Al Badgley
HVFD Training Officer

Haines Volunteer Fire Department 2013 Yearly Report

The officers of the Haines Volunteer Fire Department for 2013 were as follows: Fire Chief Scott Bradford, Asst. Chief Roc Ahrens, Secretary Vince Hansen, and Treasurer Thom Andriesen.

Company Officers	ENGINE	FIRE	AMBULANCE	SAR
Captain	Danny Gonca	Tim Walter	Thom Andriesen	John Norton
1 st . Lieutenant	Larry Jurgeleit	Roy Josephson	Julie Anderson	
2 nd Lieutenant	James Sage	Randy Bachman		

There were many events, activities, and other training aside from our three scheduled training meetings per month. A brief recap of some of those events follows: 10 new members have joined the HVFD (Alisa Beske, Meghan Elliott, Penny Fossman, Jacob Malone, Brandi Stickler for EMS), (Tracy Cui, Carlos Jimenez, Paul Lorentz and Joseph Orlando for Fire and Chris Downer for both; 2 members left Ed Gorman & Thad Stewart, a 15 minute weekly safety presentation is aired on KHNS radio with Lyle Huff, Tara Bicknell, Jenn Walsh and Thom Andriesen helping out, Take 5 for safety (a 5 min. version of the safety talk) is being developed to go statewide, there were many CPR & 1st Aid Classes offered to the public along with AED (Automatic External Defibrillator), 3 attended the SE Region EMS Symposium in Sitka, we gave out 6, \$500 scholarships with monies raised from our 4th of July B-B-Q that served over 600, community events, parades, standbys (the Alcan, bike race, and fireworks), fire prevention presentations in the schools & senior center followed by our open house with hands on events like, the smoke room, the escape ladder, fire extinguisher use, jaws of life demos, blood pressures, 5 recertified with their Red Card (wild land fire fighting), Jenn Walsh became a CPR instructor, became EMT 3 certified, took a Methods of Instruction class, and attended the Alaska State Firefighters Association conference in Anchorage, SEARHC offered EMS training on their simulation manikin that offers many life like opportunities for advanced skills, 7 members assisted with the Health Fair and many members got current blood work updates, EMS members assisted the clinic with a 6 patient disaster scenario, Medic 2 was staged at the Fairgrounds for the SE Alaska Stat Fair, Haines hosted a regional MMRS disaster drill with over 50 victims involved in a simulated propane explosion being transported to our local triage location then to mobile tent clinics for triage, 4 became Advanced Cardiac Life Support certified, 3 members recertified their EMT 1 certification, purchased a 1989 tender holding 3500 gallons to replace our 1967 model.

We responded to 40 fire callouts including 7 chimney fires, 6 motor vehicles accidents, 3 vehicle fires, 3 with smoke in their residence, a cabin fire, a storage building fire, a garage fire, 2 smoke/CO alarm calls, 2 fires that were out upon arrival, 2 lightning strike fires, assisted with a sinking boat, 4 out of control, controlled burns, and 7 false alarms. The total fire loss for 2013 was \$95,500.

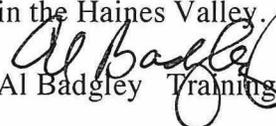
We responded to 249 ambulance callouts. Calls included patients with abdominal pain 14, alcohol abuse 8, allergic reaction 2, altered LOC 17, assault 1, back pain 2, blood in urine 1, burns 1, chest pain 13, dehydration 2, edema 1, extremity trauma 12, falls 12, head trauma 5, motor vehicle accidents 7, nausea 1, refusals 6, respiratory distress 15, seizures 11, stroke symptoms 4, unconscious/unknown 2, weakness 4, medivac/transport 96, recalls 7 and standbys 5.

We responded to 1 SAR callout. The call was for two lost hikers on Mt Ripinski.

Year	Fire Callouts	Working Fires	Total Yearly Fire Loss	Total EMS	Total SAR
2003	25	14	\$ 55,000	166	
2004	36	16	\$ 6,500	151	4
2005	30	17	\$ 305,000	218	5
2006	20	6	\$ 111,000	267	3
2007	28	13	\$ 228,100	241	3
2008	32	18	\$ 75,000	250	1
2009	30	12	\$ 16,000	202	2
2010	25	10	\$ 77,000	250	7
2011	33	14	\$ 47,000	325	1
2012	27	12	\$ 4,500	251	1
2013	40	19	\$ 95,000	249	1

Volunteer Hours HVFD Fire 1363 Ambulance 2679 SAR 128 Total: 4160

Thanks to our volunteers for their dedicated efforts in protecting the lives and property of the citizens and visitors in the Haines Valley.


Al Badgley Training Officer

SHELDON MUSEUM AND CULTURAL CENTER, INC
Board of Trustees Meeting Minutes
Wednesday, October 16, 2013, 12:00 p.m. at the Sheldon Museum

CALL TO ORDER: 11:58 a.m. by Board President Jim Heaton

ATTENDANCE: BOARD – Jim Heaton, Michael Marks, Jim Shook, Bob Adkins, Lorrie Dudzik, Anastasia Wiley, John Hagen , and Jan Hill STAFF - Blythe Carter BOROUGH LIAISON - Not present

ADDITIONS TO THE AGENDA: None

APPROVAL OF AGENDA: M/S Jan & Anastasia- approved unanimously

APPROVAL OF MINUTES: M/S Michael & Jan - approved unanimously

STAFF REPORT: Andrea is presently working on an application for a Collections Management Grant, funded by the Rasmussen Foundation, and administered through Museums Alaska. Maximum grant is \$10,000, average is \$3-5,000. This would provide additional training for Kris, and cover Andrea's salary.

- Blythe and Henriette went over the personnel budget. We're looking good. Exact dollar amount will be available at our next meeting.
- The Board is encouraged to donate towards the cost of Christina's farewell gift.
- See the Staff Report handout in the packet for additional information.

CONFERENCE REPORT: Handout not provided. Approximate final income is \$5800, minus \$1000 bonus for Christina and Jerrie. Final spreadsheet shows \$3256.57 in overtime wages for staff., so SMCC actually cleared approx. \$1800. The positive PR publicity was great. Recommended that Museum's Alaska and the Alaska Historical Society lower their share of the net profits, at least for smaller communities. A lengthy discussion followed regarding conference finances, planning, benefit to the community, etc.

- **DIRECTOR HIRING PROCESS :** Michael called nine references for Helen Alten and received glowing reports from all of them.
- M/S Michael & Jim S. that SMCC recommend to the Borough that Helen Alten be hired as the Director of SMCC. Passed unanimously.
- M/S Michael & Jan that SMCC match, through donations, mileage, and /or funding, the \$500 donation from Michael and Lorrie as a travel stipend for the new director. Passed unanimously.
- M/S that if Helen Alten should decline, the position be immediately offered to Marnie Leist. Passed unanimously.

NEXT BOARD MEETING: Monday, November 1, 2013 at 10:30 a.m.

DISCUSSION: Suggested that SMCC approach the Borough mayor and diplomatically ask that a new Borough liaison be appointed, as the present appointee is unable to attend daytime meetings.

MEETING ADJOURNED: at 12:47 p.m.

Respectfully submitted,

Bob Adkins, Secretary



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

Approved

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

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

Staff Present: Julie **Cozzi**/Interim Borough Manager, Stephanie **Scott**/Borough Mayor, Jila **Stuart**/Chief Fiscal Officer, Carlos **Jimenez**/Director of Public Facilities, and Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III.

Also Present: Gina **St. Clair**, Daniel **Humphrey**, Nick **Trimble**, and Debra **Schnabel** (Liaison)

3. **APPROVAL OF AGENDA**

Motion: **Gonce** moved to “approve the agenda”. **Miller** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – October 10, 2013 Regular Meeting

Motion: **Turner** moved to “approve the October 10, 2013 Regular Meeting Minutes.” **Hedden** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

Trimble said he submitted a land use permit application several days ago, and requested Planning Commission approval of his deck and walkway expansion project at Fort Seward Lodge.

Goldberg said this topic will be on the next meeting’s agenda because **Trimble** has passed the submission deadline for this meeting. The Planning Commission will consider his proposal at the next regular meeting.

6. **CHAIRMAN’S REPORT**

Goldberg said the rezoning petition from Bart **Henderson** has been withdrawn.

Henderson’s intent was to adjust a lot line and sell one of the proposed lots to Alaska Mountain Guides. However, there are two zones in the proposed area. The lot line adjustment will result in both proposed lots within split zoning. This was why **Henderson** initially submitted his rezoning petition to the Borough. After doing research on this issue, **Cui** discovered that there is no prohibition by law on a lot line adjustment resulting in lots within multiple zoning districts. Thus, **Henderson** has withdrawn his rezoning petition and went through his lot line adjustment application.

Goldberg said at some point, the Planning Commission should take up the rezoning issues in Sawmill Road area. He will put it on the next meeting’s agenda.

Goldberg announced Debra **Schnabel** is the new Planning Commission liaison.

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

8. **PUBLIC HEARINGS**

A. **Gina St. Clair – Appeal from Denial of Plat Application – C-207-TL-0620**

Goldberg opened the public hearing at 6:42 p.m.

St. Clair said she was told by Borough staff that she did not need to provide the utilities because she was only creating two lots. However, her application was denied by the Borough, because the Borough code requires any lot resulting from a subdivision that is within 200 feet of public water and sewer systems is required to have utility connections extended from the water and sewer mains to the property line. She believes the code needs to be amended. Also, the cost for extending the mains will exceed 200% of the property value, which makes her unable to sell her property.

Humphrey said the site is not suitable to install water and sewer lines because of the drainage issue.

St. Clair asked why this code did not apply to other people who created a subdivision in this neighborhood. One five-acre piece of land on the other side of North Sawmill Road was subdivided into 4 lots. The developer was not required to have public utilities connected.

Goldberg said **Cui** has looked into that. That subdivision was created in 1997, prior to the consolidation of city and borough. Third-Class Borough might have different regulations at that time.

Stuart pointed out that according to the Borough attorney's memo, the cost of extending utilities is not an appropriate factor to consider. Also, there are other different ways to subdivide the land, which make the investment more affordable. For example, the developer can divide the property into smaller lots; or ask the neighbors for participating in a Local Improvement District (LID) to bring down the total cost.

St. Clair said dividing into two lots is the optimal way to develop the land. There is only one buildable spot on the upper lot.

Goldberg closed the public hearing at 6:53 p.m.

Motion: **Hedden** moved to "hear this appeal." **Miller** seconded it. The motion passed unanimously.

Goldberg said he had a meeting with Borough staff. They looked at maps, and talked about two different routes for bringing utilities into these two lots. Moose Lane seems to be the most logical way to go because it is an existing road, and the service lines can pick up more customers. The other route is to extend the existing service lines from the bottom of **St. Clair's** property up north. However, this portion of North Sawmill Road is undeveloped and very steep (approximate slope is 16%).

Venables asked about the outcome from discussions with property owners in the vicinity of **St. Clair's** property who may be interested in participating in an LID.

Jimenez said he spoke to two owners, who were interested; **Cui** said she spoke to one owner, who was not interested because of the high cost.

St. Clair said her potential buyer was interested.

Turner said the Borough attorney clearly stated that the Planning Commission does not have legal authority to grant exemptions from the requirement to extend utilities to

subdivisions where utility service is “available” within 200 feet of an existing property line of the parcel being subdivided.

Motion: **Miller** moved to “confirm the Borough’s decision.” **Turner** seconded it. The motion passed unanimously.

Miller said he personally felt sympathy for the developer. He thinks the Planning Commission can consider amending the code.

Humphrey said this section of code is very poorly written and structured.

Goldberg asked what the Borough can contribute on an LID.

Stuart said it may not be appropriate to use public funds to pay for all or most of the cost of extending utility mains, but the Assembly may decide the public interest is served by offsetting part of the cost of utility extensions. For example, Title 3 states “borough funds from the sale of borough lands may be invested through the creation of local improvement districts to fund projects that will improve the lives of borough residents.” Also, the Borough levies 1.5% sales tax to be used for Capital Improvement Projects within the Borough. If a local improvement district is established, the Borough can finance the cost of improvements, including utility extension, over years with terms set by the Borough Assembly.

Goldberg said according to the future growth map in the Comprehensive Plan, **St. Clair**’s property is not in one of those eight potential utility extension areas. **Goldberg** asked the Borough staff what will be the estimated cost for extending utility mains.

Jimenez answered it will be about \$80/foot, not including cutting trees and clearing the land.

St. Clair said it will be good if the Borough can develop the road and extend the utility mains at the same time.

Goldberg said it may cost more and makes it unaffordable. It will be nice to see the estimated cost for both options.

Scott said the Borough needs to come up with reliable documents and estimation.

Goldberg said he will put the topic “possible development of a LID” on the next Planning Commission meeting agenda.

More discussion ensued.

9. **UNFINISHED BUSINESS** - None

10. **NEW BUSINESS**

A. **Historic District/Building Review** - None

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

C. **Project Updates** – None

D. **Other New Business** – None

11. **COMMISSION COMMENTS**

Miller said his term as a Planning Commission member is ending, and he is not going to re-apply to retain the seat because he is not going to be in town much of the time during the coming year. He wanted to tell everyone how much he enjoyed serving on the Planning Commission, and he intends to re-apply after having his surgery done.

12. **COMMUNICATION** - None
13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, December 12, 2013.
14. **ADJOURNMENT**– 8:27 p.m.

Meeting Minutes Jan 4 2014

Agenda

1. Call to order
2. Roll call – Jim Stanford, Bob Duis, Kay Clements, (Judy Ereksen), Simon Ford -
3. Approval of the agenda- (special meeting to discuss the HBPD / AST mutual aid agreement)
4. Approval of last meeting's minutes-(postponed until next meeting)
5. Old business – as in 3. above
6. New business
7. Public comment
8. Next meeting date
9. Adjournment

Meeting Minutes 1/4/14

Called to order (Jim) 9:05 AM

Roll Call: Jim Stanford, Bob Duis, Kay Clements, (Judy Ereksen absent), Simon Ford – quorum?
Yes

Old Business:

Status of HBPD / AST mutual aid agreement

Discussion – Simon, Troopers:

Pay for most of the jail costs, their dispatch services

Pay for HBPD service when AST asks for assistance

Discussion – Jim, Lt. Dial thought they were covered in existing “mutual aid agreements” – but Simon did not find anything.

Discussion – All, around what the request should look like – do not want to cause loss of Trooper here, want to show the need for Trooper and tremendous job they do (support HBPD over their own work).

Discussion – Simon, Just say that if Troopers cannot respond within “x” amount of time, AST will give HBPD the “go ahead” and “pre-authorize” them to respond – to remove the liability that HBPD risks – now should wait for AST direction to act and follow their orders and if we do not and something goes wrong HBPD could be at great risk of law suit. – We need to go at this from a “remove liability” standpoint – not funding or AST inability to act in time.

Discussion – Jim / Simon, Border assistance – only Jim Hayes has “police” ability. – Preston Cruise (Park Ranger) is fully able as a Trooper to assist

Discussion – Simon, Travis Marshal (new policeman) backed out as was offered raise by current boss. HBPD is starting over on search for officer – running at 60% and are getting worn down.

Simon, offered to write up a proposed mutual aid agreement as per discussion.

Bob, offered to add a written synopsis of the things discussed in the form of a mutual aid agreement outline.

Next Meeting 1/7/14 at 5:30 PM at the school

Adjourned 9:52 AM

1/8/2014

To: Haines Borough Assembly Members:

From: The Haines Borough Public Safety Commission

The people of Haines Borough rely on the Alaska State Troopers (AST) and the Haines Borough Police Department (HBPD) to provide essential police services. We see constant cooperation between these organizations and feel that this "mutual aid" is vital to their service to the Borough.

Currently HBPD Rules and Regulations state that HBPD officers may respond to emergencies occurring "outside" of the town site when requested to do so by the AST. In actuality HBPD has and will continue to respond to "outside" life threat emergencies, as soon as possible, even without direct AST supervision. This response is done with the assumption that AST has, will, or would have requested assistance.

The HBPD may be risking great liability by acting without a direct request from the AST.

In an effort to minimize response time to life threatening emergencies and to reduce the risk of liability, the HBPD would like to enter into a mutual aid agreement with the AST that would create an understanding that under certain circumstances, HBPD and AST shall have agreed to have a pre-authorized request for assistance from the other agency.

A legal opinion of liability risk may be in order prior to setting into motion the process necessary to create new mutual aid agreements and pre authorization agreements. Please advise the Public Safety Commission in this matter.

Assembly Members:

The Public Safety Commission requires assistance from the Assembly to forward our unanimously passed motion, described in the above letter, to the Borough Manager to direct the Borough Attorney to provide a timely legal opinion to the Commission. Action by the Assembly is critical to this process.

Jim Stanford (Chairperson, Public Safety Commission)

(Quorum for unanimous vote consisted of Jim, Kay Clements, Judy Erekson and Bob Duis)

Haines Borough Assembly

Topic: Recommendation to the Assembly-- Police dispatch protocol addition

Brief overview and reason for recommendation:

One of the duties of the PSC is to review policies and procedures of both the police and fire departments and recommend possible changes to them where deemed necessary.

During the winter of 2012-2013, Haines was without a State Trooper for an extended period of time. At this time, multiple emergency calls came into Haines dispatch from the outer Borough which required Trooper directives in order for a Haines police officer to respond. The procedure is as follows: A call comes into Haines Dispatch. If Haines dispatch cannot reach a local trooper, they route the call to either Ketchikan or Juneau dispatch who then has to contact their commanding officer who has the authority to contact Haines requesting assistance. Most of the time, this procedure works fine. However, in the case of a life threatening emergency, especially at the two schools in the outer Borough, this delay can mean the difference between life and death. It is for this reason that the PSC recommends adding to Haines dispatch protocols the following directive; if, within five minutes, Haines dispatch does not receive verification that AST is enroute to the scene of the emergency, the Haines commanding officer has the power and the authority to dispatch an officer or officers. Also, all available departments who have law enforcement capabilities will be notified to assist if possible. They are: AST, Haines Police Department, Alaska State Parks, and U.S. Customs and Immigration. The purpose is to cut down response time to the scene as much as possible.

Thank you for all you do on behalf of the people of the Haines Borough.

Jim Stanford—Chair—Haines Borough Public Safety Commission

Chilkat Center for the Arts

A Community Facility Operated by the Haines Borough

(907) 766-3573

facsimile (907) 766-3574

E-mail business@khns.org

Facility Administration Report

December 2013



Usage:

The lobby decorations from the Haines High School Homecoming held true over the holidays and provided a base to enhance the wonderland affect achieved by all the different groups and their take on the holiday look. Some of the things that happened in the lobby and auditorium over the holidays:

- The Haines Arts Council hosted Theater in the Rough of Juneau again with, “Ladies of the Camellias”
- Tod Sebens Directed and Produced, “Vanya”
- Haines High School Music Class held their holiday concert in the auditorium with new teacher Kristy Totten
- The Annual Holly Jolly Follies were in the auditorium, helmed this year by Joe Parnell
- Northwind Engineering from Idaho came to Haines to conduct an informational meeting regarding the cleanup of the fuel terminal
- KHNS hosted the second annual New Year’s Eve Masquerade Ball during one of the worst storms..attendance suffered.
- The Chilkat Center Advisory Board, Foundation for the Chilkat Center and KHNS make use of the conference room for their monthly meetings.

Maintenance

We have had quite the snowfall like most of town and plowers have been working well to keep the parking lot clear at the Center. We have had a time of it keeping sidewalks and roofs clear enough for revelers to attend all of the events in safety and comfort but again, we appreciate the help we’ve received.

We have had some leaking on the inside of the outside wall in the area by the dormers which is disconcerting given all the work and expense that was dedicated to the roofing project. Borough workers were quick to come and assess and the solution is in their hands. It has, however, created another unsightly wall with peeling paint.

Things to keep on the maintenance list:

- *Windows in the dance studio – they are worn and weary and some have had to be shut permanently to avoid the drafts. The rest have limited capacity in the insulation and opening department.
- *The area in the basement ladies bathroom that was patched up during the conference needs to be addressed with a long term solution.
- *Paint in the stairwell on up to the hallway

Submitted by Facilities Manager, Kay Clements, December 2013

Chilkat Center for the Arts			
11/30/2013			
Contact	Function	Participants	Amount
	Dance Studio		
Marnie Hartman	Yoga	99	150
Melina Shields	Yoga	80	165
	Lobby		
SEARHC	Morning Muscles	27	60
St Michael's	Sunday Services	65	375
SEARHC	Strongwomen	35	105
Jessica Edwards	Circuit Training	49	135
Ann Riegelson	Northwind Engineering	25	75
	Conference Room		
KHNS	Board meeting	9	n/c
CCA	Board meeting	6	n/c
FCCA	Board meeting	8	n/c
	Auditorium		
Haines Arts Council	theater in the Rough	150	325
LCCP	Holly Jolly Follies	150	325
LCCP	Vanya	200	1300
HBSD	Music concert	250	200
	December Totals	1153	\$3,215



Agenda Bill No.: 14-409

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Accept Designated Legislative Grant for Haines Boat Harbor Upgrades and Enter into a Grant Agreement	1. Resolution 14-01-527 2. Proposed Grant Agreement
Originator: Interim Borough Manager	
Originating Department: Administration	
Date Submitted: 1/8/14	

Full Title/Motion:
Motion: Adopt Resolution 14-01-527.

Administrative Recommendation:
The Interim Borough Manager recommends adoption of this resolution.

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 4B, page 312	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
The Haines Borough owns and operates the Haines Boat Harbor and has a project in place to improve this critical infrastructure with an objective to provide improvements to the harbor wave barrier, moorage availability and the harbor parking lot. The Haines Borough has been appropriated an FY 2013 Designated Legislative Grant per AS 37.05.315 for the purpose of Haines Boat Harbor Upgrades in the amount of \$15,000,000. This resolution is to accept the grant and authorize the Borough Manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

A Resolution of the Haines Borough Assembly accepting an FY 2013 Designated Legislative Grant in the amount of \$15,000,000 for the purpose of Haines Boat Harbor Upgrades and authorizing the Borough Manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.

WHEREAS, the Borough Assembly is the governing body of the Haines Borough; and

WHEREAS, the Borough owns and operates the Haines Boat Harbor and has a project in place to improve this critical infrastructure with an objective to provide improvements to the harbor wave barrier, moorage availability and the harbor parking lot; and

WHEREAS, the Haines Borough has been appropriated an FY 2013 Designated Legislative Grant per AS 37.05.315 for the purpose of Haines Boat Harbor Upgrades in the amount of \$15,000,000,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly hereby accepts the FY 2013 Designated Legislative Grant of \$15,000,000 for the purpose of Haines Boat Harbor Upgrades and authorizes the Borough Manager to enter into a grant agreement with the Department of Commerce, Community, and Economic Development.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2014.

Stephanie Scott, Borough Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,
and Economic Development**

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809
Juneau, Alaska 99811-0809
Main: 907.465.2023
Programs fax: 907.465.5867

November 22, 2013

Haines Borough
Julie Cozzi, Interim Borough Manager
PO Box 1209
Haines, AK 99827

RE: FY 2013 Designated Legislative Grant Agreement

Dear Ms. Cozzi:

Enclosed you will find a grant agreement between Haines Borough and Department of Commerce, Community, and Economic Development for use towards Boat Harbor Upgrades.

In order to receive grant funds, a grant agreement must be executed. Please carefully review the agreement, sign, date and return. Faxed or emailed copies will not be accepted. Upon receipt and approval, a fully executed copy will be sent to you for your file.

If you have any questions, please contact me via phone at (907) 465-2023 or email kate.walters@alaska.gov.

Sincerely,

A handwritten signature in cursive script that reads "Kate Walters".

Kate Walters
Grants Administrator

Enclosure

Attachment A Scope of Work

1. Project Description

The purpose of this FY 2013 Designated Legislative Grant in the amount of \$15,000,000.00 [pursuant to the provisions of AS 37.05.315, Grants to Municipalities, SLA 2012, SB 160, Chapter 17, Section 4, Page 160, and Line 23] is to provide funding to Haines Borough for use towards Boat Harbor Upgrades. The objective of this project is to provide improvements to the harbor wave barrier, moorage availability and the harbor parking lot.

This project may include, but is not limited to:

- Design
- Engineering
- Construction
- Inspection
- Administration

This grant is funded by the sale of State of Alaska General Obligation Bonds and subject to additional requirements and procedures.

Background

In November 2012, Alaskan voters approved the sale of \$453.5 million of general obligation bonds to fund thirty transportation related projects around Alaska. The Department of Commerce, Community, and Economic Development (“the department”) and the Department of Transportation and Public Facilities are the two agencies where projects are funded.

Internal Revenue Service rules govern the use of tax exempt bonds. The State of Alaska Department of Revenue sells bonds based on projections provided by the recipient. Accurate projections are imperative to the State receiving the maximum benefit for tax deferred revenue, to avoid loss of funding due to bond proceeds being diverted to debt service, and to ensure compliance with IRS Code. Throughout the term of the grant report any significant changes in the projected costs to your grants administrator.

The following requirements supersede the standard provisions of this grant agreement.

- The grantee making a valid expenditure to be reimbursed from bond proceeds will retain support for the expenditure for the life of the bonds plus three years. Bonds have an average life of 20 years. As bonds are sold on a projected basis and the term of this grant is 5 years, it is expected that the grantee retain records until 2041.
- Requests for reimbursement shall be submitted to the department and must include a detailed transaction report and supporting documentation.
- In order to minimize the time elapsed between the expenditures made, the request for reimbursement, and actual payment, it is essential that the grantee report timely without exception. Reporting requirements are found in Attachment A, #4 of this grant agreement.
- The department will request cost projections and updates to the projections as required by the State of Alaska Department of Revenue in order to determine bond sales. It is crucial these projections are as

accurate as possible and that requests are received timely. Failure to expend funds as projected may result in loss of funding.

- Bond proceeds will generally not be disbursed in advance of expenditure to the grantee constructing the capital project. The Director of the Division of Community and Regional Affairs may make limited exception to this requirement when it is in the best interest of the state.

End of special requirements.

No more than five percent (5%) of the total grant award may be reimbursed for Administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for Administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

2. Project Budget

Cost Category	Total Project Costs
Project Funds	\$14,550,000.00
Administration	\$450,000.00
Total Grant Funds	\$15,000,000.00

3. Budget Narrative

The Grant Funds identified above will be used to complete the project described in the above Project Description.

4. Project Management/Reporting

This project will be managed by the Grantee.

Signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the chief administrator. For grants appropriated to a municipality, the mayor is the chief administrator unless the municipality operates a managerial form of government; then the city manager/administrator acts as the chief administrator. For named recipients and unincorporated communities, the executive director or highest ranking official will act as chief administrator.

The chief administrator may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The chief administrator also designates financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the grant and any balance of funds under the grant. It may also result in the Grantee being required to return such amounts to the State.

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form (see attached) each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due thirty (30) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project. Under no circumstances will the Department release funds to the Grantee unless all required reporting is current.

5. Grant Forms Packet

The following page includes a sample Designated Legislative Grant Financial/Progress Report Form to be used by the Grantee for monthly/quarterly reporting. Copies of this form are available from the Department, electronically or in hard copy.

Designated Legislative Grant Financial/Progress Report

Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs

Grantee:		Grant Number:	
Project Title:			
Report No:	Reporting Period: <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly	From:	To:

Cost Category	Authorized Budget	Grant Expenditures This Period	Total Grant Expenditures to Date	Balance of Grant Funds
Project Funds				
Administration				
Total This Report				

Current Advance Balance (if any)		
Total Grant Expenditures This Period		Total Grant Award
LESS Advance Recovered This Report (if any)		LESS Total Grant Expenditures to Date
NET REIMBURSEMENT TO GRANTEE		LESS Unrecovered Advance Balance
Advance Balance Remaining (if any)		TOTAL Grant Funds Remaining

Progress Report: Describe activity that supports the expenditures during the period. If no activity has taken place please provide an explanation. Identify any problems you have experienced and/or accomplishments this period. Attach additional pages if necessary.

Grantee Certification: I certify that the above information is true and correct, and that expenditures have been made for the purpose of, and in accordance with, applicable grant agreement terms and conditions.

_____ Date

Authorized Signature

Name and Title

DCCED STAFF USE:	
Encumbrance No:	
Payment Amount:	
GA Approval:	
DCCED Signature	Date

Attachment B Payment Method

1. Reimbursement Payment

Upon receiving and approving, a Grantee's financial/progress reports, the Department will reimburse the Grantee for expenditures paid during the reporting period, in accordance with this Grant Agreement. The Department will not reimburse without approved financial/progress reports, prepared and submitted by the Grantee on the form provided in Attachment A. Before approving the financial/progress report for payment, the Department may require the Grantee to submit documentation of the costs reported (e.g., copies of vendor billings/invoices and proof of payment, general ledger expenditure report).

2. Advance Payment

In most instances, the Department will make payment to a Grantee on a cost reimbursable basis. If cost reimbursement significantly inhibits the Grantee's ability to implement the project, the Department may advance to the Grantee an amount not to exceed a projected thirty (30) day cash need, or twenty percent (20%) of the amount in Section I, whichever is less.

Before the Department will issue an advance, the Grantee must submit a "Request for Advance Payment" form along with documentation of costs associated with the advance. The "Request for Advance Payment" form can be obtained from the Department electronically or in hard copy.

All advances will be recovered with the Grantee's next Financial/Progress Report form. Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

3. Withholding of Ten Percent (10%)

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this grant agreement, including all required reporting of the project.

Attachment C Standard Provisions

Article 1. Definition

“Department” refers to the Department of Commerce, Community and Economic Development with the State of Alaska.

Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute the project described in this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

Article 7. Retention of Records

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

Article 8. Assignability

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

Article 9. Financial Management and Accounting

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

Article 10. Program Income

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

Article 11. Amendments and Modifications

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

Article 12. Recordkeeping

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to project performance and efforts to comply with the provisions of the Grant Agreement.

Article 13. Obligations Regarding Third-Party Relationships

None of the Work specified in this Grant Agreement shall be contracted by the Grantee without prior approval of the Department. No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

The Grantee shall remain fully obligated under the provisions of this Grant Agreement notwithstanding its designation of any third party or parties of the undertaking of all or any part of the project described herein. Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all the provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

Article 14. Conflict of Interest

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

Article 15. Political Activity

No portion of the funds provided hereinunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

Article 16. Notices

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

Article 17. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

Article 18. Termination by Mutual Agreement

This Grant Agreement may be terminated, in whole or in part, prior to the completion of contract project activities when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

Article 19. Termination for Cause

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

Article 20. Withdrawal of Funds

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 19 of this Attachment.

Article 21. Recovery of Funds

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the project funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

Article 22. Disputes

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This "Disputes" clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

Article 23. Jurisdiction

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

Article 24. Ownership of Project/Capital Facilities

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the ownership and operation of the project.

Article 25. Site Control

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

Article 26. Insurance

The Grantee is responsible for obtaining any necessary liability insurance. In addition, the Grantee shall provide and maintain Workers' Compensation Insurance as required by AS 23.30 for all employees engaged in work under this Grant Agreement. The Grantee shall require any contractor to provide and maintain Workers' Compensation Insurance for its employees as required by AS 23.30. The Grantee shall require any contractor hired to work on the project be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

Article 27. Subcontracts for Engineering Services

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska. In the event that the engineering firm is also the project administrator, the Grantee shall require that the bond or insurance shall be for not less than the amount of the entire project.

Article 28. Governing law

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that all permits required for the construction and operation of this project by the Federal, State, or Local governments have been obtained.

Article 29. Budget Flexibility

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. Such revisions are limited within each line item to a maximum of ten percent (10%) of the line item or \$10,000, whichever is less, over the entire term of this agreement. Such budget revisions shall be limited to changes to existing budget line items. Budget revisions may not be used to increase any budget item for project administrative expenses. Changes to the budget beyond the limits authorized by this provision may only be made by a formal amendment to this agreement.

Article 30. Equal Employment Opportunity (EEO)

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on state funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

Article 31. Public Purposes

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

Article 32. Operation and Maintenance

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 33. Assurance

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

Article 34. Current Prevailing Rates of Wage

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay

the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

Article 35. Severability

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

Article 36. Performance

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

Article 37. Sovereign Immunity

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

Article 38. Audit Requirements

The Grantee shall comply with the audit requirements established by 02 AAC 45.010, set forth in Appendix A of this Grant Agreement.

Article 39. Close-Out

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

Article 40. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

Appendix A Audit Regulations

The grantee must comply with the audit requirements of the Alaska Administrative Code set forth in **2 AAC 45.010. AUDIT REQUIREMENTS.**

A copy of the most current 2 AAC 45.010 adopted regulations is available at the State Single Audit website:
<http://doa.alaska.gov/dof/ssa/index.html>.

Appendix B Audit Compliance Supplement

Current audit compliance supplements and guides specific to programs under AS 37.05.315 Grants to Municipalities, AS 37.05.316 Grants to Named Recipients, and AS 37.05.317 Grants to Unincorporated Communities can be found at <http://doa.alaska.gov/dof/ssa/2012auditsuppl.html#dept08> .

Appendix B2 Insurance

Article 1. Insurance

Without limiting contractor's indemnification, it is agreed that the contractor shall purchase at its own expense and maintain in force at all times during the performance of services under this agreement the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the contractor's policy contains higher limits, the State shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a thirty (30) day prior notice of cancellation, non-renewal or material change. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach and grounds for termination of the contractor's services.

1.1 Workers' Compensation Insurance: The contractor shall provide and maintain, for all employees of the contractor engaged in work under this contract, Workers' Compensation Insurance as required by AS 23.30.045. The contractor shall be responsible for Workers' Compensation Insurance for any subcontractor who directly or indirectly provides services under this contract. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection is not less than \$100,000.00 per occurrence. Where applicable, coverage for all federal acts (i.e. USL & H and Jones Acts) must also be included.

1.2 Comprehensive (Commercial) General Liability Insurance: With coverage limits not less than \$300,000.00 combined single limit per occurrence and annual aggregates where generally applicable and shall include premises-operations, independent contractors, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.

1.3 Comprehensive Automobile Liability Insurance: Covering all owned, hired, and non-owned vehicles with coverage limits not less than \$100,000.00 per person/\$300,000.00 per occurrence bodily injury and \$50,000.00 property damage.

1.4 Professional Liability Insurance: Covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this contract which result in financial loss to the State. Limits required are per the following schedule:

Contract Amount	Minimum Required Limits
Under \$100,000	\$100,000 per occurrence/annual aggregate
\$100,000 - \$499,999	\$250,000 per occurrence/annual aggregate
\$500,000 - \$999,999	\$500,000 per occurrence/annual aggregate
\$1,000,000 or over	Negotiable - Refer to Risk Management

Appendix C State Laws and Regulations

Permits and Environmental Procedures

The Alaska Department of Environmental Conservation (ADEC) regulates all activities in Alaska that might pollute the air, water or soil. There are dozens of ADEC permits related to constructing and operating public buildings. The law requires the following permits, including others designated by the commissioner. The following list is not intended to be all-inclusive.

Air Emissions Permit—AS 46.14.140, 18 AAC 50.030
Anadromous Fish Protection Permit—AS 41.14.870, 11 AAC 195.010
Authorization for Tidelands Transportation—AS 38.05.035, 11 AAC 51.015
Brine or Other Salt Water Waste Disposal Permit—AS 31.05.030
Burning Permit during Fire Season—AS 41.15.060, 11 AAC 95.410
Coal Development Permit—AS 27.21.030, 11 AAC 85.110
Critical Habitat Area Permit—AS 16.20.510, 05 AAC 95.420
Dam Construction Permit—AS 46.17.040, 11 AAC 93.171
Driveway Permit—AS 19.05.040, 17 AAC 10.020
Encroachment Permit—AS 19.25.200, 17 AAC 10.012
Miscellaneous State Land Use Permit—AS 38.05.035, 11 AAC 96.010
Mineral and Geothermal Prospecting Permits—AS 38.05.181, 11 AAC 82.100
Occupied Tide and Submerged Land—AS 38.05.820, 11 AAC 62.010
Open Burning Permit—AS 46.03.020, 18 AAC 50.065
Permit for Use of Timber or Materials—AS 38.05.110, 11 AAC 71.025
Permit to Appropriate Water—AS 46.15.040, 11 AAC 93.120
Pesticides Permit—AS 46.03.320, 18 AAC 90.300
Preferred Use Permit—AS 46.15.150, 11 AAC 93.240
Right-of-Way and Easement Permits—AS 38.05.850, 11 AAC 58.740
Solid Waste Disposal—AS 46.03.100, 18 AAC 60.200
Special Land Use Permit—AS 38.05.850, 11 AAC 58.210
State Game Refuge Land Permit—AS 16.20.050 - 16.20.060
State Park Incompatible Use Permit—AS 41.21.020, 11 AAC 18.010
Surface Oiling Permit—AS 46.03.740, 18 AAC 75.700
Surface Use Permit—AS 38.05.255, 11 AAC 86.600
Tide and Submerged Lands Prospecting Permit—AS 38.05.250, 11 AAC 62.700
Tidelands Permit—AS 38.05.035
Tidelands Right-of-Way or Easement Permit—AS 38.05.820
Utility Permit—AS 19.25.010, 17 AAC 15.011
Waste Water Disposal Permit—AS 46.03.100, 18 AAC 72.010
Water Well Permit—AS 31.05.030, 11 AAC 93.140

Environmental Conservation—AS 46.03

This chapter of the Alaska Statutes applies to municipalities and could subject them to enforcement actions instituted by the Alaska Department of Environmental Conservation for air, land and water nuisances, and water and air pollution in a municipality of 1,000 or more, and may establish a local air pollution control program.

Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State

to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

Restriction on Use—AS 37.05.321

A grant or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section “influencing legislative action” means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

Hiring Preferences—AS 36.10

This chapter of the Alaska Statutes applies to grants for public works projects and requires compliance with the hiring preferences under AS 36.10.150 – 36.10.175 for employment generated by the grant.

Historic Preservation Act—AS 41.35

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The department may stop the construction to determine the extent of the historic, prehistoric, or archaeological values

Fire Protection—AS 18.70

This chapter of the Alaska Statutes requires the Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

Procurement Preference for State Agricultural and Fisheries Products—AS 29.71.040

This chapter of the Alaska Statutes applies to municipalities that use state funds to purchase agricultural and fisheries products. The law requires:

1. When agricultural products are purchased, only such products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, and of like quality compared with agricultural products harvested outside the state.
2. When fisheries products are purchased, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

Alaska Product Preferences—AS 36.15

This chapter of the Alaska Statutes applies to projects financed by state money in which the use of timber, lumber, and manufactured lumber products is required, only timber, lumber and manufactured lumber projects originating in this state from local forests shall be used wherever practicable. The law requires the insertion of this clause in calls for bids and in all contracts awarded.

Appendix D
Special Requirements and Assurances
for Federally Funded Projects

Federal grant requirements are not applicable to the Designated Legislative Grant program.

Appendix E Site Control

1. Site Control

The Grantee must provide evidence of site control for a project that involves any use of land, including but not limited to, construction, renovation, utility projects, fuel storage, roads, and trails.

As a minimum requirement, the Grantee should obtain a “sufficient interest” that allows the Grantee the right to use and occupy the site for the expected useful life of the building, structure or other improvement. Generally, the interest obtained should be for at least 20 years. A sufficient interest depends upon the nature of the project and the land status of the site. Site control options are identified in Section 2.

For a project planned on land that is controlled by a public agency, the Grantee must obtain whatever authorization for use that is required by the public agency.

2. Site Control Options

Below are some examples of documents that may be used to satisfy site control requirements for various community facilities/projects. The terms and conditions contained in each document must be examined to determine adequacy for a specific project.

	Deed	Lease	Easement	Use Permit	License
Community Hall	✓	✓			
Clinic	✓	✓			
Fire Station	✓	✓			
Bulk Fuel Storage	✓	✓			
Dump	✓	✓			
Shop/Storage Building	✓	✓			
Cemetery	✓	✓			
Dock	✓	✓			
Campground	✓	✓			
Generator Building	✓	✓			
Multi-purpose building	✓	✓			
Laundromat	✓	✓			
Water well/Septic	✓	✓		✓	
Village Relocation	✓	✓	✓	✓	
Agriculture Project	✓	✓			
Sewage Lagoon	✓	✓			
Communication Site	✓	✓			
Road (.25")			✓	✓	
Trail (.25")			✓	✓	
Boardwalk			✓	✓	✓
Powerline			✓	✓	✓
Water/Sewer Line			✓	✓	✓
Pipeline			✓	✓	✓

Appendix F State Fire Marshal Review

The Plan Review Process

Construction, repair, remodel, addition, or change of occupancy of any building/structure, or installation or change of fuel tanks must be approved by the State Fire Marshal's Office before ANY work is started.

Residential housing that is three-plex or smaller is exempt from this requirement.

Exception: The following jurisdictions have accepted a deferral for total code enforcement and plans should be submitted directly to the city: Anchorage, Juneau, Fairbanks, Kenai, Seward, Kodiak, Sitka, and Soldotna

Plans and specifications regarding the location of the building or structure on the property, area, height, number of stories, occupancy, type of construction, interior finish, exit facilities, electrical systems, mechanical systems, fuel storage tanks and their appurtenances, automatic fire-extinguishing systems, and fire alarm systems must be submitted by the owner or owner's representative to the State Fire Marshal for examination and approval. This review does not address structural considerations or accessibility requirements. Mechanical and electrical review is limited to that which is necessary to confirm compliance with fire and life safety requirements.

A copy of the plan review approval certificate must be posted as required in 13 AAC 55.100(b). It is prohibited to occupy a building for which plans have not been examined and approved.

If any work for which a plan review and approval is required has been started without first obtaining plan review and approval, an additional special processing plan review fee of **\$100** is charged for the first violation. The special processing plan review fee for a subsequent violation by the same person is an additional charge **equal to the amount of the standard plan review fee** for the project.

Authority: AS 18.70.080

Alaska Administrative Code: 13 AAC 50.027



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-408
Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Authorize Contract for Haines Gym, Pool, and Chilkat Center Doors and Haines Gym Mat Hoist project	1. Resolution 14-01-528 2. Bid Solicitation 3. Bid Results 4. Contractor Bids 5. Explanatory e-mails
Originator: Director of Public Facilities (Agenda Bill by Clerk's Office)	
Originating Department: Public Facilities	
Date Submitted: 1/8/14	

Full Title/Motion:
Motion: Adopt Resolution 14-01-528.

Administrative Recommendation:
The Director of Public Facilities recommends adoption of this resolution.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 89,000	\$ 89,000	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. : Objective 2B, Pages 56-57	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Summary Statement:

The Haines Borough recently issued a request for sealed bids from qualified, licensed contractors for the Haines Gym, Pool, and Chilkat Center Doors and Haines Gym Mat Hoist project. The Haines Borough obtained four sealed bids: 1) Henry Construction for \$89,000; 2) Stickler Construction for \$90,725; 3) Handyman Services of Haines for \$92,400; and 4) North Pacific Erectors for \$104,866. The Director of Public Facilities has reviewed the bids and recommends award to the apparent low bidder, Henry Construction. The Haines Borough School District has \$49,572 budgeted for gym doors and a mat hoist and has committed to appropriate additional money from its facilities fund. The Director of Public Facilities recommends using deferred maintenance money and a Designated Legislative Grant for the remainder of the project.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Henry Construction for the Haines Gym, Pool, and Chilkat Center Doors and Haines Gym Mat Hoist project for an amount not-to-exceed \$89,000.

WHEREAS, the Haines Borough recently issued a request for sealed bids from qualified, licensed contractors for the Haines Gym, Pool, and Chilkat Center Doors and Haines Gym Mat Hoist project; and

WHEREAS, the Haines Borough obtained four sealed bids: 1) Henry Construction for \$89,000; 2) Stickler Construction for \$90,725; 3) Handyman Services of Haines for \$92,400; and 4) North Pacific Erectors for \$104,866; and

WHEREAS, the Director of Public Facilities has reviewed the bids and recommends award to the apparent low bidder, Henry Construction; and

WHEREAS, the Haines Borough School District has \$49,572 budgeted for gym doors and a mat hoist and has committed to appropriate additional money from its facilities fund; and

WHEREAS, the Director of Public Facilities recommends using deferred maintenance money and a Designated Legislative Grant for the remainder of the project,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to enter into a construction contract with Henry Construction for the Haines Gym, Pool, and Chilkat Center Doors and Haines Gym Mat Hoist project for an amount not-to-exceed \$89,000.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2014.

Stephanie Scott, Borough Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk

HAINES BOROUGH, ALASKA

PUBLIC NOTICE

REQUEST FOR SEALED BIDS

HAINES GYM, POOL & CHILKAT CENTER DOORS AND HAINES GYM MAT HOIST



Notice is hereby given that the Haines Borough, Alaska, will receive sealed competitive BIDS from qualified and licensed contractors for the following project: **"Haines Gym, Pool and Chilkat Center Doors and Haines Gym Mat Hoist,"** until ~~2:00 p.m., Local Time, Monday, December 2, 2013~~ **2:00 p.m., Local Time, Monday, December 9, 2013**, at the Office of the Borough Clerk, Borough Administration Building, 103 Third Ave. S, P.O. Box 1209, Haines, Alaska 99827. The bid opening will be shortly after 2:00 p.m. on the same date in the Borough Administration Building conference room. Bids will not be accepted by email or fax.

Project Description: Replace doors in three facilities: the School Gym, the Pool and the Chilkat Center and install a mat hoist in the new Gym.

Bid Documents: Complete bidding documents are available in electronic format (PDF). Contact Jensen Yorba Lott (JYL) by phone (907-586-1070) or email to request bid documents or ask questions. Provide questions in writing. Include all email addresses listed when contacting JYL. Also, provide company name, contact name, email address, mailing address and phone number. JYL will email the documents in PDF format without charge. Bidders must provide the required information in order to be included on the plan holder list and notified when an addendum is issued. Addenda to the project will be emailed to bidders on the plan holders list. The bidder is responsible for determining they have received the complete set of project documents including addendum. Hard copies of bid documents are not available from the Architect or the Owner. Printing is the responsibility of the Contractor. Documents can be reproduced at a reprographic firm. The bid documents are also available at no charge on the Haines Borough website: www.hainesalaska.gov/rfps for viewing and printing.

Each bid shall be accompanied by a certified or cashier's check or Bid Bond, in the amount of 5 percent of the Total Bid Price payable to the Haines Borough, as a guarantee that the Bidder, if its Bid is accepted, will promptly execute the Agreement. A Bid shall not be considered unless one of the forms of Bidder's security is enclosed with it. All bids must be submitted with copies of current Alaska and Haines Borough Business Licenses and a current Alaska Contractor's License.

The Haines Borough reserves the right to reject any or all bids, to waive any informality in a bid, and to make award to the lowest responsive, responsible bidder as it may best serve the interest of the Borough.

Physical Location

Borough Clerk
Haines Borough Offices
103 Third Ave. S.
Haines, AK 99827

Mailing Address

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

Haines Borough
 Bid Opening Record

Location: Borough Admin. Building
 Project No: 13-11-01

Date/Time: 2:05pm, 12/9/13

Project: Haines Gym, Pool, Chilkat Center Doors Haines Gym Mat Hoist

Bidder	<u>Base Bid Item 1</u> Haines Gym Doors and Mat Hoist	<u>Base Bid Item 2</u> Haines Pool Doors	<u>Base Bid Item 3</u> Chilkat Center Doors	Total Price for Items	Comments
Stickler Const.	\$ 61,850.00	\$ 17,200.00	\$ 11,675.00	\$ -	
Modifications				\$ -	
Totals	\$ 61,850.00	\$ 17,200.00	\$ 11,675.00	\$ 90,725.00	
Henry Const.	\$ 63,000.00	\$ 14,000.00	\$ 12,000.00	\$ -	
Modifications				\$ -	
Totals	\$ 63,000.00	\$ 14,000.00	\$ 12,000.00	\$ 89,000.00	Apparent Low
Handyman Services	\$ 62,800.00	\$ 16,700.00	\$ 12,900.00	\$ -	
Modifications				\$ -	
Totals	\$ 62,800.00	\$ 16,700.00	\$ 12,900.00	\$ 92,400.00	
North Pacific Erectors	\$ 100,000.00	\$ 50,000.00	\$ 50,000.00	\$ 200,000.00	
Modifications	\$ (27,686.00)	\$ (32,166.00)	\$ (35,282.00)	\$ (95,134.00)	
Totals	\$ 72,314.00	\$ 17,834.00	\$ 14,718.00	\$ 104,866.00	

Present:

Michelle Webb, Interim Borough Clerk

Krista Kielsmeier, Administrative Assistant

BID FORM

Place: Haines, Alaska
Date: 2:00p.m., November 26, 2013
Project: Haines Gym Pool and Chilkat Center Doors & Haines Gym Mat Hoist
Project #: 13008

Bid of HENRY CONSTRUCTION INC (hereinafter called the BIDDER), a corporation, organized and existing under the laws of the State of Alaska, a partnership or an individual doing business as HENRY CONSTRUCTION INC, to the Haines Borough (hereinafter called the OWNER).

Bidders:

- A. The BIDDER, in compliance with your Invitation for Bids for the construction of the Project indicated above, having examined the plans and specifications with the related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby propose to furnish all labor, materials and supplies and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and for the price stated below.
- B. The BIDDER hereby agrees to commence work under the Contract on a date to be specified in the written Notice of Award of the Owner and to fully complete the Project within the time stipulated in the Contract Documents. The BIDDER further agrees to pay all applicable liquidated damages in the sums as set forth in the Contract Documents.
- C. The BIDDER acknowledges receipt of the following addenda:

ADDENDUM <u>#1</u>	DATE <u>11.19.13</u>
ADDENDUM <u>#2</u>	DATE <u>11.29.13</u>
ADDENDUM <u>#3</u>	DATE <u>12.2.13</u>

D. BASE BID AMOUNT item 1 Haines Gym Doors and Matt hoist (All work)

SIXTY-THREE THOUSAND Dollars \$ 63,000
(In words) (In figures)

E. BASE BID AMOUNT item 2 Haines Pool Doors (All work)

FOURTEEN THOUSAND Dollars \$ 14,000
(In words) (In figures)

F. BASE BID AMOUNT item 3 Chilkat Center Doors (All work)

TWELVE THOUSAND Dollars \$ 12,000
(In words) (In figures)

- G. The BIDDER understands that the Owner reserves the right to reject any or all bids and to waive any informalities or minor irregularities in the bidding process.
- H. Required submittals: The bidder is required to provide the following with the bid submittal: Fully executed Bid Form & Bid Bond; Copies of AK Business License, Haines Business License & Contractor License. Contractors and subcontractors must possess valid license and registration at time of bid opening.
- I. Prior to Contract Award and within the time specified in the Intent to Award letter, the Bidder agrees to provide the following: required proof of insurance, performance and payment bonds, and execute the formal Agreement between Owner and Contractor.
- J. The BIDDER certifies that it possesses the following valid license and registration and submits the corresponding numbers as evidence.

Alaska Business License No.:	93483
Contractor Registration (AS 08.18) No.:	33896
- K. Any protest to the award of this bid must be filed in accordance with Instructions to Bidders.
- L. To be considered a responsive bid, this Bid Proposal must be fully executed and accompanied by a bid security as described in the Instruction to Bidders in the amount of 5% of the bid. Utilize the Bid Bond form included in the Project Manual.

Respectfully Submitted,



BY: IRA HENRY

Typed Name and Title: OWNER / PRES

(Seal if bid by Corporation)

Date: 12.9.13

Business Address: PO Box 1473 HAINES AK 99827

Telephone: 907 314 0411

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

HENRY CONSTRUCTION

PO BOX 1473 HAINES AK 99827

owned by

HENRY CONSTRUCTION, INC

is licensed by the department to conduct business for the period

December 02, 2011 through December 31, 2013
for the following line of business:

23 - Construction



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Susan K. Bell
Commissioner

No. 33896

Effective: 01/08/2013

Expires: 12/31/2014

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

Certifies that

HENRY CONSTRUCTION, INC.

Is a Registered

General Contractor with Residential Contractor Endorsement

Endorsement: IRA HENRY RES 2256

Commissioner: Susan K. Bell



Wallet Card

No. 33896			State Of Alaska		
Department of Commerce, Community and Economic Development Division of Corporations, Business and Professional Licensing					
This Certifies That					
HENRY CONSTRUCTION, INC.					
Is a Registered					
General Contractor with Residential Contractor Endorsement					
Effective	Expiration	Date of Birth			
01/08/2013	12/31/2014				
Endorsement: IRA HENRY RES 2256					
Signature _____					

Per 12 AAC 02.900 Licensee shall maintain a current mailing address on file with this Division at all times.

If you wish to change to a General-Limited Residential contractor or downgrade to a specialty contractor a new application is required. Changes to the ownership of the contractor registration (incorporation, addition or deletion of a partner(s)) or a name change requires a new application.

Please note: all General Contractor licenses expire on December 31 of even-numbered years regardless of the issue date.

Website: www.commerce.state.ak.us/occ/pcon.htm

BID FORM

Place: Haines, Alaska
Date: 2:00p.m., November 26, 2013
Project: Haines Gym Pool and Chilkat Center Doors & Haines Gym Mat Hoist
Project #: 13008

Bid of _____ (hereinafter called the BIDDER), a corporation, organized and existing under the laws of the State of Alaska, a partnership or an individual doing business as _____, to the Haines Borough (hereinafter called the OWNER).

Bidders:

- A. The BIDDER, in compliance with your Invitation for Bids for the construction of the Project indicated above, having examined the plans and specifications with the related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby propose to furnish all labor, materials and supplies and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and for the price stated below.
- B. The BIDDER hereby agrees to commence work under the Contract on a date to be specified in the written Notice of Award of the Owner and to fully complete the Project within the time stipulated in the Contract Documents. The BIDDER further agrees to pay all applicable liquidated damages in the sums as set forth in the Contract Documents.
- C. The BIDDER acknowledges receipt of the following addenda:

ADDENDUM <u>1</u>	DATE <u>11-19-13</u>
ADDENDUM <u>2</u>	DATE <u>11-29-13</u>
ADDENDUM <u>3</u>	DATE <u>12-2-13</u>

D. BASE BID AMOUNT item 1 Haines Gym Doors and Matt hoist (All work)

Sixty one thousand eight hundred fifty Dollars \$ 61,850⁰⁰
(In words) (In figures)

E. BASE BID AMOUNT item 2 Haines Pool Doors (All work)

Seventeen thousand two hundred Dollars \$ 17,200⁰⁰
(In words) (In figures)

F. BASE BID AMOUNT item 3 Chilkat Center Doors (All work)

eleven thousand six hundred seventy Dollars \$ 11,675⁰⁰
five + ⁰⁰/₁₀₀ (In words) (In figures)

- G. The BIDDER understands that the Owner reserves the right to reject any or all bids and to waive any informalities or minor irregularities in the bidding process.
- H. Required submittals: The bidder is required to provide the following with the bid submittal: Fully executed Bid Form & Bid Bond; Copies of AK Business License, Haines Business License & Contractor License. Contractors and subcontractors must possess valid license and registration at time of bid opening.
- I. Prior to Contract Award and within the time specified in the Intent to Award letter, the Bidder agrees to provide the following: required proof of insurance, performance and payment bonds, and execute the formal Agreement between Owner and Contractor.
- J. The BIDDER certifies that it possesses the following valid license and registration and submits the corresponding numbers as evidence.
- Alaska Business License No.: 262452
- Contractor Registration (AS 08.18) No.: 26243
- K. Any protest to the award of this bid must be filed in accordance with Instructions to Bidders.
- L. To be considered a responsive bid, this Bid Proposal must be fully executed and accompanied by a bid security as described in the Instruction to Bidders in the amount of 5% of the bid. Utilize the Bid Bond form included in the Project Manual.

Respectfully Submitted,

BY: David Sticker

Typed Name and Title: David Sticker Pres.

(Seal if bid by Corporation)

Date: _____

Business Address: P.O. Box 974 Haines

Telephone: 907-746-2949

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

STICKLER CONSTRUCTION COMPANY

PO BOX 974 HAINES AK 99827

owned by

STICKLER CONSTRUCTION COMPANY

is licensed by the department to conduct business for the period

October 19, 2012 through December 31, 2014
for the following line of business:

23 - Construction

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Susan K. Bell
Commissioner



(s) which
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ED. You
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approved
e full year
r less than

No. 26243

Effective: 12/21/2012

Expires: 12/31/2014

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

Certifies that

STICKLER CONSTRUCTION COMPANY

Is a Registered

General Contractor with Residential Contractor Endorsement

Endorsement: DAVID STICKLER RES 1821

Commissioner: Susan K. Bell

No. 1821

Effective: 12/21/2012

Expires: 12/31/2014

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

Certifies that

DAVID W STICKLER

Is a holder of this

RESIDENTIAL CONTRACTOR ENDORSEMENT

Assignment: STICKLER CONSTRUCTION COMPANY CON 26243

Commissioner: Susan K. Bell

2013

HAINES BOROUGH BUSINESS LICENSE

Expires March 1, 2014

This is to certify that the business named below has made application to do business in the Haines Borough, Alaska covering the calendar year January 1 to December 31, 2013, or fraction thereof.

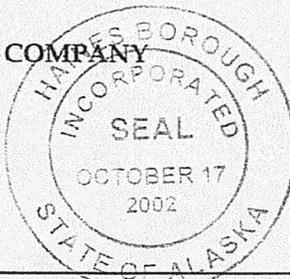
HBC Section 5.02.010

This license must be posted in a conspicuous place
at the business location.

It is not transferable or assignable.

Account # 284

STICKLER CONSTRUCTION COMPANY
BOX 974
HAINES, AK 99827



Julie Cozzi

Haines Borough Clerk

This license will automatically be renewed if business is current in all reports. This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State of Alaska or of the United States.

NOTE: BUSINESS REGISTRATION "LICENSE" IS RENEWED YEARLY;
REGISTRATION FEE IS BIENNIAL

BID FORM

Place: Haines, Alaska
Date: 2:00p.m., November 26, 2013
Project: Haines Gym Pool and Chilkat Center Doors & Haines Gym Mat Hoist
Project #: 13008

Bid of Handyman Services of Haines (hereinafter called the BIDDER), a corporation, organized and existing under the laws of the State of Alaska, a partnership or an individual doing business as Handyman Services of Haines, to the Haines Borough (hereinafter called the OWNER).

Bidders:

- A. The BIDDER, in compliance with your Invitation for Bids for the construction of the Project indicated above, having examined the plans and specifications with the related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby propose to furnish all labor, materials and supplies and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and for the price stated below.
- B. The BIDDER hereby agrees to commence work under the Contract on a date to be specified in the written Notice of Award of the Owner and to fully complete the Project within the time stipulated in the Contract Documents. The BIDDER further agrees to pay all applicable liquidated damages in the sums as set forth in the Contract Documents.
- C. The BIDDER acknowledges receipt of the following addenda:

ADDENDUM NO. 1 DATE 11/19/13

ADDENDUM NO. 2 DATE 11/29/13

ADDENDUM NO. 3 DATE 12/2/13

D. BASE BID AMOUNT item 1 Haines Gym Doors and Matt hoist (All work)

Sixty two thousand eight hundred Dollars \$ 62,800
(In words) (In figures)

E. BASE BID AMOUNT item 2 Haines Pool Doors (All work)

Sixteen thousand seven hundred Dollars \$ 16,700
(In words) (In figures)

F. BASE BID AMOUNT item 3 Chilkat Center Doors (All work)

twelve thousand nine hundred Dollars \$ 12,900
(In words) (In figures)

- G. The BIDDER understands that the Owner reserves the right to reject any or all bids and to waive any informalities or minor irregularities in the bidding process.
- H. Required submittals: The bidder is required to provide the following with the bid submittal: Fully executed Bid Form & Bid Bond; Copies of AK Business License, Haines Business License & Contractor License. Contractors and subcontractors must possess valid license and registration at time of bid opening.
- I. Prior to Contract Award and within the time specified in the Intent to Award letter, the Bidder agrees to provide the following: required proof of insurance, performance and payment bonds, and execute the formal Agreement between Owner and Contractor.
- J. The BIDDER certifies that it possesses the following valid license and registration and submits the corresponding numbers as evidence.
 Alaska Business License No.: 979154
 Contractor Registration (AS 08.18) No.: 38353
- K. Any protest to the award of this bid must be filed in accordance with Instructions to Bidders.
- L. To be considered a responsive bid, this Bid Proposal must be fully executed and accompanied by a bid security as described in the Instruction to Bidders in the amount of 5% of the bid. Utilize the Bid Bond form included in the Project Manual.

Respectfully Submitted,

Handyman Services of Haines

BY: 

Typed Name and Title: Dan DALLMANN

(Seal if bid by Corporation)

Date: 12/9/13

Business Address: Po Box 1206, Haines AK

Telephone: 907-303-0017

No. 38353

Effective: 10/05/2012

Expires: 12/31/2013

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

Certifies that

HANDYMAN SERVICES OF HAINES

Is a Registered
Specialty Contractor

Specialties: Concrete and Paving
Excavation

Commissioner: Susan K. Bell



Wallet Card

No. 38353		
State Of Alaska		
Department of Commerce, Community and Economic Development Division of Corporations, Business and Professional Licensing		
This Certifies That		
HANDYMAN SERVICES OF HAINES		
Is a Registered Specialty Contractor		
Effective 10/05/2012	Expiration 12/31/2013	Date of Birth 05/28/1941
Specialties: Concrete and Paving Excavation		
Signature _____		

Per 12 AAC 02.900 Licensee shall maintain a current mailing address on file with this division at all times.

If you wish to change specialties, upgrade to a general contractor with or without the endorsement a new application is required. Changes to the ownership of the contractor registration (incorporation, addition or deletion of a partner(s)) or a name change requires a new application.

Please note all Specialty Contractor licenses expire on December 31 of odd-numbered years regardless of the issue date.

Website: www.commerce.state.ak.us/occ/pcon.htm

CON

HANDYMAN SERVICES OF HAINES
17975 BLACKBIRD DRIVE
RENO NV 89508

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

HANDYMAN SERVICES OF HAINES

PO BOX 1266 HAINES AK 99827

owned by

ROY H DALLMANN

is licensed by the department to conduct business for the period

November 29, 2013 through December 31, 2015
for the following line of business:

81 - Services

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Susan K. Bell
Commissioner



2013
HAINES BOROUGH BUSINESS LICENSE

Expires March 1, 2014

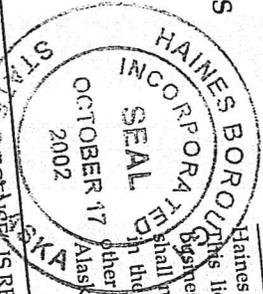
This is to certify that the business named below has made application to do business in the Haines Borough, Alaska covering the calendar year January 1 to December 31, 2013, or fraction thereof.

HBC Section 5.02.010

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Account # 1760

HANDY MAN SERVICES OF HAINES
DALLMAN, ROY/DAN DALLMAN
BOX 1266
HAINES, ALASKA 99827



Julie Coggi

Haines Borough Clerk
This license will automatically be renewed if business is current in all reports. This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State of Alaska or of the United States.

NOTE: BUSINESS REGISTRATION FEE IS BIENNIAL
REGISTRATION FEE IS BIENNIAL
BUSINESS REGISTRATION FEE IS RENEWED YEARLY.

From:

12/09/2013 14:00

#238 P.001/001



North Pacific Erectors, Inc.

General Contractor

PO Box 240748 Douglas, AK 99824-0748

Phone: 907-364-3288 Fax: 907-364-3464

Fax Cover Sheet

To: Haines Borough Attn: City Clerk

Date: December 9, 2013 Fax: 907-766-2716

From: Chris A. Gilberto Pages: 1 (Including Cover)

RE: Bid Modification- Haines Gym, Pool, & Chilkat Center Doors, & Haines Gym Mat Hoist

- Urgent For Review Please Comment Please Reply Please Recycle

Notes:

Please find our bid modification for the above referenced project.

Item 1	Haines Gym Doors and Mat Hoist	\$	(27,686)
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Deduct Twenty seven thousand six hundred eighty six and no/100 dollars

Item 2	Haines Pool Doors	\$	(32,166)
--------	-------------------	----	----------

Deduct Thirty two thousand one hundred sixty six and no/100 dollars

Item 3	Chilkat Center Doors	\$	(35,282)
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Deduct Thirty five thousand two hundred eighty two and no/100 dollars

Notes: Addendum #3 was issued after our bid was delivered to the Haines Borough office. Please note that we acknowledge all three addenda issued for this bid.

We acknowledge 3 addenda for this project.

Regards,

Chris A. Gilberto, Vice President

2013
HAINES BOROUGH BUSINESS LICENSE

Expires March 1, 2014

This is to certify that the business named below has made application to do business in the Haines Borough, Alaska covering the calendar year January 1 to December 31, 2013, or fraction thereof.

HBC Section 5.02.010
This license must be posted in a conspicuous place
at the business location.

It is not transferable or assignable.

Account # 12-04

NORTH PACIFIC ERECTORS, INC.
P.O. BOX 240748
DOUGLAS, AK. 99824



Julie Coggi

Haines Borough Clerk
This license will automatically be renewed if
business is current in all reports. This license
shall not be taken as permission to do business
in the state without having complied with the
other requirements of the laws of the State of
Alaska or of the United States.

NOTE: BUSINESS REGISTRATION "LICENSE" IS RENEWED YEARLY;
REGISTRATION FEE IS BIENNIAL

Alaska Business License # 274153

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

NORTH PACIFIC ERECTORS INC

PO BOX 240748 DOUGLAS AK 99824

owned by

NORTH PACIFIC ERECTORS INC

is licensed by the department to conduct business for the period

October 08, 2013 through December 31, 2015
for the following line of business:

23 - Construction

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Susan K. Bell
Commissioner



STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

Certifies that

NORTH PACIFIC ERECTORS, INC

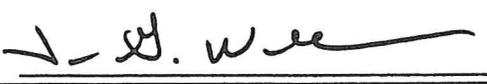
Is A Registered

General Contractor without Residential Contractor Endorsement

Commissioner: Susan K. Bell



Wallet Card

No. 26956		
State Of Alaska		
Department of Commerce, Community and Economic Development Division of Corporations, Business and Professional Licensing		
This Certifies That		
NORTH PACIFIC ERECTORS, INC		
Is A Registered		
General Contractor without Residential Contractor Endorsement		
Effective 11/29/2012	Expiration 12/31/2014	Date of Birth
Signature 		

Per 12 AAC 02.900 Licensee shall maintain a current mailing address on file with this Division at all times.

If you wish to change to a residential contractor or downgrade to a specialty contractor, a new application is required. Changes to the ownership of the contractor registration (incorporation, addition or deletion of a partner(s)) or a name change requires a new application.

Please note: all General Contractor licenses expire on December 31 of even-numbered years regardless of the issue date.

Website: www.commerce.state.ak.us/occ/pcon.htm

CON

NORTH PACIFIC ERECTORS, INC
PO BOX 240748
DOUGLAS AK 99824-0748

BID FORM

Place: Haines, Alaska
Date: 2:00p.m., November 26, 2013
Project: Haines Gym Pool and Chilkat Center Doors & Haines Gym Mat Hoist
Project #: 13008

Bid of North Pacific Erectors, Inc. (hereinafter called the BIDDER), a corporation, organized and existing under the laws of the State of Alaska, a partnership or an individual doing business as _____, to the Haines Borough (hereinafter called the OWNER).

Bidders:

A. The BIDDER, in compliance with your Invitation for Bids for the construction of the Project indicated above, having examined the plans and specifications with the related documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project, including the availability of materials and labor, hereby propose to furnish all labor, materials and supplies and to construct the Project in accordance with the Contract Documents, within the time set forth therein, and for the price stated below.

B. The BIDDER hereby agrees to commence work under the Contract on a date to be specified in the written Notice of Award of the Owner and to fully complete the Project within the time stipulated in the Contract Documents. The BIDDER further agrees to pay all applicable liquidated damages in the sums as set forth in the Contract Documents.

C. The BIDDER acknowledges receipt of the following addenda:

ADDENDUM 1 DATE 11/19/2013

ADDENDUM 2 DATE 11/29/2013

ADDENDUM _____ DATE _____

D. BASE BID AMOUNT item 1 Haines Gym Doors and Matt hoist (All work)

One Hundred thousand and no/100 Dollars \$ 100,000.00

(In words) (In figures)

E. BASE BID AMOUNT item 2 Haines Pool Doors (All work)

Fifty thousand and no/100 Dollars \$ 50,000.00

(In words) (In figures)

F. BASE BID AMOUNT item 3 Chilkat Center Doors (All work)

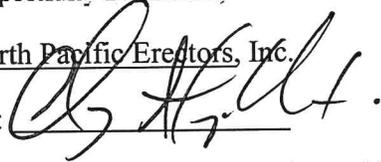
Fifty thousand and no/100 Dollars \$ 50,000.00

(In words) (In figures)

- G. The BIDDER understands that the Owner reserves the right to reject any or all bids and to waive any informalities or minor irregularities in the bidding process.
- H. Required submittals: The bidder is required to provide the following with the bid submittal: Fully executed Bid Form & Bid Bond; Copies of AK Business License, Haines Business License & Contractor License. Contractors and subcontractors must possess valid license and registration at time of bid opening.
- I. Prior to Contract Award and within the time specified in the Intent to Award letter, the Bidder agrees to provide the following: required proof of insurance, performance and payment bonds, and execute the formal Agreement between Owner and Contractor.
- J. The BIDDER certifies that it possesses the following valid license and registration and submits the corresponding numbers as evidence.

Alaska Business License No.:	274153
Contractor Registration (AS 08.18) No.:	26956
- K. Any protest to the award of this bid must be filed in accordance with Instructions to Bidders.
- L. To be considered a responsive bid, this Bid Proposal must be fully executed and accompanied by a bid security as described in the Instruction to Bidders in the amount of 5% of the bid. Utilize the Bid Bond form included in the Project Manual.

Respectfully Submitted,

North Pacific Erectors, Inc.
 BY: 

Typed Name and Title: Chris A. Gilberto, Vice President

(Seal if bid by Corporation)

Date: 12/02/13

Business Address: P.O. Box 240748 Douglas, AK 99824

Telephone: 907-364-3288

Krista Kielsmeier

From: Carlos Jimenez
Sent: Friday, January 03, 2014 2:16 PM
To: Krista Kielsmeier
Subject: RE: For next assembly meeting ...

Hi,

Maybe check with Michael Byer for a quick email saying that the school has the budget, which they do, for the work at the school (mat lift and gym doors) and part of the gym doors will be paid for with the remainder of the gym floor grant. The pool doors and CCA doors I'd like to use deferred maintenance on. Is that enough information for you?

Carlos

From: Krista Kielsmeier
Sent: Thursday, January 02, 2014 1:22 PM
To: Jila Stuart
Cc: Carlos Jimenez
Subject: For next assembly meeting ...

Is there any update on this? I have to add a "Whereas" to the resolution to explain funding.

- . **Resolution 14-01-5xx**
A Resolution of the Haines Borough Assembly xxx Award Haines Door Project to Henry Construction xxx. – **Waiting for Budget Review**

Krista Kielsmeier
Haines Borough
Administrative Assistant
Office: 907-766-2231 ext. 28

Krista Kielsmeier

From: Krista Kielsmeier
Sent: Monday, January 06, 2014 1:32 PM
To: 'mbyer'; Jila Stuart; Carlos Jimenez
Subject: Mat Hoist/Gym Doors Project

Here is an update on the funding for the Haines Gym, Pool, & Chilkat Center Doors and Haines Gym Mat Hoist project:

Henry Construction bid \$63,000 for the Haines Gym Doors and Mat Hoist portion. The school district budgeted \$50,000 for the mat hoist and has \$41,090 remaining, after allocating some money on design. The district also has \$8,482 for the doors, for a total of \$49,572.

As of our most recent grant report for the high school gym renovation, through 9/30/13, the borough had \$11,983.72 remaining in that grant. That means we are at least \$1,444.28 short, but might be a few hundred dollars more once staff time from the last quarter is figured in. Michael said the district will make up the difference with money from its facilities fund.

Thank you,

Krista Kielsmeier
Haines Borough
Administrative Assistant
Office: 907-766-2231 ext. 28



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-411

Assembly Meeting Date: 1/14/14

Business Item Description:		Attachments:
Subject: Authorize Disposal of Five Surplus Vehicles	Originator: Director of Public Facilities (Agenda Bill by Clerk's Office)	1. Resolution 14-01-529 2. E-mail from Borough Mechanic declaring surplus approximate value
Originating Department: Public Facilities	Date Submitted: 1/9/14	

Full Title/Motion:
Motion: Adopt Resolution 14-01-529.

Administrative Recommendation:
The Interim Borough Manager recommends adoption of this resolution.

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 Director of Public Facilities has recommended five Borough vehicles to be declared surplus. These vehicles include a 1981 Ford F-250; a 1996 Dodge Dakota; two 1998 Ford Explorers; and a 2002 Dodge Durango. Borough Code 14.24.010 (Disposal of personal property) states the borough assembly shall, by resolution, determine which method or methods shall be used to dispose of personal property valued between \$1,000 and \$25,000. This resolution will authorize the Borough Manager to dispose of the surplus vehicles and determine which method or methods shall be used in their disposal.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of five surplus vehicles by any of the methods specified in Haines Borough Code 14.24.010 (Disposal of personal property).

WHEREAS, the Director of Public Facilities has recommended five Borough vehicles to be declared surplus; and

WHEREAS, these vehicles include a 1981 Ford F-250; a 1996 Dodge Dakota; two 1998 Ford Explorers; and a 2002 Dodge Durango; and

WHEREAS, Haines Borough Code 14.24.010 (Disposal of personal property) states the borough assembly shall, by resolution, determine which method or methods shall be used to dispose of personal property valued between \$1,000 and \$25,000; and

WHEREAS, Code states personal property not authorized for abandonment, destruction, sale, or recycling by the manager and no longer needed for municipal purposes shall be disposed of in one or more of the following means: by public outcry auction to the highest bidder; by public sealed bid auction to the highest bidder; to the best qualified proposer who responds to a request for proposals to acquire the property; by sale or transfer to an educational, religious, charitable or nonprofit association or corporation providing service to residents of Haines; or by sale or transfer to the United States, the state of Alaska or an Alaska municipal corporation or any agency or department thereof,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to dispose of five surplus vehicles by any of the methods specified in Haines Borough Code 14.24.010 (Disposal of personal property).

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2014.

Stephanie Scott, Borough Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk

Krista Kielsmeier

Subject: RE: sell rigs

From: Jonathan Sheets
Sent: Tuesday, January 07, 2014 3:00 PM
To: Krista Kielsmeier
Subject: RE: sell rigs

Krista, Here is a list of the Vehicles, MB is Minimum Bid, KBB is Kelly Blue Book values. I think they are high but it gives us an idea.

1998 Ford Explorer plate # xxy 414 VIN# 1FMZV34XXWVD460072 Miles 94K MB \$750 KBB \$1280 Fair 1880 excellent
1998 Ford Explorer plate # xxx404 VIN# 1FMZV34XXWVD460073 Miles 98K MB 750 KBB \$1280 Fair 1880 excellent
1996 Dodge Dakota plate # ??? VIN# 1BFL26X3TS609657 Miles 43K MB\$ 250 KBB \$3437 Fair 4103 Excellent
2002 Dodge Durango plate #411 VIN# 1B4HS28N3YF131275 Miles 86K MB \$500 KBB \$3131 Fair 3881 Excellent
1981 Ford f250 plate # xxm 244 \$250 too old to get a KBB

Trailer plate #??? \$250

Regards,

Jonathan Sheets

Haines Borough Mechanic

mechanic@haines.ak.us

Office 907-766-2282

Fax 907-766-2284



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-413
Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Authorize Cooperative Road Agreement with the Chilkoot Indian Association	1. Resolution 14-01-530 2. Cooperative Road Agreement Draft 3. Draft Resolution from CIA 4. Eligibility Information 5. Explanatory e-mail
Originator: Director of Public Facilities (Agenda Bill by Clerk's Office)	
Originating Department: Public Facilities	
Date Submitted: 1/9/14	

Full Title/Motion:
Motion: Adopt Resolution 14-01-530.

Administrative Recommendation:
The Interim Borough Manager recommends adoption of this resolution.

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. : Objective 2C, Page 57	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Summary Statement:
The Chilkoot Indian Association (Tribe) has prepared a draft Cooperative Road Agreement that identifies certain roads as priorities and has designated those roads as construction and maintenance needs eligible for funding as part of the Tribal Transportation Program (TTP) Inventory. A Cooperative Road Agreement between the Haines Borough and the Tribe will allow the Tribe to spend TTP funds on these roads. This resolution would authorize the Borough Manager to enter into a Cooperative Road Agreement with the Tribe.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a Cooperative Road Agreement with the Chilkoot Indian Association.

WHEREAS, improvements to platted Haines Borough roads are priorities to both the Chilkoot Indian Association (Tribe) and the Borough because they provide access to housing; connect population centers; promote development of natural resources and contribute to economic development; improve access to subsistence and traditional activities; improve access to employment locations; improve tourism capacity; improve access to the docks; improve access to the airport and the ferry system; contribute to law and order and provide access to schools and clinics; and provide access for emergency services; and

WHEREAS, the Tribe has prepared a draft Cooperative Road Agreement that identifies certain roads as priorities and has designated those roads as construction and maintenance needs eligible for funding as part of the Tribal Transportation Program (TTP) Inventory; and

WHEREAS, a Cooperative Road Agreement between the Haines Borough and the Tribe will allow the Tribe to spend TTP Funds on these roads,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to enter into a Cooperative Road Agreement with the Chilkoot Indian Association.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2014.

Stephanie Scott, Borough Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk



P.O. Box 470 Haines, Alaska 99827 907-766-2323

DRAFT COOPERATIVE ROAD AGREEMENT CHILKOOT INDIAN ASSOCIATION AND HAINES BOROUGH, ALASKA

THIS ROAD, TRAIL, AND TRANSPORTATION FACILITY AGREEMENT is made and entered into by and between the HAINES BOROUGH, Alaska hereinafter referred to as the *Borough*; the CHILKOOT INDIAN ASSOCIATION, hereinafter referred to as the *CIA*.

Purpose:

The purpose of this agreement is to set forth the general terms and conditions, acceptable to the parties hereto, for the cooperative planning, survey, design, construction, reconstruction, improvement, and maintenance of certain development roads, trails, and transportation facilities, identified in Schedule A.

The term "*Tribal Transportation Road*" means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups or communities in which Indians and Alaskan Natives reside, whom the secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians. The term "*public road*" means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Recognizing that substantial benefits will accrue to the Nation, to the State, and to the *Borough* from construction, reconstruction, improvement, maintenance, and use of certain "*Tribal Transportation Roads*" and roads on the *public road, trail system, or transportation facilities*, over which one of the *CIA* or the *Borough* has jurisdiction or management authorities, and further that such roads carry substantial volumes of public service traffic, and further that the *CIA* has road and trail construction, reconstruction, improvement, and maintenance, capabilities available to assist in the accomplishment of the work, it is accordingly deemed fitting and desirable to the parties hereto to express, by this instrument, the general terms of their mutual cooperation in that regard to achieve the maximum benefits there from in the public interest.

The term "*road*" as used throughout this agreement refers to the roads, trails, highways, associated terminal facilities, or segments thereof, within the Haines Borough and identified in the attached Schedule A.

A. Intent to Cooperate

It is the intention of the parties under this agreement to cooperate as follows:

1. Agree that certain roads, under the jurisdiction or management authorities of the *CIA* or the *Borough* and also carry traffic that is properly the responsibility of the *Borough* or the *CIA*, should be maintained and, if necessary, improved to a standard adequate to accommodate safely and economically, all traffic, which uses such roads.
2. Agree on the functional identification of roads or road segments, which meet the criteria in item “1” above, by listing and appropriate maps.
3. Provide for formal meetings and informal consultation on a regular basis to discuss and agree on action with respect to the roads identified pursuant to item “2”.
4. Provide for regular and adequate maintenance of the roads identified in item “2”, including the assignment of maintenance responsibilities. Such assignment details are found in an annual Maintenance Task Agreement.
5. Provide for entering into Project Agreements when improvements of a road under the jurisdiction of one party is to be financed in whole or in part from funds or resources provided by the other party; or that one party will provide work or make improvements on a road under the jurisdiction of the other party.
6. Provide for appropriate jurisdictional status of roads through transfer of easements and acquisition of easements by the by the appropriate party; or by joint cooperative work with other parties.

B. Identification of Roads

A list of roads and segments of roads, which meet the intent of the cited authorities and the criteria, set forth in item A.1. above is agreed upon and is marked “Schedule A” and attached as part of this agreement. Schedule A may be modified from time to time by agreement between the *CIA* and the *Borough*, by adding or removing roads or road segments, or by altering the description of a road or road segments, to give it proper identity. Each such modification shall be indicated by revised Schedule A bearing the signatures of the parties or their authorized representatives and the effective date of the revision.

C. Maintenance Task Agreements

At the annual meeting provided for in item H, agreements for maintaining the roads listed in Schedule A shall be agreed upon. Such plans shall include assignment of responsibility for maintenance or particular elements of maintenance to the *CIA* or *Borough* for each road or segment of road listed in Schedule A. To the extent practical, and subject to availability of funds, responsibility for maintenance shall be assigned in proportion to use for which each party is properly responsible.

Maintenance shall include preserving and keeping the roads, including structures and related facilities, as nearly as possible in their original condition as constructed or reconstructed to provide satisfactory and safe service. These details will be part of that season’s Maintenance Task

Agreement. Maintenance activities covered under this agreement are listed in Schedule B, a copy of the Code of Federal Regulations Appendix A to Subpart G. Maintenance Task Agreements shall provide for prompt changes in maintenance assignments during the period of the plan upon the agreement by the parties or their designated representatives.

D. Project Agreements (Road Construction or Reconstruction)

When improvement of a road listed in Schedule A is to be financed in whole or in part from funds or resources provided by the party not having jurisdiction or management authorities, the parties shall enter into a Project Agreement providing for performing improvement of a road or a road segment over which the party performing and financing such improvement has jurisdiction.

Project Agreements shall be supplements to this general agreement and subject to the agreements, provisions, and conditions herein contained. If funds are provided by the *Borough* for work to be performed by the *CIA*, the arrangements shall be set forth in the Project Agreement. Payments to the *CIA* shall be made as provided for in the Project Agreement.

1. A Project Agreement shall be entered into prior to beginning of the improvement or construction work for which a Project Agreement is required.
2. The Project Agreement shall include the following elements:
 - a. Identification of road or road segment to be improved or constructed;
 - b. Plans and specifications for the project or provision for their development and subsequent agreement thereon;
 - c. Schedule of construction or improvement work and designation of the party or parties to perform the work;
 - d. Estimates of the cost of improvement or construction; and
 - e. Agreement as to how cost of work is to be borne, including arrangements to share in the work or to deposit funds, with the performing party for share of the costs; and
 - f. Project closure certification as stipulated by FHWA
3. If the *CIA* on an advance basis provides funds for work to be performed by the *Borough*, they shall be deposited in the *Borough's* Financial Institution. Any unused balance of cooperative funds for the purposes outlined in the project agreement shall be returned to the *CIA* to the project unless changed by bilaterally signed modification of the Project Agreement.
4. If funds are provided by the *Borough* for work to be performed by the *CIA*, the arrangements shall be set forth in the Project Agreement. Payments to the *CIA* shall be made as provided for in the Project Agreement. If it appears that the project cost may exceed the estimate and additional funds may be needed, no obligation shall arise against the *Borough* with respect to the increased cost except by modification of the Project Agreement prior to incurring any commitment.

E. SAFETEA-LU Specific Provisions

CIA will secure and administer funds for this project out of its SAFETEA-LU Tribal Transportation Roads Program funds (Title 23 and Title 25). *CIA* shall administer these funds in accordance with the Tribal Transportation Roads Program Regulations (25 CFR Part 170) and the Indian Self-

Determination and Education Assistance Act Amendments; (25 CFR Part 900 or Part 1000).

Section 6002 of SAFETEAU-LU contains provisions that limit Lead Agency designation for environmental reviews and accordingly decisions concerning funds appropriated under 23 USC authorities to the Department of Transportation or designated agencies such as the Bureau of Indian Affairs. The *Borough* may choose to perform environmental reviews per Section 6002 as Joint Lead Agency, but must provide the complete record to either the BIA or Federal Highway Administration Division for a decision concerning work authorized under SAFETEAU-LU. The environmental analysis performed will be according to the regulations and policy of the Lead Federal Agency as defined in 23 USC.

F. FHWA Environmental Decisions and Oversight

The *FHWA* has authorities under Title 23 and Title 25 for programs associated with the Tribal Transportation Road Program, and the Indian Self-Determination and Education Assistance Act Amendments and implementing regulations. The *FHWA* also has environmental review decision authorities for work that is funded with the Tribal Transportation Road Program.

The *FHWA (Western Federal Lands)* will provide program oversight associated with its authorities under this Agreement as well as reviewing environmental analysis planning records providing environmental review decisions to assure compliance with SAFETEAU-LU provisions.

G. Rights-of-Way

Easements or other interests in land acquired by either party shall be adequate to serve the road needs of both parties. The party having jurisdiction or management authority of an existing road or intended to have jurisdiction of a road to be constructed shall obtain the needed rights-of-way in its name. There shall be no provisions in any easement document that will prevent the *Borough* from using or authorizing the use of roads for which federal funds were expended. The *CIA* must be in a position to assure the *Borough* the continuance of such uses for the period needed. The party acquiring the easement or other interest in land shall obtain such title evidence and title approval as required in its acquisitions for roads of comparable standards. The cost of such easements or other interests in land are to be at the expense of the acquiring party.

The *Borough* shall cooperate in the procurement of rights-of-way land administered by other agencies of the United States required for any project included under this agreement and shall furnish the *CIA* copies of survey notes, maps, and other records.

To the extent possible under an available authority, each party agrees to convey easements over lands or interests in lands it owns or administers to the other party in order to provide jurisdiction by the appropriate party as may be agreed to for any road or road segment listed on Schedule A.

H. Annual Meeting and Continuing Consultation

The *CIA and Borough* shall meet at least once near the first of the calendar year to review matters covered by this agreement and to agree on actions to implement this agreement including, but not limited to, approval of:

1. Changes in the listing of roads on Schedule A;
2. The annual Maintenance Task Agreement;
3. Project Agreements for construction or reconstruction; and
4. Transfer of jurisdiction of particular roads by easement conveyance.

It is also the intent of the parties to arrange for continuing consultation between their representatives with objective of reaching prompt agreement by the parties on all matters of mutual concern, which covered by this agreement. The *Borough Manager*, and the *CIA Tribal Administrator*, shall be responsible for making the arrangements for formal meetings and continuing consultation.

I. Modifications and Termination

1. This agreement may be modified by mutual content.
2. This agreement may be terminated by either party upon at least 90 days prior written notice, except that such termination shall in no way affect or change any commitment made authorizing the use of roads or rights-of-way for purposes for which Federal funds were expended, or any operation in progress at time of notice, and provided that such termination shall in no way affect the agreement of the parties hereto with respect to any obligations incurred under the agreement until a full settlement has been made.
3. This agreement is entered into as of the date of last signature and shall be in effect until December 31, 2014, unless sooner terminated, at which time it shall be subject to review and renewal or expiration.

J. Miscellaneous

1. It is understood that any default by a permittee or other authorized road user creates no liability on the part of the *Borough* or the *CIA*.
2. Nothing herein contained shall be construed to obligate the *Borough* or the *CIA* beyond the extent of available funds allocated or programmed for this work, or contrary to applicable laws, rules, and regulations.
3. Where applicable, any contact, agreement, or understanding entered into pursuant to this agreement providing for work to be performed shall include the requirements of Federal laws, Executive orders, and Regulations.
4. Principal Contacts:

CHILKOOT INDIAN ASSOCIATION	HAINES BOROUGH
Tribal Administrator	Manager
P.O. Box 490	P.O. Box 1209
Haines, AK 99827	Haines, AK 99827
907-766-2323	907-766-2231

SCHEDULE A - (note: this contains the entire *CIA* Tribal Transportation Road Inventory, which contains *Borough* rights-of-way within the Townsite Area. A complete map set of these roads will be kept by the *CIA* and be accessible to the *Borough*)

<u>Route</u>	<u>Name</u>
1	Chilkoot Street
2	L'Koot Drive
3	Haines Highway Sec 10-30
5	Eagle Bluff Drive
6	Tsirku Spur Road
23	Mount Ripinsky Ridge Trail
24	Shakuseyi Creek Trail
25	Chilkoot Road, Upper
26	Chilkoot River Road
27	Lutak Inlet Road
28	Lutak Highway
29	Second Ave - Union Street
30	Beach Road - Main Street
31	Third Avenue - Young Road
32	First Avenue - Mission Street - Third Avenue
33	Deishu Drive
34	Second Avenue
35	FAA Road
36	Front Street - Beach Road
37	Battery Point Trail

38	Mount Riley Trail
39	Mud Bay Road
40	Small Tracts Road
41	Chilkat State Park Road
42	Seduction Point Trail
43	Chilkoot Cultural Interpretive Trail
44	Sawmill Road
47	Anway Road
48	Barnett Drive
49	Bartlett Boulevard
50	Battle Road
51	Bjornstad Drive
52	Blacksmith Street
53	Cathedral View Drive
54	Chilkat Trails Road
55	Comstock Road
56	Cox Street
57	Dalton Street
58	Dalton - Union Alley
59	Dolphin Street
60	Fair Drive - West
61	Fair Drive
62	Fifth Avenue
63	Fort Seward Drive

64	Fourth Avenue
65	Gruening Drive
67	Haven Court
68	Helms Loop
69	Highland Drive
70	Hooter Lane
71	Jones Point Road
72	Kathleen Drive
73	Lynnvue Drive duplicate
74	Major Road
75	Mathias Avenue
76	Matrix Drive
77	McPhetres Road
78	Menaker Road
79	Moose Lane
80	Mt. Riley Road
81	Muncaster Road
82	Myra Lane
83	New Hart Road
84	North Sawmill Road
85	Oceanview Drive
86	Old Hart Road
87	Oslund Drive
88	Otter Street

89	Piedad Road
90	Portage Street
91	Quartermaster Alley
92	Raven Road
93	River Road
94	Rivers Street
95	Sixth Avenue
96	Skyline Drive
97	Spruce Grove Road
98	Sunshine Street
99	Theater Drive
100	Totem Street
101	Tower Road
102	Vermiere Street
103	View Street
104	Willard Street
114	Wolf Way
115	West Side Highway
200	Deer Street
201	Stony Creek Spur
202	Stony Creek Road
203	Cannery Road
204	Ballard Drive
205	Hillside Loop

206	Boardwalk Lane
207	Muskeg Drive
208	Kicking Horse Drive
209	Crevasse Road
210	Lakes Avenue
211	Yakuam Road
212	Hoonah Road
213	Neva Lake Road
214	Coho Street
215	North Creek Road
216	Bunkhouse Loop
217	Harbor Drive
218	North Creek Spur
219	North Excursion Drive
220	Herring Road
221	Steller Street
222	Goose Lane
223	Scoter Street
224	Tern Court
225	Sculpin Street
226	Steelhead Street
227	Beluga Street
228	Bowhead Street
229	Humpback Road

230	Owl Street
231	Grouse Court
232	Gull Street
233	Loon Street
234	Sandpiper Court
235	Plover Court
236	Ptarmigan Street
237	Puffin Court
238	Lily Lake Road
239	Straight Street
240	Crane Street
241	Chinook Street
242	Cormorant Drive
243	Raven Drive
244	Nadahani Trail Road
245	Spring Road
246	Juneau Road
247	McRae Road
248	Charles Road
249	Henderson Road
251	North Lutak Road
252	Ferebee Street
253	Taiya Street
254	Industrial Drive

255	Waters Avenue
256	Commercial Avenue
257	Tanani Spur
258	Barracks Drive
259	Inlet Trail Road
260	Loop Trail Road
261	Alder Trail Road
262	North Trail Road
263	Spruce Trail Road
264	South Trail Road
266	Haines Railway
267	Corinna Avenue
268	Seventh Avenue
269	Chestnut Drive
270	Maple Lane
271	Dalton-Union Alley
272	Dalton-Main Alley
273	View-Union Alley, west portion
275	View-Union Alley, east portion
276	Union Street, east portion
277	First Avenue, North
278	Mathias Avenue, west portion
279	Mathias-Barnett Alley
280	Barnett Drive, east portion

281	Johnson Street
282	Bjornstad Drive, east portion
283	Muncaster Drive
284	Highland Drive, east portion
285	Bjornstad Drive, west portion
286	Barnett Drive, west portion
287	Mission-Willard Alley
288	Second-Third Alley
289	Second-First Avenue Alley
290	First Avenue South
291	Bald Eagle Alley
292	Post Office Alley
293	Camper Street
294	Cox-Camper Alley
295	Municipal Alley
296	Warren Road
297	Bartlett Boulevard, north portion
298	Tower Alley
299	Mud Bay Alley
300	Small Tracts Alley
301	Kathleen Drive West
302	Hemlock Alley
303	Battle Alley
304	Fort Alley

305	Rivers Street, west portion
306	Willard Alley
307	Mathias Avenue, west portion
308	Hooter Lane, east portion
309	Comstock Road, west portion
310	Western Avenue
311	Alder Court
312	FAA Road, south portion
313	Bear Trails Lane
314	Hyatt Drive
315	Letnikof Drive
316	Viewpoint Drive
317	Inlet Drive
318	Ridge Road
319	Heinmiller Way
320	Peninsula Court
321	Carl Lane
322	Rainbow Camp Road
323	Lee Court
324	Conifer Road
325	Alder Court
326	Aspen Court
327	Spruce Court
328	Hemlock Court

329	Park Spur Road
330	Hargus Road
331	Louie Road
332	Hazel Road
333	Homestead Street
334	Squirrel Street
335	Rabbit Street
336	Otter Street
337	Moose Street
338	Fox Street
339	Deer Street
340	Bear Street
341	Weasel Way
342	Wolf Way
343	Icy Strait Drive
344	Cove Street
345	Chilkoot Drive
346	Lindholm Way
347	Myra Lane, west portion
348	Theater Drive, east portion
349	View Street, east portion
350	Cottonwood Court
351	Maple Court
352	Spruce Spur

353	Birch Court
354	Fair Drive South
355	Fifth Avenue, north portion
356	Fifth Avenue, south portion
357	North Sawmill Road
358	Sixth Avenue, north portio
359	Sixth Avenue, south portion
360	View Street, west portion
361	Delta Street
362	Cabin Road
363	Chilkoot Construction Drive

SCHEDULE B

The following activities are eligible for BIA Transportation Facility Maintenance Program. The list is not all-inclusive.

1. Cleaning and repairing ditches and culverts.
2. Stabilizing, removing, and controlling slides, drift sand, mud, ice, snow, and other impediments.
3. Adding additional culverts to prevent roadway and adjoining property damage.
4. Repairing, replacing or installing traffic control devices, guardrails and other features necessary to control traffic and protect the road and the traveling public.
5. Removing roadway hazards.
6. Repairing or developing stable road embankments.
7. Repairing parking facilities and appurtenances such as striping, lights, curbs, etc.
8. Repairing transit facilities and appurtenances such as bus shelters, striping, sidewalks, etc.
9. Training maintenance personnel.
10. Administering the BIA Transportation Facility Maintenance Program.
11. Performing environmental/archeological mitigation associated with transportation facility maintenance.
12. Leasing, renting, or purchasing of maintenance equipment.
13. Paying utilities cost for roadway lighting and traffic signals.
14. Purchasing maintenance materials.
15. Developing, implementing, and maintaining an IRR Transportation Facility Maintenance Management System (TFMMS).
16. Performing pavement maintenance such as pot hole patching, crack sealing, chip sealing, surface rejuvenation, and thin overlays (less than 1 inch).
17. Performing erosion control.
18. Controlling roadway dust.

19. Re-graveling roads.
20. Controlling vegetation through mowing, noxious weed control, trimming, etc.
21. Making bridge repairs.
22. Paying the cost of closing of transportation facilities due to safety or other concerns.
23. Maintaining airport runways, heliport pads, and their public access roads.
24. Maintaining and operating BIA public ferry boats.
25. Making highway alignment changes for safety reasons. These changes require prior notice to the Secretary.
26. Making temporary highway alignment or relocation changes for emergency reasons.
27. Maintaining other IRR intermodal transportation facilities provided that there is a properly executed agreement with the owning public authority within available funding.

Resolution language for CIA-HB project/maintenance agreements

By and between the Haines Borough, hereinafter designated *Borough*, and the Chilkoot Indian Association, hereinafter designated *Tribe*.

WHEREAS, improvements to platted Haines Borough roads are priorities to both the *Tribe* and the *Borough* because they provide access to housing, connect population centers, promote development of natural resources and contribute to economic development, improve access to subsistence and traditional activities, improve access to employment locations, improve tourism capacity, improve access to the docks, improve access to the airport and the ferry system, contribute to law and order and provide access to schools and clinics, and provide access for emergency services,

And WHEREAS, the *Tribe* has identified the above mentioned roads as priority routes and has designated the above mentioned roads as construction and maintenance needs eligible for funding as part of the of the Tribal Transportation Program (TTP) Inventory,

And WHEREAS, improvements and maintenance to the above mentioned roads will benefit the *Tribe* and the *Borough* because of the reasons mentioned in the second paragraph above,

NOW THEREFORE, all parties agree that:

- A. They will enter into Cooperative Road Agreement to apply funding sources to road construction projects and maintenance within the Borough.
- B. When and if adequate funding for needed improvements becomes available, both *Tribe* and *Borough* will consider cooperatively applying funding toward needed improvements to the above mentioned roads. Funding will be applied as agreed upon in separate, specific agreements for each project or maintenance activity. Affected roads will be listed in the Tribal Long Range Transportation Plan and Transportation Improvement Plans and also the Borough's Capital Improvement Plan.
- C. The *Tribe* and the *Borough* will enter into separate Project Agreements or Maintenance Task Agreements applicable to each separate project or maintenance task and described in the corresponding Master Road Agreement between the *Tribe* and the *Borough*, dated XXXXX. Each separate agreement will hold specifics for pertinent elements of each task or project.
- D. When needed improvements/maintenance to the above mentioned roads are completed, the *Borough* will continue to be responsible for maintenance of the above mentioned roads. Moreover, these roads will continue to be open to the public unless the roads meet the definition of 25 CFR 170.120, 170.121, and 170.122. Requirement – 23 USC 116 (a) (b), Appendix C to Subpart C, Question 10 (3), 170.443 (d).
- E. This agreement is binding upon the signatories hereto not as individuals, but solely in their capacities as officials of their respective organizations, and acknowledges proper action of the *Borough* and *Tribe* to enter into the same.
- F. This agreement will become effective as of the latest date written below.

Chilkoot Indian Association

By: _____
Tribal President

Date _____

Haines Borough

By: _____
Haines Borough Manager

Date _____

The following items would be eligible for the Chilkoot Indian Association fund and perform under a Cooperative Road Agreement with the Haines Borough.

The following activities are eligible for BIA Transportation Facility Maintenance Program. The list is not all-inclusive.

1. Cleaning and repairing ditches and culverts.
2. Stabilizing, removing, and controlling slides, drift sand, mud, ice, snow, and other impediments.
3. Adding additional culverts to prevent roadway and adjoining property damage.
4. Repairing, replacing or installing traffic control devices, guardrails and other features necessary to control traffic and protect the road and the traveling public.
5. Removing roadway hazards.
6. Repairing or developing stable road embankments.
7. Repairing parking facilities and appurtenances such as striping, lights, curbs, etc.
8. Repairing transit facilities and appurtenances such as bus shelters, striping, sidewalks, etc.
9. Training maintenance personnel.
10. Administering the BIA Transportation Facility Maintenance Program.
11. Performing environmental/archeological mitigation associated with transportation facility maintenance.
12. Leasing, renting, or purchasing of maintenance equipment.
13. Paying utilities cost for roadway lighting and traffic signals.
14. Purchasing maintenance materials.
15. Developing, implementing, and maintaining an IRR Transportation Facility Maintenance Management System (TFMMS).
16. Performing pavement maintenance such as pot hole patching, crack sealing, chip sealing, surface rejuvenation, and thin overlays (less than 1 inch).
17. Performing erosion control.

18. Controlling roadway dust.
19. Re-graveling roads.
20. Controlling vegetation through mowing, noxious weed control, trimming, etc.
21. Making bridge repairs.
22. Paying the cost of closing of transportation facilities due to safety or other concerns.
23. Maintaining airport runways, heliport pads, and their public access roads.
24. Maintaining and operating BIA public ferry boats.
25. Making highway alignment changes for safety reasons. These changes require prior notice to the Secretary.
26. Making temporary highway alignment or relocation changes for emergency reasons.
27. Maintaining other IRR intermodal transportation facilities provided that there is a properly executed agreement with the owning public authority within available funding.

Krista Kielsmeier

From: Carlos Jimenez
Sent: Monday, December 02, 2013 11:26 AM
To: Michelle Webb; Krista Kielsmeier
Subject: FW: Emailing: CIA-HB Master Road Agreement draft 10-30-13
Attachments: CIA-HB Master Road Agreement draft 10-30-13.doc; overall maint resolution language 10-30-13.doc

-----Original Message-----

From: Scott Hansen [<mailto:shansen@chilkoot-nsn.gov>]
Sent: Wednesday, October 30, 2013 3:27 PM
To: Carlos Jimenez
Cc: Dave Berry
Subject: Emailing: CIA-HB Master Road Agreement draft 10-30-13

Carlos -

Two documents:

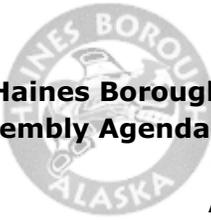
1. draft "master" agreement, a document setting the stage for the Borough and CIA to embark on Projects or Maintenance. Within this agreement is the provision for Project or Maintenance agreements, which are specific to each project/maintenance commitment.

An agreement such as this is currently in operation in Petersburg. Susan Harai at Petersburg Indian Association forwarded me these documents and could speak to their effectiveness or direct you to someone more involved than herself. I invite the Borough to propose appropriate "hold harmless" language to the "master" agreement - everybody is comfortable with their own...

2. Resolution-style language showing the Borough Assembly the Tribe's motivation.

Next step: create a Maintenance Task Agreement after sitting down with staff. This document will specify exactly which maintenance tasks to which we want to commit and performance expectations/limitations. This would cover who pays for fuel, where they go, when the job is done, etc. I recommend having this agreement, with its details, ready for the Assembly packet - I expect they'll have very specific questions.

scott



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-410

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Support Appropriating \$3 Billion from Constitutional Budget Reserve into AK Retirement Trust Funds in 2015	1. Resolution 14-01-531 2. Explanatory e-mail from Alaska Municipal League
Originator: Mayor	
Originating Department: Administration	
Date Submitted: 1/9/14	

Full Title/Motion:
 Motion: Adopt Resolution 14-01-531.

Administrative Recommendation:
 The Interim Borough Manager recommends adoption of this resolution.

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:

Kathie Wasserman, executive director of the Alaska Municipal League, on 12/18/13 e-mailed the Borough a resolution draft to support Governor Parnell's proposal to appropriate \$3 billion from the Constitutional budget reserve into the Alaska Retirement Trust Funds in 2015. According to Wasserman, "The Governor's proposal has one downside for municipalities in that it will extend the period in which municipalities must pay the 22% ... by approximately 5 years. However, the status quo is totally unsustainable for the state, so this appears to be a fair compromise." If this resolution is adopted, the Borough will forward it to AML and the Governor's office. AML will collect resolutions from various municipalities and deliver them to the Legislature at the beginning of session. Borough administration is in support of this resolution.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

A Resolution of the Haines Borough Assembly expressing support for Governor Parnell's proposal to appropriate \$3 billion from the Constitutional budget reserve into the Alaska Retirement Trust Funds in 2015.

WHEREAS, the combined unfunded liability of Alaska's Public Employee's Retirement System (PERS) and Teacher's Retirement System (TRS) is \$11.8 billion at June 30, 2012; and

WHEREAS, the funded ratio of PERS is 61.3 percent and TRS is 52.1 percent at June 30, 2012; and

WHEREAS, the Governor has identified the State's unfunded pension liability as Alaska's biggest budget driver, with annual State Assistance payments expected to exceed \$1 billion per year without a substantial cash infusion directly into the retirement trust funds; and

WHEREAS, State Assistance payments on behalf of municipalities provide significant rate relief to local taxpayers, provide budget predictability and stability to local governments, and are crucial to the financial health of Alaska's municipalities and school districts; and

WHEREAS, Governor Parnell's plan is in the best interests of the retirement systems, the State of Alaska and its municipalities by honoring Alaska's constitutional obligations, reducing annual state assistance contributions to a more predictable and sustainable \$500 million per year, increasing the funded status of the PERS and TRS by 10 percent, honoring the State's previous commitment to pay employer contribution rates in excess of 22 percent, allowing for future interest earnings to offset future contribution requirements, reducing pressure on future State and local government budgets, strengthening the credit rating of the State of Alaska and its municipalities, increasing future flexibility at a time when oil production is anticipated to decline, and solving the problem now when reserves are available rather than passing the problem to future generations of Alaskans,

NOW, THEREFORE, BE IT RESOLVED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. The Haines Borough Assembly expresses support for Governor Parnell's proposed transfer of \$3 billion from the State's Constitutional Budget Reserve directly into the retirement trust funds.

Section 2. The Haines Borough Assembly expresses concern for any proposal to place the proposed \$3 billion into a Reserve Fund rather than directly into the retirement trust funds. The purpose of a Reserve Fund is to provide future flexibility to allow monies to be used for purposes other than the provision of pension benefits. The existence of the Reserve Fund gives a potentially false assurance that funded levels of the retirement trust funds are adequate to pay pension benefits, thereby reducing required employer contributions into the system. Future tapping of the Reserve Fund however, would significantly exacerbate the unfunded liability at a time when Alaska has diminished flexibility to address the problem due to lower oil production and likely lower reserves.

Section 3. The Haines Borough Assembly expresses support for the Governor's proposal to continue to provide \$500 million per year in State Assistance payments on behalf of municipalities and school districts. State Assistance payments should not be further

Haines Borough
Resolution No. 14-01-531
Page 2 of 2

diminished. Any further reduction in State Assistance necessarily extends the amortization of the unfunded liability, resulting in local governments and school districts having to pay the 22 percent (PERS) and 12.56 percent (TRS) employer contribution rate for many more years than they otherwise would, and significantly shifting costs from the State to its municipalities.

Section 4. This resolution shall take effect immediately upon adoption.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2014.

Stephanie Scott, Borough Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk

Michelle Webb

From: Julie Cozzi
Sent: Wednesday, December 18, 2013 11:04 AM
To: Michelle Webb
Subject: FW: Governor's Budget + 3 page resolution attachment
Attachments: DOC_20131217092610.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Agenda Business

For the 14th, I'm sure.

From: kathie@akml.org [<mailto:kathie@akml.org>]
Sent: Wednesday, December 18, 2013 10:08 AM
Subject: Governor's Budget + 3 page resolution attachment

Ya'll

As you may know, the Governor's budget was released at the end of last week. First of all, Revenue Sharing in the amount of \$60 million was included in that budget. So, not only is the Governor in support of continued Revenue Sharing, but also, he did not decrease the amount. That line item can be found on page 61 of the Governor's budget, Line 26.

Also, the Governor agreed with those of us (according to our PERS infusion resolution) to providing money into the PERS account to pay it down as much as possible. To that end, he has recommended infusing \$3 billion directly in the PERS/TRS system. That \$3 billion will also be accompanied by the present State Assistance (whereby the State provides past liability costs over 22%). It appears that there will be no need for funding from the General Fund for State Assistance in 2015 (as this infusion will take its place). This will then free up more than \$600 million from the General Fund budget for the Legislators to use as they see fit.

This is where our work comes in. Rumor has it that some Legislators in "leadership" positions are not wild about this proposal. They could attempt to take this language out of the budget, during session. Or.....they could recommend putting this money into a "reserve fund" rather than directly into the retirement fund. Some of them prefer putting it in a "reserve fund," as then they have flexibility to spend it if needed in other places.....which is exactly what we fear they will do.

The Governor's proposal has one downside for municipalities in that it will extend the period in which municipalities must pay the 22%.....by approximately 5 years. However, the status quo is totally unsustainable for the state, so this appears to be a fair compromise.

I have included a resolution draft that I would ask you to take to your respective Assemblies/Councils. After (if) you pass it, please send it to AML and to the Governor's office. We will gather them for delivery to the Legislature at the beginning of session.

Thanks,
Kathie
(Call if you have any questions)

**Haines Borough
Assembly Agenda Bill**



Agenda Bill No.: 14-407

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Haines Borough Code Regarding Filling Board Vacancies	1. Ordinance 14-01-363
Originator: Mayor	
Originating Department:	
Date Submitted: 12/11/13	

Full Title/Motion:
Motion: Introduce Ordinance 14-01-363 and set a first public hearing for 1/28/14.

Administrative Recommendation:
This ordinance is recommended by the Interim Clerk, the Interim Manager, and the Mayor.

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

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

Summary Statement:
<p>A similar ordinance, 13-11-356, was introduced on 11/12/13, but was tabled indefinitely on 12/10/13. This ordinance has increased the scope to include all occurrences of individual board references.</p> <p>This ordinance has been undertaken by the Mayor with assistance from Haines resident Mike Denker. He outlined the key elements to be addressed. In a 12/16/13 e-mail, Mike outlined his thinking: "... before beginning, it must be stressed that consideration still be given to the essential elements that must be represented and properly accounted for in any wording: 1.The People/citizens; 2.The applicants; 3.The Committee; 4.The Mayor; 5.The Assembly. Also, as the mayor will require some type of formal correspondence to properly give consideration to any recommendations, having these articulated in a written manner would be prudent." The draft developed has been circulated to advisory committee chairs.</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE SECTIONS 2.50.030, 2.56.011, 2.60.055, 2.98.040, 2.100.040, 2.104.040, 2.105.040, 7.04.080, 16.08.010, AND 18.30.040 TO REVISE THE PROCEDURE FOR FILLING BOARD, COMMITTEE, AND COMMISSION VACANCIES.

NOW, THEREFORE, 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 2.50.030. Section 2.50.030 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

Chapter 2.50 PUBLIC SAFETY COMMISSION

2.50.030 Vacancies – Filling vacancies.

A member's position on the commission shall be deemed vacated if the member fails to attend two consecutive meetings without being excused by the commission. ~~In the event of a vacancy on the commission, either at the end of the commission member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement commission member(s) as set out in HBC 2.60.055. The mayor shall, after reviewing all applications, and considering the commission's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. (Ord. 05-05-105)~~ **All appointments to the commission shall be made according to the provisions of HBC Section 2.60.055.**

Section 5. Amendment of Section 2.56.011. Section 2.56.011 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

Chapter 2.56 TOURISM DEPARTMENT

2.56.011 Tourism advisory board.

There shall be an advisory board known as the tourism advisory board, composed of seven members. ~~The members shall be appointed by the mayor and subject to assembly confirmation.~~ The board shall organize itself and function according to the provisions of **HBC Chapter 2.60. All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.**

Section 6. Amendment of Section 2.60.055. Section 2.60.055 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

Chapter 2.60 COMMITTEES, BOARDS AND COMMISSIONS

2.60.055 Filling Vacancies

In the event of a vacancy on a committee, board or commission, either at the end of the board member's regular term, or if the seat is vacated for some other reason, the borough clerk shall advertise for replacement board member(s) by posting in three public places a request for letters of interest to be submitted to the clerk's office. Such advertisement shall be placed for a minimum of two weeks, after which time ~~the applications shall be transmitted to the appropriate person or board for review and recommendation to the mayor~~ **the clerk shall transmit the applications to the appropriate board for inclusion on the agenda at the next public meeting of the board. The following procedure for appointment shall then be followed:**

A. If the board is able to seat a quorum, opportunity for public comment regarding the applications for new board member(s) shall be provided. The board shall review all applications and prepare written recommendations for appointment(s) to the mayor. The written recommendation(s) shall include the reasoning behind the final decision(s). The mayor shall, after reviewing the application(s), and considering the board's recommendation(s), appoint all committee, board and commission member(s) subject to confirmation of the assembly.

B. If the board is unable to seat a quorum, the mayor shall, after reviewing all applications, make appointment(s) of new board member(s), subject to the confirmation of the assembly. The mayor shall include the reasoning behind the final decision(s). The mayor's appointment(s) shall be included on the agenda for the next regularly scheduled public meeting of the assembly. Opportunity for public comment shall be provided.

Section 7. Amendment of Section 2.98.040. Section 2.98.040 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

Chapter 2.98 PUBLIC LIBRARY

2.98.040 Board vacancies – Filling vacancies.

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) will be will be selected using the procedure as set out in HBC 2.60.055. The library board of trustees shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. Appointees filling out partial terms shall be appointed only for the balance of that unexpired term.~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 8. Amendment of Section 2.100.040. Section 2.100.040 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

Chapter 2.100 SHELDON MUSEUM AND CULTURAL CENTER

2.100.040 Board vacancies – Filling vacancies.

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) as set out in HBC 2.60.055. The museum board of trustees shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. Appointees filling out partial terms shall be appointed only for the balance of that unexpired term.~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 9. Amendment of Section 2.104.040. Section 2.104.040 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

Chapter 2.104 CHILKAT CENTER FOR THE PERFORMING ARTS

2.104.040 Board vacancies – Filling vacancies.

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) will be will be selected using the procedure as set out in HBC 2.60.055. The board shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly.~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 10. Amendment of Section 2.105.040. Section 2.105.040 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

Chapter 2.105 PARKS AND RECREATION DEPARTMENT

2.105.040 Advisory committee vacancies – Filling vacancies.

A member's position on the advisory committee shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the advisory committee.

~~In the event of a vacancy on the advisory committee, either at the end of the committee member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement committee member(s) as set out in HBC 2.60.055. The advisory committee shall review all applications for new committee member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the committee's recommendation(s), appoint a new member or member(s) subject to confirmation by the borough assembly. (Ord. 11-04-260 § 4; Ord. 04-09-084)~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 11. Amendment of Section 7.04.080. Section 7.04.080 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

Chapter 7.04 SERVICE AREAS GENERALLY

7.04.080 Boards.

A. The ordinance establishing a service area may provide for appointed or elected boards of persons from within the service area to make recommendations concerning services or other purposes, as permitted by statute. For appointed boards, **all appointments shall be made according to the provisions of HBC Section 2.60.055.** If the assembly determines that an appointed or elected board is not necessary, or if a board lacks the minimum membership required by the ordinance establishing that board, the assembly shall perform the functions of such board.

B. Service area board members may be removed in accordance with HBC 2.62.020.

Section 11. Amendment of Section 16.08.010. Section 16.08.010 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

Chapter 16.08 HARBOR MANAGEMENT

16.08.010 Government of borough port and harbor facilities.

A. The governance of borough port and harbor facilities and all additions and improvements thereto, whether or not contiguous to the present facilities, shall be under the exclusive jurisdiction of the Haines Borough, its assembly, and its administration.

B. There shall be a seven-member port and harbor advisory committee comprised of three commercial vessel owners, two noncommercial vessel owners, one tariff regulated company owner or representative, and a community member at large who has a business related to harbor activities. Such appointments shall serve staggered terms of two years, **and all appointments to the committee shall be made according to the provisions of HBC Section 2.60.055.** Members shall serve until their successors have been confirmed by the assembly. There shall be no pay for committee membership. The committee shall organize

itself and function according to the provisions of **HBC** Chapter 2.60. The assembly may appoint a liaison who shall serve in an ex officio capacity and shall assist the committee administratively.

C. The port and harbor advisory committee shall deliberate over matters concerning the construction, improvement, maintenance, use, operation, and regulation of borough port and harbor facilities, and make recommendations regarding these issues to the assembly, either directly or through the manager or harbormaster.

D. The port and harbor advisory committee shall otherwise conduct its meetings and activities in accordance with **HBC** Chapter 2.60.

Section 13. Amendment of Section 18.30.040. Section 18.30.040 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

Title 18 LAND USE/DEVELOPMENT
Chapter 18.30 ADMINISTRATIVE PROVISIONS

18.30.040 Planning commission.

The borough planning commission ("planning commission") consists of seven registered voters who have resided in the borough for 30 days or longer immediately prior to appointment. Planning commission members shall ~~be appointed by the mayor and shall be subject to confirmation by the assembly for~~ **server** staggered terms of three years, **and all appointments to the committee shall be made according to the provisions of HBC Section 2.60.055.** Vacancies on the commission shall be determined by the mayor under the same regulations as HBC 2.10.240, guidelines for vacancies of the borough assembly, and shall be filled only for the unexpired portion of the term.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2014.

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk

Date Introduced: 01/14/14
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-414

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Title 2.62.030(B)(4) to allow for an exception to the contracting prohibition above \$500 per a year.	1. Ordinance 14-01-364
Originator: Director of Public Work	
Originating Department: Administration	
Date Submitted: 1-6-14	

Full Title/Motion:
Motion: Introduce Ordinance 14-01-364 and refer to the Governmental Affairs and Services Committee.

Administrative Recommendation:
This ordinance is recommended by Interim Manager.

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

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

Summary Statement:
Haines Borough Code 2.62.030 (B) (4) regarding the Responsibilities of Officers and Employees - Participation in contracting prohibited - currently only allows borough officers or employees to contract with the borough for up to \$500 in a fiscal year, with no exception.
This ordinance proposes that when the borough manager feels it is in the borough's best interest, an exception to the \$500 contracting limit can be brought before the assembly for a public approval.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 2 SECTION 2.62.030 TO ALLOW AN ASSEMBLY APPROVED EXCEPTION TO THE CONTRACTING OR SALE LIMIT TO A BOROUGH OFFICER OR EMPLOYEE.

NOW, THEREFORE, 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 2.62.030. Section 2.62.030 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

2.62.030 Participation in contracting prohibited.

A. No borough officer or employee who has a substantial interest, direct or indirect, in any contract with, or to be made with, the borough or the sale of any land, material, supplies or services to the borough or to a contractor supplying the borough may participate in that person's capacity as a borough officer or employee in the making or performance of such contract or the making of such sale.

B. The following shall not constitute a substantial interest prohibited by this section:

...

4. A contract or sale in which a borough officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$500.00. **If the borough manager determines a higher sum would be in the best interest of the borough, the assembly may approve the exception by motion.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2014.

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk

Date Introduced: 1/14/14
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-412
Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: FY14 Budget Amendment #3	1. Ordinance 14-01-365 2. Budget Amendment Worksheet
Originator: Finance Director	
Originating Department: Finance	
Date Submitted: 1/9/14	

Full Title/Motion:
Motion: Introduce Ordinance 14-01-365 and set a first public hearing for 1/28/14.

Administrative Recommendation:
This ordinance is recommended by Interim Manager.

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
Revisions to the FY14 budget in this amendment include: the recognition of additional Raw Fish Tax received from the State of Alaska, an additional appropriation for replacement of the ice house coil, an appropriation for a trash dump trailer for ports and harbors, the elimination of projected revenue from the sale of two hybrid vehicles, the recognition of proceeds from the sale of other borough vehicles and equipment, the conversion of the Haines Borough Library from a component unit to a department, the appropriation of the former library's net assets to the Friends of the Library, and purchase, delivery, and installation of a sauna at the pool facility.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14	Tabled to Date:

HAINES BOROUGH, ALASKA
ORDINANCE # 14-01-365

AN ORDINANCE OF THE HAINES BOROUGH PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY14 BUDGET.

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. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2013 through June 30, 2014.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY14 budget as follows:

(1) To recognize additional FY14 Raw Fish Tax revenue higher than initially budgeted.				
		Current FY14 Budget	Proposed FY14 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4363	State Revenue – Raw Fish Tax	\$150,000	\$172,510	\$22,510
(2) To appropriate an additional \$12,300 of Raw Fish Tax revenues to replace the coil in the harbor ice house using an operating transfer from the general fund. \$18,000 was budgeted for this purpose with ordinance #13-10-351. This brings the total appropriation to \$30,300.				
		Current FY14 Budget	Proposed FY14 Budget	Fund Balance Increase / (Decrease)*
01-98-00-8200	Operating Xfer – OUT fr Gen.Fund	\$18,000	\$30,300	(\$12,300)
92-98-00-8200	Operating Xfer – IN to Harbor Fund	\$18,000	\$30,300	\$12,300
92-01-00-8430	Harbor Improvement (Ice House Coil)	\$18,000	\$30,300	(\$12,300)
Additional cost for ice house coil replacement				(\$12,300)
(3) To reduce an FY13 CIP appropriation for a fuel facility cardlock from \$35,000 to \$22,190 and to appropriate the balance of \$12,810 for purchase of a dump trailer for ports and harbors for the purpose of trash disposal. The purchase of a dump trailer was recommended by the Port and Harbor Advisory Committee at their October 17, 2013 meeting. The cardlock project is being re-evaluated and may be replaced with a less costly option.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
50-01-00-7392	CIP – Cardlock for fuel facility	\$35,000	\$22,190	\$12,810
50-01-00-7392	CIP – Dump Trailer Port/Harbor	\$0	\$12,810	(\$12,810)
Net impact to CIP Fund				\$0
(4) To eliminate \$25,000 of revenue budgeted in the Townsite Service Area Fund for the sale of two 2009 Ford Escape Hybrids. The Public Facilities Director and the Interim Manager recommend keeping these vehicles for Borough use and selling older vehicles.				
		Current FY14 Budget	Proposed FY14 Budget	Fund Balance Increase / (Decrease)*
02-01-09-4600	Misc Revenue – Hybrid Vehicle Sale	\$25,000	\$0	(\$25,000)

Haines Borough, Alaska
 ORDINANCE # 14-01-356
 Page 2

(5) To recognize \$26,225 in proceeds from the sale of a 1981 950 Cat loader and an anticipated \$2,750 of proceeds from the sale of Borough surplus vehicles.				
		Current FY14 Budget	Proposed FY14 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4640	Sale of Fixed Asset	\$0	\$28,975	\$28,975
(6) To absorb the Haines Borough Library's net assets as of 06/30/2013 into the Haines Borough's general fund and to appropriate those net assets to the Friends of the Library. Previously the Library was a non-profit organization and a component unit of the Haines Borough. The Library is now transitioning to become a department of the Borough. Net assets on the Library's books as of 06/30/2013 are \$27,128.57. Additionally \$15,026.77 was unspent in the FY13 Haines Borough Library budget. This amendment appropriates both amounts totaling \$42,155.34 to the Friends of the Library. The Library's net assets as of 06/30/2013, for the purpose of this amendment, consist of the fund balance (equity) on the Library's books plus the amount remaining in the FY13 Library budget on the Borough's books at the end of FY13.				
		Current FY14 Budget	Proposed FY14 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4600	Miscellaneous Revenue (from Library)	\$0	\$27,128.57	\$27,128.57
01-01-11-7710	Assembly Appropriations (to FOL)	\$0	\$42,155.34	(\$42,155.34)
Net impact to fund balance from Library consolidation				(\$15,026.77)
(7) To reduce an FY12 CIP appropriation for Trail Development from \$10,000 to \$3,500 and to appropriate the balance of \$6,500 for purchase, delivery, and installation of a sauna at the pool facility. The purchase will be reviewed by the Parks and Recreation Committee at their next meeting and they should have a recommendation for the Assembly. In addition to the FY12 appropriation for Trail Development there have been two subsequent appropriations for that purpose. If this amendment is adopted the remaining appropriation for trail development will be \$28,500.				
		Current Budget	Proposed Budget	Fund Balance Increase / (Decrease)*
50-01-00-7392	CIP – FY12 Trail Development	\$10,000	\$3,500	\$6,500
50-01-00-7392	CIP – Sauna for pool facility	\$0	\$6,500	(\$6,500)
Net impact to CIP Fund				\$0

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

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2014.

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk

Date Introduced: 01/14/14
 Date of First Public Hearing: ___/___/___
 Date of Second Public Hearing: ___/___/___

HAINES BOROUGH

Proposed Amendments to the FY14 Budget - Ordinance #14-01-356



FUND	Area-wide General			Totals
	01	02	92	
Fund/Cash Balance as of 06/30/2013 \$	2,663,267	2,057,650	823,955	
Current FY14 BUDGET Excess Revenue Over (Under) CASH Expense	(209,022)	(433,792)	(381,759)	
Proposed Amendments:				
1. Additional Raw Fish tax	22,510			22,510
2. Additional for Ice House Coil	(12,300)		-	(12,300)
3. Re-appropriate CIP Funds for Trailer				-
4. Retain Ford Escape Hybrids		(25,000)		(25,000)
5. Vehicle and Equipment Sales	28,975			28,975
6. Consolidate Library as a Department	(15,027)			(15,027)
7. Re-appropriate CIP Funds for Sauna				-
PROPOSED Excess Revenue Over (Under) CASH Expense	(184,864)	(458,792)	(381,759)	(842)
Proposed Fund/Cash Balance 06/30/2014 \$	2,478,404	1,598,858	442,196	(842)
Annual Operating Budget	4,893,011	1,233,047		
Projected Fund Balance as % of Operating Budget	51%	130%		
Amount in excess of 6 months of operating budget	31,898	982,334		

* The cash balance is shown instead of the fund balance and the cash budget is shown which does not include depreciation e)

Memorandum

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

January 7, 2014

To: Haines Borough Assembly members

Cc: Julie Cozzi, Interim Manager
Michelle Webb, Interim Clerk;

From: Stephanie Scott, Mayor, Haines Borough

Subject: Advisory Committee Appointments: Museum Board of Trustees;
Planning Commission; Ports and Harbors Advisory Committee

I concur with the recommendation of the Museum Board of Trustees and re-appoint **Jim Shook** and **Anastasia Wiley** to the Board. I am very grateful for the Board's thoughtful outline of the qualifications of the applicants (see the email below). Although Jan Hill has not completed the application, Jan was present at the meeting on December 20 when re-appointment recommendations were addressed. I am confident that the Board is well informed about Jan's qualifications and her desire to serve. Thus, I would like to also re-appoint **Jan Hill** to the Museum Board of Trustees.

The museum board unanimously voted to recommend that the mayor and assembly approve the appointment of the following people to the museum board, as reflected in the minutes of our meeting held on 20 December.

Jim Shook-a long time museum board member and volunteer. Jim's experience and knowledge of Alaska's pioneer history as well as his willingness to undertake any task required makes him an important part of our museum and community.

Anastasia Wiley- her work in cultural anthropology, both academic and practical, makes her work with the board and museum a benefit to all concerned.

Jan Hill(pending her actual application)- Jan's lifelong involvement with the museum, in its many incarnations, her cultural background and political experience makes her ultimately qualified to serve on our board.

I concur with the recommendation of the Planning Commission and appoint **Heather Lende**, and re-appoint **Rob Goldberg**. Please see the attached Planning Commission Request for Action. Outlining the qualifications of the applicants. I appreciate the extensive information provided by Heather Lende. Rob Goldberg's record speaks for itself; many people in the community have told me how much they appreciate his gentle handling of land use matters that can and do spark controversy.

I concur with the unanimous recommendation of the Ports and Harbors Advisory Committee (PHAC) and appoint **Glen Jacobson, Terry Pardee**, and to re-appoint **Don Turner Sr.** I attended the meeting when the PHAC moved unanimously to recommend these appointments and re-appointment. Out going member Bart Henderson spoke positively in favor of replacement applicant Glen Jacobson. Outside of the meeting, I met with Glen and I spoke with Terry Pardee. I believe that both applicants are fully aware of their role and responsibilities. Don Turner Sr. demonstrates consistently his concern for the efficient and effective operation of the ports and harbors.

Attachment: Planning Commission Request for Action including Heather Lende's statement of qualifications



Haines Borough
**PLANNING COMMISSION
RECORD OF DECISION**

DATE: December 12, 2013

TO: Borough Assembly

FROM: The Haines Planning Commission

PLANNING COMMISSION DECISION:

Motion:

Miller moved to “recommend for the mayor to re-appoint Commissioner Rob Goldberg to serve Seat E for a three-year term ending November 2016.” Heinmiller seconded it. The motion passed unanimously.

Miller moved to “recommend for the mayor to appoint Heather Lende to serve Seat B for a three-year term ending November 2016.” Hedden seconded it. The motion passed unanimously.

RATIONALE:

Rob Goldberg has served on planning boards in Haines for 19 years, 8 years on the MBLUSA board (3 as chair) and 11 years on the Haines Borough Planning Commission (2 as chair). He brings considerable practical planning experience and institutional knowledge to the commission. He has shown an ability to solve problems by considering all sides of an issue and coming up with creative solutions.

Heather Lende is a dedicated and involved community member who has served effectively on numerous boards including the Haines Borough Public Library, Hospice of Haines, KHNS, Chilkat Valley Preschool, Haines Arts Council and Lynn Canal Players. Her government experience includes serving on the Haines City Council and the Haines Borough Assembly.

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chair

Michelle Webb

From: Rob Goldberg [artstudioalaska@yahoo.com]
Sent: Thursday, October 31, 2013 9:40 AM
To: Stephanie Scott; Julie Cozzi; Michelle Webb; blackdoghp@yahoo.com
Subject: Planning Commission Seat

Categories: Agenda Business

To: Mayor Stephanie Scott, Acting Manager Julie Cozzi, Acting Clerk Michelle Webb and Assembly Members,

I would like to retain the seat I have occupied on the Planning Commission since 2002. Much has been accomplished during that time, but there is still much more to do.

Thank you for your consideration.

Sincerely,
Rob

Rob Goldberg and Donna Catotti
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Haines Borough Application for Board Appointment

RECEIVED Haines Borough
OCT 15 2013
Clerk

- Appointment** (I am not currently on the board)
- Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input checked="" type="checkbox"/>	Planning Commission		Boat Harbor Advisory Committee
	Tourism Advisory Board		Fire Service Area Board #1
	Chilkat Center Advisory Board		Fire Service Area Board #3 (Klehini)
	Parks and Recreation Advisory Board		Letnikof Estates Road Maintenance Service Area Board
	Museum Board of Trustees		Riverview Road Maintenance Service Area Board
	Library Board of Trustees		Historic Dalton Trail Road Maintenance Service Area Board
	Public Safety Commission		Four Winds Road Maintenance Service Area Board
	Temporary (Ad-hoc) Board/Committee _____		

Name: Heather Lende
 Residence Address: 2 Mile Mud Bay Road
 Mailing Address: PO Box 936
 Business Phone: Home 766-2852 Home Phone: Cell 314-0273
 Fax: 766-3162 (Lutak Lumber) Email: hlende@aptalaska.net

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Heather Lende
 Signature of Applicant

10-15-13
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

As a 29-year resident, home, business and landowner I know and love Haines.
I would bring a much needed female perspective to the all male planning com.
I have 4 granddaughters growing up here and care about their future.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Heather Lende

Writer Heather Lende, 54, was born and raised in New York and is a 29 year resident of Haines, Alaska where her family owns Lutak Lumber & Supply. She has written the New York Times bestselling *If You Lived Here, I'd Know Your Name* and *Take Good Care of the Garden and the Dogs*. Her third book, *Finding the Good* is scheduled for release in 2015. She has contributed essays and commentary to NPR, The New York Times, Washington Post, Sunset Magazine, Country Living, CNN, Psychology Today and more, as well as to several anthologies and literary journals. She's been a columnist for Woman's Day magazine and the Anchorage Daily News. She is a contributing editor to The Salmon Project and writes obituaries for the Chilkat Valley News. Heather has a BA in History from Middlebury College and an MFA in Creative Writing from the University of Alaska Anchorage. She serves on the board of the Haines Borough Public Library, Hospice of Haines, the Haines Arts Confluence and her church, St. Michael and All Angels Episcopal Mission. (In the past she has served on the KHNS, Chilkat Valley Preschool, Arts Council, Lynn Canal Community Players, ACTFEST, and Community Foundation boards, as well as the Haines Borough Assembly and School Board.) Heather is also a competitive cyclist, avid outdoorswoman, practices yoga, and sings in the Haines Acappella Women's Choir. She has received many accolades for her work and support of the Haines community. She is most proud of a few-- *If You Lived Here* is a National Geographic Traveler best travel book of all time, she was named best columnist in the state by the Alaska Press Club, chosen as the Haines Chamber of Commerce Citizen of the Year, and has twice received the Haines High School's Honorary Block H Award. Heather is married to Chip Lende and they have five children and four grandchildren.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-311
Assembly Meeting Date: 1/14/14

Business Item Description:		Attachments:
Subject: Modify the Existing Heliski Ordinance Regarding the Process to Amend the Heliski Map		1. Ordinance 13-07-339 2. 12/3/13 Recommendations from G.A.S. Committee 3. GAS Proposed amendments to Ord. 13-07-339 4. GAS Proposed manager's policy of Heliski Map review cycle
Originator: Mayor Scott		
Originating Department:		
Date Submitted: 7/15/13		

Full Title/Motion:
Motion: Adopt the GAS-recommended amendments and advance Ordinance 13-07-339, as amended, to a second public hearing on 1/28/14.

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 July 2013, the mayor proposed changes to Title 5, specifically the procedures to amend the Commercial Ski Tour Areas Map. Ordinance introduction was followed by referral to the Government Affairs & Services Committee on 7/23. On 10/22/13 this ordinance was replaced with a substitute ordinance recommended by the GAS Committee and was scheduled for a first public hearing on 11/12/13. At the first public hearing on 11/12/13 this ordinance was re-referred to the GAS Committee. On 12/3/13 the GAS committee proposed amendments to code, proposed a manager policy, and recommends scheduling this ordinance for a second hearing.

Referral:

Sent to: Government Affairs & Services Committee	Date: 7/23/13 & 11/12/13
Recommendation: Various	Refer to: Meeting Date: 9/20, 10/1/13, & 12/3

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 11/12/13
Meeting Date(s): 7/23, 10/22, 11/12, and 1/14/14	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE SECTION 5.18.080 TO CHANGE THE PROCEDURE FOR AMENDING THE COMMERCIAL SKI TOUR AREAS MAP.

NOW, THEREFORE, 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 Subsection 5.18.080(F)(3). Subsection 5.18.080(F)(3) of the Haines Borough Code is hereby amended to read as follows:

NOTE: STRIKETHROUGH ITEMS ARE DELETIONS

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.

F. General Permit Conditions

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

~~a. The Haines Borough Approved Commercial Ski Tour Areas map may be amended annually by assembly resolution.~~

~~b. Proposals for map amendments may be submitted to the borough manager from May 1st to May 31st each year. Proposals shall be in writing and include an illustration of the general subject area and rationale for the amendment in fewer than 500 words.~~

~~c. After May 31st and prior to June 10th, the manager shall convene an advisory committee to review the proposed map amendments. The committee shall be comprised of one commercial ski tour operator determined by random drawing of all permitted commercial ski tour operators; one citizen determined by random drawing of all persons who submitted map amendment proposals except commercial ski tour operators; one tourism advisory board member selected by the tourism advisory board; one parks and recreation committee member selected by the parks and recreation committee; and one Alaska Department of Fish and Game staff member who meets the residency requirements of HBC 2.60.020 and is knowledgeable of local wildlife habits. The committee shall organize itself as to procedure and shall make a recommendation to the manager on or before June 30th. The manager will not be bound to the recommendations but shall present them to the assembly for consideration~~

Section 5. Amendment of Section 5.18.080. Section 5.18.080 of the Haines Borough Code is hereby amended to add a new Subsection I, as follows:

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

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.

I. Non-Temporary Amendment of the Haines Borough Approved Commercial Ski Tour Area Map.

1. To initiate non-temporary amendment of the Haines Borough Approved Commercial Ski Tour Areas map the assembly shall adopt a resolution, following a public hearing, that articulates the reasons to consider amendments to the map and authorizes the borough manager to convene a heliski map committee according to the following procedures:

a. Proposals for map amendments may be submitted to the borough manager from May 1st to May 31st in three year intervals starting in 2016. Proposals shall be in writing and include an illustration of the general subject area and rationale for the amendment.

b. After May 31st and prior to June 10th, the manager shall convene an advisory committee to review the proposed map amendments. The committee shall include the following five voting and one non-voting members:

1. a representative of tourist-related businesses, nominated by the Tourism Advisory Board, and appointed by the Mayor;

2. a representative of the local conservation community, nominated by Lynn Canal Conservation, and appointed by the Mayor;

3. a representative from the Chilkoot Indian Association;

4. a member of the Haines Borough Assembly; and

5. a representative from the heliski industry selected randomly by current Haines Borough heliski permit holders.

6. As a non-voting member a representative of the village of Klukwan, selected by the Chilkat Indian Village Tribal Council.

c. The committee shall to every extent possible involve ADF&G area wildlife biologists in its deliberations, including forwarding all proposals for map changes to the ADF&G, seeking ADF&G testimony, and requesting comments from ADF&G on all draft recommendations before they are sent to the manager.

d. The committee shall organize itself as to procedure and shall make a recommendation to the manager on or before July 15th. The manager will not be bound to the recommendations but shall present them to the assembly for consideration.

2. The Haines Borough Assembly shall adopt a resolution, following a public hearing, to finalize any non-temporary amendment of the Haines Borough Approved Commercial Ski Tour map.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2014.

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk

Date Introduced:	07/23/13 – Referred to G.A.S. Committee
Scheduled for First Public Hearing	10/22/13 - Substituted in entirety
Date of First Public Hearing:	11/12/13 – Re-Referred to G.A.S. Committee
Scheduled for Second Public Hearing	___/___/___
Date of Second Public Hearing:	___/___/___

Haines Borough Assembly Committee Meeting
 Committee: Government Affairs & Services
 Assembly Chambers

Issue: Heliski 5.18.080	
Discussion ensued about the purpose of a heliski map committee:	
Schnabel states that one of the reasons the ordinance was returned to the committee was to think of a way to depoliticize helisking.	
Lapham stated her belief that only experts that can inform the map are the operators. Lapham also stated that she considers the heliksi industry to be over-regulated and stifled.	
Nic Trimble stated that the map starting to work well, however, some things operators requested are left off. If create another map committee the committee will argue over same ground. Trimble reported that in a 92 day season, the most days ever flown are 52. Trimble stated that there is a natural beneficial balance between wildlife and ski conditions: as ski conditions improve in the mountains (deeper snow), wildlife must naturally move to lower elevations to find food.	
Trimble requested that the borough flip the map so it shows where heliskiing cannot take place.	
Thom Ely expressed his desire to let the map stay in place for some time.	
Bill Kurz expressed a preference for policy that would treat all tour companies the same.	
Dana Hallet stated that he believed that the goal of map committee would be to strike a balance between industry and non-industry users.	
After discussing various compositions of a map committee amongst themselves, the committee came to the following consensus:	
1) Stipulate a 5 member committee composed as follows: a representative of a local conservation organization; a member of the Haines Borough Assembly; a representative from the heliski industry; and 2 members chosen at large.	
2) Delete 3 year intervals in code and create a policy statement of 3 years.	
Recommended Action: Recommend to set for a second public hearing on 1/28/14 at which time amendments will be offered as described above and attached. Attachments: Amended heliski map ordinance; Three-year map cycle policy statement	Who: Chair
	When: January 14, 2014

Meeting Chaired by Dave Berry

Minutes by Stephanie Scott

Committee Members Attending: Diana Lapham, George Campbell

Staff Attending: Carlos Jimenez, Jila Stuart

Citizens: Nick Trimble, Shane Horton, Margaret Friedenauer, Dana Hallet, Mike Denker. Thom Ely

Assembly Members: Debra Schnabel

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.

I. Non-Temporary Amendment of the Haines Borough Approved Commercial Ski Tour Area Map.

1. To initiate non-temporary amendment of the Haines Borough Approved Commercial Ski Tour Areas map the assembly shall adopt a resolution, following a public hearing, that articulates the reasons to consider amendments to the map and authorizes the borough manager to convene a heliski map committee according to the following procedures:

a. Proposals for map amendments may be submitted to the borough manager from May 1st to May 31st each year in three year intervals starting in 2016. Proposals shall be in writing and include an illustration of the general subject area and rationale for the amendment.

b. After May 31st and prior to June 10th, the manager shall convene an advisory committee to review the proposed map amendments. The committee shall be comprised of representatives from key stakeholder groups and shall include the following five voting and two non-voting members:

~~1. a representative of tourist-related businesses, selected by the Tourism Advisory Board and appointed by the Mayor;~~

~~2. 1. a representative of a the local conservation community organization, selected by Lynn Canal Conservation, appointed by the Mayor and confirmed by the Assembly;~~

~~3. a representative from the Chilkoot Indian Association;~~

~~4. 2. a member of the Haines Borough Assembly;~~

~~5. 3. a representative from the heliski industry selected randomly by current Haines Borough heliski permit holders;~~

~~6. As a non-voting members a representative of the village of Klukwan, selected by the Chilkat Indian Village Tribal Council.~~

4. two members chosen randomly from Haines Borough residents who petition to be members of the committee.

c. The committee shall to every extent possible involve ADF&G area wildlife biologists in its deliberations, including forwarding all proposals for map changes to the ADF&G, seeking ADF&G testimony, and requesting comments from ADF&G on all draft recommendations before they are sent to the manager.

d. The committee shall organize itself as to procedure and shall make a recommendation to the manager on or before July 15th. The manager will not be bound to the recommendations but shall present them to the assembly for consideration.

2. The Haines Borough Assembly shall adopt a resolution, following a public hearing, to finalize any non-temporary amendment of the Haines Borough Approved Commercial Ski Tour map.

Heliski Map Review Policy Statement Proposed by the GAS Committee Dec. 3, 2013

It is the policy of the Haines Borough to review the heliski map on a three year cycle, with the cycle starting with the map for the 2014 heliski season, adopted..... (please fill in the date)



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-376

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Title 13 to Change a Number of Water and Sewer Billing Procedures	1. Ordinance 13-10-352 2. GAS Recommendations from 12/3/13 Meeting 3. 10/17/13 Memo from Jila Stuart, CFO
Originator: Jila Stuart, CFO (Agenda Bill by Clerk's Office)	
Originating Department: Finance	
Date Submitted: 10/11/13	

Full Title/Motion:
Motion: Direct the manager to provide justification for the proposed changes to the assembly by the 2/11/14 meeting and schedule Ordinance 13-10-352 for a first public hearing by 2/11/14.

Administrative Recommendation:
This ordinance is recommended by the Interim Manager and Finance Director.

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:
This ordinance alters Title 13 to change a number of water and sewer billing procedures. Please see the memo from the CFO for more detailed information.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 10/22/13 & 1/14/14	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 13 TO REVISE AND CLARIFY WATER AND SEWER SERVICE PROCEDURES.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall be effective January 1, 2014.

Section 4. Amendment of Section 13.04.050. Haines Borough Code 13.04.050 is amended, as follows:

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

13.04.050 Application for service.

A. Application Form. Each applicant for water service shall sign an application form provided by the chief fiscal officer giving the date of application, the date the applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, the size of water meter required, and such other information as the borough may reasonably require.

B. An application for water service hook-up shall be processed as follows:

1. The applicant shall provide the information required by subsection (A) of this section and shall submit the required fees and charges as set out in HBC 13.04.045, if applicable.

a. Application Fee. There shall be a nonrefundable water hook-up application fee for individual water hook-ups. There shall be a special nonrefundable application fee if the application is for water service in a subdivision or development involving an extension of water mains or the installation of four or more water hook-ups (HBC 13.04.045). The purpose of the application fee is to cover administrative costs to review the application.

b. Permit Fee. If the proposed hook-up requires permits or approvals from other agencies, the borough may either require the applicant to obtain these approvals at the applicant's expense prior to approval of the hook-up application, or the applicant shall submit the permit fee and an administrative charge (HBC 13.04.045) to the borough and the borough shall make application for the required permits.

2. The applicant shall sign a statement on the application verifying that the applicant agrees to be responsible for any and all of the borough's costs above the minimum hook-up fee. By signing the application, the applicant agrees to abide by the requirements of this chapter. The application is a request for service and does not bind the borough to furnish service.

3. Hook-Up Fee. The purpose of the hook-up fee is to pay for the borough's cost of material, labor, and equipment to install the water service line from the water main to the applicant's property line. The hook-up fee shall be the minimum fee amount, plus any additional cost to the borough related to the actual hook-up installation. When the department approves the application, the applicant shall submit the minimum hook-up fee as required in

(B)(2) of this section, as well as the expansion charge as required by HBC 13.04.055. Following full payment of these fees, the chief fiscal officer shall acknowledge payment on the application form. Provided all other approvals are complete, the chief fiscal officer's record of receipt of fees constitutes final approval of the application. The hook-up shall not occur prior to full payment of fees and final approval of the application. **The water service hook-up fee and any other fees shall be a lien against the property served in the same manner and to the same extent as a lien for special assessments and shall be enforced in the same manner provided for special assessment liens.**

4. Inspection Fee. If, in situations such as subdivisions or in local improvement district projects, the borough does not perform the work to connect the water service from the water main to the adjacent property line, the applicant shall pay an inspection fee for each hook-up in lieu of a hook-up fee. If the project involves a water main extension, there shall be an additional minimum inspection fee for the inspection of the first 100 feet of main extension or portion thereof, and an additional charge for each foot over 100 (HBC 13.04.045).

Section 5. Amendment of Section 13.04.150. Haines Borough Code 13.04.150 is amended, as follows:

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

13.04.150 Main extensions.

A. Water main extensions may be installed to areas not presently served with water only after authorization of the assembly by resolution and only in accordance with plans, specifications, and methods of funding approved by the assembly.

B. The owners of property adjacent to or benefiting from a water main extension shall bear all costs of the main extension, including fire hydrants and water service lines, unless all or a portion of such costs are paid for by grant funds. The costs borne by the property owners shall also include design, permitting, construction, and inspection costs. The owners shall pay these costs through an owner-built or local improvement district, or any other method of payment or financing authorized by the assembly by resolution.

C. Locations of Extensions. The department will make water main extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the borough along with all rights and title to the main at the time of installation.

D. All main extension or customer service line work performed on public property or utility easement, unless performed by the borough, shall be performed by a contractor licensed by the state. As a prerequisite to commencing any work on the utility, the contractor shall furnish the borough with:

1. State of Alaska contractor's license;
2. Proof of worker's compensation insurance, if required by law;
3. A bond in the amount of \$5,000;
4. Other proof of capability to perform such work as required by the borough.

The contractor shall provide the borough with accurate as-built drawings for the work within 45 days of the completion of the installation. If the borough has not received accurate as-built drawings by the end of the 45 days, water service shall be discontinued to those properties served by the project.

E. If a property owner makes an application to have the department extend a water main to serve the owner's property, the department may enter into a refund agreement with the owner under which the owner may receive a refund for part of the cost of constructing the extension. If the department approves the application

and enters into a refund agreement with the owner, the owner will pay the department, prior to construction of the extension, a connection charge equal the estimated cost of constructing the extension as determined by the department. Thereafter, the department will collect a connection charge from any property owner who, within 20 years of the completion of the extension, connects to the extension with a service line. The amount of the subsequent connection charges shall be equal to the actual cost of the construction of the extension, divided by the total number of connection charges collected for that extension. The department will also charge a five percent (5%) administration fee whenever a connection charge is assessed. Whenever connections to the extension are approved by the department and connection charges are collected for such connections, the amounts of such connection charges shall be proportionally refunded to all persons or entities that have previously paid a connection charge. Refunds will be allowed only when service line connections are directly tapped to an extension. Refunds will not be allowed when additional extensions are connected to an extension. Refunds to an owner who pays a construction charge will follow the title of the property initially served by the extension.

Section 6. Amendment of Section 13.04.160. Haines Borough Code 13.04.160 is amended, as follows:

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

13.04.160 Service charges.

A. Service Connection Charges. At the time the applicant files for initial service or for a change in service size or location, the applicant shall submit with the application the minimum service connection charge in accordance with the rates and procedures specified in HBC 13.04.045 and 13.04.050. The final signing of the application form will verify the applicant's understanding that the applicant will be liable for the borough's actual cost of installing the connection from the main to the property line. Additional costs, if any, shall be billed at the completion of the work. The chief fiscal officer shall calculate the bill upon completion of the work by the borough for the customer, based upon the actual costs of labor and material, a reasonable charge for equipment used, and an allowance of 15 percent of such costs and charges for overhead expenses.

B. Meter Installation Fee. When a meter is installed **by the department** as per HBC 13.04.170, the customer shall pay a water meter installation fee (HBC 13.04.045), payable at the date of application. This charge is intended to cover the cost of installation of the meter, not the value of the meter.

C. Meter Rental Fee. When a meter is installed as per HBC 13.04.170, the customer shall pay a one-time water meter rental fee equal to the cost of the meter, payable at the date of application.

~~D.~~ Meter Inspection Fee. The authorized installation of any meter by other than borough personnel shall require an inspection by the department, or an assigned representative thereof, for a fee as set out in HBC 13.04.045, to guarantee the adequacy of the installation and to seal the meter.

~~E.~~ Meter Testing Fee. The meter testing fee shall be charged as per HBC 13.04.190.

EE. Frost Bottom Replacement. Frost bottoms broken through freezing of the customer service line shall be the responsibility of the customer. A fee as set out in HBC 13.04.045 shall be charged for frost bottom replacement.

FG. Meter Repair or Replacement. Meters broken through freezing or abuse of the customer shall be the responsibility of the customer. The costs of meter replacement or repair shall be paid for by the customer as replacement cost, to include the cost of the meter or meter part and the labor and materials required for its repair or replacement, plus a 15 percent overhead charge.

Section 7. Amendment of Section 13.04.180 Haines Borough Code 13.04.180 is amended, as follows:

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

13.04.180 ~~Commercial~~ Customers required to have metered water service.

A. All public, commercial, or industrial buildings constructed after May 5, 1975, and requiring water service shall have metered water service. ~~The cost of the meters shall be added to the water service hook-up fee.~~

B. Building owners applying for a change of use requiring water service shall have metered service. ~~The cost of the meter shall be added to the water service hook-up fee.~~

C. Residential buildings constructed after January 1, 2014, and requiring water service shall have metered water service.

Section 8. Amendment of Section 13.04.270. Haines Borough Code 13.04.270 is amended, as follows:

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

13.04.270 Billing and payment.

A. Responsibility of Property Owners. The rates and charges established either in this chapter or as specified in the current assembly-approved water-sewer rate schedule shall be collected from the owners of the premises receiving service. Passage and publication of the ordinance codified by this chapter shall be deemed notice to all owners of real estate of their liability for water service supplied to any occupant or user of such service on their property.

B. Meter Reading – Billing. Water meters will be read and customers billed on the basis of those readings. Meters shall be read near the twentieth day of each month and customers billed before the end of that month. Residential customers will be billed every month before the end of the month at the rates specified in the current assembly-approved water-sewer rate schedule.

C. Records. The department will keep an accurate account on its books of all readings of meters.

D. Payment of Bills. Each bill rendered shall be due when mailed. If the bill is not paid by the ~~twentieth day of the month following~~ **billing due date specified on the bill**, the account shall be considered delinquent.

E. Delinquent Accounts.

1. Delinquent Notice. A reminder of account delinquency may be sent, at the discretion of the chief fiscal officer, to each delinquent customer on or after 10 days after the account has become delinquent.

2. Turn-Off or Court Notice. On or after 15 days after an account becomes delinquent, a turn-off notice or a letter of intent to go to small claims court shall state a date on or after which either the water will be turned off or court action will be initiated, if the delinquent account is not paid in full prior thereto. Such date will not be less than five and no more than 15 days from the date of notice. A delivery to the premises served or mailing to the address of record of the customer shall be considered a delivery to the customer.

3. Service Turn-Off. On the turn-off date, the authorized department official or other agent of the borough shall turn off the service. The borough shall not be liable to tenants for damages resulting from water turn-off because of a landlord's failure to pay delinquent accounts.

4. Service Charge. In all instances where water has been turned off because of a delinquent account, a nonrefundable connection/service charge shall be made as specified in the current assembly-approved water-sewer rate schedule for the termination and restoration of services in addition to replacement of the cash deposit as required in HBC 13.04.060(B).

5. Interest Charges. Accounts will be charged one and one-half percent interest per month after becoming delinquent ~~for 30 days~~.

6. Liens. If a lien has been recorded, any delinquent amount owed to the utility shall constitute a lien upon the real estate for which water service is supplied, and the utility is authorized to file sworn statements showing such delinquencies in the office of the recorder of the Haines recording district.

F. Charges for Partial Month. A customer shall be considered to be receiving water service as long as the customer's control valve is turned on. Turn-on and shut-off procedures are specified in HBC 13.04.280 and 13.04.290, and fees are specified in the current assembly-approved water-sewer rate schedule. If service is for only a portion of the billing month, a nonmetered customer shall be billed as follows: Up to 15 days in a calendar month – one-half the monthly charge; 16 days or more in a calendar month – full monthly charge. Metered customers shall be billed the flat rate plus standard charges for water usage registering on their meter.

G. Exemptions and Adjustments to Charges. The manager and the chief fiscal officer shall have the authority to make all necessary adjustments or exemptions to the charges established in this chapter when directed to do so by the assembly or if, in the opinion of the manager or chief fiscal officer, such actions are in the public interest. Any adjustments or exemptions shall be made a part of the borough's public financial records along with an authorizing statement by the responsible party as to the reasons for the action taken. The decision of the manager or chief fiscal officer shall be final unless overruled by the assembly.

Section 9. Amendment of Section 13.04.280(A). Haines Borough Code 13.04.280(A) is amended, as follows:

NOTE: ~~STRIKETHROUGH ITEMS ARE DELETED~~

13.04.280 Discontinuance of service.

A. On Customer Request. ~~Each customer about to vacate any premises supplied with water service by the department shall give the borough written notice of the customer's intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, the customer will be responsible for all water supplied to such premises until the borough receives notice of vacation.~~

4. If the customer requests that the control valve be turned off, the request shall be accompanied by the minimum shut-off fee as specified by the current assembly-approved water-sewer rate schedule. Upon receipt of the shut-off fee, the borough will shut off the valve within four days and will bill the customer for any shut-off fees in excess of the amount paid, computed at an hourly rate as specified by the current assembly-approved water-sewer rate schedule. Once the control valve has been turned off, no monthly bill will be rendered until the customer requests that the valve be turned on.

~~2. If the customer gives notice of vacation but does not desire that the control valve be turned off, the customer will be liable for the monthly base charge as specified by the current assembly-approved water-sewer rate schedule. If any water registers on the meter, the customer will also be liable for the gallonage charges.~~

. . .

Section 10. Amendment of Section 13.08.020. Haines Borough Code 13.08.020 is amended, as follows:

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

13.08.020 Main extensions.

A. A sewer main extension may be installed to an area not presently served with sewer only after authorization of the assembly by resolution and only in accordance with plans, specifications, and methods of funding approved by the assembly.

B. The owners of property adjacent to or benefiting from a sewer main extension shall bear all costs of the main extension, including manholes and sewer service lines, unless all or a portion of such costs are paid for by grant funds. The costs borne by the property owners shall also include design, permitting, construction, and inspection costs. The owners shall pay these costs through an owner-built or local improvement district or any other method of payment or financing authorized by the assembly by resolution.

C. Locations of Extensions. The department will make sewer main extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for main extension shall be obtained in the name of the borough along with all rights and title to the main at the time of installation.

D. All main extension or customer service line work performed on public property or utility easement, unless performed by the borough, shall be performed by a contractor licensed by the state. As a prerequisite to commencing any work on the utility, the contractor shall furnish the borough with:

1. State of Alaska contractor's license;
2. Proof of worker's compensation insurance, if required by law;
3. A bond in the amount of \$5,000;
4. Other proof of capability to perform such work as required by the borough.

The contractor, or the superintendent of public works if work is performed by the borough, shall provide the borough with accurate as-built plans for the work within 45 days of the completion of the installation.

E. If a property owner makes an application to have the department extend a sewer main to serve the owner's property, the department may enter into a refund agreement with the owner under which the owner may receive a refund for part of the cost of constructing the extension. If the department approves the application and enters into a refund agreement with the owner, the owner will pay the department, prior to construction of the extension, a connection charge equal the

estimated cost of constructing the extension as determined by the department. Thereafter, the department will collect a connection charge from any property owner who, within 20 years of the completion of the extension, connects on to the extension with a service line. The amount of the subsequent connection charges shall be equal to the actual cost of the construction of the extension, divided by the total number of connection charges collected for that extension. The department will also charge a five percent (5%) administration fee whenever a connection charge is assessed. Whenever connections to the extension are approved by the department and connection charges are collected for such connections, the amounts of such connection charges shall be proportionally refunded to all persons or entities that have previously paid a connection charge. Refunds will be allowed only when service line connections are directly tapped to an extension. Refunds will not be allowed when additional extensions are connected to an extension. Refunds to an owner who pays a construction charge will follow the title of the property initially served by the extension.

Section 11. Amendment of Section 13.08.120(B). Haines Borough Code 13.08.120(B)(3) is amended, as follows:

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

13.08.120 Application for service.

A. Application Form. Each applicant for sanitary sewer service shall sign an application form provided by the chief fiscal officer giving the date of application, the date the applicant desires service to begin, purpose for which service is to be used, the billing address, the construction standards of the private service line, and such other information as the borough may reasonably require.

B. Applications for sewer service hook-up shall be processed as follows:

1. The applicant shall provide the information required by subsection (A) of this section and shall submit the required fees and charges as specified in the current assembly-approved water-sewer rate schedule.

a. Application Fee. There shall be a nonrefundable sewer hook-up application fee for individual sewer hook-ups. There shall be a special nonrefundable application fee if the application is for sewer service in a subdivision or development involving an extension of sewer mains or the installation of five or more sewer hook-ups. The purpose of the application fee is to cover administrative costs to review the application.

b. Permit Fee. If the proposed hook-up requires permits or approvals from other agencies, the borough may either require the applicant to obtain these approvals at the applicant's expense prior to approval of the hook-up application, or the applicant shall submit the permit fee and an administrative charge (HBC 13.08.115) as specified in the current assembly-approved water-sewer rate schedule to the borough and the borough shall make application for the required permits.

2. The applicant shall sign a statement on the application verifying that the applicant agrees to be responsible for any and all of the borough's costs above the minimum hook-up fee. By signing the application, the applicant agrees to abide with the requirements of this chapter. The application is a request for service and does not bind the borough to furnish service.

3. Hook-Up Fee. The purpose of the hook-up fee is to pay for the borough's cost of material, labor, and equipment to install the sewer service line from the sewer main to the applicant's property line. The hook-up fee shall be the minimum fee amount, plus any

additional cost to the borough related to the actual hook-up installation. **The sewer hook-up fee and any other fees shall be a lien against the property served in the same manner and to the same extent as a lien for special assessments and shall be enforced in the same manner provided for special assessment liens.**

When the department approves the application, the applicant shall submit the minimum hook-up fee as required in subsection (B)(2) of this section, as well as the expansion charge as required by HBC 13.08.125. Following full payment of these fees, the chief fiscal officer shall acknowledge payment on the application form. Provided all other approvals are complete, the chief fiscal officer's record of receipt of fees constitutes final approval of the application. The hook-up shall not occur prior to full payment of fees and final approval of the application.

...

Section 12. Amendment of Section 13.08.230. Haines Borough Code 13.08.230 is amended, as follows:

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

13.08.230 Billing and payment.

A. Liable Parties. All sanitary sewer service charges, except the connection fee, shall be placed on the bill for borough water service, but those who do not receive water service shall be billed separately. The rates and charges herein established and as specified in the current assembly-approved water-sewer rate schedule shall be collected from the owners of the premises receiving service. Passage and publication of the ordinance codified by this chapter shall be deemed notice to all owners of real estate of their liability for sewer service supplied to any occupant or user of such service on their property.

B. Payment Deadline. All charges for sanitary sewer service shall be due when the bill containing the water and/or sewer service charges is mailed. If the bill is not paid by the **billing due date specified on the bill**, ~~twentieth day of the month following billing~~, the account shall be considered delinquent.

C. Delinquent Accounts.

1. Delinquent Notice. A reminder of account delinquency may be sent, at the discretion of the chief fiscal officer, to each delinquent customer on or after 10 days after the account has become delinquent.

2. Turn-Off or Court Notice. On or after 15 days after an account becomes delinquent, a turn-off notice or a letter of intent to go to small claims court shall state a date on or after either the sewer or water will be disconnected or turned off or court action will be initiated, if the delinquent account is not paid in full prior thereto. Such date will not be less than five nor more than 15 days from the date of notice. A delivery to the premises served or mailing to the address of record of the customer shall be considered a delivery to the customer.

3. Service Turn-Off. On the turn-off date, the authorized department official or other agent of the borough shall turn off the service. The borough shall not be liable to tenants for damages resulting from sewer disconnects or water turn-off because of a landlord's failure to pay delinquent accounts.

4. Service Charge. In all instances where the sewer has been disconnected or the water turned off because of a delinquent account under this section, a nonrefundable service charge as specified in the current assembly-approved water-sewer rate schedule shall be made for the restoration of services in addition to replacement of cash deposit as required in HBC 13.08.120(C).

5. Liens. If a lien has been recorded, any delinquent amount owed to the utility shall constitute a lien upon the real estate for which water service is supplied, and the utility is authorized to file sworn statements showing such delinquencies in the office of the recorder of the Haines recording district.

D. Interest Charges. **Accounts will be charged** ~~One~~ and one-half percent interest per month ~~will be added to charges~~ **after becoming** delinquent ~~over 30 days~~.

E. Exemptions and Adjustments to Charges. The manager and the chief fiscal officer shall have the authority to make all necessary adjustments or exemptions to the charges and fees established in this title when directed to do so by the assembly or if, in the opinion of the manager or chief fiscal officer, such actions are in the public interest. Any adjustments or exemptions shall be made a part of the borough's public financial records along with an authorizing statement by the responsible party as to the reasons for the action taken. The decision of the manager or chief fiscal officer shall be final unless overruled by the assembly.

F. Residential Sprinkler Allowance. For the period from June 1st to August 31st of each year a metered residential customer may apply to the utility for a "sprinkler allowance." Upon submittal of the completed application form to the borough by the customer the borough shall authorize the allowance. Such allowance shall be determined by calculating the metered usage which exceeds the minimum 4,000 gallons per month. Any amounts in excess of the 4,000 gallons per month per unit during this period will only be charged at 50 percent of the metered usage. The purpose of this allowance is to make an adjustment for the metered usage based upon water meter registers where not all the water used is collected and treated by the sewer system.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
____ DAY OF _____, 2014.

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 10/22/13- referred to G.A.S. Committee
Scheduled for First Public Hearing: ___/___/___
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___

Haines Borough Assembly Committee Meeting
Committee: _ Government Affairs & Services _
Assembly Chambers

Date: December 3, 2013

Issue: Ordinance 13-10-352: Amending Haines Borough Code Title 13 to revise and clarify water and sewer service procedures.

In answer to a committee member Lapham's inquiry about radio read modules authorized in a previously adopted resolution, Facilities Director Carlos Jimenez stated that the that the meters were in place.

In answer to an inquiry from a committee member Campbell, Finance Director Jila Stuart reported that the water rate for a home if unmetered is \$34/month; if metered, is \$31/month for first 3000 gallons.

Resident Shane Horton stated that he would like water and sewer to be charged to mobile home renter instead of mobile home park land owner. Later in the meeting, Finance Director Stuart explained the design of the billing for both trailer parks and apartment buildings.

Finance Director Stuart stated that a previous rate analysis cost \$20,0000; that there is no current budget for a rate analysis for metering residential users. Stuart explained that a year ago the Assembly decided that wanted to move toward universal metering. In an answer to a request for an explanation of enterprise funds, Stuart said that theoretically the user feels should pay for operating expense. In practice, the user fees operating expenses, not depreciation.

In discussing HBC 13.04.150 (E), Stuart said that the theory behind the provisions is that it will y will encourage main extensions because the owner will get contributions from others who may tap in. From the audience, Assembly member Schnabel questioned whether or not it is good public policy to make individuals pay for water main extensions.

Committee asks the staff to prepare a memo for each change. And will move it on to Assembly for first hearing, January 14. The memo should explain each added or deleted sections and provide legal and financial analysis as well.

Recommended Action:

Assembly direct manager to direct staff to provide requested legal and financial justification for changes proposed by staff and set for first public hearing.

Who: Chair

When: January 14,
2014

Memo



To: Haines Borough Mayor & Assembly
From: Jila Stuart, Chief Fiscal Officer
Cc: Julie Cozzi, Interim Borough Manager
Date: October 17, 2013
Re: Proposed Title 13 Revision

The attached, proposed code revision ordinance is intended to accomplish the following:

- Allow the Borough to record a lien for unpaid water and sewer fees so that unpaid bills can more reliably be collected when a property changes hands;
- Create a mechanism for property owners who pay to extend a water or sewer main to be reimbursed by their neighbors who later hook up to the main within 20 years;
- Clarify code regarding fees paid for new meter installation;
- Require metering for all newly constructed residences after January 1, 2014; and
- Eliminate the “vacated” rate which allows customers to pay a reduced rate when they notify the Borough that they will vacate the premises but they still want to valve on.

Received from Assembly Member George Campbell
On 1/8/14 for 1/14/14 Assembly Meeting

Towing RFP

Suggested motion:

Direct the Manager to issue a Request for Proposals for towing and impound services on an “on call” basis fixed per call rates.*

Issuance of an RFP with simple language requesting minimal services: to tow or remove improper/illegally parked vehicles and impound said vehicles within the Alaska State Statutes should be tried prior to the Borough continuing to become involved in the towing and impound business.

The RFP should limit its requirements to our needs and those set out within the state statutes. RFP's could possibly include a minimum number of tows guaranteed by the borough, and price differential for after hours call outs.

Received from Assembly Member George Campbell
On 1/8/14 for 1/14/14 Assembly Meeting

Formation of a Motorized Park in Haines Alaska

Suggested Motion:

Request the Planning Commission to identify areas near or within the townsite of suitable size and terrain for designation as a Motorized Park. Recommendations to be returned to the assembly for the February 25th, 2014 assembly meeting.*

The Haines Borough Comprehensive Plan includes motorized recreation as one of the “Quality of Life” benefits for residents. Motorized use represents the third largest recreation group responding when combining snowmachine and ATV use.

Motorized use by families is on the increase in Haines, having a place close to town where families can go ride in the evening will be a long term benefit to our community, and can become a draw for visitors from other communities.

Some suggestions for location of a Motorized Park:

1. Borough land near and west of Community Waste Solutions land fill; designated as parks and open space in the comp plan, near present industrial use
2. Borough Land at the end of Sawmill Road between the road and Chilkat River, industrial and vacant land on most sides of this location.
3. Borough land near the water treatment plant, poor option due to sensitive salmon habitat.
4. Oslund Park; Borough land that was given to “Children of the Chilkat Valley”; presently only the skate park is dedicated for the intended purpose
5. Other lands requiring some sort of a purchase, trade or MOU for use: Pit at the end of Major road, Fairground’s old gravel pit, Klukwan Inc property at Jones Point.



HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

11C6

RECEIVED Haines Borou. DEC 26 2013 Clerk's Office

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: Gina St. Clair Date: 12/23/2013

Name of Group Represented (if applicable)

Address: Box 875 Haines, AK 99827 Phone: 766-3275

Email Address: stclair@aptalaska.net Fax: 907-766-3275

I request to be scheduled on the Borough Assembly meeting agenda dated the 28th day of January, 2014, or as soon thereafter as possible.

Purpose of Request: I am appealing the Managers interpretation of this section of code.

Estimated Time Required (if a presentation) 15 minutes

Action you wish the Assembly to take: I would like the Assembly to recommend to the Manager that the utilities at the corner of North Sawmill and Sunshine Street are not available for this purpose, to service a lot on Moose Lane.

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

Dear Borough Assembly,

December 23, 2013

I am writing to you regarding a land sale, which has hit an impasse with Borough Staff. The sale began two years ago with me asking borough staff if I needed to provide utilities to the three-acre parcel being sold. Borough staff told me that since I was only creating one parcel for sale, dividing seven acres into two, three acre parcels, I did not need to provide utilities. I have since sold that land and signed a contract. When borough staff received the survey for the short plat, they subsequently denied my application for a short plat subdivision because I needed to provide utilities to the parcel being sold. This arises from the language of HBC 18.100.092 which states that if utilities are available within 200 feet of any exterior property line of the subdivision, they need to extend past the corner of each lot to be serviced. The utilities do exist at the bottom corner of my lot at the intersection of Sunshine Road and North Sawmill Road. These utilities service my house.

To extend these particular utilities to the three acres I am selling above Moose Lane would require creating a utility corridor at least 535 feet long up a platted but undeveloped borough street right of way: clearing a 40-foot swath, cutting 200 trees, removing stumps and over burden, obtaining engineering for water runoff and permitting for being within 100 feet of an anadromous fish stream. Extending the utilities from Sunshine Street to Moose Lane would cost three or four times the value of the three acres of land I have sold. I will not extend those particular pipes for this purpose and will not be in favor of any effort to do so.

I have asked Borough Staff to consider identifying the utilities on Sunshine Street and Moose Lane as unavailable for this particular situation because of the ramification of developing this utility corridor, mainly dealing with the large amounts of water runoff and its long-term liability caused by digging into the intact forest. Borough Staff could say those particular pipes are unavailable for my purpose, and thereby move forward on accepting my short plat, but so far they have not.

Borough Staff has suggested a LID as the best option for bringing utilities to the developing neighborhood of Moose Lane. There are three possible ways to extend those utilities: (1) clear the forest and proceed up the North Sawmill Road right of way; (2) extend the utilities along Moose Lane, which is an existing road and would only require digging the trenches for the pipes; and (3) run utilities up from a different location on Sunshine Street, along an existing utility right of way to Moose Lane.

The impasse that has been created by Borough Staff exists because if the property owners along Moose Lane want to pursue a LID, I am not able to participate in that decision as the owner of the 7-acre parcel because I would not benefit from services of a LID. My home has utilities. The person who could participate in the creation of a LID on Moose Lane would be the person I sell the property to. An easy solution to this impasse would be to give me an exemption from the borough code by stating

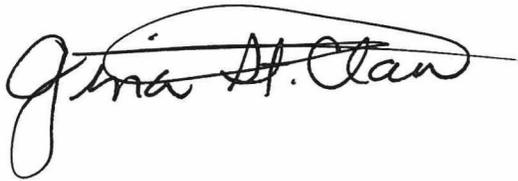
that the utilities at the corner of Sunshine Street and Moose Lane are not available for this purpose, allow me to sell my land, and allow the property owners along Moose Lane to pursue a LID.

By not allowing me to sell a three-acre parcel of land, the Borough Staff has created a lose/lose situation. They have created a situation in which my land is un-sellable. This would reduce the value of my land (my lifetime investment), which is also a loss in property taxes for the borough. By creating a situation that selling my land is not possible, they suppress development of this area, as well as economic development of a house being built on this land some day, which would also raise the property value and increase the property tax.

Borough Staff has never provided any concrete estimates of developing the three possible routes for providing utilities to the east end of Moose Lane. I do not believe they can say that bringing the utilities up North Sawmill Road is the best way to serve this developing neighborhood, yet they are using the existence of these pipes as the reason to deny my short plat.

I believe there is a solution to this problem. I am out of town for the next three weeks, so I am requesting to be on the agenda of the January 28 assembly meeting. I plan to meet with some assembly members before this meeting to discuss the options for moving forward.

Sincerely,
Gina St. Clair

A handwritten signature in black ink that reads "Gina St. Clair". The signature is written in a cursive style with a large, sweeping initial "G" and a long horizontal flourish extending to the right.

Michelle Webb

From: Julie Cozzi
Sent: Thursday, January 02, 2014 9:41 AM
To: Gina St.Clair
Cc: Michelle Webb
Subject: RE: Question about appeal...

Hi, Gina...

Thank you for the clarification. So, this email will acknowledge receipt of your appeal. The way it works, per code, at the assembly level is: on January 14, the assembly will have an opportunity to decide whether to rehear the planning commission's decision. If they decide to do that, the appeal hearing would take place at the next regular assembly meeting after that which would be on January 28.

On a related note, I am aware that your appeal was submitted more than 10 business days after the planning commission's decision, because of the mayor's request for you to delay your appeal until after you met with staff one more time. Whether or not the mayor had authority to do that is a question. Whether or not I have the authority to waive the 10-day appeal deadline is another. I have chosen to give everyone the benefit of the doubt and accept your appeal as timely-filed. The applicable section of borough code follows. Have a wonderful time in Mexico. Please let me know if you have questions. Happy New Year to you both!

18.30.060 Appeals to the borough assembly.

An appeal made to the borough assembly of the commission's decision on any permit shall be requested by filing with the borough clerk, within 10 business days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal. At the next regularly scheduled borough assembly meeting the borough assembly, by passage of a motion, may choose to rehear the commission's decision. Any aggrieved person, including the developer, may appear at that meeting and explain to the borough assembly why it should rehear the commission's decision.

A. If the borough assembly chooses to rehear the decision, it may choose to rehear the entire decision or any portion thereof. If it decides to rehear a decision or any portion thereof, it shall give public notice, conduct a public hearing and make its decision at its next regularly scheduled meeting.

B. In all re-hearings the burden of proof shall be on the party challenging the decision of the commission.

1. Findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact is supported by substantial evidence. The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence. The evidence shall be limited to a review of the record, although further argument may be allowed.

2. In all decisions the burden of proof shall be on the party challenging the decision of the planning commission.

3. The borough assembly may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on approval. The borough assembly shall support its action with written findings.

C. A decision by the commission shall not be stayed pending appeal, but action by the appellee in reliance on the decision, shall be at the risk that the decision may be reversed on appeal.

D. The borough assembly hereby provides for an appeal by a municipal officer or person aggrieved from a decision of a hearing officer or other body to the superior court. An appeal to the superior court under this section is an administrative appeal heard solely on the record established by the hearing officer or other body.

From: gmstclair@gmail.com [mailto:gmstclair@gmail.com] **On Behalf Of** Gina St.Clair
Sent: Wednesday, January 01, 2014 5:12 PM
To: Julie Cozzi
Subject: Re: Question about appeal...

Hi Julie, Dan and I are in Mexico until the 12th of Jan. We have already appealed the ^staff" decision to the PC. So we will appeal the COMISSIONS decision to the assembly.
Sorry about the mexican punctuation.

Gina

On Fri, Dec 27, 2013 at 9:22 PM, Julie Cozzi <jcozzi@haines.ak.us> wrote:

Hi, Gina...

Merry (belated) Christmas and Happy New Year to you and Daniel! I hope you are enjoying the holidays.

I received your appeal, and it says you are appealing the manager's interpretation to the assembly. Code provides that an appeal of a manager decision goes to the planning commission rather than the assembly. We can consider this a new manager decision, and you can appeal it to the planning commission. It may be that the additional arguments you and Daniel made to staff will affect the planning commission's decision. You never know.

Your other option is to change to an appeal of a planning commission decision. If you want to do that, you can make the change in a response to this email, and I can take it to the assembly. So the bottom line is this, because of the appeal procedures in Title 18, you need to do one of the following:

- 1) Treat this as a new manager decision and appeal it to the planning commission. (They would likely consider it during their January 9th meeting. We could look into it being the February 13 meeting, instead, if you are out of town.) ---or---
- 2) Appeal the planning commission's decision to the assembly.

Which one would you like to do? So sorry if this comes across as bureaucratic. As you well know, code is not always flexible. It is my desire to help facilitate your right of appeal.

Take care, and please let me know what you want to do and if you have questions.

Julie Cozzi, MMC

Interim Borough Manager

Haines Borough

P.O. Box 1209

Haines, AK 99827

[907-766-2231, ext.31](tel:907-766-2231)

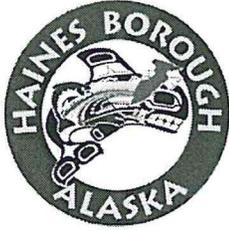
[907-766-2716](tel:907-766-2716) (fax)

www.hainesalaska.gov

"The most wasted day of all is that in which we have not laughed."

--

Gina St.Clair
The Great Alaska Soap Company
Box 875
Haines, AK 99827
907-766-3275



Haines Borough
**PLANNING COMMISSION
RECORD OF DECISION**

DATE: November 14, 2013

TO: Borough Assembly

FROM: The Haines Planning Commission

PLANNING COMMISSION DECISION:

Motion: Miller moved to “confirm the Borough’s decision.” The motion passed unanimously.

RATIONALE: Per HBC 18.100.030(B), any lot resulting from a subdivision, which is situated within 200 feet of public water and sewer systems, is required to have utility connections extended from the water and sewer mains to the property line. At the meeting, the Borough staff stated the fact that utilities are indeed within 200 feet and available to St. Clair’s proposed subdivision. Also, according to the Borough attorney’s memo, the Planning Commission does not have legal authority to grant exemptions from the requirement to extend utilities to subdivisions where utility service is “available” within 200 feet of an existing property line of the parcel being subdivided.

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chair



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 FAX (907) 766-2716

FINDINGS OF FACT

Appellant: Gina St. Clair
Location: C-207-TL-0620
Zoning: Rural Residential, Townsite Service Area
Nature of Request: Appeal of a requirement by the Haines Borough Code requiring public water & sewer utilities to service each lot individually within the subdivision to be created on the above-listed property
Public Hearing Date: November 14, 2013

Findings:

1. Property owner St. Clair said she brought seven acres of land in the Haines Borough twenty years ago. Because of a high tax burden, she would like to subdivide her seven acres into two 3.5-acre parcels, and sell the upper parcel of undeveloped land.
2. St. Clair said she was told by Borough staff that she did not need to provide the utilities because she was only creating two lots. However, when the Borough received the short plat from surveyor John Bean, her application was denied because Haines Borough Code 18.100.092(A) requires a developer to extend water and sewer utilities to each lot unless (1) no water and sewer service is available within 200 feet of any exterior property line of the new subdivision *and* (2) all lots are one acre or larger.
3. St. Clair said the cost for extending the mains will exceed 200% of the property value, which makes her unable to sell her property. She requested an exemption from the requirement to connect to public utilities.
4. According to the Borough attorney's memo, the Planning Commission does not have legal authority to grant exemptions from the requirement to extend utilities to subdivisions where utility service is "available" within 200 feet of an existing property line of the parcel being subdivided. The only issue for consideration if the Commission decides to hear the appeal is whether utility services are "available" within 200 feet of the existing property.
5. Borough staff stated the fact that utilities are indeed within 200 feet and available to St. Clair's proposed subdivision.

Conclusion:

A motion was made to confirm the Borough's decision. The motion passed unanimously.

Respectfully Submitted:

A handwritten signature in black ink that reads "Xi Cui".

Xi Cui "Tracy"
Haines Borough Planning & Zoning Technician III
(907)766-2231 ext. 23
xcui@haines.ak.us



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-406

Assembly Meeting Date: 1/14/14

Business Item Description:	Attachments:
Subject: Amend Previously Adopted Resolution – Authorize Contract with Key Mechanical to Replace Ice House Coil Originator: Harbormaster (Agenda Bill by Clerk's Office) Originating Department: Ports & Harbors Date Submitted: 1/8/14; originally 12/4/13	1. Adopted Resolution 13-12-523 with Proposed Amendments 2. Explanatory e-mails

Full Title/Motion:
 Motion: Amend Resolution 13-12-523 adopted at the 12/10/13 meeting by inserting proposed amendments.

Administrative Recommendation:
 The Interim Borough Manager recommends amendment of this resolution.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 30,268	\$ 18,000	\$ 12,268

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. : Objective 3C, page 105	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

On 12/10/13, the assembly adopted Resolution 13-12-523 to authorize the Borough Manager to contract with Key Mechanical for an amount not to exceed \$18,000 to replace the coil in the Haines Boat Harbor ice house. The assembly on 11/12/13 adopted Ordinance 13-10-351 to budget \$18,000 of raw fish tax receipts to replace the coil. The Harbormaster recommended contracting with Key Mechanical because the borough's requirements can be met solely by an article or process obtainable only from a single source (Haines Borough Code 3.60.170). Key Mechanical has since provided an updated quote of \$30,268 for the work. On or before the date on which the contract Notice to Proceed is issued, non-code Ordinance 14-01-365 shall be adopted by the borough assembly appropriating sufficient funds for the project, from additional raw fish tax receipts.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 12/10/13, 1/14/14	Tabled to Date:

**Proposed
Amendments to a
Previously Adopted
Resolution**

HAINES BOROUGH, ALASKA
RESOLUTION No. 13-12-523

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Key Mechanical for an amount not to exceed ~~\$18,000~~ \$30,268 to replace the coil in the harbor ice house.

WHEREAS, the Haines Boat Harbor is in need of a replacement coil in the harbor ice house due to leaks that prevent the coil from holding refrigerant; and

WHEREAS, the Haines Borough Assembly on 11/12/13 adopted Ordinance 13-10-351, which recorded an operating transfer from the areawide general fund to the harbor fund in order to use \$18,000 of raw fish tax receipts to replace the coil in the harbor ice house; and

WHEREAS, Key Mechanical has provided a quote of ~~\$18,000~~ \$30,268 for the purchase and installation of an ice house coil unit; and

WHEREAS, Key Mechanical built the ice house and specializes in commercial refrigeration installation; and

WHEREAS, the Harbormaster recommends contracting with Key Mechanical because the borough's requirements can be met solely by an article or process obtainable only from a single source (Haines Borough Code 3.60.170),

NOW, THEREFORE, BE IT RESOLVED that the ~~Haines Borough Assembly~~ authorizes the ~~Borough Manager to contract with Key Mechanical for an amount not to exceed \$18,000 to replace the coil in the harbor ice house.~~ **BY THE HAINES BOROUGH ASSEMBLY:**

Section 1. The Borough Manager is hereby authorized to contract with Key Mechanical for an amount not to exceed \$30,268 to replace the coil in the harbor ice house; and

Section 2. Effective Date. On or before the date on which the contract Notice to Proceed is issued, non-code Ordinance 14-01-365 shall be adopted by the borough assembly appropriating sufficient funds for the project.

Adopted by a duly-constituted quorum of the Haines Borough Assembly this 10th day of December, 2013. Amended on the ____ day of _____, 2014.

Stephanie Scott, Borough Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk

Krista Kielsmeier

From: Phil Benner
Sent: Monday, December 02, 2013 9:35 AM
To: Krista Kielsmeier
Subject: Ice House

Good Morning,

The amount is \$18,000.00.

Key Mechanical is the only source and the only company now on the west coast that does Ice House Installations, they built the Ice House. It is a single source for this installation.

This would be for the purchase of Ice House Coil Unit and cost of installation.

Coil info:
Colmac Coil Company

Serial Number 0506-49936
Model 4HP3-440-E-D
FLA/MTR .8
HP .5
QTY MTR 3
PH 3
HZ 60
Volts 460
Watts 10.326

Refridgerant R-507
AMPS 3PH 13.0

Mike Slover is my Key Mechanical contact.

Key Mechanical
4655 NE 190th Lane
Portland, OR 97230

Krista Kielsmeier

Subject: RE: Haines Visit

From: Phil Benner
Sent: Tuesday, January 07, 2014 9:41 AM
To: Krista Kielsmeier
Subject: RE: Haines Visit

Here is the new quote I received from Mike Slover the first estimate in the fall was for \$18,000.00 but we did not communicate well I guess about what was needed and how long it would take.

Thanks,
PHil

-----Original Message-----

From: Mike Slover [<mailto:MSlover@keymechanical.com>]
Sent: Friday, December 13, 2013 1:55 PM
To: Phil Benner
Cc: Krista Kielsmeier
Subject: RE: Haines Visit

Phil

Sorry for the delay,

Mike Slover
Key Mechanical
Phone (503) 231-0731 ext. 2018
Fax (503) 236-5848
e-mail mslover@keymechanical.com

-----Original Message-----

From: Phil Benner [<mailto:pbenner@haines.ak.us>]
Sent: Monday, December 02, 2013 10:26 AM
To: Mike Slover
Cc: Krista Kielsmeier
Subject: RE: Haines Visit

Mike, I need to get a quote so I can get the appropriation of the money on next week assembly agenda. I will then be able to issue the Purchase Order.

Thank you,
Phil

Qty	Item	List	Multi	Cost, ea.	Ext. cost	Markup	Sell
2	Alaska Air to Juneau		0.42	800	1600	1.20	1920
2	Wing of Alaska		0.42	325	650	1.20	780
0	misc. parts		0.42	0	0	1.30	0
1	Evap		0.42	7500	7500	1.30	9750
0	refrigerant		0.42	0	0	1.30	0
1	barge fr. To Haines and back		0.42	2000	2000	1.15	2300
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.30	0
0			0.42	0	0	1.36	0
0	Weld supplies & gas			0	0	1.35	0
64	Labor (ST)			109	6976	1.10	7674
16	Labor Travel			109	1744	1.10	1918
0	Marine			0	0	1.34	0
10	Subsistence days			75	750	1.15	863
5	Contingency			15	75	20.00	1500
10	Hotel costs			130	1300	1.15	1495
0	Truck charges			75	0	1.25	0
16	Project management			109	1744	1.10	1918
1	Shipping & handling to barge line			125	125	1.20	150

Estimated job cost: 24464 Total for job: **\$30,268**
Estimated gross profit: 5804
Estimated markup 1.24

Extras:

1					0	1.30	0
1					0	1.30	0
1					0	1.30	0
1					0	1.30	0

\$0

2014 Regular Assembly Meeting Agenda Preparation Calendar

Topic or Item Description to Clerk's Office for Inclusion on Agenda - 12:00noon	Agenda Finalization Meeting - 3:30pm	Draft Legislation (Resolutions & Ordinances) to Clerk's Office - 5:00pm	All Other Packet Documents to Clerk's Office - 10:00am	Begin Packet Processing & Departmental Review - 8:00am	Packet Published & Distributed - 12:00noon	Assembly Meeting - 6:30pm
<i>[Monday; a week plus a day prior to Assembly Meeting]</i>	<i>[Monday; a week plus a day prior to Assembly Meeting]</i>	<i>[Tuesday; one week prior to Assembly Meeting]</i>	<i>[Wednesday prior to Assembly Meeting]</i>	<i>[Thursday prior to Assembly Meeting]</i>	<i>[Friday prior to Assembly Meeting]</i>	
Jan. 6	Jan. 6	Jan. 7	Jan. 8	Jan. 9	Jan. 10	Jan. 14
Jan. 20	Jan. 20	Jan. 21	Jan. 22	Jan. 23	Jan. 24	Jan. 28
Feb. 3	Feb. 3	Feb. 4	Feb. 5	Feb. 6	Feb. 7	Feb. 11
Fri. Feb. 14 ¹	Feb. 14 ¹	Feb. 18	Feb. 19	Feb. 20	Feb. 21	Feb. 25
Mar. 3	Mar. 3	Mar. 4	Mar. 5	Mar. 6	Mar. 7	Mar. 11
Mar. 17	Mar. 17	Mar. 18	Mar. 19	Mar. 20	Mar. 21	Mar. 25
Mar. 31	Mar. 31	Apr. 1	Apr. 2	Apr. 3	Apr. 4	Apr. 8
Apr. 14	Apr. 14	Apr. 15	Apr. 16	Apr. 17	Apr. 18	Apr. 22
May 5	May 5	May 6	May 7	May 8	May 9	May 13
May 19	May 19	May 20	May 21	May 22	May 23	May 27
Jun. 2	Jun. 2	Jun. 3	Jun. 4	Jun. 5	Jun. 6	Jun. 10
Jun. 16	Jun. 16	Jun. 17	Jun. 18	Jun. 19	Jun. 20	Jun. 24
Jun. 30	Jun. 30	Jul. 1	Jul. 2	Jul. 3	Thurs, Jul. 3 ²	Jul. 8
Jul. 14	Jul. 14	Jul. 15	Jul. 16	Jul. 17	Jul. 18	Jul. 22
Aug. 4	Aug. 4	Aug. 5	Aug. 6	Aug. 7	Aug. 8	Aug. 12
Aug. 18	Aug. 18	Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 26
Fri. Aug. 29 ³	Fri. Aug. 29 ³	Sep. 2	Sep. 3	Sep. 4	Sep. 5	Sep. 9
Sep. 15	Sep. 15	Sept. 16	Sep. 17	Sep. 18	Sep. 19	Sep. 23
Oct. 6	Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 14
Oct. 20	Oct. 20	Oct. 21	Oct. 22	Oct. 23	Oct. 24	Oct. 28
Nov. 3	Nov. 3	Nov. 4	Nov. 5	Nov. 6	Nov. 7	Nov. 12⁴
Dec. 8	Dec. 8	Dec. 9	Dec. 10	Dec. 11	Dec. 12	Dec. 16

¹ Day adjusted due to the Presidents Day holiday

² Days adjusted due to the Independence Day holiday

³ Days adjusted due to the Labor Day holiday

⁴ Days adjusted due to the Veterans Day holiday