

Haines Borough
Borough Assembly Meeting #262
AGENDA



January 28, 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 – Library Director's Report
- 9A – Library Board Minutes
- 11A1 – Adoption of Resolution 14-01-531
- 11B1 – Introduction of Ordinance 14-01-366
- 12A – Request for Letter of Support – DIPAC Funding

***4. APPROVAL OF MINUTES – 10/22/13 Regular Meeting and 1/7/14 Special Meeting**

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

6. MAYOR'S COMMENTS/REPORT

- A. Alaska Power & Telephone (AP&T) Rate Increase**
- B. Clean Harbor Presentation**

7. PUBLIC HEARINGS

A. Ordinance 13-07-339 – Second Hearing

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 & 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. The committee proposed amendments that were adopted at the 1/14/14 meeting, and the ordinance was scheduled for a second hearing. **Motion:** Adopt Ordinance 13-07-339.*

B. Ordinance 13-12-357 – Second 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. This ordinance was introduced on 12/10 and had a first hearing on 1/14. **Motion:** Adopt Ordinance 13-12-357.*

C. Ordinance 13-12-358 – Second 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. This ordinance was introduced on 12/10 and had a first hearing on 1/14. **Motion:** Adopt Ordinance 13-12-358.*

7. PUBLIC HEARINGS --- continued

D. **Ordinance 13-12-359** – Second 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. This ordinance was introduced on 12/10 and had a first hearing on 1/14. **Motion:** Adopt Ordinance 13-12-359.*

E. **Ordinance 13-12-360** – Second 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. This ordinance was introduced on 12/10 and had a first hearing on 1/14. **Motion:** Adopt Ordinance 13-12-360.*

F. **Ordinance 13-12-361** – Second 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 fee for permits relating to animal husbandry.

*This ordinance is recommended by the planning commission. This ordinance was introduced on 12/10 and had a first hearing on 1/14. **Motion:** Adopt Ordinance 13-12-361.*

G. **Ordinance 14-01-363** - First Hearing

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.

*This ordinance is recommended by the interim clerk, the interim manager, and the mayor. It was introduced on 1/14. **Motion:** Advance Ordinance 14-01-363 to a second public hearing on 2/11/14.*

H. **Ordinance 14-01-365** - First Hearing

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. It was introduced on 1/14. **Motion:** Advance Ordinance 14-01-365 to a second public hearing on 2/11/14.*

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 1/14/14 Report

*B. Haines Borough Public Library – Director's Report of 11/26/2013

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

*A. Library Board – Minutes of 11/26/13

B. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

*1. **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 was delayed so the assembly's concern about conflicts of interest could be researched. The mayor has determined that there is no conflict for any assembly members and her memo is attached. This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 14-01-531.*

11. NEW BUSINESS ---continued

B. Ordinances for Introduction

*1. Ordinance 14-01-366

A non code ordinance of the Haines Borough approving the sale to Aspen Management, LLC of Lots 6 and 7 Primary School Subdivision plat No. 2008-21, Haines Recording District, First Judicial District, State of Alaska.

*This ordinance with accompanying documents was prepared by the borough attorney and is recommended by the interim borough manager. **Motion:** Introduce Ordinance 14-01-366 and set a first public hearing for 2/11/14.*

C. Other New Business

1. Confirm Chief of Police Hire

*The Interim Borough Manager will be prepared to recommend a hire for the position of Chief of Police. The Public Safety Commission has provided a recommendation for consideration by the manager. The hiring decision is awaiting the background and reference check reports that are expected by January 28. This is a department head position hired by the manager but it must be confirmed by the assembly. **Motion:** Confirm the manager's decision to hire _____ as Chief of Police for the Haines Borough.*

2. Tanani Bay Sewer Outfall System

*The borough has received another request from the developer for the borough to take over responsibility of the Tanani Bay sewer outfall system. This is a longstanding developer concern, and staff has conducted several meetings with him. The interim manager requests referral of this matter to the Government Affairs & Services Committee believing a committee meeting would be the best venue for the developer and staff to provide history, concerns, and recommendations. **Motion:** Refer the topic of responsibility for the Tanani Bay sewer outfall system to the Government Affairs & Services Committee.*

3. Harbor Breakwater Decision

The Port and Harbor Advisory Committee recommends a wave barrier design for the South Portage Cove Harbor to the Haines Borough Assembly.

Suggested Motion: Accept the PHAC recommendation of a partially penetrating wave barrier design.

4. Executive Session – Update on Manager Contract Negotiations

*On 12/17/13 the Haines Borough Assembly directed Interim Manager Julie Cozzi to negotiate a contract with David Sosa for the position of Borough Manager. **Motion:** "Go into executive session as allowed by AS 44.62.310(b)(2) to discuss the contract negotiations of David Sosa; 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'; 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."*

12. CORRESPONDENCE/REQUESTS

- *A. **Request for Letter of Support:** Port and Harbor Advisory Committee request for funds from Douglas Island Pink and Chum (DIPAC).

13. SET MEETING DATES

A. **Government Affairs and Services Committee** – Regarding Tanani Bay Sewer System and to discuss Ordinance 14-01-364 - Contracting Exception.

B. **Board of Equalization Training** – Proposed date - March 3rd - State of Alaska Assessor, Steve Van Sant, has contacted the Haines Borough to inquire about the scheduling of Board of Equalization training.

C. **Joint School Board and Borough Assembly Meeting** – Tuesday, March 4th - Annual meeting mandated by Charter Sec. 7.04 to discuss and coordinate financial planning, capital improvement needs, the six-year capital improvement plan, and other matters of mutual concern. The School District Superintendent and the Mayor have suggested this date.

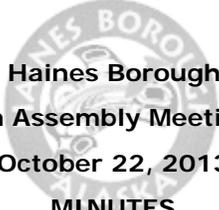
D. **Committee-of-the-Whole** - Topic: Pre-budget workshop with manager and department heads.

E. **Committee-of-the-Whole** - Topic: Set local assembly legislative priorities for FY15.

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #256
October 22, 2013
MINUTES

Draft

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

ROLL CALL Present: Mayor Stephanie **SCOTT**, and Assembly Members Debra **SCHNABEL**, Joanne **WATERMAN**, Dave **BERRY**, and Steve **VICK**. Jerry **LAPP** attended by phone. Norman **SMITH** was not present.

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Borough Clerk, Jila **STUART**/Chief Financial Officer, Carlos **JIMENEZ**/Director of Public Facilities, and Darsie **CULBECK**/Executive Assistant to the Manager.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Dana **HALLETT**, Thom **ELY**, Rodger and Fran **TUENGE**, Heather **LENDE**, Diana **LAPHAM**, George **CAMPBELL**, Kip **KERMOIAN**, George **FIGDOR**, Jack **WENNER**, Scott **SUNDBERG**, Joe **ORDONEZ**, Lorraine **DUDZIK**, Michael **MARKS**, and others.

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

The following Items were on the published consent agenda:

- 3 – Approve Assembly Meeting Minutes
- 8B – Fire Department Report **Added/Corrected**
- 9A – Parks & Recreation Advisory Committee Minutes
- 9B – Planning Commission Minutes
- 11A2 – Adoption of Resolution 13-10-511
- ~~11A3 – Adoption of Resolution 13-10-512~~ **Removed**
- 11A4 – Adoption of Resolution 13-10-513
- 11B1 – Introduction of Ordinance 13-10-352
- 11B2 – Introduction of Ordinance 13-10-353
- 11B3 – Introduction of Ordinance 13-10-354
- 11C1 – Board Appointments
- 11C2 – Liquor License Renewals
- 12A – Correspondence/Requests

Motion: **BERRY** moved to “approve the agenda/consent agenda,” and the consent agenda was amended it to add item 8B -Fire Report. Item 8A - Interim Borough Manager report and item 11A3 – Resolution 13-10-512 (Contaminated Soil Removal contract) were removed from the consent agenda. The motion, as amended, carried unanimously. **SCOTT** clarified some other corrections: On item 11B1 the motion on the agenda bill is incorrect. However, the motion on the agenda was correct. On item 11B2 the resolution sum is correct, but was listed incorrectly on the agenda bill.

- * 3. **APPROVAL OF MINUTES** – 10/8/13 Regular Meeting and 10/8/13 Election Canvass

4. **PUBLIC COMMENTS**

CAMPBELL was impressed with the decorum of the election officials, the assembly, and the Borough Attorney. He thanked Ms. Cozzi for her work. He believes no mistakes were made with malicious intent.

KERMOIAN spoke to the helicopter GPS data collection process. He suggested the borough purchase software for approximately \$3,000. This software will only list out of bounds information. This will provide a more cost effective solution when compared to the cost of borough staff’s time.

FIGDOR acknowledged the effort of the poll workers and staff regarding the election and agrees with **CAMPBELL**, no mistakes were made with malice. He asked for a distinction to be made between instructions that are given before an individual votes and after an individual votes. He also questioned whether all of the work of the investigation was in public, as the conclusions found in the report were drawn after the public meetings were completed. He would also ask a revision of code be considered to allow anyone who wishes to testify in the investigation be allowed to do so. Finally, he considered it awkward that the staff that was in charge of coordinating the election were required to testify and serve on the investigation team.

WENNER spoke to the two articles which were given to the assembly regarding the economic impact of ferries and the Juneau access project environmental impact statement (EIS). He felt it is time for

the assembly to consider whether there should be a road up the west side of the Lynn Canal or if the ferries are satisfactory. He encourages the borough to take a position on this matter. **SCOTT** stated the borough is on record for supporting the ferry system and supporting a west side road if there was to be a road.

KURZ expressed he felt **COZZI** conducted a clean election.

SUNDBERG spoke to **KERMOIAN**'s comments. He is aware there is software available to help with GPS data, but he suspects the recommended software would be significantly more expensive than \$3,000. He also remarked the election was well run under the circumstances. Also, the map change ordinance is a bit late in the season and could potentially cause bad press. He would encourage this discussion to be taken up in the spring.

ELY remarked GPS collection is a step in the right direction and long overdue. He felt the passage of this ordinance will allow issues to rest for a while, which is in everyone's best interest. He would like to recommend that a repeat of infractions should constitute a loss of permit, as monetary losses do not have enough impact.

ORDONEZ liked the idea of a three year hiatus regarding heliskiing changes. He reflected this would allow the community a pause and this would decrease the amount of bad press.

5. 2013 BOROUGH ELECTION

A. Notice of Election Contest Investigation Results

Motion: **BERRY** moved "to accept the report from the investigative team". The motion carried unanimously.

WATERMAN remarked the investigation was thorough and well thought out. **VICK** thanked the people who participated in the investigation and appreciated the level of detail and legal references provided in the report. **LAPP** stated for the record he had received a copy of the report.

B. Certification of October 1st Election

Motion: **LAPP** moved "to certify the October 1st Election" and the motion carried unanimously.

LAPP said there was not enough evidence to not certify the election. **BERRY** believed procedures were followed as well as they could be. **SCHNABEL** remarked the legal history was impactful in her decision. She believed people may have increased the number of selections on the ballot. However, the outcome was positive. **WATERMAN** expressed there was a lot learned from this election which can be improved for next time. She trusts voters to know their responsibilities. **VICK** remarked he had concerns about this election, but they did not rise to the level of overturning the election. He feels the code change weeks before the election caused confusion. Changes should have waited. He felt there was no malice or intent to mislead or electioneer, and this process did not favor any particular candidate. The borough will learn from this election and supports certification.

6. MAYOR'S COMMENTS/REPORT

Mayor **SCOTT** summarized the proclamation declaring November 2013 as Diabetes Awareness Month.

She also spoke to a recent addition to an MOU between Alaska and the Yukon to create an economic corridor for electrical and telecommunications, which was signed in Skagway. Per this understanding, the Municipality of Skagway is using their own funds to explore the West Creek power project. Article 6 of this document will allow other municipalities to participate and she would continue to monitor this discussion and project.

Also, the Permanent Fund has not been reviewed since 2008, as required by code. She would like to invite an individual from the Alaska Permanent Capital Management to visit Haines. **SCOTT** believes a Committee-of-the-Whole should be scheduled for this meeting.

Finally, she attended a meeting of the Southeast Conference of Mayors via teleconference. One of the topics discussed was pesticide use by the State of Alaska (SoA). The State of Alaska Department of Environmental Conservation along with the Department of Transportation had representatives participate in the discussion. The Mayors' concerns about pesticide use were not well received by the SoA and the Mayor will keep the assembly informed of further developments.

7. PUBLIC HEARINGS

- A. **Ordinance 13-09-349** – Second Hearing
An Ordinance of the Haines Borough amending Borough Code Section 18.20.020 to define “vacation rental” and change the definition of “lodge”; and amending Borough Code Sections 18.70.040 and 18.70.030(b & c) to add vacation rental to the Townsite zoning chart, the Mud Bay Planning/Zoning District, and the Lutak Inlet Planning/Zoning District.

Mayor **SCOTT** opened and closed the public hearing at 7:12pm; there were no public comments.

Motion: **BERRY** moved to “adopt Ordinance 13-09-349.” The motion carried unanimously by roll call vote.

There was no discussion.

- B. **Ordinance 13-09-350** – Second Hearing
An Ordinance of the Haines Borough pursuant to Haines Borough Code Title 14 Section 14.16.160, approving a record of survey and authorizing the execution of an easement grant to Ocean Beauty Seafoods LLC for existing utilities within Alaska State Land Survey 95-35 at Excursion Inlet.

Mayor **SCOTT** opened and closed the public hearing at 7:14pm; there were no public comments.

Motion: **BERRY** moved to “adopt Ordinance 13-09-350.” The motion carried unanimously by roll call vote.

There was no discussion.

- C. **Ordinance 13-10-351** – First Hearing
An Ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY14 budget.

Mayor **SCOTT** opened and closed the public hearing at 7:15pm; there were no public comments.

Motion: **BERRY** moved to “advance Ordinance 13-09-351 and have it examined by the Finance Committee prior to its second public hearing on 11/12/13,” and the motion, as amended, carried unanimously.

8. **STAFF/FACILITY REPORTS**

- A. **Interim Borough Manager – 10/22/13 Report**

COZZI invited the now certified candidates to be sworn in on Monday at the borough offices so they could start their duties. She welcomed any questions assembly members might have about her written report. **SCHNABEL** asked about the description of the new Lands Department Administrative Assistant in relation to the previous Sales Tax Accountant position. **COZZI** clarified the position has changed and replaces the position which Sue Nelson held.

1. **Former Borough Manager Earnest’s Heliskiing Allocations Update**

There was no discussion.

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- B. **Fire Department – Staff Report of September 2013**

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

- A. **Parks and Recreation Advisory Committee – Minutes of 9/18/13**

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- B. **Planning Commission – Minutes of 9/12/13**

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- C. **Assembly Standing Committee Reports - None**

10. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS**

- A. **Resolutions**

1. **Resolution 13-10-510**

A Resolution of the Haines Borough Assembly correcting a manifest clerical error involving real property account C-HHY-03-0900 for tax years 1986-2011 and authorizing a refund in the amount of approximately \$6,866.

There were no public comments.

Motion: **BERRY** moved to “adopt Resolution 13-10-510.” The motion carried unanimously by roll call vote.

SCHNABEL asked if there was a reason why this settlement didn’t go back to 1986. **STUART** said this was handled in the same way as the previous manifest clerical error. A compromise

of providing a settlement since consolidation in 2002 was decided. **SCOTT** clarified the borough is only required to refund for a single year. **SCHNABEL** asked the manager be directed to create a uniform policy how to handle these errors in the future.

*** 2. Resolution 13-10-511**

A Resolution of the Haines Borough Assembly awarding 2013-2014 service contracts to Northern Lights Development for Historic Dalton Trail RMSA and Riverview Drive RMSA snow removal services.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-10-511."

3. Resolution 13-10-512

A Resolution of the Haines Borough Assembly awarding up to \$20,000 to Republic Services Inc. for the removal and disposal of up to eighty yards of contaminated soil.

Motion: **WATERMAN** moved to "adopt Resolution 13-10-512," and it was amended to replace "Republic Services, Inc." with "Bicknell, Inc." in all instances and change the amount of "\$20,000" to "\$13,000". The motion, as amended, carried unanimously by roll call vote.

In discussion, **CULBECK** explained Bicknell was able to provide a much lower price today with the arrival of the scrap barge. **SCOTT** and **VICK** clarified there is no legal obligation to Republic, as it was handled as a quote basis, not a bid process. **SCHNABEL** commended the staff for the cost savings.

*** 4. Resolution 13-10-513**

A Resolution of the Haines Borough Assembly authorizing and designating certain persons to sign and endorse checks pertaining to certain bank accounts.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-10-513."

B. Ordinances for Introduction

*** 1. 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.

The motion adopted by approval of the consent agenda: "Introduce Ordinance 13-10-352 and refer it to the Government Affairs & Services Committee".

*** 2. Ordinance 13-10-353**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.070 to make changes to fees and penalties.

The motion adopted by approval of the consent agenda: "Introduce Ordinance 13-10-353 and set a first public hearing for 11/12/13."

C. Other New Business

*** 1. Board Appointments**

Note: An appointment application was received for a seat on the Chilkat Center Advisory Board and a seat on the Port & Harbor Advisory Committee. The mayor planned to make the appointment and sought assembly confirmation. The motion adopted by approval of the consent agenda: "Confirm the mayor's appointment of Michelle Wing to the Chilkat Center Advisory Board for a term ending 11/30/16 and Brad Badger to a commercial seat on the Port & Harbor Advisory Committee for a term ending 11/30/2014."

*** 2. Liquor License Renewals**

The Alaska Alcohol Beverage Control Board has notified the Borough of pending liquor license renewals for Pioneer Bar, Hotel Halsingland, Alaskan Liquor Store, Harbor Liquor Store, 33 Mile Roadhouse, Fireweed Restaurant, Mosey's, Fogcutter Bar, and The Kondike. The Board, prior to its final approval, is giving the local government an opportunity to make a statement, if so desired. In the approval of the consent agenda, the assembly chose not to make a statement.

3. Late-filed 2012 Senior Citizen Property Tax Exemption Application – B. Smith

Before HBC 3.70.030(A)(6)(e) was recently amended on 9/10/13, if an otherwise qualified claimant is unable to comply with the March 1 filing deadline, they may submit an application for review by the assembly. The borough received a 2013 Senior Citizen Prop Tax

Exemption Application from Bruce Smith for Acct. C-STR-02-2300 on 8-29-13, before the adoption of 13-08-340, and after the 3/1/13 deadline. In spite of two requests, the applicant has not provided any explanation or justification for the late filing. Therefore, in the absence of information demonstrating one of the two allowable reasons the administration did not recommend acceptance of this late application. For this reason, a resolution was not provided.

No motion was made.

4. 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 and introduced on 7/23/13. It was referred to the Government Affairs & Services Committee (GAS). That committee has completed its review and recommended advancing the ordinance to a first public hearing and the substitute ordinance.

Motion: **VICK** moved to “schedule Ordinance 13-07-339 for a first public hearing on 11/12/13” and it was amended to replace the ordinance with the substitute ordinance included in the packet. The motion, as amended, carried 4-1 with **LAPP** opposed.

VICK explained the GAS committee worked to incorporate the feedback and work into the presented substitute ordinance. A new committee makeup is proposed in this ordinance. A number discrepancy was identified and noted for correction. **VICK** clarified the committee and the public input were incorporated into the substitute ordinance. **BERRY** felt the GAS committee worked hard to include the community in this process. The amendment failed with **SCHNABEL** and **LAPP** opposed. **WATERMAN** requested for an explanation for those who voted against. **SCHNABEL** stated she preferred the original ordinance. **LAPP** said he is opposed to the ordinance all together. **VICK** asked amendments be proposed to the substitute ordinance to preserve the work of the GAS Committee. **SCHNABEL** successfully reconsidered her vote on the amendment. A second vote for the amendment carried with **LAPP** opposed.

5. Confirm Museum Director Hire

The borough recently received 16 applications for museum director and the board has provided a recommendation to the mayor. The assembly's confirmation is needed.

Motion: **BERRY** moved to “confirm the hire of Helen Alten for the position of Museum Director as recommended by the Museum Board of Trustees” and the motion carried unanimously.

6. Revised Heliskiing GPS Policy

In July 2013, Mayor Scott proposed changes for assembly consideration, and the topic was referred to the Government Affairs & Services Committee. That committee recommended amendments.

Motion: **VICK** moved to “approve recommended changes to the Administrative Policy regarding Heliskiing GPS Data Collection, Submission, and Compliance”. It was amended to add “per company per season” in section E, and “It is the policy of the Haines Borough to have low tolerance for operating out of bounds” as the first sentence in section H, as well as the addition of “without acceptable explanation” before the words “will be fined” in section F. The motion carried as amended in a 4-1 vote with **LAPP** opposed.

During discussion, **VICK** stated the GAS committee worked to standardize information provided to the borough and to add equality. He reported the GAS committee discussed software as mentioned in public comments, and the GAS committee felt it was unnecessary at this time without staff requesting it. **BERRY** felt software would be more costly than \$3,000. **LAPP** was concerned there was no “forgiveness” latitude for GPS technology being inaccurate. **VICK** confirmed forgiveness would be part of the data screening process. **SCHNABEL** commented the compliance section has issues. **WATERMAN** asked for the procedure when there is an infraction. **CULBECK** summarized procedure and it was explained if there were mitigating factors, those factors should be reported to the borough before a spot check.

12. CORRESPONDENCE/REQUESTS

*** A. Citizen Correspondence re. Heliskiing Map Ordinance and GPS Policies**

Motion: **SCHNABEL** asked if item 8A1 - Former Borough Manager Earnest's Heliskiing Allocations Update could be revisited, and there was no objection.

During discussion, **SCHNABEL** asked why companies were not evaluated for days used in a previous year's allocations. **COZZI** clarified skier days used were reviewed. **VICK** presented the assembly may consider consulting the manifest and the skier days used in the future when allotting more days.

13. SET MEETING DATES

- A. Finance Committee** – To be scheduled and coordinated by **STUART** - Topic: Ordinance 13-10-351 FY14 budget amendment
- B. Government Affairs & Services Committee** – Tuesday, 1/5, 5:00pm – Topic: Further discussion of Ordinance 13-10-352 regarding Title 13 clarifying Water Sewer Procedures
- C. Committee-of-the-Whole** – Tuesday, 1/28, 5:30pm to 6:00pm – Topic: Visit and presentation from Alaska Permanent Capital Management
- D. Committee-of-the-Whole** – Tuesday, 10/29, 12:00pm – Topic: Interviews for the Borough Manager via Skype at the Haines Borough Library
- E. Committee-of-the-Whole** – Tuesday, 11/12, 5:45pm – Topic: Presentation from the Borough Auditor

14. PUBLIC COMMENTS

DUDZIK and **MARKS** from the museum board thanked the assembly for approving the board's choice.

CULBECK reported the skier day use report is available on borough website. Also, it was worth noting skier days can be transferred between companies. **SCHNABEL** asked if a company is penalized by taking away skier days, can more days be transferred to them by another company. **CULBECK** detailed all transfers have to be approved by the manager. He also remarked the assembly should take their time on selecting the right new manager.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

VICK thanked everyone for the time on the assembly.

SCHNABEL and **WATERMAN** thanked Norm Smith and **VICK** for their time on the assembly.

LAPHAM and **CAMPBELL** were allowed to comment, and both thanked staff and are ready to work.

COZZI remarked it was a pleasure to work with the outgoing members.

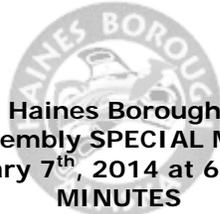
16. ADJOURNMENT – 8:22pm

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 #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 buyer. **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 how the borough had determined fair market value in establishing a starting price or if fair market value would be used. **COZZI** answered the borough has set the price 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
Assembly Agenda Bill

Agenda Bill No.: 13-311

Assembly Meeting Date: 1/28/14

Business Item Description:	Attachments:
Subject: Modify the Existing Heliski Ordinance Regarding the Process to Amend the Heliski Map	1. Ordinance 13-07-339
Originator: Mayor Scott	
Originating Department:	
Date Submitted: 7/15/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-07-339.

Administrative Recommendation:

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

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

Summary Statement:
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. In the 12/3/13 GAS meeting the committee proposed amendments to code, proposed a manager policy, and recommends scheduling this ordinance for a second hearing. On 1/14/14 these GAS amendments were adopted and sent the ordinance to a second public 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 & 1/28/14
Meeting Date(s): 7/23, 10/22, 11/12/13, 1/14/14, & 1/28	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. 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 members:**
 - 1. a representative of a local conservation, and appointed by the Mayor;**
 - 2. a member of the Haines Borough Assembly; and**
 - 3. a representative from the heliski industry selected randomly by current Haines Borough heliski permit holders.**
 - 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.**

Haines Borough
Ordinance No. 13-07-339
Page 3 of 3

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	01/14/14
Date of Second Public Hearing:	01/28/14



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-394

Assembly Meeting Date: 1/28/2014

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: Adopt Ordinance 13-12-357.

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):	Public Hearing Date(s): 1/14/14 & 1/28/14
Meeting Date(s): 12/10/13, 1/14/14, & 1/28/14	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 2014 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 2014 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: 01/28/14

**Haines Borough
Human Resource Building**

In-Kind Lease Agreement

LEASE AGREEMENT made as of the _____ day of _____, 2014

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

A program dedicated to the fullest development of the whole child.

2013 - 2014 BOARD OF DIRECTORS

Alissa Henry
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Melissa Ganey
Vice President

Katherine Lee
Treasurer

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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: 1/28/14

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: Adopt Ordinance 13-12-358.

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. 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:	Date:
Recommendation:	Meeting Date:
Refer to:	

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/14/14 & 1/28/14
Meeting Date(s): 12/10/13, 1/14/14, & 1/28/14	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: 01/28/14

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: 1/28/14

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: Adopt Ordinance 13-12-359.

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): _____ Public Hearing Date(s): 1/14/14 & 1/28/14
Meeting Date(s): 12/10/13, 1/14/14, & 1/28/14 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: 01/28/14

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.

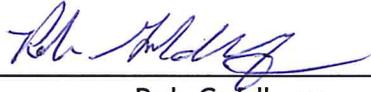
1. Water and Sewer. The subdivider, at the subdivider’s own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The 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



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-399
Assembly Meeting Date: 1/28/14

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: Adopt Ordinance 13-12-360.

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:
<p>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.</p> <p>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 being proposed by the planning commission (13-12-358), and so this construction declaration ordinance is also coming to the assembly.</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 1/14/14 & 1/28/14
Meeting Date(s): 12/10/13, 1/14/14, & 1/28/14	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: 01/28/14

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.

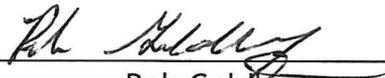
RATIONALE: The Planning Commission considers expanding “setback regulations in townsite service area” Borough wide by adding setbacks and height restrictions to general use zone. However, HBC 18.30.010 requires a construction declaration should be filed within 60 days of the start of construction. The 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

(signature)

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 18.30.010(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: 1/28/14

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: Adopt Ordinance 13-12-361.

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
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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:	Meeting Date:
Refer to:	

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/14/14 & 1/28/14
Meeting Date(s): 12/10/13, 1/14/14, and 1/28/14	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>
--	-----------------------

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: 01/28/14

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



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 14-407

Assembly Meeting Date: 1/28/14

Business Item Description:	Attachments:
Subject: Amend Haines Borough Code Regarding Filling Board Vacancies	1. Ordinance 14-01-363 2. Library Board support letter
Originator: Mayor	
Originating Department:	
Date Submitted: 12/11/13	

Full Title/Motion:
Motion: : Advance Ordinance 14-01-363 to a second public hearing on 2/11/14.

Administrative Recommendation:
This ordinance is recommended by the Interim Clerk, the Interim Manager, and the Mayor.

Fiscal Impact:						
<table> <thead> <tr> <th>Expenditure Required</th> <th>Amount Budgeted</th> <th>Appropriation Required</th> </tr> </thead> <tbody> <tr> <td>\$</td> <td>\$</td> <td>\$</td> </tr> </tbody> </table>	Expenditure Required	Amount Budgeted	Appropriation Required	\$	\$	\$
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:						
<table> <tr> <td>Sent to:</td> <td>Date:</td> </tr> <tr> <td>Recommendation:</td> <td>Meeting Date:</td> </tr> <tr> <td>Refer to:</td> <td></td> </tr> </table>	Sent to:	Date:	Recommendation:	Meeting Date:	Refer to:	
Sent to:	Date:					
Recommendation:	Meeting Date:					
Refer to:						

Assembly Action:	
Workshop Date(s): Meeting Date(s): 1/14/14 & 1/28/14	Public Hearing Date(s): 1/28/14 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~~ **three** 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:

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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
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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~~ **serve** 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: 01/28/14
Date of Second Public Hearing: ___/___/___

[Best Small Library in America 2005]



LIBRARY DIRECTOR

Patricia Brown

LIBRARY BOARD

Heather Lende, Chair

James Alborough,

Vice-Chair

Richard Flegel,

Treasurer

Lorrie Dudzik,

Secretary

Anne Marie Palmieri

JoAnn Ross

Cunningham

Cecily Stern

Meredith Pochardt

Stacey Gala

21 January, 2014

Dear Mayor Scott and Members of the Haines Borough Assembly:

The Library Board of Trustees would like to express its support for Ordinance 14-01-363, amending Haines Borough code regarding filling board vacancies.

The current wording allows the Library Board to continue using the selection process we have used for a number of years. Our current process includes a questionnaire specific to library interests and concerns. Completing our internal review process with a written recommendation to the Mayor—subject to confirmation of the assembly—allows for the creation of a public record of reasons behind board appointments.

Thank you to the Mayor and other individuals involved in the composition of this ordinance for finding an agreeable solution to filling board and committee vacancies within the Borough. We believe Ordinance 14-01-363 will serve the community well in providing strength and diversity in our committee and board members.

Sincerely,

James Alborough

Vice-Chair, Haines Borough Public Library Board of Trustees



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-412
Assembly Meeting Date: 1/28/14

Business Item Description:		Attachments:
Subject: FY14 Budget Amendment #3		1. Ordinance 14-01-365 2. Budget Amendment Worksheet 3. Sauna Support Letter from the Parks and Rec. Advisory Committee
Originator: Finance Director		
Originating Department: Finance		
Date Submitted: 1/9/14		

Full Title/Motion:
Motion: Advance Ordinance 14-01-365 to a second public hearing on 2/11/14.

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 (PRAC support letter included).

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/28/14
Meeting Date(s): 1/14/14 & 1/28/14	Tabled to Date:

HAINES BOROUGH, ALASKA
ORDINANCE No. 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: 01/28/14
 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)

Michelle Webb

From: Julie Cozzi
Sent: Wednesday, January 22, 2014 4:21 PM
To: Michelle Webb
Cc: Jila Stuart
Subject: FW: PARC's support of the sauna proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Agenda Business

FYI...

This is information for the budget amendment ordinance.

Julie

From: Meredith R. Pochardt [<mailto:mpochardt@gmail.com>]
Sent: Wednesday, January 22, 2014 2:41 PM
To: Julie Cozzi
Cc: Darsie Culbeck
Subject: PARC's support of the sauna proposal

Hi Julie,

The Parks and Recreation Committee voted 5-0 at our meeting on January 16th to advise the Assembly to support the proposal for a sauna at the Haines Pool. We feel that this would increase user-ship of the Haines Pool and provide added recreational opportunities for Haines residents.

If you have any questions feel free to contact me.

Also, I had heard discussion on setting up a training for all the committee chairs and was wondering if a date has been set for that?

Thanks,

Meredith Pochardt
Haines Borough
Parks & Recreation Advisory Committee - Chair
315-886-2401

INTERIM MANAGER'S REPORT

DATE: January 28, 2014
TO: Mayor and Borough Assembly
FROM: Julie Cozzi, Interim Borough Manager

Administration

- **Lobbyist Report:** Attached as *Appendix A* is a quarterly status report from Brad Gilman, the borough's Washington D.C. lobbyist.
- **SEABA and BLM:** The plea agreement hearing took place on January 17. The federal government is reviewing the agreement, and the sentencing hearing is scheduled for April 17 after which time we expect to receive more information from BLM.
- **Chilkat Center Lease and Management Agreement:** Lynn Canal Broadcasting Executive Director Kay Clements and I will be commencing discussions in February regarding renewals of both the Chilkat Center lease and the management agreement. These documents will eventually come to the assembly for approval.
- **New Borough Manager:** The mayor and I have been working on a contract with Dave Sosa and would like to provide the assembly a negotiations update in an executive session on January 28. Once approved by the assembly, the contract will become a public document.

Finance/Insurance

- **Federal Budget and PILT:** The Payment in Lieu of Taxes (PILT) extension was not included in the Omnibus Appropriations Bill as we had all hoped. The Alaska Delegation is very aware of the importance of program extension. Finding a \$425 million offset to pay for it remains an issue. The Haines Borough is a member of the National Association of Counties (NACO), and NACO has been working on the PILT issue on behalf of many counties. They provided us with an interesting document titled County Tracker 2013. It is attached as *Appendix B*.
- **Alaska Federal Lands Access Program (FLAP) funds:** The Alaska Federal Lands Access Program is soliciting proposals for capital improvement construction, enhancement, planning, and alternative transportation projects in FY 2015 through FY 2018. The proposals must be received by May 15, 2014. Darsie Culbeck and Jila Stuart met with the Forest Service by phone on January 23 to investigate the possibility of using FLAP funds for bridge replacement in Excursion Inlet. Both parties are excited about the possibilities and continuing to research this.

Lands-Assessment-Planning & Zoning

- **Contract Assessor Report:** Contract Assessor Marty McGee submitted the attached status report (*Appendix C*).
- **Ocean Beauty Permit to Use EXI Barge Ramp:** As authorized by borough Ordinance 13-09-350, we have received the patent from the state of Alaska conveying municipal land selection SLS 95-35, and it has now been recorded. While this land belonged to the state, Ocean Beauty had a permit to maintain and use the barge ramp for receiving and shipping freight, as well as storage of freight and shipping containers. Ocean Beauty has made a request for a similar borough permit now that the borough has title to the land. Staff is drafting a use permit similar to the one the borough has with Alaska Marine Lines for use of the Lutak Dock.

Parks and Recreation

- **Community Youth Development**: CYD Director Albert Giddings sent a letter out to coaches, athletic volunteers, community members and participants (attached as *Appendix D*). I share it because it does a great job of showing his understanding of program's purpose and his concern for the community's youth. Albert also reported to me the following upcoming activities: middle school girls basketball pizza night January 30, Whitehorse basketball in February, and Hooptime basketball in Juneau March 14-16.
- **Pool Report**: Attached as *Appendix E* is a pool activity report for December 2013 provided by pool manager Rae Ann Galasso.
- **Picture Point Wayside**: On January 22 at the Public Library, the ad hoc Picture Point Wayside Development Design Committee hosted a public showing of the preliminary designs/drawings/concepts for the new Picture Point Wayside. The drawings will be on display at the library until February, and the public is invited to comment. We expect to break ground this summer.

Police Department

- **Police Chief Recruitment**: I will be prepared to recommend a hire for the position of Chief of Police on January 28. Per HBC 2.50.040(E) the Public Safety Commission provided the attached recommendation (*Appendix F*) for my consideration. My hiring decision is awaiting the background and reference check reports that are expected by January 28. This is a department head position hired by the manager but it must be confirmed by the assembly.
- **Patrol Officer Recruitment**: Recruitment is continuing for a patrol officer, and the position is open until filled. Six applications were received by the January 17 first review date. We decided to receive more applications before short-listing for interviews.

Public Facilities

- **Land Movement / Slump Area**: With all of the rain and warm temperatures we've been having, some have asked if we have any way of knowing whether the hillside will stay put. Director of Public Facilities Carlos Jimenez reports, while there is no way to guarantee it won't move again, Public Works is doing all it can to keep the ditches and culverts cleared of water. The crew also performed quite a bit of ditch reconditioning last fall. He has been working with the Public Works Superintendent to determine which recommendations made in the PND report could be tackled in house this summer. Estimates from PND to contract all of the work out could be in excess of \$2 million.
- **Sludge Disposal**: Executive Assistant to the Manager Darsie Culbeck assisted Scott Bradford in negotiating a contract with Community Waste Solutions to provide sewage sludge disposal for the next four years at excellent rates. The rate will be \$.165 cents per pound for the first two years and \$.175 for the next two years.
- **Director of Public Facilities Report**: Carlos Jimenez has provided a project update, and it is attached as *Appendix G*.

Appendix A

To: The Honorable Stephanie Scott
The Haines Borough Assembly
Julie Cozzi, Acting Borough Manager

From: Brad Gilman & Sebastian O’Kelly

Re: Washington Update

Date: January 21, 2014

1. Fiscal Year 2014 Federal Budget: There has been a thaw in the budget warfare between the political parties. Congress has just enacted on a largely bi-partisan basis a 2014 Omnibus Appropriations Bill that will fund Federal agencies for the remaining eight months of the fiscal year. Overall Federal appropriations edged up to \$1.012 trillion from the 2013 spending level of \$986 billion. The automatic budget cuts (aka “sequester”) have been put on hold for most Federal programs for the next two years. Lawmakers will face a vote on raising the national debt ceiling later this spring, and the appropriation process for Fiscal Year 2015 will begin in February. We do not see another federal government shutdown occurring this year.

2. FY 2015 Appropriations Requests: Both Alaska Senate offices will be seeking Federal appropriations requests from communities for FY 2015 for both projects and program support. The deadline for submission is February 28th. As in years past we can work with you to develop a list of top Federal priorities. Once the priorities are identified, we will complete the online submission process set up by the Senate offices. Rep. Young is not soliciting requests until the earmark moratorium is lifted. The Alaska Senators are seeking requests so that they can move quickly should the moratorium be suddenly lifted. Sen. Begich has indicated that he is working with a number of other Senators to find a way to reinstate earmarks. All three Alaska legislators strongly favor lifting the moratorium.

3. Haines Harbor Project: Senator Begich had his chief-of-staff contact the White House in December to urge the President to include funding in the 2015 President’s Budget for the Haines breakwater. The President’s budget will come out in early March. Senator Murkowski’s staff is meeting with the Army Corps, Alaska District, this week in Anchorage. We have asked the staff to raise the Haines Harbor project in their discussions.

The recently enacted Omnibus Appropriation bill included “Small, Remote, or Subsistence” funding for maintenance dredging and Army Corps feasibility studies. The bill did not, however, include a “Small, Remote, or Subsistence” line item in the General Construction account. We have sent a memo to all three Members of the Alaska Delegation urging them to pursue an appropriation for this line item in the FY ’15 process. The Senate version of the Water Resources Development Act reauthorization bill includes language creating a “Small, Remote, or Subsistence” construction

authorization for Alaska, Hawaii, and the Island Territories. The House and Senate are currently conferencing the bill, but remain stuck over how to handle project authorizations.

4. PILT/Secure Rural Schools: SRS payments are expected to go out within the next month. In a recent House hearing, a USDA official indicated that the Forest Service will not attempt to “sequester” SRS payments this year. Congress did not include the PILT extension in the Omnibus Appropriations Bill because an offset could not be found for the program’s annual \$425 million cost. Alaska communities receive approximately \$26 million of that amount. Without an extension, there will be no PILT payment this summer. The leaders of the House and Senate Agriculture Committees have, however, pledged to find a way to include the program’s extension in the Farm Bill conference, with the offset coming from a reduction in crop insurance programs. This conference is nearly complete and is the best option at this point to avoid late PILT payments. A number of bills have been recently introduced and floor statements made by Members of both parties in support of the program. All three Members of the Alaska Delegation are pushing for the extension.

5. Highway Bill Reauthorization: The current highway bill authorization (MAP-21) is set to expire September 1 and Congress will need to either extend the existing law on an emergency basis or pass a more comprehensive reauthorization bill. The spending in current transportation programs is out-pacing revenues collected from motor fuels taxes (the Federal gasoline tax stands at 18.4 cents per gallon, is not indexed to inflation and is at the same level as it was in 1993). Automotive fuel efficiency is improving while vehicle miles driven remain static, leading to a major projected shortfall in the Federal Highway Trust Fund. Congress will attempt to address the shortfall in funding this year, with a number of proposals being put forward to increase financing for the program, given that the country’s transportation needs only continue to grow. We are trying to determine whether the Alaska Delegation will entertain project requests this year for the bill. We intend to emphasize the need for the bill to authorize the Shakwak funding so that the remaining portion of the Alaska-Canada Highway is completed.

6. Fisheries: The following summarizes new developments in the fisheries policy.

- **International Fisheries:** S. 269 is poised to be enacted by Congress early this year. The bill would establish uniform administrative and enforcement authorities for high seas driftnet fishing by amending several international fisheries agreements.
- **Trans-Pacific Partnership Agreement:** The State Department is negotiating a regional trade agreement with Australia, Brunei, Chile, Canada, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. Thailand, Indonesia, and the Philippines have also expressed an interest in being part of the trade agreement. One of the issues being considered is the lowering of seafood import and export duties in trade with these countries.

- **USDA Seafood Purchases:** Senator Murkowski has been pressing the USDA for greater seafood purchases from Alaska for its emergency food bank programs. Recently, the Department has announced a \$20 million purchase of canned pink salmon.
- **Genetically-Modified (GM) Salmon:** The rider to the FY 2014 Agriculture Appropriations Bill requiring labeling of GM salmon did not make it into the Omnibus Appropriations bill. We expect this issue will re-emerge this year on other legislation.
- **Fisheries Disaster Relief:** The FY 2014 Omnibus Appropriations Bill includes \$75 million nationally for fisheries disasters. A portion of this relief will go for salmon disasters in the Yukon-Kuskokwim River and the Kenai River.
- **Electronic Monitoring And Logbooks:** The Omnibus includes guidance to NOAA in FY 2014 for use of electronic monitoring and logbooks for the small boat fixed gear fleet. It encourages the use of a cooperative research program to test monitoring technology on small vessels and also encourages NMFS “to exercise reasonable discretion” when receiving any requests from small vessel owners not to have to carry a human observer.

7. Miscellaneous

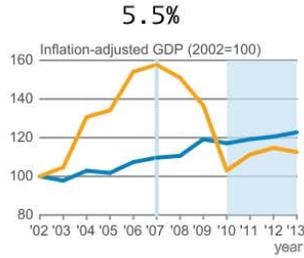
- **Essential Air Service (EAS):** Funding to continue the EAS program was included in the FY 2014 Omnibus Appropriations Bill.
- **Tsunami Debris:** The Omnibus includes \$6 million in NOAA funding, including \$1 million for community grants, for tsunami debris removal.
- **Denali Commission:** \$10 million was provided in the Omnibus for the Commission for FY 2014.
- **Wild Game Food Donation:** Rep Young in December re-introduced legislation (HR 3728) to allow for a tax deduction of the value of any donated game by hunters to food banks.

HAINES BOROUGH, AK

Economic Output Growth Rate

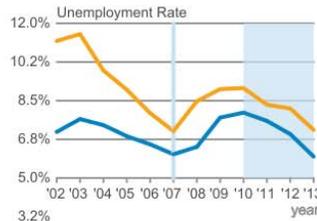
2012-2013

-1.8%



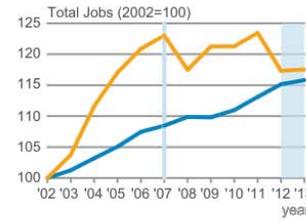
Unemployment Rate Change¹

-1.0pps



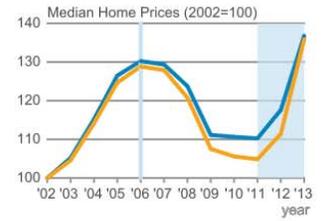
Jobs Growth Rate

0.2%



Median Home Prices Growth Rate

21.9%



SIZING UP 2013

Haines Borough, AK has a county government.

Haines Borough is a small county not in a metropolitan/micropolitan area.

POPULATION, 2012	2,552
NOMINAL GDP	\$145.0 MILLION
AVERAGE COUNTY WAGE	\$36,400
UNEMPLOYMENT RATE	7.2%

TOP FIVE INDUSTRIES, BY DOLLAR VALUE AND SHARE OF COUNTY ECONOMIC OUTPUT, 2013

OIL AND COAL PRODUCTS	\$49.7 MILLION	34.3%
AVERAGE WAGE, 2013:	\$54,600	
PIPELINE TRANSPORTATION	\$14.7 MILLION	10.1%
AVERAGE WAGE, 2013:	\$107,000	
LOCAL GOVERNMENT	\$9.1 MILLION	6.2%
AVERAGE WAGE, 2013:	\$37,300	
HEALTH CARE	\$7.1 MILLION	4.9%
AVERAGE WAGE, 2013:	\$50,400	
HEAVY CONSTRUCTION	\$5.7 MILLION	3.9%
AVERAGE WAGE, 2013:	\$34,100	

DEFINITION OF TERMS: (Data Source: Moody's Analytics)

Economic output (gross domestic product - GDP): Total value of goods and services produced by a county economy, also known as GDP. **Total Jobs:** Total wage and salary jobs, whether full or part-time, temporary or permanent in a county economy. It counts the number of jobs, not employed people, for all employers in a county economy, not only for the county government. **Median Home Sales Price:** Median sales prices of existing single-family homes. **Unemployment Rate:** The proportion of the civilian labor force that is unemployed. **Average Wage:** Wages and salary disbursements per job. This indicator is calculated based on total wage and salary disbursements and total wage and salary jobs for each county economy and for each county major industry.

NOTES:
¹ Average unemployment rate changes for the 1990-peak period are minimal. This study determines peak and trough values and years separately for each county economy and each indicator. Peak values represent the highest annual value of a county economy indicator between 2002 and 2009. 2002 marks the first year after the end of the previous U.S. recession; 2009 marks the end of the latest U.S. recession as determined by the National Bureau of Economic Research. Trough values represent the lowest annual value of a county economy indicator between the peak and 2013. It is possible that no recession occurred in a county economy for a specific indicator. Multi-year growth rates are annualized, showing how much an indicator would have grown annually if it increased at a steady rate over a certain period. Industry data reflect values at the 3 digit NAICS levels. 2013 data are forecasts. Small, medium-sized and large counties have a population less than 50,000, between 50,000 and 500,000 and greater than 500,000, respectively. County population values come from the U.S. Census Bureau's population estimates, vintage 2012.

#CountyTracker

Media contact: Jim Philipps 202.942.4220
 Questions? Contact Dr. Emilia Istrate,
 NACo Research Director | research@naco.org
 FULL REPORT: www.naco.org/CountyTracker



Appendix C

Report: January 2014 Haines

To: Julie Cozzi, acting Borough Manager

CC: Dean Olsen

From: Marty McGee, Assessor

Status: Original Proposal in response to RFP delivered September 3, 2014.

Contract Signed: November 14, 2014.

Objectives: Develop the ability of the current full time Borough employees to independently administer the property tax assessment. In the context of this objective we have reviewed the current records system, allocation of staff time, business practices and policy and procedure of the assessment section.

The Borough is in the process of developing and implementing a new accounting system and a Geographic Information System (GIS) data base. It has been identified as desirable to develop an electronic data base for assessment information and to coordinate the development and implementation of this system with the other electronic data systems.

Scope of work:

Assess all taxable property within the limits of the Borough in the name of the person by whom it is owned, according to AS 29.45.110 and HBC 3.72, review exemptions, prepare the assessment roll, review protests, and represent the Borough before the Board of Equalization.

HAINES INSPECTION

A three person team from AAA was present in Haines inspecting property and reviewing files and systems from November 4 to November 16.

Staff include Assessor plus two property inspectors assisted by Dean Olson. Mr. Olson is very knowledgeable and helpful. His understanding of the community, the history of assessment and the specific work done on individual properties has

been indispensable in performing our work. Mr. Olson was able to identify the pattern of inspection from prior years and the areas of the community most in need of inspection in the current cycle. We have inspected many properties which have not been visited or reviewed in over ten years. The current mandate from the State Assessors office is to inspect each property once every six years. The work we have been able to perform will not bring the community into compliance with this mandate. I estimate it will take at least three years to bring the community into compliance.

We drove most roads in the community, visited neighborhoods, inspected property, measured and photographed buildings.

The team took over 600 photographs of buildings, in some cases multiple photos of the same building.

The team collected information and visited property listed for sale or reported as sold while inspecting property in the community.

We are currently working with this information and relating the collected information with existing property records. By the time we are done we expect to have updated between 300 and 400 property records.

In addition to the road system I and Dean were able to visit Glacier Point and inspect land and buildings in that location.

Property records:

In 2013 the Haines tax base contained 2,576 individual properties. We have a copy of the electronic spread sheet used to print the notice of value for that tax roll. This record includes owner name and legal description but almost no descriptive information related to the physical land and building.

The majority of the information on individual property records is currently maintained in individual paper files. Approximately 87% of the files have been scanned and we are using a copy of the scanned information.

We have a copy of the assessment data base used by Sitka and Ketchikan and we are populating that data base with information from the Haines records.

The 400 inspected properties will have complete information and the rest of the tax roll will have skeletal information from the existing electronic records.

I believe it is a reasonable goal to have the assessment data base, accounting data base and the GIS data base populated and functional within the 2014 calendar year but the systems will be of limited use in the creation of the 2014 tax roll.

We are working with the development of the GIS data base and the new accounting records system.

The new assessment data base has built in or incorporated tools which facilitate modern mass appraisal methods. We will be able to analyze the entire tax base for systematic and uniform valuation. Also, we will be able to identify and allocate property to valuation models which will help improve uniform and accurate assessed value.

Appeal Review:

We have access to a list of all property appealed in the last tax year. We are using that list to identify neighborhoods and subdivisions which need attention and equalization. We have an objective of giving systematic treatment of all taxpayers. This is intended to address the concern that only those who appealed got a change in value in last year's assessment process. We are making progress in this effort but it is difficult because of poorly documented value changes in appeals worked by the prior assessor. This is also a challenge because the valuation models were not fully documented and disclosed by the prior assessor.

Model building:

Efficient Mass Appraisal is done by building computerized valuation models. The accuracy of the value estimate depends on accurate descriptive information and the skill and training of the model builders. Additionally, consistent and accurate valuation depends on good business practices and consistent maintenance of the system. I have provided Dean with information about the documented business practices developed in Anchorage. He is already familiar with model building techniques and the standards established by the IAAO and AAAO (the State of

Alaska and international professional associations). Dean and I have been working together to establish the foundation for valuation models for both land and buildings which can be used in 2014 and future years. Land must be identified with similar value related characteristics and each lot is assigned to a valuation model. Within the model adjustments are developed from local market data to take into consideration the unique physical and legal aspects of each individual lot. Because of limited time and limited accurate descriptive information the models established for 2014 will be simplistic. They will provide uniform values for lots with similar locations and characteristics. These models can be improved in future years as more accurate information is entered into the data base.

Improved property value (the value of buildings) will be developed using local costs and a nationally recognized valuation guide. Dean has done some very good work collecting and analyzing data in the development of this model. I have been working with him providing guidance and reviewing the collection and analysis of data. We believe we can produce a reliable and defensible value for the 2014 tax roll. However, this effort is hampered by the available data accuracy and limitations of the existing valuation system. We were hopeful that over 600 individual value estimates historically developed in the current system could be electronically updated and used as the basis for the 2014 value. In the past week we have found that the estimates have not been developed and stored in the manner expected by the system and that the results will be less than we had hoped for. We are proceeding with the available information and results. Again as with the historic land valuation we will produce models which are more simplistic than would be optimal for accurate valuation.

Uniformity has become a higher priority in the development of this tax roll than accuracy of specific individual value.

Projected value changes:

I am still in the process of completing the final value determination. My objective is to have a small change to the overall assessed value from the prior year. The research I have done with regard to the local economy, jobs and employment indicates a stable local economy with little change in real property market

dynamics. The general trend across the USA and Alaska in particular is about a 3% to 4% change in relative value. Giving consideration to both the depreciation of improvements and the increase in general market value I expect the final result to be between a 2% to 3% increase in the value of the whole tax base. However, correction of individual property description errors and equalization of values for property with similar value attributes is going to result in changes both up and down of greater than the average trend for specific individual property. I will provide you with specific information about those changes as soon as I am certain of what changes need to be made. I expect that to be sometime near mid-February.

Community outreach:

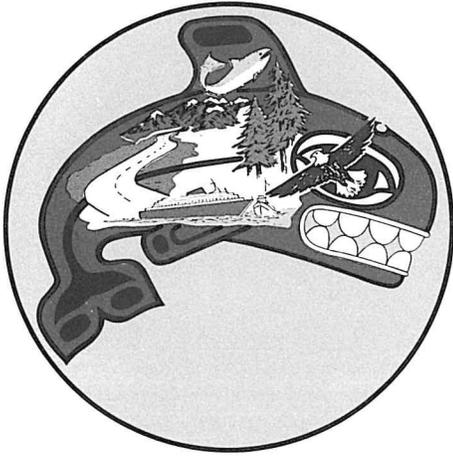
I am very much in favor of an active program to inform the community of the changes to the assessment process and as much specific information as is possible. I would like to begin that process as soon as possible.

Based on my past experience I would not recommend an open public meeting at the beginning of this process. I believe it would be most effective to begin by providing information to the local press. Also, putting information on the Borough web site. I will be providing a list of frequently asked questions and answers which could be posted on the Borough web site. I have developed this by looking at similar FAQ sites across the state and incorporating specific local issues and answers. I am willing and able to conduct interviews with the local newspaper and radio station. I believe that Dean is ready and able to meet with local groups and explain different issues. If you want to consider a printed flyer or direct mailing to specific target groups of property owners we know to be specifically concerned that has also been useful in the past.

I have found that general public meetings attract a specific sample of the general public who come with specific grievances and statements they wish to make that is not representative of the whole community. I have not found such meetings to be effective in changing the opinions or ideas of the people present at the meeting. I have also had experiences with the group dynamics where individuals

influence the attitudes and opinions of otherwise reasonable people in a negative way. Some people attend these meetings not to be informed or educated but to have a forum for their own opinions and ideas.

A number of meetings with a few individuals or small groups who are known to be concerned will get people answers, let them know their concerns are heard and given consideration, and inform them about what we are doing to remedy the situation. Avoiding generalizations and sticking as close to specifics and documented facts as possible is usually the best way to address concerns.



HAINES BOROUGH, ALASKA

P.O. BOX 1209 • HAINES, ALASKA 99827

Administration (907) 766-2231 • Fax (907) 766-3179

Tax Office/Assessor (907) 766-2711 • Fax (907) 766-2716

Tourism (907) 766-2234 • Tourism Fax (907) 766-3155

Community Youth Development

To: Coaches, Athletic Volunteers, Community Members and Participants,

Hello,

This is just a brief letter to introduce myself as a newly hired employee for the Borough of Haines.

My name is Albert Giddings and I was very excited and pleased to accept the position of Community Youth Development Director as of mid December past. Since coming on board, aside from setting up an office, connecting lap tops, printers and phones, I have been perusing as many of the past records, rosters and flyers I could find in an effort to quickly come up to speed concerning the various athletic activities, community events and coordinated social opportunities offered through this program.

In doing so the "Mission" of the Youth Development Program became very apparent. Simply stated, the purpose is to assist the youth of Haines to grow into socially responsible, capable citizens by providing them opportunities in which a healthy self esteem, a positive identity and a stable confidence, in respect to daily life, can develop both individually and collectively. The "Method" to promote this growth and development is provided through specific interests such as basketball, track, soccer, climbing, hiking, skiing, running, volleyball, totem carving, fish camp, skate boarding and much more. Equally evident, as revealed within the archives, there is no doubt that the dedication, enthusiastic efforts, hard work and commitment of those who have held this position before me, as well as the active support and vision of the Borough, coaches, instructors, teachers, mentors and countless volunteers have been the "mainbrace" and driving force of the continual success of this program.

Needless to say, I am very excited and thankful to come on board. It is my intention to meet each of you and learn how to best assist you toward the "Mission" for our youth. Please feel free to approach me at any time with suggestions or needs. Thank you for the opportunity. I am eager to make a positive contribution to the community and to work with everyone on the Community Youth Development team.

Sincerely,

A handwritten signature in cursive script, appearing to read 'AL'.

Albert N Giddings
Community Youth Development Director
Haines Borough
PO Box 1209
Haines, Alaska 99827
907-314-0641 (CYD cell)
agiddings@haines.ak.us
01/01/ 2014

2013

December Monthly Report

There were 766 pool users averaging out to 31 per day. In December of 2012 there were 998 users. BACTalk records indicate a monthly consumption of 187,273,913 BTU's.

Pool temperature was 81 degrees.

The sand filter was backflushed two times a week. The pool was vacuumed two times, and 240 lbs of salt added.

The main challenge this month was the weather, making it difficult for patrons, as well as staff, to get to the pool resulting in typically low numbers for swims (as expected in December.) Our Early Bird Lap swim dropped numbers significantly after the first week of the month averaging out to 3 patrons each hour. Our noon swims averaged 4.5 swimmers per hour, evenings 8 per hour and Saturday swims were busiest at 10 swimmers per hour. Other highlights for the month include:

- Our new assistant manager was hired this month.
- We concluded with the High School Swimming class on Dec 19th. 4 students passed level 6 swimming and skills proficiency of the American Red Cross Learn-to-Swim program.
- Homeschoolers swim lessons for the first semester concluded on December 18th. Billing to homeschooling parents was submitted.
- We hired and completed training for three new guards in December. These guards are currently working on the schedule.
- Discussion took place between the pool manager and HBSD physical ED teacher Lexi Dewitt in order to begin preliminary scheduling for the HBSD water safety sessions. AMSEA was contacted and we discussed the equipment order and tentatively scheduling Water Safety sessions to begin on Monday, February 10th.

12/2 At 6:20 pm it was reported that there was some damage to the HDST scoreboard.

12/4 A complaint was made by patron that the pool was too busy to swim. (There were only 6 people in the pool.)

12/7 It was reported that a lane line wire was stripped and snapped. The lane line was fixed by pool staff.

12/11 Holiday passes went on sale.

12/12 The electricity was off when the Early Bird guard arrived. The guard turned on the pump and the day proceeded without incident.

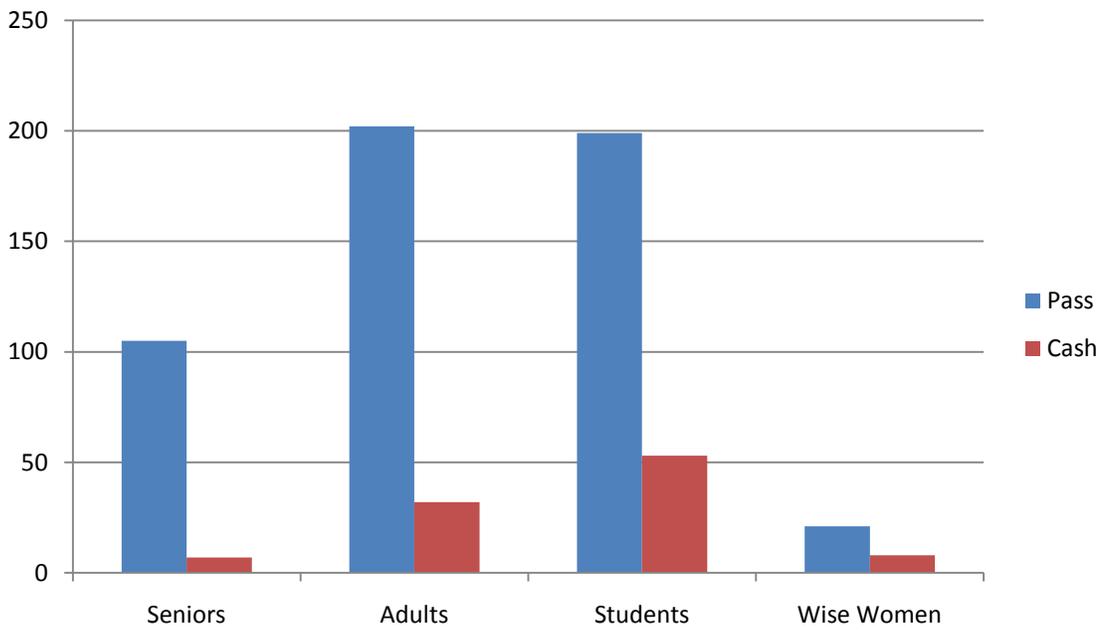
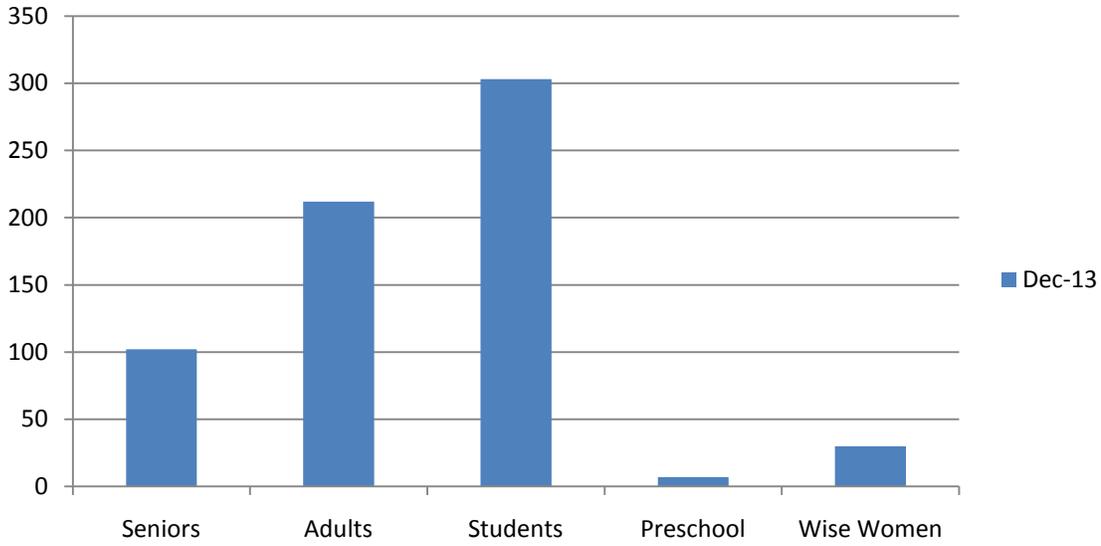
12/14 A staff in-service and training took place.

12/16 An employee of LCC came in to swim with her daughter and said that she was on the LCC pass. LCC employees are not allowed to use the pass for their own use without a client. LCC was contacted and the patron was billed for the session.

12/21 The air temp was reported to be cooler, Ed Bryant was notified and the air temperature was raised.

This concludes the December report.

Dec-13



Julie Cozzi

From: Jim Stanford [stanfrds@aptalaska.net]
Sent: Saturday, January 18, 2014 3:14 PM
To: Julie Cozzi
Cc: Stephanie Scott; 'Bob Duis'; 'Kay Clements'; 'Judy Erekson'
Subject: PSC chief hire recommendation

Julie, Last night the PSC unanimously recommended Richard Crays for the Chief job barring any unforeseen developments in the background check. Bob will forward minutes and details as they become available. Jim



Memo Public Facilities

Date: January 23, 2014
To: Mayor and Borough Assembly
Cc: Interim Borough Manager
From: Carlos Jimenez, Director of Public Facilities
Re: Project Update

Borough Radio Communication System and E-911

All of the submittals have been received from the contractor and approved by the engineer. Work is scheduled to resume in February once all of the E-911 equipment has arrived.

High School Air Handling Unit

Three bids were received and opened on Jan. 15. The low bidder was approximately \$70,000 above what the school and Borough had budgeted based on the engineer's estimate. Staff is reviewing alternatives to attempt to bring the project within the budget limit.

PC Dock and Letnikof Harbor Upgrades

Pacific Pile and Marine has been able to stay on schedule despite several days they were forced to shut down due to weather. To date, there have been four bents complete. The decking has been replaced on the approach dock with new pressure-treated lumber. Demolition of the existing trestle has begun and will continue as construction moves toward the shore.

Wastewater Treatment Plant

The Borough submitted a grant application on Aug. 5 for upgrades to the plant. These upgrades include new screen equipment, a new screw press, blower fans, and structural improvements. The new processing equipment will be more efficient and allow the removal of higher water content from the solids being handled, resulting in cost savings. Carson Dorn Engineering is currently working on the 35 percent design drawings for the needed upgrades.

School Doors and Mat Lift

This project has been awarded to Henry Construction from Haines. Currently, the contractor is developing a schedule to work with the school so as not to impact students and faculty.

Klehini Fire Department New Septic System

The design for a new septic system at the Klehini Fire Department is complete and has been submitted to DEC for approval. The construction of the system will take place in the summer of 2014.

Human Resource Building Boiler

Borough maintenance staff installed the new boiler in December. The building is also in need of other major maintenance projects, such as a new roof with an unknown amount of rot replacement, some foundation work, and some renovations to bring the building up to code.

Third Avenue Reconstruction

PND Engineers has completed the design for this project. PND has included design for some added alternatives should more money become available. The add alternates include new paved parking and drainage improvements at the Borough Administration Building, and paved parking and 1st Ave. extension at the Senior Center.

Work on 3rd Ave. will include sub-excavation to a minimum of 12", new pavement, sidewalks, rolled curb, a new fire hydrant, culvert addition and replacement, new catch basins and storm drains, and the removal of the retaining wall along the Haisler Hardware parking lot. AP&T is developing an estimate for two other additions: the burial of the utilities within the scope of the project and the burial of the conduit that would house the utilities at a later date.

Surplus Vehicle Sale

In February, several Borough vehicles will be advertised for sale by competitive sealed bid.

Haines Borough Public Library

October Statistics

Visits: 6,508

Monthly Circulation: 9,346

Internet Use: 1,458 WiFi: 844

Meeting Room Use: 34 , Attendance: 191

Library Programs: 50 , Attendance: 569

Non-Library Programs: 4, Attendance: 69

**Director's Report
November 26, 2013**Reasons to Celebrate

- The Haines Borough Public Library remains one of America's Star Libraries. Nationwide, 9,227 public libraries were reviewed for the honor. Within Alaska, Haines, Seward, and Unalaska have been listed as Star Libraries for all six years in which the ratings have been published, an honor which only 108 libraries nationwide can claim. Our high per capita numbers continue to show extraordinary library use in our community.
- *Sing Out Strong*, a local radio program featuring Holly and John Caleb Davis, won a Goldie Award in the State Competition in the Radio Service for Children division. The program is a collaboration of Best Beginnings, the Children's Reading Foundation of Haines, the Haines Borough Public Library, the Haines Borough School District and KHNS.
- *The Chilkat Valley Fingerprints Project*, our previous Institute of Museum and Library Services Enhancement grant project, has been featured in the IMLS newsletter, *A Nation of Learners*. It can be viewed at www.imls.gov.
- We have been invited to share our Storyboard project at the 2014 Tribal Telecom and Technology Summit to be held early February in Phoenix, Arizona.
- We will also be presenting a session about the Storyboard and community collaboration at the Alaska Library Association Conference in late February. In addition, I have been invited to be part of 2 other sessions as a panel member, one on *Culturally Relevant Libraries* and one with Alaska Common Ground.
- The Friends of the Library were pleased to find out that they were awarded grant funds from the Chilkat Valley Community Foundation for the new door leading to the patio.

Updates

- I participated in a long range planning meeting for OWL (Online with Libraries) with library directors and staff from throughout the state, November 12-15. The Haines Borough Library staff was commended on their initiatives in sponsoring local programs for videoconference participation. Jedediah will be working with the OWL calendar to coordinate and bring other libraries' programs to Haines. Most recently, Haines residents were able to participate in an Anchorage "lunch and learn" program with the Anchorage Symphony conductor.
- The library hosted the Borough Manager interviews using the videoconference screen. Mayor Stephanie Scott sent an email thanking Erik for setting up and monitoring the Skype interviews.

Haines Borough Public Library

- Janine has recently participated in 2 webinars – one in conjunction with Overdrive, our ListenAlaska vendor, and one in regards to reader’s advisory and graphic novels. Lisa participated in a state-wide videoconference on collection development and weeding.
- A joint staff and board meeting was held on Monday, November 28th. We looked at our current three-year plan and identified the items that have been accomplished. With many of our initial goals complete, we moved towards the future. Three areas of concentration were identified for the upcoming year: 1)storage addition, 2)outdoor spaces (patio, gardens) and 3)re-cataloging the collection using the Work Think method. It has been suggested that we add these items to the library agenda on a regular basis for follow-up.
- We are continuing to work on solving the lack of lighting in the front entrance and front steps area.
- The library is closed November 28th and 29th for the Thanksgiving holiday and will be closed on Saturday the 30th until 3pm.
- The library will close at 5pm from December 24th – December 31, to give our volunteers a holiday break.

Program Highlights

- The Friends of the Library Holiday Open House is scheduled for Saturday, November 30 from 3-5. Raffle tickets for a snow blower are available for sale at the library, Babbling Book and the bank, with the drawing to take place at the end of the open house. Tickets are \$20 each or 3 for \$50.

Haines Borough Public Library
Approved Meeting Minutes
11/26/2013

Present: Meredith Pochardt, Anne Marie Palmieri, Lori Dudzik, Diana Lapham, Dick Flegel, Heather Lende, Stacey Gala, James Alborough, Patty Brown

Excused: Jo Ann Ross Cunningham

Call to Order: 4:05pm

Additions or Revisions to Agenda

Add Stephanie Scott's address as first item under Items for Discussion

Consent Agenda Items

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

- Approval of Agenda
- Approval of Minutes 10/16/2013
- Director's Report

M/S Lende/Dudzik to approve the agenda as amended. All approved.

Financial Report

- Treasurer's Report (Dick)

Checking: \$12,574.58

Savings: \$34,724.81

The check register was passed around for signatures.

Items for Discussions

- Stephanie Scott's Address

Stephanie introduced us to Diana Lapham, the new assembly liaison.

The assembly liaison is to be the sole point of contact and all requests should be addressed via an Action Request form. Liaison needs to be kept informed of significant events. Assembly decisions will be recorded on the Record of Decision form.

Monthly reports are due each month. Clarification sought about whether the Director's report is suitable as the official board monthly report.

Stephanie addressed a new ordinance that deals with board seats and applications and vacancies being filled by mayoral decree (without input or recommendation from the board). This is motivated by a concern that boards can become "inbred" and a desire to keep boards diverse. Board members informed the mayor that the library board has existing standards and an excellent process for recruiting new, diverse board members. Cecily defended our methods of selection and retention. Heather expanded on our methods and also mentioned that our board members need to be significant donors so that the library can be considered for grants by some agencies and organizations. The point was made that the library board might not be the same as other boards that require forced diversity. Point was also made that from the library board's perspective, the current system of making board appointment recommendations to the assembly and mayor was not broken.

There is a public hearing on December 10 about the new ordinance. Recommendation that we weigh in on this ordinance. Board comments should be refined in writing and given to the clerk by Wednesday morning December 4. Heather and Anne Marie will draft a letter and board members will review.

- Board member terms & Borough code, rotating officers, term limits (Anne Marie)
Anne Marie and Patty have discussed this topic as a result of Anne Marie stepping down as board chair next month.

Officer rotations are a possibility, instead of elections. This removes pressure and shares responsibility. This might only apply to the Chair and Vice Chair positions since the Treasurer position might be diminishing and the secretary is less of a special skill position.

Recommendation for board members to think hard about who will replace Anne Marie.

The concept of term limits came up, but there was some concern about lack of applicants. Deferred to next meeting.

Cecily, Anne Marie and Meredith have terms coming up. Need to submit a letter of intent to the Borough and Mayor by December 10 meeting.

M/S Lende/Alborough to recommend to the Mayor that the renewing 3 board members remain for another term. All approved.

- Library Bylaws – any updates?

Deferred to next meeting due to Patty's withdrawal from the meeting for personal reasons.

- Addition – summary from Monday's discussion (Building committee members)

James updated the board on the outcome of the building committee meeting about the proposed extension.

Building committee meeting date set for 4pm Tuesday Dec 3.

Please bring sketches and concept drawings.

- Summary of joint staff and board meeting (Anne Marie, James)

Nothing was added to summary provided in Director's report.

Some clarification sought about doors and front entrance lighting.

Planning/Visioning

- OWL programs (Jedediah)

Jedediah reviewed upcoming OWL events. Anchorage Orchestra, Reader's Theater on Jan 18-22, Affordable Care Act on Dec 3.

Other

- Radio

December 13 (Dick), December 20 (Heather),

Board Comments

Welcome to Diana as assembly liaison.

Director's Comments

None

Next Meeting – Wednesday, December 11, 4pm

Adjourned: 5:25pm

James Alborough

907-766-2082



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-410

Assembly Meeting Date: 1/28/14

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 3. Memo from mayor
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 the resolution is adopted, the Borough will forward it to AML and the Governor's office. This resolution was delayed at the 1/14/14 meeting so the assembly's concern about conflicts of interest could be researched. The mayor has determined that there is no conflict for any assembly members and her memo is attached.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/14/14 and 1/28/14	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)

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 22, 2014

To: Dave Berry, George Campbell, Diana Lapham, Jerry Lapp, Debra Schnabel, Joanne Waterman, members Haines Borough Assembly

Cc: Interim Haines Borough Manager Julie Cozzi;
Interim Clerk Michelle Webb

From: Stephanie Scott, Mayor, Haines Borough

Subject: Haines Borough Resolution 14-01-531 re Conflict of Interest, Impact on State finances

The issue of a conflict of interest with respect to voting on issues relating to the state retirement program was raised. Five members of the Assembly participate in the state retirement program either directly or indirectly through a spouse. I asked to delay consideration of this resolution so that I could seek clarification of the claim of a conflict of interest, so I did not offer a ruling.

I find that there is no conflict of interest based on the provision in HBC 2.06.020 (B) (1) relating to the Scope of the Code of Ethics.

This provision states that "There is no violation of this code of ethics if, as to a specific matter, a public officer's:

(1) Personal or financial interest is...of a type that is possessed generally by the public or a large class of persons to which a public officer belongs.

The State of Alaska alone employs about 16,000 public employees. That number is increased substantially by municipal public employees and school district employees. As of this writing, I have not determined the number of beneficiaries of the Public Employees Retirement System (PERS), but I am confident that it is "a large class of persons" and membership in this class does not constitute a conflict of interest.

The Governor's decision to spend down the \$11.9 billion unfunded liability of the retirement system is supported by the Alaska Retirement Management Board, the Alaska Municipal League. To date, according to the AML Executive Director, the

following municipalities have notified AML that they have reported passing resolutions similar to the one before you:

City of Kodiak
Denali Borough
City of Soldotna
City of Tanana
City of Dillingham
City of Cold Bay
City & Borough of Wrangell
City of Unalaska

If the Governor's proposal is accepted by the Alaska State Legislature, it will save the state between \$374 million and \$424 million per fiscal year.

Editorials from Fairbanks and Ketchikan recommend supporting this proposal. Here is an excerpt from the December 7, 2012 Fairbanks Daily News-Miner Editorial:

Committing the additional \$3 billion to the shortfall will save the state \$2.1 billion over the life of the payment plan, the governor's budget director, Karen Rehfeld, told members of the Alaska Retirement Management Board this week. And it will also provide for smaller annual payments toward that debt.

That, in turn, should provide more flexibility in state budgeting in future years since, according to the budget director, the unfunded retirement liability is the "single largest driver of our operating budget cost." And paying down the shortfall can only be a good thing for the state's bond rating.

Also, it's best to reduce the retirement funding shortfall now while we can, especially since we're waiting to see if the new oil tax structure delivers on its promise of more revenue for the state from increased oil production. The House and Senate finance committees will surely look hard at the governor's proposal, but on the surface this looks like the financially smart thing to do.

Though this may be the smart thing to do, it is in no way guaranteed that it will be done. Support for the Governor's proposal is warranted from municipalities. A reduction in the state's operating budget may open the path to stabilize if not increase funding sources for programs that directly impact municipalities.

I have attached additional information for you to read as you consider your position regarding Resolution 14-01-531.

Attachment:

- Office of Budget and Management
- Press Release, State of Alaska
- Ketchikan Daily News Editorial

FY 2015 Budget Addresses Biggest Operating Cost Driver



SEAN PARNELL
GOVERNOR OF ALASKA

ALASKA OFFICE OF MANAGEMENT AND BUDGET

The FY 2015 Governor's budget addresses the single largest cost driver in the state's operating budget and the biggest threat to the state's credit rating -- the escalating annual payments associated with the state's \$11.9 billion unfunded public employee pension liability. The budget proposes a \$3.0 billion deposit to the retirement trust funds from the Constitutional Budget Reserve and fixed lower annual payments thereafter. This meets the Governor's goals of addressing the unfunded liability by:

Managing ongoing operating budget costs by:

- Reducing annual payments to \$500 million annually. Without the transfer to the retirement trust fund annual payments would rise to over \$1.0 billion annually.
- Reducing the total projected cost to pay off the liability.

Tackling a problem of this generation rather than leaving it for Alaska's children and grandchildren to deal with.

Improving the health of the retirement systems.

Meeting the state's obligations.

- Capping the state assistance payments at \$500 million annually reduces the annual payments through FY2030 by an average of \$374-\$424 million per fiscal year, depending on which payment stream it is compared to.
- In nominal dollars, we save between \$266-\$706 million annually between FY2016 and FY2029, depending on which payment method it is compared to. This occurs despite the proposal extending the length of time that the state assistance payment impacts the state's budget by three to six fiscal years.
- Using the proposed allocation of \$1.12 billion to TRS and \$1.88 to PERS returns the two systems to the 2003 funding levels: PERS from 63% to 73% ; TRS from 53% to 63%.

**Comparison of Annual State Assistance Payments FY2014-FY2036
With Annual Difference in Payment calculated**

Fiscal Year End	Level Percent of Pay (used through FY2014)			Level Dollar (ARMB FY2015 proposed)		
	Level % pay	\$3.0B Transfer	Level %Pay vs \$3.0B Infusion	Level Dollar	\$3.0B Transfer	Level Dollar vs \$3.0B Transfer
2014	\$629,320	\$629,320	\$0	\$629,320	\$629,320	\$0
2015	\$703,194	\$3,000,000	\$2,296,806	\$975,580	\$3,000,000	\$2,024,420
2016	\$766,241	\$500,000	(\$266,241)	\$1,049,115	\$500,000	(\$549,115)
2017	\$780,615	\$500,000	(\$280,615)	\$1,046,964	\$500,000	(\$546,964)
2018	\$794,697	\$500,000	(\$294,697)	\$1,015,637	\$500,000	(\$515,637)
2019	\$829,190	\$500,000	(\$329,190)	\$1,006,479	\$500,000	(\$506,479)
2020	\$849,657	\$500,000	(\$349,657)	\$971,694	\$500,000	(\$471,694)
2021	\$880,827	\$500,000	(\$380,827)	\$949,848	\$500,000	(\$449,848)
2022	\$914,794	\$500,000	(\$414,794)	\$927,730	\$500,000	(\$427,730)
2023	\$950,745	\$500,000	(\$450,745)	\$906,860	\$500,000	(\$406,860)
2024	\$989,394	\$500,000	(\$489,394)	\$886,083	\$500,000	(\$386,083)
2025	\$1,029,844	\$500,000	(\$529,844)	\$864,934	\$500,000	(\$364,934)
2026	\$1,072,402	\$500,000	(\$572,402)	\$844,674	\$500,000	(\$344,674)
2027	\$1,115,476	\$500,000	(\$615,476)	\$822,218	\$500,000	(\$322,218)
2028	\$1,160,564	\$500,000	(\$660,564)	\$798,764	\$500,000	(\$298,764)
2029	\$1,206,107	\$500,000	(\$706,107)	\$774,210	\$500,000	(\$274,210)
2030	\$511,035	\$500,000	(\$11,035)	\$251,268	\$500,000	\$248,732
2031	\$402,767	\$500,000	\$97,233	\$0	\$500,000	\$500,000
2032	\$273,514	\$500,000	\$226,486	\$0	\$500,000	\$500,000
2033	\$6,732	\$500,000	\$493,268	\$0	\$500,000	\$500,000
2034	\$0	\$500,000	\$500,000	\$0	\$500,000	\$500,000
2035	\$0	\$500,000	\$500,000	\$0	\$500,000	\$500,000
2036	\$0	\$131,000	\$131,000	\$0	\$131,000	\$131,000
2037	\$0	\$0	\$0	\$0	\$0	\$0
Totals	\$15,867,115	\$13,760,320	(\$2,106,795)	\$14,721,378	\$13,760,320	(\$961,058)

Gov. Proposes Fixing Biggest Budget Driver

Solution Addresses Unfunded Pension Liability

December 5, 2013, Anchorage, Alaska – Governor Sean Parnell today proposed a plan to put the state’s operating budget on a more sustainable path, while better enabling the state to meet its retirement obligations for earlier retirement system plans. Specifically, in his FY 2015 budget, the governor will recommend transferring \$3 billion from a budget savings account into the state’s retirement trust funds. This move would effectively pay down the unfunded debt and create a lower fixed annual payment from the state operating budget.

“State pension contributions represent the single largest cost driver in the state’s operating budget,” Governor Parnell said. “This year’s budget contains an unfunded pension liability contribution of more than \$600 million, and the payment plan requires an increase to more than \$700 million next year. Soon, the operating budget would be required to contribute more than \$1 billion annually to this one line-item. If left unaddressed, the annual state pension contribution will increasingly burden the state and hamper our ability to meet the people’s constitutional priorities. Paying down the debt now is this generation’s responsibility that we will not leave to the children of Alaska to deal with in the future.”

The governor’s proposal strengthens Alaska’s AAA credit rating and keeps the biggest driver of operating budget increases from growing.

“Given the significant and escalating resources required to pay down the unfunded pension liability, it is in Alaska’s interest to dedicate some of our budget reserves now to paying down our obligation, and move the state’s annual payment to a lower, more sustainable and predictable level,” Governor Parnell said. “Leveraging our reserves in this fashion will allow us to meet our obligations, reduce our annual operating budget, address future needs, and maintain flexibility. I look forward to working with the Legislature and the Alaska Retirement Management Board to address the unfunded liability.”

Current projections estimate that the Public Employees’ Retirement System (PERS) and Teachers’ Retirement System (TRS) have a combined unfunded liability of \$11.9 billion.

The governor will seek legislative approval for a one-time \$3 billion appropriation from the Constitutional Budget Reserve into the retirement trust funds. A savings infusion in the FY 2015 budget will enable the annual state pension contribution to drop to \$500 million a year, and will increase the funded status of the PERS and TRS systems by 10 percent almost immediately.

More information is available at: http://gov.alaska.gov/parnell_media/resources_files/fy15_operating120513.pdf

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EDITORIAL: Shoring up pension liabilities is right move for state budget

KETCHIKAN DAILY NEWS

Alaska is on an unsustainable financial track if it doesn't adjust its spending and liabilities.

The unfunded pension liability for public employees and teachers' retirement systems in particular stands at \$12 billion. The state currently makes annual payments of \$600 million.

The Alaska Retirement Management Board has proposed Gov. Sean Parnell direct \$2 billion toward the pension liability over the next four years. Gov. Parnell has proposed \$3 billion, which the board supports. Such an injection would reduce annual payments to \$500 million, preventing the number from increasing to more than \$1 billion annually. It would save the state between \$374 million and \$424 million per fiscal year, according to the state.

The liability affects the comfort level of bond rating agencies, which could compromise the state's ability to bond. Governments bond for capital projects.

If the rating agencies are concerned with the pension liability, then Alaska must be attentive to. It also should be keen on funding the pensions and removing the debt. In addition, if it cannot afford its current pensions, then it should honor what it has promised and adjust to what it has the wherewithal to support financially, especially as Alaska's oil production, which is Alaska's main revenue source, is declining along with the price per barrel.

Gov. Parnell and the Legislature adopted an oil-tax cut in the most recent legislative session. He expects oil revenue to be about the same as the old tax system because of lower oil prices. But, if prices increase, then the revenue would, too.

Legislators and others opposed to last session's oil-tax cut support an initiative expected to be on the 2014 election ballot. The initiative would invalidate the new tax.

It won't be until well after that election that it becomes apparent whether the new tax had the desired effect of reducing the revenue decline anticipated under the old tax.

Alaska simply has to deal conservatively with its finances regardless of which tax structure is in place. It already expects to depend on its \$16 billion in savings to maintain state government in years to come, and it cannot exist on reserves forever. Reserves will expire, too, if not replenished.

Alaska, with its oil wealth, can look at other states in serious financial straits and be relieved not to be in their situation at this time. But it cannot remain confident it won't be in a similar situation if it doesn't deal with its pension liability and revenue — the latter being addressed with the tax change.

At the same time, it must not allow the state to disintegrate as a desirable place for economic development, which means building and maintaining infrastructure required by business and industry.

The track ahead looks like one with less capital-project spending and more paying down debt. That's as it should be. First, Alaska pays for what it has already bought. Then, it can buy new stuff. That is the way to a long-standing, economically sustainable state.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-415

Assembly Meeting Date: 1/28/14

Business Item Description:	Attachments:
Subject: Sale of Primary School Property Lots 6 & 7	1. Ordinance 14-01-366 2. Agreement for Sale and Purchase 3. Reverter Agreement 4. Draft Deed
Originator: Borough Attorney	
Originating Department: Administration	
Date Submitted: 1/23/14	

Full Title/Motion:
Motion: Introduce Ordinance 14-01-366 and set a first public hearing for 2/11/14.

Administrative Recommendation:
The Interim Borough Manager recommends this ordinance.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ N/A	\$ N/A	\$ N/A

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: 3E3, Page 115	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
The Borough Attorney has drafted the attached documents to sell Primary School Lots 6 & 7 through a negotiated sale with Aspen Management.

This property was classified for sale by the Planning Commission (PC) on August 8th, 2013. On August 13 and 14th the Assembly concurred with the PC and voted to sell the property. On December 11th, the Haines Borough received an offer from Aspen Management, LLC. On January 7th, 2014 the assembly met in special session and decided the method of sale should be negotiation. The sale price has been negotiated as \$215,000.

Per HBC 14.20.100 negotiated land sales are approved by the assembly by ordinance.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 1/28/14	Tabled to Date:

A NON CODE ORDINANCE OF THE HAINES BOROUGH APPROVING THE SALE TO ASPEN MANAGEMENT LLC OF LOTS 6 AND 7 PRIMARY SCHOOL SUBDIVISION PLAT NO. 2008-21, HAINES RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA.

LEGISLATIVE FINDINGS

WHEREAS, Lots 6 and 7 Primary School Subdivision Plat No. 2008-21, Haines Recording District, First Judicial District, State of Alaska (“the Property”) has previously been classified for sale by the Assembly with the advice of the Planning Commission; and

WHEREAS, the Assembly has previously directed the Borough Manager to commence negotiations for the sale of the Property; and

WHEREAS, negotiations have been substantially completed and an agreement on most terms regarding the sale of the Property has been drafted for review and approval by the Assembly and has been reviewed by the Planning Commission;

NOW, THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is for the specific purpose of approving a sale of Lots 6 and 7, Primary School Subdivision, Plat No. 2008-21 Haines Recording District, State of Alaska (“the Property”) 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 is effective upon adoption.

Section 4. Purpose. This ordinance authorizes the sale of the Property to Aspen Management, LLC upon the terms and conditions of a negotiated purchase and sale agreement.

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 sale of the Property upon the terms and conditions set forth in the Agreement for Sale and Purchase of Real Estate attached hereto.

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: ___/___/14
Date of Second Public Hearing: ___/___/14

AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE

For good and valuable consideration the receipt whereof is hereby acknowledged, the Haines Borough, an Alaska municipal corporation (“**Haines**” or “**City**” or “**Seller**”) and Aspen Management LLC (“**ASPEN**” or “**Buyer**”), an Alaskan limited liability company, hereby agree as follows:

1. Property to Be Sold.

(a) Seller hereby agrees to sell to Buyer and Buyer hereby agrees to purchase from Seller, subject to the terms and conditions set forth herein, the following-described real property and improvements:

Lot 6 and Lot 7 Primary School Subdivision , Plat No. 2008-21
Haines Recording District, First Judicial District, State of Alaska.

containing approximately 1.207 acres (collectively, the “**Property**”).

(b) At the Closing, Seller shall convey to Buyer all of the Property by Limited Warranty Deed in the form attached as Exhibit A subject to the following:

(i) Rights-of-way and easements of record acquired by any person or entity, public or private, including, but no limited to, public rights-of-way.

(ii) All restrictions, regulations, requirements, laws, ordinances, resolutions and orders of all boards, bureaus, commissions, departments and bodies of any municipal, state or federal authority.

(iii) Provisions and reservations as made applicable by terms of the U.S. Patent or by law.

(iv) A right for reversion whereby the Property will be reconveyed to Seller if the Improvements required by this Agreement have not been substantially completed within three (3) years of Closing.

(c) Buyer shall execute a Reverter Agreement as set forth in Exhibit B.

2. Price.

(a) Property Purchase Price. Buyer shall pay Seller two hundred fifteen thousand dollars (\$215,000) ("Purchase Price). The Purchase Price shall be paid by Buyer at closing in cash, by a bank cashier's check, or by wire transfer, in readily available funds into escrow with First American Title Company (The "Title Company") (Attention: _____, 8251 Glacier Highway, Juneau, AK 99801. Within ten (10) days after the Effective Date of this Agreement, Buyer shall deposit with the Title Company the sum of Ten Thousand Dollars (\$10,000) to be held as a nonrefundable earnest money payment (Earnest Money). At Closing, this earnest money shall be disbursed to Seller and credited to the Buyer.

3. Title Insurance.

(a) Seller, at Buyer's cost, shall provide to Buyer within fourteen (14) days of mutual execution of this Agreement a Preliminary Commitment to Issue Title Insurance for the Property. In the event that Buyer gives notice of a valid Material Title Defect within seven (7) days of receipt of said Preliminary Commitment, this Agreement shall terminate without further obligation on the part of either party. "Material Title Defect" shall include any matter affecting title which a reasonable person would consider to be a serious defect but shall not include imposition of any Institutional Controls on the Property by ADEC arising from the Prior Contamination.

(b) Nothing in this Agreement shall be construed to require Seller to expend funds to eliminate or clear any matter affecting title.

(c) Buyer may, at Buyer's sole option and expense, purchase Buyer's title insurance. Likewise if Seller wishes to purchase a Title Insurance policy for itself, it may do so at its own expense.

4. Conditions Precedent to Closing. The following matters shall be completed prior to or coincident with Closing or waived in writing by the parties ("Conditions Precedents to Closing"):

(a) Seller shall have obtained a "no further remedial action" letter from ADEC which specifies any Institutional Controls applicable to the Property and provided same to Buyer; and

(b) Seller and Buyer have complied with their respective obligations as set forth in Sections 5 and 6.

5. Seller's Obligations. Provided that (i) all Conditions Precedent to Closing set forth in Section 4 have been satisfied, (ii) this Agreement has not been cancelled, and (iii) Buyer has delivered (or will deliver) all items required to be delivered, then Seller shall deposit with Title Company at or before the Closing the following:

(a) The original Deed, duly executed by Seller, substantially in the form attached as Exhibit A;

(b) An original Reverter Agreement, duly executed by Seller, substantially in the form attached as Exhibit B; and

(c) Documents reasonably required by the Title Company such as an executed settlement statement or evidence of Seller's authority.

6. Buyer's Obligations. Provided that (i) all Conditions Precedent to Closing set forth in Section 4 have been satisfied, (ii) this Agreement has not been cancelled, and (iii) Seller has delivered (or will deliver) all items required to be delivered, then Buyer shall deposit with Title Company prior to the Closing date:

(a) The Purchase Price in cash or by wire transfer.

(b) An original Reverter Agreement, duly executed by Buyer, substantially in the form attached as Exhibit B; and

(c) Documents reasonably required by the Title Company such as an executed settlement statement or evidence of Buyer's authority.'

(d) Any commission due to Buyer's agent identified in paragraph 15.

7. Closing.

(a) The closing ("Closing") shall be held and delivery of all items to be made at the Closing under the terms of this Agreement shall be made at the offices of First American Title Company at 8251 Glacier Highway, Juneau, AK 99801. The delivery of all sums due Seller pursuant to Section 2 above and the recording of documents by Title Company shall occur not later than March 31, 2014 (the "Closing Date"). All funds and documents shall be deemed simultaneously delivered on and as of the Closing Date. The Closing may occur on such earlier date as Buyer and Seller may agree but the Closing Date may not be extended without the written approval of both Seller and Buyer.

(b) In the event the Closing does not occur on or before the Closing Date, Title Company shall, unless it is notified in writing by both parties to the contrary within five (5) days after such date, return to the depositor thereof all items which may have been deposited with Title Company hereunder except the Earnest Money which shall be disbursed to Seller. Any such return shall not, however, relieve either party hereto of any liability it may have for its wrongful failure to close.

(c) Possession. Possession of the Property shall be delivered to Buyer on the Closing Date.

8. Remedies for Breach. Seller and Buyer shall have all remedies available by law and equity for any breach of this Agreement, including, but not limited to, the remedy of specific performance and the exercise of Seller's right of reverter.

9. Construction of Improvements. On or before three (3) years from the date of Closing, Buyer shall complete the construction of a hotel on the Property ("the Improvements") which required Buyer to invest at least three million dollars for construction of the Improvements. Upon completion of the Improvements Buyer shall promptly give Seller an appropriate notice of completion. Within sixty (60) days following substantial completion of the Improvements, Buyer shall furnish Seller with an itemized statement of the actual construction costs of the Improvements.

10. Hazardous Substances. Buyer acknowledges and agrees that there may be spilled, leaked or discharged Hazardous Substances (as defined below), or other substances on or in the groundwater or surface water of the Property which may contain oil, petroleum, hydrocarbons, asbestos, solvents, paints, thinners or other materials, substances or waste which are, or may, become regulated as hazardous or toxic under federal, state or local law, and the release or discharge of which is, or may become, prohibited by law, that Buyer has knowingly and voluntarily determined that its obligations under this Agreement need not be contingent upon the results of any assessment or inspection of the Property for any such substances by an engineer, contractor or other consultant.

11. Site Assessment and Hazardous Substances.

(a) Buyer further acknowledges that it has (i) thoroughly inspected the Property and has had complete access to inspect the Property, and (ii) evaluated to the extent Buyer deems necessary the need for an Environmental Site Assessment or any additional testing; and (iii) has had the opportunity to review Seller's files and ADEC file No. 1508.38.017 related to a leaking underground storage tank removed from the Property in October of 2009 and Seller's subsequent remediation efforts ("the Prior Contamination").

(b) Seller shall have no obligation to remediate or to incur any expense in connection with any environmental contamination and/or Hazardous Substances of any kind on the Property including, but not limited to the Prior Contamination. Any remediation of any such environmental contamination or Hazardous Substances or Prior Contamination at any time shall be at Buyer's sole cost or expense except as follows:

(i) Seller shall indemnify, defend and hold harmless Buyer from any liability cost or expense arising from any escape or migration of the Prior Contamination to real property adjacent to the Property whether such escape or migration occurs before or after Closing.

(c) Except for expenditures of Seller required by subsection 11(b)(i); nothing in this Agreement shall be construed to require Seller to expend funds for remediation or to accept a reduction in the Purchase Price or other consideration set forth in this Agreement.

(d) "Hazardous Substances" shall mean:

- (i) all substances, the clean up and disposal of which is regulated by the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) and the Resource Conservation Recovery Act (RCRA), both as amended and all implementing regulations and any similar or successor statutes and regulations;
- (ii) The applicable provisions of Title 46 of the Alaska Statutes and all implementing regulations, as amended and any similar or successor statutes and regulations; and
- (iii) All substances containing petroleum or other hydrocarbons, asbestos, solvents, paints, thinners or other materials, substances or waste which are or become regulated as hazardous or toxic under federal, state or local law.

(e) The terms of this Paragraph shall survive the Closing.

12. As Is, Where Is Sale, Release and Indemnification.

SELLER SELLS AND BUYER BUYS THE PROPERTY HEREUNDER "AS IS" AND "WHERE IS." OTHER THAN THE OBLIGATIONS ASSUMED BY SELLER UNDER PARAGRAPH 11(B)(i) ABOVE, SELLER SHALL HAVE NO LIABILITY OR RESPONSIBILITY TO BUYER WHATSOEVER FOR ANY VIOLATIONS OF ANY LAW, REGULATION, BUILDING CODE, ORDINANCE OR OTHER LEGAL REQUIREMENT OF ANY KIND WHATSOEVER APPLICABLE TO THE PROPERTY AS MAY BE DISCOVERED AT ANY TIME, INCLUDING BUT NOT LIMITED TO MATERIAL (OR NON-MATERIAL) HAZARDOUS SUBSTANCES CONTAMINATION, VIOLATIONS OF BUILDING OR SAFETY CODES, LATENT DEFECTS, DETERIORATION OR PROBLEMS OR LIABILITIES OF ANY KIND. BUYER HEREBY RELEASES SELLER FROM AND SHALL INDEMNIFY, DEFEND AND HOLD SELLER HARMLESS FROM ANY AND ALL LIABILITIES, COSTS, EXPENSES OR CLAIMS OF ANY KIND WHATSOEVER ARISING OUT OF OR IN CONNECTION WITH THE PROPERTY, INCLUDING BUT NOT LIMITED TO ANY THAT MAY DATE TO OR ORIGINATE DURING THE TIME OF OWNERSHIP OF ALL OR ANY OF THE PROPERTY BY SELLER OR ITS PREDECESSORS IN INTEREST; **PROVIDED, HOWEVER,** THAT BUYER DOES NOT HEREBY RELEASE SELLER FROM AND SHALL HAVE NO RESPONSIBILITY TO INDEMNIFY, DEFEND AND HOLD SELLER HARMLESS FROM LIABILITIES, COSTS, EXPENSES OR CLAIMS,

IF ANY; (1) RELATED TO SELLER'S OBLIGATIONS UNDER SECTION 11(B)(i) OF THIS AGREEMENT OR; (2) FOR DAMAGES TO LAND OTHER THAN THE PROPERTY SOLD HEREUNDER AS SHALL DIRECTLY AND ENTIRELY RESULT FROM AND BE CAUSED BY ACTS OF SELLER, ITS AGENTS OR EMPLOYEES WHICH WERE PERFORMED ON LAND OTHER THAN THE PROPERTY SOLD HEREUNDER. THE INTENT OF THE PARTIES IS THAT BUYER HAS HAD ALREADY AND SHALL CONTINUE TO HAVE A THOROUGH OPPORTUNITY TO INSPECT AND STUDY THE PROPERTY BEFORE THE CLOSING, BUT THAT ONCE SUCH CLOSING OCCURS, SELLER WALKS AWAY FORM THE PROPERTY SO CONVEYED AND FROM ANY AND ALL LEGAL LIABILITY OR RESPONSIBILITY OF ANY KIND WHATSOEVER ARISING OUT OF OR IN CONNECTION WITH SUCH PROPERTY, EXCEPT AS EXPRESSLY STATED HEREIN, AND THAT SELLER SHALL HAVE, AFTER THE CLOSING, NO FURTHER RESPONSIBILITY OR LIABILITY TO BUYER OR ANY OTHER PERSON OR ENTITY FOR ANY CLAIMS OF ANY KIND THAT MAY ARISE AS TO OR IN CONNECTION WITH THE PROPERTY.

NEITHER SELLER, NOR ANY OF ITS OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, ATTORNEYS, OR REPRESENTATIVES HAVE PREVIOUSLY NOR DOES UNDER THIS AGREEMENT MAKE ANY REPRESENTATIONS OR WARRANTIES, AND NONE OF THE PERSONS OR ENTITIES DESCRIBED ABOVE SHALL IN ANY WAY BE LIABLE FOR OR WITH RESPECT TO:

- (A) THE CONDITION OF THE PROPERTY OR THE SUITABILITY OF THE PROPERTY FOR BUYER'S INTENDED USE, OR FOR ANY USE WHATSOEVER;
- (B) THE PRESENCE OR EXISTENCE OF ANY HAZARDOUS SUBSTANCES, ASBESTOS, OIL OR OTHER PETROLEUM PRODUCT CONTAMINATION OR ANY OTHER MATERIAL AS TO WHICH THE DISCHARGE, LEAKAGE, SPILLAGE OR PRESENCE ON THE PROPERTY WOULD BE REGULATED BY APPLICABLE STATE OR FEDERAL LAW. BUYER PURCHASES THE PROPERTY "AS IS" AND "WHERE IS" AND ASSUMES THE RESPONSIBILITY AND RISKS OF ALL DEFECTS AND CONDITIONS OF THE PROPERTY INCLUDING THE PRIOR CONTAMINATION (AND RELEASES AND AGREES TO INDEMNIFY, DEFEND AND HOLD SELLER HARMLESS FROM THE SAME), INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL HAZARDS AND DETERIORATION FROM AGE, WEATHER, DISUSE, LIMITED MAINTENANCE OR OTHER CAUSES. BUYER ACKNOWLEDGES THAT BUYER HAS HAD THE OPPORTUNITY AND WILL HAVE THE OPPORTUNITY TO INSPECT THE PROPERTY AND WILL BE RELYING ENTIRELY THEREON.

BUYER ACKNOWLEDGES THAT NOTWITHSTANDING ANY PRIOR OR CONTEMPORANEOUS ORAL OR WRITTEN REPRESENTATIONS, STATEMENTS, DOCUMENTS OR UNDERSTANDINGS, THIS AGREEMENT CONSTITUTES THE ENTIRE UNDERSTANDING OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF, AND SUPERSEDES ALL SUCH PRIOR OR CONTEMPORANEOUS ORAL OR WRITTEN REPRESENTATIONS, STATEMENTS, DOCUMENTS OR WRITTEN AGREEMENT AND SHALL REMAIN UNAFFECTED BY ANY REPRESENTATIONS, STATEMENTS OR UNDERSTANDINGS SUBSEQUENT TO THE DATE HEREOF WHICH SHALL NOT BE REPRESENTED BY A MUTUALLY EXECUTED AMENDMENT TO THIS AGREEMENT.

The terms of this Paragraph shall survive the Closing.

13. Notices. All notices, waivers, elections, approvals and demands required or permitted to be given hereunder shall be in writing and shall be personally delivered, mailed by certified mail with postage prepaid, or transmitted by facsimile to the location for each party designated herein. Either party may, by proper notice to the other, designate a different address for the giving of notice. Any notice shall be effective when personally delivered, or, if mailed as provided herein, five (5) business days after deposit, postage pre-paid in the U.S. Mails, or in the case of facsimile notice when sent, if answer back or confirmation received:

SELLER:

Haines Borough
P.O. Box 281
Haines, AK 99762

BUYER:

Aspen Management LLC
1105 Porter Way
Milton, WA 96534

With a courtesy copy to:

Brooks W. Chandler
Boyd, Chandler & Falconer, LLP
911 W. 8th Avenue, Suite 302
Anchorage, AK 99501
Facsimile No. 907/274-3698

14. Costs. Each party shall bear its own costs and attorneys fees, except as expressly provided herein. Unless specifically made the responsibility of one party elsewhere in the Agreement, all other fees and closing costs in connection with the Closing shall be paid by Buyer as required by HBC 14.20.060. Any and all prepaid expenses or income of any kind and all taxes and assessments shall be prorated.

15. Brokers. Seller represents to Buyer that Seller has not dealt with any broker or real estate agent regarding the Property of this transaction. Buyer represents to Seller that Buyer has dealt only with Glenda Gilbert of Race Realty (“Agent”). Buyer is solely responsible for payment of Agent’s commission and expressly agrees payment of Agent’s commission shall not be made from proceeds otherwise due Seller at Closing but shall be paid by Buyer in addition to the Purchase Price at or before Closing. Each party shall be responsible to defend, indemnify and hold harmless the other as to any claim made by any person or entity for a commission claimed due as a consequence of the indemnifying party’s acts or conduct.

16. Access to Premises. At all times during normal business hours prior to the Closing, Buyer shall, upon reasonable notice to Seller, have reasonable access to the Property for the purpose of making such inspections, examinations, tests or surveys of the Property as Buyer may reasonably desire.

17. Survival of Terms and Waiver. The terms and condition of this Agreement shall survive the Closing and are expressly intended to bind the parties notwithstanding any statute of limitations.

18. Merger. This Agreement expresses and embodies all understandings and agreements between the parties and is entered into after full investigation, neither party relying upon any statements or representation not embodied in this Agreement.

19. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns, and may be modified only by a written instrument signed by both parties.

20. Relationship of the Parties. This Agreement shall not authorize either party to act as an agent for the other.

21. Law and Venue. This Agreement shall not be governed by and construed under the laws of the State of Alaska. Venue of any dispute shall be the Superior Court of the State of Alaska in Juneau, Alaska.

22. No Waiver. The failure of any party to insist upon the strict performance of any provision of this Agreement, or the failure to exercise any right, power or remedy available hereunder, shall not constitute a waiver by said party of any such provision as to any other breach or subsequent breach of the same or any other provision.

23. Warranties of Authority. Each party and each natural person who executes this Agreement on behalf of such party acknowledges, warrants, and represents for the benefit of the other party to this Agreement: (a) that such person is duly authorized and empowered to execute this Agreement on behalf of such party; (b) that such party has been duly formed and organized and is in good standing; (c) that all necessary and appropriate resolutions and actions by such

party's managers or ordinances by such party's governing body authorizing such party to enter into, execute, and perform this Agreement and the transactions contemplated by this Agreement have been obtained; and (d) that all steps have been taken and acts performed that are conditions precedent to making this Agreement valid, enforceable, and binding against such party in accordance with its terms and conditions.

24. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and which, taken together, shall constitute a single Agreement. This Agreement shall not become binding upon any Party unless and until at least one counterpart of this Agreement shall have been fully executed by each party hereto. Facsimile signatures shall be valid so long as an original signature shall be promptly delivered to the other party.

DATED: _____

SELLER:

HAINES BOROUGH

By: _____

Julie Cozzi

Its: Interim Borough Manager

DATED: _____

BUYER:

ASPEN MANAGEMENT LLC.

By: _____

George Swift

Its: President

STATE OF ALASKA)

) ss.

FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledge before me this _____ day of _____, 2014, by Julie Cozzi, Interim Manager of the Haines Borough, a municipal corporation, on behalf of the municipality.

NOTARY PUBLIC FOR ALASKA
My Commission Expires: _____

STATE OF WASHINGTON)
) ss.
PIERCE COUNTY)

The foregoing instrument was acknowledge before me this _____ day of _____, 2014, by George Swift, the President of Aspen Management, LLC, an Alaskan limited liability company, on behalf of the company.

NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: _____

REVERTER AGREEMENT

This REVERTER AGREEMENT is dated as of this ____ day of _____, 2014, by and between the Haines Borough, having and address of P.O. Box 281, Haines, AK 99762 (“Seller), and Aspen Management LLC, having an address of 1105 Porter Way Milton, WA 96534 (“Buyer”).

RECITALS

- A. The Seller has conveyed to the Buyer that certain real estate described on Exhibit “A”(the “Property”) pursuant to a Deed of even date herewith between the Seller and Buyer.
- B. Pursuant to paragraph nine (9) of that certain Agreement for Sale and Purchase of the Property, the Buyer has agreed to construct certain Improvements on the Property (the “Improvements”).
- C. The Deed provides that if the Buyer does not construct the Improvements then the Property shall revert to the Seller.

NOW THEREFORE, in consideration of the transfer of the Property to the Buyer and other consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

- 1. Buyer agrees at its sole cost and expense to complete the construction of the Improvements by no later than April 1, 2017 (the “Completion Date”).
- 2. In the event the Improvements are not completed by the Completion Date, the Property shall revert to and thereafter become fee simple real estate owned by the Seller. Upon the request of the Seller, the Grantor will provide a general warranty deed to the Property in form and substance acceptable to the Seller evidencing the reconveyance of the Property.
- 3. During the construction of the Improvements, Buyer will not place any additional liens or encumbrances on the Property except as consented to by the Seller. In that regard, the Seller agrees not to unreasonably withhold its consent to any construction loan financed with a commercial bank or similar lender intended to

fund the construction and development of the Improvements. In such an event, the Seller will enter into a Subordination Agreement in form and satisfactory to such lender. Upon completion of the Improvements satisfactory to the Seller, the Seller agrees to issue a letter acknowledging the release of the reverter rights described herein.

4. This Agreement shall be binding upon the parties hereto and shall be binding upon and inure to the benefit of their successors and assigns.
5. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Alaska.
6. This Agreement may only be modified or amended by a written agreement signed by authorized representatives of the parties hereto.

WITNESS the following signatures as of the year and date first above written.

DATED: _____

SELLER:

HAINES BOROUGH

By: _____

Julie Cozzi

Its: Interim Borough Manager

DATED: _____

BUYER:

ASPEN MANAGEMENT LLC.

By: _____

George Swift

Its: President

STATE OF ALASKA)

LIMITED WARRANTY DEED

The Grantor, the Haines Borough of P. O. Box 1209, Haines, AK 99827, for valuable consideration, conveys and warrants to Grantee Aspen Management LLC, of 1105 Porter Way, Milto, WA 96534, all interests which it has in that certain real property in the Haines Recording District, First Judicial District, State of Alaska (“the Property”), described as follows:

Lot 6 and Lot 7, Primary School Subdivision, Plat No. 2008-21.

Draft

Subject to:

1. Rights-of-way and easements of record acquired by any person or entity, public or private, including but not limited to public rights-of-way.
2. All restrictions, regulations, requirements, laws, ordinances, resolutions and orders of all boards, bureaus, commissions, departments and bodies of any municipal, state or federal authority.
3. Provisions and reservations as contained in the U.S. Patent or made applicable by law, including, but not limited to, rights or interests under the public trust doctrine.
4. The express condition that title to the property conveyed herein shall revert to the Grantor without necessity of reentry should Grantee fail to substantially complete construction of Improvements to the Property as described in the Agreement for Sale and Purchase of the Property by April 1, 2017.

DATED this _____ day of _____, 2014.

HAINES BOROUGH

By: _____
Julie Cozzi
Its: Interim Borough Manager

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Julie Cozzi, the Interim Borough Manager of the Haines Borough, on behalf of the Borough.

NOTARY PUBLIC FOR ALASKA
My Commission Expires: _____

RECORD IN HAINES RECORDING DISTRICT

AFTER RECORDING, RETURN TO:

Brooks W. Chandler
Boyd, Chandler & Falconer
911 W. 8th Ave., Suite 302
Anchorage, AK 99501

William E. Musser

[REDACTED], ID [REDACTED]
Phone: 208-888-3017 Cell: 208-870-1020 Email: wkmuss@msn.com
LinkedIn Profile: www.linkedin.com/pub/william-musser/2a/a00/772

Candidate: Chief of Police, Borough of Haines, Alaska

LAW ENFORCEMENT CAREER ACCOMPLISHMENTS

- Progressive career development with the City of Meridian Police Department, promoted up through the ranks; and in 2003 was appointed as Chief of Police.
- Over 16 years of progressive law enforcement management experience at the command or divisional level in a municipal law enforcement agency and with a private corrections facility.
- During tenure as Chief of Police the department received 9 awards from the Association of Idaho Cities for innovative community based projects and programs.
- Developed and administered multi-million dollar departmental budgets with demonstrated ability to be fiscally responsive and conservative.
- Directed and planned for organizational change in a rapidly growing city and police department, by anticipating needs based on analysis of growth, crime patterns, and changing demographics. Result was a 50% drop in crime over a 4 year period.
- Instigated and oversaw the development of a city mission, vision, and core values in coordination with elected officials and department heads. Task completed 2 months ahead of projections, and resulted in commendation from the Mayor and Council.
- Researched, developed, and wrote policy and procedure manual for the department and ensured compliance with state accreditation standards.
- Civically oriented with service on numerous advisory boards and committees, participation in civic clubs and community activities, as well as volunteering time for youth.
- Member of the Idaho Research Consortium and a co-developer of the Idaho Crime Victimization survey.

PROFESSIONAL EXPERIENCE

ITT-Technical Institute, Boise Campus 9/09 to 12/12

Chair of School of Criminal Justice (6/12 to 12/12)

Managed criminal justice program, taught classes, graded course work, counseled students, supervised and reviewed performance of instructors.

- Directed operations to meet program goals and initiatives, resulting in the Boise School of Criminal Justice being recognized by ITT Technical as the top program for 2012 in the Northwest Region.

Adjunct Instructor, Criminal Justice (9/09 to 6/12)

Taught criminal justice classes, graded course work, counseled students.

Management Training Corporation, Idaho CAPP Facility 5/10 to 6/12

HR Manager (1/11 to 6/12)

Managed personnel records, Lawson HRIS, conducted investigations provided findings and recommendations for action, coordinated facility safety committee, managed workers comp, wage ranges, FMLA, responsible for compliance, affirmative action planning, and new employee orientation. Functioned as a member of the management team provided guidance along with responsibilities as the manager on duty.

December 30, 2013

Haines Borough Manager,

This letter is a request for the Borough to take over the Tanani Bay Outfall, this is within the townsite service area. This the fourth time I have talked to different managers including Tom Healy. Mr Healy told me that the City was to take the outfall over when it was completed.

The road and power was already in place to the Sullivan house. I upgraded the road to City specs. before we started construction on the outfall.

We put up a \$26,500 Bond with the City before construction .We got back \$12,778 of the bond on December 1, 1995. The remainder was to be returned when we completed the construction. In October 1996 we requested the release of the remainder of the bond which was \$13,728. We got all of that back except for \$1,500 because Mr. Healy wasn't satisfied with the asbuilt drawings we presented. The bond was a utility bond and not for the road construction.

It is my understanding that the City was to take over this marine outfall. The City never gave me the authority to charge people for the maintenance and cost of the system. I have no authority to make people comply with keeping their systems working. I've spent around \$8,000 in fees and I have no way to recover those costs. The only other alternative is for a homeowner's association be formed to take this over.

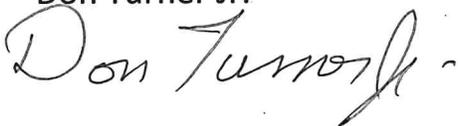
If this system was to be mine then the City would not have had me put up a bond.

When the PUC gave Crystal Cathedral the right for sewer and water they had no utility bond. They also did not turn over asbuilts until the Borough bought it from Vicky Cox.

Stan Jones also put water in without a utility bond. This was in the Crystal Cathedral service area but still in the Borough.

Thank you for your consideration and help in resolving this issue.

Don Turner Jr.



RECEIVED Haines Borough

DEC 31 2013

Clerk's Office

20 January, 2014

MEMORANDUM

From: Port and Harbor Advisory Committee (PHAC)

To: Mayor Scott and the Assembly

Subject: Recommendation for Partially Penetrating Wave Barrier for Portage Cove Harbor

1. At both the 9 December, 2013 and the 20 January, 2014 PHAC the recommendation was to move forward with the Partially Penetrating Wave Barrier for the Portage Cove Harbor.

2. PHAC has been dealing with the harbor expansion issue for over fifteen years and has vetted many different ideas, locations, feasibility studies, federal and state projects, and local input. We now have the funding and PHAC believes it is time to move forward and expand the harbor. We have included background material that was used to make this decision and have had public meetings since May of 2012 on the breakwater. *

3. Members on the PHAC over the last five years include Mike Mackowiak, Dean Risley, Bart Henderson, Don Turner Jr., Norm Hughes, Bill Rostad, Brad Badger, Glen Jacobson, Terry Pardee and Fred Gray. With the budget constraints presented and customer concerns needing to be addressed, the Partially Penetrating Wave Barrier is the best solution for the Portage Cove Harbor.

Thank you,

Phil Benner
Haines Harbormaster

CC:

Julie Cozzi, Interim Manager
Michelle Webb, Interim Clerk

*Please note: all 200+ pages of background material have not been included in this packet. However, all documents are available from the Harbormaster's Office or the Clerk's Office upon request.

Haines Borough
South Portage Cove Harbor Expansion
HARBOR PROTECTION ALTERNATIVES



Prepared For



Prepared By



August 21, 2013

PREFACE TO REPORT

This report has been prepared by PND Engineers Inc., (PND), for the Haines Borough. It presents the results of a study to evaluate the following breakwater alternatives for the South Portage Cove Harbor Expansion project.

- i. A rubble-mound breakwater, similar to the existing breakwater, but with wick drains added to improve the foundation so that the soft soils offshore can support the added weight
- ii. A steel vertical wall wave barrier, similar to that constructed at that Skagway Small Boat Harbor
- iii. A floating breakwater, constructed from concrete caissons, and anchored with chains and/or mooring piles

Included are preliminary design drawings, cost estimates, and the results of advanced numerical models to analyze wave penetration into the harbor, and the strength and consolidation of the soft soils under a rubble-mound breakwater. PND concludes that all three breakwater alternatives are technically feasible, but with different pros and cons and costs. Our recommendation is to proceed with a rubble-mound breakwater if the budget and schedule permits. Rubble-mound breakwaters are a reliable means of protecting a harbor and should have minimal maintenance required if quality rock is used. However, due to the need for foundation improvements at this site, a rubble-mound breakwater is the highest cost. A rubble-mound breakwater may also have a longer permitting timeline, and require larger mitigation costs, because of the larger footprint.

A steel pile vertical wall breakwater would be effective and have lower initial cost, shorter construction duration, and a smaller footprint, among other advantages. However, future maintenance costs are likely greater than a rubble-mound breakwater due to costs associated with maintaining the corrosion protection system. There is also a greater risk of wave agitation in the harbor exceeding expectations due to overtopping during storms, and/or wave transmission under the breakwater.

A floating breakwater (wave attenuator) is attractive for many reasons, including the ability to use it for mooring vessels. However, it is also the least effective at blocking waves, its primary purpose. It also has the highest risk of damage from storms or vessel impact, and high maintenance costs. The following table summarizes the alternatives.

Summary - Harbor Protection Alternatives

	Breakwater Alternative	Initial Cost (\$ million)	50 year Life-Cycle Cost	Comments
1	Rubble-Mound (rock) Breakwater w/Wick Drains	\$16.0 M	\$16.6 M	Wick drains spaced 3 feet on center are needed at an installation cost of approximately \$1.5 million to allow the soft sediments to consolidate during a 215 day construction period. Without wick drains a multi-year construction period is needed. Costs assume relatively expensive locally sourced rock. Costs may be reduced by sourcing rock from outside SE Alaska.
2	Partially Penetrating Wave Barrier	\$7.8 M	\$8.7 M	The least cost alternative, but with higher maintenance costs than a rubble-mound breakwater because of the need to maintain the corrosion protection system.
3a	Floating Breakwater (Chains/Anchors)	\$11.5 M	\$12.6 M	A floating breakwater can also provide moorage for vessels, but has the least wave protection, and highest maintenance costs and risk.
3b	Floating Breakwater (Piles)	\$11.9 M	\$13.3 M	A floating breakwater moored with pile clusters provides better wave protection than a breakwater moored with anchors and chains, but with higher load concentrations and risk.

The recommended next steps for this project are for the Borough to decide on a final design concept for the harbor expansion based on available funding, then to proceed with design, permitting and construction of the preferred breakwater. Thank you for the opportunity to assist the Haines Borough. The report has been prepared by the undersigned.



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TABLE OF CONTENTS

SECTION	Page No.
PREFACE TO REPORT	i
1. INTRODUCTION.....	1
1.1 Project Description and Understanding.....	1
1.2 Related Studies	2
2. GEOTECHNICAL ANALYSIS.....	3
2.1 PLAXIS Model of Staged Construction	3
2.2 Wick Drains	3
2.3 Seismic Deformation Analysis of Rubble-Mound Breakwater Concept	7
3. WIND, WAVE AND WATER LEVELS	8
3.1 Met-Ocean Analysis.....	8
3.2 Breakwater Wave Transmission	9
4. HARBOR PROTECTION ALTERNATIVES	10
4.1 Rubble-Mound Breakwater	10
4.2 Partially-Penetrating Vertical Wave Barrier	11
4.3 Floating Breakwater.....	12
5. COST ESTIMATE	13
6. CONCLUSIONS	14
6.1 Recommendations for Future Work.....	14
6.2 Study Limitations	15
7. REFERENCES	16

LIST OF APPENDICES

- A. Concept Design Drawings - Breakwater Alternatives
- B. Finite Element Analysis of Rubble-Mound Breakwater Concept
- C. Seismic Deformation Analysis of Rubble-Mound Breakwater Concept
- D. Met-Ocean Analysis
- E. Wick Drain Analysis
- F. Cost Estimates

LIST OF TABLES

Table 2-1. Summary – Seismic Deformation Analysis 7
 Table 3-1. Portage Cove – Design Operational Criteria (2-Year Return Period)..... 9
 Table 3-2. Portage Cove – Design Environmental Criteria (50-Year Return Period)..... 9
 Table 5-1. Cost Estimate Summary 13
 Table 6-1. Summary - Harbor Protection Alternatives..... 14

LIST OF FIGURES

Figure 1.1. South Portage Cove – Existing Site 2
 Figure 2-1. Installing Wick Drains from a Barge at Kake, Alaska (photo courtesy Hayward Baker). 4
 Figure 2-2. Wick Drain and Mandrel – installation from a barge at Umm Qasr, Iraq 5
 Figure 2-3. Wick Drain Sample 5
 Figure 2-4. Umm Qasr Bulkhead Construction - Sand Layer Placement and Wick Drain Template 6
 Figure 3-1. CGWAVE Model – Run 8 Sample Output – (Wave Input: H=6.9 feet, T=4.4sec, Dir=090°)..... 8

ABBREVIATIONS

CLE	Contingency Level Earthquake
FEM	Finite Element Method
FOB	Freight (or Free) On Board
MCE	Maximum Credible Earthquake
NOAA	National Oceanographic and Atmospheric Administration
OLE	Operating Level Earthquake
PND	PND Engineers, Inc.
ROM	Rough-Order-of-Magnitude
USACE	US Army Corps of Engineers

1. INTRODUCTION

This report presents a study of harbor protection alternatives for the planned South Portage Cove Harbor Expansion (SPCHE) project. PND Engineers, Inc. (PND) has prepared this report for the Haines Borough. Included are concept level design drawings for three types of breakwaters (rock rubble-mound, steel pile vertical wall, and floating). Costs and schedule have been estimated, and the pros and cons analyzed. Our work applies information from previous engineering and design studies for the expansion project, including master plans studies by PND and the US Army Corps of Engineers, and the recently completed geotechnical investigation.

PND recently completed a subsurface geotechnical study that included borings and laboratory soil testing. The results were presented in the report, "Haines Borough, South Portage Cove Harbor Expansion, Draft Final Geotechnical Report", dated April 2013. As part of that study, information was provided for a steel partially penetrating wave barrier and a rubble-mound breakwater. PND recommended finite element modeling (FEM) analysis be conducted to refine estimates of the time to reach limits of acceptable soil movement and stability for the construction of the rubble-mound breakwater option due to the soft soils underlying the breakwater alignment. In addition to evaluating the rubble-mound breakwater and partially penetrating wave barrier options, at the request of the Borough a floating breakwater, as a third option, was included in this study.

Also included in this report is an updated met-ocean study of waves at the project site. Wind data near the harbor was recently made available by the National Oceanographic and Atmospheric Administration (NOAA) which allows for a more refined estimate of wind and waves at the project site.

Attached to this report are appendices presenting detailed analysis and calculations performed for this study. The main body of this report presents the interpretations and conclusions. This report is intended to provide information needed to make a decision on the type of breakwater to be built at South Portage Cove Harbor. The study is not a refined design. Future work is needed to advance the design, including refining the breakwater length and alignment. This study focuses on the following key questions and issues:

- Evaluation of the load vs. deformation behavior of a rubble-mound breakwater and supporting soils during and after construction. PLAXIS FEM software was used to estimate the number and height of stages and the time required to build the rubble-mound with and without wick drains.
- Research and assessment of wick drains, to verify that they can be installed (constructability), the rate of installation, and the potential for damage during installation through sands and gravels.
- Evaluation of breakwater harbor protection, comparing wave conditions in the harbor with and without the breakwater alternatives. This work included new wave computer modeling and wave transmission calculations using Delft3D and CGWAVE.
- Analysis of the anchoring alternatives and mooring loads for a floating breakwater.
- Cost estimates for each harbor protection alternative, including life cycle costs and maintenance needs over an assumed 50 year design life.

1.1 Project Description and Understanding

Portage Cove Harbor is the only full service small boat harbor near Haines, Alaska. There is strong demand for moorage and improved and expanded facilities. Navigation improvements are also needed to accommodate larger commercial-size vessels that are currently constrained by the limited area within the existing breakwater, and the shallow dredged basin depth. The Haines Borough is currently planning a phased approach for improvements to the harbor with the following primary objectives:

- Expansion in moorage capacity with improved navigation for large vessels;
- Improved protection from excessive wave action; and
- Enlarging the upland boat launch parking areas and waterfront accessibility.

The most expensive component of the harbor expansion project is extending the breakwater. Portage Cove is exposed to waves generated along long fetch distances in Lynn Canal that can funnel storm-generated waves into the harbor entrance. The existing breakwater is not satisfactory for existing users for some wave conditions, and a longer breakwater is essential if the harbor is to be expanded. Extending the existing rubble-mound breakwater

is one option being considered. Other alternatives are a partially penetrating steel wave barrier, similar to the one recently built in Skagway, and a floating breakwater (wave attenuator).

1.2 Related Studies

As part of this study PND reviewed information from previous projects and studies in the region. The documents include related geotechnical information, wind and wave analysis, and studies by the US Army Corps of Engineers and PND.



Figure 1.1. South Portage Cove – Existing Site

2. GEOTECHNICAL ANALYSIS

The subsurface geology near the tip of the existing breakwater includes a layer of soft clay, as shown in the concept drawings in Appendix A. The layer gets thicker as the water depth increases. This foundation material greatly complicates the design and construction of a rubble-mound breakwater. Alternatives include removing (dredging) the unsuitable material, constructing in phases over a period of years to allow the soft material to consolidate and increase in strength, or improving the foundation by adding stone columns or wick drains to allow the soft sediment to consolidate more quickly as the rock breakwater is constructed. After an initial assessment of alternatives, PND focused on wick drains as a proven technology that would allow a rubble-mound breakwater to be constructed to meet the design criteria for settlement, slope stability and seismic deformation.

2.1 PLAXIS Model of Staged Construction

The rubble-mound breakwater foundation was analyzed using the software program PLAXIS, in addition to desktop calculations of slope stability and consolidation. PLAXIS is a state-of-the-art model typically used for analyzing slope stability, seismic deformation, and settlement. It solves the fundamental soil mechanics and dynamics equations on a grid, using the Finite Element Method (FEM). The model is described in the User's Manual (PLAXIS, 2012). The results are presented in Appendix B.

The PLAXIS analysis calculated the load versus deformation behavior during the construction of a rubble-mound breakwater to determine the number and height of stages and the time required to build the rubble-mound with and without wick drains. A discussion of the analysis methodology and results of the FEM analyses for the rubble-mound breakwater concept are included in Appendix B.

The primary goals of the PLAXIS model were to answer the following questions:

- i. Estimate the required staged construction plan, including the number of stages (lifts), height of each stage, and required duration between each stage necessary to maintain an adequate factor against slope failure; and
- ii. Estimate the construction time required with and without wick drains.

Based on the FEM analysis, a rubble-mound breakwater without wick drains would require nine stages to construct with the stage heights ranging from about 4 to 8 feet in thickness. Total construction duration of 38 to 81 years would be needed to construct the rubble-mound breakwater in order to meet seismic and slope stability criteria. The incorporation of wick drains will drastically reduce the construction time. Assuming wick drains with 5-foot spacing, the time required for breakwater construction in stages would be approximately 2 years. With 3-foot spacing the construction would be further reduced to about 0.6 years.

2.2 Wick Drains

Wick drains are geotextile filter fabric wrapped around a corrugated plastic core. They are typically about 4 inches wide by 1/4-inch thick. The drains are installed vertically in the ground using a special mandrel mounted on a crane or excavator. The spacing between wick drains is typically between 2.5 and 8 feet for most projects. The drains accelerate the consolidation of soft, compressible soils by providing a pathway for pore water drainage.

A key question is whether wick drain installation is feasible at this project site using conventional technology, considering the layer of dense sands and gravel that they must penetrate. Wick drains are typically installed in soft sediments without having to penetrate dense material. PND investigated wick drain installations means and methods to evaluate constructability. Our assessments included evaluating installation requirements, typical spacing, and time periods required for construction.

PND initiated discussions with the specialty ground improvement contractor Hayward Baker regarding the feasibility of installing wick drains for this project. Hayward Baker was contacted specifically because of their experience installing wick drains in Alaska and because they are reported to be the only contractor in North America with experience installing wick drains from a barge. Figure 2-1 shows a similar breakwater construction project in Kake, Alaska, where Hayward Baker installed 1,200,000 LF of wick drain from a barge over 25 feet of water to a depth of 90 feet below the ground surface. Figure 2-2 shows a wick drain and mandrel on a PND designed bulkhead project for a Navy base in Umm Qasr, Iraq. The mandrel is driven into the ground with the geotextile wick drain inside, then withdrawn leaving the wick drain in the ground with the end above the ground surface. Figure 2-3 illustrates typical wick drain materials.



Figure 2-1. Installing Wick Drains from a Barge at Kake, Alaska (photo courtesy Hayward Baker).



Figure 2-2. Wick Drain and Mandrel – installation from a barge at Umm Qasr, Iraq.



Figure 2-3. Wick Drain Sample

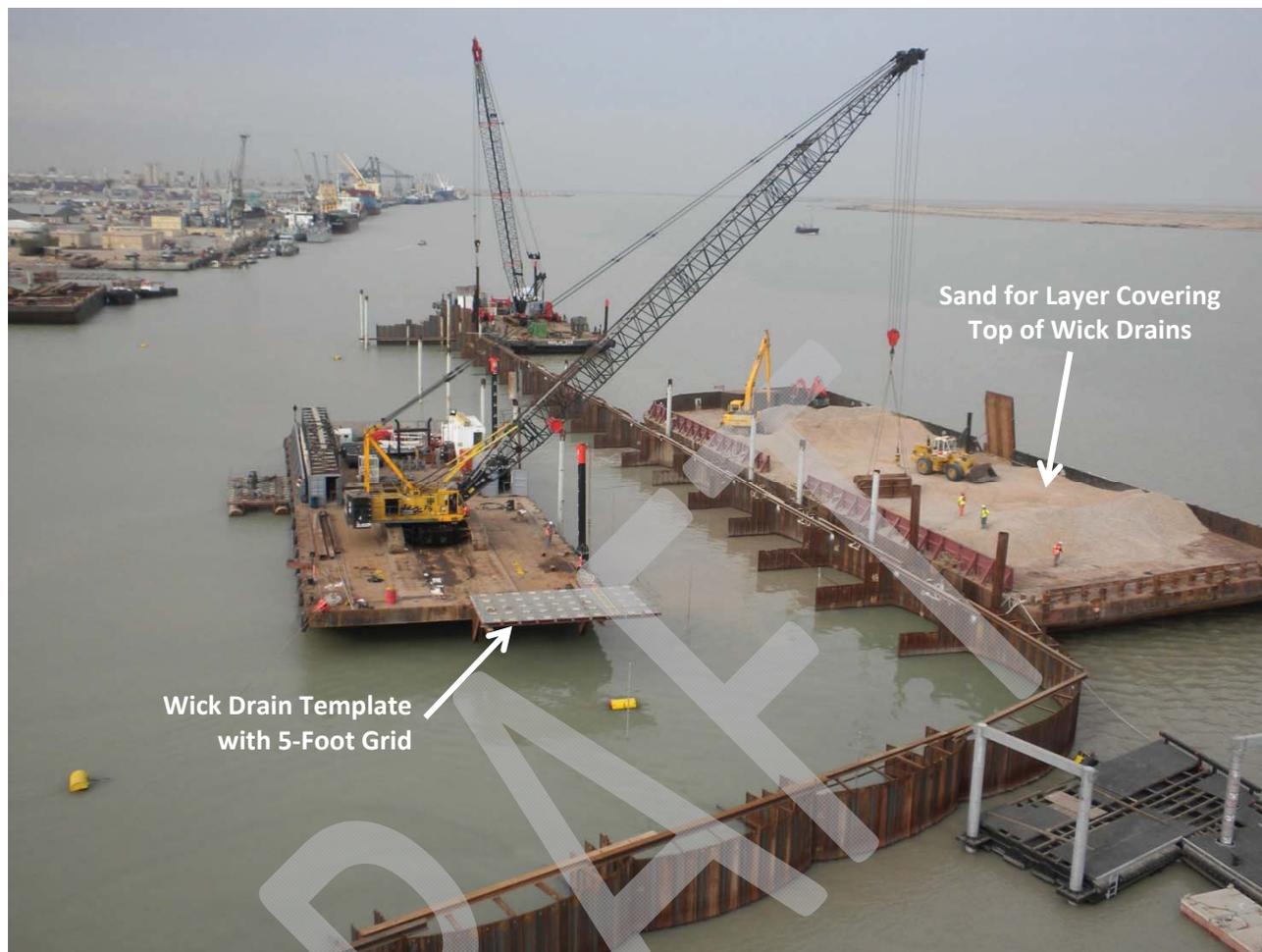


Figure 2-4. Umm Qasr Bulkhead Construction - Sand Layer Placement and Wick Drain Template

The wick drain installation procedure requires a steel mandrel to protect materials from damage. Hayward Baker reviewed the geotechnical information for the site and based on their review and our discussions with them PND is confident that the soil conditions at the site would allow installation of the drains through the upper sand/gravel overlying the clay deposits. PND incorporated wick drains into the rubble-mound breakwater design concept to reduce construction time to a reasonable duration. Alternative foundation improvement methods such as stone columns or dredging/excavation of the clays were not further considered due to their excessive cost relative to wick drains.

Based on our preliminary drain spacing analysis and the PLAXIS numerical model analysis, we estimate that wick drains would reduce the time needed to build the rubble-mound breakwater from multiple years to months. For planning purposes, we anticipate that 3-foot wick drain spacing would result in approximately 215 days total to construct the rubble-mound breakwater, after wick drain installation. Considerations for stage height and duration are discussed in the "Finite Element Model of Rubble-Mound Breakwater Concept" section of this report. A 3-foot triangular grid wick drain spacing, and an average driving distance of 75 feet embedded length, would total about 18,000 drains under the breakwater footprint. The total length would be approximately 1,350,000 feet of installed drains. We estimate that two rigs staged from one barge could complete the wick drain installation in approximately 105 working days at a construction cost of roughly \$1,565,000. (This assumes two CAT 375 rigs, shipping FOB to Seattle, including all labor, materials and equipment for installation.)

Additional information and the preliminary analysis of wick drain spacing and performance is included in Appendix E.

2.3 Seismic Deformation Analysis of Rubble-Mound Breakwater Concept

Newmark analysis was used to estimate permanent slope movement under various seismic events (earthquake time histories) for the rubble-mound breakwater alternative. The results of the Newmark analyses show that slope movements on the order of 1/4-inch or less under an Operating Level Earthquake (OLE) event and nearly 4 feet for a Contingency Level Earthquake (CLE) event. No appreciable permanent seismically induced displacements are estimated for the CLE event. Table 2-1 summarizes the result of the seismic deformation analysis. A discussion of the methodology and results are included in Appendix C.

Table 2-1. Summary – Seismic Deformation Analysis

Newmark Displacements	CLE (50% PE in 50 year)	OLE (10% PE in 50 years)	MCE (2% PE in 50 years)
Range (inches)	0	0.01 to 0.25	8.2 to 28.4
Average (inches)	0	0.19	23.9

Note: The average displacement is based on Newmark Rigorous Rigid-Block Analysis.

3. WIND, WAVE AND WATER LEVELS

The wind, wave and water levels at the project site largely control the size and cost of the harbor protection structures needed. PND analyzed the environmental conditions based on all available information, including previous studies by PND and others. Appendix D presents the design environmental conditions for the project site, as well as analysis of wave transmission past the breakwater and into the planned harbor.

3.1 Met-Ocean Analysis

The met-ocean analysis in Appendix D presents the design environmental conditions for the breakwater alternatives. The met-ocean study for this report has a substantial amount of new analysis, including wave numerical models, and analysis of wind data from the Haines Boat Harbor from 1973 to 1996 which was previously not available from NOAA. The met-ocean analysis in Appendix D provides improved confidence in the estimated design wave height, period, and direction. Figure 3-1 below is an example of wave height output from the CGWAVE numerical model that tested wave penetration into the harbor.

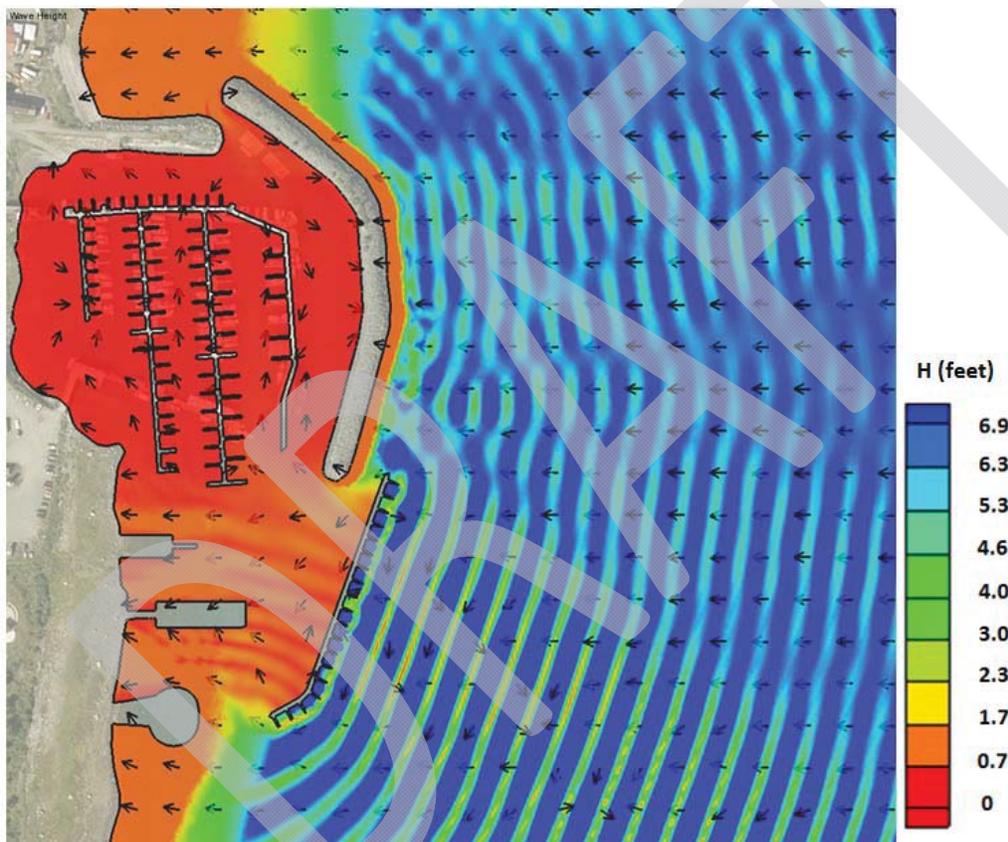


Figure 3-1. CGWAVE Model – Run 8 Sample Output – (Wave Input: H=6.9 feet, T=4.4sec, Dir=090°)
(The wave barrier was modeled as fully reflecting with an assumed transmission coefficient of 0.6).

The recommended Design Operational Conditions (DOC) and Design Environmental Conditions (DEC) for the Portage Cove Marine Facilities are summarized in the tables below. The DEC can be defined as the extreme conditions with a specific combination of tide, wind, waves and currents for which the facilities have to be designed. The DOC is defined as the limiting environmental conditions that would require suspension of normal operations.

Table 3-1. Portage Cove – Design Operational Criteria (2-Year Return Period)

Direction	Water Elevation (feet, MLLW)	Wind Speed (knots)	Wave	
			Significant Height (feet)	Peak Period (sec)
Northeast (050°)	+17	31	2.6	2.5
East (090°)		31	2.1	2.2
Southeast (120°)		31	2.5	2.4

Table 3-2. Portage Cove – Design Environmental Criteria (50-Year Return Period)

Direction	Water Elevation (feet, MLLW)	Wind Speed (knots)	Wave	
			Significant Height (feet)	Peak Period (sec)
Northeast (050°)	+20	68	6.5	4.3
East (090°)		68	6.9	4.4
Southeast (120°)		68	6.3	4.3

The following summarizes the key findings of the met-ocean analysis:

1. Prevailing winds are mostly from the east and northwest. However, large winds also occur from the northeast to southeast. The 50-year return period design wind speed is 68 knots.
2. The 50-year significant wave height is approximately 6.9 feet for winds from the east along a straight line fetch of 3 nautical miles. The waves from the northeast (6.5 feet) and southeast (6.3 feet) are slightly smaller since the waves experience diffraction and refraction effects before reaching the project site.
3. The estimated wind speeds and wave heights are consistent with the previous study performed by USACE in 2004 and local observation. No significant differences were noticed.
4. Tide range, defined as the distance between the Mean Higher High Water and Mean Lower Low Water, is 16.8 feet. The project site is located in an area which is experiencing glacial rebound and relative sea level fall and this should be considered when selecting dredge depths and design water levels.
5. Wave refraction causes large waves from Lynn Canal to approach the breakwater from a mostly easterly direction. Waves penetrate into the harbor through diffraction around the breakwater tip, and transmission under the breakwater (floating and partially penetrating vertical wall). The length and alignment of the breakwater alternatives is reasonable. The rubble-mound breakwater has the most wave protection, and the floating breakwater the least, of the alternatives evaluated.

3.2 Breakwater Wave Transmission

The met-ocean study in Appendix D includes wave transmission analysis and calculations. A rubble-mound breakwater would be more effective than a partially penetrating vertical wall wave barrier, or a floating breakwater at blocking waves from entering the harbor. Predictions of wave transmission under a floating breakwater have the greatest uncertainty, and are largely based on the results of previous physical model studies by others of floating breakwaters.

4. HARBOR PROTECTION ALTERNATIVES

PND evaluated the following three alternatives for harbor protection:

- Rubble-Mound Breakwater
- Partially Penetrating Wave Barrier
- Floating Breakwater (wave attenuator)

Other breakwaters were considered but dismissed as not feasible or less effective, including a rubble-mound breakwater without wick drains, timber wave fence, and a steel barge floating wave attenuator. The following sections describe each alternative, key issues, and their relative merits.

4.1 Rubble-Mound Breakwater

The rubble-mound breakwater alternative would be similar to the existing rubble-mound breakwater which provides protection to the existing harbor for waves from the north and east. A concept design is shown on the attached drawings in Appendix A. The new rubble-mound breakwater would extend from the end of the existing breakwater nearly 550 feet. The rubble-mound breakwater typical cross-section likely would include the following three layers of rock:

- Core: Shot rock/quarry run material;
- Underlayer: 3-foot-thick layer of larger rock to provide a transition between the overlying armor rock and breakwater core
- Armor Rock: 6-foot-thick layer of the largest rock to protect the structure from wave attack.

In addition, a 3-foot thick layer of sand and/or gravelly sand would be placed on the seafloor prior to constructing the breakwater to serve as a drainage blanket for the wick drains.

Most of the rock placement would likely occur from a barge, either a bottom dump barge and/or placement with a clamshell, crane or excavator. Land-based construction methods might be used via a temporary causeway along the existing breakwater. The contractor's means and methods will influence costs and require further investigation. Environmental permit requirements may also affect the means of rock placement.

To prevent a stability failure of the soft clay layer underlying the site it will be necessary to construct the rubble-mound breakwater in stages. Based on the PLAXIS analysis, the rubble-mound breakwater would likely require nine stages to construct with the stage heights ranging from about 4 to 8 feet in thickness. The duration for constructing the rubble-mound breakwater with wick drains at 5-foot spacing is estimated to be 2 years. Wick drains at 3-foot spacing would require about 0.6 years for rock placement.

During construction of the rubble-mound breakwater the ground settlement must be monitored, typically with survey equipment and settlement plates or other instrumentation. The data is used to determine when consolidation of the underlying clay layer is sufficient to permit placement of additional material without an unreasonable risk of slope failure. The monitoring program should consist of both periodic surveys of the settlement of the mudline elevation under the rubble-mound and the elevation/height of the rubble-mound breakwater construction. PND also recommends that pore-pressure be monitored at various locations beneath the rubble-mound breakwater footprint and within the clay layer. The pressure will increase then decrease after each stage is placed.

The advantages and disadvantages associated with the rubble-mound alternative are summarized below.

Pros:

- Rubble-mound breakwater construction has been successful at Portage Cove.
- Rock jetties are usually the least expensive type of breakwater if a good quality rock source is nearby and the foundation is suitable.
- Maintenance requirements are likely minimal with the high quality rock available in the region.
- The lack of pile driving is a plus for environmental permitting but may result in a longer work window.

Cons:

- Rubble-mound breakwaters have a larger footprint than other harbor protection alternatives, which, in comparison, can increase the permitting effort and mitigation required.
- The large volume of material required for construction must be delivered to the site via truck or barge, which may cause adverse impacts in town, especially if it coincides with the summer tourist and cruise ship season
- Preliminary cost information from a local quarry indicates a relatively high cost for rock from this source.

4.2 Partially-Penetrating Vertical Wave Barrier

A vertical wall wave barrier can be built using steel pipe piles with flat steel sheet pile wings welded to the pipe to form a combi-wall type of structure. Batter pile clusters (at an angle from vertical) are needed considering the water depths and wave forces at this site. A concept design is shown on the attached drawings in Appendix A. The structure would be similar to the breakwater designed by PND and constructed in 2009 at the Skagway Small Boat Harbor.

Pros:

- It is often the only suitable design when space is limited or the waves are too large for a floating breakwater.
- The small footprint and gap at the bottom for fish passage and circulation likely make this the preferred option for permitting and environmental reasons.
- Construction is relatively fast with minimal truck traffic, noise, and dust.
- The vertical wave barrier at Skagway has been successful and is similar to this concept design.
- A pedestrian promenade can be added to the top at relatively little added cost (not included in cost estimate attached).

Cons:

- More engineering and design effort is needed compared to a rubble-mound breakwater.
- Additional boreholes or probes may be needed to verify the presence of bedrock at the pile tip elevation.
- If bedrock is encountered the piles may need to be socketed in the bedrock.
- Require regular maintenance of anodes and dive inspection to control corrosion.
- Wave overtopping and spray, and/or wave transmission under the breakwater may be large enough to be objectionable. Overtopping can be controlled somewhat by raising the wall height.

4.3 Floating Breakwater

A concrete float with a rectangular cross-section is typical for the size of structure needed at this site. A concept design is shown on the attached drawings in Appendix A. In deep water, mooring chains are sometimes the only feasible option. Mooring piles are more effective at restraining the floating breakwater and reducing wave transmission than mooring chains. For this structure, PND estimates a pile cluster or mooring chain is needed every 50 feet along the length of the floating breakwater.

Floating breakwaters are most effective for blocking waves with relatively small wave lengths. When wave periods exceed about 3 seconds the cost and size requirements increase greatly. The design wave periods at Portage Cove are close to 5 seconds.

To avoid grounding, the breakwater needs to be placed in deeper water, which increases the size and cost of the mooring system. The concrete float and mooring system are complex and relatively expensive. Considering the wave conditions and tide range at the site, a preliminary assumption is that a floating breakwater would need to be 50 feet wide, 500 feet long, and 10 feet deep to provide effective wave protection at Portage Cove. Additional information is in Appendix D.

Pros:

- A floating breakwater also can be used for mooring small commercial or recreational boats.
- Floating structure moves with the tide and does not block views outside the harbor.
- Can be moved in the future
- Reuse of existing floating structures that may be available (old concrete pontoons, barges, caissons and used breakwaters) is sometimes possible and can be a cost-effective means of providing a breakwater.

Cons:

- The engineering and design is more complex than a rubble-mound breakwater.
- The structure moves and has load concentrations at the mooring hoops and connections, increasing the risk of wear, damage and structural fatigue.
- Floating wave attenuator performance is sometimes difficult to predict accurately without a large scale physical model. The height of the transmitted wave under the float has more uncertainty than a fixed barrier.

5. COST ESTIMATE

PND estimated the costs for construction and future maintenance cost for each alternative. The estimates are preliminary, with an accuracy of +/- 20%. They are suitable for comparing alternatives based on a Rough Order-Of-Magnitude (ROM) cost estimate.

Table 5-1 below summarizes the cost estimate for each alternative. More detailed cost estimates were developed and are presented in Appendix F. The cost estimates include contingencies and indirect costs such as permitting and engineering and are essentially a recommended project budget. The rubble-mound (rock) breakwater costs are based on recent information provided by a local quarry. Lower cost rock may be available if imported from outside southeast Alaska.

The life cycle cost estimates include regular maintenance and recurring costs over time. The costs are presented in terms of present value dollars to allow direct comparison between each alternative.

Table 5-1. Cost Estimate Summary

	Description	Initial Cost (\$ millions)	Maintenance Cost	50 year Life-Cycle Cost
1	Rubble-mound (Rock) with Wick Drains	\$16.0 M	\$0.6 M	\$16.6 M
2	Partially Penetrating Vertical Wave Barrier	\$7.8 M	\$0.9 M	\$8.7 M
3a	Floating Breakwater with Anchors and Chains	\$11.5 M	\$1.1 M	\$12.6 M
3b	Floating Breakwater with Mooring Piles	\$11.9 M	\$1.4 M	\$13.3 M

Note: All costs are in present value dollars

6. CONCLUSIONS

All three harbor protection alternatives have benefits and drawbacks. Table 6-1 summarizes the three alternatives. In our opinion a rubble-mound structure would be the best alternative if the budget and schedule permits and a good quality rock source is available. All three alternatives are technically feasible, but with different pros and cons.

Table 6-1. Summary - Harbor Protection Alternatives

	Breakwater Alternative	Initial Cost (\$ millions)	50 year Life-Cycle Cost	Comments
1	Rubble-Mound (Rock) Breakwater w/Wick Drains	\$16.0 M	\$16.6 M	Wick drains spaced 3 feet on center are assumed at an installation cost of approximately \$1.5 million to allow the soft sediments to consolidate during a 215 day construction period. The project cannot be feasibly constructed without wick drains. Costs assume locally sourced rock. Costs may be reduced by sourcing rock from outside SE Alaska.
2	Partially Penetrating Wave Barrier	\$7.8 M	\$8.7 M	The least cost alternative, but with higher maintenance costs than a rubble-mound breakwater with high quality rock, because of the need to maintain the corrosion protection system.
3a	Floating Breakwater (Anchors)	\$11.5 M	\$12.6 M	A floating breakwater can also provide moorage for vessels, but has the least wave protection, and highest maintenance costs and risk.
3b	Floating Breakwater (Piles)	\$11.9 M	\$13.3 M	A floating breakwater moored with pile clusters has better wave protection than a breakwater moored with anchors and chains, but with higher load concentrations and risk.

6.1 Recommendations for Future Work

This study is based on preliminary engineering and design, at a level suitable for selecting a path forward. During design the following issues should be further investigated to allow for a more refined and efficient design and to minimize risk:

1. Evaluate different bidding and contracting arrangements, such as design-build and the more traditional design-bid-build. A bidding arrangement that allows for more alternatives to be considered could result in a better bid price. It may be advantageous to design and plan for a rock breakwater, but allow a contractor to propose an alternative partially penetrating wave barrier, with the final decision on breakwater type deferred until after the bids/proposals are reviewed.
2. Evaluate sources of rock for the breakwater, including unit costs, shipping costs and available quantities.
3. Review and refine the estimates of optimum wick-spacing vs. construction duration for the rubble-mound breakwater.
4. Investigate likely permit requirements and key constraints. Early discussions with permit agencies can reduce risks and uncertainty and help develop a realistic project schedule.

5. If a floating breakwater is selected then a physical model in a 3-D wave basin is recommended to test wave transmission and the mooring system for the final design concept.

6.2 Study Limitations

PND's analysis and findings in this report are based the following:

1. Engineering calculations performed by PND;
2. Design criteria developed for this project;
3. Review and application of surveys, geotechnical data and met-ocean analysis; and
4. Engineering judgment and experience, including knowledge gained during design and construction of similar breakwaters and marine facilities in southeast Alaska and other locations.

The information presented in this report is based on professional opinions derived from our analysis and interpretation of available documents and information. This report was prepared by PND for the sole use of the Haines Borough. Our conclusions and recommendations are intended for this project and limitations of scope, schedule and budget apply.

7. REFERENCES

- Canada Department of Fisheries and Oceans (1980). “*Study to Determine Acceptable Wave Climate in Small Craft Harbours*”, Small Craft Harbours Branch, Report No. 1581.
- Jibson, R.W. and Jibson, M.W. (2005). “*Slope Performance During an Earthquake*”, Java Programs for using Newmark’s method and simplified decoupled analysis to model slope performance during earthquakes, U.S. Geological Survey Open-File Report 03-005.
- PND Engineers, Inc. (2013). *Haines Borough, South Portage Cove Harbor Expansion, Draft Final Geotechnical Report*.
- US Army Corps of Engineers (2011). “*Coastal Engineering Manual*”, Engineering and Research Development Center, Vicksburg, Mississippi.
- US Army Corps of Engineers (1992). “*Automated Coastal Engineering System (ACES)*”
- US Army Corps of Engineers (1984). “*Shore Protection Manual*”, Washington, D.C.: US Army Corps of Engineers.



HAINES BOROUGH, ALASKA
P.O. BOX 1209, HAINES, ALASKA 99827
Administration 907.766.2231 ♦ (fax) 907.766.2716
Tourism 907.766.2234 ♦ (fax) 907.766.3155
Police Dept. 907.766.2121 ♦ (fax) 907.766.2128
Fire Dept. 907.766.2115 ♦ (fax) 907.766.3373

Date: January 28th, 2014

To: Douglas Island Pink & Chum, Inc.
2697 Channel Drive
Juneau, Alaska 99801

RE: Haines Commercial Fisherman's Drive Down Work Float

The Haines Borough is currently in the process of expanding our Small Boat Harbor with a new breakwater, an estimated 90 new slips, a new boat ramp, and roughly 250 of side tie space. We also envisioned a commercial fisherman's drive down work float for our fishing fleet, but don't have enough money in the budget. This letter is a request for DIPAC to consider funding all or part of this float.

We are aware the DIPAC has been extremely successful in early retirement of their State of Alaska loans and we congratulate you on your success. We have also been informed that you may be looking to invest some of your surplus funds into commercial fishing projects in Southeast Alaska. We hope you would consider the value of a commercial fishing drive down float in Haines and the long term benefits to fishermen in the Lynn Canal.

We have attached the engineer's drawings and estimates to this letter. Any assistance you can provide in helping us reach this \$6M goal will be appreciated and long remembered.

Regards,

Stephanie Scott
Mayor, Haines Borough

21 January, 2014

From: Port and Harbor Advisory Committee (PHAC)

To: Mayor Scott and Haines Assembly

Subject: Letter of Support for the Haines Borough Commercial Fishing Work Float to Douglas Island Pink and Chum (DIPAC)

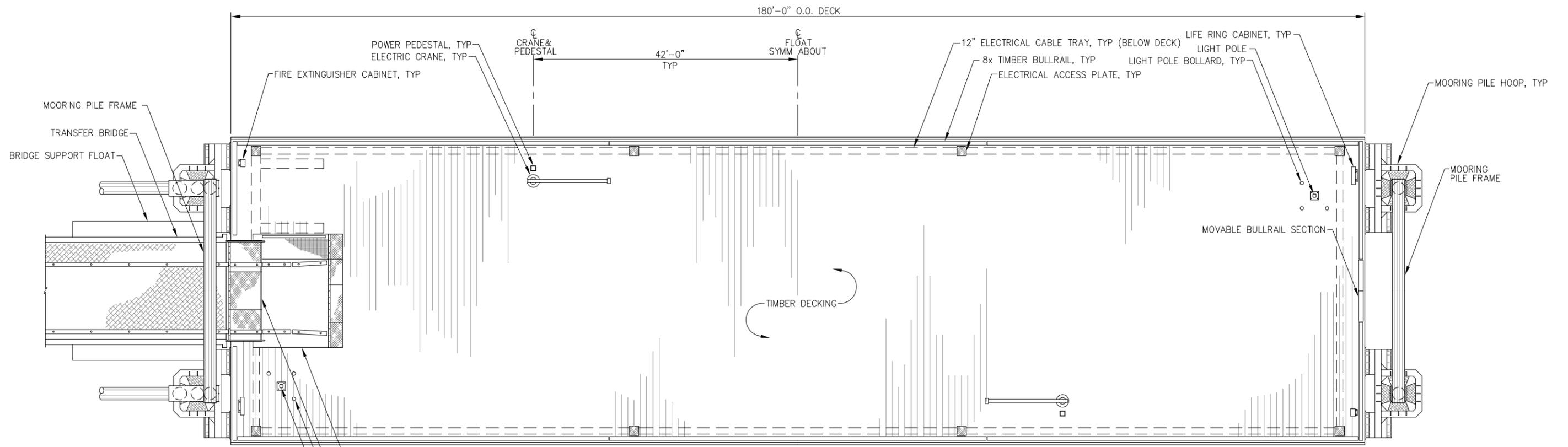
1. The PHAC unanimously supported the proposed commercial fishing work float for Portage Cove Harbor. DIPAC may have some monies to spend in the near future and Norm Hughes would like to get a proposal in front of them at their February meetings.

2. Attached are drawings for the commercial drive down float and a cost estimate. The PHAC is asking for a letter of support from the Assembly to DIPAC that Norm Hughes can deliver with the proposal.

Thank you,

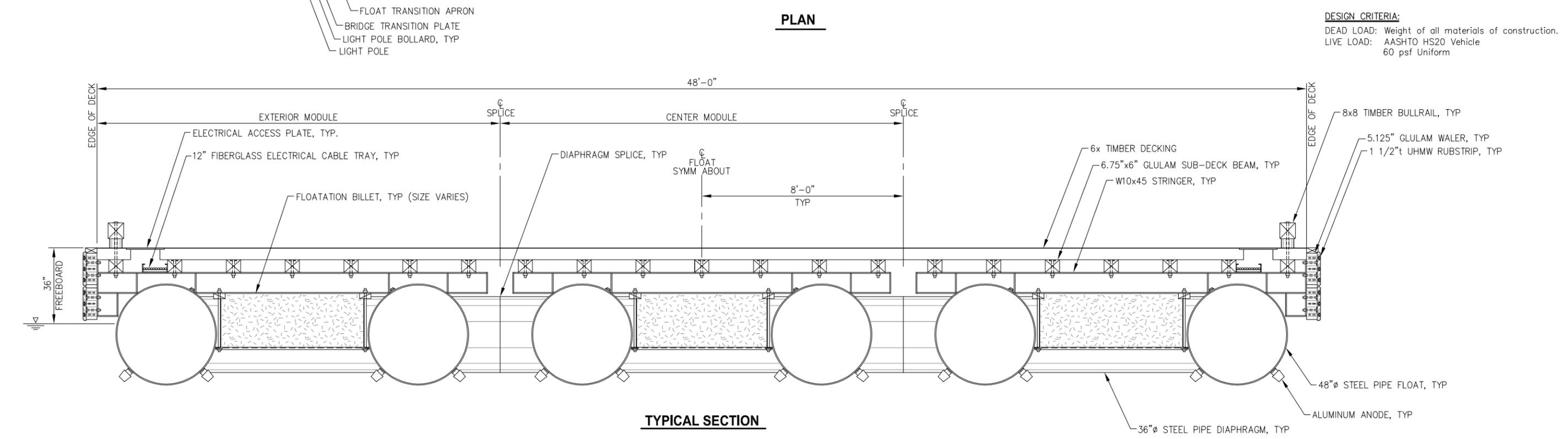
Phil Benner

Haines Harbormaster



PLAN

DESIGN CRITERIA:
 DEAD LOAD: Weight of all materials of construction.
 LIVE LOAD: AASHTO HS20 Vehicle
 60 psf Uniform



TYPICAL SECTION



REVISIONS					
REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND ENGINEERS, INC.
 9360 Glacier Highway Suite 100
 Juneau, Alaska 99801
 Phone: 907-586-2093
 Fax: 907-586-2099
 www.pnd-anc.com

DESIGN: JLD CHECKED: CRS SCALE: AS SHOWN
 DRAWN: JLD APPROVED: CRS



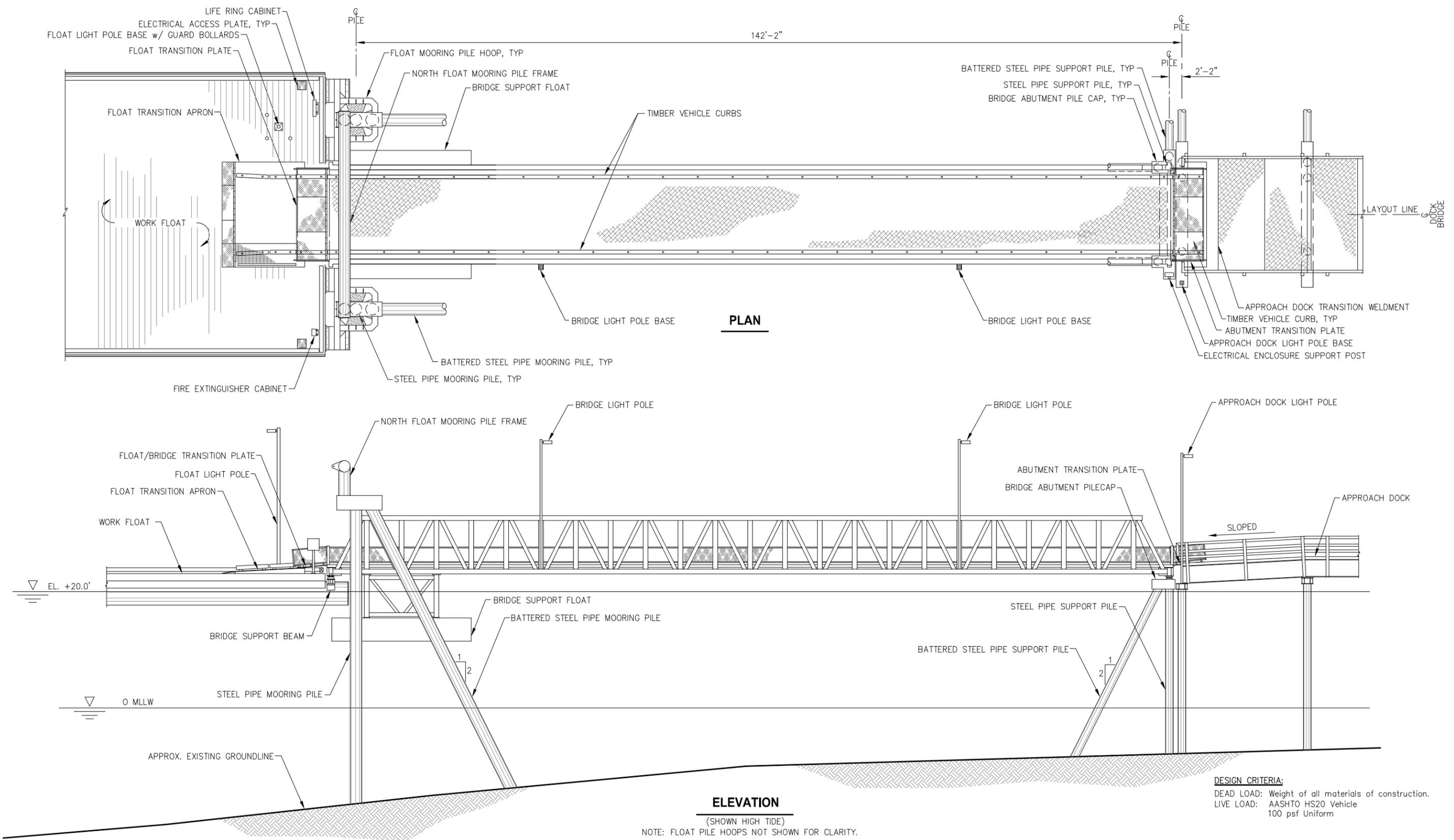
HAINES BOROUGH COMMERCIAL FISHING WORK FLOAT

SHEET TITLE: **WORK FLOAT PLAN AND TYPICAL SECTION**

PND PROJECT NO.: 102029.07 DWG. FILE:

DATE: 1/16/14

1
SHEET
1 OF 2



DESIGN CRITERIA:
 DEAD LOAD: Weight of all materials of construction.
 LIVE LOAD: AASHTO HS20 Vehicle
 100 psf Uniform



REVISIONS					
REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND ENGINEERS, INC.
 9360 Glacier Highway Suite 100
 Juneau, Alaska 99801
 Phone: 907-586-2093
 Fax: 907-586-2099
 www.pnd-anc.com

DESIGN: JLD CHECKED: CRS
 DRAWN: JLD APPROVED: CRS

SCALE: _____



**HAINES BOROUGH
 COMMERCIAL FISHING WORK FLOAT**

SHEET TITLE:
**TRANSFER BRIDGE
 GENERAL PLAN AND ELEVATION**

PND PROJECT NO.: 102029 DWG. FILE: _____

2
 SHEET
 2 OF 2



HAINES BOROUGH
COMMERCIAL FISHING WORK FLOAT
 Preliminary Budget - January 15, 2014
 PND Engineers, Inc.
 Project No. 102029.01



Item	Item Description	Units	Quantity	Unit Cost	Amount
1	Mobilization/Demobilization	LS	All Reqd	8%	\$344,000
2	Construction Survey Measurement	LS	All Reqd	\$30,000	\$30,000
3	H 20 Transfer Bridge 17' x 140'	LS	All Reqd	\$750,000	\$750,000
4	Bridge Support Float	LS	All Reqd	\$165,000	\$165,000
5	Bridge Abutment	LS	All Reqd	\$150,000	\$150,000
6	Vehicle Accessible Float, 50' x 180'	SF	9,000	\$275	\$2,475,000
7	Vehicle Float Mooring Piles	EA	8	\$20,000	\$160,000
8	Float Mooring Pile Frames	LS	All Reqd	\$125,000	\$125,000
9	Hydraulic Crane on Float	EA	2	\$75,000	\$150,000
10	Domestic Water on Float	LS	All Reqd	\$100,000	\$100,000
11	Power & Lighting	LS	All Reqd	\$200,000	\$200,000
ESTIMATED CONSTRUCTION BID PRICE					\$4,649,000
CONTINGENCY (15%)					\$697,350
ENVIRONMENTAL PERMITTING					\$25,000
FINAL ENGINEERING DESIGN & BID READY CONTRACT DOCUMENTS (9%)					\$418,410
CONTRACT ADMIN.& CONSTRUCTION INSPECTION (8%)					\$371,920
TOTAL ESTIMATED PROJECT BUDGET					\$6,161,680

NOTE: This budget has been prepared prior to final engineering design. It should be regarded as a preliminary budget subject to change as the final scope of improvements is determined by the Borough and the site conditions are thoroughly investigated.