
Haines Borough
Borough Assembly Meeting #263
AGENDA

February 11, 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 – Chief Fiscal Officer Report
- 11A1 – Adoption of Resolution 14-02-532
- 11A2 – Adoption of Resolution 14-02-533
- 11A3 – Adoption of Resolution 14-02-534
- 11B1 – Introduction of Ordinance 14-02-367
- 11B3 – Introduction of Ordinance 14-02-369
- 11C1 – Board Appointment
- 11C2 – Confirm Administrative Policy re. Heli Map Review Cycle
- 12A – Request for Letter of Support for Grant Funding

*** 4. APPROVAL OF MINUTES – Regular: 11/12/13 & 12/10/13, Special: 2/5/14**

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

6. MAYOR'S COMMENTS/REPORT

A. Clean Harbor Presentation

7. PUBLIC HEARINGS

A. Rehearing on Appeal of a Planning Commission Decision

Gina St. Clair – Request for Exemption

The borough manager and staff denied Gina St. Clair's request to subdivide her property without providing water and sewer to the upper portion of her undeveloped land. It was determined that water and sewer service were available to the property within 200 feet and therefore is required by borough code HBC 18.100.092(A). St. Clair appealed to the planning commission on 11/14/13. The planning commission voted to deny the appeal. HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. Ms. St. Clair submitted appeals to the borough clerk on 12/2/13 and 12/23/13. The appeal process was delayed due to meetings with the mayor and staff to try to mediate the issue. On 1/14/14, the assembly voted not to rehear the matter. However, on 1/28 the vote was reconsidered. A rehearing was scheduled for this meeting as required by HBC 18.30.060(A).

The burden of proof shall be solely on the party challenging the commission's decision. The evidence shall be limited to a review of the record. "The Record" in this appeal is determined to be: all documents, oral statements, and any material objects that were provided to the planning commission in this matter. The evidence is limited to that same record, although further argument may be allowed. Argument is defined as "reasons given for or against a matter under discussion that is intended to convince or persuade the listener." Oral arguments are acceptable during this hearing. As typical for an appeal hearing, it will begin with presentations by Ms. St. Clair and the staff, and then proceed with any public testimony.

Assembly Action Needed:

1. Confirm or reverse the commission's decision. The assembly must make its decision at this meeting. The action shall be supported with written findings of fact keeping in mind that "in all decisions the burden of proof shall be on the party challenging the decision of the planning commission." The assembly may deliberate in open session or in executive session. Written findings that formalize the reasons for the decision will be drafted for assembly approval at the next meeting.

7. PUBLIC HEARINGS --- continued

B. **Ordinance 14-01-363** - Second 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. **Motion:** Adopt Ordinance 14-01-363.*

C. **Ordinance 14-01-365** - Second 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 1/14/14 and had a first public hearing on 1/28/14, resulting in an amendment. **Motion:** Advance Ordinance 14-01-365 to a third public hearing on 2/25/14.*

D. **Ordinance 14-01-366** - First Hearing

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. This ordinance was introduced on 1/28/14 and set for a first public hearing. **Motion:** Advance Ordinance 14-01-366 to a second public hearing on 2/25/14.*

E. **Ordinance 13-10-352** - First Hearing

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

*This ordinance is recommended by the borough manager and chief financial officer. It was introduced on 10/22/13 and referred to the Government Affairs & Services Committee. That committee met on 12/3/13 and proposed advancement to the first hearing. The ordinance was introduced on 10/22/13, sent to the GAS committee, and set for its first public hearing on 2/11/14. **Motion:** Advance Ordinance 13-10-352, as substituted, to a second public hearing on 2/25/14.*

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 2/11/14 Report

* B. Chief Fiscal Officer Report – 2/5/14 Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

A. **Ordinance 13-12-358**

An Ordinance of the Haines Borough amending Borough Code Section 18.80.030 to add setback regulations to the General Use zone and to correct a typographical error to make it consistent with the Section 18.20.020 definition of setback.

*This ordinance is recommended by the planning commission. It was introduced on 12/10/13 and had a first hearing on 1/14/14. On 1/28/14 this ordinance was in its second public hearing. The motion on the table was to "adopt Ordinance 13-12-358." The ordinance was postponed to this meeting and debate will resume with the motion to adopt and the motion to amend already on the table. The amendment proposes replacing the word "structures" with "permanent buildings" and removing the phrase "for all uses" on Page 3, Section C. **Suggested Motion:** Assign Assembly Member Schnabel to work with the planning commission to reconcile proposed ordinance 13-12-358 and adopted ordinance 13-12-360, and postpone adoption of the ordinance until that work is completed.*

11. NEW BUSINESS

A. Resolutions

* 1. **Resolution 14-02-532**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Pacific Pile & Marine, LP for the Port Chilkoot Dock and Letnikof Cove Harbor Renovations project for an amount not to exceed \$43,355.45.

*This is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-532.*

* 2. **Resolution 14-02-533**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Southeast Road Builders to provide 2014 snow removal services for the Cathedral View/Piedad Area Subdivisions.

*This is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-533.*

11. NEW BUSINESS

A. Resolutions --- continued

* 3. Resolution 14-02-534

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Behrends Mechanical for the Haines School Fans Replacement project for an amount not-to-exceed \$319,235.

*This is recommended by the director of public facilities. **Motion:** Adopt Resolution 14-02-534.*

4. Resolution 14-02-535

A Resolution of the Haines Borough Assembly authorizing the borough attorney to petition the Regulatory Commission of Alaska to intervene in Docket Number U-14-002, the rate making case filed by Alaska Power Company, and to represent the borough in that proceeding.

*This is recommended by the mayor and interim manager. **Motion:** Adopt Resolution 14-02-535.*

B. Ordinances for Introduction

* 1. Ordinance 14-02-367

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.10.040 to modify assembly meeting minutes procedures.

*This ordinance is recommended by the mayor, the interim clerk, and the interim manager. **Motion:** Introduce Ordinance 14-02-367 and set a first public hearing for 2/25/14.*

2. Ordinance 14-02-368

An Ordinance of the Haines Borough amending Haines Borough Code Chapter 10.34 to authorize the use of ATVs on streets and highways within the borough and allowing use of snow machines on highway shoulders within the borough.

This ordinance was proposed by Assembly Member Lapp. A similar ordinance (11-06-269) was considered in 2011 but was not adopted. Several changes have been made to this new ordinance.

Motion: Introduce Ordinance 14-02-368 and set a first public hearing for 2/25/14.

* 3. Ordinance 14-02-369

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.050 appeals to the commission to conform to the requirements of filing an appeal.

*This ordinance is recommended by the planning commission. **Motion:** Introduce Ordinance 14-02-369 and set a first public hearing for 2/25/14.*

C. Other New Business

* 1. Board Appointments

*An appointment application has been received for a seat on the Tourism Advisory Board. The mayor plans to make the appointment and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Scott Sundberg to the Tourism Advisory Board for a term ending 11/2016.*

* 2. Confirm Administrative Policy re. Heli Map Review Cycle

As a result of its 12/3/13 meeting, the Government Affairs & Services Committee recommended this administrative policy regarding the cycle for reviewing the Haines Borough Commercial Ski Tour Areas map. This recommended policy was first presented by the committee to the assembly on 1/14/14. The interim manager seeks assembly confirmation.

3. Confirm Chief of Police Hire

Following a special meeting on 2/5, the assembly authorized the Interim Borough Manager to hire a police chief. This agenda item is provided in the event she is prepared to recommend an individual. 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.

12. CORRESPONDENCE/REQUESTS

* A. Request for Letter of Support for Grant Funding – Takshanuk Watershed Council Letter

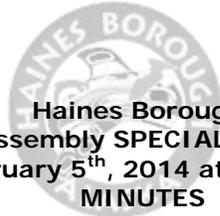
13. SET MEETING DATES

A. Government Affairs and Services Committee – To discuss unfinished business and planning commission request to develop a policy allowing exemptions and/or deferral to participation in LIDs from their 1/9/14 Recommendation)

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT



**Haines Borough
Borough Assembly SPECIAL Meeting #263
February 5th, 2014 at 6:30pm
MINUTES**

DRAFT

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**, Diana **LAPHAM**, and Joanne **WATERMAN**. George **CAMPBELL** participated by phone.

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, and Simon **FORD**/Interim Chief of Police.

Visitors Present: Karen **GARCIA**/CVN and Margaret **FRIEDENAUER**/KHNS.

3. **APPROVAL OF AGENDA**

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

4. **PUBLIC COMMENTS** - None

5. **BUSINESS**

A. **Update to the Assembly - Contract Negotiations for the Position of Chief of Police**

CAMPBELL stated he received an education and was informed of more pieces of the job than he was previously aware of. He stated he now believes that a small town chief of police is worth the same as a city chief of police. He stated Interim Police Chief Ford could explain. **FORD** arrived at the meeting and was invited to share his thoughts about the job of the chief of police. **FORD** explained the position as he sees it. **FORD** apologized for being tardy and thanked the assembly for their support during his nine month period as interim. He stated he was not going to speak to any particular candidate. The chief of police used to work directly for the assembly, which was awkward with previous chief of police Gary Lowe. Then the code changed to have the chief report to the Borough Manager. He felt the borough was in a difficult position in negotiations and would like to see clarification in the future of who is authorized to negotiate salary. While he was still applying for the position, he started to calculate what salary he was looking for. He started to research on the Alaska Municipal League website. He saw most salaries are listed in the mid \$70,000s up to \$85,000. There was an average salary of approximately \$80,000 in Southeast Alaska and in similar sized communities as Haines. Haines is budgeted for \$80,000. Petersburg hired a new chief at \$82,500 with a head hunting firm and it appears to be a good result. When he read about the salary cap in the newspaper, he could understand some of the confusion. He would like to see a discussion of salary before the position is advertised. **FORD** was concerned with the belief that a small police department is easier to run and therefore should make less money than a large police department. While a large department has much more staff, a small town police chief is often called in for street work in the middle of the night to back up other officers. Large departments also have the luxury of specialists. In the borough's small police department, the officers are still learning. Both candidates are extremely well trained and he is looking forward to having them teach in the department. He thinks a higher price would be worth it for someone who will have to be chief and be woken up several nights a week. There is a lot of publicity in this position and off the clock conversations about community concerns. He asked the assembly be willing to secure the caliber of police chief the community deserves. He agreed with **CAMPBELL**'s thought to reward someone who is working out well with additional money as time passes, but we need to attract someone at a high level. **SCHNABEL** asked when **FORD** became aware of the salary cap and when he felt the \$73,000 level was too low. She felt he should have brought his concerns to the manager immediately. She was concerned the word was on the street on Friday, before the paper was released on Saturday. **FORD** stated he felt it was most appropriate to stay out of the situation. When asked by **SCHNABEL**,

FORD stated his bottom line would have been \$75,000 for Chief of Police, or he would have preferred to stay as a sergeant.

Motion: **LAPP** moved to "Go into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03 to discuss the contract negotiations for the position of the Chief of Police. 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.' The assembly invites Interim Borough Manager Julie **COZZI** to join the assembly in this session." The motion carried 5-1 with **SCHNABEL** opposed.

In discussion, **SCHNABEL** asked why the monetary information would have an adverse effect and need to be in executive session. **SCOTT** felt the motion may be needed to be amended to reflect "adverse character" instead of "adverse finances". **COZZI** stated the borough attorney felt the borough was under no obligation to negotiate contracts in public. However, a conversation in executive session could stray into areas of character.

The assembly went into executive session.

The assembly returned from executive session.

Motion: **SCHNABEL** moved to "direct the Interim Manager to communicate to Richard Crays we appreciate the time, energy, and hopefulness that he exhibited in his consideration of taking the offered position of Police Chief and that the assembly is disappointed that we must conclude that his employment is not a good fit for our borough". The motion carried unanimously.

SCHNABEL summarized Mr. Crays exhibited a lack of appreciation for the sensitivity and the protocol of confidential negotiations. His emotional reaction to the contract negotiations did not exhibit the character that she would appreciate in a chief of police.

Motion: **LAPP** moved to "direct the manager to pursue hiring a police chief at a salary within the FY 14 budget amount" and the motion carried unanimously.

LAPP stated the assembly decided it was within the manager's realm to set the salary for the new chief of police and to bring the negotiations back to the assembly on February the 11th.

6. PUBLIC COMMENTS - None

7. ADJOURNMENT– 7:58pm

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk


Haines Borough
Borough Assembly Meeting #258
December 10, 2013

MINUTES

Draft

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

2. **ROLL CALL**

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

Staff Present: Julie **COZZI**/Interim Borough Manager, Carlos **JIMENEZ**/Director of Public Facilities, Simon **FORD**/Interim Police Chief, Krista **KIELSMEIER**/Administrative Assistant, Joe **PARNELL**/Assistant Harbor Master, Xi **CUI**/Planning and Zoning Technician, Darsie **CULBECK**/Executive Assistant to the Borough Manager, and Michelle **WEBB**/Interim Clerk.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Rob **GOLDBERG**, Jack **WENNER**, James **ALBOROUGH**, Heather and Chip **LENDE**, Mr. and Mrs. **TUENGE**, Mrs. **GREY**, Don **TURNER III**, Greg **PODSIKI**, Nelle **JURGELEIT-GREEN**, Nick **TRIMBLE**, Sean **GAFFNEY**, Ray **STASKA**, Bonnie **HEDRICK**, Chris **BROOKS**, Mr. **DWYER**, Len **FELDMAN**, Mr. **CHURCHILL**, Shade **HEATER**, Neil **EINSBRUCH**, Fred **EINSPRUCH** (via telephone), Dave **KAMMERER**, Tom **MORPHET**, and others.

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

The following Items were on the published consent agenda:

Consent Agenda:

- 8B – Fire Department Report
- 8C – Library Director Report
- 8D – Chilkat Center for the Arts Director Report
- 9A – Planning Commission Minutes
- 9B – Tourism Advisory Board Minutes
- 9C – Library Board Minutes
- 9D1 – Commerce Committee Minutes and Records of Decision
- 11A1 – Adoption of Resolution 13-12-521
- 11A2 – Adoption of Resolution 13-12-522
- 11A3 – Adoption of Resolution 13-12-523
- 11A4 – Adoption of Resolution 13-12-524
- 11B1 – Introduction of Ordinance 13-12-357
- 11B2 – Introduction of Ordinance 13-12-358
- 11B3 – Introduction of Ordinance 13-12-359
- 11B4 – Introduction of Ordinance 13-12-360
- 11B5 – Introduction of Ordinance 13-12-361
- 11C1 – Board Appointments
- 11C2 – 2014 Assembly Meeting/Agenda Preparation Schedule
- 11C3 – Adoption and Referral of the Haines Borough Organizational Chart
- 12A1 – Correspondence from the Haines Borough to Sen. Mark Begich
- 12A2 – Correspondence to the Assembly from Residents for a Better Haines
- 12A3 – Communication from Jack Wenner to the Assembly
- 12A4 – Correspondence from Thom Ely to the Assembly
- 15A - Report on Alaska Municipal League Conference

Motion: **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to add to the consent agenda two letters of support for grants for the Chilkat Center, remove items 11A2 and 11C3 from the consent agenda, and remove the Clean Harbor presentation from the agenda. The motion as amended carried unanimously.

4. **APPROVAL OF MINUTES** – None

5. **PUBLIC COMMENTS**

MORPHET urged the assembly to take more time to review Borough Manager applicants before making a decision.

KURZ said he is opposed to the manager form of government but is very in favor of hiring David Sosa as borough manager.

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

Mayor **SCOTT** said many are concerned about the recent suicides. She contacted mental health and will be looking into training opportunities for the community.

She read aloud her written report.

7. **PUBLIC HEARINGS**

A. **Rehearing on Appeal of a Planning Commission Decision**
Fred Einspruch – After the Fact Fee

The borough manager issued an enforcement order to property owner Fred Einspruch requiring the payment of a \$250 after-the-fact fee for constructing a carport without a land-use permit, as required by borough code. Einspruch appealed to the planning commission and on October 10. The planning commission voted to deny the appeal and thereby not recommending the assembly waive the fee (HBC 18.30.070(D)). HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. Mr. Einspruch submitted an appeal to the borough clerk on 10/17. On 11/12, the assembly voted to rehear the matter. This hearing was scheduled for this meeting as required by HBC 18.30.060(A).

EINSPRUCH said he constructed a ready-to-assemble carport. On August 9, 2013, he applied for a building/land-use permit. He was informed the application was incomplete and he provided everything on August 20. On August 27, he was assessed a \$250 after the fact fee. He appealed to the planning commission and, since he was out of town, asked the commission to postpone his hearing to a later meeting. The borough attorney informed them code does not allow them to postpone hearings, so this agenda item happened while he was out of town. He believes this violated his due process. That's all he is asking for. He wants to be treated fairly like his neighbors.

CAMPBELL asked if this is a de novo or on the record hearing, and the mayor clarified it is on the record. He also disclosed that he had ex parte contact. **EINSPRUCH** said had no problem with that. He asked for a de novo hearing, and **SCOTT** stated the request for a de novo hearing has been denied. **EINSPRUCH** expressed concern his actual action did not fit the fine. He stressed again that he believes his right to due process was unreasonably denied; he was not provided an opportunity to speak to the planning commission.

CUI reviewed the sequence of events for the assembly and referenced materials in the record on appeal.

The public was allowed an opportunity to comment, but there were none.

SCOTT gave a definition for the term *on the record*, and **LAPP** clarified the planning commission could not make any further comments during this hearing than what is on the record. **CAMPBELL** said the building permit on the record says the application is complete and was signed on August 20 by Julie Cozzi for Mark Earnest. If that's true, the applicant had six days to build the carport after the application was signed as complete and issued. **WATERMAN** stated it was her understanding the permit is processed following application signature. **CUI** confirmed that. **CAMPBELL** said a reasonable person would read that as the applicant was notified, and therefore a reasonable person could assume to proceed. **WATERMAN** asked if the appellant had received a copy of the permit and **CUI** answered no. He did not know about or have possession of the permit. The process was not yet complete; the site inspection was pending.

Motion: **WATERMAN** moved to "to uphold the planning commission's decision to deny the Fred Einspruch appeal of the manager's decision," and the motion carried 5-1 with **CAMPBELL** opposed.

CAMPBELL said the fact that he didn't have copy or notification was not in the record previously and therefore cannot be considered. **SCOTT** asked if the application had turned into a permit when it was signed. **CUI** stated it did not have a permit number and therefore was not an issued permit. **LAPP** asked if the document was signed, did the permit come into to effect that date? **COZZI** said no, the applicant is notified the application is complete and under review. The manager approves the final inspection. She has always considered that when the

letter goes out, that stands as the permit. The wording on this document has been reviewed and is being revised because of this confusion. **LAPP** followed up that this has been standard procedure that an applicant cannot begin work until the permit letter is received. **BERRY** added the letter states a permit effective date and assigns a permit number. **COZZI** read the pertinent section of code regarding this form and process. **SCOTT** recommended people reference R10 in the packet. That code supersedes. **LAPP** appreciated this is being looked at, and he would like applicants to be informed about the importance of waiting until they get an actual permit with date and number before starting work.

B. Ordinance 13-10-353 – Second Hearing

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

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

Motion: **WATERMAN** moved to “adopt Ordinance 13-10-353,” and the motion carried unanimously in a roll call vote.

C. Ordinance 13-10-354 – Second Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.70.030 to define recreational zone and adding Haines Borough Code Title 12 Section 12.50 to prohibit motorized use in the Chilkat River Beaches Recreational Zone.

Mayor **SCOTT** opened the public hearing at 7:17pm.

Many citizens spoke in favor of the ordinance, including the **LENDES, STASKA, JURGELEIT-GREEN, PODSIKI, ALBOROUGH, FELDMAN, HEDRICK, GRAVEL, CHURCHILL, HEATER, GREY,** the **TUENGES, DWYER,** and others.

KURZ, BROOKS, and **TRIMBLE** spoke against this ordinance.

Hearing no further comments, the mayor closed the hearing at 7:51pm.

Motion: **LAPHAM** moved to “adopt Ordinance 13-10-354,” and it was amended to correct the legal description as recommended by the planning and zoning technician. The motion as amended carried 4-2 in a roll call vote with **CAMPBELL** and **LAPP** opposed.

In discussion, **LAPHAM** said she has received many comments on this matter. She does not believe this ordinance will disenfranchise those who enjoy motorized recreation. It is mentioned in the Comprehensive Plan to upgrade this area and connect it to the Fair Grounds. She would like to see that move forward. She doesn't believe this area is suitable for ATV use. **CAMPBELL** said this is about the grassland, not the land below mean high tide. An ATV can still ride in the tidal area and we wouldn't be able to prosecute those who break this law. This should be tabled and work with ADF&G. **SCHNABEL** said it could also be postponed to a later meeting. **LAPP** agrees this area is not good for motorized use, but disagrees with this ordinance. He doesn't like the tool this ordinance creates and there should be a different way to prohibit use on this beach. **BERRY** first thought this would limit rights, but is now in support.

D. Ordinance 13-11-355 - First Hearing

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

Mayor **SCOTT** opened and closed the public hearing at 8:09pm. There were no public comments.

Motion: **WATERMAN** moved to “advance Ordinance 13-11-355 to a second public hearing on 1/14/14,” and the motion carried unanimously.

CAMPBELL expressed concern about not having enough information to go on. **COZZI** offered to repeat some of the information from the previous meeting presented by Jila Stuart, Finance Director. The borough attorney is negotiating with the state. This has to do with a property foreclosure and subsequent sale. The state became involved and argues the property belongs to them. **COZZI** explained the attorney prepared a memo that could be shared in executive

session if there are questions. **SCHNABEL** asked what makes this matter confidential. **CAMPBELL** asked if it could be tabled and he was informed it cannot due to the timing of the negotiations.

Motion: **CAMPBELL** moved to "go into executive session to regarding negotiations with the state on this property, as allowed by state and local law since discussion of the negotiations in open session could jeopardize the finances of the borough, and the interim borough manager was invited to attend. The motion carried unanimously.

Present: Mayor Scott; Assembly Members Lapp, Waterman, Campbell, Berry, Schnabel, and Lapham; and Interim Borough Manager Julie Cozzi. The executive session ended at approximately 8:25 pm.

There was no objection to moving the SEABA hearing (11C5) to this point in the agenda because **BERRY** has to leave the meeting early. (See that portion of the minutes under Other New Business.)

BERRY left the meeting at 9:05 pm.

E. Ordinance 13-11-356 - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.60.055 to remove the review of membership applications by the committee, board or commission when filling vacancies.

It was identified that this ordinance should include a more comprehensive reform of Title 2 as well as a small section of Title 16, and strict interpretation of code recommends a new ordinance.

Mayor **SCOTT** opened the public hearing at 9:06pm.

TURNER spoke as a member of the planning commission. He doesn't understand the push for this. **SCOTT** explained this ordinance was a great conversation starter. The problem is in the process, not in the code. She feels the mayor's involvement is very "rubber stampy". Something needs to be done to provide documentation to follow or take the mayor and assembly out of the process. A revised ordinance will come back to the assembly.

Hearing no further comments, the hearing was closed at 9:10pm.

Motion: **LAPP** moved to "table Ordinance 13-11-356 indefinitely," and the motion carried unanimously.

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager

In addition to the written report, **COZZI** mentioned the E-911 surcharge ordinance will be brought to the assembly in the near future. There is some concern in the community about this charge. Juneau has a \$1.90 fee, and Haines is discussing a .75 cent charge. **CULBECK** mentioned AT&T told him money collected goes by the resident address, not the local prefix. **SCHNABEL** asked about the process of taxing this on to phone lines. **COZZI** answered the phone companies do the work in this process and most other places have their own E-911 surcharges that affect those people who have outside numbers. **SCHNABEL** wondered if the areawide tax for emergency dispatch could be used for this project. **WATERMAN** asked that this discussion be held at a different time. **CAMPBELL** asked about the state assessor audit. **COZZI** said there is a report pending from the contract assessor.

* **B. Fire Department – Staff Report of October 2013**

* **C. Library Director – Report of October 16, 2013**

* **D. Chilkat Center for the Arts – Report of November 2013**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* **A. Planning Commission – Minutes of 10/10/13**

* **B. Tourism Advisory Board – Minutes of 8/30/13 and 9/30/13**

* **C. Library Board of Trustees – Minutes of 9/18/13**

D. Assembly Standing Committee Reports

* **1. Commerce Committee Minutes and Records of Decision**

10. UNFINISHED BUSINESS – None

11. NEW BUSINESS

A. Resolutions

*1. **Resolution 13-12-521**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to renew for 2014 the Public Water System Compliance Monitoring Program (CMP) contract with Analytica Group, LLC, for testing Lily Lake and Piedad water for the quoted price of \$13,000.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-12-521."

2. **Resolution 13-12-522**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a purchase agreement with GCSIT Solutions for replacement network servers for the quoted price of \$35,521.

There were no public comments.

Motion: WATERMAN moved to "adopt Resolution 13-12-522," and the motion carried unanimously

SCHNABEL wanted to clarify the monies that would be used to purchase the servers.

Motion: At 9:28 pm, LAPP moved to "continue going through the agenda," and it carried unanimously.

* 3. **Resolution 13-12-523**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Key Mechanical for an amount not to exceed \$18,000 to replace the coil in the harbor ice house.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-12-523."

* 4. **Resolution 13-12-524**

A Resolution of the Haines Borough Assembly certifying that the municipality did experience significant effects during the program base year from fisheries business activities that occurred within the FMA 17: Northern Southeast Fisheries Management Area.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-12-524."

5. **Resolution 13-12-525**

A Resolution of the Haines Borough Assembly adopting the Borough's FY 2015 state legislative priorities.

There were no public comments.

Motion: WATERMAN moved to "adopt Resolution 13-12-525," and it was amended to add "waste" to the word "water" in item 1; add "3. Adequate funding for both operation and capital needs of the Alaska Marine Highway" to Section 2; and change the title of the resolution to "A Resolution of the Haines Borough assembly adopting the Alaska Capital Project Submission and Information System priorities (CAPSIS) and legislative priorities." The motion as amended carried unanimously.

CAMPBELL asked if Mosquito Lake School should be a part of the priorities, and CULBECK responded that we are asking for reimbursement through the Department of Education. CAMPBELL would like the pricing and values included in the resolution. SCOTT explained the priorities will be entered into the CAPSIS database and decisions will be made regarding cost estimates and project descriptions. CAMPBELL would like the priorities to come in August of September so they can be taken to the state earlier.

6. **Resolution 13-12-526**

A Resolution of the Haines Borough Assembly adopting the Borough's FY 2014 federal priorities.

There were no public comments.

Motion: WATERMAN moved to "adopt Resolution 13-12-526," and the motion carried unanimously.

LAPP wondered why one item is labeled as 'Scenic Byway' rather than 'Haines Highway realignment'. SCHNABEL understands the highway realignment is a state project. Scenic

Byways is a federal program. **CAMPBELL** said the borough would like 10 million for the harbor project, so he doesn't understand why we include smaller priorities. He moved to take scenic byways from the list, but it was unsuccessful for lack of a second.

B. Ordinances for Introduction

- * 1. **Ordinance 13-12-357**
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 motion adopted by approval of the consent agenda: "introduce Ordinance 13-12-357 and set a first public hearing for 1/14/14."
- * 2. **Ordinance 13-12-358**
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.
The motion adopted by approval of the consent agenda: "introduce Ordinance 13-12-358 and set a first public hearing for 1/14/14."
- * 3. **Ordinance 13-12-359**
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).
The motion adopted by approval of the consent agenda: "introduce Ordinance 13-12-359 and set a first public hearing for 1/14/14."
- * 4. **Ordinance 13-12-360**
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.
The motion adopted by approval of the consent agenda: "introduce Ordinance 13-12-360 and set a first public hearing for 1/14/14."
- * 5. **Ordinance 13-12-361**
An Ordinance of the Haines Borough amending Borough Code Title 18 Section 18.20.020 to revise the definition of "Agriculture, personal use" and Section 18.30.070 to reduce the fees for permits relating to animal husbandry.
The motion adopted by approval of the consent agenda: "introduce Ordinance 13-12-361 and set a first public hearing for 1/14/14."

C. Other New Business

- * 1. **Board Appointments**
Appointment applications and reapplications were received for seats on the Historic Dalton Trail RMSA, Library Board of Trustees, Chilkat Center Advisory Board, and the Public Safety Commission. Each board recommended the appointments. The mayor sought assembly confirmation. The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of: Carol Meismer and Robert Venables to the Historic Dalton Trail RMSA for terms ending 11/2016; Meredith Pochardt, Anne Marie Palmieri, and Cecily Stern to the Library Board of Trustees for terms ending 11/2016; Joe Parnell, Tara Bicknell, and Kyle Gray to the Chilkat Center Advisory Board for terms ending 11/2016, 11/2016, and 11/2015 respectively; Bob Duis, Jim Stanford, and Kay Clements to the Public Safety Commission for terms ending 11/2016, 11/2016, and 11/2015 respectively."
- * 2. **2014 Assembly Meeting/Agenda Preparation Schedule**
This schedule was recommended by the clerk's office. It establishes the assembly regular meeting schedule for 2014 and the agenda & packet deadlines. Special meetings may still be scheduled, as needed. The motion adopted by approval of the consent agenda: "approve the 2014 Haines Borough Assembly Meeting Agenda Preparation Calendar."
- 3. **Adoption of the Haines Borough Organizational Chart**

The last organization chart to be officially adopted by the assembly is dated June 2011. Ordinarily, the charts have been adopted as part of the annual budget, however this was not done for the past two years. The Interim Manager recently updated the chart to reflect the current structure. The changes in the structure since 2011 have been approved over time by the assembly, but the overall chart was in need of official adoption since that step was missed. It was also recommended the Personnel Committee review this chart for possible additional changes.

Motion: **LAPP** moved to “adopt the actual Haines Borough Organization Chart reflecting the current structure, and then refer it to the Personnel Committee for review,” and the motion passed unanimously.

SCHNABEL has always been confused about the assembly adopting the organizational chart that she believes is the manager’s purview. She supports moving it into committee to discuss this at length. **CAMPBELL** asked that the Clerk work for the assembly not the manager, as was discussed recently at AML. **SCOTT** explained that would require a Charter amendment. The borough officers DO work for the assembly but are supervised by the manager.

4. Solid Waste Survey Proposal

Assembly Member Schnabel sought assembly support, endorsement, and financial support of a Solid Waste Survey.

Motion: **WATERMAN** moved to “endorse, sponsor, and finance solid waste survey per the 12/3/13 memo,” and the motion carried unanimously.

WATERMAN thanked **SCHNABEL** for her survey and using her education in this way. **SCOTT** noted **SCHNABEL** will not benefit academically or financially from the adoption of this proposal. **CAMPBELL** applauded the survey, and appreciates the time and low price tag. **SCHNABEL** is hoping the manager would help direct existing staff to help with project. A number of assembly members have volunteered their time. **CAMPBELL** suggested an avenue be offered to those respondents who are not computer savvy.

5. Appeal of Ski Tour Allocation from Manager – Southeast Alaska Backcountry

Adventures (This was moved ahead of Item 7E in the order of business but is recorded here.)

Note: the former borough manager Mark Earnest issued 2013 Heliskiing Allocations on 10/15/13, which were distributed to the Commercial Skiing Tour permit applicants on 10/22. On 11/5/13, SEABA submitted an appeal to the assembly of the allocations per HBC 5.18.080(C)(4). The assembly’s options following the hearing were 1)modify the manager’s 2014 allocations, 2)revoke manager’s 2014 allocations, 3)rescind manager’s 2014 allocations, 4)affirm the manager’s 2014 allocations, or 5)enter its own 2014 allocations.

CAMPBELL disclosed some possible bias because he does business with SEABA, but he believes he can be non-biased about this matter. Both **TRIMBELL** (SEABA) and **GAFFNEY** (AMG) waived concern about bias. **TRIMBELL** drew attention to the appeal letter from Scott Sundberg, the SEABA’s General Manager. He read a section citing the fine paid last April for this incident. He believes the reduction of skier days is a double penalty and is a very heavy financial burden. The requested skier days are based on 60% fly time. A skier day equals approximately \$1750. We risk turning away customers already booked, who will not return to Haines and contribute to the economy. SEABA was the only company to go to the pre-allocation meeting and speak on behalf of their request for these days. Giving away skier days to a company that is not viable (AMG) is unfair. Also, he doesn’t believe there are enough skier days available for the companies that are operating. He asked the borough to rethink and revise skier day allocations.

COZZI referred to the memo written by former manager Mark Earnest and that this followed a similar action in a previous year.

GAFFNEY said the recent changes in code will streamline the allocation process. When new code came out so close to the start of the season last year, it caused a harmful financial and usability effect with such short notice. He believes the new August application timeframe will remedy that. AMG gave up user days because they weren’t able to use them because of the allocation process delaying contracts. That is still impacting the

current season and AMG would be happy to give 50 days to SEABA that they cannot use this year. However, he sees this as temporary and believes they will be able to use them in the future. AMG is looking forward to growing this part of their business in the future. They would like the allocation to go smoothly and will support organizations that may need days in the future.

SCOTT noted that transfer between companies is allowed through the manager. **TRIMBLE** is concerned how the industry can grow with this limitation of skier days. They are already maxed out. He would like to see the assembly look at a code revision in the future. He added the FAA manifest is the most accurate way to report use. **KURZ** thinks the assembly should encourage growth in this industry and believes this should be opened up. **SCHNABEL** said she is unwilling to revoke the manager's decisions for the reasons given. Precedent has been set. However, she has no problem with additional user days through transfers from other companies. Consistency is important. **CAMPBELL** thinks the allocation process is flawed. He interprets code to say each company is allowed up to 2600 skier days. **SCOTT** requested the discussion be kept to the appeal. **LAPP** observed Alaska Heliskiing did not request a reinstatement the previous year. He encourages the transfer of 50 skier days as offered by AMG. He agrees SEABA should not be fined a second time. **WATERMAN** said the permittees have a requirement to also abide by state and federal laws. SEABAs appeal goes beyond the number of skier days into the whole allocation process, and that is different. She would like to uphold the manager's decision.

Motion: **SCHNABEL** moved to "uphold the manager's 2014 skier day allocation recommend the borough manager approve the transfer of 50 days as proposed from AMG to SEABA," and the motion carried 5-1 in a roll call vote with **CAMPBELL** opposed.

LAPP reiterated he believes SEABA is being fined twice for the same violation. **CAMPBELL** said other tour activities do not face the same management. **SCOTT** pointed out SEABA did not use all the days allocated last year. **SCHNABEL** and **LAPHAM** both noted this was likely due to weather conditions unsuitable for operating. **TRIMBLE** said there were only 3 days of usable flight time in April. **SCHNABEL** recognized and appreciated AMG's willingness to work with other companies.

6. Discuss Borough Manager Applicants

Motion: **CAMPBELL** moved to "go into executive session as allowed by AS 44.62.310(c)(2) to discuss the interviews of David Sosa and Susan Jensen. This matter qualified for executive session because this discussion contained subjects that tended to prejudice the reputation and character of any person. These applicants were provided with an opportunity to request a public discussion. The assembly requested Interim Borough Manager Julie Cozzi attend for at least part of it." The motion carried 4-1 with **SCHNABEL** opposed. (She believed the discussion should take place in open session.)

Present: Mayor Scott; Assembly Members Lapp, Waterman, Campbell, Berry, Schnabel, and Lapham; and Interim Borough Manager Julie Cozzi. The executive session ended at approximately 10:50pm.

Motion: **CAMPBELL** moved to "send Susan Jensen a very nice thank you letter and discontinue our interview process with her," and it passed unanimously with no discussion.

Motion: **WATERMAN** moved to "ask the interim manager and the mayor to call the additional references that Mr. Sosa provided, and also ask for a community interface scenario that can be provided for research; the information is to be brought back to the assembly at a special meeting on the 17th at 5:30; and communicate with Mr. Sosa that we will have an answer for him by the 18th. The motion carried unanimously.

12. CORRESPONDENCE/REQUESTS

A. Correspondence

- * **1. Correspondence from the Haines Borough to Sen. Mark Begich** regarding the Harbor Breakwater
- * **2. Correspondence to the Assembly from Residents for a Better Haines** regarding maritime development

- * 3. **Communication from Jack Wenner to the Assembly** regarding his work with State of Alaska Department of Transportation Re: Juneau Access Road
- * 4. **Correspondence from Thom Ely to the Assembly** regarding Heli Map Committee.

13. SET MEETING DATES

- A. Joint School Board and Borough Assembly Meeting** - 6:30 pm on January 7, 2014 [This meeting was subsequently postponed to a later date.]
- B. Personnel Committee** – Topic: Review of organizational chart. The committee chair will work with Clerk to set a date in late January
- C. Special Assembly Meeting** – 5:30 pm, December 17 – Topic: Consideration of Manager Hire (Dave Sosa)

14. PUBLIC COMMENTS

WENNER was in favor of the best ferry system. However, there are a lot of people who are in favor of the East side road idea. He thinks he can persuade people but is leaving soon. He encouraged the assembly to hold up their end.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

***A. Report on Alaska Municipal League Conference** (no comments)

SCHNABEL said she saw the CVN ad regarding logging on University land. She would like to take a very proactive stance with input into the process before it becomes an issue.

SCOTT reminded members about the borough employee Holiday Party and also expressed appreciation the assembly is showing action on large projects within the borough.

COZZI thanked the assembly for their support and said she encourages input.

16. ADJOURNMENT – 11:01pm

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Clerk

Haines Borough
Borough Assembly Meeting #257
November 12th, 2013
MINUTES

DRAFT

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

2. **ROLL CALL**

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

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Borough Clerk, Jila **STUART**/Chief Financial Officer, Carlos **JIMENEZ**/Director of Public Facilities, Dean **OLSEN**/Assistant Assessor, Marty **MCGEE**/Contract Assessor, and Tanya **CARLSON**/Tourism Director.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Rob **GOLDBERG**/Planning Commission, Bill **KURZ**, Ardy **MILLER**, Mike **DENKER**, Dana **HALLETT**, Heidi **ROBICHAUD**, Heather **LENDE**, Thom **ELY**, Greg **PODSIKI**, Fran **TUENGE**, Leonard **DUBBER**, George **FIGDOR**, Mike **DINKER**, Nick **TRIMBLE**, and others.

Consent Agenda:

8B – Sheldon Museum Report

8C – Chilkat Center for the Arts Report

9A - Sheldon Museum Board of Trustee Minutes

11A1 – Adoption of Resolution 13-11-514

11A2 – Adoption of Resolution 13-11-515

11A3 – Adoption of Resolution 13-11-516

~~11A4 – Adoption of Resolution 13-11-517~~ --- 518 (corrected, but removed from the consent agenda)

11A5 – Adoption of Resolution 13-11-~~518~~ ---- 519 (corrected)

11B2 – Introduction of Ordinance 13-11-356

11C2 – Board Appointments

11C3 – Assembly Committee Appointments

~~11C4 – Opportunity for Comment – Dusty Trails Acquisition and Rehabilitation~~ (removed from the consent agenda)

11C5 – Rebate on Vehicle Registration Fees

11C6 – Review of Election Practices and Code

12A - Alaska Marine Highway Parking Waiver Application

Mayor **SCOTT** announced the following numerical changes the consent agenda shown above. Also the motions for Resolutions 13-11-519, 13-11-517, 13-11-520 were corrected to match the resolution numbers. Also, **SCOTT** requested that item 5A - Approve Election Contest Findings of Fact be removed from the agenda, and there was no objection.

Motion: **LAPP** moved to approve the agenda and consent agenda with the following items removed from the consent agenda as notated above: 11A4 - Adoption of Resolution 13-11-518 and 11C4 —Opportunity for Comment-Dusty Trails Acquisition and Rehabilitation.

3. **APPROVAL OF MINUTES** – None

4. **PUBLIC COMMENTS**

MILLER thanked the assembly for their investigation. She was disappointed the election was not re-run and that some of her concerns were not addressed. She agreed with the borough attorney and Mayor **SCOTT** that the borough gained from the review of the election procedures. In light of this gain, she asked the cost of the election investigation be borne by the borough.

OLSEN introduced the new Borough Contract Assessor, Marty **MCGEE**.

MCGEE summarized his education and professional background and is looking forward to helping the borough with the challenges it's facing. He stated his availability to individuals and is looking forward to a meeting with the assembly as a whole in a future visit. He will be working with **OLSEN** and **COZZI** to send regular reports.

DINKER spoke about the cost of the election. He thanked **MILLER** for her bravery and agrees with the Mayor that the borough should bear the cost of the election

HALLETT agreed with other comments. **MILLER** should not be charged for the cost of the election. He looks supports the review of election practices moving forward.

ROBICHAUD also believes that the borough should pay for the election investigation and believes individuals should be free to question the election process.

5. 2013 BOROUGH ELECTION

~~A. Approve Election Contest Findings of Fact~~ (Removed from the agenda)

~~(Note: the two new Assembly members should not participate in adopting the findings as they were not involved in making the certification decision.)~~

B. Oaths of Office/Borough Assembly

WEBB administered the public oath of office to **CAMPBELL** and **LAPHAM** whose elections were certified during the October 22, 2013 assembly meeting. They were officially sworn in by the clerk on October 28, 2013.

C. Cost of Election Investigation

Motion: **SCHNABEL** moved to "all expenses incurred by the borough pursuant to the election contest be absorbed by the Haines Borough," and it carried with **CAMPBELL** and **BERRY** opposed.

In discussion, **WATERMAN** and **SCHNABEL** felt their feelings were explained well during the public comments. **BERRY** stated that because **MILLER** contested the process, not the outcome of the election, he is concerned about setting a precedence. **LAPP** felt this was a difficult decision. He remarked a letter of concern to the assembly about the election process would have better.

6. MAYOR'S COMMENTS/REPORT

SCOTT reported she has been working on the election contest, review manager applicants, and economic development. The mayor apologized for short notice of the release of the election investigation report. It was not purposeful. She explained that she is going to promote a minimum length of time between when documents are produced and when key decisions are made. She is also going to promote nine points of review of the election process and practices. She announced that **CULLBECK** and **SCOTT** will be presenting at the Alaska Municipal League conference next week on economic development and biomass energy. Finally, Haines has been identified to be the leader in the food security. Haines created food security initiatives which lead to farmer's market and four new farms

7. PUBLIC HEARINGS

A. Ordinance 13-10-351 – Second 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 6:55pm; there were no public comments.

Motion: **WATERMAN** moved to "adopt Ordinance 13-10-351," and it was amended to include proposed amendments #1, #2, #3, and #4. This motion carried unanimously.

In discussion, **LAPP** remarked that the finance committee had reviewed the proposed amendments, and come forward with several more. **SCHNABEL** spoke in favor of amendment #4, which would provide funding for projects to move forward. **BERRY** clarified the flat bed truck would be used to move vehicles and other equipment. **CAMPBELL** stated his concern for the borough towing vehicles instead of issuing another request for proposals for towing services. **SCHNABEL** stated it was her understanding that borough would not be "in business" of towing, but the truck was to be used in borough operations. **LAPHAM** was concerned about the amount manpower both towing and other tasks would take. **JIMENEZ** stated he was not concerned about towing pulling people away from activities like snow removal. **CAMPBELL** also was concerned about police impoundment.

Motion: **CAMPBELL** successfully moved to divide the question.

Primary Amendment Vote, as divided:

Amendment #1 – carried with **CAMPBELL** and **BERRY** opposed.

Motion: **SCHNABEL** moved to reconsider her pervious vote, but then withdrew her motion.

Amendment #2 and Amendment #4 - carried unanimously.

In further discussion, **LAPP** asked **JIMENEZ** to explain amendment #3, which was also discussed at the finance committee. **JIMENEZ** stated that \$108,000 was a worst case scenario to make the project happen. **SCOTT** stated her concern about the potential failure of the current E911 system. **JIMENEZ** said the equipment would be portable if a new public safety building was built. **COZZI** also added former Manager Earnest drafted an ordinance for a phone surcharge to pay for these

upgrades, operations, and maintenance. She will bring this ordinance to the assembly at a future meeting.

In discussion of the main motion, **SCHNABEL** was sensitive to the concerns of paying for the flatbed truck. She would like to see a description of how this truck will be used and would like to see more information about how the towing program will work. **CAMPELL** spoke against borough towing and the flatbed truck, but was in support of the other pieces of the ordinance.

B. Ordinance 13-10-353 – First Hearing

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

Mayor **SCOTT** opened the public hearing at 7:18pm.

GOLDBERG spoke on behalf of the planning commission. He stated when construction is not declared the borough is not able to collect taxes on the property improvements. The fee for the loss of property tax, therefore, the \$250 amount. However, in cases where there are no monies lost, like too many chickens or RVs without a permit, the fees have been reduced. Additionally, this ordinance allows for a certified warning letter to be sent. Finally, the borough has had difficulty collecting fines assessed, and this ordinance will help with the collection process.

Mayor **SCOTT** closed the public hearing at 7:21pm.

Motion: **WATERMAN** moved to “advance Ordinance 13-10-353 to a second public hearing on 12/10/13,” and it was amended to replace “\$1,000” with “\$2,500” for the maximum fine in section B. The motion, as amended, passed unanimously.

In discussion of the amendment, **CAMPBELL** felt that a more substantial fine would be more reasonable in consideration of the amount of time staff invests in enforcement. **BERRY** thought that \$2,500 was too much. **SCHNABEL** asked for staff to speak to the responsibility of the administration to enforce fees for building without a permit. **COZZI** reported that staff often notices un-permitted building while doing other tasks and inspections. Staff tries to monitor happenings in the community and some citizens report or question building. She is in favor of this ordinance as it allows for a warning letter before a fee is assessed. **SCOTT** stated that most people choose to comply voluntarily. **GOLDBERG** stated that 3% of the value of an improvement can be charged instead of a \$250 fine under the current code.

C. Ordinance 13-10-354 – First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.70.030 to define recreational zone and adding Haines Borough Code Title 12 Section 12.50 to prohibit motorized use in the Chilkat River Beaches Recreational Zone.

Mayor **SCOTT** opened the public hearing at 7:30pm.

GOLDBERG representing the planning commission stated he wanted to clarify that not all recreational zones will be non-motorized.

LENDE read a statement from Betty Holgate who lives on Mud Bay road. She removed a number of dams and built a rock fish ladder on her property. She understood that this area was already protected from motorized vehicles. Holgate believes that banning motorized vehicles will protect the wildlife in this area.

ELY is a resident north of this area. There is no place for ATVs to go in this area. This beach was posted pedestrian access only, but the sign were removed at some point. He felt this is an ideal place for pedestrian use. He reported there are not many ATVs out in this area, and encourages that non-motorized use should be codified.

PODSIKI just started a vacation rental in this area, which has been very successful. He felt this is, in part, due to the area being peaceful without motorized vehicles. He remarked that there are other areas for motorized use. He likes ATVs and snow machines, just not in this area.

P. CAMPBELL has four sons and has used this area for ATV use. She is concerned the removal of this beach for motorized use will cause problems, as there is with nothing for kids to do. She read a statement from the State of Alaska from in regards to the use of common waters, tide areas, and submerged lands owned by the state. She presented a number of letters from Mud Bay residents. A written statement from A. Brooks letter stated that ATVs are not a problem, in her opinion, unlike loud noises, unleashed dogs, ect. and is opposed to this ordinance.

H. LENDE spoke for herself. She feels that this ordinance is needed. There has been voluntarily compliance of no motorized use due to the belief that it was illegal. However, an ordinance will clear recent confusion and conflict of. She stated this beach is the only trap-fee dog walk for pets off leash. **LENDE** believed that **CAMPBELL** was opposed to this ordinance because he felt it was a

first step in banning ATVs in all areas. She believes that local control, and not state control, would be better in this area. In conclusion, she thanked the planning commission for their work.

TUENGE stated that she had been walking on this beach for years and loves it. She now lives in the area. She shared a story that a visiting couple from South Africa appreciated this location as a place to walk that was beautiful and easily accessible.

DUBBER is concerned that the borough doesn't own this land, and therefore, should not regulate it. **SCOTT** answered that the borough can work with the state to regulate use, and is commonly done.

FIGDOR shared his research on this matter. He cited a 2001 borough report which recommended prohibiting motorized use in this area. He commented there is a long history on this matter. His recollection is the Department of Natural Resources recommended that only two areas in the valley be restricted from motorized use: the top of Mt. Ripenski and Chilkat River Beaches.

DENKER supported this ordinance and recommend that the assembly move this it forward to a second public hearing.

Mayor **SCOTT** closed the public hearing at 7:53pm.

Motion: **WATERMAN** moved to "advance Ordinance 13-10-354 to a second public hearing on 12/10/13," and it carried 5-1 with **CAMPBELL** opposed.

In discussion, **BERRY** stated there may be a mischaracterization of some assembly member's concerns regarding this ordinance. He felt the borough should be more proactive and have a policy regarding where motorized vehicles should be used. **LAPHAM** has used this area for motorized vehicles, and she did not feel that this was a good place to ride. She also would like to see an area set aside to ride in the townsite. She recently walked her dogs in this area and agrees with citizens about the beauty and their hope to protect it. **LAPHAM** and **CAMPBELL** stated their belief that the acts of one individual has led to this discussion. **CAMPBELL** clarified about his experience in this area with motorized vehicles. He felt that making regulations should be last line of defense. He understands the concerns of the citizens, but has problems of this ordinance. He pointed out that less than a mile away is Chilkat State Park which is non-motorized for pedestrian use.

Motion: **CAMPBELL** moved to have this sent back to the planning commission. The vote was tied, and the mayor broke the tie by voting against the ordinance. The motion failed.

In discussion of the failed motion, **SCHNABEL** spoke against sending this ordinance back to the planning commission. The planning commission spent significant time speaking with the public on this matter. In discussion of the main motion, **LAPP** also agreed this area is not good for motorized vehicles. However, he hates seeing places closed off to motorized use. He felt there was a way to regulate without prohibition and there should be an exception for motorized wheelchairs. **WATERMAN** stated that American with Disabilities Act would protect motorized wheelchair use. **SCOTT** stated that the 2001 borough plan also proposed improvements such as increased parking and walking trails. She believes there is still more work to do to develop this area. **LAPP** also asked to have Article 8, Section 3 of the Alaska Constitution reviewed to see if the borough is within their rights. **SCOTT** reported that she has been working with the State of Alaska. While the borough is not required to work with the state, the administration is choosing to do so.

A five minute recess was given.

D. Ordinance 13-07-339 – First 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.

Mayor **SCOTT** opened the public hearing at 8:15pm.

ELY stated this legislation was long overdue. He believes there is an ample operating area available, and doesn't need to be re-hashed every year. However, he proposed the original committee make-up be used. He felt important stakeholders had been excluded and the proposed committee membership was stacked in favor of industry. He was also concern about having a representative from the commercial ski industry voting on the regulations that govern the industry.

FIGDOR also spoke to the map committee make-up. He remarked the committee is best served with many voices and a diversity of opinions. He was concerned some groups have been excluded, like Lynn Canal Conservation. He too would like to hear a discussion regarding industry voting on their own regulations.

TRIMBLE spoke on behalf of Southeast Alaska Backcountry Adventures (SEABA). It wasn't until this committee was created that industry had a seat at the table. He believes industry input about such a technical process as map creation is important. He would like more technical input and expertise be added to the process as technical information such as aviation experience, mountaineering information, weather, and safety are critical. He spoke to several particular areas which are important to maintain and grow business. He asked these areas to be returned to the map if the process is to be locked down for three years.

P. CAMPBELL requested the Chamber of Commerce be added to the committee. She believes there should be balance on the committee.

The mayor closed the public hearing at 8:25pm.

Motion: SCHNABEL moved to "advance Ordinance 13-07-339 to a second public hearing on 12/10/13. The motion and its successful amendments: inserting "change requests shall be limited to a body of 500 words. Documentation will not be limited, but shall be submitted as attachments" at the end of section 1A, and to add the Chamber of Commerce as a voting member of the committee were superseded by a motion (below) which sent the ordinance back to the GAS committee.

In discussion, **BERRY** stated that Government Affairs and Services committee (GAS) met and worked to make sure the committee make-up reached every portion of the community. He spoke in favor of the current committee membership, but would not be opposed to a Chamber of Commerce representative. **LAPHAM** asked **TRIMBLE** if the Pyramid Harbor and Haska areas were visible to neighbors. **TRIMBLE** responded that the Pyramid Harbor area was not, but the removal of the landing had basically eliminated this area for use. The Haska area was visible by neighbors, but is at least 5 miles away from residents and is used as a safe area. **CAMPBELL** stated there had been excellent work on this ordinance and agreed with the currently committee membership.

In discussion of the amendment, **CAMPBELL** felt 500 words was satisfactory for a summary, but unlimited documentation will allow the committee to review information as needed. **LAPHAM** felt any additional documentation would be helpful with an issue this controversial.

Motion: SCHNABEL moved the language in paragraph D which states "will not be bound to the recommendations but" be replaced with "the manager shall present it to the assembly for consideration."

SCHNABEL remarked paragraph D was confusing and needed to be amended. **WATERMAN** clarified the borough manager will continue to be allowed to put forth their opinion on the matter. She felt the borough manager's consideration was important guidance to the assembly. **SCOTT** remarked the original language intended the committee's recommendation would be presented to the assembly with the manager's input.

Motion: SCHNABEL moved to withdraw her motion to amend and present different language at the next hearing.

LAPP felt the Chamber would represent business in town, which currently doesn't have a voice on the board. **SCHNABEL** spoke against this amendment as she feels the tourism advisory committee seat is adequately representative of business interests. In rebuttal, **LAPP** stated the tourism advisory committee seat only speaks for tourism business, not all businesses like the Chamber of Commerce. **SCOTT** stated she was sympathetic of **TRIMBLE**'s testimony about a lack of mountaineering representative to supply technical expertise.

Motion: SCHNABEL moved to "return this ordinance to the GAS committee for reconsideration of the map committee make-up". The motion carried 4-2 with **WATERMAN** and **BERRY** opposed. This motion supersedes the other main motion.

In discussion, **SCHNABEL** felt that an assembly member should not be a committee member. Also, she questioned the stakeholder interest of Chilkoot Indian Association (CIA) on the board. She asked for clarification if this was to be a political map or a technical map. She believed the true stakeholders had not yet been fully identified. **LAPP** concurred with **SCHNABEL**'s comments. **BERRY** disagreed and advised against having too many seats on the committee, as it would be make meetings difficult. He said the committee is not stacked against the concerns of the public. However, he supported the need for a technical seat.

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 11/12/13 Report

COZZI thanked **STUART** and staff for their work in her absence. She added to the information about the borough administration phone system. In **COZZI**'s absence **STUART** was able to tweak a ring through options and re-recorded a shorter introduction. It is not her goal to replace the phone system,

if it is not necessary. **COZZI** was also able to report that the new police officer's name is Travis Marshall. He will start Dec. 30th and is a current officer in Wasilla. Also, she has worked with Warren Johnson, the IT consultant, to provide restricted access to wireless internet for assembly members in the chambers. It is hoped this will be in place by the next meeting. She encouraged further suggestions and feedback. She was thanked for a great report.

- * B. Sheldon Museum – Staff Report of August-September 2013
- * C. Chilkat Center for the Arts – Adjusted Use Report for August 2013

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. Sheldon Museum Board of Trustees – Minutes of 10/7/13
- B. Assembly Standing Committee Reports - None

10. UNFINISHED BUSINESS

11. NEW BUSINESS

A. Resolutions

*1. Resolution 13-11-514

A Resolution of the Haines Borough Assembly waiving the \$250.00 after-the-fact fee assessed for keeping chickens in a single residential zone without a conditional use permit on parcel # C-CEM-00-1500 belonging to Penny Fossman.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-11-514."

*2. Resolution 13-11-515

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to dispose of a surplus 1981 CAT 950 loader by any of the methods specified in Haines Borough Code 14.24.010 (Disposal of personal property).

The motion adopted by approval of the consent agenda: "adopt Resolution 13-11-515."

*3. Resolution 13-11-516

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Pacific Rim Mechanical in the amount of \$19,500 for the installation of a harbor pump-out system.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-11-516."

4. Resolution 13-11-518

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Community Waste Solutions in the amount of \$40,000 for the disposal of surplus material from the demolition of the Port Chilkoot Dock.

There were no public comments.

Motion: BERRY moved to "adopt Resolution 13-11-518" and the motion carried unanimously.

In discussion, **JIMENEZ** summarized the large estimate from the Port Chilkoot (PC) Dock contractor and the smaller proposed contract amount with Community Waste Solutions (CWS) for the disposal of dock wood. He stated there have also been discussions of alternate disposal methods such as continued bid sales and storage on borough property. **JIMENEZ** stated there are nuisance considerations to be accounted for if the borough wishes to store the wood on public land long term. **WATERMAN** remarked there may be more opportunities to sell wood through the bid process in the spring during the building season. **JIMENEZ** felt there was no rush in disposing of the wood already located at the Public Safety Building (PSB), and **COZZI** agreed. **CAMPBELL** felt it was unwise to postpone the wood's removal. **BERRY** was concerned about spring snow melt leaching chemicals into the water table. **SCOTT** would like to remove the lumber from the PSB before spring as it is unsightly. **LAPP** was in favor. **COZZI** spoke to her report which stated the borough may benefit from further contract negotiations with CWS. She clarified adoption of the resolution would not prevent any further negotiation.

*5. Resolution 13-11-519

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a professional services agreement with CTA Architects and Engineers for Wood Heat Design for an amount not-to-exceed \$33,000.

The motion adopted by approval of the corrected consent agenda: "adopt Resolution 13-11-519."

6. **Resolution 13-11-517**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Arcticom for the E-911 and Dispatch Services Project for an amount not-to-exceed \$487,319.30.

There were no public comments.

Motion: BERRY moved to "adopt Resolution 13-11-517," and it passed unanimously.

There was no discussion.

7. **Resolution 13-11-520**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Berry Brothers Towing & Transport for an amount not-to-exceed \$50,000 for the purchase of a Freightliner flatbed truck.

There were no public comments.

Motion: BERRY moved to "adopt Resolution 13-11-520," and it passed unanimously.

BERRY clarified he has no relation to the Berry Company in this resolution.

In discussion, JIMENEZ stated the truck is located in California and the borough had successfully negotiated on the price. Arrangements for transporting the truck to Haines were discussed. CAMPBELL asked if the borough contracts for towing with a private company, will this vehicle still be a good purchase. JIMENEZ answered yes, and stated this would still be useful in other borough operations. CAMPBELL restated that he is not in favor of the borough towing private vehicles.

B. Ordinances for Introduction

1. **Ordinance 13-11-355**

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

Motion: WATERMAN moved to "introduce Ordinance 13-11-355 and set a first public hearing for 12/10/13," and it passed 4-2 with CAMPBELL and SCHNABEL opposed.

In discussion, STUART explained the history of this parcel which was first sold to a private party in a state land sale. However, the borough foreclosed on the property due to non-payment of property tax. The foreclosure was conducted thorough the court system, and the borough received a deed to the land. The parcel was then resold in a bid auction to a new private land owner. A year and half after the foreclosure, the state has requested the deed this property. It contends the first land owner never completed payment. The passage of this ordinance will allow the borough attorney will work toward an equitable solution for all parties.

*2. **Ordinance 13-11-356**

An Ordinance of the Haines Borough amending Haines Borough Code Title 2 Section 2.60.055 to remove the review of membership applications by the committee, board or commission when filling vacancies.

The motion adopted by approval of the consent agenda: "introduce Ordinance 13-11-356 and set a first public hearing for 12/10/13."

C. Other New Business

1. **Appeal of Planning Commission Decision**

Einspruch Appeal of an After-the-Fact Fine

EINSPRUCH (by phone) presented his appeal of the fine. He was not able to attend the 10/10/13 planning commission (PC) meeting to appeal and that code did not allow for an postponement or an extension. He was concerned that the PC ruled on his appeal without any appellant input. He stated he has not been allowed to present his case regarding the fine. He wished to present his case before the government and to recieve due process regarding this matter. SCOTT clarified if EINSPRUCH felt the planning commission arrived at their decision because he was not able to present his case, and because no extension was available, he had not received due process for his case. He answered yes.

Several procedural questions were asked and answered including **BERRY**'s clarification the PC did not have the authority to postpone and **WATERMAN**'s clarification that this matter could not be given back to the PC.

Motion: **BERRY** moved to "rehear the entire planning commission decision of Fred Einspruch's appeal of a \$250 after-the-fact fine". The motion carried by roll call vote 5-1 with **SCHNABEL** opposed.

WATERMAN asked if the assembly would hear both sides. **COZZI** answered yes and clarified an audio recording of the meeting would be provided. Also, that no new documents or evidence would be allowed except for testimony.

*** 2. Board Appointments**

The motion adopted by approval of the consent agenda: "Confirm the mayor's appointment of Judy L. Erekson to the Public Safety Commission for a term ending 11/30/2015."

Motion: **LAPP** moved to "continue the meeting past 10pm to finish the business of the agenda" and it passed unanimously.

*** 3. Assembly Committee Appointments**

The motion adopted by approval of the consent agenda: "confirm the mayor's appointment of Standing and Advisory Committee assignments, appointment of Jerry Lapp as Deputy Mayor, and request for staff support for Assembly Standing Committees."

4. Opportunity for Comment - Dusty Trails Acquisition and Rehabilitation

SCHNABEL is interested in discovering if there would be programmatic or operational changes with new owners. **WEBB** reported that when the organization was contacted. However, the borough was told that due to competitive process of this grant, limited information was available. **SCOTT** stated that she would look into the matter further.

***5. Rebate on Vehicle Registration Fees**

The motion adopted by approval of the consent agenda: "refer the examination of Motor Vehicle Registration Tax in conjunction with Commercial Passenger/Tour Vehicles fees to the Commerce Committee."

***6. Review of Election Practices and Code**

The motion adopted by approval of the consent agenda: "refer the review of election practices and code to the Governmental Affairs and Services Committee."

7. McDowell Group Revised Proposal Regarding Tourism Impact Study

CARLSON (by phone) reported about the history and evolution of this proposal. The Tourism Advisory Board is in favor of the smaller economic impact analysis part of the proposal. **BERRY** asked about the amount budgeted for this study and **CARLSON** stated no. However, fund balance could be used. **CAMBELL** asked if there was a 3 year or a 5 year plan for the tourism department. **CARLSON** stated yes, and a 10 page marketing plan accompanies the tourism budget every year. **CARLSON** said this study would conduct deeper research than just easily recalled public data. Other layers of information not easily accessible would be analyzed and presented to show how to help revenues grow. **SCOTT** stated she thought **CARLSON**'s memo did a good job of explaining why this study should be done. **SCOTT** felt that **CARLSON** was doing a good job of this on her own. She considered giving **CARLSON** a raise or an assistant instead of hiring this group. **CARLSON** stated one of the goals of this report to establish a base line value of tourism, as the last report was in 2002, over a decade ago. It is difficult to increase the base line back up to 2002 levels with no current baseline information. **CAMPBELL** asked about what data was currently being collected. **CARLSON** stated that all points of entry were having data captured by the tourism department. **CAMPBELL** felt data about how much tourism money was being spent could be easily captured by people in town. **SCHNABEL** was concerned that base line information will not inspire or increase growth. Also that Alaskan resident's tourism would not be captured by this study. **LAPP** agreed with **SCOTT** and **SCHNABEL**. **SCOTT** offered to have this proposal reviewed by economic experts at the Alaska Municipal League Conference (AML) and bring some feedback home.

8. Haines Borough Manager Recruitment

The borough recently interviewed four applicants for the borough manager and would like to progress with an on-site interview and possible consulting.

Motion: **LAPP** moved to “authorize David Sosa and his spouse travel to Haines for an on-site interview,” and it passed 5-1 with **SCHNABEL** opposed.

In discussion, **SCHNABEL** argued that further information could be gathered by distance interviews. She asked if the assembly was ready to offer the position. **LAPP** said meeting the application would answer this question. **SCHNABEL** also inquired about the Brown proposal. **WATERMAN** questioned about the additional cost of bringing a spouse. She was intrigued by the candidate, but was not convinced enough to entertain the additional cost of also inviting his spouse. She was willing to advertise again, if needed. **BERRY** had no problem bring both people up. **CAMPBELL** argued the cost increase would not be significant.

Motion: **CAMPBELL** moved “to provide authorization to continue the hiring process between now and the next meeting on 12/10/13 to include pay negotiations while Mr. Sosa is present and re-advertisement of the job if necessary” It was withdrawn.

In discussion, **LAPP** pointed out that borough code allows for a meeting to schedule at any time at the request of three assembly members. **SCHNABEL** stated if Sosa wants the job he can help contribute to the cost of travel. It was mentioned **LAPHAM**, **CAMPBELL**, **SCOTT**, and possibly Darsie Culbeck will meet with Susan Jensen while at AML.

When the topic was reopened, **COZZI** and **STUART** stated they though \$85,000-\$100,000 was a previous range published for the position of borough manager. **CAMPBELL** suggested that \$100,000 be mentioned at the invite.

Motion: **LAPP** moved that “the Haines Borough assembly is considering a salary range \$80,000 to \$110,000, dependent on experience, be conveyed with the invitation from the mayor to visit Haines”. The motion carried 5-1 with **SCHNABEL** opposed.

12. CORRESPONDENCE/REQUESTS

- ***A. Alaska Marine Highway Parking Waiver Application** – Letter from Mayor Scott to AMHS requesting overnight parking waiver for the Haines ferry terminal.
The correspondence was approved by the passage of the consent agenda.

13. SET MEETING DATES

- A. Government Affairs & Services Committee – Tuesday, 12/3, 6:00pm** - Topics: Discussion of Ordinance 13-10-352 regarding revisions to Title 13 Water and Sewer Service procedures and potentially the review of election practices and code (item 11C6). Also, ordinance 13-10-352 was assigned to the GAS committee on 10/22/13 and a discussion the Heliski Map Committee assign at 11/12 meeting.
- B. Commerce Committee – Monday, 11/25, 10:00am** - Topics: Discussion of Commercial Tour Vehicles and Motor Vehicle Registration Tax (item 11C5), a discussion about solid waste community survey, and fish management issues.
- C. Finance Committee - Tuesday, 11/19, 5:30pm** - Topics: Discussion of the audit report and discussion of a harbor dump trailer.

14. PUBLIC COMMENTS

GOLDBERG said he would like the borough to make use of the surplus wood for municipal projects like pavilions.

STUART remarked she would like to have the assembly decide on a salary range before Mr. Sosa's arrival. The GAS is set to review Title 13 includes some controversial issues. She encouraged past GAS committee members to attend and bring their knowledge to the current discussion.

Item 11C8 Haines Borough Manager Recruitment was reopened to discuss salary range.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

LAPHAM said she is happy to be a part of the assembly.

SCHNABEL remarked about a KHNS report about local fisheries and asked how involved the borough should be with fisheries management. **SCOTT** stated she felt the state should be requested to present on this matter.

SCOTT reminded assembly members of several meetings in the community.

WATERMAN and **LAPP** welcomed the new assembly members.

CAMPELL said he felt an unfunded Public Employee Retirement System (PERS) was scary.

16. ADJOURNMENT– 10:27pm

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk



Memo

From the Clerk

Date: February 7, 2014
To: Mayor and Assembly
Cc: Interim Borough Manager
From: Michelle L. Webb, Interim Clerk
Re: Agenda Item 7A – Rehearing on Appeal of Planning Commission Decision
Gina St. Clair – Request for Exemption

Summary of History:

On 5/29/2013 Gina St. Clair submitted an application to subdivide a 6.9 acre parcel. The borough received her plat on 9/26/13. The borough determined that water and sewer service was available within 200 feet to the proposed northern lot and therefore connection to the utility lines is required by borough code HBC 18.100.092(A). St. Clair met with staff on 10/02/13 to discuss the requirement. The administration denied Gina St. Clair's plat application request on 10/8/13. St. Clair appealed to the planning commission for an exemption to this connection requirement. On 11/14/13 the planning commission voted to deny the appeal.

HBC 18.30.060 allows for an appeal to the assembly of a planning commission decision. On 12/2/13 St. Clair requested that the borough assembly review the matter. St. Clair met again with staff as well as the mayor on 12/09/13. Again the meeting resulted in no resolution. Ms. St. Clair submitted an appeal to the borough assembly of the planning commission's decision to the borough clerk on 12/23/13. As the appeal process was delayed due to meetings with the mayor and staff to try to mediate the issue, the Interim Borough Manager ruled that the submission of this appeal was timely on 1/2/14. On 1/14/14, the assembly voted not to rehear the matter. However on 1/28 the vote was successfully reconsidered and a rehearing was scheduled for this meeting as required by HBC 18.30.060(A).

Evidence:

The Haines Borough Assembly will serve as a quasi-judicial board on this matter. Therefore, evidence shall be limited to a review of the record. "The Record" in this appeal is determined to be: all documentary or oral statements and any material objects that were provided to the planning commission in this matter. The evidence is limited to that same record, although further argument may be allowed. The burden of proof shall be solely on the party challenging the commission's decision.

Argument:

Argument is defined as “reasons given for or against a matter under discussion that is intended to convince or persuade the listener.” Oral arguments are acceptable during this hearing. As typical for an appeal hearing, it will begin with presentations by Ms. St. Clair and staff, and then proceed with any public testimony.

Attachments:

This memo has the following attachments that are not part of the record, but help to document the appeal:

Attachment # - Document or Object	Document Date
A1. Email from Julie Cozzi regarding appeal of the planning commission decision to the assembly	1/2/2014
A2. Request for Action/Appeal to assembly from G. St. Clair	12/23/13
A3. Request for Action/Appeal to assembly from G. St. Clair	12/2/13
A4. Planning Commission Findings of Fact and Decision from the 11/14/13 Meeting	12/2/13

The Record:

The Record consists of the following documents attached as a packet to this memo:

Record # - Document or Object	When Provided to PC
R1. Audio Recording of the 11/14/13 Planning Commission Meeting	Created at meeting on 11/14/13
R2. Correspondence from St. Clair requesting exemption from HBC 18.100.092 dated 10/16/13	11/14/13 PC Meeting Packet
R3. Platting Action Application from St. Clair dated 5/29/13	
R4. Property Assessment Report dated 5/30/13	
R5. Proposed Subdivision Plat	
R6. Administration's Denial of Application dated 10/8/13	
R7. Property Ownership map showing waterlines (blue) and structures (gray)	
R8. Topographic map	
R9. Haines Borough Code	

<p>R10. Memo from Finance Director and Planning and Zoning Technician dated 11/14/13</p> <p>R11. Memo from Borough Attorney dated 11/14/13</p>	<p>Received by the PC at the 11/14/13 Meeting</p>
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Assembly Action Needed:

Confirm or reverse the commission’s decision.

The assembly must make its decision at this meeting and shall support its action with written findings of fact. It is important to note that “in all decisions the burden of proof shall be on the party challenging the decision of the planning commission.” The assembly may deliberate in open session or in executive session. Written findings that formalize the reasons for the decision will be drafted for assembly approval at the next meeting.

NOTE: Possible Secondary Action (NOT on this appeal):

In the 1/28/14 Borough Assembly meeting the following motion was made to schedule this rehearing “Grant Gina St. Clair a rehearing of the Planning Commission’s decision to take place at the 2/11/2014 regularly scheduled assembly hearing. The appellant has met the burden of proof, and there may be a solution available that the assembly has the power to enact that was not available to the planning commission.”

The first part of this motion addresses the assembly’s duty to serve as a quasi-judicial board and rule on the appeal. The second part of this motion is regular assembly business outside the assembly’s quasi-judicial process. If desired, a second motion can be made after the hearing is completed to address “there may be a solution available that the assembly has the power to enact that was not available to the planning commission”.

From: Julie Cozzi
Sent: Thursday, January 02, 2014 9:41 AM
To: Gina St.Clair
Cc: Michelle Webb
Subject: RE: Question about appeal...

Hi, Gina...

Thank you for the clarification. So, this email will acknowledge receipt of your appeal. The way it works, per code, at the assembly level is: on January 14, the assembly will have an opportunity to decide whether to rehear the planning commission's decision. If they decide to do that, the appeal hearing would take place at the next regular assembly meeting after that which would be on January 28.

On a related note, I am aware that your appeal was submitted more than 10 business days after the planning commission's decision, because of the mayor's request for you to delay your appeal until after you met with staff one more time. Whether or not the mayor had authority to do that is a question. Whether or not I have the authority to waive the 10-day appeal deadline is another. I have chosen to give everyone the benefit of the doubt and accept your appeal as timely-filed. The applicable section of borough code follows. Have a wonderful time in Mexico. Please let me know if you have questions. Happy New Year to you both!

18.30.060 Appeals to the borough assembly.

An appeal made to the borough assembly of the commission's decision on any permit shall be requested by filing with the borough clerk, within 10 business days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal. At the next regularly scheduled borough assembly meeting the borough assembly, by passage of a motion, may choose to rehear the commission's decision. Any aggrieved person, including the developer, may appear at that meeting and explain to the borough assembly why it should rehear the commission's decision.

A. If the borough assembly chooses to rehear the decision, it may choose to rehear the entire decision or any portion thereof. If it decides to rehear a decision or any portion thereof, it shall give public notice, conduct a public hearing and make its decision at its next regularly scheduled meeting.

B. In all re-hearings the burden of proof shall be on the party challenging the decision of the commission.

1. Findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact is supported by substantial evidence. The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence. The evidence shall be limited to a review of the record, although further argument may be allowed.

2. In all decisions the burden of proof shall be on the party challenging the decision of the planning commission.

3. The borough assembly may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on approval. The borough assembly shall support its action with written findings.

C. A decision by the commission shall not be stayed pending appeal, but action by the appellee in reliance on the decision, shall be at the risk that the decision may be reversed on appeal.

D. The borough assembly hereby provides for an appeal by a municipal officer or person aggrieved from a decision of a hearing officer or other body to the superior court. An appeal to the superior court under this section is an administrative appeal heard solely on the record established by the hearing officer or other body.

From: gmstclair@gmail.com [mailto:gmstclair@gmail.com] **On Behalf Of** Gina St.Clair
Sent: Wednesday, January 01, 2014 5:12 PM
To: Julie Cozzi
Subject: Re: Question about appeal...

Hi Julie, Dan and I are in Mexico until the 12th of Jan. We have already appealed the ^staff" decision to the PC. So we will appeal the COMISSIONS decision to the assembly.
Sorry about the mexican punctuation.

Gina

On Fri, Dec 27, 2013 at 9:22 PM, Julie Cozzi <jcozzi@haines.ak.us> wrote:

Hi, Gina...

Merry (belated) Christmas and Happy New Year to you and Daniel! I hope you are enjoying the holidays.

I received your appeal, and it says you are appealing the manager's interpretation to the assembly. Code provides that an appeal of a manager decision goes to the planning commission rather than the assembly. We can consider this a new manager decision, and you can appeal it to the planning commission. It may be that the additional arguments you and Daniel made to staff will affect the planning commission's decision. You never know.

Your other option is to change to an appeal of a planning commission decision. If you want to do that, you can make the change in a response to this email, and I can take it to the assembly. So the bottom line is this, because of the appeal procedures in Title 18, you need to do one of the following:

- 1) Treat this as a new manager decision and appeal it to the planning commission. (They would likely consider it during their January 9th meeting. We could look into it being the February 13 meeting, instead, if you are out of town.) ---or---
- 2) Appeal the planning commission's decision to the assembly.

Which one would you like to do? So sorry if this comes across as bureaucratic. As you well know, code is not always flexible. It is my desire to help facilitate your right of appeal.

Take care, and please let me know what you want to do and if you have questions.

Julie Cozzi, MMC

Interim Borough Manager

Haines Borough

P.O. Box 1209

Haines, AK 99827

[907-766-2231, ext.31](tel:907-766-2231)

[907-766-2716](tel:907-766-2716) (fax)

www.hainesalaska.gov

"The most wasted day of all is that in which we have not laughed."

--

Gina St.Clair
The Great Alaska Soap Company
Box 875
Haines, AK 99827
907-766-3275

A2



HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

RECEIVED Haines Borough
DEC 26 2013
Clerk's Office

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: Gina St. Clair Date: 12/23/2013

Name of Group Represented (if applicable) _____

Address: Box 875 Haines, AK 99827 Phone: 766-3275

Email Address: stclair@aptalaska.net Fax: 907-766-3275

I request to be scheduled on the Borough Assembly meeting agenda dated the 28th day of January, 2014, or as soon thereafter as possible.

Purpose of Request: I am appealing the Managers interpretation of this section of code.

Estimated Time Required (if a presentation) 15 minutes

Action you wish the Assembly to take: I would like the Assembly to recommend to the Manager that the utilities at the corner of North Sawmill and Sunshine Street are not available for this purpose, to service a lot on Moose Lane.

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

Dear Borough Assembly,

December 23, 2013

I am writing to you regarding a land sale, which has hit an impasse with Borough Staff. The sale began two years ago with me asking borough staff if I needed to provide utilities to the three-acre parcel being sold. Borough staff told me that since I was only creating one parcel for sale, dividing seven acres into two, three acre parcels, I did not need to provide utilities. I have since sold that land and signed a contract. When borough staff received the survey for the short plat, they subsequently denied my application for a short plat subdivision because I needed to provide utilities to the parcel being sold. This arises from the language of HBC 18.100.092 which states that if utilities are available within 200 feet of any exterior property line of the subdivision, they need to extend past the corner of each lot to be serviced. The utilities do exist at the bottom corner of my lot at the intersection of Sunshine Road and North Sawmill Road. These utilities service my house.

To extend these particular utilities to the three acres I am selling above Moose Lane would require creating a utility corridor at least 535 feet long up a platted but undeveloped borough street right of way: clearing a 40-foot swath, cutting 200 trees, removing stumps and over burden, obtaining engineering for water runoff and permitting for being within 100 feet of an anadromous fish stream. Extending the utilities from Sunshine Street to Moose Lane would cost three or four times the value of the three acres of land I have sold. I will not extend those particular pipes for this purpose and will not be in favor of any effort to do so.

I have asked Borough Staff to consider identifying the utilities on Sunshine Street and Moose Lane as unavailable for this particular situation because of the ramification of developing this utility corridor, mainly dealing with the large amounts of water runoff and its long-term liability caused by digging into the intact forest. Borough Staff could say those particular pipes are unavailable for my purpose, and thereby move forward on accepting my short plat, but so far they have not.

Borough Staff has suggested a LID as the best option for bringing utilities to the developing neighborhood of Moose Lane. There are three possible ways to extend those utilities: (1) clear the forest and proceed up the North Sawmill Road right of way; (2) extend the utilities along Moose Lane, which is an existing road and would only require digging the trenches for the pipes; and (3) run utilities up from a different location on Sunshine Street, along an existing utility right of way to Moose Lane.

The impasse that has been created by Borough Staff exists because if the property owners along Moose Lane want to pursue a LID, I am not able to participate in that decision as the owner of the 7-acre parcel because I would not benefit from services of a LID. My home has utilities. The person who could participate in the creation of a LID on Moose Lane would be the person I sell the property to. An easy solution to this impasse would be to give me an exemption from the borough code by stating

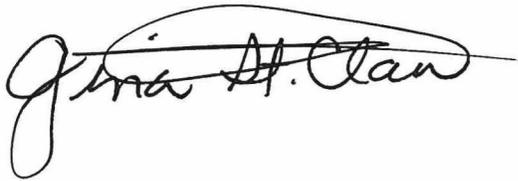
that the utilities at the corner of Sunshine Street and Moose Lane are not available for this purpose, allow me to sell my land, and allow the property owners along Moose Lane to pursue a LID.

By not allowing me to sell a three-acre parcel of land, the Borough Staff has created a lose/lose situation. They have created a situation in which my land is un-sellable. This would reduce the value of my land (my lifetime investment), which is also a loss in property taxes for the borough. By creating a situation that selling my land is not possible, they suppress development of this area, as well as economic development of a house being built on this land some day, which would also raise the property value and increase the property tax.

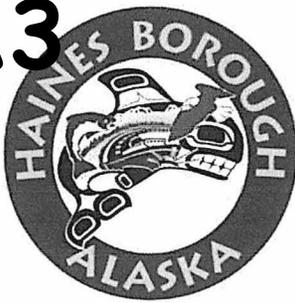
Borough Staff has never provided any concrete estimates of developing the three possible routes for providing utilities to the east end of Moose Lane. I do not believe they can say that bringing the utilities up North Sawmill Road is the best way to serve this developing neighborhood, yet they are using the existence of these pipes as the reason to deny my short plat.

I believe there is a solution to this problem. I am out of town for the next three weeks, so I am requesting to be on the agenda of the January 28 assembly meeting. I plan to meet with some assembly members before this meeting to discuss the options for moving forward.

Sincerely,
Gina St. Clair

A handwritten signature in black ink that reads "Gina St. Clair". The signature is written in a cursive style with a large, sweeping initial "G" and a long horizontal flourish extending to the right.

A3



HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

RECEIVED Haines Borough
DEC 02 2013
Clerk's Office

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: Gina St Clair Date: 12/2/2013

Name of Group Represented (if applicable) _____

Address: Box 875, Haines Phone: 314-0805

Email Address: gmstclair@gmail.com Fax: _____

I request to be scheduled on the Borough Assembly meeting agenda dated the 10th day of December, 2013, or as soon thereafter as possible.

Purpose of Request: That the Assembly consider utilities on or near Sunshine Road be considered "unavailable" for extending up the undeveloped corridor of North Sawmill Road.

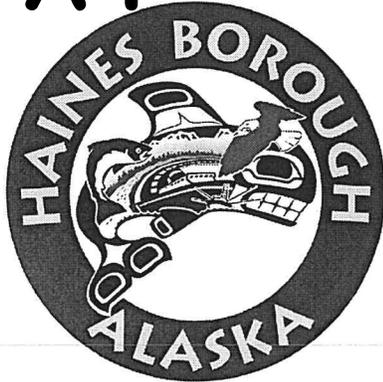
Estimated Time Required (if a presentation) 5 or 10 minutes

Action you wish the Assembly to take: Exempt St Clair subdivision from utility extensions at this time - until utilities become available for the upper lot.

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

A4



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 FAX (907) 766-2716

FINDINGS OF FACT

Appellant: Gina St. Clair
Location: C-207-TL-0620
Zoning: Rural Residential, Townsite Service Area
Nature of Request: Appeal of a requirement by the Haines Borough Code requiring public water & sewer utilities to service each lot individually within the subdivision to be created on the above-listed property
Public Hearing Date: November 14, 2013

Findings:

1. Property owner St. Clair said she brought seven acres of land in the Haines Borough twenty years ago. Because of a high tax burden, she would like to subdivide her seven acres into two 3.5-acre parcels, and sell the upper parcel of undeveloped land.
2. St. Clair said she was told by Borough staff that she did not need to provide the utilities because she was only creating two lots. However, when the Borough received the short plat from surveyor John Bean, her application was denied because Haines Borough Code 18.100.092(A) requires a developer to extend water and sewer utilities to each lot unless (1) no water and sewer service is available within 200 feet of any exterior property line of the new subdivision *and* (2) all lots are one acre or larger.
3. St. Clair said the cost for extending the mains will exceed 200% of the property value, which makes her unable to sell her property. She requested an exemption from the requirement to connect to public utilities.
4. According to the Borough attorney's memo, the Planning Commission does not have legal authority to grant exemptions from the requirement to extend utilities to subdivisions where utility service is "available" within 200 feet of an existing property line of the parcel being subdivided. The only issue for consideration if the Commission decides to hear the appeal is whether utility services are "available" within 200 feet of the existing property.
5. Borough staff stated the fact that utilities are indeed within 200 feet and available to St. Clair's proposed subdivision.

Conclusion:

A motion was made to confirm the Borough's decision. The motion passed unanimously.

Respectfully Submitted:

A handwritten signature in black ink that reads "Xi Cui".

Xi Cui "Tracy"
Haines Borough Planning & Zoning Technician III
(907)766-2231 ext. 23
xcui@haines.ak.us



Haines Borough
**PLANNING COMMISSION
RECORD OF DECISION**

DATE: November 14, 2013

TO: Borough Assembly

FROM: The Haines Planning Commission

PLANNING COMMISSION DECISION:

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

RATIONALE: Per HBC 18.100.030(B), any lot resulting from a subdivision, which is situated within 200 feet of public water and sewer systems, is required to have utility connections extended from the water and sewer mains to the property line. At the meeting, the Borough staff stated the fact that utilities are indeed within 200 feet and available to St. Clair’s proposed subdivision. Also, according to the Borough attorney’s memo, the Planning Commission does not have legal authority to grant exemptions from the requirement to extend utilities to subdivisions where utility service is “available” within 200 feet of an existing property line of the parcel being subdivided.

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chair

R2

To: Borough Clerk
From: Gina St. Clair
Date: October 15, 2013
Re: Requesting exemption from (HBC) 18.100.092

RECEIVED Haines Borough
OCT 16 2013
Clerk's Office

Dear Borough Clerk,

I am formally requesting an exemption from Haines Borough Code 18.100.092, which requires me to provide water and sewer utilities to a piece of property I would like to sell. Because of the size, shape, and location of my land, this code does not fit my particular situation and would force an unreasonable expense beyond my means; an exemption should be made.

I own seven acres at the end of North Sawmill Road in a slowly developing neighborhood with rudimentary roads. I wish to subdivide this land into two 3 ½ acre parcels. I will keep the lower half where my house and garden are, near Sunshine Road, and sell the upper half between Moose Lane and Anway Road as an undeveloped lot.

When I began the selling process, the borough assessor, Dean Olsen, told me that because I was only creating two lots, I did not need to provide the utilities. However, because city water and sewer utilities are at the bottom of Lot 1, near my house, the current borough staff has the opinion that they cannot grant an exemption. But extending utilities to Lot 2 involves much more than simply adding pipes from somewhere near Lot 1:

1. The sewer and water that service my lower lot may not be available to extend to the upper lot. Borough staff has identified a completely different point of origin for technical reasons, over 1200 feet away from my property.
2. The cost of putting in the utilities from even the closest point, if technically possible, would be prohibitive. Contractor estimates are over \$100,000 for developing a corridor through the woods from Sunshine Road to Moose lane, along the North Sawmill Road right of way. This exceeds the price of the land I am selling.

I have a buyer who is satisfied with the land as it is and has already talked with an engineer to prepare for meeting DEC requirements for any future wastewater treatment. No other nearby landowners have had to provide utilities before they sold, leaving utilities far from Lot 2.

The City of Haines annexed my land back in 1998, and the borough has not made any improvements to infrastructure in this neighborhood since annexation. Requiring me, a landowner, to provide water and sewer to three acres of forested land where there is not even a house site, is unreasonable and beyond my means. I cordially ask you for an exemption from the borough code so I can proceed with the sale of my land.

Sincerely,



Gina St. Clair

314-0801

gmstclair@gmstclair

Gina's R3
 907-314-0801
 call when Plat
 arrives.



RECEIVED

MAY 29 2013

HAINES BOROUGH

Haines Borough

Planning and Zoning

103 Third Ave. S., Haines, Alaska, 99827

Telephone: (907) 766-2231 * Fax: (907) 766-2716

PLATTING ACTION APPLICATION

Permit#: _____

Date: 5/30/13

I. Type of Platting Approval Requested

Lot Line Vacation \$50 Lot Line Adjustment \$50 Short Plat \$75 Planned Unit Dev't \$150 Long Plat \$200

II. Property Owner

Firm Preparing Plat

Name: Ginette M. St. Clair

Name: John Bean

Mailing Address: Box 875

Mailing Address: _____

Contact Phone: Day _____ Night _____
 (cell) 907-314-0801 / 766-3275

Contact Phone: Day _____ Night _____

Fax: 907-766-3275

Fax: _____

E-mail: gmstclair@gmail.com

E-mail: _____

III. Property Information

Property Tax #: C-207-TL-0620

Legal Description: Lot (s) _____ Block _____ Subdivision _____

OR
 Parcel/Tract _____ Section _____ Township _____ Range _____

[Attach additional page if necessary.]

Number of Existing Parcels: 1 Total Land Area: 7.22 acre Number of Resulting Lots/Parcels: 2

Existing Structures? Yes No Water Utilities: Public On Site Sewer Utilities: Public On Site

Zoning: Waterfront Single Residential Rural Residential Significant Structures Area
 Rural Mixed Use Multiple Residential Heavy Industrial Waterfront Industrial Commercial
 Industrial Light Commercial Recreational Mud Bay Zoning District Lutak Zoning District General Use

Unique Characteristics of Land or Structure(s): _____

Attach the following documents to the permit application:

- Plat (prepared by a professional land surveyor licensed to practice in the state of Alaska)
- As-built Survey (may be required if there are existing structures on the lot)

Important Note:

-The standards and procedures for all Platting Actions are in the Haines Borough Code Section 18.100

IV. FEE

The appropriate non-refundable fee as shown above must accompany this application. Checks must be made payable to the HAINES BOROUGH.

IV. CERTIFICATION

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct. I further certify that I have read, understand and will comply with all of the provisions and permit requirements outlined hereon. I also certify that the plats and/or surveys submitted are complete and accurate, showing any and all existing and proposed structures on the subject property. All contract work on this project will be done by a contractor holding valid licenses issued by the State of Alaska and the Haines Borough. I am aware that if I begin construction prior to receiving permit approval, I will be assessed a \$250.00 "After-the-Fact" fee.

Justin M. Clau
 Owner or Agent

May 30, 2013
 Date

PROVISIONS: The applicant is advised that issuance of this permit will not relieve responsibility of the owner or owner's agents to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction, or with any private deed restrictions.

Office Use Only Below This Line

<input type="checkbox"/> Applicant Notified Application is Complete and Accepted			(Date)	(Notified via)	(Initials)
Non-Refundable Permit Fee \$ <u>75.00</u> Receipt No. <u>021238</u> Received By: <u>Tolan</u> Date: <u>5/30/13</u>	Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> Plat <input type="checkbox"/> <input type="checkbox"/> As-built Survey <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit				
This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements:					
Approval Signature:			Date		

Notice of Right to Appeal: All decisions of the Borough Manager are appealable per HBC 18.30.050

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Haines Borough Real Property Assessment Report 2012 Tax Year

Property Information

Borough property number:	C-207-TL-0620
Ownership:	ST. CLAIR, GINETTE M.
Address:	BOX 875 HAINES, AK 99827
Detail:	USS 207, TL 6- PORTION COMSTOCK RD 7.22 ACRES
Street address:	North Sawmill Road
Assessed land(\$):	85440
Assessed improvement (\$):	158500
Assessed total(\$):	243940
Tax rate:	10.79 mills
Taxes exempt (\$):	0
Taxes due this year(\$):	2632.11
Pmts this year(\$):	2632.11
*Balance (\$):	0



*Prior tax year delinquencies not shown.
Taxes due September 4, 2012.
Penalty and interest accrue daily on outstanding balances.
Please call the Borough office for final balances at 766-2711 X22

Parcels

Borough Property ID C-207-TL-0620

Quads

NAME SKAGWAY A-2

Sections

Township Range Section 30S 59E 27

LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
 - ⊗ PRIMARY MONUMENT ROCK WITH "X" RECOVERED THIS SURVEY
 - SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
 - SECONDARY MONUMENT RECOVERED THIS SURVEY
 - SURVEYED
 - - - UNSURVEYED
 - CENTERLINE
 - SURVEY TIE
- R = AS PER BOOK, 25, PAGE 216, 95-147



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

STATEMENT OF OWNERSHIP:

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

Date _____, 2013

Owner _____ Owner _____
ERICK G. ST. CLAIR GINETTE M., ST. CLAIR
PO BOX 875 PO BOX 875
HAINES, ALASKA 99827 HAINES, ALASKA 99827

NOTARY'S ACKNOWLEDGEMENTS:

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

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

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

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

Notary Public for Alaska _____
My Commission Expires _____

CERTIFICATE OF REGISTERED LAND SURVEYOR

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

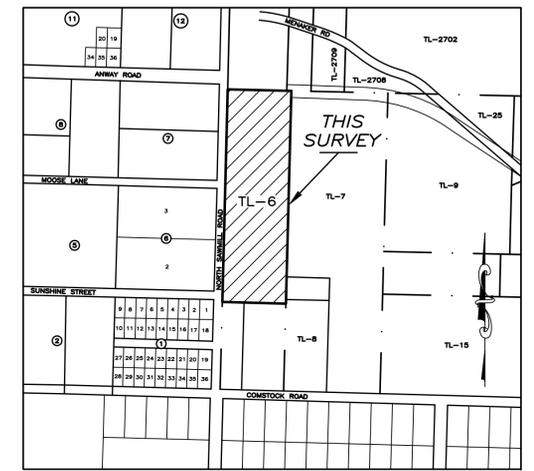
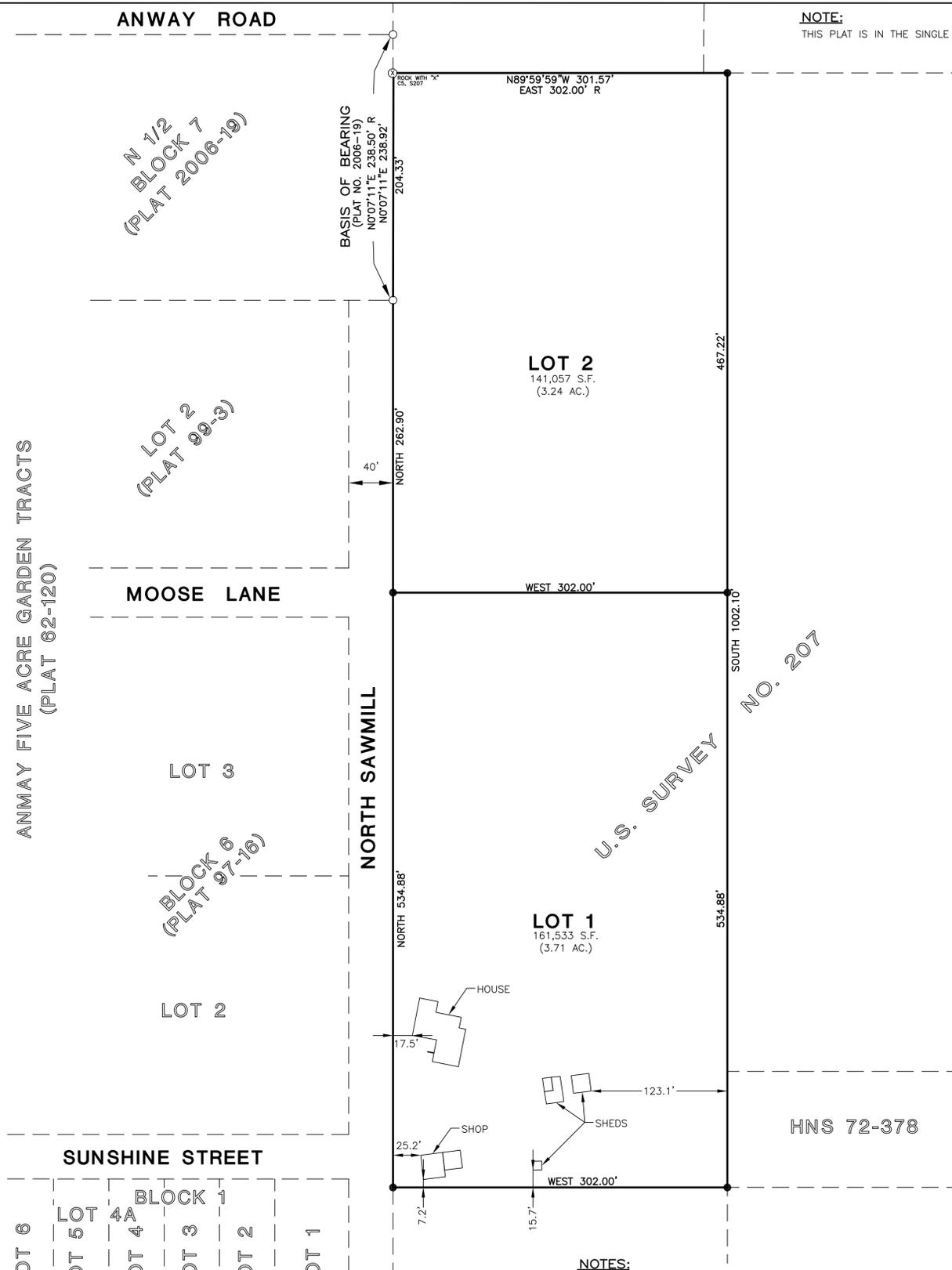


DRAWN BY: GDM Graphics
CHECKED BY: J.W.B.
DRAWING DATE: 9-26-2013
FIELD BOOK:
SCALE: 1"=60'
JOB No.: HNS-ST CLAIR LOTS1&2
GRID
REVISED:

ANWAY ROAD

NOTE:

THIS PLAT IS IN THE SINGLE RESIDENTIAL LAND USE ZONE



VICINITY MAP

SOURCE: HAINES BASEMAP SERIES - SCALE: 1" = 400'

CERTIFICATION OF BOROUGH ASSESSOR

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

Dated _____, 2013.

Haines Borough Assessor _____

CERTIFICATE BY THE HAINES BOROUGH

A WARRANTY DEED OF BOOK, 25, PAGE 216, 95-147, AS DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISION SET FORTH IN HC. 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINES RECORDERS OFFICE DATED:

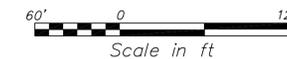
_____, 2013.

ROB GOLDBERG _____ DATE _____
PLANNING COMMISSION CHAIR

STEPHANIE SCOTT _____ DATE _____
MAYOR
HAINES BOROUGH

NOTES:

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- RECORDED BEARINGS AND DISTANCES ARE SHOWN ENCLOSED IN PARENTHESIS. MEASURED OR CALCULATED BEARINGS AND/OR DISTANCES ARE SHOWN WITHOUT PARENTHESIS.
- LOTS WITHIN THIS SUBDIVISION ARE SERVED BY THE HAINES BOROUGH MUNICIPAL WATER AND SEWER SYSTEMS.



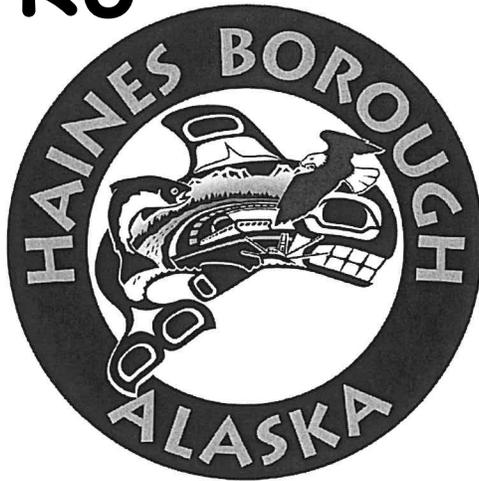
SHEET 1 OF 1

**A PLAT OF
ST. CLAIR SUBDIVISION
A TRACT OF LAND
WITHIN U.S. SURVEY NO. 207
WITHIN HAINES BOROUGH, ALASKA
HAINES RECORDING DISTRICT - HAINES, ALASKA**

9/26/2013 9:29:08 AM AST

E:\GDM\BEAN\HAINES\HNS-ST CLAIR\HNS-ST CLAIR-LOTS1&2.DWG

R6



HAINES BOROUGH, ALASKA
P.O. BOX 1209
HAINES, AK 99827
(907) 766-2231 FAX (907) 766-2716

October 8, 2013

Ginette M. St. Clair
PO Box 875
Haines, AK 99827

Re: Short Plat Application – Water & Sewer Mains Extension
C-207-TL-0620

Dear Ms. St. Clair:

Thanks for submitting your short plat application to divide the above-listed property into two lots on May 29th, 2013. In reviewing the proposed plat received via e-mail from John Bean on October 1, 2013, the Borough staff has determined that your proposed plat does not meet short plat criteria as follows:

Haines Borough Code (HBC) 18.100.030B requires: “Any lot resulting from a subdivision...which is situated within 200 feet of public water and sewer systems is required to have utility connections extended from the water and sewer mains to the property line.” HBC 13.04.080D and 13.08.095D required that water and sewer mains: “shall be extended (past the corner of each lot to be serviced) at applicants cost to allow the service line to be perpendicular to the water (or sewer) main.”

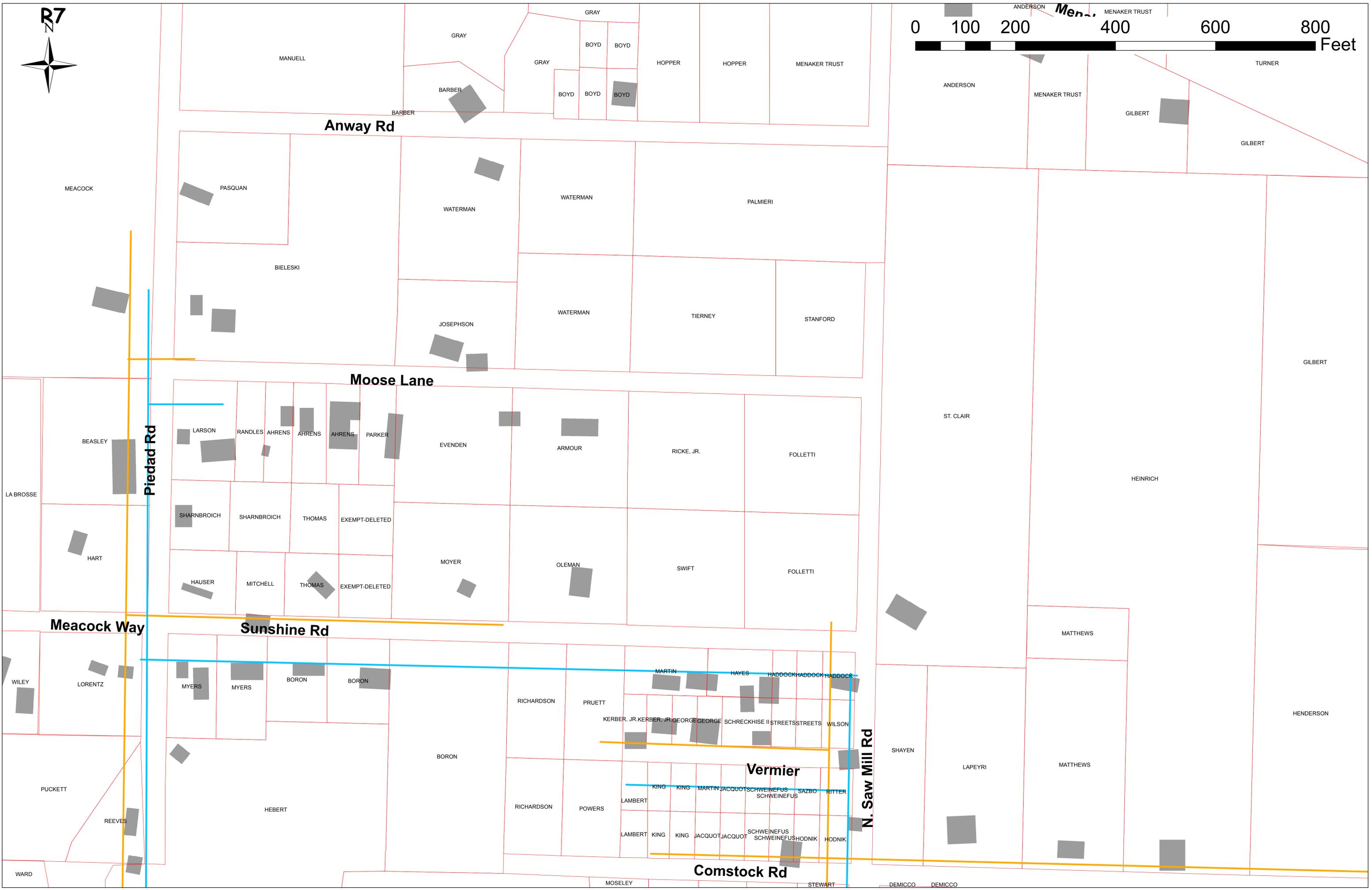
The Borough records shows the above-listed property is within 200 feet of an existing, adequate public water and sewer system, so you shall construct all water and sewer utilities to service each lot individually within the subdivision to be created, as per HBC 18.100.092(A).

As discussed in our October 2, 2013 meeting, the Haines Borough staff is under the understanding that you will submit your appeal to the Planning Commission to request an exemption from the requirements to connect to public utilities. To do so, a written appeal must be submitted to the Borough Clerk within ten calendar days of the date of this letter, as per HBC 18.30.050. The Planning Commission may consider the alternatives and make a recommendation to staff or the Borough Assembly. Also, if you have any questions or if I can be of further assistance on this matter, please do not hesitate to contact the Borough.

Sincerely,

A handwritten signature in black ink that reads "Xi Cui". The signature is written in a cursive, flowing style.

Xi Cui “Tracy”
Haines Borough Planning and Zoning Tech
xcui@haines.ak.us
(907) 766-2231 Ext 23



Anway Rd

Moose Lane

Meacock Way

Sunshine Rd

Vermier

Comstock Rd

N. Saw Mill Rd

MANUELL

GRAY

GRAY

GRAY

BOYD

BOYD

HOPPER

HOPPER

MENAKER TRUST

ANDERSON

MENAKER TRUST

MENAKER TRUST

GILBERT

TURNER

GILBERT

MEACOCK

PASQUAN

WATERMAN

WATERMAN

PALMIERI

BIELESKI

WATERMAN

TIERNEY

STANFORD

JOSEPHSON

Moose Lane

LARSON

RANDLES

AHRENS

AHRENS

AHRENS

PARKER

EVENDEN

ARMOUR

RICKE, JR.

FOLLETTI

BEASLEY

SHARNBROICH

SHARNBROICH

THOMAS

EXEMPT-DELETED

MOYER

OLEMAN

SWIFT

FOLLETTI

LA BROSS

HART

HAUSER

MITCHELL

THOMAS

EXEMPT-DELETED

Meacock Way

Sunshine Rd

WILEY

LORENTZ

MYERS

MYERS

BORON

BORON

RICHARDSON

PRUETT

MARTIN

HAYES

HADDOCK

HADDOCK

HADDOCK

KERBER, JR.

KERBER, JR.

GEORGE

GEORGE

SCHRECKHISE II

STREETS

STREETS

WILSON

BORON

RICHARDSON

POWERS

LAMBERT

KING

KING

JACQUOT

JACQUOT

SCHWEINEFUS

SCHWEINEFUS

SZABO

RITTER

LAMBERT

KING

KING

JACQUOT

JACQUOT

SCHWEINEFUS

SCHWEINEFUS

HODNIK

HODNIK

PUCKETT

REEVES

HEBERT

WARD

MOSELEY

STEWART

DEMICO

DEMICO

SHAYEN

LAPEYRI

MATTHEWS

MATTHEWS

HEINRICH

ST. CLAIR

GILBERT

HENDERSON

R8

491

541

441

391

341

Menaker Rd

291

Anway Rd

241

Moose Lane

141

191

Sunshine Rd

N. Saw Mill Rd

Vermier

Comstock Rd



18.100.030 Short plat criteria.

A subdivision, lot line adjustment, or lot consolidation which falls within the following criteria shall follow the short plat procedures:

- A. Subdivisions of a single lot into not more than four lots, which has not been part of a short plat within the previous five years.
- B. The requirements of HBC [18.100.070](#) through [18.100.095](#) shall apply.
- C. Lot line adjustments and lot consolidations meet all of the criteria of HBC [18.100.020](#).
- D. If the plat meets the criteria of subsections (A) through (C) of this section and contains a dedication or vacation of a street right-of-way or other area, the short plat procedure may apply upon approval by the manager with an additional requirement of planning commission approval of the plat. (Ord. 10-11-247 § 4; Ord. 09-03-201 § 4)

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.

B. Streets. The subdivider shall, prior to final plat approval, at the subdivider's own expense and in accordance with the approved preliminary plat and borough specifications, along all dedicated streets, including existing half-streets, construct all required roads to meet or exceed the road standards in HBC [12.08.030](#) through [12.08.190](#).

C. Monuments. All exterior corners and street intersections of the subdivision shall be marked by permanent monuments set in the ground. All individual lots shall have their perimeter corners staked. If the plat corner or a lot corner is identical with a plat corner or lot corner of a U.S. Survey, a U.S. Mineral Survey, or an Alaska Tidelands Survey, the primary monument of such survey shall be shown on the plat, or reestablished and shown if not found. (Ord. 09-01-197)

18.30.050 Appeals to the commission.

An appeal made to the commission of a decision by the manager shall be requested by filing with the clerk, within 10 days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal.

A. The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision. Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

B. If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision.

1. Findings of fact adopted expressly or by necessary implication shall be considered as true if, based upon a review of the whole record, they are supported by substantial evidence. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record as a whole affords a substantial basis of fact from which the fact in issue may be reasonably inferred, the fact is supported by substantial evidence. The burden of proof shall be on the appellant to demonstrate the facts and resolution of the issues on appeal by substantial evidence. The evidence shall be limited to a review of the record, although further argument may be allowed.

2. In all decisions the burden of proof shall be on the party challenging the decision of the manager. The commission may confirm the manager's decision, reverse the manager's decision, or change the conditions which the manager placed on approval. The commission shall support its action with written findings.

C. A decision by the manager shall not be stayed pending appeal, but action by the appellee in reliance on the decision shall be at the risk that the decision may be reversed on appeal.

D. The commission's decision may be appealed to the borough assembly pursuant to HBC [18.30.060](#). (Ord. 04-05-078; Ord. 05-02-091)

R10

Memo



To: Haines Borough Planning Commission
From: Jila Stuart, Chief Financial Officer
Tracy Cui, Planning & Zoning Tech
Cc: Julie Cozzi, Interim Borough Manager
Date: November 14, 2013
Re: Short Plat Application for Parcel #C-207-TL-0620

Haines Borough Code clearly prioritizes the extension of public utilities. HBC 18.100.092(A) requires a developer to extend water and sewer utilities to each lot unless (1) no water and sewer service is available within 200 feet of any exterior property line of the new subdivision *and* (2) all lots are one acre or larger. Per a November 14 memo from the Borough attorney, the code does not give discretion to staff or to the Planning Commission to authorize an exemption to the requirement.

Where to go from here

Ms. St. Clair's appeal raises a larger question that is important for the Borough to address. ***What is the Borough's plan for future utility extensions and what should the Borough's role be in coordinating or facilitating those extensions?*** We believe the Borough should follow one of two courses and that the Planning Commission should take a leadership role in either case:

- The Assembly should work with the Planning Commission and staff to amend code to create additional exemptions to the utility requirements for subdivisions; or
- The Assembly should work with the Planning Commission and staff to identify ways to promote and assist with the extension of the utilities.

What the Comprehensive Plan Says

Section 7.4.3 Residential Development reads: "Because most land in these areas is privately owned the Borough must determine what role it will play to encourage utility extension and thus meet future residential needs in an efficient manner through infill development. For example, to encourage and support reasoned utility extension the Borough could pay for engineering studies to design the system and ensure it will meet Borough standards and then accurately identify Local Improvement District (LID) costs."

Goal 11 in the Comprehensive Plan reads: "Promote compact development and infill where water and sewer infrastructure exists in order to maximize return on public infrastructure investments, promote energy efficiency, and reduce carbon emissions."

Objective 11A in the Comprehensive Plan reads: "Base decisions about utility extension on Borough costs, whether policy changes could instead result in infill, if willing Local Improvement District payers are present, and on landowner interests."

Possible Financial Assistance for Promoting Utility Extension

While it may not be appropriate to use public funds to pay for all or most of the cost of extending utility mains, the Assembly may decide the public interest is served by offsetting part of the cost of utility extensions through one or more of the following methods:

Use of Proceeds from the sale of Borough lands

HBC 3.90.010(A) states “borough funds from the sale of borough lands may be invested through the creation of local improvement districts to fund projects that will improve the lives of borough residents. Such projects may include, but are not limited to, utilities, road construction, road upgrades, alternative energy, and any other improvements undertaken under the authority granted by AS 29.35...”

Use of Capital Improvement Project Sales Tax Funds

The Borough levies 1.5% sales tax to be used for Capital Improvement Projects within the Borough.

Installment payments – Local Improvement District

If a local improvement district is established the Borough can finance the cost of improvements, including utility extension, over years with terms set by the Borough Assembly.

What other communities are doing to promote utility extensions

- Juneau, AK – uses various sources of funding to subsidize the expansion of utilities including sales tax and cruise ship tax
- Unalaska, AK – property owners may extend a service line from the main to their property line in order to connect provided they connect to the main at such time the main is extended
- Cookeville, TN – the municipality pays for the first 100ft of a utility extension
- Jacksonville, FL – the city will contribute 30% of the capital cost of utility extension
- Gatlinburg, TN – the owner must pay the full cost of extension and neighbors who later hook up to the main must pay a “tap fee” to the property owner who paid to extend the main

Options for Ms. St. Clair

- Move proposed lot line closer to water/sewer main (minimum lot size is one acre)
- Participate in LID with her neighbors

Possible LID for Utility Extension in North Sawmill Road / Moose Lane Area

Staff has had some discussions with property owners in the vicinity of Ms. St. Clair’s parcel who have said they may be interested in participating in a LID to extend water and sewer mains in this area. The installation of public utilities in this area where none currently exist will be a benefit with many additional facets. It will eliminate drainage problems, provide water for fire protection, and bring economic growth.

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Attorneys At Law
Suite 302
911 West Eighth Avenue
Anchorage, Alaska 99501
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bcf@bcf.us.com

MEMORANDUM

TO: HAINES BOROUGH PLANNING COMMISSION



FROM: BROOKS CHANDLER
BOROUGH ATTORNEY

DATE: NOVEMBER 14, 2013

RE: APPEAL FROM DENIAL OF PLAT APPLICATION
C-207-TL-0620

Jila Stuart asked I provide you with legal advice regarding the above-referenced appeal. Based on our review of the plat application and related documents and applicable provisions of the Borough code we have concluded as follows:

1. The Planning Commission does not have legal authority to grant exemptions from the requirement to extend utilities to subdivisions where utility service is "available" within 200 feet of an existing property line of the parcel being subdivided.

2. The only issue for consideration if the Commission decides to hear the appeal is whether utility service is “available” within 200 feet of the existing property.

3. It is possible that for technical reasons utility service is not “available” through connection to the existing main within 200 feet of the property being subdivided but that requires input from public works.

The basis for this conclusion is discussed in greater detail below.

FACTS

On May 29, 2013 the Borough received an application to subdivide a 6.9 acre parcel of property within USS 207 (“the Property”) into two lots. The southern end of the Property is adjacent to the intersection of Sunshine Street and North Sawmill. The northern end of the Property extends north of the end of Moose Lane. The Borough’s existing water system runs parallel to Sunshine to the Sunshine-N. Sawmill intersection. This is less than 200 feet from the Property. There is a Borough sewer line across N. Sawmill from the Property. The sewer line is also within 200 feet of the Property. There is also a Borough water line that extends part way down Moose Lane. This line is more than 200 feet from the Property.

The plat application did not show any utility easements and it was apparent the property owner did not intend to connect the northerly lot (identified as Lot 2 on the survey submitted with the plat application) to the water and sewer lines at the southerly end of the property. Borough staff met with the property owner on October 2 and informed her the Property did not qualify for an exemption from the utility connection requirement. The property owner indicated she planned to appeal to the Commission. On October 8, 2013 the Borough planner denied the short plat application. A timely appeal followed.

In her appeal the property owner indicates she is formally requesting an “exemption” from the utility connection requirement. This request is based on the size, shape and location of the property, the expense associated with extension of utilities and a belief that she would actually be required to tie in to the existing utility infrastructure at a point 1200 feet away from her property rather than at the Sunshine-N. Sawmill intersection for “technical reasons”.

LAW

Subdivision of property within the Borough is governed by Chapter 18.100 and other general provisions of Title 18. Persons dividing their property into two or more parcels must

obtain a “platting action permit”¹. If a permit is denied the property owner can appeal the denial to the Commission but the Commission is not required to decide every appeal. Instead, the Commission first decides whether to even consider the appeal. It is only after the Commission has decided to hear an appeal that an examination of the merits of the appeal occurs and a decision whether to grant or deny the appeal is made and documented with findings of fact².

General approval criteria applicable to all platting action permit applications are contained in Chapter 18.60. One of the general criteria states, “[i]f 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”.³ An exemption⁴ from this requirement is allowed “[w]hen, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of the property”. In addition, “[w]hen public sanitary sewer and/or water service becomes available, the developer will be required to connect to the public utility within six months”. The definitional section of Title 18⁵ does not contain a definition of “available”.

Subdivisions of property within the Borough may proceed under either “short plat” or “long plat” requirements and procedure. This application proceeded under the “short plat” procedure and criteria because it involved a subdivision of a single lot into less than five lots. Short plats are subject to the requirements of HBC 100.070-095⁶ and are also subject to the general criteria of HBC 18.60.010-020⁷. The exemption from utility connection standards contained in HBC 18.60.010(I) is repeated in HBC 18.100.092(A)(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

¹HBC 18.30.010

²HBC 18.30.050.

⁴Title 18 also allows for “variances” in certain circumstances. HBC 18.80.050. A “variance” is an “adjustment” or “relaxation” of standards not an exemption from the standard. There is no variance applicable to the utility connection requirement.

⁵HBC 18.20.020

⁶HBC 18.100.030(B).

⁷HBC 18.100.020.

larger in area, the developer may request an exemption from the requirements to connect to public utilities.

ANALYSIS

Whether the Commission decides to hear the appeal is entirely at the Commission's discretion. This is not a situation where the Commission is legally required to consider the appeal.

If the Commission does decide to hear the appeal it is clear from the code provisions referenced above that the only issue is whether there is some reason the existing utility line at the Sunshine-N. Sawmill intersection should be found to be not "available" to the southerly portion of the property proposed for subdivision. That the proposed lot line for Lot 2 is more than 200 feet away from existing utilities is irrelevant. The 200 foot measurement is taken from "any" exterior property line. Similarly, the cost of extending utilities is not an appropriate factor to consider⁸.

The dictionary definition of "available" is "suitable or ready for use".⁹ Accordingly, if the Commission is considering the appeal it needs to determine if there is some reason the existing utility line at the Sunshine-N. Sawmill intersection is not "suitable" for use in extending utility services to nearby property. In our opinion, "available" as used in the referenced provisions of Title 18 does not mean the "best" location at which to extend services for technical or practical purposes. It is only if there is some reason the existing utility line is not "suitable" for use as a connection point that the appeal from the denial of the exemption request should be granted.

⁸Even in variance applications cost of compliance is not a determining factor. HBC 18.80.050(C)(5).

⁹Webster's College Dictionary p.91 (Random House 2nd. Ed. 1997).



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-407
Assembly Meeting Date: 2/11/14

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: Adopt Ordinance 14-01-363.

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

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

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

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/28/14 & 2/11/14
Meeting Date(s): 1/14/14, 1/28/14, and 2/11/14	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:

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

Chapter 2.98 PUBLIC LIBRARY

2.98.040 Board vacancies – Filling vacancies.

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) will be will be selected using the procedure as set out in HBC 2.60.055. The library board of trustees shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. Appointees filling out partial terms shall be appointed only for the balance of that unexpired term.~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 8. Amendment of Section 2.100.040. Section 2.100.040 of the Haines Borough Code is hereby amended to read as follows:

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

Chapter 2.100 SHELDON MUSEUM AND CULTURAL CENTER

2.100.040 Board vacancies – Filling vacancies.

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) as set out in HBC 2.60.055. The museum board of trustees shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly. Appointees filling out partial terms shall be appointed only for the balance of that unexpired term.~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 9. Amendment of Section 2.104.040. Section 2.104.040 of the Haines Borough Code is hereby amended to read as follows:

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

Chapter 2.104 CHILKAT CENTER FOR THE PERFORMING ARTS

2.104.040 Board vacancies – Filling vacancies.

A member's position on the board shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the board.

~~In the event of a vacancy on the board, either at the end of the board member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement board member(s) will be will be selected using the procedure as set out in HBC 2.60.055. The board shall review all applications for new board member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the board's recommendation(s), appoint a new member or members(s) subject to confirmation by the borough assembly.~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 10. Amendment of Section 2.105.040. Section 2.105.040 of the Haines Borough Code is hereby amended to read as follows:

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

Chapter 2.105 PARKS AND RECREATION DEPARTMENT

2.105.040 Advisory committee vacancies – Filling vacancies.

A member's position on the advisory committee shall be deemed vacated if the member fails to attend three consecutive meetings without being excused by the advisory committee.

~~In the event of a vacancy on the advisory committee, either at the end of the committee member's regular term, or if the seat is vacated by resignation or nonattendance, the borough clerk shall advertise for replacement committee member(s) as set out in HBC 2.60.055. The advisory committee shall review all applications for new committee member(s), making recommendations for appointment to the mayor. The mayor shall, after reviewing all applications, and considering the committee's recommendation(s), appoint a new member or member(s) subject to confirmation by the borough assembly. (Ord. 11-04-260 § 4; Ord. 04-09-084)~~

All appointments to the board shall be made according to the provisions of HBC Section 2.60.055.

Section 11. Amendment of Section 7.04.080. Section 7.04.080 of the Haines Borough Code is hereby amended to read as follows:

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

Chapter 7.04 SERVICE AREAS GENERALLY

7.04.080 Boards.

A. The ordinance establishing a service area may provide for appointed or elected boards of persons from within the service area to make recommendations concerning services or other purposes, as permitted by statute. For appointed boards, **all appointments shall be made according to the provisions of HBC Section 2.60.055.** If the assembly determines that an appointed or elected board is not necessary, or if a board lacks the minimum membership required by the ordinance establishing that board, the assembly shall perform the functions of such board.

B. Service area board members may be removed in accordance with HBC 2.62.020.

Section 11. Amendment of Section 16.08.010. Section 16.08.010 of the Haines Borough Code is hereby amended to read as follows:

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

Chapter 16.08 HARBOR MANAGEMENT

16.08.010 Government of borough port and harbor facilities.

A. The governance of borough port and harbor facilities and all additions and improvements thereto, whether or not contiguous to the present facilities, shall be under the exclusive jurisdiction of the Haines Borough, its assembly, and its administration.

B. There shall be a seven-member port and harbor advisory committee comprised of three commercial vessel owners, two noncommercial vessel owners, one tariff regulated company owner or representative, and a community member at large who has a business related to harbor activities. Such appointments shall serve staggered terms of two years, **and all appointments to the committee shall be made according to the provisions of HBC Section 2.60.055.** Members shall serve until their successors have been confirmed by the assembly. There shall be no pay for committee membership. The committee shall organize

itself and function according to the provisions of **HBC** Chapter 2.60. The assembly may appoint a liaison who shall serve in an ex officio capacity and shall assist the committee administratively.

C. The port and harbor advisory committee shall deliberate over matters concerning the construction, improvement, maintenance, use, operation, and regulation of borough port and harbor facilities, and make recommendations regarding these issues to the assembly, either directly or through the manager or harbormaster.

D. The port and harbor advisory committee shall otherwise conduct its meetings and activities in accordance with **HBC** Chapter 2.60.

Section 13. Amendment of Section 18.30.040. Section 18.30.040 of the Haines Borough Code is hereby amended to read as follows:

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

Title 18 LAND USE/DEVELOPMENT
Chapter 18.30 ADMINISTRATIVE PROVISIONS

18.30.040 Planning commission.

The borough planning commission ("planning commission") consists of seven registered voters who have resided in the borough for 30 days or longer immediately prior to appointment. Planning commission members shall ~~be appointed by the mayor and shall be subject to confirmation by the assembly for~~ **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: 02/11/14

[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.: 14-412Assembly Meeting Date: 2/11/14

Business Item Description:	Attachments:
Subject: FY14 Budget Amendment #3	1. Ordinance 14-01-365 2. Memo from Finance Director
Originator: Finance Director	
Originating Department: Finance	
Date Submitted: 1/9/14	

Full Title/Motion:

Motion: Advance Ordinance 14-01-365 to a third public hearing on 2/25/14.

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). On 1/28/14 the ordinance was amended to remove the sauna and was moved to a second public hearing. Two additional amendments have been proposed (see attached memo). The administration recommends this ordinance be sent to a third public hearing.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/28/14 & 2/11/14
Meeting Date(s): 1/14/14, 1/28/14, & 2/11/14	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)

* 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: 02/11/14

Memo



To: Haines Borough Mayor & Assembly
 From: Jila Stuart, Finance Director
 Carlos Jimenez, Public Facilities Director
 Cc: Julie Cozzi, Interim Borough Manager
 Date: February 6, 2014
 Re: Two Recommended Additions to Ordinance#14-01-365

1. RESOLUTION No. 14-02-532 would authorize the Borough Manager to execute a change order with Pacific Pile & Marine, LP for the PC Dock project not to exceed \$43,355.45. The current, remaining project contingency for this project is \$13,000 which is not adequate to cover the needed change order. The proposed budget amendment would use Townsite Service Area (TSA) General Funds in the current fiscal year to fund the change order and to create a small project contingency. The plan is to repay the TSA fund with future years' Commercial Passenger Vessel ("Head") Tax Funds. The CVP tax brings in approximately \$150,000 annually with the current number of dockings. Project sources and uses of funds for this project (with this proposed amendment) are attached to this memo.

To appropriate \$100,000 of Townsite Service Area (TSA) funds to fund change order #6 with Pacific Pile and Marine and to create a contingency for the PC Dock Trestle Replacement Project. Funds expended are intended to be repaid to the TSA with future proceeds from the Commercial Passenger Vessel Tax fund.				
		Current FY14 Budget	Proposed FY14 Budget	Fund Balance Increase / (Decrease)*
02-98-00-8228	Operating Xfer- OUT fr TSA (PC Dock)	\$0	\$100,000	(\$100,000)
42-10-01-8228	Operating Xfer- IN fr TSA (PC Dock)	\$0	\$100,000	\$100,000
42-10-01-7392	Project Expenditures – PC Dock	\$2,380,000	\$2,480,000	(\$100,000)
Total additional appropriation for the PC Dock Trestle Replacement Project				(\$100,000)

2. This amendment creates a contingency for the Letnikof Cove project using harbor deferred maintenance funds. Project sources and uses of funds for this project (with this proposed amendment) are attached to this memo.

To appropriate \$75,000 of harbor deferred maintenance for a project contingency for the Letnikof Cover Harbor Improvement Project currently underway. funds for Letnikof Cove harbor improvements.
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		Current FY14 Budget	Proposed FY14 Budget	Fund Balance Increase / (Decrease)*
92-98-00-8263	Operating Xfer - Out from Harbor	\$47,630	\$122,630	(\$75,000)
42-92-00-8263	Operating Xfer - IN to Grant Fund	\$47,630	\$122,630	\$75,000
42-92-00-7392	Project Expenditures (Letnikof)	\$ 1,239,062	\$1,314,062	(\$75,000)
Total additional appropriation for Letnikof Cove Harbor Improvements				(\$75,000)

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



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 14-415

Assembly Meeting Date: 2/11/14

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 5. Letter for Assistant Assessor
Originator: Borough Attorney	
Originating Department: Administration	
Date Submitted: 1/23/14	

Full Title/Motion:

Motion: Advance Ordinance 14-01-366 to a second public hearing on 2/25/14.

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
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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. Corrected documents have been provided and are included in this packet.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 2/11/14
Meeting Date(s): 1/28/14 & 2/11/14	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: 02/11/14
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 from 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 1209
Haines, AK 99827

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)

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 1209, Haines, AK 99827 (“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

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



Haines Borough Lands Department

Market Study for Lots 6 & 7 Primary School Subdivision

Prepared For: Darsie Culbeck
Executive Assistant to Manager

Prepared By: Dean Olsen
Assistant Assessor
Haines Borough Land Department

Date: 1/8/2014

Introduction

The subject property is owned by the Haines Borough and includes vacant Lots 6 & 7 of the Primary School Subdivision as shown on Plat 2008-21 recorded with the Haines Recording Office. This property was formerly the location of a K-3 Primary School in the Haines Borough School District. Located on Main Street in Haines, Alaska, it is zoned for commercial use and the adjacent lot to the West is owned by Alascom Inc. A sixty foot easement separates these neighboring properties. Across Main Street to the North are several other commercial businesses that include one of the local grocery stores & sporting goods stores, a hair salon, and a clothing material & sewing supplies store. Lots to the East and South are vacant land also owned by the Haines Borough. The Haines Borough School District's K-12 school and outdoor track are located within 100 yards to the southwest & southeast of the subject. The subject property being formerly developed has water, sewer and electrical readily available, and minimal site prep will be required for any future construction. The primary school was originally constructed as a temporary structure that was in service long past its expected useful life. As a result it was decided to demolish the structure, and during clean-up of the building site contaminated soil was discovered. Darsie Culbeck, Executive Assistant to the Manager has reported that DEC was made aware of the contamination and appropriate clean-up measures were followed. Monitoring wells for possible future contamination are in place, and Mr. Culbeck expects to receive a "No Further Action Letter" from the State of Alaska for the subject property by mid-January.

Highest & Best Use

The subject property is located in an area zoned for commercial use by the Haines Borough. Although there are some single family residential, (SFR), properties within one or two blocks of the subject; these existing SFR properties have dated structures, and there are no indications from the market that the neighborhood has any demand for additional homes of this type. The potential buyer's intended use of this property is for construction of a hotel. The buyer has indicated that the increase availability of rooms will be a long term gain to the community that has lost approximately 44 rooms within the last few years as a result of one demolition, and a change of use of two former motels. The potential buyer has identified an appropriate use of the subject property as indicated by the loss of hotel rooms. The close proximity to the business community would be especially complimentary to construction of a new hotel. The highest and best use of the subject property is for commercial use as it is currently zoned, and the particular use identified by the buyer.

Vacant Land on the Market

Three *potential* comparable properties zoned for commercial use are currently *listed* for sale. One of the three is located on Main Street, but at only 7,000 square feet it is less than one eighth the size of the subject. The other two properties located on Dalton Street are approximately two blocks away from Main Street at an inferior location to the subject. They are also significantly smaller than the subject property at 16,394 SF and 8,769 square feet each. Although *list* price *does not* determine market value, (as only verified sale can); listings do suggest the sellers' ideas of market potential. The average per square foot value of *listed* commercial property located within close proximity of the subject is \$8.53/SF. (See chart below for details).

Owner	Prop ID #	Assessed Land Value	Assessed value /SFs	List Price	Assessed Building Value	Residual List Price	List price /SF	Size (SF)	Location
Smith	C-TNS-05-0300	\$28,000	\$4.00	\$47,500	\$0	\$47,500	\$6.79	7000	Main St
Studley	C-TNS-10-0100	\$16,900	\$1.03	\$95,000	\$0	\$95,000	\$5.79	16394	Dalton
BOYCE	C-TNS-09-0200	\$27,900	\$3.18	\$135,000	\$20,900	\$114,100	\$13.01	8769	Dalton
							Ave/SF \$8.53		

Two of the listed properties have been on the market for over one year, and the assessed building value of Boyce property is missing improvements in place since the last assessment cycle.

Hypothetical Assumption *(Contaminated soil)*

Both the seller and the buyer are aware of the stigma attached to the subject property as a result of the discovery of contaminated soil during post-demolition site clean-up as disclosed in the introduction. The buyer has requested for the Haines Borough to assume responsibility for any reoccurrences of soil contamination that may arise as a result of constructing the new proposed hotel. When the seller accepts responsibility of any future contaminated soil discovered on site, the hypothetical assumption is that the subject property is free of the contaminated soil stigma and as a result the subject property maintains 100% of fair market value as determined by market analysis.

Sales Comparison Approach to Value

Of the three approaches to value considered, the sales comparison approach was selected as the most appropriate method to use for valuation of the subject property. Without information for appropriate capitalization procedures such as net business income, or detailed information on the building components of the hotel to be constructed, the income approach and cost approach to value are not valid options. Sales of several commercial properties zoned for commercial use, or where commercial use is allowed, (significant structure), reveal a 5% increase in per square foot value over the past two years. Supply and demand for commercial property does not appear to be out of balance.

Sales Comparison Approach to Value (Cont.)

The following sales of commercial property were used for this market study.

*Note: It is important to recognize that 4 of 6 sales used in this study are inferior in size to the subject and 5 have inferior locations. However, without appropriate "paired sales" information any attempts at making adjustments to the different characteristics of the comparable sales used in this market study are unsupported opinions in the valuation process, therefore **no adjustments were made**. Demolition costs of an existing structure on comparable 6 were provided by buyer and added to the sales price.*

	Owner	SaleDate	Prop ID #	Building/imprv. value	Location	Size (SF)	Sale Price/Residual Sale Price	Price /SF
Subject	Haines Borough	n/a	none		0 Main St.	52,656		
Comp. 1	Rietze	11/20/2012	C-735-03-0600		0 .75 mile HNS Hwy	73,555	\$69,500	\$0.94
Comp. 2	State	12/24/2012	C-207-TL-0500		0 755 Union	121,615	\$400,000	\$3.29
Comp. 3	Sage/Wattermar	10/15/2013	C-TNS-09-0500		0 4th & Dalton	16,394	\$80,000	\$4.88
Comp. 4	Ness	8/11/2011	C-TNS-10-0700	34800	417 Union	39,768	\$150,200	\$3.78
Comp. 5	Copeland	6/7/2012	C-PTC-0D-03A0	\$13,800	Blacksmith St.	6,826	\$36,200	\$5.30
Comp. 6	H.A.L.	4/20/2012	C-TNS-08-0200	Demolishment + \$100k	216 Dalton	34,507	\$525,000	\$15.21
							Ave	\$5.57
							Med	\$4.33

Comparable 1 and 6 were on the market for more than two years. Comparable 2 was not advertised for sale; the buyer approached the seller and a sale price was negotiated. Market time for comparable 3, 4, & 5 was not available.

Comparable 5 was purchased by a local entrepreneur who has established a distillery business. Although the location can be considered inferior to the subject for construction of a hotel due to the smaller lot size with no surrounding vacant parcels available for assemblage; its location close to restaurants, the cruise ship dock, and very few single-family homes was a positive selling point for a new business. Haines Brewery is the only other beverage company locally; so the buyer of comp. 5 found a niche in the market by producing a slightly different product, similar to construction of a "new" hotel in a town that has not experienced one in decades. Comparable 5 was purchased with an existing structure originally built as a bakery in the early 1900's. The buyer did not demolish the structure, but instead remodeled it. Assessed value of the structure was classified as a material salvage value of \$4,700. The residual land value for comp 5 was established by using an estimated per square foot construction cost of a garage derived from a survey of local builders, and that value was depreciated by 90%.

Comparable 6, having been the former location of an established motel for many years is perhaps the most appropriate comparable sale with its similar lot size and central location to surrounding businesses. Like comparable 5, this property was purchased with an existing structure, the former Thunderbird Motel. However, the buyer of comp 6 never intended to use the existing structure and the old motel was demolished in 2012. A *conservative* demolition cost estimated at \$100,000 was reported by the purchaser, and the expense was included in the sale price for this market study. (*Exact figures for demolition costs were not available, as salvaged building materials were used to off-set the expense.*)

Reconciliation

The sales used for this market study are the most recent and appropriate sales available to determine fair market value of the subject property. Not enough information was available to apply either the Cost Approach, or the Income Approach to value, and as explained earlier in this report, the Sales Comparison Approach is the most reliable method of valuation for this assignment.

Use of the sales from this market analysis was used to determine a per square foot value to calculate fair market value of the subject property. From the six sales an average per square foot value of \$5.57, and median per square foot value of \$4.33 were calculated. Because the median is the preferred measure of central tendency in many valuation applications, it was used to determine this opinion of value. *(A possible disadvantage of the median is that it gives no added weight to legitimate outliers, but after close examination of this market study it was determined that the median per square foot value of comparable sales best represents fair market value for the subject.)*

It is my opinion that AS-IS value for Lots 6, & 7, Primary School Subdivision, as shown on Plat 2008-21 recorded with the Haines Recording Office is \$228,000.

\$228,000

*******TWO HUNDRED TWENTY-EIGHT THOUSAND DOLLARS*******

Dean Olsen
Assistant Assessor,
Haines Borough Land Department
Certified Level II Appraiser
Certificate No. 243

INTERIM MANAGER'S REPORT

DATE: February 11, 2014
 TO: Mayor and Borough Assembly
 FROM: Julie Cozzi, Interim Borough Manager

Administration

- **Chilkat Center Lease and Management Agreement**: On Monday, February 3, I had the pleasure of meeting with Kay Clements and Judy Erekson to begin work on a new lease and new management agreement for the Chilkat Center. Those documents will come to the assembly in the near future.
- **New Borough Manager**: I am awaiting the final signed contract from Dave Sosa. His first day on the job is scheduled for April 8. In the mean time, as soon as we have the signed contract in hand, he will be listening in on management team meetings, auditing assembly meetings via recordings and packets, being copied on some emails, etc.

Finance/Insurance

- **PILT**: Senator Begich's office reported the *Farm Bill* passed the Senate on Tuesday, February 4 with the Payment in Lieu of Taxes (PILT) money intact. The PILT payments will be based on the formula currently in law that provided approximately \$26.5 million for Alaska communities in 2013 and a total of \$401 million nationwide. The bill is on the way to the President and he's indicated he will sign it. Congressman Don Young joined Senator Begich in supporting the bill. By the way, this is an issue on which the Alaska Municipal League provides strong lobbying efforts, and this is one of the benefits of being a member of AML (our dues help fund those efforts).
- **CIA MOU**: I was asked to have the borough attorney review portions of the proposed CIA Memorandum of Understanding regarding road work. This item was removed from the 1/14 agenda at the administration's request. It will hopefully be ready for the February 25th agenda.
- **Commercial Passenger Vessel Excise Tax**: The Commercial Passenger Vessel Excise Tax Report has been released, and it covers community needs, priorities, shared revenue, and expenditures. I have attached a portion of it to this report as *Appendix A*. You can go to <http://commerce.alaska.gov/dnn/ded/DEV/TourismDevelopment/TourismResearch.aspx> to get the full report that includes the other community profiles. The next report will be released in three years.
- **Affordable Care Act**: We have been informed that a health insurance "navigator" named Crystal Bourland will be visiting Haines from February 10-12 to do three days of Affordable Care Act (ACA) education and enrollment. She'll be accompanied by Andrea Thomas of SEARHC. If you have any questions about health insurance or know someone who is uninsured and wants to sign up on the new insurance exchanges, this is a good opportunity. The attached flyer has more information (*Appendix B*).
- **Borough Health Insurance**: We are currently comparison shopping for health insurance for FY15 to see if it is possible to improve the rates.

Tourism

- **Tourism Director**: Tanya Carlson has given formal notice of resignation effective April 9 (attached as *Appendix C*). She has accepted a position with ATIA and will be relocating to Anchorage. Tanya has been with the borough for three years. I appreciate the lengthy notice she has given, and she will be able to assist with that department's FY15 budget draft, the hiring of her replacement, and some training. We wish her well; she will be missed. Thank you, Tanya.

Lands-Assessment-Planning & Zoning

- **New State Assessor**: We have been informed a new State Assessor has been hired to replace retiring Steve Van Sant. Ron Brown, current Assessor for the Ketchikan Gateway Borough and former Assistant State Assessor, will begin his new duties April 16, 2014.
- **Digital Addressing System**: As reported in my 11/12/13 report, Alaska Power and Telephone informed us federal regulations require them to have physical addresses listed on each customer account. Additionally, this is something the borough has needed to take care of for some time now. Obviously, complete and accurate house numbering will help to ensure quick response in emergency situations, especially important with our new E-911 system. Physical addresses are needed for new buildings, and there are many old buildings that do not have a number. I have entered into an agreement with Alaska Map Company to do this project. Project manager Gary Greenberg worked closely with Barb Sheinberg and the borough during the Comprehensive Plan map development. Mr. Greenberg will utilize Environmental Systems research Institute (ESRI) based Geographic Information System (GIS) technologies to develop a much-needed comprehensive GIS addressing System using the National Emergency Numbering Association Standards (NENA) and our borough address code requirements. More information is attached as *Appendix D*. The digital components of this system will be comprised of the following:
 1. Master Street Address Guide (MSAG) – streets divided by block range.
 2. Address Accesses – access from the street.
 3. Address Locations – the building entrance.
 4. Building footprints – optional outline of the building.
- **ArcGIS Online Project** – I have entered into a contract with Panda Consulting. The current online property information website is in need of replacement. The programs it runs on are no longer supported and it only works with older versions of Internet Explorer (it does not work with other browsers or any Apple products). This website is used by individuals, banks, title companies, staff, etc. Replacement of the system was estimated to be at least \$30,000 four years ago. ESRI recently launched ArcGIS Online, which provides organizations a way to create websites to display GIS information using built-in maps and templates and no longer requires us to create our own system. Pricing is based on usage - we will not know our exact usage until we migrate our data, but estimates from ESRI and a consultant are that there will be little or no additional fees to ESRI (we are allotted a certain number of credits for our current software licenses and these credits may be sufficient to cover our usage). This contract with Panda Consulting creates a basic property information viewer with location, tax information, and ownership. ArcGIS Online allows for scaled solutions that can be expanded in the future to add additional information such as fire districts, zoning information, etc. Under this contract, Panda will perform the initial process to export our data into the proper format, set up a new property information viewer, calculate usage to determine ongoing fees, and outline the export process so that updates can be performed by borough staff in the future. Panda Consulting was recommended by ESRI based on their work with other Alaska municipalities. Their \$1,000 price was less than the other estimate we received to perform the same work.
- **Construction Declaration Form**: An ordinance was adopted on January 28 changing the deadline for filing a construction declaration form. It becomes effective May 1st. The assembly asked staff to conduct a publicity campaign to inform the public about the change. Our campaign plan includes posting public notices around town, writing a public service announcement for the radio station, running ads in the newspaper, getting forms and information to the lumber and hardware stores, and sending information and forms to licensed local contractors and handymen. We will also look into incorporating into the ArcGIS Online system a way for the public to look up the zone they are in and hopefully the associated requirements.

Police Department

- **Police Chief Recruitment**: The negotiations with Police Chief candidate Rick Crays were unfortunately unsuccessful. Following a special meeting on February 5, the assembly authorized me to proceed with hiring a police chief. I may have a recommendation for the February 11 meeting.
- **Patrol Officer Recruitment**: Six applications were received by the January 17 first review date, and no additional applications have been received to-date. Interviews were conducted on February 6, and references are being checked prior to a hire recommendation coming to the manager.
- **Interim Police Chief Report**: Interim Chief Simon Ford has provided a monthly Police Department report, and it is attached as *Appendix E*.

Public Facilities

- **Director of Public Facilities Report**: Carlos Jimenez has provided a project update, and it is attached as *Appendix F*.
- **Human Resource Building**: The assembly has expressed interest in disposing of this building, and the planning commission recommends the same thing. We are working on gathering data to bring to the assembly in the near future. Specifically, we will have estimated costs for maintaining status quo including regular maintenance costs, needed major maintenance, costs to abate possible asbestos, value of land and building, etc. This information will be presented as part of a list of options for the assembly's consideration.

Appendix A

Commercial Passenger Vessel Excise Tax: Community Needs, Priorities, Shared Revenue, and Expenditures

Fiscal Years 2007 – 2014

Sean Parnell
Governor
State of Alaska

Susan Bell
Commissioner
Department of Commerce, Community, and Economic Development

Joseph Jacobson
Director
Division of Economic Development

January 2014

REVISED



ABSTRACT

Alaska Statute 43.52.260 requires the Alaska Department of Commerce, Community, and Economic Development (DCCED) to prepare a triennial Commercial Passenger Vessel Excise Tax (CPV) report that “describes the projected needs of communities to safely and efficiently host passengers who pay the tax and summarizes the extent to which appropriations of tax proceeds have been used to defray hosting costs.”

This report includes trends in Alaska cruise passenger volume, an overview of CPV shared revenue, CPV-related legislative grants to communities, and community profiles. The profiles describe (1) how a community identifies infrastructure and services required to host cruise vessels and their passengers, (2) CPV expenditures since the implementation of the excise tax, and (3) priorities for spending shared CPV revenue in the future.

Multiple state and local government agencies are involved with CPV tax administration, revenue distribution, and reporting – each generating information in a variety of formats and timeframes (i.e., fiscal year or calendar year). Additionally, community expenditures oftentimes span multiple fiscal years. To simplify the reporting process, DCCED reports total cruise passengers by calendar year (2007-2013), CPV shared revenue distribution by fiscal year (FY2007-FY2014), municipal expenditures by project, total value, and approximate time frame (through FY2012), and legislative appropriations by the fiscal year for which the money is appropriated (FY2009-FY2012). While the final summary information is aligned across state agencies, caution is warranted in comparing information strictly by timeframe.

The State of Alaska, Department of Commerce, Community, and Economic Development complies with Title II of the Americans with Disabilities Act of 1990. This publication is available in alternative communication formats upon request. Please contact (907) 269-4560 or lorence.williams@alaska.gov to make any necessary arrangements.

Telephonic Device for the Deaf (TDD): (907) 465-5437



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INTRODUCTION

Alaska Statute 43.52.260 requires the Alaska Department of Commerce, Community, and Economic Development (DCCED) to prepare a triennial Commercial Passenger Vessel Excise Tax (CPV) report that describes the “projected needs of communities to safely and efficiently host passengers and summarizes the extent to which appropriations of tax proceeds have been used to defray hosting costs”.

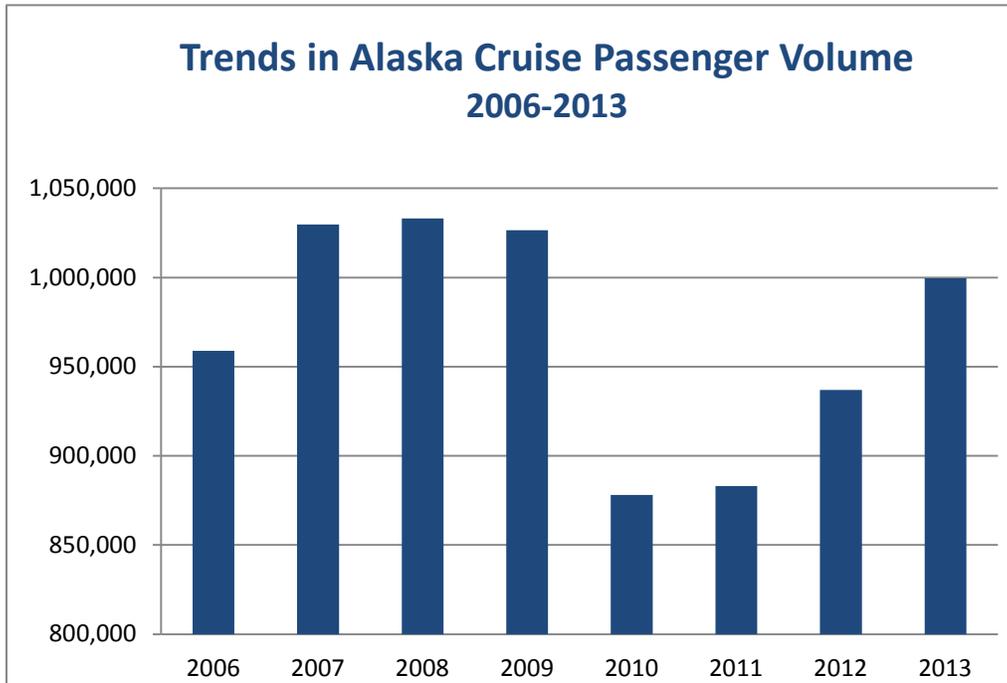
To prepare the CPV report, the Division of Economic Development completed key-informant interviews with one or more leaders of 17 city and/or borough governments. Managers, finance directors, harbor masters, grant managers, economic development directors, and planners contributed information on (1) how a community identifies infrastructure and services needed to host cruise ships and their passengers, (2) how the community has spent CPV revenues, and (3) the community’s priorities for spending CPV revenue in the future. The results of the interviews are located in the *Community Profiles* section. In addition to the community profiles, this report includes trends in Alaska cruise passenger volume, an overview of CPV shared revenue, and a summary of CPV-related legislative grants.

Multiple state and local government agencies are involved with CPV tax administration, revenue distribution, and reporting – each generating information in a variety of formats and timeframes (i.e., fiscal year or calendar year). Additionally, analysis of municipal expenditures and projects is complex as community expenditures oftentimes span multiple fiscal years. To simplify the reporting process, DCCED reports total cruise passengers by calendar year (2007-2013), CPV shared revenue distribution by fiscal year (FY2007-FY2014), municipal expenditures by project, total value, and approximate time frame (through FY2012), and legislative appropriations by the fiscal year for which the money is appropriated (FY2009-FY2012).

ALASKA CRUISE VISITORS

The cruise market is an important part of Alaska’s visitor industry – representing more than half of Alaska’s summer visitors. Between May and September 2013, 1,693,800 out-of-state visitors came to Alaska: 59 percent were cruise visitors, 37 percent entered and exited by air, and four percent were highway/ferry visitors (entered or exited the state by highway or ferry).

In recent years, cruise passenger volume reached an all-time high of 1,033,100 cruise visitors during 2008; however two years of recession-related decline followed during 2009 and 2010 (-1% and -14% respectively). Passenger volume stabilized during 2011 (+1%), yielded an encouraging six percent increase during 2012, and continued recovery to 999,600 cruise visitors during 2013. The 2013 cruise season marked the third consecutive annual increase in passenger volume since 2010. Cruise passenger volume was 14 percent above the 2010 low point of 878,000 and only three percent below peak cruise visitation during 2008.



Source: Alaska Visitor Statistics Program VI: Summer 2013, McDowell Group Inc.

Cruise ships carrying passengers that pay the CPV tax visit approximately fourteen Alaska ports. These include seven Southeast, five Southcentral, and two Western Alaska communities. Juneau receives the largest number of passengers, followed by Ketchikan and Skagway.

Community Cruise Passenger Volume 2006 – 2013								
Community	2006	2007	2008	2009	2010	2011	2012	2013
Anchorage	369	0	0	256	12,828	14,939	10,030	499
Haines	32,896	27,659	50,121	43,550	32,259	27,176	31,007	32,378
Juneau	951,431	1,017,341	1,032,274	1,019,507	879,310	875,947	927,941	978,559
Ketchikan	838,880	901,595	941,910	936,220	828,929	844,412	894,320	948,685
Kodiak	5,263	4,709	11,903	10,235	19,372	14,715	11,551	3,231
Homer	369	0	1,163	1,674	12,828	14,990	8,833	254
Hoonah	140,670	161,920	126,381	134,575	122,974	127,866	120,786	124,320
Seward	134,579	156,014	165,959	163,056	136,129	132,779	136,892	125,183
Sitka	267,026	233,936	289,753	224,335	144,383	129,380	110,714	99,920
Skagway	767,404	820,829	781,676	785,034	697,060	708,981	755,681	821,874
Unalaska	2,948	2,534	709	3,398	956	707	1,371	1,285
Valdez	369	0	5,553	6,367	469	332	0	245
Whittier	228,971	225,071	220,117	212,598	126,866	130,312	170,758	202,336
Wrangell	5,766	5,192	4,002	3,842	3,869	4,719	678	6,417

Source: Cruise Line Agencies of Alaska (2011-2013 data do not include Alaskan Dream Cruises and Un-Cruise Adventures).

SHARED REVENUE OVERVIEW

The State of Alaska collected CPV taxes for the first time during calendar year 2007. Initially, the first five ports of call were eligible to receive \$5 for each passenger who paid the CPV tax. The Alaska Department of Revenue (DOR) distributed a portion of the 2007 taxes during FY2007 and the remainder during FY2008. DOR distributed 2008 taxes to the communities during January 2009 (FY2009), and so forth.

During the second session of the 26th Legislature, Alaska lawmakers approved changes to the way CPV taxes would be distributed, and these changes are documented in § 13*ch* 101 *SLA* 2010. The changes permitted revenue sharing with the first seven port communities. When eligible ports of call are cities located in a borough, the city and the borough each receive \$2.50 of each \$5 passenger fee.

Since FY2007, 17 city or borough governments have shared in CPV revenue totaling \$83,352,651. Three borough governments Kenai Peninsula Borough, Ketchikan Gateway Borough, and Kodiak Island Borough share the \$5 per passenger allocation with the port communities (Homer, Ketchikan, Kodiak, and Seward) that host the cruise passengers.

CPV Revenue Shared with City or Borough Governments FY2007 - FY2014									
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Total
Anchorage Municipality	\$0	\$0	\$0	\$865	\$63,575	\$66,190	\$48,570	\$2,975	\$182,175
Haines Borough	\$6,290	\$107,930	\$215,410	\$204,635	\$154,270	\$146,680	\$154,080	\$140,635	\$1,129,930
Homer (City)	\$0	\$0	\$2,898	\$3,725	\$31,788	\$32,688	\$21,710	\$855	\$93,664
Hoonah (City)	\$14,015	\$536,010	\$359,155	\$640,015	\$1,130,220	\$636,345	\$610,105	\$626,225	\$4,552,090
Juneau, City and Borough*	\$0	\$0	\$0	\$0	\$0	\$4,096,730	\$4,151,020	\$4,547,635	\$12,795,385
Kenai Peninsula Borough	\$16,223	\$367,430	\$348,645	\$391,138	\$406,080	\$357,553	\$364,975	\$307,578	\$2,559,622
Ketchikan (City)*	\$0	\$0	\$0	\$0	\$0	\$1,947,248	\$1,977,770	\$2,214,745	\$6,139,763
Ketchikan Gateway Borough	\$203,810	\$2,040,775	\$2,326,147	\$2,313,793	\$2,088,312	\$1,947,248	\$1,977,770	\$2,214,745	\$15,112,602
Kodiak (City)	\$0	\$5,102	\$24,778	\$25,487	\$15,762	\$32,622	\$23,473	\$4,600	\$131,824
Kodiak Island Borough	\$0	\$5,103	\$24,778	\$25,487	\$15,763	\$32,622	\$23,472	\$4,600	\$131,825
Seward (City)	\$16,222	\$367,430	\$345,747	\$387,413	\$374,293	\$324,865	\$343,265	\$306,723	\$2,465,958
Sitka, City and Borough	\$103,325	\$1,025,670	\$1,359,030	\$1,078,480	\$706,505	\$414,130	\$135,355	\$302,985	\$5,125,480
Skagway Municipality	\$339,855	\$3,717,410	\$3,862,970	\$3,904,825	\$3,455,540	\$3,470,720	\$3,728,105	\$4,011,285	\$26,490,710
Unalaska (City)	\$0	\$0	\$0	\$7,620	\$3,000	\$1,310	\$4,120	\$4,165	\$20,215
Valdez (City)	\$0	\$0	\$28,355	\$31,730	\$2,335	\$1,650	\$0	\$1,265	\$65,335
Whittier (City)	\$44,840	\$1,059,970	\$1,001,985	\$1,045,550	\$695,790	\$637,265	\$828,865	\$950,635	\$6,264,900
Wrangell, City and Borough	\$0	\$0	\$9,975	\$26,180	\$2,510	\$19,350	\$1,730	\$31,430	\$91,175
Total	\$744,580	\$9,232,830	\$9,909,873	\$10,085,943	\$9,145,743	\$14,165,216	\$14,394,385	\$15,673,081	\$83,352,651

Source: Alaska Department of Revenue, *Shared Taxes and Fees FY 2013 Annual Report and Commercial Passenger Vessel Excise Tax Legislative Review Report required under § 13 ch 101 SLA 2010. 2014.*

Prior to the changes made to the CPV tax statutes by § 13cb 101 SLA 2010, communities that levied their own passenger fee could either repeal their fee and share in the proceeds of the CPV tax, or they could retain their fee and opt out of revenue sharing from the state. Beginning October 31, 2010, the new state law allowed communities that levy their own passenger fee to retain their fee and receive revenue sharing from the CPV tax provided that the fee was enacted before December 17, 2007. The City and Borough of Juneau and the City of Ketchikan had local passenger fees prior to that date and received their first shared revenue payments during FY2012.

Between FY2007 and FY2014, three recipient governments account for nearly two-thirds (65%) of all shared CPV revenue. The DOR distributed \$26.5 million (32%) to the Municipality of Skagway, \$15 million (18%) to the Ketchikan Gateway Borough, and \$12.8 million (15%) to the City and Borough of Juneau. The remaining shared revenue distributions, totaling nearly \$30,000 (35%), range from a high of more than \$6 million each to Whittier and Ketchikan to a low of slightly more than \$20,000 to the City of Unalaska.

CPV Revenue Shared with City or Borough Governments		
By Percent of Total		
FY2007 - FY2014		
	Total	Percent of Total
Skagway Municipality	\$26,490,710	31.80%
Ketchikan Gateway Borough	\$15,112,600	18.10%
Juneau, City and Borough*	\$12,795,385	15.40%
Whittier (City)	\$6,264,900	7.50%
Ketchikan (City)*	\$6,139,763	7.40%
Sitka, City and Borough	\$5,125,480	6.10%
Hoonah (City)	\$4,552,090	5.50%
Kenai Peninsula Borough	\$2,559,622	3.10%
Seward (City)	\$2,465,958	3.00%
Haines Borough	\$1,129,930	1.40%
Anchorage Municipality	\$182,175	0.20%
Kodiak (City)	\$131,824	0.20%
Kodiak Island Borough	\$131,825	0.20%
Homer (City)	\$92,664	0.10%
Valdez (City)	\$65,335	0.10%
Wrangell, City and Borough	\$91,175	0.10%
Unalaska (City)	\$20,215	0.00%
Total	\$83,351,651	100.0%

Source: Alaska Department of Revenue, *Shared Taxes and Fees FY 2013 Annual Report and Legislative Review Report, 2014*.

CPV-RELATED LEGISLATIVE GRANTS

In addition to shared CPV revenue, the legislature appropriated \$106,944,700 from the Commercial Vessel Passenger Tax Account for grants to the cities and boroughs identified in this report. The following table provides the grant information by fiscal year the grants were distributed (FY2009 – FY2012).

CPV-Related Legislative Grants to Communities FY2009 – FY2012				
Fiscal Year	Appropriation Source	Recipient	Project	Appropriation
2009	§ CH 29 SLA 2008	Haines Borough	Port Chilkoot Cruise Ship Dock Repairs and Debt Retirement	\$1,543,700
2009	§ CH 29 SLA 2008	Hoonah, City	Cruise Ship Mooring Buoy System	\$500,000
2009	§ CH 29 SLA 2008	Juneau, City and Borough	Airport Cruise Passenger Baggage and Facility Safety Improvements	\$1,300,000
2009	§ CH 29 SLA 2008	Juneau, City and Borough	Commercial Passenger Vessel Dock Retaining Wall Repair and Replacement	\$1,500,000
2009	§ CH 29 SLA 2008	Ketchikan, City	Port of Ketchikan Berths I and II Replacement Project	\$3,000,000
2009	§ CH 29 SLA 2008	Kodiak, City	Cruise Ship/Pier II Master Plan	\$250,000
2009	§ CH 29 SLA 2008	Skagway Municipality	Seawalk Intermodal Cruise Ship Access Project	\$2,000,000
2009	§ CH 29 SLA 2008	Valdez, City	Cruise Ship Dock Renovation and Uplands Repair	\$1,675,000
Total FY2009				\$11,768,700
2010	§ CH 15 SLA 2009	Anchorage	Port of Anchorage Expansion	\$10,000,000
2010	§ CH 15 SLA 2009	Anchorage	Egan Center Cruise Passenger Staging and Upgrades	\$1,000,000
2010	§ CH 15 SLA 2009	Haines Borough	Port Chilkoot Waterfront Improvements	\$1,900,000
2010	§ CH 15 SLA 2009	Hoonah, City	Cruise Ship Mooring Buoy System	\$1,000,000
2010	§ CH 15 SLA 2009	Juneau, City and Borough	Cruise Ship Dock Improvements	\$2,500,000
2010	§ CH 15 SLA 2009	Juneau, City and Borough	Auke Bay Seawalk Construction	\$800,000
2010	§ CH 15 SLA 2009	Ketchikan, City	Port of Ketchikan Berth I and II Replacement	\$3,000,000
2010	§ CH 15 SLA 2009	Ketchikan, City	Reconstruction of Downtown Bridges and Trestles	\$5,000,000
2010	§ CH 15 SLA 2009	Kodiak, City	Pedestrian Improvements Between Cruise Ship Dock (Pier II) and Downtown Kodiak	\$700,000
2010	§ CH 15 SLA 2009	Seward, City	Bus Transportation Assistance for Cruise Ship Passengers	\$167,000
2010	§ CH 15 SLA 2009	Seward, City	Dredging Cruise Ship Berthing Basins and Approaches	\$4,500,000
2010	§ CH 15 SLA 2009	Sitka, City and Borough	Commercial Passenger Vessel Lightering Facility Improvements	\$2,000,000
2010	§ CH 15 SLA 2009	Skagway Municipality	Municipal Wastewater Treatment Facility Improvements Due to Seasonal Cruise Impacts	\$2,500,000
2010	§ CH 15 SLA 2009	Valdez, City	City Dock Information and Interpretative Center	\$800,000
2010	§ CH 15 SLA 2009	Valdez, City	Dock Improvements	\$3,325,000
2010	§ CH 15 SLA 2009	Whittier, City and Borough	Railroad Station Improvements	\$325,000
2010	§ CH 15 SLA 2009	Wrangell, City and Borough	Construction Activities to Complete the Marine Passenger Vessel Center	\$2,500,000
2010	§ CH 15 SLA 2009	Wrangell, City and Borough	Stikine Avenue Sidewalk Extension	\$390,000
Total FY2010				\$42,407,000

**CPV-Related Legislative Grants to Communities
FY2009 – FY2012**

Fiscal Year	Appropriation Source	Recipient	Project	Appropriation
2011	§ CH 43 SLA 2010	Haines Borough	Port Chilkoot Cruise Ship Dock Upgrade	\$2,910,000
2011	§ CH 43 SLA 2010	Hoonah, City	Harbor Improvements	\$1,000,000
2011	§ CH 43 SLA 2010	Juneau, City and Borough	Cruise Ship Dock Improvements	\$9,000,000
2011	§ CH 43 SLA 2010	Ketchikan, City	Cruise Ship Berth IV Traffic Signal	\$1,300,000
2011	§ CH 43 SLA 2010	Ketchikan, City	Replace Cruise Ship Berths I and II	\$10,000,000
2011	§ CH 43 SLA 2010	Seward, City	Commercial Passenger Vessel Harbor Security - Coast Guard Building Relocation	\$300,000
2011	§ CH 43 SLA 2010	Seward, City	Security and Fire Protection for Commercial Passenger Vessels	\$2,000,000
2011	§ CH 43 SLA 2010	Sitka, City and Borough	Commercial Passenger Vessel Facilities and Visitor Improvements	\$4,500,000
2011	§ CH 43 SLA 2010	Sitka, City and Borough	Crescent Harbor Sidewalk Widening	\$1,000,000
2011	§ CH 43 SLA 2010	Skagway Municipality	Commercial Passenger Vessel Lightering and Harbor Improvements	\$4,000,000
2011	§ CH 43 SLA 2010	Skagway Municipality	Municipal Wastewater Treatment Facility Improvements Due to Seasonal Cruise Impacts	\$800,000
2011	§ CH 43 SLA 2010	Wrangell, City and Borough	Commercial Passenger Vessel Facility	\$3,250,000
2011	§ CH 43 SLA 2010	Wrangell, City and Borough	Waterfront Master Plan	\$75,000
Total FY2011				\$40,135,000
2012	§ CH 5 FSSLA 2011	Anchorage	Alaska Aviation Museum Energy and Safety Improvements	\$495,000
2012	§ CH 5 FSSLA 2011	Homer, City	Cruise Ship Dock and Passenger Facility Improvements	\$6,000,000
2012	§ CH 5 FSSLA 2011	Hoonah, City	Berthing Facility	\$1,000,000
2012	§ CH 5 FSSLA 2011	Kodiak, City	Pedestrian Pathway Planning and Design	\$384,000
2012	§ CH 5 FSSLA 2011	Kodiak, City	Pier and Downtown Pedestrian Improvements	\$1,600,000
2012	§ CH 5 FSSLA 2011	Seward, City	Cruise Ship Boardwalk Expansion	\$25,000
2012	§ CH 5 FSSLA 2011	Seward, City	Harbor Restrooms Improvements	\$130,000
2012	§ CH 5 FSSLA 2011	Sitka, City and Borough	Commercial Passenger Vessel and Visitors Facility Improvements	\$3,000,000
Total FY2012				\$12,634,000
Grand Total				\$106,944,700

COMMUNITY PROFILES—NEEDS, PRIORITIES, AND EXPENDITURES

The *Community Profiles* section includes a two-page summary for the city and/or borough governments that receive shared CPV revenue. To provide an understanding of the overall cruise ship traffic to a community, the summaries include port calls and all cruise passengers between 2007 and 2013, regardless of whether the passengers pay the tax. The totals do not include passenger counts for Alaskan Dream Cruises or Un-cruise Adventures, small vessel operators that began operations in 2011.

The profiles describe how communities identify cruise ship vessel and passenger needs. In most cases, these needs and objectives are well-documented in local comprehensive plans, annual budget reports, waterfront master plans, port and harbor development plans, and studies undertaken specifically to determine how to spend shared CPV-revenue. For example, the City and Borough of Sitka developed the *Sitka Passenger Fee Fund Implementation Plan* (2010), and the Municipality of Skagway commissioned a study on *Allocating Commercial Passenger Vessel Excise Tax Revenues* (2009). The Haines Borough also collected input on infrastructure needs in the *Haines Cruise and Fast Ferry Passenger Survey* (2011). Two other communities rely heavily upon studies that assessed the opinions of cruise ship companies to help them determine community needs. For example, Valdez commissioned a study of the cruise industry and how it viewed the community after cruise ship traffic declined during the early 2000's. The City and Borough of Wrangell hired a consultant to prepare an analysis of Wrangell as a cruise ship destination. Although CPV revenues to the City of Valdez and the City and Borough of Wrangell are relatively small, the priorities and expenditures in these communities are clearly based on recommendations in these studies. In each study, the recommendations are intended to help the community enhance the cruise visitor experience and strengthen its position as a cruise destination.

All communities have multiple processes in place to vet proposed projects for CPV funding and further clarify the community's needs and priorities for receiving cruise ships. The annual budget process with public comment is the most visible and prominent process in all communities. City and borough department heads are also very engaged in identifying projects and evaluating cost of services to the visitors since they are directly responsible for delivering the services. A number of communities work closely with the visitor industry, cruise industry, and business community. For example, the City and Borough of Sitka has established a Marine Passenger Fund Committee that includes the Port and Harbor Commission, the Sitka Convention and Visitors Bureau, the Tourism Commission, the Historic Preservation Commission, the cruise industry, and various city and borough department heads.

The *Community Profiles* also include a summary of shared CPV revenue, CPV-related legislative grants, and CPV expenditures. In communities where cruise ship passenger numbers and shared CPV revenue are relatively small, the revenue is used primarily to offset costs of providing services directly to the cruise ships vessels and the passengers. These services generally include port security, equipment and time for servicing vessels, and extra police, fire, emergency and medical personnel. In one community, a city official said that with the current levels of shared CPV revenue, it would take 4,600 years to pay for a capital project on the city's priority list. Therefore, communities with small allotments of shared CPV revenue were often able to undertake larger capital projects by securing CPV-related legislative grants.

In summary, the communities spent most shared CPV revenues on direct services to vessels and/or passengers and on multi-year port repair, enhancement, and development projects. In addition to services focused on the safe movement of passengers in and out of the port area, communities also used funding for restrooms, shuttle services, benches, and directional/interpretive signage.

HAINES BOROUGH

Home Rule Borough

2012 Population: 2,620

FY2007 – FY2014 CPV Shared Tax Revenue: \$1,129,930



PROFILE

Haines Borough is located on the shores of Lynn Canal between the Chilkoot and Chilkat Rivers, 80 air miles northwest of Juneau. The community’s proximity to Glacier Bay National Park, the Chilkat Bald Eagle Preserve, Kluane National Park, and Tatshenshini-Alsek Provincial Park is a draw for visitors. In the Alaska cruise market, the community’s ability to attract cruise ships is highly dependent upon the availability of Glacier Bay permits, overall growth of the cruise market, and docking capacity in Skagway.

Haines Cruise Ship Visitors 2007-2013		
Calendar Year	Ship Calls	Passengers
2007	77	27,659
2008	107	50,121
2009	72	43,550
2010	44	32,259
2011	21	27,176
2012	22	31,007
2013	21	32,378
2007-2013 Total	364	244,150

Source: Cruise Line Agencies of Alaska (CLAA).
 Note: CLAA estimates do not include Un-cruise Adventures or Alaskan Dream Cruises. The companies began operations in 2011.

Haines received 364 ship calls and exceeded 244,000 total cruise visitors between 2007 and 2013. Cruise visitation peaked at more than 50,000 visitors during 2008 when Princess Cruises and Holland America Line added Haines to their itineraries, but declined again when Majestic America Line and Cruise West ceased operations in 2008 and 2010, respectively. Princess Cruises replaced the Sea Princess with the larger Grand Princess for the 2013 cruise season. During 2014, Haines is scheduled to receive 19 port calls.

PROJECTED NEEDS OF COMMUNITY

The city manager, harbor master, tourism director, finance director, and public facilities director, recommend projects to the assembly to be funded by Commercial Passenger Vessel Excise Tax (CPV) revenue. The appropriation process requires a minimum of three public meetings and two public hearings. The assembly also conducts a series of budget work sessions, at least one of which is devoted to the Capital Improvement Program, which includes CPV projects.

The borough considers visitors’ input on infrastructure needs, as well. In a 2011 study of cruise and fast ferry visitors, cruise visitors said a continuous walkway along the waterfront was most important to them, followed by better directional signage.

Finally, the *Haines Borough 2025 Comprehensive Plan* addresses future priorities for cruise vessel infrastructure, which include major repairs at the Port Chilkoot Cruise Ship Dock. The comprehensive plan also acknowledges the continuous waterfront walkway as a priority project.

Priority Projects for CPV Revenue	
Project	Type
Wooden dock and gangway replacement on Port Chilkoot Cruise Ship Dock	Port facilities
Port facility improvements: double berth, moorage float, new viewing/queuing area, and benches on Port Chilkoot Cruise Ship Dock	Port facilities

Source: Haines Borough.

SHARED CPV REVENUE DISTRIBUTION

Between FY2007 and FY2014, the Haines Borough received \$1.3 million in shared CPV tax revenue. The highest distribution amount was \$215,410 received in FY2009.

Shared CPV Revenue Distribution		
Fiscal Year	Amount	Passengers*
2007	\$6,290	1,258
2008	\$107,930	21,586
2009	\$215,410	43,082
2010	\$204,635	40,927
2011	\$154,270	30,854
2012	\$146,680	29,336
2013	\$154,080	30,816
2014	\$140,635	28,127
Total	\$1,129,930	225,986

Sources: Alaska Department of Revenue, Tax Division. *Shared Taxes and Fees Annual Reports* (FY2007 to FY2012) and *Commercial Passenger Vessel Excise Tax Legislative Review Report* (2014).

*Only includes passengers that pay the CPV tax.

LEGISLATIVE GRANTS

In addition to receiving shared CPV revenue, the Haines Borough has received legislative grants for port-related projects from the Commercial Vessel Passenger Tax Account. These grants provided funding for repairs, improvements and upgrades at the Port Chilkoot Cruise Ship Dock (PCCS Dock).

CPV-Related Legislative Grants		
Fiscal Year	Total	Project
2009	\$1,543,700	Port Chilkoot Cruise Ship Dock repairs and debt retirement
2010	\$1,900,000	Port Chilkoot waterfront improvements
2011	\$2,910,000	Port Chilkoot Cruise Ship Dock upgrade
Total	\$6,353,700	

Source: Alaska Division of Community and Regional Affairs.

SHARED CPV REVENUE EXPENDITURES

The Haines Borough uses CPV shared revenue for projects that help the city safely and efficiently host cruise ship passengers. Expenditures to date have provided passenger services (security, restrooms, etc.) and addressed cruise passengers' priority of wanting better signage.

Shared CPV Revenue Expenditures		
Fiscal Year	Total	Projects
2008	\$1,950	Portable restroom facilities (PCCS Dock parking lot)

Shared CPV Revenue Expenditures		
Fiscal Year	Total	Projects
2009	\$93,670	Temporary restroom facilities, cruise ship shuttle, port security
2010	\$87,338	Cruise ship shuttle, people mover cart repairs, temporary restrooms (completed), port and tourism staff, janitorial services for PCCS Dock restroom, totem project
2011	\$90,719	Cruise ship shuttle, port and tourism staff, janitorial services for PCCS Dock restrooms, pedestrian improvements, interpretive and wayfinding signage, bear proof trash cans, park benches, flowers at dock
2012	\$96,421	Cruise ship shuttle, port and tourism staff, janitorial services and electric hand dryers for PCCS Dock restroom, interpretive and wayfinding signage, flowers at dock
	\$370,098	

Source: Haines Borough.

RELATED INFORMATION

- Haines Borough. 2012. *Haines Borough 2025 Comprehensive Plan*.
- McDowell Group, Inc. 2011. *Haines Cruise and Fast Ferry Passenger Survey*.

CONTACT

Julie Cozzi
 Interim Borough Manager/Borough Clerk
 907-766-2231, ext. 31
jcozzi@haines.ak.us



Photo: Lawrence Roffee.
 Cruise ship, Haines, Alaska.



Enrolling in Affordable Health Care

Are you uninsured, underinsured or just want to explore your options?

Get Information. Get Covered:

- The new federal requirement to have health insurance- what it means for you!
- Do you qualify for financial assistance to lower your monthly payments for insurance?
- Signing up through healthcare.gov or 1-800-318-2596
- Open enrollment period- October 1, 2013 - March 31, 2014
- What all Alaska Natives/American Indians need to know about filing exemptions & health insurance opportunities
- Sign up for Veteran's Benefit

Call and set up a time for FREE assistance on applying for health insurance, filing an exemption, or benefits at the SEARHC Clinic 766-6300

Brought to you by SEARHC, United Way & Veteran's Affairs

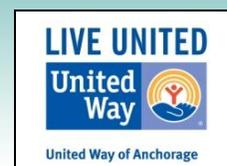
Stop by,
ask questions &
pick up information:

Monday, February 10th
Presentations: *Enrolling in Affordable Health Insurance*

Haines Library
12-1pm
&
Chilkoot Indian Assoc.
5:30-6:30pm

Feb. 11 & 12, 2014
Individual meetings with
trained staff at
SEARHC Haines Clinic &
Chilkoot Indian Assoc. Bldg
to enroll in health coverage
or VA Benefits

Set up a FREE appointment
for assistance at 766-6300
or 752-3336



Appendix C

Tanya Carlson

PO Box 1695

Haines, AK 99827

206-790-4865

alaskaoceangirl@earthlink.net

February 5, 2014

Dear Julie,

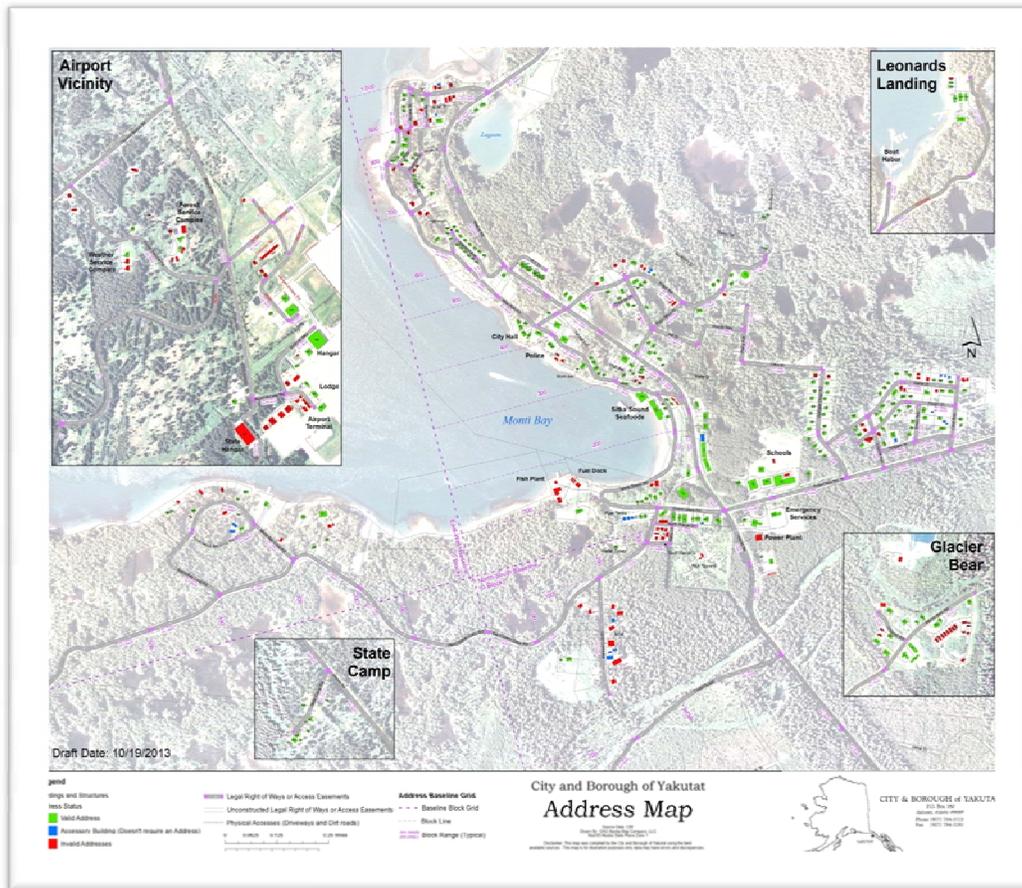
This is my formal notification that I am resigning from the Haines Borough as Director of Tourism. April 9 will be my last day of employment.

I have both appreciated and enjoyed the opportunities I have been given here and will miss Haines and everyone I've had the opportunity to work with. I do wish I would have had the chance to work with Mr. Sosa as I believe he will be a great Manager for the staff and borough. I wish you and everyone in the borough much success in the future. As discussed, I will be happy to do what I can now and in the future to assist with anything needed.

Sincerely,

Tanya Carlson

HAINES BOROUGH



Geospatial Addressing Project

Proposal to update GIS Addressing data

Introduction

Alaska Map Company, LLC (*Akmapco*) is a Kenai Peninsula, Alaska based Cartography and GIS consulting firm. We have been providing onsite and remote services throughout Alaska since 2001. Our specialty is custom, one on one, state of the art consulting to the remote and rural communities and organizations which make up the fabric of the unique Alaskan landscape. *Akmapco* is licensed with the State of Alaska Department of Occupational licensing under the SEC code 54 - Professional, Scientific and Technical Services, Business License number: 739218.



Objective

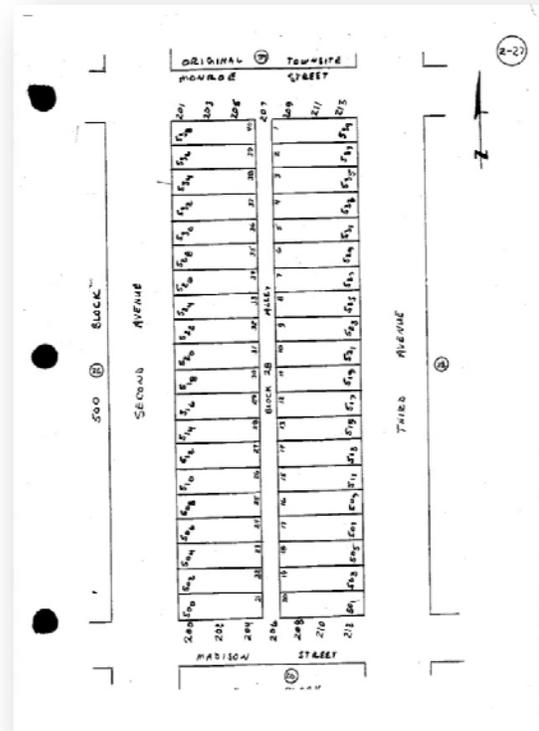
Alaska Map Company (AMC) LLC will utilize Environmental Systems research Institute (ESRI) based Geographic Information System (GIS) technologies to develop a comprehensive GIS addressing System using the [National Emergency Numbering Association Standards \(NENA\)](#) and Haines Borough Addressing Ordinances. The digital components of this system will be comprised of three primary Layers:

1. **Master Street Address Guide (MSAG)** –streets divided by block range.
2. **Address Accesses** –access from the street.
3. **Address Locations** –the building entrance.
4. **Building footprints** – optional outline of the building.

Methodology

Data Gathering

Alaska Map Company, LLC will work directly with the planning department to gather the necessary support documents, both digital and hard copy, needed to develop the (MSAG). Typically a legacy map or an address grid will exist as a paper copy. This will form the foundation for the digital version. Hard copy maps will be scanned to create a digital versions of the address book and named appropriately by book number, if applicable, and page. These pages will be consolidated into a pdf for reference. After the map book has been scanned the next step of the conversion process will be to georeference the scans to an existing GIS data theme for control. It would be ideal to use cadastral data, as this may not be the complete and or the map books may not have corresponding parcel lines,

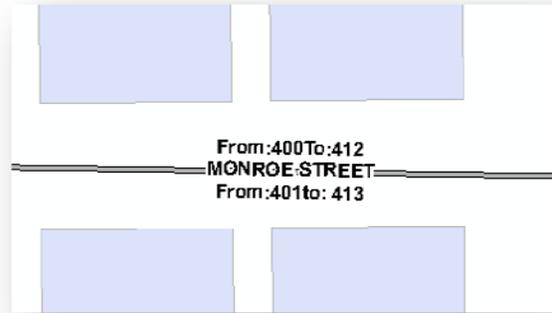
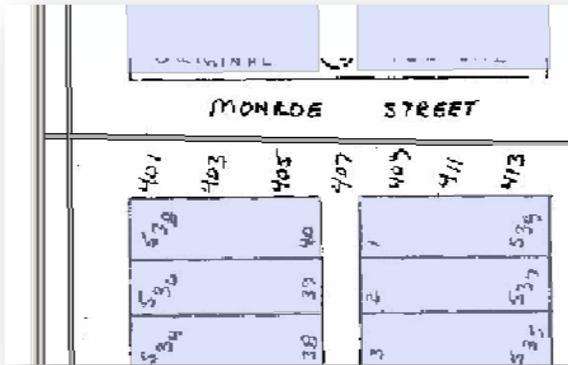


this may not always be possible. In areas where cadastral data is incomplete a substitute dataset will be required. In the data gathering step alternate layers that have been spatially corrected, such as imagery or hydrography, will be assessed as potentially suitable themes to reference images to. Each image will be carefully matched to existing control themes using the Georeferencing toolbar. Errors and distortions will be tracked as a text file and documented for each image and saved along with the final Georeferenced image.

Develop Master Street Address Guide

New fields will need to be added to each street segment to hold information related to block range and street direction. The Georeferenced scans will be added to a map along with the existing roads, imagery, parcels and other reference themes to support accurate attribution of each segment. Each road segment will be compared to the range of addresses present on the page in the scanned book page. It will be broken at the appropriate location that defines a change in range and the redesigned schema will be populated with the appropriate data. This will continue until all of the road segments have been populated. If necessary additional roads may need to be added as new and may not exist in the address book. As these issues come up the planning department will be notified and a solution will be discussed.

SOURCE	PREFIX	STREETNAME	SUFFIX	ESN	FROMLEFT	TOLEFT	FROMRIGHT	TORIGHT	NOTES
KPB		CLIFF VIEW	PLACE	751	1118	1126	1119	1125	
KPB		CLIFF VIEW	PLACE	751	1128	1134	1127	1133	
DOT		HULM	LANE	751	1201	1207	1200	1206	
DOT		HULM	LANE	751	1101	1109	1100	1108	
KPB	WEST	VAN BUREN	STREET	751	201	213	200	212	
KPB		KELLY	AVENUE	751	1001	1013	1000	1012	
KPB		VAN BUREN	STREET	751	100	112	101	113	
KPB	WEST	VAN BUREN	STREET	751	101	113	100	112	assumed street nan
KPB		FIRST	AVENUE	751	1101	1107	1100	1106	
DOT		RAILWAY	AVENUE	751	200	212	201	213	
DOT		RAILWAY	AVENUE	751	100	112	101	113	
DOT		LOWELL CANYO	ROAD	751	101	109	100	106	
DOT		BALLAINE	BOULEVAR	751	801	811	800	810	
DOT		BALLAINE	BOULEVAR	751	701	711	700	710	
DOT		FOURTH	AVENUE	751	1101	1135	1100	1136	
DOT		FOURTH	AVENUE	751	1201	1217	1200	1216	
KPB		KELLY	AVENUE	751	1101	1135	1100	1134	
DOT		DORA	WAY	751	1901	1923	1900	1916	
DOT		PORT	AVENUE	751	608	610	611	613	
DOT		PORT	AVENUE	751	804	808	805	807	



SOURCE	PREFIX	STREETNAME	SUFFIX	ESN	FROMLEFT	TOLEFT	FROMRIGHT	TORIGHT	NOTES	m
▶ DOT		MONROE	STREET	751	400	412	401	413		<Null

Record: 1 | Show: All Selected | Records (1 out of 438 Selected) | Options

Develop Accesses and Address Points and/or Building footprints

Using existing address data and maps each structure will be assigned its currently used address. Access from the structure to the street segment will be determined using existing imagery. In many cases the imagery available may be inaccurate or out of date. Alternative sources of imagery or field located using GPS may be useful but will add additional cost to the project.

Topology

Upon completion of the streets update, the data will be checked for topological errors. After the full set of street addresses is created it will be evaluated to make sure the correct address falls on the correct parcel. The address locations can be moved at this point to the actual location of the structure. This is at the discretion of the City. Because the relationship between addresses and parcels is one to many it is best to model the relationship by attaching the parcel ID field to the address. A primary address and sub addresses (apartments) are present it would be good to note the primary address and use that to relate to the parcel.





HAINES BOROUGH POLICE DEPARTMENT

**PO BOX 1209
HAINES, AK 99827**

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

Interim Chief of Police Simon Ford

February 7, 2014

Police Department Report ~ Simon Ford

PATROL

The unfortunate withdrawal of police officer hire Travis Marshall at the end of December caused the department to advertise the position again. We received seven applications for the job and are in the process of selecting the next HBPD patrol officer. One of the applicants withdrew his application. Interviews have been conducted and background investigations are underway, but a candidate should be selected in the next few days. Two of the applicants have APSC Certificates and would not be required to attend the academy before hitting the streets. Our patrol team has made four custodial arrests since the last report to the assembly. One was for an assault on a police officer, another for assaulting a family member, one for burglary, theft, criminal trespass, and violating conditions of release, and one for trespassing in a residence. In a recent visit from the district attorney, I was pleased to receive feedback about recent improvements in the quality of investigations and reports from our department.

DISPATCH

Dispatcher Katie Whitley has advised us of her plans to move with her family to Texas. Katie's last day will be February 15th. We appreciate Katie's contribution to our dispatch team over the course of her employment here and wish her and her family all the best. Dispatch supervisor Celeste Grimes has done an outstanding job in recent months reviewing and fine-tuning radio procedure protocols for traffic stops, arrest procedures and prisoner intakes. This has streamlined the process of the steps that happen when an officer brings a prisoner into the jail. It has also improved the cooperation between officers and dispatchers as their roles in the booking process have been more clearly defined.

PROJECTS AND EVENTS

- Over the course of the winter, I have been making improvements to the police department's page on the Borough website. Three of the officer candidates mentioned the website during their interviews when asked why they were interested in working for the Haines Borough Police Department. We will continue our efforts to consider the potential recruitment opportunities that our web page may contribute to.
- Staff has been cleaning, painting and reorganizing the offices of the department in an effort to present a more professional appearance to the public. An unanticipated benefit is that the staff seems to take a little more pride in their place on the team and we all feel better about the fresh look of the department. Replacement of badly worn carpets will be done in conjunction with the installation of the new dispatch equipment and will again improve the appearance of the department with a relatively modest investment.
- A jury trial was held in Haines in which a local resident was found not guilty of three felony counts of Assault and Weapons Misconduct. Lesser-included misdemeanor charges led to a hung jury. The Assistant District Attorney will decide whether to move toward a new trial on the two

remaining charges or dismiss the case. The incident involved the negligent discharge of a firearm during a gathering in a residence. A man was shot in the leg and was injured. Alcohol was a factor in the incident.

- In early February, I was commanded to appear in federal court to testify in a jury trial regarding a report made to me by a big game guide. This was my first experience in the US Court system and it made me appreciate the high quality of our local district court in Haines. The facility was bigger and impressive, but the mechanics of the process and the respect for the constitutional rights and responsibilities of the participants was in essence the same as I have experienced in our local district court.
- Work has begun on the installation of the new radio and E-911 equipment. After the usual and customary delays with permits and paperwork, crews arrived at the station and began the process of running wires, setting up equipment and preparing for the new dispatch center. I am thankful for the cooperation of the fire department, public facilities and IT staff in making this happen with minimal disruption to our dispatch operations.
- A complaint received regarding the use of Borough police patrol vehicles for personal use has caused us to revisit the policy surrounding take-home vehicles. Recommendations for changes in the policy will be coming before the assembly.

CHIEF SEARCH

The assembly is well aware of the recent events surrounding the process of selecting the next chief of police. I only wish to express my thanks to the members of the assembly and to Interim Manager Cozzi for the diligence and effort that is being invested in this process. I appreciate your commitment to finding the best candidate for the job, as well as your willingness to stop and examine the dynamics of the process along the way. I also am grateful for the support of the assembly members and administration staff as I have served as interim chief.



Appendix F

Memo

Public Facilities

Date: February 7, 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 (completion date: June 30, 2014)

Work resumed on this project February 3. The contractor has finished the preliminary work at the Tower road site, and has started to install equipment in the server room at the Public Safety Building. Work to begin the week of February 10 will include the demolition and removal of all furniture related to the current dispatch operation center, replacement of the flooring in that area, and new furniture installation will also begin. This work is being performed by sub-contractors of the Prime Contractor, under the supervision of the engineer and Public Facilities Director. The prime contractor is scheduled to begin equipment installation and set-up later this month.

High School Air Handling Unit (Substantial completion: August 4, 2014/Final completion September 4, 2014.)

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. At the February 4 Haines Borough School Board meeting, the Board unanimously voted to appropriate an additional \$70,000 needed to award this contract. This will allow the work to take place without having to reduce the scope of work.

PC Dock and Letnikof Harbor Upgrades (substantial completion for PC: June 2, 2014/Final completion July 5, 2014. Substantial completion for Letnikof: May 1, 2014/Final completion May 15, 2014.) Due to the unseasonably mild weather, the work on the PC Dock project continues to stay on or ahead of schedule. The contractor is performing with a high level of professionalism and I believe the Borough has been fortunate to work with them on this project. Work at the Letnikof Harbor is tentatively scheduled to begin sometime in late March if weather permits.

School Doors and Mat Lift (Schedule is currently being developed.) 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. There may be interest from the school to look at alternative mat lift systems to reduce the overall project cost. The Borough will provide the Board with cost estimates soon.

Klehini Fire Department New Septic System (Completion date: August 15, 2014)

The design for a new septic system at the Klehini Fire Department is complete and has been submitted to DEC for approval. The project has been advertised and sealed bids are due on February 14. The construction of the system will take place in the spring/summer of 2014.

Third Avenue Reconstruction (Substantial completion: August 15, 2014 tentative schedule)

This job is scheduled for advertisement in March, and construction could begin as early as May 1. 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.

Surplus Vehicle Sale

Bids for the surplus vehicles are due February 14.

CAPSIS

The Borough timely-submitted its funding requests to the Alaska Legislature's Capital Budget Submission and Information System (CAPSIS) on February 7.

Memo



Date: February 5, 2014
To: Mayor, Assembly
Cc: Julie Cozzi, Interim Manager
From: Jila Stuart, Chief Fiscal Officer
RE: FY14 1st & 2nd Quarter General Fund Financial Report

The accompanying financial statements show the Haines Borough's general funds (Areawide and Townsite) actual revenues and expenditures for the first 6 months of the fiscal year as compared with the previous fiscal year and as compared with the FY14 Budget amended as of 11/12/2013.

Year to Year Comparison

Areawide General Fund - For the first half of the fiscal year revenues in the areawide general fund are down \$337K (12%) year over year. This is primarily due to a decrease in State Revenue Sharing of \$215K (30%) due to the elimination of supplemental revenue sharing in FY14. Raw fish tax also contributed to the decrease, down \$154K (47%) in FY14.

Expenditures in the Areawide General Fund are up \$42K (2%) from the same period last year. This is primarily due to payroll expenditures which were up \$52K compared to the first half of FY13. The FY14 spike in payroll expenditures mostly resulted from leave payout for the outgoing manager as well as retirement incentive bonuses paid during the period. The significant increase in utility expense from FY13 to FY14 was mostly due to the \$24,340 refund the pool received in FY13 for electric which had been over charged by AP&T.

Townsite Service Area General Fund – TSA revenues are up \$111K over the same period in FY13, but this is largely due to a timing difference with the receipt of the 3rd quarter community jail contract payment which came earlier this year. The advance payment accounts for \$95K of the difference from FY13. Slightly increased property and sales tax revenues offset decreased revenue sharing. Townsite expenditures are up \$352K from the previous year, but \$291K of the increase is for operating transfers to the Capital Improvement Project Fund for the purchase of a new loader and two new police vehicles. Work orders charged out from public works were down in FY14 compared to FY13 because public works had a large project in FY13 that was charged to out to the CIP fund.

Budget to Actual Comparison

With 50% of the fiscal year elapsed, the areawide general fund revenues are at 61% of budget while expenses are at 50%. In the townsite fund revenues are at 52% while expenses are at 51%. Revenues are higher than budget primarily due to timing effects (100% of revenue sharing, raw fish tax, and federal P.I.L.T payments have been received). Revenues are currently projected to come in close to budget for the fiscal year. The additional raw fish tax which exceeded budget by \$22,511 is reflected in the budget amendment currently before the Assembly. Sales tax for the first six months of the year is tracking at budget which is normally at 52-54% at the halfway mark for the year.

HAINES BOROUGH

**GENERAL FUND Preliminary Revenue & Expenditures SUMMARY by FUND
FOR THE SIX MONTHS ENDED DECEMBER 31, 2013**

01 AREAWIDE GENERAL FUND

	12/31/2012	12/31/2013	Yr to Yr	FY14	BUDGET	% OF
	ACTUAL	ACTUAL	VARIANCE*	BUDGET	VARIANCE*	BGT
REVENUE						
Property Tax Revenue	\$ 804,891	\$ 828,069	\$ 23,178	\$ 1,668,000	\$ (839,931)	50%
Sales Tax	251,377	262,083	10,706	492,000	(229,917)	53%
Sales Tax Lodging	47,747	55,648	7,901	75,000	(19,352)	74%
State Revenue - Revenue Sharing	723,327	508,650	(214,677)	507,000	1,650	100%
State Revenue - Raw Fish Tax	326,813	172,511	(154,302)	150,000	22,511	115%
State Revenue - Other	5,236	7,061	1,825	21,200	(14,139)	33%
Federal Revenue - Secure Schools	-	-	-	190,000	(190,000)	0%
Federal Revenue - P.I.L.T.	375,243	366,573	(8,670)	360,000	6,573	102%
Federal Revenue - Other	-	-	-	37,102	(37,102)	0%
Interest Earnings	66,573	51,644	(14,928)	110,000	(58,356)	47%
Rents	34,639	23,918	(10,722)	69,000	(45,082)	35%
User Fees	19,798	14,027	(5,770)	70,450	(56,423)	20%
Penalty & Interest - PropertyTax	28,671	15,488	(13,183)	25,000	(9,512)	62%
Penalty & Interest - Sales Tax	7,201	15,239	8,039	20,000	(4,761)	76%
Business Licenses	4,075	6,175	2,100	20,000	(13,825)	31%
Miscellaneous Fines & Fees	5,626	11,156	5,530	32,317	(21,161)	35%
Sale of Fixed Asset	-	26,225	26,225	-	26,225	0%
	\$ 2,701,215	\$ 2,364,467	\$ (336,749)	\$ 3,847,069	\$ (1,482,602)	61%
EXPENDITURES						
Salaries and wages	\$ 765,532	\$ 796,979	\$ (31,447)	\$ 1,504,100	\$ 707,121	53%
Employee Burden	221,583	220,340	1,242	458,650	238,310	48%
Health Insurance	160,916	181,507	(20,591)	393,288	211,781	46%
Component Unit Reimbursements	(11,130)	-	(11,130)	-	-	0%
Supplies & Postage	18,622	17,505	1,118	43,745	26,240	40%
Material & Equipment	25,047	18,429	6,617	58,475	40,046	32%
Computers and Peripherals	8,407	13,302	(4,895)	25,870	12,568	51%
Professional & Contractual	151,944	199,707	(47,763)	350,825	151,118	57%
Dues, Subscriptions & Fees	7,062	2,986	4,076	14,964	11,978	20%
Travel & Per Diem	16,757	18,937	(2,181)	44,064	25,127	43%
Training	3,290	4,684	(1,394)	13,550	8,866	35%
Advertising	5,489	7,341	(1,852)	7,840	499	94%
Banking & Insurance	14,356	20,728	(6,372)	32,350	11,622	64%
Vehicle Expense	5,655	5,221	434	13,450	8,229	39%
Utilities	62,874	95,433	(32,559)	243,583	148,150	39%
School District - Instructional	778,433	778,433	-	1,556,866	778,433	50%
School District - Activities	109,916	109,360	556	210,000	100,640	52%
Appropriations from the Assembly	59,489	21,130	38,359	32,441	11,311	65%

	12/31/2012 ACTUAL	12/31/2013 ACTUAL	Yr to Yr VARIANCE*	FY14 BUDGET	BUDGET VARIANCE*	% OF BGT
Building Maintenance & Repairs	20,381	17,671	2,710	35,500	17,829	50%
Discretionary Expense	1,030	1,847	(817)	2,800	953	66%
Work Orders	(81,155)	(69,596)	(11,558)	(145,850)	(76,254)	48%
Allocations	(366,192)	(367,419)	1,227	(768,420)	(401,001)	48%
Operating Transfers - OUT from General	59,250	25,000	34,250	78,000	53,000	32%
Operating Transfers - In fr Permanent	(35,000)	(75,000)	40,000	(150,000)	(75,000)	50%
TOTAL AREAWIDE EXPENDITURES	2,002,554	2,044,525	(41,970)	4,056,091	2,011,566	50%
NET REVENUE OVER EXPENDITURES	\$ 698,661	\$ 319,942	\$ (378,719)	\$ (209,022)	\$ 528,964	

02 TOWNSITE SERVICE AREA

REVENUE

Property Tax Revenue	\$ 172,197	\$ 195,547	\$ 23,350	\$ 390,000	\$ (194,453)	50%
Sales Tax	335,878	352,580	16,702	657,000	(304,420)	54%
Chilkoot Indian Assoc. Road Maintenance	-	-	-	220,000	(220,000)	0%
State Revenue - Public Safety	175,702	288,525	112,824	387,220	(98,695)	75%
State Revenue - General	138,802	96,000	(42,802)	96,000	-	100%
Interest Earnings	-	-	-	2,000	(2,000)	0%
Miscellaneous Revenue	-	-	-	25,000	(25,000)	0%
Miscellaneous Fines & Fees	1,221	2,083	862	4,200	(2,117)	50%
TOTAL TOWNSITE REVENUES	823,800	934,735	110,934	1,781,420	(846,685)	52%

EXPENDITURES

Salaries & Wages	\$ 264,728	\$ 250,877	\$ 13,851	\$ 528,551	\$ 277,674	47%
Employee Burden	87,658	85,261	2,397	183,634	98,373	46%
Health Insurance	57,044	55,900	1,144	140,400	84,500	40%
Supplies & Postage	2,582	3,130	(548)	6,400	3,270	49%
Material & Equipment	48,788	94,953	(46,165)	120,500	25,547	79%
Computers & Peripherals	275	3,052	(2,777)	2,500	(552)	122%
Professional & Contractual	78,930	55,620	23,311	102,863	47,244	54%
Dues & Subscriptions	828	1,039	(212)	1,500	461	69%
Travel & Per Diem	3,756	7,065	(3,309)	9,850	2,785	72%
Training	2,108	1,165	943	2,000	835	58%
Advertising	1,618	1,179	439	1,350	171	87%
Banking & Insurance	8,078	12,354	(4,276)	19,000	6,646	65%
Vehicle Expense	69,765	57,489	12,277	117,350	59,861	49%
Utilities	41,411	37,169	4,242	82,400	45,231	45%
Work Orders	(75,200)	(27,185)	(48,015)	(58,730)	(31,545)	46%
Allocations	187,020	201,222	(14,202)	411,764	210,542	49%
Operating Transfers - OUT from TSA	-	290,668	(290,668)	543,880	253,212	53%
TOTAL TOWNSITE EXPENSES	779,389	1,130,959	(351,570)	2,215,212	1,084,253	51%
NET REVENUE OVER EXPENDITURES	\$ 44,412	\$ (196,224)	\$ (240,636)	\$ (433,792)	\$ 237,568	

*Positive variance is favorable. Negative variance is unfavorable.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-395
Assembly Meeting Date: 2/11/14

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 3. Memo from Mayor
Originator: P&Z Technician III & Planning Commission	
Originating Department: Planning & Zoning	
Date Submitted: 9/12/13 & 10/10/13	

Full Title/Motion:
 Suggested Motion: Assign Assembly Member Schnabel to work with the planning commission to reconcile proposed ordinance 13-12-358 and adopted ordinance 13-12-360, and postpone adoption of the ordinance until that work is completed.

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

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

Summary Statement:
 This ordinance is recommended by the planning commission. It will establish setbacks of 20 feet from roads and 10 feet from other lot lines for all uses in the General Use Zone. Additionally, the ordinance corrects a typo; HBC 18.80.030 incorrectly exempts cantilevered floors, decks or other similar building extensions from setback regulations.
 On 1/28/14 this ordinance was in its second public hearing. The motion on the table was to “adopt Ordinance 13-12-358.” The ordinance was postponed to this meeting and debate will resume with the motion to adopt and the motion to amend already on the table. The amendment proposes replacing the word “structures” with “permanent buildings” and removing the phrase “for all uses” on Page 3, Section C.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 1/14/14 and 1/28/14
Meeting Date(s): 12/10/13, 1/14/14, 1/28/14, 2/11/14	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.

Memorandum

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

February 5, 2014

To: Haines Borough Assembly

Cc: Interim Manager, Julie Cozzi
Interim Borough Clerk, Michelle Webb
Planning Commissioners

From: Stephanie Scott, Mayor, Haines Borough

Subject: Ordinance 13-12-358:
A. "Setting back" Set backs;
B. if not, a proposal to resolve concerns

A. A proposal to "set back" set backs.

If set backs are a regulation, and not a "suggestion," then ought there not to be a means for establishing compliance? The construction declaration that we now require to be filed "prior" to construction is not a permit. It is a tax assessment tool. It requires no review by the borough planning department.

Set backs are also required in the Mud Bay and Lutak zones. There is no mechanism for determining compliance; there are no "permits" required. Some say that there are many set back violations in these two zones as well as violation of other land use regulations. This situation most likely arises because the only mechanism for establishing a violation is for an individual to file a complaint.¹ Neighbors are very

¹ HBC 18.30.080 Compliance.

Any use may be ordered to cease by the manager if in conflict with the provisions of this title, or if the terms and conditions of any rezoning, or commission approval, or manager approval are violated. The borough assembly may establish by resolution and enforcement priority for violations of this title.

A. Violation Complaint. Any person may bring to the attention of the manager suspected violations of this title. The complaint must be in writing and must include the full name of the person making the complaint.

B. Enforcement Order. After a violation has been discovered, investigated and verified, the manager shall notify, by written finding, the person responsible for the violation and the property owner by personal notice, certified mail or notice posted on the site of the violation. The finding shall specify the violation(s) and order abatement and may also (but is not required to) specify the range of fines or penalties to be

reluctant to turn in neighbors; and I am reluctant to ask that they do. Sometimes people are “caught” violating the land use requirements and a fine is levied. Because there is no way to systematically review compliance, the government opens itself to complaints of arbitrariness. I don’t want to carry this situation into the General Use Zone; I want to address it, resolve it, do better.

I suggest that a law requiring set backs in the general use zone be postponed until it can be paired with a mechanism for governing compliance with the regulation: a permit by any other name.

I propose that we retire the “construction declaration” and design a construction permit suitable to address the regulations now on the books in the Mud Bay and Lutak Zones, some of which will be carried out in the General Use zone as well (i.e. set backs).

B. If not “A,” then a proposal to resolve concerns.

However, if the will of the Assembly is to carry forward the set back regulation for the general use zone, knowing full well that compliance will be voluntary, then I offer this solution to the concerns regarding the language:

I know that we are laboring over the set back provision for the General Use Zone. The correction of the typographical error (changing “exemption” to “regulation”) is not the problem!

There is an issue whether the term “structures” (in the proposed language) should be replaced by “permanent buildings.” In our code, “structure” is defined as:

“Structure” means anything constructed or erected and located on or under the ground, or attached to something fixed to the ground, including:

1. A building, regardless of size, purpose or temporality;
2. A tower, sign, antenna, pole or similar structure;
3. A basement, foundation, or mobile home pad;
4. A fence;
5. A street, road, sidewalk, or storage area;
6. Television satellite dish.

And “building” means:

imposed. The finding shall direct the person to cease the violation, or appeal the finding within two days after receipt or posting of the notice, as the case may be. All violation notices will be reported by the manager to the commission at its next regular meeting and the manager shall keep a copy of the violation notice in the permanent record.

“Building” means any structure intended or used for the support, shelter or enclosure of persons, animals, or property of any kind. I believe we could support utilization of the term “structure” if we resolved the questions of exemptions.

In HBC 18.80.030 Setbacks and height, 5 groups items are listed as exempt from the set back requirement, but three of the five are conditioned on regulation elsewhere in the code:

1. driveways and culverts that meet chapter 12.08 HBC;
2. Parking areas that meet chapter 10.44. HBC;
4. Signs that meet Chapter 18.90 HBC

Since it seems problematic to carry these regulations concerning driveways, culverts, parking areas, and signs into the General Use Zone, perhaps the Assembly should consider re-stating the exemptions for the General Use Zone. That would give the Assembly the opportunity to specifically list underground utilities as exempt, addressing the concern for the practice of running utilities at the edge of lot lines.

To recap, the language for C could read:

Structures shall be located no less than 20 feet from street lot lines, 10 feet from other lot lines in the General Use Zone. In the General Use Zone, the following are exempt from setback requirements:

- 1. driveways and culverts**
- 2. parking areas**
- 3. signs**
- 4. satellite dishes**
- 5. French drains, culverts, underground utilities, or similar infrastructure.**



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-416
Assembly Meeting Date: 2/11/14

Business Item Description:	Attachments:
Subject: Approve Change Order for Port Chilkoot Dock and Letnikof Cove Harbor Project	1. Resolution 14-02-532 2. Proposed Change Order
Originator: Director of Public Facilities (Agenda Bill by Clerk's Office)	
Originating Department: Public Facilities	
Date Submitted: 2/5/14	

Full Title/Motion:
Motion: Adopt Resolution 14-02-532.

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

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 43,355.45	\$ 0	\$ 43,355.45

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 3D, Page 106	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Summary Statement:

The Borough contracted with Pacific Pile & Marine (PPM) for the PC Dock and Letnikof Cove Harbor project for \$5,804,340. While demolishing the existing dock in September 2013, the contractor discovered existing mudline elevations from Bents 15-17 were higher than shown in the contract documents. PPM formally submitted a Notice of Differing Site Conditions that detailed discrepancies and resulting impacts on work sequencing and productivity. The compensation in this change order (\$30,983.12) is a negotiated settlement that PND Engineers, Inc. believes is warranted and reasonable, and resolves all impacts and associated claims. This change order also includes \$12,372.33 for vertical pile and batter pile modifications. The assembly will consider an amendment to the FY14 budget through Ordinance 14-01-365 to allocate general funds for this change order, to be reimbursed with FY15 Commercial Passenger Vessel Tax receipts. The Borough's change order brings the contract to \$6,164,561.67.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Pacific Pile & Marine, LP for the Port Chilkoot Dock and Letnikof Cove Harbor Renovations project for an amount not to exceed \$43,355.45.

WHEREAS, the Haines Borough contracted with Pacific Pile & Marine, LP on 5/2/2013 for the Port Chilkoot Dock and Letnikof Cove Harbor Renovations project for an amount not to exceed \$5,804,340; and

WHEREAS, while demolishing the existing dock in September 2013, the contractor discovered that the existing mudline elevations from Bents 15 to 17 were significantly higher than what is shown in the contract documents; and

WHEREAS, the contractor formally submitted a Notice of Differing Site Conditions that detailed the elevation discrepancies and the resulting impacts on work sequencing and productivity; and

WHEREAS, the compensation contained in this change order (\$30,983.12) is a negotiated settlement that the project engineer (PND Engineers, Inc.) believes is warranted and reasonable, and resolves all impacts and associated claims; and

WHEREAS, this change order also includes \$12,372.33 for vertical pile and batter pile modifications; and

WHEREAS, the assembly will consider an amendment to the FY14 budget through Ordinance 14-01-365 to allocate general funds for this change order, to be reimbursed with FY15 Commercial Passenger Vessel Tax receipts; and

WHEREAS, the Borough's change order brings the total contract to \$6,164,561.67,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a contract change order with Pacific Pile & Marine, LP for the Port Chilkoot Dock and Letnikof Cove Harbor Renovations project for an amount not to exceed \$43,355.45.

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



CONTRACT CHANGE ORDER

NO: 6

Sheet 1 of 3

Contract No./Title: Port Chilkoot Dock & Letnikof Cove Harbor Renovations					
Contractor Name: Pacific Pile & Marine				CIP No.:	
Purchase Order No.:				Fund No.:	
Date: February 3, 2014				File No.:	
Reference Item No.	Item Description	Unit of Measure	Unit Cost	Quantity	Increase/ (Decrease)
DSC 001	Differing Site Conditions - Mudline Elevations at Bents 15 to 17 (Note: This settlement resolves all current and future issues associated with the aforementioned differing site conditions)	Lump Sum	\$30,983.12	All Req'd	\$30,983.12
FO 004 and FO 005	Field Order 004 - Vertical Pile 15-H Modification, Field Order 005 - Batter Pile 15-H Modification	Lump Sum	\$12,372.33	All Req'd	\$12,372.33
TOTAL Increase/(Decrease)in Contract Amount			\$43,355.45		\$43,355.45



CONTRACT CHANGE ORDER

NO: 6

Sheet 2 of 3

Contract No./Title: Port Chilkoot Dock & Letnikof Cove Harbor Renovations
Original Contract Completion Date: July 1, 2014
Days added/subtracted by previous change order: None
Days added/subtracted for this change order: 4
Revised Contract Completion Date: July 5, 2014

This document is an amendment to the above referenced contract and all provisions of the original contract shall apply hereto:

 Name: _____
Vice President Contractor's Title: _____
1/31/2014 Date: _____

Description	Signature	Date
Consultant Firm Representative		1/31/14
Haines Borough Representative		

Approved by Haines Borough Manager _____
Julie Cozzi Date



CONTRACT CHANGE ORDER

NO: 6

Sheet 3 of 3

Contract No./Title: Port Chilkoot Dock & Letnikof Cove Harbor Renovations		
CHANGE ORDER COST SUMMARY		
	Amount	Change in Contract Days
Original Contract Bid Amount	\$5,804,340.00	N/A
Change Order No. 1	\$242,370.00	None
Change Order No. 2	\$7,781.40	None
Change Order No. 3	\$4,858.15	None
Change Order No. 4	\$7,858.67	None
Change Order No. 5	\$53,998.00	None
Change Order No. 6	\$43,355.45	Increase 4 Days
Change Order No. 7		
Change Order No. 8		
Change Order No. 9		
Change Order No. 10		
Change Order No. 11		
Change Order No.12		
Change Order No. 13		
Change Order No. 14		
Change Order No. 15		
Change Order No. 16		
Change Order No. 17		
Change Order No. 18		
Change Order No. 19		
Change Order No. 20		
Total of All Change Orders	\$360,221.67	
Percentage of Original Contract bid Cost	6.21%	
New Construction contract Total Amount	\$6,164,561.67	

Change Order No: 6
Back up Documentation

Port Chilkoot Dock & Letnikof Cove Harbor Renovations

Haines Borough

Line Item: Differing Site Conditions

Mudline Elevations at Bents 15 to 17



ENGINEERS, INC.

MEMORANDUM

By: Sean Sjostedt, Staff Engineer

Date: January 31, 2014

Subject: Port Chilkoot Dock Renovations – DSC 001 Justification

This memorandum serves as a summary of existing site conditions and events regarding the mudline elevations at Bents 15 to 17 of the new Port Chilkoot Dock.

During the design phase of this project, an existing bathymetric survey was used in the offshore areas of the project site. This survey was performed approximately 20 years ago for the original cruise ship dock project. While demolishing the existing dock in September 2013, the Contractor (Pacific Pile & Marine) discovered that the existing mudline elevations from Bents 15 to 17 were significantly higher than what is shown in the Contract Documents. The Contractor formally submitted a Notice of Differing Site Conditions which detailed both the elevation discrepancies as well as the resulting impacts on work sequencing and productivity. The Engineer subsequently investigated this claim and confirmed that the existing mudline elevations vary from those shown in the Contract Documents, and that the Contractor was adversely affected as a result. The Contractor was unable to access the work area with floating barge equipment at lower stages of the tide due to higher than anticipated ground elevations. The compensation contained in Change Order 006 is a negotiated settlement that the Engineer believes is warranted and reasonable, and resolves all impacts and associated claims.

November 5, 2013

Misty Butler
PND Engineers, Inc.
9360 Glacier Hwy, Suite 100
Juneau, AK 99801

Sent via Email - mbutler@pndengineers.com

Re: PPM to PND Letter No 002
Notice of Differing Site Condition
Existing Mudline at Bents 15-17
Port Chilkoot Dock
Borough of Haines, AK

Dear Ms. Butler

Pacific Pile & Marine (PPM) is providing this Notice of Differing Site Condition in accordance with Item 4.3 Differing Site Conditions of Section 00700 - General Conditions for the Project.

Refer to attached sketch prepared by PND. This sketch indicates a shallower mudline elevation of 4' to 8' in the vicinity of Bents 15 – 18 from the contour elevations shown on the Project Drawings. Additionally, see attached sketch prepared by PPM. This sketch indicates a shallower mudline elevation of 6' to 10' at the same location. Note with either of these surveys, the mudline elevation at Bents 15 & 16 is at a critical elevation in that it causes daily relocation during the low tide cycle to avoid barge grounding. At the contour elevations shown on the project drawings, this condition didn't exist until as far in as Bent 7 or 8.

To date we have been impacted by the higher ground as noted below and will continue to track the impacts.

1. The work from Bent 17 to 15 was forced to be sequenced from Bent 15 to Bent 17 rather than sequenced from Bent 17 to Bent 15.
2. The crane barge had to be moved out on a daily basis while driving pile at Bent 15.

Bent 17 to Bent 15

As indicated in our Original project schedule, PPM had planned to sequence the overall project starting at the Regrade and working from Bent 17 toward land with a sequence of demolition, pile driving, structural steel work, timber deck and then finish work. The approach afforded us the ability to develop a moving assembly line of construction and perform simultaneous construction activities.

However, the shallow mudline elevation forced us to resequence this area and drive from Bent 15 to Bent 17. If Bents 17 & 16 had been installed first, we would have been blocked from installing Bent 15. Note the position of the Pamtay Barge on the attached PPM sketch.

Crane Barge Movement

PPM has been forced to move out the crane barge for the lower low tide while working at Bent 15.

PPM is currently preparing a comparison schedule to demonstrate the schedule and lost efficiency impact of the work resequence and required crane barge movement. Further, we will provide a full summary of the time associated with crane barge movement.



Pacific Pile & Marine, LP
700 South Riverside Drive
Seattle, WA 98108

T 206 331-3873
F 206 774-5958
License # PACIFPM922J3

PPM requests that the Owner be notified of this differing site condition and the impacts that we have experienced to date. We will continue to track our impacts associated with this condition.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steve Spencer'.

Steve Spencer, PE
Project Manager

PACIFIC PILE & MARINE, LP



November 11, 2013

PND No. 112048.09

Steve Spencer
Project Engineer
Pacific Pile and Marine
700 South Riverside Drive
Seattle WA 98108

Subject: Port Chilkoot Dock Renovations
Notice of Differing Site Conditions: Existing Mudline at Bents 15-17

Dear Steve Spencer,

PND Engineers, Inc. has received Pacific Pile & Marine's (PPM's) letter dated November 5, 2013 and has made the Owner aware of PPM's notice of differing site conditions. We acknowledge receipt of this letter and are investigating it further in accordance with Section 4.3 of the General Conditions in the Contract Documents.

We look forward to resolving this issue with you.

Sincerely,
PND Engineers, Inc. | Juneau Office

A handwritten signature in black ink that reads 'Misty Butler'.

Misty Butler, P.E.
Senior Engineer

cc:
Carlos Jimenez, Haines Borough Public Works Director



ENGINEERS, INC.

December 11, 2013

PND No. 112048.09

Steve Spencer, P.E.
Project Engineer
Pacific Pile and Marine
700 South Riverside Drive
Seattle WA 98108

Subject: Port Chilkoot Dock Renovations
Differing Site Conditions: Existing Mudline at Bents 15-17

Dear Mr. Spencer:

PND Engineers, Inc. and the Owner have investigated the site conditions at Bents 15-17 and have concluded that the mudline elevations differ from those shown on the plans as generally described in your November 5, 2013 letter. PPM has subsequently provided schedule impact information dated November 12, 2013. PND has reviewed both of these documents along with PPM and PND daily reports and PPM Progress Schedules as part of our investigation. In an effort to resolve cost and schedule impacts associated with this issue, we request PPM provide information on the following items.

1. PPM Original Work Plan and Schedule: PPM's original work plan anticipated the driving of dock support piles at bents 15-17 through the existing timber deck. Assuming the existing deck was to remain as a driving template, barge access within the footprint of the existing dock would not have been required or possible. Please explain why and when PPM chose to abandon their original Work Plan for installation of piles at bents 15-17.
2. Time Due to Moving Barge Out of Work Area Due to High Ground/Low Tide Conditions: PPM indicates 29 hours of barge move time at bents 15 and 16 was attributed to the higher ground conditions below the existing dock. PND recognizes the ground conditions however suggest the barge moves may also be attributed to PPM's change in Work Plan. Further, PND records indicate that PPM experienced a maximum of 17 hours of barge move time at bents 15 and 16. Please provide supporting information to substantiate the number of barge move hours.
3. Extra Work for Pile Tips at Bent 15: This work is covered separately under Field Order No. 4 and will not be included in this analysis.
4. Resequencing of Work at Bent 17 to Bent 15: PPM indicates 4 days of additional Crane Barge Time occurred due to the resequencing of work between bents 17 and 15. This assumes that the installation of timber stringers could have been completed concurrently with pile driving and cap welding during a normal sequence. While we agree that a proper sequence is more efficient, we do not agree that 4 days of additional time is warranted as it is not possible to complete all structural steel work and all timber work within a bent on the same day. Further, PND records indicate the

December 11, 2013

Page 2 of 2

crane barge continued working on other productive work items during brief periods of inefficiency. Please provide further backup to substantiate the requested barge time or a reduction in requested time.

5. Please provide hourly, daily and weekly rates for all crew and equipment.

Please provide the requested information at your earliest convenience. We look forward to resolving this issue with you.

Sincerely,
PND Engineers, Inc. | Juneau Office

A handwritten signature in blue ink, appearing to read "Sean Sjostedt".

Sean Sjostedt
Staff Engineer

Cc: Carlos Jimenez, Haines Borough Public Works Director

January 16, 2014

Sean Sjostedt
PND Engineers, Inc.
9360 Glacier Hwy, Suite 100
Juneau, AK 99801

Sent via Email - ssjostedt@pndengineers.com

Re: PPM to PND Letter No 003
Reply to PND Letter No 112048.09
Differing Site Condition
Existing Mudline at Bents 15-17
Port Chilkoot Dock
Borough of Haines, AK

Dear Mr. Sjostedt:

Pacific Pile & Marine (PPM) is providing this reply to PND as requested in your above referenced letter dated December 11, 2013.

- 1. PPM Original Work Plan and Schedule: PPM's original work plan anticipated the driving of dock support piles at bents 15-17 through the existing timber deck. Assuming the existing deck was to remain as a driving template, barge access within the footprint of the existing dock would not have been required or possible. Please explain why and when PPM chose to abandon their original Work Plan for installation of piles at bents 15-17.*

PPM Reply- To clarify, PPM's original work plan incorporated removal of the existing dock to the south of the new construction at bents 15 - 17 prior to pile driving through the existing dock. For this operation the crane barge was to be operating to the south of the existing dock. In addition, the material barge was planned to be moored to the south (downwind and waves for the northerly winds) of the crane barge providing immediate access to the permanent materials. The higher ground at this southerly position precluded us from proceeding in this fashion.

- PPM chose to remove the entire timber dock at bents 15-17 and drive through temporary pile templates for the following reasons-
 - We were precluded from working from the south as noted above.
 - There was insufficient plan space to work in a similar fashion from the north.
 - A 150' crane boom was selected to enable setting and driving piles through the dock while minimizing the amount of boom given the reported wind and wave conditions at the Haines Harbor. The additional mudline elevation required us to get closer to the pile to avoid having to introduce a pile splice. Given the amount of demo required to get close enough to drive the pile, we elected to proceed with complete dock demo.
- 2. Time Due to Moving Barge Out of Work Area Due to High Ground/Low Tide Conditions: PPM indicates 29 hours of barge move time at bents 15 and 16 was attributed to the higher ground conditions below the existing dock. PND recognizes the ground conditions however suggest the barge moves may also be attributed to PPM's change in Work Plan. Further, PND records indicate that PPM experienced a maximum of 17 hours of barge move time at bents 15 and 16. Please provide supporting information to substantiate the number of barge move hours.*

PPM Reply- See attached summary of crane barge move time as recorded by Brian Clark. This breaks down for each bent as follows. Note that this summary provides for 3 additional hours from what was reported previously. See attached for summary by dates.

- Bent 15 – 14 total hours
- Bent 16 – 18 total hours
- Bent 17 – Moving barge not required
- See item 4 below for clarification of why the resequence of bents 15-17 was required in order to complete the work. In summary we were forced to complete the work in this sequence due to the high ground and confinement of the existing float guide piles to the north.

3. *Extra Work for Pile Tips at Bent 15: This work is covered separately under Field Order No. 4 and will not be included in this analysis.*

PPM Reply- We understand that this extra work is covered separately from this item. Please provide an update on the status of the change order to cover the Extra Work for Pile Tips at Bent 15. However, it is important to note that this extra extended the duration of the installation sequence from Bent 15 to Bent 17 and increased the impacts of the high mudline elevation.

4. *Resequencing of Work at Bent 17 to Bent 15: PPM indicates 4 days of additional Crane Barge Time occurred due to the resequencing of work between bents 17 and 15. This assumes that the installation of timber stringers could have been completed concurrently with pile driving and cap welding during a normal sequence. While we agree that a proper sequence is more efficient, we do not agree that 4 days of additional time is warranted as it is not possible to complete all structural steel work and all timber work within a bent on the same day. Further, PND records indicate the crane barge continued working on other productive work items during brief periods of inefficiency. Please provide further backup to substantiate the requested barge time or a reduction in requested time.*

PPM Reply- The total duration of time to complete the pile installation and cap work from Bents 15 to 17 was 15 working days (150 crew hours, Oct 26 to Nov 10).

- This 150 crew hours breaks down as follows-
 - Pile driving and cap construction = 106 hours
 - Extra work for cutting off tips and driving piles twice at Bent 15 = 12 hours
 - Crane barge moving out due to high ground (see Item 2 above) = 32 hours
- The installation of the stringers was completed over a 4 day continuous work period (40 crew hours). The stringer installation work would have been completed within the 15 working day period but for the combined 44 hours of combined extra work and stand-by hours.

5. *Please provide hourly, daily and weekly rates for all crew and equipment.*

PPM Reply- See attached rates. The hourly equipment rates presented are operating rates based on use on a long term project such as Haines. Thus, the weekly equipment rates would be 60 hours times the hourly rate and the monthly rate would be 260 hours times the hourly rate. To avoid confusion, we believe it would be best to work in terms of crew hours when calculating Extra Work.



Pacific Pile & Marine, LP
700 South Riverside Drive
Seattle, WA 98108

T 206 331-3873
F 206 774-5958
License # PACIFPM922J3

I believe it would be best to meet and further review the conditions around this condition in attempt to resolve and move forward. I am available next week via phone and plan to be at the site January 27 – January 29. I will also be traveling through Juneau near the end of the work day on Jan 29 and would be able to meet at your office.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steve Spencer'.

Steve Spencer, PE
Project Manager

PACIFIC PILE & MARINE, LP

ATTACHMENTS:

Bent 15 & 16 Working Hours Summary

PPM Rates

Bent 15 & 16 -working hours

(anything below a +4 tide PamTay barge had to be moved prior to a +4 so that barge will not touch mud line)

Moving PamTay due to low tideal issues		
26-Oct Saturday	2hrs	Bent 15
27-Oct Sunday	2hrs	
28-Oct Monday	2hrs	
29-Oct Tuesday	2hrs	
30-Oct Wednesday	3hrs	
31-Oct Thursday	3hrs	
1-Nov Friday	3hrs	Bent 16
2-Nov Saturday	3hrs	
3-Nov Sunday	3hrs	
4-Nov Monday	3hrs	
5-Nov Tuesday	3hrs	
6-Nov Wednesday	3hrs	
Hours actualy worked at Bent 15 & 16 due to tidal issues		
26-Oct Saturday	8.5hrs	Bent 15
27-Oct Sunday	8.5hrs	
28-Oct Monday	8.5hrs	
29-Oct Tuesday	8.5hrs	
30-Oct Wednesday	5 hrs	
31-Oct Thursday	5 hrs	
1-Nov Friday	5 hrs	Bent 16 tidal issue
2-Nov Saturday	5 hrs	
3-Nov Sunday	7 hrs	
4-Nov Monday	7 hrs	
5-Nov Tuesday	6 hrs	
6-Nov Wednesday	6 hrs	

Extra Work due to Barge Moving during Low Tide at Bent 15 - 17

OWNER: Haines Borough
DESC: 25 Crew Hours of Equipment and 6 man pile driving crew

START DATE: October 26, 2013
FINISH DATE: November 6, 2013

COST SUMMARY

DESCRIPTION OF WORK	COST TYPE	QUANT.	UNITS	UNIT RATE	LABOR (LAB)	SUPPLIES (SUP)	PPM EQUIP (PPM)	RENT EQUIP (RENT)	SUBCONT (SUB)	PERM MAT'L (PM)
PPM Labor										
Blended rate for 6 man crew based on 6 day, 10 hour shift	LAB	150.0	MH	80.54	\$12,081.00					
Equipment										
Pamtay Spud Barge with 9299 Crane, Spud Gear, Mooring Anchor System	PPM	25.0	HR	231.50			\$5,787.50			
Clyde Frame 6 spud gear (Incl)										
4 point mooring anchoring system (Incl)										
Crane mats (10) 8x24 (Incl)										
Spray metalizer (Incl)										
Full kitchen/washer dryer/2-deep freezers (Incl)										
4 bedroom living quarters/2-bath (Incl)										
Material Barge	RENT	25.0	HR	41.50				\$1,037.50		
D30 Impact Hammer	PPM	25.0	HR	46.50			\$1,162.50			
Ice 28B Vibro	PPM	25.0	HR	61.40			\$1,535.00			
16' Work Skiff	RENT	25.0	HR	15.00				\$375.00		
Seiner Skiff	RENT	25.0	HR	16.00				\$400.00		
#8000 all terrain telescoping forklift	RENT	25.0	HR	34.00				\$850.00		
3/4 ton pick up	PPM	25.0	HR	10.00			\$250.00			
15 KW generator	RENT	25.0	HR	15.00				\$375.00		
Mini Excavator	RENT	25.0	HR	20.00				\$500.00		
500 amp welder	RENT	25.0	HR	13.00				\$325.00		
210 cfm air compressor	RENT	25.0	HR	11.50				\$287.50		
Incidental Costs (misc. tools, supplies and equipment)										
Safety & first aid	SUP	150.0	MH	4.00		\$600.00				
Subsistance	SUP	150.0	MH	1.00		\$150.00				
	LAB	150.0	MH	11.00	\$1,650.00					

	LABOR	SUPPLIES	PPM EQUIP	RENT EQUIP	SUBS	PERM MATERIAL
SUBTOTALS:	\$13,731.00	\$750.00	\$8,735.00	\$4,150.00	\$0.00	\$0.00
Taxes @: 0.00%		\$0		\$0		
Add Markups	15.0%	10.0%	10.0%	10.0%	5.0%	10.0%
Markup Totals	\$2,059.65	\$75.00	\$873.50	\$415.00	\$0.00	\$0.00
ITEM TOTALS	\$15,790.65	\$825.00	\$9,608.50	\$4,565.00	\$0.00	\$0.00

TOTAL AMOUNT	\$30,789.15
Add Bond @: 0.630%	\$193.97
SUBTOTAL	\$30,983.12
Add B&O Tax: 0.000%	\$0.00
GRAND TOTAL	\$30,983.12

Line Item: Field Orders 004 and 005

Vertical Pile 15-H and Batter Pile 15-H Modifications



PND Engineers, Inc.
9360 Glacier Hwy, Ste 100
Juneau, AK 99801
(907) 586-2093

FIELD ORDER/DIRECTIVE

Port Chilkoot Dock & Letnikof Cove Harbor Renovations

Date: 11/1/13

Field Order No: 004

To: Steve Spencer
Pacific Pile & Marine

From: Misty Butler
PND Engineers

Re: Field Order #004 –Vertical Pile 15H Modification

The following information is being transmitted to the Contractor as a change to the Contract Documents. The Contractor is authorized to proceed with the work herein. Unless otherwise specified below, **it is assumed that this change has no effect on the contract time or cost.** If, upon review, the Contractor determines that there may be additional cost or time associated with this change document, the Contractor is required to so notify the Owner Representative within 7 days, before the work is undertaken.

Background: The Contractor was unable to advance the pile deeper than 9-feet into the soil with their vibratory hammer. The Contractor stated the most time efficient and inexpensive method to resolve this issue was to modify the pile tip. The Contractor stated this was the best solution because they were concerned that placing an impact hammer on the pile at such a shallow embedment might cause the pile to be driven out of alignment if they broke thru what they called a “dense lens” of soil and into softer soil below. The Contractor also stated that relocating the pile a couple feet in either direction would not be helpful because re-driving the pile in the vicinity of the old hole would cause the pile to walk back into the original hole.

Scope of Work: The scope of work includes the following:

1. Removal of the conical tip driving shoe and replacing with an APF inside flange open-end cutting shore.
2. Inserting the 1 ½”t bearing plate at the designated location along the length of the pile. This shall include cutting the pile, welding the plate to the inside of the pile and splicing the pile back together. Repair of the galvanized coating at the splice is not required.

Applicable Contract Reference: Contract Documents: Section 0700- General Condition, Paragraph 9.5 – Authorized Variations in Work

Associated RFQs: RFQ 006 – Pile Tip Modification

Attachments: None

Response requested by: None required

Signed: 
Misty Butler, P.E.

Date: 11-1-13



PND Engineers, Inc.
9360 Glacier Hwy, Ste 100
Juneau, AK 99801
(907) 586-2093

FIELD ORDER/DIRECTIVE

Port Chilkoot Dock & Letnikof Cove Harbor Renovations

Date: 11/1/13

Field Order No: 005

To: Steve Spencer
Pacific Pile & Marine

From: Misty Butler
PND Engineers

Re: Field Order #005 –Batter Pile 15H Pile Tip Modification

The following information is being transmitted to the Contractor as a change to the Contract Documents. The Contractor is authorized to proceed with the work herein. Unless otherwise specified below, **it is assumed that this change has no effect on the contract time or cost.** If, upon review, the Contractor determines that there may be additional cost or time associated with this change document, the Contractor is required to so notify the Owner Representative within 7 days, before the work is undertaken.

Background: The Contractor was unable to advance the batter pile through the soil with the impact hammer to the necessary embedment depth. Due to the shallow embedment depth of approximately 12 feet the pile did not meet the capacity requirements. The Contractor stated their confidence that an open-end cutting shoe would provide the pile tip configuration necessary to drive the pile to the required embedment depth. The Engineer believes the Contractor made a reasonable effort to drive the pile with the hammer before pulling off the pile and requesting the tip modification.

Scope of Work: The scope of work includes the following:

Modify the pile with an open-end cutting shoe by “trimming” the end of the existing conical tip to provide an open-ended configuration.

Applicable Contract Reference: Contract Documents: Section 0700- General Condition, Paragraph 9.5 – Authorized Variations in Work

Associated RFIs: None

Attachments: None

Response requested by: None required

Signed: 
Misty Butler, P.E.

Date: 11-1-13

Extra Work for cutting off tips and driving piles twice at Bent 15

OWNER: Haines Borough
DESC: 11 Crew Hours of Equipment and 6 man pile driving crew

START DATE: October 26, 2013
FINISH DATE: November 1, 2013

COST SUMMARY

DESCRIPTION OF WORK	COST TYPE	QUANT.	UNITS	UNIT RATE	LABOR (LAB)	SUPPLIES (SUP)	PPM EQUIP (PPM)	RENT EQUIP (RENT)	SUBCONT (SUB)	PERM MAT'L (PM)
PPM Labor										
Blended rate for 6 man crew based on 6 day, 10 hour shift	LAB	66.0	MH	80.54	\$5,315.64					
Equipment										
Pamtay Spud Barge with 9299 Crane, Spud Gear, Mooring Anchor System	PPM	11.0	HR	231.50			\$2,546.50			
Clyde Frame 6 spud gear (Incl)										
4 point mooring anchoring system (Incl)										
Crane mats (10) 8x24 (Incl)										
Spray metalizer (Incl)										
Full kitchen/washer dryer/2-deep freezers (Incl)										
4 bedroom living quarters/2-bath (Incl)										
Material Barge	RENT	11.0	HR	41.50				\$456.50		
D30 Impact Hammer	PPM	11.0	HR	46.50			\$511.50			
Ice 28B Vibro	PPM	11.0	HR	61.40			\$675.40			
16' Work Skiff	RENT	11.0	HR	15.00				\$165.00		
Seiner Skiff	RENT	11.0	HR	16.00				\$176.00		
#8000 all terrain telescoping forklift	RENT	0.0	HR	34.00				\$0.00		
3/4 ton pick up	PPM	0.0	HR	10.00			\$0.00			
15 KW generator	RENT	0.0	HR	15.00				\$0.00		
Mini Excavator	RENT	0.0	HR	20.00				\$0.00		
500 amp welder	RENT	0.0	HR	13.00				\$0.00		
210 cfm air compressor	RENT	0.0	HR	11.50				\$0.00		
Incidental Costs (misc. tools, supplies and equipment)										
Safety & first aid	SUP	66.0	MH	1.00						
Subsistance	LAB	66.0	MH	11.00	\$726.00					
						\$264.00				
						\$66.00				

	LABOR	SUPPLIES	PPM EQUIP	RENT EQUIP	SUBS	PERM MATERIAL
SUBTOTALS:	\$6,041.64	\$330.00	\$3,733.40	\$797.50	\$0.00	\$0.00
Taxes @: 0.00%		\$0		\$0		
Add Markups	15.0%	10.0%	10.0%	10.0%	5.0%	10.0%
Markup Totals	\$906.25	\$33.00	\$373.34	\$79.75	\$0.00	\$0.00
ITEM TOTALS	\$6,947.89	\$363.00	\$4,106.74	\$877.25	\$0.00	\$0.00

TOTAL AMOUNT		\$12,294.88
Add Bond @:	0.630%	\$77.46
SUBTOTAL	\$0.00	\$12,372.33
Add B&O Tax:	0.000%	\$0.00
GRAND TOTAL		\$12,372.33



HAINES BOROUGH

Daily Report – Labor, Equipment, and Materials for Time and Materials Work

Change Order No.: 006

Project No.: 112048.09

Project Name: Port Chilkoot Dock and Letnikof Harbor Renov. Date of Work: 10/29/13
 Location and Description of Work: VERTICAL PILE 15'-H

LABOR

Employee Name	Job Classification	Actual Work Performed	Hours	
			Regular	Overtime
TIM GREENE	PB - WELDER	Weld	3	
Kyle LOCKE	CRANE OPERATOR	OPERATE CRANE	3	
Terry McDeville	PB - FOREMAN	SUPERVISOR	1	
TIM FOUST	PB - welder	Weld	3	

EQUIPMENT

MATERIALS

Description: Make, Model, Year Capacity/Size, Required Attachments	Hours			Description	Quantity
	Reg.	O.T.	Stdby		
PAMTRAY Barge	3			3/4" BACKER RING	

NARRATIVE OF OPERATIONS:

- 1) Complete Pile Splice.
- 2) Set up for Vibro-HAMMER

Notes: 1. Invoices must accompany original report.

2. Indicate work done by subcontractors.

The undersigned hereby agree that the above is a true and correct statement of labor, equipment, and materials used this date in executing the work described.

[Signature]
PND Inspector

10/30/13
Date

[Signature]
PPM Superintendent

10/29/13
Date



HAINES BOROUGH

Daily Report – Labor, Equipment, and Materials for Time and Materials Work

Change Order No.: 006
Project No.: 112048.09

Project Name: Port Chilkoot Dock and Letnikof Harbor Renov. Date of Work: 10/28/13
Location and Description of Work: VERTICAL PILE 15-H

LABOR				
Employee Name	Job Classification	Actual Work Performed	Hours	
			Regular	Overtime
TIM Greene	PB-WELDER	Welder	3	
Terry McConville	PB-FOREMAN	Supervisor / welder help.	3	
TIM Faust	PB-WELDER	WELDER / pick up	3	
Kyle Locke	CRANE OPERATOR	operate crane	2	

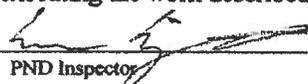
Description: Make, Model, Year Capacity/Size, Required Attachments	EQUIPMENT			MATERIALS	
	Reg.	O.T.	Stdby	Description	Quantity
PANTAY BARGE	3				
				1 1/2" MID PLATE	1
				3/16" BACKER RING	1
				APF OPEN CUTTING SHOE	1
				SHOE & PLATE IN CO #4	

NARRATIVE OF OPERATIONS:

- 1) CUT PILE & EXTRACT PILE PIECES
- 2) CUT CONICAL TIP & INSTALL INSIDE Flange cutting shoe & set pile
- 3) Prep FOR PILE splice & set / weld Bearing plate
- 4) Complete Pile Splice (~~to~~ TOMORROW)

Notes: 1. Invoices must accompany original report. 2. Indicate work done by subcontractors.

The undersigned hereby agree that the above is a true and correct statement of labor, equipment, and materials used this date in executing the work described.




PND Inspector _____ Date 10/29/13 PPM Superintendent _____ Date 10/29/13

Daily Report T & M Work; Page ___ of ___



HAINES BOROUGH

Daily Report – Labor, Equipment, and Materials for Time and Materials Work

15 H Batter

Change Order No.: 006
 Project No.: 112048.09

Project Name: Port Chilkoot Dock and Lemikof Harbor Reviv. Date of Work: 11/1/13
 Location and Description of Work: 15H-batter pile R-drive

LABOR

Employee Name	Job Classification	Actual Work Performed	Hours	
			Regular	Overtime
Terry Mc	PB-Union	Foreman	5	
Kyle L.	NCCO OP	Operator	5	
Tina Faust	PB-Union	Hammer Operator	5	
Jim Green	PB-Union	Rigging	5	
Ross V.	PB-Union	Paint man	5	
Dave P.	PB-	Rigging / Vibra operator	5	

EQUIPMENT

MATERIALS

Description: Make, Model, Year Capacity/Size, Required Attachments	Hours			Description	Quantity
	Reg.	O.T.	Stdby		
PanTay Concrete Barge	5			Movement of Pile	
ICE 44B Vibra	5			Drive Pile	
Delmag D-30/32	5			Drive Pile final	

NARRATIVE OF OPERATIONS:

Jim PND directed PPM to cut pile tip off at morning safety meeting.
 PPM then fresh headed pile and pulled pile ~~then~~ PPM then cut conical tip off and redrove pile

Notes: 1. Invoices must accompany original report. 2. Indicate work done by subcontractors.

The undersigned hereby agree that the above is a true and correct statement of labor, equipment, and materials used this date in executing the work described.

 11/2/13  11/1/13
 PND Inspector Date PPM Superintendent Date



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-417

Assembly Meeting Date: 2/11/14

Business Item Description:	Attachments:
Subject: Contract with Southeast Road Builders for snow removal services for Cathedral View/Piedad Area Subdivisions	1. Resolution 14-02-533 2. Bid Results and Bids
Originator: Director of Public Facilities (Agenda Bill by Clerk's Office)	
Originating Department: Public Facilities	
Date Submitted: 2/5/14	

Full Title/Motion:
 Motion: Adopt Resolution 14-02-533.

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

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ See Summary Statement	\$ See Summary Statement	\$ 0

Comprehensive Plan Consistency Review:

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

Annually, the Borough issues a Request for Quotes from contractors for snow removal services. Snow removal contracts, including renewals, may not exceed three years. The contract for the Cathedral View/Piedad Area Subdivisions, awarded in October 2012, was recently canceled. The Director of Public Facilities sought updated quotes from contractors to award a new contract. The Borough received two quotes from qualified contractors for the Cathedral View/Piedad Area: 1) Glacier Access and Recovery for a lump sum, per job rate of \$650.00, and 2) Southeast Road Builders for a lump sum, per job rate of \$700.00. The Director of Public Facilities has reviewed the proposals and recommends award to Southeast Road Builders due to the efficiency of its equipment. The Southeast Road Builders bid is comparable to the previous lump sum, per job rate of \$695.00 for the Cathedral View/Piedad Area under the previous contractor. Funding for snow removal services is currently budgeted.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract with Southeast Road Builders to provide 2014 snow removal services for the Cathedral View/Piedad Area Subdivisions.

WHEREAS, annually the Haines Borough issues a Request for Quotes (RFQ) from qualified, licensed contractors for snow removal services; and

WHEREAS, snow removal contracts, including any renewals, may not exceed a total of three years; and

WHEREAS, the contract for snow removal services for the Cathedral View/Piedad Area Subdivisions, awarded in October 2012, was recently canceled; and

WHEREAS, the Director of Public Facilities sought updated quotes from area contractors to award a new contract; and

WHEREAS, the Borough received two responsive quotes from qualified contractors for the Cathedral View/Piedad Area: 1) Glacier Access and Recovery for a lump sum, per job rate of \$650.00, and 2) Southeast Road Builders for a lump sum, per job rate of \$700.00; and

WHEREAS, the Director of Public Facilities has reviewed the proposals and recommends award to Southeast Road Builders due to the efficiency of its equipment; and

WHEREAS, the Southeast Road Builders bid is comparable to the previous lump sum, per job rate of \$695.00 for the Cathedral View/Piedad Area under the previous contractor; and

WHEREAS, funding for snow removal services is currently budgeted,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a contract with Southeast Road Builders to provide 2014 snow removal services for the Cathedral View/Piedad Area Subdivisions.

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

Stephanie Scott, Borough Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk



Haines Borough Bid Opening Record

Project: Snow Removal – Cathedral / Piedad
Project No: _____

Location: Borough Administration Conference Room
Date/Time: 12:23 10/15/12

Bidder	Bid Rcvd by Deadline ?	Bid on Req. Form ?	Bid Signed ?	Non Collusion?	Check?	Addendum Initialed?	Per Job Rate	Plow Truck	Pick-Up Truck	Loader	Grader	Per Hour Rates
Alaska Marine Trucking	No Bid											
Campbell, George	X	X	X	X	X	X	\$695.00		Ford Bronco	1. Cat 908H W/ 12' Push, 9' Angle Blades 2. Bobcat CT235 Blower		908H = \$110 ph Bobcat CT235 = \$85 ph
Turner Construction	No Bid											
Southeast Road Builders	X	X	X	X	X	X	\$700.00			Volvo L60 Loader	CAT 140G Grader	CAT 140G = \$115.00 Volvo L60 = \$105.00

Present: Michelle Webb
Carlos Jimenez
Krista Kielsmeier
George Campbell
Stacie Turner
Brenda Jones

2012-13 Snow Removal Cathedral View/Piedad Area

PROPOSAL FORM

Proposal of Southeast Road Builders, Inc. (hereinafter called Bidder), organized and existing under the laws of the State of Alaska, doing business as (underline one) a corporation, partnership or individual, to the Haines Borough (Owner).

Bidder hereby proposes to perform all work as directed by the Owner for the plowing of Cathedral View/Piedad Area in accordance with the Owner's Request for Proposals and Information for Bidders.

The Borough reserves the right to reject all proposals and reserves the right to waive any formalities, and to negotiate with the low bidder.

These proposals shall be subject to all conditions in the "Request for Proposals" posted by the Haines Borough on September 27, 2012 and incorporated herein by reference. Contract shall be valid only if signed by the contractor and Borough Manager.

By submission of this proposal, the bidder certifies that the proposal has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this proposal with any other bidder or with any competitor.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed.

Bidder acknowledges receipt of the following Addendum: 1 initials RS

BIDDER INFORMATION:

Name:	<u>Roger Schnabel, President</u>
Company Name:	<u>Southeast Road Builders, Inc.</u>
Address:	<u>HC 60 Box 4800, Haines, AK 99827</u>
Phone(s):	<u>(907) 766-2833</u>
Email:	<u>roger@sroad.com ; cheryls@sroad.com</u>

Cathedral View

Per Job Rate : \$ 700.00

Please list equipment available and to be assigned for this job:

Equipment: CAT 140G Grader

Equipment: Volvo L60 Loader

Equipment: _____

Per Hour Rate, if asked to plow and remove snow in other areas:

Equipment: CAT 140G Grader Per Hour \$ 115.00

Equipment: Volvo L60 Loader Per Hour \$ 105.00

Date: October 15, 2012

Authorized Representative: President (title)
Roger Schnabel (printed name)
 (signature)

RECEIVED Haines Borough
FEB 02 2014
Clerk's Office

**2012-13 Snow Removal
Cathedral View/Piedad Area**

PROPOSAL FORM

Proposal of Glacier Access & Recovery LLC (hereinafter called Bidder), organized and existing under the laws of the State of Alaska, doing business as (underline one) a corporation, partnership or individual, to the Haines Borough (Owner).

Bidder hereby proposes to perform all work as directed by the Owner for the plowing of Cathedral View/Piedad Area in accordance with the Owner's Request for Proposals and Information for Bidders.

The Borough reserves the right to reject all proposals and reserves the right to waive any formalities, and to negotiate with the low bidder.

These proposals shall be subject to all conditions in the "Request for Proposals" posted by the Haines Borough on September 27, 2012 and incorporated herein by reference. Contract shall be valid only if signed by the contractor and Borough Manager.

By submission of this proposal, the bidder certifies that the proposal has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this proposal with any other bidder or with any competitor.

Bidder hereby agrees to commence work under this contract on or before a date to be specified in the Notice to Proceed.

Bidder acknowledges receipt of the following Addendum: X initials Dew

BIDDER INFORMATION:

Name: Daniel Wackerman
Company Name: Glacier Access & Recovery LLC
Address: P.O. Box 1333 Haines, AK 99827
Phone(s): (907) 314-1010
Email: alaskan.energy@gmail.com

Cathedral View	
Per Job Rate : \$ <u>650.⁰⁰</u>	
Please list equipment available and to be assigned for this job:	
Equipment:	<u>Mercedes UNIMOG U1250VL w/Schmidt MF3.4 (onsite)</u>
Equipment:	<u>CAT 908 Front-End wheel loader (12 hr notice)</u>
Equipment:	<u>CAT 416E Backhoe (onsite)</u>
Per Hour Rate, if asked to plow and remove snow in other areas:	
Equipment:	<u>CAT Loader</u> Per Hour \$ <u>100.⁰⁰</u>
Equipment:	<u>CAT Backhoe</u> Per Hour \$ <u>100.⁰⁰</u>

Date: 02/03/2014

Authorized Representative: Owner (title)
Daniel Wackerman (printed name)
[Signature] (signature)



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-418

Assembly Meeting Date: 2/11/14

Business Item Description:		Attachments:
Subject: Authorize Contract for Haines School Fans Replacement Project (Behrends Mechanical)		1. Resolution 14-02-534 2. Bid Solicitation 3. Bid Results 4. Contractor Bids 5. E-mail from Superintendent Byer
Originator: Director of Public Facilities (Agenda Bill by Clerk's Office)		
Originating Department: Public Facilities		
Date Submitted: 2/5/14		

Full Title/Motion:
Motion: Adopt Resolution 14-02-534.

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

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 110,000	\$ 110,000	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. : Objective 18B, Page 300	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

The Haines Borough recently issued a request for sealed bids from qualified, licensed contractors for the Haines School Fans Replacement project and obtained three sealed bids: 1) Behrends Mechanical for \$319,235; 2) Pacific Rim Mechanical for \$342,398; and 3) Schmolck Mechanical for \$378,600. The Director of Public Facilities has reviewed the bids and recommends award to the apparent low bidder, Behrends Mechanical. The Haines Borough School District budgeted \$140,000 for the fans replacement project and has committed to appropriate an additional \$70,000 for the work. The Haines Borough Assembly appropriated \$110,000 in the FY14 budget's Capital Improvement Projects (CIP) fund for this project. Complete contractor bid submissions are available upon request.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Behrends Mechanical for the Haines School Fans Replacement project for an amount not-to-exceed \$319,235.

WHEREAS, the Haines Borough recently issued a request for sealed bids from qualified, licensed contractors for the Haines School Fans Replacement project; and

WHEREAS, the Haines Borough obtained three sealed bids: 1) Behrends Mechanical for \$319,235; 2) Pacific Rim Mechanical for \$342,398; and 3) Schmolck Mechanical for \$378,600; and

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

WHEREAS, the Haines Borough School District budgeted \$140,000 for the fans replacement project and has committed to appropriate an additional \$70,000 for the work; and

WHEREAS, the Haines Borough Assembly appropriated \$110,000 in the FY14 budget's Capital Improvement Projects (CIP) fund for this project,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to enter into a construction contract with Behrends Mechanical for the Haines School Fans Replacement project for an amount not-to-exceed \$319,235.

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

Stephanie Scott, Borough Mayor

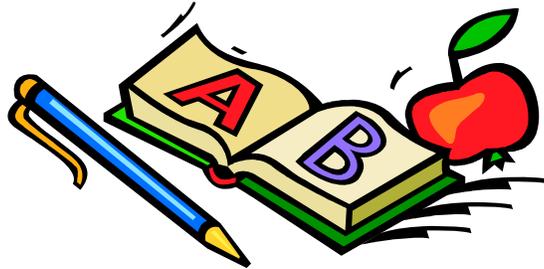
Attest:

Michelle L. Webb, Interim Borough Clerk

HAINES BOROUGH PUBLIC NOTICE

REQUEST FOR SEALED BIDS

HAINES SCHOOL FANS REPLACEMENT



Notice is hereby given that the Haines Borough, Alaska, will receive sealed competitive BIDS from qualified and licensed contractors for the following project: "Haines School Fans Replacement," until 2:00 p.m., Local Time, Wednesday, **January 15, 2014 (per Addendum #1)**, at the Office of the Borough Clerk, Borough Administration Building, 103 Third Ave. S, P.O. Box 1209, Haines, Alaska 99827. The bid opening will be shortly after 2:00 p.m. on the same date in the Borough Administration Building conference room. Bids must be mailed or hand-delivered and will not be accepted by email or fax.

Project Description: The work consists of the replacement of the Haines School ventilation units VU-1, VU-2, and VU-3 supply and return fans. The project is located in Haines, Alaska.

Bidding, Contract and Technical Questions:

Attn: Doug Murray
Murray and Associates, P.C.
907 Capitol Avenue
Juneau, Alaska 99802
Telephone: (907) 780-6151
Email: dougm@murraypc.com

Bid Documents: The contract documents are available at no charge on the Haines Borough website: www.hainesalaska.gov/rfps for viewing and printing. Alternatively, you may request printing from the clerk's office for a fee.

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

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

Physical Location

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

Mailing Address

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

Haines Borough
 Bid Opening Record

Location: Borough Admin. Building

Project No: 13-12-01

Date/Time: 2:15pm, 1/15/14

Project: Haines School Fans Replacement

Bidder	Bid Rcvd by Deadline	Bid on Req. Form, Complete, & Signed	Proof of AK & HB Business Licensing		Proof of AK Contractor's Cert. of Reg.	Bid Bond or Certf. Check of at least 5% of bid	Addenda Noted	Base Bid Haines School Fans Replacement	Comments
Behrends Mechanical	x	x	x	x	x	x	x	\$ 400,000.00	Apparent Low
Modifications								\$ (80,765.00)	
Totals								\$ 319,235.00	
Pacific Rim Mechanical	x	x	x	x	x	x	x	\$ 342,398.00	
Modifications								\$ -	
Totals								\$ 342,398.00	
Schmolck Mechanical	x	x	x	x	x	x	x	\$ 406,500.00	
Modifications								\$ (27,900.00)	
Totals								\$ 378,600.00	

Present:
 Carlos Jimenez, Director of Public Facilities
 Krista Kielsmeier, Administrative Assistant
 Shawn O'Brien, Pacific Rim Mechanical

**Behrends
Mechanical Inc.**
PROFESSIONAL PLUMBING & HEATING

RECEIVED Haines Borough

JAN 14 2014

Clerk's Office

January 14, 2014

Haines Borough
Attn: Borough Clerk
PO Box 1209
Haines, AK 99827

Re: Bid modification for Haines School Fans Replacement

From the Bid Schedule dated 1-10-14, please deduct \$80,765.00.

Regards,



Richard Behrends
President
Behrends Mechanical, Inc.

Faxed & Emailed

907-766-2716

HAINES BOROUGH
Haines School Fans Replacement

BID SCHEDULE

Bid of Behrends Mechanical, Inc. (hereinafter called *Bidder*), doing business as (underline one) a corporation, partnership or individual, to the Haines Borough (hereinafter called *Borough*). The Bidder agrees to furnish to the Haines Borough all information and data that may be requested to give evidence that the undersigned is properly qualified to carry out the obligations of the Contract Documents.

The undersigned Bidder agrees, if this bid is accepted, to furnish all tools, equipment, supplies, manufactured articles, labor, materials, services and incidentals, and to perform all work necessary to complete the work required under the Invitation to Bid by the completion dates and to accept as full payment the Contract Price stated on this Bid Form, and in the manner stipulated by the Request for Bids, subject to any negotiated changes in the work that might increase or decrease the contract amount. The Borough reserves the right to reject any and all bids and negotiate with the responsible bidder submitting the lowest bid amount.

Bidder accepts all of the terms and conditions of the Request for Bids and, if this bid is accepted, will furnish, within ten calendar days after the Notice of Intent to Award letter, the following documents required by borough code for this project:

1. Contract document or Agreement;
2. [Proof of insurance: general liability, auto insurance, worker's compensation];
3. Any overdue unpaid debts owed the borough must be current prior to award;
4. Payment and Performance bonds, if applicable; and
5. Subcontractor report, if applicable.

Bidder acknowledges receipt of the following addenda: Addendum #. 1 Initials: LRB Addendum #. 2 Initials: LRB

Total BASE BID (Price in Digits): \$400,000.00

BIDDER INFORMATION:

Principal Contact: Richard Behrends
Business Name: Behrends Mechanical, Inc
Business Physical Address: 1782 Anka St Juneau, AK 99801
Business Mailing Address, if different: PO Box 020347 Juneau, AK 99802
Phone: 780-6766 Fax: 780-6063 Email: behrendsmech@pci.net

Bidder's Authorized Signature

Richard Behrends President

Printed Name

1-10-14

Date

HAINES OFFICE

Phone **907.766.2086** Fax **907.272.8389**

PO Box 669 Haines, AK 99827

Jan 15th, 2014

RE: Haines Borough Fan Replacement Bid

To Whom It May Concern,

The Enclosed Bid was determined with using a sole source control contractor per contract specifications. With that being said I would like the Haines Borough and the Haines Borough School District to be aware of their Value Engineering options. If Pac Rim (PRM) is selected as the contractor of choice for this project, the contract price negotiated could be considerably less than our enclosed Bid sum without lessening the quality of the overall project. It would be PRM's pleasure to sit down with a complete breakdown of the project budget and explain to all involved these project saving ideas if the project so happens to go over the budget allotted.

Sincerely,

Shawn J O'Brien
Pacific Rim Mechanical, LLC.

HAINES BOROUGH
Haines School Fans Replacement
BID SCHEDULE

Bid of Pacific Rim Mechanical, LLC. (hereinafter called *Bidder*), doing business as (underline one) a corporation, partnership or individual, to the Haines Borough (hereinafter called *Borough*). The Bidder agrees to furnish to the Haines Borough all information and data that may be requested to give evidence that the undersigned is properly qualified to carry out the obligations of the Contract Documents.

The undersigned Bidder agrees, if this bid is accepted, to furnish all tools, equipment, supplies, manufactured articles, labor, materials, services and incidentals, and to perform all work necessary to complete the work required under the Invitation to Bid by the completion dates and to accept as full payment the Contract Price stated on this Bid Form, and in the manner stipulated by the Request for Bids, subject to any negotiated changes in the work that might increase or decrease the contract amount. The Borough reserves the right to reject any and all bids and negotiate with the responsible bidder submitting the lowest bid amount.

Bidder accepts all of the terms and conditions of the Request for Bids and, if this bid is accepted, will furnish, within ten calendar days after the Notice of Intent to Award letter, the following documents required by borough code for this project:

1. *Contract document or Agreement;*
2. *[Proof of insurance: general liability, auto insurance, worker's compensation];*
3. *Any overdue unpaid debts owed the borough must be current prior to award;*
4. *Payment and Performance bonds, if applicable; and*
5. *Subcontractor report, if applicable.*

Bidder acknowledges receipt of the following addenda: Addendum #. 1 Initials: SO Addendum #. 2 Initials: SO

Total BASE BID (Price in Digits): \$342,398.00

BIDDER INFORMATION:

Principal Contact: Shawn J O'Brien

Business Name: Pacific Rim Mechanical, LLC.

Business Physical Address: 872 Spruce Grove, Haines, Alaska 99827

Business Mailing Address, if different: PO Box 669, Haines, Alaska 99827

Phone: 907.382.2068 Fax: NA Email: shawnjobrien@gmail.com


Bidder's Authorized Signature

Shawn J O'Brien
Printed Name

1/15/14
Date



Wednesday, January 15, 2014

**Invitation to Bid
Haines School
Fans Replacement
Bid Deadline: Wednesday, January 15, 2014**

**Office of the Borough Clerk
Borough Administration Building
103 Third Ave. S.
Haines, Alaska 99827**

Bid Modification # 1

We hereby request the following modification to our Bid

Pay Item	Description	Revision to unit Price	Revision to Bid Amount
1	Base Bid	-\$27,900.00	-27,900.00
Total Revision			-27,900.00

We acknowledge additional addendum

Addendum # 1 Initials DWT Addendum # _____ Initials _____
 Addendum # 2 Initials DWT Addendum # _____ Initials _____

Thank you,

Dated 1/15/2014

David W. Trudeau
 Vice President
 Schmolck Mechanical Contractors Inc.
 949 Stedman St. / P.O. Box 8756
 Ketchikan AK 99901
 (907)225-6648ph
 (907)225-8575fx
dave@schmolckmechanical.com

110 Jarvis St.
 Sitka, AK 99835
 P(907) 747-3142 / F(907) 747-8897
 GARY.SPH@GCI.NET

949 Stedman St.
 P.O. Box 8756
 Ketchikan, AK 99901
 P(907) 225-6648 / F(907) 225-0374
 SCHMOLCK@KPUNET.NET

HAINES BOROUGH
Haines School Fans Replacement
BID SCHEDULE

Bid of Schmolck Mechanical Contractors Inc. (hereinafter called *Bidder*), doing business as (underline one) a corporation, ~~partnership or individual~~, to the Haines Borough (hereinafter called *Borough*). The Bidder agrees to furnish to the Haines Borough all information and data that may be requested to give evidence that the undersigned is properly qualified to carry out the obligations of the Contract Documents.

The undersigned Bidder agrees, if this bid is accepted, to furnish all tools, equipment, supplies, manufactured articles, labor, materials, services and incidentals, and to perform all work necessary to complete the work required under the Invitation to Bid by the completion dates and to accept as full payment the Contract Price stated on this Bid Form, and in the manner stipulated by the Request for Bids, subject to any negotiated changes in the work that might increase or decrease the contract amount. The Borough reserves the right to reject any and all bids and negotiate with the responsible bidder submitting the lowest bid amount.

Bidder accepts all of the terms and conditions of the Request for Bids and, if this bid is accepted, will furnish, within ten calendar days after the Notice of Intent to Award letter, the following documents required by borough code for this project:

1. *Contract document or Agreement;*
2. *[Proof of insurance: general liability, auto insurance, worker's compensation];*
3. *Any overdue unpaid debts owed the borough must be current prior to award;*
4. *Payment and Performance bonds, if applicable; and*
5. *Subcontractor report, if applicable.*

Bidder acknowledges receipt of the following addenda: Addendum #.____ Initials:____ Addendum #.____ Initials:____
No Addendum as of 1-2-14

Total BASE BID (Price in Digits): \$406,500.00
Four hundred six thousand five hundred dollars and no/100

BIDDER INFORMATION:

Principal Contact: David W. Trudeau V.P. Schmolck Mechanical Contractors Inc.

Business Name: Schmolck Mechanical Contractors Inc.

Business Physical Address: 949 Stedman St. Ketchikan AK 99901

Business Mailing Address, if different: P.O Box 8756 Ketchikan AK 99901

Phone: (907)225-6648 Fax: (907)225-8575 Email: dave@schmolckmechanical.com



V.P. SCHMOLCK MECHANICAL

Bidder's Authorized Signature

David W. Trudeau

Printed Name

January 2, 2014

Date

Krista Kielsmeier

From: Carlos Jimenez
Sent: Wednesday, February 05, 2014 8:23 AM
To: Krista Kielsmeier; Michelle Webb
Subject: FW: HS Airhandling Renovation

From: mbyer [<mailto:mbyer@hbsd.net>]
Sent: Tuesday, February 04, 2014 11:01 PM
To: Carlos Jimenez; Stephanie Scott; Julie Cozzi; Jila Stuart
Cc: Ashley Sage
Subject: HS Airhandling Renovation

At their meeting this week the HBSD board approved \$70,000 additional to pay for the renovation of the High School Airhandlers.

Michael

*Michael Byer, Superintendent
Haines Borough School District
Office: (907) 766-6725
Fax: (907) 766-6794*



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-423

Assembly Meeting Date: 2/11/14

Business Item Description:	Attachments:
Subject: Petition the Regulatory Commission of Alaska to Intervene in Alaska Power Company Rate Making Case	1. Resolution 14-02-535 2. Mayor's Email dated 2/5/14
Originator: Mayor and Borough Attorney	
Originating Department: Mayor's Office	
Date Submitted: 2/6/14	

Full Title/Motion:
Motion: Adopt Resolution 14-02-535.

Administrative Recommendation:
This resolution is recommended by the mayor and the interim manager.

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 3H, Pages 108-109	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
Alaska Power Company ("APC") has recently initiated Docket No. U-14-002 with the Regulatory Commission of Alaska, requesting, among other things, an 18.16% across-the-board rate increase during the next three years for energy supplied to consumers in Haines. The borough and its citizens expect to suffer unreasonable hardship if the rate increase is approved. The borough believes there may be viable arguments against the justness and reasonableness of the proposed rate increase. The borough believes it is in its own best interest and that of its citizens to petition to intervene in Docket No. U-14-002 and thereafter to fully participate in the proceedings. The Borough Attorney has prepared a Petition to Intervene in the case. The assembly supported this action at its 1/28 meeting, pending consultation with Thomas Lovas of Energy and Resource Economics. In the Mayor's 2/5/14 email she indicates Mr. Lovas supports intervention.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:

A Resolution of the Haines Borough Assembly authorizing the borough attorney to petition the Regulatory Commission of Alaska to intervene in Docket Number U-14-002, the rate making case filed by Alaska Power Company, and to represent the borough in that proceeding.

WHEREAS, Alaska Power Company ("APC") has recently initiated Docket No. U-14-002 with the Regulatory Commission of Alaska, requesting, among other things, an 18.16% across-the-board rate increase during the next three years for energy supplied to consumers in Haines; and

WHEREAS, the borough is a major consumer of energy supplied by APC; and

WHEREAS, the citizens of Haines are likewise significant consumers of energy supplied by APC; and

WHEREAS, the borough and the citizens expect to suffer unreasonable hardship if the rate increase is approved; and

WHEREAS, the borough believes there may be viable arguments against the justness and reasonableness of the proposed rate increase; and

WHEREAS, the borough believes it is in its own best interest and that of its citizens to petition to intervene in Docket No. U-14-002 and thereafter to fully participate in the proceedings; and

WHEREAS, the Borough Attorney has prepared a Petition to Intervene in the case,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Assembly authorizes the Borough Attorney to petition the RCA to intervene in Docket No. U-14-002, and thereafter to pursue the docket on behalf of the Haines Borough using whatever legal means are necessary and required for that purpose.

2. The Assembly authorizes the Borough Attorney and Manager to engage and utilize experts or other assistance in pursuing the case and to defend the rights and interests of the Borough in Docket No. U-14-002.

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

Stephanie Scott, Mayor

Attest:

Michelle L. Webb, Interim Borough Clerk

Michelle Webb

From: Stephanie Scott
Sent: Wednesday, February 05, 2014 1:12 PM
To: DG_Assembly
Cc: Julie Cozzi; Michelle Webb
Subject: APT request for rate increase

Dear Members of the Assembly,

You will be receiving - soon - a memo from attorney Patrick Munson explaining the advantages of achieving intervenor status in the APT rate increase request now before the RCA. I met via teleconference with Patrick and Thomas Lovas last Friday.

I was hoping that Patrick would have a memo to us sooner than later (this is later) because I am hesitant to try to wrap words around a very technical topic. Though I could follow the conversation between Patrick and Tom to some degree, some of it was over my head. I hope to catch up.

Patrick and Tom concur that we should request intervenor status. The petition and an accompanying explanation will be before you ASAP, but perhaps not until Friday.

Stephanie

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



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-419

Assembly Meeting Date: 2/11/2014

Business Item Description:	Attachments:
Subject: Ordinance for Assembly Meeting Action Only Minutes	1. Ordinance 14-02-367 2. Excerpt from The Complete Idiot's Guide to Robert's Rules by Nancy Sylvester, pp 204 & 205 3. Memo from Mayor 4. Memo from Clerk's Office
Originator: Mayor Stephanie Scott	
Originating Department: Mayor	
Date Submitted: 1/31/14	

Full Title/Motion:
Motion: Introduce Ordinance 14-02-367 and set a first public hearing for 2/25/14.

Administrative Recommendation:
The Clerk's Office and the Interim Manager recommend this ordinance

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

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

Summary Statement:
<p>This ordinance is recommended by the Mayor, Clerk's Office, and the Interim Borough Manager.</p> <p>History: A similar ordinance with other administrative policy recommendations was proposed in 2011 (Ordinance 11-11-277). This ordinance was adopted, but action only minutes were removed by amendment. There were 2 written citizen comments in the 2011 packet speaking against action only minutes (available upon request).</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:

**An Ordinance of the Haines Borough amending Haines Borough Code Title 2
Section 2.10.040 to modify assembly meeting minutes procedures.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Section 2.10.040 Section 2.10.040 of the Haines Borough Code is hereby amended as follows:

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

2.10.040 Minutes.

A. Minutes of all regular and special meetings shall be taken by the clerk or the clerk's designee. Audio recording shall also be made of these meetings. Summary notes shall be taken by the manager or committee chair at each assembly work session or committee of the assembly and a report given on the work session or committee meeting at the next regular borough assembly meeting. All approved minutes of regular and special meetings shall be kept by the clerk in the journal of the proceedings of the assembly. All minutes of the assembly shall be distributed by the clerk to the public desiring the same after payment of standard posted copying charges, plus postage and handling costs if delivered by mail.

B. Unless a reading of the minutes of an assembly meeting is requested by a member of the assembly, such minutes may be approved without a reading if the clerk has previously provided each member a copy thereof.

C. An assembly member may request through the mayor the privilege of having a verbatim record of the member's statement on any subject under consideration by the assembly entered in the minutes. Unless a majority of the assembly members object to any such request, such statement shall be entered in the minutes.

D. The clerk, unless directed otherwise by the mayor, and with the consent of the assembly, will always enter in the minutes ~~a synopsis of the discussion~~ **any action, by motion, taken by** ~~on any question coming before~~ the assembly. A vote by the assembly on any subject must be recorded in the minutes of the assembly meeting by the clerk.

...

Haines Borough
Ordinance No. 14-02-367
Page 2 of 2

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: 02/11/14
Date of First Public Hearing: ___/___/14
Date of Second Public Hearing: ___/___/14

What to Put in the Minutes (and What to Leave Out)

Robert's recommends that minutes contain the following items:

- ◆ Kind of meeting (regular, special, and so on).
- ◆ Name of the organization.
- ◆ Date, time, and place of the meeting.
- ◆ Names of the presiding officer and secretary, or in their absence, the names of their substitutes.
- ◆ The approximate number of members present (optional).
- ◆ The establishment of a quorum (optional).
- ◆ Record of the action taken on the minutes of the previous meeting.
- ◆ The exact wording of each main motion as it was voted on, and whether it passed or failed, along with the name of the maker. In addition, if the vote was counted, the count should be included, as well as the tellers' reports, if any; in roll call votes, the record of each person's vote is included.
- ◆ Any notice given at the meeting. Previous notice is sometimes required, such as with amendments to the bylaws; if any such notice was given at the meeting, it should be included in the minutes.
- ◆ Points of order and appeals.
- ◆ For committee reports, the name of the committee, and the reporting member. If the committee provides a printed report, attach it to the minutes and note that it is attached.
- ◆ The hour of adjournment.

Robert's is equally clear about what should *not* be included in the minutes. The following should not be included:

- ◆ The opinion or interpretation of the secretary.
- ◆ Judgmental phrases such as "heated debate" or "valuable comment".



Robert's Says

Minutes are the written record of the proceedings of a deliberative assembly. They are a record of what was done at the meeting, not what was said at the meeting.



Parliamentary Pearls

Although it's not necessary to include the full report of the treasurer in the text of the minutes, many groups find it helpful to include the previous balance, income totals, disbursement totals, and current balance in the minutes.

- ◆ Discussion. Minutes are a record of what was *done* at the meeting, not what was *said* at the meeting.
- ◆ Motions that were withdrawn.
- ◆ Name of person who seconded a motion.
- ◆ Flowery language.
- ◆ Reports in detail.
- ◆ Transcripts of the meeting. While some groups choose to have a transcript of the meeting, it should never substitute as the minutes of the meeting.

Getting the Minutes Approved

The minutes are made official only after they are approved, which usually takes place at the next meeting.

If your organization frequently makes changes to the minutes, you might want to send out the initial, unapproved set with the word "draft" clearly printed on them. Then, when the minutes have been changed and approved, the official minutes can be sent out.

If your organization seldom has changes to the minutes, two sets, one draft and one approved, will probably be unnecessary.

Sign 'em

After the minutes have been corrected and approved by the membership, they should be signed by the secretary (the president's signature isn't required). The word "approved" and the date of the approval should also be included.

Book 'em

The official copy of the minutes are the property of the organization. They should be entered in the *minutes book* and kept by the secretary if the organization doesn't have a headquarters office. If there is an office, the official copy of the minutes should be kept there.



Gavel Gaffs

Although including the words "Respectfully submitted" right before the secretary's signature used to be common practice, it is considered outdated to do so today. Instead, simply sign your name.



Robert's Says

The *minutes book* is usually a three ring binder, that contains a complete copy of all of the minutes.

Memorandum

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

February 5, 2014

To: Haines Borough Assembly

Cc: Interim Manager, Julie Cozzi
Interim Borough Clerk, Michelle Webb

From: Stephanie Scott, Mayor, Haines Borough

Subject: Action Minutes, Discussion Minutes, Verbatim Minutes, Duties of the Clerk

Assembly procedures are governed by Robert's Rules of Order unless we have provided otherwise. With respect to minutes, HBC 2.10.040 (D) provides "otherwise."¹ HBC 2.10.040 (D) authorizes a style of minutes known as "Discussion minutes." See the outline of the three standard styles of minutes in the footnote two below.²

¹ HBC 2.10. 040 (D). The clerk, unless directed otherwise by the mayor, and with the consent of the assembly, will always enter in the minutes a synopsis of the discussion on any question coming before the assembly. A vote by the assembly on any subject must be recorded in the minutes of the assembly meeting by the clerk.

² Minutes serve to record what happened in a meeting. Opinion and speculation do not belong in the minutes of a meeting. There are three standard styles of minutes: action, discussion, and verbatim. Each style has a specific use.

- **Action minutes** record the decisions reached and the actions to be taken, though not recording the discussion that went into making the decisions. This is the most common form of minutes used. They include a report of actions taken since the last meeting as well as planned actions. It is important to note who is responsible for upcoming actions. The secretary should save any handouts included with a presentation.
- **Discussion minutes** are lengthy and may include information which is not essential to the focus of the meeting. It may be necessary to keep discussion minutes in a situation where the process behind the decisions may be in question later. Discussion minutes contain everything action minutes do as well as the discussion which lead to the actions decided upon. Do not include

Without a doubt, “action minutes” take less time to prepare. They may have other advantages as well. It is easy to see exactly what action was taken, since the decision to act is itself the focus of the minutes. See the description of essential minutes included in Roberts Rules of Order Revised, Fourth Edition in the footnote below.³

No one disagrees that “discussion minutes” are time consuming and preparation of the summary of the conversation that underlies the decision may include mistakes and problematic misrepresentations. See <http://web.mit.edu/brlewis/www/minutes/benefits.html>.

discussion which does not pertain to the topic at hand. Be sure to record the speaker and the focus of the presentation as it concerns the topic.

- **Verbatim minutes**, like transcripts, are a record of every single word said at a meeting. They are often long and can be difficult to skim for a particular piece of information. With the exception of courtroom proceedings and Congress, a verbatim record of a meeting is rarely necessary. Verbatim minutes will not always follow the agenda.

<<http://www.meetingtomorrow.com/cms-category/how-to-prepare-minutes-for-a-meeting>>

³ According to Robert’s Rules of Order, Revised, Fourth Edition, from Robert’ Rules Online, minutes should consist of the following, commonly referred to as “action minutes:”

60. The Minutes. ... The essentials of the record are as follows:

(a) the kind of meeting, "regular" (or stated) or "special," or "adjourned regular" or "adjourned special";

(b) name of the assembly;

(c) date of meeting and place, when it is not always the same;

(d) the fact of the presence of the regular chairman and secretary, or in their absence the names of their substitutes,

(e) whether the minutes of the previous meeting were approved, or their reading dispensed with, the dates of the meetings being given when it is customary to occasionally transact business at other than the regular business meetings;

(f) all the main motions (except such as were withdrawn) and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn;

(g) and usually the hours of meeting and adjournment, when the meeting is solely for business. Generally the name is recorded of the member who introduced a main motion, but not of the seconder. <http://www.rulesonline.com/rror-10.htm#60>

I asked the Valdez City Manager, John Hozey, about Valdez's minutes and he acknowledged that summarizing a discussion is more "art than science" and "it does take a lot of time."

It sounds like we do something similar to what you do. It is a cross between verbatim and action minutes, where every discussion is summarized to capture the intent, if not every comment. The problem with this approach is that summarizing the discussion is more art than science... My Clerk is very good at this, but even then, she doesn't always have all the technical information to put a particular topic into context. So after she writes up the minutes, she forwards them to me and allows me the chance to edit them as necessary. The end result is usually pretty good, but it does take a lot of time.
Email from John Josey to Stephanie Scott, January 31, 2014.

Valdez has a City Clerk and a Deputy Clerk; population 2012 was 4022.

Action minutes satisfy the legal requirement for a record of the business decisions made by a legislative body. Discussion minutes provide greater context for the decision.

The decision as to form of minutes has returned to the Assembly because of a perceived need to have the minutes of a previous meeting available at the next regularly scheduled meeting of the Assembly. Changing the form of the minutes may or may not result in a satisfactory publication schedule. In my opinion, the only way to guarantee that minutes be available at the next regularly scheduled meeting is to say so.

Thus, regardless of the form of minutes that you prefer, I recommend that code be revised to require a publication schedule. The following sentence could be added to HBC 2.10.040 (D):

Minutes of a regularly scheduled meeting of the Assembly will be provided for approval at the subsequent regularly scheduled meeting.

Alternatively, publication of regular meeting minutes according to a particular schedule could be added to the Duties of Clerk. Please see the Clerk's job description attached.

Attachment: Duties of the Haines Borough Clerk

HAINES BOROUGH
POSITION DESCRIPTION

Borough Clerk

SUMMARY:

The Borough Clerk is a full-time, salaried employee and an officer of the borough, hired by the assembly to work under the direct supervision of the borough manager. The Borough Clerk supervises activities of the Office of the Clerk and is responsible for carrying out the statutorial and professional duties of a municipal clerk. The Borough Clerk works closely with the mayor, borough Assembly, borough manager, other borough officers, department heads, committees, commissions, and the public. This job description reflects the essential duties and responsibilities as outlined in borough charter and code, Alaska statute, and as assigned by the administration. It does not prescribe or restrict the tasks that may be assigned.

OFFICE MISSION STATEMENT:

The Borough Clerk's Office is committed to conducting the duties of the office in an ethical, friendly, and efficient manner to ensure an effective link between citizens, local governing officials, and other government agencies.

EXAMPLES OF DUTIES:

1. Manage contractors, as assigned, and supervise the Administrative Assistant.
2. Prepares borough assembly agenda and packets and compiles necessary information for presentation, drafts ordinances as requested, attends borough assembly regular and special meetings, and records the official minutes.
3. Arranges publication of all borough notices; publicizes meetings, ordinances, resolutions, and proclamations as appropriate.
4. Manages the borough's records and develops retention schedules and procedures for inventory, storage, and destruction of records as necessary. Receives and responds to public records and disclosure requests.
5. Supervises the maintenance of an indexed file of borough ordinances, resolutions, codes, and other public records.
6. Keeps a record of policies, procedures and practices adopted by the assembly or established as part of the systematic administration of the borough.
7. Has custody of the corporate seal to attest and certify all official documents as needed.
8. Coordinates codification of all adopted ordinances of a general and permanent nature, and distribute updates to all holders of the code book.
9. Manages the recruitment of borough personnel, including advertising, receiving applications and responding to inquiries, transmitting the applications to the appropriate person, and maintaining a record of job descriptions and applications.

10. Receives and keeps confidential personnel records including evaluations, reprimands, grievances, resignations, etc., as directed by Title 2.
11. Administers oaths of office and other oaths and affirmations, and certifies affidavits and depositions pertaining to local affairs and business which may be used in court proceedings to the State. Acts as a notary for municipal documents.
12. Functions as the borough's election supervisor and conducts borough elections in accordance with state and borough laws. Acts as a voter registrar.
13. Receives and date stamps all mail addressed to the Office of the Clerk, the borough manager, and the mayor; answers citizen inquiries.
14. Issues various permits and licenses as prescribed in the borough code. Makes forms available, developing new ones as needed.
15. Coordinates the calendar for use of the assembly chambers and for any assembly, committee or other public use activities.
16. Keeps the chronological file of correspondence for the Borough.
17. Operates office machines and assists, as needed, with ordering maintenance and supplies.
18. Countersigns warrants, checks, etc. after same have been authorized by the assembly. Countersigns and seals all bonds.
19. Acts as the parliamentary advisor to the assembly.
20. Is bonded by the Borough for the faithful performance of these duties.
21. Performs such additional duties as state statute and borough ordinances prescribe.
22. Prepares annual and periodic bid and proposal documents, as directed by the borough manager.
23. Drafts, facilitates, and monitors contracts agreements, use permits, and leases. Provide timely notification of expiring terms.
24. Provides other assistance to the borough manager, mayor, and assembly, as requested.

KNOWLEDGE AND ABILITIES :

The requirements, demands and characteristics listed below are representative of the knowledge, skill and/or ability required to successfully perform the essential job functions. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Must have excellent computer skills and be familiar with personal computer software programs, including, but not limited to, word processing, spreadsheet, desktop publishing, and website editing.
2. Must have keyboarding skills and the ability to accurately type at least 45 wmp.
3. Knowledge of office practices, procedures, filing systems, and principles.

4. Knowledge of grammar, spelling, punctuation, and styles of business and government writing.
5. Knowledge of local government in Alaska.
6. Skill in information control procedures and techniques.
7. Ability to learn, interpret, apply, and consolidate priority information.
8. Ability to prepare complete and concise reports and correspondence.
9. Ability to maintain effective working relationships and communications with the public and local, state, and federal officials.
10. Ability to take notes, transcribe, and render comprehensive minutes of the official meetings.

EMPLOYMENT STANDARDS :

1. Minimum High school graduation or equivalent. A bachelor's degree is preferred, but the assembly may substitute experience for education.
2. Five years of secretarial, office management, or administrative experience. Municipal experience preferred.
3. Must have the ability to accurately type at a speed of at least 45 wpm.
4. Must be skilled at personal computer operation, including, but not limited to, word processing, desktop publishing, and website maintenance programs.
5. Must hold a valid Alaska drivers license.

WORK CONDITIONS & ENVIRONMENT :

1. While performing the duties of this job, the employee is regularly required to sit, use hands to operate a computer keyboard, or equipment controls; and to talk and hear. The employee is frequently required to reach with hands and arms, to stand, walk, climb, balance, or crouch. The employee frequently moves about to coordinate work. The ability to occasionally negotiate stairs is important.
2. The employee must occasionally lift and/or move up to 25 pounds. The employee must have clear close, distance, and color vision.
3. The noise level in the work environment is usually quiet.



Memo

From the Interim Clerk

Date: February 6th, 2014
To: Haines Borough Assembly
From: Michelle Webb, Interim Borough Clerk
Re: Proposed Ordinance 14-02-367 – Action Only Minutes

The Clerk's Office is strongly in favor of a move to action only minutes. Changing borough code to allow for action only minutes would not only increase the efficiency of producing minutes post-meeting, but would also reduce the borough's exposure to liability. By attempting to capture a summary of a speaker's comments, the Clerk is forced to make choices which words, thoughts, and comments best represent each speaker's sentiment. This is a very difficult and time consuming task which can sometimes lead to unintended misrepresentation of a speaker. Additionally, there has been at least one case when the summarized written statement taken down in minutes has been used against the borough later in legal cases. It is difficult to predict how a summarized statement will be read at a future date, when the connotation of the statement and larger context of the conversation is no longer fresh.

The code would continue to require an audio recording. The Clerk's Office feels that this is a much better solution for individuals wishing to understand how a decision was reached or what the comments at a meeting were.

Thank you for your consideration.

Michelle Webb
Interim Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-420
Assembly Meeting Date: 2/11/2014

Business Item Description:	Attachments:
Subject: Authorizing and Prescribing ATV and Snow Machine Use	1. Ordinance 14-02-368
Originator: Assembly Member Lapp	
Originating Department: Assembly	
Date Submitted: 1/31/14	

Full Title/Motion:
Motion: Introduce Ordinance 14-02-368 and set a first public hearing for 2/25/14.

Administrative Recommendation:

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

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

Summary Statement:
<p>This ordinance was forwarded by Assembly Member Lapp.</p> <p>A similar ordinance was proposed in 2011 (Ordinance 11-06-269). This ordinance was originally requested by the assembly on 5/24 and then was drafted by the borough attorney. The ordinance received three public hearings and several rewrites. The ordinance failed to be adopted on 10/11/11.</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:

An Ordinance of the Haines Borough Alaska amending Haines Borough Code Chapter 10.34 to authorize the use of ATVs on streets and highways within the borough and allowing use of snow machines on highway shoulders within the borough.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Chapter 10.34. Haines Borough Code 10.34 is amended, as follows:

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

Chapter 10.34
SNOW MACHINES AND ATVS

Sections:

10.34.005 Snow machine use permitted – Conditions.

10.34.007 Off-highway vehicle use permitted for snow removal purposes.

10.34.008 Road Use Permit.

10.34.009 Equipment Requirements.

10.34.010 Parental responsibilities.

10.34.020 ~~Operator subject to applicable traffic laws~~ **Impound and Public Nuisance.**

10.34.030 ~~Driving on sidewalk/bike path/alley or other location intended for nonmotorized traffic~~
Private Property Permission.

10.34.040 ~~Driving on highway when not authorized~~ **Private Property Damages.**

10.34.050 ~~Interfering with traffic while crossing highway~~ **Presumption of Ownership.**

10.34.060 ~~Failed to keep on right side~~ **Penalty.**

10.34.070 ~~Failed to display decal~~ **Definitions.**

~~10.34.090 Operating an unregistered snow machine.~~

~~10.34.100 Operator/passenger must have permanent seat.~~

~~10.34.110 Snow machine must have brakes.~~

~~10.34.120 Snow machine must have headlight.~~

~~10.34.130 Snow machine must have throttle control.~~

~~10.34.140 Snow machine must have muffler in good working order.~~

~~10.34.150 Snow machine must have rear snow flap.~~

~~10.34.160 Snow machine must have protective shield over moving parts.~~

~~10.34.170 Snow machine must have reflectors.~~

~~10.34.180 Snow machine must have spark arrester.~~

~~10.34.190 Snow machine tow trailer to have rigid tow bar.~~

10.34.005 Snow machine **and ATV** use permitted – Conditions.

A. As provided for in 13 AAC 02.455(a)(3), the borough permits the use of snow machines as defined in AS 28.39.250(10) **and ATV's as defined in this chapter** on borough-maintained vehicle ways or areas as defined in AS 28.40.100(a)(25) **but only in accordance with the provisions of this Chapter.**

B. There shall be no snow machine or ATV use within the confines of Tlingit Park or the Fort Seward Parade grounds between the hours of 9:00 p.m. and 9:00 a.m.

C. ~~Failure to comply with this chapter is considered a violation unless otherwise identified, and is punishable by a \$50.00 fine~~ The operator shall be at least sixteen (16) years of age.

~~Snow machine Information packets, specifying vehicular ways and areas where snow machines are allowed to be ridden, are available at the borough administrative offices and the police department.~~

D. The operator shall have in their possession while operating the snow machine or ATV a valid Alaska driver's license or equivalent from another jurisdiction.

E. The snow machine or ATV must be registered through the Division of Motor Vehicles and proof of registration must be displayed in the designated location on the vehicle per AS 28.39.040

F. Proof of insurance must be presented on demand.

G. No passengers other than the driver may be carried unless the snow machine or ATV is designed and equipped by the manufacturer to do so in accordance with 13 AAC 02.445 (a).

H. The operator of an ATV or snow machine must not exceed 25 miles per hour on Borough streets and roads and must comply with all other traffic safety regulations.

I. An operator shall use hand signals when making turns on an ATV or snow machine if the ATV or snow machine not equipped with turn signals.

J. An ATV or snow machine shall not be operated on a sidewalk or pedestrian way as defined in 13 AAC 40.010.

K. No person, while operating an ATV or snow machine within the Haines Borough, shall fail to stop as soon as practical, and in a reasonable manner under the circumstances, when requested or signaled to do so by a police officer.

L. When used in this section, "signal" means a hand motion, audible mechanical or electronic noise device, visual light device, or combination of them, used in a manner that a reasonable person would understand to mean that the police officer intends that the person stop.

M. No person who owns or controls an ATV or snow machine shall permit a person to operate the ATV or snow machine if he/she knows or should reasonably know that it is likely to be operated in violation of this section.

~~10.34.020 Operator subject to applicable traffic laws:~~

N. 13 AAC 02.430(b) is adopted by reference.

~~10.34.030 Driving on sidewalk/bike path/alley or other location intended for nonmotorized traffic:~~

O. 13 AAC 02.455(g) is adopted by reference.

~~10.34.040 Driving on highway when not authorized:~~

P. 13 AAC 02.455(a) is adopted by reference.

~~10.34.050 Interfering with traffic while crossing highway:~~

Q. 13 AAC 02.455(f)(1) is adopted by reference.

~~10.34.060 Failed to keep on right side:~~

R. 13 AAC 02.455(a)(4) is adopted by reference.

~~10.34.070 Failed to display decal:~~

S. AS 28.39.040(e) is adopted by reference.

~~10.34.090 Operating an unregistered snow machine.~~

~~**T.** AS 28.39.010 **is adopted by reference.**~~

U. Every ATV and snow machine shall display a lighted headlight and taillight at all times, day or night.

10.34.007 Off-highway vehicle use permitted for snow removal purposes.

A. As provided in 13 AAC 02.455(a)(3), the borough permits, on streets, roads or highways under borough jurisdiction, the incidental use of an off-highway vehicle **as defined in 13 AAC 40.010(30)** equipped with a snowplow, for the purpose of providing snow removal services.

B. Travel on a borough highway is limited to one quarter mile.

C. The operator of the off-highway-vehicle must have a permit; the clerk shall issue a permit when an operator shows a valid driver's license, and provides a description of the location that the snow removal services will be provided. A permit issued under this section shall be subject to the conditions set out in HBC 5.04.080.

D. A permitted operator must comply with AS 28.10.011 vehicle registration requirements and AS 28.22.011 liability insurance requirements.

E. A map showing the streets, roads or highways under borough jurisdiction is available at the borough administrative office and the police department.

F. This section does not restrict use of ATV's.

10.34.009 Equipment Requirements

A. All ATVs and snow machines shall be equipped with at least one (1) functional headlight, taillight, and brake light that meet Alaska Administrative Code (13 AAC 04.400) requirements for said equipment.

B. All equipment originally installed by the snow machine or ATV manufacturer, in addition to that required by the Borough, shall be in good working order.

~~10.34.100 Operator/passenger must have permanent seat.~~

~~**C.** 13 AAC 02.445(a) **is adopted by reference.**~~

~~10.34.110 Snow machine must have brakes.~~

~~**D.** 13 AAC 04.405 **is adopted by reference.**~~

~~10.34.120 Snow machine must have headlight.~~

~~13 AAC 04.400(a).~~

~~10.34.130 Snow machine must have throttle control.~~

~~**E.** 13 AAC 04.410 **is adopted by reference.**~~

~~10.34.140 Snow machine must have muffler in good working order~~

~~**F.** 13 AAC 04.415(a) **is adopted by reference.**~~

~~10.34.150 Snow machine must have rear snow flap.~~

~~**G.** 13 AAC 04.420(a)(1) **is adopted by reference.**~~

~~10.34.160 Snow machine must have protective shield over moving parts.~~

~~**H.** 13 AAC 04.420(a)(2) **is adopted by reference.**~~

10.34.170 Snow machine must have reflectors.

I. 13 AAC 04.420(a)(3) is adopted by reference.

10.34.180 Snow machine must have spark arrester.

J. 13 AAC 04.420(a)(5) is adopted by reference.

10.34.190 Snow machine tow trailer to have rigid tow bar.

K. 13 AAC 04.420(a)(4) is adopted by reference.

10.34.010 Parental responsibilities.

~~13-AC-02.430(a)-~~

A. A parent or guardian of a minor under the age of sixteen (16) commits an offense under this Chapter if he/she knowingly permits, or, by insufficient control, allows the minor to operate a snow machine or ATV in violation of this Chapter. Indifference to the activities or whereabouts of the minor under the age of sixteen (16) shall be prima facie evidence of insufficient control.

B. A parent or guardian must comply with 13 AAC 02.430(a).

10.34.020 Impound and Public Nuisance

A. The purpose of impoundment is for the protection of the public, and the removal of public nuisances and deterrence of violations of this section.

B. Officers of the Haines Borough Police Department or the State of Alaska Department of Public Safety may impound snow machines and ATVs whose operators have been cited upon the fourth (4th) citation of the operator under the provisions of this section.

C. Any snow machine or ATV operated or modified in a manner that violates this chapter may be hereby declared a public nuisance.

D. Any snow machine or ATV that is a public nuisance may be immediately impounded at the discretion of any police officer at the time of the violation or pursuant to a court order entered in the course of civil or criminal enforcement proceedings.

E. A police officer shall release an impounded ATV or snow machine to the owner upon receipt of proof of ownership, storage fees and civil fines owed to the Borough or private citizen or upon a finding by the magistrate that the ATV or snow machine was impounded without probable cause.

F. The towing fees, impound fees and storage fees for snow machines and ATVs shall be determined by the Haines Borough, and shall include an administrative charge of One Hundred Dollars (\$100.00) to offset processing costs.

G. An ATV or snow machine seized for impoundment shall be held in the custody of a facility approved by the Borough.

H. An ATV or snow machine operated by, or driven by, or in the actual physical control of, an individual cited for violation of any section of this chapter, is presumed to have been so operated by the owner(s) thereof, or having been operated by another person with the knowledge and consent of the owner(s). An ATV or snow machine so operated is declared to be a public nuisance for which the owner(s) hold legal responsibility subject only to the defenses as set forth by law.

10.34.030 Private Property Permission.

No persons shall operate an ATV or snow machine vehicle within the Borough on another's real property without the express written permission of the owner of the property. This permission shall be carried by the operator of the ATV or snow machine.

10.34.040 Private Property Damages.

The owner of an ATV or snow machine may be held jointly and severally liable to a property owner for three times the amount of damages to trees, shrubs, landscaping or personal property occurring on private property and caused by the ATV or snow machine where the ATV or snow machine is operated without the consent of the property owner or his agent.

10.34.050 Presumption of Ownership.

It is hereby declared that, for the purposed of this Chapter, it is presumed that the ATV or snow machine registered to an owner is being operated by the owner, and unless the presumption is rebutted, the owner shall be liable under the penalty and impoundment clauses as herein provided.

10.34.060 Penalty

Failure to comply with this chapter is considered a violation unless otherwise identified, and is punishable in accordance with the following fine and bail schedule ~~by a \$50.00 fine plus any surcharge required by AS 12.55.039:~~

- 1. First offense, Fifty Dollars (\$50.00)**
- 2. Second offense, Seventy-five Dollars (\$75.00)**
- 3. Third offense, One Hundred Dollars (\$100.00)**
- 4. Fourth offense, One Hundred Fifty Dollars (\$150.00) and each offense thereafter.**

10.34.070 Definitions.

As used in this section:

A. "Snow machine" means a motor vehicle weighing one thousand pounds (1,000 lbs.) or less gross vehicle weight, primarily designed to travel over snow and supported in part by skis, belts, cleats or rubberized tracks, and includes the vehicle commonly known as a snowmobile or snow-go.

B. "ATV" means a motor vehicle that has four (4) or more wheels utilizing low pressure tires (by the tire manufacturer's recommended pressure) or two (2) or more plastic-coated or rubberized tracks or treads measuring seventy-five (75) inches or less overall width, having a dry weight of one (1) ton or less, and designed primarily for travel over unimproved terrain. This definition includes the classifications known as Class I (operator straddles the seat) and Class II (vehicle is equipped with side by side seating for operator and passenger.)

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: _/_/_

Date of First Public Hearing: _/_/_

Date of Second Public Hearing: _/_/_



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-422
Assembly Meeting Date: 2/11/14

Business Item Description:	Attachments:
Subject: Amend Title 18 to decline appeals without grounds stated	1. Ordinance 14-02-369 2. Planning Commission Recommendation
Originator: P&Z Technician III & Planning Commission	
Originating Department: Planning & Zoning	
Date Submitted: 1/9/14	

Full Title/Motion:
Motion: Introduce Ordinance 14-02-369 and set a first public hearing for 2/25/14.

Administrative Recommendation:

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

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

Summary Statement:
This ordinance is recommended by the planning commission. A memo from the Borough Attorney (attached to the St. Clair appeal) recommended the planning commission decline to hear appeals in which the particular grounds for the appeal have not been specified. The planning commission wishes to codify this statement into their appeal process.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.30.050 Appeals to the Commission to conform to the requirements of filing an appeal.

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 18.30.050. 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

18.30.050 Appeals to the commission.

A. The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision. **The commission shall decline to hear appeals in which the particular grounds for the appeal have not been stated.** Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

B. If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision.

. . .

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

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: January 9, 2014

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 Haines Borough Code 18.30.050(A)”. The motion passed unanimously.

RATIONALE: According to the Borough attorney’s memo regarding appeal procedure, the attorney recommended the Planning Commission shall decline to hear appeals where no grounds for appeal are specified. Thus, the Planning Commission decided to amend the code by adding one sentence stating the Planning Commission will decline to hear an appeal in which the particular grounds for the appeal have not been stated.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.30.050(A) to read:

A. The commission shall decide at its next regularly scheduled meeting whether to rehear the manager’s decision. **The commission shall decline to hear appeals in which the particular grounds for the appeal have not been stated.** Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager’s decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

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 18.30.050 APPEALS TO THE COMMISSION TO CONFORM TO THE
REQUIREMENTS OF FILING AN APPEAL**

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 18.30.050 to conform to the requirements of filing an appeal.

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

HBC 18.30.050 Appeals to the commission.

An appeal made to the commission of a decision by the manager shall be requested by filing with the clerk, within 10 days of the date of the decision appealed, a written notice of appeal stating with particularity the grounds for the appeal.

A. The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision. **The commission shall decline to hear appeals in which the particular grounds for the appeal have not been stated.** Any aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should rehear the manager's decision. If the commission chooses to rehear the decision, it may choose to rehear the entire decision, or any portion thereof.

B. If the commission decides to rehear a decision, or any portion thereof, it shall then immediately do so at that meeting and make its decision.

...

Memorandum

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

February 4, 2014

To: Members, Haines Borough Assembly

Cc: Interim Borough Manager, Julie Cozzi
Interim Borough Clerk, Michelle Web

From: Stephanie Scott, Mayor, Haines Borough

Subject: Appointment of Scott Sunberg to the Tourism Advisory Board

The Tourism Advisory Board unanimously voted to recommend Scott Sunberg to fill a vacant seat on the board at its meeting Friday, January 24. I was in attendance. I also attended an earlier meeting more than one year ago when the board, as constituted at that time, voted to install Mr. Sunberg on the board in an “ex officio” capacity, a practice provided for in the board’s bylaws. I have to infer from these two separate positive votes of support for Mr. Sunberg that individuals more experienced in the field of tourism than I have decided that Mr. Sunberg can assist the Borough making decisions regarding oversight of this economic sector.

My concern is that Mr. Sunberg is associated with a business that has violated Borough and Federal heliski regulations. On the other hand, I spent long hours with Mr. Sunberg this past spring as he worked through issues relating to the heliski map on the heliski map committee. I believe that he was thoughtful in his interactions; thorough with his explanations; and not necessarily self-interested. As a member of the TAB, I expect him to stand aside if a decision before the committee will have a substantial financial impact on his business; and to act in the best interests of the borough as a whole. I believe that he will meet those expectations. Please confirm the appointment of Scott Sunberg to the Tourism Advisory Committee.

Michelle Webb

From: Stephanie Scott
Sent: Thursday, February 06, 2014 9:39 AM
To: Michelle Webb
Subject: Fwd: TAB Recommendation

Here you go.

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

Begin forwarded message:

From: Barbara <bj@takshanuktrail.com>
Date: January 27, 2014, 12:51:35 PM AKST
To: Stephanie Scott <sscott@haines.ak.us>
Cc: Tanya Carlson <tcarlson@haines.ak.us>
Subject: TAB Recommendation

Madam Mayor,

The Tourism Advisory Board met on Friday and have one recommendation to fill one of the two vacant seats. Scott Sundberg, currently acting in an ex-officio capacity, has expressed interest in sitting on the board as a voting member. It is the TAB's recommendation to appoint him.

There is still one seat remaining open and members of the TAB are actively soliciting interest from the community.

Please let me know if this email is acceptable as our official recommendation.

Sincerely,

Barb
Chair, Tourism Advisory Board

Barbara J. Mulford
Takshanuk Mountain Trail, Inc.
Office: 907-766-3179
Cell: 907-209-5153
www.takshanuktrail.com

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**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-421

Assembly Meeting Date: 2/11/2014

Business Item Description:		Attachments:
Subject:	Administrative Policy re. Heli Map Review Cycle	1. Administrative Policy as recommended by the G.A.S. Committee 2. G.A.S. Committee Minutes of 12/3/13 re. topic
Originator:	Government Affairs & Services Committee	
Originating Department:		
Date Submitted:	1/14/14	

Full Title/Motion:
 Motion: Confirm the Administrative Policy to establish a three-year review cycle for the Commercial Ski Tour Areas map.

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Related to Objective 3D(4)	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Summary Statement:
 As a result of its December 3, 2013 meeting, the Government Affairs & Services Committee recommended this administrative policy regarding the cycle for reviewing the Haines Borough Commercial Ski Tour Areas map. I have prepared the attached policy based on the committee's wording. This recommended policy was first presented by the committee to the assembly on January 14.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 2/11/14	Tabled to Date:



Haines Borough
Administrative Policy

Commercial Ski Tour Map Review Policy

Applicable to: *Any person wanting a review of or amendment to the Commercial Ski Tour Areas map*

Confirmed by Borough Assembly: *February 11, 2014*

Recommended by Government Affairs & Services Committee: *December 3, 2013*

Effective Date: *February 12, 2014*

THREE-YEAR REVIEW CYCLE

It is the policy of the Haines Borough to review the *Haines Borough Commercial Ski Tour Areas* map on a three year cycle, with the cycle starting with the map for the 2014 heliskiing season, adopted July 23, 2013.

Julie Cozzi
Interim Borough Manager

Signature Date

Haines Borough Assembly Committee Meeting
 Committee: Government Affairs & Services
 Assembly Chambers

Issue: Heliski 5.18.080	
Discussion ensued about the purpose of a heliski map committee:	
Schnabel states that one of the reasons the ordinance was returned to the committee was to think of a way to depoliticize helisking.	
Lapham stated her belief that only experts that can inform the map are the operators. Lapham also stated that she considers the heliksi industry to be over-regulated and stifled.	
Nic Trimble stated that the map starting to work well, however, some things operators requested are left off. If create another map committee the committee will argue over same ground. Trimble reported that in a 92 day season, the most days ever flown are 52. Trimble stated that there is a natural beneficial balance between wildlife and ski conditions: as ski conditions improve in the mountains (deeper snow), wildlife must naturally move to lower elevations to find food.	
Trimble requested that the borough flip the map so it shows where heliskiing cannot take place.	
Thom Ely expressed his desire to let the map stay in place for some time.	
Bill Kurz expressed a preference for policy that would treat all tour companies the same.	
Dana Hallet stated that he believed that the goal of map committee would be to strike a balance between industry and non-industry users.	
After discussing various compositions of a map committee amongst themselves, the committee came to the following consensus:	
1) Stipulate a 5 member committee composed as follows: a representative of a local conservation organization; a member of the Haines Borough Assembly; a representative from the heliski industry; and 2 members chosen at large.	
2) Delete 3 year intervals in code and create a policy statement of 3 years.	
Recommended Action: Recommend to set for a second public hearing on 1/28/14 at which time amendments will be offered as described above and attached. Attachments: Amended heliski map ordinance; Three-year map cycle policy statement	Who: Chair When: January 14, 2014

Meeting Chaired by Dave Berry

Minutes by Stephanie Scott

Committee Members Attending: Diana Lapham, George Campbell

Staff Attending: Carlos Jimenez, Jila Stuart

Citizens: Nick Trimble, Shane Horton, Margaret Friedenauer, Dana Hallet, Mike Denker. Thom Ely

Assembly Members: Debra Schnabel

Heliski Map Review Policy Statement Proposed by the GAS Committee Dec. 3, 2013

It is the policy of the Haines Borough to review the heliski map on a three year cycle, with the cycle starting with the map for the 2014 heliski season, adopted..... (please fill in the date)

Request for Letter of Support for Grant Funding

Background: The Takshanuk Watershed Council is looking to submit a grant to the Alaska Clean Water Action program for the development of a snow storage removal plan in the Haines Borough. As part of this grant TWC would assess the current locations of snow storage and any water quality issues. From that information the TWC (with potential assistance from the Borough) would use GIS and Borough parcel information to identify possible areas where snow could be stored with reduced impact to the aquatic resources. This information will then be compiled into a detailed report that would become part of the Haines Borough's snow removal plan. Below is a draft letter of support outlining this. The grant is due February 12th.

DRAFT

RE: Alaska Clean Water Action Grant Program

The Haines Borough Government would like to express support for the Snow Removal Management Plan as proposed in the Alaska Clean Water Action FY15 grant submitted by the Takshanuk Watershed Council (TWC). With an average snowfall of 121 inches, snow removal and storage is a priority of the Haines Borough and doing so in a manner that maintains our water quality and aquatic resources is essential.

As part of this proposal the TWC will identify the current areas of snow storage and any potential water quality issues with those. From this using GIS and Haines Borough parcel information, the TWC will identify areas where snow could be stored with reduced impact to the aquatic resources. This information will be compiled into a detailed report that will become part of the Haines Borough's snow removal plan.

Sincerely,

Stephanie Scott
Mayor, Haines Borough