


Haines Borough
Borough Assembly Meeting #258
AGENDA

December 10, 2013 - 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:

- 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

4. APPROVAL OF MINUTES – None

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

6. MAYOR'S COMMENTS/REPORT

A. Clean Harbor Award Presentation

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).

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 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. Argument is defined as

7. PUBLIC HEARINGS

A. Rehearing on Appeal of a Planning Commission Decision---continued

"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 Mr. Einspruch and the staff, and then proceed with any public testimony.

Assembly Action Needed:

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.*

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.

*This ordinance is recommended by the planning commission and borough staff and was introduced on 10/22 and had a first hearing on 11/12. **Motion:** Adopt Ordinance 13-10-353.*

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.

*This ordinance is recommended by the planning commission and was introduced on 10/22 and had a first hearing on 11/12. Staff discovered a minor error in the legal description and requests a motion to amend prior to adoption. **Motion:** Adopt Ordinance 13-10-354 as amended.*

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.

*This ordinance is recommended by the borough attorney and finance director. This item could qualify for an executive session. **Motion:** Advance Ordinance 13-11-355 to a second public hearing on 1/14/14.*

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 has been 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. **Recommended Motion:** Table Ordinance 13-11-356 indefinitely.*

8. STAFF/FACILITY REPORTS

A. **Interim Borough Manager** – Report for Dec. 10, 2013 including the following attached reports:

- Executive Assistant Report of Trip to Washington D.C.
- Deputy Clerk/Interim Borough Clerk Report of AAMC Conference
- Assistant Assessor Report of AAAO Conference
- Planning & Zoning Technician Report of AK-APA Conference
- Interim Police Chief Report
- Public Facilities Director Report

*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.

*This resolution is recommended by the interim manager. **Motion:** 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.

*This resolution is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-522.*

***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.

*This resolution is recommended by the interim manager. **Motion:** 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.

*This resolution is recommended by the finance director. **Motion:** 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.

*This resolution is adopted annually in advance of submitting legislative funding requests for capital projects and is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-525.*

6. Resolution 13-12-526

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

*This resolution is adopted annually and is recommended by the interim manager. **Motion:** Adopt Resolution 13-12-526.*

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 preschool has leased the Human Resources Building on a year-to-year basis since the year 2000, and they have requested a renewed lease for calendar year 2014. Borough Charter states the leasing of borough property must be approved by the assembly by ordinance. **Motion:** 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.

*This ordinance is recommended by the planning commission. **Motion:** 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).

*This ordinance is recommended by the planning commission. **Motion:** Introduce Ordinance 13-12-359 and set a first public hearing for 1/14/14.*

11. NEW BUSINESS

B. Ordinances for Introduction ---continued

*** 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.

*This ordinance is recommended by the planning commission. **Motion:** 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.

*This ordinance is recommended by the planning commission. **Motion:** 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 have been received for seats on the Historic Dalton Trail RMSA, Library Board of Trustees, Chilkat Center Advisory Board, and the Public Safety Commission. Each board has recommended the appointments listed. The mayor plans to make these appointments and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of: Carol Meisner 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 is 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. **Motion:** 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 is in need of official adoption since that step was missed. It is also recommended the Personnel Committee review this chart for possible additional changes. **Motion:** Adopt the actual Haines Borough Organization Chart reflecting the current structure, and then refer it to the Personnel Committee for review.*

4. Solid Waste Survey Proposal

*Assembly Member Schnabel seeks assembly support, endorsement, and financial support of a Solid Waste Survey. **Motion:** Endorse, sponsor, and finance solid waste survey per the 12/3/13 memo.*

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

Explanation/History: *The 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 Southeast Alaska Backcountry Adventures (SEABA) submitted an appeal to the assembly of the allocations per HBC 5.18.080(C)(4). Per HBC 5.04.110(A) the appeal "shall state with particularity the... decision from which the appeal is taken and the grounds for appeal. The stated grounds will be the only issues considered by the assembly in the appeal."*

Assembly Action Needed at this meeting:

Following the hearing, per HBC 5.04.110(D) the assembly may:

- *modify the manager's 2014 allocations*
- *revoke manager's 2014 allocations*
- *rescind manager's 2014 allocations*
- *affirm the manager's 2014 allocations*
- *or may enter its own 2014 allocations*

11. NEW BUSINESS

C. Other New Business---continued

6. Discuss Borough Manager Applicants

*Borough Manager Candidate David Sosa was interviewed by the Haines Borough Committee-of-the-Whole on 12/5/13. Candidate Susan Jensen was interviewed by Mayor Scott, Assembly Member Campbell and Lapham, and the Executive Assistant to the Borough Manager on 11/18/13 while in Anchorage attending the Alaska Municipal League Conference. This conversation may be eligible for to go into the executive session. **Motion:** "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 qualifies for executive session because this discussion will contain subjects that tend to prejudice the reputation and character of any person. These applicants have been provided with an opportunity to request a public discussion. The assembly request Interim Borough Manager Cozzi to join the assembly in this session."*

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. **Committee-of-the-Whole** - Topic: Create a one, two, and three year strategic plan for the Borough Assembly based on the Comprehensive Plan
- B. **Joint School Board and Borough Assembly Meeting** – Annual meeting mandated by Charter Sec. 7.04 to discuss and coordinate financial planning, capital improvement needs, the six-year capital improvement plan, and other matters of mutual concern
- C. **Personnel Committee** – Topic: Review of organizational chart

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

- *A. **Report on Alaska Municipal League Conference** from George Campbell

16. ADJOURNMENT



Alaska Clean Harbors • Rachel Lord • Tel 907.235.4068 • rachel@inletkeeper.org

PRESS RELEASE

FOR IMMEDIATE RELEASE

December 3, 2013

FOR MORE INFORMATION:

Rachel Lord, 907.235.4068 x29

HAINES PORTAGE COVE HARBOR CERTIFIED AS ALASKA CLEAN HARBOR

Third in the state, protecting Alaska's marine environment

HAINES, AK – After eighteen months of working with Alaska Clean Harbors (ACH), the ACH Advisory Committee certified the Haines Portage Cove Small Boat Harbor as an Alaska Clean Harbor. The ACH Advisory Committee, the certifying body for the program, includes representatives from Alaska Sea Grant Marine Advisory Program, Alaska Dept. of Environmental Conservation, Alaska Dept. of Natural Resources, Cook Inletkeeper, Green Star, Marine Exchange of Alaska, NOAA's Restoration Center, and the Alaska Association of Harbormasters and Port Administrators (AAHPA).

Alaska Clean Harbors is a voluntary program providing valuable pollution prevention tools for local communities to protect the marine resources that support coastal economies. Through participation in the program, harbormasters complete a self-evaluation and are scored on 88 best management practices (BMP) related to pollution prevention and waste management for their facility. Harbor staff then work with ACH to improve their score and meet program criteria by implementing new BMP, leading to substantial long-term cost savings, improved commitment to pollution prevention, increased waste reduction, and ongoing promotion of clean boating. Currently ACH only works with facilities that have permanent moorage for boaters. At this time, boatyards, cruise ship docks, and loading-type facilities are not included.

Haines Harbormaster, Phil Benner, initiated the Haines Port and Harbor application process, with the support of the Haines Port and Harbor Advisory Committee, Borough Assembly, Mayor Stephanie Scott, Assistant Harbormaster Joe Parnell and harbor staff. Their application highlighted the Haines Harbor fish waste disposal system, single-stream recycling, new sewage pump-out facilities and educational signage.

---more---



Clean Harbor Certification is a voluntary process that encourages the use of best management practices at harbor facilities in order to reduce the production of nonpoint source pollution, mitigate its environmental effects where necessary and ideally, reduce compliance and clean-up costs in order to minimize negative impacts from harbors on Alaska's coastal ecosystems.



The Portage Cove Harbor now has educational signage at all gangways and on the tidal grid. “A lot of our customers are looking to do the right thing environmentally, but do not know how to do it economically and effectively. The signage and pamphlets provide answers and ideas,” Benner stated. Each year in May, the Port and Harbor Department holds Haines Customer Appreciation Day where information on clean harbors and best management practices is provided along with a lunch barbecue. Haines Harbor Staff enthusiastically looks forward for opportunities to reach out to the community and increase positive customer/harbor interaction. Benner is particularly pleased that Haines is the first Southeast Alaska harbor to be certified

Advisory Committee member Brett Farrell, Assistant Director of the Marine Exchange of Alaska, said of their efforts, “Haines has been very proactive recently in improving their harbor’s infrastructure, their services to local and visiting mariners, and their regulatory compliance program. The time and effort they have dedicated to obtaining this designation of an ‘Alaskan Clean Harbor’ shows their continued commitment to provide the Haines community with a quality and environmentally-responsible harbor operation.”

Rachel Lord, coordinator for Alaska Clean Harbors, says there is a lot of enthusiasm for the program around the state. “Haines follows Homer and Seward as the third certified Clean Harbor in Alaska. We’re currently also working with Cordova, Sitka, Bethel, and Valdez on their certification efforts. The commitment made by harbors to become certified Clean Harbors opens the door to improving services to all boating fleets so that everyone can have tools on-hand to protect the marine environment. Alaska Clean Harbors provides assistance on pollution prevention practices for harbor staff and for boaters to ensure a productive marine environment for future generations.”

ACH Advisory Committee member Brett Farrell (Marine Exchange of Alaska) will present the Haines Harbor with their award at the December 10, 2013 Borough Assembly meeting in Haines. More information about Alaska Clean Harbors can be found at their website: www.alaskacleanharbors.org.

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Memo

From the Clerk

Date: December 4, 2013
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
Fred Einspruch – After-the-Fact Fee

Summary of History:

On 08/27/13 the borough 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 in whole. This rehearing was scheduled for this meeting as required by HBC 18.30.060(A).

Evidence:

The evidence shall be limited to a review of the record. The burden of proof shall be solely on the party challenging the commission's decision. "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.

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 Mr. Einspruch and staff, and then proceed with any public testimony.

Attachments:

This memo has two attachments that are not part of the record, but may prove important for your considerations:

Attachment # - Document or Object	Document Date
A1. Fred Einspruch Appeal to Assembly	10/17/2013
A2. Memo from Brooks Chandler, Borough Attorney re: Appeal Procedure on Einspruch Appeal from Planning Commission Decision	12/4/2013

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 10/10/13 Planning Commission Meeting	Created at meeting on 10/10/13
R2. Correspondence pertaining to Mr. Einspruch requesting postponement of the Planning Commission Appeal dated 10/1/13 – 10/7/13	10/10/13 PC Meeting Packet
R3. Narrative from Planning and Zoning	
R4. Conditional Use Permit Application and attachments Received on 8/9	
R5. Borough's response to 8/9 application also dated 8/9	
R6. Conditional Use Permit Application with additional information added by Einspruch 8/17	
R7. Picture of property taken by staff on 8/26 on a site visit	
R8. Unpermitted Land Use Violation Letter from the Haines Borough dated 8/27	
R9. Einspruch appeal to the Planning Commission of Fine dated 9/6	
R10. Borough Code 18.40.030 and 18.30.050 Given to the Planning Commission	

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.

A1

Fred Einspruch
Post Office Box 56
Haines, Alaska, 99827

Julie Cozzi Borough Clerk
Post Office Box 1209
Haines, Alaska, 99827

Dear Clerk Cozzi,

This letter is my request to appeal the decision of the planning board to the Haines Borough Assembly regarding the after the fact penalty imposed on me.

Thank you very much,

Fred Einspruch

BOYD, CHANDLER & FALCONER, LLP
Attorneys At Law
Suite 302
911 West Eighth Avenue
Anchorage, Alaska 99501
Telephone: (907) 272-8401
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MEMORANDUM

TO: HAINES BOROUGH ASSEMBLY



FROM: BROOKS CHANDLER
BOROUGH ATTORNEY

DATE: December 4, 2013

RE: APPEAL PROCEDURE ON EINSPRUCH APPEAL FROM PLANNING
COMMISSION DECISION

Mayor Scott asked I provide you with legal advice regarding the above-referenced appeal. Based on our review of the materials previously submitted to the Planning Commission, the most recent appeal letter, relevant provisions of the Borough code and applicable court cases we have concluded as follows:

1. Mr. Einspruch did not have a due process right to a postponement of the Planning Commission consideration of his appeal.

2. There is no legal basis which requires a “de novo” appeal proceeding.
3. The notice of appeal filed by Mr. Einspruch did not comply with the requirement that the grounds for appeal be stated “with particularity”.
4. The Assembly is required to conduct a public hearing on the appeal but no new evidence may be provided during the public hearing.
5. The Assembly is not legally required to allow either Mr. Einspruch or Borough staff to argue for or against granting the appeal.

Based on these conclusions we have the following recommendations

1. If Mr. Einspruch , Borough staff or the public attempt to present facts to the Assembly that were not presented to the Planning Commission the Assembly should refuse to allow the additional information to be presented.
2. The Assembly should provide an opportunity for planning staff, Mr. Einspruch and the public to argue for or against granting the appeal based on the information available to the planning commission.
3. In the future, the assembly and the commission should decline to hear appeals where no grounds for appeal are specified.

The basis for these conclusions and recommendation are discussed in greater detail below.

FACTS

On August 8, 2013, property owner Mr. Einspruch submitted a land use permit application with the required \$50 application fee to the Borough. On August 26, 2013, the Borough staff discovered the construction described in the permit application started before the land use permit had been issued. On August 27, 2013, planning staff assessed a \$250 after-the-fact fee pursuant to HBC 18.30.070. On September 6, 2013, Mr. Einspruch filed an appeal of this enforcement order¹. No basis for the appeal was identified in the notice of appeal.

On October 1, 2013 Mr. Einspruch requested the Planning Commission postpone consideration of his appeal to its November meeting. The stated reason for the request was that Mr. Einspruch was out of state “for the winter” and could not prepare and present a presentation

¹ These facts are taken from the Planning Staff narrative and have not been independently verified.

to the planning commission before October 10. Mr. Einspruch also indicated he “may” retain a lawyer to represent him before the commission. On October 7, the Borough Clerk wrote Mr. Einspruch advising him that the Borough code required the Commission to consider the appeal at its next meeting but indicating any materials he wanted them to consider would be included provided they were submitted to the borough clerk by 5 p.m. on October 10. Mr. Einspruch did not submit any additional material and did not attend the Planning Commission meeting at which his appeal was considered.

The Commission did take up the appeal at the October meeting and made three decisions. First, (although not by separate motion) the Commission determined it did not have authority to delay consideration of the appeal. Second (again not by separate motion) the Commission decided to hear the appeal. Third, the Commission failed to pass by unanimous vote a motion to "recommend the Assembly stay the \$250 after-the-fact fee being assessed to Fred Einspruch for constructing a carport without a land use permit."

Mr. Einspruch filed a timely appeal of this decision but once again did not specify any basis for the appeal. It is not possible to determine from the face of his appeal letter whether he claims the Commission should have postponed consideration of his appeal to a later meeting or wrongly decided the appeal or both. No reason the Commission’s decision was incorrect was stated in the notice of appeal. For purposes of this memorandum it is assumed the appeal includes both claims of error.

At its November 12 meeting the Assembly considered whether to hear the appeal. Mr. Einspruch was present at this meeting by telephone. He stated the Assembly should hear his appeal because the planning commission declined to postpone consideration of the appeal until their November meeting which meant he did not have an opportunity to present his case and was denied due process. Assemblymember Berry made a motion to “Rehear the Commission’s decision on Fred Einspruch” and it was seconded. This motion was “clarified” by the Mayor² as follows: “To rehear the entire decision. Which was to recommend the assembly stay the \$250 after-the-fact-fee being assessed to Fred Einspruch for constructing a carport without a land-use permit.” The motion passed and the appeal has been scheduled for consideration at the December 10 assembly meeting.

Later an issue was raised as to whether this would be an appeal “on the record” (in which case the information the Assembly considers is limited to the information presented to the Planning Commission) or a “de novo” appeal (in which case additional information not provided

² It is not known if this clarification was made solely by the Mayor or was accomplished with the acquiescence of the original maker of the motion.

to the Planning Commission could be presented to the Assembly by either Mr. Einspruch or Planning Department staff). This procedural issue is what is addressed by this memorandum. This memorandum does not discuss the substantive merits of the appeal.

LAW

Borough Code.

Appeals to the planning commission from enforcement orders or fines are governed by HBC 18.30.050. An appeal is commenced “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”. Once an appeal is filed, the commission is required to undertake a two part process. First the commission decides whether to even consider the appeal³. There is not an absolute right to an appeal. Whether to hear an appeal is entirely up to the commission and they may decline to do so for any reason. Before making this determination “a]ny aggrieved person, including the developer, may appear at that meeting and explain to the commission why or why not it should” hear the appeal. It is entirely up to the person whether they choose to appear at the meeting.

If the commission decides to hear the appeal they proceed to “immediately do so at that meeting”⁴. The evidence heard by the commission is “limited to a review of the record, although further argument may be allowed”⁵. Again, whether anyone who files a notice of appeal is allowed to speak to the planning commission about the appeal is entirely at the discretion of the planning commission. Exactly what constitutes “the record” is not specified.

Appeals to the assembly from decisions of the planning commission are governed by HBC 18.30.060. An appeal is commenced “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”. Once an appeal is filed, similar to the process before the planning commission, the assembly is required to undertake a two part process. First, the assembly decides whether to even consider the appeal. This decision is made at the next regular assembly meeting after the notice of appeal is filed. At that meeting “[a]ny aggrieved person, including the developer, may appear at that meeting and explain to the borough assembly why it should rehear the commission’s decision”. Just as there is not an absolute right to an appeal before the commission there is not an absolute right to an appeal before the assembly. Whether to hear an appeal is entirely up to the assembly and they may decline to do so for any reason or no reason.

³ HBC 18.30.050(A).

⁴ HBC 18.30.050(B).

⁵ HBC 18.30.050(B)(1).

If the Assembly decides to hear an appeal “[t]he evidence shall be limited to a review of the record, although further argument may be allowed”⁶. This is identical to the standard used by the planning commission. What constitutes “the record” is not specified. Whether to allow either Mr. Einspruch or staff to “further argue” the appeal is entirely at the discretion of the assembly.

This section of the code does contain a requirement not found in HBC 18.30.050. The Assembly is required to hold a “public hearing” on the appeal. Whether this means simply that the Assembly consider the appeal in public or provide members of the public an opportunity to speak to the Assembly is not specified.

Court Cases

De novo review results in a complete trial “as if the agency proceedings had never occurred”⁷. *De novo* review of an administrative appeal is rarely granted⁸. One situation justifying *de novo* review is when the party appealing has been denied due process in earlier proceedings. Even then a *de novo* appeal is a matter within the discretion of the body hearing the appeal. Factors to be considered when deciding whether to grant a *de novo* appeal include whether the “record” is sufficient to allow meaningful review of the action appealed from and whether important evidence offered by a party to the appeal has been arbitrarily excluded from the record or the decision maker is biased.⁹

There is no due process right to postponement of consideration of an appeal. There are number of court cases in which the denial of a request for a continuance has been upheld even when a judge had the discretion to grant a continuance¹⁰. In this case, the planning commission did not have the discretion to grant a continuance. Borough code mandated that the appeal be heard at the October commission meeting. In summary, due process does not include the right to have appeals scheduled at a person’s convenience due to their being out of town “for the winter”.

ANALYSIS

Mr. Einspruch is not entitled to a *de novo* appeal. Although he claimed the refusal of the

⁶ HBC 18.30.060(B)(1).

⁷ *State v. Lundgren Pacific Constr. Co.*, 603 P.2d 896, 899 (Alaska 1979).

⁸ *Southwest Marine, Inc. v. State*, 941 P.2d 166, 179-180 (Alaska 1997); *South Anchorage Concerned Coalition, Inc. v. Anchorage*, 172 P.3d 774, 780 (Alaska 2007)

⁹ *Treacy v. Anchorage*, 91 P.3d 252 (Alaska 2004); *City of Fairbanks v. Lees*, 705 P.2d 457, 460 (Alaska 1985).

¹⁰ *Greenway v. Heathcott*, 294 P.3d 1056, 1066-1072 (Alaska 2013); *Azimi v. Johns*, 254 P.3d 1054, 1059 (Alaska 2011) (quoting *House v. House*, 779 P.2d 1204, 1206 (Alaska 1989)).

planning commission to postpone consideration of his appeal was a denial of due process this claim is meritless. There is no due process right to any appeal before the Commission. HBC 18.30.050(A) specifically makes consideration of an appeal discretionary. Even when an appeal is heard the plain language of the ordinance mandates that the commission consider the appeal “on the record” allowing additional “argument” at the discretion of the commission.

We have considered whether the Assembly’s action was a finding Mr. Einspruch’s due process rights were violated by the commission regardless of the fact such a decision would have no basis in law. The summary information we were provided did not include any indication there was any statement by any Assembly member as to why they were voting in favor of hearing the appeal. Moreover, the “clarification” of the motion by the Mayor is evidence of a desire to consider the appeal on the merits and not because of a perceived due process violation. It certainly is possible the inability of Mr. Einspruch to appear before the commission influenced the Assembly decision. But being “influenced” to vote to allow an appeal is different than a finding that due process rights were violated. Accordingly, we interpret the Assembly decision to grant the appeal to be an exercise of the Assembly’s discretion in accordance with HBC 18.30.060 not a finding that due process rights were violated by the commission. As indicated above, HBC 18.30.060 limits the appeal to “the record” while providing the Assembly the discretion to allow Mr. Einspruch and planning staff to “argue” for or against granting the appeal based on the materials previously presented to the planning commission.

“The record” is not defined in the borough code. But the common sense definition of “the record” in the context of an appeal is that it is limited to the material provided to the planning commission. If the Assembly prefers allowing persons to present new evidence to the assembly not made available to the planning commission, HBC18.30.060(B)(1) should be amended and the reference to appeals being limited to the record should be removed.

Conclusion and Recommendations

For the reasons stated above, the Assembly should not allow additional evidence to be added to the record by either staff or Mr. Einspruch. Whether to allow staff and Mr. Einspruch to present argument to the Assembly is a matter for the Assembly to decide, however, we believe the best practice is to provide this opportunity to those participating in the appeal.

We believe the reference to a “public hearing” in HBC 18.30.060 requires allowing public comment on the appeal. This is a relatively close question. An alternative interpretation that the phrase “public hearing” simply mandates that the appeal proceedings occur in public is possible. But in our opinion close questions of this nature should be decided in favor of public participation. The best way to reconcile the requirement of holding a “public hearing” with limiting Assembly consideration of the appeal to “the record” is to only allow the public to make

statements urging the Assembly to grant or deny the appeal without presenting new factual information that was not made available to the planning commission. This could be a challenging wire to walk.

We recommend that in the future the commission and the assembly decline to hear appeals which have not been stated “with particularity” as required by borough code. In making this recommendation we are mindful of the fact that citizens should be able to pursue an appeal without having to hire a lawyer or getting caught up in legal technicalities. Nevertheless, if someone feels an error has been made they should be able to identify what they believe was done wrong. This is not a high bar to meet. The process will actually work better if those involved in considering an appeal are provided advance notice of what is claimed to have been done incorrectly by either staff or the planning commission. If the Assembly feels otherwise the proper manner in which to change current policy is to amend this portion of the code.

Let me know if you have any additional questions on this topic.

R2

Xi Cui

To: Julie Cozzi
Subject: RE: Postponement of Planning Commission Appeal

From: Julie Cozzi
Sent: Monday, October 07, 2013 9:20 AM
To: Xi Cui
Cc: Mark Earnest
Subject: FW: Postponement of Planning Commission Appeal

Hi, Tracy...

Please make sure the planning commission gets this letter AND the email below since they pertain to one of this Thursday's agenda items. Thank you.

Julie

From: Julie Cozzi
Sent: Monday, October 07, 2013 9:17 AM
To: 'Fred Einspruch'
Subject: RE: Postponement of Planning Commission Appeal

Hi, Fred...

Attached is a response to your October 1 request for postponement of your appeal to the planning commission.

Julie

Julie Cozzi, MMC

Borough Clerk
Haines Borough
P.O. Box 1209
Haines, AK 99827
907-766-2231, ext.31
907-766-2716 (fax)
www.hainesalaska.gov

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

From: Fred Einspruch [<mailto:einspruc@yahoo.com>]
Sent: Tuesday, October 01, 2013 11:39 AM
To: Julie Cozzi
Subject: Postponement of Planning Commission Appeal

Dear Clerk Cozzi,

I am hereby requesting that my appeal of my after the fact fine be postponed until the November Planning Commission Meeting. The reason for the postponement is that I am currently out of the state for the winter and I will have to make a presentation to the planning commission that can be delivered to the planning commission in advance of the meeting.

I cannot prepare this presentation and deliver it to the planning commission before the October 10th Planning Commission Meeting. In addition, I will be traveling out of town during the time period, and will not be able to call into the October meeting.

I will also be seeking additional access to the public records of the borough, to locate supporting information for my defense of my after the fact penalty.

In addition, I may seek legal council to represent me in front of the planning commission.

For these reasons, I am requesting that my appeal of the after the fact penalty be rescheduled for the November Planning Commission Meeting.

Thank you very much,

Fred Einspruch



HAINES BOROUGH, ALASKA
P.O. BOX 1209 • HAINES, ALASKA 99827
Administration 907.766.2231 • (fax) 907.766.2716
Tourism 907.766.2234 • (fax) 907.766.3155
Police Dept. 907.766.2121 • (fax) 907.766.2128
Fire Dept. 907.766.2155 • (fax) 907.766.3373

October 7, 2013

Fred Einspruch
via email: einspruc@yahoo.com

Re: October Planning Commission Hearing

Dear Fred:

Your request for postponement of consideration of your appeal from the manager's decision imposing a fine will be placed before the Planning Commission for consideration at the October meeting, however, your appeal will remain on the agenda. The Borough Clerk does not have authority to grant or deny requests for postponement.

The Borough Attorney does not believe the Commission has authority to grant a postponement. HBC 18.30.050(A) requires the Commission to decide whether to consider your appeal at the October meeting. ("The commission shall decide at its next regularly scheduled meeting whether to rehear the manager's decision."). If the Commission does decide to hear the appeal HBC 18.30.050(B) requires the Commission make a decision at the October meeting as well. ("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."). The word "shall" is mandatory.

If you do have additional material you wish the Commission to consider at the October meeting it should be submitted to my office by 5 p.m. October 10. I will also inquire of the Commission if they will allow you to appear by telephone and let you know in advance of the meeting whether and how this could occur.

Sincerely,

A handwritten signature in cursive script that reads "Julie Cozzi".

Julie Cozzi, MMC
Borough Clerk



HAINES BOROUGH, ALASKA
P.O. BOX 1209

HAINES, AK 99827
(907) 766-2231 FAX (907) 766-2716

Narrative

Applicant: Fred Einspruch

Location: 4-STR-02-42A0; 1019 Small Tract Road

- On August 8, 2013, property owner Mr. Einspruch submitted a land use permit application with the required \$50 application fee to the Borough. (see attachment #1)
- In reviewing the application, Haines Borough staff determined that the application is incomplete and does not meet the submission requirements. (see attachment #2)
- On August 20, 2013, Mr. Einspruch completed and re-submitted his application to the Borough. (see attachment #3)
- While out doing site visit on August 26, 2013, the Borough staff discovered the construction has started. (see attachment #4)
- Due to the fact that unpermitted site work has taken place prior to approval of the required land use permit, Mr. Einspruch is being assessed a \$250 after-the-fact fee, as required by HBC 18.30.070. An enforcement letter was sent out by the Borough Planning & Zoning Technician on August 27, 2013. (see attachment #5)
- On September 6, 2013, Mr. Einspruch filed an appeal of enforcement order of August 27, 2013. (see attachment #6)

Respectfully Submitted:

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 & Zoning Technician III
(907)766-2231 ext. 23
xcui@haines.ak.us



Haines Borough

Planning and Zoning

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

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

APPLICATION FOR LAND USE PERMIT

Permit#: _____

Date: _____

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: <u>ALED EINSBRUCH</u>		Name: _____	
Mailing Address: <u>Post office Box 56</u>		Haines Borough Business License #: _____	
Contact Phone: Day _____ Night <u>907-314-0627</u>		Alaska Business License #: _____	
Fax: _____		Contractor's License #: _____	
E-mail: _____		Mailing Address: _____	
		Contact Phone: Day _____ Night _____	
		Fax: _____	
		E-mail: _____	
II. Property Information			
Size of Property: <u>2.52 Acres</u>			
Property Tax #: <u>C-STR-02-42A0-R</u>			
Street Address: _____			
Legal Description: Lot (s) <u>42</u> Block <u>T315</u> Subdivision <u>Bengie</u>			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input checked="" type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> Commercial	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input type="checkbox"/> Septic Tank
_____ sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____ seating	Total # of Units _____	<input type="checkbox"/> Public Water System	<input type="checkbox"/> Public Sewer System
capacity if eating/drinking establishment	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit Privy
<input type="checkbox"/> Industrial	<input type="checkbox"/> Addition		<input type="checkbox"/> Other _____
<input type="checkbox"/> Church	<input type="checkbox"/> Accessory Structure		
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Other <u>Car Port</u>		

Valuation of Work: <i>work is Highly Valued</i>
Written Explanation: <i>18' x 36' carport and other</i>
Attach the following documents to the permit application: <input type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

IV. FEE

A non-refundable fee of \$50 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 site plan submitted is a complete and accurate plan 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.**

Owner or Agent

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 Building Permit Fee <i>\$50.00</i>		Information/Documentation			
Receipt No. <i>02201</i>		Req'd	Rec'd		
Received By: <i>T. Jensen</i>		<input type="checkbox"/>	<input type="checkbox"/> State Fire Marshal		
Date: <i>8/9/13</i>		<input type="checkbox"/>	<input type="checkbox"/> State DEC		
		<input type="checkbox"/>	<input type="checkbox"/> Variance/Conditional Use Permit		
		<input type="checkbox"/>	<input type="checkbox"/> Sign Permit		
Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories
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:					
Borough Manager			Date		

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

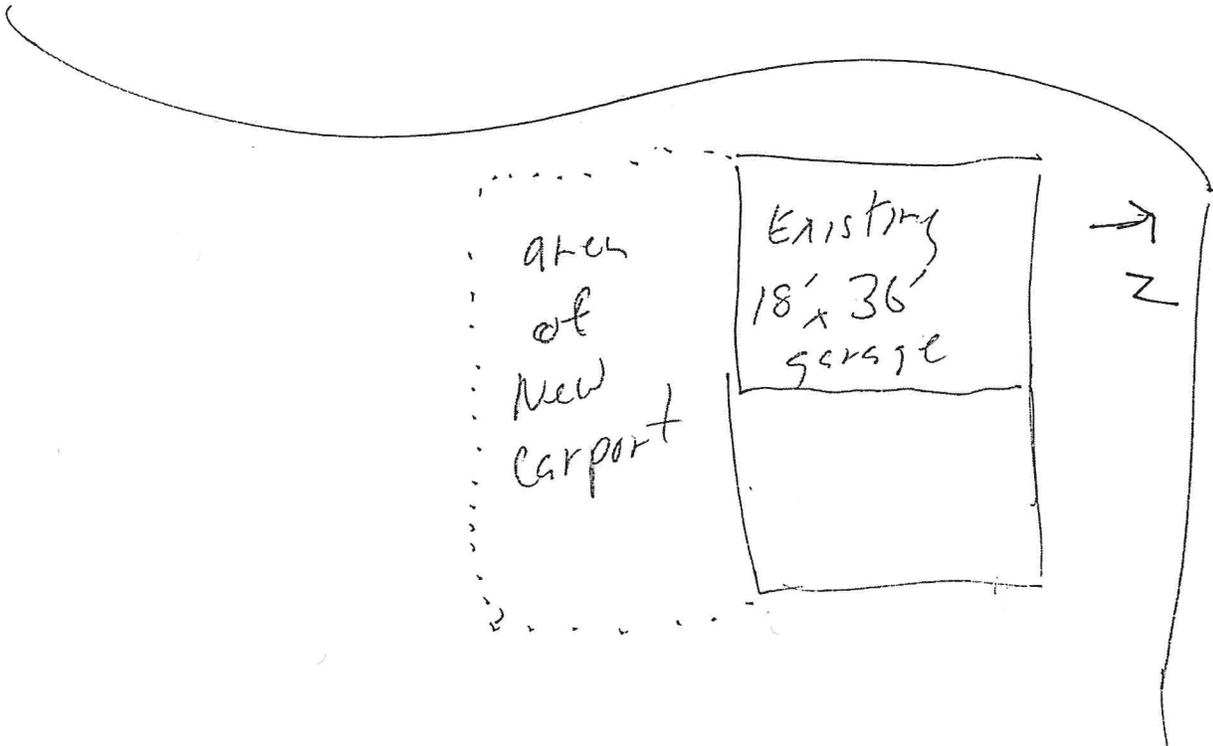
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATTACHMENT A

SITE PLAN REQUIREMENTS

1. Drawing showing dimensions, including elevations, of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
4. Proposed construction—including location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
5. Existing and proposed non-building improvements, including surface water drainage plan, driveway placement, culvert(s), off street parking (location and dimensions), on-site water and/or wastewater handling systems.
6. Shore lines, steep slopes, or other evidence of natural hazards.
7. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that an as-built survey be performed prior to submittal of the application.



Attached to the existing Building.

R5

Attachment # 2



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 FAX (907) 766-2716

August 9, 2013

Fred Einspruch
PO Box 56
Haines, AK 99827

Re: Incomplete Land Use Permit Application
C-STR-02-42A0, 1019 Small Tract Road

Dear Mr. Einspruch,

Thanks for submitting your land use permit application to construct an 18' by 36' carport on the above-listed property. In reviewing your application Haines Borough staff has determined that the application is incomplete and does not meet the submission requirements as follows:

Per HBC 18.40.030(A), (3). Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted. (4). The owner of the property shall sign the permit application, providing the owner's mailing address, e-mail address, date submitted and contact phone number. (5). If a developer, engineer, surveyor or any other agent for the owner will be involved with the project, the names of the parties shall be provided with mailing addresses, e-mail addresses and phone numbers.

Please submit an application that addresses all of the concerns of HBC 18.40.030(A) and the applicable general criteria of 18.60.010. Once the Borough has been provided with a complete application, staff will review the information to approve your land use permit. If you have any questions on the matter please contact the Borough.

Sincerely,

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



Haines Borough
 Planning and Zoning
 103 Third Ave. S., Haines, Alaska, 99827
 Telephone: (907) 766-2231 * Fax: (907) 766-2716

APPLICATION FOR LAND USE PERMIT

Permit#: _____

Date: _____

I. Property Owner/Agent		Owner's Contractor (If Any)	
Name: <u>FILED EINSBRUCH</u>	Name:	Haines Borough Business License #:	
Mailing Address: <u>Post office Box 56</u>	Alaska Business License #:	Contractor's License #:	
Contact Phone: Day <u>907-314-0627</u> Night	Mailing Address:	Contact Phone: Day Night	
Fax:	Fax:	E-mail:	
E-mail:	E-mail:		
II. Property Information			
Size of Property: <u>2.52 Acres</u>			
Property Tax #: <u>C-STR-02-42A0-R</u>			
Street Address:			
Legal Description: Lot (s) <u>42</u> Block <u>T315</u> Subdivision <u>R59E BENSIC</u>			
OR			
Parcel/Tract _____ Section _____ Township _____ Range _____			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input checked="" type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input checked="" type="checkbox"/> None	<input type="checkbox"/> None
<input type="checkbox"/> Commercial	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input type="checkbox"/> Septic Tank
_____ sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____ seating	Total # of Units _____	<input type="checkbox"/> Public Water System	<input type="checkbox"/> Public Sewer System
capacity if eating/drinking establishment	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit Privy
<input type="checkbox"/> Industrial	<input type="checkbox"/> Addition		<input type="checkbox"/> Other _____
<input type="checkbox"/> Church	<input type="checkbox"/> Accessory Structure		
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Other <u>Car Port</u>		

Valuation of Work: <i>work is Highly Valued (\$17,500)</i>
Written Explanation: <i>18' x 36' Carport at 100'</i>
Attach the following documents to the permit application: <input type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

IV. FEE

A non-refundable fee of \$50 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 site plan submitted is a complete and accurate plan 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.**

Borough Code regarding licensing and permit conditions still applies. - Copy 8/20/13

All information furnished is true to the best of my knowledge
8/17/2013
 Owner or Agent *[Signature]* 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 checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <i>08/20/2013</i> In Office <i>XC</i> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Building Permit Fee \$ <i>50.00</i> Receipt No. <i>02201</i> Received By: <i>Tolson</i> Date: <i>8/9/13</i>		Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit			
Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories
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:					
Borough Manager <i>Alvin Cuzzi for Mark Earnest</i>			Date <i>8/20/13</i>		

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

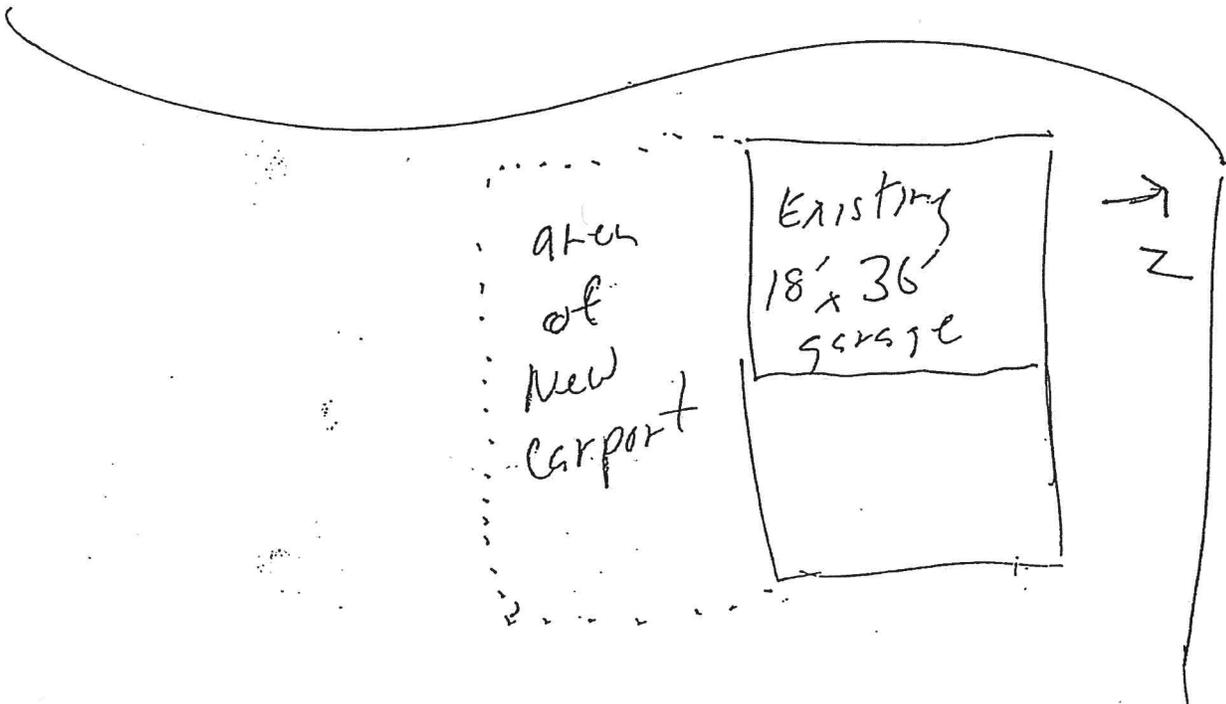
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATTACHMENT A

SITE PLAN REQUIREMENTS

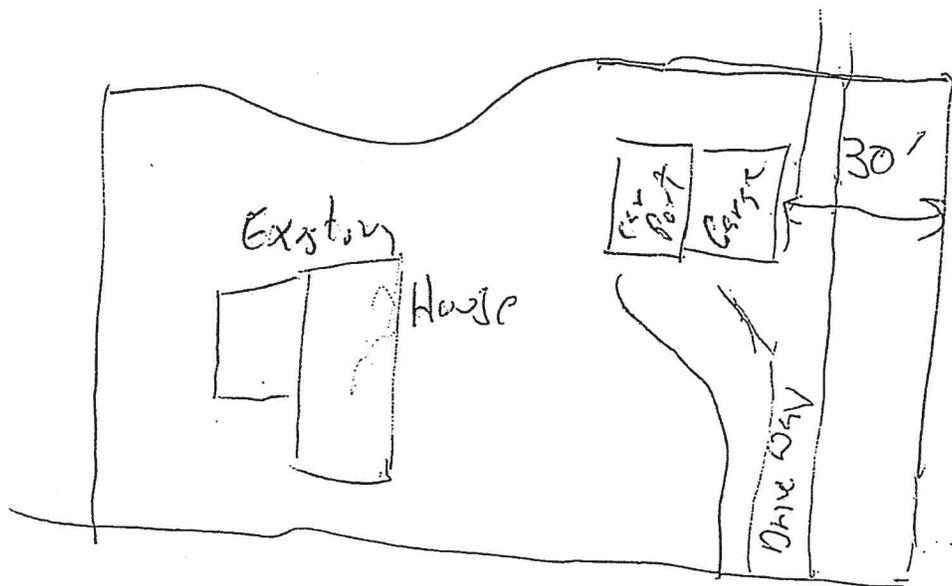
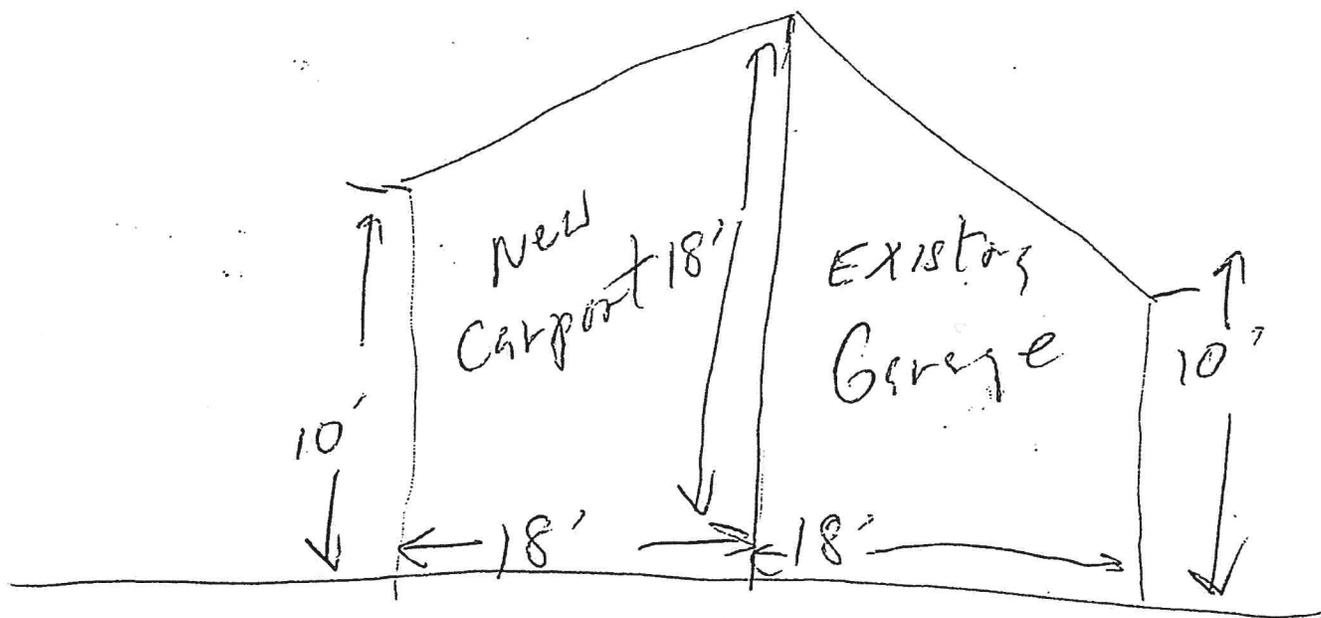
1. Drawing showing dimensions, including elevations, of lot on which activity/construction is planned.
2. Existing streets, alleys, sidewalks, driveways, easements, including widths.
3. Existing buildings/structures on the property, their location, dimension and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
4. Proposed construction—including location, dimensions, and proximity to lot lines or other structures. (Measured from closest point on structure to other lot lines, structures, etc.)
5. Existing and proposed non-building improvements, including surface water drainage plan, driveway placement, culvert(s), off street parking (location and dimensions), on-site water and/or wastewater handling systems.
6. Shore lines, steep slopes, or other evidence of natural hazards.
7. If zero lot line construction proposed, show plan for handling snowdrop onto adjoining properties.

It is strongly recommended that an as-built survey be performed prior to submittal of the application.



Attached to the existing Building.

Electrical Plan



Small Tracts Road

R7

Attachment # 4



R8

Attachment # 5



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

August 27, 2013

Fred Einspruch
PO Box 56
Haines, AK 99827

Re: Unpermitted Land Use Violation
C-STR-02-42A0, 1019 Small Tract Road

Dear Mr. Einspruch:

Thank you for submitting a land use application to construct a carport on the above-listed property on August 20, 2013. While out doing site visit, the Borough staff discovered the construction has started. Due to the fact that unpermitted site work has taken place prior to approval of the required land use permit, you are being assessed a \$250 after-the-fact fee, as required by Haines Borough code 18.30.070. Upon receiving the required \$250 fee, the Borough will approve your land use permit.

Per HBC 18.30.050, you have the right to appeal this decision to the Planning Commission. To do so, a written appeal must be submitted to the Borough Clerk within ten calendar days of the date of this letter. If you have any questions on the matter, please contact the Borough.

Sincerely,

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

R9

Attachment # 6

Fred Einspruch
Post Office Box 56
Haines, AK 99827

Julie Cozzi
Borough Clerk, Haines Borough
Post Office Box 56
Haines, Alaska 99827

RECEIVED Haines Borough

SEP 06 2013

Clerk's Office

September 6th 2013

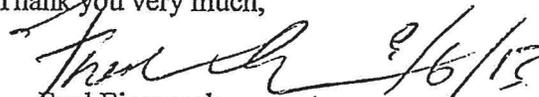
Subject: Appeal of After the fact fine

Dear Clerk Cozzi,

This letter is notice of my appeal to the planning commission the imposition of an after the fact violation land use permit violation.

Please schedule my appeal at the next planning commission meeting.

Thank you very much,


Fred Einspruch

R10

HBC 18.40.030 Procedure – Staff decision.

A. Submission. The developer shall submit one copy of a completed and properly executed permit application, appropriate for the type of proposed development, to the manager. The following information shall be required:

1. Site description, including a complete legal description, street address, dimensions of property and any improvements existing or proposed, zoning and current use of adjacent properties.
2. Proposed development, including existing uses of the property, proposed uses, a time frame for development, and any information regarding phased development.
3. Elevation drawing and site plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing compatible with borough software shall be submitted.
4. The owner of the property shall sign the permit application, providing the owner's mailing address, e-mail address, date submitted and contact phone number.
5. If a developer, engineer, surveyor or any other agent for the owner will be involved with the project, the names of the parties shall be provided with mailing addresses, e-mail addresses and phone numbers.
6. Fees shall be paid at the time of submission of the application and prior to any staff or commission review.
7. The applicant's statement regarding compliance with all general and special conditions shall be contained in the final submission of this application.
8. The application shall be completed in a legible manner. Any applications containing illegible information shall be rejected by the manager and returned to the applicant for clarification.

B. Staff Procedure.

1. The manager will determine if the application is complete and correct and if the application meets the submission requirements. If the requirements are not met, the manager shall return the application to the applicant for modification or correction. If the manager fails to act on acceptance of the application within 10 business days, the application shall be considered complete and accepted for review.
2. If the application for a land use permit is complete and accepted, the manager shall determine, within 10 business days, whether the use meets the requirements of this title, the general approval criteria in HBC 18.60.010 and any special conditions for the applicable zone. The manager may place reasonable conditions on the approval to ensure that the use will comply with this title.
3. If the use does not implement all the requirements of this title, the manager shall deny the permit and note which requirements are not implemented and why. The manager shall issue a decision within 10 business days of acceptance of the application.
4. The manager shall mail a copy of the application and the decision to the developer and shall keep a permanent record thereof. The commission shall review all permit decisions at the next regularly scheduled meeting. (Ord. 12-05-291 § 7; Ord. 11-03-259 § 6)

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)



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-373
Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: Amend Title 18 to make changes to the fees and penalties	1. Ordinance 13-10-353 2. Planning Commission Recommendation
Originator: Planning Commission	
Originating Department:	
Date Submitted: 10/11/13	

Full Title/Motion:
Motion: Adopt Ordinance 13-10-353.

Administrative Recommendation:
The Interim Borough Manager recommends this ordinance.

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

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

This ordinance is recommended by the planning commission. It restructures the fee schedule for fines assessed for violations of Title 18 and establishes a procedure for warnings to be issued for some violations. At the present time, HBC requires that an after-the-fact fee of \$250 be assessed without warning for all violations of Title 18. This has led to citizens being fined for minor violations. Failure to obtain a building permit or a construction declaration will remain a \$250 fine without warning. These violations cost the borough revenue as building projects may go without being assessed for years. For other violations of Title 18, borough staff will issue a letter of warning, and the property owner will have ten business days to correct the violation. If it is uncorrected, a fine of \$100 will be assessed. It also addresses penalties for failure to pay fines. During the 11/12/13 meeting this ordinance was amended to change the maximum fine in the Section B1. to \$2,500 instead of \$1,000.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 11/12/13 and 12/10/13
Meeting Date(s): 10/22/13, 11/12/13, and 12/10/13	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.30.070 TO MAKE CHANGES TO FEES AND PENALTIES.

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 18.30.070. Haines Borough Code 18.30.070 is amended, as follows:

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

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Sign Permit	\$25.00
Land Use Permit	\$ 50.00
Lot Line Vacation/Adjustment	\$ 50.00
Short Plat	\$ 75.00
Special Conditions Permit	\$ 150.00
Conditional Use/Variance Permit	\$ 150.00
Rezoning/Subdivision Permit	\$ 200.00
After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit	250.00 or 3% of the project value, to a maximum of 1,000.00
Penalty for violation of any section of this chapter (except beginning work without a permit — see after-the-fact fee above)	300.00

B. Penalties.

<u>1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration</u>	<u>\$250.00 or 3% of the project value to a maximum of \$2,500</u>
<u>2. Penalty for violation of any section of Title 18 (except beginning work</u>	<u>\$100.00</u>

<u>without a permit - see after-the-fact fee above)</u>	
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3. The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed upon discovery of the violation. In all other violations of Title 18, Borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have ten (10) business days to conform to the code. If the violation is not corrected within ten business days a penalty of \$100.00 shall be assessed.

4. If a penalty is not paid within thirty (30) days, interest of 1.5% per month (18% annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

BC. An applicant having been processed under a permit listed above, who subsequently encounters the requirement of another permit type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process.)

CD. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit respectively and not subject to successive permit fees.

DE. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record.

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

ATTEST:

Stephanie Scott, Mayor

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 10/22/13
Date of First Public Hearing: 11/12/13
Date of Second Public Hearing: 12/10/13

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 18.30.070”. The motion passed unanimously.

RATIONALE: The Planning Commission determines to consider adjusting the fine structure. This proposed ordinance restructures the fee schedule for fines assessed for violations of Title 18 and establishes a procedure for warnings to be issued for some violations. At the present time, HBC requires that an after-the-fact fee of \$250 be assessed without warning for all violations of Title 18. This has led to citizens being fined for minor violations. The Planning Commission thinks that fines should be more proportional to the violation, and that citizens should be given a chance to correct some violations before being fined. This will make the system fairer.

Failure to obtain a building permit or a construction declaration will remain a \$250 fine without warning. These violations cost the Borough revenue, as building projects may go without being assessed for years.

For other violations of Title 18, Borough staff will issue a letter of warning, and the property owner will have ten business days to correct the violation. If the violation is uncorrected a fine of \$100 will be assessed.

Part 4 outlines the penalties for failure to pay fines. Apparently there is nothing currently in HBC that can enforce non-payment, and fines go unpaid.

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

A. The fees for various permits are as follows:

Sign Permit	\$25.00
Land Use Permit	<u>\$50.00</u>
Lot Line	<u>\$50.00</u>

Vacation/Adjustment	
Short Plat	<u>\$75.00</u>
Special Conditions Permit	<u>\$150.00</u>
Conditional Use/Variance Permit	<u>\$150.00</u>
Rezoning/Subdivision Permit	<u>\$200.00</u>
After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit	250.00 or 3% of the project value, to a maximum of 1,000.00
Penalty for violation of any section of this chapter (except beginning work without a permit—see after-the-fact fee above)	300.00

B. Penalties.

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration **\$250.00 or 3% of the project value, to a maximum of \$1,000**

2. Penalty for violation of any section of Title 18 (except beginning work without a permit - see after-the-fact fee above) **\$100.00**

3. The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed upon discovery of the violation. In all other violations of Title 18, Borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have ten (10) business days to conform to the code. If the violation is not corrected within ten business days a penalty of \$100.00 shall be assessed.

4. If a penalty is not paid within thirty (30) days, interest of 1.5% per month (18% annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

BC. An applicant having been processed under a permit listed above, who subsequently encounters the requirement of another permit type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process.)

CD. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit respectively and not subject to successive permit fees.

DE. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record. (Ord. 06-06-146)

SUBMITTED BY _____



(signature)

Rob Goldberg
Planning Commission Chairman

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE
TITLE 18 SECTION 18.30.070 FEES AND PENALTIES TO CONSIDER CERTAIN PORTIONS
OF PENALTY FEE STRUCTURE CHANGES.**

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 18.30.070 to consider certain portions of penalty fee structure changes.

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

HBC 18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Sign Permit	\$25.00
Land Use Permit	<u>\$50.00</u>
Lot Line Vacation/Adjustment	<u>\$50.00</u>
Short Plat	<u>\$75.00</u>
Special Conditions Permit	<u>\$150.00</u>
Conditional Use/Variance Permit	<u>\$150.00</u>
Rezoning/Subdivision Permit	<u>\$200.00</u>
After the fact fee in addition to the normal associated permit fee for beginning work without a permit	250.00 or 3% of the project value, to a maximum of 1,000.00

Penalty for violation of
any section of this
chapter (except
beginning work
without a permit—see
after the fact fee
above) 300.00

B. Penalties.

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration **\$250.00 or 3% of the project value, to a maximum of \$1,000**

2. Penalty for violation of any section of Title 18 (except beginning work without a permit - see after-the-fact fee above) **\$100.00**

3. The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed upon discovery of the violation. In all other violations of Title 18, Borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have ten (10) business days to conform to the code. If the violation is not corrected within ten business days a penalty of \$100.00 shall be assessed.

4. If a penalty is not paid within thirty (30) days, interest of 1.5% per month (18% annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

BC. An applicant having been processed under a permit listed above, who subsequently encounters the requirement of another permit type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process.)

CD. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit respectively and not subject to successive permit fees.

DE. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record. (Ord. 06-06-146)



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-374

Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: Amend Title 18 and 12 to prohibit motorized uses in the Chilkat River Beaches Recreational Zone	1. Ordinance 13-10-354 2. Requested Amendment from Clerk and P&Z Tech. 3. Maps 3. New Committee Recommendations 4. Historical Actions-City Council & Planning Commission 5. Public Comments 6. Memo from Interim Chief of Police
Originator: Planning Commission	
Originating Department:	
Date Submitted: 10/10/13	

Full Title/Motion:

Motion: 1. Adopt Ordinance 13-10-354
 2. Amended Ordinance 13-10-354 per attached memo

Administrative Recommendation:

The planning commission recommends adoption of this ordinance.

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 8A, Pg 203-204 & Objective 14F, Pg 324	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

On 9/27/13 the Haines Borough Assembly discussed ATVs on Chilkat River Beaches. Assembly member Smith moved to "refer this issue to the Planning Commission, as soon as possible." On 10/10/13, the Planning Commission met and heard public comment about creating an ordinance prohibiting motorized use in the Chilkat River Beaches Recreational Zone. The Assembly held the first public hearing for ordinance on 11/12. Since that meeting, staff discovered that the "Area defined" section was inadvertently omitted, and the attached memo requests an amendment remedy this omission. Changes to Chapter 12 add a Chilkat River Beaches Recreational Zone, define the area of this zone, and list the operation of motorized vehicles in this zone. Changes to Title 18 state that "Motorized use may be prohibited by ordinance in specific areas."

Referral:

Sent to: Planning Commission	Date: 9/27/13
Recommendation: Adopt Ordinance Refer to:	Meeting Date:

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 11/12 and 12/10/13
Meeting Date(s): 9/27, 10/22, 11/12, and 12/10/13	Tabled to Date:

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.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance would prohibit the use of motorized vehicles in the Chilkat River Beaches Recreational Zone.

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

18.70.030 Zoning district - Zones

The borough is hereby divided into the following zoning districts and zones. These districts and zones are depicted on the official borough zoning map.

A. Townsite Planning/Zoning District. The townsite planning/zoning district is defined as that area known as the townsite service area.

1. I/H – Heavy Industrial Zone. The intent of the heavy industrial zone is to provide for and protect productive heavy industry.

...

12. REC – Recreational Zone. The intent of the recreational zone is to serve the outdoor recreational needs of the community and to provide protection for sensitive habitat areas. Included in this zone are publicly owned lands planned for recreational use. The recreational zoning designation may be applied to conservation easements and privately owned open space as requested by the owner. Lands zoned as recreational may include areas specified for buffers and greenbelts designed for walking, hiking and biking on maintained trails, or stream-bank riparian habitat. **Motorized use may be prohibited by ordinance in specific areas.**

Title 12 Streets, Sidewalks, and Public Places

Chapters:

12.04 Street Grades

12.08 Road and Sidewalk Construction, Maintenance, and Repair

12.10 Driveways

12.12 Building Numbering System

12.16 Street and Sidewalk Use Restrictions

12.20 Street Lights

12.40 Picture Point Park

12.50 Chilkat River Beaches Recreational Zone

Chapter 12.50 Chilkat River Beaches Recreational Zone

12.50.010 Prohibited uses.

**Operation of a motorized vehicle in the Chilkat River Beaches
Recreational Zone is prohibited.**

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

ATTEST:

Stephanie Scott, Mayor

Michelle L. Webb, Interim Borough Clerk

Date Introduced: 10/22/13
Date of First Public Hearing: 11/12/13
Date of Second Public Hearing: 12/10/13

**Office of the Borough Clerk
Haines Borough, Alaska**



Michelle L. Webb, Interim Clerk

Date: December 6, 2013
To: Mayor and Assembly
From: Michelle Webb, Interim Clerk

Re: Requested Amendment of Ordinance 13-10-354

Planning and Zoning Technician, Tracy Cui, has requested that the Haines Borough Assembly amend ordinance 13-10-354 so that the following language is inserted into the ordinance:

12.50.010 Area defined.

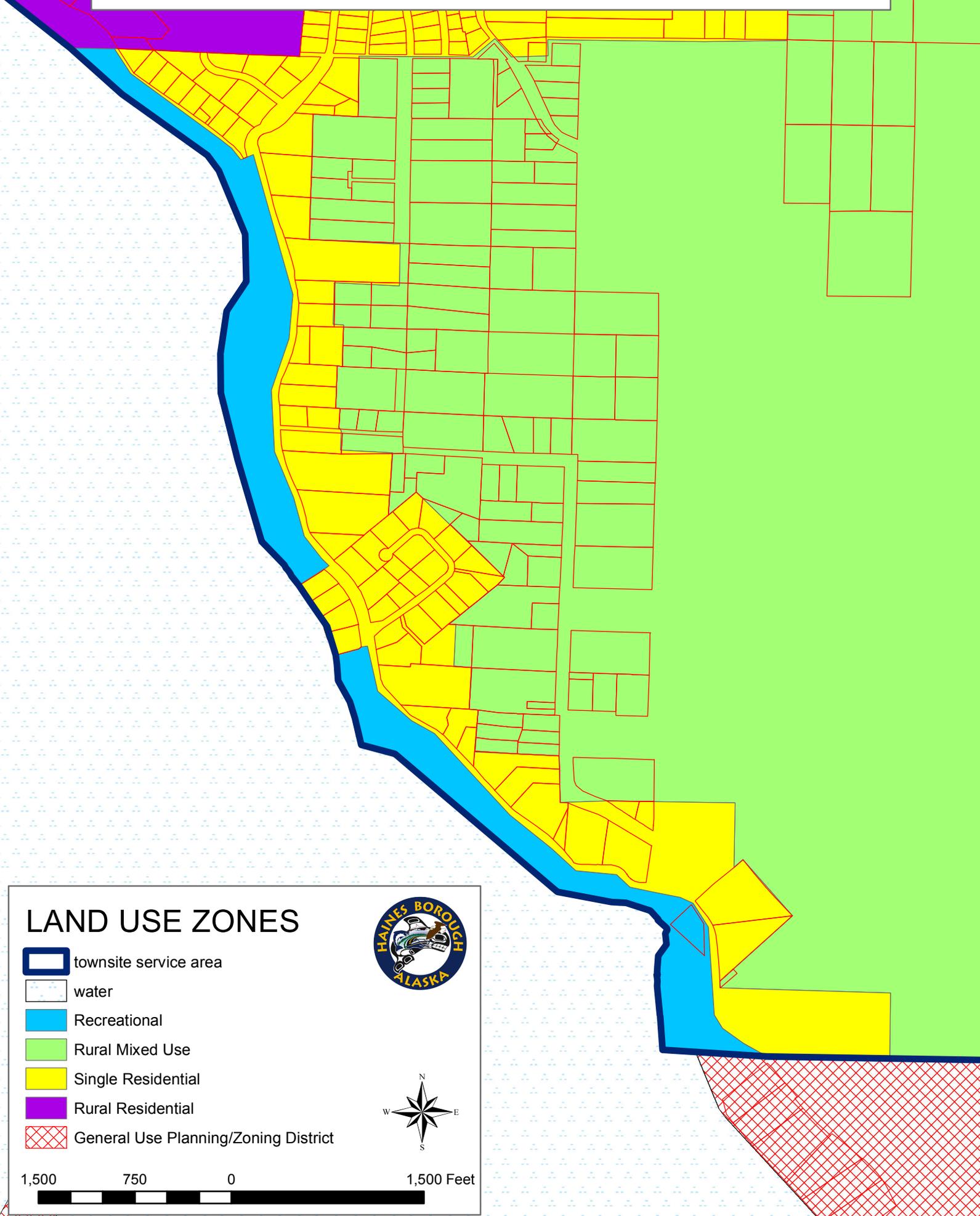
This area is defined as all lands owned by the State of Alaska between Mud Bay Road, River Road and the Chilkat River and Tidal Estuary. This land is bordered by the Carr's Cove Subdivision on the southeast and private property at the end of River Road on the northwest. The area is within Section 3, T31S, R59E, CRM, and Section 11, T31S, R59E, CRM.

And replace:

12.50.020 Prohibited uses.

Thank you for your consideration of this matter,
Michelle L. Webb, Interim Clerk

CHILKAT RIVER BEACHES RECREATIONAL ZONE



LAND USE ZONES

-  townsite service area
-  water
-  Recreational
-  Rural Mixed Use
-  Single Residential
-  Rural Residential
-  General Use Planning/Zoning District



1,500 750 0 1,500 Feet



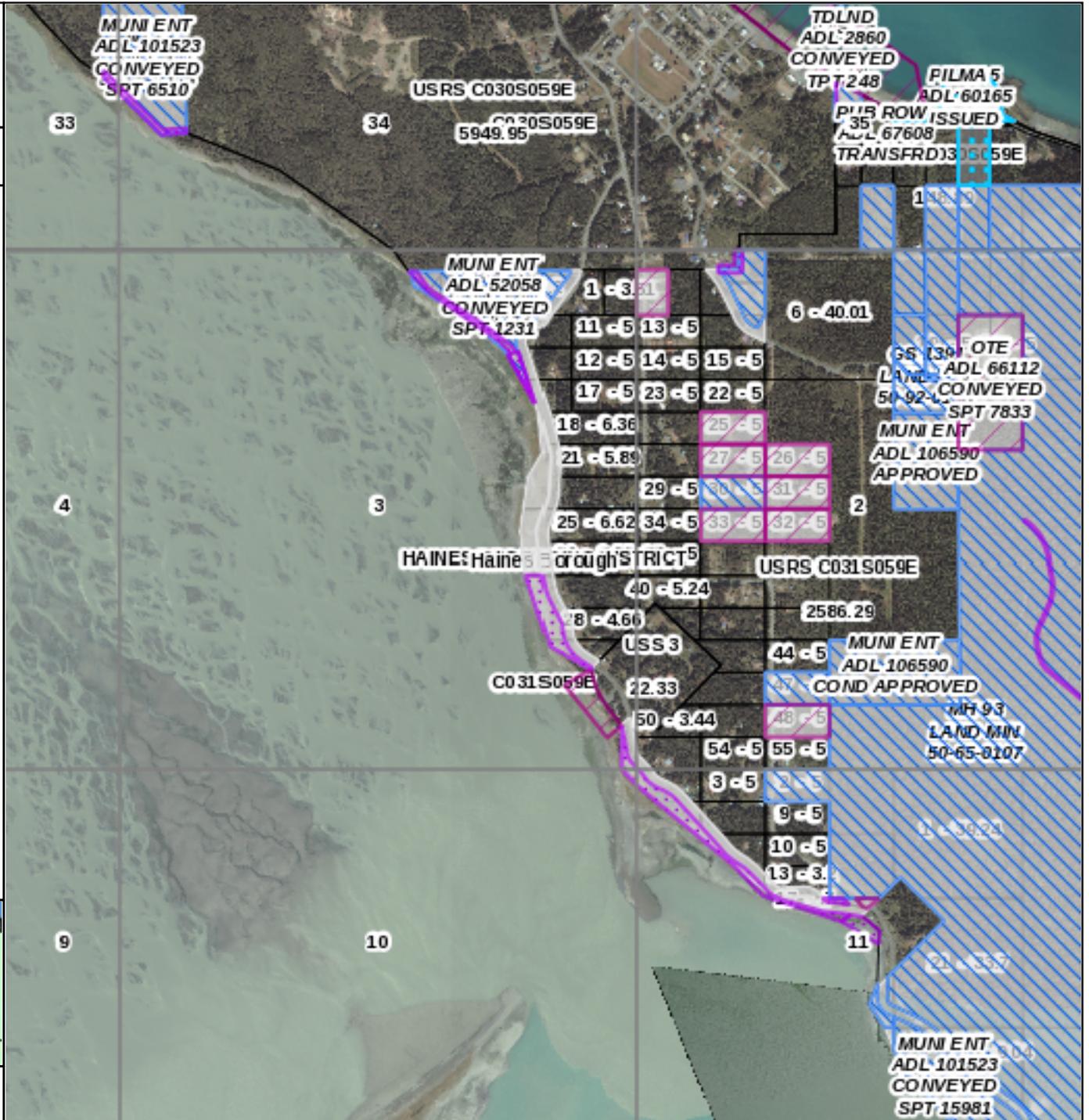
My Map

Alaska Mapper

Spherical Mercator WGS 84 - EPSG:3857

2,000 ft

- PLSS Sections
- Agmmt, Sttlmnt, Rcnvynce
- Agmmt, Sttlmnt, Rcnvynce
- Agmmt, Sttlmnt, Rcnvynce
- Other Activites
- Other Activites
- Other Activites
- Easements
- Easement
- Easement
- Federal Actions
- Federal Actions
- Land Disposal Available
- Land Disposal Available
- Land Disposal Available
- Land Disposal Conveyed
- Land Disposal Conveyed
- Land Disposal Conveyed
- Land Disposal Other
- Land Disposal Other
- Land Disposal Other
- Management Agreement
- Management Agreement
- Mental Health Trust Land
- Municipal Entitlement
- Municipal Tideland
- Native Allotment
- Other Acquired Land
- Other Acquired Land
- Resource Sale
- Resource Sale
- RS2477
- Tentative Application or Patent
- Tentative Application or Patent
- Boroughs
- Recording Districts
- Survey Boundary
- Survey Boundary
- Survey Boundary
- Township



GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENT REMAINS THE OFFICIAL RECORD.
Date Created: Tuesday, November 19, 2013
Created By: dikelley

Michelle Webb

From: Meredith R. Pochardt [mpochardt@gmail.com]
Sent: Tuesday, November 05, 2013 2:16 PM
To: Julie Cozzi; Michelle Webb; Stephanie Scott
Subject: PARC Recommendation to Assembly

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Hi All,

I believe this afternoon is the deadline to get a letter into the packet for the Assembly Meeting on Nov. 12 so I wanted to make sure this got in.

At the November 4th Parks and Recreation Advisory Committee meeting we voted 4-0 to recommend supporting the Planning Commissions recommendation to zone the Chilkat Beach as a non-motorized area. The Parks and Rec Committee recognizes the need for various forms of recreation in the Haines Borough, however, this beach has a precedent as being a non-motorized area.

Thank you,

Meredith Pochardt
Chair - Parks and Recreation Advisory Committee
Haines Borough

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: October 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: W/S Venables moved to “recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.70.030 and add HBC 12.50.010”. The motion passed 4-1 with Turner opposed.

RATIONALE: This proposed ordinance would prohibit motorized use in the Chilkat River Beaches Recreational Zone. The State of Alaska DNR's management plan for this area prohibits commercial motorized use of this area. The area is used extensively by residents for walking, picnicking and wildlife viewing. ATV use is seen by many as incompatible with these other uses, as it damages habitat and endangers pedestrians. Recently there was a near miss between an ATV and a family with small children.

The Planning Commission heard considerable testimony at the October meeting, nearly all of it in favor of making the area non-motorized. There were also twenty letters submitted, all of which support this ordinance. These letters will be included in the Assembly's packet. One resident who spoke wanted to be able to launch small boats in the southern part of this area near Carr's Cove. The Borough owns the lot just to the south of the Recreational Zone where there is beach access. There is also the boat launch at Letnikof Cove, a few miles farther south.

The proposed ordinance adds a sentence in HBC 18.70.030 in the description of Recreational Zone. This sentence allows each area zoned Recreational to be considered individually for non-motorized designation. It also makes it clear that motorized use is allowed in all areas zoned Recreational unless specifically prohibited. The other part of this proposed ordinance adds a section to Title 12 describing the Chilkat River Beaches Recreational Zone and a sentence prohibiting the use of motorized vehicles.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.70.030 & 12.50.010 to read:

HBC 18.70.030 Zoning district - Zones

The borough is hereby divided into the following zoning districts and zones. These districts and zones are depicted on the official borough zoning map.

A. Townsite Planning/Zoning District. The townsite planning/zoning district is defined as that area known as the townsite service area.

1. I/H – Heavy Industrial Zone. The intent of the heavy industrial zone is to provide for and protect productive heavy industry.

...

12. REC – Recreational Zone. The intent of the recreational zone is to serve the outdoor recreational needs of the community and to provide protection for sensitive habitat areas. Included in this zone are publicly owned lands planned for recreational use. The recreational zoning designation may be applied to conservation easements and privately owned open space as requested by the owner. Lands zoned as recreational may include areas specified for buffers and greenbelts designed for walking, hiking and biking on maintained trails, or stream-bank riparian habitat. **Motorized use may be prohibited by ordinance in specific areas.**

Title 12

STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapters:

12.04 Street Grades

12.08 Road and Sidewalk Construction, Maintenance, and Repair

12.10 Driveways

12.12 Building Numbering System

12.16 Street and Sidewalk Use Restrictions

12.20 Street Lights

12.40 Picture Point Park

12.50 Chilkat River Beaches Recreational Zone

Chapter 12.50
CHILKAT RIVER BEACHES RECREATIONAL ZONE

12.50.010 Area defined.

This area is defined as all lands owned by the State of Alaska between Mud Bay Road, River Road and the Chilkat River and Tidal Estuary. This land is bordered by the Carr's Cove Subdivision on the southeast and Port Chilkoot Company property at the end of River Road on the northwest. The area is within Section 29, 30, 32, and 33, Township 30 South, Range 59 East, containing 299 acres more or less.

12.50.020 Prohibited uses.

Operation of a motorized vehicle in the Chilkat River Beaches Recreational Zone is prohibited.

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 18.70.030 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.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Purpose. This ordinance would prohibit the use of motorized vehicles in the Chilkat River Beaches Recreational Zone.

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

HBC 18.70.030 Zoning district - Zones

The borough is hereby divided into the following zoning districts and zones. These districts and zones are depicted on the official borough zoning map.

A. Townsite Planning/Zoning District. The townsite planning/zoning district is defined as that area known as the townsite service area.

1. I/H – Heavy Industrial Zone. The intent of the heavy industrial zone is to provide for and protect productive heavy industry.

...

12. REC – Recreational Zone. The intent of the recreational zone is to serve the outdoor recreational needs of the community and to provide protection for sensitive habitat areas. Included in this zone are publicly owned lands planned for recreational use. The recreational zoning designation may be applied to conservation easements and privately owned open space as requested by the owner. Lands zoned as recreational may include areas specified for buffers and greenbelts designed for walking, hiking and biking on maintained trails, or stream-bank riparian habitat. **Motorized use may be prohibited by ordinance in specific areas.**

Title 12
STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapters:

- 12.04 Street Grades
- 12.08 Road and Sidewalk Construction, Maintenance, and Repair
- 12.10 Driveways
- 12.12 Building Numbering System
- 12.16 Street and Sidewalk Use Restrictions
- 12.20 Street Lights
- 12.40 Picture Point Park
- 12.50 Chilkat River Beaches Recreational Zone**

Chapter 12.50
CHILKAT RIVER BEACHES RECREATIONAL ZONE

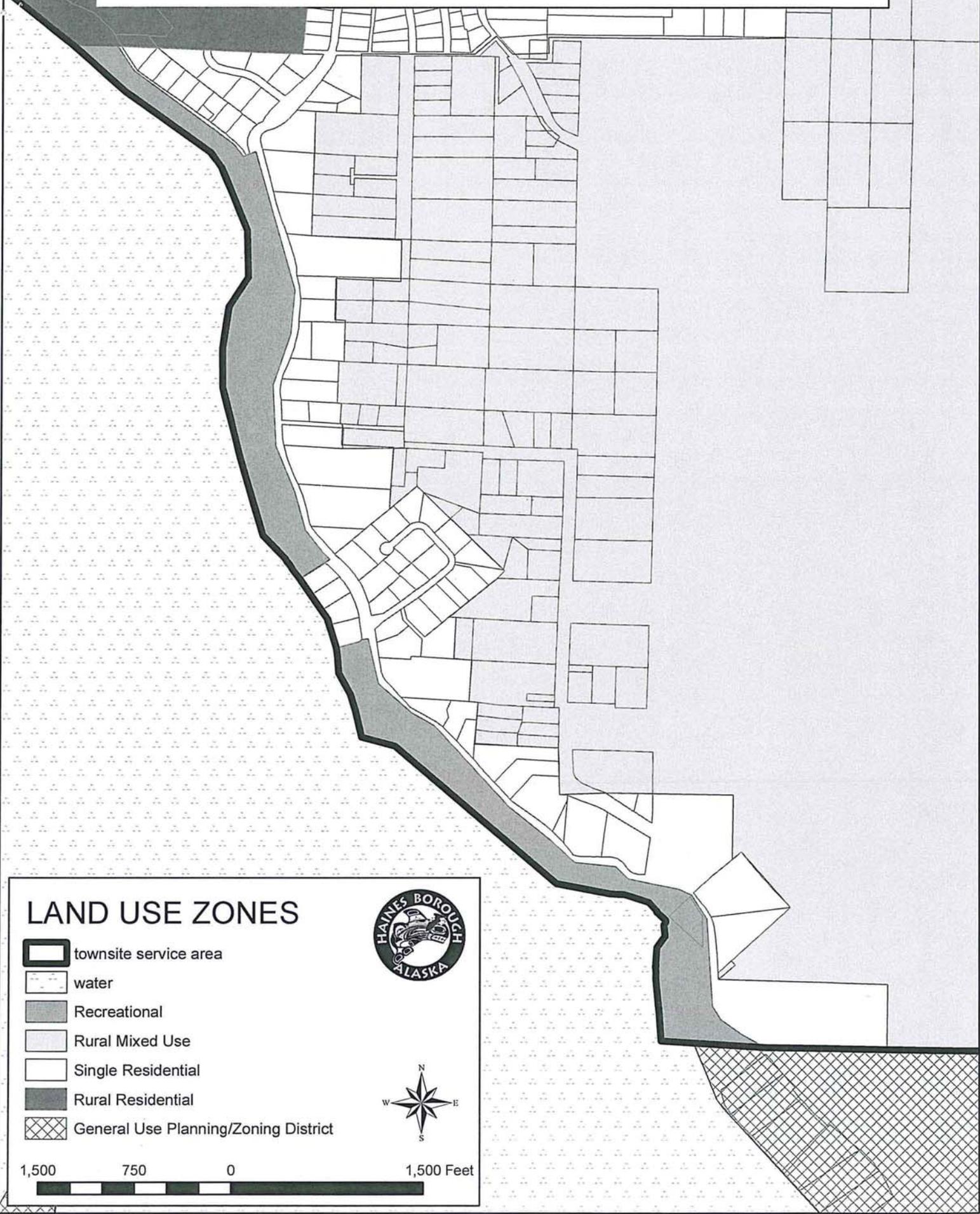
12.50.010 Area defined.

This area is defined as all lands owned by the State of Alaska between Mud Bay Road, River Road and the Chilkat River and Tidal Estuary. This land is bordered by the Carr's Cove Subdivision on the southeast and Port Chilkoot Company property at the end of River Road on the northwest. The area is within Section 29, 30, 32, and 33, Township 30 South, Range 59 East, containing 299 acres more or less.

12.50.020 Prohibited uses.

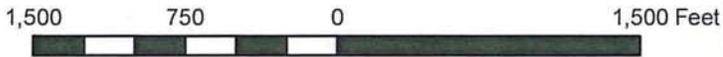
Operation of a motorized vehicle in the Chilkat River Beaches Recreational Zone is prohibited.

CHILKAT RIVER BEACHES RECREATIONAL ZONE



LAND USE ZONES

-  townsite service area
-  water
-  Recreational
-  Rural Mixed Use
-  Single Residential
-  Rural Residential
-  General Use Planning/Zoning District



**HAINES CITY PLANNING COMMISSION
REGULAR MEETING
TUESDAY, July 10, 2001
7:30 pm
Agenda**

1. **CALL TO ORDER:**
2. **PLEDGE TO FLAG:**
3. **ROLL CALL:**
4. **MINUTES:** Approval of Minutes - June 12, 2001 minutes
5. **CHAIRMAN'S REPORT:** NONE
6. **PUBLIC HEARINGS:** Hirsh Setback Variance
7. **APPEALS:** NONE
8. **PLAT REVIEW:** NONE
9. **PERMITS:**
 1. Heather Lende - Chicken coop - Mud Bay Rd.
 2. Melina May - Circus - Fairgrounds
 3. Brenda Calkins - SFR addition - Mud Bay Road
 4. Jack/Toni Smith - greenhouse - FAA Rd.
 5. John Lawson - deck - Young Rd.
 6. Mary Cochran - fill - Lutak Rd.
 7. Susan Smith - fence - Small Tracts
10. **ADMINISTRATOR'S REPORT:**
 - A. Oslund Park Food Cart
 - B. Draft Parking Language
 - C. Downtown District Association - Debra Schnabel
 - D. DNR Planning Info Request
 - E. Outfall Sampling
 - F. Water and Wastewater Service Area
11. **UNFINISHED BUSINESS:**
 - A. Lots With "Alley Only" Access
 - B. Tree Clearing Ordinance - Sitka
12. **ADJOURNMENT**

HAINES CITY PLANNING COMMISSION
REGULAR MEETING MINUTES
JUNE 12, 2001

1. **CALL TO ORDER:** Chair Joanne **WATERMAN** called the meeting to order at 7:30 p.m.
2. **PLEDGE TO FLAG:** Led by Chair.
3. **ROLL CALL: Present:** Chair Joanne **WATERMAN**, Commissioners Bill **JOINER**, Annette **SMITH**, Ned **ROZBICKI**, Greg **BRASK** and June **HAAS**.

Absent: Commissioner Mike **CASE**, Ex-Officio Gregg **RICHMOND**.

Staff Present: Vince **HANSEN**/City Administrator and Susan V. **JOHNSTON**/City Clerk

Audience Present: Mayor Donald E. **OTIS**, Jack and Tracey **ALLEN**.

4. **APPROVAL OF MINUTES** - May 8, 2001 Meeting.

M/S ROZBICKI/SMITH Motion to approve the minutes of May 8, 2001.

Motion carried unanimously.

5. **CHAIR'S REPORT:**

- A. Waterfront Public Use and Access Plan Adoption
Public Hearing

On Monday, June 4th, the Commission met with Jan **CAULFIELD** of Sheinberg Associates and members of the City Council and public to review the final draft of the Waterfront Public Use and Access Plan. The Chair asked for comments on the plan from the Commission.

Commissioner **JOINER** felt that commercial tours should be prohibited on the beach between the Port Chilkoot Dock and the Small Boat Harbor.

The Administrator stated that the Plan recommends prohibiting commercial uses in the area between the Port Chilkoot Dock and Lookout Park, which should be zoned Recreational.

5. CHAIR'S REPORT: (Cont.)

A. Waterfront Public Use and Access Plan (cont.)

Commissioner **SMITH** stated that Sheinberg Associates did a great job on the plan. It is thoughtful and well written. She did not feel that there was a need for commercial uses in Portage Cove north of the Port Chilkoot Dock, but the area to the south of the dock has been used in this manner for many years with no negative affect. She felt the beaches should be retained in their natural state.

Commissioner **ROZBICKI** stated that Lee **HEINMILLER** believes he owns all the uplands south of the Port Chilkoot Dock in front of Fort Seward. **ROZBICKI** felt that the beaches in this area should be left open to commercial uses such as kayak launching. It is a perfect sandy beach for this use. **SMITH** agreed. Commissioner **HAAS** stated that she believed Mr. **HEINMILLER** wants to keep his beaches open to the public.

Commissioner **BRASK** felt that City-owned beaches should be retained for public, non-commercial use and businesses which need access to the water should obtain their own areas of shoreline. More regulation is needed in this area. He was not in favor of commercial use of the Chilkat River beaches either.

The Chair stated that the recommendation was to limit, but not prohibit, commercial uses on the Chilkat River Beaches. The public wanted regulation.

M/S ROZBICKI/SMITH Motion to change the language in the plan to allow for limited commercial use in the Portage Cove Waterfront Park.

M/S SMITH/ROZBICKI Motion to amend the main motion to ensure that commercial uses are subordinate to non-commercial uses by the public.

Commissioner **BRASK** spoke against the motion. He felt that there should be some areas set aside for the local people where they could get away from "tourism". He stated that there are other industries, such as construction and fishing - the focus doesn't need to be only on tourism. He felt the needs of the year-round resident needed to be addressed.

5. CHAIR'S REPORT: (Cont.)

A. Waterfront Public Use and Access Plan

Commissioner **SMITH** said she felt it would bring more people off the cruise ships if they saw some type of commercial activity taking place on the beaches.

The Chair stated that the Commission needed to look at the long-term impact of their decisions. The Commission doesn't want to "grandfather" in any problems.

Commissioner **ROZBICKI** stated that it seemed the intent was to make the beach area a "park" and in most places commercial uses are allowed in parks, if only on a limited basis or by a lottery system.

The Chair commented that what she heard from the many public hearings was the public wants to keep the impact on the beaches minimal. She felt that the Commission should listen to the public.

Motion to amend failed with Commissioners **BRASK**, **JOINER** and **WATERMAN** against.

Main motion failed with Commissioners **BRASK**, **JOINER**, **SMITH** and **WATERMAN** against.

The Chair opened the hearing to public comment at 8:10 p.m. Hearing no comment, she closed the hearing.

Mayor **OTIS** pointed out that the property ownership on the maps in the plan is inaccurate. He also stated that the plan included trails in the Jones Point area and that this area has been re-zoned heavy industrial, which may or may not be compatible with trails.

JOINER stated that Klukwan, Inc., a major property owner in that area, was not enthusiastic about trails across their land. The trails may have to extend across Borough land to Jones Point Road.

ROZBICKI said it wouldn't hurt to keep these trails across Klukwan, Inc. property in the plan as something that's desired, but not actually planned. They may change their minds. The Administrator pointed out that all these plans are contingent on the cooperation of the property owners.

5. CHAIR'S REPORT: (Cont.)

A. Waterfront Public Use and Access Plan (cont.)

BRASK pointed out that the new planned golf course isn't exactly compatible with heavy industrial zoning either and it's nearby.

The Clerk stated she will work with the Administrative Assistant to correct the property ownership on the plan maps.

M/S SMITH/JOINER Motion to approve the Waterfront Public Use and Access Plan Final Draft with appropriate changes to the maps to make them accurate.

Motion carried with Commissioner **ROZBICKI** opposed.

With the concurrence of the Commission, the Chair amended the order of the agenda, bringing item 10.D., Sign Ordinance, up to 5.B. to accommodate Mayor **OTIS**.

- B. Sign Ordinance - The Mayor explained that last summer Fred **SHIELDS** was placing a sandwich sign on the sidewalk which was against City Code. The City attempted to get him to remove it. Mr. **SHIELDS** stated that if he couldn't have a sign on the sidewalk, the City must also make the businesses across the street take theirs down. The 2000 season ended without the sign being dealt with. During the off-season, Mr. **SHIELDS** was going to work with the Commission to change the sign ordinance to accommodate sidewalk signs. Mr. **SHIELDS** failed to do this and the signs are all back up in the right-of-way. The City sent out enforcement letters which brought all the businesses to the City Council to ask for a waiver to retain their signs, citing the state of the economy and the hardship removing the signs would place on their businesses. The Council decided to allow the drafting of an Ordinance allowing signs on the sidewalk only on Portage Street. The introduction of this ordinance and first public hearing will take place at 6:00 p.m. on June 19th and the second public hearing and adoption will be at the regular City Council meeting on June 20th at 6:30 p.m.

The Mayor asked if the Commission supported this effort to change Title 18, as they are being bypassed in the process due to time constraints.

8. PUBLIC HEARINGS:

- D. ORDINANCE NO. 866
(Second Public Hearing)

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, REPEALING AND RE-ENACTING CITY CODE SECTION 18.75.070, PROHIBITED SIGNS TO ALLOW SANDWICH SIGNS ON SIDEWALKS AND WITHIN SIDEWALK RIGHTS OF WAY ON PORTAGE STREET.

9. BIDS/PROPOSALS RECEIVED:

- A. Professional Services - Water System Leak Test
Utilities Services Associates

10. REPORTS OF STANDING COMMITTEES/COMMISSIONS:

- A. Tourism Planning Committee
B. Finance
C. Boat Harbor Advisory Committee

*11. REPORTS OF SPECIAL COMMITTEES:

12. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS:

- A. City Administrator
1) Fulsaas Encroachment Permit
2) Southeast Conference Representative
- *B. Chief of Police *C. City Treasurer
*E. Fire Chief *F. City Attorney/Legal Matters
*G. Harbor Master
- H. Economic Development Director
1) O.E.D.P. Adoption
2) SE.Conference Representation

13. CONSIDERATION OF RESOLUTIONS, PETITIONS AND MEMORIALS:

- A. RESOLUTION NO. 2000/2001-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAINES, ALASKA, CHANGING THE ESTABLISHED SCHEDULE OF COMPENSATION AND POSITION CLASSIFICATION PLAN FOR CITY EMPLOYEES FOR FISCAL YEAR 2001/2002.

- B. RESOLUTION NO. 2000/2001-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAINES, ALASKA, CHANGING THE ESTABLISHED SCHEDULE OF COMPENSATION FOR SEASONAL CITY EMPLOYEES FOR FISCAL YEAR 2000/2001.

14. CONSIDERATION OF ORDINANCES PROPOSED FOR INTRODUCTION:

A.

ORDINANCE NO. 867

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, PROVIDING FOR ADDITIONS/CHANGES TO SPECIFIC LINE ITEMS IN THE FY 00/01 BUDGET.

*15. CORRESPONDENCE: *16. OLD BUSINESS: *17. NEW BUSINESS:

18. SET COMMITTEE MEETING DATES:

19. COUNCIL COMMENTS:

20. ADJOURNMENT:

6-A

MEMORANDUM

CITY OF HAINES

To: Mayor and City Council

From: *M. Hansen* Vince Hansen, City Administrator

Date: June 18, 2001

Subject: Haines Waterfront and Public Use Area Access Plan

(FOR THE JUNE 20 COUNCIL MEETING, PLEASE BRING THE COPY OF THE PLAN PROVIDED TO YOU PREVIOUSLY. IF YOU WILL NEED ANOTHER COPY, PLEASE LET SUSAN OR I KNOW.)

On June 12, 2001, the Haines Planning Commission voted to recommend that the City Council approve the *Plan for Public Use Areas in the City of Haines*, with the final changes listed below. Approval of the Plan will complete an eight-month planning process that involved the community in developing ideas for enhancing public uses for the benefit of Haines residents and visitors. Public input was gathered through a community survey, five well-advertised public meetings, and many individual interviews. The Planning Commission served as the Steering Committee for this project and provided direction to Sheinberg Associates, the City's planning consultant.

The Plan includes a wide range of ideas for improving public use and access in the City of Haines, including: improving general and disabled beach access, ensuring that popular areas are available for public use in the future, improving parking and facilities, constructing new trails and community pathways, waterfront beautification, and more. It also identifies strategies and potential sources of grant funding and technical assistance to accomplish these actions.

This Plan proposes ways to benefit Haines' quality of life and tourism economy. It takes care *not* to preclude other types of development that are essential to support and sustain the Haines community and economy. The Plan suggests ways that private landowners may want to collaborate with the City in enhancing public use, but does not require landowners to participate.

The Planning Commission recommends that the City Council approve the Plan with the following changes. Language to be added to the Plan is underlined; language to be deleted is [CAPITALIZED AND BRACKETED].

Portage Cove

Page 2-9, 1st Action **Dedicate Waterfront City Park (including Lookout Park)**

"Do not allow commercial use of lands [AND WATERS] within the

Waterfront Park.”

Page 2-9, 5th Action **Secure Fort Seward Parade Ground Use**

“Work with Alaska Indian Arts [THE PORT CHILKOOT COMPANY] to ensure that the Fort parade grounds will remain an open space, available for public use in the future.”

Page 2-10, 3rd Action **Improve Beach Access, including Disabled Access**

In coordination with affected private landowners, construct and maintain safe and convenient paths, stairs and/or ramps to access the natural public beach and tidelands at five primary locations ...”

Chilkat River Beaches

Page 3-10, 3rd Action **Manage Commercial Tour Use**

... “Restrict commercial tour use to the State-owned land between the River and Mud Bay Road intersection and the residential properties on the beach side of Mud Bay Road (see Figure 3). [DO NOT ALLOW COMMERCIAL TOUR USE OF PRIVATE LAND.]”

Pathways and Trails

Page 4-6, 4th Action **Construct New Trail Routes**

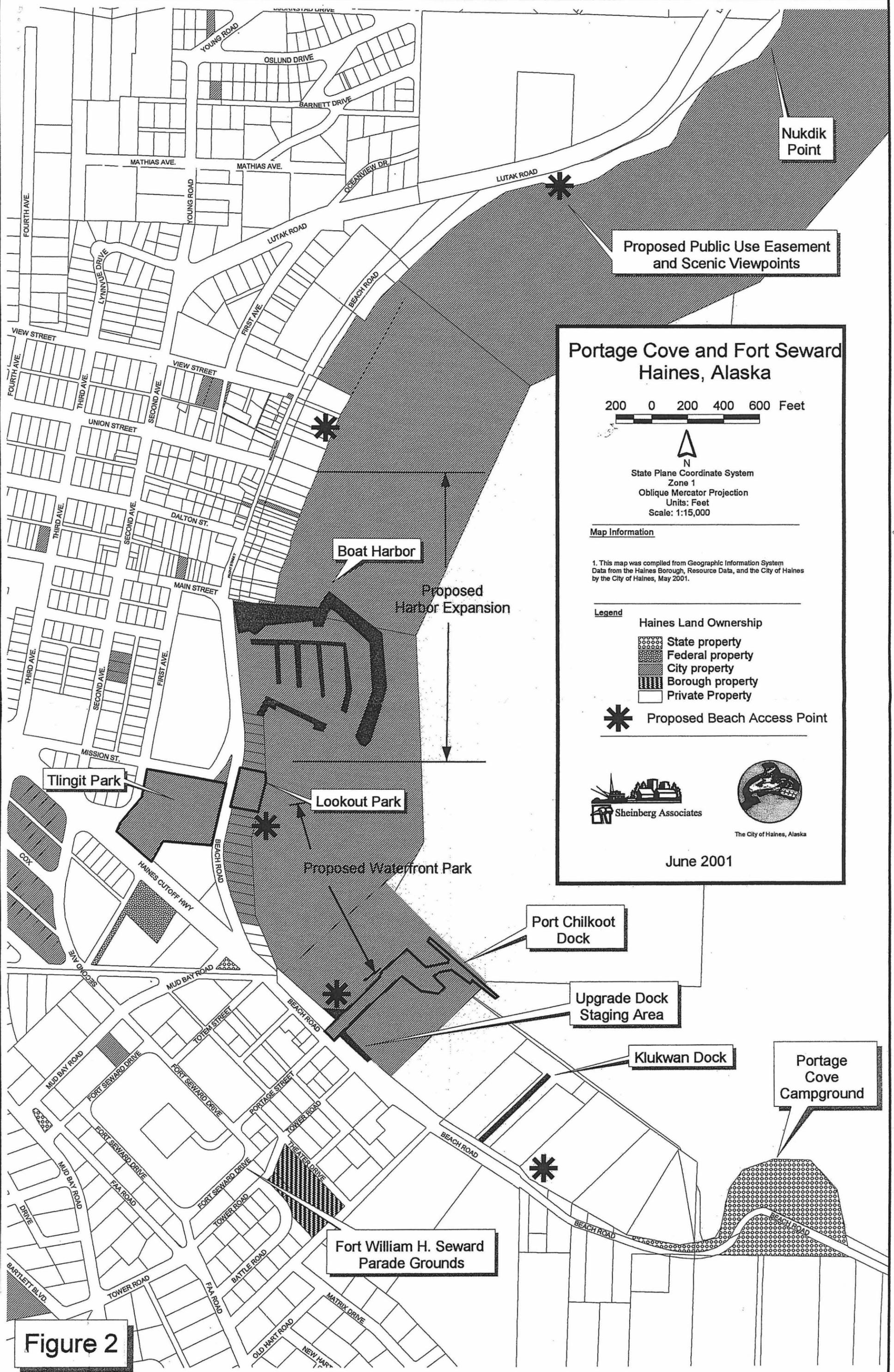
Add the following to the list of potential new trail routes on pages 4-6 and 4-7:
“Tank Farm Pipeline Right-of-Way Trail Route – Work with landowners to determine if a trail route can be established along the tank farm pipeline ROW through easements and route improvements.”

Page 4-7, *NEW* Add the following new Action item:

“Action: Provide Public Facilities to Serve Trails
Provide public facilities (such as signs, parking and restrooms) at trail access points, as necessary to serve trail users.”

I will also provide you with updated copies of the maps for the Plan (Figures 1-6) at your June 20 meeting.

cc: Joanne Waterman, Haines Planning Commission
Jan Caulfield, Sheinberg Associates, Juneau



Portage Cove and Fort Seward Haines, Alaska

200 0 200 400 600 Feet

N
State Plane Coordinate System
Zone 1
Oblique Mercator Projection
Units: Feet
Scale: 1:15,000

Map Information

1. This map was compiled from Geographic Information System Data from the Haines Borough, Resource Data, and the City of Haines by the City of Haines, May 2001.

Legend

Haines Land Ownership

- State property
- Federal property
- City property
- Borough property
- Private Property

Proposed Beach Access Point

Steinberg Associates
 The City of Haines, Alaska

June 2001

Figure 2

8. PUBLIC HEARINGS:

D. ORDINANCE NO. 870
(First Public Hearing)

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, REPEALING AND RE-ENACTING CITY CODE SECTIONS AND SUB-SECTIONS WITHIN TITLES 10, 12, 13, 14 AND 16 TO EFFECT THE ADOPTION OF A CITY MANAGER PLAN AS APPROVED BY THE VOTERS OF THE CITY OF HAINES ON OCTOBER 3, 2000.

E. ORDINANCE NO. 871
(First Public Hearing)

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, REPEALING AND RE-ENACTING CITY CODE SECTIONS AND SUB-SECTIONS WITHIN TITLE 18 TO EFFECT THE ADOPTION OF A CITY MANAGER PLAN AS APPROVED BY THE VOTERS OF THE CITY OF HAINES ON OCTOBER 3, 2000.

F. ORDINANCE NO. 872
(First Public Hearing)

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, REPEALING CITY CODE SECTION 2.84.070, PAY DURING VACATION.

G. ORDINANCE NO. 873
(First Public Hearing)

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, PROVIDING FOR ADDITIONS/CHANGES TO SPECIFIC LINE ITEMS IN THE FY 01/02 BUDGET.

* 9. BIDS/PROPOSALS RECEIVED:

10. REPORTS OF STANDING COMMITTEES/COMMISSIONS:

A. Tourism Planning Committee

*11. REPORTS OF SPECIAL COMMITTEES:

12. REPORTS OF CITY OFFICERS/DEPARTMENT HEADS:

A. City Administrator

- 1) Tower Road Water Tank Damage
- 2) Hagen Abatement
- 3) Manager Recruitment
- 4) Plan for Public Access - Completed
- 5) Mud Bay Road Landscape Design Grant

*B. Chief of Police *C. City Treasurer
*E. Fire Chief *F. City Attorney/Legal Matters
*G. Harbor Master *H. Economic Development Director

*13. CONSIDERATION OF RESOLUTIONS, PETITIONS AND MEMORIALS:

14. CONSIDERATION OF ORDINANCES PROPOSED FOR INTRODUCTION:

A. ORDINANCE NO. 874

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, REPEALING AND RE-ENACTING CITY CODE SECTIONS 3.40.020, DEFINITIONS AND 3.40.030, LEVY OF TAX RATE.

B. ORDINANCE NO. 875

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, ENACTING CITY CODE SECTION 5.20.070, NON-MOTORIZED COMMERCIAL PASSENGER VEHICLES AND RE-NUMBERING SUBSEQUENT SECTIONS IN CHAPTER 5.

C. ORDINANCE NO. 876

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, PROVIDING FOR ADDITIONS/CHANGES TO SPECIFIC LINE ITEMS IN THE FY01/02 BUDGET.

D. ORDINANCE NO. 877

AN ORDINANCE OF THE CITY OF HAINES, ALASKA, PROVIDING FOR ADDITIONS/CHANGES TO SPECIFIC LINE ITEMS IN THE FY01/02 BUDGET.

*15. CORRESPONDENCE: *16. OLD BUSINESS: *17. NEW BUSINESS:

18. SET COMMITTEE MEETING DATES:

19. COUNCIL COMMENTS:

20. ADJOURNMENT:

MEMORANDUM

CITY OF HAINES

To: Mayor and City Council

From: *V.H.* Vince Hansen, City Administrator

Date: July 21, 2001

Subject: Administrator's Report for July 25, 2001 Meeting

As you read this, I should be communing with the mosquitoes of Kluane, but wanted to update you on a few issues:

Tower Road : Water tanks seem to get more than their fair share of my attention and this time it's the Tower Road tank. There should be a picture attached that shows one of 16 6" X 8" X 25' beams that support the roof of the tank. They have been severed, most likely as a result of heavy snow load. Since broken near the bottom, they were undetectable until the roof started to sag, which became noticeable during a recent inspection. They were ok when the tank was drained seven years ago, but John Shaw estimates they broke the season before last. The proper repair needs to be specified as soon as possible, so that the problem can be repaired before the snow flies. Simply replacing them with new redwood beams is obviously not adequate. In addition, treated metal may be less expensive and may work better, due to icing inside the tank, which may have contributed to the failure.

Don Gesner, a (the?) wooden tank expert, wouldn't advise specific repairs without an engineer's input and review. Since PN&D is familiar with our system and has the structural expertise, I am making arrangements for them to review the damage and design an appropriate repair. I have also looked into grant assistance and the USDA has advised that if reserve funds are still available, the project may qualify for a 75% grant. Once we have a repair plan and costs, I will apply. Unfortunately, our property insurance will not cover the repairs. As soon as I have more information, I will pass it on to the Council.

Hagen Abatement: The deadline for William Hagen to abate the nuisance (abandoned vehicles, miscellaneous refuse and structures) on his property at 1029 Lutak Road has passed. (See picture attached - in case you aren't already familiar.) Bruce Smith is making arrangements to remove the vehicles and refuse and then we will decide what to do about the structures. Mr. Hagen will be billed for all costs. We anticipate that it will cost approximately \$1,200 to take care of the vehicles and loose refuse. Depending on the ultimate cost, and how long it takes to recoup the funds from Mr. Hagen, I may need to come to the council for an additional appropriation to make up for these funds spent by Public Works. If council objects to taking this action, please let me know.

Manager Recruitment: As you are aware, the Manager form of government for the City takes effect October 15. As I have advised the Council in the past, I feel it is important to complete a strong recruitment effort for this new position. This will allow the Council to evaluate all of its options in obtaining the best Manager possible. If the position is to be filled by October 15, the Council should begin recruitment by early August.

As we look ahead over the next few years, some of the big priorities for a Manager will be: transitioning the city departments and staff into this new management structure; personnel administration; utility management, including development of a utility plan for the certificated area, design and construction of utility extensions and expansions, renewal of EPA and other permits; Lutak Dock repair construction; harbor design and construction; public works building construction; long overdue road improvements; application and enforcement of the land use code, including coastal management program administration; grants administration; budget administration; tourism planning and ordinance enforcement, and; the ability to represent all of these and the myriad of other issues to the Mayor and City Council. With consolidation, there will be also be other priorities and changes.

Haines is looking for a person with a broad array of skills. As the personnel committee develops the job description and its interview priorities, these tasks need to be emphasized. In addition, with changes to the Mayor's authority, the Manger will need to be more directly responsive to city departments, as well as to various segments of the community. Although this is not an elected position, the community should have input on the hire. Since consolidation is also possible, borough input should also be sought.

I recommend that the personnel committee take on ad-hoc members to participate in a hiring committee. In addition to the Mayor and standing committee, I recommend at least one City department head, one borough assembly member, and one member of the community at large. The personnel committee, and ultimately, the City Council would have the final say, but the participation of the ad hoc members would improve the process, and likely the hire. I hope the Mayor and Council will give this serious consideration.

Plan for Public Use and Access in the City of Haines: This plan is completed. Each of you should have received a copy. It should be a useful tool in moving projects forward, as well as assisting with further planning and development issues.

Mud Bay Road Landscape Design Grant: One of the priorities identified in the Public Use and Access Plan was the need for pull-outs and other improvements at the Chilkat River beaches along Mud Bay Road. I was advised by DOT that funds are available to move forward with more specific landscaping and design ideas for this area. I used the plan language to apply for the grant and should know by October if funds will be awarded.

If you have questions or need more details on any of these issues, let me know.

Michelle Webb

From: Julie Cozzi
Sent: Tuesday, December 03, 2013 12:40 PM
To: Michelle Webb
Subject: FW: motorised beach access

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Agenda Business

From: alexandra feit [<mailto:hikeralex@hotmail.com>]
Sent: Tuesday, December 03, 2013 12:40 PM
To: Julie Cozzi
Subject: motorised beach access

Dear Julie,
Please add my letter to the Assembly Packet-Thank You.

Dear Assembly members,

Thank You for looking at the issue of having a strip of beach on Mud Bay road be non-motorized. I am writing in support of having that one piece of beach be non-motorized. As a responsible dog owner, I often walk my dog on that beach as he can be off-leash. I try and make sure that when my dog is off-leash, he will not inconvenience others as well as choose an area where we will not be in danger. It would great to know that we can walk and snowshoe there, play with other dogs and not be concerned with a fast moving vehicle coming upon us. Thank You for addressing this issue.

Alexandra Feit

Michelle Webb

From: Julie Cozzi
Sent: Tuesday, December 03, 2013 11:13 AM
To: Michelle Webb
Subject: FW: Please add to the assembly packet for the 10th

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Agenda Business

From: Heather Lende [<mailto:hlende@aptalaska.net>]
Sent: Tuesday, December 03, 2013 11:11 AM
To: Stephanie Scott; Xi Cui; Julie Cozzi
Cc: Debra Schnabel
Subject: Please add to the assembly packet for the 10th

December 2, 2013

Dear Manager, Mayor and Assembly-

Thank you all for taking the time to consider the Chilkat Beaches recreational zone ordinance. Chip and I ask you to pass it. We appreciate the support for this ordinance from the beginning from most of you, the Planning Commission, and the Park and Rec board. We are also thankful that those of you on the fence have taken the time to check out the area in question, and that you now agree that the one mile or so stretch of beach adjacent to Mud Bay Road is unsuitable for motorized recreation, as it's too small and does not have the proper terrain or weather for it.

We are hearing that the main concern is "blocking" that user group, and the fear that this is the beginning of a movement to ban more motorized activity everywhere. It's not.

We ask that instead of thinking of this as saying "NO" to one activity that is marginal at best, you focus on saying "YES" to a wonderful community recreation resource which will cost you nothing, that you don't have to maintain, and that no doubt will increase area property tax revenue as time goes on.

By passing it you are saying YES to the only safe, year-round, easily accessible, in town recreation zone free of traps. YES to bird watchers, YES to dog lovers, YES to walking tour companies, YES to mountain bikers, YES to kite surfers, YES to Joggers, YES to kayakers, YES to photographers and photography tours, YES to school picnics, YES to weddings, YES to young mothers, YES to summer revelers, YES to skiers, YES to visitors and residents valley-wide.

YES to the only place where residents and their pets may walk before or after work in the winter that is completely safe—in the dark. Often roads are icy and sidewalks not cleared that early, and reflective gear and lights don't go far enough in many conditions. The golf course and Parade Grounds are both open to snow machines which by nature go fast and may not see little children on skis or older women walking dogs until it's too late. Trust us, we know what can happen even when a motorized vehicle is going slowly on a road when the driver makes a momentary mistake.

Better yet, this area is not suitable for much of anything else anyway— There is no one who currently uses the beach for motorized recreation asking to maintain that activity. Not one. Commercial use is already very limited

by the state to small-scale tourist activities that compliment the environment and busy neighborhood, and thus are non-motorized. The area adjacent is already zoned single family residential, which typically are quiet areas and would expect to remain so, there is already no subsistence or sport fishing in the Chilkat River delta from Carr's Cove to 4 mile, and there is a salmon stream bisecting the beach.

The only downside is that, YES, it will be officially non-motorized, but even then, everyone who is into motorized recreation agrees that this is not a good spot for it, and would not trade it for another area. It is small, wet, windy, narrow, and there are too many users and residences in the way.

Also, if this area is promoted as motorized, where will the borough find another safe place for all the walkers being displaced? It seems that the other potential areas would have many more conflicts with current motorized users and require significant development to serve the same purpose (trails, lighting, parking, etc.) on the borough's part.

In other words, it's a fine thing to say YES on this one-- YES to the highest and best use of the Chilkat Beaches and a safe, year-round, trap free, non-motorized recreation zone for the community, visitors, and fish and wildlife.

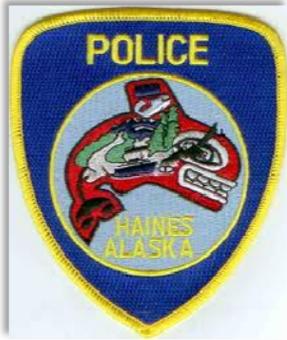
We are fortunate that nature has provided it, and trust that you are wise enough leaders to support an ordinance that will benefit so many, and honestly, not really harm anyone or any user group.

Please say YES to all that is good about Haines and the Chilkat Beaches recreation zone, rather than respond negatively because of a perceived anti-motorized movement that frankly does not exist in Haines.

It's the season of light and love, and while Chip thinks Heather is silly for saying that—why not let yours shine and vote YES to the Chilkat Beaches recreational zone? There is so much joy to be gained for Haines from these beaches-- now and forever.

Gratefully,

Heather and Chip Lende and family



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

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

Interim Chief of Police Simon Ford

**Memo Regarding ATV Use in the Chilkat Beaches Area
November 13, 2013**

There has recently been much discussion about the use of all terrain vehicles (ATV's) on the beach and surrounding areas that border lower Mud Bay Road from the bottom of Cemetery Hill to Carr's Cove (Chilkat Beaches). On August 3rd of this year, the Haines Police Department received a complaint from a citizen stating that someone was riding a four wheeler in that area. The officer researched the codes, statutes and regulations that we are charged with enforcing and couldn't find any law stating that ATV use was prohibited in that area. The caller was advised that ATV use was not illegal and the daily blotter included a report of this incident. The department received a complaint about this release of information and I conducted an investigation myself into the matter. I also could not find a law in the books that prevented a citizen from riding an ATV in that area. This event stimulated a series of discussions by members of the public, local government and law enforcement personnel as we attempted to determine what restrictions of use in that area were actually documented in the law. Further discussions focused on the issue of deciding the best use of that particular piece of real estate.

Our investigation into these questions revealed the following facts:

- Most of the land in the area now referred to as "Chilkat Beaches" is owned by the State of Alaska and managed by the Department of Natural Resources, Division of Mining, Land and Water (DNR). Under their management plan, the Chilkat Beaches area is restricted to access only by motorized vehicles weighing less than 1,500 pounds and is off limits to commercial motor vehicle use. Other land in the area is owned by Native entities or private citizens.
- In times past, someone, possibly from the Haines Borough government, posted signs in the area stating that it was closed to the use of motorized vehicles, or similar wording. Those signs are no longer present.
- The border of the Haines Borough Townsite is the mean high water line. The area above the high water mark is the primary jurisdiction of the Haines Borough Police Department (HPD). The area below that line extending out onto the tide flats is the primary jurisdiction of the Alaska State Troopers (AST). If the Borough Assembly were to pass a law restricting ATV use in this area, AST could not enforce it and HPD could only enforce it above the high water line, or if AST requested HPD to assist them.
- A document called the *Plan for Public Use and Access in the City of Haines* was developed in June of 2001 and includes a recommendation that the Chilkat Beaches area be designated "Non-Motorized" but this was apparently never adopted in DNR's official mandates.

- A search through the records management system at the police department for the last five years revealed that the department received 8 complaints in 2009 referencing ATV use in this area. No complaints in 2010, one in 2011, none in 2012 and three this year. One of these complaints alleged reckless driving on the part of one of the operators of an ATV, the rest were calls in which the complainants reported that ATV riders were riding illegally on the beach, river flats, or private property contrary to the law. In most of these cases, the callers were advised that there was no law forbidding four wheeler use in that area.

Many members of the public have made clearly articulated arguments for and against a non-motorized designation of this area in recent meetings. It is not the role of the police department to interject opinion or feelings into enforcement of the laws, or to advocate for – or against— such laws unless they tend to affect the safety of the public, which the above mentioned records search does not support. In the interest of maintaining the separation of powers between branches of government, I have answered questions about the enforcement of existing and proposed laws, but have not offered my thoughts beyond that.

The role of the police department is to enforce the laws that are made by the state legislature and the Borough Assembly within the Townsite, to assist other agencies in enforcing laws outside the Townsite, and to protect the freedom of citizens to exercise their rights that are not prohibited by laws on public and private land. That is why the police department is placed in a difficult position during the discussion of issues like this one. Our mission is both to prosecute violators of laws restricting ATV use and to protect the rights of ATV users to ride where they are permitted to ride. Until there is a law that says a certain area is closed to the use of ATV's, I have no authority to stop anyone from riding ATVs there. I would urge the members of the assembly to move forward with their investigation of this issue, and if the conclusion of the assembly is that legislation should be developed to prohibit the use of ATVs in the Chilkat Beach area, I would encourage them to pursue that legislation in a way that is legally appropriate (in cooperation with DNR) and clearly enforceable (written into state law so Borough Police and State Troopers can enforce it fairly.)

Another issue that is worthy of mention is the nature of ATV use itself. It is currently unlawful to ride a four wheeler on State or Borough roads, other than to safely cross them at right angles. It is currently unlawful to cross an anadromous fish spawning stream on an ATV. It is currently illegal to operate an ATV while under the influence of alcohol or controlled substances or to drive one recklessly in a manner likely to cause injury to a person or cause damage to another person's property. The Haines Borough Police and the troopers are absolutely willing to enforce these laws, regardless of where the offense takes place.



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-390
Assembly Meeting Date: 12/10/13

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

Full Title/Motion:
Motion: Advance Ordinance 13-11-355 to a second public hearing on 1/14/14.

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

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

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

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

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 12/10/13
Meeting Date(s): 11/12/13 and 12/10/13	Tabled to Date:

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is for the specific purpose of approving a conveyance of the interest Lot 7, Block B Excursion Inlet South Subdivision Plat No. 81-58 Juneau Recording District First Judicial District State of Alaska ("the Property") acquired by the Haines Borough in a tax foreclosure to DNR and shall not become a part of the Haines Borough Code.

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

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

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

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

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

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

ATTEST:

Stephanie Scott, Mayor

Michelle L. Webb, Interim Borough Clerk

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



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 13-391
Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: Amend Haines Borough Code Title 2 Regarding Group Review of Membership Applications	1. Ordinance 13-11-356 2. Memo from Mayor 3. Comments received
Originator: Mayor	
Originating Department:	
Date Submitted: 11/7/13	

Full Title/Motion:
Motion: Table Ordinance 13-11-356 indefinitely.

Administrative Recommendation:
The Mayor and Interim Borough Manager recommend that this ordinance be tabled.

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

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

The Mayor has proposed this ordinance to clarify the procedures for appointment of new members to committees, boards, and commissions. This ordinance would remove the group review of membership applications before mayoral appointment and assembly confirmation.

However, it has been identified that this ordinance should include a more comprehensive reform of Title 2 as well as a small section of Title 16. A strict interpretation of code recommends a new ordinance.

Referral:

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

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 12/10/13
Meeting Date(s): 11/12/13 and 12/10/13	Tabled to Date:

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.

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 2.60.055. 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

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 mayor shall appoint all committee, board and commission members subject to confirmation of the assembly.

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

ATTEST:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk

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

Memorandum

Haines Borough
Office of the Mayor
103 Third Avenue S.
Haines, Alaska 99827
sscott@haines.ak.us

November 4, 2013

To: Haines Borough Assembly members

Cc: Julie Cozzi, Interim Manager
Michelle Webb, Acting Borough Clerk;

From: Stephanie Scott, Mayor, Haines Borough

Re: Appointment of advisory committee members: by the mayor or by the committee?

I have struggled with the policy in code that requires a committee to recommend, to the mayor, the individual to fill a vacancy. This policy seems to have a few flaws: 1) it could result in the perpetuation of a like-minded group, that might work very well together, but not necessarily reflect the diverse community; 2) it requires an existing group to pass judgment on a member whose term has expired and who desires to continue. At best, this is awkward; 3) it does not provide for a difference of opinion between the mayor and the committee; and 4) it is confusing. Is the appointment a mayoral appointment confirmed by the Assembly; or a committee recommendation that the mayor asks the Assembly to confirm?

I propose that you take the committee out of the process of appointing its members. Oversight, guidance, consultation regarding mayoral appointments comes in the form of assembly approval of all appointments. A wise mayor will consult with all parties prior to bringing an appointment to the Assembly. In line with that policy, I propose the following change to HBC 2.60.055:

Ordinance 13-11-xxx

An Ordinance of the Haines Borough Amending Section 2.60.055 Filling Vacancies to Remove the Review of Applicants by the Committee or Commission

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 mayor shall appoint all committee, board
and commission members subject to confirmation of the assembly.

HAINES BOROUGH PUBLIC LIBRARY

[Best Small Library in America 2005]



Mayor Stephanie Scott
Haines Borough Assembly Members
Post Office Box 1209
Haines, Alaska 99827

Dear Mayor Scott and Members of the Haines Borough Assembly:

During a regularly scheduled meeting last week, the Library Board of Trustees learned from Mayor Scott of the proposed ordinance which would change Borough Code Section 2.60.055 by removing the review of applicants for vacant committee or commission seats prior to appointment by the Mayor. The Library Board is unanimously opposed to this change.

Current code allows for the appropriate person or board to review the applications for the vacancy and make a recommendation to the Mayor. The Mayor then makes the appointment, subject to confirmation by the Assembly.

The Mayor currently has the authority to appoint whomever he/she wishes, regardless of the recommendation of the board. We believe it is not necessary to change Borough Code to remove the boards from a review process when their recommendation is advisory and the ultimate decision already rests with the Mayor and Assembly.

For over seventy-five years the Library Board has run the library with skill and diligence, and has worked with staff, volunteers, the Friends, and the Borough to support and maintain the Best Small Library in America. We also note that the most recent data, a 2012 Borough-funded survey, shows the community is pleased with the Library. In that survey, residents ranked Library third in prioritized funding behind 1.) Ambulance & Police, and 2.) School. The Library also had the highest approval rating (90%) of any Borough facility, department or program.

The Library Board is experienced, willing and able to recommend candidates for our board, and we are proactive and diligent in our selection when a vacancy arises. This takes time and understanding (and support of) libraries in general, ours in particular, as well as the library related needs of the community. As a board, we discuss what skills or demographic we are looking for in a new member that would best reflect the community we serve and help to support long- and short-range goals, which the board approves annually. We ask board members and Library staff for suggestions. We then discuss the possibility of joining the Library board with those people.

LIBRARY DIRECTOR

Patricia Brown

LIBRARY BOARD

Anne Marie Palmieri,
Chair

Heather Lende, Vice-
Chair

Richard Flegel, Treasurer

James Alborough,

Secretary

Lorrie Dudzik

JoAnn Ross Cunningham

Cecily Stern

Meredith Pochardt

Stacey Gala

The Borough application form is very general, with only a few lines given for a person to include why he/she wants to be on a certain board. To fit our needs, the Library Board has developed a questionnaire that delves into what skills and interests a person can offer as well as how that person sees the role of the Library within the community. The Library, as all public libraries do, adheres to the American Library Association's Bill of Rights stating that people have the right to access all types of information (i.e. no censorship). It is critical that Library Board members understand and support this basic tenet of America's library system. This information is attached.

Currently, once prospective Board members have submitted an application with the Borough and completed the Library questionnaire, Board members meet with them to discuss their vision for the Library. The Board then discusses the applicants and makes a recommendation to the Mayor based upon who we believe has the skills and interests that most closely fit the needs of the current Board. The Mayor then recommends (or not) that appointment to the Assembly which then votes on the appointment. Basically-- we do the legwork and you all have the final say. An example of this process occurred when the former Treasurer resigned; seeing this void, we approached former banker Dick Flegel to see if he would be interested in bringing his financial expertise to the Library Board.

The Library Board is made up of nine individuals who bring different perspectives and abilities to make a stronger whole. The overarching commonality among the members is that we are passionate about the Library and share a belief that the Library is the heart of this community. We believe that the process of due diligence that we follow prior to making a recommendation to the Mayor for a Library Board vacancy will continue to foster volunteers who share the same passion and love for the Library and who are willing and able to ensure its success.

We recognize that not every board may follow the same process as we do when looking to fill a vacancy, and that especially Borough commissions have much different goals and criteria. We ask that the Library Board's selection process remain as it is, as we believe it has served the community well in providing strength and diversity in our Board members and that in turn has made the Haines Borough Public Library literally among the very finest in the country. We believe that Boards like ours are most aware of what skills and interests are needed for them to be most effective and that is why we should retain a voice in the selection of our members. In doing so, we are helping the Mayor and Assembly with what is ultimately your choice anyway.

We have always believed we are part of the Borough team -- working on behalf of the community -- with the Library as our area of expertise. We believe this is best not only for the Library, but for the Haines Borough, to encourage citizens who are willing to do the work that needs to be done and be relied on to volunteer to make our community a great place to live.

Sincerely,



Anne Marie Palmieri, President
Haines Borough Public Library Board of Trustees

Haines Borough Public Library
Po Box 1089
Haines, AK 99827
907-766-2545 Fax: 766-2551

BOARD QUESTIONNAIRE:

What Library programs or areas of operation particularly interest you?

What specific contributions would you like to make to the Library while serving on its Board?

Would you be willing to attend Borough meetings as a Library Board representative?

What do you see as strengths of the Haines Library?

In what areas do you feel the Library has room for improvement or growth?

Please read the attached material on censorship, committees, and the library bill of rights

Any other comments you would like to share?

LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- 1) Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- 2) Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- 3) Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- 4) Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- 5) A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- 6) Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

D. Policy Regarding Intellectual Freedom

The Haines Borough Public Library Board believes in the importance of intellectual freedom. By following the guidelines for selection of materials as stated in this manual, the Board supports the American Library Association's Library Bill of Rights, a copy of which is included in this manual.

"The choice of library materials by users is an individual matter. A person may reject certain items for himself/herself or for his/her family, but he/she does not have the right to restrict access to these materials by others.

Responsibility for materials used by children and adolescents rests with their parents or legal guardians. Library materials are not marked or identified to show approval or disapproval of their contents.

The same policy applies to materials and programs sponsored by the Haines Borough Public Library, as well as displays provided by public agencies.

The Library takes no responsibility for copyright infringements and other illegal use of library materials by patrons." (Quoted wording taken from Video Policies and Procedures for Libraries by James C. Scholtz, adopted March 19th, 1992.)

Should a request for reevaluation of a library material arise, the user's concerns or complaints should originally be directed to the Library Director. A "Request for Reevaluation of Library Material" form will be given to the patron for completion. When a form has been completed, the staff will be given copies and the staff will review the materials with the selection policy, the Library Bill of Rights, intellectual freedom, etc. as a guide. The patron will be informed of the staffs' decision by the Library. Board approval is required for removal of a material.

If the patron wishes to appeal the staff's decision, the Director will bring the complaint and supporting documentation to the Library Board at their next regularly scheduled board meeting. The complainant will be notified and asked to attend. A decision by the Board will be made in a timely manner using the selection policy, the Library Bill of Rights, and intellectual freedom, as guides. The patron will be notified of this final decision.

Further appeal must be referred to a court of competent jurisdiction.

From: Barbara <bj@takshanuktrail.com>

Date: November 21, 2013, 11:12:12 AM AKST

To: Stephanie Scott <sscott@haines.ak.us>

Subject: FW: FW: Assembly Liaisons/ method of filling vacancies on Advisory Boards

Hi Stephanie,

Below is the only response I've received so far from TAB members regarding the proposed changes to board vacancies.

Incidentally, is there an organizational chart that lists all of the boards, commissions, committees?

In the list of liaison boards you had listed below three of eight of them are facilities; museum, library, Chilkat center. Has there ever been consideration to condense this to one board, say, the Arts and Culture Council? I'm not trying to stir the pot, it just seems that the active members of our community are spread thin and if there was a way we could consolidate boards and streamline processes more could be accomplished through the limited volunteer hours.

Thank you!

Barb

-----Original Message-----

From: store@alaskarods.com [<mailto:store@alaskarods.com>]

Sent: Monday, November 18, 2013 3:21 PM

To: bj@takshanuktrail.com

Subject: RE: FW: Assembly Liaisons/ method of filling vacancies on Advisory Boards

Thanks Barb - no problem opening it this time!

1) My comments on the method of filling vacanciesI like the ordinance as it is for the following reasons

a) As a board we strive to have a balance of backgrounds, interests, etc.

We know the strengths of our board members and can look at the candidates applying for the board to fill in the areas that we need better representation.

b) A responsible mayor would probably search for balance for the board - but if they don't participate in the board they would not really know what is needed for balance. Not all mayors would consider the necessity of balance and might load a board to represent their point of view.

c) The method used now gives us 2 levels of insuring balance: the board itself can make recommendations that seek balance and the mayor can also check for balance as they see it for that board.

2) As for the Assembly Liaisons I don't have a strong opinion as I have really only seen the liaison at the meetings once or twice. I do however feel that we should be able to approach any of the members.

Thanks -
Rhonda

INTERIM MANAGER'S REPORT

DATE: December 10, 2013
 TO: Mayor and Borough Assembly
 FROM: Julie Cozzi, Interim Borough Manager

Administration

- **Comprehensive Code Revision re. Fines/Penalties:** I wanted to alert you to a big code project I am assisting the borough attorney with. Last April, a district court ruling came out requiring a comprehensive fine schedule. What this means is municipalities need to create official fine schedules with precise amounts for municipal violations. We no longer can have "up to" fine amounts. We are also looking at code revisions to add enforcement authorities for minor offenses, e.g. harbormaster, planning & zoning, police department. We are also looking at an option to pay into the court system as opposed to the clerk's office, etc. It is hoped a draft will be ready to come to the assembly within the next few months.
- **Borough Code Books:** This is a reminder to bring into the office your hard copy code books at your convenience so we can recycle them for you.
- **Staff Member in Washington D.C.:** As reported last month, Darsie Culbeck was able to represent the borough recently in Washington, D.C. Attached as *Appendix A* is a report of that trip.
- **Deputy Clerk/Interim Borough Clerk:** Michelle Webb had the opportunity to attend the Alaska Association of Municipal Clerks conference in Anchorage. Her report is attached as *Appendix B*.
- **Consulting Services Agreements:**
 The borough manager has the right to enter into agreements within the manager's spending authority (and within the budget) that will help facilitate projects, as needed. We have a history of that with previous managers. Staff is already working hard and putting in some overtime. It is logical to utilize a person's expertise to accomplish an important task that would most likely involve minimal time as opposed to a less knowledgeable, less experienced staff member who might require hours or days. My use of consulting services will be as limited, as possible. I am trying to maximize productivity and efficiency given the resources we have.
 - Earnest Consulting - I have entered into a very limited "as/if needed" agreement with Mark Earnest for consulting services to assist me with special projects, as needed, so I can take advantage of his vast experience and expertise. He has a borough business license. I primarily contracted with him to assist me in drafting an ordinance to move the personnel code out of Title 2 into its own Title 4 (a project I mentioned in my last report). This is more comprehensive than just moving the code from one title to another. It also proposes many amendments to match the collective bargaining agreement, add much-needed definitions, and generally makes the personnel code more clear and complete. Because of Mark's experience with union agreements, many years of work with personnel systems, and knowledge of borough code, he was the logical one to help me with the initial draft. I expect the cost to be minimal and certainly less than paying the attorney to do the initial draft. The draft is being reviewed by finance department staff and recommended edits are being incorporated. When ready, that draft will go to the Personnel Committee for review. Recently, I asked Mr. Earnest to provide me with a rough draft of legislative and federal priorities. It required minimal work, on his part. His suggestions gave me a kick start to drafting resolutions for the assembly's consideration. He will NOT be involved with CAPSIS; I am confident staff can handle that.

- o The Professional Development Company – I have entered into a very small agreement with Lenise Fontenot to assist me with evaluation of the Police Department's policies and procedures and evaluation of staff training needs.

Assembly

- **Drafting Ordinances:** Draft Ordinance 13-11-356 (Agenda Item 7E) that proposes an amendment to the process for making board appointments has been determined to be incomplete, because there are related sections of code that will need to be addressed, as well. It's good this was caught prior to adoption. There are other examples of ordinances over the past year that were adopted and created inconsistencies in the code. This has been happening with an unacceptable frequency, in my opinion, and illustrates the importance of making sure staff has/takes the opportunity to fully vet ordinance drafts prior to introduction to the assembly. This includes checking for related code sections that may be affected by the proposed amendment. One reason for agenda preparation deadlines, specifically the deadline for submitting draft legislation, is to do just that. As you know, some ordinances even require attorney review, but at the very least, staff must be afforded a chance to review and must be careful to do it. I am taking this opportunity to encourage staff members to carefully and thoroughly review proposed drafts before sending to the planning commission and/or assembly. If elected officials prepare draft ordinance amendments, I would appreciate having the drafts submitted as soon as possible, so staff may review them. Together, I believe we can reduce the number of incomplete or follow-up ordinances that come to the assembly. I also welcome suggestions. Please let me hear your thoughts.

Finance/Insurance

- **Sales Tax Accountant:** We had some great applications, and four applicants were interviewed for this position. Jessie Badger has been hired, and this week she began her training with Connie Staska who is retiring the end of the month. We welcome her to the team.
- **Budget Strategic Planning:** **As you know**, we have a Comprehensive Plan to use as a decision-making and planning guide. Since we are getting ready to go into our FY15 budgeting process, we really need to seriously consider some facilitated strategic planning to guide us as we focus on economics and community priorities. It would be wonderful to look ahead three years even though we can only create a one-year budget at a time. We are facing the likely reality of declining revenues for the next five or more years and we cannot make up the projected losses. Therefore, our strategic planning should include economic development and other revenue enhancements along with the dreaded cuts to expenditures. I have asked Barb Sheinberg, who facilitated our Comprehensive Plan, to provide me with an informal summary/outline of what this type of strategic planning session would involve, as well as a rough cost estimate. It should be an outgrowth of the Comp Plan. It is my understanding she has done this for other communities and I have asked to see a couple of samples of what can come out of this type of budgetary strategic planning. I had hoped to have something for you to look at by the time I issued this report. When I do have something, I will promptly pass it along. If it ends up being something you would like to do, I was thinking possibly a late January/early February timeframe. I'm hoping something like this could be done over a weekend, similar to the last strategic planning session we have had. All I am doing is gathering information for your consideration.
- **Value-added Farm Grants Available:** Our Washington D.C. lobbyist has informed us the USDA has announced opening for applications for value-added farm grants. These are grants to small producers that are pursuing value-added niche markets. This would include products derived from timber harvest such as pellet production. Grants range up to \$75,000 for planning and \$200,000 for capital purchases, although most awards are below that amount. Applications are due February 24. More details are available at: http://www.rurdev.usda.gov/BCP_VAPG.html

Information Technology

- **Wireless Access in the Assembly Chambers:** System Administrator Warren Johnson had hoped to have the wireless access ready to go for the December 10 assembly meeting but more testing is required. It will definitely be ready no later than the first meeting in January. The elected officials will be able to access the borough's website (including downloading the meeting packet, if needed), the online borough code, the various state of Alaska sites, and the Haines visitor website. You will not be able to access the assembly Dropbox or your email. Those areas are more problematic because of open meetings laws and the need for transparency. The public will still be unable to have wireless access in the Assembly Chambers because of the borough's limited Internet quota. We hope to make that available in the near future. It is something we would really like to do, but it is more of a challenge.

Lands-Assessment-Planning & Zoning

- **Assistant Assessor:** Dean Olsen had the opportunity to attend the Alaska Association of Assessing Officers conference in Anchorage. His report is attached as *Appendix C*.
- **Planning & Zoning Technician III:**
 - Recently, a Haines resident made accusations concerning our planning & zoning technician in a letter to the Chilkat Valley News. The resident accused the employee of providing false information on her employment application and offered his opinion that former manager Earnest's use of the H1B visa was legally, morally, ethically and patriotically offensive. My response is attached as *Appendix D*.
 - Tracy recently attended the 2013 Alaska American Planners Association (AK-APA) Conference in Anchorage for the purpose of professional development and important networking with her peers. Her report is attached as *Appendix E*.
- **Proposed Helipads at 10-mile:** John Floreske submitted an application to the US Army Corps of Engineers (ACOE) for construction of three helipads at 10 Mile, Haines Highway. The public comment period has been extended to December 17. (See attached *Appendix F*.) I agree with the mayor's opinion the borough does not need to comment at this time. The Corps is fully aware of local land use regulations and will stipulate that its permit, if granted, does not preclude the need to be in compliance with other local, state, and federal regulations. Mr. Floreske is well aware of the need to obtain a conditional use permit from the borough for his development. The borough has communicated with the ACOE applicant that the helipads would not be permitted without a conditional use (CU) permit regardless of ACOE permission. The borough's CU permit application process involves a public hearing before the planning commission. To date, we have not received a CU application. This is something the borough will continue to monitor.
- **State and Federal Public Notices:** I have been asked to consider putting in place a system for letting the public know the borough is tracking notifications of state and federal activity in the borough---to provide a portal of information for our residents. I think it's a great idea, and we will be making a couple of changes to the website to help us provide this service to the public.
- **HAL/St.Lucy's/Veterans Village Property Tax Exemption:** Last month, I reported Haines Assisted Living (HAL) had applied for property tax exemption for the parcels the Veterans Village is located on. The assistant assessor conferred with the state assessor and is awaiting an opinion from the borough's contract assessor. So far, the opinion is these organizations qualify as required exemptions under Alaska Statue and Haines Borough Code. (See attached *Appendix G*.) Currently, in Title 3, HAL is listed as an optional community purpose exemption, so if it is finally determined they do indeed qualify for required tax exemption, I will be bringing an ordinance to the assembly to remove them from the community purpose section. By the way, optional community purpose property exemptions arer included in the borough's Full and True Value as determined by the State Assessor's Office, and therefore included in the calculation of the 2.65 mils the borough must pay the school district. It is our understanding the required exemptions are not included in that valuation.

Parks and Recreation

- **Community Youth Development Director:** Three applicants were interviewed, and the position has been offered to Albert Giddings. He is expected to begin work this week. I was very pleased with the interest in this position and the caliber of the applicants. It was a tough decision (a nice problem to have!). We are very fortunate to have Albert join the team. He has a big heart for the community's youth, and he has many ideas.
- **Trapping Season until February 15:** I would like to join the Parks and Recreation Advisory Committee, the Haines Sportsman's Association, and HARK in bringing to the attention of trail users and dog owners that trapping season has begun and runs until February 15th. During this time please be aware any trail in the borough may have traps located along it and it is recommended dogs be kept on leashes by their owners.
- **Picture Point Wayside:** The ad hoc Picture Point Wayside Development Design Committee will meet again in the first two weeks of January followed by a scoping meeting at the Library a week or so later to provide the public an opportunity to review the drawings. The goal is to break ground this coming summer. While in Anchorage recently, Darsie met with the architect Bettisworth North to touch base.
- **Exercise Equipment and Sauna at the Pool:** As reported last month, we are trying to increase pool use, grow revenues, and build community support. The pool recently put exercise equipment in the solarium and it is receiving daily use. There is hot yoga a few times a week in the upper deck area, and it has been suggested that a sauna would help bring more people in the door. There is a sign-up sheet at the pool that had approximately 30 signatures of people in support. The idea is to create more opportunities for patrons to come to the pool to take a class, exercise, use the sauna, etc., and possibly not even necessarily swim in the pool. Yet, all would pay the user fee. Staff has done some research on saunas, determined possible spaces, and spoken with the fire department, the borough's insurance company and public works. An estimated cost for a sauna is between \$5,000 and \$7,000. The borough is also still looking for a few pieces of exercise equipment. If anyone has a good piece to donate they should contact the pool manager and may be eligible for a 20-use punch pass. FYI, this idea is supported by the Parks and Recreation Advisory Committee.
- **Holiday Swim Passes:** It's that time of year again when the public can pick up swim passes at holiday prices (see the attached flyer labeled as *Appendix H*).
- **Assistant Pool Manager:** The assistant pool manager position has been vacant since August. We are currently recruiting.

Police Department

- **Police Chief Recruitment:** Out of the four applications forwarded to Russell Consulting for background/reference checks, Simon Ford is "the last man standing." I have decided to take a second look at some of the other applicants who meet the minimum qualifications and are still available. I have asked the Public Safety Commission (PSC) members to take a look at the applications, and then discuss them during their meeting scheduled for Wednesday, Dec. 11, 5:00pm. Staff is taking care of preliminary screenings and research. I also plan to have the PSC participate in some way in the interview process. Ultimately, I would like to end up with another shortlist to send to Russell Consulting for professional background checks. Simon Ford is still in consideration. I just believe a second look at the applicants is prudent. The other option is to advertise a third time, but I would like to do that only if necessary. I realize we are all anxious to get this settled, but we all agree it is important to make the best decision we can for the community. I spoke with Simon about my decision to do this, and he is understanding and supportive.

Note: We have not incurred any costs, to date, with Russell Consulting.

- **New Police Officer:** Officer Travis Marshall will be arriving in Haines on December 30 to begin work. He has over six years of law enforcement experience and is certified as a SWAT team leader, and is a K-9 handler. He will begin his orientation and field training here and then attend the State Correctional Officer academy in February 3-21 followed by the Alaska

Law Enforcement Training Academy in Sitka from February 23-June 6th. The Alaska Police Standards Council will provide funding for both academies.

- **Interim Police Chief Report**: Interim Chief Simon Ford submitted a department activity report, and it is attached as *Appendix I*.

Ports and Harbors

- **Crane Repairs**: The hydraulic seal on the brake of the harbor crane started leaking hydraulic oil this week. It has been shut down until repairs can be made. We already had plans to take the crane off line for a rebuild, and the parts are on hand. The harbormaster put out a public service announcement on the radio and is running a notice in the newspaper.
- **Harbor Power Grid**: On November 25, I entered into a Professional Services Agreement with Begenyi Engineering for engineering services for the Boat Harbor Power Grid for a fixed fee of \$5,260.

Public Facilities

- **Department Director Report**: Carlos Jimenez submitted a status public facilities project report, and it is attached as *Appendix J*.
- **Surplus PC Dock Wood**: As authorized on 11/12/13 by Resolution 13-11-518, a contract was signed with Community Waste Solutions (CWS) for storage and disposal of surplus material from the Port Chillkoot Dock. Starting December 16, 2013, all wood from deconstruction (at the dock) will be taken to CWS. During the winter, some of the non-valuable wood stored at the Public Safety Building will also be taken to CWS. The remaining material at the Public Safety Building will be offered for public sale in the spring. Items not sold will go to CWS. The Haines Borough maintains access to the material at CWS, as needed.
- **Water on Front Street sidewalks**: Because there is no snow, it is easy to observe the source of the water. It is flowing right across the new sidewalks on Front Street and freezing before it gets to the drain. We are aware of the problem and the Director of Public Facilities and his crew members are staying on top of it by scraping, sanding, unplugging drains and culverts, etc. People are encouraged to be VERY careful moving around town with these icy conditions...not just on Front Street.

Appendix A

Summary Of Haines Borough Washington DC Visit (November 14-15)

The following summarizes key points and follow up actions from the nine meetings attended by Darsie Culbeck of the Borough. Sebastian O'Kelly and/or Brad Gilman of Robertson, Monagle & Eastaugh (ROMEA) participated in seven of those meetings.

Ryan Yates (Associate Legislative and Public Lands Director) & Randy Phillips, National Association of Counties

The focus of the meeting was to get feedback from NACO on the Secure Rural Schools (SRS) and PILT programs and let NACO know of the importance of both programs to Haines. As we have reported earlier, SRS has been extended for another year. NACO informed us that the average county payment is likely to be 5% below this year's level. A long-term reauthorization will not happen this year, but congressional interest in extending the reauthorization period will grow in 2014. Formula issues are expected to be examined, but adjustments to the formulas could be contentious as increases for some counties come at the expense of other counties. NACO is working hard to also extend PILT for another year. County officials from fifteen States came to Washington in September as part of a sponsored fly-in to remind lawmakers of PILT's importance. The association is quietly confident that the extension will be level funded, minus the sequester amount (estimated 5 % in 2014) unless Congress agrees to terminate the sequester as part of larger budget negotiations.

Darsie discussed rural economic development and regional resource development in Southeast AK and the Yukon, including plans for pellet production within Haines. Mr. Phillips urged us to look into the "fuels for schools" program for possible grant funding at the Forest Service.

- **Follow Up** – Darsie will inquire with regional USFS about "fuels to schools" funding while ROMEA will examine program funding nationally. ROMEA will continue to coordinate closely with NACO on SRS/PILT extension/reauthorization.

Senator Lisa Murkowski

Darsie met separately with Senator Murkowski as part of an advocacy effort on behalf of Land Water Conservation Fund.

Erik Elam, Legislative Assistant – Natural Resources, Office of Rep. Young

Darsie met separately with Rep. Young's staff as part of an advocacy effort on behalf of Land Water Conservation Fund

Representative Don Young & Scott Leathard, Legislative Director

Although we were not originally on his schedule, we were able to meet with Rep. Young for about 15 minutes. We briefed him on the status of the Haines Harbor, progress with the Haines Highway, and the need to restore Shakwak funding in the next highway bill reauthorization. Rep. Young indicated his support on all three issues. Scott pointed out that the Shakwak project has about \$70 million in reserve funding which is sufficient for the time being to continue construction and maintenance of the North Alaska Highway. He emphasized that

there will be a need to address the issue during the MAP-21 highway bill reauthorization, scheduled to be brought up next year.

- **Follow Up** – ROMEA will continue efforts to push for creation of a remote and subsistence harbors construction program during the House-Senate conference on the WRDA Bill. Scott informed us Monday that even though Rep. Young was not named to the conference, he has spoken with Transportation Committee Chairman Shuster and urged its inclusion in the final bill. ROMEA will continue to work with Mr. Young and his staff going into 2014 to emphasize the need to complete the Shakwak project.

Robert Henson & Stef Claus (Legislative Staff – Transportation), Senator Mark Begich

Our focus in this meeting was on harbor and transportation issues. Darsie informed the staff of the Borough's position on the Haines Highway improvement project. This included some discussion of concerns raised by a number of Haines' citizens with the Senator concerning environmental and eagle habitat impacts that he has subsequently conveyed to Alaska DOT/PF. Darsie explained that the Borough has been working closely with State transportation officials, and that the project's eventual design and construction is expected to significantly address the concerns raised by the citizens. The staff asked to be apprised of the status of the project designed, and expressed an interest in conveying support directly to the State once a final alternative has been selected. We also briefed the staff on the importance of Skakwak funding and transportation enhancements programs (Picture Point and Bike/Pedestrian Trails), and the Borough's exploration of wood pellets as a local fuel source.

We talked at length about the harbor project, requesting that the Senator continue to push for the remote and subsistence harbor language during the WRDA bill conference, but also urging that he advocate directly with the Obama Administration to include funding for harbor construction in the Army Corps FY 2015 budget request. Under the current earmark moratorium, the President can request funding for specific projects without the request being considered an earmark. The FY 2015 budget request will come out in February or March of 2014. The staff seemed very interested in pursuing this option and asked us to keep them briefed on best timing to approach the Administration.

- **Follow Up** – After our subsequent meeting with the Corps, ROMEA has learned that there is still time to try to influence inclusion of harbor project funding in the FY 2015 budget request, with key decision points coming in December. On Monday, we passed that information along the Begich staff. We will continue to advocate for this approach.

Jay Sterne, Counsel – Oceans & Fisheries, Office of Sen. Murkowski

Jay gave us a rundown of the WRDA debate. Senator Murkowski will push for the remote and subsistence harbor provision in the conference. Darsie discussed regional economic development -- pellet mill, Yukon mineral and possible LNG activities, Port Lutak development, and tourism. Jay expressed an interest in the restrictions on permitting heli-skiing on BLM lands due to delays in finalizing the Ring of Fire Plan Amendment. Jay mentioned the Senator's involvement in resolving problems with permitting for Glacier Bay float plane operators and that she might be able to help with permitting in the Haines area.

- **Follow Up** – ROMEA has given Jay a summary of the meeting with the Corps. Darsie will check with regional BLM officials on the status of the Ring of Fire plan and discuss the issue with the Assembly.

Nathan Butzlaff, Assistant Director, State of Alaska Governor's Office

Darsie briefed Nathan on developments with the Haines Highway, along with the Borough's position and close coordination with DOT/PF's project manager. We also discussed the importance of the Shakwak funding (Nathan was the individual who encouraged us to meet with the Yukon Territory official in 2012); Yukon mineral development and the growing Chinese investment; the future promise of Port Lutak; and the Alaska Railroad study for a rail link to Haines. Darsie discussed prospects for developing wood pellets as a fuel source, including access to State forest lands for the raw material, and use of Alaska Energy Authority's renewal energy grant program as a funding source.

- **Follow up** – We promised to keep Nathan informed of developments on the Haines Highway project.

Sharon Wagner, Director, Pacific Oceans Division , Army Corps of Engineers

While Sharon was familiar with the harbor project and a few years ago visited Haines, we provided her with a full history going back to early studies, site selection, WRDA authorization in 2007, Chief of Engineers report, its importance to tourism and fishing, lack of space in current harbor, and the soft soils/wick drains issue that emerged with the primary Corps design. We informed her that the Borough has significant funding on hand for a local match should the Corps and the Borough decide to go forward with a joint project.

We also briefed her on the recent conference call with Army Corps Alaska District officials and their reticence to consider a shift to the South Harbor. Sharon has called the Alaska District and encouraged them to have another discussion with Haines on this project to see if there was an option that the Corps could support. We also talked about the remote and subsistence harbors language contained in the Senate version of WRDA. She is sympathetic to the issues faced by smaller communities in competing for Corps funding against the big harbors engaged in international trade.

We also raised the possibility of project funding being included in the President's FY 2015 budget request for the Army Corps is due out next February. She indicated that the budget is currently under review at the Office of Management and Budget. As noted earlier, this will require a strong Congressional push to encourage the Administration to include funding for Haines.

- **Follow up** – We understand that Borough officials will meet with Alaska District personnel to discuss harbor redesign and relocation issues.

Kate Williams, Oil & Gas Counsel, Senate Energy & Natural Resources Committee

The focus of this meeting was to inform Kate of the developments in Yukon mineral production, growing Chinese investment, the promise of Port Lutak for incoming cargo and LNG (we left her

a copy of the study), and the need for good transportation infrastructure (Shakwak, Haines Highway construction) to take advantage of these opportunities.

Kate will soon be moving to Senator Murkowski's personal office to become Legislative Director but will retain responsibility for oil and gas issues.

- **Follow up** – ROMEA will provide Kate with copy of the Shakwak Agreement and further brief her on the issue in anticipation of next year's MAP 21 Highway Bill reauthorization..

Office of the Borough Clerk
Haines Borough, Alaska



Michelle L. Webb, Interim Clerk

Date: December 4, 2013
To: Julie Cozzi, Interim Borough Manager
Cc: Mayor and Assembly
From: Michelle Webb, Interim Clerk

Re: Report of Alaska Association of Municipal Clerks Conference & Training

I had the privilege of traveling to Anchorage November 17th – November 19th, 2013 to attend the Alaska Association of Municipal Clerks (AAMC) Conference and International Institute of Municipal Clerks (IIMC) Certification Academy Session. This conference and training is held at the Hotel Captain Cook in conjunction with a number of other state professional training conferences such as Alaska Municipal League.

First, on Sunday, November 17th I was able to attend the IIMC Certification Academy Session. Attendance in this course session will allow me to progress toward becoming a Certified Municipal Clerk (CMC). This is the base level of certification, for which our own Julie Cozzi has achieved the highest level of certification, a Master Municipal Clerk (MMC). This academy session is a different subject every year and this year's session was *Writing Policies, Procedures, and Communication*. While I felt that the technical detail specific to policy and procedures could have been covered in greater detail, the tips for better technical writing were very helpful. Also, the book from the course was given to participants and is a great reference source.

The AAMC conference formally opened on Monday morning and I was able to attend classes on *Commission and Board Training* which focused mainly on the BOE process, a session on *Records Management Basics*, and a presentation on *Local Governance* (which was taught by a lawyer in the same firm we employ). Tuesday activities included a *State Redistricting Update*, a lecture on *Verbal Judo* (taught by Greg Russell of Russell Consulting), and a fascinating class about the use of *Social Media* in government. Most breakfasts, lunches, and evenings were filled with conference activities which led to a very busy couple of days.

While I was able to have limited participation in an AAMC Committee last year, I have declined to serve again due to my increased hours and responsibilities as I work to fill the role of interim clerk.

I would like to take a moment to thank Julie Cozzi, Krista Kielsmeier, Linda Moyer, and the other administrative staff who helped "man the fort" in my absence so I and other staff members could attend our professional conferences and training.

Thank you,

Michelle L. Webb

Interim Clerk

The Alaska Association of Assessing Officers (AAAO) winter meeting was held in conjunction the Alaska Municipal League (AML) conference in Anchorage November 18 & 19, 2013. AAAO is experiencing a similar trend occurring throughout the state of Alaska and the lower 48 with senior members retiring from the field leaving a void in leadership rolls and elected positions within the organization.

Bob Maier of the Anchorage Manufactured Homes Association addressed AAAO requesting support for introduction of a bill that would require transfer of title upon transfer of ownership of mobile &/or manufactured homes in the state of Alaska. Currently title transfer of these homes is not mandatory by the state of Alaska and the older the home the more likely clear title is missing. Problems result with assessing manufactured homes without title that are on a municipality's tax roll. Further complicating the issue is the cost involved with re-establishing clear title on a manufactured home, often being purchased by individuals in lower income brackets. This cost can be as high as 50% of the total value of an older home making it even more unlikely the new owner will acquire title. The new legislation would reduce the cost to establish clear title to \$100. AAAO reassured Mr. Maier that a letter of support would be written by the organization to show support for introduction of the legislation. Steve Van Sant, State Assessor, also ask for support of municipalities due to a budget item his office has requested the last two years without success. The Office of the State Assessor has requested \$10,000 to help the smaller municipalities in Alaska, like the Haines Borough purchase and implement an affordable Computer Assisted Mass Appraisal system, (CAMA). Currently two semi-CAMA systems are being developed that are considerably less expensive than the nationally recognized systems on the market today. I will discuss those systems later in this report.

The majority of municipalities in Alaska hold licenses for Marshal & Swift valuation programs used for the cost approach valuation of improvements. The cost associated with it is high, and although it is often the best tool available it is not always an accurate reflection of costs to build in the state of Alaska. AAAO membership discussed creating an alternative to the Marshal & Swift program which could be a more accurate reflection of local costs and help to reduce the expense municipalities spend for a cost approach program.

The last topic presented to the membership were demonstrations of two semi-CAMA systems being developed for use by smaller municipalities that find the purchase of a full CAMA systems cost prohibitive due to the large per/parcel expense. Ron Brown, assessor for the municipality of Ketchikan has continued to help his staff develop a CAMA system that uses an Access Database as the root of the system. Marshal & Swift is an important part of the system, as is Excel, but most municipalities have these programs and the license fees are already in their budgets. Ketchikan is willing to share costs with any other municipality interested in using their system. The other system is being developed by Charles Horan, of Horan & Company Appraisals, LLC. FileMaker is the database that is the foundation of this system. Charles has added iPad tablets as a field tool to streamline data entry and reduce the possibility of data entry errors that result from having to enter data multiple times. Although both systems are only semi-CAMA systems and do not have all the bells & whistles of nationally recognized full CAMA systems, both are powerful, affordable systems that would be valuable tools to help produce a certified fair & equitable tax roll for the smaller municipalities of Alaska.

Participating in the semi-annual AAAO meetings is a valuable experience for its members. Networking and discussing issues that most municipalities share helps us keep things in perspective and realize the resources we have available to us within our own organization.

Dean Olsen
Assistant Assessor
Haines Borough Land Department



Appendix D

Memorandum

Date: December 10, 2013
To: Mayor and Assembly
From: Julie Cozzi, Interim Borough Manager
Re: Allegations made by a citizen regarding the hiring of the Planning and Zoning Technician III

I have been asked to provide a report with regard to my investigation of the allegations made by a Haines Borough resident, Fred Einspruch, with regard to the hiring of Xi "Tracy" Cui for the Planning & Zoning Technician III (PZT III) job. I have determined Mr. Einspruch's allegations lack any merit. My discussion of each allegation follows:

Mr. Einspruch alleges Xi "Tracy" Cui misstated her legal ability to work when she applied for the PZT III position.

This allegation is unfounded. Ms. Cui applied for the PZT III position on February 8, 2012. On that date, Ms. Cui held an unrestricted and unexpired US-Government-issued Employment Authorization Document that allowed her to work in the United States for any U.S. employer. The US Department of Homeland Security, United States Citizenship & Immigration Services, issued this EAD because Ms. Cui had graduated from a United States college or university and was therefore entitled to the EAD under 8 Code of Federal Regulations 274a.12(c)(3)(i)(B) and 214.2(f)(10)(ii)(A)(3).

The question on the borough's employment application form is "[a]re you legally eligible for employment in the United States?" On the date Ms. Cui filled out this application, she was legally eligible to work in the United States. Accordingly, she answered this question truthfully.

Additional note: As noted on the website of the U.S. Department of Justice (DOJ) Civil Rights Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), employers may not treat individuals differently because they are, or are not, U.S. citizens or work-authorized individuals. U.S. citizens, recent permanent residents, temporary residents, asylees and refugees are protected from citizenship status discrimination. See <http://www.justice.gov/crt/about/osc/htm/Webtypes2005.php> for more information. In other words, it would not be lawful under federal law for the borough to have a policy of hiring "only U.S. citizens."

Mr. Einspruch alleges an email from Mark Earnest indicates Xi "Tracy" Cui was hired "illegally."

This allegation is also unfounded. Ms. Cui was eligible to work under the terms of her EAD when she applied for the job, but the EAD had a future expiration date. To extend the EAD beyond the expiration date, any future employer was required to meet certain federal requirements for employment of a non-immigrant worker. Mr. Earnest initially believed the borough was not able to meet those requirements, but later decided the borough could comply with them. Mr. Earnest sent the email on March 6, 2012, withdrawing the conditional offer of employment, when he believed the borough could not meet the requirements of the federal law. After determining the borough could in fact meet the requirements, Mr. Earnest decided go forward with an H-1B professional worker application for Ms. Cui, which would allow her to work lawfully for the borough after her EAD expired. Because the Federal Government ran out of quota numbers for the H-1B professional worker category, however, Ms. Cui was permitted to remain in the United States but could not start working for the

borough until October 1, 2012. Mr. Earnest is not an attorney versed in the technicalities of United States immigration law. U.S. immigration law is highly complex and it is perhaps natural Mr. Earnest may not have correctly assessed the borough's ability to employ Ms. Cui at all points during the recruitment process.

Mr. Einspruch's other allegations lack any merit.

Mr. Einspruch has repeatedly alleged the borough has broken the law in hiring Ms. Cui, but his allegations all lack merit. Ms. Cui was hired in strict compliance with federal law concerning the employment of H-1B professional workers. Her employment by the borough was approved by the U.S. Department of Homeland Security, United States Citizenship and Immigration Services, after the borough followed the rigorous procedures set out in US Department of Labor and DHS regulations. Ms. Cui was also issued an H-1B non-immigrant worker visa by the United States Department of State, which would not have approved the visa if there was something "illegal" in Ms. Cui's hiring. In fact, three different federal agencies—the US Department of Labor, US Citizenship & Immigration Services, and the US State Department—separately vetted the borough's employment of Ms. Cui.

Mr. Einspruch appears to be confused about the requirements for hiring an H-1B worker and believes certain requirements applicable only to "H-1B dependent employers" apply to the borough. The borough is not an "H-1B dependent employer" because the borough has only one H-1B employee. The borough is not required to comply with "H-1B dependent employer" rules. Mr. Einspruch's allegation the borough failed to follow H-1B dependent employer rules lacks merit.

Mr. Einspruch has made other false allegations about Ms. Cui in "letters to the editor" published in the Chilkat Valley News. None of his allegations have any merit. For example, Mr. Einspruch's allegation the borough "offered [Ms. Cui] \$10,000 of additional compensation" lacks any merit. Mr. Einspruch does not explain what this "compensation" was, but under U.S. Department of Labor rules, an H-1B professional worker cannot be required to reimburse an employer for government filing fees, attorneys' fees, or other costs connected with employing the worker. Also, by law, H-1B workers must be paid the "prevailing wage or the actual wage, whichever is higher," and this sometimes results in H-1B workers being paid more than similarly-situated U.S. citizens. Such differential pay is the law, and if Mr. Einspruch does not like this law, he should take up his grievance with Congress, not the borough. Additionally, Ms. Cui is paid the required wage for her position as listed on the assembly-approved union wage chart.

In conclusion.

Mr. Einspruch's allegations are not correct. Mr. Einspruch is not an immigration attorney. U.S. immigration law is highly complex. It is understandable a layperson would not appreciate all the intricacies and complexities of the law in this area. However, in addition to not understanding important areas of immigration law as it relates to Ms. Cui's situation, Mr. Einspruch also appears motivated by a personal ax to grind, and his challenge to the borough's employment of Ms. Cui seems part of a fairly transparent strategy of defending a zoning violation matter by attacking the messenger. The bottom line is there is no merit to Mr. Einspruch's claims the borough violated U.S. immigration law in the hiring or retention of Ms. Cui or that she misstated her eligibility for employment.

If there are other questions regarding the hiring of Ms. Cui or any other borough employee during Mr. Earnest's tenure I can certainly look into them if the assembly desires. Just let me know.

Appendix E



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

To: Julie Cozzi, Interim Borough Manager
From: Tracy Cui, Planning & Zoning Technician III
Date: November 25, 2013
Re: 2013 Alaska – American Planning Association (APA) Conference

I attended the AK-APA conference in Anchorage on November 18 and 19, 2013. It was a wonderful conference, and it was also a great opportunity to share information, network with fellow planners. The conference was provided with sessions, mobile workshops and keynote speakers. I encountered new planning terms and concepts; gained knowledge; and developed a greater understanding about the working of government and public decision-making. The following report summarizes some main thoughts and key learning points that I feel very valuable to me.

➤ **Session: What Goes into Creating Legislation?**

This session explained the “behind the curtain” workings of legislative drafting and gave me insight to what and why certain materials shall appear in the Planning Commission packet. As a planner, I learned how to better communicate and more efficiently work with the Planning Commissioners. Preparing staff report, doing research, creating maps, communicating with public, and reviewing documentation will be very helpful for the Planning Commissioners on making decisions.

➤ **Session: Using Community Plans to Make Things Happen – Successes from Southeast Alaska**

There were successful examples that were presented to show how a community seeks funding to achieve the goals in the Comprehensive Plan. I learned that the stepping stool is to work with potential future funders or granting agencies to understand what criteria they use to make funding decisions, and then we can address these matters in our plans. For example, if we get familiar with the ADOT & PF STIP funding criteria, and we use these to justify and discuss desired future transportation projects, then we may have funding to implement our goals.

➤ **Session: American Institute of Certified Planners (AICP) Exam**

I attended this session because I am going to take the exam in 2014. I learned about the value of being AICP certified, tips for taking the AICP exam. AICP certified planners carry a high mark of distinction because they are required to meet rigorous standards, maintain their expertise through continuing education, and serve community interests. To become certified, I must:

- Be an APA member.
- Meet requirements for education and experience. The exam requires an applicant who has a master degree in planning to complete at least two years of professional planning experience at the time of application submission. I obtained my Master Degree of Arts in Urban & Regional Planning at University of Florida in December 2010. I will be eligible to take the exam in November of 2014.
- Pass the AICP Comprehensive Planning Examination.

I was told that some certified planners have developed a set of study notes, which will be a comprehensive starting point for me preparing for the exam.

➤ **Collaborative Land Use Planning: Unalaska and APA's Community Planning Assistance Team**

APA's Community Planning Assistance Team (CPAT) program was introduced in this session. City of Unalaska is the first local government in State of Alaska that has applied for this program. In 2014, a CPAT will conduct a site visit to Unalaska to facilitate the vital community engagement component and provide a knowledge base of port planning, housing, and the unique needs of the oil industry. I am impressed with how a group of professional, certified planners from around the country could come to Alaska and make assessment through citizen input, and then point out areas where the community can make some small to significant gains in economic development. I think this might be a great idea for Haines to invite highly qualified professionals come over to provide their expertise to our small community.



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE:	December 3, 2013
EXPIRATION DATE:	December 17, 2013
REFERENCE NUMBER:	POA-2013-565
WATERWAY:	Chilkat River

PUBLIC NOTICE REVISION

On November 1, 2013, the Alaska District Corps of Engineers published a Public Notice for Department of the Army (DA) permit number POA-2013-565, Chilkat River for a DA permit application from Mr. John Floreske Jr., to discharge 1,437 cubic yards of fill material into 0.34 acres of palustrine emergent wetlands to construct 3 helipads each 59 feet long by 59 feet wide with 3 approach-ways each 39 feet long by 59 feet wide. The project site is located within Section 8, T. 30 S., R. 58 E., Copper River Meridian; USGS Quad Map Skagway B-2; Latitude 59.282° N., Longitude 135.678° W.; Milepost 10 Haines Highway; near Haines, Alaska.

The comment period for the Public Notice has been extended for an additional 15 days in order for members of the public and other interested parties to consider and evaluate the impacts of this proposed activity.

All other information contained in the previous notice remains the same. Please bring this announcement to the attention of anyone you know who is or may be interested. Please contact Randal Vigil at (907) 790-4491 or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

District Engineer
U.S. Army, Corps of Engineers



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Juneau Field Office
Regulatory Division (1145)
CEPOA-RD
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE:	November 1, 2013
EXPIRATION DATE:	November 30, 2013
REFERENCE NUMBER:	POA-2013-565
WATERWAY:	Chilkat River

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Randal Vigil at (907) 790-4491, or by email at Randal.P.Vigil@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. John Floreske Jr., PO Box 489 Haines, AK 99827.

AGENT: Mr. Darrell Maple, Lynn Canal Professional Services, 660 S. Oregon St., Jacksonville, OR 97530.

LOCATION: The project site is located within Section 8, T. 30 S., R. 58 E., Copper River Meridian; USGS Quad Map Skagway B-2; Latitude 59.282° N., Longitude 135.678° W.; Milepost 10 Haines Highway; near Haines, Alaska.

PURPOSE: The applicant's stated purpose is to "provide for the private use of visual flight rules and prior permission required helicopter take off and landings."

PROPOSED WORK: The applicant request authorization for the following work in waters of the United States:

Discharge 1,437 cubic yards of fill material into 0.34 acres of palustrine emergent wetlands to construct 3 helipads each 59 feet long by 59 feet wide with 3 approach-ways each 39 feet long by 59 feet wide.

All work would be performed in accordance with the enclosed plan (sheets 1-5), dated September 1, 2013.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: "We could not identify any other alternative sites that were practical, available, feasible or cost effective that met the basic or overall project purpose."

b. Minimization: "The applicant, after applying the avoidance measures shown above, has taken the following steps in which to minimize the potential adverse impacts of our discharges on the aquatic ecosystem. Items that we considered were: changing the location of the discharge; changing the material to be discharged; controlling the material after discharge; changing the method of dispersion; changing the technology used; and changing the effects on plants, animals and human uses.

This resulted in location changes; engineered slope considerations; and turbidity controls. The applicant would consider guidance from the agencies on additional measures that can be taken to minimize any adverse impacts of the proposed discharges in the wetlands.

Specifically, we placed the pads at a distance from each other to obtain the necessary FAA recommended VFR, (Visual Flight Rule)s, FATO, (Final Approach and Take Off), and TLOF, (Touch and Lift Off Area) design standards under FAA Part 157. The bare minimum separation for the pad and approach lengths and widths were designed. In addition, we show a fill, (3' +/-), necessary only to accomplish a stable base and are using a grass finished surface. We also used a side slope with a 1 to 1.5 ratio decreasing the overall footprint. All fills are located away from any streams, lakes or ponds to avoid construction activity and turbidity issues. Operational and safety issues were reviewed to design the location, separation and fills to ensure minimal discharge.

The applicant took several actions to avoid impacts by moving/designing the helipad approaches to come off of an existing interior roadway thereby decreasing substantially the length that would have been required to have access from Haines Highway by over 200' for each approach.

In addition, we did not provide for any parking or storage areas on the approaches as are typical of other designs and approved projects. This materially decreased the fill and wetlands footprint.

We will also use the best practical construction methods in placing the fill, working with the agencies to be certain that we construct within any recommended "windows", and to be certain no siltation issues arise.

c. Compensatory Mitigation: The applicant does not propose any compensatory mitigation.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated **SKG-00206**. Because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Commander at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

We have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service is required. However, any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

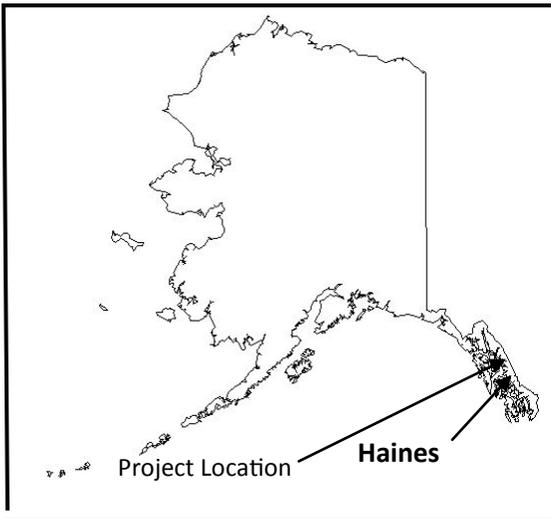
NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

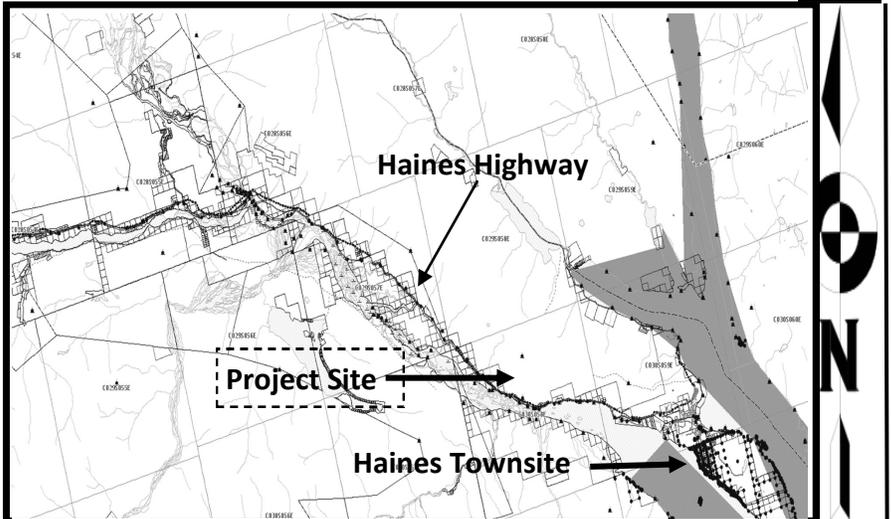
Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2013-565, Chilkat River**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

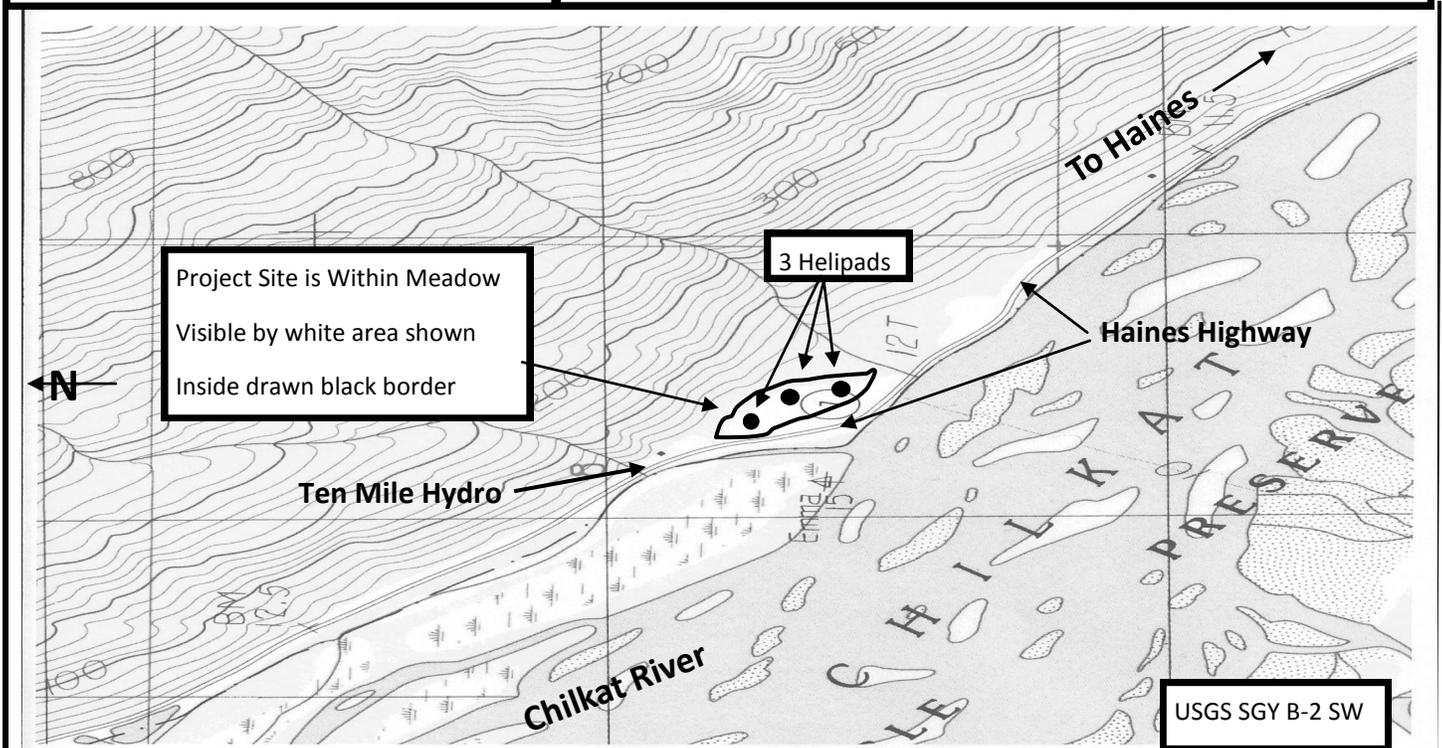
Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.



State of Alaska Location Map



Vicinity Map



PROJECT LOCATION MAP / PLAN VIEW

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr.
 P.O. Box 489, Haines, AK 99827
 (907) 766-2899

Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5
 Lat: N 59°28'35"; Long.: W 135°67'98"
 Project Land Ownership: All on applicants land

Date: September 1st, 2013

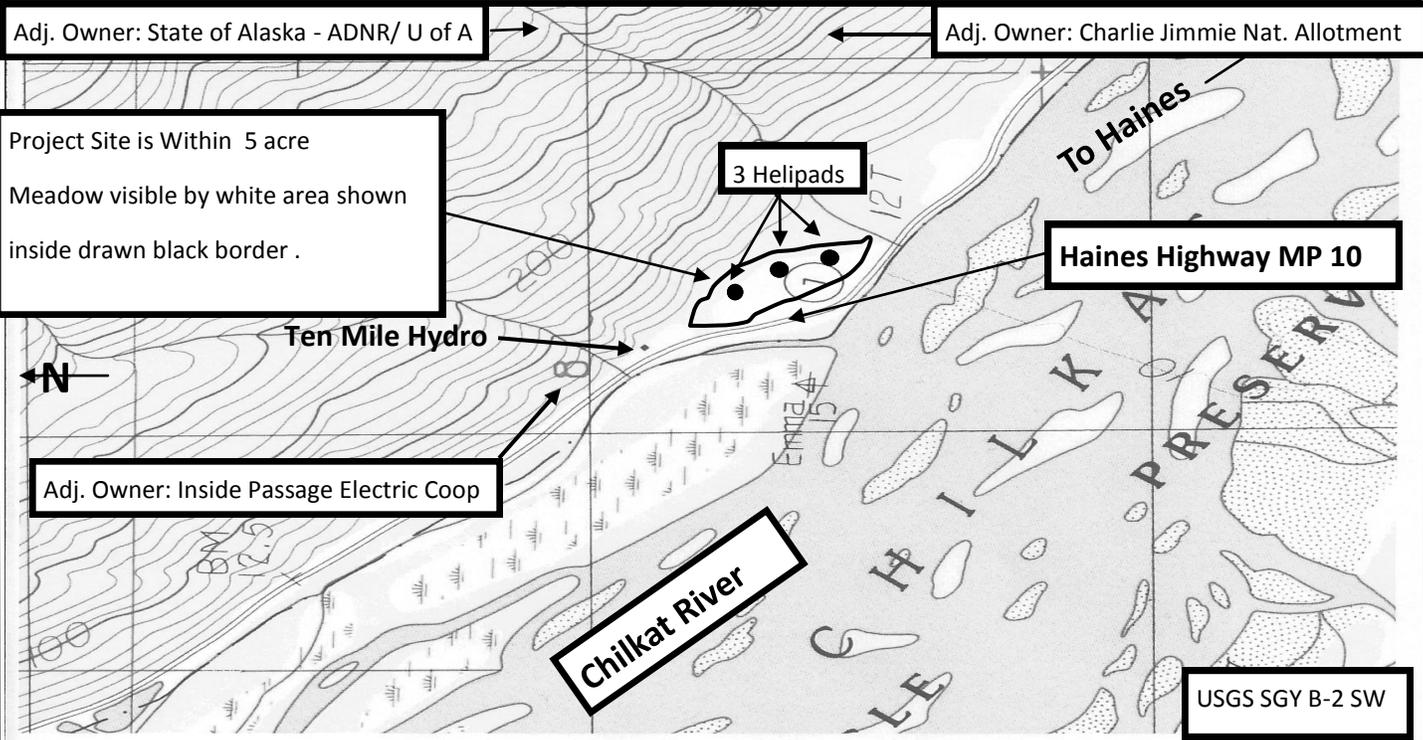
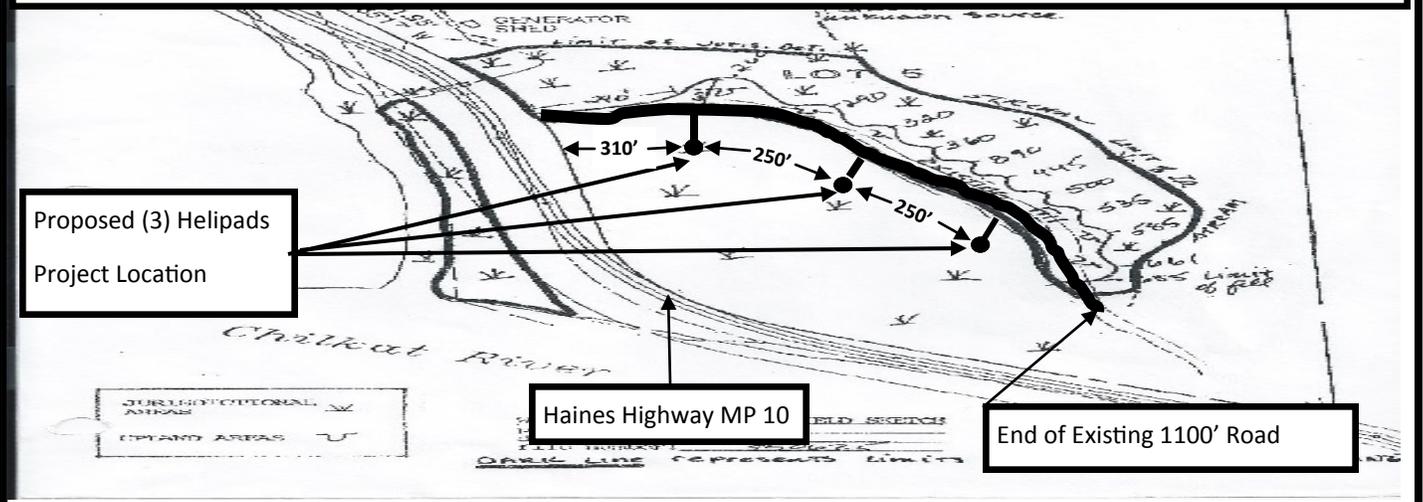
Waterway: Unnamed meadow/wetlands

Scale: 1" = 1000'

Sheet: 1 of 5

COE Wetlands Determination on Project Site/Meadow Area

June 10th, 1996/ File Number 950625/Related Permit: COE # 4-960822 June 13, 1997



PLAN VIEW/ADJACENT OWNERS

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr.
P.O. Box 489, Haines, AK 99827
(907) 766-2899

Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5
Lat: N 59°28'35"; Long.: W 135°67'98"

Date: September 1st, 2013

Project Land Ownership: All on applicants land

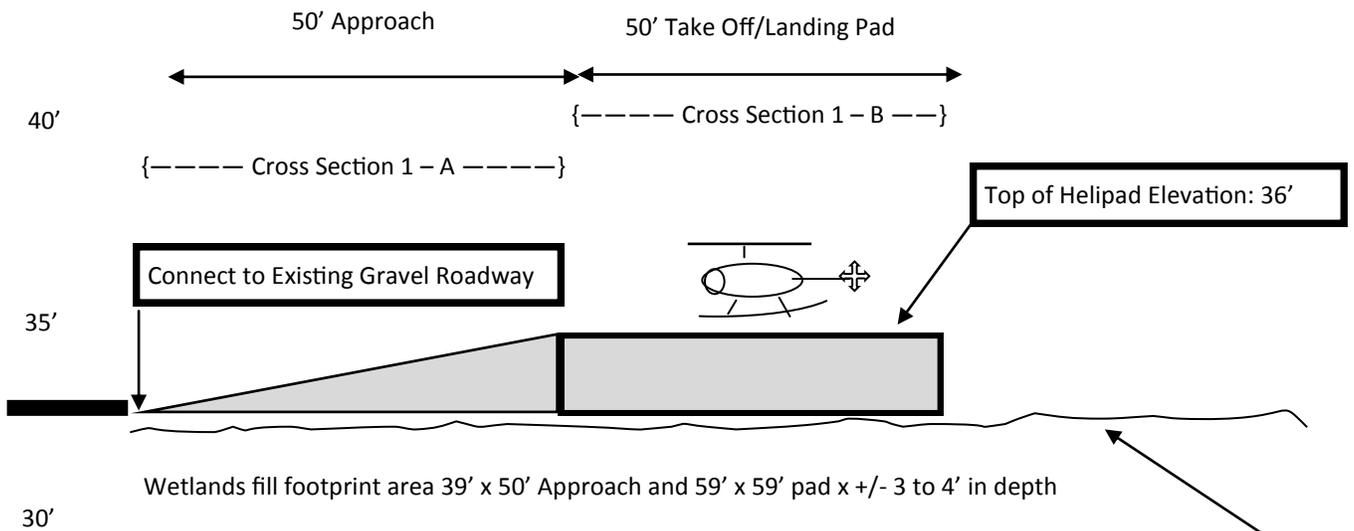
Scale: 1" = 1000'

Waterway: Unnamed meadow/wetlands

Sheet: 2 of 5

Detailed Proposed Helipad Construction and Fill Information. The applicant proposes to construct three Helipads. Each helipad will connect to the existing gravel perimeter roadway on the East side of the Meadow thru a 50' long x 25' top approachway. The approachway will then be integrated with the 50' x 50', (top surface), fill for the take off and landing pads. A 1 to 1 1/2 side slope will be used on the entire perimeter of both the approach fill and the takeoff and landing pads. All fill to be to a depth of approximately 3 to 4' in the wetlands/meadow area. (Meadow has undulating features/grass clumps). The first two feet of fill is with 6" to 8" pit run, topped with 1' of 1 1/2" to 2" minus gravel, and compacted. The top of the takeoff and landing site will be surfaced with 4" of top soil and turf in the TLOF zone. Total Footprint is .34 acres. Total Fill is 1437 cyds of which 958 cyds is pit run material, (6 to 8" minus), and 479 cyds is 1 and 1/2" minus gravel, (with a 4" topsoil/turf cap in TLOF area).

Helipad Design Criteria. Designed for Engstrom F28F Helicopter. TLOF is RD, (18.25'), x 2 = 36 1/2' (min). FATO is OL, (28.5') x 1.5 = 42.75' (min). Safety Zone is RD, (18.25) x 1/3 = 6.08'. Thus the TLOF of 36' 1/2' is surrounded by the FATO of 42.75' which is itself surrounded by an additional 6.08' of Safety Zone. Thus the overall pad width of 50' accommodates these zones which total 48.83'. Distances between FATO's with multiple helipads are min. of 200'. Airspace separation N/A.



Special Notes:

1. All Elevations in USGL Tidal MSL/OHWM is: 27.6'
2. Approach is 50' long x 25' wide at top/pad is 50' square on top.
3. The bottom 2' of the 3' Fill is 6 to 8" Pit Run with 1: 1 1/2 Side Slopes
4. Top 1' of Fill is 1 1/2" minus gravel/pad is topped with 4" of topsoil/turf

Meadow Bottom Elevation: 33.0" +/- 1'

FILL SECTION 1 . Helipads & Fill: Cross Section View

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr. , Applicant
P.O. Box 489, Haines, AK 99827
(907) 766-2899

Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5
Lat: N 59°28'35"; Long.: W 135°67'98"
Project Land Ownership: All on Applicants Land

Date: September 1st, 2013

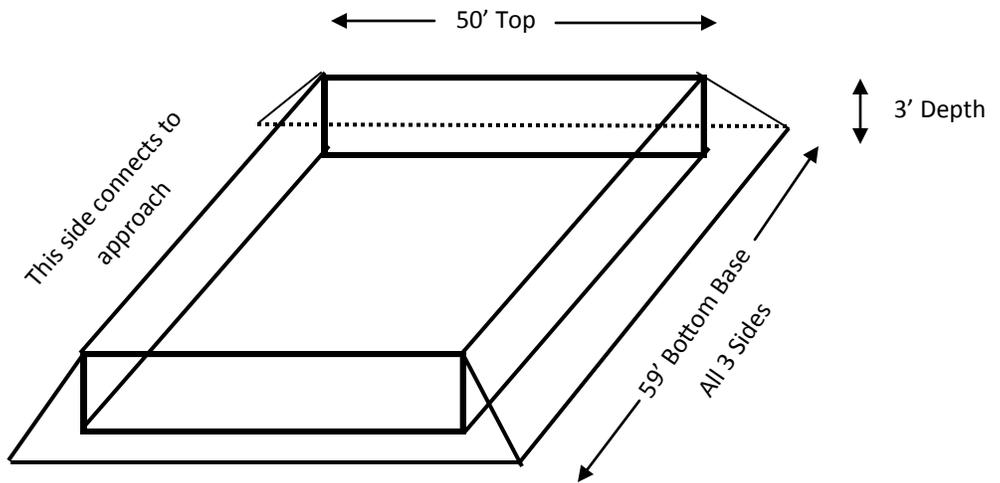
Waterway: Unnamed meadow/wetlands

Scale: 1" = 25' Horizontal; 1" = 5' Vertical

Sheet: 3 of 5

Special Notes

Base Pad Top is: 50' x 50'
Depth is: +/- 3 to 4'
Side Slopes are: 1 to 1 1/2
Bottom Fill Section is 59' wide
Top of Helipad Elevation: 36'
Bottom of Pad Elevation is: 33'

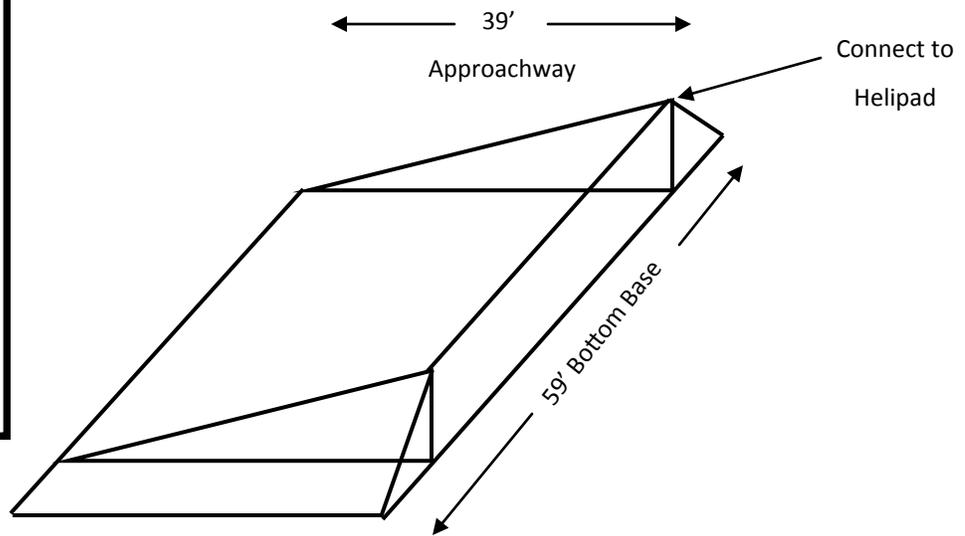


Cross Section 1 - A

Typical (3) 50' Take Off/Landing Pads

Special Notes

Approach is: 39' x 50''
Depth is: +/- 3 to 4'
Side Slopes are: 1 to 1 1/2
Bottom Fill Section is 59' wide
Top of Helipad Elevation: 36'
Bottom of Pad Elevation is: 33'



Cross Section 1 - B

Typical (3) Approachway

FILL SECTION 1 . Helipads & Fill: Cross Sectional Views 1A & 1B

Proposed Activity: Ten Mile Helipads (3 each)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr. , Applicant
P.O. Box 489, Haines, AK 99827
(907) 766-2899

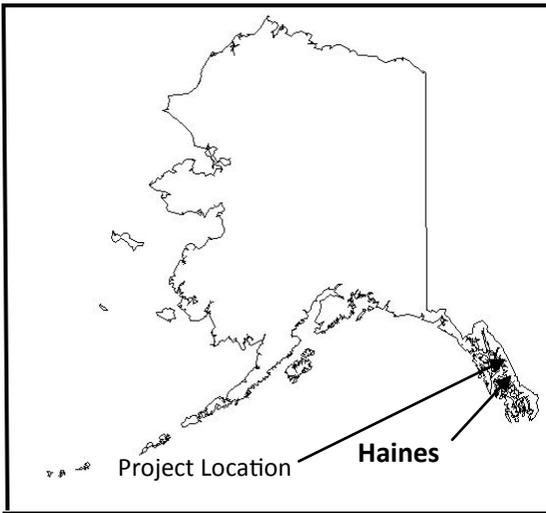
Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5
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Project Land Ownership: All on Applicants Land

Date: September 1st, 2013

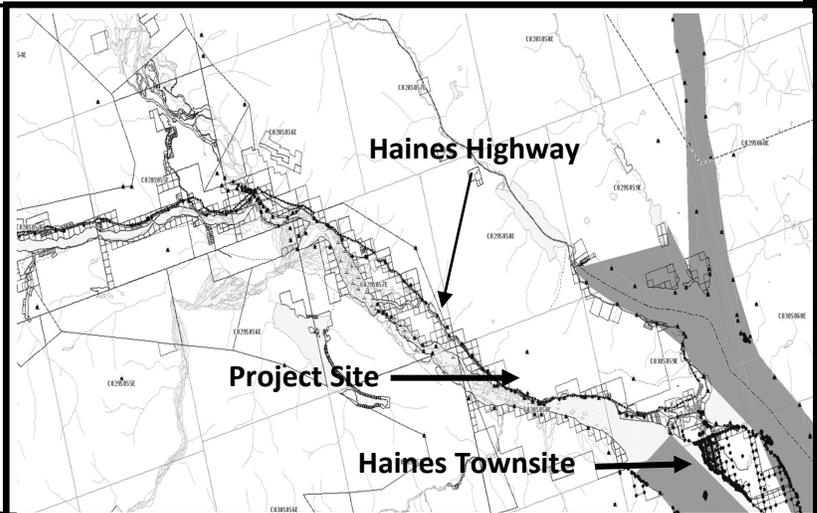
Waterway: Unnamed meadow/wetlands

Scale: 1" = 25' Horizontal; 1" = 5' Vertical

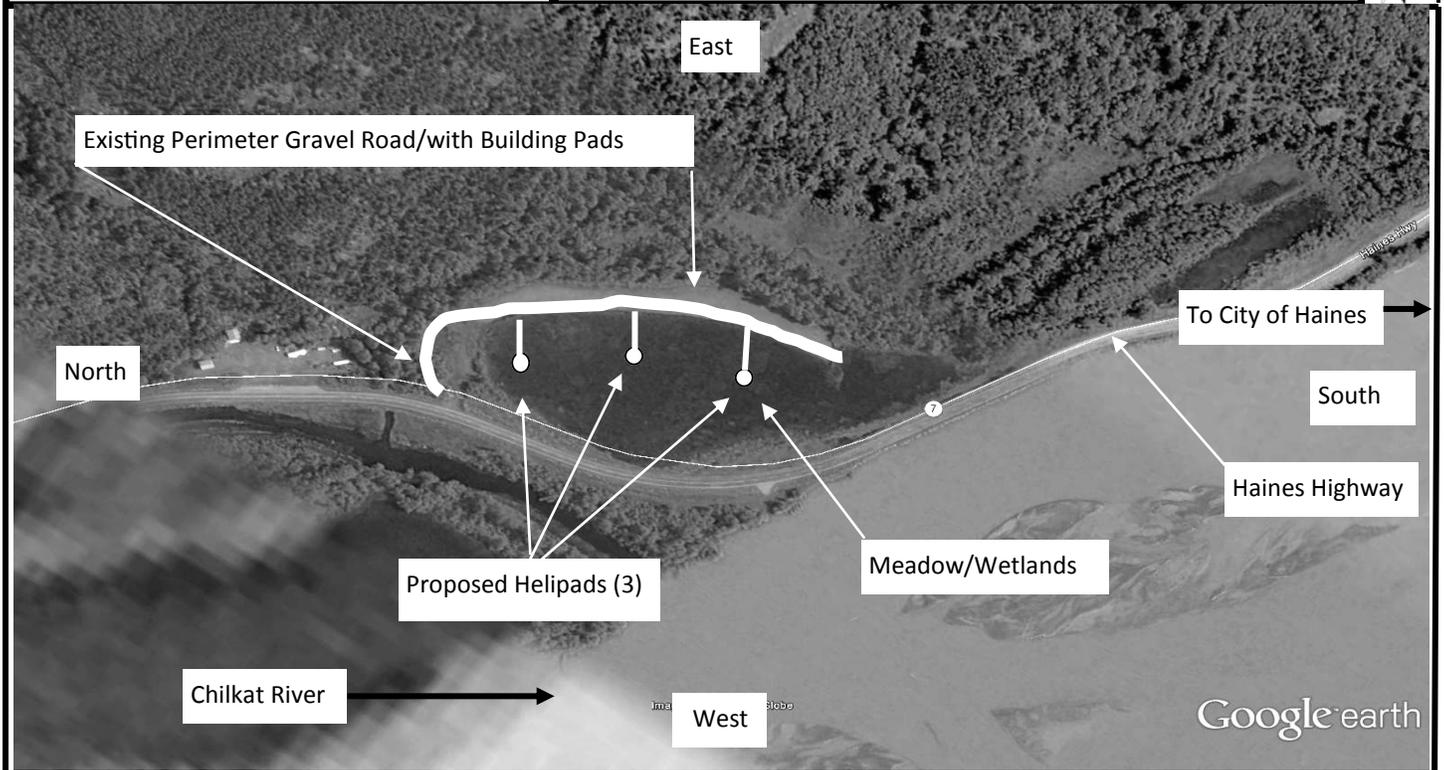
Sheet: 4 of 5



State of Alaska Location Map



Vicinity Map



PROJECT LOCATION MAP /Google Earth Plan View

Proposed Activity: Ten Mile Helipads (3)

PERMIT DRAWINGS FOR

U.S. ARMY CORP OF ENGINEERS

Applicant: John Floreske Jr.
 P.O. Box 489, Haines, AK 99827
 (907) 766-2899

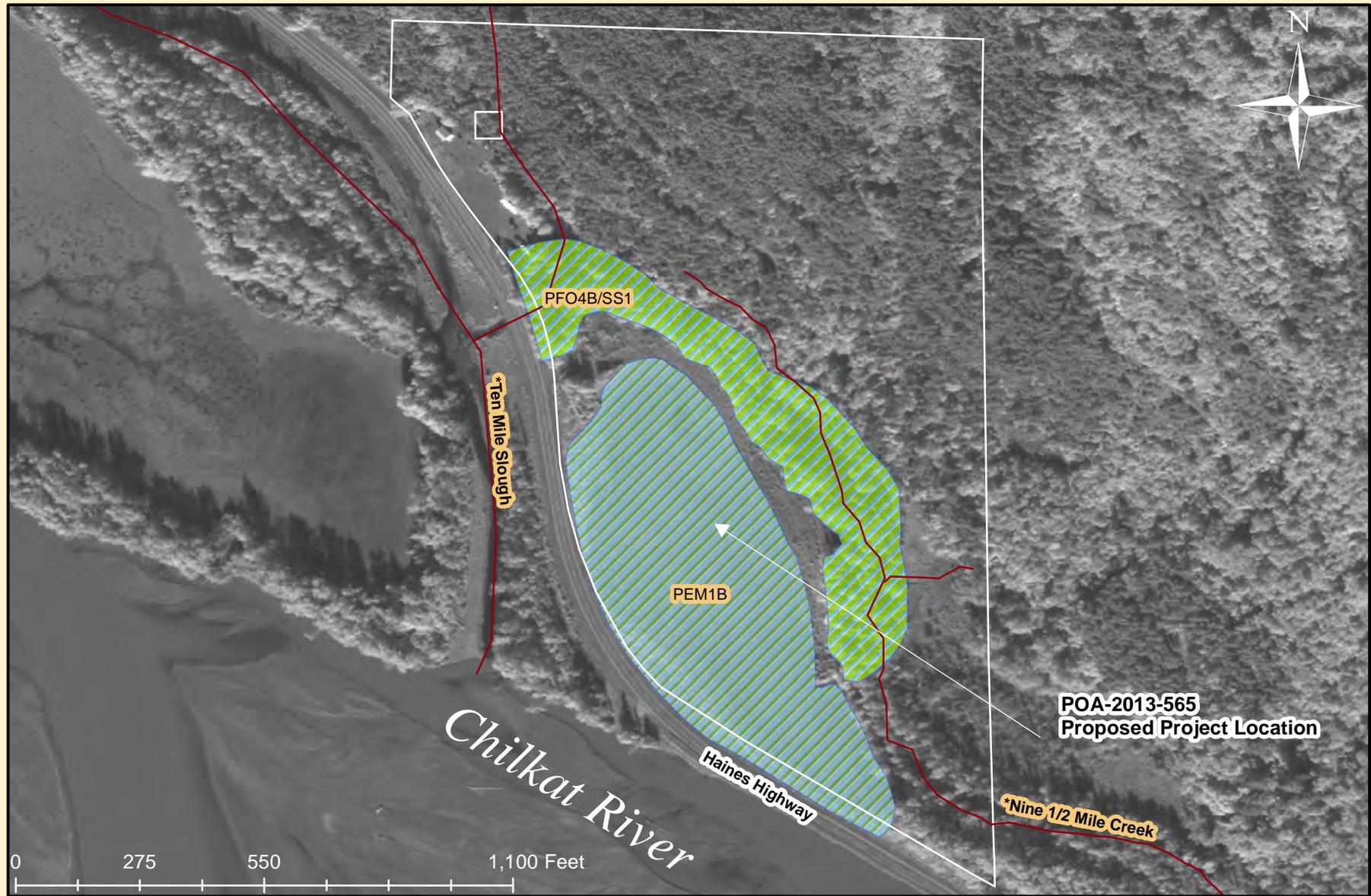
Range: 58E; CRM; TWP: 30S; Sec. 8; Lot 5
 Lat: N 59°28'35"; Long.: W 135°67'98"
 Project Land Ownership: All on applicants land

Date: September 1st, 2013

Waterway: Unnamed meadow/wetlands

Scale: 1" = 500'

Sheet: 5 of 5



Orthographic Aerial Photo
24SEP08WV011400008SEP24200740-P1BS-005763459010_05_P006
Waters of the United States

POA-2013-565, Chilkat River
John Floreske Jr.
Helipads



Appendix G

Lands Department

Memo

To: Julie Cozzi, Borough Manager
Cc: Marty McGee, Haines Borough Contract Assessor

From: Dean Olsen, Assistant Assessor
Date: 11/25/2013

Re: Haines Assisted Living Inc. application for Real Property Tax Exemption Lot 5A, Block 8, Haines Townsite, and Haines Borough Code, (HBC), .70.030 and 3.70.040 Local exemptions and exclusions.(D) (5)

Julie,

Haines Assisted Living Inc., (HAL), is applying for tax exempt status for account C-TNS-08-0200 which is the location of the new Soboleff McRae Veterans Village under construction on lot 5A, Block 8, and Haines Townsite. This property is in the location of the recently demolished Thunderbird Motel. The account is currently taxable even though it is owned by HAL, a non-profit organization, because up until late spring of 2013 the land was vacant, and prior to that the use was commercial.

It is important to point out the details of HAL's accounts, because changes have occurred that need to be addressed by the Haines Borough Assembly involving HAL's optional exemption written in code, and the types of exemptions, (optional/community purpose vs. required), which will have more of an impact on the Full Value Determination, (FVD), calculated by the State of Alaska each year as this nonprofit facility grows in size and value.

Currently in Borough Code local exemption #5 reads:

Land and improvements situated on Lots 5, 6 and 11 through 14, Block 8, Townsite Addition, dedicated to the Haines Senior Assisted Living Facility and owned by Haines Assisted Living Inc.;

- With the recording of Plat 2010-4 three years ago, lot lines were vacated involving *Lots 11 through 14, Block 8, Townsite Addition*. Per Plat 2010-4 lots 11-14 are now Lots 14A1 and 14A2.
- With the recording of Plat 2013-4, Lot 5 is now included with fractional lots 1 & 2 as well as lots 3 & 4 which are currently taxable accounts. The combination of the five lots via vacated lot lines forms Lot 5A, Block 8, Haines Townsite as shown on Plat 2013-4.

More importantly, HAL is currently classified as an *optional/community purpose exemption* in Haines Borough Code. Optional exemptions reported in the Annual Report filed after the certification of the tax roll are not *excluded* from Full Value Determination by the State of Alaska. The value is added back into the FVD, and Haines Borough must contribute to that value for the local contribution to schools. For optionally exempt property that contribution is made without the borough acquiring a real property tax from the accounts. The assessed value of HAL is increasing with additions to their facilities. First St. Lucy's was added to Haines Assisted Living, and now the Veterans Village is under construction. These are either new, or relatively new improvements with minimal depreciated value that together will have a replacement cost new in the neighborhood of 15 million dollars. This is going to have a larger impact on the Full Value Determination by the State than it has in past years.

However, after reviewing Alaska Statue (AS) 29.45.030 & 29.45.050, as well as Haines Borough Code, (HBC), 3.70.030 and 3.70.040 covering required and optional exemptions, I believe HAL has been given exempt status as an optional exemption by Haines Borough Code 3.70.040 incorrectly. Alaska Statue and Haines Borough Code both allow real

property tax exempt status under, AS 29.45.030 and HBC 3.70.030 for nonprofit charitable organizations. Both HAL & St. Lucy's are federally recognized charitable nonprofit organizations as shown by the following:

- HAL & St. Lucy's are recognized by the Internal Revenue Service (IRS) as registered 501(C) (3) charitable nonprofits in good standing.
- HAL & St. Lucy's Senior Living, Inc. have provided all necessary documentation required to verify these organizations nonprofit charitable status with their completed applications.
- Form 990 filed with the IRS & provided to the Haines Borough Assistant Assessor by both organizations verifies their nonprofit charitable status in good standings with the IRS

Therefore, both qualify as required exemptions under Alaska Statue and Haines Borough Code:

On October 30, 2013 I consulted with Steve Van Sant, State Assessor for the State of Alaska about the classification of these nonprofits. Mr. Van Sant agreed that if the organizations are "**True**" nonprofit organizations, and not a cover for private individual(s) to make an unusually large profit under the cover of the nonprofit, they are allowed as required exemptions under AS 29.45.030 and HBC 3.70.030 as nonprofit charitable organizations.

Please inform me if you need further verification, or justification from any other sources prior to addressing the necessary changes to Haines Borough Code that will be necessary regardless of final exemption classification for these nonprofits.

Sincerely,

Dean Olsen
Assistant Assessor,
Haines Borough Land Department

Haines Borough Swimming Pool

HOLIDAY PASSES

now on sale!

Students & Seniors

10 punch	\$25
20 punch	\$50
Quarterly	\$70

Adults

10 punch	\$35
20 punch	\$70
Quarterly	\$85

Family

Quarterly	\$100
-----------	-------

Gift certificates also available



Appendix I



HAINES BOROUGH POLICE DEPARTMENT

**PO BOX 1209
HAINES, AK 99827**

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

Interim Chief of Police Simon Ford

November 25, 2013

Police Department Report ~ Simon Ford

PATROL

Officer Travis Marshall will be arriving in Haines for duty on December 30, 2013. He will be transporting our second Ford Interceptor from Anchorage to Haines, saving the Borough the cost of sending an officer to Anchorage. Travis will begin his orientation and field training here and then will attend the State Correctional Officer academy in Palmer from February 3-21, then the Alaska Law Enforcement Training Academy in Sitka from February 23-June 6th. The Alaska Police Standards Council will provide funding for both academies. After graduation, Travis will have a short break during which he intends to move his wife and five children to Haines. He will complete his field training and be scheduled to patrol on his own in mid-August. Travis brings with him over six years of law enforcement experience and is certified as a SWAT team leader, K-9 handler, and has attended many training seminars and classes. We are very proud to add him to our team.

Our patrol activities tend to shift with the seasons, with more of our attention turned to traffic and weather issues. The Police Department made five criminal custodial arrests since the last update on October 2. These were for a domestic violence assault, criminal trespass, violating conditions of release, violating a domestic violence protective order and DWI. A citizen was also taken into protective custody. The Haines Rural Jail also housed two inmates in that time period who were convicted of DWI and served their sentence. One was arrested by HPD, the other by Skagway Police. Our jail also housed a man arrested by Alaska State Troopers for violating his conditions of release. Eleven citations were issued by HPD during this time for various traffic infractions.

HPD and the Alaska State Troopers conducted a Search and Rescue for a Haines resident reported missing. The man was located, deceased, by a search team with the assistance of SEADOGS in Juneau. Investigation revealed that the man apparently committed suicide. Our condolences go out to the family and friends of this young man. A critical incident stress debriefing (CISD) was conducted after this incident for officers and dispatchers involved in the call. I was very impressed with the quality of leadership and organization of the search effort and am thankful for the cooperation between responding agencies.

DISPATCH

Thanks to the hard work of dispatch supervisor Celeste Grimes, all of our dispatchers are now certified Public Safety Telecommunicators. This certification represents 40 hours of specialized training. Celeste is now also certified to instruct Emergency Medical Dispatch classes. We will be coordinating the next series of classes in the coming months. Dispatcher Katie Whitley is on maternity leave. Her son, Matthew Gunner, was born on October 17. She will continue her

maternity leave through Christmas and we are thankful for the diligent efforts of Shelina Turner who is filling the dispatch chair for Katie while she's gone.

PROJECTS

Work began on the E-911 / Radio upgrade project on November 21st. The primary phase of installation will occur in mid to late January. Thanks to the Borough Assembly for support of this project!

Over the next several months, a team of employees will be reviewing our department policies and procedures. It is profitable to occasionally examine the policies and make sure they are in compliance with statutes, code, bargaining agreements, etc. and to determine if changes may be appropriate to modernize the operations of the department or identify ways of making our responses to the needs of the community more efficient. Proposed revisions will be compiled and forwarded to the assembly for consideration.

Borough mechanic Jonathan Sheets skillfully removed the police equipment from the Ford Escape patrol vehicles and the components have been delivered to Alaska Safety to be installed in the new Ford Interceptors. The new vehicles are having winter tires installed, and then will be delivered to Alaska Safety to be prepared for duty. The vehicles will be in service by the end of December.

FIREARMS

Acting Sgt. Jason Rettinger will be conducting a Patrol Rifle course in December. Jason received training this year to become a State certified firearms instructor and passed a very difficult "Methods of Instruction" course that is required to teach law enforcement firearms classes. Since becoming our "range master," Jason has administered qualifications for pistol and has been conducting weapon inspections regularly. He also found a source for an exceptional value for badly needed shotguns. Remington 870 shotguns have been ordered to replace worn Mossberg 500's.

TRAINING

Officer Adam Patterson attended a course early in November presented by the International Association for Property and Evidence, Inc. in Portland, Oregon. Adam is our evidence custodian and now has the resources to make the process of collecting and documenting evidence and property much more organized and secure. Adam has done an outstanding job of beginning this process and adding a measure of professionalism to our operation.

I will be attending the 2013 Law Enforcement Executive Development Conference in Anchorage the first week of December. I have scheduled meetings with Southeast Cities Against Drugs (SEACAD) and the Alaska Association of Chiefs of Police (AACOP) and will meet with the Alaska Police Standards Council (APSC). I am looking forward to developing relationships and exploring resources that will be beneficial to the department.

All department staff is in the process of completing a self-paced curriculum that covers the duties and responsibilities of a correctional officer / jailer. Upon completion of several tests, each member of the team will receive a certificate from the National Sheriff's Association. This is an economic alternative to the correctional officer academy and will provide a solid baseline education with respect to issues of jail operations and the liabilities associated with them.



**Haines Borough Police
Department**



Appendix J

Memo

Public Facilities

Date: December 3, 2013
To: Mayor and Borough Assembly
Cc: Borough Manager
From: Carlos Jimenez, Director of Public Facilities
Re: Project Update

Although winter has set in, projects throughout the Borough continue to happen and plans for future projects are underway. Due to the recent inconsistent weather there has been an unusual amount of ice forming in the town site. This is due mainly to the heavy rains followed by deep freezing conditions. Public Works will continue to scrape these areas and heavily sand them as well. There also have been culverts backing up and storm drains plugging due to heavy, wet snow followed by heavy rain. In most cases these problems correct themselves as the water finds the way to the low spots, and in some cases Public Works has been dispatched to clear the problem. In one instance, Nishan Weerasinghe happened to be driving by a plugged storm drain with a plow and took care of the problem. This was very much appreciated as it was 8 p.m. and Public Works would have been called out.

The patience and understanding of the community during the construction of the new Port Chilkoot Dock is very much appreciated by Borough staff and Pacific Pile and Marine. The pile driving is very loud and can be quite distracting. Fortunately, the contractor has not needed any additional working hours outside of their 7 to 5:30 work schedule.

A list of current project status' are listed below.

Borough Radio Communication System and E911

Notice to Proceed was issued on Nov. 14 to Arcticom. Work began at the Tower Road repeater station that afternoon. The work included a new secure door, new set of stairs, buried grounding system, and a wave guide bridge from the shed to the tower. We are now reviewing submittals from the contractor. After submittal approval the contractor will order all supplies. Work is scheduled to begin in late January or early February.

High School Air Handling Unit

This job was advertised on Dec. 5 and the bid opening is scheduled for Jan. 6, 2014.

PC Dock and Letnikof Harbor Upgrades

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

Wastewater Treatment Plant

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

School Doors and Mat Lift

This job was advertised last summer but received only one responsive bidder. Due to budget constraints the decision was made to not award the bid and to re-advertise now. Bids will be opened on Dec. 9.

Klehini Fire Department New Septic System

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

LED Lighting

The Borough budgeted for the addition of 19 more LED lights to be installed in the townsite. AP&T completed the installation of these lights in November.

Human Resource Building Boiler

During the annual state boiler inspection, the boiler at the Human Resource Building was flagged as being a hazard and not permitted to continue its operation. The Borough has ordered a new boiler and installation will take place in late December or early January. Borough maintenance staff will install the new boiler.

Senior Center Pellet Boiler

On Dec. 2, the Senior Center received its second delivery of pellets. The delivery truck came from Juneau and delivered approximately 9 tons of pellets. The pellets are fed through an auger truck into the top of the pellet silo. Public Works staff have been trained in the operation of the truck so that it can be sent to Haines unaccompanied for future deliveries.

Public Works Flatbed Truck

The new flatbed truck arrived via the ferry on Dec. 2. The Borough Mechanic flew to California to inspect the truck and then drove it to Washington to load it on the ferry. The truck is in excellent condition and Public Works is excited to have the asset added to the fleet.

October 2013 Haines Vol. Fire Dept. Monthly Report

The Haines Vol. Fire Dept. had two fire callouts in October. The first call was for a boat that was sinking in the harbor, then recalled. The second was for a fire alarm at the school that was also recalled. Fire callouts for 2013 total 37. The Haines Vol. Fire Dept. responded to 12 ambulance callouts in October. Calls included a fall, two seizures, a respiratory distress, a general weakness, an assault, a burn to the face and upper torso, an expected home death, 2 medical transports, and two medivacs Ambulance callouts for 2013 total 209. There were no SAR callouts. SAR callouts for 2013 remain at 1.

The first joint meeting for October was a business meeting followed by crossover equipment training. Members located and identified both commonly used Fire and EMS equipment. The ambulance training was respiratory emergencies presented by Amb. Lt. Julie Anderson. Differentiating upper and lower airway emergencies with treatment options was the focus. The fire training was forward lay scenario training. Three different evolutions were practiced and many new members participated and gained experience.

Jenn Walsh attended the Alaska State Fire Fighters conference held in Anchorage. Great trainings were provided and she participated in auto extrication, rescue on slopes, and advancing hose lines. She also participated in a emergency preparedness conference. Fire prevention week was this month. Thanks to Lyle Huff, Chuck Mitman, Al Giddings for helping with school classes and to all that helped with our open house with more than 50 coming by to experience the activities (using a fire extinguisher, the smoke room, an escape ladder, the jaws of life, blood pressure & pulse checks and fire truck rides). Classes were given to preschool thru 8th grade at the Haines schools, to the whole Klukwan school, homeschoolers as well as the senior citizens during one of their lunches.

Nomination for officers for 2013 opened this month with current officers agreeing for another term. There were no other nominations for any officer position, but nominations remain open till the joint meeting in November.

HVFD Fire 173 Ambulance 135 HVFD SAR

Total volunteer hours HVFD for 2013

HVFD Fire 1202 Ambulance 2348 SAR 128 Combined 3678 Hours

Respectfully submitted,

Al Badgley
Al Badgley
HVFD Training Officer

RECEIVED
NOV 08 2013
HAINEES BOROUGH

Haines Borough Public Library

September Statistics

Monthly Circulation: 9,169
 Internet Use: 1,564 Visits: 7,531
 Meeting Room Use: 29 Attendance: 198
 Library Programs: 47 Attendance: 715
 Non-Library Programs: 7 Attendance: 102

Director's Report
October 16, 2013

Updates

- The *Roving Reception* during the Museums Alaska & Alaska Historical Society annual conference was a success. We had appetizers in abundance; harp, ukulele, and piano music by Holly Davis; guitar and vocal originals by Jeff Alvine; duets with Jeff and Holly, while a conference participant, with harmonica in hand, joined in the music making. Many attendees stopped by to explore the Storyboard after a well-attended and well-received session presentation by Jessie, Erik and me earlier that day.
- During library cleaning and staff training days on September 19 and 20, we had a much needed half-day meeting to discuss front desk communication and library policies and procedures. We also sorted, weeded and labeled the reference area; reorganized the Alaska collection for better patron visibility; cleaned and organized the backroom; sorted and cleaned the storage armoires; dusted, weeded and organized the children's' room; trained on the new ILL system; dusted and straightened the entire collection; repaired a leaky faucet while adding a water filter; and organized personal workspace.
- I returned from DirLead (Directors-Leaders training) in Girdwood, on Sunday, Oct. 13. Guest speaker, Jamie LaRue, from Douglas County Library system in Colorado shared insights on libraries and ebooks, library leadership, library advocacy and communication. It was 2.5 days of intense conversations and insights.
- Jila, Cathy and I continue to make the transition to Department accounting for the library.
- Library staff joined other Borough staff, the mayor, and community members in wishing Mark Earnest well in his retirement on Tuesday, October 15, 2013 from noon to one.

Building

- Eddie and Andus have been making small repairs in the library: teen area upper wall repair, repairs of leaks from the large windows in the Reading Room, and a new door sweep added to the outside patio door to eliminate snow blowing in under the door.
- Eddie also informed us that we have three lights out in the lower parking lot. Replacement cost for LED lights is around \$300 each.
- The Friends are busy planning for the Holiday Open House to take place on Saturday, November 30 at 3pm.

Haines Borough Public Library

Program Highlights

- Tonight the library is hosting a forum on privacy. Moderators are Cecily Stern and Katya Kirsch with Michael Robinson of UAA attending via videoconference. The forum begins at 7pm.
- Jessie and Erik led two field trips during the past month. The students were, first, mesmerized by Joe Hotch and stories of place names, and then, gathered around the Storyboard prior to heading out to an outdoor site.



Other

- Thanks to Heather Lende for reading from her writings during our celebration of Alaska Book Week.

Chilkat Center for the Arts

A Community Facility Operated by the Haines Borough

(907) 766-3573

facsimile (907) 766-3574

E-mail business@khns.org

Facility Administration Report

November 2013



Usage:

In the general class review we now have several different classes being offered; three yoga, three strength developing and several martial arts, from kids to adults.

Some of the things happening in the lobby and auditorium:

- The Haines Arts Council hosted classical pianist Derek Yarple-Shubert
- Steve Kroeschel hosted the film, “Grounding”
- Haines High School sophomore kids held their homecoming dance in the lobby
- The Chilkat Valley Community Foundation held their annual meeting in the lobby

The Chilkat Center Advisory Board, Foundation for the Chilkat Center and KHNS are making monthly use of the conference room for meetings.

December the Center will be musical and busy with a new play directed by Tod Sebens, the Holly Jollies produced this year by Joe Parnell, The high School music concert with new-to-Haines teacher, Kristy Totten and the Haines Arts Council is bringing back Theater in the Rough.. all this along with various practices, meetings and last minute parties. Bring it on!

Maintenance

Thanks to heroic efforts on part of maintenance team to solve heating riddles. We lost a few classes due to the cold but not as many as we might have due to the fast response of the team to try and clear the pipes. There was an area in the upstairs ceiling outside the conference room and also in the KHNS office that were water damaged and moldy which were also taken care of by the guys – many thanks!

Things to keep on the maintenance list:

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

Submitted by Facilities Manager, Kay Clements, November 2013

Chilkat Center for the Arts			
11/30/2013			
Contact	Function	Participants	Amount
	Dance Studio		
Marnie Hartman	Yoga	74	150
Chorus Bishop	Seibukan Jujitsu	128	285
Melina Shields	Yoga	26	60
	Lobby		
SEARHC	Morning Muscles	62	90
St Michael's	Sunday Services	65	300
SEARHC	Strongwomen	41	105
Jessica Edwards	Circuit Training	30	90
Laura Rogers	Disco party	35	75
Chilkat Valley Community Foundation	Annual Meeting	60	75
Haines Borough School District	Homecoming Dance	45	75
	Conference Room		
KHNS	Board meeting	9	n/c
CCA	Board meeting	6	n/c
FCCA	Board meeting	8	n/c
	Auditorium		
HAC	Derek Yarple Shubert	150	325
Steve Kroeschel	Film Night	100	200
	November Totals	839	\$1,830



**Haines Borough
Planning Commission Meeting
October 10, 2013
MINUTES**

Approved

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

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

Staff Present: Xi “Tracy” **Cui**/Borough Planning & Zoning Technician III, Stephanie **Scott**/Borough Mayor

Also Present: Mark **Allen**, Karen **Garcia**, Margaret **Friedenauer**, Sara **Chapell**, Bill **Kurz**, Janet **Kurz**, Heather **Lende**, Chip **Lende**, Fran **Tuenge**, Gina **St. Clair**, Daniel **Humphrey**, Eli **Fierer**, James **Alborough**, etc.

3. **APPROVAL OF AGENDA**

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

4. **APPROVAL OF MINUTES** – September 12, 2013 Regular Meeting

Motion: **Turner** moved to “approve the September 12, 2013 Regular Meeting Minutes.” **Heinmiller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

St. Clair said she bought seven acres of land in the Haines Borough twenty years ago. Today, 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. When the Borough received the short plat from John Bean, her subdivision was denied because the Borough code requires her to provide utilities because they are available within 200 feet of one of her property lines. There are four reasons she is asking for an exemption. She understands that the Borough wants to improve neighborhoods. However, in this case, asking one landowner to bear the burden of installing water and sewer for a neighborhood, at a price that could be well over \$100,000, is simply not feasible.

Goldberg said this topic will be on the next meeting’s agenda. The Planning Commission will consider her proposal at the next regular meeting.

6. **CHAIRMAN’S REPORT**

Goldberg said he attended an Assembly meeting two weeks ago. Two ordinances that the Planning Commission sent to the Assembly were turned back. One is about “definition of temporary dwellings”, which is being misunderstood by the Mayor and the Assembly; and the other one is about “adding setback restriction in the general use zone”, which is on tonight’s agenda. The Planning Commission received suggestions from the Mayor to reconsider this proposed draft ordinance.

7. **STAFF REPORTS**

Cui reported recent permitting and enforcement activities.

8. PUBLIC HEARINGS

A. Fred Einspruch – 4-STR-02-42A0

Goldberg opened & closed the public hearing at 6:40 p.m.

Goldberg said **Einspruch** requested a postponement on his appeal because he is not able to attend this meeting. However, according to the Borough attorney, the Borough code does not allow the Borough Clerk or the Planning Commission to grant or deny request for postponement.

The Planning Commissioners asked several questions to **Cui** and were told that **Einspruch** did not have a valid land use permit before starting his carport project.

Motion: Venables moved to “recommend the Assembly stay the \$250 after-the-fact fee being assessed to Fred Einspruch for constructing a carport without a land use permit.” **Heinmiller** seconded it. The motion failed 0-5 with **Goldberg, Heinmiller, Turner, Venables,** and **Hedden** opposed.

B. Henderson Family Prop., LLC – C-SMR-00-0200

Goldberg opened & closed the public hearing at 6:49 p.m.

Hedden recused himself because the applicant is his employer.

Turner said his point of view is to suggest the developer change lot 1 from rural mixed use zone to heavy industrial zone, instead of changing lot 2 from heavy industrial zone to rural mixed use zone. Also, this proposal is not consistent with the Comprehensive Plan.

Goldberg said one of the factors that needs to be considered is that Sawmill Creek runs through both lot 1 and lot 2. Efforts have been made in cleaning the creek.

Hedden said the existing use of the land (a warehouse for Chilkat Guides operations) is more consistent with the land use regulations of rural mixed use zone.

The Planning Commissioners agreed to postpone this rezone petition. They need more information from **Henderson**, and also want to see a zoning map that covers a bigger area.

Motion: Venables moved to “postpone Henderson’s rezone petition to the next regular Planning Commission meeting.” The motion passed unanimously.

9. UNFINISHED BUSINESS - None

10. NEW BUSINESS

A. Historic District/Building Review - None

B. Haines Borough Code Amendments – Title 18 Revisions

1. Fees and Penalties in HBC 18.30.070

Goldberg said this proposed ordinance restructures the fee schedule for fines assessed for violations of Title 18 and establishes a procedure for warnings to be issued for some violations. Currently the code requires that an after-the-fact fee of \$250 be assessed without warning for all violations of Title 18. This has led to citizens being fined for minor violations. Failure to obtain a building permit or a construction declaration will remain a \$250 fine without warning. These violations cost the Borough revenue, as building projects may go without being assessed for years. For other violations of Title 18, Borough staff will issue a letter of warning,

and the property owner will have ten business days to correct the violation. If the violation is uncorrected, a fine of \$100 will be assessed.

Motion: Venables moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.30.070.” **Turner** seconded it. The motion passed unanimously.

2. Agriculture, Personal Use in HBC 18.20.020 & Fees and Penalties in HBC 18.30.070

Goldberg said the Borough code has two definitions that deal with the raising of animals: personal use agriculture and animal husbandry. Personal use agriculture is a use-by-right in all residential zones; animal husbandry requires a land use permit in all zones where it is allowed, and a conditional use permit in single residential and multiple residential zones. The code allows for three or fewer chickens or other small animals raised for food or eggs as personal use agriculture. This proposed ordinance increases the number of chickens or other small animals in personal use agriculture to six for lots less than one acre and twelve for lots over one acre, and also reduces the fee to \$25 for permits relating to animal husbandry. The Borough staff did a cost analysis, and is requesting the Planning Commission re-consider the decision of reducing permitting fees.

Venables said animal husbandry is a localized issue. A conditional use permit for animal husbandry required by the Borough code is for solving the problems and avoiding conflicts among neighbors. The Assembly needs to consider if it is necessary to spend \$65 on newspaper advertisements for a neighborhood issue.

Turner said the interest in raising chickens has increased in Juneau, and the number of chicken related bear complaints increased substantially this past summer. Installation of electric fences is recommended in high density residential areas in Juneau. He thinks that requiring a conditional use permit for having more than three chickens in single residential and multiple residential zones is necessary. The current code is fine.

Goldberg said the Planning Commission may consider reducing the permit fee for Animal Husbandry to \$25, while keeping the conditional use fee at \$150.

More discussion ensued.

Motion: Hedden moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.20.020 & 18.30.070.” **Venables** seconded it. The motion passed 4-1 with **Turner** opposed.

3. ATV Use on Chilkat River Inlet Beaches in the Townsite Service Area

Alborough said he supports the proposed ordinance to keep the Chilkat River beaches non-motorized. Keeping ATVs from accessing the beach makes sense from a safety perspective and a quality of life perspective.

Friedenauer said she has been a daily user of this area since she bought a property on Mud Bay Road. It would be an odd place for any motorized vehicles to access. The trails along the beach are foot or bike paths, not wide enough for motorized vehicles. If the Planning Commission establishes that this area be non-motorized, then she thinks the Planning Commission should find an area that would allow motorized recreation.

Heather **Lende** said she appreciates the Planning Commission for proposing to officially make the Chilkat Beaches non-motorized. The beaches are heavily used by families and kids, folks walking their dogs, joggers and walkers. ATVs are simply not compatible with these values and users.

More public comments ensued.

Allen said he wants to be able to launch small boats in the southern part of this area near Carr's Cove. He requested for the Planning Commission to consider his concerns.

Goldberg said the Borough owns the lot just to the south of the recreation zone where there is a beach access. There is also the boat launch at Leknikof Cove, a few miles further south.

Scott said the State of Alaska DNR's management plan for this area prohibits commercial motorized use of this area. Currently there are no specific regulations that prohibit non-commercial motorized use of this area.

Goldberg said this proposed ordinance adds a sentence in HBC 18.70.030 in the description of recreational zone. This sentence allows each area zoned recreational to be considered individually for non-motorized designation. It also makes it clear that motorized use is allowed in all areas zoned recreational unless specifically prohibited. The other part of this proposed ordinance adds a section to Title 12 describing the Chilkat River Beaches Recreational Zone and a sentence prohibiting the use of motorized vehicles.

Turner said even though the Planning Commission makes this area non-motorized, it is not going to change anything that happens on the beach. The state trooper told him that people can run ATVs on the area below the mean high tide when the tide goes out.

Motion: Venables moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.70.030 and add HBC 12.50.010." **Hedden** seconded it. The motion passed 4-1 with **Turner** opposed.

4. **On-Site Wastewater System Inspection in HBC 18.100.092(A)(2)**

Goldberg said the proposed ordinance will correct the inconsistency.

Motion: Heinmiller moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.100.092" **Hedden** seconded it. The motion passed unanimously.

5. **Adding Setback Regulations to the General Use Zone**

Goldberg said 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.

Motion: Venables moved to "recommend the Assembly adopt the proposed draft ordinance amending HBC 18.80.030." **Turner** seconded it. The motion passed unanimously.

C. Project Updates – None

D. Other New Business – None

11. **COMMISSION COMMENTS** – None

12. **COMMUNICATION** - None
13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, November 14, 2013.
14. **ADJOURNMENT**– 8:49 p.m.

Tourism Advisory Board Meeting Agenda / Meeting Minutes

Friday, August 30 – 9:30 am (Assembly Chambers)

Meeting Call to Order: Barb Mulford – President – 9:33 am

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

Absent Jason Gaffney

Also Present Tanya Carlson, Jamie Knudsen, Debra Schnabel, Stephanie Scott

Approval of excused / unexcused absences: Hess moved to excuse Gaffney, Heinmiller seconded; all in favor

Approval of Agenda: Butcher moved to approve the agenda, Marks seconded. Mulford motioned to amend the agenda to include Picture Point ad-hoc committee under new business. Butcher moved to approve the agenda as amended, Marks seconded; all in favor of amended agenda.

***Approval of Minutes:** June
July

Public Comments: *Economic Impact Study*

Debra Schnabel feels that generally the assembly was not opposed to study something but they feel the study methodology was too simple and the reasons for it were not clear. Usually a study helps answer a question or solve an issue. It seems it would be a lot more dynamic that there be a question before us that once we have the data what will it be used for, why do we need the data, should we forget about cruise ships and concentrate on special events, should the government get involved in the link between Haines and Skagway, why are we doing this, what is the question we are trying to answer. Stephanie concurs and says that she has received many emails/calls regarding the link between Haines and Skagway and how we can get more independent travelers here.

Hess says that the study has been discussed more as a defense. Every time someone goes to the borough to request information on how much money is brought in by tourism the borough can't answer it. Because of this there is no data that can back up any request for special projects or fund or even answer the question what does tourism do. Hess also mentioned that there is already a private company offering transfer between Haines and Skagway and she doesn't see why government should get involved.

Scott asked what is it that the tourism department wants to do that we can't find statistics for? Scott feels that the statistics McDowell Group is going to compile is something that anybody can put together.

Carlson said that both the tourism department and state fair have asked the borough about this data and it has been told that we can't extract just what tourism does. Businesses can be extracted but revenues from tourism versus local cannot.

Carlson took the Assembly's comments back to McDowell group. One question was in regards to ROI. McDowell can go into each sector of travel and show the impact of the sector on our community. They can show the impact of having an event coordinator but they reminded that this position never comes back directly to pay for itself; the money this position may bring is spread throughout the community. They can look at the impact of specific event as well. Looking at the Haines/Skagway transportation, this would have to be an entirely separate study which would constitute people on the ground surveying visitors and looking to see what the growth possibility is in both cruise visitors and independent travelers. Rough estimate over the phone for a study like this would be \$20,000.

Hinson said if you don't know where you are you have nothing to measure for where you are going. Schnabel said it was a valid point but she doesn't want to spend \$30,000 to get there. Schnabel says she would like to hear that "we need to do this before we can do this." She would encourage the TAB to be a lot more specific, be a lot more offensive and advocate more for the industry and tell us more where you think tourism should go so the Assembly can go yes, let's do that.

Hess motions that TAB ask the Borough Assembly to direct the manager to get as much data that directly affects tourism as possible; Hinson seconded; all in favor.

Chair Report:

ATIA

ATIA is October 6-8 in Sitka. ATIA is very important, works with the state and could possibly assist with programs and funding in the future.

AMHS Class Ferry Update - 2016

This meeting went through the plans for the new ferries and that they will be in service by 2016.

Independent Travelers / Independent Cruisers

There's a market there.

New Business:

PC Dock Revenue & Expenditure Analysis

Hess had requested a breakdown of this and it was sent out prior to the meeting. Carlson said the port tariff ordinance will be in its first public hearing next week. The ordinance was written with a \$0.25 per foot increase on the face of the PC Dock and since no one could remember what specifically came out of some the meeting last year regarding the lightering float it was written at \$20 keeping it status quo with previous years.

PC Dock Upgrades – Last Call 2013

Holland America has decided to not lighter for their last docking.

Communication to Shop Owners / Tour Operators During Unexpected Events

Concerns had come to Mulford because there was no communication about the surprise Princess Ship. Mulford feels the store owners should organize something to accommodate this. Mulford would like to see the downtown revitalization committee be formalized because they could take this on and form a calling tree. Carlson explained the order of operations from the tourism department and the first priority is getting the tourism staff and volunteers where they are needed while also fielding hundreds of people pouring off a cruise ship. Heinmiller likes the businesses taking responsibility and asked if Carlson would be willing to make one phone call to begin the tree. Carlson said she would be happy to after the businesses actually come together and form their tree.

Picture Point Ad-Hoc Committee

Darsie Culbeck is heading this project and putting together a 5 member ad-hoc committee and there is a seat from TAB. Heinmiller would like to volunteer to fill the seat. Hess moved that Heinmiller be the TAB representative, Butcher seconded; all in favor.

Old Business:

Upcoming Events & Conventions

Next weekend is the disaster preparedness drill. The Museum conference is at the end of the month (September 26-28) and the Juneau/Yukon bar association is doing something the first part of October. Unfortunately we know nothing about the bar association but are working on finding something out.

Butcher added that there is a representative of the Juneau Access Road would like to come up and educate some Haines residents on the possibility of a future road.

The Chamber will be hosting a chamber luncheon to discuss corporate personhood.

Carlson is working with Sitka and Juneau to try and host the WACVB Forum in a couple of years (2015). We would like to highlight southeast Alaska. Haines would not be able to host because of the type of lodging required for the conference.

Directors Update:

BackRoads Alaska

Carlson has been working on updating the website as well as itineraries. She has posed the question to several cruise execs of “what can Haines do to attract more ships?” One item she is working on is bringing back the old double port option that NCL used to do. This will be presented in the itineraries for the cruise lines

Upcoming Schedule

Carlson will be out the last two weeks of September then ATIA in October and Alaska Media Road Show at the end of October.

Board Comments:

Butcher thought it was an interesting meeting with an Assembly member asking TAB to step up to the plate. It was nice to hear that.

Marks offered to step in for Heinmiller if she has to miss any of the ad-hoc committee meetings for Picture Point.

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

Assembly Chambers, Safety Building

Hinson motioned to adjourn, Hess seconded; all in favor. Meeting ended at 11:24 am.

Tourism Advisory Board Meeting Agenda / Meeting Minutes

Monday, September 30 – 9:30 am (Assembly Chambers)

Meeting Call to Order: Barb Mulford – President – 9:40 am

Roll Call: Present Barb Mulford, Michael Marks, Rhonda Hinson, Karen Hess, Jeff Butcher

Absent Jason Gaffney, Judy Heinmiller

Also Present Tanya Carlson, Scott Sundberg

Approval of excused / unexcused absences: Hess moved to excuse Gaffney, Marks seconded; all in favor. Hess motioned to excuse Heinmiller, Marks seconded; all in favor.

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

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

Public Comments: N/A

Chair Report: *Don't Forget to Vote*

Don't forget to vote.

New Business: *Economic Impact Study*

Carlson emailed TAB the new proposal from McDowell Group. It is set for the next Assembly Agenda but no one will be present as it's during ATIA.

Carlson went back to McDowell and said that we didn't want to lose any of the EIS that was presented but that we would like to incorporate something similar to our 2002 Management Plan, what things can we improve on, who do we market to, etc. This added \$19,000 to the survey cost. It's more of what the Assembly was looking for but it is also more money. The monies to pay for this survey would be from fund balance.

Butcher said he has really been struggling with this. He feels it's great information and good to have the ammunition if we need it but is there a better way to spend the money. This is something that can be a benefit to us in the future but now it's \$50,000.

Marks asked if the original study was going to look at the tax revenue. Carlson said It would look how the money is spent by visitors within the difference sectors of tourism, then continue to how many people are employed, what are they spending their money on, how much fuel is being purchased by tour operators, visitors, etc. Looking at all layers of the money coming into our community and how it trickles into the borough for tax revenue and

incomes. This new proposal still focuses on the economics but also expands to whom and where we should be marketing, who we are targeting, etc; an action plan for the future.

The recommendation is that the new proposal goes to the Assembly and if they are not interested TAB would very much like to have the winter study conduct as previously submitted.

Old Business:

PC Dock Construction

Construction has begun. Wood is being utilized for trails. Completion date is still on for mid-March; substantial completion is June 2 so they have time should there be weather problems.

Hess asked if a new ramp was included in this phase. It is and the current ramp will be going to Letnikof.

BackRoads Alaska

Carlson has had conversations with Linda Huston, Kirby Day and Bill Fletcher regarding BackRoads Alaska. They all like the idea and agree that how we started it is never going to sell but are happy with how it has been re-formatted (one BackRoads port combined with main ports). Carlson will be pushing the double port option even offering a ship switch during the day which even gives Skagway more visitors in a day.

Fletcher was the only one not comfortable with the name. He feels it screams no money, no infrastructure. Carlson will be meeting with each of the cruise lines prior to Alaska Media Road Show in an effort to make an impact prior to finalization of 2015 itineraries.

Carlson did let everyone know the down side, however. Skagway is looking at building another dock and Carlson asked each of the three if Haines would be in danger of losing the current ship traffic. Realistically, yes. There is more money to be made by docking in Skagway.

Upcoming Events & Conventions

Mulford said she had been approached again regarding having the bike race and fisherman's bbq on the same day. Carlson felt this is something the TAB should not be involved in. It is something that should be taken up with state fair by concerned parties. Carlson said it is one of the fair's biggest fundraiser's of the year and they would lose a lot of money if it gets moved.

Butcher asked if there was a current effort for selling future conventions. Carlson said that she and Patty from the Library were speaking recently about bidding on the state Library conference. Carlson feels that she should go for it. It's about the same size as the Museum conference. Although, later it came to light that the conference is in the winter when there are fewer hotel rooms but Carlson feels that is something can be worked on and problem solved to work.

Carlson said that the state AA conference will be in Haines next spring. A bar (law) association is coming in the beginning of October but despite calls to different businesses from the organization around town the tourism department has received no call backs from them to find out more information.

Directors Update: *Upcoming Schedule*

Bellingham Trade Show went very well. About 1500 people came through the door; people who knew about Haines and/or wanted to come.

ATIA coming up, followed by the BackRoads Alaska meetings and then Alaska Media Road Show.

Board Comments: Hess said she would be gone until mid-January but will try to call in for meetings.

Marks said the Museum Conference went very well. The Chilkat Center was utilized in every way it could possibly be used.

Mulford would like to encourage everyone to right in to our Senator about highway improvements.

Set Next Meeting Date: *Thursday, October 31, 2013 – 9:30 am*

Assembly Chambers, Safety Building

Butcher will be on the road during our October meeting and may not be available.

Hess motioned to adjourn, Butcher seconded; all in favor. Meeting ended at 10:37 am.

Haines Borough Public Library
Approved Meeting Minutes
9/18/13

Present: James Alborough, Cecily Stern, Stacey Gala, Heather Lende, Anne Marie Palmieri, Meredith Pochardt
 Excused: Dick Flegel, JoAnn Ross-Cunningham, Lorrie Dudzik

Call to Order: 1:05pm

Additions or Revisions to Agenda

Addition of Streamline Meetings
 Addition of Winter hours

Consent Agenda Items

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

- Approval of Agenda
- Approval of Minutes 7/24/2013
- Director's Report

M/S Lende/Alborough to accept the additions and amendments to the agenda. All approved.

Financial Report

- Treasurer's Report for July & August (Patty)

July

Checking: \$11,116.61
 Savings: \$14,214.08
 CD: \$20,503.81

August

Checking: \$18,516.10
 Savings: 14,215.95
 CD: 20,503.81

Check registers were passed around for signatures.

CD's are maturing. One matures today.

M/S Alborough/Stern to cash out each of the CD's as they mature. Funds will be moved into savings until the amounts can be transferred to the Friends. All approved.

Items for Discussions

- Policy changes & recommendations (Anne Marie & Cecily)

Policy committee met to revise the following two policies:

II. Purpose of Policy Manual

III. Who May Use the Library

Photo ID and mailing address are the new requirements. Some other language tightened up.

M/S Lende/Gala to approve the recommended changes to the policy manual. All approved.

- Procedure for Board policy review

Concern that board members are not familiar with the policies now that we no longer review the policies during board meetings.

Patty will email a section of the policy manual each month. If there are issues, we can add it to the meeting agenda.

- Combined board and staff meeting

November 6th is the date for a breakfast meeting with staff and board. 9-11 am. Bring breakfast.

- Building item updates

There are new chairs and new woodwork by John Carlson. John is also working on new shelving doors and cabinets for stacks.

Plans to set up a sideboard in the reading room.

Plans to add drawers under the bench in the front, below the bench for storage of Friends materials.

Suggestion for a new cart of Holly's kid program gear.

Patio door being written into a CVCF grant.

New DVD drawers are also being planned.

Front of library lighting is not very bright. Patty would like permission to investigate solutions. Board approves.

Streamlining Meetings

Cecily presented some ideas for streamlining meetings.

- Only discuss items that need board action. This leaves time for vision and planning.

- Add at least one exciting item to each agenda (e.g., visioning, planning)

- Suggested board member snack each month

Board resolved to add a visioning section and keep snack provision flexible and voluntary. If members are bringing snacks, let folks know via email to avoid duplicates.

Winter Hours

December 1 -> end of March. Close M, T, W at 7pm and 9pm on Thursdays.

Old Business

- Year-end statistics

Patty shared some year-end circulation and program attendance stats.

Library has 41K items in the collection.

- 2 day closure for fall cleaning, staff training

Reminder that library is closed on the 19th and 20th of September

Other

- Radio

September 20 (James), October 4 (Meredith), October 11 (Heather)

Board Comments

Director's Comments

Road trip report.

Next Meeting: October 16 4pm

Adjourned: 2:10pm.

James Alborough

Haines Borough Assembly Committee Meeting
 Committee: Commerce
 Assembly Chambers

Date: 11-25-13

Issue: Wild Stocks of Salmon. Presentation by Randy Bachman ADF&G	
He presented historical graphs of escapement and harvest back to 1990. He feels they are doing the best possible job of management. ADF&G is aware of industry criticism that escapement levels in Chilkat & Chilkoot are set too low. He is confident that escapement levels are sustainable. Of note due to a drop in price, the fleet brought in \$8M in 2013 versus \$15 M in 2012. Bachman said the reduction in ex-vessel value this year was driven by the price of fish. ADF&G is monitoring Amalga harbor fishery for interception of Chilkat and Chilkoot sockeye. Bachman shares borough's stated concern for impact of hatchery fish on wild stocks.	
Recommended Action: None. Borough and ADF&G will maintain communications in anticipation of political action needed to impact management.	Who:
	When:

Issue: Commercial Passenger Vehicle Permits	
Initial issue is consideration of waiver or other form of relief for commercial tour operators who pay duplicate registration tax to borough on CPV's. Tanya Carlson said the Tourism Advisory Board is looking into restructuring Tour Permits to be multi-year permits, but not CPV permits. George and others asked why we have CPV's. Do we need them to avoid liability because the Borough permits the tours?	
Recommended Action: Mayor Scott is going to follow up with the Borough Attorney regarding the liability issue. Darsie will follow up with Chief Ford on his thoughts.	Who: Mayor Scott, Darsie
	When:

Issue: Solid Waste Survey	
Debra is doing a solid waste survey as part of her graduate work and asked if the Borough would like to pay for the postage and perhaps sanction the survey. Draft survey was circulated with requests for feedback from committee members.	
Recommended Action: Agenda item for 12-10-13. Debra is going to find out costs.	Who:
	When: December 10 Assembly agenda

Meeting Chaired by Debra Schnabel Minutes by Darsie Culbeck
 Committee Members Attending: George Campbell, Jerry Lapp, and Debra
 Staff Attending: Darsie Culbeck
 Citizens and Consultants: Stephanie Scott, Tonya Carlson, Bill Kurtz, Karen Garcia, and Randy Bachman



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-392
Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: Authorize Annual Water Testing for Lily Lake & Piedad Water Sources	1. Resolution 13-12-521 2. Purchase Order & Quote
Originator: Water Sewer Operator	
Originating Department: Water Department	
Date Submitted: 10/22/13	

Full Title/Motion:
Motion: Adopt Resolution 13-12-521.

Administrative Recommendation:
The Interim Borough Manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 13,000	\$ 21,000	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 15B, page 252	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
The Haines Borough operates a public water system and is required by the Alaska Department of Environmental Conservation (ADEC) to regularly test the water. Water testing is annually budgeted, and FY14 funds are more than sufficient for this contract.

Referral:

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

Assembly Action:

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

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 & Piedad water for the quoted price of \$13,000.

WHEREAS, the Haines Borough operates a public water system and is required by the Alaska Department of Environmental Conservation (ADEC) to regularly test the water; and

WHEREAS, the water testing is made up of many samples for the year that cannot be done in-house, including testing for 24 Bactis, 4 TTHM and HAA5, 10 lead and copper, arsenic, asbestos, nitrates, and nitrites; and

WHEREAS, Analytica works with ADEC and sends sample kits when the testing is due and samples need to be collected; and

WHEREAS, this contract includes courier fees and once a month the swimming pool water sample is included in order to split the shipping costs; and

WHEREAS, funds for this are in the FY14 budget,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to renew for 2014 the Public Water System Compliance Monitoring Program (CMP) contract with Analytica Group, LLC, for testing Lily Lake & Piedad water for the quoted price of \$13,000.

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

Stephanie Scott, Mayor

Attest:

Michelle Webb, Interim Borough Clerk



HAINES BOROUGH, ALASKA
 P.O. BOX 1209 • HAINES, AK 99827
 Administration 907.766.2231 (fax) 907.766.2716
 Tourism 907.766.2234 • (fax) 907.766.3155
 Police Dept. 907.766.2121 • (fax) 907.766.2128
 Fire Dept. 907.766.2155 • (fax) 907.766.3373

PURCHASE ORDER
 Budgeted Item? Yes No

PURCHASE ORDER – NUMBER:

DATE: 10/22/13

VENDOR:

Analytica
 12189 Pennsylvania Street

Thornton. CO 80241
 fax1-303-301-2271
 1-800-873-8707 EXT117

DEPARTMENT: Water
 G/L:
 % or Amt: 100

DEPARTMENT:
 G/L:
 % Or Amt: _____

Quantity	Unit	Item / Description	Unit/Price	Total Amount
1 year		Water Testing 2014	\$13000	\$13000
		Lily Lake		
			SHIPPING ESTIMATE:	
			TOTAL:	\$13000

Shipping Method: Best Way UPS: USPS:
 Other – Specify: _____

Payment Method: Borough Credit Card Direct Bill

Purchase Order Prepared by: Scott Bradford

Approval Signatures

Authorized Signer 

Date 10-21-13



Corporate Headquarters
12189 Pennsylvania Street
Thornton, CO 80241
(303) 469-8868
(303) 469-5254 fax

Anchorage
4307 Arctic
Boulevard Anchorage,
Alaska 99503
(907) 258-2155
(907) 258-6634 fax

Fairbanks
475 Hall Street Fairbanks,
Alaska 99701
(907) 456-3116
(907) 456-3125 fax

Mat-Su Service Center
701 E. Parks Highway
Suite #203
Wasilla, Alaska 99654
(907) 373-5440

www.analyticagroup.com

10/1/2013

Attention: Compliance Monitoring Program (CMP) Customers

Re: 2014 Program RENEWAL

The purpose of this correspondence is to renew your PWS CMP Contract and guarantee uninterrupted Program benefits through the next year.

- **Automated Bottle Orders - NEVER MISS A SAMPLING EVENT AGAIN!**
- **Preprinted Labels & COC's - SAVE COSTLY OPERATOR TIME**
- **Out of Compliance Warning System - RESAMPLE EASILY WITHIN DEADLINES!**
- **Reporting — ELECTRONIC RESULTS DELIVERED IN THE STATE REQUIRED FORMAT!**
- **Safeguard Your System — TRACKING AND ARCHIVING OF PWS DATA!**

Program membership has grown to over 150 Systems with a renewal rate of 100%.

Just sign the enclosed invoice; FAX, email or mail it to me at:

Email: jbaker@analyticagroup.com
Fax: 1-303-301-2271

If prepaying by check, mail your invoice and payment to:

Analytica Group, LLC
12189 Pennsylvania Street
Thornton, CO 80241

We appreciate your business and continued participation in Analytica's PWS Compliance Monitoring Program. Please feel free to contact me via e-mail or telephone with any questions, suggestions or concerns.

Sincerely,

Jerry Baker, PWS CMP Manager
Analytica
800-873-8707, Ext. 117
jbaker@analyticagroup.com

"Analytica... Everything Else is Just Testing"



**Public Water System
COMPLIANCE MONITORING PROGRAM**

PROGRAM INVOICE

Remit To: Analytica Group, LLC
12189 Pennsylvania St.
Thornton, CO 80241

Invoice #: PWS-11188

Invoice Date: 9/2/2013

Phone: 303-301-2217

Work I.D: 110619

Project: 2014 CMP-Haines Borough-Lilly Lake & Piedad

Attention: Cathy Keller

Invoice to: Haines Borough Water and Sewer
P.O.Box 1209
Haines, AK
99827

Item Charges

Balance Due

Full Annual CMP Contract Price

\$13,000.00

This invoice is based on the current Monitoring Summary, and may be subject to change once the new Monitoring Summary is available from your regulatory authority. We will contact you if there are any changes upon receipt of your updated summary.

Prepayment Payment Options:

- Annual billed & paid in advance
- Quarterly *billed & paid in advance, within approved credit terms (1)(2)(3)

Notes: (1) Available only for accounts with approved credit.
(2) Reminder statements for payments due are not provided.
(3) A 5% processing fee will be added to Quarterly and Semiannual payment options.

Prepayment Method:

- Cash
- Check
- VISA*
- MasterCard*

*By selecting VISA or MASTERCARD I authorize the Automatic Recurring Billing Payment option according to the prepayment plan selected above

Approval:

Approval and acceptance of this Agreement is acknowledged by the authorized representative below. All terms, conditions and provisions have been read and are understood.

Name: _____ Title: _____

Signature: _____ Date: _____



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-400
Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: Authorize the Purchase of Replacement Network Servers	1. Resolution 13-12-522 2. Memo from Borough IT Consultant 3. GCSIT Solutions Quote
Originator: Borough Manager/System Administrator	
Originating Department: Information Technology/Administration	
Date Submitted: 10/25/13	

Full Title/Motion:
Motion: Adopt Resolution 13-12-522.

Administrative Recommendation:
The Interim Borough Manager recommends adoption.

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 35,521	\$ 51,646 (CIP)	\$ 0

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 2A, page 56	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
The Borough has two host servers purchased in December 2008 that are covered under warranty through the end of this year. However, the Borough's IT Consultant recommends replacing production servers every five years. Replacing the two servers will allow the Borough to use the replaced servers in secondary roles and retire two even older servers. The project includes the addition of a Storage Attached Network (SAN), a more cost-effective way to provide large amounts of storage volume. The consultant recommends contracting with GCSIT Solutions, a Dell partner. Their hardware pricing is at or below state contract pricing. GCSIT is uniquely qualified to provide professional services support given its involvement with the initial server project and its ongoing relationship with the Borough. The Assembly appropriated \$40,000 in the FY11 budget's Capital Improvement Projects (CIP) fund for Network Upgrades and \$20,700 in the FY14 CIP fund for Administration Computer Servers.

Referral:

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

Assembly Action:

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

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.

WHEREAS, the Borough currently has two host servers that were purchased in December 2008 and are covered under hardware warranty through December 2013; and

WHEREAS, the Borough's information technology consultant recommends replacing production servers every five years, due to the increased likelihood of hardware failures over time; and

WHEREAS, replacing the two primary servers will allow the Borough to use those servers in secondary roles and retire two older servers; and

WHEREAS, due to the Borough's expanded storage requirements, the project includes the addition of a Storage Attached Network (SAN), a more cost-effective way to provide large amounts of storage volume compared to individual servers; and

WHEREAS, the Borough's information technology consultant recommends contracting with GCSIT Solutions, a Dell partner with all hardware pricing at or below State of Alaska contract pricing (Haines Borough Code 3.60.170); and

WHEREAS, GCSIT is uniquely qualified to provide professional services support given its involvement with the initial virtualization project five years ago and its ongoing relationship with the Borough; and

WHEREAS, the Haines Borough Assembly appropriated \$40,000 in the FY11 budget's Capital Improvement Projects (CIP) fund for Network Upgrades and \$20,700 in the FY14 CIP fund for Administration Computer Servers; and

WHEREAS, there are sufficient funds available for the project,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to enter into a purchase agreement with GCSIT Solutions for replacement network servers for the quoted price of \$35,521.

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

Stephanie Scott, Mayor

Attest:

Michelle Webb, Interim Borough Clerk

Kingfisher Consulting LLC

PO Box 1608 Haines, AK 99827

(907) 314-0955

warren@kingfisherconsult.com

December 2, 2013

Haines Borough
PO Box 1209
Haines, AK 99827

To the Haines Borough Assembly:

The purpose of this letter is to provide additional information about the upcoming server upgrade project. Funding for the project has already been approved in a CIP.

The Borough utilizes virtual technology for its primary servers. Virtual technology allows for multiple virtual servers (also called guests) to run on a single physical server (called a host). It provides significant advantages in terms of reduced hardware costs, increased reliability and redundancy, decreased maintenance, and improved disaster recovery compared to using dedicated physical servers for specific roles (file sharing, email, etc). It also provides a test environment where changes and upgrades can be tested prior to implementation to ensure compatibility; and allows for immediate troubleshooting without altering the production server. Furthermore, additional virtual servers can be added to the host server with little or no additional hardware if the need arises in the future, further reducing long-term costs.

The Borough currently has two host servers which were purchased in December, 2008, and are covered under hardware warranty until December, 2013. It is best practice to replace production servers every five years and warranties are not available for longer than that period due to the increased likelihood of hardware failures, which is the primary reason for this project. In addition, the Borough maintains a server at the Public Safety Building (PSB) which is more than 8.5 years old. Originally, it was only used in a secondary role but is now the primary storage server for the PSB. Another server which is 8.5 years old is utilized for backup storage. Replacing the two primary servers also allows us to utilize those servers for the secondary roles and retire the two oldest servers.

Due to the Borough's expanded storage requirements, the project also includes the addition of a Storage Attached Network (SAN). A SAN is a dedicated hardware device for data storage, retrieval, and backup. It is a more cost-effective way to provide large amounts of storage volume compared to individual host servers. Under this configuration, the host servers run the virtual servers only, but all of the data is stored on the SAN. With the addition of vCenter Server, the virtual servers can be automatically moved between hosts for optimal performance and in the event of any hardware issues.

Finally, the project improves disaster recovery by maintaining one of the current host servers at the PSB. If that server fails, the virtual servers running on it can be quickly moved to the main

servers running at the Administration Building. Conversely, if both of the Administration Building servers are lost, the most critical virtual servers can be quickly moved to the PSB server for disaster recovery purposes.

Included with this letter are quotes for the following items:

- SAN
- 2 host servers
- Additional VMware licensing (this is based on the number of central processing units (CPUs), which will increase with the new servers and continued use of one host)
- Support for the additional VMware licenses
- VMware vCenter Server licensing (provides centralized management of all host servers and automated movement of virtual servers between hosts)
- Support for VMware vCenter Server
- Power Distribution Unit (PDU) for server cabinet
- Professional Services to assist with migration and upgrade
- Microsoft Server licensing (current licensing will be used with current host servers in their new roles)
- Veeam Backup and Replication licensing and support (upgrade of backup software)
- Veeam One licensing and support (monitoring software – additional licenses required for new servers)

GCSIT (formerly Government Computer Sales) is a Dell partner and all hardware pricing is at or below State of Alaska contract pricing (under the Western States Contracting Alliance or WSCA). Similarly, all software licensing is based on State and Local Government pricing provided by the manufacturers. GCSIT is uniquely qualified to provide professional services support given their involvement with the initial virtualization project 5 years ago and their ongoing relationship with the Borough.

I hope this information clarifies any questions you might have had about the project.

Sincerely,



Warren Johnson



QUOTATION



Serving the Information Technology Needs of Alaskans Since 1989

Quote #: 121033160-4
 Date: 11/21/2013
 Attention: Warren Johnson
 Phone: (907) 314-0955
 Email: warren@kingfisherconsult.com
 Re: Haines Borough - DC

Roy Frederick
 Email
 Phone
 Toll Free
 Head Quarters

ISR
 rfrederick@gcsit.com
 (866) 424-2766 x2235
 866-424-2766 Fax 888-349-2801
 794 University Ave, Suite 108
 Fairbanks, AK 99709

Unless otherwise noted quoted prices include shipping. Quote is valid for 20 days.

GROUP 1 UNIT PRICE: \$11,391.00 QUANTITY: 1 GROUP TOTAL: \$11,391.00

Dell EqualLogic PS4100E, Ships Fast, High Capacity, 1TB 7.2K NL SAS Drives (225-2633)
12TB capacity, 7.2K NL SAS, 12x 1TB (342-2671)
Dual Controller, HA with failover (331-2530)
EqualLogic array may not be returned (468-8817)
Synchronous and Point-in-Time Replication (468-7110)
Snaps/Clones with integration for MS SQL, Exchange, Hyper V and VMware (468-7155)
SAN HQ multi group monitoring software (468-7156)
ReadyRails II Static Rails for 4-post Racks (770-BBCL)
EqualLogic Advanced Software Warranty and Service, 7x24 Access, 3 Year (953-9989)
ProSupport for your Enterprise: 7x24 HW / SW Tech Support and Assistance, 3 Year (954-7152)
Dell Hardware Limited Warranty Initial Year (968-2695)
Dell Hardware Limited Warranty Extended Year (968-2696)
ProSupport for your Enterprise: Next Business Day Onsite Service After Problem Diagnosis, Initial Year (968-2759)
ProSupport for your Enterprise: Next Business Day Onsite Service After Problem Diagnosis, 2Year Extended (968-2762)
Dell ProSupport. For tech support, visit http://support.dell.com/ProSupport or call 1-800-945-3355 (989-3439)
Thank You for Choosing Dell (953-6599)
Signature Support, Proactive Maintenance, 1 Year, 2 Events
EqualLogic Reference Architecture, Cisco 3750X, PS4100, upto 2 arrays (996-7599)
Declined Remote Consulting Service (973-2426)
Power Cord, NEMA 5-15P to C13, 15 amp, wall plug, 6 feet / 2 meter (310-9965)
Power Cord, NEMA 5-15P to C13, 15 amp, wall plug, 6 feet / 2 meter (310-9965)
Power Cord, C13 to C14, PDU Style, 12 Amps, 2 meter, Qty 1 (330-3151)
Power Cord, C13 to C14, PDU Style, 12 Amps, 2 meter, Qty 1 (330-3151)
INFO Channel Partner Installation Required (995-8131)

GROUP 2 UNIT PRICE: \$4,965.00 QUANTITY: 2 GROUP TOTAL: \$9,930.00

PowerEdge R520 (225-2980)
ProSupport: Next Business Day Onsite Service After Problem Diagnosis, 2 Year Extended (938-8284)
ProSupport: 7x24 HW / SW Tech Support and Assistance, 3 Year (938-8294)
Dell Hardware Limited Warranty Plus On Site Service Initial Year (939-9437)
Dell Hardware Limited Warranty Plus On Site Service Extended Year (939-9677)
Dell ProSupport. For tech support, visit http://support.dell.com/ProSupport or call 1-800-945-3355 (989-3439)
ProSupport: Next Business Day Onsite Service After Problem Diagnosis, Initial Year (996-8391)
On-Site Installation Declined (900-9997)
Signature Support, Proactive Maintenance, 1 Year, 2 Events
PowerEdge R520 Shipping (331-7113)
Risers with up to 4 x16 PCIe Slots (331-7118)
Intel Ethernet I350 QP 1Gb Server Adapter (430-4444) x 2
On-Board LOM 1GBE (Dual Port for Racks and Towers, Quad Port for Blades) (430-4715)
iDRAC Port Card (421-5340)



QUOTATION



Serving the Information Technology Needs of Alaskans Since 1989

iDRAC7 Enterprise (421-6085)
3.5" Chassis with up to 4 or 8 Hard Drives (318-2065)
SAS Cable for Hardware RAID (331-7108)
Bezel (318-1375)
Performance BIOS Setting (330-3492)
RAID 1 for H710P/H710/H310 (2 HDDs) (331-7102)
PERC H710 Integrated RAID Controller, 512MB NV Cache (342-3529)
Heat Sink,PowerEdge (317-9826)
Intel Xeon E5-2420 1.90GHz, 15M Cache, 7.2GT/s QPI, Turbo, 6C, 95W (319-0020)
Heat Sink,PowerEdge (317-9826)
Intel Xeon E5-2420 1.90GHz, 15M Cache, 7.2GT/s QPI, Turbo, 6C, 95W (319-0029)
8GB RDIMM, 1333 MT/s, Low Volt, Dual Rank, x4 Data Width (317-9644)
1333 MHz RDIMMs (331-4422)
Performance Optimized (331-4428)
146GB 15K RPM SAS 6Gbps 2.5in Hot-plug Hard Drive,3.5in HYB CARR (342-3978) x 2
No System Documentation, No OpenManage DVD Kit (310-5171)
DVD ROM, SATA, Internal (313-7541)
ReadyRails Sliding Rails Without Cable Management Arm (331-4434)
Dual, Hot-plug, Redundant Power Supply (1+1), 750W (331-4605)
Power Distribution Board for Hot Plug Power Supplies (331-7112)
Power Cord, NEMA 5-15P to C13, 15 amp, wall plug, 10 feet / 3 meter (310-8509) x 2
No Operating System (420-6320)
No Media Required (421-5736)

GROUP 3 ACCESSORIES AND SOFTWARE				
	DESCRIPTION	UNIT PRICE	QUANTITY	LINE PRICE
3	VMWARE - LICENSING VSPHERE 5 STANDARD FOR 1 PROCESSOR PART NUMBER VS5-STD-C	\$857.00	3	\$2,571.00
4	VMWARE - SUPPORT PROD SNS VSPHERE V5 STANDARD 1CPU FOR 1YR PART NUMBER VS5-STD-P-SSS-C	\$310.00	3	\$930.00
5	VMWARE - LICENSING VCENTER SERVER V5 FOUNDATION UP TO 3HOST PER INSTANCE PART NUMBER VCS5-FND-C	\$1,281.00	1	\$1,281.00
6	VMWARE - SUPPORT PROD SNS VCENTER SERVER FOUNDATION FOR 1YR PART NUMBER VCS5-FND-P-SSS-C	\$615.00	1	\$615.00
7	VEEAM BACKUP AND REPL ENT FOR VMWARE NEW LICS PUBLIC SECTOR (P-VBRENT-VS-P0000-00)	\$888.00	5	\$4,440.00
8	1YR 24/7 UPLIFT VEEAM BACKUP AND REPL ENT FOR VMWARE (V-VBRENT-VS-P024Y-00)	\$50.00	5	\$250.00
9	VEEAM ONE FOR VMWARE NEW LICS PUBLIC SECTOR	\$320.00	3	\$960.00
10	1YR 24/7 UPLIFT VEEAM ONE FOR VMWARE	\$18.00	3	\$54.00
11	APC Basic Rack PDU Manufacturer Part# AP9562	\$99.00	1	\$99.00
12	GCS Professional Services: 15 hours for a 5.1 upgrade and moving VMs to the EQL. Does not include Travel and Expenses.	\$3,000.00	1	\$3,000.00

QUOTE TOTAL: \$35,521.00

All product and pricing information is based on latest information available. Subject to change without notice or obligation. Local sales taxes, when applicable, will appear on your final invoice.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-397
Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: Authorize Contract with Key Mechanical to Replace the Coil in the Harbor Ice House	1. Resolution 13-12-523 2. E-mail from Borough Harbormaster
Originator: Harbormaster (Agenda Bill by Clerk's Office)	
Originating Department: Ports & Harbors	
Date Submitted: 12/4/13	

Full Title/Motion:
Motion: Adopt Resolution 13-12-523.

Administrative Recommendation:
The Interim Borough Manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 18,000	\$ 18,000	\$ 0

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 3C, page 105	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

The Haines Boat Harbor is in need of a replacement coil in the harbor ice house due to leaks that prevent the coil from holding refrigerant. The Haines Borough Assembly on 11/12/13 adopted Ordinance 13-10-351, which amended the areawide general fund to the harbor fund in order to use \$18,000 of raw fish tax receipts to replace the coil in the harbor ice house. Key Mechanical has provided a quote of \$18,000 for the purchase and installation of an ice house coil unit. Key Mechanical built the ice house and specializes in commercial refrigeration installation. The Harbormaster recommends contracting with Key Mechanical because the borough's requirements can be met solely by an article or process obtainable only from a single source (Haines Borough Code 3.60.170).

Referral:

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

Assembly Action:

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

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.

WHEREAS, the Haines Boat Harbor is in need of a replacement coil in the harbor ice house due to leaks that prevent the coil from holding refrigerant; and

WHEREAS, the Haines Borough Assembly on 11/12/13 adopted Ordinance 13-10-351, which recorded an operating transfer from the areawide general fund to the harbor fund in order to use \$18,000 of raw fish tax receipts to replace the coil in the harbor ice house; and

WHEREAS, Key Mechanical has provided a quote of \$18,000 for the purchase and installation of an ice house coil unit; and

WHEREAS, Key Mechanical built the ice house and specializes in commercial refrigeration installation; and

WHEREAS, the Harbormaster recommends contracting with Key Mechanical because the borough's requirements can be met solely by an article or process obtainable only from a single source (Haines Borough Code 3.60.170),

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with Key Mechanical for an amount not to exceed \$18,000 to replace the coil in the harbor ice house.

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

Stephanie Scott, Borough Mayor

Attest:

Michelle Webb, Interim Borough Clerk

Krista Kielsmeier

From: Phil Benner
Sent: Monday, December 02, 2013 9:35 AM
To: Krista Kielsmeier
Subject: Ice House

Good Morning,

The amount is \$18,000.00.

Key Mechanical is the only source and the only company now on the west coast that does Ice House Installations, they built the Ice House. It is a single source for this installation.

This would be for the purchase of Ice House Coil Unit and cost of installation.

Coil info:
Colmac Coil Company

Serial Number 0506-49936
Model 4HP3-440-E-D
FLA/MTR .8
HP .5
QTY MTR 3
PH 3
HZ 60
Volts 460
Watts 10.326

Refridgerant R-507
AMPS 3PH 13.0

Mike Slover is my Key Mechanical contact.

Key Mechanical
4655 NE 190th Lane
Portland, OR 97230



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-393
Assembly Meeting Date: 12/10/2013

Business Item Description:	Attachments:
Subject: FY14 Shared Fisheries Business Tax Program	1. Resolution 13-12-524 2. Program Information
Originator: Finance Director (agenda bill by clerk's office)	
Originating Department: Finance	
Date Submitted: 11/25/13	

Full Title/Motion:
Motion: Adopt Resolution 13-12-524

Administrative Recommendation:
The finance director recommends adoption of this resolution.

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.:	Consistent: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:
This is part of the annual application process for receiving fish tax revenue from the State of Alaska.

Referral:

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

Assembly Action:

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

HAINES BOROUGH, ALASKA
RESOLUTION No. 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.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY14 Alaska Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality experienced significant effects during calendar year 2012 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides that if the allocation available for a fisheries management area is less than the long-form threshold value, a municipality may demonstrate that it suffered significant effects during the program base year from fisheries business activities that occurred within that fisheries management area through a resolution of the municipality's governing body; and,

WHEREAS, The Haines Borough is located within a fisheries management area with an allocation less than the long-form threshold value, and

WHEREAS, 3 AAC 134.120 provides that this resolution satisfies the Short-Form Application resolution requirements under the FY14 Shared Fisheries Business Tax Program;

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly by this resolution certifies that Haines Borough did suffer significant effects during the calendar year 2012 from fisheries business activities that occurred within the FMA 17: NORTHERN SOUTHEAST fisheries management area and wishes to apply for funding under the FY14 Shared Fisheries Business Tax Program.

All municipalities share equally 50% of allocation; all municipalities share the remaining 50% on a per capita basis.

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

ATTEST:

Stephanie Scott, Mayor

Michelle L. Webb, Interim Borough Clerk



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809
Juneau, Alaska 99811-0809
Main: 907.465.4751/907.465.4733
Programs fax: 907.465.4761

November 14, 2013

Dear Municipal Official:

The purpose of the ***Shared Fisheries Business Tax Program*** is to provide for a sharing of state fish tax collected outside municipal boundaries with municipalities that have been affected by fishing industry activities. Municipalities around the state will share approximately \$2.72 million based on 2012 fisheries activity as reported by fish processors on their fish tax returns. Details of how the program works are presented in the application under *Program Description*.

In fisheries management areas where the program allocation is less than \$4,000 multiplied by the number of municipalities in the area, program regulations provide for a "short-form" application. The application packet includes a one page application, as well as a sample resolution which will need to be passed by your council/assembly.

We encourage your municipality to complete the FY 14 Shared Fisheries Business Tax Application as soon as possible. **FINAL DEADLINE for submission of applications/resolutions is February 15, 2014.**

If you have any questions about the program, or require assistance in completing the application, please call me at 465-4733.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Lindoff".

Danielle Lindoff
Local Government Specialist IV

FY 14 Shared Fisheries Business Tax Program

FMA 17: Northern Southeast Area

Alternative Method*

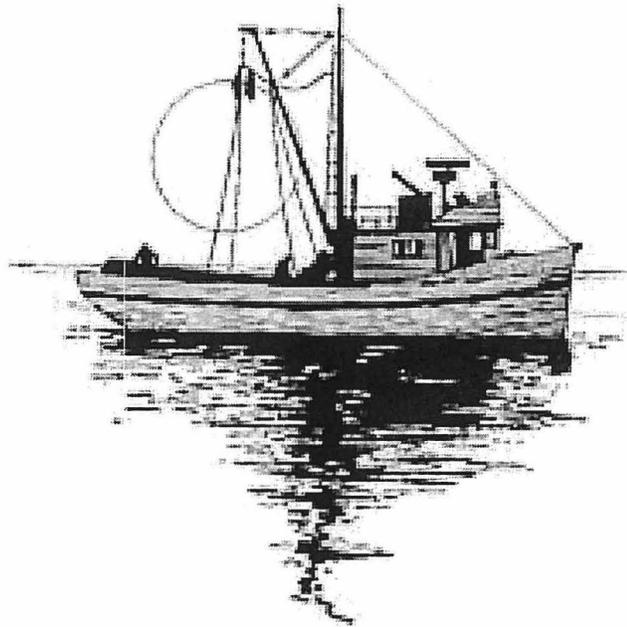
Total allocation: \$22,785.44 50% Divided \$11,392.72 50% per capita \$11,392.72

Community	Population	50% divided share	50% per capita share	Calculated Allocation
Angoon	456	\$1,627.53	\$135.69	\$1,763.22
Gustavus	489	\$1,627.53	\$145.51	\$1,773.04
Haines Boro	2,620	\$1,627.53	\$779.61	\$2,407.14
Hoonah	777	\$1,627.53	\$231.20	\$1,858.74
Juneau	32,832	\$1,627.53	\$9,769.53	\$11,397.06
Skagway	961	\$1,627.53	\$285.96	\$1,913.49
Tenekee Springs	152	\$1,627.53	\$45.23	\$1,672.76
Totals	38,287	\$11,392.72	\$11,392.72	\$22,785.44
Community Count	7			

FY 14 Landing Tax Allocation	\$0.00
Calculated Allocation	\$0.00
Calculated Allocation	\$0.00
Calculated Allocation	\$0.00
Calculated Allocation	\$0.00
Calculated Allocation	\$0.00
Calculated Allocation	\$0.00
Calculated Allocation	\$0.00

* All municipalities share 50% of allocation equally; share remaining 50% on a per capita basis.

**DCCED
SHARED FISHERIES
BUSINESS TAX PROGRAM
FY 14 SHORT-FORM APPLICATION
FOR
FMA 17: NORTHERN SOUTHEAST**



**APPLICATION MUST BE SUBMITTED TO DCCED
NO LATER THAN FEBRUARY 15, 2014**

**State of Alaska
Sean Parnell, Governor**

**Department of Commerce, Community, and
Economic Development
Susan K. Bell, Commissioner**

**Division of Community and Regional Affairs
Scott Ruby, Director**

FY 14 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

Program Eligibility

To be eligible for an allocation under this program, applicants must:

1. Be a municipality (city or borough); and
2. Demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

Program Funding

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2012.

Program funding is allocated in two stages:

1st Stage: Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2012 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2012, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2012.

2nd Stage: If the total funding available for a Fisheries Management Area (FMA) is less than the long-form threshold value (the value determined by multiplying the number of municipalities in an area by \$4,000), then one half of the allocation is divided equally among the eligible applicants in that area. The other half of the area allocation is distributed among the eligible applicants proportionate to the populations of all the eligible applicants in the area. This is known as the short-form method*.

* Because your municipality is located within a Fisheries Management Area with a total allocation less than the long-form threshold value, you have been provided a Short-Form Application.

FY 14 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

Short-Form Application Method: In order to receive funding under the Short-Form Application Method, an applicant must have suffered significant effects during the program base year from fisheries business activities that occurred within its respective fisheries management area(s).

Some important definitions: The Shared Fisheries Business Tax Program provides for a sharing of State Fisheries Business Tax with municipalities that can demonstrate they suffered *significant effects* during the *program base year* from *fisheries business activity* in their respective fisheries management area.

For the purposes of this program, "fisheries business activity" means:

- activity related to fishing, including but not limited to the catching and sale of fisheries resources;
- activity related to commercial vessel moorage and commercial vessel and gear maintenance;
- activity related to preparing fisheries resources for transportation; and,
- activity related to processing fisheries resources for sale by freezing, icing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants.

And, "significant effects" means:

- municipal expenditures during the program base year demonstrated by the municipality to the department to be reasonable and necessary that are the result of fisheries business activities on the municipality's:
 - population;
 - employment;
 - finances;
 - air and water quality;
 - fish and wildlife habitats; and,
 - ability to provide essential public services, including health care, public safety, education, transportation, marine garbage collection and disposal, solid waste disposal, utilities, and government administration.

And, "program base year" means:

- calendar year 2012.

**FY 14 SHARED FISHERIES BUSINESS
TAX PROGRAM**

**SHORT-FORM APPLICATION
for FMA 17: NORTHERN SOUTHEAST**

Name of Municipality: _____

Address: _____

Contact Person: _____

Phone Number: _____

Return this cover page along with
The attached resolution to:

Department of Commerce, Community, and
Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809

FY 14 Shared Fisheries Business Tax Program
Alternative Method Resolution

(City or Borough)

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THAT THE MUNICIPALITY DID SUFFER SIGNIFICANT EFFECTS DURING THE PROGRAM BASE YEAR FROM FISHERIES BUSINESS ACTIVITIES THAT OCCURRED WITHIN THE FMA 17: NORTHERN SOUTHEAST FISHERIES MANAGEMENT AREA.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 14 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2012 from fisheries business activities; and,

WHEREAS, 3 AAC 134.060 provides that if the allocation available for a fisheries management area is less than the long-form threshold value, a municipality may demonstrate that it suffered significant effects during the program base year from fisheries business activities that occurred within that fisheries management area through a resolution of the municipality's governing body; and

WHEREAS, The _____ is located within a fisheries management
(City or Borough)
area with an allocation less than the long-form threshold value; and

WHEREAS, 3 AAC 134.120 provides that this resolution satisfies the Short-Form Application resolution requirements under the FY 14 Shared Fisheries Business Tax Program;

NOW THEREFORE BE IT RESOLVED THAT: The _____ by this resolution
(Governing Body)

certifies that the _____ did suffer significant effects during calendar year 2012 from
(City or Borough)

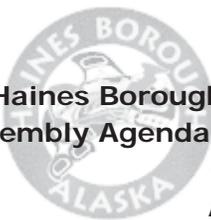
fisheries business activities that occurred within the FMA 17: NORTHERN SOUTHEAST fisheries management area and wishes to apply for funding under the FY 14 Shared Fisheries Business Tax Program.

All municipalities share equally 50% of allocation; all municipalities share remaining 50% on a per capita basis.

PASSED and APPROVED by a duly constituted quorum of the _____ this _____ day
of _____, 20____
(Governing Body)

SIGNED _____
Mayor

ATTEST _____
Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-401
Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: FY 2015 State Legislative Priorities	1. Resolution 13-12-525 2. Memo from Staff 3. Last year's priorities Resolution 12-12-428 with backup for reference
Originator: Interim Manager	
Originating Department: Administration	
Date Submitted: 12/4/13	

Full Title/Motion:
Motion: Adopt Resolution 13-12-525.

Administrative Recommendation:
The Interim Borough Manager recommends adoption.

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 2B, Page 56	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

It is the intent of the assembly to provide the Alaska Governor, Legislature, and state officials adequate information to represent the needs of the borough concerning legislative requests including necessary funding requirements, The purpose of this resolution is to identify the borough's capital budget priorities for submission to the state of Alaska for FY 2015.

The list will be prioritized only for the purpose of entering the projects into CAPSIS because that system requires a priority assignment.

Referral:

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

Assembly Action:

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

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY ADOPTING THE
BOROUGH'S FY 2015 STATE LEGISLATIVE PRIORITIES.**

WHEREAS, the Haines Borough Assembly has determined to prioritize the Borough's FY 2015 legislative priorities; and

WHEREAS, it is the intent of the Assembly to provide the Alaska Governor, Legislature, and state officials adequate information to represent the needs of the Borough concerning legislative requests including necessary funding requirements,

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

Section 1. The following Capital Budget priorities are identified as the Haines Borough priorities for the state of Alaska for FY 2015:

1. Water Treatment Facility Upgrades
2. Lutak Dock Upgrades - Phase I
3. Public Safety Building Replacement
4. Road Improvements - Phase IV
5. South Portage Cove Harbor Expansion
6. Lutak / Oceanview Area Slump Mitigation & Drainage Improvements
7. HS/Pool Locker Rooms and Mechanical Systems
8. Mosquito Lake School Sprinkler System
9. High School Air Handling Unit Replacement
10. Vocational Education Building Mechanical Upgrades
11. Mosquito Lake School Air Handler Replacement
12. High School Roof
13. Port Chilkoot Dock Improvements - Phase III

Section 2. The following Operating Budget priorities are identified as the Haines Borough priorities for the state of Alaska for Fiscal Year 2015:

1. Municipal Revenue Sharing
2. Federal Shakwak Project Funding Support

Section 3. The Borough Manager is hereby instructed to advise the Governor, Legislature, and appropriate State agencies of the Borough's legislative priorities and take all appropriate steps to provide background information and testimony in representing the Borough's best interests.

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

Attest:

Stephanie Scott, Mayor

Michelle Webb, Interim Borough Clerk



Memorandum

Date: December 10, 2013
To: Mayor and Assembly
From: Julie Cozzi, Interim Borough Manager
Darsie Culbeck, Executive Assistant to the Manager
Carlos Jimenez, Director of Public Facilities
Re: FY 2015 Capital Budget Priorities

The following Capital Budget priorities are identified as the Haines Borough FY 2015 capital project priorities for the state of Alaska:

1. Wastewater Treatment Facility Upgrades
2. Lutak Dock Upgrades - Phase I
3. Public Safety Building
4. Road Improvements - Phase IV
5. South Portage Cove Harbor Expansion
6. Lutak / Oceanview Area Slump Mitigation & Drainage Improvements
7. HS/Pool Locker Rooms and Mechanical Systems
8. Mosquito Lake School Sprinkler System (cost reimbursement)
9. High School Air Handling Unit Replacement
10. Vocational Education Building Mechanical Upgrades
11. Mosquito Lake School Air Handler Replacement
12. High School Roof
13. Port Chilkoot Dock Improvements - Phase III

Complete project descriptions and funding level requests will be developed by staff later this month in preparation for submitting the project requests through the state of Alaska Capital Project Submission and Information System (CAPSIS). In addition to the capital project requests identified above, the proposed resolution includes continued state support for Municipal Revenue Sharing and federal Shakwak project funding.

The proposed state FY 2015 capital project priorities projects are similar to what the borough requested for FY 2014; however, we are recommending some reordering of the list to reflect the existing commitment to the Alaska Department of Environmental Conservation (ADEC) regarding the proposed wastewater treatment facility upgrades and continuing efforts to develop a school facility bond package. There are a few other minor adjustments in the recommended priority order. The road maintenance equipment request for FY 2014 was dropped because the borough self-funded the highest priority equipment replacement needs.

It is important to note, except for the ADEC funding request commitment, the "order" of priority for the projects is not binding on the borough or state of Alaska, but it does provide some general guidance for funding through the Legislature. The top six projects are, in particular,

critical for the borough, and any legislative appropriation would likely be sourced from state of Alaska general funds. As noted the school projects are eligible for DEED grant funding as well as bond debt reimbursement programs. The Port Chilkoot Dock improvement request is listed as number 13 because it also has a separate funding source through the state Commercial Passenger Vessel Excise Tax. Nonetheless, efforts must continue to seek other funding options for all of these projects.

1. Wastewater Treatment Plant Upgrades

This project consists of upgrading the screening process that removes and treats raw sewage particulates at the wastewater treatment facility. The new screens would wash and dry the waste, making it suitable to dispose of at the local landfill. This project will reduce health risks to employees and the general public, enhance safe operating conditions, and significantly reduce operating costs. The upgrades will be completed in two phases as funding allows. Phase I will include the replacement of equipment that has exceeded its life expectancy and is on the verge of failure. The existing equipment is in constant need of emergency repairs.

2. Lutak Dock Upgrades – Phase I

This Phase I project consists of repairs and improvements to the Lutak Dock facility, including the following: loss of fill repair study for the existing sheet pile cells; site grading and drainage improvements; transfer bridge load capacity upgrades and repairs; high mast lighting; and other upgrades. An inspection and assessment of the face of the dock is scheduled for spring/summer 2014.

3. Public Safety Building Replacement

The Haines Borough Public Safety Building was constructed in the 1970s. This is an important building that houses the fire and police departments, the borough assembly chambers, the public records archives, and the current public facilities office. The building has been exhibiting signs of structural, mechanical and program deficiencies for an extended period of time. This funding will allow the borough to continue with program analysis and design a new building. Programming and concept design would include as-built drawings; area program; assistance with building design committee and outreach; visioning exercise and follow-up; public meetings and consensus building activities; user meetings; developing conceptual options and refinement; establishing an energy budget and life cycle costs; a website to share the design process and project developments; site and floor plans; elevations, sections and exterior renderings; concept design narrative; and a professional cost estimate.

4. Road Improvements – Phase IV

The project includes reconstructing and paving 1,700 linear feet of Third Avenue between the Haines Highway and Main Street. The improvements include new and additional sidewalks, larger culverts, drainage upgrades, etc.

5. South Portage Cove Harbor Expansion

The project includes a drive down facility, boat launch and boarding float, and upland parking improvements at the South Portage Cove Harbor. These improvements are necessary to better serve and retain the commercial fishing fleet. This project may include the addition of approximately 50 32' slips, 25 42' slips, and 200' of side tie moorage area. A new wave barrier or rubble mound breakwater also will extend to the south to protect the new harbor.

6. Lutak / Oceanview Area Slump Mitigation & Drainage Improvements

This project consists of implementing mitigating measures to minimize potential ground movements and impacts to land and homeowners, as well as minimize threats to state of Alaska and borough infrastructure in the vicinity of the ground movement. PND Engineers has submitted a report for the slope mitigation and drainage issues. These plans are proposed to take place in four phases that have been estimated to total approximately \$2 million.

7. HS/Pool Locker Rooms and Mechanical Systems

The school and pool locker rooms are more than 30 years old, and most of the mechanical systems are beyond their useful life, needing major renovation or replacement. The deteriorating pipes are requiring continuous maintenance and the facility is constantly having mold and moisture problems. As a result of this, the facility itself is being compromised.

8. Mosquito Lake School Sprinkler System

The 1,000-gallon tank was replaced along with the delivery pump to charge the sprinkler system at Mosquito Lake School. This project was funded in-house by direction of the state fire marshal. We are seeking reimbursement.

9. High School Air Handling Unit Replacement

Ventilation units one, two and three supply ventilated air to the original areas of the Haines School complex, built in 1972. These supply and exhaust fans are more than 40 years old and have reached the end of their service life. The units are producing vibration at the limit of tolerable decibels and make hearing in the classrooms very difficult. This project would replace all three units to better serve students at the school. Design drawings and documents are 100-percent complete.

10. Vocational Education Building Mechanical Upgrades

The Vocational Education Building was constructed in 1978, and most of the mechanical systems were installed at that time. Other than the sawdust collection system and aboveground fuel oil storage tank, the mechanical systems have reached or exceeded their service life. Consultants have provided plans for energy-efficient mechanical systems of 25-year life projection, plus electrical upgrades and hazardous materials remediation.

11. Mosquito Lake School Air Handler Replacement

The air handling unit at the school is in danger of failing due to its age and condition. This unit is used to deliver heat from the heating system to the facility.

12. High School Roof

For years, several areas of the roof have shown signs of leaking. In 2013 a roof assessment was performed and areas were noted for repair. Repairs are estimated to cost \$60,000.

13. Port Chilkoot Dock Improvements – Phase III

The borough is seeking funding from the commercial vessel passenger tax account to complete a major upgrade of the Port Chilkoot Cruise Ship Dock. The project scope consists of constructing a new access trestle, approach dock, ADA compliant gangway and gangway access/passenger queuing area, mooring dolphin, ambulance turnaround area, and other improvements directly serving cruise ship passengers during ports of call in Haines.

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY ADOPTING THE
BOROUGH'S FY 2014 STATE LEGISLATIVE PRIORITIES.**

WHEREAS, the Haines Borough Assembly met to discuss and prioritize the Borough's FY 2014 legislative priorities; and

WHEREAS, it is the intent of the Assembly to provide the Alaska Governor, Legislature, and state officials adequate information to represent the needs of the Borough concerning legislative requests including necessary funding requirements,

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

Section 1. The following Capital Budget priorities are identified as the Haines Borough priorities for the State of Alaska for FY 2014:

1. Lutak Dock Upgrades - Phase I
2. Sewer System Upgrades
3. Lutak / Oceanview Area Slump Mitigation & Drainage Improvements
4. HS/Pool Locker Rooms and Mechanical Systems
5. Mosquito Lake School Sprinkler System
6. Road Improvements - Phase IV
7. Public Safety Building
8. Road Maintenance Equipment
9. Port Chilkoot Dock Improvements - Phase II
10. High School Air Handling Unit Replacement
11. Vocational Education Building Mechanical Upgrades
12. High School Roof Survey and Assessment
13. Mosquito Lake School Air Handler Replacement
14. South Portage Cove Harbor Expansion

Section 2. The following Operating Budget priorities are identified as the Haines Borough priorities for the State of Alaska for Fiscal Year 2014:

1. Municipal Revenue Sharing
2. Shakwak Project

Section 3. The Borough Manager is hereby instructed to advise the Governor, Legislature, and appropriate State agencies of the Borough's legislative priorities and take all appropriate steps to provide background information and testimony in representing the Borough's best interests.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 11th day of December, 2012. Amended on the 22nd day of January, 2013.

Attest:

Stephanie Scott, Borough Mayor

Julie Cozzi, MMC, Borough Clerk

FY 2014 Legislative Priorities - Working Draft

Lutak Dock Upgrades - Phase I

This Phase I project consists of repairs and improvements to the Lutak Dock facility. The project can be further segmented into the following components: Existing Sheetpile Cells - Loss of Fill Repair Study; Site Grading & Drainage Improvements; Transfer Bridge Load Capacity Upgrades & Repairs; High Mast Lighting; Staging Area Power Pedestals & Security Gate Electrical Operators; Video Surveillance System. Estimated cost of the port improvement project is: **\$2,671,900**.

Mineral and energy demand is driving industrial developments in the Yukon Territory and Interior Alaska. The Lutak deep water port in Haines is strategically located to aid in this development. The port offers tremendous upland potential for development and the Haines Highway provides a year-round moderate grade and elevation route to the interior that includes a truck route bypassing downtown Haines. The ADOT&PF is currently upgrading the Haines Highway to improve commercial viability and safety. This port has played a strategic role in Alaska's development for 60 years. The strategic importance of this facility for the Borough, State of Alaska, and the Nation will continue for the near- and long-term future.

The basic elements of the existing facility are sixty years old, although improvements have been made over the years by the Borough and private users. Currently, the port supports the handling of bulk fuels, and bulk cargo including: sand and gravel, timber, container shipments and shore-based fisheries processing. These activities are limited by the size of the port facility and condition of the existing infrastructure. Due to recent developments in the Yukon and Alaska, there is considerable growth potential for handling transshipment of ore, equipment, building supplies, and energy development opportunities, including but not limited to liquefied natural gas. Development of this port will provide significant economic benefits to Haines in particular and Alaska in general.

Sewer System Upgrades

Sewer Treatment Plant Health and Safety Upgrades: This project consists of upgrading the screening process that removes and treats raw sewage particulates at the Waste Water Treatment facility. Total estimated cost of this project is **\$350,000**. The new screens would wash and dry the waste, making it suitable to dispose of at the local landfill. This project will reduce health risks to employees and the general public, enhance safe operating conditions, and significantly reduce operating costs.

The Haines Wastewater Treatment Plant currently uses wedge wire rotary drum screens to separate the solid materials from the raw influent flow. The drum screens retain small bags, paper, plastic materials, grit, undecomposed food waste, fecal matter, etc. Because the screenings contain fecal material, as well as grease and scum, proper handling and disposal of this material is important. The current screenings at

the plant are heavy and wet and contain visible fecal material. Currently, material from the rotary drum screens are discharged into a collection hopper and stored on-site.

The screenings washer / compactor equipment will be used to wash, dewater, and compact screenings to significantly reduce the volume and weight of the screenings. The washer / compactors can reduce the volume and weight of the screenings by up to 75% and reduction of fecal matter by more than 95% and can offer a safer, cleaner, more efficient screenings handling operation.

Sewer Plant Roof Replacement: This project consists of replacing roofs on three Waste Water Treatment buildings. Total estimated cost of this project is **\$500,000**. This project includes demolition, re-sheathing, framing, and installation of water shield, insulation, and metal roofing. This project will prolong the life of the buildings, protect equipment, and save on energy expenditures. The existing roofs are structurally unsound and leak significant amounts of water onto sensitive plant machinery and equipment.

West Fair Drive Sewer Main Replacement: The Haines Borough needs to install a new sewer main along West Fair Drive. This project consists of approximately 800' of new 8" PVC sewer line and at least two manholes. This project has an estimated cost of **\$120,000**. This project would replace a 4-inch ABS sewer line that is too small to handle the existing demand, let alone the projected growth, in that area.

Lutak / Oceanview Area Slump Mitigation & Drainage Improvements

We are waiting on information from PND.

Road Improvements - Phase IV

The project includes reconstructing and paving 1700 LF of Third Avenue, a rural minor collector that connects the Old Haines Highway to Union Street. Estimated cost of the road improvement project is: **\$1,250,000**. This project will influence the even distribution of traffic in downtown Haines by providing equally attractive choices for routing to strategic facilities. Third Avenue is a rural minor collector, connecting traffic from southern and central parts of the borough to Union Street, the connector to the Alaska Marine Highway System (AMHS) and the Haines Highway, the State route to Canada and Alaska's Interior. This aspect of the project moderately improves connectivity and enhances coordination of freight systems as intended by the Alaska Department of Transportation and Public Facilities (ADOT&PF), Statewide Transportation Improvement Program (STIP).

Public Safety Building

We are still developing a scope for this project.

Road Maintenance Equipment

This project consists of purchasing a 10-yard dump truck outfitted with a nose plow, belly blade, and sander. This truck will be used for snow removal in the winter and hauling the rest of the year.

Estimated cost of outfitted equipment: **\$250,000**. This request would replace a scrapped 10-yard dump truck.

This project consists of purchasing a Caterpillar 950 with a quick coupler, digging bucket, large snow bucket, and forks. Estimated cost of outfitted equipment: **\$350,000**. This request would replace a 1982 Caterpillar 950 Loader that has outlived its useful life.

Port Chilkoot Dock Improvements - Phase II

The Port Chilkoot Dock serves cruise ships that rely on Haines for ports of call and disembarkation and embarkation of passengers. The Phase II project consists of the following components: constructing a new 360-foot access trestle, 306-foot approach dock, ADA compliant 120-foot gangway and gangway access/queuing area; mooring dolphin; ambulance turnaround area; and lightering dock and other improvements. Funding in the amount of **\$800,000** is needed to complete this phase of the project. This funding request would be added to the \$5,139,300 of project existing funds.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-402

Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: 2014 Federal Priorities	1. Resolution 13-12-526 2. Memo from Staff 3. Last year's priorities Resolution 13-01-439 with backup for reference
Originator: Borough Manager (agenda bill by the clerk's office)	
Originating Department: Administration	
Date Submitted: 12/4/13	

Full Title/Motion:
Motion: Adopt Resolution 13-12-526.

Administrative Recommendation:
The Interim Borough Manager recommends adoption.

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 2B, Page 56	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
It is the intent of the assembly to provide the President of the United States, Alaska Congressional Delegation, and other federal officials with adequate information to represent the needs of the Haines Borough concerning requests of the Federal Government, including necessary funding requirements. Following adoption of this resolution, the borough manager and staff will take all appropriate steps to provide background information and testimony in representing the borough's best interests.

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

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

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY ADOPTING THE BOROUGH'S 2014 FEDERAL PRIORITIES.

WHEREAS, the Haines Borough Assembly has determined to prioritize the Borough's 2014 federal priorities; and

WHEREAS, it is the intent of the assembly to provide the President of the United States, Alaska Congressional Delegation, and other federal officials with adequate information to represent the needs of the borough concerning requests of the Federal Government, including necessary funding requirements,

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

Section 1. The following Capital Budget priorities are identified as the Haines Borough federal priorities for 2014:

1. Haines Harbor
2. Haines – Port Lutak Facility Improvements
3. Secure Rural Schools (SRS) Program and Payment in Lieu of Taxes (PILT)
4. Shakwak Project – North Alaska Highway
5. Haines Public Safety Building Replacement
6. Tribal Transportation Program
7. Haines National Scenic Byway
8. Department of Energy Liquid Natural Gas Study

Section 2. The borough manager is hereby instructed to advise the President, Alaska Congressional Delegation, and other federal officials of the Borough's federal priorities and take all appropriate steps to provide background information and testimony in representing the Borough's best interests.

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

Stephanie Scott, Mayor

Attest:

Michelle Webb, Interim Borough Clerk



Memorandum

Date: December 10, 2013
To: Mayor and Assembly
From: Julie Cozzi, Interim Borough Manager
Darsie Culbeck, Executive Assistant to the Manager
Carlos Jimenez, Director of Public Facilities
Re: FY 2014 Federal Budget Priorities

The following projects and programs are proposed as the Haines Borough 2014 federal priorities:

1. Haines Harbor
2. Port Lutak Facility Improvements
3. Secure Rural Schools (SRS) Program and Payment in Lieu of Taxes (PILT)
4. Shakwak Project – North Alaska Highway
5. Haines Public Safety Building Replacement
6. Tribal Transportation Program
7. Haines National Scenic Byway
8. Department of Energy Liquid Natural Gas Study

Complete project descriptions and funding level requests will be developed later this month in consultation with the Borough's federal lobbyist, Brad Gilman, and submitted to the Alaska Congressional Delegation and the President. Of particular interest is recent progress made toward creating new US Army Corps of Engineers (USACE) navigation project funding opportunities.

It is important to note that the "order" of priority for the projects is not binding on the borough or federal government, but it does provide some general guidance for funding through Congress and the Administration. Because of the continuing moratorium on congressional earmarks and reductions in federal program funding, efforts must continue to seek other funding options for all of these projects and programs. Of particular importance is continuing efforts to plan for reductions, or the possible elimination, of the SRS and PILT programs.

1. Haines Harbor

Improvements are necessary to better serve and retain the commercial fishing fleet. This project may include the addition of approximately 50 32' slips, 25 42' slips, and 200' of side tie moorage area. A new wave barrier or rubble mound breakwater also will extend to the south to protect the new harbor.

2. Port Lutak Facility Improvements

The borough should continue to stress Lutak waterfront infrastructure needs and opportunities in its dialog with federal officials. As you are aware, there are several resource development possibilities within the borough and in northwestern Canada that could utilize Haines' regional port and other transportation infrastructure.

3. Secure Rural Schools (SRS) Program and Payment in Lieu of Taxes (PILT)

Continued funding for the Secure Rural Schools (SRS) Program and Payment in Lieu of Taxes (PILT) at current levels is critically important for maintaining existing programs and services, such as schools, public safety, and roads. As you are aware, both the SRS and PILT programs are under increased threat of elimination or drastic funding cuts at the federal level. Both of these programs were established to mitigate federal impacts to counties and municipalities, either through federal exemption from local property tax or by federal forestry policy.

4. Shakwak Project – North Alaska Highway

Continued funding for the Shakwak Project – North Alaska Highway is critically important to maintaining safe surface transportation access between the Lower 48 states and Alaska. The project has great importance at the local, state, and national levels. As noted by Brad Gilman in a December 2012 memorandum to the Haines Borough:

“While supportive of the Shakwak Project, the Alaska Delegation has many competing demands statewide. Without community and stakeholder involvement, the Shakwak Project funding mechanism may be pushed aside as a second tier priority. I am recommending that the Haines Borough identify the Shakwak Project funding mechanism as a Federal Priority for the 113th Congress (2013 and 2014). The Congress intends to take up a multi-year reauthorization of the Highway Bill next year. The Haines Borough can help the state of Alaska establish the Shakwak Project as a federal priority.”

5. Haines Public Safety Building Replacement

There may be federal funding grant and favorable financing opportunities for the Haines Public Safety Building. It is important to identify this project in our federal priorities resolution because many federal agencies require evidence of established local government support in grant applications.

6. Tribal Transportation Program

The Tribal Transportation Program is a critically important program for both local tribal governments and the Haines Borough. As you are aware, the Haines Borough and Chilkoot Indian Association have had an on-going partnership regarding Haines infrastructure and other development projects.

7. Haines National Scenic Byway

The Haines National Scenic Byway is an important community asset. Efforts must continue to promote the byway as a national resource and enhance the road and scenic wayside facilities.

8. Department of Energy Liquid Natural Gas Study

The Department of Energy Liquid Natural Gas Study is an important effort at the national level to support energy development and export. Haines may play a role in natural gas development or transportation in the not-too-distant future. Haines should continue to feature natural gas opportunities in its dialog with federal officials.

HAINES BOROUGH
RESOLUTION No. 13-01-439

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY ADOPTING THE
BOROUGH'S 2013 FEDERAL PRIORITIES.**

WHEREAS, the Haines Borough Assembly met to discuss and prioritize the Borough's 2013 legislative priorities; and

WHEREAS, it is the intent of the Assembly to provide the President of the United States, Alaska Congressional Delegation, and other federal officials with adequate information to represent the needs of the Borough concerning requests of the Federal Government, including necessary funding requirements,

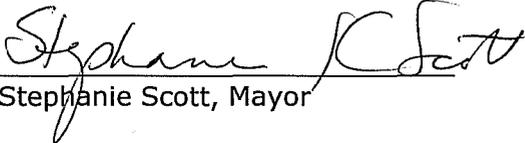
NOW, THEREFORE BE IT RESOLVED, by the Haines Borough Assembly, Haines, Alaska:

Section 1. The following Capital Budget priorities are identified as the Haines Borough federal priorities for 2013:

1. Haines - Pt Lutak Port Facility Improvements
2. Haines Harbor
3. Secure Rural Schools (SRS) Program and Payment in Lieu of Taxes (PILT)
4. Shakwak Project - North Alaska Highway
5. Haines National Scenic Byway
6. EPA Emission Control Area Rule
7. Department of Energy Liquid Natural Gas Study
8. Tribal Transportation Program

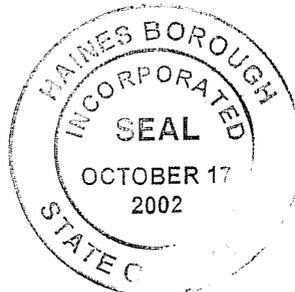
Section 2. The borough manager is hereby instructed to advise the President, Alaska Congressional Delegation, and other federal officials of the Borough's federal priorities and take all appropriate steps to provide background information and testimony in representing the Borough's best interests.

Adopted by a duly-constituted quorum of the Haines Borough Assembly this 22nd day of January, 2013. Amended on the 5th day of March, 2013.


Stephanie Scott, Mayor

Attest:


Julie Cozzi, MMC, Borough Clerk



- 1. Pt. Lutak:** The Haines Borough is currently working on a major project to develop its port as a central staging area for construction materials into interior Alaska and Canada. Haines' southeast coastal location and road access to interior Alaska and Canada make it an ideal staging site for mining, natural gas, and bulk fuels. There are currently a number of promising mineral deposits within Borough boundaries, and the Borough has had recent inquiries from mining companies about moving materials, equipment, and supplies into the Yukon Territory. In order to meet the need as a staging port, the community's Port Lutak facility must be expanded and modernized to handle bulk cargo, bulk petroleum, loose cargo, and containers. Pt. Lutak is a deepwater port. The State of Alaska continues to upgrade existing roads and highways to standards that would support heavy cargo transport and to provide low and more accessible road grades. Upland necessary for a staging area is also available.

The U.S. Department of Energy has been investigating the potential for further developing Liquefied Natural Gas as both a domestic energy source and as an energy export product. The Alaska Delegation is working in similar fashion to advocate for regulatory streamlining and tax incentives to enhance the viability of LNG for both in-state use and for export. Both the Yukon Territory and Interior Alaska have significant LNG reserves, and may need access to a U.S. port in Southeast Alaska to take full advantage of export opportunities. The Haines Borough is ideally suited with the Pt. Lutak expansion project to promote the U.S. national interest in energy self-sufficiency by providing port facilities for the export of LNG from Interior Alaska and the Yukon Territory.

The Borough is currently undertaking a Master Plan to develop a business case for the use of its port for large scale projects, including the identification of necessary infrastructure improvements. The Borough encourages the Federal Government and the Alaska Delegation to promote regulatory and tax policies conducive to the export of minerals, LNG, and bulk fuels through Southeast Alaska.

- 2. Haines Harbor:** The current harbor in Haines is overcrowded and cannot accommodate larger vessels. In the summer months, many vessels avoid the harbor entirely on the assumption that space will not be available. It is also exposed to heavy winds from the south, causing reduced maneuverability and damage to the vessels and harbor facilities. Overcrowded conditions in the harbor result in: (1) delays in entering and maneuvering in the harbor; (2) hot-berthing transient vessels in resident vessel slips when vacant; (3) deep rafting of transient vessels; and (4) damage to vessels and harbor facilities. Additional moorage is also needed to improve or provide services such as oil response, water taxi service, and to reduce the costs associated with subsistence harvesting.

Haines is deeply concerned about the decision of the Congress to discontinue the practice of funding specific Army Corps projects within the Energy & Water appropriations bill. The President's proposed FY '13 budget did not provide any funding for ACOE Civil Works projects in Alaska. The current policy discriminates against water dependent communities in the rural areas of the Pacific Ocean region. The current ACOE and Office of Management and Budget evaluation process is heavily weighted to urban ports with large volumes of container and bulk cargo traffic. While this evaluation process allows the Federal Government to weigh the relative merits of urban projects, it fails to reflect the importance of navigation projects for water dependent communities in the non-contiguous states and territories. Further, the current evaluation policy fails to recognize the national interest in a regional system of small ports and harbors for domestic commerce, coastal defense, and maritime safety. The Haines Borough recommends that the Alaska Delegation seek amendments in the Water Resources Development Act reauthorization bill to alter the criteria for evaluating "small, rural, or subsistence harbors" to reflect their local and regional significance, and to fund such projects separately from the urban ports.

- 3. Secure Rural Schools Program and PILT:** The Secure Rural Schools Program and the PILT Program provide payments to boroughs and counties for the loss of revenues that would otherwise be available from the development of sustainable natural resources on federal lands. The SRS Program's authorization has expired. The Haines Borough is scheduled to receive \$271,000 from the Secure Rural Schools Program in 2013. This funding is critical for the continuing success of the Haines School District. The Borough also received \$375,000 in Fiscal Year 2012 in its last PILT payment. These funds are used to pay for basic social services and public safety functions. Both sources of funding are critical to Haines residents. The Congress was able to extend both programs for Fiscal Year 2013, but a four year authorization is necessary in order for boroughs and counties to engage in long-term budget planning. The Borough urges the Alaska Delegation to actively support a four year authorization of SRS and PILT.
- 4. Shakwak Project – North Alaska Highway:** The Highway Bill eliminated funding for the U.S. contribution to reconstruction of the North Alaska Highway. The Yukon Territorial Government is responsible for annual maintenance of the Highway as part of a 1977 bilateral agreement with the U.S., but may discontinue maintaining the road from Haines Junction to the Alaska border if the U.S. reneges on its share of the costs. The Shakwak stretch of the Alaska Highway needs roughly \$100 million in funds for the final reconstruction to pavement standards and resolution of engineering issues relating to permafrost. This stretch of road is critical for the interstate movement of cargo between Alaska and the rest of the United States, including fish products harvested by the Washington State fishing fleet. The North Alaska Highway provides a transportation corridor for minerals, bulk fuels and LNG from interior Alaska and the Yukon. The road is also used by travelers heading to and from Alaska. Haines serves as a terminus for both cargo and passengers moving

along the North Alaska Highway. The Borough strongly believes that it is in the national interest to finalize the reconstruction of the North Alaska Highway, fulfilling the U.S. obligation under the 1977 bilateral agreement with Canada, and providing an effective interstate road corridor between Alaska and the rest of the United States.

5. **Haines National Scenic Byway:** The Haines Borough has received National Scenic Byway grant funding to purchase the Picture Point property to act as a gateway to Haines and the Haines National Scenic Byway. The Borough intends to seek additional funding from this program to construct a welcome center to provide information to visitors on the Haines National Scenic Byway, the community, and other regional features and attractions. The Borough is therefore requesting that the Alaska Delegation continue its support for the retention of the National Scenic Byway Program as part of the Highway Bill's Transportation Enhancement block grant program.
6. **EPA Emission Control Area Rule:** The EPA is implementing a new rule that is currently requiring vessels to use low sulfur (1 percent content) diesel fuel, with a future requirement to switch to ultra low sulfur diesel (0.1 percent) by 2015. The rule appears to have its largest impact on Alaska's cruise ship industry. The cruise ships currently operate on 3 percent bunker fuel. The new rule would result in higher fuel costs as well as engine retrofits. The cruise lines may reduce the number of trips or drop certain ports-of-call in response, as well as levy a per head passenger surcharge. The Cruise Line Industry Association estimates a total of \$427 million in economic losses to Alaska and its community if the cruise lines are forced to convert to low sulfur diesel. The industry has proposed an alternative approach which would allow the ships to burn higher sulfur content fuel while underway, but switch to lower sulfur fuel when approaching ports. The Haines Borough supports this proposed pilot program, and requests the Alaska Delegation to pursue its establishment legislatively in 2013.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-394

Assembly Meeting Date: 12/10/2013

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

Full Title/Motion:
Motion: Introduce Ordinance 13-12-357 and set a first public hearing for 1/14/14.

Administrative Recommendation:

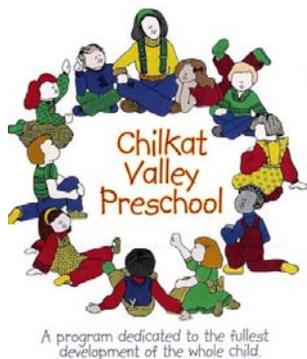
Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$	\$	\$

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

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

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

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



Chilkat Valley Preschool

PO Box 1165 Haines AK 99827

(907) 766-3213

cvpreschool@aptalaska.net

www.chilkatvalleypreschool.org

2013 - 2014 BOARD OF DIRECTORS

Alissa Henry
President

Melissa Ganey
Vice President

Katherine Lee
Treasurer

Jolanta Glaybeck
Secretary

STAFF

Janet Hayes
Lead Teacher

Josie Allen
Assistant Teacher

Meghan Elliott
Teacher Aide

Renee Hoffman
Office Manager

November 6, 2013

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

Re: Human Resources Building – In-Kind Lease Agreement

Dear Julie,

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

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

Sincerely,

Renee Hoffman
Office Manager

**Haines Borough
Human Resource Building**

In-Kind Lease Agreement

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

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

and the Lessee: **Chilkat Valley Preschool**

The Lessor and the Lessee agree as set forth below.

WITNESSETH:

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

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

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

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

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

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

LESSOR

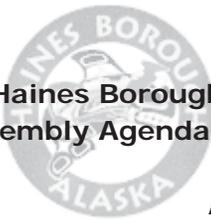
LESSEE

 Julie Cozzi, Interim Borough Manager
 Haines Borough

 Alissa Henry, Board President
 Chilkat Valley Preschool

Attest:

 Michelle L. Webb, Interim Clerk



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-395
Assembly Meeting Date: 12/10/13

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

Full Title/Motion:
Motion: Introduce Ordinance 13-12-358 and set a first public hearing for 1/14/14.

Administrative Recommendation:

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

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

Summary Statement:
This ordinance is recommended by the planning commission. It will establish setbacks of 20 feet from roads and 10 feet from other lot lines for all uses in the General Use Zone. The benefits to the community of setbacks have been established over centuries of land use planning. Additionally, the ordinance corrects a typo. Per HBC 18.20.020, setback means the perpendicular distance from the appropriate lot line to the nearest point on a building or structure including but not limited to porches, steps, and roof edges. However, HBC 18.80.030 incorrectly exempts cantilevered floors, decks or other similar building extensions from setback regulations.

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s): 12/10/13	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: ___/___/___
Date of Second Public Hearing: ___/___/___

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: October 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: M/S Venables moved to “recommend the Assembly adopt the proposed draft ordinance to amend HBC 18.80.030”. The motion passed unanimously.

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

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

HBC 18.80.030 Setbacks and height.

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

...

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

...

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

SUBMITTED BY



(signature)

Rob Goldberg
Planning Commission Chairman

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

Draft

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

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

18.80.030 Setbacks and height.

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

...

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

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

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

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

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

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

...

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



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-398
Assembly Meeting Date: 12/10/13

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

Full Title/Motion:
Motion: Introduce Ordinance 13-12-359 and set a first public hearing for 1/14/14.

Administrative Recommendation:

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

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

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

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

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

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

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

HBC 18.100.092 Requirements prior to final plat approval.

A. Utilities.

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

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. ~~The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

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

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

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

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

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

Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: October 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

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

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

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

HBC 18.100.092 Requirements prior to final plat approval.

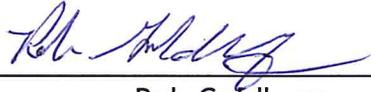
A. Utilities.

1. Water and Sewer. The subdivider, at the subdivider’s own expense and prior to final plat approval, in accordance with the approved preliminary plat, shall construct, per borough specifications, all water and sewer utilities to service each lot individually within the subdivision to be created. The subdivider may elect to provide performance and payment bonding as allowed in HBC 18.100.125 in order to have authorization to proceed to a final plat procedure.
2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. ~~The wastewater disposal system must also be inspected by a DEC-approved inspector, at the property~~

~~owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

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

SUBMITTED BY



(signature)

Rob Goldberg
Planning Commission Chairman

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

Draft

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

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

HBC 18.100.092 Requirements prior to final plat approval.

A. Utilities.

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

2. When, in the opinion of borough staff, no public sanitary sewer and/or water service is available within 200 feet of any exterior property line of a new subdivision in which all lots are one acre or larger in area, the developer may request an exemption from the requirements to connect to public utilities. All regulations of the State Department of Environmental Conservation pertaining to water extraction and wastewater disposal, as well as the requirements of HBC 13.04.080(G) pertaining to on-site wastewater disposal, shall apply. If exempted from the requirement to connect to public utilities, a plat note must be placed on the plat stating that public water and/or sewer are not available to the subdivision and that all future property owners in the subdivision must provide written Department of Environmental Conservation (DEC) approval of their on-site wastewater system design prior to a land use permit being issued. Upon installation and before closure, the wastewater disposal system must be inspected and approved by a DEC-approved inspector. ~~The wastewater disposal system must also be inspected by a DEC approved inspector, at the property owner's expense, every two years, in the spring of the year, with a written approval of the system submitted to the borough by June 1st of the year.~~

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

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

NOTE: STRIKETHROUGH ITEMS ARE DELETIONS

18.60.010 General approval criteria.

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

...

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

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

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

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
24th DAY OF SEPTEMBER, 2013.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	08/13/13
Date of First Public Hearing:	08/27/13
Date of Second Public Hearing:	09/10/13
Date of Third Public Hearing	09/24/13 - Adopted



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-399
Assembly Meeting Date: 12/10/13

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

Full Title/Motion:
Motion: Introduce Ordinance 13-12-360 and set a first public hearing for 1/14/14.

Administrative Recommendation:

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

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

Summary Statement:
This ordinance is recommended by the planning commission. Currently, a construction declaration must be filed within 60 days of construction start. That filing period could be a problem if construction starts before the declaration is filed and staff review shows proposed construction does not meet a zoning requirement. The ordinance would require the form to be filed prior to starting construction.
This ordinance was originally proposed when the planning commission recommended Ordinance 13-08-343 to expand setback regulations to the General Use (GU) Zone. Because that ordinance was not adopted and the topic was referred back to the planning commission, the question of the construction declaration filing deadline was delayed. A new GU setback ordinance is now being proposed by the planning commission (13-12-358), so this construction declaration ordinance is now coming to the assembly.

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

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

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Section 18.30.010. Sub-Section 18.30.010(A)(2)(c) of the Haines Borough Code is hereby amended to read as follows:

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

18.30.010(A)(2) Construction Declaration.

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

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

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

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

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: August 8, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

PLANNING COMMISSION ACTION: M/S Gonce moved to “recommend the Assembly adopt the proposed draft ordinance amending HBC 18.30.010(A)(2)(c).” This motion passed unanimously.

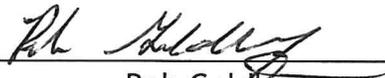
RATIONALE: The Planning Commission considers expanding “setback regulations in townsite service area” Borough wide by adding setbacks and height restrictions to general use zone. However, HBC 18.30.010 requires a construction declaration should be filed within 60 days of the start of construction. The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

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

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

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

SUBMITTED BY


Rob Goldberg

(signature)

Planning Commission Chairman

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

Draft

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

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

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

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



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-396
Assembly Meeting Date: 12/10/13

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

Full Title/Motion:
 Motion: Introduce Ordinance 13-12-361 and set a first public hearing for 1/14/14.

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

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

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

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

Referral:

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

Assembly Action:

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

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

Section 4. Amendment of Section 18.20.020. The definition for "Agriculture, personal use" in Section 18.20.020 of the Haines Borough Code is hereby amended to read as follows:

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

18.20.020 Definitions – Regulatory.

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

. . .

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

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

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

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

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

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

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

Stephanie Scott, Mayor

ATTEST:

Michelle L. Webb, Interim Borough Clerk

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

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: October 10, 2013

TO: Borough Assembly

FROM: Haines Borough Planning Commission

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

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

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

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

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

18.20.020 Definitions – Regulatory.

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

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

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

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

SUBMITTED BY  (signature)
Rob Goldberg
Planning Commission Chairman

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

Draft

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

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

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

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

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

18.20.020 Definitions – Regulatory.

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

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

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

Mayoral Appointments on 12/10/13

Historic Dalton Trail RMSA

All appointed to a terms expiring 11/2016

Carol Meismer, Director, Sub-zone 2 - Requested reappointment, no opposition from board

Robert Venables, Director-at-large - Requested reappointment no opposition from board

Library Board of Trustees

All appointed to a terms expiring 11/2016

Meredith Pochardt - Requested reappointment and board recommended

Anne Marie Palmieri - Requested reappointment and board recommended

Cecily Stern - Requested reappointment and board recommended

Chilkat Center Advisory Board

Joe Parnell - Requested reappointment - Appointed to a terms expiring 11/2016

Tara Bicknell - Requested reappointment - Appointed to a terms expiring 11/2016

Kyle Gray – Requesting new appointment - Appointed to a terms expiring 11/2015

Public Safety Commission

Bob Duis – Requested reappointment - Appointed to a terms expiring 11/2016

Jim Stanford - Requested reappointment - Appointed to a terms expiring 11/2016

Kay Clements – Requesting new appointment - Appointed to a terms expiring 11/2014

Documentation of these appointments and reappointments are on file and available from the Clerk's Office.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 13-404
Assembly Meeting Date: 12/10/2013

Business Item Description:		Attachments:
Subject:	2013 Assembly Meeting/Agenda Preparation Schedule	1. 2014 Regular Assembly Meeting Agenda Preparation Calendar
Originator:		
Originating Department:		
Date Submitted:		
Julie Cozzi		
Clerk's Office		
11/27/13		

Full Title/Motion:
Motion: Approve the 2014 Haines Borough Assembly Meeting Agenda Preparation Calendar.

Administrative Recommendation:
This schedule is recommended by the clerk's office.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ None	\$ N/A	\$ N/A

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:

This schedule establishes the assembly regular meeting schedule for 2014 as well as the agenda & packet deadlines as outlined in HBC 2.10.030. Special meetings may still be scheduled, as needed.

This year's schedule has more time for review, a slightly later packet publication date which still allows for downloads during business hours, and a single Wednesday meeting to accommodate for the Veterans Day Holiday.

Referral:

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

Assembly Action:

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

2014 Regular Assembly Meeting Agenda Preparation Calendar

Topic or Item Description to Clerk's Office for Inclusion on Agenda - 12:00noon	Agenda Finalization Meeting - 3:30pm	Draft Legislation (Resolutions & Ordinances) to Clerk's Office - 5:00pm	All Other Packet Documents to Clerk's Office - 10:00am	Begin Packet Processing & Departmental Review - 8:00am	Packet Published & Distributed - 12:00noon	Assembly Meeting - 6:30pm
<i>[Monday; a week plus a day prior to Assembly Meeting]</i>	<i>[Monday; a week plus a day prior to Assembly Meeting]</i>	<i>[Tuesday; one week prior to Assembly Meeting]</i>	<i>[Wednesday prior to Assembly Meeting]</i>	<i>[Thursday prior to Assembly Meeting]</i>	<i>[Friday prior to Assembly Meeting]</i>	
Jan. 6	Jan. 6	Jan. 7	Jan. 8	Jan. 9	Jan. 10	Jan. 14
Jan. 20	Jan. 20	Jan. 21	Jan. 22	Jan. 23	Jan. 24	Jan. 28
Feb. 3	Feb. 3	Feb. 4	Feb. 5	Feb. 6	Feb. 7	Feb. 11
Fri. Feb. 14 ¹	Feb. 14 ¹	Feb. 18	Feb. 19	Feb. 20	Feb. 21	Feb. 25
Mar. 3	Mar. 3	Mar. 4	Mar. 5	Mar. 6	Mar. 7	Mar. 11
Mar. 17	Mar. 17	Mar. 18	Mar. 19	Mar. 20	Mar. 21	Mar. 25
Mar. 31	Mar. 31	Apr. 1	Apr. 2	Apr. 3	Apr. 4	Apr. 8
Apr. 14	Apr. 14	Apr. 15	Apr. 16	Apr. 17	Apr. 18	Apr. 22
May 5	May 5	May 6	May 7	May 8	May 9	May 13
May 19	May 19	May 20	May 21	May 22	May 23	May 27
Jun. 2	Jun. 2	Jun. 3	Jun. 4	Jun. 5	Jun. 6	Jun. 10
Jun. 16	Jun. 16	Jun. 17	Jun. 18	Jun. 19	Jun. 20	Jun. 24
Jun. 30	Jun. 30	Jul. 1	Jul. 2	Jul. 3	Thurs, Jul. 3 ²	Jul. 8
Jul. 14	Jul. 14	Jul. 15	Jul. 16	Jul. 17	Jul. 18	Jul. 22
Aug. 4	Aug. 4	Aug. 5	Aug. 6	Aug. 7	Aug. 8	Aug. 12
Aug. 18	Aug. 18	Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 26
Fri. Aug. 29 ³	Fri. Aug. 29 ³	Sep. 2	Sep. 3	Sep. 4	Sep. 5	Sep. 9
Sep. 15	Sep. 15	Sept. 16	Sep. 17	Sep. 18	Sep. 19	Sep. 23
Oct. 6	Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 14
Oct. 20	Oct. 20	Oct. 21	Oct. 22	Oct. 23	Oct. 24	Oct. 28
Nov. 3	Nov. 3	Nov. 4	Nov. 5	Nov. 6	Nov. 7	Nov. 12⁴
Dec. 8	Dec. 8	Dec. 9	Dec. 10	Dec. 11	Dec. 12	Dec. 16

¹ Day adjusted due to the Presidents Day holiday

² Days adjusted due to the Independence Day holiday

³ Days adjusted due to the Labor Day holiday

⁴ Days adjusted due to the Veterans Day holiday



Haines Borough Assembly Agenda Bill

Agenda Bill No.: 13-403
 Assembly Meeting Date: 12/10/13

Business Item Description:	Attachments:
Subject: Adopt Current Organization Chart	1. Organization Chart - Actual reflecting the current structure 2. Previous Org Chart - adopted June 2011
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 12/4/13	

Full Title/Motion:
 Motion: Adopt the actual Haines Borough Organization Chart reflecting the current structure, and then refer it to the Personnel Committee for review.

Administrative Recommendation:
 The Interim Borough Manager recommends adoption.

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

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

The last organization chart to be officially adopted by the borough 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 is in need of official adoption. That step was missed.

Following adoption of the actual current structure, the interim manager also requests referral to the Personnel Committee for review and discussion of whether new changes should be considered. It is a good idea to occasionally evaluate the organizational chart to determine if there are better ways to structure the workflow, etc.

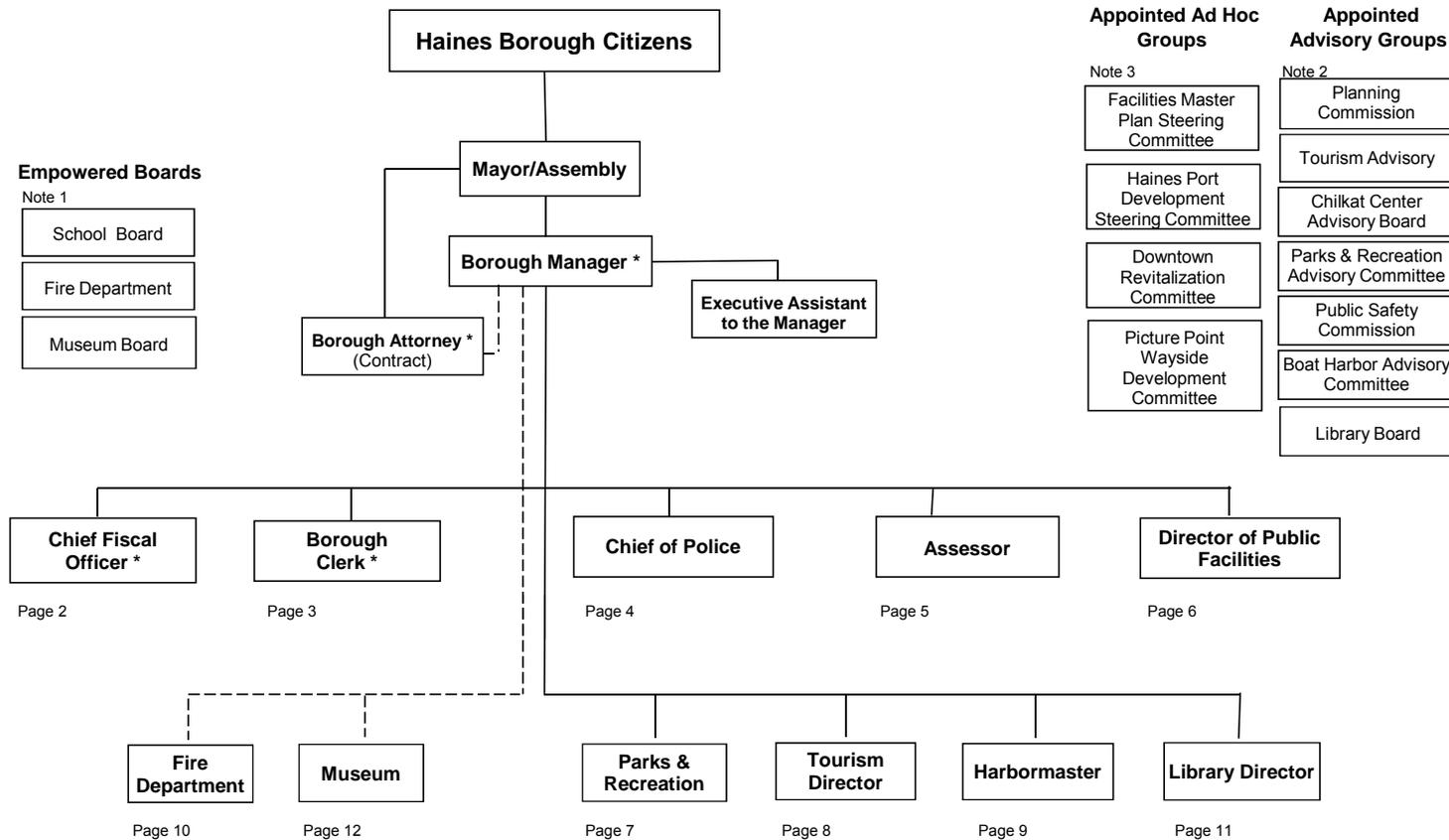
Referral:

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

Assembly Action:

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

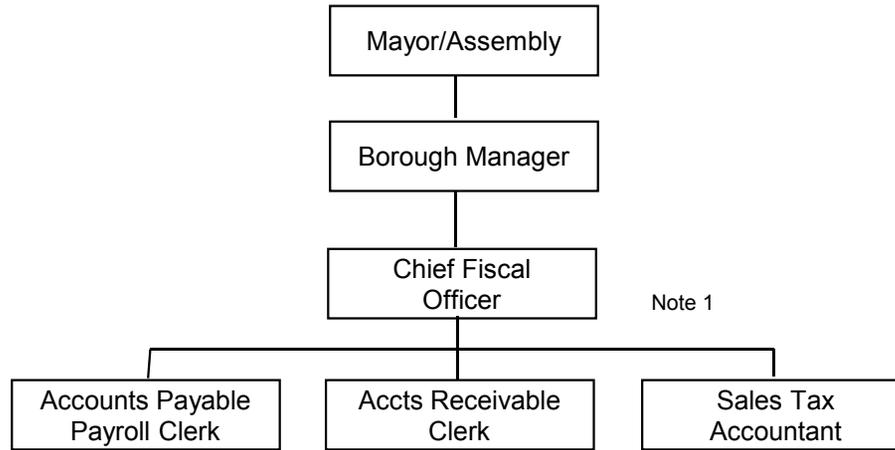
Haines Borough Organization Chart - Actual Current Structure Reflecting Changes Since June 2011



Notes:

1. The term "Empowered Boards" is explained on Page 13.
2. Advisory Groups and their duties are mandated by ordinance. Members serve at the pleasure of the mayor. Appointments are by the mayor subject to assembly confirmation.
3. Ad Hoc Groups are created by the assembly for a specific purpose and are intended to have a limited timeframe and scope.
3. A solid line indicates a direct reporting relationship; a dotted line indicates an information flow or advisory relationship
4. An asterisk (*) indicates that the position is a borough officer. Officers are appointed by and serve at the pleasure of the assembly. However, each one works under the direct supervision of the Borough Manager.
5. In the Borough Manager's absence, the Borough Clerk will act as manager followed by other borough officers in order of seniority.

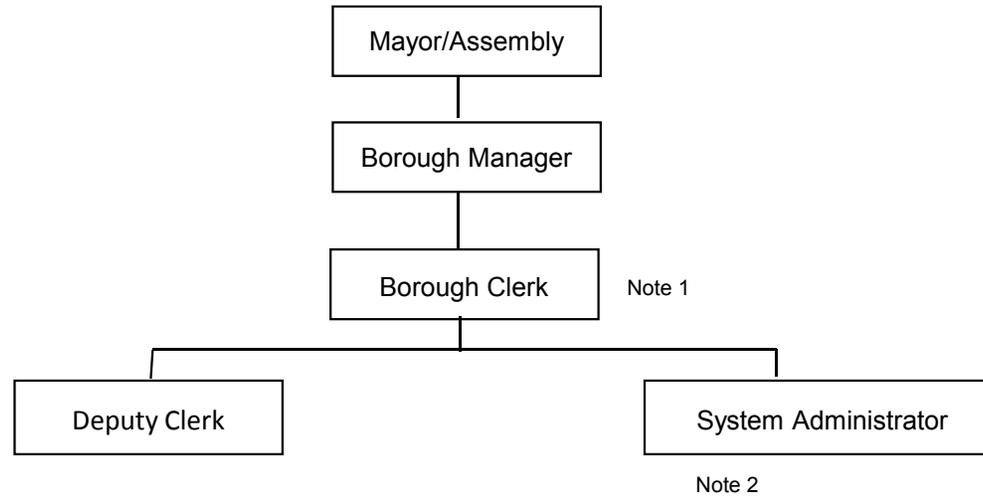
FINANCE DEPARTMENT



Notes:

1. The Chief Fiscal Officer is a borough officer who reports directly to the Manager but is appointed by, and serves at the pleasure of, the Borough Assembly.

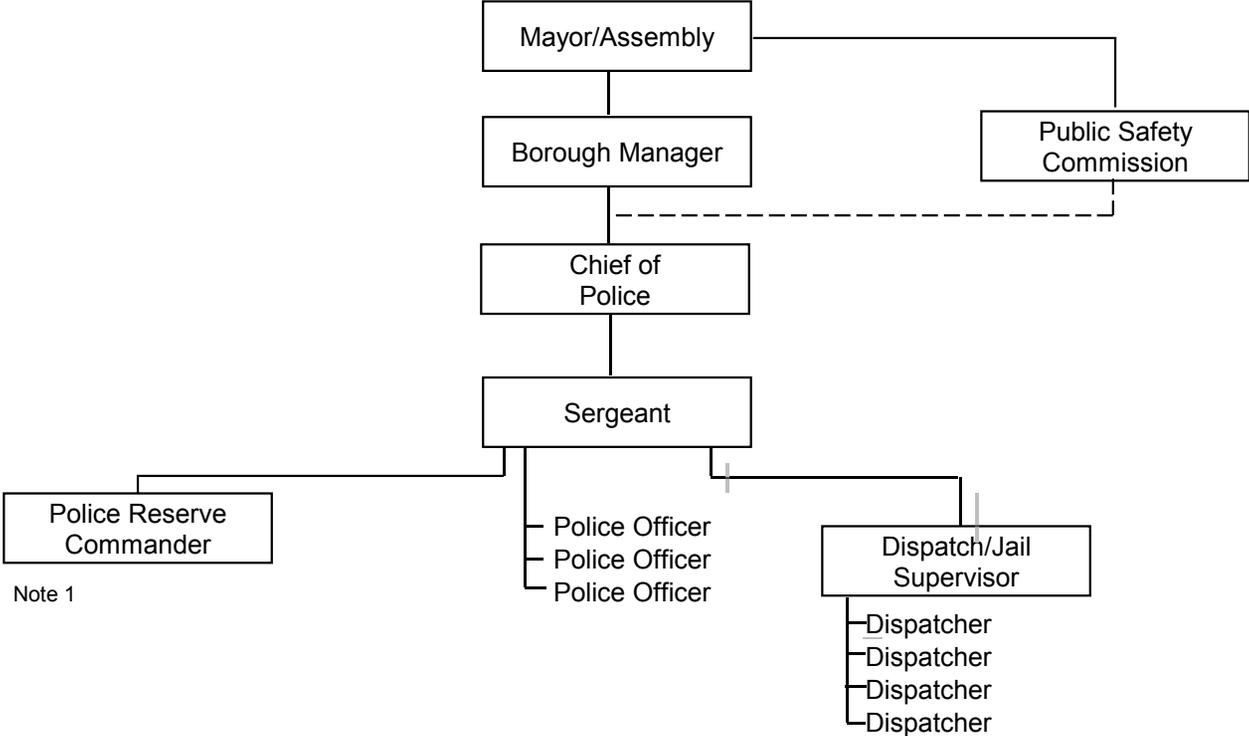
CLERK'S OFFICE



Notes:

1. The Borough Clerk is a borough officer who reports directly to the Manager but is appointed by, and serves at the pleasure of, the Borough Assembly.
2. Currently a contract position.

POLICE DEPARTMENT

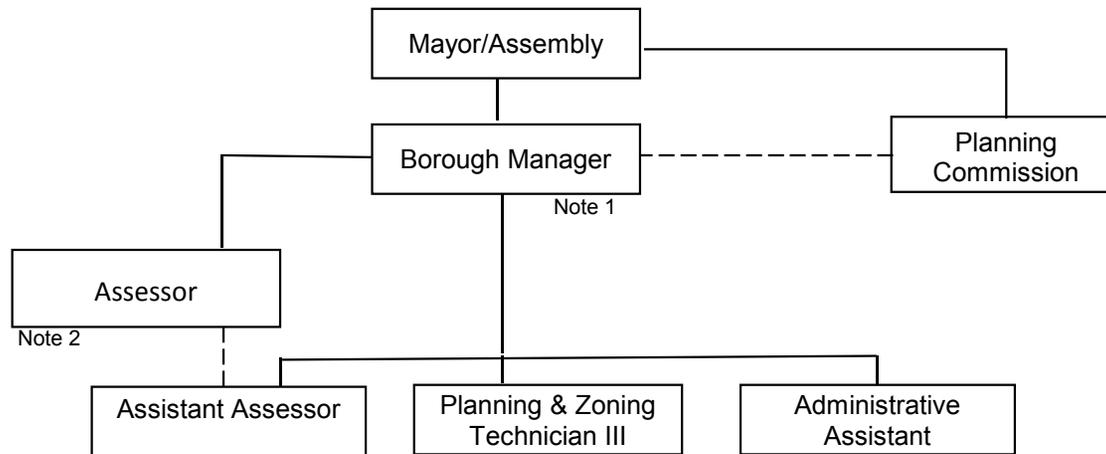


Note 1

Notes:

- 1. The Police Reserve Commander position is normally held by one of the police officers. Currently there are no reserve officers.

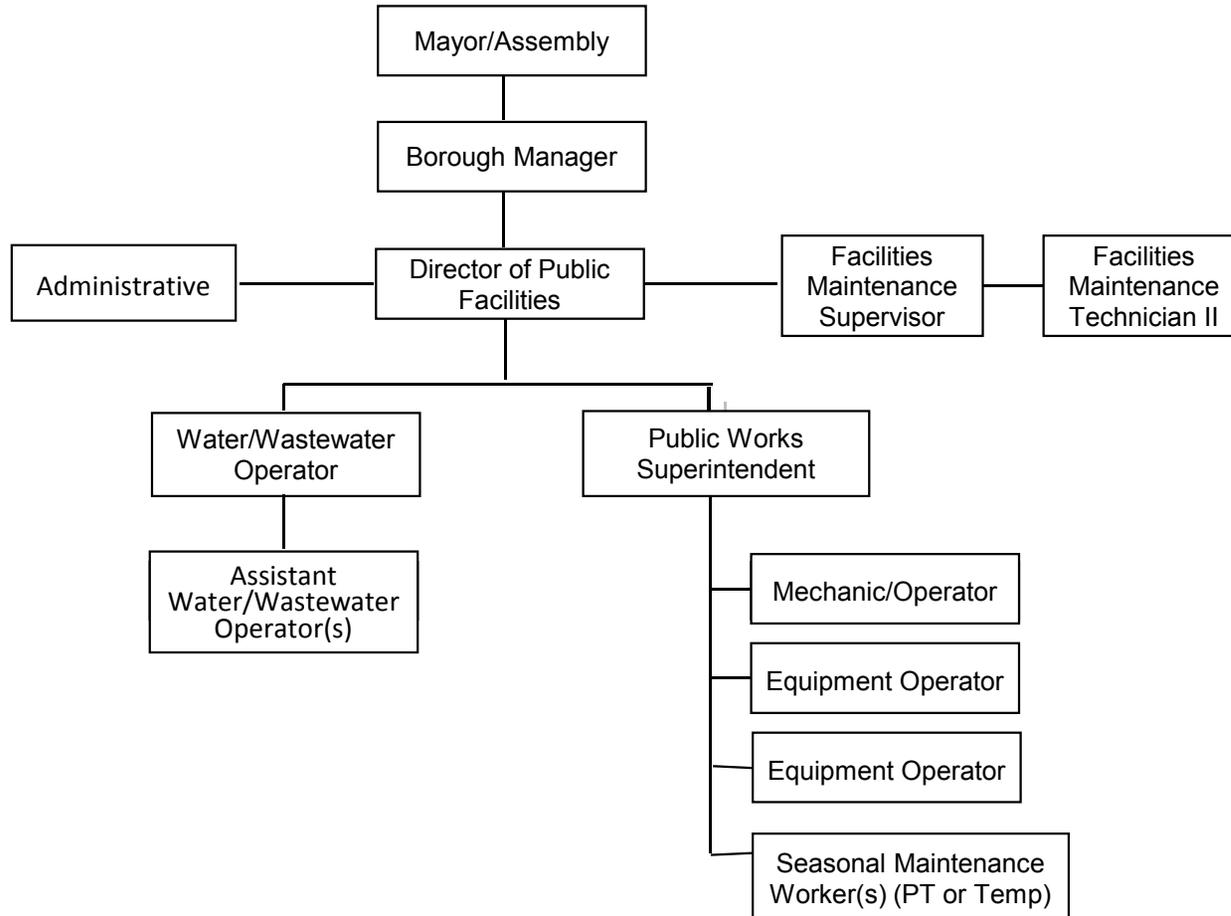
LANDS MANAGEMENT / ASSESSMENT DEPARTMENT



Notes:

1. The borough manager currently serves as Lands Manager.
2. Currently a contract position.

DEPARTMENT OF PUBLIC FACILITIES

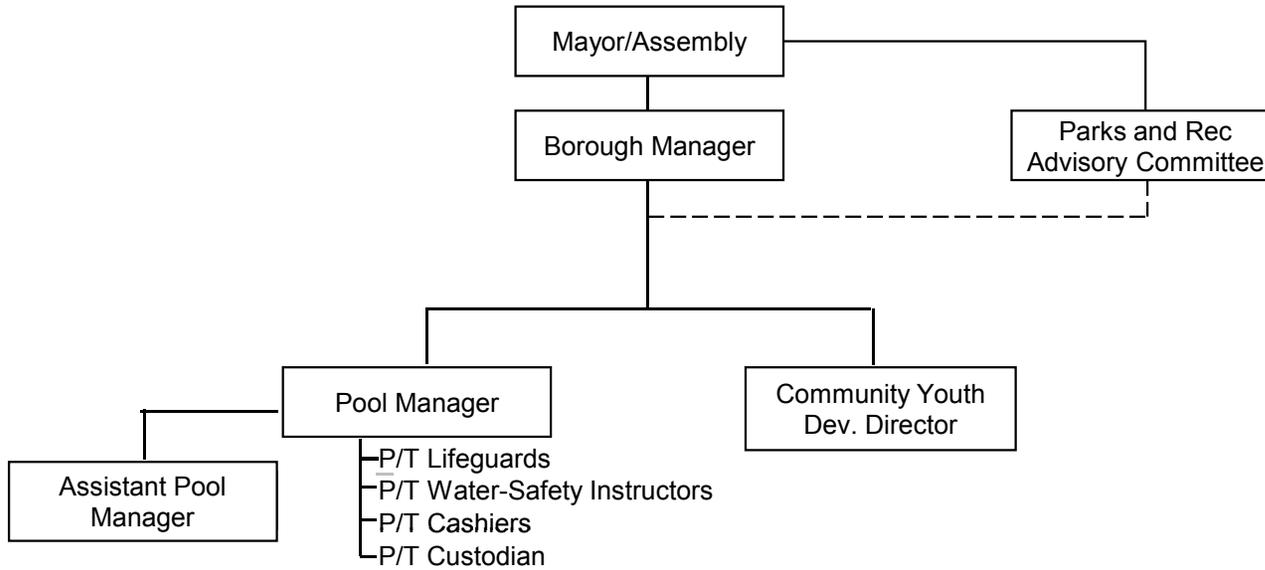


Note 1

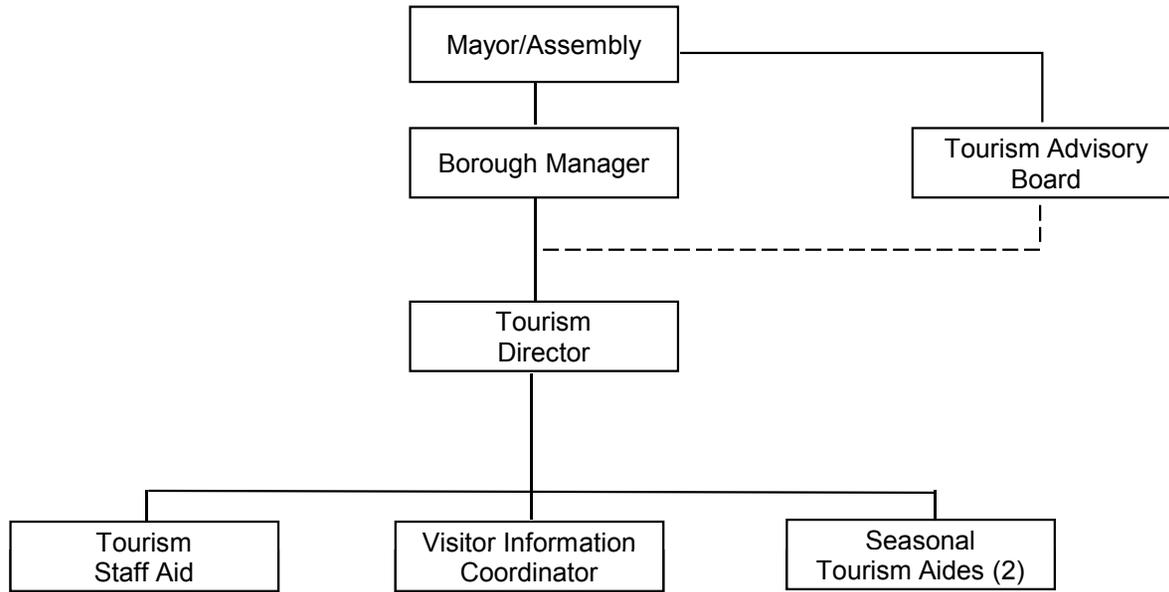
Notes:

1. This includes summer parks labor and winter snow removal

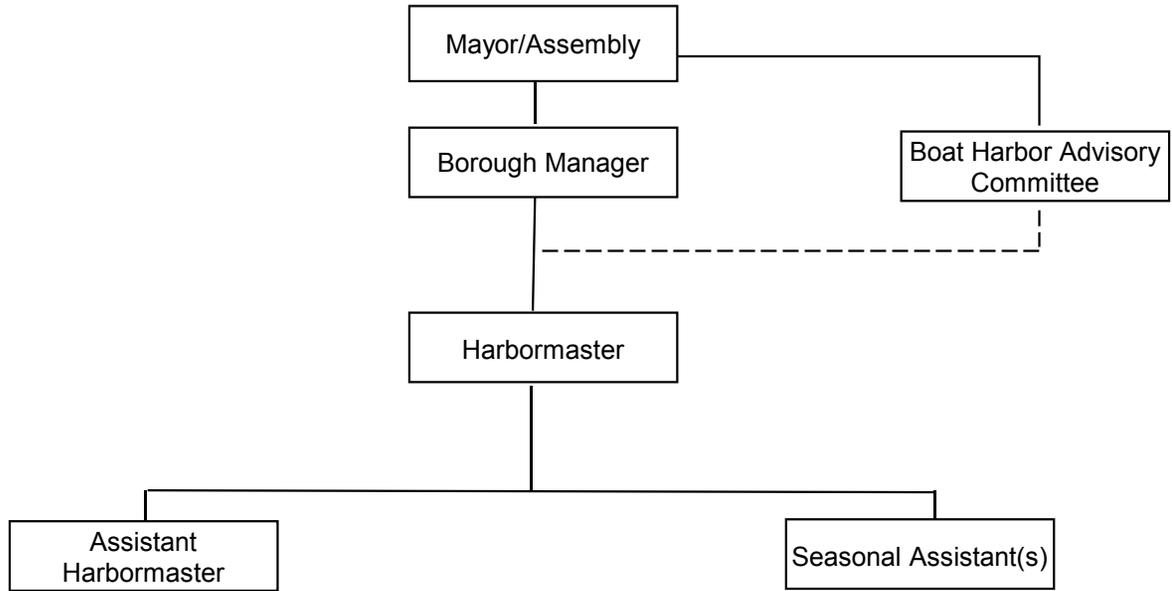
PARKS AND RECREATION DEPARTMENT



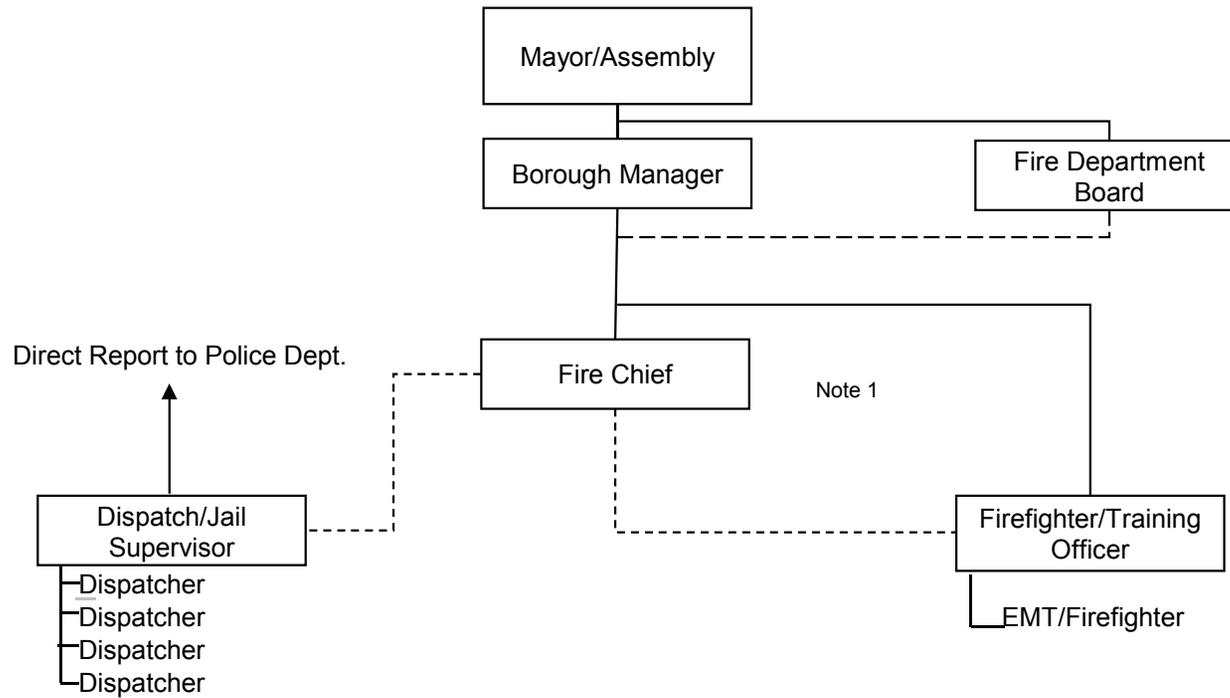
TOURISM



PORTS & HARBORS



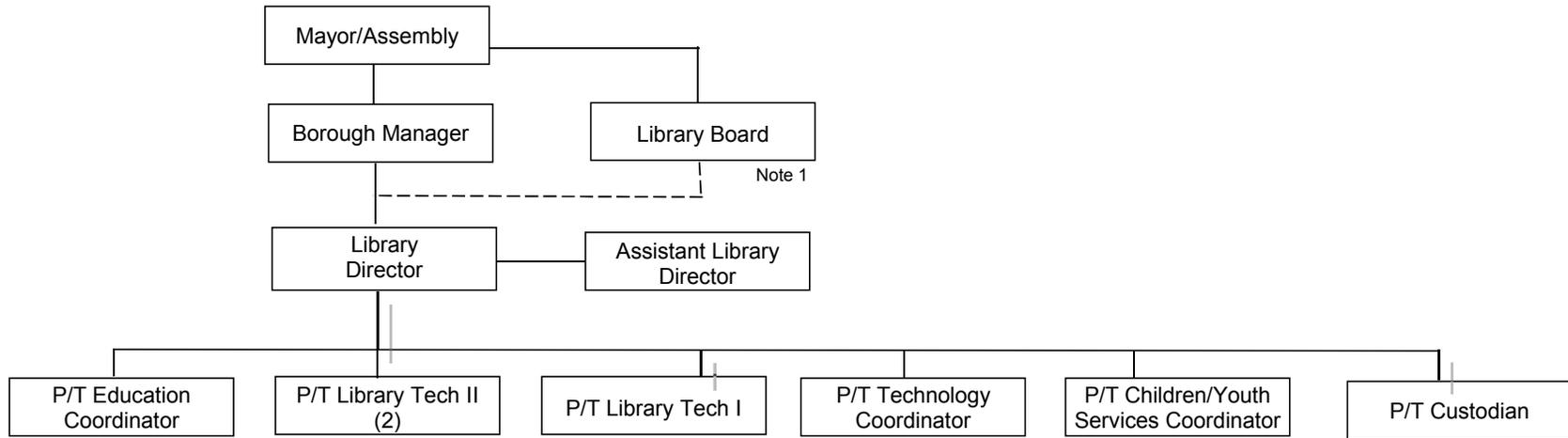
FIRE DEPARTMENT



Notes:

1. Fire Chief reports directly to both the Manager and the Fire Department (per code).

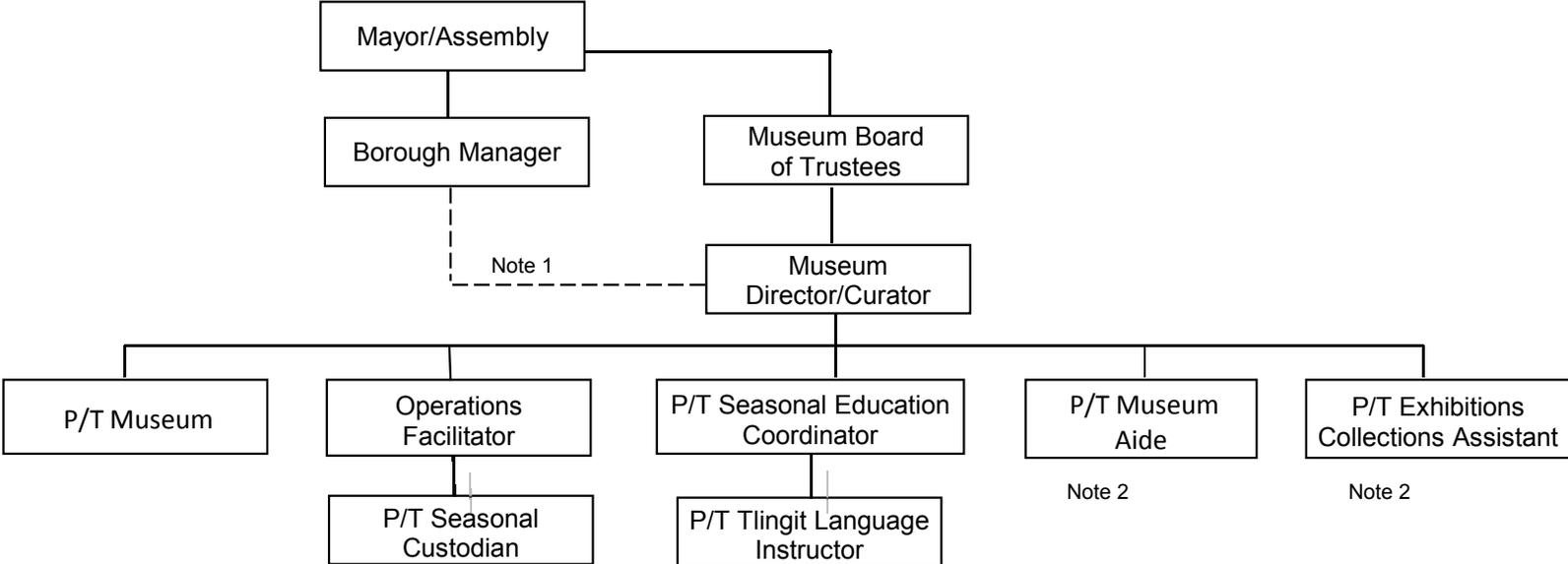
LIBRARY



Notes:

1. The library staff members are Borough Employees. The Library Director reports directly to the Borough Manager.
Until recently, the director reported to an empowered board of trustees. The library is now a department of the borough. Chapter 2.98 of the Haines Borough Code has not yet been amended to reflect this change.

MUSEUM



Notes:

1. The museum staff members are Borough Employees. The Museum Director reports directly to the Museum Board of Trustees but has a functional support relationship with the manager (and his staff as so delegated) for payroll and accounting services. Funds for the operation of the museum are appropriated by the assembly each year. To the extent the museum's expenses exceed such appropriations, the deficit is made up from unrestricted grants and income to the museum.
2. This position is not currently funded or staffed

Empowered Boards

The Museum Board of Trustees and, to a certain extent, the Fire Department Board are designated as "empowered" boards although the respective enabling codes do not use that term. Members are appointed.

The School Board is an "empowered" board, as well, but its members are elected during the Haines Borough General Municipal Election.

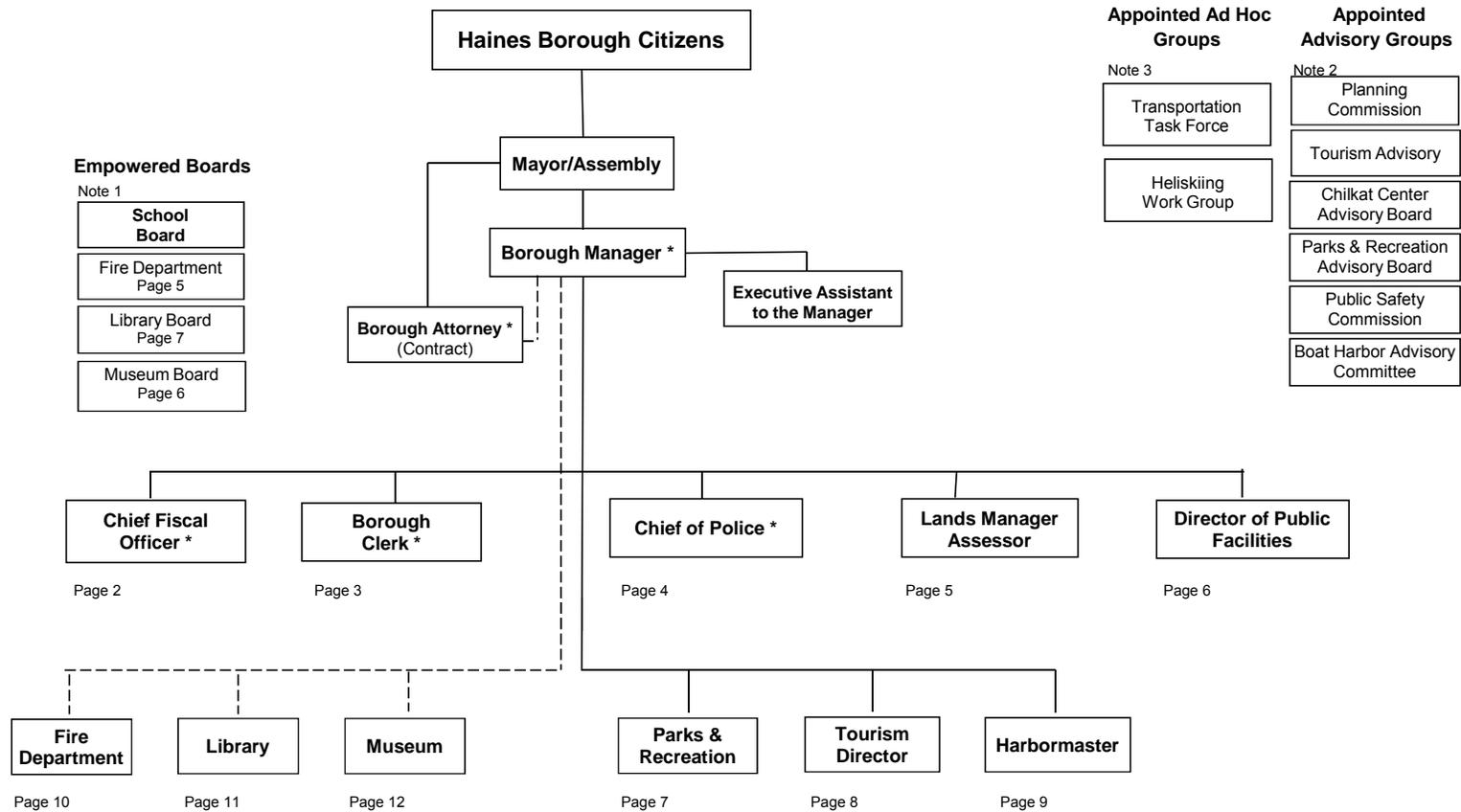
An empowered board has overall authority to...

- Assume responsibility and stewardship over assets
- Promulgate regulations, fees, charges, and policies
- Negotiate and enter into contracts and grant agreements
- Apply for and administer funds from state and federal agencies (as well as from the borough assembly)

Note:

1. Until recently, the Library Board was an empowered board of trustees. The library is now a department of the borough. Chapter 2.98 of the Haines Borough Code has not yet been amended to reflect this change.

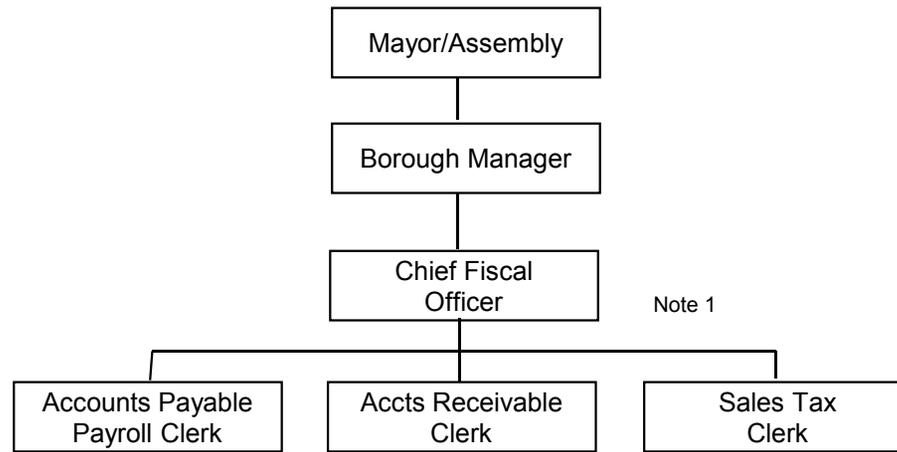
Haines Borough Organization Chart - Adopted with FY12 Budget 6/14/11



Notes:

1. The term "Empowered Boards" is explained on Page 13.
2. Advisory Groups and their duties are mandated by ordinance. Members serve at the pleasure of the mayor. Appointments are by the mayor subject to assembly confirmation.
3. Ad Hoc Groups are created by the assembly for a specific purpose and are intended to have a limited timeframe and scope.
3. A solid line indicates a direct reporting relationship; a dotted line indicates an information flow or advisory relationship
4. An asterisk (*) indicates that the position is a borough officer. Officers are appointed by and serve at the pleasure of the assembly. However, each one works under the direct supervision of the Borough Manager.
5. In the Borough Manager's absence, the Borough Clerk will act as manager followed by other borough officers in order of seniority.

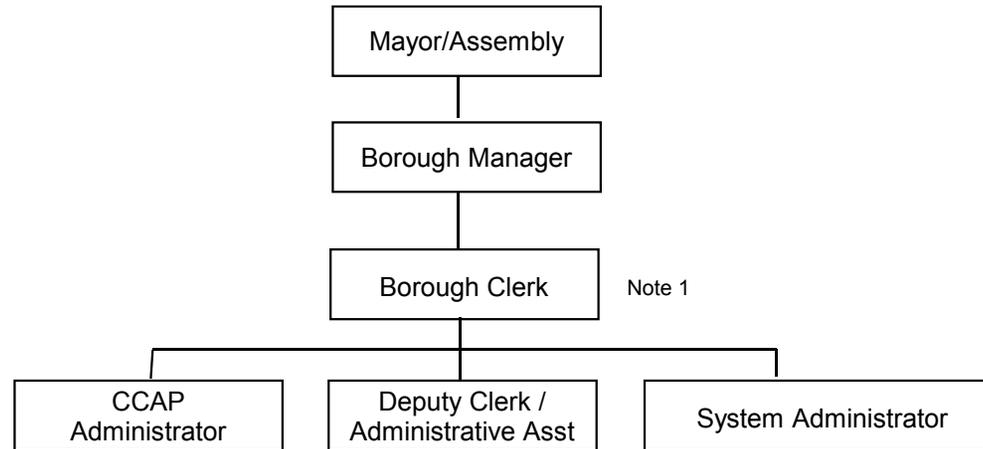
FINANCE DEPARTMENT



Notes:

1. The Chief Fiscal Officer is a borough officer who reports directly to the Manager but is appointed by, and serves at the pleasure of, the Borough Assembly.

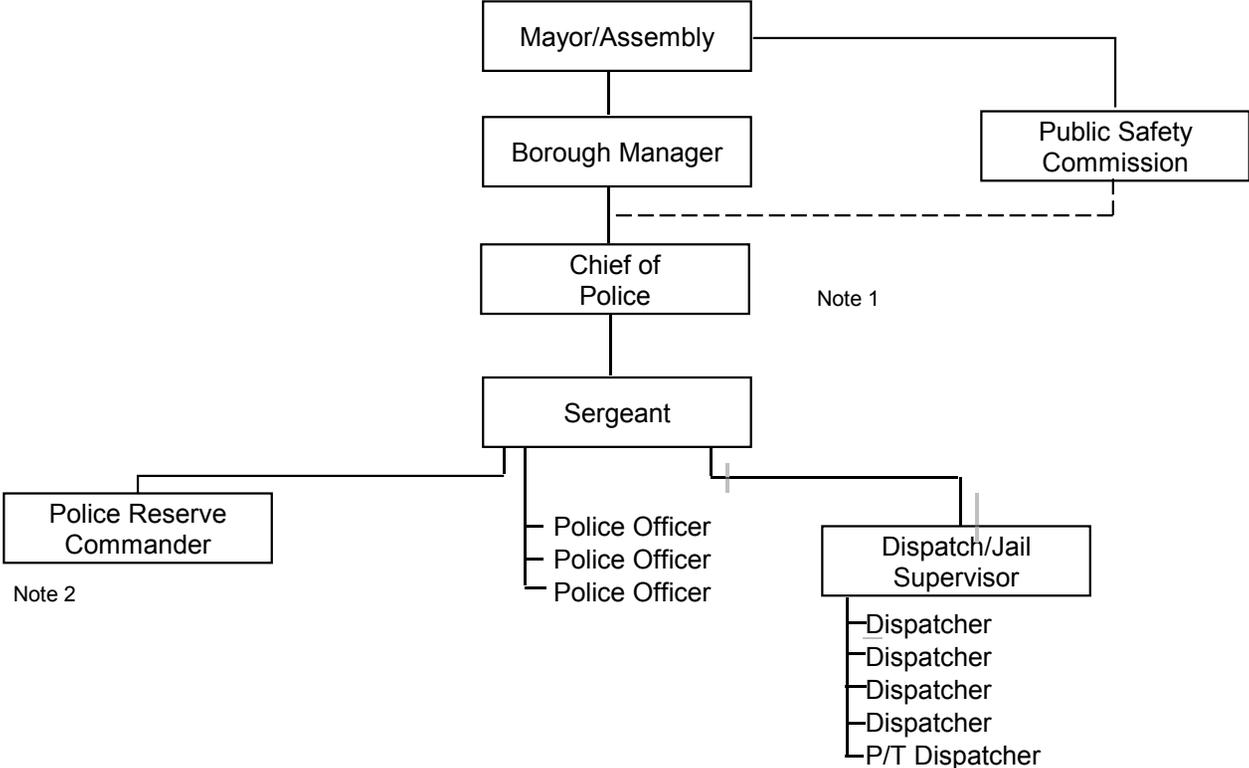
CLERK'S OFFICE



Notes:

1. The Borough Clerk is a borough officer who reports directly to the Manager but is appointed by, and serves at the pleasure of, the Borough Assembly.

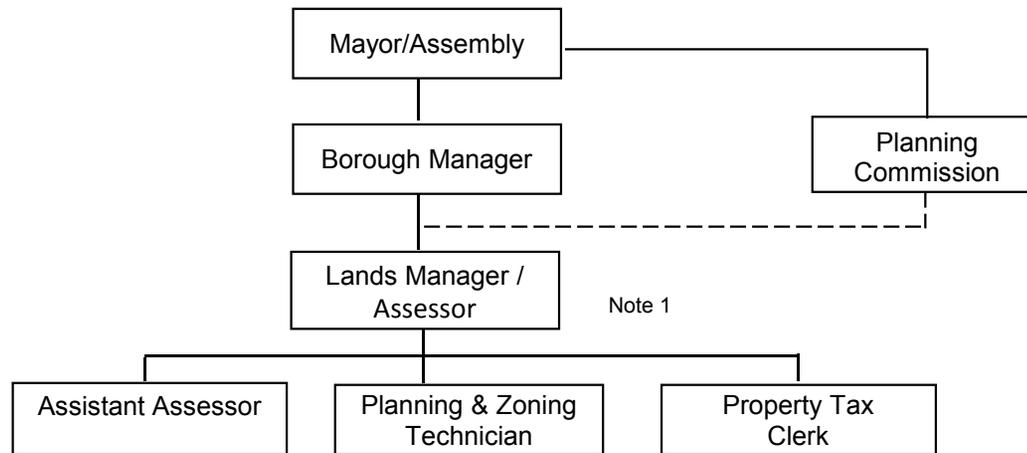
POLICE DEPARTMENT



Notes:

1. The Chief of Police is a borough officer who reports directly to the Manager but is appointed by, and serves at the pleasure of, the Borough Assembly.
2. The Police Reserve Commander position is normally held by one of the police officers.

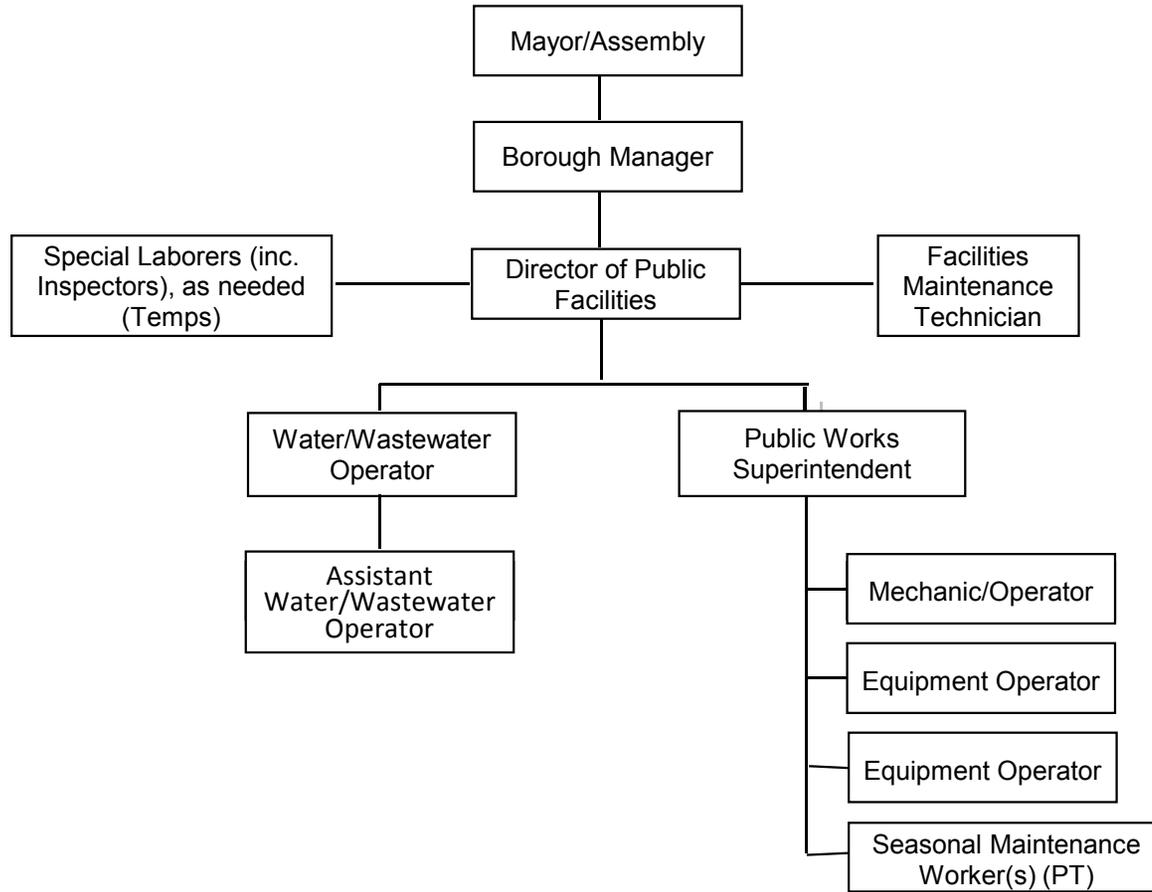
LANDS MANAGEMENT / ASSESSMENT DEPARTMENT



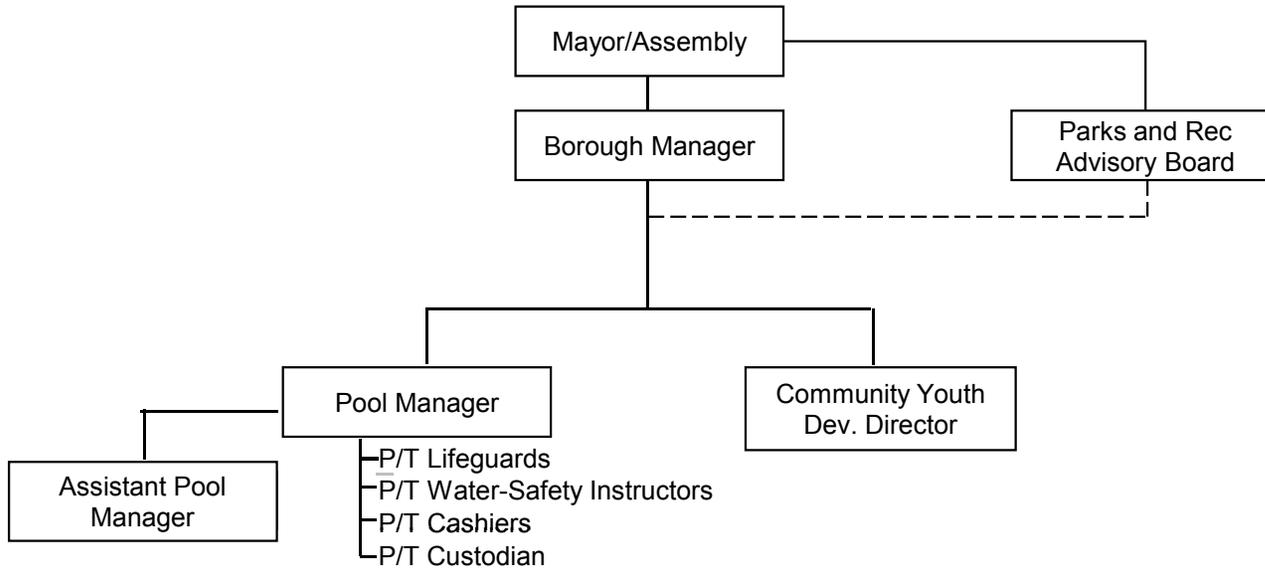
Notes:

1. Currently a contract position.

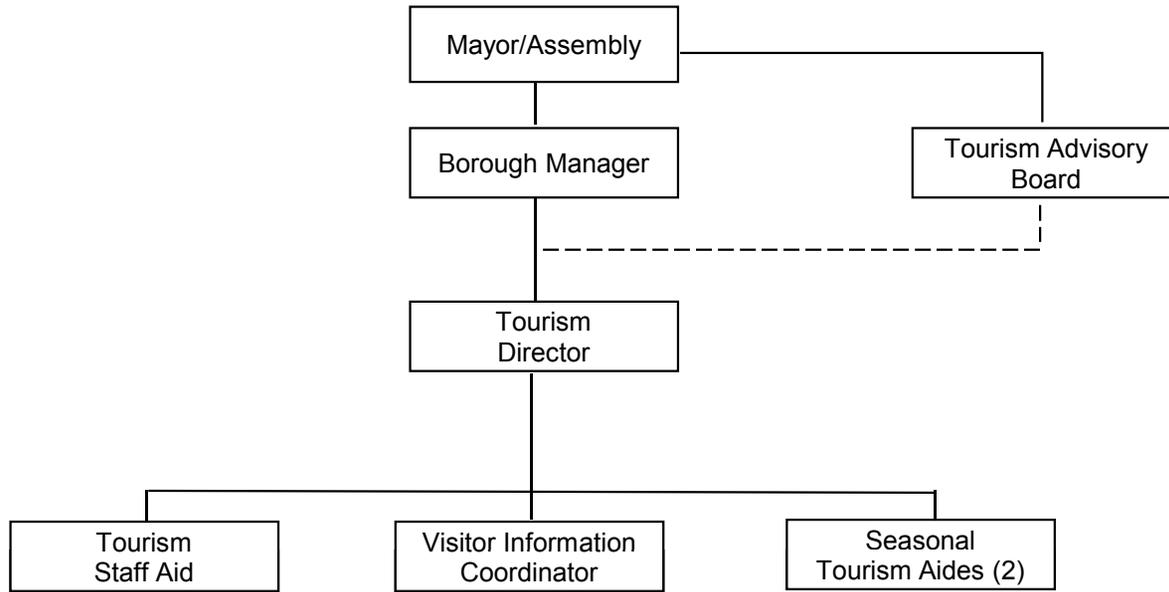
DEPARTMENT OF PUBLIC FACILITIES



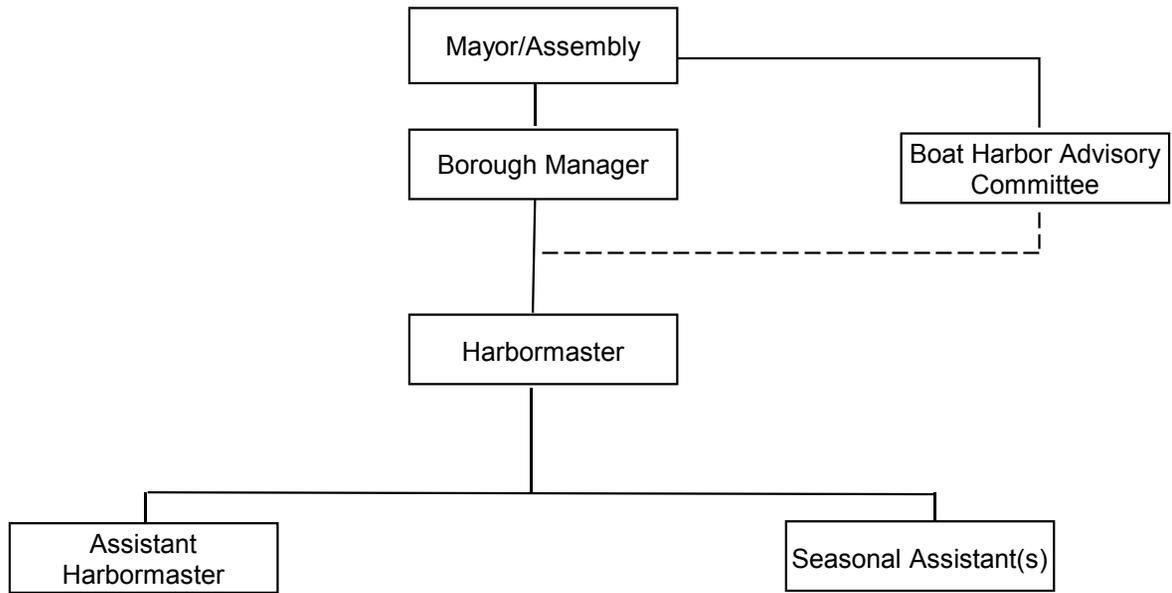
PARKS AND RECREATION DEPARTMENT



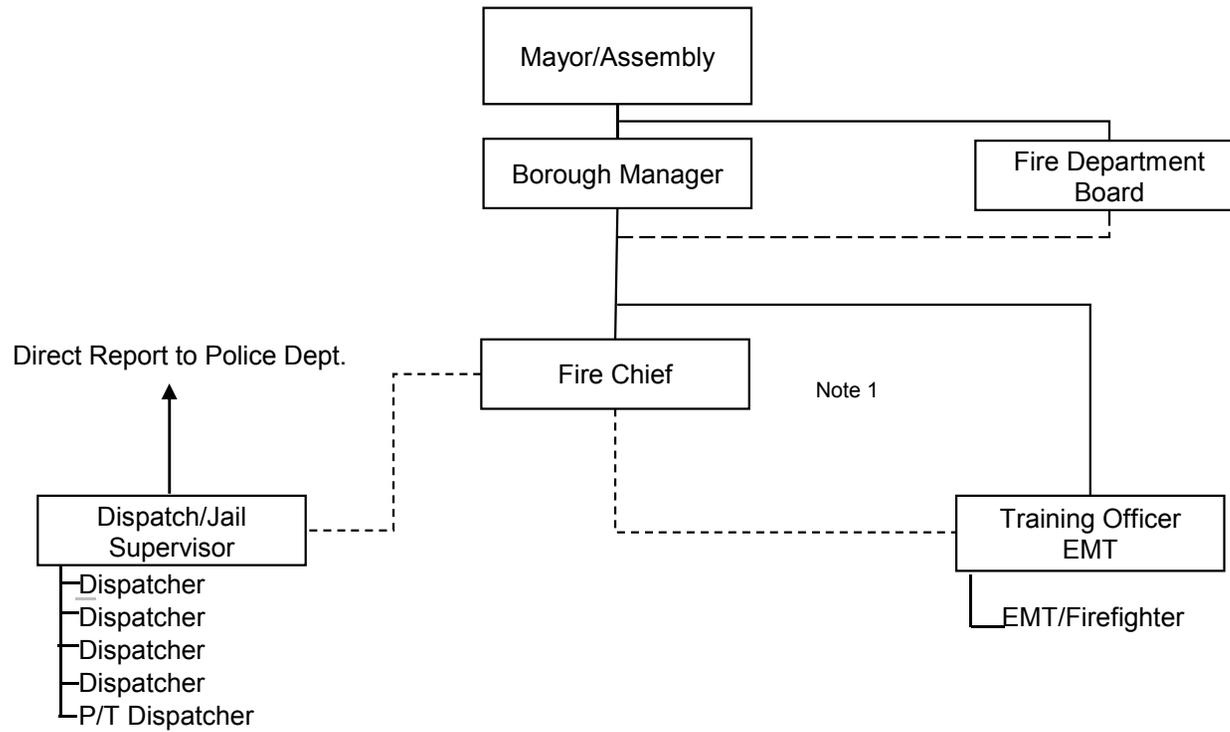
TOURISM



PORTS & HARBORS



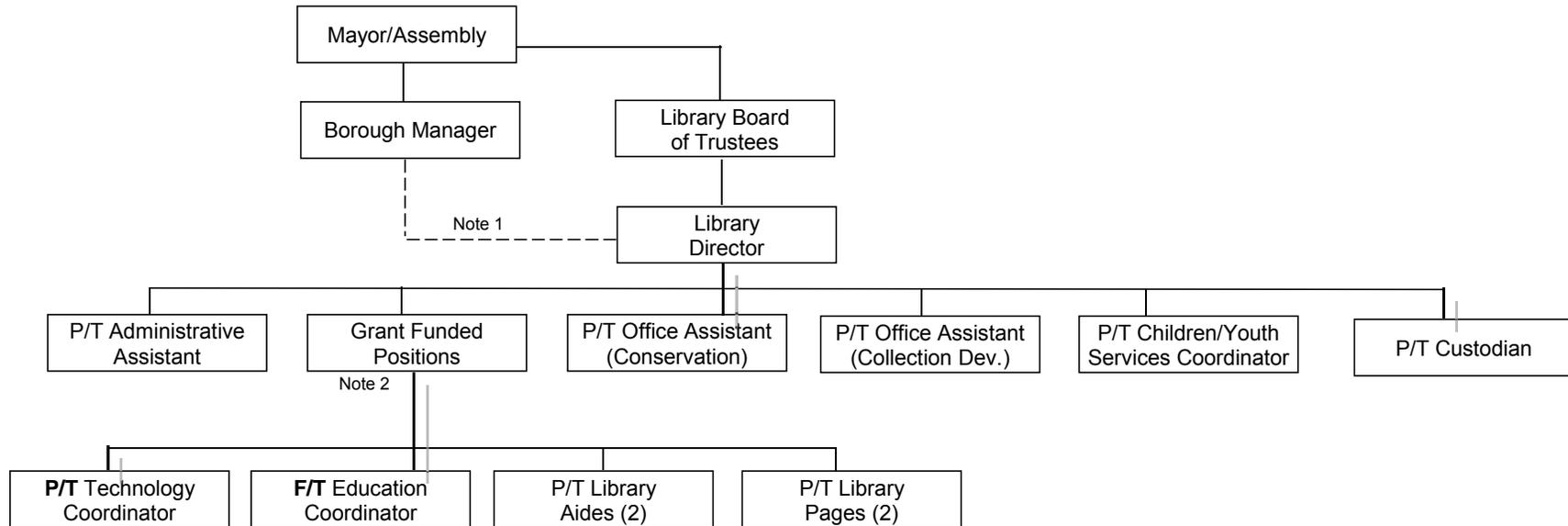
FIRE DEPARTMENT



Notes:

1. Fire Chief reports directly to both the Manager and the Fire Department (per code).

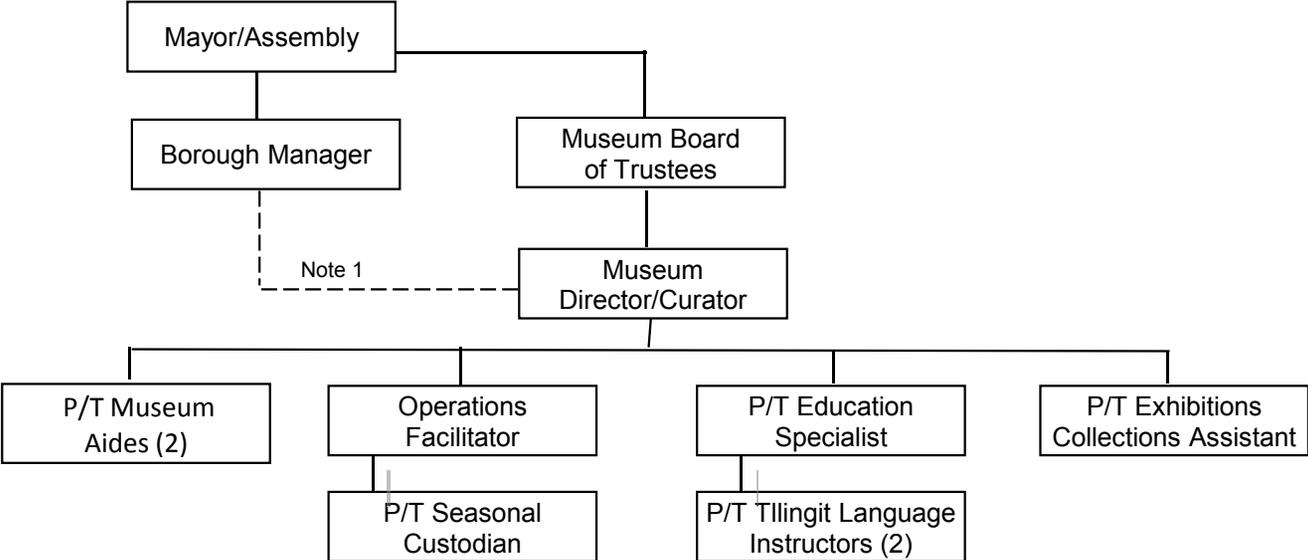
LIBRARY



Notes:

1. The library staff are Borough Employees. The Library Director reports directly to the Library Board of Trustees but has a functional support relationship with the manager (and his staff as he so delegates) for payroll and accounting services. Funds for the operation of the library are appropriated by the assembly each year. To the extent the library's expenses exceed such appropriations, the deficit is made up from unrestricted grants and income to the library.
2. All grant funded positions are assumed to be limited duration.

MUSEUM



Notes:

1. The museum staff are Borough Employees. The Museum Director reports directly to the Museum Board of Trustees but has a functional support relationship with the manager (and his staff as he so delgates) for payroll and accounting services. Funds for the operation of the museum are appropriated by the assembly each year. To the extent the museum's expenses exceed such appropriations, the deficit is made up from unrestricted grants and income to the museum.

Empowered Boards

The Museum Board of Trustees, Library Board of Trustees and, to a certain extent, the Fire Department Board are designated as "empowered" boards although the respective enabling codes do not use that term. Members are appointed.

The School Board is an "empowered" board, as well, but its members are elected during the Haines Borough General Municipal Election.

An empowered board has overall authority to...

- Assume responsibility and stewardship over assets
- Promulgate regulations, fees, charges, and policies
- Negotiate and enter into contracts and grant agreements
- Apply for and administer funds from state and federal agencies (as well as from the borough assembly)

December 3, 2013

To: Stephanie Scott, Mayor
Haines Borough Assembly
Julie Cozzi, Interim Manager
Darsie Culbeck, Ex. Assistant to the Manager

Fr: Debra Schnabel

Re: Borough endorsement and support of survey to ascertain community practices and attitudes about solid waste issues

My formal course of study at the University of Alaska Southeast requires that I perform an analysis of a public administration topic and demonstrate my understanding of pertinent public administration concepts, tools and theories. I am focusing on solid waste management in the Haines Borough with the idea that I might come to a clearer understanding of the issues and what options we have to improve our capacity to meet stated goals for recycling, reducing waste and maintaining a cleaner, safer environment.

One aspect of my project is conducting research to develop statistical data to support policy development. I created a survey document for the purpose of measuring community practices and attitudes about solid waste issues. The survey is not perfect (yet!), but with every review and edit gets closer to being a valid research document that will provide an accurate profile of our community re: solid waste issues. The survey is designed as a sample survey of 120-200 community households and businesses selected at random from a list of postal boxes. The validity of the survey results can be improved only incrementally with more than 200 participants.

I am offering the borough the opportunity to endorse this research with the hope that the borough will support its conduct in January 2014. Thereafter, IF the research indicates a need or willingness, I will encourage the borough through the Commerce Committee to work with community stakeholders to explore integrating solid waste management issues into a plan that can be implemented and supported areawide.

The University of Alaska Southeast has offered use of its Survey Monkey® account to allow the survey to be conducted via the internet on a platform that produces analytic reports. Participants will receive instructions for accessing the internet via email (if we can acquire those addresses) and by US mail.

If the borough sees merit to endorsing this research and contributing to its realization, I am asking that it allow for the following expenditures:

1. Continued development of the community postal box directory. This would involve cross checking borough-managed directories (water & sewer accounts, harbor accounts, etc.) to

ensure that our survey frame is as comprehensive as we can achieve. [The post office has leased 1547 boxes...we know the addressees of 1062.] Budget element: 8 hours

2. Production and delivery of up to 200 (fractionally, more or less) postal cards to notify the randomly-selected recipients that they have been chosen to participate in the survey, and how they should proceed to participate or not. Budget elements: 8 hours +post cards+postage.

3. Monitor website and Follow-up to ensure participation, assist in survey if internet access is not readily available, and substitution if participation is withheld. Budget element: 24 hours

Total estimated contribution of borough resources:

Human resources: 40 hours @ \$30 /hour benefitted:	\$1200
Supplies + postage	<u>\$200</u>
	\$1400

I am not yet familiar with the Survey Monkey platform, but I have been led to believe that analysis of the data is immediate and straightforward. Should the borough endorse this project, I am committed to lead this project as Chair of the Commerce Committee and as a student of public administration at UAS.

Solid Waste Management Survey

Refuse, garbage, trash, junk, food scraps, lawn clippings...anything that is not consumed or recycled in a community, is known as municipal solid waste (msw). How we manage the waste stream from our household or business to a final place of rest, decomposition, reuse or recycling is critical to the health, safety and quality of community life.

The Haines Borough is exploring options for a program of solid waste management - one that might integrate recycling, composting, burying and exporting in one system. This survey is designed to assess current practices and attitudes that will impact design opportunities and the potential for new practices.

You have been selected to provide information in this random sample survey. Your participation is vital to the reliability of the final survey results, and we ask that you complete this survey. Your responses will be completely anonymous; our software program will know if you responded, but not how you responded. Please tell us if you cannot or will not complete it so that we might randomly select your replacement.

Thank You!

***1. Indicate which best describes your situation:**

- I own a business that generates more than 1 cubic yard msw/week.
- I own a business that generates less than 1 cubic yard mws/week.
- I represent a household only, not a business.

2. Household location

- My household is in the Townsite Service Area (within about 3.5 miles of the post office)
- My household is outside the Townsite Service Area (more than 3.5 miles distant from the post office)

Practices

3. Most everyone has good intentions to manage their solid waste but sometimes life throws in a situation and you do something different. Generally, how do you normally handle the bulk of your household solid waste (check no more than 3)?

- Compost food scraps
- Selfhaul mixed waste to Acme Transfer
- Use public or business dumpster
- Community Waste Solutions contract for pick-up
- Recyclables to Haines Friends of Recycling
- Selfhaul to Juneau or Whitehorse
- Selfhaul to Community Waste Solutions, sorted for recyclables
- Selfhaul everything to Community Waste Solutions, mixed
- Mixed waste is deposited wherever its convenient off my property
- Mixed waste is stored/buried/burned on my property
- Mixed waste is stored/buried/burned on someone else's property with permission

4. If you recycle, indicate what materials you sort for recycling (check all that apply):

- paper and newspaper
- plastics
- cardboard
- glass
- aluminum, tin
- fabric, clothing

5. Volume

Using a standard 32 gallon can as a measure, about how much total waste does your household generate in a week, including the materials you compost and recycle, if you do that?

- less than 1/2 can
- 1/2 to one can
- 1 to 2 cans
- more than two cans

6. Time

About how much time per week does it take for your household to manage your waste, including sorting, recycling, composting, hauling, etc., if you do that?

- less than an hour
- 1 to 2 hours
- 3 to 4 hours
- more than 4 hours

7. Attitude

How you feel about the total time you spend generally dealing with household waste, recycling, composting, etc.?

- too much time
- just the right amount of time
- I should spend more time to do a better job

8. Cost

About how much does your household pay out-of-pocket per month to manage your household waste?

- nothing
- less than \$20
- \$20 - \$49
- \$50 or more

*9. Attitude

How do you feel about the amount of money you spend dealing with household waste, recycling, composting, etc.?

- Too much money
- just the right amount of money
- I would pay more for convenience

Community Values

10. Assume that the composition of the community solid waste stream is 1/3 compostable (organic) , 1/3 recyclable (paper, plastic, glass, metal), and 1/3 trash (discarded manufactured items like mattresses, baby strollers, old shoes, lamp shades, etc. and contaminated packaging and construction debris).

	Not important	Somewhat important	Important	Very important	Critical
How important is it to you that all Haines Borough households compost food scraps?	<input type="radio"/>				
How important is it to you that all Haines Borough households recycle materials?	<input type="radio"/>				
How important is it to you that all Haines Borough residents dispose of msw by a "properly" described or regulated means?	<input type="radio"/>				

11. An Alaska ADEC Class 3 landfill was established in Haines mid 1970s. All Haines' solid waste went into the landfill until 2001 when the landfill owner began sorting organic wastes out. Since 2012, only inert materials go into the landfill, as operated by Community Waste Solutions.

	not important	somewhat important	important	very important	don't know enough to say
How important is it to you that Haines has a landfill for for inert materials?	<input type="radio"/>				

12. The Department of Environmental Conservation regulates the local landfill.

	not satisfied	somewhat satisfied	satisfied	very satisfied	don't know enough to say
How satisfied are you that the landfill is environmentally safe?	<input type="radio"/>				

System Solutions

13. Do you think there is a problem with the way we manage our municipal solid waste?

- Yes
- No
- No opinion

14. Rank what you see as our most significant problem, with 1 being the most significant.

lack of enforcement against littering and dumping

lack of ordinances defining and requiring safe or "proper" disposal

too complicated for households to manage waste: time, distances, schedules, etc.

fractured market; too many operators, too much competition so no one makes money

price is too high

15. Balancing economic and environmental concerns, rank these methods of managing Haines' solid waste in your preferred order, with 1 being your most preferred method, and 3 being your least preferred method. You may also offer a different method under the next question.

Landfill everything except recyclables in Haines. (old way)

Separate to compost, landfill inert materials, export recyclables and mixed waste (current way)

Export All Materials (sorted for recyclables or not) outside Alaska (alternative)

16. If you can offer additional methods for managing Haines' solid, please describe briefly here.

17. Would you support taxation to provide a municipal program for recycling, composting and disposal so the service is "free" to everyone?

- Yes
- No.

If No, why not?

Business Survey

18. A. Business location

- My business is in the Townsite Service Area
- My business is outside the Townsite Service Area

19. Do you combine your household solid waste with your business solid waste?

- Yes
- No

20. How do you usually manage the majority of your commercial solid waste? (check all that apply)

- Recyclables to Haines Friends of Recycling (all or some)
- Community Waste Solutions contract for pick-up
- Self-haul to Acme Transfer
- Self-Haul to Community Waste Solutions
- Burn or Bury on my property
- Compost

21. About how much total waste (excluding recycling) does your business generate per week?

- less than one cubic yard
- one to two cubic yards
- two to four cubic yards
- more than four cubic yards

Economics of Recycling

22. Do you sort and recycle?

yes

no

23. Indicate what materials you sort for recycling (check all that apply):

- paper and newspaper
- plastics
- cardboard
- glass
- aluminum, tin
- fabric, clothing

24. What is the financial impact on your business of sorting or recycling?

- saves me money
- costs are neutral
- costs aren't significant
- costs are significant

Obstacles to Recycling

25. What is the main reason why you do not recycle?

- Time and money: costs too much
- Space: takes too much
- Don't care

Other (please specify)

Time and Money

26. About how much time average per week do you and your employees combined spend handling your solid waste?

- less than an hour
- 1 to 2 hours
- 2 to 4 hours
- more than 4 hours

27. What are your monthly out-of-pocket costs for handling and disposing of your waste?

- less than \$100
- \$100 to \$199
- \$200 to \$399
- \$400 or more

28. Describe any ways that you can see for reducing the time and expense that your business spends managing its municipal solid waste issues.

Landfill Questions

29. An Alaska ADEC Class 3 landfill was established in Haines in the mid 1970s. All Haines' solid waste went into the landfill until 2001 when some materials were sorted out. Since 2012, only inert materials go into the landfill, as operated by Community Waste Solutions.

	not important	somewhat important	important	very important	don't know enough to say
How important is it to you that Haines has a landfill?	<input type="radio"/>				

30. The Dept. of Environmental Conservation regulates the landfill.

	not satisfied	somewhat satisfied	satisfied	very satisfied	don't know enough to say
How satisfied are you that the landfill is environmentally safe?	<input type="radio"/>				

Community Values

31. Residents often look to business owners for leadership in community issues.

	Not important	Somewhat important	Important	Very important	Critical
How important is it to you that the community compost food scraps?	<input type="radio"/>				
How important is it to you that the community recycle materials?	<input type="radio"/>				
How important is it to you that the community dispose of msw by a "properly" described or regulated means?	<input type="radio"/>				

32. Do you see any economic benefit to composting community-wide (restaurants, schools, households)?

- yes
- no
- don't know enough to say

System Solutions

33. Do you think there is a problem with how the community manages its solid waste?

- No
- Yes

34. Rank what you see as our most significant problem, with 1 being the most significant.

lack of enforcement against littering and dumping

lack of ordinances defining and requiring safe or "proper" disposal

too complicated: time required, distances, schedule of landfill/transfer station, etc.

fractured market; too many operators, too much competition so no one makes money

price is too high

35. Would you support taxation to provide a municipal program for recycling, composting and disposal so the service is "free" to everyone?

- Yes
- No.

If No, why not?

36. Would you support creating an Enterprise Fund (user pays fees based on volume) to provide a system that includes recycling, composting and disposal?

- yes
- no

Notice of Appeal of skier day allocation
for SEABA LLC

This is to certify that Southeast Alaska Backcountry Adventures LLC determined that the process in determining the allocation of skier days from the manager is unfair and is not justified for the following reasons.

1. The manager asserted that he penalized SEABA for the following:

The reason for the reduction in SEABA's allocation is based on the findings of the Clerk's research and analysis of the company's 2013 safety/ compliance record, which notes in part the following:

SEABA was found in violation of Haines Borough Code 5.04.080 Conditions applicable to all permits; A permittee is responsible for complying with all municipal, state, and federal ordinances, statutes, and regulations applicable to the permitted activities.

Last spring SEABA was fined for violation of H.B.C. 5.04.080. The amount was \$500. We feel that this fine validated our violation and extinguished any future recourse from the Haines borough. We feel that by removing 150 skier days from our allotment has several implications. The first implication is this represents a double fine for the violation of H.B.C. 5.04.080 and secondly it presents potentially even a more costly monetary hardship as profit in our business can be dissolved by have a poor weather year. In good weather years we bank income, so that we can survive leaner years in which weather does not permit us to operate.

When Nicholas Trimble from SEABA attended the allocation meeting, SEABA was the only company that sent a representative and supported its claims as to why we need 1100 skier days. We feel that this is an important meeting and all interested parties should attend, especially when all three are based in Haines.

We have also contended that Alaska Mountain guides, who have historically used 18 skier days out of the 750 they have been allocated, should not be allocated any skier days and that the third permit should be removed from code.

Both permitted companies in 2010, Ak Heliskiing, and SEABA, testified extensively that the idea of a third company was not viable based on 2600 skier days and the track record of AMG proves this point. You cannot sell a product and engage in contracts with helicopter companies unless you can promise a certain amount of business. We, Alaska Heliskiing and SEABA, testified that the threshold for skier days in Haines was around 3600 based on the current allowable land available for use.

In 2012 both Chugach Powder Guides based out of Girdwood Ak, and Points North Heli Adventures based out of Cordova reported to the US Heliski Association around 1820 and 1965 skier days respectfully. These are financially viable companies in their respective areas.

To support this evidence a brief was submitted on behalf of Chugach Powder Guides to the 9th District court of Appeals during their expansion process in the Chugach National Forest in 2007 contended that under a documented feasibility performed under the NEPA process in which a Financial Economic Feasibility study was completed suggest that both the

analyst hired by C.P.G. and Regional Forest Economist conclude that the numbers provided by the company, and I quote,"simply, plausibly and verifiably link user days to profitability."

Along with this statement, appears in the briefs footnotes as:

"In point of fact, one of the reasons it is hard to be financially viable as a heli-ski business is because of the number of operating days lost to bad or non-fly weather: if a day is not flyable, C.P.G. must refund a clients money. So, for instance, though CPG had 1200 user days allocated to it for each of the five years between 2000 and 2004 and averaged 40 flyable days a year between 2000 and 2003, in 2004 it skied only 27 days; fully 1/3rd of the season was lost to weather."

The fact remains that in 2011 when Alaska Mountain Guides received its permit, no feasibility study was done, and at this time had one been performed, the permitter, the Haines Borough, would conclude that in order to grant a permit to another company would require a deliberate doubling of skier days above and beyond the 2600 that both AK heli and SEABA could exhaust on a good weather year. This was not done and so it limits both the expansion and profitability of all companies involved. This is not managed heliskiing like the voters advised in 2002. This is discriminatory!

Until the Haines Borough opens up the commercial skiing ordinance and changes skiers day to 4200 or dissolves them entirely, then I believe that AMG or a third permittee will never be able to be responsibly permitted and enter the heliski market.

Based on these arguments presented and the track record of AMG not being able to use its days in three consecutive years, SEABA firmly believes that a minimum of 150 skier days that were awarded should be surrendered by AMG and placed in SEABA's allocation.

This award would legitimize SEABA's initial request for skiers days.

Thanks you for considering this appeal.

Scott Sundberg
General Manager
SEABA LLC



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

Manager's Report – Heliskiing Allocations Update

October 15, 2013

Haines Borough Code 5.18.080 establishes a maximum of 2,600 skier days to be allocated by the Manager among three heliski companies. Alaska Heliskiing (AH), Southeast Alaska Backcountry Adventures (SEABA), and Alaska Mountain Guides (AMG) have requested a combined 2,850 skier days for the 2013 heliski season. When this occurs, it falls to the Borough Manager to decide how to allocate skier days between permitted companies. HBC 5.18.080(C)(2) lists the following factors to be considered when making allocation decisions:

- a. The quality of the operating and safety plans submitted by the permittee.
- b. The economic impact of the allocation on the permittee.
- c. The safety and well-being of the general public.
- d. Historic use of skier days by the permittee.
- e. The interests of the borough in the promotion of tourism.
- f. Past safety record of the permittee.
- g. The applicant's past record of compliance with borough ordinances related to commercial ski tours.
- h. The existence and terms of any voluntary agreement between the borough and the applicant pertaining to operational practices of the applicant.

I have decided to issue skier days for the 2014 season as follows:

	2011	2012			2013			2014	
	Final Allocation	Requested Allocation	Initial Allocation	Final Allocation	Requested Allocation	Initial Allocation	Final Allocation	Requested Allocation	Allocation
AH	1450	1450	1450	1490	1400	1050	1250	1400	1400
SEABA	750	1000	870	870	1000	1000	1000	1100	950
AMG	200	200	200	200	450	450	250	450	250
Total	2400	2650	2520	2560	2850	2500	2500	2950	2600

These numbers represent the allocation for the 2014 season.

The reason for the reduction in SEABA's allocation is based on the findings of the Clerk's research and analysis of the company's 2013 safety/ compliance record, which notes in part the following:

SEABA was found in violation of **Haines Borough Code 5.04.080 Conditions applicable to all permits**; A permittee is responsible for complying with all municipal, state, and federal ordinances, statues, and regulations applicable to the permittee's activities.

The reason for the reduction in AMG's allocation is based on historical use.

Alaska Mountain Guides used no skier days in 2013 and only 5 skier days 2012.

Any permittee receiving less than a requested allocation may appeal this initial allocation decision to the borough assembly by filing a notice of appeal with the borough clerk no later than 15 days from the date of this decision.

DAVID B. SOSA

PROFESSIONAL SUMMARY

Experienced leader and manager with a lifelong track record of commitment to public service, a detailed knowledge of the principles and practices of public administration, and a dedication to ethical governance. Skilled at supervising complex organizations and conducting strategic planning. Comfortable working with stakeholders in an open and collaborative manner to develop recommendations for senior officials and see plans through to completion. Seeking a position providing professional challenges and opportunity to continue serving the public.

EDUCATION

- **Master of Public Administration**, Golden Gate University (With Highest Honors) 2008
- **Master of Military Studies**, Marine Corps University (Distinguished Graduate) 2008

PROFESSIONAL EXPERIENCE

United States Marine Corps, 06/1992 – Present

Deputy Director, Operations & Plans, Marine Corps Installations-East, Camp Lejeune, NC 05/2013 – Present
 Coordinate operational and strategic planning for seven Marine Corps Installations spread across five states supporting more than 100,000 military personnel, civilian employees, and military families. Oversee the preparation, coordination, and presentation of the department's annual budget, and develop financial forecasts. Participate in development of departmental objectives and goals, coordinate activities between subordinate sections, identify opportunities for improvement and direct and implement changes as appropriate. Provide direct supervision to the Regional Emergency Manager and the Regional Training and Education Manager. In the absence of the Director assume responsibility for all departmental functions.

- Supervised development and submission of annual Training and Professional Development Plans and development/submission of the FY 14 Budget.
- Participated in and led planning sessions requiring coordination and engagement with multiple stakeholders to include representatives of state and local governments.
- Assisted in the development of exercises to evaluate Regional Emergency Response and coordinated principal staff in the development and review of regional planning to include the 10 Year Strategic Plan.
- Served as a member of the Regional Mission Assurance Program Council, the Installation Emergency Management Working Group, and Chaired the Incident Determination Committee.

Battalion Commander, 2nd Marine Division, Camp Lejeune, NC 12/2010 – 05/2013
 Managed more than 1,200 employees consisting of managers, technical professionals, and various specialists. Exercised budgetary control of a \$143M account, a \$2M operating budget, and established associated spending priorities based on cost-benefit analysis.

- Successfully led two deployments centered on the Middle East in support of Operation Enduring Freedom.
- Directed staff planning and coordinated operations of all functional areas including administration, logistics, intelligence, training, medical support, operations, force-protection, and communications.
- Incorporated a structured workforce development program that significantly improved individual and collective effectiveness.
- Integrated the efforts of various U.S. service branches, coalition forces, and host nation support.
- Established relationships with foreign military officers and local officials to facilitate training, resolve disputes, and build alliances throughout the operating region.

Division Training Officer, 2nd Marine Division, Camp Lejeune, NC

07/2010 – 12/2010

Responsible for the development and execution of training objectives for a 15,000-member organization and ensured units satisfied prescribed requirements prior to deployments in support of operations in Iraq and Afghanistan. Responsible for coordinating training and Professional Development Programs for mid to senior level leadership personnel.

Program Manager, United Kingdom Royal Marines, Portsmouth, England and Basra, Iraq 06/2008 – 07/2010

Served as the lead staff planner for the United Kingdom's Amphibious Forces and was the primary advisor to the Senior Commanding General, Royal Marines for US and Coalition doctrine. Supervised a multi-national staff while coordinating training and development of Iraqi Army, Police, and Border Security Forces in Basra Province, Iraq. Responsibilities included reviewing, creating, and implementing operational and strategic plans and providing recommendations to senior members of the Royal Navy on matters relating to force development.

- Participated in design of long range plans between military and civilian leadership focused on increasing Iraqi military support of government development initiatives in Southern Iraq.
- Mediated issues and developed relationships between Iraqi Army, Police, and Border Forces and oversaw implementation of Joint Iraqi Army/Iraqi Police Security Checkpoints and Security Stations enabling significant regional security improvements in and around Basra.
- Supervised grant writing and submission for multiple projects that enhanced the effectiveness of Iraqi Security Forces.
- Provided instruction for UK Defense Colleges, Operational Staffs, and other organizations.
- Designed training and served as Exercise Director for a development program that enabled the organization to attain certification as the European Union's Maritime Component Command for Counter-Piracy Operations.
- Prepared and delivered briefs and reports and served as an expert commentator during visits by British Members of Parliament and Cabinet officials, senior US & Coalition Military members, and Iraqi Government and military officials.

Student, Marine Corps Command and Staff College, Quantico, VA

06/2007 – 06/2008

Regional Recruiting Director, 12th Marine Corps District, Sacramento, CA

06/2004 – 06/2007

Commanded US Marine Corps Recruiting activities in Northern California and Western Nevada covering a 120,000 square mile area and consisting of 15 Facilities and 72 recruiting specialists. Managed an organizational staff, oversaw an Operations and Training Team, and exercised budgetary control of an \$850,000 annual budget.

- Provided guidance and direction for Marketing and Public Affairs activities, Corporate Communication, and Community Relations.
- Fostered cooperation and engagement with community leaders, school officials, and local business leaders to build consensus and gain local support to secure organizational goals.
- Attained 2,818 net enlistments and shipped 2,934 recruits to training attaining 101% of assigned quota and exceeding baseline quality measures in every category.

Other positions within the Marine Corps, Various US and international locations

06/1992 – 06/2004

Led and oversaw organizations ranging in size from a 40 member platoon to a Headquarters Company of more than 900 individuals. Served on various level staffs and addressed special projects. This period includes combat service as Operations Officer for an Infantry Battalion during Operation Iraqi Freedom 1 (Jan-June 2003).

Susan Jensen
Resume

Education

Master of Public Administration with Rural Emphasis (2013), University of Alaska, Southeast
BA in Business Administration and Management (2008), Alaska Pacific University

Membership Organizations

Anchorage Chamber of Commerce
Board of Directors, 3-year elected term
Anchorage Business Committee, Co-Chair
Finance Committee
Legislative Committee
Commonwealth North, Fiscal Action Coalition
Business Networking International, Past President
Society for Human Resource Management (SHRM)

Volunteer and Community

Active community volunteer; numerous positions including executive boards, committee chairman, and volunteer, past and ongoing

Employment

Bayshore Owners Association, 3131 Amber Bay Loop, Anchorage, AK 99515, (907) 522-4909

Operations Manager, 2005 to present (job equivalent of public Borough Manager)

Manage community of 1,500 citizen/members (equivalent of a Borough) on behalf of volunteer Board of Directors (equivalent of Borough Assembly), including:

Bayshore Owners Association (454 homes, Clubhouse, and 45-acre greenbelt)
Bayshore Chalet Room (for daily rental up to 150 guests per day)
Bayshore Early Learning Center (40 children)

Human resource evaluations and supervision of 20 union and non-union staff

Financial planning, investment, annual budget, monthly financial statements, supervision of accounting including accounts payable, payroll, quarterly reports, and collections

National accreditation of Bayshore Early Learning Center through NAEYC

Coordinate various committees and volunteers

Work with Municipal Platting Board, Planning Office, and Health & Human Services

Work with diverse outside groups

Capital improvements; work with board of directors and committee members to determine timeline for projects, raise capital funds as needed

Project coordinator for improvement to clubhouse and grounds, as needed

Consideration of legal aspects of business, clients, and staffing

Technical writing for staff manuals, personnel policies and client contracts

Conflict resolution

Grant collaboration

Marketing

Anchorage School District, 5530 E Northern Lights Blvd, Anchorage AK 99504, (907) 742-4000
Charter School Head, 2004-05
All aspects of supervision of union and non-union staff
Worked with School Board and Superintendent Carol Comeau
District and union requirements of budget, students, and staffing
All aspects of business operation

Tom Thumb Montessori Schools

President of Board and Chief Operating Officer, 1989 to 2004

Major accomplishments

Weather major regulatory change upon purchase of business

Revamp program to appeal to young professionals

Change from former owner's autocratic approach to support-based administration

Move accounting from paper system to modern technology

Annual budget \$2,000,000 (adjusted for inflation)

Five school sites Pre-K through 6th Grade with 300 students and 50 staff

All aspects of business operation including finance, staff, and marketing

References

Dr. Anselm Staack teaches accounting and finance at the University of Alaska, Southeast. His experience includes positions as the Chief Financial Officer for the Alaska Retirement Systems, Dep. Commissioner Dept. of Administration, CFO and CIO in a managed Hospital Corporation of America hospital, Alaska Treasury Comptroller, Legislative Audit and Computer Audit Manager, Senior Auditor with an International CPA Firm, and Controller for the City & Borough of Juneau. I took two graduate level public finance classes from Dr. Staack.

Anselm Staack, CPA, JD, MBA
Associate Professor of Accounting
University of Alaska Juneau

[Redacted]

[Redacted]

Andrew Halcro is the President of the Anchorage Chamber of Commerce and a former two-term Alaska State Legislator. He knows my involvement with the chamber and of my advocate capabilities. I am an elected board member of the chamber and am the Co-Chair of the Anchorage Business Committee.

Andrew Halcro, President
Anchorage Chamber of Commerce

[Redacted]

[Redacted]

Darcy Carney produces quarterly and annual compilations for Bayshore Owners Association and can discuss my work expertise in budget and finance. She is also a former Bayshore homeowner and well acquainted with my work as Bayshore's operations manager.

Darcy Carney, CPA
Carney Consulting Group

[Redacted]

[Redacted]



HAINES BOROUGH, ALASKA
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Administration 907.766.2231 • (fax) 907.766.2716
Tourism 907.766.2234 • (fax) 907.766.3155
Police Dept. 907.766.2121 • (fax) 907.766.2128
Fire Dept. 907.766.2155 • (fax) 907.766.3373

November 22, 2013

The Honorable Mark Begich
United States Senate
Washington, DC 20510

Dear Senator Begich:

The Haines Borough would like to update you on our harbor breakwater project and urgently request your support to move this project forward through the federal budget process.

The current harbor in Haines is severely over-crowded and cannot accommodate large vessels. We have a waiting list of over 250 individuals waiting for slips and many others have simply given up and not bothered to sign onto the list. The current harbor configuration exposes vessels to heavy winds from the south, causing reduced maneuverability and damage to the vessels and the harbor infrastructure. We have been working to expand this harbor for almost a decade. The Army Corps of Engineers (ACOE) issued a Chief of Engineer's Report to Congress in 2004 recommending that the project go forward. The Congress authorized the breakwater as part of the Water Resources Development Act of 2007.

The ACOE unfortunately discovered the existence of clay sediment in the area of the harbor where the new breakwater would be sited and the existing breakwater extended. The ACOE informed the community in public that a series of expensive wick drains would need to be incorporated into the project's design, and that the preliminary cost estimates pushed the breakwater costs to roughly \$33 million. The Borough is currently in discussions with the ACOE about a possible re-design or re-location of the project so that it is affordable. The Alaska State Legislature has appropriated \$4.5 million for the Haines Harbor. An additional \$15 million was added for our project as part of the General Obligation Bond package. The Haines Borough now has the financial capability to contribute a much higher amount to the construction of the breakwater.

We nonetheless need a financial contribution from the ACOE in order to move this project forward. The current moratorium on congressionally-directed spending has resulted in no new construction starts in the ACOE's Alaska District. We've been informed that the only new construction starts being funded are those proposed by the Administration as part of the President's budget. It appears that project-specific funding is not an "earmark" if the President proposes it. The Borough has been informed that the Fiscal Year 2015 President's Budget is under review internally, and that the agencies will receive guidance from the White House and the Office of Management and Budget around mid-December.

On behalf of the Borough, I am requesting your assistance in seeking to include \$10 million in the FY '15 ACOE budget proposal for the Haines Harbor project. This proposed amount is well within the statutory budget authorization. The Haines Borough will be able to cover the remainder of the cost of the breakwater with the funding we have in escrow for the project.

The proposed new harbor is central in the heart of all Haines citizens. The harbor is our best chance of boosting our economy. Any assistance you can provide in trying to get the project funding added to the President's Request would be greatly appreciated.

Sincerely,



Stephanie Scott
Mayor

cc: Sally Smith, Field Rep., Sen. Begich

Residents For A Better Haines (RFBR)
<http://www.rfbh.blogspot.com/>
Haines, Alaska 99827
rfbh.ak@gmail.com

11/26/2013

Members of our Haines Borough Assembly:

Attached is the SE Conference brochure celebrating Southeast Alaska's Maritime Industry and includes accomplishments of Wrangell, beginning on page 6. We believe Haines and Wrangell have economic similarities and encourage our Assembly to strive to achieve a similar success for Northern Lynn Canal.

Like Wrangell, our economy has been historically dependent on wood products, mining and commercial fishing. We both have suffered significant declines in cruise ship visits which complicated local business development. However, Wrangell has responded with a significant local effort and made investments to participate in SE Alaska's maritime industry.

The difference between these two communities? Wrangell has pursued an economic renewal to strengthen their community and provide jobs for their residents. Haines has not!

However, with our existing Boat Harbor project underway, we believe this can change! Instead of just providing a "parking lot" for our commercial and pleasure boats, Haines needs to stimulate our "absent marine economy" by thinking ahead and developing marine related industry sites within the scope of this expansion project.

We have at least one local boat builder who wants to expand his local business and has built new commercial fishing boats right here in Haines along with other complete and partial remodels. He has ideas for new designs, but needs a place to build these new boats. He has a talent our commercial fleet and pleasure boat owners need but no waterfront place to provide his services.

Our existing boat grid system is outdated and inefficient due to its dependency on tidal conditions. We need a haul-out system similar to Wrangell, Juneau, Skagway, Sitka and even Hoonah. One that can lift our commercial and large pleasure boats and transport them to a dry storage on-site facility to perform whatever repairs are required.

With possibly using the dredge materials to create a suitable haul-out and upland area. (Or if dredge materials are unsuitable, provide local materials to create this upland service area). This development with enhancements could provide a stimulus for our local economy and encourage local entrepreneurs to create jobs providing goods & services to our marine users.

We also support continued development of a deep water port in Lutak Inlet as additional stimulation for related economic growth which will strengthen our community.

For the betterment of our WHOLE community we encourage our Borough Assembly Members to review this brochure and dedicate themselves to creating a local atmosphere which promotes growth and investment in our communities future.

Sincerely,
Residents For A Better Haines (RFBH)
Joe Poor, Member



The Maritime Economy of Southeast Alaska

Photo Credit: Jo Ellen Wendel alaskafloatsmymyboat.com

A Publication of
Southeast Conference

September 2013

Our Ocean-Based Economy

Southeast Alaska's maritime sector is a vibrant spectrum of businesses and organizations dependent on ocean related commerce.

Southeast Alaska is a maritime region. Nearly every element of our economy is intermingled with the maritime economy. We depend on barges to import most commodities, including food and fuel. Our seafood industry depends on the wealth of the sea and the flotilla of 3,000 commercial fishing vessels home-ported in the region. A million visitors come to Southeast Alaska on 500 cruise ship voyages in the summer. Freight ships move logs and ore laden with precious metals to market. Alaska Marine Highway ferries provide transportation between communities.

Government employees regulate the fishing industry, guard our coasts, teach fisheries courses, manage coastal areas, operate docks and harbors, and research ocean species and habitat.

Due to the way economic data is typically quantified, the Southeast Alaska maritime industry has not previously been measured as an independent sector. As a result its contributions to the regional economy have not been recognized. This publication quantifies Southeast Alaska's maritime economy and provides an in-depth focus on one of the region's fastest growing segments: maritime manufacturing in the form of ship & boat building and repair.



HOW MUCH OF SOUTHEAST ALASKA'S ECONOMY IS MARITIME?

Just over one-quarter of all Southeast Alaska wages are directly earned through ocean related employment in 2012. In Southeast Alaska there are 8,200 "blue jobs" as maritime jobs are sometimes called, with \$475 million in associated wages. Taken together, the more than 400 businesses and government agencies that are directly tied to the ocean comprise Southeast Alaska's largest economic sector.

WHAT ARE MARITIME OR "BLUE" JOBS?

Maritime jobs are all jobs related to the ocean. In Southeast Alaska this includes ship and boat builders, fishermen, cannery workers, barge line operators, Coast Guard employees, ferry workers, marine welders, builders of breakwaters, whale watching cruise staff,

marine biologists, fishing lodge owners, sports fishing crew, marine regulation enforcers, kayak guides, boat dealers, salmon hatchery staff, fish permit clerks, fishing gear retailers, and more.

Both private and public sector employment are part of the regional maritime economy, although the region's private sector's contribution is larger. There are nearly three private sector maritime jobs for each public sector job. When all maritime categories are added together, the Southeast Alaska maritime sector directly accounts for 26% of all employment related income and 21% of all Southeast Alaska employment in 2012.

A UNIQUELY MARITIME ECONOMY

Maritime employment sets Southeast Alaska apart from the rest of the United States. Private maritime jobs are **49 times more prevalent** in Southeast Alaska than in the US as a whole according to the Bureau of Labor Statistics. Even excluding commercial fishing, which is 95 times more common here than in the US as a whole, the region's maritime businesses are 35 times more concentrated (or specialized) in Southeast Alaska than the nation as a whole. When economists look at an economy to identify the economic drivers, they look at this "location quotient" in order to understand what makes a region unique compared to national norms. The national average is 1.0, and anything over 2.0 is considered to be significant. Southeast Alaska's maritime sector off the charts.

A Message from Southeast Conference's Executive Director

Greetings-

We think this publication will change the way you think about the regional economy. We have often grappled with the question: What is Southeast Alaska's top economic driver, and what is it that makes the Southeast economy unique? Some said it was government, or fishing, or tourism, or extractive industries.

The ocean and ocean-related jobs play such a big role in our regional communities and we at Southeast Conference wanted to better understand the role of the Southeast Alaska maritime economy as a whole. Until now, no one had quantified just how big and important that role is. This publication marks the first time that all aspects of our maritime economy have been combined and examined together, and it finally answers those questions above.

We are a maritime economy. It is what most marks our identity and what fuels our economic engine. Our maritime economy permeates into every aspect of our economy and includes tourism jobs and fishing jobs; government jobs and natural resource development.

As part of this publication, we want to highlight some of the success stories from across the region related to maritime. Since much has been written about our commercial fishing sector, for this publication we chose to focus on the ship, boat building, and repair sector, as so much exciting growth and change has happened in those areas over the last decade. However, we hope this publication stands as a tribute to all maritime workers and businesses across Southeast Alaska.

New maritime opportunities are emerging across Alaska. Retreating sea ice has increased the accessibility of the Arctic, generating new economic opportunities and an increased US Coast Guard presence. Initiatives, such as those listed in this publication, are occurring that will help us to collaborate as a region and as a State to better recognize the value of maritime opportunities, and to prioritize development of the marine infrastructure necessary to bring higher paying jobs to our rural communities. Success will require industry leadership, strategic planning, and a willingness to work towards new worthwhile opportunities.

Southeast Conference will continue to push forward in this direction on behalf of our membership.

Shelly Wright
Southeast Conference, Executive Director

Contact Us:

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Staff of Southeast Conference

**Shelly Wright, Executive Director
Cheri Lancaster, Chief Finance Officer
Robert Venables, Energy Coordinator**

Southeast Maritime Employment & Wages, 2012



CSM Photos

	NUMBER OF FIRMS	TOTAL WAGES	ANNUAL AVG. EMPLOYMENT	AVERAGE ANNUAL WAGES
SEAFOOD (INCLUDING SELF-EMPLOYED SOUTHEAST ALASKA BASED FISHERMEN)	93 (+ 2,330 fishermen)	\$245,882,790	4,130	\$59,536
WATER TRANSPORTATION	97	\$39,051,375	755	\$51,724
MARINAS AND BOAT DEALERS	12	\$1,549,550	49	\$31,623
SHIP, BOAT BUILDING & REPAIR	7	\$10,001,800	183	\$54,655
MIXED MARINE RECREATION (SPORTS FISHING, KAYAKING, BOATING, FISHING LODGES, SPORTING GOODS STORES, MARINE RECREATION)	114	\$16,888,750	594	\$28,432
MIXED MARINE CONSTRUCTION, ENGINEERING, MANUFACTURING, & RESEARCH	51	\$12,094,190	192	\$62,991
SUBTOTAL PRIVATE REGIONAL MARITIME	374	\$325,468,455	5,903	\$55,136
FEDERAL MARITIME EMPLOYMENT (NMFS, US COAST GUARD, FISHERIES COMPONENT OF US FISH & WILDLIFE)	4	\$70,120,050	897	\$78,172
LOCAL GOVERNMENT MARITIME EMPLOYMENT (INTER-ISLAND FERRY AUTHORITY, DOCKS AND HARBORS STAFF)	20	\$4,665,990	100	\$46,660
STATE MARITIME EMPLOYMENT (AMHS, UNIVERSITY OF ALASKA - UAF, UAS; FISHERIES COMPONENT OF ADF&G)	4	\$74,192,475	1,300	\$57,071
SUBTOTAL PUBLIC REGIONAL MARITIME	28	\$148,978,515	2,297	\$64,858
TOTAL SOUTHEAST MARITIME JOBS & WAGES	402	\$474,446,970	8,200	\$57,860

Primary Source: Alaska Department of Labor.

Seafood Includes: Mariculture, Seafood Product Preparation and Packaging, Merchant Wholesalers, Seafood Markets (NAICIS codes 1125, 1141, 3117, 42446, 44522) 2012.

Water Transportation includes: Water Transportation, Support Activities for Water Transportation, Scenic and Sightseeing Transportation (NAICS codes 483, 4883, 4872) 2012.

Marinas and Boat Dealers includes: Marinas and Boat Dealer (NAICS codes 441222, 71393) 2012.

Ship, Boat Building & Repair includes: Ship, Boat Building & Repair (NAICS code 3366) 2012.

Mixed Marine Recreation includes NAICS codes 42391, 532292, 71211, 71212, 71213, 71399, 721214, 81149 for 2012.

Mixed Marine Construction/Manufacturing/Engineering/Research includes NAICS codes 23621, 2379, 311119, 31491, 332999, 333923, 42383, 54133, 541712, 541990, 611519 for 2012.

Other data sources: **Commercial Fishermen:** Data for this category includes 2011 US Census Nonemployer (self-employment) statistics. **US Coast Guard:** US Coast Guard employment and wage data provided by the US Coast Guard, 2012. **AMHS Employment:** AMHS employment and wage data provided by AMHS, 2012. **Alaska Department of Fish and Game** provided fish related job data, 2012. **US Fish and Wildlife and National Marine Fisheries Service:** Provided by the the United States Office of Personnel Management, 2012. **University of Alaska:** University of Alaska System Institutional Research & Analysis provided wage and labor information for UAS and UAF maritime related employment. **Dock and Harbors City Employees:** Survey by Sheinberg Associates, April 2013. Some rounding has occurred.

Notes: The goal of this analysis is to incorporate and measure the entire Southeast Alaska maritime economy. However, there is maritime-related employment in the supply chain base that provides specialized goods and professional services to the maritime industry that these figures do not include, such as plumbing and heating businesses that work on homes as well as boats, locksmiths with marine clientele, seafood restaurants, and employment agencies that hire ferry workers. Nor do these figures take into account the multiplier effects of maritime jobs on the region—each maritime dollar spent or job created leads to additional spending and employment as dollars working their way through the regional economy.

The 26% percent of work income from chart on page one is based on \$1.85 billion earned. This is slightly lower than the "Southeast by the Numbers" value because self-employment data (other than commercial fishing) could not be analyzed in enough detail to separate maritime from non-maritime employment, and thus was excluded from this analysis.

"Blue" Jobs in the Region's Public & Private Sectors

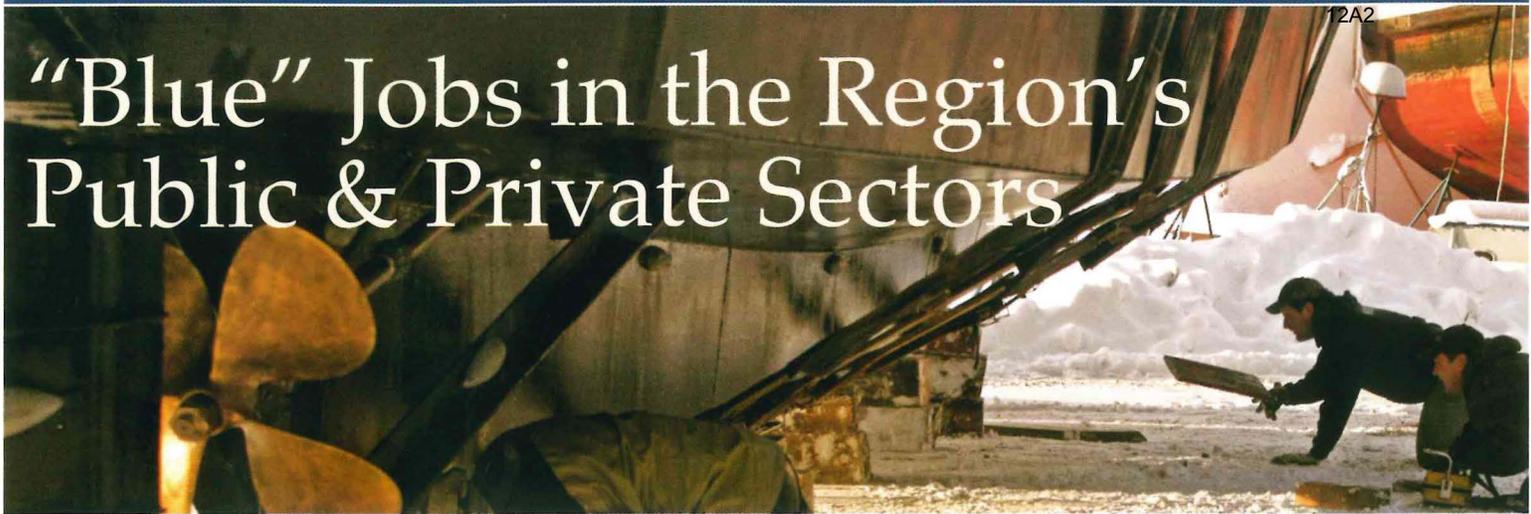


Photo Credit: Jo Ellen Wendel alaskafoatsmyboat.com

Southeast Alaska's maritime industry and related economic activity comprise the regional "Blue Economy."

PRIVATE SECTOR MARITIME JOBS AND WAGES

There are 5,900 private sector employees and commercial fishermen in Southeast Alaska, earning \$326 million annually, whose livelihood is linked to maritime industries. Their earnings account for 30% of all Southeast Alaska private sector employment income.

Some private sector "blue" jobs are solely linked to the oceans. These include commercial fishermen, and those employed by seafood plants, mariculture operations, barge and marine freight services, whale watching and other ocean-based excursions, charter fishing, marinas, boat dealers, and ship and boat building and repair craftsmen.

A smaller component—representing about 10% of private maritime employment—is mixed maritime; where jobs cannot be seamlessly separated from non-maritime jobs. Examples are construction firms that do work in marine construction (breakwater and seawall work, dock repair, pile driving, or boat lift installation) as well as non-marine construction; or "commercial recreational" lodges, which is a category that includes fishing lodges as well as hunting lodges. Other ocean-dependent businesses included in mixed categories are fishing guide services, sailing clubs, marine engineering, oceanographic research, boat and kayak rentals, marine and fishing equipment suppliers, dry-bag manufacturers, marine surveyors, and outboard motor repair shops. Employment in this category is more likely to be connected to the visitor industry and is highly seasonal.

GOVERNMENT SECTOR JOBS MARITIME AND WAGES

The public sector also has a significant amount of maritime employment, including 2,300 government jobs with a direct maritime component.

STATE MARITIME EMPLOYMENT

The largest share of these public sector



maritime positions—1,300—are with the State of Alaska. This is linked to the enormous investment the State has made in marine public transportation.

The Alaska Marine Highway System has 900 employees in Southeast Alaska. Among the many duties AMHS employees are responsible for include operating ships, providing shore support, ensuring that engine rooms are operating properly, and providing housekeeping services. In 2012, 263,000 passengers and 85,000 vehicles sailed on ferries in Southeast Alaska.

The Alaska Department of Fish and Game provides a significant number of State maritime jobs in the region. These jobs include boat officers; fisheries biologists, scientists, and analysts; and serve the Commercial Fisheries Entry Commission, and the divisions of the Sport Fisheries, Habitat,

Subsistence, or support the Board of Fish. The University of Alaska's School of Fisheries and Ocean Science also has a small presence in Southeast Alaska, and other University employment are the UAS professors who teach Marine Technology, Diesel, and Fisheries Technology courses.

FEDERAL MARITIME EMPLOYMENT

Forty percent of all federal wages paid to Southeast Alaskans are maritime wages. There are 700 US Coast Guard personnel stationed in Southeast Alaska—including both active duty and civilian staff, with associated wages of \$51 million.



The National Marine Fisheries Service (NMFS) also is a significant employer here, with 180 average annual employees. Most NMFS employees are involved in scientific research of fish stocks, fish habitats, or the chemistry of marine environments through the Ted Stevens Marine Research Institute laboratories, opened in Juneau in 2007.

US Fish and Wildlife maritime positions round out this category, albeit with a smaller presence than the other two federal organizations with maritime employment.

LOCAL GOVERNMENT MARITIME EMPLOYMENT

Two percent of all local government wages are directly tied to maritime employment. These include our local docks and harbors staff and Inter-Island Ferry employees.

Our Rich Maritime Heritage



State of Alaska Digital Archives: Mr. Lawson standing in front of combination fishing seine and tugboat that he built in 1938.

10,000 YEARS OF A MARITIME ECONOMY

The most dominant feature of Southeast Alaska is its ocean. Southeast Alaska consists of a narrow strip of mainland and a chain of 1,100 islands that make up the Alexander Archipelago. While the region stretches just 500 miles from the southern Dixon Entrance waters to Yakutat in the north, the saltwater shoreline of Southeast Alaska is approximately 18,500 miles. Nearly every community in the region is next to the ocean, and many places in Southeast are accessible only by boat or seaplane.

Maritime jobs are not new to Southeast Alaska. Southeast Alaska's maritime sector is the region's largest sector as well as its oldest. Southeast Alaska has been a maritime economy for over 10,000 years linked to the seafaring, canoe building and tidal wealth of the Tlingit, Haida, and Tsimshian—the Alaska Native groups that dominated the region for millennia. In modern times, the sea was a critical element in the rise of most of our industries. Indeed, every economic turn of the region's history was either enabled by, or directly resulting from, the region's connection to the ocean.

TLINGIT TRADING: The coastal lands of Southeast Alaska provided an ideal setting for the Tlingit—often called the "Tides People"—to thrive. The ocean provided abundant fish and sea mammals, as well as a transportation corridor. Highly-skilled navigators, the Tlingit developed ocean trade routes, using large ocean-going canoes for trading, visiting neighboring villages and waging war—



Canoe travelers arrive at the 2013 Chief Shakes Tribal House rededication

building onshore aids to navigation to help Southeast's first people find their way. In contrast to other indigenous peoples who often struggled just to survive, the Tlingit spent relatively little time harvesting and storing easily obtained marine foods and instead were able to focus on becoming sophisticated traders and craftsmen.

FUR TRADE: When the Russians descended on the region in the eighteenth century in a fleet of boats in pursuit of fur-bearing animals, they brought with them ship-building skills and operations. During the period of Russian control of the region, Sitka became a global destination for ships, making repair and marine fabrication skills essential during the Russian period.

SEAFOOD: Fishing and fish processing have long historical roots in the region. By the late 1800s, commercial fishing and canneries had become the largest economic driver in Southeast. Today seafood related jobs to account for 12% of all regional earnings.



Hecla Photo: Miners waiting for the boat to take them to Juneau from the Greens Creek Mine.

MINING: The discovery of gold brought thousands of miners and their families to the area by ship. By 1920, the Juneau-based AJ Mine was the largest low-grade gold mine in the world. Today, nearly a million tons of zinc, lead, gold, and silver continue to ship out of Southeast Alaska annually by ore carrier freight ships.

TIMBER: Once the economic backbone of the region, timber operations have always relied on waterways to move logs to market. Logging camps themselves were often floating communities, built directly on the ocean. In 2011, log carriers made 31 port calls to Southeast Alaska communities to ship timber.



TOURISM: Visitors have been coming to Southeast Alaska via marine transport since John Muir wrote about the region in the 1870's. In 1890, steamships brought 5,000 travelers. In 2013, cruise ships will bring more than a million passengers to the region on separate 500 voyages. The volume of visitors attracted to the region has given rise to a rich variety of local visitor businesses that benefit from the sea, from sports fishing to whale watching to guided kayak tours and more.

Growing Businesses: Southeast Alaska's Shipbuilding, Ship Repair & Industrial Fabrication



Photo by Meilum Schijvens

One of the region's fastest growing sectors is a component of the larger maritime industry. Ship and boat building businesses are primarily engaged in operating shipyards and boatyards where they construct boats and ships, and repair vessels among other specialized services. More than half of statewide employment in this sector is in Southeast Alaska. This growth was not accidental, but resulted from strategic planning and investment. As this sector grows, it is transforming Southeast Alaska into a premier maritime support center for vessels operating from the North Pacific to the Bering Sea, strengthening regional manufacturing activity, and attracting family wage jobs to the region. The following pages will tell three of these stories, profiling success stories from this maritime segment.

Community Profile: Wrangell: Timber Town Reinvents Itself as a Maritime Service Center

WRANGELL DRAWS ON ITS HERITAGE

For most of the 20th century, Wrangell's economy was predominately tied to timber and seafood. When the Alaska Pulp Company sawmill closed in 1994, it accounted for a quarter of Wrangell jobs, and a third of all direct local wages. Complicating matters, salmon prices fell to a point that commercial fishing was no longer economically viable and the largest seafood processor went out of business as well.

Reeling from these losses, the community focused on its maritime resources. Immediately the community set about enhancing its locally-based seafood and marine services sector: building a new boat harbor, upgrading the local seafood processing infrastructure, and investing in its boatbuilding and repair facilities. Over the past five years, deliberate investment in the maritime industry as part of that transition has revitalized the community, and the population increased by six percent, to nearly 2,500 in 2012.

Boat building and repair did not represent a new direction for the port community, but was a return to its gold rush roots when the Stikine River was used as a route to reach the

Klondike, and boat building was a key part of the economy.

LEARNING FROM PORT TOWNSEND

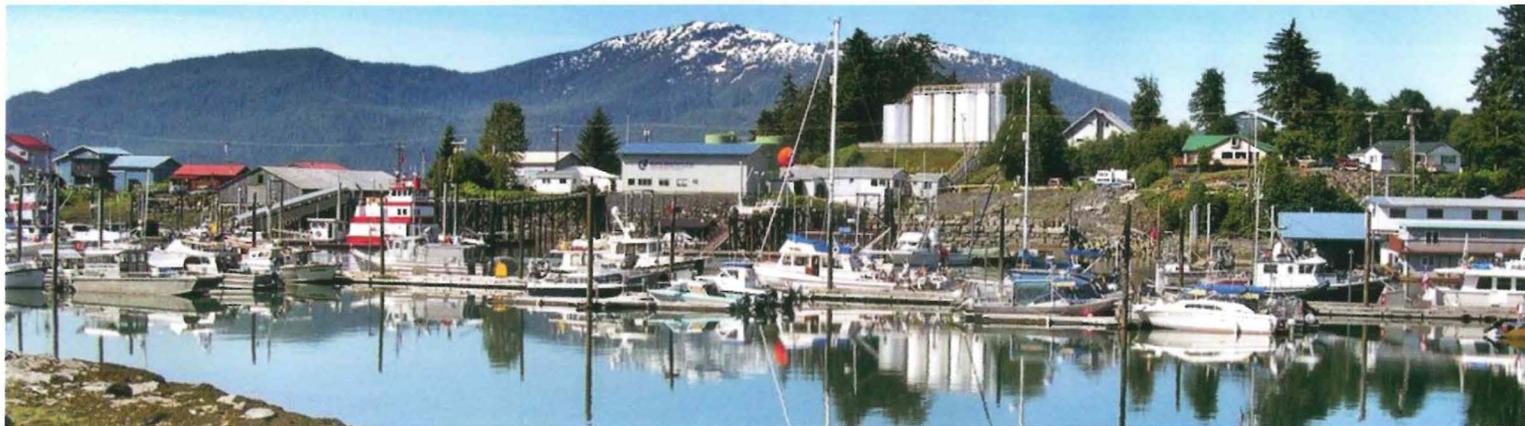
The City of Wrangell intended to build upon Wrangell's reputation for quality marine industry work and take advantage of local talent and history. Wrangell already provided a wide variety of maritime services, including aluminum fabrication, welding, woodworking, and diesel mechanics. Wrangell officials did not want to waste time making avoidable mistakes, so they looked to another town that had successfully transitioned from a pulp mill economy to a marine center: Port Townsend—a Washington community best known for its maritime center and industry. Wrangell based its plans for its Marine Service Center on Port Townsend's 30 years of achievements in developing a maritime industry and boat repair sector, adopting Port Townsend's best-practices, bylaws, and shipyard rules; and bringing up its manager to advise in the planning process. Wrangell took advantage of the 5-acre former mill site, literally building its marine center—complete with tunnel freezer, cold storage, vessel haul-out, and boat storage—on top of the sawdust ruins left behind.

FIVE YEARS OF SIGNIFICANT IMPROVEMENTS

The challenges were considerable. The yard was in poor shape and without electricity. Taking advantage of a \$14 million public investment, the first step was to significantly improve the community's ability to bring boats out of the water for service and repair. Until that time, the community had depended on the gridiron and occasional use of forklifts in order to conduct out-of-water boat work. In 2006, a 150-ton travel lift was installed. Sixty boats were expected annually, but in the first year alone, 160 vessels used the boatlift, and that number has increased by 12% each year to 300 boats in 2012.

The Marine Center's yard is no longer an area of muddy rubble, but is paved with utilities and sidewalks. There is a large boat and equipment storage area, wash down pads, electrical outlets, covered workspace, and lease lots.

In the spring of 2014, a 300-ton boatlift will be installed to enable haul-out of boats up to 180-foot long. As the Marine Center continues to expand, it may be limited only by space.



Wrangell Community Profile Continued

Currently the community is exploring the idea of building a warehouse with bay doors to accommodate additional indoor repair and maintenance activity. It is also making longer-term plans to use a vacant 100-acre former mill site as the community continues to expand its maritime services and industry.

WRANGELL CRAFTSMEN HAVE BOAT AND SHIP REPAIR EXPERTISE

As Wrangell's marine services expand and the yard's capabilities improve, the reputation and use of Wrangell's maritime facilities has also grown. Wrangell possesses excellent craftsmen who provide services for yachters and the commercial fleet. There are approximately 50 people employed through shipyard activities such as metal fabrication, wooden shipwrights, fiberglass workers, machinists, steel welders, commercial painters, sandblasters, along with those with expertise in hydraulics, electronics, and refrigeration.

Wrangell is centrally-located in Southeast Alaska, allowing fishermen to access emergency repairs while remaining close to fishing grounds. Southeast Alaska vessel owners are taking advantage of the ability to have their repairs completed close to home, thereby saving time and expense by not traveling south to Puget Sound for repair work and winter storage.

A WORKFORCE DEVELOPMENT STRATEGY TO GROW WRANGELL'S MARINE SERVICE CENTER

Local government, the Wrangell Port Commission, and the high school are collaborating on ways to build upon and improve opportunities for Wrangell's youth to become skilled at jobs related to the maritime economy. Business owners participate in the

on-the-job-training program with the Wrangell High School shop class. These efforts help meet the demand for marine services by developing a local skilled labor pool to continue Wrangell's reputation for quality service in maritime jobs.

SVENDSEN MARINE

One of Southeast Alaska's most prolific boatbuilders, Svendsen Marine has designed and built 366 boats in Wrangell over 35 years. These welded aluminum boats are made to order, and range in size from small skiffs to a 45-foot sport cruiser. Dave Svendsen grew up in Wrangell, the son of a Norwegian shipwright, and fell in love with the craft. Despite no storefront, he keeps five to six employees busy without advertising. In addition to boat building, Svendsen Marine makes aluminum-fabricated products including dock ramps, top houses, pilothouses, bulwarks, decks, fuel tanks, masts, trolling poles, and other custom orders.

THE WRANGELL BOAT SHOP

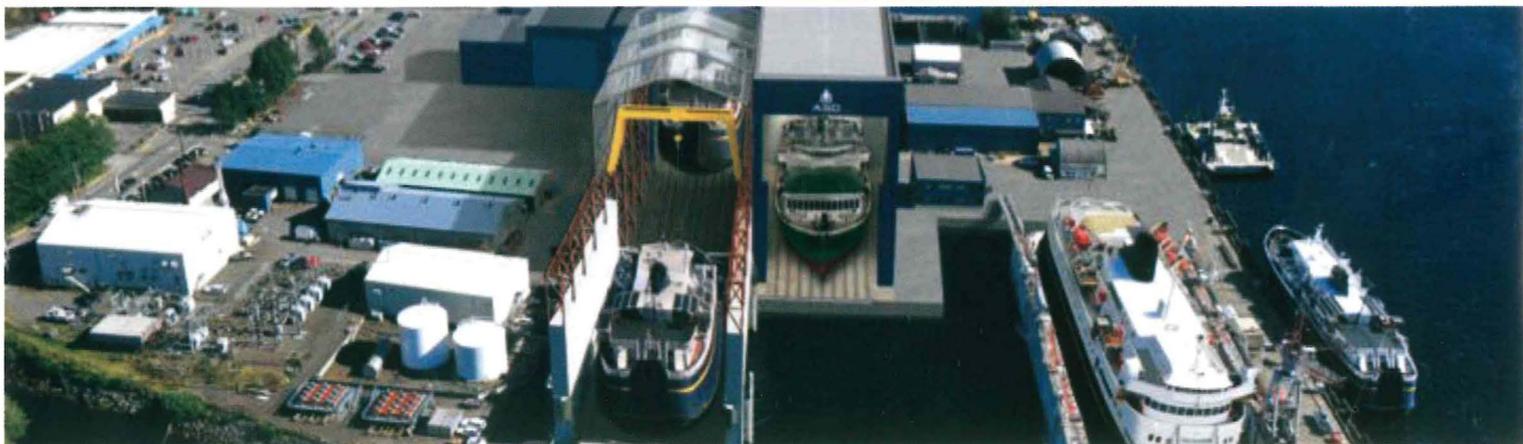
Founded in 1928, the Wrangell Boat Shop repairs more than 200 boats annually. Business has increased significantly over recent years. According to Wrangell Boat Shop owners, the Wrangell travel lift facility has made the community a destination for boat repairs. Before the travel lift was installed, work on only two boats at a time was possible. Now there are no limits. Five years ago the shop had three employees, and now has 10 to keep up with demands. The Shop expects growth to continue as a second, larger boat-lift is installed.

Community Spotlight: Yachting in Petersburg

Petersburg has a population of just under 3,000 people and 1,100 registered boats, according to the Petersburg Economic Development Council. In 2011 Petersburg ranked as the 13th largest port by value and 15th largest port by volume for seafood harvested in the United States, and understandably has an identity as a fishing community. This year however, Petersburg is gaining a new title: **Top Yachting Community**. Each year the magazine Yachting selects the best towns for yachting in America and in 2013, Petersburg Alaska is poised to be named the top boating community in the US (or will at least be in the top 10). Affordable docking fees, three protected harbors within walking distance of downtown Petersburg, and Southeast Alaska's beauty are cited as reasons for the designation.

Community Spotlight: Haul Out in Hoonah

Other communities in Southeast are also working to expand or enhance their capacity to haul out and serve the region's large resident and transient fleets. For example, in 2010 the City of Hoonah opened its significantly expanded Marine Industrial Center with three acres of uplands, a 220 ton haul-out and other features. In 2013, Hoonah handled over 90 vessel haul-outs. In 2013, Juneau installed a self-propelled hydraulic boat lift for vessels up to 65 feet and 45 tons. In 2013 Yakutat installed a 55-ton hydraulic trailer system to haul out medium-sized vessels. These highlight just a few new facilities around the region.



Significant investments have positioned Ketchikan, home of the Alaska Ship and Drydock, as a destination for larger shipbuilding and repair in the Pacific Northwest. Image credit Alaska Ship and Drydock current view & planned development.

FROM SMALL OPERATION TO STATE-OF-THE-ART FACILITY

In the 1970s, the Ketchikan Shipyard started out as an abandoned 16-acre cannery site and a vision to build a regional shipyard for the Alaska Marine Highway System (AMHS).



Sunny Point Cannery 1977. Site of Alaska Ship and Drydock. Photo by Rick Hawkinson.

By the 1970s the first nine ferries of the AMHS fleet had been constructed or purchased to serve as the region's marine highway, but Alaska did not have the capacity to maintain these modern, steel vessels. The Ketchikan shipyard was developed to repair and store the AMHS ships.

Following some initial setbacks—including a two-year closure—Alaska Ship and Drydock (ASD) took over operations of the state-owned shipyard in 1994. Over the next two decades the shipyard grew from a smaller single purpose operation to a state-of-the-art industrial marine facility.

In 1994, there were 21 employees and gross revenues of \$2.4 million. By 2012, there were 120 employees and \$37 million in annual revenues. While the initial purpose was to maintain and lay-up AMHS ferries, the scope broadened as the shipyard attracted clientele. The shipyard negotiated contracts with the U.S. Coast Guard, NOAA, state research vessels, as well as fishing and tourism vessels and workboats.

Since 2002, the shipyard has constructed four vessels and is currently completing a fifth—including a tank barge, a fishing longliner and three ferries—the most significant of these was the 1,000-ton M/V Susitna—the world's first twin hulled ice-breaker, a landing craft capable of traveling at 5 knots in two feet of ice and traveling to remote locations without port infrastructure.

The Ketchikan Shipyard is a five-way public-private partnership. The State of Alaska Industrial Development and Export Authority (AIDEA) owns the shipyard land and buildings and has financial MOUs with the Borough & City of Ketchikan. Vigor Industrial purchased Alaska Ship & Drydock (ASD) in March of 2012—adding the location to Vigor's six shipyards across the North West—while retaining ASD as a subsidiary.

In 2004, the Alaska Governor moved AMHS headquarters from Juneau to Ketchikan so that state ferry engineers and managers would be in the same community as the shipyard.

THE FACILITY GROWS, 2007-2013

The sale to Vigor came amidst a major upgrade to the Ketchikan Shipyard, modeled after best-global-practices for ship building and repair.

In 2007, a \$12 million dry dock was constructed and installed as part of a land-level ship transfer system. The next year, a \$9 million land-level berth was installed in order to transfer ships off the dry dock and onto land. The \$31 million 70,000 square-foot ship assembly and adjacent five-story production hall opened in 2012.

A \$10 million steel module facility—scheduled for completion in the fall of 2013—will transform steel plates into three dimensional

ship sections. Eventually, a large ship repair hall will be added where, among other things, ships can be painted in a controlled environment.

THE FUTURE OF THE SHIPYARD

Together, these improvements mean that the shipyard can build 500-foot ships and increase its capacity and competitiveness—better positioning it and Southeast Alaska to pursue complex high volume ship repair and building projects.

The shipyard's modern facility, skilled and cross-trained workforce, and strategic location make it an ideal support facility for many ventures, including:

- Ice-strengthened ships for the Cook Inlet and Arctic oil and gas industry
- The replacement and rebuilding of the Bering Sea ground fishing fleet
- Construction of new AMHS ferries
- Support for Arctic shipping and ocean sciences

The Ketchikan Marine Industry Council has identified a rich supply chain base of businesses in Ketchikan that support the shipyard and other local marine activity.

The shipyard's expanding portfolio could transform Southeast Alaska into a premier marine transportation and industrial hub; however, industry-wide name recognition remains a challenge. The Ketchikan Shipyard must become more well known as a destination for high-quality industrial marine services. Achieving this will take public-private partnership, and the support of the region.



Allen Marine Inc.'s Admiralty Dream in a floating dry dock made of marine grade aluminum. Both the dry dock and ship were built by Allen Marine in Sitka.

One of the largest boatbuilding operations in Alaska is more closely associated with the visitor industry than the manufacturing industry. Allen Marine provides Southeast Alaska tours and cruises on a fleet of 30 vessels. It also builds aluminum boats and structural products at its boat shop in Sitka, while Allen Marine vessels and aluminum marine structures have been sold world-wide, and they think of themselves as one of the largest exporter manufactured goods in the region.

In the late 1960's, the Allens—a family with five young children—purchased a boat repair shipyard in Sitka and started servicing local vessels, embarking on a path that would combine boat building and tourism. The family restored a sunken vessel and used it to provide tours. By the 1980's, the family had outgrown the boats they were using, and wanted to expand their marine tourism ventures to meet growing visitor demand. However, they realized that in order to obtain precisely the vessels they wanted, they would need to build the boats themselves.

Allen Marine developed its trademark Allen Marine Aluminum Catamaran design in the design and manufacture of its first several boats. On their fourth ship, Allen Marine designed and built the first four-engine four-waterjet propulsion system.

MAJOR INDUSTRIAL MANUFACTURING

Of the first 20 boats constructed, 18 were for use in Allen Marine's own touring operations. For this work, Allen Marine developed a sophisticated boat building team and facilities. For its next major assignment—19 passenger ferries commissioned for New York Waterway—the company was able to build on this expertise. During this project, Allen Marine needed to build five catamarans simultaneously in order to deliver all 19 ferries in four years. These ferries became famous in 2009 when Flight 1549 crash-landed on the Hudson River, and the fast and highly maneuverable Allen Marine ferries played a major role in the rescue effort (shown below).



Sitka Alaska built Allen Marine ferries (along with others) saving airline passengers whose jet crash-landed on the New York Hudson River.

SEISMIC OIL EXPLORATION VESSELS

In 2010 Allen Marine delivered its most recent large order—three 64-foot aluminum catamarans built for seismic oil exploration in the Beaufort Sea. These vessels are uniquely designed to be dismantled into 8-foot wide sections for convenient truck transport. The Allen Marine team shipped the vessels to the Beaufort Sea, and met them there to reassemble. After a successful season of seismic survey work, the team disassembled

the boats, and then met them in the Gulf of Mexico where the catamarans are currently engaged. Allen Marine credits Alaska Ship and Drydock with connecting them to this project—and stresses that attracting ship and boat building and repair contracts to Southeast Alaska is a regional operation.

As of 2013, Allen Marine had built 90 vessels in Southeast Alaska: 55 larger vessels, and approximately 35 smaller boats. In addition to its catamarans, Allen Marine builds fishing boats for the charter market in Southeast Alaska, government vessels, utility boats, barges, and landing craft as well as fabricated aluminum structures, such as floating dry docks, and aluminum stairs and walkways.

When working on a major contract, the Allen Marine boatyard employs a staff of up to 100. Although no boats are currently under construction, there are approximately 40 Allen Marine employees engaged in boat maintenance and aluminum fabrication work. Most training at Allen Marine is done in-house and on-the-job. Employees who want to learn the trade are matched with seasoned professionals to learn about welding, electrical work, and other elements of boat construction. Some of those trained at Allen Marine have gone on to start their own, smaller-scale businesses in Sitka, thereby increasing the number of businesses locally involved in boat building and repair.

Presently, Allen Marine is less focused on the boatbuilding side of its operations. It recently purchased four small cruise ships and a lodge, and has expanded into the overnight and multi-day tour business. While it is not currently advertising its marine fabrication talents, it is still taking orders.



Image Credit: Alaska Marine Lines

Industry Spotlight: Barge & Tug Operations

From a shipping perspective, it can be said that almost 100% of the Southeast Alaska economy is a maritime economy, because nearly every household and business relies on marine transport to function on a daily basis.

Only three of Southeast Alaska’s 35 communities have road connections to the contiguous United States (Hyder, Haines and Skagway) meaning that Southeast Alaska’s communities are dependent on barge and tug activity for most of our basic commodities—from text books to diapers to vegetables to concrete—and everything else a family fills a home with or a business needs to operate.

In 2012, freight barges made more than 200 voyages from the lower-48 to Southeast Alaska to deliver goods, supplying the region with 90 to 95% of our freight. A typical load carries 5 to 8 million pounds of freight, meaning the barges brought in nearly a billion and a half pounds of freight to the region in approximately 150,000 containers last year.

On their return trips barges carry fish, regionally brewed beer, and household goods, among other items. For most Southeast Alaskans this process of loading and unloading is invisible, but if regular barge service were to be disrupted, the economic ramifications would be immediate and enormous.

Three barge companies provide service to the region: Lynden, Northland Marine Service, and Samson Barge and Tug. Currently Lynden and its Alaska Marine Lines subsidiary is in the process of buying Northland Marine Services. Regulatory oversight of a major consolidation like this provides an opening for the Sitka-based Samson Barge and Tug—the only major shipper headquartered (and founded) in the region—to acquire assets and expand its Southeast services.

VALUE ADDED MARITIME MANUFACTURING

Other Examples of Maritime Products Manufactured in the Region

There are nearly 100 Southeast Alaska companies involved in manufacturing, with more than 2,000 average annual jobs, and \$64.6 million in wages. Maritime manufacturing dominates this category, accounting for 86% of Southeast Alaska’s manufacturing jobs and wages. Most (three-quarters) are in the seafood product preparation and packaging.

In 2012, 49 shore-based seafood processors in 17 Southeast Alaska communities processed 196 million pounds of seafood, with a wholesale value of \$519 million. Most products are manufactured by conducting the primary processing in Southeast Alaska (heading, gutting and freezing the salmon) and the secondary processing is conducted in other countries such as China. Southeast Alaska



Ocean Beauty’s Petersburg seafood plant produces salmon caviar, canned salmon, as well as Chum, Coho and Sockeye salmon for fresh & frozen markets.



is in a good position to invest in primary and value-added manufacturing, and there are a growing number of businesses developing specialty items locally, such as hot and cold smoked salmon, salmon ikura, frozen salmon fillets and portions, salmon jerky, salmon oil, oyster products, and fertilizer.

Some examples include Alaska Protein Recovery, which manufactures hydrolyzed fish protein and fish oil from salmon by-products on a movable processing barge; while Dejon Delights “practices the art of hand-crafted Smoked Salmon and Smoked Halibut” in Haines. Taku Smokeries of Juneau has developed 35 seafood products that are manufactured in Juneau, and shipped around the world.

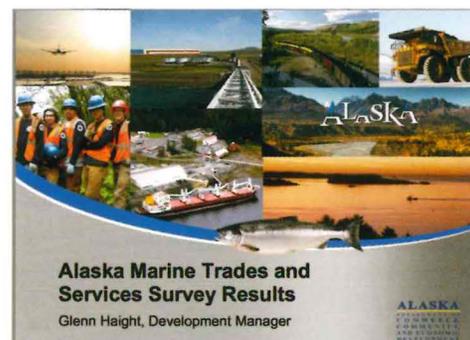


	FIRMS	WAGES	ANNUAL AVG. EMPLOYMENT
TOTAL SOUTHEAST ALASKA MANUFACTURING	97	\$75,666,771	2,056
SOUTHEAST MARITIME MANUFACTURING	59	\$64,569,454	1,777

Source: Alaska Department of Labor 2012.

Maritime Workforce Development Efforts Currently Underway

As resources and attention have turned towards the region's marine industries, several efforts are underway to increase the infrastructure, workforce, and understanding of the economic significance of Southeast Alaska's maritime sector.



Ketchikan Marine Industry Council Initiative

Ketchikan Marine Industry Council (KMIC) is an industry-led initiative supporting growth and expansion of Ketchikan's diverse maritime economy. In order to understand the full extent of the economic activities and needs of this local maritime cluster, KMIC is tracking Ketchikan businesses that support marine activity. KMIC activities include marketing, policy development, and research. The organization has offered to assist other Southeast Communities in applying the KMIC model across the region to help identify local goods, services and supplier networks for the maritime industry.

www.ketchikanmarineindustry.com



KMIC Chart

UA Fisheries, Seafood and Maritime Initiative

The goal of the University of Alaska Fisheries, Seafood and Maritime Initiative is to develop training programs that will help Alaska meet the current and emerging workforce needs in the maritime sector. The University has reached out to private, public and nonprofit partners. Major efforts have been completed on behalf of this

initiative, including a gap analysis by the McDowell Group identifying training and education needs and opportunities related to maritime industries, and an Occupational Needs Assessment survey. By early 2014, the University hopes to develop a statewide, comprehensive, industry-led plan that will identify specific strategies for the maritime sector.

www.alaska.edu/fsmi

Alaska Marine Trades and Services Business Retention and Expansion Survey Results

The Alaska Department of Commerce, Community, and Economic Development Office of Fisheries Development conducted a business retention and expansion survey of the state's maritime business and manufacturing industry in 2012. DCCED noted that several Alaska ports are making investments to service larger vessels, and there is increased interest in the Arctic as a major transportation and shipping corridor. The survey found growing opportunities for marine trades businesses and workforce programs as the marine services sector expands. Survey findings indicate that a lack of available skilled workforce is among the biggest challenges for maritime businesses. A final report detailing the survey findings was published in April of 2013.

www.dced.state.ak.us/ded/dev/seafood/seafood.cfm

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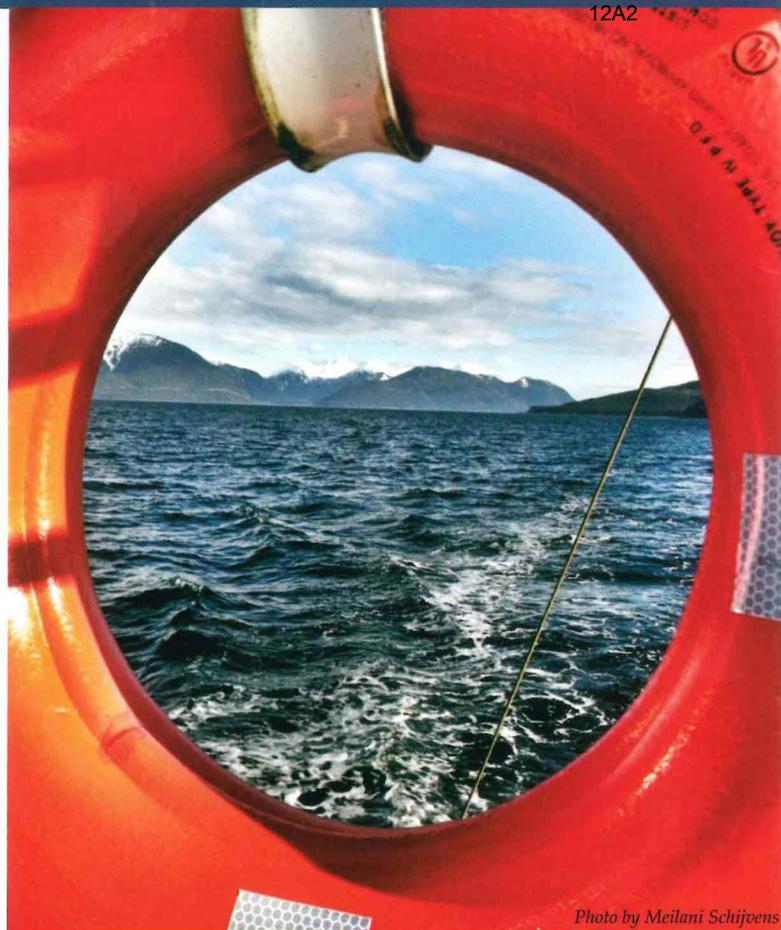
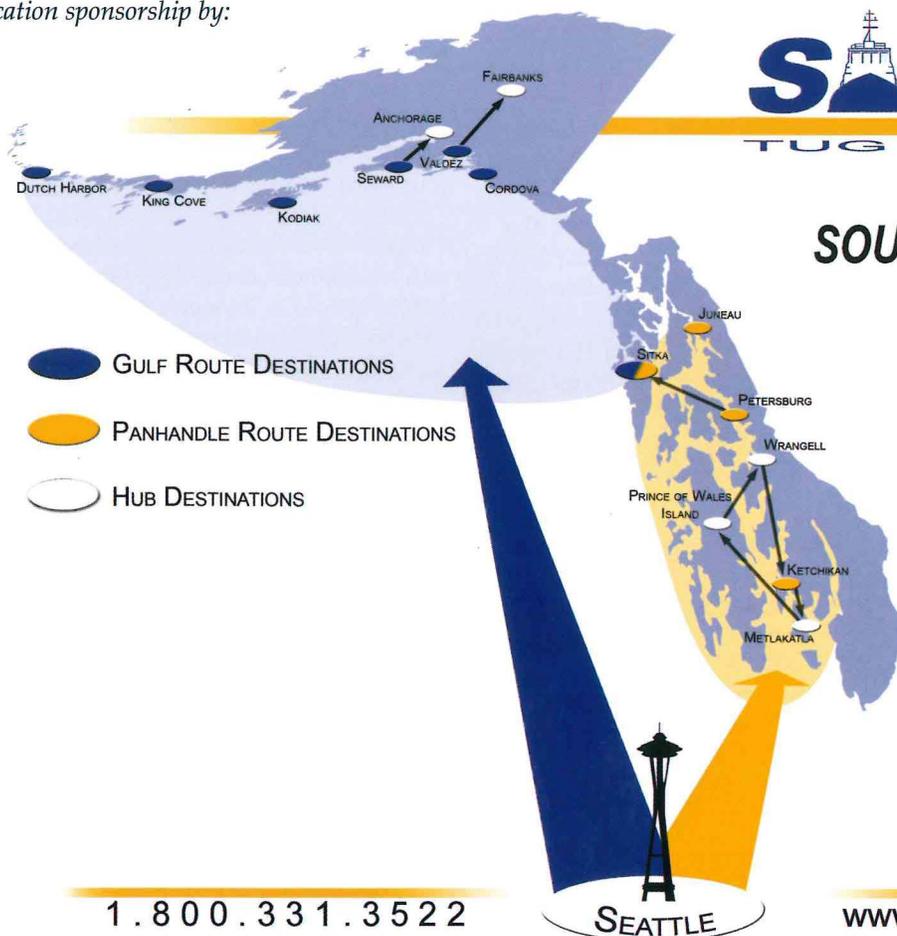


Photo by Meilani Schijvens

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THIS IS TO INFORM THE ASSEMBLY
OF MY EFFORT TO MODIFY THE
DOT PLAN FOR JUNEAU ACCESS ROAD
TO THE WEST SIDE OF THE LYNN
CANAL FROM ALTERNATIVE 3 TO 3A.

3A WOULD INTERSECT HAINES
HIGHWAY AT 3 MILE, JUST NORTH
OF THE AIRPORT. IT HAS MANY
ADVANTAGES.

IT IS IMPORTANT THAT THIS
BE DONE BEFORE THE PUBLIC COMMENT
PERIOD NOW SCHEDULED FOR FEB. 2014.

JACK WENNER

12/3/13

December 3, 2013

Mr. Mike Vigue
Alaska Department of Transportation
PO Box 112500
Juneau, Alaska 99811

Dear Mr. Vigue,

For many years the Haines Borough has consistently supported improved ferry service for Juneau access; however in 2012 with the long awaited Haines Comprehensive Plan updated, it stated that if a road was required, it be built on the west side of the Lynn Canal.

The west side connection to the Haines Highway was planned by DOT in 1969 as Project S-096(11) Haines to Juneau, a cover is enclosed. Crossing the Chilkat River it stopped 2.89 miles from the Haines Highway. The construction was halted before going out to bid, by a proposal to move the State Capital to Anchorage.

In the 2006 EIS Juneau Access report Alternative 3 connected Glacier Highway to Sawmill Cove in Berners Bay to a shuttle ferry going to William Henry Bay on the west side of the Lynn Canal. This completed west side road cover plan DOT 71100 would now be shortened to stop at Pyramid Harbor and then to be extended north approximately two miles to connect with Project S-961(11) as discussed above. It would now be designated Alternative 3a in the SEIS.

The west side road would satisfy the existing purpose and need statements and be less costly to build and maintain. As an additional purpose and need any portion of the hard Juneau access road built on the west side of the canal in Haines Borough would also be useful within the Borough.

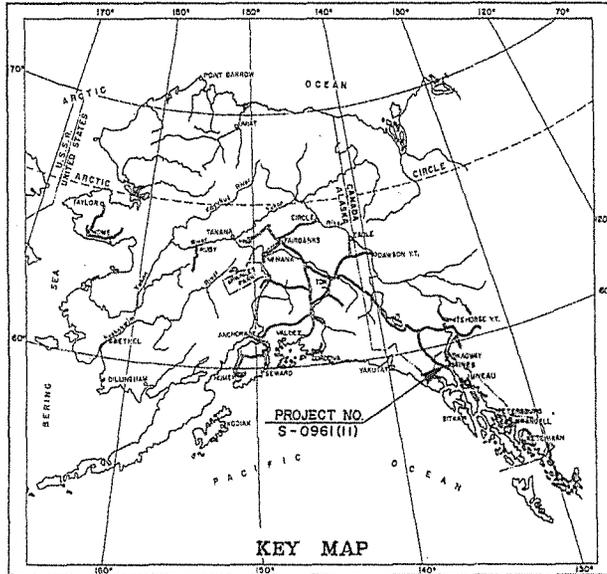
It also has one outstanding safety advantage over the east side. It has a shorter hard road connection directly to Haines and or Juneau in case of an accident and also less prone to accidents caused by nature, earthquake, slides and avalanches.

The Haines to Skagway ferry would continue to run as planned.

Sincerely,



Jack Wenner
P.O. Box 1614
Haines, Alaska 99827
Phone: 907-766-3566



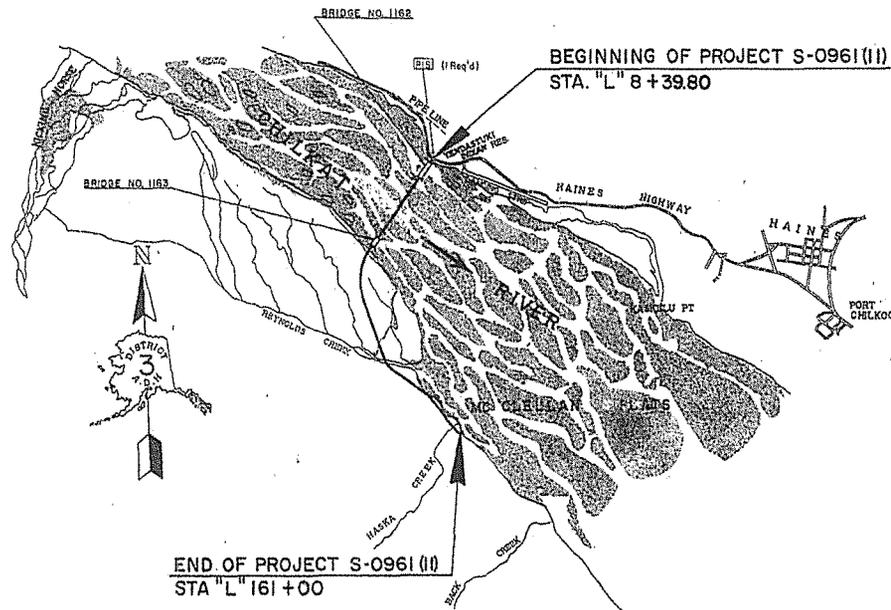
**STATE OF ALASKA
DEPARTMENT OF HIGHWAYS**

**PLAN AND PROFILE
PROPOSED HIGHWAY PROJECT
S-0961(II)
HAINES TO JUNEAU I
CHILKAT RIVER CROSSING
GRADING, DRAINAGE & BRIDGE**

STATE	ROUTE DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
ALASKA	S-0961(II)		1	34

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	TYPICAL SECTIONS
3	ESTIMATE OF QUANTITIES
4	BEGINNING OF PROJECT, PLAN & PROFILE
5-8	PLAN & PROFILE
9	END OF PROJECT, PLAN & PROFILE
10	PLAN, HAINES HIGHWAY INTERSECTION
11	CULVERT DETAIL, STATION "L" 113+80
12	CULVERT DETAIL, STATION "L" 147+24
13	CULVERT DETAIL, STATION "L" 166+80
14	NOT USED
15	NOT USED
16-25	CHILKAT RIVER BRIDGE-NO. 1162
26-34	CHILKAT RIVER BRIDGE-NO. 1163
THE FOLLOWING STANDARD DRAWINGS APPLY TO THIS PROJECT: A-1, D-1a, D-1b, D-7, M-4, (142)M3, P-4, R-5, R-6, T-1, T-2, T-11, T-15, T-16(162), T-16, T-19, T-20	

PROJECT IDENTIFICATION SIGN



DESIGN DESIGNATION

ADT (1973) = 130
ADT (1993) = 630
DHV = 95
D = 40-60
T = 10%
V = 50 M.P.H.

PROJECT SUMMARY

WIDTH OF SUBGRADE	34'
LENGTH OF GRADING	14,244.95' = 2.698 MI.
LENGTH OF BRIDGES	1,015.25' = 0.192 MI.
LENGTH OF PROJECT	15,260.20' = 2.890 MI.

STATE OF ALASKA
DEPARTMENT OF HIGHWAYS

APPROVED
Edward E. Hill, Jr. DATE *March 7*
DISTRICT HIGHWAY ENG.
JUNEAU DISTRICT
COMMISSIONER OF HIGHWAYS

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

PROJECT NO. 71100
JUNEAU ACCESS IMPROVEMENTS
WILLIAM HENRY BAY TO HAINES
1" = 600' PLANS



Thom Ely
POB 1014
Haines, AK 99827

Haines Borough Assembly
POB 1209
Haines, AK 99827

November 17, 2013

Re: Ordinance 13-07-339 Procedure to Amend the Heli-Ski Map

Dear Haines Borough Assembly, Mayor and Administration,

It is disheartening to witness the continued politicizing of an issue that should be put to a rest for a number of years. I appreciate the effort that the Government Affairs and Services Committee put into forming this ordinance. I felt that the original draft was the version I would have liked to see passed. That committee makeup truly did represent all interests with the industry having an advisory role only.

A statement was made at the last meeting that the industry has not had a seat at the table. Other than the first map committee comprised of Deborah Vogt, John Katzeek and Bruce Bauer the following two committees have had a majority vote aligned with the industry. SEABA will never be satisfied until they have unlimited access to all Borough lands.

The allowable ski area has been expanded exponentially in the past few years. The Heli-Skiing businesses have had the opportunity to fully participate in the planning process since it's inception. Some have chose to ignore it and flaunt the regulations. It's time for all to focus on compliance and safety.

The map does not need any further amendments. I propose that the map committee idea be discarded and that the Borough Assembly conduct a full review of the industry every five years. It will always be a struggle to find equitable representation of all stakeholders for the map committee makeup. "Experts" are not needed and is an industry excuse to perpetuate the issue.

Heli-Skiing has consumed a great amount of our time, resources and effort over the past fourteen years. Rather than continue to battle over our differences and create yet another committee to polarize the issue, why not just let things be for a while. The industry needs to show that they can comply with the existing regulations and hopefully curtail their mounting abysmal safety record that is creating bad press.

Sincerely,

Thom Ely

Newly Elected Officers Training, November 24, 2013

Summary

The training was better than anticipated. The education received was important to ensure proper conduct by members, and to dispel misconceptions of procedure and law. Through this training I can imagine avoiding pitfalls to spare myself, and the borough, many unpleasant situations.

Highlights: Open Meeting Act, Ex-Parte contact, Ethics, Conflict of interest and Lobbying the Legislature. Each of these topics discussed real world scenarios, including previous court decisions.

After taking this training I suggest all candidates be given the schedule for training at the time of filing for candidacy, and strongly encouraging their participation, if not make it mandatory.

Alaska Municipal League (AML)

The AML conference was an excellent opportunity to make new connections and renew relationships. Pre-scheduled meetings went well, and offered a great opportunity to exchange information about our community plans and ways to make them reality.

Notes

Lobbying for Funding We were given the opportunity to listen and question Ray Gillespie, AML Lobbyist. He stressed the decline in capital budget being in play, and being effective in use of time when in Juneau.

For capital projects Mr. Gillespie stressed the need to have items in the GOVERNOR'S BUDGET, which is submitted in December. To do that it is important to have IN PERSON meetings throughout the fall with certain offices to ensure our projects are in that budget. (NOTE: we are late for this year, so need to move immediately if we want the opportunity to fund our sewer treatment plant this year).

Haines for years had the support of our local representative, who had the power and influence to bring needed funding into Haines. Presently we are in a situation where that influence is diminished. To make up for that loss, the Borough needs to quickly develop a strategy to lobby in Juneau for our needs. We need to start immediately with the Governor's Office if we have desires for project funding this year; again, these **meetings need to be in person.**

Our Borough often struggles with the value of conferences and training, especially for elected officials. With the immediate needs of our community in capital project

funding, it is important that we look for opportunities to place ourselves in positions where we can present our needs to those with the power to influence the state budgets. One meeting face to face is not sufficient for success in today's limited budgets and competing projects.

Washington DC Lobbying Our Borough has been paying to have a firm do our lobby work in DC. While in Anchorage our Assistant to the Manager had pre-scheduled meetings with the Army Corps of Engineers, Senator Begich's office, and the USDA, all to seek project funding and assistance. It was told to me that these meetings were a direct result of other meetings our Assistant to the Manager had had in Washington DC recently. All these meetings were facilitated by the lobby firm we have retained. Our relationship with this firm has the potential to assist us in moving forward. We need to utilize that benefit.

Meetings and Behavior In conversation with some very experienced municipal clerks we discussed the difference in conduct by both the Officers and audience when borough officers dressed differently. Though not a scientific study, the clerks stated that when the council or assembly members were dressed professionally they themselves acted more professionally, and the audience were more respectful toward them during meetings.

Another important factor about meeting effectiveness was how meetings were conducted. Specifically the allowance of the public to either speak over their time allotted, speak in offensive manner, or otherwise be disruptive to the meeting. The clerks stated that the person presiding must be quick to end speakers when allotted time is over or if they become offensive. They explained that if the meeting culture tolerates insults and rambling, the quality of meeting results will diminish.

Other Meetings Doug Issacson, Rep. North Pole, is interested to hear more about getting the highway on track with the timeline of starting 2014. He also is willing to talk about our Sewer Plant. Please note his Chief of Staff is Brenda Hewitt, (Brenda Wilcox when she was in Haines). Other folks inside the legislature were also receptive to our situation, and offered the advice much as stated above about lobbying.

State Assessor's Office Our present situation with our assessments and being close to getting a **Letter of Major Error** was reiterated and discussed with the State Assessor, his assistant, our contract assessor, our assistant assessor, Stephanie and myself. The information is mostly outlined in the Assessor's Audit dated August 20, 2013. For brevity I will focus on solutions discussed at the meeting, and allow the reader to read the entire audit for more depth. A letter of Major Error will decrease our ability to bond projects.

The overall goal the State Assessor wants to see is equitable assessment throughout the Borough. He does not believe we have that at this time.

The State Assessor has stated that no action will be taken against the Borough as long as we are taking positive steps to correct our situation. His estimate was a 3 to 5 year period in order for us to come into compliance.

Info taken from the State Assessor-- the Borough is out of compliance on our assessments and must take immediate and measured steps to correct the problem. Our current data is inadequate, outdated and not easily usable for statistical purposes. Our current assessment staff is inadequate to perform needed data collection each year, much less complete imputing the backlog of data we currently have.

Steps our borough must take include (not listed in order):

1. Complete our database to include all property characteristics. We can utilize the current database, but with the new technology it might be more cost effective to look at new database options that can be used with iPad collection software.
2. Develop written policy and procedures for our assessment program and methods of assessments. (It was suggested that we utilize our current contract assessor to assist in this step)
3. Appoint an Assessor. He strongly recommended promotion of our current Assistant Assessor, stating that he was "More than qualified."
4. Separate the Assessor from the Land Manager position
5. Staff the Assessor's office correctly so that each year's assessments can be completed accurately and on time. (note that training will be required of staff)
6. Continue to contract with an assessment firm for multiple years to assist in policy, and calculation formula development for the assessment office. This needs to continue until we are in compliance.

The State Assessor estimated it would take five years after the policy and procedures are in place for the borough to be in complete compliance.

I suggest the Assembly direct the Manager to:

Promote the Assistant Assessor into the Assessor's position immediately. (We possibly need an executive session to discuss this.)

Develop and present a plan at the first January meeting on how to separate the lands department from the Assessor's duties.

Prioritize clerical staff in our existing workforce to the Assessor's office for the purpose of imputing backlog of collected data.

Review the current contract with our Contracted Assessor to determine what obligation they have to assist with policy and procedure development; if none, discuss what options might be available to the Borough to accomplish this..