

Haines Borough
Borough Assembly Meeting #485
AGENDA

March 26, 2024 - 6:00pm

Location: In Assembly Chambers and on ZOOM

Thomas Morphet
Mayor

Natalie Dawson
Assembly Member

Gabe Thomas
Assembly Member

Kevin Forster
Assembly Member

Debra Schnabel
Assembly Member

Ben Aultman-Moore
Assembly Member

Craig Loomis
Assembly Member

Annette Kreitzer
Borough Manager

Alekka Fullerton
Borough Clerk

Kiersten Long
Deputy Clerk

Haines Borough ZOOM information (You must download Zoom first)

Webinar ID: 842 8891 2609

Passcode: 492798

- 1. CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL**
- 2. 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:

3 - Approve Minutes from 3/12/24 Regular Assembly Meeting

- *3. APPROVAL OF MINUTES** -Approve the 3/12/24 Regular Assembly minutes
- 4. PUBLIC COMMENTS** – [For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance] *Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time.*
- 5. ASSEMBLY COMMENTS**
- 6. MAYOR’S REPORT AND COMMENTS** – *Attached.*
- 7. PUBLIC HEARINGS**

A. Ordinance 24-02-664

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Regulating the Use of Engine (Jake) Brakes in the Townsite and Declaring the Use of Engine Brake Without Noise Suppression a Nuisance in the Townsite.

Possible Motion: Adopt Ordinance 24-02-664.

B. Ordinance 24-02-666

An Ordinance of the Haines Borough Assembly Repealing and Replacing Haines Borough Code Section 3.72.110 Board of Equalization; Adding Section 3.72.115 Hearing Panels of the Board of Equalization; and Amending 3.72.100 Appeals.

Possible Motion: Postpone Ordinance 24-02-666 until changes to state law are settled and the ordinance may be amended to conform with state law.

C. Ordinance 24-02-667

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.020 Full and True Value.

Possible Motion: Adopt Ordinance 24-02-667.

D. Ordinance 24-02-668

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.105 Exchange of Information

This Ordinance is eligible for adoption. If the Assembly would like to make changes in light of the Assessor's Memo, after amendment, the Clerk requests that the Ordinance be scheduled for a third public hearing April 9, 2024.

8. STAFF/FACILITY REPORTS

A. Borough Manager Report – Supplemental Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES –

A. Assembly Standing Committee Referred Topics

B. Record Of Decision – Tourism Advisory Board

C. Tourism Advisory Board – January 18, 2024 Minutes

D. Planning Commission – Clerk’s Excerpt of Minutes re referred Resolution 23-09-1064 and Approved 2-8-24 Minutes

E. Fire Service District #3 – Annual Report

10. UNFINISHED BUSINESS – None

11. NEW BUSINESS

A. Resolutions (Individual comments are limited to 3 minutes unless another yields 3 minutes to the speaker in advance)

1. Resolution 24-03-1105

A Resolution of the Haines Borough Assembly Authorizing a Change Order and Reconciliation for the Professional Design and Engineering Contract with proHNS LLC for the December 2020 Natural Disaster Borough Road Repairs Projects for an amount not to exceed \$85,951.43
Proposed Motion: Adopt Resolution 24-03-1105

2. Resolution 24-03-1106

A Resolution of the Haines Borough Assembly Supporting Port Development, Impact and Cultural Preservation Fees for Cruise Passengers
Proposed Motion: Adopt Resolution 24-03-1106

B. Ordinances for Introduction

1. Ordinance 24-03-669

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Requiring Bulk Ore Shipments through the Haines Borough be Containerized.

This ordinance is being introduced by the Assembly Members Ben Aultman-Moore and Gabe Thomas.

Motion: Introduce Ordinance 24-03-669 and set a first public hearing for 4/09/24 and a second public hearing for 4/23/24.

2. Ordinance 24-03-670

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 18.40.030 Procedure – Staff decision.

This ordinance is recommended by the Manager and is being introduced by the Mayor.

Motion: Introduce Ordinance 24-03-670 and set a first public hearing for 4/09/24 and a second public hearing for 4/23/24.

C. Other New Business

1. Historic Dalton Trail RMSA Recommendation for Commercial User Fees

2. Appointment to Board of Equalization

11. NEW BUSINESS

C. Other New Business – Continued

3. Executive Session

The mayor requests the assembly by motion move into executive session in order to consult with the borough attorney concerning pending litigation:

Motion: Move into executive session as allowed by AS 44.62.310(d)(1) to discuss with the borough attorney regarding pending litigation in the Chilkat Valley Rural Citizens v. The Haines Borough; this qualifies for executive session because AS 44.62.310(c)(1) allows the Borough to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit; the Borough Clerk and borough attorney are asked to attend.

12. CORRESPONDENCE

13. SET MEETING DATES

A. School Board Meeting – June 4, 2024 at 5:30 pm

14. PUBLIC COMMENT

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS

16. ADJOURNMENT

Haines Borough
Borough Assembly Meeting #484
March 12, 2024
MINUTES

Draft

3

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

Present: Mayor Thomas **MORPHET**, Assembly Members Gabe **THOMAS**, Debra **SCHNABEL**, Kevin **FORSTER**, Craig **LOOMIS**, Ben **AULTMAN-MOORE** and Natalie **DAWSON**.

Staff Present: Annette **KREITZER**/Manager, Alekka **FULLERTON**/Clerk, Kiersten **LONG**/Deputy Clerk, Jila **STUART**/Finance Director, Martins **ONSKULIS**/Assessor

Visitors Present: Jon **CARLSON**, Craig **FRANKE**, Paul **ROGERS**, Donnie **TURNER**, Blythe **CARTER**, Kim **ROSADO**, Ellen **LARSON**, Brenda **JOSEPHSON**, Holly **THOMAS**, Joanie **WAGNER**, Toni **DeWITT**, Marvin **WILLARD**, Burl **SHELDON**, Barbara **NETTLETON**, Cindy **JONES** and 48 others on zoom.

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

Absent objection and per request, the Mayor moved Item 11C7 to be heard after 7E; and 11A2 to be heard after 11C6; remove item 11C2; move item 11C6 Comprehensive Plan Revision update after item 8A; and move item 11C7 to be heard after item 7E.

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

- *3. **APPROVAL OF MINUTES:** - Approve the following Minutes:
 - A. 2/27/24 Regular Assembly Meeting Minutes

Note: *The Minutes were approved by approval of the consent agenda: “Approve minutes from 2/27/24 Regular Assembly Meeting Minutes”.*

4. **PUBLIC COMMENTS:**

CARLSON: Worried about Lutak Dock failure and supporting current dock design.

FRANKE: Support of current design of Lutak Dock.

CARTER: Thankful for Assembly and their work but traumatized by last year’s BOE.

LARSON: Concerns regarding Lutak Dock.

ROSADO: Thankful for Assembly and for Property Tax Ad Hoc Committee’s work.

EVANS: Opposing the Lutak Dock design.

DeWITT: Wants Jake brakes prohibited in the Townsite.

CHILKOOT INDIAN ASSOCIATION/BILL THOMAS: Supportive of current design of Lutak Dock.

5. **ASSEMBLY COMMENTS:**

SCHNABEL: Wondering what happened to Haines Friends of Recycling Borough property request

DAWSON: Indicates that the Chilkat Valley Rural Residents would like to discuss settlement; and discussion of remand regarding CUP 23-87.

6. **MAYOR’S REPORT and COMMENTS:**

- A. **Rodney Williamson Commendation**

Mayor’s Report: 40/19 vote overrode the Governor’s Executive Order abolishing the Bald Eagle Foundation Advisory Board; met with AP&T leadership about cell phone connectivity on cruise ship days; placing an emergency phone/shelter at Mosquito Lake facility; lack of

6. MAYOR'S REPORT and COMMENTS- Continued

phone at ferry terminal and airport- want a land line; wants to start meetings earlier at 6:00 pm; BOE committee deadline extended to March 24; Congratulations to Glacier Bear Girls for going to State for basketball; Need to reschedule Joint School Board meeting with discussion of what to do with old playground equipment if replaced; Illegal dumping at Garbage Point; Revive River clean up; wants to send letter to AML and Delta Western to try to get consideration on rates for new dock; Friday deadline for Financial Disclosure.

7. PUBLIC HEARINGS

A. Ordinance 24-02-664

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Prohibiting the Use of Engine (Jake) Brakes in the Townsite.

The Mayor opened the public hearing at 7:19 pm and the following members of the public chose to speak with respect to this issue:

WAGNER, TURNER, WILLARD, DeWITT

Hearing no further comments, the public hearing was closed at 7:26 pm.

Motion: LOOMIS moved to "Adopt Ordinance 24-02-664,"

Primary Amendment: LOOMIS moved to change the word "regulating" to the word "prohibiting", and the motion FAILED 1-5 with **LOOMIS** in support.

Primary Amendment: SCHNABEL moved to "hold the Ordinance over for an additional public hearing March 26," and the motion carried 4-2 with **LOOMIS** and **THOMAS** in opposition.

*** Clerk's note: This had the effect of postponing adoption of the Ordinance until after the third public hearing.*

B. Ordinance 24-02-665

An Ordinance of the Haines Borough, Providing for the Addition or Amendment of Specific Line Items to the FY24 Budget.

The Mayor opened and closed the public hearing at 7:42 pm since no member of the public chose to speak with respect to this issue.

Motion: SCHNABEL moved to "Amend Ordinance 24-02-665 to recognize additional CPV revenue and adopt the ordinance," and the motion carried unanimously in a roll call vote.

C. Ordinance 24-02-666

An Ordinance of the Haines Borough Assembly Repealing and Replacing Haines Borough Code Section 3.72.110 Board of Equalization; Adding Section 3.72.115 Hearing Panels of the Board of Equalization; and Amending 3.72.100 Appeals.

The Mayor opened the public hearing at 7:46 pm and the following members of the public chose to speak with respect to this issue:

ROGERS, JOSEPHSON, ROSADO, SHELDON

Hearing no further comments, the public hearing was closed at 8:02 pm.

7. PUBLIC HEARINGS - Continued

D. Ordinance 24-02-667

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.020 Full and True Value.

The Mayor opened the public hearing at 8:25 pm and the following members of the public chose to speak with respect to this issue:

ROGERS, JOSEPHSON, ROSADO

Hearing no further comments, the public hearing was closed at 8:28 pm.

E. Ordinance 24-02-668

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Section 3.72.105 Exchange of Information

The Mayor opened the public hearing at 8:30 pm and the following members of the public chose to speak with respect to this issue:

ROGERS, ROSADO, CARTER, ONSKULIS, SMITH, NETTLETON, JOSEPHSON

Hearing no further comments, the public hearing was closed at 8:43 pm.

***Clerk's Note: Item 11C7 was heard at this point in the meeting.*

8. STAFF/FACILITY REPORTS

A. Borough Manager Report – February 26, 2024

Manager Kreitzer summarized her Manager's report and answered assembly questions.

B. Borough Clerk - Working Schedule for Assembly to Place Questions on the October 1, 2024 Municipal General Election Ballot

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES –

A. Assembly Standing Committee Referred Topics

B. Property Tax Assessment Ad Hoc Board – January 17, 2024 Minutes

C. Historic Dalton Trail RMSA – Budget Report

D. Letnikof Estates Road RMSA – Annual Report and Minutes

E. Riverview RMSA – Annual Report and Budget Request

F. Port and Harbor Advisory Committee – January 18, 2024 Minutes

10. UNFINISHED BUSINESS – None

11. NEW BUSINESS

A. Resolutions

1. Resolution 24-03-1102

A Resolution of the Haines Borough Assembly Adopting the Borough's 2025 Federal Priorities.

No member of the public chose to speak with respect to this resolution.

Motion: AULTMAN-MOORE moved to "Adopt Resolution 24-03-1102," and the motion carried unanimously in a roll call vote.

11. NEW BUSINESS - Continued

A. Resolutions

2. Resolution 24-03-1103

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a construction contract with Glacier Construction, Inc. dba Southeast Road Builders for the Jenae's Playground design and build project for an amount not to exceed \$672,896.00.

*** Clerk's note: This item was heard following item 11C6.*

No member of the public chose to speak with respect to this resolution.

Motion: THOMAS moved to "Adopt Resolution 24-03-1103," and the motion carried unanimously in a roll call vote.

3. Resolution 24-03-1104

Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Alaska Mountain Guides for \$150 per hour or \$125 per hour for the operation of the 2024 Visitor Shuttle Service.

No member of the public chose to speak with respect to this resolution.

Motion: THOMAS moved to "Adopt Resolution 24-03-1104," and the motion carried unanimously in a roll call vote.

B. Ordinances for Introduction – None

C. Other New Business

***1 Boards and Commissions:**

Note: *By approval of the consent agenda the following motion was made: "Confirmation of Mayor's reappointment of Brian Staurseth to the Fire Service Board #3 with a seat termination date of 11/25".*

2. Amend Previously Adopted Resolution 24-02-1094

Removed from Agenda.

3. Manager's Report Template

The Government Affairs and Services Committee recommends the attached Manager's Report Template be adopted as an Assembly Policy.

Motion: SCHNABEL moved to "Adopt the Manager's Report Template as an Assembly Policy," and the motion carried unanimously.

4. Creation of Bear Task Force Ad Hoc Committee

Motion: AULTMAN-MOORE moved to "Create a Bear Task Force to recommend community best practices for mitigating bear activity in the townsite and residential neighborhoods," and the motion carried unanimously.

11. NEW BUSINESS - Continued

C. Other New Business

5. Lutak Dock Replacement Update – Verbal

Motion: **LOOMIS** moved to “Direct the Manager to provide the language for a smaller rip-rap dock with no bulkhead as a reasonable alternative to the Draft EA for consideration,” and the motion carried 4-2 with **THOMAS** and **SCHNABEL** in opposition.

6. Comprehensive Plan Revision Update – Postponed to the next meeting

7. Assessment Presentation – Appraisal Company of Alaska

*** Clerk’s note: This item was heard following item 7E.*

12. CORRESPONDENCE

A. Notes on Port Development Fee

B. HDST Thank you note

13. SET MEETING DATES

14. PUBLIC COMMENT: JONES

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS/DIRECTION TO OFFICERS: None

16. ADJOURNMENT 10:00 pm

ATTEST:

Thomas C. Morphet, Mayor

Alekka Fullerton, MMC, Borough Clerk

Mayor's Report for Tuesday, March 26

Tax Appeal Coordinator.

The Mayor is investigating the need for a temporary position of tax appeal coordinator to serve as a go-between between Martins Onskulis, Haines Borough Staff and taxpayers during the tax appeals process. This 3-4 month position would help coordinate the borough's public outreach previous to and during appeals, to serve as a contact for Onskulis when Onskulis is out of town and to assist Onskulis and staff to help the appeals season go smoothly. The need for such a position became apparent this week with Onskulis' notice that a pending tax assessment ordinance set for approval March 26 was problematic, and word from Onskulis that he was planning on coming here for a presentation in less than a week, requiring us to rush advertising of the presentation into this week's newspaper. CFO Jila Stuart says money for this position could go through a budget ordinance or the position could be an emergency hire.

Anti-Dumping Efforts.

The mayor will be requesting through approval of an April budget amendment up to \$1,200 to advertise and provide pre-paid trash bags to residents who are financially struggling to pay for waste disposal. The mayor's rationale is that we all must eat and we are all compelled to legally dispose of waste that comes from the packaging of the food we buy. The cost of disposing of waste should not diminish the money people need to buy food. Under the mayor's proposal, bags will be available through the mayor and through Capt. Kevin Woods of the Salvation Army. To prevent abuse, recipients will be required to provide their names to receive bags. Without assembly approval, the mayor will use \$250 from his discretionary fund to provide bags.

First Friday at the Borough.

Unless there is opposition from the assembly, starting Friday, April 5, I plan to open the municipal building on First Fridays from 5:15 p.m. to 6:30 p.m. on a trial basis. I will host the event, set up and clean up, and use the mayor's discretionary fund to pay for snacks and non-alcoholic drinks. The purpose of this effort is to create a space to meet with our citizens in a fun and informal way and to make our constituents more comfortable with coming into their municipal building. I encourage staff and no more than 3 assembly members at a time to participate at their convenience.

Filling Seats on the Bald Eagle Preserve Council.

I've written to Gov. Dunleavy asking that he fill vacant, voting seats on the Alaska Bald Eagle Preserve Advisory Council, as is required by the advisory council's by-laws. The three public, voting seats on the council filled by the governor's appointment include: a) a representative of a conservation organization, b) a representative of the Upper Lynn Canal Fish and Game Advisory Committee, c) a representative of business and industry. The fourth voting seat on the council belongs to the U.S. Fish and Wildlife Service. Ex-officio (non-voting) seats on the council include Haines Borough Mayor, Haines Borough Assembly, Chilkat Indian Village, Chilkoot Indian Association, Klukwan, Inc., Department of Fish and Game, state Division of Forestry and state Division of Parks.

Future of Camping at Portage Cove state campground.

I've written to state Department of Natural Resources commissioner, asking if the decision to close Portage Cove to camping is final, in light of the recent hire of a park ranger in Haines, as well as the hire of two park technicians. The letter also said that if the state is locked into its decision against camping there, the borough asks to enter into negotiations with the state for borough purchase of this site.

Downtown without Chris Thorgesen.

After 10 years, developer Chris Thorgesen is leaving town. Thorgesen told me this week he has sold the Parts Place and Thor's Gym and will put his Main Street meadery for sale soon. He said he is leaving town as soon as he can and plans to move to the Lower 48. Starting in 2014, Thorgesen revived our downtown, purchasing and/or renovating the Elks Lodge, LAB Building, Coliseum Theater Building, and King's Store buildings, Haisler's Hardware building, Mountain View Motel building and Parts Place. Several of these buildings were unoccupied and boarded-up previous to Thorgesen's purchase. The withdrawal of Thorgesen's investment represents the loss of a champion for our Main Street. With his departure, the borough may need to become involved again in downtown development, including reviving our never-completed Downtown Revitalization Plan.



7A

**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 24-1353
Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Townsite Prohibition of Engine (Jake) Brakes	1. Ordinance 24-02-664
Originator: Assembly Member Craig Loomis	
Originating Department: Assembly	
Date Submitted: 12/12/23	

Full Title/Motion:
Motion: Adopt Ordinance 24-02-664.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$0	\$0	N/A

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: _____
Consistent: Yes No

Summary Statement:
This ordinance is eligible for adoption.

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 3/12/24
Public Hearing Date(s): 2/27/24 and 3/12/24
Postponed to Date: _____

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Title 10.09.090 Regulating the Use of Engine (Jake) Brakes in the Townsite and Declaring the Use of Engine Brake Without Noise Suppression a Nuisance in the Townsite.

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. Addition of Section 10.09.090. Section 10.09.090 shall be added as follows:

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

10.09.090 Regulating the use of engine (or Jake) brakes in the townsite.

All vehicles using engine (or Jake) brakes within the Townsite, except for emergency vehicles, must be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle. The first violation of this section results in a \$100 fine; if there is a second violation within six months of the first violation, the fine shall be \$200; if there is a third violation within six months of any prior violation, the fine shall be \$300.

Section 5. Amendment of Section 10.06.030. Section 10.06.030 shall be amended to add to the table:

10.09.090	Unmodified use of jake brake in townsite	100	first offense
		200	second offense within 6 months
		300	third offense within six months

Section 6. Amendment of Section 8.12.020. Section 8.12.020 shall be amended as follows:

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

8.12.020 Certain conditions declared nuisances.

It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area:

Haines Borough
Ordinance No. 24-02-664
Page 2 of 2

...

M. To use engine brakes without noise suppression.

To use engine (or Jake) brakes while operating a motor vehicle within the townsite, except for emergency vehicles, without a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ___
DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekka Fullerton, MMC, Borough Clerk

Date Introduced: 02/13/24
Date of First Public Hearing: 02/27/24
Date of Second Public Hearing: 03/12/24



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 24-1362
Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Repealing and Replacing HBC 3.72.110 Adding HBC 3.72.115 and amending HBC 3.72.100	1. Ordinance 24-02-666 2. Request for Assembly Action from Property Tax Assessment Ad Hoc Advisory Board
Originator: Property Tax Assessment Ad Hoc Committee	
Originating Department:	
Date Submitted: 2/22/24	

Full Title/Motion:
 Proposed Motion: Postpone Ordinance 24-02-666 until changes to state law are settled and the ordinance may be amended to conform with state law.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	N/A

Comprehensive Plan Consistency Review:
 Comp Plan Goals/Objectives: _____
 Consistent: Yes No

Summary Statement:
 Updated: At the March 12, 2024 Assembly Meeting, staff was asked to include the provision from proposed SB 242 that the Assembly may, by ordinance, appoint themselves as the Board of Equalization, then the suggestion was made to postpone the adoption of Ordinance 24-02-666 until state law changes are settled since the 2024 BOE has already been delegated to a citizen BOE per Resolution 24-02-1091.

Referral:
 Referred to: _____ Referral Date: _____
 Recommendation: _____ Meeting Date: _____

Assembly Action:
 Meeting Date(s): 2/27/24, 3/12/24 and 3/26/24
 Public Hearing Date(s): 3/12/24 and 3/26/24
 Postponed to Date: _____

An Ordinance of the Haines Borough Assembly Repealing and Replacing Haines Borough Code Section 3.72.110 Board of Equalization; Adding Section 3.72.115 Hearing Panels of the Board of Equalization; and Amending 3.72.100 Appeals.

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. Repeal and Replacement of Section 3.72.110. The existing section 3.72.110 shall be repealed and replaced with a new section 3.72.110 as follows:

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

3.72.110 Board of Equalization Membership & Duties.

- A. *Board of Equalization Established*. There shall be a board of equalization consisting of no fewer than five nor more than nine members that shall hear appeals from determinations of the assessor. **Proposed amendment: The Assembly may, by ordinance, appoint itself to sit as the board of equalization.**
- B. The board of equalization may alter an assessment of a tract only pursuant to an appeal filed as to that particular tract.
- C. *Appointment and Term*. Members shall be appointed by the assembly and, except as provided in this subsection, shall serve a term of three years, which shall terminate on November 30th of the year the member's term expires. By December 1, 2024, the assembly shall appoint three members who shall serve one-year terms, three members who shall serve two-year terms, and three members who shall serve three-year terms. By December 1 of each subsequent year, the assembly shall appoint three members who shall succeed the members whose term expires that year. Should a member cease to hold office prior to the expiration of the appointed term, the assembly shall, by December 1, appoint a member to shall serve the balance of that term.
- D. *Qualifications*. A member shall be a qualified voter of the Haines Borough and a resident for at least one year immediately preceding the date of appointment. A member who no longer resides in Haines Borough shall forfeit the office. Assembly members shall not be qualified to serve on the board of equalization. The assembly shall consider personal and professional experience in property development, property management, construction, insurance, banking, real estate, and other relevant fields when appointing members to the board.

- E. *Presiding Officer.* In December of each year, the board of equalization shall elect a member who shall serve as presiding officer. The presiding officer's term shall continue until a successor presiding officer is elected and qualified. The presiding officer's term shall immediately terminate if the officer ceases to be a member of the board of equalization. The presiding officer shall coordinate with the assessor and borough clerk to set and publish agenda for meetings and hearings of the board and hearing panels. The presiding officer shall designate members to serve on hearing panels as panelists and alternates. The presiding officer shall perform other duties reasonably necessary to administer the business of the board and other such duties as may be assigned by the assembly.
- F. *Rules and Regulations.* The board may recommend borough policy establishing reasonable rules and regulations governing proceedings before the board and hearing panels. This policy shall be reviewed by the board annually after the conclusion of all appeals with recommended changes submitted to the assembly for approval by December 1 of the assessment year.
- G. *Quorum and Acts of the Board.* A majority of the full board shall be a quorum for the transaction of business of the board of equalization. In the absence of a quorum, any number less than a quorum may recess a meeting to a later time or date. In the presence of a quorum, no action shall be taken except upon an affirmative vote of a majority of the quorum present at a properly noticed meeting.

Section 5. Addition of Section 3.72.115. Section 3.72.115 shall be added as follows:

3.72.115 Hearing Panels of the Board of Equalization.

- A. Notwithstanding HBC 3.72.110(F), a duly constituted hearing panel shall be empowered to hear appeals from determinations of the assessor on behalf of the board of equalization. A hearing panel's decisions on an appeal shall be considered decisions of the board of equalization for the purpose of this chapter. After the appeal has been completed, the panel shall certify its actions to the assessor within seven days. An appellant or the assessor may appeal a determination of the panel to the superior court as provided by rules of court applicable to appeals from the decisions of administrative agencies. Appeals are heard on the record established at the hearing before the panel.
- B. A hearing panel shall be composed of not less than **four** members. For each hearing panel, the presiding officer shall designate at least three members as panelists and **one** member as an alternate.
- C. Three panelists shall constitute a quorum for the transacting of business of the hearing panel. In the absence of a quorum, any number of panelists less than a quorum may recess a hearing to a later time or date. In the presence of a quorum, no action shall be taken except upon an affirmative vote of a majority of the panelists present at a properly noticed hearing.
- D. Panelists shall participate in hearings and shall be entitled to vote on business before the panel. Alternates shall not participate in hearings nor vote on business before the panel. A panelist may

be replaced by an alternate by the presiding officer due to illness or other request from a panelist. Upon such occurrence, the alternate shall be considered a panelist for the remainder of the appeal. Appellants may request replacement by an alternate pursuant to section (G) below. Once the alternate becomes a panelist, the original panelist may become an alternate for that panel.

- E. Hearing panels shall commence hearing appeals on the second Monday in May of each year unless a different date is established by resolution of the assembly. The hearing panel shall adjourn over and continue its session as business requires.
- F. The panelists shall choose a hearing chair for each panel.
- G. An appellant may request that a panelist be excused from the panel hearing the appellant's appeal by providing a written request for excusal of the member, without stating any reason for the requested excusal, to the presiding officer not less than 48 hours prior to the time set for the hearing. The presiding officer shall grant the request if an alternate is available to serve as a panelist.

Section 6. Amendment of Section 3.72.100. Section 3.72.100 shall be amended as follows:

3.72.100 Appeal.

...

E. Notwithstanding other provisions in this section, a determination of the assessor as to whether property is taxable under law may be appealed directly to the superior court within 30 days after final decision, following the procedures set out in AS 44.62.560 through 44.62.570.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF MARCH, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekk Fullerton, MMC, Borough Clerk

Date Introduced: 02/27/24
Date of First Public Hearing: 03/12/24
Date of Second Public Hearing: 03/26/24

AMENDMENT

OFFERED IN THE SENATE

TO: SB 242

1 Page 1, lines 7 - 13:

2 Delete "The **assessor shall determine the** full and true value **as provided in**
3 **standards adopted by the department under (e) of this section or another set of**
4 **standards provided by ordinance** [IS THE ESTIMATED PRICE THAT THE PROPERTY
5 WOULD BRING IN AN OPEN MARKET AND UNDER THE THEN PREVAILING
6 MARKET CONDITIONS IN A SALE BETWEEN A WILLING SELLER AND A
7 WILLING BUYER BOTH CONVERSANT WITH THE PROPERTY AND WITH
8 PREVAILING GENERAL PRICE LEVELS]."

9 Insert "The full and true value is the estimated price that the property would bring in
10 an open market and under the then prevailing market conditions in a sale between a willing
11 seller and a willing buyer both conversant with the property and with prevailing general price
12 levels. **The assessor shall determine the full and true value as provided in standards**
13 **adopted by the department under (e) of this section or another set of standards provided**
14 **by ordinance.**"

33-LS1141\U
Dunmire
2/15/24

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR KIEHL

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to assessment of property, boards of equalization, and certification of**
2 **assessors; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 29.45.110(a) is amended to read:

5 (a) The assessor shall assess property at its full and true value as of January 1
6 of the assessment year, except as provided in this section, AS 29.45.060, and
7 29.45.230. The assessor shall determine the full and true value as provided in
8 standards adopted by the department under (e) of this section or another set of
9 standards provided by ordinance [IS THE ESTIMATED PRICE THAT THE
10 PROPERTY WOULD BRING IN AN OPEN MARKET AND UNDER THE THEN
11 PREVAILING MARKET CONDITIONS IN A SALE BETWEEN A WILLING
12 SELLER AND A WILLING BUYER BOTH CONVERSANT WITH THE
13 PROPERTY AND WITH PREVAILING GENERAL PRICE LEVELS].

14 * **Sec. 2.** AS 29.45.110 is amended by adding a new subsection to read:

1 (e) The department shall adopt standards for assessing the full and true value
2 of property under (a) of this section that are not inconsistent with standards adopted by
3 the International Association of Assessing Officers and update the standards when
4 necessary.

5 * **Sec. 3.** AS 29.45 is amended by adding a new section to read:

6 **Sec. 29.45.115. Assessor certification.** A municipality may not employ an
7 assessor, including a private contractor, unless the assessor has a level 3 certification
8 from the Alaska Association of Assessing Officers or works under the supervision of
9 an individual with a level 3 certification from the Alaska Association of Assessing
10 Officers.

11 * **Sec. 4.** AS 29.45.200(a) is amended to read:

12 (a) The governing body **shall appoint one or more boards** [SITS AS A
13 BOARD] of equalization for the purpose of hearing an appeal from a determination of
14 the assessor [, OR IT MAY DELEGATE THIS AUTHORITY TO ONE OR MORE
15 BOARDS APPOINTED BY IT]. An appointed board **shall** [MAY] be composed of
16 not less than three persons, who shall be members of the governing body, municipal
17 residents, or a combination of members of the governing body and residents. The
18 governing body shall by ordinance establish the qualifications for membership. **The**
19 **governing body may by ordinance appoint itself to sit as a board of equalization.**

20 * **Sec. 5.** AS 29.45.210(b) is amended to read:

21 (b) The appellant bears the burden of proof. The only grounds for adjustment
22 of assessment are proof of unequal, excessive, improper, or under valuation based on
23 facts that are stated in a valid written appeal or proven at the appeal hearing. **The** [IF
24 A VALUATION IS FOUND TO BE TOO LOW, THE] board of equalization may **not**
25 raise the assessment **in the current year unless requested to do so by the appellant.**
26 **If the appellant provides a long form fee appraisal to support the appellant's**
27 **valuation and the board of equalization does not find in favor of the appellant,**
28 **the board shall make specific findings on the record to support its decision.**

29 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 TRANSITION: REGULATIONS. The Department of Commerce, Community, and

1 Economic Development may adopt regulations necessary to implement the changes made by
2 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
3 before the effective date of the law implemented by the regulation.

4 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2025.



Haines Borough
**BOROUGH ASSEMBLY
ACTION REQUEST**

DATE: December 14, 2023

TO: Borough Assembly

FROM: Property Tax Assessment Advisory Board

ACTION:

Motion: Humphrey moved to “recommend proposed amendment to HBC 3.72.110 to the Assembly for approval” and the motion carried unanimously.

RATIONALE:

The Property Tax Assessment Advisory Board was charged with reviewing existing code, policy and procedures of the property tax assessment process and to recommend changes to improve the process for both citizens and the borough administration. One of the most troublesome issues during 2023 was that assembly members served as the board of equalization which denied appellants the ability to seek relief from due process concerns and code violation because BOE (assembly) members are prohibited from having ex parte communication with appellants. The attached amendment provides for a citizen board of equalization and relieves elected officials of this duty.

BOARD REQUEST:

The advisory board requests that the assembly amend borough code 3.72.110 to update board of equalization membership and duties as detailed in the attached document.

SUBMITTED BY Paul Rogers

Paul Rogers, Chair
Property Tax Assessment Advisory Board



7C

Agenda Bill No.: 24-1363

Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Amending HBC Section 3.72.020 Full and True Value	1. Ordinance 24-02-667
Originator: Property Tax Assessment Ad Hoc Committee	
Originating Department:	
Date Submitted: 2/22/24	

Full Title/Motion:
Motion: Adopt Ordinance 24-02-667

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	N/A

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 2/27/24	Public Hearing Date(s): 3/12/24 and 3/26/24 Postponed to Date:

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 3.72.020 Full and True Value.**

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 3.72.020. Section 3.72.020 shall be amended as follows:

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

3.72.020 Full and true value.

The assessor shall assess property at its full and true value as of January 1st of the assessment year. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels. **If the appellant provides a long form fee appraisal to support the appellant's valuation and the board of equalization does not find in favor of the appellant, the board shall make specific findings on the record to support its decision.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF MARCH, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 02/27/24
Date of First Public Hearing: 03/12/24
Date of Second Public Hearing: 03/26/24



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 24-1364
Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Adding HBC Section 3.72.105 Exchange of Information	1. Assessor's Memo 2. Introduced Ordinance 24-02-668
Originator: Property Tax Assessment Ad Hoc Committee	
Originating Department:	
Date Submitted: 2/22/24	

Full Title/Motion:
 This Ordinance is eligible for adoption. If the Assembly would like to make changes in light of the Assessor's Memo, after amendment, the Clerk requests that the Ordinance be scheduled for a third public hearing April 9, 2024.

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	N/A

Comprehensive Plan Consistency Review:
 Comp Plan Goals/Objectives: _____
 Consistent: Yes No

Summary Statement:
 Update: The Assessor has noted their concerns in an attached memo.
 At the Committee of the Whole meeting on February 20, 2024, the Exchange of Information recommendations from the Property Tax Assessment Ad Hoc Advisory Board were discussed and item (D) was added to clarify that the Appellant and Assessor may continue to share information and negotiate until the appeal hearing.

Referral:
 Referred to: _____ Referral Date: _____
 Recommendation: _____ Meeting Date: _____

Assembly Action:
 Meeting Date(s): 2/27/24 Public Hearing Date(s): 3/12/24 and 3/26/24
 Postponed to Date: _____

From: Martins Onskulis
Appraisal Company of Alaska
405 W. 27th Ave.
Anchorage, AK 99503
907.334.6312 (Office)

To: Haines Borough Assembly

I am writing to address my concerns regarding the proposed Ordinance 24-02-668, as I find several aspects of it perplexing and potentially contradictory to State of Alaska Statutes.

Timeline

Firstly, I would like to draw attention to the issue of timing outlined in the proposed ordinance. The designated timeline for the assessor & property owner to submit their final review to the Board of Equalization (BOE) a mere 10 days & 5 days prior to the meeting presents significant challenges in effectively planning BOE sessions and planning for the workflow of the assessor's office. While this framework may be suitable under conditions of minimal appeals, it becomes problematic in scenarios involving a high volume of appeals, potentially leading to considerable delays. This is particularly exacerbated by the substantial time required for compiling necessary documentation for presentation before the BOE, coupled with efforts to contact property owners who may not have been reached previously.

Alaska State Statutes

In consultation with other assessors and based on information from other communities - assessors should be required to submit relevant information to the BOE at least one week prior to its convening, in some communities submission is a day or two before the scheduled meeting. The primary rationale behind this recommendation is to ensure that the BOE members are adequately equipped to make informed decisions based on the information **presented during the proceedings**. During recent meetings, concerns were raised by property owners who expressed frustration in attempting to engage with BOE members prior to scheduled hearings. It is imperative that the efficacy of BOE deliberations not be contingent upon members conducting independent investigations or reviews of materials in public forums.

In the context of Anchorage, property owners are afforded a timeframe of 45 days to furnish all relevant evidence, encompassing a 30-day window for initiating an appeal followed by an additional 15-day period allocated for the submission of supporting documentation. However, it is noted that this timeline may not be feasible for implementation in Haines this year, given the constraints imposed by Alaska State requirements and the timeline for mailing assessment notices.

The proposed ordinance, in its current form, appears to advocate for a reversal of roles, wherein the assessor is tasked with assembling documentation for the defense, thereby placing property owners in the position of relying solely on materials provided by the assessor. Such a framework contradicts established principles, wherein property owners should derive their appeal from diligent research and independent findings, rather than relying solely on the assessor's data for defense. This approach potentially contravenes the burden of proof as outlined in Alaska Statutes. Per Alaska Statutes, property owners are mandated to prove that the assessed value is unequal, excessive, improper, or undervalued.

Upon review of the evidence submitted by property owners, it is essential to maintain the protocol whereby the assessor diligently examines the provided evidence. This ensures a thorough and equitable assessment process, contrary to the proposed approach by the Ad Hoc committee. As outlined in the Anchorage municipal code, property owners are obligated to present their defense within 45 days of receiving assessment notices. Subsequently, the assessor meticulously reviews the submitted information and engages in discussions with property owners. In the event of appeals proceeding to the Board of Equalization (BOE), the assessor is mandated to submit the final findings to the BOE at least one week prior to the scheduled hearing. The proposed ordinance by Ad Hoc is opposite of what other communities across the State does.

It is imperative to emphasize that any proposed ordinance, including that of the Ad Hoc committee, must not override state statutes or undermine existing legal frameworks. Given the significance of legal compliance, it is advisable to seek guidance from your legal advisor to ensure alignment with applicable laws and regulations.

Has the proposed ordinance undergone thorough legal review to ascertain its consistency with prevailing state statutes and legal mandates? Such scrutiny is essential to uphold the integrity of our assessment procedures and ensure adherence to statutory requirements.

Here is an example from Anchorage:

What happens after I file my appeal?

Your appeal will be assigned to an appraiser for review following the informal review period. You will be notified of who has been assigned your appeal and how to contact them. You must provide the appraiser with your evidence within 45 days of the date notices (green cards) were mailed. The appraiser may require further information and/or an inspection of your property. Once the appraiser reviews the information or performs any requested property visit, the appraiser will make a value recommendation, and you will receive an 'Appeal Withdrawal Form' noting the recommended value. If you sign the Withdrawal Form your appeal will be finalized at the recommended value, and you will get your appeal deposit back; approximately 75% of appeals are resolved in this manner. If you choose not to sign the Withdrawal Form, your appeal will be scheduled for a hearing at the Board of Equalization (BOE). You will receive a notification for the hearing two weeks prior, and you will receive an appeal packet including a copy of your appeal and a summary of the Assessor's position that will be presented to the BOE one week prior to the hearing.

[Return to Top](#)

What information must I provide with my appeal?

When submitting an appeal, provide the following:

- Parcel number of the property you are appealing;
- Specific reasons why you believe the Assessor's valuation does not reflect the value of the property (the amount of tax, percent of increase, personal hardship, and other matters unrelated to the value, are not sufficient grounds for appeal.);
- Comparable sales or other supporting evidence (see the list below); and
- Your signature (and agency authorization, if someone else will represent you).
- Complete both sides of the appeal form.

By Alaska State law, "THE APPELLANT BEARS THE BURDEN OF PROOF. The only grounds for adjustment of assessment are proof of unequal, excessive, improper, or under valuation based on facts that are stated in a valid written appeal or proven at the appeal hearing. If a valuation is found to be too low, the Board of Equalization may raise the assessment." Alaska Statute 29.45.210.(b)

You must present clear and convincing evidence to support your appeal. All evidence must be provided within 45 days from the date the assessment notice was mailed (30 days to file an appeal plus 15 days to provide all supporting evidence). The Assessor may agree to extend the time limit to provide evidence under certain circumstances. Contact the assessor's office regarding any extension request. *Appeals without supporting information will be dismissed by the Board. New or additional documentation may not be introduced at the hearing.*

Upon careful review, it appears that points A and C may require either revision or removal to ensure alignment with current best practices or regulatory frameworks. Given the significance of these points, it is imperative that they undergo thorough scrutiny and potential updating.

3.72.105 Exchange of Information.

- Information to be presented to the board of equalization by the assessor's office shall be made available to the appellant at least 10 working days prior to the appeal hearing date scheduled for the appeal.**
- The appellant shall be notified by email or first-class mail when the information is available and how to obtain it. A link to the information on the borough web site is permissible.**
- The appellant must provide their information by first-class mail, email or by personally delivering it to the Haines Borough office at least five working days before the appeal hearing date scheduled for the appeal.**
- Notwithstanding the above, the appellant and the assessor may continue to exchange information and negotiate directly until the appeal is heard.**

In reference to point D, it is noted that the inclusion of the term "negotiate" may warrant reconsideration. The essence of our assessment procedures should indeed be rooted in factual substantiation rather than subjective bargaining or compromise. Therefore, it is advisable to refine the language to underscore the importance of evidence-based decision-making rather than implying a negotiation or compromise process – **appeal is not a negotiation.**

Has this gone through the legal review to ascertain their compliance with applicable statutes and regulations?

Here is what I am proposing:

A. Information to be presented to the Board of Equalization by the assessors office will be made available to the appellant one week prior to the appeal hearing date scheduled for the appeal.

B. No change

C. **“Proposed amendment will not work for this year due to state requirements and given timeline but can be reviewed/adopted for the next year”** The appellant must provide all evidence within 45 days from the date the assessment notice was mailed (30 days to file an appeal plus 15 days to provide all supporting evidence that will be presented to the BOE). The Assessor may agree to extend the time limit to provide evidence under certain circumstances. Appeals without supporting information will be dismissed by the Board. New or additional documentation may not be introduced at the hearing.

D. Notwithstanding the above, the appellant and the assessor may continue to communicate until the appeal is heard.

Finally, it is essential to acknowledge the importance of comprehensive analysis and deliberation in the development of such ordinances. Rushing through these amendments without due diligence could compromise their effectiveness and integrity, which is a risk we must strive to avoid.

Additionally, it would be advantageous for the Ad Hoc committee to seek consultation with assessors - either from us or from other municipalities within the state. Collaborating with industry experts can offer valuable perspectives and help to identify any potential pitfalls or oversights in the proposed amendments.

Considering these concerns, I respectfully urge the Borough Assembly to carefully reconsider the proposed ordinance, ensuring alignment with the State of Alaska Statutes, giving a time for a legal team to review it and addressing the practical challenges outlined above. A thorough review and adjustment of the timeline and procedural ambiguities would contribute to the efficient and equitable implementation of the ordinance.

Thank you,

Martins Onskulis

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 3.72.105 Exchange of Information**

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. Addition of Section 3.72.105. Section 3.72.105 shall be added as follows:

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

3.72.105 Exchange of Information.

- A. **Information to be presented to the board of equalization by the assessor's office shall be made available to the appellant at least 10 working days prior to the appeal hearing date scheduled for the appeal.**
- B. **The appellant shall be notified by email or first-class mail when the information is available and how to obtain it. A link to the information on the borough web site is permissible.**
- C. **The appellant must provide their information by first-class mail, email or by personally delivering it to the Haines Borough office at least five working days before the appeal hearing date scheduled for the appeal.**
- D. **Notwithstanding the above, the appellant and the assessor may continue to exchange information and negotiate directly until the appeal is heard.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF MARCH, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 02/27/24
Date of First Public Hearing: 03/12/24
Date of Second Public Hearing: 03/26/24

Referred Standing Committee Topics

Committee	Tues	Date	Topic
Personnel	4th	03/26/24	Personal Leave in Code and CBA
Govt. Affairs & Services	1st	04/02/24	Anti-Bullying Policy Elected Officials IT Policy Definition of Ore Prohibition for Lutak Dock
Finance	2nd	04/09/24	FY25 Budget Overview
Commerce	3rd	04/16/24	Severance Tax
Personnel	4th	04/23/24	Moving Reimbursement Policy Training Reimbursement Policy
Govt. Affairs & Services	1st	05/07/24	Budget Meeting – Water & Sewer, Vehicle Impound & Land Development
Finance	2nd	05/14/24	Capital Improvement Projects
Commerce	3rd	05/21/24	Budget Meeting – Boat Harbor, PC Dock, Lutak Dock, Tourism, Econ Dev, CPV, Permanent Fund & Debt Service
Personnel	4th	05/28/24	TBD

Haines Borough
RECORD OF DECISION

9B

DATE: March 14, 2024

TO: Borough Assembly

FROM: Tourism Advisory Board

Subject: Port Development Fee

Tourism Advisory Board:

Motion: GAFFNEY moved to “recommend to the assembly \$5.00 for port development, \$3.00 for impact, and \$.50 for cultural preservation”

Amendment: GAFFNEY moved to “add that the port development be implemented in the 2025 season with an annual CPI (Consumer Price Index) adjustment going forward” carried unanimously.

and the motion, as amended carried 4-1 with TUYNMAN opposed.

RATIONALE:

After discussion and comparing what other communities charge for a port development fee the board decided \$8.50 would be a reasonable fee to charge per person.

SUBMITTED BY



Sean Gaffney
Tourism Advisory Board Chair

MINUTES
Tourism Advisory Board (TAB)
Meeting Date: January 18, 2024
Date of Approval:

Call to Order: A meeting of the Haines Borough Tourism Advisory Board was held in the Assembly Chambers and on Zoom on January 18, 2024. The meeting convened at 12:03 pm.

Members in Attendance: Sean Gaffney, Lori Smith, George Hoffman, Carol Tuynman, Rhonda Hinson, Annette Kreitzer/Manager, Rebecca Hylton/ Tourism Director, Kiersten Long/Deputy Clerk, Kiara Hylton/Tourism Department,

Members Not in Attendance:

Motion: Hinson moved to “approval of the amended agenda and the minutes” and the motion carried unanimously.

Others in Attendance: Leslie Ross, Shelly Wade/Agnew::Beck

Approval of Minutes: September 13, 2023 Minutes

Public Comment: None

Tourism Department Update:
2023 Haines Visitor Report

New Business:

1. Floating Dock
2. Comprehensive Plan Update

Unfinished Business:

1. Haines Tourism Best Management Practices DRAFT

Announcements / Member Comments:

Smith – The children in the community have enjoyed the sledding hill on FAA road. Thank you to whomever is maintaining it.

Tuynman – Thank you for the marketing report.

Public Comment: None

Next Meeting: The next meeting is scheduled for Thursday, February 29, 2024 at noon.

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

Adjournment: The meeting was adjourned at 12:39pm.

Minutes taken by Kiersten Long – Deputy Clerk
Tourism Advisory Board

**Haines Borough
Planning Commission
February 8, 2024
EXCERPT OF MINUTES**

Commissioners Present: Patty **BROWN**, Brian **O'RILEY**, Rachel **SAITZYK**, Eben **SARGENT**, Erika **MERKLIN**.

Absent: Dan **SCHULTZ**, Derek **POINSETTE**

Assembly Liaison: Craig **LOOMIS**

Staff Present: Alekka **FULLERTON**/Borough Clerk, Kiersten **LONG**/Deputy Clerk, Shawn **BELL**/Harbormaster.

Visitors Present: Don **TURNER** Jr, George **CAMPBELL**, Pete **DORN** and others present on zoom.

11. UNFINISHED BUSINESS:

A. Heliport Moratorium – Proposed Resolution 23-09-1064

CAMPBELL- Believes a PC member should recuse themselves from the conversation since she is a litigant.

Chair **BROWN** asked **MERKLIN** to disclose her position as a litigant in the pending heliport litigation with the Borough. **MERKLIN** complied.

TURNER – Grandfathered right for cell tower maintenance.

MERKLIN requested to be recused from the vote and such recusal was accepted.

Motion: **O'RILEY** moved to convey to the Assembly that "the esteemed Planning Commission does not support the proposed resolution" and the motion carried unanimously.

I certify that the above is a true and complete excerpt of agenda item 11A from the February 8, 2024 planning commission minutes.



Alekka Fullerton, MMC, Borough Clerk
Haines Borough, Alaska

Haines Borough
Planning Commission Meeting
February 8, 2024
MINUTES

Approved

1. CALL TO ORDER/PLEDGE TO THE FLAG/LAND ACKNOWLEDGEMENT/ROLL CALL:

Chair **BROWN** called the meeting to order at 6:37 pm in the assembly chambers and on zoom, and led the pledge to the flag.

Commissioners Present: Patty **BROWN**, Brian **O'RILEY**, Rachel **SAITZYK**, Eben **SARGENT**, Erika **MERKLIN**.

Absent: Dan **SCHULTZ**, Derek **POINSETTE**

Assembly Liaison: Craig **LOOMIS**

Staff Present: Alekka **FULLERTON**/Borough Clerk, Kiersten **LONG**/Deputy Clerk, Shawn **BELL**/Harbormaster.

Visitors Present: Don **TURNER** Jr, George **CAMPBELL**, Pete **DORN** and others present on zoom.

2. APPROVAL OF AGENDA: The following Items were on the published consent agenda indicated by an asterisk (*)

3 – Approve Minutes from 1-11-24 Regular Planning Commission Meeting

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

***3. APPROVAL OF MINUTES:**

Note: The Minutes were approved by approval of the consent agenda: “Approve minutes from 1-11-24 Regular Planning Commission Meeting”

4. PUBLIC COMMENTS:

DORN – Wants the project at his house to progress

TUYNMAN – Cell towers, heliports, noise ordinance

5. COMMISSION COMMENTS:

SARGENT – Housing unit development

SAITZYK – Preserving night sky

MERKLIN – Interested in Downtown planning

6. CHAIR'S REPORT: Chair **BROWN** reported on KHNS program on public comments; attending landslide conference in Sitka; seats available on the Housing Working Group and Waerfront Aesthetics Committee; Bear/Human interactions- creating a Bear Task Force

Motion: **SAITZYK** moved to “Recommend to the assembly to create a bear conflict mitigation task force,” and the motion carried unanimously.

7. SUBCOMMITTEE REPORTS: None

8. ASSEMBLY LIAISON REPORT: Assembly member **LOOMIS** was present and willing to answer any questions.

9. STAFF REPORT:

A. Planner Report – Provided in a supplemental document

B. Comprehensive Plan Update – Update provided by Shelly Wade of Agnew::Beck

C. Update on Resouce Extraction CUP – postponed unti the next meeting

10. PUBLIC HEARINGS: None

11. UNFINISHED BUSINESS:

A. Heliport Moratorium – Proposed Resolution 23-09-1064

CAMPBELL- Believes a PC member should recuse themselves from the conversation since she is a litigant.

Chair **BROWN** asked **MERKLIN** to disclose her position as a litigant in the pending heliport litigation with the Borough. **MERKLIN** complied.

TURNER – Grandfathered right for cell tower maintenance.

MERKLIN requested to be recused from the vote and such recusal was accepted.

Motion: O’RILEY moved to convey to the Assembly that “the esteemed Planning Commission does not support the proposed resolution” and the motion carried unanimously.

12. NEW BUSINESS:

A. Harbor Used Oil Shed 95% Designs

Motion: SARGENT moved to “approve the harbor used oil shed 95% designs” and the motion carried unanimously.

*** Clerk’s Note: During discussion Assembly liaison LOOMIS and Commissioner O’RILEY expressed concern that commitments to the harbor improvements appear to have been abandoned and with the Letnikof dock expected to be out of commission has impacted the community use for subsistence, recreation, and transportation.*

B. Managing Floodplain Development Through the National Flood Insurance Program (NFIP) Course: L0273

****Clerks Note: The Planner has indicated he cannot attend the course. Planning Commissioners were invited to apply to attend.*

13. PUBLIC COMMENTS:

TURNER – Supporting the harbor

14. ANNOUNCEMENTS / COMMISSION COMMENTS:

O’REILY – Keep priorities in sight

15. CORRESPONDENCE:

16. SET MEETING DATE:

A. Joint Planning Commission and Borough Assembly Meeting re Comprehensive Plan Draft Review - Monday, February 26, 2024 at 6:00 pm in the Library Community Room.

17. ADJOURNMENT: 9:08 pm

Klehini Valley Volunteer Fire Dept.

Board of Director's Meeting

March 9, 2024

Meeting Minutes- Annual Report

Meeting was called to order by Chair Sean McLaughlin at 10:00 a.m. Meeting was attended by Chair, Sean McLaughlin, Directors Don Phillips and Brian Staurseth, Sage Thomas, Chief Dallas Anderson, and Treasurer/Board Secretary Holly Thomas. There were no members of the public present.

Minutes were read from the last board meeting held on February 25, 20203 (M/S Don Phillips/Sage Thomas); motion carried.

Financial Report was read (M/S Sage Thomas/Brian Staurseth); motion carried.

Chief's Report:

Chief Anderson reported that current memberships is at 13 volunteers. Membership has been fluctuating. It is hard to get new volunteers.

Trucks are in good shape, but we are looking for a new tanker to purchase with Revenue Share money. We are looking for an automatic transmission tanker that holds 4000 gallons to replace tanker 33 .

The Building has had a few repairs. Dave Long installed Shutters on the windows for winter to prevent breakage and fixed some leaks that we have had for a couple years in the compressor room.

We have had some correspondence with the borough on the underground water cistern. Holly Thomas was asked by Alekka Fullerton if we were going on with it as the borough set \$50,000.00 in CIP funds aside for this project. Previously we were asked to pay for half so we had dropped looking into it. The department felt if we had to pay \$25,000.00, it was better spent on a new truck that all members could drive. A 5000 gallon tank would be great. Brian Staurseth is going to talk Alekka and see if the offer of them paying the entire 50,000 is still on the table.

No new information on the 501 C-3 status. Brian will talk to Alekka about that as well.

We are in the process of gradually changing our SCBA's to the MSA g-1s, the same as town. It gives us double the air time and makes them compatible with towns compressor as well. We spend approx. \$12,000.00 end of last year on a new pack, mask, pass, and 2 tanks. Chief Anderson also shared that we will need to start replacing turn out gear as well.

Chief Anderson shared we are currently meeting twice a month for training. Recent trainings have been on EV's (They are not like regular automobile accidents and require specific training), SCBA's (the new setup), and trucks. He has had contact with the Training Center in Juneau. We have a couple options to send some volunteers down for Live Fire Training. We may be sending a couple people down this spring. Chief also has been in contact with Travis Mead. Travis travels around doing rescue training. He is an option for some training as well. He charges \$2,000.00 per day.

Earlier this year we were toned out for a fire in the Kluckwan Village. We have been previously told that we are unable to respond to fires there because they are not part of the borough and we are not covered by insurance to respond. We have checked and we are covered by insurance to respond. It is a political reason for not responding. We are not wanted. We have tried several times to get some kind of agreement with Klukwan. They never respond back. The Borough informed us that to get a mutual aid agreement with them, it has to go through the assembly. Chief Anderson has spoke with Al Giddings. He was giving permission by Kluckwan to revive their department. They have 3 people. Maybe with Al as a liaison we can eventually get a mutual aid agreement. At this time we have nothing and will not respond to fires there.

We had 2 calls that trucks rolled on. 1 car fire that was out when we arrived and 1 fire call to 18 mile that turned out to be a false report by a neighbor.

Old Business

Training at Hagevic Training Center talked about in the Chief's report.

Underground Cistern talked about in the correspondence portion of the Chief's report. The community outreach was good. We had some residents stop by. We

handed out fliers for recruitment and fire safety. We also gave kids rides on Engine 84.

New Business

Brian will talk to Alekka Fullerton about the CIP funds for the underground cistern and will inquire about the 501 C-3.

Sean McLaughlin has some equipment contacts and may start looking for a new tanker as well. He stated we should look for a truck with an Allison Transmission.

We are planning another Community Day. We are planning on handing out fliers for fire safety, recruiting new members, giving rides on the truck to kids, possibly giving out fire extinguishing blankets, and demonstrating fire behavior on a doll house. We will serve hot dogs and juice as well.

Sean shared that when looking at training, FF1 is a standards training. That means fire fighters in other cities are learning the same standards so you can work together. Live Fire is excellent training for entering and rescuing.

With no other business before the board, the meeting was adjourned (M/S Brian Staurseth/Don Phillips), motion carried and meeting adjourned at 11:06

Klehini Valley Volunteer Fire Department

HC 60 Box 2890

Haines, Ak 99827

(907)-767-5550

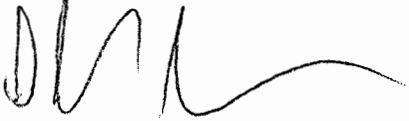
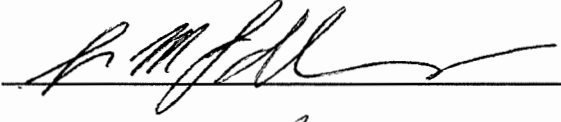


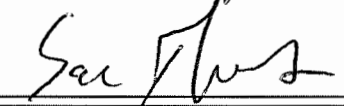
	A	B	C	D	E	F	G	H	I
1	Fy2024/2025								
2									
3									
4									
5	<u>Building</u>								
6	Maintenance			\$1,200.00					
7	Phone			\$1,300.00					
8	<u>Total Building</u>						\$2,500.00		
9									
10	<u>Communications</u>								
11									
12	<u>Dispatch</u>								
13									
14	<u>Equipment</u>								
15									
16	<u>Equipment Sink Fund</u>								
17									
18	<u>General Fund</u>								
19	Office Supplies			\$400.00					
20	Miscellaneous Supplies			\$1,000.00					
21	<u>Total General Fund</u>						\$1,400.00		
22									
23	<u>Insurance</u>								
24									
25	<u>Officer Compensation</u>								
26	Chief			\$3,600.00					
27	Treasurer			\$1,800.00					
28	<u>Total Officer Compensation</u>						\$5,400.00		
29									
30	<u>Training</u>								
31	Books/ Supplies			\$500.00					
32	Classes/Travel			\$3,000.00					
33	<u>Total Training</u>						\$3,500.00		
34									
35	<u>Trucks</u>								
36	Fuel			\$1,000.00					
37	Maintenance/Repairs			\$3,500.00					
38	<u>Total Trucks</u>						\$4,500.00		
39									
40									
41	<u>Total Budget</u>								
42									
43									

Klehini Valley Volunteer Fire Department

HC 60 Box 2890

Haines, Ak 99827

(907)-767-5550

	A	B	C	D	E	F	G	H	I
44									
45									
46									
47									
48									
49									
50									
51									
52									
53									
54	Dallas Anderson (Chief)					Date <u>3/9/24</u>			
55									
56									
57	Sean McLaughlin					Date <u>03/09/2024</u>			
58									
59									
60	Brian Staurseth					Date <u>03/09/2024</u>			
61									
62									
63	Don Phillips					Date <u>3-9-24</u>			
64									
65									
66	Sage Thomas					Date <u>3-9-24</u>			



11A1

Agenda Bill No.: 24-1370

Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Change Order and Reconciliation with proHNS for the Road Repairs Projects	1. Resolution 24-03-1105 2. Description from proHNS
Originator: Contracts and Grants Administrator	
Originating Department: Public Facilities	
Date Submitted: 3/19/24	

Full Title/Motion:
Motion: Adopt Resolution 24-03-1105

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 85,951.43	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>After the 2020 natural disaster, which damaged borough roads, the borough authorized a contract with proHNS LLC for design and engineering services. The scope of work on the Lily Lake project has changed (and has been accepted by FEMA). This Resolution does two things, 1) Change Order for the Lily Lake Road project, and 2) Reconciles the final costs for each completed project.</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 03/26/24	Public Hearing Date(s): 03/26/24
	Postponed to Date:

HAINES BOROUGH, ALASKA
RESOLUTION No. 24-03-1105

5 FYgc`i h]cb`cZ`h Y`<U]bYg`6cfci [\ `5ggYa V`m5uthorizing U` 7\Ub[Y` CfXYf` UbX` FYWzbVY]Uh]cb` Zcf` h Y` Professional Design and Engineering Contract with proHNS LLC for the December 2020 Natural Disaster Borough Road Repairs Projects for an amount not to exceed \$85,951.43.

WHEREAS, the Haines Borough adopted Resolution 21-05-912 on May 11, 2021 which authorized a contract with proHNS, LLC for design and engineering services of damaged Borough roads due to the December 2020 natural disaster; and

WHEREAS, the Haines Borough later adopted Resolution 22-05-974 on May 10, 2022 adding the Lily Lake Road project (FEMA #437579) to the contract; and

WHEREAS, the Lily Lake Road (FEMA #437579) project is currently active and has had a change in Scope of Work. The expansion of scope was accepted by FEMA and includes a second damaged site, additional topographical/design surveying services and construction contract administration & inspection services. All of the consultant services are expected to be reimbursable costs by FEMA. The original budget for this project was \$9,996 and the obligated FEMA budget to date is \$86,422. The change in contract amount is \$76,426; and

WHEREAS, the Debris Removal and Community Disposal project (FEMA #178714) has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs. The original budget for this project was \$5,568 whereas the actual cost billed to date was \$5,651.50. The change in contract amount is \$83.50; and

WHEREAS, the Chilkoot Loop (FEMA #437599) project has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs. The original budget for this project was \$18,930. The actual cost billed to date was \$28,687.12. The change in contract amount is \$9,757.12; and

WHEREAS, the Young Road (FEMA #435785) project has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs. The original budget for this project was \$221,974. The actual cost billed to date was \$211,083.88. The change in contract amount is <\$10,890.12>; and

WHEREAS, the Totem Street (FEMA #437600) project has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs. The original budget for this project was \$28,834. The actual cost billed to date was \$39,408.93. The change in contract amount is \$10,574.93; and

WHEREAS, the reconciliation of completed projects amounts to \$9,525.43, and the Lily Lake Road requested change in contract amount of \$76,426 amount to a total of \$85,951.43,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a task authorization with proHNS LLC for the December 2020 Natural Disaster Borough Road Repairs projects for an amount not to exceed \$85,951.43.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 26th day of March, 2024.

Thomas C. Morphet, Mayor

Attest:

Alekkha Fullerton, MMC, Borough Clerk



Professional Services Proposal

Proposal Date: 3/1/2024

Professional Design & Engineering Services Dec 2020 Flood – CO #11 Proposal

Haines Borough Public Facilities (Client)
 Attn: Annelise Silk, (907) 766-6409, asilk@haines.ak.us
 P.O. Box 1209
 Haines, AK 99827

Description of Services:

proHNS (Consultant) is currently under contract with the Client to provide surveying, civil engineering, permitting, construction administration & inspection, and other technical support services for the design and permanent repair of Haines Borough streets, culverts, utilities, and public infrastructure that were damaged by the December 2020 Floods and winter storm event. This Change Order (CO) #11 proposal is to reconcile the actual project costs for the projects completed to date, additionally there is added Scope of Work (SOW) and services described below that were not captured in the original Request for Proposals (RFP) issued by the Client:

- **Debris Removal and Community Disposal (FEMA #178714)** – This project has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs including design, construction, and construction administration & inspection. proHNS has been fully paid for all work on this project and will have no additional invoices for this project. See the table below comparing the original project budget to the actual amount billed to date.
- **Chilkoot Loop (FEMA #437599)** – This project has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs including design, construction, and construction administration & inspection. proHNS has been fully paid for all work on this project and will have no additional invoices for this project. See the table below comparing the original project budget to the actual amount billed to date.
- **Young Road (FEMA #435785)** – This project has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs including design, construction, and construction administration & inspection. proHNS has been fully paid for all work on this project and will have no additional invoices for this project. See the table below comparing the original project budget to the actual amount billed to date.
- **Totem Street (FEMA #437600)** – This project has been completed and closed out. The Haines Borough was fully reimbursed for this project by FEMA for all costs including design, construction, and construction administration & inspection. proHNS has been fully paid for all work on this project and will have no additional invoices for this project. See the table below comparing the original project budget to the actual amount billed to date.

Completed Project Budget Reconciliation Summary			
Project Name	Original Budget	Actual Cost Billed To-Date	Change in Contract
Debris Removal and Community Disposal	\$5,568.00	\$5,651.50	\$83.50
Chilkoot Loop	\$18,930.00	\$28,687.12	\$9,757.12
Young Road	\$221,974.00	\$211,083.88	-\$10,890.12
Totem Street	\$28,834.00	\$39,408.93	\$10,574.93



- **Lily Lake Road (FEMA #437579)** – The scope of consultant services for this CO includes the addition of topographical/design surveying services and construction contract administration & inspection services. The these services were not identified in the original Request for Proposal (RFP) and SOW or subsequent CO's, additionally a second site was identified along Lily Lake Road and added to the project. Engineering design, cost estimating, specification writing, and contract document preparation for this project was originally approved via CO#8. All of the consultant services are expected to be reimbursable costs by FEMA and the obligated FEMA budget for A&E services is summarized below.

Active Project Budget Revision Summary			
Project Name	Original Budget	Obligated FEMA Budget	Requested Change in Contract
Lily Lake Road	\$9,996.00	\$86,422.00	\$76,426.00

Service Tasks:

1. As detailed herein.

Deliverables:

Deliverables for this Project include:

- i. AutoCAD Civil 3D importable data files and surface models.
- ii. Copies of daily inspection reports, photos, pay estimates, and other records during construction.
- iii. As-built drawings for Client records.

Subcontractors:

- North 57 Land Surveying (N57) – Land surveying.

Exclusions:

The following services have been excluded from the scope and fee for services outlined this proposal:

- a) NEPA, historical research, and archaeological surveys.
- b) Geotechnical investigations and design.
- c) Easement or right-of-way negotiation and acquisition services.
- d) Construction surveying & staking.
- e) Design of electrical or telecommunication utility repairs or relocation.
- f) Public meetings and public outreach.

Professional Service Fees:

For the services described herein, including all labor, overhead, materials, equipment, profit, insurance, and direct expenses, **we cordially request a Change Order to increase our current Time & Expense Not to Exceed amount by \$85,951.43 to a new total Contract Agreement amount of \$1,369,464.43.** A breakdown of added costs by Project is as follows:

Projects	Proposed T&E Fee
Reconciled Projects (see summary table on previous page)	\$9,525.43
Lily Lake Road CA&I	\$76,426.00
Total CO #10 T&E Fee Increase	\$85,951.43



Proposed Schedule:

We believe lengthy FEMA project reviews and disbursement approvals, extensive material procurement lead times negatively impacting projects industry-wide, and minimal availability of construction contracting workforces locally could result in delaying the completion of some of these projects before the end of the 2025 construction season.

Therefore, we request an extension of our Contract Completion Date to December 31st, 2025, to account for design and construction that is likely to continue into the 2025 season.

Thank you for your consideration. Please contact me directly if you have any questions.

Respectfully,

Garret K. Gladsjo, PE
Principal Engineer / Manager
garret@proHNS.com
907-780-4004

Proposal Disclaimer:

The standard of care for all professional engineering and related services performed or furnished by proHNS LLC under this Proposal will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. proHNS LLC makes no guarantees or warranties, express or implied, under this Proposal or otherwise, in connection with the services described herein. To the fullest extent permitted by State law, the Client will indemnify and hold harmless proHNS LLC and proHNS LLC's officers, directors, partners, agents, subconsultants, and employees from and against any and all claims, costs, losses, and damages arising out of or relating to this Proposal. The scope, deliverables, schedule, and fee proposed herein is applicable to the subject Project(s) only, and the term for acceptance of this Proposal is 30 days from the Proposal Date unless otherwise specified or agreed upon between the Client and proHNS LLC.



11A2

Agenda Bill No.: 24-1369

Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Imposing Port Development, Impact and Cultural Preservation Fee	1. Resolution 24-03-1106
Originator: Tourism Director	
Originating Department: Tourism	
Date Submitted: 3/19/24	

Full Title/Motion:
Motion: Adopt Resolution 24-03-1106

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	Increase of \$9 per cruise passenger

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>Purpose: By implementing these fees, the Haines Borough seeks to ensure that cruise lines can adjust their pricing models accordingly and contribute towards the maintenance, enhancement, and cultural preservation of the port and surrounding community.</p> <p>This Resolution was suggested by the Tourism Department and has been supported by both the Finance Committee and the Commerce Committee.</p>

Referral:	
Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:	
Meeting Date(s): 03/26/24	Public Hearing Date(s): 03/26/24
	Postponed to Date:

A Resolution of the Haines Borough Assembly Supporting Port Development, Impact and Cultural Preservation Fees for Cruise Passengers.

Whereas, port fees enable communities to allocate resources efficiently towards maintaining and enhancing port infrastructure, prioritizing essential projects that contribute to economic prosperity and safety; and

Whereas, implementing port fees demonstrates a commitment to investing in the community's assets, showcasing a proactive approach to preserving and enhancing the value of the port as a vital component of the town's economic and social fabric; and

Whereas, charging port fees ensures that those who benefit directly from the port facilities contribute their fair share towards its upkeep, rather than placing the burden on taxpayers or relying on grants; and

Whereas, by establishing a sustainable revenue stream through port fees, the Haines community can engage in long-term planning for infrastructure development and maintenance, avoiding the pitfalls of short-term fixes and budget constraints; and

Whereas, well-maintained port facilities, funded through port fees, enhance the community's competitiveness in attracting businesses, tourists, and investors, stimulating economic growth and prosperity; and

Whereas, a Cultural Preservation Fee provides a tangible way for cruise ship passengers to contribute to the preservation and promotion of Indigenous traditions and practices,

NOW, THEREFORE, BE IT RESOLVED BY THE HAINES BOROUGH ASSEMBLY that it commits to collaboratively work with the Chilkoot Indian Association in supporting the development of port fees which will support economic activity at port facilities so that cruise passengers may contribute toward the maintenance, enhancement, and cultural preservation of the port and surrounding community, effective October 2nd (following the conclusion of the last scheduled ship of the 2024 season):

Port Development Fee: \$5 for each cruise passenger.

Impact Fee: \$3 for each cruise passenger.

Cultural Preservation Fee: \$1 for each cruise passenger.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 26th day of March, 2024.

Thomas C. Morphet, Mayor

Attest:

Alekka Fullerton, MMC, Borough Clerk



11B1

Agenda Bill No.: 24-1371

Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Amending Borough Code requiring bulk ore shipments to be containerized	1. Ordinance 24-03-669
Originator: Assembly members Aultman-Moore and Thomas	
Originating Department: Assembly	
Date Submitted: 3/19/24	

Full Title/Motion:
Motion: Introduce Ordinance 24-03-669 and set it for it's first public hearing April 9th and it's second public hearing April 23rd.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: _____
Consistent: Yes No

Summary Statement:
This ordinance is sponsored by Assembly Members Aultman-Moore and Thomas.

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 03/26/24
Public Hearing Date(s): 04/9/24, 04/23/24
Postponed to Date: _____

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Requiring Bulk Ore Shipments through the Haines Borough be Containerized.

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.

WHEREAS, the Haines Borough ("Borough") is dedicated to maintaining clean watersheds for commercial, subsistence, and recreational fishing; and

WHEREAS, the Borough is committed to environmental standards that protect the borough and its residents; and

WHEREAS, metallic fugitive dust from unsealed ore shipment poses risk to sensitive river and ocean habitat essential for anadromous fish health; and

WHEREAS, containerized bulk ore-handling systems are recognized as a more environmentally responsible practice for shipping bulk ore in a windy environment like that of the Haines Borough,

NOW THEREFORE, The Haines Borough Assembly requires that all bulk ore imported or exported through the Haines Borough must be transported in sealed containers whether by shipping vessel or roadway.

Section 4. Amendment to Section 16.28.010 Prohibited Acts. Section 16.28.010(W) shall be added as follows:

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

16.28.010 Prohibited acts.

It shall be unlawful for any person using the borough port and harbor facilities to commit any of the following prohibited acts:

...

W. To transport bulk ore shipments through the Haines Borough outside of a sealed container.

Section 5. Amendment of Section 10.09.070. Section 10.09.070 shall be added as follows:

10.09.070 Requiring Bulk Ore be Transported in Sealed Containers.

All Bulk Ore transported in the Haines Borough must be contained within a sealed container.

Section 6. Amendment of Section 8.12.020. Section 8.12.020 shall be amended as follows:

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

8.12.020 Certain conditions declared nuisances.

It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area:

...

N. Transport bulk ore shipments outside of a sealed container.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ___
DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Alekkha Fullerton, MMC, Borough Clerk

Date Introduced: 03/12/24
Date of First Public Hearing: 03/26//24
Date of Second Public Hearing: 04/09/24



11B2

Agenda Bill No.: 24-1372

Assembly Meeting Date: 03/26/24

Business Item Description:	Attachments:
Subject: Amending Borough Code for Land Use Permits	1. Ordinance 24-03-670
Originator: Manager	
Originating Department: Administration	
Date Submitted: 3/19/24	

Full Title/Motion:
Motion: Introduce Ordinance 24-03-670 and set it for it's first public hearing April 9th and it's second public hearing April 23rd.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$ 0	\$ 0	

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: Consistent: Yes No

Summary Statement:
This Ordinance is recommended by the Manager. Due to staff shortages, a 10 day presumption of land use permit completeness is not realistic. The Manager has asked for extensions of land use permit deadlines.

Referral:
Referred to: Referral Date:
Recommendation: Meeting Date:

Assembly Action:
Meeting Date(s): 03/26/24 Public Hearing Date(s): 04/9/24, 04/23/24
Postponed to Date:

**An Ordinance of the Haines Borough Assembly Amending Haines
Borough Code Section 18.40.030 Procedure – Staff decision.**

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 18.40.030. Section 18.40.030 shall be amended as follows:

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

18.40.030 Procedure – Staff decision.

...

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~~ **30** 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~~ **30** days of acceptance of the application.

4. The manager shall ~~mail~~ **send** 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.

Adopted by a duly constituted quorum of the Haines Borough Assembly this 23rd day of April, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

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)

The Haines Borough Code is current through Ordinance 23-10-662, and legislation passed through November 28, 2023.

Disclaimer: The borough clerk's office has the official version of the Haines Borough Code. Users should contact the borough clerk's office for ordinances passed subsequent to the ordinance cited above.

[Borough Website: www.hainesalaska.gov](http://www.hainesalaska.gov)

[Hosted by Code Publishing Company, A General Code Company.](#)

**Historic Dalton Trail Road Maintenance Service Area Commercial Use fees
Unanimously adopted by the HDTRMSA Board on March 13, 2024.**

Authority

Haines Borough Code: 7.08.050 D. Commercial Use. The service area board shall develop a fee schedule for commercial users. These funds shall be used for capital improvements and repairs.

Rationale

Funds are needed each year to brush, grade, ditch, cold patch and provide general maintenance. Commercial businesses often use trucks, buses, trailers, and vans over multiple trips causing additional wear on roads. The intent of these fees is to have commercial users pay their fair share with an easily administered system.

2024 Maintenance Plan

An estimated \$14,000 will be needed to ditch and scrape Chilkat Lake Road and an estimated \$10,000 will be needed for two gradings of the Porcupine Road.

Recommendation for yearly commercial user fees, based on the honor system. Each company will detail where their use is taking place so funds can be allocated correctly.

- **Commercial Tourism:** A fee of \$1 per head shall be collected from all commercial tourism companies for each client that enters the Historic Dalton Trail RMSA. This fee is due upon renewal of the annual tour permit for the previous year's clients. For 2024, a voluntary amount is requested by July 15th, 2024.
- **Mineral Exploration and Placer Mining:** A fee of \$100 per full time seasonal company staff working in the RMSA. Estimated payment due by July 15th, 2024.
- **Forestry-based businesses:** A fee of \$5 per 1000 Board Foot. Estimated Payment due by July 15th, 2024.
- **Mineral Extraction:** \$1 per yard for hauling aggregate in any from within the RMSA e.g. soil, sand gravel, rock, etc. Estimated Payment due by July 15th, 2024.
- **TV Shows/ filming:** A fee of \$100 per full time seasonal company staff working in the RMSA. Estimated Payment due by July 15th, 2024.

Payments in Lieu of Commercial Fees

Commercial businesses may perform needed maintenance on borough-owned roads within the service area with the consent of the Borough Manager in writing. A statement of value shall be provided to the borough after the maintenance work is completed.

Note If this fee schedule is not adopted by the Assembly in time for the 2024 summer season, the clerk's office will send a letter to all commercial users of the RMSA asking for a voluntary donation until the fee schedule is finalized.