


Haines Borough
Borough Assembly Meeting #332
AGENDA

March 14, 2017 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

Jan Hill
Mayor

Margaret Friedenauer
Assembly Member

Heather Lende
Assembly Member

Mike Case
Assembly Member

Tresham Gregg
Assembly Member

Tom Morphet
Assembly Member

Ron Jackson
Assembly Member

Brad Ryan,
Interim Manager

Julie Cozzi, MMC
Borough Clerk

Alekka Fullerton
Deputy Clerk

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 Assembly Meeting Minutes

11A1 – Adopt Resolution 17-03-714

11B1 – Introduce Ordinance 17-03-452 and Schedule Public Hearings

*** 3. APPROVAL OF MINUTES – 2/28/17 Regular**

4. PUBLIC COMMENTS - Sign-up is NOT required

[For any topics not scheduled for public hearing. Individual comments are limited to 3 minutes]

Note: during this section of the agenda, the assembly will listen and take notes. No official action will be taken at this time. Instead, comments and requests may be referred for further consideration to the administration, a committee, or a future assembly agenda.

5. ASSEMBLY COMMENTS

6. MAYOR'S REPORT/COMMENTS

7. PUBLIC HEARINGS

**A. Rehearing on Appeal of a Planning Commission Decision
Highland Estates, Inc. – Conditional Use Permit**

On 2/9/17, the planning commission (PC) approved a conditional use permit (#17-06) for Highland Estates, Inc. (Roger Schnabel) to develop property C-SEC-26-0100. HBC 18.30.060 allows for an appeal to the assembly of a PC decision, and the following two appeals were properly submitted to the clerk. On 2/28, the assembly considered each appeal separately and voted to rehear the PC's decision in each case. These hearings were scheduled for this meeting, as required by HBC 18.30.060(A). Each appeal must be heard separately.

A. Lenise Henderson Fontenot

B. Ella Bredthauer and Jeff Harrison

The evidence shall be limited to a review of the record, and the burden of proof shall be solely on the parties (appellants) challenging the commission's decision. "The Record" in these appeals is determined to be: all documentary or oral statements and any material objects that were provided to the PC in this matter. The evidence is limited to that same record, although further argument may be allowed. Argument is defined as "reasons given for or against a matter under discussion that is intended to convince or persuade the listener." The deadline for written arguments was noon on Friday, 3/10. Oral arguments are acceptable during these hearings. As typical for appeal hearings, each one will begin with presentations by the appellant, permit-holder, and the borough manager, and then proceed with any public testimony (limited to 3 minutes).

Assembly Action Needed: *The assembly hearing an appeal from a PC conditional use decision is acting in a quasi-judicial capacity. Therefore, a supermajority is required, per Charter 5.06(D). The assembly may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on approval. The assembly must make its decision at this meeting keeping in mind that "in all decisions the burden of proof shall be on the party challenging the decision of the planning commission." The assembly may deliberate in open session or in executive session. Written findings that formalize the reasons for the decision will be drafted for assembly approval at the next meeting.*

7. PUBLIC HEARINGS --continued--

B. Ordinance 17-02-450 - Second Hearing

An Ordinance of the Haines Borough Providing for the Addition or Amendment of Specific Line Items to the FY17 Budget.

*This ordinance is recommended by the interim borough manager. It was introduced on 2/14/17 and had a first hearing on 2/28/17. **Motion:** Adopt Ordinance 17-02-450.*

C. Ordinance 17-02-451 - Second Hearing

An Ordinance of the Haines Borough approving conveyance of any interest the Haines Borough may have, if any, in Lot 16A, Carr's Cove Subdivision, as depicted on Plat Number 97-22, Haines Recording District, First Judicial District, State of Alaska.

*This ordinance is recommended by the interim borough manager and borough attorney. This ordinance corrects the conveyance of land which was purchased at auction by Gregg Bigsby and Beth MacCready in 1997. A portion of the purchased property was never transferred to them. This ordinance needs to be done to allow the Mayor to sign the deed to correct title to such parcel. It was introduced on 2/14/17 and had a first hearing on 2/28/17. **Motion:** Adopt Ordinance 17-02-451.*

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 3/14/17 Report; the following topics may include assembly action:

- Revenue-generating mechanisms to pursue
- RCA Comments

B. Chilkat Center – Facility Report of February 2017

C. Finance Director – Report of 2009-2016 Sales Tax by Business Type

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

A. Code Review Commission – Minutes of 2/02/17

B. Parks and Recreation Advisory Committee – Minutes of 2/07/17

C. Public Safety Commission – Minutes of 2/21/17

D. Riverview Drive RMSA Board – Annual Report

E. Assembly Board Liaison Reports

F. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

*** 1. Resolution 17-03-714**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with River Adventures for \$95 per hour for the operation of the 2017 Visitor Shuttle Service.

*This resolution is recommended by the Interim Manager. This is the only proposal received by the borough in response to the RFP issued February 8, 2017 for Visitor Shuttle Service for a cruise ship and special event shuttle. **Motion:** Adopt Resolution 17-03-714.*

B. Ordinances for Introduction

*** 1. Ordinance 17-03-452**

An Ordinance of the Haines Borough authorizing a one-year extension of a lease of the Human Resources Building by Chilkat Valley Preschool for the purpose of providing preschool educational services.

*This ordinance is recommended by the Interim Manager. **Motion:** Introduce Ordinance 17-03-452 and set a first public hearing for 3/28/17 and a second public hearing for 4/11/17.*

C. Other New Business

1. Sales Tax Exemption Request – St. Joseph Catholic Church Boy Scout Troop 147

*This 501(c)3 organization applied for sales tax exemption status as allowed by HBC 3.80.050(13). The borough has granted sales tax exemption certificates to other Boy Scout troops. **Motion:** Approve the request from St. Joseph Catholic Church Boy Scout Troop 147 for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.*

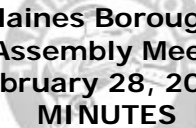
12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #331
February 28, 2017
MINUTES

Draft

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

Present: Mayor Jan **HILL**, and Assembly Members Mike **CASE**, Ron **JACKSON**, Margaret **FRIEDENAUER**, Tom **MORPHET**, and, via telephone, Heather **LENDE** and Tresham **GREGG**.

Staff Present: Brad **RYAN**/Interim Manager, Julie **COZZI**/Borough Clerk, Brooks **CHANDLER**/Borough Attorney (via telephone), Holly **SMITH**/Planner, Jila **STUART**/Finance Director, Heath **SCOTT**/Police Chief, Krista **KIELSMEIER**/ Executive Assistant, Shawn **BELL**/Acting Director of Public Facilities, and others.

Visitors Present: Natalie **HELMS**/CVN, Emily **FILES**/KHNS, Don **TURNER Jr.**, Diana **LAPHAM**, Andrew **GRAY**, Debra **SCHNABEL**, Evelynna **VIGNOLA**, Kay **CLEMENTS**, Don **TURNER III**, Elizabeth **LYONS**, Jim **SHOOK**, Tom **HALL**, Judy **BEAUCHEININ-HALL**, Sally **GARTON**, Ryan **COOK**, Candace **MUSTARD-SCOTT**, Carol **TUYNMAN**, Bill **MCCORD**, Kit **BROWN**, Roger **SCHNABEL**, Lenise **HENDERSON-FONTENOT**, Ella **BREDTHAUER** (via telephone), and others.

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

The following Items were on the published consent agenda indicated by an asterisk (*):

- 3 – Approve Assembly Meeting Minutes
 11A1 – Adopt Resolution 17-02-712

Motion: **CASE** moved to “approve the agenda/consent agenda,” and the motion, as amended, carried unanimously.

- *3. **APPROVAL OF MINUTES** – 2/14/17 Regular and 2/8/17 Joint Meeting with School Board
The motion adopted by approval of the consent agenda: “approve minutes of the 2/14/17 regular borough assembly meeting and the 2/8/17 joint meeting with the school board.”

4. **PUBLIC COMMENTS:** The following individuals spoke:

TUYNMAN, TURNER JR., HALL, GARTON, COOK, MCCORD, and VIGNOLA.

5. **ASSEMBLY COMMENTS:** None

6. **MAYOR’S REPORT/COMMENTS**

Mayor **HILL** provided a brief summary of her recent attendance at the AML Legislative Session in Juneau, and she responded to a few assembly questions. She also gave an update on various conferences scheduled to be in Haines this year.

7. **PUBLIC HEARINGS**

- A. **Ordinance 17-02-450** – First Hearing

An Ordinance of the Haines Borough Providing for the Addition or Amendment of Specific Line Items to the FY17 Budget.

Mayor **HILL** opened and closed the public hearing at 6:57pm; there were no public comments.

Note: Since the assembly already scheduled the second hearing for 3/14/17, no motion was needed unless some other action was desired such as amendments.

There were a few questions from the assembly and some discussion about the police department-related amendments.

- B. **Ordinance 17-02-451** - First Hearing

An Ordinance of the Haines Borough approving conveyance of any interest the Haines Borough may have, if any, in Lot 16A, Carr’s Cove Subdivision, as depicted on Plat Number 97-22, Haines Recording District, First Judicial District, State of Alaska.

Mayor **HILL** opened and closed the public hearing at 6:57pm; there were no public comments.

Note: Since the assembly already scheduled the second hearing for 3/14/17, no motion was needed unless some other action was desired such as amendments.

8. STAFF/FACILITY REPORTS

A. Interim Borough Manager – 2/28/17 Report

RYAN summarized his written report and responded to a few questions from the assembly.

Motion: **FRIEDENAUER** moved that “the borough would prefer the Regulatory Commission of Alaska (RCA) provide the rate oversight over Community Waste Solutions (CWS),” and the motion carried 4-3 with **LENDE**, **GREGG**, **MORPHET** opposed and the mayor breaking the tie in the affirmative.

Motion: **LENDE** moved to “refer to the Finance Committee the Carlos Jimenez letter regarding local bidders that was correspondence on the 2/14/17 agenda,” and the motion carried unanimously.

9. COMMITTEE/COMMISSION/BOARD REPORTS & APPROVED MINUTES

A. Public Safety Commission – Minutes of 1/30/17

B. Solid Waste Working Group – Minutes of 2/6/17

C. Tourism Advisory Board – Minutes of 2/9/17

D. Assembly Board Liaison Reports

JACKSON - Interpretive Trails steering group.

FRIEDENAUER – Solid Waste Working Group

E. Assembly Standing Committee Reports

1. Personnel Committee – Report of 2/18/17 Meeting (*This contained a recommended process for hiring the borough manager and included some action items.*)

FRIEDENAUER (on behalf of Chairman **CASE**) read the committee’s recommendations for the process. Regarding what “solely” means in relation to professional qualifications, **CASE** explained a person cannot be selected for any reasons other than the qualifications laid out in the job description, including employment standards, background experience sought in the profile, and the qualifications noted in the job posting. There no objection to the committee’s recommendations.

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

*1. Resolution 17-02-712

A Resolution of the Haines Borough authorizing the filing of a lawsuit for the foreclosure of municipal real property tax liens.

The motion adopted by approval of the consent agenda: “adopt Resolution 17-02-712.”

2. Resolution 17-02-713

Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract change order with Pacific Pile & Marine for the Portage Cove Harbor Expansion project for an amount not to exceed \$55,691.57.

TURNER III expressed support.

Motion: **FRIEDENAUER** moved to “adopt Resolution 17-02-713,” and the motion carried unanimously in a roll call vote.

B. Ordinances for Introduction - None

C. Other New Business

1. Appeals of Planning Commission Decision

Note: on 2/9/17, the planning commission approved a conditional use permit (#17-06) for Roger Schnabel’s development of his Skyline property C-SEC-26-0100. The two timely appeals were submitted per HBC 18.30.060. Each appeal was considered separately.

A. Lenise Henderson Fontenot

HENDERSON-FONTENOT presented the reasons for her appeal and asked the assembly to rehear the planning commission’s decision.

The following aggrieved persons spoke in support of the appeal: **SHOOK**, **CLEMENTS**, and **LYONS**.

Motion: JACKSON moved to "rehear in its entirety on 3/14/17 the planning commission's decision granting to Roger Schnabel a conditional use permit to Roger Schnabel pertaining to parcel C-SEC-26-0100," and the motion carried unanimously.

B. Ella Bredthauer and Jeff Harrison

BREDTHAUER (via telephone) presented the reasons for her appeal and asked the assembly to rehear the planning commission's decision.

The following aggrieved persons spoke in support of the appeal: **LYONS, HENDERSON-FONTENOT, and BROWN.**

Motion: FRIEDENAUER moved to "rehear in its entirety on 3/14/17 the planning commission's decision granting to Roger Schnabel a conditional use permit to Roger Schnabel pertaining to parcel C-SEC-26-0100," and the motion carried unanimously.

2. Letter Regarding Tier 3 Process

Note: this agenda item had nothing to do with the actual applications pending for the Chilkat River - only the process ADEC is working to develop to evaluate those (and other) applications. The letter was drafted by Assembly Member Friedenauer and included in the meeting packet.

Motion: FRIEDENAUER moved to "authorize the mayor to send the Tier 3 process letter to ADEC on behalf of the borough assembly," and the motion carried unanimously.

3. Board Appointments

Note: (Re)appointment applications were received for seats on the Public Safety Commission (PSC). The PSC considered the applications and submitted recommendations to the mayor. She sought assembly confirmation of these appointments.

Motion: FRIEDENAUER moved to "confirm the mayor's appointment of Jim Stanford (term ending 11/30/19), Mike Fullerton (term ending 11/30/19), and Bill Stacy (term ending 11/30/18) to the Public Safety Commission."

Primary Amendment: CASE moved to "replace Bill McCord for Bill Stacy," and the motion carried unanimously.

The main motion, as amended, carried unanimously. It was noted that Bill Stacy would be an excellent addition and, perhaps, the Public Safety Commission should be expanded from five members to seven.

4. Executive Session

Note: the manager requested the assembly by motion move into executive session in order to provide direction to the borough attorney concerning a legal matter (demand for severance pay received from Wm. Seward's attorney).

Motion: CASE moved to "go into executive session as allowed by AS 44.62.310(c)(1) and Haines Borough Charter Section 18.03 to discuss with the borough manager and borough attorney the Wm. Seward demand for severance pay; this qualifies for executive session because a public discussion will have an adverse effect on the borough's legal position and finances; the interim manager and borough attorney are asked to attend." The motion carried unanimously.

Present: Mayor Hill; Assembly Members Gregg (via telephone), Jackson, Lende (via telephone), Friedenauer, Case, and Morphet; and Interim Borough Manager Brad Ryan, and Attorney Brooks Chandler (via telephone). The executive session convened at 8:53pm and ended at 9:31pm.

There was no action when the assembly came out of executive session.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

A. COW – Thursday, March 9, 2017 at 5:00 pm - Topic: Short-listing applicants and developing questions. Portions of the meeting may be held in executive session.

B. Commerce Committee – Monday, March 6, 2017 at 6:00pm – Meeting previously-scheduled. Topic change from HEDC to "Heliski Map Committee Options." The HEDC presentation and budget request will be scheduled soon (tentatively March 13, 6:00pm).

14. PUBLIC COMMENTS: The following individuals spoke at the meeting:

TURNER JR., Chief SCOTT, and HALL.

15. **ANNOUNCEMENTS/ASSEMBLY COMMENTS:** The following assembly members spoke at the end of the meeting:

FRIEDENAUER, JACKSON, and CASE.

16. **ADJOURNMENT – 9:49 p.m.**

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

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk



Agenda Bill No.: 17-723

Assembly Meeting Date: 3/14/17

Business Item Description:	Attachments:
Subject: Appeals of PC Decision to Approve Highland Estates, Inc. Conditional Use Permit	1. Planning Commission Decision 2. Henderson-Fontenot Appeal 3. Bredthauer/Harrison Appeal 4. Clerk's Memo with "Record on Appeal" 5. Public Comments Supporting Appeals, rcvd by 3/7 6. Public Comments Supporting PC Decision, rcvd by 3/7
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 2/10/17	

Full Title/Motion:

Action Needed: 1) Confirm the commission's decision, 2) reverse the commission's decision, or 3) change the conditions placed on approval. The assembly must decide at this meeting; a supermajority vote is required. Written findings that formalize the reasons for each decision will be drafted for assembly approval at the next meeting.

Administrative Recommendation:

Fiscal Impact:

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

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: Yes No

Summary Statement:

On 2/9/17, the PC approved a CUP for Highland Estates, Inc. (Roger Schnabel) to develop property C-SEC-26-0100. Two appeals were received. On 2/28, the assembly considered each appeal separately and voted to rehear the PC's decision in each case. These hearings were scheduled for this meeting, as required by HBC 18.30.060(A). Each appeal must be heard separately. A) Lenise Henderson Fontenot and B) Ella Bredthauer and Jeff Harrison. The evidence shall be limited to a review of the record, and the burden of proof shall be solely on the appellants. "The Record": all documentary or oral statements and any material objects that were provided to the PC. The evidence is limited to that same record, although further argument may be allowed. The deadline for written arguments was noon on Friday, 3/10. Oral arguments are acceptable during these hearings. As typical for appeal hearings, each one will begin with presentations by the appellant, permit-holder, and the manager, and then proceed with public testimony (limited to 3 mins). A rep for the planning commission should be present to answer questions from assembly.

Referral:

Referred to: _____ Referral Date: _____

Recommendation: _____ Meeting Date: _____

Assembly Action:

Meeting Date(s): 2/28, 3/14/17 Public Hearing Date(s): 3/14/17

Postponed to Date: _____



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

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

13 February 2017

To: Brad Ryan, Interim Manager

From: Rob Goldberg, Haines Borough Planning Commission

Re: CUP Hearing Feb. 9th, 2017 Results: Approval Conditions Changed from Manager's Recommendations

Conditional Use Permit (#17-06)

C-SEC-26-0100; Roger J. Schnabel

Mr. Ryan,

On February 9th, 2017, the Planning Commission found that the proposed development by R. Schnabel met all relevant requirements of HBC 18.50. Five of five commissioners approved the permit; Commissioner Josephson and Stephens recused themselves from the decision. The Planning Commission made the following changes to the manager's recommendation for conditions on Schnabel's conditional use permit (17-06):

1. *Permitted Volume.* The permit is granted for extraction of not more than 7,500 cubic yards of aggregate material.
2. *Routes.* The developer will work with the Haines Police Department and Borough Manager to determine the safest route for the trucks to follow.
3. *Drainage and vegetation.* The Developer will submit a DEC-approved Storm Water Pollution Control Plan to the Borough.
4. *Mitigation.* The applicant shall control dust, noise, and vibrations to the maximum feasible extent. The Developer shall regularly inspect the public roads on the truck routes and remove debris that has fallen from the trucks.
5. *Development schedule.* Blasting will occur between the hours of 9:00 am to 5:00 pm, Monday-Friday and 10:00 am to 4:00 pm on Saturday. Hauling will occur between the hours of 8:00 am and 5:00 pm, Monday-Saturday. Operations will not occur during (1) Federal, State, and Borough holidays; and (2) on May 27th, 2017, the Saturday of Brewfest.
6. Unless otherwise provided by the Planning Commission, this permit will expire on March 1st, 2020.

Per HBC 18.50.040, these conditions shall be part of the approved permit. If the development does not implement all relevant requirements, or the commission otherwise determines the development is not in compliance with this title, the commission shall deny the permit and note with particularity its reasons for the decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Goldberg", is written over a light blue horizontal line.

Rob Goldberg
Planning Commission Chairman



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

(907) 766-2231 * FAX (907) 766-

PLANNING COMMISSION REVISIONS FEBRUARY 9 2017

To: Planning Commission

From: Brad Ryan, Interim Manager

Re: Conditional Use Permit (#17-06); Tax ID # C-SEC-26-0100; Roger J. S...

SUMMARY

This memorandum serves as my recommendation under Haines Borough Code (HBC) 18.50.040 (A) for the above referenced permit (see attached application). Staff has evaluated the application against the criteria listed in borough code. With the exception of seven (7) items, it is my opinion that the development adheres to the pertinent criteria. In addition to the specifications already outlined by the applicant in the application and development plan, my recommendation is that a permit be issued if it meets the conditions as follows:

1. *Permitted Volume.* The permit is granted for extraction of not more than 7,500 cubic yards of aggregate material.
2. *Routes.* ~~The development plan submitted by the applicant did not include final destinations of commercial sale. Currently, the final destination of one route is on Second Avenue. The applicant must submit a map which clearly delineates the proposed routes for transport before a permit is issued. Any modifications to the route must be submitted to staff in a timely manner and must receive approval from the Planning Commission prior to deviation.~~ **The developer will work with the Haines Police Department to determine the safest route for the trucks to follow.**
3. *Roads.* ~~Due to the likelihood of off-site impacts to Young Road from heavy load transport, the developer or owner is required to (1) repair roads as needed to their current condition as of the date the permit was issued; and (2) post a bond guaranteeing satisfactory completion of the required road repairs. To alleviate developer concerns over financial responsibility of normal wear and tear of roadways, the borough will submit a predevelopment inspection document with photos of current road conditions along the route(s).~~
4. *Drainage and vegetation.* ~~Removal of vegetation and topsoil will change the runoff patterns of the hillside and increase probability of erosion or other mass wasting (creep, slump, flow, fall, or landslides) during large rainfall events. Runoff is a portion of precipitation that is not intercepted by vegetation, absorbed by land surface, or evaporated, and thus flows overland into a depression, stream, lake, or ocean (also takes place in the upper layers of soil). The developer has agreed to install controls to maintain water quality and flood control as needed. The developer will also use Best Management Practices (BMPs) outlined in their Operations Plan. In addition, the developer must submit a drainage plan with respect to storm water being discharged into the adjoining single family residential neighborhood. The drainage plan will include specific details about mitigation efforts before, during, and after the life cycle of the permit. The plan must be approved by borough staff before a permit is issued.~~ **The Developer will submit a DEC approved Storm Water Pollution Control Plan to the Borough.**
5. *Mitigation.* The applicant shall control dust, noise, and vibrations to the maximum feasible extent. **The Developer shall regularly inspect the public roads on the truck routes and remove debris that has fallen from the trucks.**
6. *Development schedule.* ~~Blasting will occur between the hours of 10:00 am and 3:00 pm, 9 am to 5 pm, Monday-Friday and 10 am to 4 pm on Saturday. Hauling will occur between the hours of 8:00 am and 5:00 pm, Monday-Saturday. Operations will not occur during (1) Federal, State, and Borough holidays; (2) Special Event days as determined by the tourism office, and (3) Cruise Ship days~~ **and on May 27th, 2017, the Saturday of Brewfest.**
7. Unless otherwise provided by the Planning Commission, this permit will expire on March 1st, 2020.

Dear Haines Borough Clerk & Haines Borough Assembly:

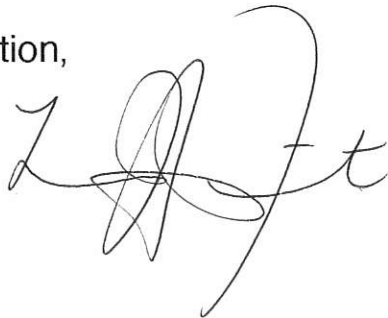
I would like to appeal the decision made by the planning commission on February 9, 2017 on Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100).

My reasons for this appeal are the following:

1. I believe the planning commission erred and the project as discussed will have major negative impacts on the neighborhoods involved and community as a whole.
2. My property value will be negatively impacted by truck and blasting noise, dust, and safety hazards of the road.
3. There will be significant safety hazards for pedestrian traffic along Young Road, which is a popular recreation corridor.
4. Haines borough staff came up with some excellent restrictions and guidelines which were rejected and should have been accepted all or in part.
5. I believe up to 8-10 trucks per hour six days a week plus blasting 9 am - 5 pm five days per week and 10 am - 4 pm on Saturdays, as discussed, is unreasonable in a residential area from a safety, noise, dust and overall quality of life perspective.
6. Many of the impacted homeowners are currently absent for their winter vacations and have not received due process and a chance to comment.
7. Mitigation should be discussed and seriously considered for the negative impact on the neighborhoods.

Thank you for your consideration,

Lenise Henderson-Fontenot
981 Young Road
Haines, AK. 99827



RECEIVED

FEB 15 2017

*Revised
from 2/10/17
document*

**HAINES BOROUGH
CLERK'S OFFICE**

From: [Ella Bredthauer](#)
To: [Julie Cozzi](#)
Subject: Formal Letter of Appeal re: Conditional Use Permit #17-06 Highland Estates, Inc. Resource Extraction near Skyline Subdivision (# C-SEC-26-0100)
Date: Friday, February 17, 2017 5:11:14 AM
Attachments: [Signed Formal Letter of Appeal re Conditional Use Permit #17 06 Highland Estates, Inc. Resource Extraction near Skyline Subdivision Final.pdf](#)
[Addendum A Skyline Project Resident Notification Mailing List.pdf](#)
[Addendum C1 Ryan MEMO Skyline Resource Extraction Project.pdf](#)
[Addendum C2 FINAL MEMO COMMISSION APPROVAL Skyline Resource Extraction Permit.pdf](#)

Dear Mrs. Cozzi,

Attached is my signed formal letter of appeal regarding the Conditional Use Permit #17-06– Highland Estates, Inc. Resource Extraction near Skyline Subdivision (# C-SEC-26-0100 approved by the Haines Borough Zoning Commission on Feb. 9, 2017.

My husband, Jeff Harrison, and I are the property owners of 191 Skyline Drive. As the back side of our property sits directly on Young Rd (the proposed truck route) and within sight distance of the proposed development, we are directly affected parties.

I would like it to be noted that we were not notified via mail of the resource extraction permit nor were we notified of the Zoning Commission meeting held 2/9/17. Please reference the attached Excel spreadsheet (Addendum A) detailing notified parties as provided by the Haines Borough Planner.

As we spend part of the winter months in New Mexico, we had no access to fliers posted around Haines nor the announcement printed in the Chilkat Valley News. The only reason I was made aware of the permit and approval was via a news story on the KHNS Facebook page.

This lack of notification is shocking to me and addressed in more detail in my attached formal appeal letter.

Please let me know if you need any other additional information. You can reach me via cell phone or email, both of which are listed in my email signature below.

Please send confirmation that you have received this email and processed my appeal.

Thank you for your assistance,
Ella

Ella Bredthauer
NSBSD RTI and PBIS Support, SPED iPad Support
Phone: [\(907\) 314-0836](tel:9073140836)
Email: ellabredthauer@gmail.com
Skype Name: ellabredthauer

"Anyone who does anything to help a child is his life is a hero to me." --Fred Rogers

To: Julie Cozzi, Haines Borough Clerk

From: Ella Bredthauer and Jeff Harrison, property owners of 191 Skyline Dr. Haines AK 99827

Re: Decision made by the planning commission on February 9, 2017 on Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100).

Dear Haines Borough Clerk,

This letter serves as my formal appeal of the decision made by the planning commission on February 9, 2017 on Conditional Use Permit #17-06– Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100).

My reasons for this appeal are the following:

1. Per [HBC 18.50.040](#), *comments received from property owners impacted by the proposed development will be considered and given their due weight.* And per requirements of HBC [18.30.020](#) and as noted in the memorandum Re: Permit 17-06 submitted by Brad Ryan on 2/3/17 (**see Appeal Addendum Part C, page 4 #8**), all property owners within an area of 200 feet from the applicant's property and owners immediately adjacent to the proposed route were to be notified in writing of the application, the date of the hearing and the proposed use.

On January 30, 2017, Haines Borough sent out a letter of notification to 64 households. **Appeal Addendum Part A** of this appeal for Excel Spreadsheet notification mailing list. Neither I nor my husband Jeff Harrison was on this notification list even though our property at 191 Skyline Drive is also on the proposed truck route and within sight distance of the proposed development. The entrance for my driveway and the back side of my home front the top of Young Road.

I am also troubled that my neighbors on the Skyline loop were also not included on this notification list. The homes on Skyline Loop will be directly impacted by the constant noise of excavation and frequent vibration impact of blasting. Many of the property owners spend time out of Haines in the winter months; notification via fliers posted around Haines or announcements in the newspaper are not viable nor guaranteed forms of notification.

Therefore, as a property owner directly impacted by this proposed development, I do not feel that I (nor my neighbors) were given proper and timely notification

about this resource extraction permit application. I only heard about the resource extraction permit via a KHNS online news story after the permit had been approved. As a direct result, I was not able to comment before the zoning commission made its final decision; my concerns were not given due weight.

2. The conditional use permit #17-06 submitted by Highland Estates, Inc. on 1/20/2017 does not provide enough detail to fully comply with all the general approval criteria listed in [HBC 18.60.10](#) and the specific approval criteria listed in [HBC 18.60.20](#). Per [HBC 18.60.10](#), *the burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval.* **Due to the lack of detail and depth in his original permit, Mr. Schnabel did not meet the burden of proof in his original application** particularly in regards to the general land use permit criteria of traffic, reviewing parties, public maintenance, drainage, peak use, and off-site impacts.

With respect to the specific approval criteria listed in [HBC 18.60.20](#), code states that *the use must...include an acceptable operation and reclamation plan that addresses the following concerns (see **Appeal Addendum B** for list of concerns) and assures that the adverse impact of the operation is minimized and the site will be left in a safe, stable and environmentally and aesthetically acceptable condition.* The conditional use permit #17-06 does not fully address community concerns nor does it offer enough specific details of how adverse effects be minimized in the areas of days and hours of operation, traffic patterns, control of noise, demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area and methods to minimize potential conflict with existing uses that are significantly impacted by the development.

In addition, it is **my assertion that the Haines Borough Planning Commission did not consider with due diligence the general and specific criteria in [HBC 18.60.10](#) and [HBC 18.60.20](#)** before approving permit #17-06 at their Feb. 9, 2017 Planning Commission meeting. They disregarded the professional opinion of Interim Borough Manager Brad Ryan regarding alignment of the permit to borough code. On February 3, 2017, Ryan submitted a memorandum to the Planning Commission containing his recommendations on Conditional Use Permit #17-06. In this memo, he recommended 7 conditions to align the permit with the criteria listed in borough code. The Zoning commission severely reduced or deleted 5 of the 7 compliance recommendations and ignored Borough Manager Ryan's documented concerns about the development's potential to damage road infrastructure, disrupt the quality of life in surrounding neighborhoods, decrease property value and negatively impact the personal safety of residents.

Please see **Appeal Addendum Part C** of this appeal for copies of the Borough Manager Ryan's original memorandum and the Planning Commission's final draft.

3. New information regarding the applicants intended use of the property and volume of resource to be extracted has come to light after the Zoning Commission meeting on 2/9/17 but before the end of the 10-day public comment / appeal period. Concerned citizen Lenise Henderson-Fontenot requested an information gathering meeting with Roger Schnabel to clarify details associated with his development plan and the permit. This meeting took place on 2/14/17 and was attended by Lenise Henderson-Fontenot, Roger Schnabel and Interim Borough Manager Brad Ryan.

During this meeting, Mrs. Henderson-Fontenot asked Mr. Schnabel to elaborate on potential truck traffic associated with the 7500 cubic yards of aggregate extraction allowed by the approved permit. In response, Mr. Schnabel stated that this may equate to one 10-yard truck every 9-10 minutes depending on how fast he can move the material.

During the meeting Mr. Schnabel also informed Mrs. Henderson-Fontenot of his plans to haul an additional 25,000-30,000 yards of material (2,500-3,000 additional truck runs) out of the site. He stated it was within his rights to do this without a permit because he was not selling the aggregate right away, but planning to hold it in his 4th Ave facility. This additional resource extraction would amount to 3 times the volume allowed in the original permit and an additional 2,750 truck runs up and down Young Road.

In my opinion, **this new information revealing Mr. Schnabel's intention to dramatically increased volume of extraction demands appeal of the permit the following grounds:**

- A) In his original permit application, Mr. Schnabel, representing Highland Estates, Inc., did not fully disclose his true intent with respect to how much aggregate he plans on removing from the Skyline site. He has now publically stated that his intention is to extract 3 times the volume requested in his original permit. This increase has profound implications with regards to the general and specific criteria listed in [HBC 18.60.10](#) and [HBC 18.60.20](#).
- B) This volume of aggregate removal appears to be excessive for his stated purpose on his permit of "Other—Site Clearing" and "Moving excess material related to the clearing, grubbing and blasting to get a better lay of the land." There appears to be a conflict between purpose stated on permit and the development intent stated in the 2/14/17 information meeting. Due to this discrepancy, concrete details and further clarification on his plan for extraction are needed to ensure that all code is being followed and that specifically (per [HBC 18.60.10](#)) *no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area.*
- C) A volume of +3,250 cubic yards (750 cubic yards as stated in original permit application and additional 2500-3000 cubic yards disclosed in citizen information meeting) constitutes a different intended use; the amount of aggregate to be moved in this case raises other provisions in code. Whether or not for immediate sale, in my opinion, this level of development falls under the definition of "Industrial, Heavy," which is noted in [HBC 18.20](#)

(see below). Under the provisions stated in [HBC 18.70.40](#), this type of use requires a different permit for “Industrial, Heavy” use.

*[HBC 18.20](#) “**Industrial, heavy**” means a use that has potential for significant negative impact on adjoining uses. This category includes uses that incorporate buildings that are large, tall, or unsightly; uses that generate offensive odors, noise, dust, smoke, fumes, vibration or glare; uses that involve large amounts of exterior storage; and uses that, because of their scale or characteristics, create nuisances or hazards such as heavy truck or other vehicle traffic, or other intense activity.*

On the grounds stated above, I implore the Haines Borough to approve my appeal. More time is needed to gather information on the scope and scale of the development as well as to clarify how it will more specifically address the land use criteria detailed in criteria listed in [HBC 18.60.10](#) and [HBC 18.60.20](#).

We cannot undo development once it happens, therefore we must ensure that proper time and diligence is given to this permitting process. The potential impact of this permit is life-altering in terms of safety and quality of life for many residents of the Haines Borough.

Please contact me with any questions or clarification regarding this appeal. I can be reached via phone or email.

Thank you for your time and consideration of this matter,



Ella Bredthauer

Ella Bredthauer and Jeff Harrison
Homeowners: 191 Skyline Dr. Haines, AK 99827
ellabredthauer@gmail.com
907-314-0836

Appeal Addendum Part A:

Please see attached PDF
Skyline Project Resident Notification Mailing List

Appeal Addendum Part B:

According to Haines Borough Code [18.60.10](#),

A land use permit, or conditional use permit, or a platting action permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of [HBC 18.60.020](#) are complied with.

The burden of proof is on the developer to show that the proposed use meets these

criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area.

Under the criteria referenced in [HBC 18.60.10](#), conditional use permits must consider and comply with the following for approval:

Plans; Reviewing Parties; Fire Safety and Emergency Access; Access; Traffic; Public Maintenance; Foundation; Utilities; Drainage; Walkways; Construction Guarantees; Peak Use; Off Site Impacts; Habitat; Open Space and Facilities; Historic Resources; National Flood Plain Regulations; and Hazard Areas.

In addition, [HBC 18.60.20](#) states:

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

A. Resource Extraction. A permit for the commercial extraction of a natural resource may be issued with such reasonable conditions as necessary. The use must meet all other pertinent requirements of this title and include an acceptable operation and reclamation plan that addresses the following concerns and assures that the adverse impact of the operation is minimized and the site will be left in a safe, stable and environmentally and aesthetically acceptable condition:

- 1. Methods and process of reclamation including stockpiling of topsoil for reuse;*
- 2. Initial site conditions including existing land use, vegetation, soils, geology and hydrology;*
- 3. Limits of operational areas;*
- 4. Days and hours of operation;*
- 5. Traffic patterns;*
- 6. Fencing and screening;*
- 7. Control of dust and noise;*
- 8. Phasing of operations and reclamation steps;*
- 9. Final condition of site including:*
 - a. Relation to adjoining land forms and drainage features,*
 - b. Relation of reclaimed site to planned or established uses of the surrounding area,*
 - c. Demonstration that the final land form will have a viable land use compatible with land use trends in the surrounding area;*
- 10. Methods to minimize potential conflict with existing uses that are significantly impacted by the development.*

Appeal Addendum C

Please see attached PDFs

FINAL MEMO COMMISSION APPROVAL Skyline Resource Extraction Permit

Ryan MEMO Skyline Resource Extraction Permit

Clerk's Note: the Addendum C documents are actually a part of the Record on Appeal attached elsewhere.

Bredthauer Appeal - Addendum A

TAXIDNO	PRIMARYOWNER	ADDRESS1	ADDRESS2	IMPACT
C-SKY-0A-0200	ALAN HEINRICH	P.O. BOX 406	HAINES AK 99827-0406	Neighbor
C-TNS-08-0100	ALBERT SACKS	BOX 1198	HAINES AK 99827	Route
C-SKY-0A-0700	ANDREW T. NEASON	P.O. BOX 1724	HAINES AK 99827	Neighbor
C-TNS-02-1200	AP & T	P.O. BOX 3222	PORT TOWNSEND WA 98368	Route
C-690-02-0400	BEVERLY RUTH WILSON	BOX 1472	HAINES AK 99827	Route
C-SKY-0A-0300	BILL PRICE	8238 POPLAR AVENUE	JUNEAU AK 99801	Neighbor
C-690-02-0300	BRIAN ELLIOTT	BOX 391	HAINES AK 99827	Route
C-TNS-14-0800	c/o GREGG RICHMOND	P.O. BOX 609	HAINES AK 99827	Route
C-TNS-07-0700	CAPTAIN'S CHOICE INC	P.O. BOX 392	HAINES AK 99827	Route
C-690-08-0C00	CARLOS JIMENEZ	BOX 962	HAINES AK 99827	Route
C-ERM-00-0200	CHRISTOPHER THORGESEN	P.O. BOX 887	HAINES AK 99827	Route
C-SKY-0A-0400	CRAIG RICHARD PIERCE	3381 E. CHEVY CHASE DR.	GLENDATE CA 91206	Neighbor
C-HGL-07-0300	D. HARRINGTON	BOX 1055	HAINES AK 99827	Neighbor
C-LTR-00-0100	DELTA WESTERN	1177 FAIRVIEW AVE. N	SEATTLE WA 98109-4418	Neighbor
C-SKY-0A-0800	DON SUTTON	523 KETCHIKAN AVE	FAIRBANKS AK 99701	Neighbor
C-HGL-01-0100	DORIS K. BELL	BOX 1189	HAINES AK 99827	Neighbor
C-ERM-00-0300	DOUG P. PEEL	800 6TH ST.	JUNEAU AK 99801	Route
C-TNS-13-0500	EDWARD DAVIS	P.O. BOX 258	HAINES AK 99827	Route
C-SKY-0A-0500	EDWARD M. BEITNER	BOX 1321	HAINES AK 99827	Neighbor
C-SKY-0A-0900	ELI FIERER	BOX 1461	HAINES AK 99827	Neighbor
C-HGL-01-0500	ELIZABETH LYONS	P.O. BOX 880314	PUKALANI HI 96788	Neighbor
C-690-11-0100	ERIC KOCHER	BOX 602	HAINES AK 99827	Route
C-LYN-0C-0100	ERICK ST. CLAIR	P.O. BOX 1712	HAINES AK 99827	Route
C-SKY-0D-0400	ERIK CHARLES BALDWIN STEVENS	BOX 665	HAINES AK 99827	Neighbor
C-HGL-06-0200	ERNA ZALITIS	1018 FORDHAM DRIVE	DAVIS CA 95616	Neighbor
C-690-08-0B00	ERWIN N. HERTZ	34261 CRICKET LANE NE	ALBANY OR 97322	Route
C-TNS-07-2600	EVANGELINE C. WILLARD-HOY	BOX 327	HAINES AK 99827	Route
C-TNS-07-2500	GREGG RICHMOND	P.O. BOX 632	HAINES AK 99827	Route
C-TNS-08-0500	Haines Assited Living	C/O Vince Hansen	Haines AK 99827	Route
C-SKY-0A-0600	HERBERT E. NELSON	P.O. BOX 26	TULETA TX 78162-0026	Neighbor
C-SKY-0D-0300	JAMES LEO BYAM	SPITZWEG 9, 8404 WINTERTHUR	8404 WINTERTHUR - -	Neighbor
C-SKY-0B-0100	JAMES SHOOK	BOX 1286	HAINES AK 99827	Neighbor
C-HGL-01-0200	JANICE HOTZE	BOX 91	HAINES AK 99827	Neighbor
C-HGL-01-1000	JUDITH RICE	BOX 828	HAINES AK 99827	Neighbor
C-YNG-02-0100	KARL WARD	BOX 14	HAINES AK 99827	Neighbor
C-TNS-13-1000	L. BENNETT 2ND FAMILY LIMITED PARTNERSHI	11448 RANIER AVE. SOUTH #230	SEATTLE WA 98178	Route
C-TGN-00-0200	LAWRENCE WILLARD	BOX 194	HAINES AK 99827	Route
C-690-08-0A00	LEMMIE L. SPRADLIN	P.O. BOX 386	HAINES AK 99827	Route
C-HGL-06-0300	LENISE ANN HENDERSON	P.O. BOX 12	HAINES AK 99827	Neighbor
C-TNS-08-0700	MARK COZZI	BOX 701	HAINES AK 99827	Route
C-LYN-0C-0300	MICHELE M. WING	P.O. BOX 438	HAINES AK 99827	Route
C-SKY-0D-0100	MICKIE L. DUTTON	2184 BRENTWOOD DRIVE	IDAHO FALLS ID 83402-2922	Neighbor
C-YNG-01-0100	OMAR CORDES	HERENGRACHT 105-107, AMSTERDAM 1015 BE	N. HOLLAND THE NETHERLANDS -	Neighbor
C-LYN-0C-0600	PATRICIA BLANK	P.O. BOX 112	HAINES AK 99827	Route
C-LYN-0C-0400	PEGGY ORMASEN	BOX 450	HAINES AK 99827	Route
C-HGL-01-0800	PHIL EMERSON	P.O. BOX 30146	WHITEHORSE YUKON, Y1A 5M2 CANADA	Neighbor
C-HGL-01-0700	RAYMOND WILLARD	P.O. BOX 870302	WASILLA AK 99687	Neighbor
C-HGL-01-0400	ROBERT DRUCKER	927 W. STEPHENSON ST	FREEMPORT IL 61032	Neighbor
C-690-09-N1/2	ROGER L. BERGSTRAND	P.O. BOX 1315	HAINES AK 99827	Route
C-HGL-07-0200	ROGER VLASAK	2750 MISTLETOE RD.	DALLAS OR 97338	Neighbor
C-TNS-14-0100	ROY LAWRENCE	BOX 650	HAINES AK 99827	Route
C-HGL-06-0100	ROYAL BARTLETT HENDERSON JR.	BOX 12	HAINES AK 99827	Neighbor
C-SKY-0B-0200	SCOTT A. BADER	P.O. BOX 1138	HAINES AK 99827-1138	Neighbor
C-SKY-0D-0200	SHARON E. COE	P.O. BOX 729	HAINES AK 99827	Neighbor
C-YNG-03-0200	SHORI A. LONG	P.O. BOX 291	HAINES AK 99827	Route
C-690-03-0300	STEPHEN SAMUEL McPHETRES	BOX 1192	HAINES AK 99827	Route
C-YNG-04-0100	STEVEN MICHAEL DALY	BOX 55	HAINES AK 99827	Route
C-690-03-0200	TIMOTHY WARD	BOX 208	HAINES AK 99827	Route
C-TGN-00-0100	TRACEY A. HARMON	P.O. BOX 1388	HAINES AK 99827	Route
C-YNG-01-0500	TROY FOTTA	P.O. BOX 753	HAINES AK 99827	Neighbor
C-HGL-01-1100	VAL J. POOR	BOX 594	HAINES AK 99827	Neighbor
C-HGL-01-0900	WILLIAM BROSTE	BOX 144	HAINES AK 99827	Neighbor
C-CDS-TL-0200	WILLIAM EGOLF	P.O. BOX 491	HAINES AK 99827	Neighbor
C-HGL-07-0100	YNGVE OLSSON	BOX 605	HAINES AK 99827	Neighbor



Memo

From the Clerk

Date: March 14, 2017
To: Mayor and Assembly
Cc: Borough Manager
From: Julie Cozzi, MMC, Borough Clerk
Re: Agenda Item 7A – Rehearing on Appeal of Planning Commission Decision Highland Estates, Inc. – Conditional Use Permit

On 2/9/17, the planning commission (PC) approved a conditional use permit (#17-06) for Highland Estates, Inc. (Roger Schnabel) to develop property C-SEC-26-0100. HBC 18.30.060 allows for an appeal to the assembly of a PC decision, and the following two appeals were properly submitted to the clerk. On 2/28, the assembly considered each appeal separately and voted to rehear the PC's decision in each case. These hearings were scheduled for this meeting, as required by HBC 18.30.060(A). Each appeal must be heard separately.

A. Lenise Henderson Fontenot

B. Ella Bredthauer and Jeff Harrison

The evidence shall be limited to a review of the record, and the burden of proof shall be solely on the parties (appellants) challenging the commission's decision. "The Record" in these appeals is determined to be: all documentary or oral statements and any material objects that were provided to the PC in this matter. The evidence is limited to that same record, although further argument may be allowed. Argument is defined as "reasons given for or against a matter under discussion that is intended to convince or persuade the listener." The deadline for written arguments was noon on Friday, 3/10. Oral arguments are acceptable during these hearings. As typical for appeal hearings, each one will begin with presentations by the appellant, permit-holder, and the borough manager, and then proceed with any public testimony (limited to 3 minutes). It is anticipated a representative from the planning commission will be present to answer assembly questions during deliberation.

I have attached to this memo for the assembly's convenience Borough Code Section 18.30.060 concerning appeals and 18.50.040 pertaining to conditional use permits.

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

The Record:

Document or Object	When Provided to PC
<ol style="list-style-type: none">1. Public Notice of CUP Public Hearing, posted on 1/30/17 at the Post Office, Howser's, Public Library, Borough Administration Building, and Borough Website. [1 page]2. Newspaper Ad of CUP Public Hearing, published 2/2/17. [1 page]3. 2/9/17 Planning Commission Meeting Agenda (Item 8B), posted on 1/30/17 at the Post Office, Howser's, Public Library, Borough Administration Building, and Borough Website. [1 page]	Standard/Required Public Notices
<ol style="list-style-type: none">4. Manager's CUP Recommendation dated 2/3/17. [4 pages]5. Highland Estates, Inc's Conditional Use Permit Application and attachments – Complete/Accepted on 1/25/17. [10 pages]6. 1/30/17 Letter Notifying Neighbors of the Public Hearing, with Map Showing Location and Routes of Proposed Activity. [2 pages]	Part of the 2/9/17 PC meeting packet published on 2/3/17
<ol style="list-style-type: none">7. Audio Recording of the CUP hearing portion of the 2/9/17 Planning Commission Meeting. <i>NOTE: Request this item from the Clerk's Office or access on the borough's website.</i>	During the PC Meeting on 2/9/17.

Assembly Action Needed:

The assembly hearing an appeal from a PC conditional use decision is acting in a quasi-judicial capacity. Therefore, a supermajority is required, per Charter 5.06(D). The assembly may confirm the commission's decision, reverse the commission's decision, or change the conditions which the commission placed on approval.

The assembly must make its decisions at this meeting keeping in mind that "in all decisions the burden of proof shall be on the party challenging the decision of the planning commission." The assembly may deliberate in open session or in executive session.

Written findings of fact and conclusions of law setting forth the reasons for any decisions made by the assembly will be prepared based on the reasons stated by individual Assembly members at the time the votes are taken. The draft written decisions will be formally adopted at a subsequent assembly meeting after being reviewed by the assembly to make sure the written decisions accurately reflect the reasons for the decisions.

18.30.060 Appeals to the borough assembly.

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

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

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

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

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

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

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

D. The borough assembly hereby provides for an appeal by a municipal officer or person aggrieved from a decision of a hearing officer or other body to the superior court. An appeal to the superior court under this section is an administrative appeal heard solely on the record established by the hearing officer or other body. (Ord. 12-05-291 § 6; Ord. 05-02-091; Ord. 04-05-078)

18.50.040 Decision.

The commission shall hold a public hearing on the conditional use permit application. The commission may adopt the manager's recommendation on each requirement unless it finds, by a preponderance of the evidence,

that the manager's recommendation was in error and states its reasoning for such finding with particularity. In addition, for good cause, the commission may alter the conditions on approval or requirements for guarantees recommended by the manager.

A. Before a conditional use permit is approved, the commission must find that each of the following requirements is met:

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;
2. The development of the use is such that the value of the adjoining property will not be significantly impaired;
3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;
4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;
5. The granting of the conditional use will not be harmful to the public safety, health or welfare;
6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;
7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;
8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

If the commission finds that the development implements all relevant requirements of this title, it shall issue a conditional use permit and the conditions and requirements shall be part of the approved permit. If the development does not implement all relevant requirements, or the commission otherwise determines the development is not in compliance with this title, the commission shall deny the permit and note with particularity its reasons for the decision.

B. The commission may alter the manager's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.

2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

Record on Appeal

Rehearing on Appeal of
Planning Commission Decision
Highland Estates, Inc. Conditional Use Permit

HAINES BOROUGH

HAINES, ALASKA

PUBLIC NOTICE

PLANNING COMMISSION

PUBLIC HEARINGS

**Public Hearing items will be discussed during the
February 9th Planning Commission meeting, 6:30PM
Assembly Chambers**

1. **PUBLIC HEARINGS:**

- A. **Height Restrictions – Possible Code Amendment** – This item was requested by the Planning Commission during the December 8th meeting. Current height limits are generally set at 30 feet, but the amendment would increase limitations for some zones and give residents an option to apply for a conditional use permit to increase a building's height beyond the limitation.
- B. **Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100)**. Highland Estates has a land use permit for site preparation on this 65 acre parcel, which permits clearing of land and providing access for survey work and future development. Highland Estates requests that a CUP be issued to allow removal of aggregate material from the site – approximately 7,500 cubic yards over a two-year period – for staging at a permitted 4th Avenue gravel site and for sale or personal use on waterfront properties. Routes, schedules, and mitigation plans are attached to the application.



**Public Comments may be sent in writing to: Haines Borough, Planning
Commission, Box 1209, Haines, AK. 99827 or to Holly Smith
hsmith@haines.ak.us or by attending the meeting.**

Posted 1/30/17, Donna Lambert Administrative Assistant

Police Report

Tuesday, Jan. 17

Police responded to a disorderly behavior call on a man at .5 Mile Haines Highway. Police also served the man with two summonses from another agency.

Monday, Jan. 23

An investigation continues regarding the theft of \$50 worth of fuel that was reportedly siphoned out of a vehicle parked on Lutak Road.

Police responded to a call of a four-year-old child who was bitten in the face by a dog. The incident occurred at 34 Mile Haines Highway.

DULY from page 2

from Kalamazoo, Mich. **Sidney Campbell** is the new education and outreach coordinator. Sidney, a biologist and University of Alaska -Southeast graduate, moved here from Juneau. She grew up in Southern California. **Arthur Gal** is at the foundation for a four-month internship. He attends Lyon Three, a university in Lyon, France, where he is studying geography. He's working with eagles and on a foundation mapping project. He grew up near Grenoble.

Haines was well represented at last week's Governor's Awards for the Arts and Humanities. **Heather Lende** and **Lani Hotch** won two of nine statewide awards at the events hosted by Alaska Gov. **Bill Walker**, Rasmuson Foundation representatives, legislators and arts officials. Lende and Hotch each briefly addressed the crowd. Hotch wore a Raven's Tail robe and Lende donned jewelry crafted

Wednesday, Jan. 25

Police are investigating a citizen complaint.

Thursday, Jan. 26

Haines police officers assisted the Alaska State Troopers on a call on Mosquito Lake Road.

Saturday, Jan. 28

Police arrested a woman on suspicion of driving while intoxicated at 5 Mile Haines Highway. She reportedly had a blood alcohol level of .125.

Monday, Jan. 30

A man was pulled over on Third Avenue and was cited and released for driving without a license.

and **Justin Dorn** and **JJ and Brian Hindenberger**. Lende was honored for distinguished service to the humanities; Hotch for business leadership in the arts.

If you see a dog with a yellow ribbon on its leash, keep your distance. The nationwide Yellow Dog Project aims to help owners of dogs who need space to alert other people to not approach -- or allow their pets to. Yellow means a dog has health, rehabilitation, training or behavioral issues that require that animal be kept at a distance. Posters for the program have gone up around town. **Traci Mikowski** of Haines Animal Rescue Kennel said she hasn't seen yellow ribbons in use here yet, but she said it's a good idea. "People want to be friendly to dogs. If you can make that safer for people, it's a good thing."

SEARHC's Wisewoman program is celebrating Heart Health Month with a Wear Red

Court Report

Jonathon Edward Richardson, 54, was fined \$1,000, \$500 suspended, and placed on one year's probation Dec. 14 after pleading no contest to charges he illegally cut down trees in Chilkat State Park. A park ranger discovered Richardson's unauthorized trail, which stretched about 1,600 feet, on Nov. 20. Richardson said he thought he was "fixing things" by cutting down 20 trees to create a new route around muddy trail sections. A vandalism charge was dismissed.

Teresa M. Jeans, 21, was fined \$1,500 and ordered to serve 30 days in jail, 27 suspended, after pleading guilty Jan. 3 to refusing to submit to a chemical test July 24. Jeans also was placed on one year's probation and her driver's license was revoked for 90 days. She served her time with an electronic monitor. A charge of driving under the influence was dismissed.

Stuart DeWitt, 37, was fined a total of \$7,000, \$13,000 suspended, on Nov. 2 after pleading guilty to game-guiding charges stemming from separate incidents in 2011. He also was ordered to forfeit a six-wheeler and wolverine hides. According to court documents, on May 25, 2011, while DeWitt was working as a guide for three Canadian hunters, the hunters took three goats while possessing permits only for two, then falsified records. The group also took antlers, but left rib meat behind, in prohibition of state law. DeWitt testified previously in federal court that he had broken his ankle on the way down the mountain

hunting license, big-game tag or harvest ticket. According to court documents, DeWitt and a third man lied, saying the third man shot the bear. The bear was taken from the bait site on a Polaris six-wheeler.

The 2011 charges stemmed from a lengthy U.S. and Canadian investigation in which other local guides or assistants were charged with crimes.

Gabriel A. Alamillo, 35, was sentenced on Jan. 24 to 30 months in jail, 14 suspended, and minus time served, after pleading guilty to charges of third-degree assault. The charges stemmed from an incident on June 25, 2015. According to court documents, a woman called police at 1 a.m. to report an assault at her house on Allen Road. The woman told police the man climbed on top of her and choked her with one hand while holding a kitchen knife in the other. He then threatened two children with the knife.

Clayton Conner, 36, of Canada, was sentenced Tuesday to 30 days in jail, all suspended, and placed on one year's probation after pleading guilty to reckless driving on June 19. His driver's license was revoked 30 days and he was ordered to pay restitution for backing into a resident's vehicle in the harbor parking lot and driving away. A charge of leaving the scene of an accident was dismissed. Conner also was ordered to pay a \$50 surcharge and perform 24 hours of community service. Conner blew .117 on a breathalyzer and originally was charged with driving under the influence. At sentencing, the

HAINES BOROUGH
PUBLIC NOTICE
PLANNING COMMISSION
PUBLIC HEARINGS
Public Hearing items will be discussed during the February 9th Planning Commission meeting, 6:30PM Assembly Chambers
PUBLIC HEARINGS:

A. Height Restrictions – Possible Code Amendment – This item was requested by the Planning Commission during the December 8th meeting. Current height limits are generally set at 30 feet, but the amendment would increase limitations for some zones and give residents an option to apply for a conditional use permit to increase a building's height beyond the limitation.

B. Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC- 26-0100). Highland Estates has a land use permit for site preparation on this 65 acre parcel, which permits clearing of land and providing access for survey work and future development. Highland Estates requests that a CUP be issued to allow removal of aggregate material from the site – approximately 7,500 cubic yards over a two-year period – for staging at a permitted 4th Avenue gravel site and for sale or personal use on waterfront properties. Routes, schedules, and mitigation plans are attached to the application.

Public Comments may be sent in writing to: Haines Borough, Planning Commission, Box 1209, Haines, AK. 99827 or to Holly Smith hsmith@haines.ak.us or by attending the meeting.

Posted 1/30/17, Donna Lambert
Administrative Assistant





Haines Borough
Planning Commission
Regular Meeting Agenda

COMMISSIONER #3
ROB GOLDBERG, CHAIR
LEE HEINMILLER, VICE-CHAIR
LARRY GEISE
DON TURNER III
BRENDA JOSEPHSON
ROB MILLER
JEREMY STEPHENS

Thursday, February 9, 2017 - 6:30 p.m.

Assembly Chambers, 213 Haines Hwy.

1. CALL TO ORDER / PLEDGE TO THE FLAG
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: December 8, 2016
5. PUBLIC COMMENTS [Items not scheduled for public hearing]
6. CHAIRMAN'S REPORT
7. STAFF REPORT
- A. Planning & Zoning Report
8. PUBLIC HEARINGS:
 - A. **Height Restrictions – Possible Code Amendment** – This item was requested by the Planning Commission during the December 8th meeting. Current height limits are generally set at 30 feet, but the amendment would increase limitations for some zones and give residents an option to apply for a conditional use permit to increase a building's height beyond the limitation.
Possible Motion: Recommend the Assembly adopt the draft ordinance.
 - B. **Conditional Use Permit – Highland Estates, Inc. - Resource Extraction near Skyline Subdivision (# C-SEC-26-0100)**. Highland Estates has a land use permit for site preparation on this 65 acre parcel, which permits clearing of land and providing access for survey work and future development. Highland Estates requests that a CUP be issued to allow removal of aggregate material from the site – approximately 7,500 cubic yards over a two-year period – for staging at a permitted 4th Avenue gravel site and for sale or personal use on waterfront properties. Routes, schedules, and mitigation plans are attached to the application.
Possible Motion: Approve the permit with conditions.
9. UNFINISHED BUSINESS: None.
10. NEW BUSINESS:
 - A. Historic District/Building Review: None
 - B. Haines Borough Code Amendments: None
 - C. Project Updates:
 1. February 1st Lutak Dock Joint PC and PHAC Workshop Outcomes
 - D. Other New Business:
 1. **Election of Officers.** HBC 18.70.030 (A) directs the commission to annually elect a chair who has the ability to vote on any question and is considered as part of a constituted quorum and other such officers as it deems necessary or desirable in the discharge of its powers and duties.
Possible Motion: We elect (Name) as (Position) for the 2017 Planning Commission.
11. COMMISSION COMMENTS
12. CORRESPONDENCE: None
13. SCHEDULE MEETING DATE
 - A. Regular Meeting – Thursday, March 9th, 2017 at 6:30 p.m.
 - B. Workshops
 1. Coastal Management Plan Revision Workshop – ?
 2. Comprehensive Plan Revision Workshop – Thursday, April 13th, 2017 at 5:30 p.m.
14. ADJOURNMENT



HAINES BOROUGH, ALASKA

P.O. BOX 1209

HAINES, AK 99827

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

3 February 2017

To: Planning Commission
From: Brad Ryan, Interim Manager
Re: **Conditional Use Permit (#17-06); Tax ID # C-SEC-26-0100; Roger J. Schnabel**

SUMMARY

This memorandum serves as my recommendation under Haines Borough Code (HBC) 18.50.040 (A) for the above referenced permit (see attached application). Staff has evaluated the application against the criteria listed in borough code. With the exception of seven (7) items, it is my opinion that the development adheres to the pertinent criteria. In addition to the specifications already outlined by the applicant in the application and development plan, my recommendation is that a permit be issued if it meets the conditions as follows:

1. *Permitted Volume.* The permit is granted for extraction of not more than 7,500 cubic yards of aggregate material.
2. *Routes.* The development plan submitted by the applicant did not include final destinations of commercial sale. Currently, the final destination of one route is on Second Avenue. The applicant must submit a map which clearly delineates the proposed routes for transport before a permit is issued. Any modifications to the route must be submitted to staff in a timely manner and must receive approval from the Planning Commission prior to deviation.
3. *Roads.* Due to the likelihood of off-site impacts to Young Road from heavy load transport, the developer or owner is required to (1) repair roads as needed to their current condition as of the date the permit was issued; and (2) post a bond guaranteeing satisfactory completion of the required road repairs. To alleviate developer concerns over financial responsibility of normal wear and tear of roadways, the borough will submit a predevelopment inspection document with photos of current road conditions along the route(s).
4. *Drainage and vegetation.* Removal of vegetation and topsoil will change the runoff patterns of the hillside and increase probability of erosion or other mass wasting (creep, slump, flow, fall, or landslides) during large rainfall events. Runoff is a portion of precipitation that is not intercepted by vegetation, absorbed by land surface, or evaporated, and thus flows overland into a depression, stream, lake, or ocean (also takes place in the upper layers of soil). The developer has agreed to install controls to maintain water quality and flood control as needed. The developer will also use Best Management Practices (BMPs) outlined in their Operations Plan. In addition, the developer must submit a drainage plan with respect to storm water being discharged into the adjoining single family residential neighborhood. The drainage plan will include specific details about mitigation efforts before, during, and after the life cycle of the permit. The plan must be approved by borough staff before a permit is issued.
5. *Mitigation.* The applicant shall control dust, noise, and vibrations to the maximum feasible extent.
6. *Development schedule.* Blasting will occur between the hours of 10:00 am and 3:00 pm, Monday-Friday. Hauling will occur between the hours of 8:00 am and 5:00 pm, Monday-Saturday. Operations will not occur during (1) Federal, State, and Borough holidays; (2) Special Event days as determined by the tourism office; and (3) Cruise Ship days.
7. Unless otherwise provided by the Planning Commission, this permit will expire on March 1st, 2020.

Per HBC 18.50.040 (B), the Planning Commission may alter these proposed conditions or impose its own. This recommendation was written prior to public comment reception, so the Commission is encouraged to reconsider the conditions after the public hearing. Conditions may include, but are not limited to:

- Construction guarantees.
- Viewshed protection.
- Development schedules.
- Use restrictions.
- Public dedications.
- Other mitigation requirements that would reduce noise, dust, traffic volume, or risk of property damage.

BACKGROUND

As described in the application, the owner currently holds a land use permit for site preparation at this location, which includes clearing, grubbing, and blasting to provide access for survey work and future development, and expires in October 2017. The applicant has had two land use permits for the use since 2013. The proposed conditional use permit would extend the allowances of their land use permit and include a provision for the removal of excess aggregate for commercial sale, personal use, or storage. This type of use is defined as a *resource extraction* when applied to code (HBC 18.20) and can be most easily characterized as a temporary *industrial, heavy* activity:

“Industrial, heavy” means a use that has potential for significant negative impact on adjoining uses. This category includes uses that incorporate buildings that are large, tall, or unsightly; uses that generate offensive odors, noise, dust, smoke, fumes, vibration or glare; uses that involve large amounts of exterior storage; and uses that, because of their scale or characteristics, create nuisances or hazards such as heavy truck or other vehicle traffic, or other intense activity.

“Resource extraction” means a use involving clearing or grading of land or the removal, for commercial purposes, of native vegetation, topsoil, fill, sand, gravel, rock, petroleum, natural gas, coal, metal ore, or any other mineral, and other operations having similar characteristics.

Considering the scale of development, it is debatable whether the applicant is already granted permission to remove excess material from his site under the provisions of his current land use permit. The code does not specify this type of activity under the definition for *development*. However, it is generally common for other properties to remove excess material after clearing without Borough approval. The requirement for a conditional use permit is triggered when the landowner uses the excess material for commercial sale.

The location of the site is zoned as *rural mixed use* where resource extraction is allowed under the provisions of a conditional use permit (HBC 18.70.030 and 18.70.040, respectively). The developer estimates 7,500 cubic yards of aggregate will be removed in a phased approach, which will occur over a three-year period. The proposed operational hours for hauling are 8:00 am to 5:00 pm, Monday-Saturday. During an October 2016 conference meeting, the owner clarified that there are only two areas of interest for clearing on his 65 acre parcel, though the size of the area is unknown. The applicant has noted that “clearing is required in order to get a better lay of the land which will allow an opportunity for planning for subdivision and development”.

There are two routes proposed for hauling, depending on the source of excess material – both begin at the top of Young Road. One destination would presumably end at Front Street, though the applicant has specified it would end on Second Avenue. The second destination would be the owner’s 4th Avenue permitted gravel pit. With the exception of Young Road and 4th Avenue, the roads are designated by the Borough and State as a truck route.

Deliberation for this recommendation stems from the rights of a landowner to develop his/her land while maintaining public health, safety, and quality of life for the public. Due to the scope of proposed development, economic viability and welfare should be considered for all landowners in the vicinity.

REVIEW

Under HBC 18.50.040, there are eight criteria to be considered in deciding whether to grant a conditional use permit. Before a conditional use permit is approved, the commission must find that each of the following is met. I have provided my thoughts on each one.

1. The use is so located on the site as to avoid undue noise and other nuisances and dangers;

The 65acre site, zoned Rural Mixed Use, is directly adjacent to and uphill from a residential neighborhood, zoned as Single Family Residential. The proposed areas of interest for extraction are

located on the west side of the property, at least 1,000 feet from the nearest neighbor. Extensions to the existing logging roads will be created for access to the areas of interest. Potentials exist for noise, nuisances, or other dangers with drainage issues from removal of topsoil and vegetation and the truck volume on neighborhood roads (9 trucks per hour during peak hauling times). Safety measures should be implemented to reduce safety concerns to the surrounding neighborhoods.

The applicant has noted that the direct transport of aggregate material from the site to another commercial site will reduce nuisances and dangers from traffic. Moving the material to his gravel pit on 4th Avenue then moving it again for commercial sale or personal use would increase traffic volume. The application also states that dust will be controlled with water and will be applied as needed. Vegetation will be maintained around operations and used as buffers to reduce sight and noise impact.

2. The development of the use is such that the value of the adjoining property will not be significantly impaired.

It is unclear whether the values of the adjoining properties will be impaired by the use. In the short term, construction from the use will cause some disruption to the neighborhood. Proposed mitigation efforts by the developer will likely reduce disruption, but changes to drainage patterns and road surfaces will need to be monitored throughout development. In the long-term, the value of the properties will depend on the type of use following survey work. The applicant has suggested that development may result in a plan for subdivision into residential housing sites, which would likely increase the fair market value of adjoining properties.

3. The size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use;

No public services exist at the site location, but water/sewer infrastructure and Borough roads exist along the proposed routes.

Although the location of the proposed use is limited to an area absent of borough infrastructure, the transport of material (9 truck loads per hour during peak hauling times) are considered “off site impacts” to borough roads, specifically for Young Road, which is not a designed truck route. The Borough recommends that the applicant be responsible for any damage to road infrastructure beyond normal wear and tear.

There is a low probability that water/sewer infrastructure will be impacted by the proposed truck loads and traffic volume.

4. The specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses;

In general, the proposed development is consistent with the comprehensive plan, but may temporarily disrupt the surrounding land uses of the residential neighborhood during peak hauling times. Various goals, actions, and objectives can be applied to the use, both in support and opposition of the proposal.

Support Goals	Opposition Goals
Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough, including reuse of sand and gravel, unless reuse would cause more environmental damage than non-use from the area.	Goal 1. Sustain the quality of life that Haines residents rate as excellent, based on the outdoors and natural beauty, small town atmosphere. Recognize that quality of life keeps residents living in Haines and draws business and residents to the area.
Goal 3k. Increase number of family households with children under 18 over the next decade by 10%.	Goal 3. D. Expand tourism and outdoor recreation economy.
5b. Site commercial and light industrial development in logical locations to promote economic opportunity, satisfy current and future needs – prevent sprawl.	Goal 4. Provide safe, reliable transportation networks, aggressively maintain roads.
10a.1. Location of sand, gravel and rock extraction sites shall be permitted in the following order of	Goal 4D. Accomplish geotechnical investigations and surficial ground water flow improvements to address

priority: (1) Existing; (2) Reused from abandoned development areas (unless reuse would cause more environmental damage than non-use from that area, (3) new upland sites already approved; (4) streams that do not provide fish habitat.

Lutak Slope ground movement.

5. The granting of the conditional use will not be harmful to the public safety, health or welfare;

There are public safety concerns associated with the activities within the requested conditional use permit. There will be increased heavy truck traffic that could potentially increase noise and dust. If the activities are properly controlled and the CUP has an expiration date to ensure that the activity does not become a chronic resource extraction site that would reduce the impacts to public safety, health, or welfare.

6. The use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams;

The location is not part of the Sawmill Creek Watershed or the Mt. Ripinsky Hazardous Slopes Management Area as identified in the Haines Coastal Management Plan. The area does not contain anadromous fish streams and the runoff or groundwater is not a source of drinking water. However, erosion and ground or surface water contamination are a concern and potential runoff should be controlled. Sediment control measures should remain in place until vegetation or other sediment control measures are in place to prevent longer term runoff. A drainage plan was not submitted with the application, but the applicant has agreed to use Best Management Practices (BMPs) as provided in the operations plan.

7. The use will comply with all required conditions and specifications if located where proposed and developed, and operated according to the plan as submitted and approved;

The applicant has identified the location of the blasting, but not the final destination from Second Avenue. Staff has no reason to believe that the applicant will not comply with conditions; The use is limited in scope and time frame the CUP should clearly outline the time and conditions of the permit.

8. Comments received from property owners impacted by the proposed development have been considered and given their due weight.

No public comments were received prior to this review. Per requirements of HBC 18.30.020, all property owners within an area of 200 feet from the applicant's property and owners immediately adjacent to the proposed route were notified in writing of the application, the date of the hearing, and the use on January 30th (see attachment 2). If we receive additional comments prior to the February 9th planning commission meeting, we will include them in your packet.

Sincerely,

Brad A. Ryan
Haines Borough Interim Manager

Attachments:

1. Highland Estates Conditional Use Permit Application (#17-06).
 - Application Form
 - Attachment A: Preliminary Clearing Plan
 - Attachment B: Development Plan
2. January 30th letter to 63 Residents within 200 ft. of site and immediate frontage of the routes.



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

APPLICATION FOR CONDITIONAL USE PERMIT

Permit#: 17-06
Date: 1/19/17

Use this form for use approval by the Planning Commission for conditional uses.

I. Property Owner/Agent		Owner's Contractor(If Any)	
Name: Roger J. Schnabel		Name: Southeast Road Builders, Inc.	
Mailing Address: HC 60 Box 4800, Haines, AK 99827		Haines Borough Business License #: 140.1	
Contact Phone: Day Night (907) 766-2833/(907) 766-2578		Alaska Business License #: 228340	
Fax: (907) 766-2832		Contractor's License #: 23987	
E-mail: roger@seroad.com		Mailing Address: HC 60 Box 4800, Haines, AK 99827	
		Contact Phone: Day Night (907) 766-2833	
		Fax: (907) 766-2832	
		E-mail: roger@seroad.com	
II. Property Information			
Size of Property: 65.24 Acres			
Property Tax #: C-SEC-26-0100			
Street Address: North of Oslund Drive			
Legal Description: Lot (s) _____ Block _____ Subdivision _____			
OR			
Parcel/Tract <u>TL2601</u> Section <u>26</u> Township <u>30S</u> Range <u>59E</u>			
[Attach additional page if necessary.]			
Zoning: <input type="checkbox"/> Waterfront <input type="checkbox"/> Single Residential <input type="checkbox"/> Rural Residential <input type="checkbox"/> Significant Structures Area			
<input checked="" type="checkbox"/> Rural Mixed Use <input type="checkbox"/> Multiple Residential <input type="checkbox"/> Heavy Industrial <input type="checkbox"/> Waterfront Industrial			
<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Light Commercial <input type="checkbox"/> Recreational <input type="checkbox"/> Mud Bay Zoning District			
<input type="checkbox"/> Lutak Zoning District <input type="checkbox"/> General Use			
III. Description of Work			
Type of Application (Check all that apply)	Project Description (Check all that apply)	Water Supply Existing or Proposed	Sewage Disposal Existing or Proposed
<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Single Family Dwelling	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> None
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Change of Use	<input type="checkbox"/> Community well	<input type="checkbox"/> Septic Tank
_____sq. ft.	<input type="checkbox"/> Multi-Family Dwelling	<input type="checkbox"/> Private well	<input type="checkbox"/> Holding Tank
_____seating	Total # of Units _____	<input type="checkbox"/> Borough Water System	<input type="checkbox"/> Borough Sewer System
capacity if eating/drinking establishment	<input type="checkbox"/> Cabin	<input type="checkbox"/> Other _____	<input type="checkbox"/> Pit Privy
<input type="checkbox"/> Industrial	<input type="checkbox"/> Addition		<input type="checkbox"/> Other _____
<input type="checkbox"/> Church	<input type="checkbox"/> Accessory Structure		
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Other <u>Site Clearing</u>		
	Aggregate Material		

Valuation of Work: Not Applicable
Current use of adjacent properties: Vacant land is located to the west and north of the 65 acre site that is currently being developed. A single residential neighborhood is located to the east of the development.
Attach the following documents to the permit application: <input checked="" type="checkbox"/> Site plan (see Attachment A) showing lot lines, bearings and distances, buildings, setbacks, streets, etc.

PREAPPLICATION (Required) Pre-application Conference Date: 10/21/2016

Prior to submission of an application, the developer shall meet with the manager for the purpose of discussing the site, the proposed development and the conditional use permit procedure. The manager shall discuss these matters with the developer with special attention to policies and approval criteria that may pose problems or constraints on the site or the proposed development activity and policies or approval criteria that may create opportunities for the developer.

APPLICATION

Please provide a written narrative explaining how your project will meet the following requirements. You may use the space provided on this form or attach your answers. A variance may only be granted if the Planning Commission finds that these six standards are met.

- The use is so located on the site as to avoid undue noise and other nuisances and dangers.

Describe what safeguards are being provided (i.e. setbacks or buffers) to meet the condition.

The site is currently permitted for clearing, grubbing, and blasting to provide access for planning, survey work and engineering. As access work progresses excess aggregate will be created that will have to be cleared from the site. As currently permitted the material will be moved to a nearby Material Storage site located near 4th Avenue on C-208-TL-0400 for use as a recycled material and then moved again when sold commercially. Granting a source permit under this CUP will allow the excess material to be moved directly from the development for use on a commercial site allowing a reduction in noise, nuisances, and dangers caused by multiple handling of the same material. See attached Operation and Development Plan.
- Explain how the development of the use is such that the value of the adjoining property will not be significantly impaired.

The trend towards land use in the area is residential in nature. The site is currently being cleared to allow an opportunity to visualize and develop a plan for subdivision into residential housing sites. The activity that is occurring on this property does not detract from residential development on the adjacent properties. It is the intention of the developer to protect and enhance neighborhood desirability. Vegetation will be maintained to protect the view shed of neighboring properties.
- Explain how the size and scale of the use is such that existing public services and facilities are adequate to serve the proposed use.

No public services are required for this activity.

4. Describe how or why the specific development scheme of the use is consistent and in harmony with the comprehensive plan and surrounding land uses.

The Comprehensive Plan supports responsible handling of inert materials. The comprehensive Plan specifically states a goal, objective, and strategy supportive of reuse of recycled materials.

See Attachment B:

"Goal 10. Support responsible development of renewable and non-renewable resources within Haines Borough."

"1.b. Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area."

5. Explain how the granting of the conditional use will not be harmful to the public safety, health or welfare.

All material removed from the site will be inert materials. The developer is an experienced, licensed, and insured professional in civil and heavy work. Experience in this area indicates a cut bank remains stable at 1/2:1 and all clearing, grubbing, and blasting will be performed in a manner that provides an opportunity for a desirable future residential development while minimizing impact to the current residents in the nearby neighborhood. All drivers hauling material off the site will be CDL certified and trucks will be in compliance with all safety devices in working condition. Granting this permit provides a safer mechanism/route for removal of material.

6. Describe the safeguards that will be provided so that the use will not significantly cause erosion, ground or surface water contamination or significant adverse alteration of fish habitat on any parcel adjacent to state-identified anadromous streams.

Run-off from the mountain moves as ground water. We have not experienced water penetrating out of the cut banks, therefore do not see water quality as a concern at this point. Storm water prevention controls will be installed to maintain water quality and allow for settlement and flood control as needed.

See the attached Operation and Development Plan for additional information.

IV. FEE

A non-refundable fee of \$150 must accompany this application. Checks must be made payable to the HAINES BOROUGH.

NOTICE

Per HBC 18.50.040, Comments received from property owners impacted by the proposed development will be considered and given their due weight. Additionally, the Planning Commission may impose one or more of the following conditions:

1. Development Schedule. The conditions may place a reasonable time limit on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighbors, to ensure that lots are not sold prior to substantial completion of required public improvements, or to implement other requirements.
2. Use. The conditions may restrict the use of the development to specific uses indicated in the approval.
3. Owner's Association. The conditions may require that if a developer, homeowner or merchant association is necessary or desirable to hold or maintain common property, that it be created prior to occupancy.
4. Dedications. The conditions may require conveyances of title, licenses, easements or other property interests to the public, to public utilities, or to the homeowners association. The conditions may require construction of public utilities or improvements to public standards and then dedication of public facilities to serve the development and the public.
5. Construction Guarantees. The conditions may require the posting of a bond or other surety or collateral (which may provide for partial releases) to ensure satisfactory completion of all improvements required by the commission.
6. Commitment Letter. The conditions may require a letter from a utility company or public agency legally committing it to serve the development if such service is required by the commission.
7. Covenants. The conditions may require the recording of covenants or other instruments satisfactory to the borough as necessary to ensure permit compliance by future owners or occupants.
8. Design. The conditions may require the adoption of design standards specific to the use and site.

V. CERTIFICATION

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

R. H. H. H.
Owner or Agent

01/20/2017
Date 1/25/17

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

Office Use Only Below This Line

<input checked="" type="checkbox"/> Applicant Notified Application is Complete and Accepted <u>1/25/17</u> <u>Person</u> <u>THS</u> <small>(Date) (Notified via) (Initials)</small>					
Non-Refundable Permit Fee \$ <u>150.00</u> Receipt No. <u>026032</u> Received By: <u>T. O. Jensen</u> Date: <u>1/25/17</u>		Information/Documentation Req'd Rec'd <input type="checkbox"/> <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> <input type="checkbox"/> State DEC <input type="checkbox"/> <input type="checkbox"/> Variance/Conditional Use Permit <input type="checkbox"/> <input type="checkbox"/> Sign Permit			
Zoning	Bldg. Height	Lot Coverage %	Const. Type	Occupancy	# Stories
This application meets all applicable Borough policies and a permit is issued, conditional on the substantial completion of construction within two years and the following special requirements:					
Planning Commission Chair:			Date:		

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

ATTACHMENT A

SITE PLAN REQUIREMENTS

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

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

ATTACHMENT A PRELIMINARY CLEARING PLAN



**ATTACHMENT A
AERIAL PHOTO**



Highland's Estates, Inc.
C-SEC-26-0100
Skyline Subdivision
Operation and Development Plan

In the 1960's Chester Howard began access and development with a road towards the Northwest of Parcel TL2601 Section 26 as show on the Aerial Photo Attachment A. Chester abandoned his plan due to health reasons and lack of an overall plan for the parcel. Highland's Estates, Inc. is considering expanding on the work that Chester began by opening up the preliminary access road including additional areas in order to get a better lay of the land for subdivision and development.

Development of the land is currently occurring under Land Use Permit #15-82. Work authorized under this permit for clearing, grubbing, and blasting will result in excess material that will need to be removed from the property. Highland's Estates, Inc. also maintains a Conditional Use Permit #15-07 on parcel located near 4th Avenue on C-208-TL-040 which allows for storage of material as a recycled material. Without approval of the current CUP application the excess material will be moved to the permitted storage until it is used in other developments or commercial sold. At this time Highland's Estates, Inc. is applying for a Conditional Use Permit to allow material to be moved directly from the development for use on a commercial site. Granting this permit will allow for a reduction in impact to the nearby residents by reducing noise, nuisances, and dangers caused by multiple handling of the same material.

The Preliminary Clearing Plan Attachment A is attached. Clearing, grubbing, and blasting is necessary to open up the preliminary access road and additional area. The clearing is required in order to get a better lay of the land which will allow an opportunity for planning for subdivision and development.

The site is 65.24 acres and with the exception of the preliminary access road the site is undeveloped and heavily forested with areas of high elevations. The property is zoned Rural Mixed Use. Ditching is in place for hydrology control. There are no active run-off issues. The gravel appears porous and run-off from the mountain moves as groundwater. We have not experienced water penetrating out of the cut banks, therefore do not see water quality as a concern at this point. Storm water prevention controls will be installed to maintain water quality and allow for settlement and flood control as needed.

Suitable topsoil will be stockpiled on site for reuse on the property. All material removed from the site will be inert materials. The developer is an experienced, licensed, and insured professional in civil and heavy work. Experience in this area indicates a cut bank remains stable at ½:1 and all clearing, grubbing, and blasting will be performed in a manner that

provides an opportunity for a desirable future residential development while minimizing impact to the current residents in the nearby neighborhood. All drivers hauling material off the site will be CDL certified and trucks will be in compliance with all safety devices in working condition. Clearing work will be limited to the property lines. Vegetation will be maintained to protect the view shed of neighboring properties.

Operational hours for hauling activities will be 8:00 AM to 5:00 PM, Monday through Saturday.

Traffic patterns of hauling activities will be through two routes depending on the source of the excess material. Young Road to Second Avenue will be one route and the second route will be Young Road to Fourth Avenue.

No fencing and/or screening is anticipated. The property is private with no public access. The area is shielded with timber and brush.

Dust and noise will be minimized. Dust will be controlled with water and will be applied as needed. Watering equipment is readily available from Southeast Roadbuilders. Vegetation will be maintained around operations to reduce both visual and noise impacts. Noise and further impacts will be reduced by hauling excess material directly to other jobs sites preventing the trucking to the Fourth Avenue Material Storage site for staging before being trucked to other project sites.

Storm water prevention controls will be used to maintain water quality and allow for settlement and flood control. Best management practices (BMP's) will be used as needed to minimize the amount of soil exposed during activity and control storm water discharges and flow rates. Examples of effective BMP's include the following:

- Preservation of existing vegetation to limit site disturbance and to minimize soil erosion by identifying and protecting pre-existing vegetation on the site. Natural vegetation will be preserved in areas where no activity is planned or will occur at a later date.
- Vegetative buffer strips will be used to act as a living sediment filter that intercepts and detains storm water runoff. The buffer strips reduce the flow and velocity of surface runoff, promotes infiltration, and reduces pollutant discharge by capturing and holding sediment and other pollutants in the runoff water. Buffer strips are particularly effective at the top and bottom of a slope.
- Fiber rolls are long rolls of natural material such as straw or compost wrapped in a netting. The rolls are staked along the contours of disturbed slopes to shorten the slope and help to slow, filter, and spread overland flows. They can be placed along the toe, top, face, and at grade-breaks on disturbed slopes to capture organic matter that might otherwise be washed downslope. They can be placed at the perimeter of a project and around temporary stockpiles. They can also be used as check dams in unlined ditches.
- Check dams are used to protect narrow erosion prone waterways and reduce sediment. They can be placed in a series in ditches, swales, gullies or other minor drainage ways intended to be filled or stabilized at a later time.

- Surface roughening and terracing includes establishing a rough soil surface by creating horizontal grooves, furrows depressions, steps or terraces running parallel to the slope contour over the entire face of a slope. These measures are intended to aid in the establishment of vegetative cover from seed, to reduce runoff velocity and increase infiltration and to reduce erosion and provide for sediment trapping.
- Vegetative seeding on disturbed areas promotes growth to stabilize the soil once the vegetation is established.

Phasing of operations are based on the clearing of the property. The hauling of the material off site will be for excess material encountered during clearing operations. A total of 7,500 cubic yards of excess material is estimated to be on the property. All activity will occur on private property, which is 65.24 acres. The goal of the clearing of the property is to get a better lay of the land to allow for planning of subdivision and development that is consistent with the Haines Borough Comprehensive Plan.



HAINES BOROUGH, ALASKA

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

January 30, 2017

Re: Highland Estates, Inc. – Conditional Use Permit
Site Clearing & Transport and/or Sale of Aggregate Material
C-SEC-26-0100

Dear Land Owner,

Haines Borough records show that you own property in the vicinity of the above-listed property or thoroughfare of the proposed activity (see enclosed map). Property owner, Highland Estates, Inc., has requested the Planning Commission to approve a conditional use permit for the extraction, transport, and storage or sale of approximately 7,500 cubic yards of aggregate and related material. Transport of this material will follow a route from Young Road to either Second Avenue or a permitted gravel pit on Fourth Avenue.

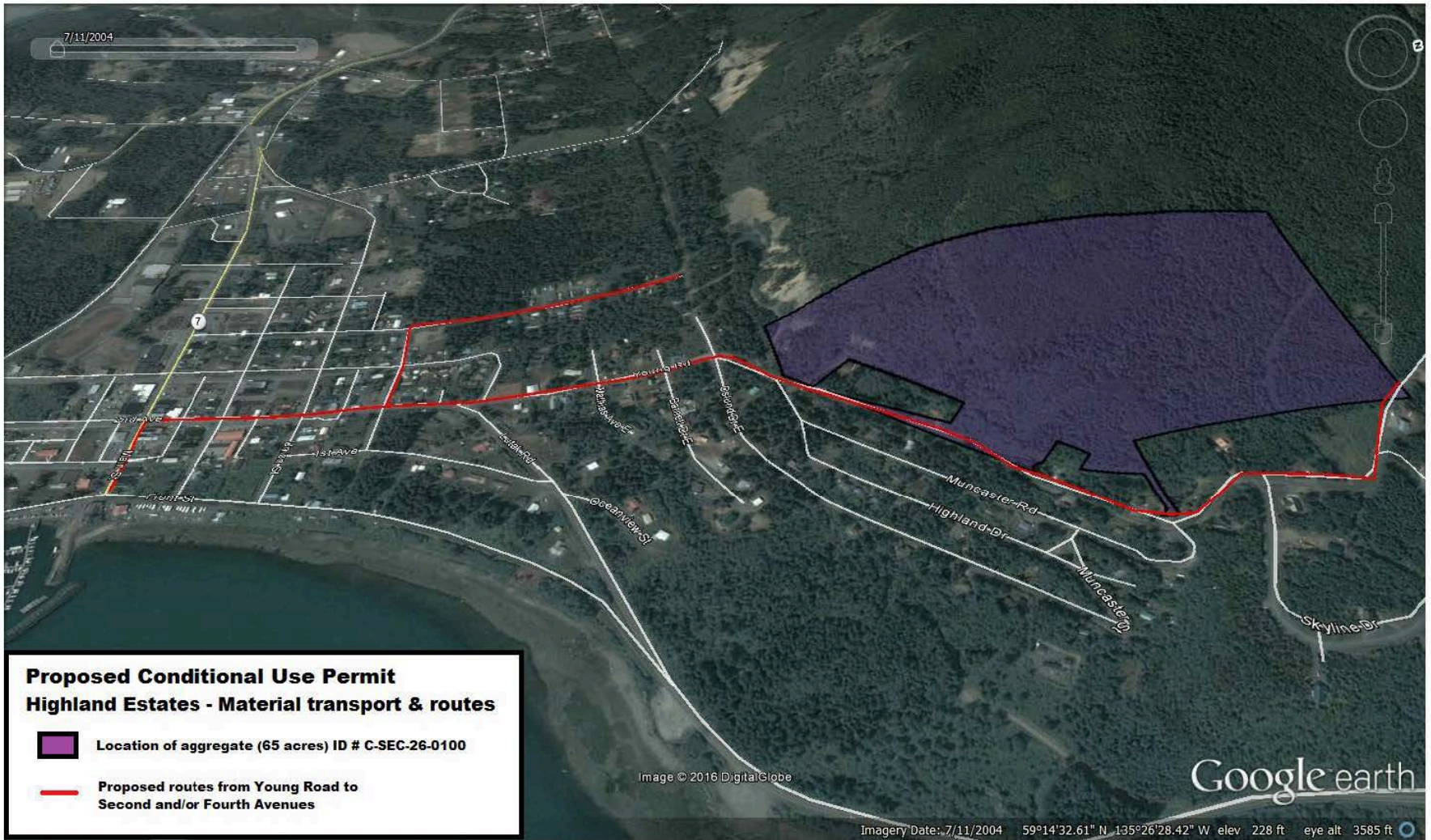
The public hearing is scheduled on the agenda of the next Planning Commission meeting, which is **February 9th, 2017 at 6:30 p.m. at Assembly Chambers**. As an owner of property in proximity to this development, you are being notified that you are invited to attend and comment at the meeting. If you have any questions on the matter please contact the borough.

Sincerely,

A handwritten signature in blue ink that reads "Holly Smith".

Holly Smith
Borough Planner
Lands Department
hsmith@haines.ak.us
(907) 766-2231 Ext. 23

Enclosure



Audio Recording of the CUP Portion of 2/9/17 Planning Commission Meeting

*NOTE: Request this item from the Clerk's
Office or access on the borough's website.*

Written Comments Supporting Appeals

Rehearing on Appeal of
Planning Commission Decision
Highland Estates, Inc. Conditional Use Permit

From: [Brad Ryan](#)
To: [Alekka Fullerton](#)
Cc: [Julie Cozzi](#)
Subject: FW: Permit for highland
Date: Monday, February 27, 2017 3:35:36 PM

Brad A. Ryan
(907) 314-0648
bryan@haines.ak.us
Haines Borough Interim Manager

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

From: stan boor [<mailto:skiboor@hotmail.com>]
Sent: Friday, February 24, 2017 10:47 AM
To: Brad Ryan
Subject: Permit for highland

Stan Boor and his wife Kate strongly oppose this special use permit. We live on Highland Avenue and we walk and ride our bikes in the neighborhood quite a bit! The roads are dirt and create a lot of dust just with regular traffic let alone the volume this project would bring... plus the wear and tear on the road itself. If I recall, there are pits out the highway where there are no houses, children or as scenic, that could be used. The Ripinsky trail has become ever more popular for tourists and locals so that would also be impacted! We are very upset about this proposal. Please do not allow it!!!.... Kate Boor

Sent from my iPhone

RECEIVED

MAR 2 2017

To Planning and Zoning Commission,

HAINES BOROUGH
CLERK'S OFFICE

I am Marty Smith and I live on Sky line Drive. I am writing you because of my concern for safety of community in regard to the gravel pit planned by Roger Schnabel. I also am not pleased with the fact that all of people effected by this decision were not notified. I support the other letters in opposition as well.

One of my concerns is the volume of trucks that will be going up and down the hill. I would encourage all of you who are making this decision, to take the time to drive up the proposed route. As you drive up the hill by Bart Henderson's house and Bill Broste's house imagine a dump truck passing you, then imagine your child on a bicycle, or some tourist walking up to Mt Ripinski trail. I have seen as many as twenty in a group walking up the hill or down after a long hike over the top and a lot of them do not pay attention to traffic. Also in summer months lots of kids use this road to get to downtown. Would you want to subject your kids to this? Or anyone for that matter. As you continue up Young Road, when you get to Lenise Henderson's house on corner notice that the intersection is uncontrolled !!!!!!! This has been a problem for me a few times as it is not clear who has the right of way. I have mentioned it to past city leaders and nothing has ever happened, hopefully you will take safety seriously and address this problem.

Then as you continue up the hill on a very sharp corner, where has been many close calls, from speeding bicycles sliding around corner to inexperienced drivers on dirt roads and downhill corners sometimes act like marbles. You will also notice a sinkhole that showed up early last year and has been repaired a few times, this turns to mush with cars, with trucks it will become unpassable for cars so they will go around it and this puts them in the wrong lane (this is what happened last spring, I had to come to a complete stop coming down the hill a few times to allow vehicles to get back on there side of road). This bump / divit in road adds to problematic turning on road and with increased traffic will only get worse.

Continuing on up Young Road you will come to Skyline Drive. This intersection is difficult to see until you are right next to it, especially in summer when leaves are out and brush is growing. Next you come to another sharp corner that a lot of kids, dog walkers, hikers, berry pickers, walk along and again visibility is not good when the brush is out, let alone from big dust cloud from trucks. As it is very dry road after 20 min of a water truck wetting the road. I think I am being generous with that time frame as it seems like 5 minutes and it is dusty again. Next drive up the road and pass Jim Shook's house on left. There is a very steep road. Now picture a dump truck loaded barreling down the hill and coming to a stop, checking for kids, dogs, foreigners who are unfamiliar with such things.

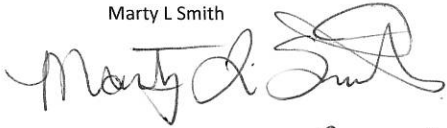
Then I encourage you to drive around Skyline Drive on your way out and notice all the houses who did not get notification. When you reach the stop sign imagine having to pull out in front of or into a dust cloud after a dump truck goes by, and your child on a bicycle making the same route you did with more greenery to make visibility even more difficult.

Please take these thoughts and concerns into consideration, and before you offer someone a permit to have a commercial gavel pit, ask all the people who will be effected. I did not buy this property and pay property tax to have a commercial gravel pit in my backyard, on a road that the city does not even have proper signage. I truly hope that you will represent the safety of the people over the interest of one persons wealth. I didn't think that this was zoned as heavy industrial, or I would not have bought here, if a commercial gravel pit isn't heavy industrial I don't know what is, no matter for how long it operates.

I do not believe that the road is wide enough to safely pass two dump trucks and pedestrians, (which we see a lot of in spring, summer and fall) and bicyclists.

Thank you for your time,

Marty L Smith



29 Skyline drive

Juice Leonard
Ed. Beiter

29 Skyline Drive

1043 young Rd.

From: Eli Fierer [<mailto:elifierer@gmail.com>]
Sent: Saturday, February 11, 2017 11:21 AM
To: Brad Ryan
Subject: Appeal of C-SEC-26-0100

Hi Brad,

I was notified that Highland Estates Inc, is planning to extract 7500 yards of material from their property at the top of young Rd.

I realized that I missed the public comment period for the Planning and Zoning meeting, and that my note is not timely.

While the property is rural mixed use, the access and all of the neighboring properties are single residential.

I think that the quantity and duration of material extrication is too much for this residential area. Existing gravel pits are located strategically throughout the valley to avoid these conflicts, and I don't want our neighborhood to be inundated with trucks. A gravel pit is not in the interested of neighboring residents, or for summer visitors to our town. The Mt. Rispinky trailhead would be specifically debased by having large scale material extrication next to the parking area for the trailhead.

I support the appeal of the conditional use, and think that a more balanced/restricted approach for the conditional use would be appropriate if given at all.

If it continues to be approved, I think it should have restrictions in place. – less material. Limited operating hours per day, and only for 1 year at a time so that residents have the opportunity to weigh in for future renewals. I would suggest no operations on weekends, and only between the hours of 10:00am to 4:00pm during the week. Also, potential for a limited number of yards extracted per day.

Thanks for the consideration.

Best regards,

Eli

Eli Fierer
Resident – 1005 Young Rd.

From: Stephanie Yard [<mailto:yardstephanie@gmail.com>]

Sent: Wednesday, February 15, 2017 1:21 PM

To: Brad Ryan

Subject: Concern for CUP in Highland Estates for Material Transport and Routes

Brad,

I have just been made aware of the Conditional Use Permit in Highland Estates for Material Transport and Routes.

As a resident of Highland Estates I am seriously concerned about the work's compatibility and its impacts to our neighborhood. In my opinion the proposed activity does not meet many requirements of a conditional use permit and that the noise and trucking will negatively impact our neighborhood.

There will be undue noise and other nuisances and dangers in our neighborhood. This amount of blasting and hauling of material will significantly increase noise and traffic within our neighborhood. Blasting shakes houses and brings in added dust.

This intensity of activity can be harmful to the public safety, health, and welfare of our neighborhood. This will be dangerous for neighbors and the public to enjoy regular outdoor activities (hiking, walking, etc.) as well as driving.

This activity can effect property values.

I fully support Lenise Fontenot's formal appeal of the decision.

Sincerely,
Stephanie Yard
Homeowner: 968 Muncaster Rd
928-814-1980 cell

From: [Alekka Fullerton](mailto:Alekka.Fullerton)
To: [Alekka Fullerton](mailto:Alekka.Fullerton)
Date: Wednesday, February 15, 2017 2:57:56 PM

From: Suzanne Vuillet-Smith [mailto:vuillet_smith@yahoo.com]
Sent: Wednesday, February 15, 2017 1:32 PM
To: Rob Goldberg; Holly Smith
Cc: Brad Ryan; Lee Heinmiller; Jeremy Stephens
Subject: support for appeal to Planning Commission permit regarding Young Road/SE Roadbuilders

Dear Borough Manager Brad Ryan, Borough Planner Holly Smith, and Chairman of the Planning Commission Rob Goldberg,

As a Haines resident living at 860 Muncaster Drive, a road which at times runs parallel to Young Road, I was astonished to hear via public radio a few days ago about SE Roadbuilders plans up in our neighborhood, and the wise open approval by the planning commission to allow blasting and trucking starting this spring, to last up to 3 years.

As a property owner backing up to Young Road, I am concerned about the noise, the traffic, and the safety of all hikers that use this area heavily. As a property owner I am concerned that this traffic and blasting will lower our property value.

As a resident of Highland estates, I see how Young Road, the only artery between Highland Estates / Sky Line Estates to the down town core and Lutak, is already over taxed with traffic. When there is any disaster in our area, such as a fire, ambulance call, or car accident, the ability of residents and emergency crews getting to/from the area is stressed; I can't imagine the mess when we add Mr Schnables high volume of trucks hauling fill. This is where I live, and I deserve to have safe and consistent access to it. Perhaps, as a road builder, and extensive property owner, Mr Schnable might be able to cut another road through over towards Lutak road? Just an idea.

I understand development, I just ask that the Planning Commission obtain more input from residents, slow down the process, and work with residents to help protect our safety, access, and quality of life. I strongly support any appeal that is submitted to the Planning Commission on the decision to provide SE Roadbuilders with a blanket approval.

Thank you,

Suzanne Vuillet-Smith
860 Muncaster Road P.O. Box 5 Haines AK 99827 cell 303 9334

FEB 16 2017

February 16, 2017

CLERK'S OFFICE

To: Haines Borough Assembly Members

RE: Letter of support to the Appeal submitted by Lenise Fontenot regarding the Planning Commission approval of Conditional Use Permit #17-06

Dear Assembly Members,

We respectfully request that the Haines Borough Assembly hear the Appeal to Conditional Use Permit (CUP) #17-06. We offer the following concerns for your consideration.

Application Documentation

- 1) The January 20, 2017 CUP application states the permit will be effective for "two years". The Haines Borough, Planning Commission, Public Hearing Notice published on February 2, 2017, states the CUP will be effective "over a two-year period". By February 3rd, the day after that notice publication, the two-year period became a three-year period. (See February 3, 2017, memo (PC Agenda Packet Item #8-B) from Acting Manager Brad Ryan to the Planning Commission.) This appears to be a significant change made to the CUP that circumvents the public notice process.
- 2) In previous land use permit applications for the area, the Applicant stated that the road access work, clearing, grubbing and blasting on the property was "to get a better lay of the land...". Now the Applicant states in his CUP application that it is necessary to blast, remove, and **commercially sell** 7,500 cubic yards of material to "get a better lay of the land...". It seems to all lead to a masked heavy industrial business located in a residential area.
- 3) The CUP application states that resource extraction of aggregate material **for sale** by way of heavy industrial use is "consistent and in harmony with the Comprehensive Plan". The Plan appears to allow the "reuse of sand and gravel from "abandoned development areas"". Under previously approved permits for the same area, the applicant has been building preliminary access roads, clearing, grubbing and blasting "to get a better lay of the land for subdivision and development". Albeit convenient for the Applicant, should an area currently being prepared for subdivision and development under one Borough permit simultaneously be considered abandoned under another Borough permit?
- 4) The CUP application provides no timeframe for blasting and 8:00 AM to 5:00 PM Monday-Saturday for truck hauling. The Borough recommended blasting between 10:00 AM and 3:00 PM Monday-Friday and agreed with the Applicant's truck hauling schedule. The Planning Commission **expanded both the hours of blasting and days for truck hauling**. They did, however, assure that no operations will occur on the Saturday of Brewfest!

Access and Egress/Safety Concerns

- 1) Young Road provides the only access and egress to a significant residential area. The entire upper portion of the road is dirt. Under good conditions, the road is unstable. Borough staff estimate the removal of 7,500 cubic yards of aggregate material will require 1,500 one-way trips by heavy industrial trucks. Young Road barely sustains integrity under current residential use. Sections of the road are constantly eroding; there are hairpin corners and blind spots; it is steep, narrow, and without shoulders. There is even a lovely mud hole/sink hole that has been repeatedly back filled by Borough staff. Residents who have no choice but to use Young Road will need to maneuver around fully loaded dump trucks where two cars have difficulty passing! The safety issues are obvious and ignoring them negligent.

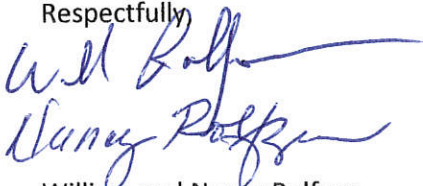
Yet, the Planning Commission deleted virtually every Borough recommendation regarding road damage mitigation. The Commission did, however, require they pick up rocks that fall out of trucks. We can only assume that road repairs will be the Borough's/taxpayers' burden – and there no doubt will be repairs!

- 2) Young Road is under constant recreational use. Walkers, runners, hikers, 4-wheelers, tourists, children every day, all day. Rapinski is a well-known hiking trail that is publicized by the Borough as a tourist attraction. There are homes so close to the road in places that rocks bouncing out of a truck could easily result in property damage. One sharp, steep blind curve with loose gravel and our favorite sink hole leads head-on into a residence. The potential for harm to the occupants and liability to the Borough seems enormous and should be a consideration of the Assembly.

While we have not directly addressed noise, dust, decreased property values, potential flooding, sloughing, landslides, or a plethora of other dangers, we are very, very aware of them. As year-round residents of Haines living in an adjoining neighborhood, we can only imagine all the negative impacts incurred by the multitude of industrial heavy activities approved under this permit. The noise, vibrations, and imposed dangers are not why we chose to live here. How can there be anything but negative impact on neighborhoods that will be required to endure ongoing explosions, heavy truck traffic, deteriorating unsafe roads, high levels of dust for multiple years?

Thank you for your consideration of our comments. We are hopeful you, as the Assembly, will hear Ms. Fontenot's appeal and the project will be redirected to abundant, alternative Applicant property resources that will not have a negative impact on the lives of so many Haines residents.

Respectfully,



William and Nancy Rolfzen
P.O. Box 249
Haines, Alaska

From: Mark Patterson <mipoaks3@aol.com>
To: bryan <bryan@haines.ak.us>
Cc: jcozzi <jcozzi@haines.ak.us>
Sent: Fri, Feb 17, 2017 1:54 pm
Subject: letter of support for planning appeal

MEMORANDUM

To: Mr. Brad Ryan - Haines Interim Boro Manager
Ms. Julie Cozzi - Haines Clerk

From: Mr. & Mrs. Mark Patterson - 198 Skyline Dr.
Mr. & Mrs. Robert Hulsman - 194 skyline Dr.

Subj: Letter in support of requested appeal

Ref: Permit CUP #17-06

Dear Mr. Ryan and Ms. Cozzi:

We respectfully submit this letter to formally show our support of the request of an appeal in the matter of Permit #17-06.

Our concerns are many, including those of complying with HBC 18.60.10 and HBC 18.60.20, as stated in Ms. Ella Bredthauer's letter of appeal dated 17 February.

The proposed project lacks specificity as to the potential impact to the environment, property values, land and soil erosion, emergency and private road access, as well as similar and consistent use of the land with developments currently in use in the area. The unknowns are many, including the possible disruption or damage to utilities and other public services to **all** residents of Young Road, Skyline Drive and their connected thoroughfares.

Please use this memo as our submittal that we do indeed stand in total agreement with all bullet points of Ms. Bredthauer's request for an appeal on this matter.

If you have any questions or concerns, do not hesitate to contact us. We ask that you please drop us a quick response that you have received this in good order.

Respectfully,
Mark & Lauren Patterson
and
Bob and Debbie Hulsman

From: dick_rice@hotmail.com
To: [Julie Cozzi](#)
Subject: Schnabel permit appeal
Date: Friday, February 17, 2017 11:39:13 AM

As residents of Haines that live on Young rd this letter is in strong support that the appeal be considered.
Dick and Judi Rice

Sent from my iPhone

From: jim&Julie [mailto:julieandjim@aptalaska.net]
Sent: Friday, February 17, 2017 1:51 PM
To: Julie Cozzi <jcozzi@haines.ak.us>
Subject: Fw: Objection to Permit #17-06 for Highland Estates Inc. (edited0

While I realize you must entertain every permit request you are presented, to seriously consider such an endeavor would be unconscionable. Julie and I as well as every one of our wonderful neighbors would be so impacted by the dust, noise, road damage and the obvious danger to public safety that this project can not possibly be approved. The one issue seldom mentioned is the danger to public health. I suffer from C.O.P.D. and lung damage from cancer. No matter how much water and calcium one puts down it will not hold up to continued pounding from heavy dump trucks. By the very nature of its use under such conditions the road damage would be constant and severe. The sheer volume of people walking their dogs or walking to and from Mount Ripinsky trail head every day summer and winter would alone preclude such an operation. As it stands my lung problem from the dust is marginally mitigated only by the fact we live at the end of Young Road and the traffic, while increasing, is still manageable. Young road and Skyline Drive is already too densely populated for a narrow poorly maintained gravel road. On cruise ship days this road is crawling practically heel to toe with hikers heading for Ripinsky trail head.

As it is, not one of us in this neighborhood, to my knowledge, is happy with the Boroughs efforts at dust abatement. Such an operation is understandably expensive. I urge every member of the Assembly and planning Commission to come up to our neighborhood and picture huge rock trucks rumbling around the corner and hill in front of the homes of Joe and Sue Poor and Lenise and Mark Fontenot and then tell me that kind of operation would be acceptable. As it is I know Joe and Sue poor suffer all summer from clouds of dust due to increasingly busy vehicular traffic. For 15 years Julie and I have had to creep around heavy equipment working on the road and I simply cannot picture one dump truck after another all summer long endangering both vehicular and foot traffic.

Public safety in its many forms is the paramount responsibility of government. I urge you to keep this precept in mind as well as your obvious auxiliary position in matters of liability. In that vein you would be facing a unified front from a great many citizens. Julie and I in concert with the majority of our neighbors urge you, the Assembly to deny permit #17-06.

From: Joe Poor [<mailto:sjpoor@gmail.com>]
Sent: Thursday, February 16, 2017 4:45 PM
To: Brad Ryan
Subject: Highland Estates Rock Quarry Permit - Objection

Good Afternoon Mr. Ryan!

I called earlier today and left a message on your voice mail, but have not received a return call as of yet (4:40 pm Alaska time), so thought it best to send this to you via email.

I am attaching a copy of my objection to the Borough permit allowing a commercial rock quarry in Highland Estates which will directly impact our neighborhood's property values, quality of life and increased health hazards.

I received the notice from the Borough regarding his permit process but not in time to respond. 10 days in middle of winter when many of us residents are away from our homes is completely unacceptable.

Please send an acknowledgement that you have received the attached document.

Thank You

Joe Poor
976 Young Road
Haines, Alaska 99827
(Currently in Washington State)

Joe & Sue Poor
976 Young Road
PO Box 594
Haines, Alaska 99827
sjpoor@gmail.com

2/16/2017

Brad Ryan, Acting Borough Manager -
Haines Borough
Haines, Alaska 99827

Yesterday we found the letter sent to us by the Haines Borough dated January 30, 2017 (not sure of the post date as did not keep the envelope), but being "snowbirds" when we leave Alaska for the winter months, our Haines mail is picked up by our friends and then sent to us. Which delays our receipt by at least 10 days and can be longer as it is weather dependent. So we did not get the Borough's document in time to respond by mail!

I believe Haines claims a population of approx 2500 in Summer, but only about 1800 remain through the Winter, so any action by our Borough Assembly or the various Borough Committees is a dis-service to residents who leave, since we are ALL directly impacted by their actions without an opportunity to participate. This is compounded when the project under review has a significant negative impact to our downtown or within our Haines townsite.

A neighbor on Highland called us yesterday quite upset as they had not receive a Borough notice and yet he and his wife drive Young Road every day. I suspect there are a significant number of others in our neighborhood that use Young Road daily whom have not received any notice. He also mentioned the project includes "blasting" and up to 750 loads per year on Young Road or more as Mr. Schnable plans to run a commercial rock hauling operation out of his Highland Estates Mount holdings. We always believed based on the name it was to be a home development project, not a commercial trucking operation and certainly not a commercial rock quarry.

Talk about a scary thought and terrible impact to those of us that live along and/or are serviced by Young Road! Being a dirt road, commercial truck traffic causes the dust to billow and my home gets completely immersed and we are forced to keep our doors and windows shut during dry summer months. I have put several hundred pounds of calcium chloride near our house to reduce the impact, but it does not last long. And this is just with an occasional commercial dump truck using Young Road to service those of us that own property in this area. I complained about the degradation of air quality to Stephanie Scott when she was our Mayor, but never received any relief, but she did acknowledge that dust is a known health hazard.

Furthermore, our Borough has never demonstrated a consistent road maintenance schedule and only when Young Road becomes a "washboard", which is at times is so severe it can

cause damage to our personal vehicles unless we slow to a crawl, only then does the Borough grader show up to correct the problem. and within a couple days the road is just as bad as before, but it may be a month before the Borough grader show's up again.

The dust problem is compounded by the speed at which our local haulers travel up our road. I know they are trying to get up speed to make the corner below Mark & Lenise Fontenot to carry their heavy loads up the steep incline to Highland. You can hear them coming up the road as their speed is increasing and dust is flying everywhere trying to get momentum to make the turn and up the steep incline. At least they are empty on the return trip and are heading down the road.

I cannot imagine having SE Road Building hauling heavy rock loads down Young road and the extra hazard that presents for damage to the road bed, discomfort for any hikers along the road or residents that walk Young Road every day! Plus the extra hazard to our neighborhood drivers. The dust will make it impossible to spend out-of-doors and will directly impact our quality of life, create a genuine health hazard and destroy our peaceful setting in one of the most expensive residential neighborhoods in Haines.

Certainly this action will detract from our home values and could cause horrendous damage if a truck experiences brake failure while traveling down Young Road with a full load of rock or hits someone walking along Young Road, as there is inadequate space for a walker plus two massive trucks meeting on Young Road and will force the walker (hiker) off the road, plus their use of compression brakes will just compound the noise issue.

Haines residents need to demand our Borough respect those of us property owners whom are directly impacted by Borough actions. Issuing this permit will significantly decrease our quality of life, property values, air quality and neighborhood. We should be entitled to a public notice response greater than 10 days in the middle of winter.

This is an insult to those of us whom must use Young Road as the only access to our homes.

This project also directly reduces the tourism hiking attraction that our Borough has spent a significant amount of public money promoting.

This project needs to be denied until a proper public hearing is vetted (After May 15th and Before 10/1/2017) when most residents are in town so their voices and opinions can be heard.

Sincerely,

Joe & Sue Poor
PO Box 594
Haines, Alaska 99827
[503-887-2418](tel:503-887-2418) (cell phone while out of Alaska)

From: [B Nowak](#)
To: [Julie Cozzi](#)
Subject: Re: Appeal for Schnabel permit of Highland Estates quarry
Date: Saturday, February 18, 2017 8:00:02 AM

Yes, Julie, John and I want to register for the support of the appeals process. Don't know why my letter didn't go thru with the attachments.

Making things short:

We feel that more needs to be known about the project before a conditional use permit could be given.

The addition of numerous rock trucks thru a residential neighborhood could make Young Rd. a definite hazard to motorists, pedestrians, and bicyclists.

Additional dust on an already dusty, gravel road would not be advisable. Also, it would be nice to have more notification to those who would be affected. Fortunately the neighborhood did alert us this past week, and hopefully the appeal process can begin when more people are there and aware.

Thank you for the return e-mail and yes, we are having a sunny winter so we will be ready to return to Haines in good spirits.

Lynn and John Nowak

From: Julie Cozzi <jcozzi@haines.ak.us>
Sent: Friday, February 17, 2017 7:57 PM
To: cliffhangernowak@msn.com
Cc: Alekka Fullerton
Subject: RE: Appeal for Schnabel permit of Highland Estates quarry

Hi, John and Lynn...

I hope you are doing well. Mr. Ryan forwarded your email to the Clerk's Office, and I need some clarification. Your email contains no message in the body and has a copy of Poor and Bredthauer emails. We received separate emails/letters from Joe Poor and Ella Bredthauer. Is it your intention to register your support for the appeals?

We look forward to hearing from you. Hope you are having a great winter. Take care!

Julie

From: Brad Ryan
Sent: Friday, February 17, 2017 8:59 AM

FROM THE DESK OF
F WORK FAX PHONE
JON HIRSH

February 21, 2017
Haines Borough Assembly
Haines, Alaska 99827

Dear Haines Borough Assembly,

Hi Haines Borough Assembly Members,

I am writing about the proposed conditional use permit off of Young Road. I am resident of Highland Estate. I was also a participant in our latest Haines Comprehensive Plan. I am aware of the specific guidelines to move industrial sites out of residential sites. I believe allowing a conditional use permit in this scenario is a disregard of the comprehensive plan. This plan is suppose to be our guideline, not something to continue to disregard or think this will be something that only applies to somewhere in the future. I believe these guidelines were set up to making decisions. now. The reasons people are asking about truck traffic, having concerns about little kids on living on Young Road, and noise are all concerns that were adressed in the Haines Comprehensive Plan. I believe allowing this to continue is not following our collective vision for Haines. Please follow our Haines Comprehensive Plan.

Sincerely,

Jon Hirsh

From: [Kay Clements](#)
To: [Brad Ryan](#)
Cc: [Julie Cozzi](#)
Subject: Southeast Roadbuilders and Highland Estates
Date: Wednesday, February 22, 2017 12:37:00 PM

Hi Brad,

I have concerns about the Southeast Roadbuilders project set for Upper Young Road. I live one street below at 846 Muncaster and have many of the same concerns expressed in Lenise Fontenot's appeal as well as that of Ella Bredthauer. I fully support their appeals.

Why were the rest of the residents not informed? The proximity of the project will directly impact my safety and quality of life. I don't have a desire to hinder progress or even a housing development but I do find that the Planning Commission gave this business free reign without taking into consideration the needs of residents.

- I'm concerned about safety - one road in and out - what happens in an emergency?
- Is there an environmental impact report? The stability of the mountain behind me is a worry.
- The hours, days, months and amount of trucks rolling are beyond the norm and in a residential area seems extreme and without simple consideration. Why would the company need to work on Saturday?

These are my key concerns and again, I fully support the appeals already submitted by Lenise Fontenot and Ella Bredthauer and sincerely urge the assembly to review and adjust this plan to be safe and considerate of homes already in place.

Kay Clements
846 Muncaster
PO Box 370
Haines, AK 99827

radiogurrl@gmail.com
766-3780

Written Comments Supporting Planning Commission Decision

Rehearing on Appeal of
Planning Commission Decision
Highland Estates, Inc. Conditional Use Permit

From: [Lynn Hyder](#)
To: [Julie Cozzi](#)
Subject: Borough Clerk
Date: Friday, February 17, 2017 4:19:15 PM

TO: Julie Cozzi - Borough Clerk = jcozzi@haines.ak.us

I want to thank the Haines Borough Planning Commission for granting South East Road builders a conditional use permit February 9th near the Skyline Subdivision. It was the right thing to do.

I don't know how many home sites will eventually be located on the 60 acres but each one will require many loads of fill material for each house site, driveway and parking area. That and the material needed for the all weather service access roads and the requirements for installing power, telephone, sewer and water lines would all have to be hauled through our town then up Young Road to reach the location where its needed. Living on Skyline Drive I can understand that, it is amazing how much the building of only one new home can add to the traffic in our area... Obtaining as much of the material as possible on the 60 acre site would remove the necessity of hauling it in from somewhere else... How many loads will Mr. Schnabel be needing to haul down the road for his use in another area? I don't know ---- it looks like a trade off, six of one and half a dozen of another... Again I thank the Commission for your service. You wanted the job and we voted for you to do it...

Lynn C Hyder
Skyline Drive



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 17-717

Assembly Meeting Date: 3/14/17

Business Item Description:	Attachments:
Subject: FY17 Budget Amendment Ordinance #2	1. Ordinance 17-02-450 2. Budget Amendment Worksheet 3. Information re. Police Dept Budget Amendments
Originator: Interim Borough Manager	
Originating Department: Administration	
Date Submitted: 2/8/17	

Full Title/Motion:
Motion: Adopt Ordinance 17-02-450.

Administrative Recommendation:
The interim borough manager recommends these budget amendments.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ see ordinance	\$ see ordinance	\$ see ordinance	

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

Summary Statement:
Proposed amendments to the FY17 Budget: 1) Adjust FY17 appropriation for the Wastewater Treatment Plant Upgrade, 2) Budget for \$250,000 grant award for installation of woody biomass boilers, 3) Budget for a \$92,136 grant award for the purchase of a wood chipper and splitter for to be leased to a tribal owned business, 4) Increase the FY17 appropriation by \$63,000 to the Police Department payroll, 5) Remove budgeted \$25,000 for sale of 2003 Case wheeled loader, 6) Increase FY17 Budget appropriation for professional and contractual services by \$15,000 for legal fees and organizational assessment survey, 7) Reduce budgeted revenue by \$70,492 from raw fish tax, 8) Increase budgeted revenue by \$38,113 for federal payment in lieu of taxes (PILT), 9) Transfer \$22,525 from Equipment Sinking Fund to purchase sander from the State of Alaska, 10) Reduce appropriation for two projects completed under budget (\$2,454) and appropriate those funds for the sander in #9 above, 11) Account for \$125,000 from the State to be paid to PERS. See the ordinance for more detail.

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

Assembly Action:	
Meeting Date(s): 2/14, 2/28, 3/14/17	Public Hearing Date(s): 2/28, 3/14/17
	Postponed to Date:

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY17 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2016 through June 30, 2017.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY17 budget as follows:

(1) To remove an appropriation of \$237,000 of State Revenue and to appropriate an additional \$30,000 from the Capital Improvement Project Fund (Fund 50) and an additional \$394,000 from the fund balance of the sewer enterprise fund (Fund 91) for the Wastewater Treatment Plant Upgrade Project in order to fully fund additive alternates 1 and 2 as approved on January 10, 2017 with resolution 16-12-700 without drawing down on loan funds from the State of Alaska. Loan funds will be used, instead, for phase III and IV of the project. Additive alternates 1 and 2 will provide for installation of a new influent screening/grit removal system and replacing siding and roofing on a 20' x 42' building.

		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
91-50-00-4341	State Revenue	\$1,297,000	\$1,060,000	\$(237,000)
50-98-00-8257	Transfer OUT from CIP	200,000	230,000	(30,000)
91-98-00-8257	Transfer in to Sewer from CIP	200,000	230,000	30,000
91-50-00-7392	Project Expenditures	1,827,000	2,014,000	(187,000)
Additional appropriation for WWTP Upgrade (\$30K CIP + \$394K Sewer Fund)				\$ (424,000)

(2) To budget for a \$250,000 grant award from the U.S. Forest Service for system design for the installation of woody biomass boilers in borough buildings. (Grant #16-DG-11100106-816)

		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
42-01-00-4589	Federal Revenue	\$0	\$250,000	\$250,000
42-01-00-7392	Project Expenditures	\$0	\$250,000	(\$250,000)
Total				\$0

(3) To budget for a \$92,136 grant award from the USDA for purchase of an industrial wood chipper and log splitter to be leased to a tribal owned business. (Case no. 60-011-010294074)

		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
42-01-00-4589	Federal Revenue	\$0	\$92,136	\$92,136
42-01-00-7392	Project Expenditures	\$0	\$92,136	(\$92,136)
Total				\$0

(4) To appropriate additional Townsite Service Area Funds for FY17 Police department payroll.				
		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
02-02-00-6110	Salary & Wages – Police	286,049	336,000.	(49,951)
02-02-00-6115	Employee Burden – Police	95,280	108,329	(13,049)
Total increase to FY17 payroll expenditures				(\$63,000)

(5) To remove budgeted income for the proceeds from the sale of a public works 2003 Case wheeled loader. The manager recommends keeping the equipment in the public works fleet.				
		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4640	Sale of Fixed Asset	\$25,000	\$0	(\$25,000)

(6) To increase the FY17 budget appropriation for professional & contractual services in the administration department. This amendment is requested due to higher than usual expenditures incurred during the first half of the fiscal year including: \$43,381 for borough attorney, \$10,000 deductible for legal fees for an ongoing suit, and \$5,350 for an organizational assessment survey.				
		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
01-01-10-7312	Professional & Contractual	\$88,806	\$103,806	(\$15,000)

(7) To reduce budgeted revenue for raw fish tax which came in lower than expected in FY17.				
		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4363	State Revenue - Raw Fish Tax	\$191,700	\$121,208	(\$70,492)

(8) To increase budgeted revenue for federal payment in lieu of taxes (P.I.L.T) which came in higher than expected in FY17.				
		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4532	Federal Revenue - P.I.L.T.	\$309,900	\$348,013	\$38,113

(9) To transfer \$22,546 from the Equipment Sinking Fund to purchase a used sander from the State of Alaska. The cost of the sander is estimated to be \$25,000. The additional \$2,454 will come from other CIP appropriations which came in under budget (see #10 below).				
		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
61-98-00-8258	Operating Transfer – OUT fr Sinking	\$0	\$22,546	(\$22,546)
50-98-00-8258	Operating Transfer – IN to CIP	\$0	\$22,546	\$22,546
50-01-00-7392	Project Expenditure – Used Sander	\$0	\$22,546	(\$22,546)
Total				(\$22,546)

Haines Borough
Ordinance No. 17-02-450
Page 3 of 3

(10) To reduce appropriations for two projects which were completed under budget and to appropriate the remaining \$2,454 for purchase of a used sander from the State of Alaska.

<u>Source</u>	<u>Project</u>	<u>Current Budget</u>	<u>Expended</u>	<u>Remaining</u>	<u>Proposed Budget</u>	<u>Increase / (Decrease) Budgeted Expense</u>
FY15CIP	Public Works Extended Boom Forklift	45,000	44,347	653	44,347	(653)
FY16CIP	Public Works 2016 F250 Pickup Truck	38,500	36,699	1,801	36,699	(1,801)
Proposed	Purchase Used Sander from AK State	-	-	-	2,454	2,454
Total						\$0

(11) During the 2016 legislative session, House Bill 256 passed providing “on-behalf” funding for Public Employees Retirement System (PERS) employers for the FY17 fiscal year. Through on-behalf funding the State of Alaska provides funding which reduces the PERS rate paid by employers from the actuarially determined rate of 26.14% of gross wages (in FY17) to the “effective rate” of 22%. This Haines Borough budget amendment reflects the anticipated revenue received from the State of Alaska in the form of reduced PERS payments.

		Current FY17 Budget	Proposed FY17 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4341	State Revenue – Other	\$0	\$125,000	\$125,000
01-01-10-6116	PERS on-behalf – Pd by State	\$0	(\$125,000)	(\$125,000)
Total				\$0

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

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2016.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 02/14/17
Date of First Public Hearing: 02/28/17
Date of Second Public Hearing: 03/14/17

HAINES BOROUGH

Proposed Amendments to the FY17 Budget - Ordinance #17-02-450



	Areawide General	Townsite General	Capital Improvement Projects	Equipment Sinking	Sewer Fund*	
FUND	01	02	50	61	91	
Fund/(Cash) Balance as of 06/30/2016 \$	3,138,021	1,401,122	1,534,522	486,291	745,737	
FY17 Amended BUDGET Excess Revenue Over (Under) Expense	(445,551)	(125,887)	(100,000)	182,635	(274,770)	Totals
Proposed Amendments:						
1. WWTP Upgrades			(30,000)		(394,000)	(424,000)
2. US Forest Service Biomass Grant						-
3. USDA Wood Chipper Grant						-
4. Increase for police department payroll		(63,000)				(63,000)
5. Keep 2003 Case Loader in fleet	(25,000)					(25,000)
6. Increase admin professional services	(15,000)					(15,000)
7. Raw fish tax lower	(70,492)					(70,492)
8. PILT higher	38,113					38,113
9. Transfer from sinking fund for sander			-	(22,546)		(22,546)
10. Sander to replace forklift & pickup approp.			-			-
11. PERS on-behalf payment	-					-
PROPOSED Excess Revenue Over (Under) CASH Expense	(517,930)	(188,887)	(130,000)	160,089	(668,770)	(581,925)
Proposed Fund Balance 06/30/2017 \$	2,620,091	1,212,235	1,404,522	646,380	76,967	
Annual Operating Budget	4,993,688	1,086,273				
Projected Fund Balance as % of Operating Budget	52%	112%				

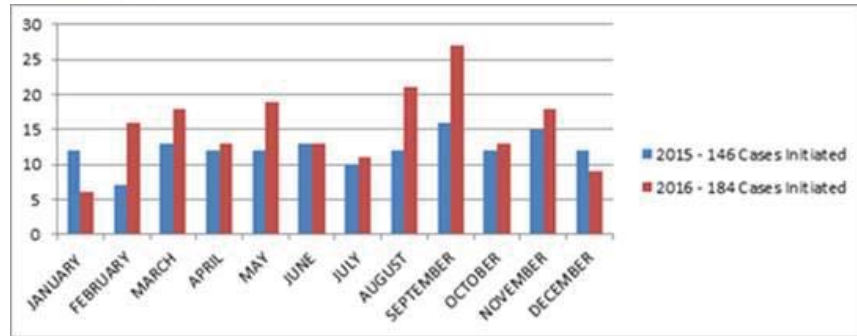
* The cash balance is shown instead of the fund balance and the cash budget is shown which does not include depreciation expense

Police Budget Amendment

Wednesday, March 01, 2017

11:12 AM

Data Tables



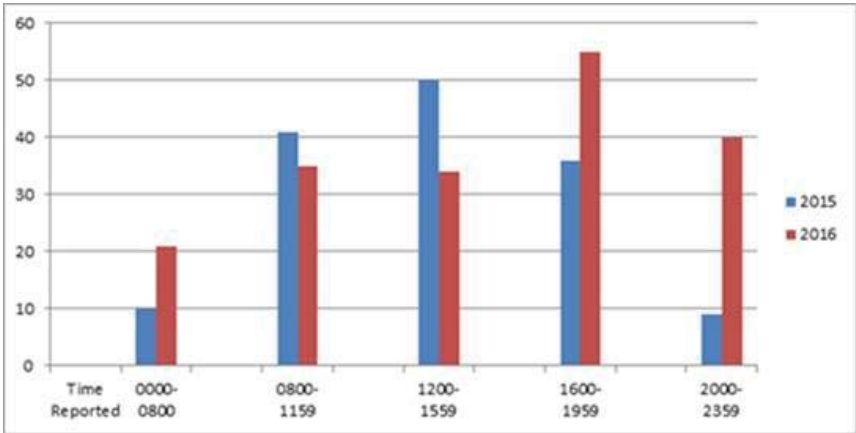
Committee Decisions:

- The Public Safety Committee voted unanimously to provide the budgetary amendment for 63K.
- The PSC also voted unanimously to support the Chief's direction of the agency with respect to reinstating the 5 Officer FTE.
- The Finance Committee voted unanimously to provide the budgetary amendment

Factors which need to be addressed:

- Increase in criminal cases from 2015 to 2016 (26 % increase from last FY).
- Increase in calls received to dispatch (14 % increase from last FY).
- Haines loss of the AST Post to Bethel Alaska (HBPD responding outside the town site is an unfunded requirement the Borough has never addressed).
- The regional enforcement requirement the AST Brown shirt has which takes him from the Borough.
- Department of Corrections decreased support of the Haines Rural Jail.
- The HBPD/Borough track record of attrition/officer burnout from the agency not being resourced correctly.

Calls Received by HBPD Dispatch	
2015	4702
2016	5361




Costs of Doing Business

- We ran this budget from Jul 1 to Nov 15 and it was inadequate to cover staffing. We averaged an average of \$5,300 /month. This leads to an actual projected budget of \$507,593, not the \$444,593 that is in the budget.

FY17 Police Department Payroll														
	FY17 Budget	Monthly Bgt	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16						
Salary & Wages	2,050,048	25,627	26,393	29,631	30,457	29,735	26,256	25,426						
Employee Burden	30,280	7,940	8,074	9,185	9,435	9,735	9,156	9,209						
Health Insurance	85,264	9,272	9,294	9,934	9,272	9,272	9,272	9,272						
Total	4,44,593	37,049	39,323	42,770	45,197	40,739	42,674	42,907						
Monthly Police Payroll Budget		37,049	37,049	37,049	37,049	37,049	37,049	37,049						
Under / (Over) Budget	\$	(2,171)	\$	(9,720)	\$	(6,347)	\$	(5,889)	\$	(5,824)	\$	(5,937)	\$	(11,290)

\$63K would fill the budget deficit for FY17



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 17-716Assembly Meeting Date: 03/14/17

Business Item Description:	Attachments:
Subject: Ordinance Conveying Lot16A	1. Ordinance 17-02-451 2. Assessor's Memo 3. Bigsby Summary of Issue 4. Historical Information on Issue 5. Proposed Quitclaim Deed
Originator: Assessor	
Originating Department: Lands	
Date Submitted: 1/6/2015	

Full Title/Motion:

Motion: Adopt Ordinance 17-02-451.

Administrative Recommendation:**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$0	\$0	\$0	None

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: Yes No**Summary Statement:**

On September 24, 1997, Gregg Bigsby and Beth MacCready purchased Lot 16, Carr's Cove Subdivision at a Public Outcry Auction. That lot was conveyed to them by the borough on September 26, 1997. Pursuant to the Contract for Sale of Real Property, Bigsby/MacCready bought Lot 16...containing 2.85 acres. Confusion was, apparently, created since it appears that the then assessor was negotiating a land sale agreement with Bigsby/MacCready PRIOR to the auction. The minutes from the July 17, 1997 assembly meeting confirmed the authorization for the assessor to negotiate with Bigsby/MacCready. The negotiations were for something less than the full Lot 16 (Lot 16A was being carved out). Apparently the approximate 2.85 acres Bigsby/MacCready purchased included Lot 16A (because without 16A, Lot 16 is only 2.65 acres and Lot 16A is less than .2 of an acre).

The borough is the recorded owner of Lot 16A. This Ordinance and resulting deed is to correct this error. This proposed action is endorsed by the assessor, the borough attorney, the interim manager and Bisby/MacCready.

Referral:

Referred to:

Referral Date:

Recommendation:

Meeting Date:

Assembly Action:Meeting Date(s): 2/14, 2/28, 3/14/17Public Hearing Date(s): 2/28, 3/14/17

Postponed to Date:

AN ORDINANCE OF THE HAINES BOROUGH APPROVING THE CONVEYANCE OF THE HAINES BOROUGH'S INTEREST, IF ANY IN LOT 16A, CARR'S COVE SUBDIVISION, PLAT NO. 97-22, HAINES RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is for the specific purpose of approving a conveyance of any interest the Haines Borough may have, if any, in Lot 16A, Carr's Cove Subdivision, as depicted on Plat Number 97-22, Haines Recording District, First Judicial District, State of Alaska, ("the Property"). This ordinance shall not become a part of the Haines Borough Code.

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

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

Section 4. Purpose. This ordinance authorizes the manager to conclude arrangements for the conveyance of any interest the Borough may have in the Property for the purpose of legally terminating any interest the Borough may otherwise be deemed to have in the Property.

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

Section 6. Authorization and Approval. The Borough Manager is hereby authorized to complete the process of transfer of the Borough's interest in the Property, if any, to Fredrick Gregg Bigsby and Beth Ann MacCready, by quitclaim deed for the sum of TEN DOLLARS (\$10.00); provided that in accordance with HBC 14.20.100(D), all costs associated with this negotiated sale shall be paid by the Buyer. The manager and mayor are hereby authorized to take all such steps as may be necessary to finalize and sign the conveyance documents on behalf of the Haines Borough.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2017.

Jan Hill, Mayor

ATTEST:

Julie Cozzi, Borough Clerk

Date Introduced: 02/14/17
Date of First Public hearing: 02/28/17
Date of Second Public Hearing: 03/14/17

Haines Borough Lands Department
P.O. Box 1209
Haines, Alaska 99827
Phone (907) 766-2231 (ext. 33)
Fax (907) 766-2716



Memo:

To: David Sosa
Borough Manager/Land Manager
From: Dean Olsen
Assessor
Re: Lot 16A Cars Cove Subdivision
Date: 1/6/2015

Dave,

In June I was contacted by Gregg Bigsby about the ownership of Lot 16A, Carr's Cove Subdivision, as shown on Plat 97-22. Mr. Bigsby was in the process of selling property he owns in the Carr's Cove Subdivision and assumed he was the owner of Lot 16A, a small parcel next to Lot 16, Carr's Cove Subdivision, Plat 97-22. Mr. Bigsby purchased Lot 16 from the Haines Borough in 1997 as shown on the recorded Quit-Claim Deed, Book 33, Page 781. When Mr. Bigsby purchased Lot 16 he states that the purchase also should have included Lot 16A. As a result Mr. Bigsby was attempting to sell Lots 16 & 16A together, but was informed by Alaska Escrow & Title Insurance Agency, Inc. that the Haines Borough currently holds title to Lot 16A.

The following identifies the history of this subdivision related to this issue after an in-depth search for information:

- The subject property was originally legally described as Tract 10, Alaska State Land Survey 71-41 (2.85 AC).
- May 9, 1997 Dan Turner, Haines Borough Assessor received a letter from Gregg Bigsby and Beth MacCready requesting to negotiate a sale of the land they had been using as a driveway, storage and work area described as Tract 10, A.S.L.S 71-41.
- July 17, 1997 "**Bigsby encroachment**" is explained by Assessor, Dan Turner to Assembly (Meeting #602, page 6), pointing out Bigsby originally requested purchase of the entire Lot 17* of Carr's Cove Subdivision. A motion was made and seconded to allow Mr. Turner to enter into a negotiated land sale agreement with Mr. Bigsby for the purpose of solving the access encroachment problem.
*NOTE: The subject properties, i.e. Lots 16 & 16A were one parcel prior to the current Plat 97-22 Carr's Cove Subdivision and legal descriptions changed several times as outlined:
 - 1) Subject properties start out in this timeline as one parcel **Tract 10, Alaska State Land Survey 71-41.**
 - 2) Subject properties are described as one parcel, **Lot 17, in a Preliminary Plat of Carr's Cove Subdivision.**
 - 3) Subject properties are legally described as two separate parcels, **Lot 16, and Lot 16A, Plat 97-22 Carr's Cove Subdivision** which is the current legal description.
- October 21, 1997, Haines Borough Assembly Regular Meeting #606 ordinance 97-21 scheduling negotiated Land Sales with Greg Bigsby and Haines Sanitation are introduced by Mayor Lapp. A motion was made and seconded to accept the first reading of the Ordinance 97-21, but after Mr. Bigsby asked to speak regarding the Ordinance stating he felt he would be paying twice for the portion of Lot 16 and Assessor Turner responded; a motion was made to withdraw acceptance of the first reading of Ordinance #97-21, and the motion was withdrawn. Next, a motion was made and carried amending Ordinance #97-21 by deleting the Bigsby negotiated sale.
- In the **Approval of Minutes** during the November 18, 1997, Haines Borough Assembly Regular Meeting #608 a minor change was suggested and approved related to the deletion of the Bigsby negotiated sale, but the Bigsby negotiated sale remained deleted from Ordinance #97-21.

Mr. Bigsby has stated that the ownership issue of lot 16A was taken up at a Planning Commission meeting he attended and he was granted ownership of Lot 16A at that time. I have not been able to locate documentation of this and I am therefore at a standstill. Mr. Bigsby is aware that documentation verifying transfer of ownership of Lot 16A from the Haines Borough to Gregg Bigsby and Beth MacCready was not located and is anticipating discussion with you on how to proceed. Deeds, plats, and email correspondence has been included for reference and clarification.

Dean Olsen
Haines Borough Assessor

Gregg Bigsby and Beth MacCready
POB 157
Haines, Alaska 99827
(907) 766-3669

To Whom It May Concern

Haines Borough

December 15, 2015

Subject : Property Ownership Dispute BIGSBY / HAINES BOROUGH

Lot 16 and Lot 16A Carrs Cove Subdivision

We respectfully request that this issue of disputed ownership is dealt with by The Haines Borough.

The Haines Borough sold Lot 16, Carr's Cove Subdivision to us at a Public Outcry Auction on September 24, 1997 (2.85 acres).

Lot 16A did not exist at that time, at the auction, but was in the works. It popped up right after the auction, and so we worked it out with the Haines Borough Assembly and The Planning Commission, right away, with both bodies agreeing that we "bought" it all during the auction, and that there was no need for us to pay the Haines Borough an additional \$\$\$ for a private, previously negotiated sale for the "portion"(Lot 16A) of LOT 16. The problem now is that Lot 16A was recorded as belonging to The Haines Borough.

Now, The Haines Borough owns Lot 16A (.18 acres) including our well, wellhouse and driveway

We own Lot 16 (2.67 acres)

We request that The Haines Borough transfers legal ownership to Gregg Bigsby and Beth MacCready on Lot 16A

Most of this issue is documented

Here are the points and dates :

1. 1996/1997/1998 The Haines Borough subdivided and sold at Public Auction Haines Borough Property at Carr's Cove, Mud Bay Road
2. Spring 1997, Beth and Gregg requested a private negotiated sale for LOT 16 Carrs Cove Subdivision

Dean Olsen

From: Dean Olsen
Sent: Tuesday, December 20, 2016 3:40 PM
To: Julie Cozzi
Cc: Brad Ryan; Patrick Munson
Subject: FW: Bigsby Property Lot16A Carr's Cove Issue
Attachments: 20161024.BiggsbyQuitclaim Deed draft.docx; Ordinance approving conveyance to Bigsby.doc

Julie,

Please review the email correspondence I have had with Patrick related to Lot 16A, Carr's Cove Subdivision and the attached documents.

As suggested by Patrick, I provided Gregg & Beth with the drafts of the documents he drafted and they agreed the Quit Claim would work for the solution. (Gregg & Beth were out of town, thus the delayed response.)

What is the best way to proceed from this point?

Dean

From: Patrick Munson [mailto:PMunson@bcfaklaw.com]
Sent: Monday, October 24, 2016 9:02 AM
To: Dean Olsen
Cc: William Seward; Brad Ryan; Brooks Chandler
Subject: RE: Bigsby Property Lot16A Carr's Cove Issue

Good morning Dean –

Attached you'll find the documents that should be sufficient to transfer any remaining interest the Borough may have in Lot 16A to Mr. Bigsby and Ms. MacCready. These can be amended to reflect any details I don't have, but should be a good starting point. I'd suggest you share them with the grantees so that they can review and confirm that this will accomplish their goal.

I've required a token payment as consideration for the Borough's interest in the land. This is helpful from a legal perspective but not strictly required. The Buyers are required to pay for expenses incurred to close the sale (HBC 14.20.100(D)), which are nominal and include primarily the recording fees to record the quitclaim deed. You and Bill can also decide whether you want to ask them to pay for the legal expenses of having these documents drawn up (i.e., less than 2 hours of attorney time). They may resist since they feel like they already purchased it, but it would not be unreasonable for you to require them to pay those costs based on HBC 14.20.100(D).

Dean Olsen

From: Patrick Munson <PMunson@bcfaklaw.com>
Sent: Monday, October 24, 2016 9:02 AM
To: Dean Olsen
Cc: William Seward; Brad Ryan; Brooks Chandler
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Attachments: 20161024.BiggsbyQuitclaim Deed draft.docx; Ordinance approving conveyance to Bigsby.doc

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Please let me know if you need anything else on this matter. I can also review any changes to the documents the buyers may want at any time.

Patrick Munson
Boyd, Chandler & Falconer, LLP

From: Dean Olsen [mailto:dolsen@haines.ak.us]
Sent: Thursday, October 13, 2016 3:22 PM
To: Patrick Munson <PMunson@bcfaklaw.com>
Cc: Gregg Bigsby (greggbigsby@hotmail.com) <greggbigsby@hotmail.com>; William Seward <wseward@haines.ak.us>; Brad Ryan <bryan@haines.ak.us>
Subject: RE: Bigsby Property Lot16A Carr's Cove Issue

Patrick,
Attached you will find correspondence documentation related to lot 16A as well as the associated plats. I will search for a better copy of the Preliminary Carr's Cove Subdivision plat.
Thank you for your assistance and let me know if you need anything else.

Dean

From: Dean Olsen
Sent: Wednesday, October 05, 2016 1:10 PM
To: 'Brooks Chandler'
Cc: William Seward (wseward@haines.ak.us)
Subject: RE: Bigsby Property Lot16A Carr's Cove Issue

Brooks,

After talking with Mr. Bigsby, Alaska Escrow & Title Insurance Agency, Inc. (firm used by Mr. Bigsby), and surveyor, John Bean...a Quit Claim Deed has been agreed to for the solution to this problem without the amended plat.

There will be no money changing hands, and the parties involved are also aware that the question of ownership is not being addressed with the recording of the quitclaim deed for access and utility purposes.

The consensus from past correspondence, meetings, and review of documentation on the issues is for the Haines Borough to record a quitclaim deed for Lot 16 A, Carr's Cove Subdivision granting access and utilities by Lot 16, Carr's Cove Subdivision and Tract 9, Alaska State Land Survey No. 71-41 owners.

Subject: Lot 16 A, Carr's Cove Subdivision (Plat 97-22 & Plat 2015-7) Current Owner of Record: Haines Borough, P.O. Box 1209, Haines, AK 99827

Neighboring Properties: 1) Lot 16, Carr's Cove Subdivision (Plat 97-22 & Plat 2015-7), Current Owner of Record: Sarana Miller, 3017 Wheeler Street, Berkeley, CA 94705, Fredrick Gregg Bigsby & Beth A. MacCready, Husband & wife, P.O. Box 157, Haines, AK 99827

2) Tract 9, Tract 9, Alaska State Land Survey No. 71-41, (Plat 35/AS71-41 & Plat 2015-7), Current Owner of Record: Fredrick Gregg Bigsby & Beth Ann. MacCready, Husband & wife, P.O. Box 157, Haines, AK 99827

It is my understanding that ownership of Lot 16A came to light when Mr. Bigsby & with Beth were in the process of selling their 50% ownership of Lot 16 to Sarana Miller. Mr. Bigsby was informed by Alaska Escrow & Title Insurance Agency, Inc. that the Haines Borough is the owner of record for lot 16A. Whatever the issue is with the Haines Borough being owner it seems a Quit Claim Deed will resolve it for the title agency.

Please let me know if you need additional information, or any other details that may need to be addressed.

Best Regards,

Dean Olsen

Assessor
Haines Borough
dolsen@haines.ak.us
(907) 766-2231 Ext 33
(907) 766-2716 (FAX)

CONFIDENTIALITY NOTICE: The information contained in this electronic mail message is confidential and intended only for the use of the individual or entity named above, and may be privileged. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this

Dean Olsen

From: Alicia M. Fisher <Alicia.Fisher@akescrowtitle.com>
Sent: Thursday, September 08, 2016 11:21 AM
To: 'Gregg Bigsby'; Dean Olsen
Subject: RE: Bigsby Property Lot 16A Carr's Cove Issue

Hello Gregg.

I received your email.

For the purchase of Lot 16A, we can open an order for an Owner's title insurance policy based on the value of Lot 16A, Carr's Cove Subdivision, Plat 97-22.

Once this transaction is complete, we can then open a second order for an Owner's title insurance policy on Lots 16 & 16A (based on the value of these lots) for the transfer of your interest to these lots.

Before we do this, we will need to know what the Haines Borough is going to do with Lot 16A. We have a Certificate to Plat product for Surveyors.

If you have any questions, please let me know.

Alicia Fisher

Alaska Escrow and Title Insurance Agency, Inc. | Title Plant
p 907-225-9077 | f 907-225-9076 | d 907-228-8892
2030 Sea Level Dr. #201 | Ketchikan, AK 99901

<http://www.alaska-escrow-title.com/>



stewart
Vetted and verified.



First American

This message, including any attachments, may contain attorney privileged and/or confidential information. The review, disclosure, distribution, or copying of this message by or to anyone other than the named recipient(s) is strictly prohibited. If you have received this message in error, please immediately notify the sender by reply e-mail and destroy the original and all copies of the message.

From: Gregg Bigsby [<mailto:greggbigsby@hotmail.com>]
Sent: Thursday, September 08, 2016 10:21 AM
To: Dean Olsen <dolsen@haines.ak.us>; Alicia M. Fisher <Alicia.Fisher@akescrowtitle.com>
Subject: Re: Bigsby Property Lot16A Carr's Cove Issue

To :
Dean Olsen (Haines Borough)
Alicia Fisher (Alaska Escrow and Title Insurance Agency)

Hi, Alaska Escrow and Title Insurance Agency, Inc. was who we used when we transferred 50% of Carr's Cove Lot 16 to Sarana Miller in June, 2014. That is when we found out that Lot 16a existed, with Haines Borough ownership.

Dean, Alicia is in Ketchikan at Alaska Escrow (907) 225-9077 .
alicia.fisher@akescrowtitle.com

Alicia, Thank You !!!

Gregg Bigsby

From: Dean Olsen <dolsen@haines.ak.us>
Sent: Tuesday, September 6, 2016 5:10 PM
To: Gregg Bigsby (greggbigsby@hotmail.com)
Cc: William Seward; Holly Smith
Subject: RE: Bigsby Property Lot16A Carr's Cove Issue

Hello Gregg,

I talked with John Bean and he recommends the Borough Quit Claim Lot 16A to you as a utility & access easement. That way a survey is not involved.

I need contact info for the Title Company that told you the Borough is owner of Lot 16A. I need to check with them to verify chain of title on Lot 16 a and make sure the State does not have any connection to it.

Dean

From: Dean Olsen
Sent: Tuesday, September 06, 2016 9:03 AM
To: Dean Olsen
Subject: FW: Bigsby Property Lot16A Carr's Cove Issue

From: Dean Olsen
Sent: Friday, August 26, 2016 10:42 AM
To: 'Gregg Bigsby'; jwbean@gci.net
Cc: William Seward (wseward@haines.ak.us); Brad Ryan; Brooks Chandler; Holly Smith
Subject: RE: Bigsby Property Lot16A Carr's Cove Issue

Gregg & John,

The consensus from the last meeting to resolve the Carr's Cove, Lot 16A issue was to have Lot 16A designated as an access & utility easement area for Tract 9 & Lot 16. Since you recently had a survey completed by Mr. Bean (see attached survey 2015-7), it may be possible for John to do an amendment to that survey identifying Lot 16A as an easement area rather than doing an additional survey from scratch. If that is possible I would think any costs involved would be significantly less than recording an entirely new plat.

In addition to the amended plat the Haines Borough would record a Quit Claim Deed releasing interest in lot 16A as appropriate legally.

Please discuss this plan with John and get back to me ASAP. When it is confirmed that an amended plat is appropriate, I will proceed with the Borough Attorney for recording the necessary Deed.

Best Regards,
Dean Olsen
Assessor

From: Gregg Bigsby [<mailto:greggbigsby@hotmail.com>]
Sent: Tuesday, December 15, 2015 4:22 PM
To: Dean Olsen; Julie Cozzi; Jan Hill
Subject: Bigsby Property Lot16A Carr's Cove Issue

Hi I'm requesting to meet with the Planning Commission and the Haines Borough Assembly to resolve this "property ownership" issue at the next meetings, next month. Unless you have a better Idea.

Please let me know if you have any questions . Thank you for your time.

Gregg Bigsby

Dean Olsen

From: Gregg Bigsby <greggbigsby@hotmail.com>
Sent: Friday, November 06, 2015 7:22 AM
To: Dean Olsen; David Sosa; Julie Cozzi
Subject: RE: Emailing: Lot 16A search documents.pdf

Dear Mr. Sosa,

I am hoping that you can resolve this issue.

I bought Carrs Cove Lot 16 which included Lot 16A over 15 years ago. This was confirmed by The Assembly and The Planning Commission at the time.

but because of subsequent changes in Mayors, Managers and Assemblies, The ownership of Lot 16A was mis-recorded as belonging to the Boro.

Gregg Bigsby

From: dolsen@haines.ak.us
To: greggbigsby@hotmail.com
CC: dsosa@haines.ak.us
Subject: RE: Emailing: Lot 16A search documents.pdf
Date: Thu, 8 Jan 2015 21:01:39 +0000

Hello Gregg and Happy New Year!

I just submitted my research findings to Mr. Sosa, Borough Manager, and he will be working with the assembly to resolve the ownership questions related to Lot 16A.

FYI, there is a copy of the Deed "Book 33, Page 781" in your property file.

I hope a resolution to the dilemma is reached quickly.

Regards,

Dean

From: Gregg Bigsby [<mailto:greggbigsby@hotmail.com>]
Sent: Thursday, January 08, 2015 11:53 AM
To: Dean Olsen
Subject: RE: Emailing: Lot 16A search documents.pdf

Hi Dean,

We just found a copy of "quit claim deed" from "grantor the Haines Borough" to us , signed and notarized by Daniel Turner, dated " '99 APR 29" ,

"BOOK 33 PAGE 781" , for

"Lot 16, Carrs Cove Subdivision, according to Plat #97-22

Containing 2.85 acres, more or less. "

Not sure if this will help you in your investigation, but if there's anything else we can do, we should probably do it sooner than later !!

Thanks, Gregg

PS I'm still guessing that the Borough invented Lot 16A as an "after-the-fact" stroke of the Borough Pen, in the Post-Dan Turner era.

> From: dolsen@haines.ak.us

> To: greggbigsby@hotmail.com

> CC: dsosa@haines.ak.us; jcozzi@haines.ak.us

> Subject: Emailing: Lot 16A search documents.pdf

> Date: Thu, 4 Sep 2014 20:14:07 +0000

>

> Greg,

> The attached document includes everything I could find on file for written discussion on the negotiated sale of Lot 16 & 16A in Cars Cove Subdivision.

> As we discussed it is not explained in detail that Lot 16A was included in the negotiated sale for Lot 16, from the Borough Assembly minuets recorded on this topic.

> After acquiring documentation from our Borough Clerk, I learned that it is possible more detailed discussion on the topic may be recorded on cassette tapes of past meetings of the Planning Commission. The cassette tapes are located in the Records Room of the Public Safety Building. Per you request for public information with the Deputy Clerk a search will be started by available borough staff for more information on the sale form the Planning Commission meetings as soon as possible.

>

> Your message is ready to be sent with the following file or link attachments:

>

> Lot 16A search documents.pdf

>

>

> Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Dean Olsen

From: Gregg Bigsby <greggbigsby@hotmail.com>
Sent: Thursday, September 04, 2014 4:27 PM
To: Dean Olsen; David Sosa; Julie Cozzi
Subject: RE: Emailing: Lot 16A search documents.pdf

Thanks Dean, Lot 16 was not sold to me as a negotiated sale, I won the bid and paid the highest bid price at the auction.

There was little to no discussion about lot 16A, after the auction of course, because everyone agreed that I bought all 2.85 acres at the auction.

As it went, The assembly and the Planning Commission each voted that this was the case(November,December 1997).

When the plat for 16A was recorded, it should have been put in my name, not the Boros'. Thanks, it'll be fun to find a cassette player and listen to the 1997 Planning Commission !!!
Gregg

> From: dolsen@haines.ak.us
> To: greggbigsby@hotmail.com
> CC: dsosa@haines.ak.us; jcozzi@haines.ak.us
> Subject: Emailing: Lot 16A search documents.pdf
> Date: Thu, 4 Sep 2014 20:14:07 +0000

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Dean Olsen

From: Gregg Bigsby <greggbigsby@hotmail.com>
Sent: Friday, June 20, 2014 12:17 AM
To: Dean Olsen
Subject: RE: Lot 16A

Dean,

I believe the Boro was amiss with this deal, and that even after I bought lot 16, there was still no 16A in existence. Dan Turner was in charge.

Yes, I surveyed that piece, 16A, before the auction, and it was submitted to the Boro for negotiated sale, and a sale price was agreed on, but nothing was done between then and the Boro's Public Auction (I dont remember any of the dates). Dan Turner and The Boro assembly agreed that I had a legitimate reason to not have to pay for ownership of 16A , because it was believed by all that Lot 16 encompassed the whole works. During the auction it was definitely "the whole" of Lot 16 being sold. So the assembly set up a meeting with the planning commission, and subsequently they voted that I owned it and didn't have to pay twice for that piece of property.

Gregg

From: dolsen@haines.ak.us
To: greggbigsby@hotmail.com
Subject: Lot 16A
Date: Thu, 19 Jun 2014 18:47:33 +0000

Greg,

I sent you a PDF of the Quit-Claim Deed, Book 33, Page 781 documenting transfer of ownership of Lot 16 from Haines Borough, (Grantor), to Greg Bigsby & Beth MacCready. The PDF has a message inserted into the document with the following explanation:

Note: The size of Lot 16 is 2.85 acres more or less ***per this deed.*** However, on Plat 97-22, Cars Cove Subdivision, Lot 16 is shown as a 2.65 acre parcel ***and*** Lot 16A is shown as a 0.17 acre parcel. The two parcels do not add up to 2.85 acres, ***however,*** the size per square foot of Lots 16 & 16A respectively equal 116,460.59 & 7,528.51 for a total of 123,979.1 SQ.FT. If the total square footage is converted to acres and carried out to the thousandths,(3rd decimal), the total converted acreage equals 2.846 acres, or 2.85 rounded. Note that when you add up the size of lot 16 in acres, (2.65 ac) & lot 16A, (0.17) for a total of 2.82, you get **further** away from the 2.85 acres more or less recorded on the Quit-Claim Deed. **But,** if you convert each Lot to acres using the accompanying square footage of each lot as noted on the plat, and again carry it out to the 3rd decimal place; the total acreage is 2.847 acres which also rounds even closer to 2.85 acres.

I have encountered discrepancies in lot size dealing with extending the decimal place before; usually with smaller lots when acres are converted to square feet and the land is being valued by a price per square foot. In this case with the Quit-Claim, Book 33, Page 781 I would be surprised if the wording ***"2.85 acres more or less"*** was for a parcel that is actually 2.65 acres. That is ***too large*** of difference. Every case I've deal with in the past has been a situation very similar to what I explained above where the amount of area disputed has to do with rounding acres to either the tenths, hundredths or, thousandths place.

Although the examination of the deed and plat support your argument; documented proof is necessary to back up this analysis, and once verified that should be followed up by a corrected deed recorded with the Haines Recording Office in Juneau describing the real property as Lots 16 & 16A Carr's Cove Subdivision, according to Plat #97-22.

I will follow up with an email after the archives in the Public Safety Building have been searched for Planning & Zoning Commission meeting documentation of your purchase and discussions of Lot 16A.

Let me know if you have anything to add from your records or the title insurance agency.

Thank you,

Dean Olsen

Assistant Assessor

Haines Borough

dolsen@haines.ak.us

(907) 766-2231 Ext 33

(907) 766-2716 (FAX)

3. May 9, 1997 as per Dan Turner's (Haines Land Manager) recommendation, we negotiate a sale for a portion of LOT 16 (documented: see *3)
4. May 1997, Beth and Gregg pay Scott McClintock (private Haines surveyor) to survey off a portion of LOT 16 that includes the well, wellhouse and driveway LOT 16A, .18 acres
5. July 17,1997 Haines Borough Assembly approves Negotiated Sale of Lot 16A for \$5,200 (documented:see *4)
6. September 24,1997 Borough Public Outcry Auction for CARR'S COVE SUBDIVISION: LOT 16 contains the full 2.85 acres , it is not portioned off, the map at the auction for lot 16 contained the entire 2.85 acres, Lot 16A did not exist yet.
7. September 24, 1997 High Bidder on LOT 16 (2.85 acres) Gregg Bigsby and Beth MacCready (documented see *5)
8. September 26, 1997 Quit Claim Deed issued to Gregg Bigsby and Beth MacCready for LOT 16 (2.85 acres) (documented see *6)
9. October 21, 1997 Haines Borough Assembly votes to DELETE Negotiated Sale (documented see *7)

Some factors obviously complicate this issue, because of a previous agreement for a negotiated sale on a portion of that lot, incomplete ASSEMBLY MINUTES, and a missing cassette tape from PLANNING COMMISSION.

After the auction, I went to the next assembly meeting and The Assembly agreed that I did not have to pay an additional \$5,200 for the .18 acres. But they asked me to go to the Planning Commission and get them to vote on it, which I did, and they voted in my favor. In fact , at the Haines Borough Public Outcry Auction, I asked Dan Turner, Haines Land Manager ,“WHY?” he didn't ‘take out’ the portion of land which was soon to become known as Lot 16A as per our previous survey or agreement , Dan apologizes, didn't have time.

I believe that there is enough proof here to settle my case.
Thank-You,

Gregg Bigsby

A handwritten signature in cursive script, appearing to read "Gregg Bigsby". The signature is written in dark ink and is positioned below the typed name.

From the desk of Gregg Bigsby.....

The History of Carr's Cove Lot 16 A

- (1) In 1997 Gregg Bigsby and Beth MacCready asked Dan Turner, the Haines Borough Lands Manager, and The Haines Borough Assembly if, prior to a Haines Borough Land Auction of The Carr's Cove Subdivision, we could be considered for a private negotiated sale on a partial piece of Carr's Cove Lot 16 that was adjacent to Mud Bay Road. Our well and driveway entrance were on that property.
- (2) The Haines Borough counter offer was for me to survey 'out' the section of property that we were using, and negotiate a sale with the Borough.
- (3) I hired Scott McClintock to survey the area (.18 acres) and the Borough and I negotiated an agreed upon price of \$5,000, before the official survey was done. We had not paid as yet.
- (4) The Haines Borough expedited The Carr's Cove Land Auction before the agreed upon sale of the .18 acres was finalized. The sale commenced and the lot was sold to us in it's entirety.
- (5) I went to The Assembly and asked if I still had to pay the \$5000 because I had now purchased the entire lot.
- (6) The Haines Borough Assembly agreed that I should not have to pay for it twice, and said I needed to get the Haines Borough Planning Commission to agree. The Haines Borough Planning Commission voted in favor of me not having to pay for it twice.
- (6) I went back to The Haines Borough Assembly and asked them to record this.
- (7) Unbeknownst to me until recently (2 years ago when I began this search for proof of my ownership), *Scott McClintock's survey of the .18 acre was recorded*. The Borough staff had separated Lot 16 A from Lot 16 and now claim that they own it.
- (8) I am currently asking that the Haines Borough Manager to please fix this problem by restoring Gregg Bigsby and Beth MacCready as rightful owners of Carr's Cove Lot 16A.

email from DEAN OLSEN Sept 4, 2014

The attached document includes everything I could find on file for written discussion on the negotiated sale of Lot 16 & 16A in Cars Cove Subdivision. As we discussed it is not explained in detail that Lot 16A was included in the negotiated sale for Lot 16, from the Borough Assembly minutes recorded on this topic.

After acquiring documentation from our Borough Clerk, I learned that it is possible more detailed discussion on the topic may be recorded on cassette tapes of past meetings of the Planning Commission. The cassette tapes are located in the Records Room of the Public Safety Building. Per your request for public information with the Deputy Clerk a search will be started by available borough staff for more information on the sale from the Planning Commission meetings as soon as possible.

Your message is ready to be sent with the following file or link attachments:

Lot 16A search documents.pdf

EARLY MAP



Subdivision is Lot 17 only
Preliminary plat
CARRS COVE SUB

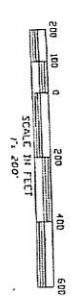
CHILKATIN INT

CERTIFICATION

I am a Professional Land Surveyor, and I am certified in the State of Alaska, and hold a survey made by me, or under my direct personal supervision, and relative bearings are correct monuments shown herein actually exist as described.



DATE: _____
NAME AND TITLE OF DESIGNEE: _____
APPROVING OFFICIAL: _____



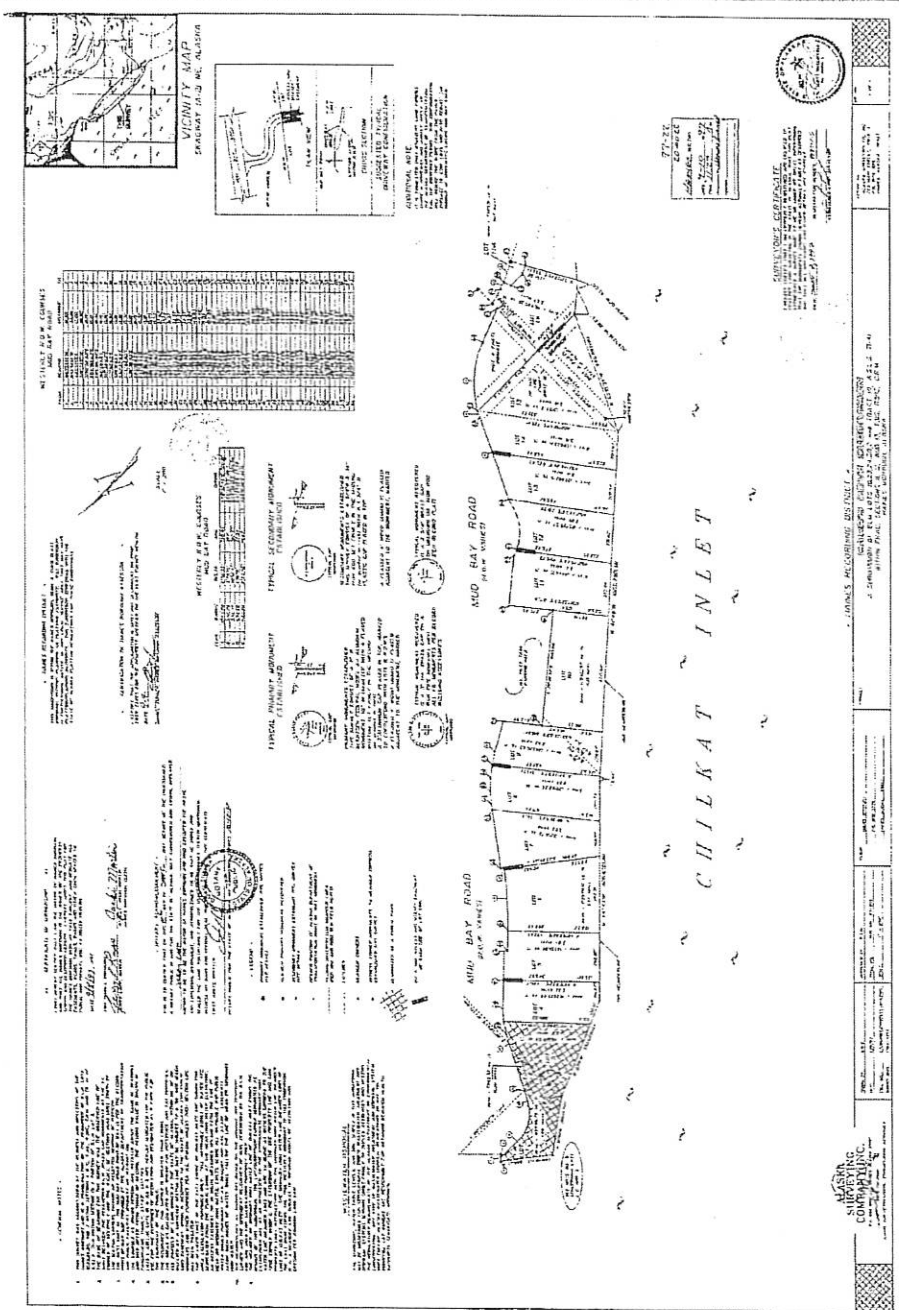
A PRELIMINARY PLAT OF CARRS COVE SUBDIVISION

TYPICAL PRIMARY ESTABLISHMENTS

PRIMARY MONUMENTS THIS SURVEY CONSIST OF BENCHMARKS, FEDERAL AND STATE BENCHMANS, BOTTOM SET TRIPKAY, OR GRAVING IN TRAIL, IN A 3/4" ALUMINUM CAP, IN TO CORRESPOND WITH

2

LATER MAP



* 3

RECEIVED
MAY - 9 1997
HAINES BOROUGH

F. Gregg Bigsby
Beth MacCready
P.O. Box 407
Haines, AK 99827
May 9, 1997

Haines Borough
Dan Turner
P.O. Box 1209
Haines, AK 99827

Dear Dan,

Gregg Bigsby and Beth MacCready would like to negotiate a sale of the land which we have used as a driveway, storage and work area for many years. This land is part of the lot legally described as Tract 10, Alaska State Land Survey #71-41 according to Plat 55 Haines Recording District, State of Alaska and is located at the southernmost end of the Carrs Cove subdivision at 3.5 mile Mud Bay road. The area we wish to purchase is shown on the following page.

If you have any questions please call Beth or Gregg at 766-3645. We appreciate your assistance. We also request to be advised of any meetings pertaining to this subject, so we can be present for the discussion.

Sincerely,



F. Gregg Bigsby and
Beth MacCready

* 4

HAINES BOROUGH
REGULAR ASSEMBLY MEETING #602
JULY 17, 1997
PAGE 6

Outcome of discussion regarding covenants on Porcupine and Emerson was to ask the Planning Commission to review and apply fewer restrictions for recommendation to the Assembly.

Bigsby encroachment: Mr. Turner explained that Mr. Bigsby originally requested purchase of the entire lot 17 of Carr's Cove subdivision that his drive encroaches on or at least the portion that is his drive.

Bigsby
encroachment

M/S Schnabel/Willard to allow Mr. Turner to enter into a negotiated land sale agreement with Mr. Bigsby for the purpose of solving the access encroachment problem.

Motion carries
to negotiate a
land sale with
Mr. Bigsby

Mayor Lapp asked the audience for any comment. With none forthcoming, he called for the question.

Motion carried unanimously on a roll call vote.

Resolution #421 requesting safe communities funding from the Department of community and Regional Affairs was opened for

Public Hearing at 9:32 p.m. Hearing no comment, Mayor Lapp closed the public hearing at 9:32 p.m.

M/S Koenig/Thomas to accept Resolution #421.

Motion carries
to accept Reso
#421

Motion carried unanimously on a roll call vote.

Resolution #422 authorizing membership in the Alaska Municipal League Joint Insurance Association was introduced by Mayor Lapp.

M/S Thomas/Willard to accept Resolution #422.

Motion carries
to accept Reso
#422

Motion carried unanimously on a roll call vote.

Resolution #423 placing the question of funding the Library by revenue bond.

M/S Koenig/Willard to accept Resolution #423.

Motion carries
to accept Reso
#423

Motion carried unanimously on a roll call vote.

CONTRACT FOR SALE OF REAL PROPERTY

* 5

This Contract is made and entered into this 24 day of September, 1997, between the Haines Borough Alaska (hereinafter "seller"), and Gregg Bigsby and Beth MacCready, whose address is P. O. Box 407, Haines, AK 99827; hereinafter referred to as "Purchaser".

WITNESSETH:

WHEREAS, the Seller has undertaken the necessary administrative actions under applicable laws and ordinances to fully authorize and enable the sale of the Parcel described herein, which is acknowledged by the Purchaser by signature hereto;

WHEREAS, the Purchaser has examined the description of the Parcel and has inspected the Parcel, Or has voluntarily declined to do so, and is satisfied with the description and condition of the Parcel, and

WHEREAS, the Purchaser Is aware of the provisions of Haines Borough Code Title 5 Land Sales) and particularly section 05.05.350 (administrative foreclosure procedure for land disposed of under a contract of sale), and other applicable laws, regulations and ordinances, and fully understands the duties and obligations of the Purchaser under this contract, the interests to be conveyed and the schedule for conveyance, the requirements for performance by the Purchaser prior to conveyance of title, and the rights and remedies of the Seller.

NOW THEREFORE, the Seller and the Purchaser, in consideration of the mutual covenants and conditions stated in this Contract agree as follows:

The Seller agrees to sell to the Purchaser, and Purchaser's heirs and assigns, the following parcel of land (hereinafter referred to as "the Parcel") which is situated in the State of Alaska and described as follows:

Lot 16, Carr's Cove Subdivision, according to Plat # 97-22, Haines Recording District, First Judicial District.

Containing 2.85 acres, more or less.

EXCEPTING AND RESERVING THEREFROM the following specific interests, and imposing the following restrictions, which shall be in addition to and not in derogation of any general reservations to the Seller which are required by law or which may be stated elsewhere in this Contract:

* 6

QUIT-CLAIM DEED

The Grantor, the **HAINES BOROUGH**, an Alaskan Municipal Corporation, whose address is P.O. 1209, Haines, AK. 99827, in consideration of ten dollars and other valuable consideration, does hereby grant, demise, convey, release, and quitclaim, all its right, title, and interest without warranty unto **Gregg Bigsby & Beth MacCready**, whose address is, P. O. Box 407, Haines, AK 99827, the following described real property situated in the Haines Recording District, First Judicial District, State of Alaska, as follows:

Lot 16, Carr's Cove Subdivision, according to Plat #97-22

Containing 2.85 acres, more or less.

SUBJECT, HOWEVER, to any right of ways, easements or restrictions and conditions of record, if any, and as stated in the contract of sale.

DATED this 26th day of September, 1997 at Haines, Alaska.

Grantor:
Jerry Lapp
Jerry Lapp, Borough Mayor

Attest:
Jacki Martin
Jacki Martin, Borough Clerk

STATE OF ALASKA)
: SS
FIRST JUDICIAL DISTRICT)

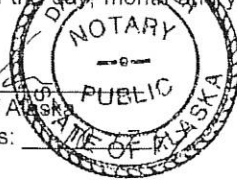
Haines REC. DISTRICT
REQUESTED BY EATON
000248
1500
99 APR 29 PM 1 30

Grantee & Return Documents to:
Gregg Bigsby
Beth MacCready
PO BOX 407
Haines, AK 99827-0407

Grantor:
Haines Borough
PO BOX 1209
Haines, AK 99827-1209

THIS IS TO CERTIFY that on this 26th day of September, 1997 in Haines, Alaska, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Jerry Lapp and Jacki Martin, Haines Borough Mayor and Clerk, known to me and to me known to be the persons they represent themselves to be, and the same identical persons who executed the above and foregoing QUITCLAIM DEED and who acknowledged to me that they executed the same freely and voluntarily for the purposes and uses herein mentioned.

WITNESS my hand and official seal the 26th day, month of September, 1997 year in this certificate first written above.

[Signature]
Notary Public, State of Alaska
My commission expires: _____


* 7

HAINES BOROUGH ASSEMBLY
REGULAR MEETING #608
NOVEMBER 18, 1997
7:30 P.M.

CALL TO ORDER: Mayor Lapp called the meeting to order at 7:30 p.m.

PLEDGE TO FLAG: Led by Mayor Lapp.

ROLL CALL: Present--Shirley Willard, Jan Hill, Gary Koenig, Debra Schnabel, Ray Menaker, Jerry Lapp. Unexcused--Mayor Lapp recommended to not excuse Charlie DeWitt, as he did not receive a call from DeWitt. There were no objections.

Staff Present: Dan Turner, Assessor/Land Manager and Sue Nelson, Acting Clerk/Admin.Assistant.

Visitors: Andy Eggen, Ann Myren, Tim McDonough, Cheryl Lowden, Marilyn Huitger, Stephanie Scott, Tim June, Dan Egolf, Dan Reiner, Tom Morphet, Darrell Maple, Don Bergstand, Scott McClintock, Beryl Sheldon, John Floreske, Don Turner, Steve Williams, Cynthia Jones.

APPROVAL OF CONSENT AGENDA: M/S SCHNABEL/HILL, with amendment by Mayor Lapp to pull the financial off to discuss during Mayor's report, and amendment by Ms. Schnabel to pull#6-approval of minutes to be discussed.

Motion carried unanimously on a roll call vote.

APPROVAL OF MINUTES: M/S SCHNABEL/WILLARD to approve minutes #606 with amendment by Ms. Schnabel to change wording on page 4 to delete last line, and restate second to last line to read as follows: 'M/S Dewitt/Thomas to amend Ord.#97-21. Motion approved with deletion of the Bigsby negotiated sale.' Motion carried with no objections.

M/S SCHNABEL/KOENIG to table approval of minutes #607, until actual bid award is clarified with discussion later in this meeting regarding Skyline Sub. Ms. Schnabel pointed out in minutes #607, under New Business, that the Assembly did not award the bid for the water reservoir project tank site, but rather for drilling and blasting.

COPY

Mayor Lapp said the Turner's had completed all they were required to do in setting up their subdivision and the Assembly need not debate it further. They have satisfied the requirements of the Lutak Land Use Service Area and received their final plat approval. He also suggested the LUSA's take a look at their access codes for future improvement.

Turner
subdivision
discussion
cont.

INTRODUCTION OF ORDINANCES: Mayor Lapp read in part Ordinance 97-21 as an ordinance scheduling a land sale of Borough owned property and establishing the method of sale.

Ordinance 97-
21 scheduling
negotiated
Land sales with
Greg Bigsby &
Haines Sani.

The scheduled sale is to take place on November 21st. The lots to be sold are Lots 2 and 3 of section 2 and a portion of lot 16 of Carr's Cove subdivision.

Lots 2 and 3, section 2 are to be sold to Haines Sanitation for the amount of \$30,600.00. A portion of lot 16 is to be sold to Greg Bigsby and Beth MacCready for \$5,200.00.

M/S DeWitt/Willard to accept the first reading of Ordinance #97-21.

Mr. Greg Bigsby asked to speak regarding the Ordinance. He felt he would be paying twice since the auction literature showed the lot at 2.8 acres which he purchased.

Mr. Turner explained that Greg knew the road which he wanted to negotiate for purchase was surveyed out of the parcel because he paid for the survey, however, the brochures had already gone out with the incorrect acreage on it for that lot. Mr. Bigsby was not happy about purchasing the road portion after the auction, because he felt he may have to pay more for it due to the other sales.

DeWitt & Willard withdrew the motion to accept the first reading of Ordinance #97-21.

Motion
withdrawn

M/S DeWitt/Thomas to amend Ordinance #97-21 by deleting the Bigsby negotiated sale.

Motion carries
to delete the
Bigsby sale
from Ord. #97-
21

Motion carried unanimously on a roll call vote.

Record in the Haines Recording District

AFTER RECORDING MAIL TO:

Frederick Gregg Bigsby
Beth Ann MacCready
PO Box 157
Haines, AK 99827

QUITCLAIM DEED

The Haines Borough, an Alaska municipal corporation whose mailing address is PO Box 1209, Haines, AK 99827 ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) in hand paid and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby convey and quitclaim to Frederick Gregg Bigsby and Beth Ann MacCready, a married couple whose address is PO Box 157, Haines, AK 99827 ("Grantees"), all interests it has, if any, in the following described real estate:

Lot 16A, Carr's Vove Subdivision, according to the official plat thereof recorded as Plat No. 97-22, Haines Recording District, First Judicial District, State of Alaska.

DATED this _____ day of _____, 2017.

GRANTOR:

Janice Hill, Haines Borough Mayor

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017,
By Jan Hill, the Mayor of the Haines Borough, on behalf of the Haines Borough.

Notary Public, State of Alaska
My Commission Expires:_____

ACCEPTANCE

THE PROPERTIES DESCRIBED ABOVE ARE ACCEPTED.

Dated this _____ day of _____, 2017.

GRANTEES

Frederick Gregg Bigsby

Beth Ann MacCready

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017,
By Frederick Gregg Bigsby and Beth Ann MacCready.

Notary Public, State of Alaska
My Commission Expires:_____



Report

from the
Borough Manager

Date: 3/14/2017

To: Mayor and Borough Assembly

From: Brad A. Ryan, Interim Borough Manager

Re: **Manager's Report**

MANAGER'S PRIORITIES

- **Juneau Visit:** When Governor Walker announced he was going to use the Juneau Access Road funds to support other transportation projects in Southeast Alaska, I asked Bill Thomas to secure a meeting for me with Governor Walker to discuss Lutak Dock. I also requested Mr. Thomas set up additional meetings that he thought might benefit the Haines Borough since the Mayor and I would be in Juneau. Mr. Thomas secured meetings with Governor Walker, along with Representatives Sam Kito, Dennis Egan, and Justin Parish. The primary talking points were Lutak, school debt reimbursement, the state trooper, the forester, and nine land selections the Borough has had in place for several years. (*Note: Please see Mr. Thomas's attached lobbying report*).
- **Revenue Generating:** At the January 31, 2017, committee-of-the-whole budget meeting the assembly identified five revenue enhancements – alcohol/marijuana tax, tobacco tax, tour tax, ambulance fee for service, and severance (resource extraction) tax – for further review by staff. Finance Director Jila Stuart and I reviewed these enhancements with the assistance of staff and provided the information to the assembly in February via email. If we are to move forward with any of these revenue enhancements, we would need to do a good deal more research including a legal review. To use Borough funds efficiently and in light of the information that was supplied to the assembly, I would like to request further direction on which revenue generating mechanisms to pursue. One additional item to consider is that if the assembly wanted a more immediate way to generate revenue, you could potentially explore an excise tax, which does not need a vote. As an example, Juneau has a \$3/pack excise tax on cigarettes. If the assembly wished, we could explore a similar excise tax on cigarettes in Haines. I would suggest something lower than Juneau, such as \$2/pack, to keep prices lower than Juneau so we do not unduly impact our local merchants. Below I have provided a summary of the information on revenue generation enhancements provided on February 2 to the assembly:

Alcohol/Marijuana Tax – Using per capita alcohol sales from Juneau, staff estimated that a 3 percent tax on alcohol in Haines would generate \$58,452 annually. We picked a 3 percent tax as a starting point because that is the Juneau rate and Juneau may be the most direct competitor with local businesses.

Tobacco Tax – Data collected from around the state suggests that Haines could generate \$47,465 annually for an 8 percent tax. We picked 8 percent because it seemed to be the most common rate.

Tour Tax – Previously, the Haines Borough levied a 4 percent tax on tours conducted in the Haines Borough. That tax was repealed in 2003. We estimate the tax generated would be approximately \$250,000 annually if it were reinstated.

Ambulance Fee for Service – Skagway charges \$350 per ride and brings in about \$30,000 annually; they also offer an annual subscription at a reduced rate for residents. Medical billing is complex and therefore the best option may be to contract out the medical billing piece.

Severance Tax (Resource Extraction) – This is a very broad category of tax which could include: minerals, timber, gravel, fish and more. Kodiak Island Borough and Denali Borough both have severance taxes involving minerals, gravel and/or forest products. Considerably more research and discussion would be needed to move forward with a severance tax.

- **Senior Village:** At the March 6 Senior Village Board meeting, I met with the board to propose ways that the Senior Village and the Borough might work together to ensure the long-term sustainability of the Senior Village. We discussed business plans, audits, potential grant funding, and low-interest loans. I hope to continue working with the Senior Village Board and potentially bring this back to the assembly on March 28.
- **Regulatory Commission of Alaska:** The RCA has extended the deadline for comments on the economic regulation of Haines Sanitation, Inc (Community Waste Solutions). The Borough submitted comments to meet the initial deadline of March 2, 2017, following an assembly motion that “the Borough would prefer the Regulatory Commission of Alaska (RCA) provide the rate oversight over Community Waste Solutions (CWS).” The new deadline for comments is March 23, 2017. RCA granted the extension following a joint request from Acme Transfer and CWS. The assembly may move for the Borough to submit comments in addition to or in lieu of those previously submitted to the RCA. Attached is an email from Judge Jim Walker regarding what other communities with one refuse service provider do for economic regulation.
- **Airport Restrooms:** With fast work from Community Waste Solutions, Alaska Seaplanes has installed a Porta-Potty at their Haines terminal as a temporary solution to the restroom issue at the airport. Wings owns the main terminal under an agreement with the state, which owns the land, that includes a provision that they keep their facility open during business hours for restroom access. That hasn't happened this winter. As a consequence, Alaska Seaplanes, which has depended on restroom access from Wings for a number of winters, has been operating without one since November. Wings/Fjord is experiencing business failure that has kept them from operating in Haines this winter. They have officially ceased all operations, but have not yet issued a statement of permanent closure. Both Wings/Fjord and Alaska Seaplanes have expressed interest in the sale of the main terminal to Alaska Seaplanes, but the details of sale (when, how) have not been provided. The Borough will continue to work with the state, Alaska Seaplanes, and Fjord/Wings to ensure that restroom access is available during the 2017-2018 winter.
- **MSLCC:** The January 24 manager's report stated that savings for installing fin tubes would save approximately \$1,000/month in electricity in the winter months. Since that time we have gained remote access to the system and the savings appear to be considerably less. It is difficult to estimate but the hope would be \$2,000 to \$4,000 per year. I think it is important to remember that while this is a savings over what it would cost to operate the MSLCC, it might not be a significant savings in the annual utility budget from previous years. The facility also needs an upgrade to the septic system, but we currently do not have a cost estimate for that work.

POLICE

- **Request to AST:** The Mayor, Chief of Police, and myself worked together to develop a request for funds from the Alaska State Troopers for the Haines Borough Police Department's response outside of the townsite. The letter was sent to Colonel James Cockrell and cc'ed to Governor Bill Walker and Representatives Dennis Egan and Sam Kito.

PUBLIC FACILITIES

- **Portage Cove Trail:** There will be two Portage Cove Trail community meetings on the 13th and 15th of March. Both meetings will be held in the Chilkat Center Lobby and start at 6:30 p.m. There will also be open studio sessions from 10:00 a.m. to 4 p.m. at the Haines Borough Library on the 14th and 15th of March.
- **Biomass:** The RFP closed March 2 and we received four proposals. The Proposal Review Team is scoring the proposals and expects to select a design firm based on qualifications by March 9. Borough staff will then begin contract negotiations with the selected firm.

LANDS/ASSESSOR

- Congratulations to planner Holly Smith for being named vice president of the Alaska chapter of the American Planning Association.
- Dean Olsen is finalizing the 2017 property values and he will provide a summary for the March 28 assembly meeting.

WATER DEPARTMENT

- **Boil Water Notice:** The Crystal Cathedral Springs pump had an electrical failure, causing low water pressure in the Cathedral View subdivision. Staff switched to the backup well and notified DEC of the incident. The Cathedral View subdivision was put on a boil water notice until testing results were received on March 9.

TOURISM

- Winterfest was a great success, despite road and ferry closures and basketball conflict. We hope to grow this event in future years.
- Freeride World Tour planning is moving along well. Organizers show up starting March 13, with athletes arriving by March 16. The public is invited to a welcome reception on the 16th at the museum. The window for the event is March 18-25, with the awards banquet following. The event will be streamed live at the library and local bars. This year's event is working with both SEABA and Alaska Heliskiing.

Bill Thomas

PO Box 942
HAINES. Ak.

March 6, 2017

Brad
Borough Manager
Haines, Ak

Brad,

Most of the week I watched was House Finance Sub-committee's presentation to full Finance as they closed out their meetings.

The Co-Chair had an amendment to the Budget that will make Municipalities who had built new schools under the matching grant program to make the State's share of debt payment. The Governor last year vetoed the debt reimbursement from the operating budget. The Co-chair and Governor both used language that says upon appropriation from the Legislature the payment for the Municipalities would be made. I believe by listening to public testimony later in the week that the people of Alaska didn't like that action. Public testimony went on for 3 days.

There was also an amendment put into the Operating Budget to use Permanent Fund Earnings Reserve money other than the usual Constitutional Budget Reserve account. The CBR account requires a $\frac{3}{4}$ vote of House Members and The Permanent Fund Reserve requires a 50% plus 1, to use these funds. The House Majority doesn't have the votes to use the CBR and would need the House Minority to vote to use, usually this results in an increase of the Budget or cuts to the Budget, with the States financial status this would more than likely result in additional cuts to the Operating Budget.

Amendments will be brought up from Finance Members on Tuesday. I have 2 amendments to be introduced. One for the Forester position and one for the Trooper position. CJ Jones worked on getting the Forester position back into Budget. I've talked to some Members of

Finance to support the Amendments, Representative Kito, and Representative Parish Offices are helping with the language for the Amendments.

Had times set up to meet with Senator Egan and Representative Kito, but there was a time conflict with Senator Egan so his office was coordinating with Representative Kito's office to reschedule the meeting so we can meet with them together.

Have a meeting with Representative Kreiss-Tompkins, to see if he would agree to amend his land bill for Petersburg to have Department of Natural Resources transfer land to Petersburg, Wrangell and Haines within a certain time, hopefully within a year. This maybe an issue we may want to bring up with the Govenor.

Sincerely,

Bill Thomas

From: Walker, Jim L (RCA) [james.walker@alaska.gov]
Sent: Wednesday, March 08, 2017 2:25 PM
To: Krista Kielsmeier
Cc: bigfootauto@aptalaska.net; info@communitywastesolutions.com;
judy@goldrushbrewery.com
Subject: RE: Docket U-16-093 (Acme Transfer - Haines Sanitation)

Ms. Kielsmeier, This is a difficult question to answer, in that the Commission does not directly keep records of where refuse service is provided by just one service provider. I have no knowledge of any community in the same situation as the Haines Borough at this time. It would be possible to review the authorized service territory for each certificated refuse utility and determine where monopoly service is provided. However the Commission does not, to my knowledge, have a listing of all refuse utilities and therefore this would require reviewing all 766 issued Certificates of Public Convenience and Necessity.

For example, I personally am only aware of one utility currently providing refuse service in the City and Borough of Juneau (Alaska Pacific Environmental Services Juneau, LLC (APES-Juneau), pursuant to Certificate No. 653). However, there could be other refuse service providers in Juneau that I simply have not had contact with. It would take substantial research to determine if there were others. I do know that APES-Juneau is economically regulated by the Commission.

Similarly, I am aware that Alaska Pacific Environmental Services Denali, LLC (APES-Denali) provides refuse service in the Denali Borough and the City of Nenana, and is economically regulated by the Commission. However, there is, or at least has been, other service providers authorized to provide refuse service in parts of the APES-Denali service territory, and I do not know if service is currently being provided by the other providers.

In the Municipality of Anchorage, the Municipality provides monopoly refuse service pursuant to Certificate No. 284 within a portion of the Municipality. The Municipality is exempt from regulation under AS 42.05.711(b). The rest of the Municipality is served by privately owned competitive refuse service providers. Some of these providers are economically regulated by the Commission and some are exempt from Commission regulation by AS 42.05.711(i).

I do note that many communities, including Skagway, Ketchikan, and Sitka in Southeast, hold Certificates to provide refuse service in their own communities, and are exempt from Commission regulation under AS 42.50.711(b). Therefore, the Commission does not have any records related to how those communities regulate refuse service.

I apologize for not being able to be of more help on this issue. I note that Patrick W. Munson of the law firm Boyd, Chandler & Falconer, LLP has recently represented the Haines Borough in utility matters, and it might be that Mr. Munson's firm could assist in the research required to answer your question.

Sincerely,
Jim Walker
Administrative Law Judge

From: Krista Kielsmeier [<mailto:kkielsmeier@haines.ak.us>]
Sent: Wednesday, March 08, 2017 11:20 AM
To: Walker, Jim L (RCA) <james.walker@alaska.gov>
Subject: RE: Docket U-16-093 (Acme Transfer - Haines Sanitation)

Judge Walker,

Regarding docket U-16-093, Haines Borough Assembly members inquired about what other similarly situated communities with one refuse service provider do for economic regulation. Do these communities regulate the utility or does the RCA do the regulation?

Thank you,

Krista Kielsmeier
Executive Assistant to the Manager
Haines Borough
Office: 907-766-2231 ext. 60

From: Walker, Jim L (RCA) [<mailto:james.walker@alaska.gov>]
Sent: Wednesday, March 08, 2017 11:02 AM
To: Krista Kielsmeier
Subject: Docket U-16-093 (Acme Transfer - Haines Sanitation)

Ms. Kielsmeier, I just left a message returning your call to me this morning. I had to attend a public meeting of the RCA earlier this morning, and periodically have to leave my desk to meet with other Commission staff members. If making contact with me by telephone proves difficult because of your schedule or mine, please do not hesitate to e-mail any questions that you might have and I will try to respond promptly.

Jim Walker

Chilkat Center for the Arts

A Community Facility Operated by the Haines Borough

(907) 766-3573

facsimile (907) 766-3574

E-mail business@khns.org

Facility Administration Report

February 2017

Usage:

Busy month for the Chilkat Center – lots of classes including a new one based around boxing and martial arts. Jujutsu still on hiatus until spring. Yoga, Kids Movement Class, Tai Chi, Strength and Stretch and St Michael's with regular use, participant numbers are increasing.

The Haines Arts Council hosted two evenings of Oscar shorts which were an excellent showcase of the new projector and screen. Haines Borough held a meeting on the Lutak Dock, we had a kid's birthday and film party and the Sheldon Museum's Fundraiser Dinner.

The big event in February was a conference hosted by the Southeast Alaska Farmer's Summit which took place on Feb 24th, 25th and 26th utilizing the theater, lobby, kitchen and basement. It was a huge success and great use of the Center. Lee Heinmiller provided audio visual help.

Highlights in March:

- Haines Arts Council will host Iditarod Film featuring Lance Mackey
- March 17th and 18th is a musical production by Hannah and Merrick Bochart with original music.
- Rivertalk hosts another night of wonderfully local stories on March 16th.
- Tod Sebens directs "Last of the Red Hot Lovers" on March 30th, April 1 & 2

Submitted by Facilities Manager, Kay Clements, for February 2017



	Chilkat Center for the Arts		
	2/28/2017		
Contact	Function	Participants	Amount
	Dance Studio		
Marilyn Harrold	Tai Chi	66	\$285.00
Rosalie Loewen	Fight Club	30	\$90.00
	Lobby		
St Michael's - Anne Boyce	Sunday Services	70	\$300.00
Well and Fit	Strength and Stretch	84	\$120.00
Mandy Ramsey	Yoga	63	\$105.00
Grace Jones	Youth Movement	28	\$150.00
Sheldon Museum	Greek Dinner 2/14	60	\$100.00
LCCP	Rivertalk 2/16	50	\$75.00
Haines Arts Council	Oscar shorts 2/21 & 2/23	80	\$150.00
Haines Borough	Lutak Dock Project Meeting	40	\$75.00
Renee Hoffman	Birthday Party/film	10	\$75.00
	Auditorium/ Basement		
	Miscellaneous		
Southeast Alaska Farmer's Summit	lobby,theater, basement Feb 24,25,26	90	\$850.00
Audio Visual for SAFS	Tech set up -Lee Heinmiller		\$150.00
	Subtotal		\$2,525.00
Haines Borough	meeting- in kind use		-\$75.00
	February Totals	671	\$2,450.00

HAINES BOROUGH

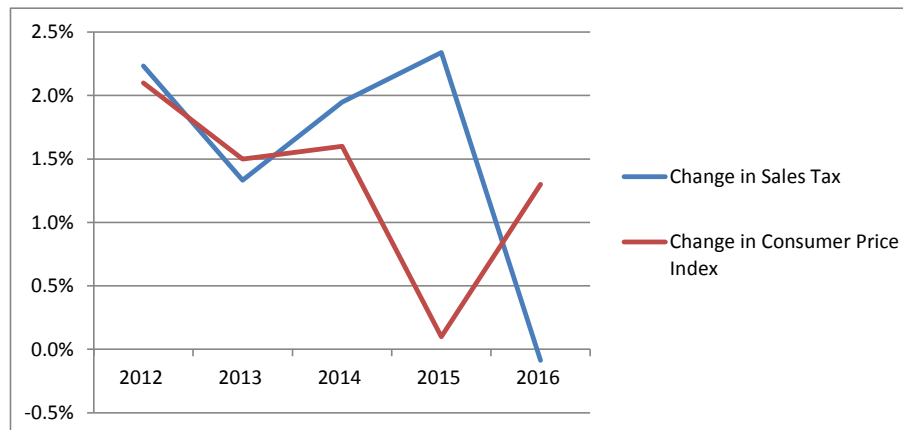
2011 - 2016 Calendar Year Sales Tax Receipts

Based on Tax Return Period

	2011	2012	% Change	2013	% Change	2014	% Change	2015	% Change	2016	% Change
Retail	1,315,244	1,319,733	0%	1,360,766	3%	1,345,382	-1%	1,339,373	0%	1,289,250	-4%
Services	446,869	462,208	3%	459,519	-1%	468,982	2%	466,144	-1%	461,592	-1%
Tourism	372,606	390,745	5%	414,212	6%	442,511	7%	471,720	7%	499,644	6%
Eating & Drinking	274,025	283,553	3%	285,075	1%	287,343	1%	309,766	8%	312,710	1%
Lodging	272,204	280,724	3%	274,125	-2%	277,260	1%	313,513	13%	327,587	4%
Construction	52,911	57,960	10%	38,498	-34%	65,882	71%	72,236	10%	79,353	10%
Total	\$ 2,733,859	\$ 2,794,922	2.2%	\$ 2,832,194	1.3%	\$ 2,887,360	1.9%	\$ 2,972,753	3.0%	\$ 2,970,135	-0.1%

Change in Consumer Price Index - U.S. City Ave. 2.1% 1.5% 1.6% 0.1% 1.3%

- Retail Includes** - groceries, liquor, hardware, fuel, & all other storefronts
- Services Includes** - automotive repair, utilities, professional services, personal services, etc.
- Tourism Includes** - tours, charters, transportation, and art galleries
- Eating & Drinking Places Includes** - restaurants & bars
- Lodging Includes** - motels, B&Bs, and rental houses
- Construction Includes** - general contractors, carpenters, plumbers, handymen



MINUTES **Approved**
Code Review Commission
Meeting Date: February 2, 2017 Date
of Approval: March 2, 2017

Pledge of Allegiance/Call to Order: Following the Pledge of Allegiance, the Code Review Commission meeting was held at Assembly Chambers, 213 Haines Hwy on February 2, 2017 at 6:00 pm.

Members in Attendance: Don Turner, Mike Denker, Carolann Wooton, Jerry Lapp,

Members Not in Attendance: Daniel Humphrey, Deb Vogt (ill), CJ Jones (responding to an emergency)

Others in Attendance: Natalie Helms\CVN, Abby Collins/KHNS, Margaret Friedenauer, Mike Case, Bill McCord, Evelyn Vignola, and Carol Tuynman.

Approval of Agenda: Jerry Lapp moved to approve the agenda and the following items were added to the agenda:

Add Pledge of Allegiance

Add Commissioner Comments after Public Comments in each place

the motion was seconded and carried unanimously.

Approval of Prior Minutes: Jerry Lapp moved to approve the January 17, 2017 minutes; it was seconded and carried unanimously.

Public Comment:

Tuynman, Case, McCord, Vignola commented.

Commissioners Comments:

Wooton, Lapp, Turner responded.

Chair's Report:

Resources in the form of drafting manuals are provided as attachments to our webpage.

The borough has created access for commissioners to have use of the internet during meetings.

Unfinished Business: None.

New Business:

- a. **Formalize Procedures:** The commission decided to use a hybrid of Robert's rules. Discussion was held regarding creating a form for the public to suggest items for Code Review Commission review.
- b. **Set Priorities including ideas from the Assembly and feedback from the public:**

Motion: Carolann Wooton moved that they “start at Title 2 and cover 2.04 and 2.06 at the next meeting as well as 18.090 Signs; and then the Individual Violations in Minor Offenses will be the third priority”, it was seconded and carried unanimously.

- c. **Create Timeline.** The committee decided to meet the first Thursday of each month at 6:00 pm at Assembly Chambers.

Next Meeting: March 2, 2017 at 6:00 pm in the Assembly Chambers, 213 Haines Hwy.

Adjournment: Jerry Lapp moved to adjourn at 7:35 pm; the motion was seconded and carried unanimously.

By: Alekka Fullerton, Deputy Clerk

MINUTES **Approved**
Parks and Recreation Advisory Committee
Meeting Date: February 7, 2017
Date of Approval: March 2, 2017

Call to Order: A meeting of the Haines Borough Parks and Recreation Advisory Committee was held in the library conference room on February 7, 2017; Richard Chapell presiding.

Members in Attendance: Rich CHAPELL, Thom ELY, Patty PETERS, Lori SMITH, Burl SHELDON.

Members Not in Attendance: George FIGDOR.

Others in Attendance: Ron JACKSON/Assembly liaison, Alekka FULLERTON/Deputy Clerk, Heather LENDE/Assembly, Margaret FRIEDENAUER/Assembly, Mike CASE/Assembly, Jan HILL/Mayor, John KATZEEK, Charlie DEWITT, Diana LAPHAM, Sean GAFFNEY, Karen HESS, Duck HESS, Mike MACOVIAK, Jerry ERNY, Nicole HOLM, Woody PAHL, Kyle PONSFORD, Shane HORTON, Jack SMITH JR, Jerry LAPP, Ryan COOK, Gary HESS, Jeanette BAKER, Toni DEWITT, Tim WARD, Don TURNER III, Don TURNER JR, Brenda JOSEPHSON, Greg RICHMOND, and others.

Address by Interim Manager: Brad Ryan started the meeting by reading the PRAC Request for action submitted to the assembly following the December 5, 2016 meeting.

Address by Borough Planner: Holly Smith spoke to the benefits and detriments of creating a map. Not about restricting access but about creating a knowledge base.

Approval of Minutes: Burl SHELDON moved that the minutes of the December 5, 2016 meeting was approved unanimously.

Agenda:

1. **Winter recreation map delineation and planning.** PRAC sent a Request for Action to the Assembly at their last meeting. The committee made several comments about the rationale for such requested action. The Assembly has taken no action.

Public Comments: The following people spoke in opposition to creating a map:

KATZEEK	ERNY	COOK
C. DEWITT	HOLM	G.HESS
LAPHAM	PAHL	BAKER
GAFFNEY	PONSFORD	T.DEWITT
K.HESS	HORTON	WARD
D. HESS	SMITH JR	TURNERIII
MACOVIAK	LAPP	PAHL

The committee will provide the assembly with this information.

2. Parks Ordinance 17-01-448.

Public Comment: TURNER JR- Worried about boundaries

Motion: ELY moved to “Ask Holly to find the legal description and whether the Haines Borough has jurisdiction to impose restrictions over all of the proposed properties”, such motion was seconded and carried unanimously.

3. PRAC members - George Figdor renewal

Motion: ELY moved that “PRAC recommend that George Figdor be reappointed to the Parks and Recreation committee”; it was seconded and carried unanimously.

4. Other Available PRAC seat - John Brower and Dave Long have both submitted applications for the open seat.

Motion: SMITH moved “to postpone the recommendation for the open seat until the next meeting”; it was seconded and carried 4-1 with SHELDON opposed.

5. Portage Cove Trail and Park Process Update. Informational update regarding the public meetings held by Corvus. The committee noted that the website has been launched for this project and can be found at portagecove.blogspot.com.

6. Bicycle Friendly Community designation, bikeleague.org/community- ELY discussed the possibility of having Haines so designated. Opportunity to obtain grant money for bike paths, etc. on the other hand there were some questions about the cost and repercussions of such designation.

Public Comments: The following people spoke AGAINST such designation:

JOSEPHSON, RICHMOND, TURNER JR., BAKER, LAPHAM, COOK, SMITH JR., LAPP
COOK questioned if ELY should recuse himself from this discussion.

LENDE spoke in FAVOR of looking into such designation.

7. Request lighting on sledding hill- SMITH asked about recommending that the borough put up lights at the sledding hill. There is a concern that there are houses right there that might be affected by lights, perhaps a timer or a switch on the lights so that they would automatically go off at a certain time.

Public Comments:

LONG and SMITH JR spoke against.

TURNER JR. spoke in favor.

This issue will be further investigated by the committee.

8. Mosquito Lake outhouse - Funding is the main detriment to putting in a porta potty or other outhouse at Mosquito Lake. The State Parks have abandoned Mosquito Lake so they are providing no maintenance or support for it. This issue will be further investigated by the committee.

Next Meeting: March 2, 2017 at 5:00 pm at the library.

Adjournment: The meeting was adjourned at 6:54 pm..

By: Alekka Fullerton, Deputy Clerk

MINUTES**Approved****Public Safety Commission Meeting Date: February 21, 2017****Date of Approval: March 7, 2017**

Call to Order: This meeting of the Public Safety Commission was held in the Library on February 21, 2017 at 5:30 pm.

Members in Attendance: Jim Stanford, Kay Clements, Judy Ewald, Judy Erekson

Members Not in Attendance: None.

Others in Attendance: Heath Scott/Police Chief, Alekka Fullerton/Deputy Clerk, Natalie Helms/CVN, Bill McCord, Emily Files/KHNS, Tim Holm, Tom Morphet, Michael Fullerton.

Agenda/Minutes approval: Kay Clements moved “to approve the agenda as published”, it was seconded and carried unanimously. Judy Ewald moved that “the minutes be approved”, it was seconded and amended to include the names of the three candidates previously forwarded to the Mayor, “Bob Duis, Bill McCord, and Jim Stanford”. The amended motion was seconded and carried unanimously.

Public Comment: The following individuals spoke:

Bill McCord

Staff Comments: None.

Unfinished Business:

A. Funding options to provide for emergency services outside the Haines townsite in light of Trooper cuts:

OPTION 1: Haines Borough bill Alaska State Troopers for HPD response time to outer Borough.

OPTION 2: A vote of the people to expand HPD Borough wide. This would require a vote of the people outside the current Townsite service area and may require a mill rate increase in property taxes or other creative ways of funding.

OPTION 3: Change the current Borough wide Medical service area to an Emergency services service area covering emergency police response, ambulance and search and rescue. This may require a Borough wide vote and could be funded by an increase in the current sales tax being used to fund the Medical service are. This would not include fire protection as that is already covered by separate service areas.

OPTION 4: Approach the Alaska State Troopers about the placement of A VPSO at the Klehini Valley Fire Dept. to assist that fire dept. with fire, Medical and some police responsibilities. This would require a request from the Manager and partial funding from the Haines Borough.

Motion: Jim Stanford moved to “forward the above four options to the borough for consideration during the development of the FY18 budget,” it was seconded and carried unanimously.

B. Budget request to restore staffing requirements.

Motion: Jim Stanford moved to “support the Police Chief’s request to restore staffing to an acceptable level,” the motion was seconded and carried unanimously.

C. Open Seats.

After Bob Duis died, the Mayor asked that the clerk republish notice of the open seats on the Public Safety Commission. There were five applicants; three applicants are present, namely, Jim Stanford, Michael Fullerton and Bill McCord. The commissioners used a scoring rubric to consider each applicant. Tom Morphet compiled the results and reported that the following, in vote order: Jim Stanford, Michael Fullerton and a tie between Bill McCord and Bill Stacy. The commission discussed having an fourth alternate in case there is another vacancy on the commission.

Motion: Judy Ewald moved that “the Public Safety Commission recommends to the Mayor that Jim Stanford, Michael Fullerton and the tie votes for Bill McCord/Bill Stacy be forwarded to the mayor for appointment. The Mayor or Assembly may determine the final seat”, it was seconded and carried unanimously.

New Business:

A. CJ Jones letter in support of Haines Forestry position.

Motion: Judy Ewald moved to “postpone this matter to the next meeting”, it was seconded and carried unanimously.

B. Search and Rescue Needs

Tim Holm verified that as long as a Haines responder is acting within the scope of his or her training while exercising due diligence, any mishap will be covered by the borough’s insurance—it can be anywhere, even off road.

Next Meeting: March 7, 2017 at 5:30 pm at Library Community Room.

Adjournment: The meeting was adjourned at 6:22 pm.

By: Alekka Fullerton, Deputy Clerk

RECEIVED

MAR 6 2017 9D

HAINES BOROUGH
CLERK'S OFFICE

Date: March 3, 2017
Re: FY17 Annual Report, Riverview Drive RMSA
To: Haines Borough Assembly Members, Mayor and Interim Manager

There was one Riverview Drive RMSA Meeting in FY17, on 3/3/2017.

MINUTES

3/3/2017 at Mosquito Lake School and Community Center (MLSCC)

Board Members Present: Marianne Rasmussen, Dave Pahl and Scott Visscher
Others Present: Greg Rasmussen, Scott Canfield, Paul and Judy Rogers and Dallas Anderson.

Call to Order: By Marianne 10:00 a.m.

Proceedings:

- (1) Call-Outs continue to be by RMSA Board Members only. This language in our contract helps residents along Riverview Drive to keep annual costs down. It was agreed that the requested recent push back of our berms in February by SE Roadbuilders, was well done.
- (2) Attendees were encouraged to contact the Borough if anyone would like to pursue joining our board. There are two positions open on our board. The information was shared that the Borough approved that if a married couple would like to share the role of one RMSA position (one vote only), that it could be pursued.
- (3) Riverview RMSA requests that \$1500.00 in revenue will be generated for our fund for FY18. Motion by Marianne, Scott seconded.
- (4) A Board Member will be in to pay the \$50.00 rental fee for use of MLSCC.

Meeting adjourned at 10:14.

Sincerely,
Riverview Drive RMSA Board Members:
Marianne Rasmussen
Scott Visscher
Dave Pahl



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 17-724

Assembly Meeting Date: 3/14/17

Business Item Description:	Attachments:
Subject: Visitor Shuttle Service Contract	1. Resolution 17-03-714 2. Request for Proposals 3. Chilkat River Adventures, Inc. Proposal 4. Tourism Director Recommendation
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 2/8/17	

Full Title/Motion:
Motion: Adopt Resolution 17-03-714.

Administrative Recommendation:

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ see below	\$ 0	n/a

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

Summary Statement:
<p>The visitor shuttle runs on a designated route map, stopping at various points of interest in the community and is for cruise ship visitors and for special events. Funding for the service is budgeted annually out of the Commercial Passenger Vessel Tax Fund and is currently in the FY17 budget as well as in the proposed FY18 budget.</p> <p>The borough issued an RFP for 2017 visitor shuttle services and received one proposal from Chilkat River Adventures, Inc. for \$95 per hour. This is the same amount paid since 2014. Chilkat River Adventures has obtained additional buses to accommodate a larger capacity- the additional buses, as needed, will be at an additional cost depending on the size needed. The tourism director recommends award.</p>

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

Assembly Action:	
Meeting Date(s): 3/14/17	Public Hearing Date(s):
	Postponed to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with River Adventures for \$95 per hour for the operation of the 2017 Visitor Shuttle Service.

WHEREAS, the Visitor Shuttle runs on a designated route map, stopping at various points of interest in the community on cruise ship days and for special events; and

WHEREAS, the Haines Borough (Borough) issued a Request for Proposals (RFP) from qualified individuals or firms; and

WHEREAS, the Borough received one proposal: Chilkat River Adventures, Inc. for \$95 per hour which is the same hourly rate charged since 2014; and

WHEREAS, Chilkat River Adventures, Inc. has purchased additional buses to increase capacity; and

WHEREAS, the Tourism Director has reviewed the proposal and recommends award; and

WHEREAS, funding for the service is budgeted annually out of the Commercial Passenger Vessel Tax Fund and is currently in the FY17 budget as well as in the proposed FY18 budget;

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with Chilkat River Adventures, Inc. for \$95 per hour for the operation of the 2017 Visitor Shuttle Service.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of March, 2017.

Jan Hill, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



**HAINES BOROUGH
HAINES, ALASKA**



PUBLIC NOTICE

**REQUEST FOR PROPOSALS
VISITOR SHUTTLE SERVICE**

The Haines Borough seeks proposals from qualified individuals or firms to offer shopper/visitor shuttle service from the Port Chilkoot Dock to the Haines Visitor Center and other designated stops during visits of large cruise ships not currently providing this service. The contract will also include shuttle service to and from the ferry terminal and Visitor Center and other designated stops for Haines' large events. The successful respondent will be provided signage and a designated parking spot at the dock during visits of these ships.

The proposal deadline is: **2:00 p.m., Wednesday, February 22, 2017**. Proposals must be written and submitted to the Borough Clerk's Office, Haines Borough (mailed to: P.O. Box 1209, Haines, AK 99827, or hand-delivered to: 103 Third Ave. S, or faxed to: 907-766-2716, or emailed to: afullerton@haines.ak.us). Any submissions after the deadline will be considered only if no timely and viable proposals were received. All proposals shall include certification of the ability to meet each of the criteria in the Scope of Work below and the proposed fee for offering the service. All vehicles shall have Haines Borough-approved Commercial Passenger Vehicle and Port Chilkoot Dock Parking permits. The proposal must document that the vehicle is operated by an appropriately-licensed driver. The shuttle must be maintained in a clean, safe condition on the inside and outside. Type and quality of vehicle will weigh into contract decision.

Scope of Work:

Cruise Shuttle - The work involves operating at least one permitted vehicle with a capacity of at least 40 passengers each between the Port Chilkoot Dock and designated stops as noted on the attached official route map. [Note: the route may require alteration depending on road construction scheduled to take place throughout the season.] The vehicles must meet all dockings of the large ships (22 scheduled calls of the Radiance of the Sea, Statendam, Zaandam and Grand Princess as well as other unplanned dockings) and provide consistent and continuous round-trip service until the time of the ship's boarding for departure. On the days the Princess ships and the Royal Caribbean ships are in town, the contractor must have access to two busses—one the regularly contracted 40 passenger bus and another vehicle which can carry a minimum of 22 passengers). The service will be provided from May 21 through September 20, 2017.

Event Shuttle – The work involves at least one permitted vehicle with a capacity of at least 22 passengers each between the Haines Ferry Terminal and the Visitor Center / Fort Seward for the following events: Great Alaska Craft Beer & Homebrew Festival and Southeast Alaska State Fair. The vehicle(s) will also go between Fort Seward Parade Grounds and Fairgrounds for Kluane Chilkat International Bike Relay (KCIBR). For 2017, contractor shall provide service to/from the Ferry Terminal and town for Alaska Municipal League Conference August 15-17, and the Southeast Conference, September 10-14. Schedule for shuttles will be determined closer to events and will correlate with ferry arrival/departure times.

The Haines Borough is offering an annually renewable contract for up to three years. The Borough reserves the right to reject any and all proposals, to waive any informalities or technicalities, and to negotiate with the low bidder.

Chilkat River Adventures, Inc.
P.O. Box 556
Haines, Ak. 99827

RECEIVED

FEB 8 2017

**HAINES BOROUGH
CLERK'S OFFICE**

Haines Borough
ATTN: Julie Cozzi, Borough Clerk
P.O. Box 1209
Haines, Ak. 99827

Feb. 8, 2017

RE: RFP Cruise Passenger Shuttle Service 2017

Please find attached, documentation supporting my proposal to provide a shuttle service for the 2017 summer season for cruise ship guests as well as special events, chosen by the Haines Borough.

Chilkat River Adventures, Inc. has been operating a tour company in the Haines Borough for 26 years. We have also been contracted to the Haines Borough for at least the last 4 years or longer.

We purchased two, 2005 buses last year that will be in Haines by April. These two buses will be used for our tour, however this will allow us to have back up buses as well as putting on a 43 passenger shuttle bus, with the high back touring seats for the shuttle. This coach style bus is much more comfortable than the converted school bus. We will also be able to put two buses on for the Princess and RCCL/Celebrity ships as they are much larger capacity ships, and require greater transportation needs. With the additional buses, we will have a bus as back up, in case of a mechanical issue.

I certify that our company would be able to meet all Haines cruise ships and provide service for those guests beginning May 21 through September 20, 2017. We would also provide the service for events that the Haines Borough is obligated to provide those shuttle services for.

The bus that would be used for this service is a 2000 Thomas, 43 passenger vehicle. I currently have Haines Borough listed as additional insured under our commercial vehicle policy (see attached). I have attached a copy of the

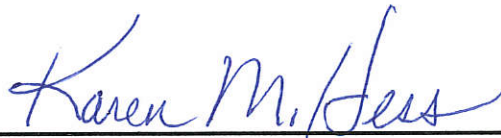
registration as well as a copy of the DOT inspection for both buses. These inspections will be updated prior to the season's beginning.

The hourly rate is \$95.00 per hour, which is no increase from last year. If two buses are required, the capacity of the second bus will determine the hourly rate. If the 40 passenger bus is required for additional capacity, it would also be at the \$95.00 hourly rate. If the second bus is the 27 passenger (my next size smaller) or less, it would be at a rate of \$85 per hour. The size of the additional bus would be determined by the size of the waiting guests and at the request of the Tourism Director. The bus would begin work at 8:00 a.m., or when the cruise passengers are allowed to disembark, and operate until the all aboard time for the guests, or until such time that the Tourism Director authorizes the shuttle to stop. Our bus would operate the route that is set out in the guidelines by the Borough.

Chilkat River Adventures, Inc. obtains a Haines Borough P.C. Dock permit and a tour permit every year, just prior to the season. We would obtain this permit at the appropriate time, should we be awarded this contract.

My drivers are also enrolled in a drug & alcohol consortium through Tongass Substance Screening.

Drivers: ***Rachelle Galinski*** (main driver). Back up drivers: Robert Chadwell, Don Hess, Renee Marshall & Cheryl Mullins.



Karen M. Hess / Vice President

P.O. Box 556

Haines, Ak. 99827

(907) 766-2050 office

(907) 314-0037 cell

Haines Convention & Visitors Bureau

(907) 766-2234 / (907) 766-3155 fax



February 28, 2017

To: Julie Cozzi and Alekka Fullerton, Haines Borough Clerks Office

I would like to recommend the submitted proposal from Chilkat River Adventures to operate the Haines Cruise Passenger Shuttle for 2017, at a three year contract. Chilkat River Adventures has successfully operated the Haines shuttle for years and were awarded the past contract. They are a reliable company with a clean safety record and a good visitor relations reputation. They have reliable, friendly drivers and are well experienced with the cruise industry in Haines as well as familiar with the shuttle schedule and map.

I recommend Chilkat River Adventures for the Haines Cruise Shuttle Contract.

Thank you,

Leslie Ross

Tourism Director,
Haines Borough



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 17-726

Assembly Meeting Date: 3/14/17

Business Item Description:	Attachments:
Subject: Extension of Human Resource Bldg Lease for Chilkat Valley Preschool	1. Ordinance 17-03-452 2. Chilkat Valley Preschool Request for Extension 3. Memo from Shawn Bell, Interim Facilities Director 4. Proposed Lease for Chilkat Valley Preschool
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 3/7/17	

Full Title/Motion:
Motion: Introduce Ordinance 17-03-452 and set the first public hearing for 3/28/17 and the second for 4/11/17.

Administrative Recommendation:
The administration recommends this ordinance.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	Extra year of HR Bldg maintenance

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives: Objective 17E(7), Page 294 Objective 18A(3), Page 299	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

The Chilkat Valley Preschool (CVP) has leased the Human Resources Building on a year-to-year basis since the year 2000, and the current lease was authorized by the assembly on 2/24/15 for a period ending 6/30/16, then extended it to 6/30/17. The CVP is in the middle of construction and the anticipated move in date for their new facility is August 1, 2017. On March 7, 2017, CVP informed the Borough that its current Child Care Facility license with the State of Alaska will expire June 30, 2017 and that their license may not be renewed without a secured facility lease for the duration of their next license period, namely July 1, 2017 through June 30, 2018. CVP and the Borough both desire CVP to be a fully licensed Child Care Facility. CVP is cognizant of the borough's desires to dispose of the Human Resources Building, and CVP desires to move into its new facility as soon as it is ready. Therefore, CVP has requested a lease extension for one year although they do not plan to occupy the existing facility until the end of the lease term.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 3/14/17, 3/28/17, 4/11/17	Public Hearing Date(s): 3/28/17, 4/11/17
	Postponed to Date:

An Ordinance of the Haines Borough authorizing a one-year extension of a lease of the Human Resources Building by Chilkat Valley Preschool for the purpose of providing preschool educational services.

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

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

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

WHEREAS, the existing lease was effective February 25, 2015 with an original termination date of June 30, 2016 and on January 26, 2016 the assembly amended the existing lease to extend it until June 30, 2017; and

WHEREAS, CVP is in the middle of construction and the anticipated move in date for their new facility is August 1, 2017; and

WHEREAS, on March 7, 2017, CVP informed the Borough that its current Child Care Facility license with the State of Alaska will expire June 30, 2017 and that their license may not be renewed without a secured facility lease for the duration of their next license period, namely July 1, 2017 through June 30, 2018; and

WHEREAS, CVP and the Borough both desire CVP to be a fully licensed Child Care Facility; and

WHEREAS, CVP is cognizant of the borough’s desires to dispose of the Human Resources Building, and CVP desires to move into its new facility as soon as it is ready; and

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

NOW THEREFORE BE IT ENACTED, by the Haines Borough Assembly, that it is hereby determined to be for a public purpose and in the public interest of the Haines Borough to extend through June 30, 2018 the existing lease of the Human Resources Building lease with the Chilkat Valley Preschool for the purpose of providing preschool educational services.

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

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

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

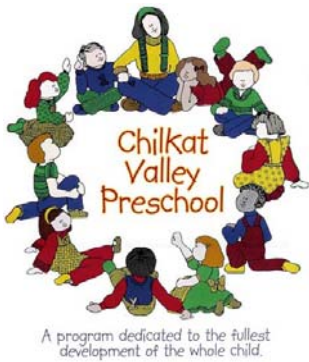
ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____th DAY OF _____, 2017.

Attest:

Jan Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 03/14/17
Date of First Public Hearing: 03/28/17
Date of Second Public Hearing: 04/11/17



Chilkat Valley Preschool

PO Box 1165 Haines AK 99827
(907) 766-3213

cvpreschool@aptalaska.net

www.chilkayvalleypreschool.org

March 7, 2017

2016-2017 BOARD OF DIRECTORS

*Lexie Dewitt
President*

*Melissa Ganey
Vice President*

*Anna Hubbard
Treasurer*

*Sarah Elliot
Secretary*

*Brent Crowe
Meghan Elliot
Emily McMahan*

STAFF

*Alissa Henry
Lead Teacher*

*Elissa Brooks
Assistant Teacher*

*Vija Pelekis
Assistant Teacher*

*Tracey Harmon
Executive Manager*

Haines Borough Assembly,

I am writing to you on behalf of the students, staff and Board of Directors of Chilkat Valley Preschool. Our current In-Kind Lease Agreement is due to expire on June 30, 2017. The State of Alaska requires that every child care facility must have a secured space to operate for the duration of its license. Our license at 221 First Avenue in the Human Resources Building will expire on June 30, 2017, and must be renewed for July 1, 2017- June 30, 2018. I am requesting that you renew our In-Kind Lease Agreement for that time frame so that we can renew our current license.

You might be wondering why we are asking for a lease extension again, and I assure you, this is only for the purposes of licensing and NOT an extended occupancy of the HR Building.

Our new facility located at 33 Mission Street has a substantial completion date of August 1, 2017. Although we have penalties in place for our contractor if that date is exceeded, there is still a chance of construction delays. We need a back up option so that the anticipated 18 children have a preschool to go to in September. Once the building is complete, we will be required to apply for a new license through the State, which is not the same as the renewal I listed above. The licensing for the new facility will take 2-4 weeks from the building completion date. This is due to scheduling inspections which require travel from the licensing department. Although CVP is as eager as ever to move into our new facility, we must comply with the State's rigid timeline. It is crucial that we have a back up facility in place so that we can run our program in September. We are required to have proof of occupancy for our license renewal through the form of a lease extension.

I want to thank you so much for your generosity and patience regarding our lease.

Sincerely,

Tracey Harmon
Office Manager

For tax purposes, CVP is a 501c(3) organization and all donations are tax deductible as allowed by law. Our tax ID number is 92-0043505



Memo Facilities

Date: March 8, 2017

To: Borough Manager / Borough Assembly

From: Shawn Bell, Acting Facilities Director

Re: CVP Lease Extension

It is the recommendation of the Acting Facilities Director that the lease for the Chilkat Valley Preschool be extended for one additional year.

Background

The CVP is underway with building a new facility for the 2017-2018 school year and a construction contract has been signed with Stickler Construction. According to the contract, substantial completion of the facility should be complete by Aug. 1, 2017. Penalties are in place if this deadline is not met.

The current CVP lease is set to expire June 30, 2017. In order for the CVP to keep their operating license, they must have an inspected and approved facility available to them from July 1, 2017-June 30, 2018. This lease extension is being requested so that this requirement can be met. The CVP does not intend to occupy the Human Resource Building any longer than necessary. Once their new facility is built and inspected, the CVP will vacate the Human Resource Building.

**Haines Borough
Human Resource Building**

In-Kind Lease Agreement

LEASE AGREEMENT made as of the 25th day of February, 2015, amended by assembly approval on the 26th day of January, 2016 (Ordinance 15-12-426), and on the _____ day of _____, 2017 (Ordinance 17-03-454).

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

and the Lessee: **Chilkat Valley Preschool**

The Lessor and the Lessee agree as set forth below. NOTE: **Bolded/Underlined** items are added and ~~strikethrough~~ items are deleted.

WITNESSETH:

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

TO HAVE AND TO HOLD the above described premises, with the rights, privileges, easements and appurtenances thereunto belonging or in any way appertaining, unto Lessee for a term commencing on the 1st day of July, 2015 and terminating on the 30th day of June, ~~2017~~ **2018**, and yielding possession thereof as hereinafter provided with both parties in agreement that there is no option to renew this lease and under no circumstances will the lease be renewed.

1. **RENT:** No charge for rent ~~through June 30, 2017~~ **2018**.
2. **USE:** Preschool
3. **ALTERATIONS AND REPAIRS:** Lessee shall not make any alteration or repair of the said premises, or any part thereof, without first obtaining the written consent of Lessor. Lessee shall, at its sole cost and expense, repair all damage to the leased premises caused by the Lessee's use of the premises. Lessee shall keep and maintain the leased premises in good condition and repair, normal wear and tear excepted.
4. **LIENS:** Lessee shall not cause the demised premises to be encumbered by any liens, and shall, whenever and as often as any such liens may be recorded against said property, purporting to be for labor or materials furnished or to be furnished to the Lessee, take steps to discharge such liens within a reasonable time after the date of filing. Lessor shall not be liable for any labor or materials furnished or to be furnished to the Lessee upon credit.
5. **UTILITIES:** Lessee shall pay for all heat, lights, power, water, sewer and phone services supplied to the property used by them.
6. **INDEMNIFICATION:** Lessee shall defend, indemnify and save harmless Lessor from and against any and all losses, damages, liabilities, expenses, claims and demands of whatsoever character, direct or indirect, arising out of or in any way connected with, this lease of the demised premises or use or occupancy thereof by Lessee.
7. **INSURANCE:** Lessor shall provide and maintain fire insurance on the leased building. Lessee shall provide the necessary insurance on its personal property on the premises and liability insurance of not less than \$500,000 bodily injury, \$100,000 property damage and \$5,000 medical payments. Proof of such insurance shall be provided to Lessor by Lessee's insurance company upon execution of this lease and upon any renewal of said policies. Lessee shall provide lessor written notice thirty days in advance of any cancellation of insurance coverage.

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

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

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

LESSOR

LESSEE

 Brad Ryan, Interim Manager
 Haines Borough

 Alissa Henry, Board President
 Chilkat Valley Preschool

Attest:

 Julie Cozzi, MMC, Borough Clerk



Haines Borough Assembly Agenda Bill

Agenda Bill No.: 17-725

Assembly Meeting Date: 03/14/17

Business Item Description:	Attachments:
Subject: Sales Tax Exemption Application from St. Joseph Catholic Church	1. Application for sales tax exemption from St. Joseph Catholic Church (Scout Troop 147) 2. Current exemption list, as of 3/7/17
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 2/22/17	

Full Title/Motion:

Motion: Approve the request from St. Joseph Catholic Church for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	Loss of Sales Tax Revenue

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

Consistent: Yes No

Summary Statement:

St. Joseph Catholic Church, a 501(c)3 organization in Kentucky, applied for sales tax exemption status as allowed by HBC 3.80.050(13).

This organization's major purchase in the borough is the guide service and scout camping facilities from Alaska Mountain Guides (AMG). The Chilkoot High Adventure Base Camp provides outdoor adventures to boy scouts from the lower 48.

The assembly has recently granted tax-exempt status to similar organizations bringing boy scouts to the Haines camp.

Referral:

Referred to: _____ Referral Date: _____

Recommendation: _____ Meeting Date: _____

Assembly Action:

Meeting Date(s): 3/14/17 Public Hearing Date(s): _____

Postponed to Date: _____



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

APPLICATION FOR SALES TAX EXEMPTION CERTIFICATE
 HAINES BOROUGH

THE FOLLOWING ORGANIZATION: St Joseph Church Boy Scout Troop 147

a non-profit corporation, organized under the laws of the State of Kentucky, hereby applies for a Sales Tax Exemption Certificate in the Haines Borough. As a representative of the organization, I hereby certify that I am familiar with said corporation, that it is organized exclusively for religious, education or charitable purposes, and that the following information is true and correct.

Local Address of Organization: 320 West Stephen Foster Ave Bardstown Ky 40004

Date of Incorporation: 1819 Federal Employer I.D. #: 61-0485640

Describe the Organizations Current and/or Proposed Activity in the Borough and how the activity benefits the community. (Please provide specific examples, provide attachments if necessary):

Activities with a local Haines company, Alaska Mountain Guides and Climbing School Inc. -- Ice Climbing, Whitewater Rafting, Sea Kayaking, visits to local museums and other activities that Alaska Mountain Guides offers based out of Haines.

Attach a copy of the Bylaws or Articles of Incorporation. Also attach a copy of your letter of 501(c) 3, 501(c) 4, 501(c) 8 or 501(c) 19 exemption from the Internal Revenue Service.

Marda Weakley
 Organization Representative
 Print Name: Marda Weakley
 Title: Business Manager
 Phone: 502 348 3126
 Email: mweakley@stjosephchurch.com

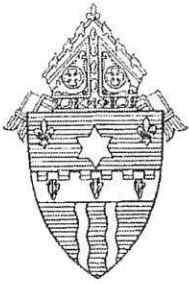
DECLINED BY THE ASSEMBLY ON: _____
 Reason: _____

APPROVED BY THE ASSEMBLY ON: _____

 Haines Borough Mayor
 Date: _____

 Assigned Sales Tax Exemption Number

RECEIVED
 FEB 22 2017
 Rev. 6/8/2016
 Haines Borough



THE CHANCERY

Archdiocese of Louisville

212 EAST COLLEGE STREET • P.O. BOX 1073 • LOUISVILLE, KENTUCKY 40201-1073
(502) 585-3291 • FAX (502) 585-2466

June 10, 2016

To Whom It May Concern:

Each year the Internal Revenue Service, U.S. Department of the Treasury, issues a letter updating a ruling dated March 25, 1946 in which it held that the agencies and instrumentalities and all educational, charitable and religious institutions operated, supervised or controlled by or in connection with the Roman Catholic Church in the United States, its territories and possessions, and listed in the current edition of the Official Catholic Directory, are entitled to exemption from the Federal income tax under Section 501 [C] [3] of the Internal Revenue Code; that donors may deduct contributions to those said agencies, instrumentalities, and institutions as provided under section 170 of the Code; and that bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for Federal estate and gift tax purposes under sections 2005, 2106, and 2522 of the Code.

I certify that **Basilica of St. Joseph Proto-Cathedral, 310 W. Stephen Foster Avenue, Bardstown, KY** is a fully integrated auxiliary of the Archdiocese of Louisville, known in civil law as Roman Catholic Bishop of Louisville, a corporation sole. That **Basilica of St. Joseph Proto-Cathedral** is listed in the 2016 Official Catholic Directory; and **Basilica of St. Joseph Proto-Cathedral**, is entitled to the rights and privileges specified in the most recent communication from the Internal Revenue Service, dated May 27, 2016.

Sincerely,

Nancy M. Marx
Secretary of the Chancery

Note from the USCCB Office of General Counsel: The EIN below belongs to the USCCB and is to be used **only** to confirm that the USCCB as group ruling holder is recognized by the IRS as a 501(c)(3) organization. It is not to be used by **any** other organization in the group ruling **for any purpose**. Every subordinate organization in the group ruling has its own EIN that must be used for all official purposes.

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: May 27, 2016

Person to Contact:

R. Meyer ID# 0110429

Toll Free Telephone Number:

877-829-5500

Employer Identification Number:

53-0196617

Group Exemption Number:

0928

For use by
the USCCB
only.

United States Conference of Catholic
Bishops
3211 4th Street, NE
Washington, DC 20017-1194

Dear Sir/Madam:

This responds to your May 23, 2016, request for information regarding the status of your group tax exemption.

Our records indicate that you were issued a determination letter in March 1946, that you are currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and are not a private foundation within the meaning of section 509(a) of the Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(i).

With your request, you provided a copy of the *Official Catholic Directory for 2016*, which includes the names and addresses of the agencies and instrumentalities and the educational, charitable, and religious institutions operated by the Roman Catholic Church in the United States, its territories, and possessions that are subordinate organizations under your group tax exemption. Your request indicated that each subordinate organization is a non-profit organization, that no part of the net earnings thereof inures to the benefit of any individual, and that no substantial part of their activities is for promotion of legislation. You have further represented that none of your subordinate organizations is a private foundation under section 509(a), although all subordinates do not all share the same sub-classification under section 509(a). Based on your representations, the subordinate organizations in the *Official Catholic Directory for 2016* are recognized as exempt under section 501(c)(3) of the Code under GEN 0928.

Donors may deduct contributions to you and your subordinate organizations as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gifts tax purposes if they meet the applicable provisions of section 2055, 2106, and 2522 of the Code.

Subordinate organizations under a group exemption do not receive individual exemption letters. Most subordinate organizations are not separately listed in Publication 78 or the EO Business Master File. Donors may verify that a subordinate organization is included

in your group exemption by consulting the *Official Catholic Directory*, the official subordinate listing approved by you, or by contacting you directly. IRS does not verify the inclusion of subordinate organizations under your group exemption. See IRS Publication 4573, *Group Exemption*, for additional information about group exemptions.

Each subordinate organization covered in a group exemption should have its own EIN. Each subordinate organization must use its own EIN, not the EIN of the central organization, in all filings with IRS.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

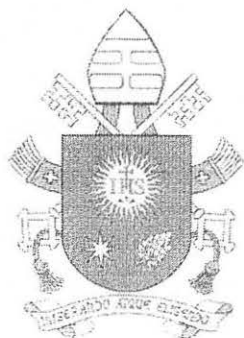
Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey I. Cooper". The signature is stylized and cursive.

Jeffrey I. Cooper
Director, Exempt Organizations
Rulings and Agreements

CALIFORNIA • MICHIGAN • MINNESOTA • MISSISSIPPI • MISSOURI • WEST VIRGINIA • NEW YORK • NEVADA
NORTH DAKOTA • PENNSYLVANIA • SOUTH CAROLINA • SOUTH DAKOTA • MARYLAND • ARKANSAS
ALABAMA • COLORADO • ARIZONA • MAINE • TEXAS • UTAH • ALASKA
IOWA • LOUISIANA • WISCONSIN • TENNESSEE • IDAHO
NEW HAMPSHIRE • NEW JERSEY • NEW MEXICO • CONNECTICUT • FLORIDA • MASSACHUSETTS
GEORGIA • DELAWARE • ILLINOIS • KANSAS • NORTH CAROLINA • OREGON • NEBRASKA • KENTUCKY
INDIANA • OKLAHOMA • RHODE ISLAND • MONTANA
HAWAII • WASHINGTON • VIRGINIA • VERMONT • WYOMING • OHIO

1817



2016

The Official Catholic Directory

Anno
Domini

2016

Published Annually by
P. J. Kennedy & Sons

OUTSIDE THE CITY OF LOUISVILLE

- ALBANY, CLINTON Co., EMMANUEL CATHOLIC (1975)
Revs. Kenneth Soroko, C.P.M.; Ricardo N. Pineda, C.P.M.
Mailing Address: P.O. Box 160, 42602.
Office: Hwy. 127 N., 42602. Tel: 606-387-7251.
Catechesis/Religious Program—Students 2.
Mission—Holy Cross Catholic Church, Tel: 270-864-4107.
- BARDSTOWN, NELSON Co.
1—BASILICA OF ST. JOSEPH PROTO-CATHEDRAL (1816)
[CEM] Rev. James Jason Harris; Deacons Richard J. Walsh; John Hamilton. In Res., Rev. C. Joseph Batchelder (Retired).
Res.: 310 W. Stephen Foster Ave., P.O. Box 548, 40004. Tel: 502-348-3126; Fax: 502-349-0941.
School—(Grades PreK-8), 320 W. Stephen Foster Ave., 40004. Tel: 502-348-5994; Fax: 502-348-4694. Margaret Bowen, Prin.; Tricia Payne, Librarian. Lay Teachers 28; Students 445; Preschool 46.
St. Joseph Montessori Children's Center—161 West Dr., Nazareth, 40048. Tel: 502-348-1548; Fax: 502-331-4050.
Catechesis/Religious Program—Students 116.
2—ST. MONICA (1956) Rev. Jeffrey G. Hopper, Admin.; Deacon Scott R. Turner.
Res.: 407 S. Third St., 40004. Tel: 502-348-5250; Fax: 502-348-3635. Email: stmonica@bardstown.com.
Catechesis/Religious Program—Students 19.
- BRANDENBURG, MEADE Co., ST. JOHN THE APOSTLE (1892) [CEM] Rev. Kevin J. Bryan; Deacon J. Michael Jones.
Res.: 515 Broadway, 40108. Tel: 270-422-2196; Fax: 270-422-2471.
Catechesis/Religious Program—Monica Lucas, D.R.E. Students 221.
- CALVARY, MARION Co., HOLY NAME OF MARY (1798) [CEM] Revs. William M. Bowling; George Hikkal, C.M.I. (India); Deacon Dennis May.
Mailing Address: 235 S. Spalding Ave., Lebanon, 40033.
Res.: 3295 Hwy. 208, Lebanon, 40033. Tel: 270-692-6491; Fax: 270-692-5708. Email: holymarycalvary@outlook.com.
Catechesis/Religious Program—Students 13.
- CAMPELLESVILLE, TAYLOR Co., OUR LADY OF PERPETUAL HELP (1879) [CEM] Rev. David A. Cockson, Pastoral Admin.
Office: 213 University Dr., 42718. Tel: 270-465-4282; Fax: 270-789-9669.
Catechesis/Religious Program—429 N. Central Ave., 42718. Students 35.
Mission—Our Lady of Fatima Phillipsburg, Marion Co.
- CECILIA, HARDIN Co., ST. AMBROSE (1879) Revs. Martin A. Linebach; Shayne R. Duvall; Deacons William Clark; Karl A. Dronup; Robert Caspar.
Mailing Address: St. James Church, 307 W. Dixie Ave., Elizabethtown, 42701. Tel: 270-765-6266; Fax: 270-234-9598.
Church: 609 Main St., 42724.
Catechesis/Religious Program—
- CLEMENTSVILLE, CASEY Co., ST. BERNARD (1802) Rev. Edmund C. Ani (ARL).
Res.: 5075 KY 551, Liberty, 42539. Tel: 606-787-7570.
Catechesis/Religious Program—Tel: 606-787-6600.
Mission—Sacred Heart clo 5075 KY 551, Liberty, Casey Co. 42539.
- CULBERTTOWN, NELSON Co., IMMACULATE CONCEPTION Rev. Christopher B. Lubecke; Deacon William A. Downs.
Mailing Address: 413 First St., New Haven, 40051-6030.
Res.: 8191 New Haven Rd., New Haven, 40051-6030. Tel: 502-331-3467; 502-549-3680; Fax: 502-549-5410.
- EDMONTON, METCALFE Co., CHRIST THE HEALER (1975) Rev. Lawrence J. Gelthaus.
Mailing Address: P.O. Box 599, 42129.
Res.: 506 Skvline, 42129. Tel: 270-432-0686.
Catechesis/Religious Program—Tel: 270-452-5024. Students 9.
Mission—Christ the King P.O. Box 518, Tompkinsville, Monroe Co. 42167. Tel: 270-487-8881.
- ELIZABETHTOWN, HARDIN Co., ST. JAMES (1851) [CEM] Revs. Martin A. Linebach; Shayne R. Duvall; Deacons Joseph Chahapampill; William Clark; Karl A. Dronup; Robert Caspar.
Res.: 307 W. Dixie Ave., 42701. Tel: 270-765-6268; Fax: 270-234-9598. Email: parishoffice@stjamestown.org. Web: stjames-etown.org.
School—(Grades PreK-8), 401 Robimbroke Blvd., 42701. Tel: 270-765-7011; Fax: 270-769-5745. Martha West, Librarian. Lay Teachers 30; Students 465.
Catechesis/Religious Program—Students 112.
- FAIRFIELD, NELSON Co., ST. MICHAEL (1792) [CEM] Revs. Terry L. Bradshaw; Albert J. Hartlage (Retired).
Mailing Address: P.O. Box 27, 40020.
Res.: 111 Church St., P.O. Box 27, 40020. Tel: 502-252-8208; Fax: 502-252-0106.
Catechesis/Religious Program—111 Church St., P.O. Box 27, 40020. Tel: 502-252-0106. Gilly Simpson, D.R.E. Students 38.
- FINLEY, TAYLOR Co., OUR LADY OF THE HILLS (1908) [CEM] Rev. David A. Cockson, Pastoral Admin.
Office: 213 University Dr., Campbellsville, 42718. Tel: 270-465-4282; Fax: 270-789-9669.
Catechesis/Religious Program—9259 Old Lebanon Rd., Campbellsville, 42718. Students 16.
- FLAHERTY, MEADE Co., ST. MARTIN OF TOURS (1848) [CEM] Rev. Kevin J. Bryan; Deacons John R. Whelan; Joseph D. Calvert.
Res.: 440 Saint Martin Rd., Vine Grove, 40175. Tel: 270-828-2552; Fax: 270-828-2562. Email: martinfl@bbtel.com. Web: stmartinfl.org.
Catechesis/Religious Program—Tel: 270-828-8484. Regina Bennett, D.R.E. Students 130.
- GLASGOW, BARREN Co., ST. HELEN (1893) Revs. Kenneth Soroko, C.P.M.; Ricardo N. Pineda, C.P.M.; Deacons Lee Bidwell; David U. Smith.
Res.: 103 W. Brown St., 42141. Tel: 270-651-5263; Fax: 270-651-1373. Email: sthelen@glasgow-ky.com.
Catechesis/Religious Program—Students 70.
Mission—Our Lady of the Caves Church Rte. 31 W., Horse Cave, Hart Co. 42749.
- GREENSBURG, GREEN Co., HOLY REDEEMER (1969) Rev. David W. Naylor.
Mailing Address: P.O. Box 190, Columbia, 42728. Tel: 270-384-4528.
Church: 110 Industrial Rd., 42743.
Catechesis/Religious Program—Students 8.
- HODGENVILLE, LARUE Co., OUR LADY OF MERCY (1853) [CEM] Rev. Pablo A. Hernandez; Deacon James A. Cecil.
Res.: 210 Walters Ave., 42748. Tel: 270-355-4697; Fax: 270-358-3601 (Call First). Email: olmparish@windstream.net.
Catechesis/Religious Program—Tel: 270-325-3801. Students 24.
- HOLY CROSS, MARION Co., HOLY CROSS (1785) [CEM] Rev. William M. Bowling.
Office: 200 School Dr., P.O. Box 74, Loretto, 40037. Tel: 270-865-2521; Fax: 270-865-2071.
Res.: 3560 N. Saint Francis Rd., Loretto, 40037. Tel: 270-865-2075. Email: sfahc@richm.twbc.com. Web: sfahc.org.
Catechesis/Religious Program—Carol Blanford, D.R.E. Students 30.
- HOWARDSTOWN, NELSON Co., ST. ANN (1862) [CEM] Rev. Kenneth R. Fortener, Admin.
Res.: 7490 Howardstown Rd., 40051. Tel: 502-549-3285.
School—Tel: 502-549-7310. Email: sta@hughes.net.
Lois Cecil, Prin. Lay Teachers 4; Students 20.
- JAMESTOWN, RUSSELL Co., HOLY SPIRIT (1953) Rev. David W. Naylor.
Res.: 406 N. Main St., P.O. Box 190, Columbia, 42728. Tel: 270-313-3346.
Catechesis/Religious Program—Students 48.
Mission—Good Shepherd (1964) 1221 Greensburg St., P.O. Box 190, Columbia, Adair Co. 42728. Tel: 270-384-4528.
- LA GRANGE, OLDHAM Co., IMMACULATE CONCEPTION (1962) Revs. Anthony L. Chandler; Ismael Hernandez; Deacons Thomas M. McNally; Robert R. Caruso; R. David Hotz.
Res.: 602 N. Fifth Ave., 40031. Tel: 502-222-0255; Fax: 502-225-9844. Web: iclgrange.org.
Catechesis/Religious Program—Susan Ashby, Children's Family Min. Students 297.
Station—Luther Luckett Correctional Center. Tel: 502-222-0363.
Station—Kentucky State Reformatory. Tel: 502-222-9441.
Station—Roederer Farm Prison. Tel: 502-222-0173.
Station—Cedar Lake Lodge La Grange, 40032. Tel: 502-222-7157.
Station—Baptist Hospital Northeast. Tel: 502-222-5358.
Station—Richwood Nursing Home La Grange, 40032. Tel: 502-222-3186.
- LEBANON JUNCTION, BULLITT Co., ST. BENEDICT (1907) Rev. Brian A. Kenney; Deacons Phillip L. Noltemeyer; Theodore C. Luckett.
Mailing Address: 187 S. Plum St., Shepherdsville, 40165.
Res.: 139 N. Brook St., 40150. Tel: 502-833-4886. Email: parish@stafaleons.com.
Catechesis/Religious Program—Students 2.
- LEBANON, MARION Co., ST. AUGUSTINE (1815) [CEM] Revs. William M. Bowling; George Hikkal, C.M.I. (India); Emil Kander; Deacons Joseph R. Dant; Dennis May; Kathy Shannon, Pastoral Assoc.
Res. & Mailing Address: 235 S. Spalding Ave., 40033. Tel: 270-692-3019; Fax: 270-692-5532.
Email: staugustinechurch@staugustinechurch.net. Web: staugustinechurch.net.
School—(Grades PreK-8), 236 S. Spalding Ave., 40033. Tel: 270-692-2063; Fax: 270-692-6597. Virginia Hamilton, Prin.; Paula Mattingly, Librarian. Lay Teachers 12; Students 209.
Catechesis/Religious Program—Mike Luescher, D.R.E. Students 157.
- MOUNT WASHINGTON, BULLITT Co., ST. FRANCIS XAVIER (1846) [CEM] Rev. R. Dale Cieslik; Deacons Gerald J. Mattingly; Carl A. Fahringer.
Res.: 155 Stringer Ln., 40047. Tel: 502-538-4933; Fax: 502-955-0449. Web: sfxmw.com.
Catechesis/Religious Program—Tel: 502-538-0672.
Mission—All Saints Church (1830) [CEM] 410 W. Main St., P.O. Box 581, Taylorsville, Spencer Co. 40071. Tel: 502-477-6676; Fax: 502-477-5278.
- NEW HAVEN, NELSON Co., ST. CATHERINE (1844) [CEM] Rev. Christopher B. Lubecke.
Res.: 413 First St., 40051. Tel: 502-549-3680; Fax: 502-549-5410.
School—(Grades PreK-8) Jo Renee O'Bryan, Prin.; Kim Burd, Librarian. Lay Teachers 6; Students 97.
Catechesis/Religious Program—Norine Masterson, D.R.E.
- NEW HOPE, NELSON Co., ST. VINCENT DE PAUL (1820) [CEM] Rev. Kenneth R. Fortener.
Mailing Address: P.O. Box 58, 40052. Tel: 502-549-5559; Fax: 502-549-5572.
Church: 104 Church St., 40052.
Catechesis/Religious Program—Norine Masterson, D.R.E. Students 30.
- PAYNEVILLE, MEADE Co., ST. MARY MAGDALEN OF PAZZI (1883) [CEM] Rev. James M. Reinhart (Retired); Deacon Gregory A. Beavin.
Res.: 110 Hwy. 376, P.O. Box 110, 40157. Tel: 270-496-4333; Fax: 270-496-4790. Email: stmarymag@bbtel.com.
Catechesis/Religious Program—Shannan Millay, D.R.E. Students 100.
- PEWEE VALLEY, OLDHAM Co., ST. ALOYSIUS (1871) [CEM] Revs. John J. Stoltz; Stuart B. Priddy; Young Wook Kim (Korea, South); Deacons Charles Brown; Thomas L. Roth; Dan E. Parker.
Res.: 212 Mount Mercy Dr., 40056. Tel: 502-241-8452; Fax: 502-243-1740. Email: parishoffice@staloyusipwv.org.
School—(Grades PreK-8), 122 Mt. Mercy Dr., 40056. Tel: 502-241-8516; Fax: 502-243-2241. Maryann Hayslip, Prin.; Victoria Michaels, Librarian. Lay Teachers 26; Students 363.
Catechesis/Religious Program—Tel: 502-241-8452, Ext. 1036. Students 209.
Mission—Korean Catholic Community Station—Kentucky Correctional Institute for Women. Tel: 502-241-8454.
- RADCLIFF, HARDIN Co., ST. CHRISTOPHER (1958) [CEM] Rev. Dennis L. Cousins.
Res.: 1225 S. Wilson Rd., 40160. Tel: 270-351-3706; Fax: 270-351-2843. Email: church@stchristopherparish.org.
Catechesis/Religious Program—Students 91.
- RAYWICK, MARION Co., ST. FRANCIS XAVIER CHURCH (1837) [CEM] Rev. James W. Graf.
Res.: 108 Main St., 40060. Tel: 270-692-2245; Fax: 270-692-1138. Email: raywickchurch@windstream.net.
Catechesis/Religious Program—Students 71.
- RHODESIA, MEADE Co., ST. THERESA (1818) [CEM] Rev. James M. Reinhart (Retired); Deacon Gregory A. Beavin.
Res.: 110 Hwy. 376, Payneville, 40157. Tel: 270-496-4362; Fax: 270-496-4416.
Catechesis/Religious Program—Students 100.
- ST. FRANCIS, MARION Co., ST. FRANCIS OF ASSISI (1870) [CEM] Rev. William M. Bowling.
Office: 200 School Dr., P.O. Box 74, Loretto, 40037. Tel: 270-865-2521; Fax: 270-865-2071.
Res.: 6785 Hwy. 52, Loretto, 40037. Tel: 270-865-2075. Email: sfahc@richm.twbc.com. Web: sfahc.org.
Catechesis/Religious Program—Students 43.
- ST. JOHN, HARDIN Co., ST. JOHN THE BAPTIST (1829) [CEM] Rev. Daniel L. Lincoln; Deacon Michael J. Vessels.
Res.: 306 E. Main St., Vine Grove, 40175. Tel: 270-862-9816.
Catechesis/Religious Program—Tel: 270-862-3005. Lisa Thomas, D.R.E. Students 66.
- ST. MARY, MARION Co., ST. CHARLES (1786) [CEM] Rev. James W. Graf, Admin.
Res.: 675 Hwy. 327, Lebanon, 40033. Tel: 270-692-4513; Fax: 270-692-6204. Email: saintcharles@windstream.net.
Catechesis/Religious Program—Students 54.
- ST. THOMAS, NELSON Co., ST. THOMAS (1812) Rev. Jeffrey G. Hopper, Admin.; Deacons Samuel R. Fihareau; Scott R. Turner.
Res.: 870 Saint Thomas Ln., Bardstown, 40004. Tel: 502-348-3717; Fax: 502-348-1905. Email:

E-157

St. Joseph Church

Exemption Number

Name of Exempt Institution

Important—Certificate not valid unless completed.

PURCHASE EXEMPTION CERTIFICATE

Check Applicable Block
Blanket
Single Purchase

I hereby certify that St. Joseph Church is a Kentucky resident, nonprofit, educational, charitable or religious institution, or Kentucky historical site, located at Bardstown, Kentucky and that the tangible personal property or services to be purchased from ALASKA ADVENTURES

Address

will be used solely within the exempt function of a charitable, educational or religious institution, or historical site.

Description of property to be purchased:

In the event that the property purchased is not used for an exempt purpose, it is understood that I am required to pay the tax measured by the purchase price of the property.

Any official or employee who uses this certificate to make tax-free purchases for his own personal use or that of any other person will be subject to the penalties provided in KRS 139.990 and other applicable laws.

Under penalties of perjury, I swear or affirm that the information on this certificate is true and correct as to every material matter.

Mandal Weakley
Authorized Signature

Business Manager
Title

2/7/2017
Date

CAUTION TO SELLER: This certificate cannot be issued or used in any way by a construction contractor to purchase property to be used in fulfilling a contract with an exempt institution. Sellers accepting certificates for such purchases will be held liable for the sales or use tax.

DEPARTMENT OF REVENUE
Frankfort, Kentucky 40620

51A126 (8-04)

3/7/2017

Numerical

**SALES TAX EXEMPT
NON-PROFIT ORGANIZATIONS**

The following non-profit organizations are registered and approved to be exempt from paying sales tax in the Haines Borough. ANY NON-PROFIT ORGANIZATION THAT IS NOT LISTED SHALL BE CHARGED SALES TAX FOR THEIR PURCHASES. Please encourage those who insist they are exempt and not on this list, to stop by the Haines Borough office for further information. For questions and updates, please call 766-2231. Thank you.

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>
101	Lynn Canal Community Players Box 118, Haines, AK
103	Sheldon Museum & Cultural Center Chilkat Valley Historical Society Box 269, Haines, AK 99827
103.1	Chilkat Valley Historical Society Box 23, Haines, AK 99827
104	Ak. Chilkat Bald Eagle Preserve Foundation, Box 213, Haines, AK 99827
105	S.E. Alaska State Fair Box 385, Haines, AK 99827
106	Ak. Community Develop. Corp. 6250 Tuttle Place #5, Anchorage, AK 99507
107	Haines Headstart Box 192, Haines, AK 99827
108	Haines Chamber of Commerce Box 1449, Haines, AK 99827
109	Echo Ranch Bible Camp Box 156, Haines, AK 99827
110	Chilkat Center for the Arts Box 1004, Haines, AK 99827
111	Lynn Canal Counseling Services Box 90, Haines, AK 99827
112	Lynn Canal Broadcasting Box 1109, Haines, AK 99827
113	Chilkat Valley Pre-School Box 1165, Haines, AK 99827
114	Salvation Army Box 550, Haines, AK 99827
115	Klukwan Assembly of God Church Box 422, Haines, AK 99827
116	Tlingit-Haida Regional Housing Box 32237, Juneau, AK 99803
119	S.E. Ak. Area Council, Boy Scouts 9220 Lee Smith Drive Juneau, Alaska 99801
120	Sacred Heart Catholic Church Box 673, Haines, AK 99827
121	Tongass Alaska Girl Scouts Troops #98, #99, #100, #101, #104
122	Covenant Life Center

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>
	HC 60, Box 2665, Haines, AK 99827
123	Covenant Life College HC 60, Box 2665, Haines, AK 99827
125	Friends of Recycling Box 822, Haines, AK 99827
127	Port Chilkoot Bible Church Box 156, Haines, AK 99827
128	Haines Presbyterian Church Box 264, Haines, AK 99827
129	Haines Christian Center/Assembly of God Box 730, Haines, AK 99827
132	Alaska Indian Arts, Inc. Box 271, Haines, AK 99827
133	American Bald Eagle Foundation Box 49, Haines, AK 99827
134	Hospice of Haines Box 1034, Haines, AK 99827
136	Haines Senior Citizen Center Inc. Box 801, Haines, AK 99827
136.1	Haines Senior Village Box 835, Haines, AK 99827
138	Haines Animal Rescue Kennel Box 1533, Haines, AK 99827
139	Tlingit-Haida Central Council 320 W. Willoughby, Suite 300 Juneau, AK 99801
140	Duck's Unlimited Haines Chapter Box 628, Haines, AK 99827
141	Friends of the Library Box 1089, Haines, AK 99827
142	Haines Arts Council Box 505, Haines, AK 99827
143	Church of Jesus Christ LDS Box 916, Haines, AK 99827
144	Rural Ak. Comm. Action Program (RURAL CAP) P.O. Box 200908, Anchorage, AK 99510
146	Haines Sportmans Assoc. Inc. Box 677, Haines, AK 99827
147	American Legion Post #12 Box 452, Haines, AK 99827
148	Lynn Canal Conservation, Inc. Box 964, Haines, AK 99827
150	Northern S.E. Regional Aquaculture Assoc. (NSRAA) Box 1263, Haines, AK 99827
151	REACH, Inc. Box 1484, Haines, AK 99827

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>
153	S.E. Ak. Regional Health Consortium (SEARHC), Box 1549, Haines, AK 99827
155	Rainbow Glacier Camp Box 432, Haines, AK 99827
160	AWARE, Inc. P.O. Box 20809, Juneau, AK 99802
161	Nenana Ice Classic Box 00272 , Nenana, AK 99760
162	Big Brother Big Sister Box 148, Haines, AK 99827
163	Haines Dolphins Swim Team Box 1367, Haines, AK 99827
164	Inside Passage Electric Co-op P.O. Box 210149 Auke Bay, AK 99821
165	Chilkoot Indian Association Box 490, Haines, AK 99827
166	Alaska Native Brotherhood & Sisterhood Box 749, Haines, Alaska 99827
167	The Hammer Museum Box 702, Haines, Alaska 99827
169	Catholic Community Services-S.E. Senior Services Haines Senior Center Box 801, Haines, AK 99827
170	Haines Assisted Living, Inc. (HAL) c/o Box 916, Haines, AK 99827 (formerly St. Vincent de Paul, St. Lucy Conference)
171	Takshanuk Watershed Council Box 1029, Haines, Alaska 99827
172	Haines Baptist Church Box 1245, Haines, Alaska 99827
173	American Red Cross of Alaska 3200 Hospital Dr., Suite 203 Juneau, AK 99801
174	Alaska Arts Confluence Box 1664, Haines, AK 99827
175	Impact Counseling Services, Inc. Box 631, Haines, AK 99827
176	The Alaska Community Foundation 400 L Street, Ste 100, Anchorage, AK 99501
177	S.E. Alaska Independent Living (SAIL) Box 183, Haines, AK 99827
178	Alaska Chilkoot Bear Foundation, Inc. Box 1188, Haines, AK 99827
179	St. Lucy's Senior Living Box 916, Haines, AK 99827
180	Uglys of Haines Box 698, Haines, AK 99827
181	Great Alaska Council, BSA

<u>EXEMPT #</u>	<u>NAME OF ORGANIZATION</u>
	3117 Patterson St., Anchorage, AK 99504
182	New Hope Fellowship HC60 Box 3161, Haines, AK 99827
183	Great Bear Foundation of Montana Box 1616, Haines, AK 99827
184	Foundation for the Chilkat Center for the Arts Box 464, Haines, AK 99827
185	Becky's Place Haven of Hope Box 1506, Haines, AK 99827
186	Breast Cancer Detection Center of Alaska 1905 Cowles Street Fairbanks, AK 99701
187	Haines Hot Shots Box 250, Haines, AK 99827
188	NRA and Friends of NRA Box 1519 Fritz Cove, AK 99603
189	St. Vincent de Paul Society Diocesan Council of Southeast Alaska, Inc. 8617 Teal St. Juneau, AK 99801
190	Haines Ski & Hike Club Box 613 Haines, AK 99827
191	Summerside United Methodist Church 638 Old State Route 74 Cincinnati, OH 45244
192	State YMCA of Michigan 919 N. East Torch Lake Drive Central Lake, MI 49622
193	Bahai Community of Haines & Klukwan Box 143 Haines, AK 99827
194	Boy Scout Troop 173 Elim Church 14541 Old Marine Trin Scandia, MN 55047
195	Boy Scout Troop 984 (Vogel) 12001 W.US Hwy 42 Goshen, KY 40026
196	Haines Volunteer Fire Department Box 849 Haines,AK 99827
197	Genesis Presbyterian Church 5707 S. Simms Street Littleton, Colorado 80127

SALES, SERVICES AND RENTALS TO OR BY A FOREIGN GOVERNMENT, THE U.S. GOVERNMENT, THE STATE OF ALASKA AND ITS POLITICAL SUBDIVISIONS AND MUNICIPALITIES AND THEIR POLITICAL SUBDIVISIONS ARE EXEMPT FROM SALES TAX. PAYMENT MUST BE MADE BY PURCHASE ORDER, GOVERNMENT CHECK, GOVERNMENT CHARGE CARDS OR THE SALE MUST BE BILLED TO THE GOVERNMENTAL ENTITY. CASH, PERSONAL CHECKS OR PERSONAL CHARGE CARDS FROM GOVERNMENT EMPLOYEES AT THE TIME OF THE SALE ARE NOT TAX-EXEMPT SALES. IF A CUSTOMER IS PERSONALLY KNOWN BY THE MERCHANT AND THE MERCHANT IS ASSURED THAT A PARTICULAR CASH SALE WOULD BE EXEMPT (SUCH AS A SCHOOL TEACHER PURCHASING A FEW SUPPLIES FOR HIS/HER CLASS FROM PETTY CASH FUNDS), THAT TYPE OF CASH SALE COULD BE SALES TAX EXEMPT