


Haines Borough
Borough Assembly Meeting #278
AGENDA

September 23, 2014 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg

Stephanie Scott,
Mayor

Dave Berry Jr.,
Assembly Member

Diana Lapham,
Assembly Member

Debra Schnabel, MPA
Assembly Member

Joanne Waterman,
Assembly Member

George Campbell,
Assembly Member

Jerry Lapp,
Assembly Member

David Sosa, MPA
Borough Manager

Julie Cozzi, MMC
Borough Clerk

Krista Kielsmeier
Deputy Clerk

1. CALL TO ORDER/PLEDGE TO THE FLAG

2. ROLL CALL

3. APPROVAL OF AGENDA & CONSENT AGENDA

[The following Consent Agenda items are indicated by an asterisk () and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Chilkat Center Facility Report
- 8C – Library Staff Report
- 8D – Finance Report
- 9A – Planning Commission Minutes
- 9B – Library Board Minutes
- 9C – Port and Harbor Committee Minutes

4. APPROVAL OF MINUTES – 9/9/14 Regular

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

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

A. Appeal of a Cease and Desist Order – Gary Keller

On August 14, 2014, the borough issued a cease and desist order to Gary Keller regarding discharge of firearms on his property in Chilkoot Inlet Subdivision. As is his right under HBC 8.12.130, he submitted an appeal of that order and it was determined to be timely-filed. As is typical for an appeal hearing, it will begin with presentations by Mr. Keller and the staff, and then proceed with any public testimony since this is a public hearing.

Enforcement of the cease & desist order has been stayed pending final disposition of this appeal. At the hearing, Mr. Keller may appear in person or by agent or attorney. Following the hearing, the assembly may, in whole or part, reverse, affirm, or modify the appealed abatement order. Written findings that formalize the reasons for the assembly's decision will be drafted for assembly approval by resolution at the next meeting.

NOTE: Per HBC 8.12.130(E), only those matters or issues specifically raised by the appellants shall be considered at the hearing on the appeal.

B. Ordinance 14-08-390 – First hearing

An Ordinance of the Haines Borough amending Borough Code Section 5.18.080 to allow up to five permits for special ski events each calendar year, to enable a request for temporary additions to the ski map to be submitted prior to a ski season, and to clarify that permitted special ski events are not subject to the Shared Use Policy.

*This ordinance was originally requested by Assembly Member Campbell. On 8/26, it was referred to the Commerce Committee and staff for a recommendation to come to the assembly on 9/23. The committee met on 9/2/14 and prepared a new draft that was introduced. **Motion:** Advance Ordinance 14-08-390 to a second public hearing on 10/14/14," and the motion carried unanimously.*

7. PUBLIC HEARINGS ---continued---

C. Ordinance 14-05-383 – Third hearing

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to provide clarification of purpose, sign standards by district, off premise signage, portable and sandwich signage.

*This ordinance was introduced on 5/27 and had public hearings on 6/10 and 6/24. Following the second hearing, it was referred to the Commerce Committee for more work. That committee returned with a substantially different substitute ordinance, and that new draft was accepted for this hearing. Subsequently, Mayor Scott and Assembly Member Schnabel submitted a memo proposing additional amendments to insert omitted language. Staff has reviewed the ordinance draft and has identified several issues to consider and strongly encourages the assembly to conduct a 4th public hearing to provide more opportunity for staff and planning commission input. Assembly Member Schnabel concurs. **Motion:** Advance Ordinance 14-05-383 to a fourth public hearing on 10/14/14.*

8. STAFF/FACILITY REPORTS

A. **Borough Manager – 9/23/14 Report**

(including an update on the Downtown Revitalization Committee recommendations)

* B. **Chilkat Center – Facility Report of August 2014**

* C. **Library – Staff Report of July 2014**

* D. **Finance Director – Haines Permanent Fund as of 6/30/14**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

* A. **Planning Commission – Minutes of 8/14/14**

* B. **Library Board of Trustees – Minutes of 7/30/14**

* C. **Port and Harbor Advisory Committee – Minutes of 8/21/14**

D. **Assembly Standing Committee Reports**

10. UNFINISHED BUSINESS

A. **Ice Bucket Challenge**

11. NEW BUSINESS

A. **Resolutions**

1. **Resolution 14-09-589**

A Resolution of the Haines Borough Assembly directing the Borough Manager to prepare a plan for a motorized recreation area in the Townsite that would be included in the FY16 budget.

*This resolution is a result of a 9/9 assembly motion. **Motion:** Adopt Resolution 14-09-589.*

2. **Resolution 14-09-590**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Romtec in the amount of \$27,500 for the purchase of a Model 1008 pre-fabricated restroom building module as part of the Picture Point Wayside Improvements project.

*This resolution is recommended by the Picture Point Design Committee. **Motion:** Adopt Resolution 14-09-590.*

B. **Ordinances for Introduction** - None

C. **Other New Business**

1. **Harbor Garbage Disposal**

*The port and harbor advisory committee is concerned about the inordinate amount of time staff spends dealing with garbage...time taken away from port and harbor business. The committee is asking the assembly to reconsider its denial of the harbor dump trailer. There may be other solutions to consider, as well. The dump trailer is not a solution to illegal use of the harbor dumpster; it is a solution to releasing ports & harbor staff from dealing with garbage in the harbor dumpster - no matter where it comes from. **Motion:** Direct the manager to propose a plan that would reduce the man-hours that ports and harbors staff devotes to garbage disposal.*

11C. NEW BUSINESS/Other New Business ---continued---

2. SATP Comment

*ADOT&PF is taking comments on the Southeast Alaska Transportation Plan update, and the mayor prepared a draft borough comment for assembly review. The deadline for comments is August 30. **Motion:** Authorize the mayor to send the SATP comment, as drafted, to the Alaska Department of Transportation.*

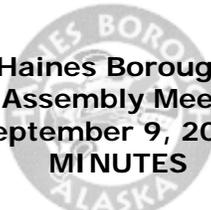
12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT



Haines Borough
Borough Assembly Meeting #277
September 9, 2014
MINUTES

Draft

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

2. **ROLL CALL**

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

Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Bill **MUSSER**/Chief of Police, Carlos **JIMENEZ**/Director of Public Facilities, Phil **BENNER**/Harbormaster, Helen **ALTEN**/Museum Director, and Jila **STUART**/Finance Director.

Visitors Present: Karen **GARCIA**/CVN, Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Mike **CASE**, Ron **JACKSON**, Anne **BOYCE**, Joe **PARNELL**, and others.

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

The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Fire Department Report
- 9A – Planning Commission Report
- 11A1 – Resolution 14-09-585
- 11A2 – Resolution 14-09-586
- 11A3 – Resolution 14-09-587
- 11A4 – Resolution 14-09-588
- 11C1 – Appeal of Cease & Desist Order
- 11C6 – Motorized Use Area Proposal

Motion: **BERRY** moved to “approve the agenda/consent agenda,” and it was amended to add an item 6B-Ice Bucket Challenge to the agenda, and remove from the consent agenda item 4-Minutes; 9A-Planning Commission Report; and Resolutions 11A2, 11A3, 11A4, and 11C6. The motion as amended carried unanimously.

4. **APPROVAL OF MINUTES** – 8/26/14 Regular

Note: The clerk was asked to clarify the reason a particular motion was not included in the minutes, and COZZI explained that particular motion failed to carry through because it was withdrawn. Only main motions that are acted upon are included in action-only minutes.

Motion: **SCHNABEL** moved to “approve the 8/26/14 minutes,” and the motion carried unanimously.

5. **PUBLIC COMMENTS**

BOYCE spoke in opposition to adding a new administrative position especially in light of reduced revenue projections.

CASE spoke regarding the giving of employee references and the associated liability if the borough gives more than objective information.

MORPHET disagreed with **CASE** and said there shouldn't be protective agreements with employees who leave. He also agreed with **BOYCE**'s comments about the new community & economic development director position.

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

A. Proclamation – Childhood Cancer Awareness

Mayor **SCOTT** said the borough joins many other municipalities in recognizing September as Childhood Cancer Awareness month.

B. Ice Bucket Challenge

The mayor explained the Skagway Assembly has challenged the borough assembly, manager, and clerk to accept the challenge.

Motion: **SCHNABEL** moved that "on September 23 at the end of the meeting, the assembly, manager, staff, and interested citizens should take part in an ice bucket challenge to be designed by the mayor," and the motion carried unanimously.

7. PUBLIC HEARINGS

- A. **Ordinance 14-08-389** – Second hearing
An Ordinance of the Haines Borough providing for the addition or amendment of specific line items to the FY15 budget.

Mayor **SCOTT** opened and closed the public hearing at 6:53pm; there were no public comments.

Motion: **BERRY** moved to "adopt Ordinance 14-08-389," and it was amended to include an appropriation of \$16,995 Title III funds for a Takshanuk Watershed Council afterschool forest program. The motion as amended carried 4-1 with **CAMPBELL** opposed.

8. STAFF/FACILITY REPORTS

- A. **Borough Manager** – *9/9/14 Report*

SOSA summarized his written report. He also acknowledged assistant harbormaster Sean Bell's quick response to save a sinking vessel in the harbor. **SCHNABEL** asked why her employee reference proposal has not yet come to the assembly. **SOSA** explained it is first being reviewed by the union and the borough attorney.

- *B. **Fire Department** – *Report of August 2014*

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- A. **Planning Commission** – *Report re. DRC Recommendations*

CAMPBELL expressed concerns about the planning commission not working on land sales as directed by the assembly. He also does not believe the Downtown Revitalization Committee (DRC) is doing what it was formed to do. **SCHNABEL** said she will impress upon the planning commission the importance of addressing the land sales issue. **SCOTT** said the DRC is getting guidance from the manager.

- B. **Assembly Standing Committee Reports**

SCHNABEL reported the committee met on 9/2/14 to finish work on a new draft signage ordinance that is on this meeting's agenda. The tax incentive program did not get discussed during the meeting as hoped, but she met with the manager, finance director, and mayor to iron out some things to bring back to the committee. The other item on the 9/2 committee agenda was the special events ordinance, also before the assembly on this agenda. On 9/11, the committee and the Tourism Advisory Board will meet jointly and one of the topics will be possible amendments to Title 5 of the borough code.

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

- A. **Resolutions**

- *1. **Resolution 14-09-585**

A Resolution of the Haines Borough Assembly appointing election officials for the regular election to be held October 7, 2014, and establishing the wages.

The motion adopted by approval of the consent agenda: "adopt Resolution 14-09-585."

2. **Resolution 14-09-586**

A Resolution of the Haines Borough Assembly supporting a grant application for construction of a two-lane boat launch ramp with boarding float and upland parking improvements for Portage Cove Harbor through the Alaska Department of Fish and Game.

There were no public comments.

Motion: **BERRY** moved to "adopt Resolution 14-09-586," and it carried 4-1 in a roll call vote with **CAMPBELL** opposed.

3. **Resolution 14-09-587**

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Alaska Indian Arts for a "Welcome to Haines" sign for an amount not-to-exceed \$28,310 as part of the Picture Point Wayside Improvements project.

There were no public comments.

Motion: SCHNABEL moved to "adopt Resolution 14-09-587," and it carried unanimously in a roll call vote.

4. Resolution 14-09-588

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Bicknell, Inc. for an amount not-to-exceed \$44,500 for the removal and disposal of 210 yards of contaminated soil.

There were no public comments.

Motion: CAMPBELL moved to "adopt Resolution 14-09-588," and it carried unanimously in a roll call.

B. Ordinances for Introduction - None

C. Other New Business

*** 1. Appeal of Cease & Desist Order**

Note: The borough issued a Title 8 cease & desist order to Gary Keller on 8/14/14. He appealed in writing on 8/26, and the clerk determined it to be filed timely. Per 8.12.130, the clerk presented this appeal to the assembly and with the assembly's direction, the clerk will schedule the appeal hearing. The motion adopted by approval of the consent agenda: "accept the appeal as timely-filed and direct the borough clerk to schedule a date, time, and place for the hearing by the assembly, such date to be no later than October 24, 2014 (60 days from date of appeal)."

2. Board Appointments

Appointment applications were received for seats on the parks and recreation advisory committee, and the mayor sought assembly confirmation.

There were no public comments.

Motion: CAMPBELL moved to "confirm the mayor's appointment of Jon Gellings and Ginger Jewell to the Parks and Recreation Advisory Committee for 3-year terms ending 11/30/17," and the motion carried unanimously.

3. Sales Tax Exemption Request – Becky's Place Haven of Hope

Note: Becky's Place Haven of Hope, a 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 non-profit organizations.

Motion: CAMPBELL moved to "approve the request from Becky's Place Haven of Hope for sales tax exemption status, and authorize the borough clerk to issue an exemption certificate," and the motion carried unanimously.

4. Ordinance 14-05-383

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to allow the placement of off-premises business signs on private property.

Note: This ordinance was introduced on 5/27 and had public hearings on 6/10 and 6/24. Following the second hearing, it was referred to the Commerce Committee for more work. That committee returned with a substantially different substitute ordinance, and the mayor subsequently proposed another draft essentially the same but reformatted. The mayor's version is the one that was substituted in the following motion.

Motion: BERRY moved to "substitute Ordinance 14-05-383 in its entirety with the draft recommended by the Commerce Committee and schedule a third public hearing for 9/23/14," and the motion carried unanimously.

5. Ordinance 14-08-390

An Ordinance of the Haines Borough to amend Borough Code Section 5.18.080 to allow up to five permits for special ski events each calendar year, to enable a request for temporary additions to the ski map to be submitted prior to a ski season, and to clarify that permitted special ski events are not subject to the Shared Use Policy.

Note: This ordinance was originally requested by Assembly Member Campbell. On 8/26, it was referred to the commerce committee and staff for a recommendation to come to the assembly during this meeting. The committee met on 9/2/14 and prepared a new draft to be considered for introduction.

Motion: BERRY moved to "introduce Ordinance 14-08-390 as redrafted and schedule a first public hearing on 9/23/14," and the motion carried unanimously.

6. Motorized Recreational Area in the Townsite

Note: Assembly Member Campbell asked the assembly to designate an area of not less than 20 acres of borough land for motorized recreational use near the landfill and the Lily Lake access road.

Motion: CAMPBELL moved to "formally introduce an ordinance or resolution at the 9/23/14 meeting that would set aside not less than 20 acres of borough land for motorized recreational use," and it carried unanimously.

7. Confirmation of Community & Economic Development Director Hire

Note: This is a department head position hired by the manager requiring assembly confirmation.

Motion: LAPP moved to "confirm the borough manager's decision to hire Darsie Culbeck as Community & Economic Development Director," and the motion carried in a roll call vote with CAMPBELL opposed.

8. Executive Session – Plachta v. Haines Borough

Motion: LAPP moved to "go into executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to discuss litigation strategies with the borough attorney regarding the administrative appeal of the assembly decision to issue a temporary conditional use permit to Big Salmon Ventures; this matter qualifies for executive session as attorney-client privilege; the borough manager and borough attorney are requested to attend," and the motion carried unanimously. Subsequent to the motion, the borough clerk was invited to stay.

Present: Mayor Scott; Assembly Members Lapp, Waterman, Lapham, Schnabel, and Campbell;
Borough Attorney Brooks Chandler; Borough Manager Dave Sosa; and Borough Clerk Julie Cozzi.
The executive session convened at 8:41pm and ended at 9:35pm.

Motion: CAMPBELL moved to "authorize the borough attorney to proceed as outlined in his confidential memo to the assembly," and the motion carried unanimously.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

A. Commerce Committee – Thursday, 9/16, 5:30pm, Topics: Solid Waste Management Plan.

B. Commerce Committee – Monday, 9/22, 5:30pm, Topics: Tax Incentive Program.

14. PUBLIC COMMENTS - None

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

LAPP said the City of Ketchikan passed a resolution opposing state ballot proposition 2 (marijuana) like Haines did.

16. ADJOURNMENT – 9:42 p.m.

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 14-510

Assembly Meeting Date: 9/23/14

Business Item Description:		Attachments:	
Subject: Keller Appeal of Cease & Desist Order		1. Keller Correspondence 2. Borough Correspondence (including Design Criteria for Shooting Ranges) 3. Written Comments Received Prior to Hearing 4. HBC Chapter 8.12	
Originator: Borough Clerk			
Originating Department: Administration			
Date Submitted: 8/26/2014			

Full Title/Motion:
Following the hearing, the assembly may, in whole or part, reverse, affirm, or modify the appealed abatement order.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$	\$	n/a

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

Summary Statement:
On August 14, 2014, the borough issued a cease and desist order to Gary Keller regarding discharge of firearms on his property in Chilkoot Inlet Subdivision within the Townsite Service Area. As is his right under HBC 8.12.130, Mr. Keller submitted a timely appeal of that order, and an appeal hearing was held on 6/10/14. As is typical for an appeal hearing, it will begin with presentations by Mr. Keller and the staff, and then proceed with any public testimony since this is a public hearing. Enforcement of the cease & desist order of abatement has been stayed pending final disposition of this appeal. NOTE: Per HBC 8.12.130(E), only those matters or issues specifically raised by the appellant shall be considered at the hearing on the appeal.

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

Assembly Action:
Meeting Date(s): 9/9, 9/23/14
Public Hearing Date(s): 9/23/14
Postponed to Date: _____

Attorneys At Law

BAXTER BRUCE & SULLIVAN P.C.
Professional Corporation

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www.baxterbrucelaw.com

Daniel G. Bruce
Kevin J. Sullivan
Theodore S. Christopher
Fred J. Baxter (Retired)

August 26, 2014

VIA FACSIMILE (907) 766-2716

Julie Cozzi
Borough Clerk
103 Third Avenue S.
P.O. Box 1209
Haines, AK 99827

**RE: Keller Appeal of Cease and Desist Order of August 14, 2014
Firing Range Lot 6B, Block 3, Chilkoot Inlet Subdivision
Our File No.: 5956.003**

Dear Ms. Cozzi:

Please accept this letter as formal notice of Gary Keller's appeal of Mr. Sosa's Cease and Desist Order of August 14, 2014. Mr. Keller disagrees with the assessment by Mr. Sosa that the firearm range on Mr. Keller's property is a threat to public safety and it is a nuisance. Mr. Keller questions whether the military specifications for a gun range are the only standard for determining if a gun range is safe for its intended use.

Furthermore, the recitation to HBC 18.60.020 is meaningless and irrelevant. That section addresses a change in an existing non-conforming use to a new use that is also non-conforming. Mr. Keller has never sought to change his "grandfathered" firing range to a new use. Mr. Keller has safely used his range for 28 years and limited its use to family and individuals whom he knows to practice the highest safety practices. He also limits shooting between 8:00 AM and 8:00 PM. To his knowledge, the only complaint ever made by anyone in that time period was the complaint by Mr. Miller. A reasonable person would have to question the conclusion that one complaint in 28 years rises to the level of nuisance cited in the Haines Borough Code.

Mr. Keller would like the opportunity to present his case to the Borough Assembly. His use of the gun range was properly accepted as a non-conforming use when the annexation took place. To deny him this property right without a fair and impartial hearing violates due process.

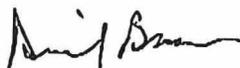
BAXTER BRUCE & SULLIVAN P.C.

Julie Cozzi
August 26, 2014
Page 2

Please feel free to contact me at dbruce@baxterbrucelaw.com or 789-7111 if you have any further questions regarding this matter.

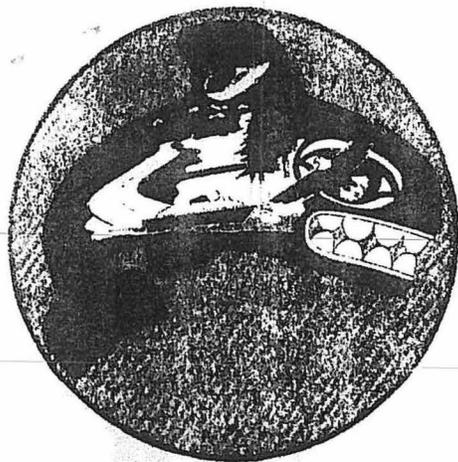
Best regards,

BAXTER BRUCE & SULLIVAN P.C.



Daniel G. Bruce

DGB/ggk
cc: Gary Keller



CITY OF HAINES, ALASKA

P.O. BOX 1049

HAINES, ALASKA 99827

(907) 766-2231 • TOURISM (907) 766-2234 • FAX (907) 766-3179

August 23, 2001

Gary Keller
P.O. Box 1564
Haines, AK 99827

RECEIVED Haines Borough

Aug 28 2014
Clerk's Office

RE: Existing Land Uses in Annexed Areas

Dear Mr. Keller:

This letter responds to your request for clarification regarding the effect of annexation and subsequent new zoning on your preexisting use of a portion of Lot 6B, Block 3, Chilkoot Inlet Subdivision as a shooting range.

Although new firing ranges are now designated as "not allowed" in all planning zones of the City, Haines City Code section 18.60.020 (M) allows "nonconforming" uses to continue. Nonconforming uses are lawful uses, which became prohibited after adoption of the new land use code. Your use as a shooting range would be considered such a nonconforming use. The section specifies that the nonconforming use may continue unless the use ceases for a period of two years; after which it becomes subject to the current zoning requirements. I have enclosed a copy of this section for your information. Keep in mind that other City laws pertaining to nuisances and safety will always apply.

I hope this answers your question. If you need additional information, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Vince Hansen".

Vince Hansen
Administrator
CITY OF HAINES

Enclosure

Cc: Greg Goodman, Police Chief

In the Highland Estates subdivision, all utility connections (including water, sewer, electrical, cable and telephone) shall be connected to underground facilities where available.

M. Nonconforming uses, buildings, lots. The purpose of this section is to control, reduce or eliminate conflicts from the presence of buildings and uses not conforming to district regulations. Nonconformities which are maintained in full compliance with the provisions of this section are not subject to fines or remedial actions.

1. Types of nonconformities:

a. Nonconforming Uses. A nonconforming use is a use which is prohibited or conditional under this title, but which was lawful prior to the effective date of this Title or any subsequent revisions.

b. Nonconforming Buildings. A nonconforming building is one which was lawful at the time of construction but which does not presently conform to the provisions and standards of the district in which it is located.

c. Nonconforming Lots of Record. Nonconforming lots of record are those lots in existence on the effective date of this Title or any subsequent revisions that do not meet applicable minimum lot size requirements.

2. Regulation of Nonconformities. Priority regulatory attention shall be given to nonconformities which are fire and safety hazards or which are clearly inconsistent with surrounding uses or buildings. The following are the regulations for the various types of nonconformities:

a. Uses. A nonconforming use may be changed to an allowed use or another nonconforming use with approval of the Administrator. The Administrator must find the new use is more consistent with the uses allowed in the zoning district, or is less of a fire or safety hazard. When a nonconforming use is discontinued or abandoned for two years or more at any time after the effective date of this Title, it shall not thereafter be resumed unless it is a conditional use and a conditional use permit is granted. Developers are allowed two years from the date property is purchased to initiate development consistent with uses authorized under zoning at the time the property was acquired, even if the zoning for the property changes during that two-year period.

b. Buildings. The repair and maintenance of the nonconforming portion of a building is allowed; provided that no additional building or new building is added within the yard and that the building complies with all other district requirements. Any nonconforming residential building which has been partially damaged may be repaired within one year of such damage, provided that such replacement does not extend or expand the previously existing nonconformity. If repairs can reasonably be made so as to remove the non-conformity, it shall be done. Other nonconforming buildings which are damaged or rehabilitated so that the cost of repairs or rehabilitation exceeds sixty-five percent of the current assessed value of the building shall not be repaired unless the building conforms with all requirements of the applicable zoning district.

8 September 2014

David B. Sosa
Borough Manager
Haines Borough
PO Box 1209
Haines, AK 99827

RECEIVED
SEP 03 2014
HAINES BOROUGH

Re: Meeting 2 September 2014 – Objection to Summary dated September 5, 2014

Dear Mr. Sosa,

To begin, thank you for taking time to meet with me on September 2nd of this year regarding my firing range. It is my hope that we can reach a solution that alleviates the tension between the continuing use of my firing range and any perceived safety concerns.

I received your letter dated September 5, 2014, which generally outlined the substance of our meeting on September 2, 2014. While I do not dispute the purpose of our meeting, I do object to the phrasing of what you labeled our agreements.

Please note that I have not and am not requesting to change my firing range, either to an allowed use or to another nonconforming use. I do not desire to change my use qualitatively or quantitatively. However, at the request of the borough, I am willing to make minor changes provided the borough agrees that such changes do not effect the present designation of my firing range or amount to a change in its use.

I specifically object to the portions of your letter which may be interpreted to mean that I agreed to make any physical changes to my firing range at this point. I agreed to draft a written proposal of economically feasible changes and submit that document to the Haines Chief of Police for review. If those changes would alleviate the perceived safety issues, I would then be willing to make the changes I proposed. We did discuss the National Rifle Association publication that you had sent for and you attached excerpts to your letter. I do not agree that the document sets out an appropriate standard in this case nor does it match the dimensions we discussed at the meeting. I have safely operated my firing range for 28 years, without a single injury or incident, and my objections should not be taken to mean that I am disregarding safety. I merely wish to eliminate any confusion about our agreement.

After our meeting, I requested the hearing for my appeal to the Assembly be set for late in October. I now respectfully request that the hearing be set for September 23, 2014. I believe that my range is presently legal and safe. While I am willing to make reasonable changes to ease your concerns, those changes are not necessary, from a legal standpoint, to continue use of my firing range and my appeal of your abatement order should continue as previously scheduled.

Sincerely,



Gary Keller
P.O. Box 1564
Haines, AK 99827
(907)766-3551



HAINES BOROUGH
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 29
907-766-2716 (fax)

August 14, 2014

Gary Keller
PO Box 1564
Haines, AK 99827

VIA CERTIFIED MAIL

Re: **Cease and Desist Order**
Firing Range
C-CIA-03-06B0; Lot 6B, Block 3, Chilkoot Inlet Subdivision

Dear Mr. Keller:

On 13 August 2014 at 10:00 AM I conducted a site inspection in response to a complaint from Robert and Ardys Miller relating to the discharge of firearms on your property. Accompanying me on this visit was the Police Chief William Musser. I had in my possession a 1:25,000 scale topographic map denoting your property and surrounding properties prepared using the Borough's ArcGIS system. In addition I had relevant sections of Department of the Army Pamphlet 385-63 (Range Safety) with specific information on ballistic considerations for various caliber ammunition, and template Surface Danger Zones (SDZ's) scaled to a 1:25,000 scale map for the following ammunition: 12 Gauge Slug, 9mm Ball Ammunition, 5.56mm (.223) Ball Ammunition, .45 Cal Ball Ammunition.

I have previous experience having been certified multiple times as a Range Safety Officer, Range Office in Charge, and Training and Doctrine Command (TRADOC) Level 2 Range Safety Officer. I have also served as a Battalion Fire Support Coordination Officer, a Battalion Operations & Training Officer, a Division Training Officer, and as an Infantry Battalion Commander while assigned as an officer in the United States Marine Corps between 1992 and 2014. During this period I oversaw live fire training at multiple facilities throughout the United States and overseas and was responsible for ensuring appropriate range design and adherence to appropriate safety standards. The use of SDZ's is common practice throughout the military and for civilian design of safe ranges. In accordance with DAM Pam 385-63 the Bat Wing Surface Danger Zone is employed to *"provide for greater ricochet containment of all ricochets. They should be considered when designing ranges that involve fire and movement, or where ricochet hazards outside the range complex boundary may endanger nonparticipating personnel, or the general public"*. (DA-PAM 385-63 Appendix B-1)

Your property is located at 649 South Beach Road, within the Haines townsite service area. Haines Borough Code (HBC) 9.24.010 addresses the discharge of a firearm of pistol within the townsite service area. This section of code states: *"A. It is unlawful for any person to fire or discharge, within the limits of the townsite service area, any pistol, gun, rifle, air rifle, or other firearm, other than a police officer in the lawful performance of the officer's duty. B. Notwithstanding subsection (A) of this section, it is not unlawful to discharge a firearm at a rifle range, target shooting range, trap shooting*

range, or other area that is posted for such purpose; providing, that the chief of police has approved the area as being safe for such purpose; and providing, that such shooting is adequately supervised and safely conducted". According to our conversation, your family has maintained a firing range on your property for 28 years and this use precedes the incorporation of that area into the townsite service area. You showed both myself and Chief Musser a letter issued by Mr. Vince Hansen, a former City of Haines Administrator, authorizing use of a firing range on the property as a non-conforming use based on pre-existing use prior to incorporation. You also noted that at the time you received the non-conforming use permit there were only two properties on that portion of Beach Road. A visual inspection of the adjacent properties identified there are other dwellings within 200 meters to the left and right of your firing point. After placing the SDZ's on the map and orienting the template based on direction of fire I made a determination that the adjacent properties were included in the area of concern for all of the caliber ammunition noted in the first paragraph and Chief Musser concurred with this opinion.

Additionally, "firing range" is prohibited in the townsite service area, as per HBC 18.70.040. HBC 18.60.020(M) addresses non-conforming uses, buildings and lots. The purpose of this section is to control, reduce or eliminate conflicts from the presence of buildings and uses not conforming to zoning regulations. This section of code states: "A nonconforming use may be changed to an allowed use or another nonconforming use with approval of the manager. The manager must find the new use is more consistent with the uses allowed in the zone, or is less of a fire or safety hazard". Considering the increased residential use of the area that had developed in the period since you were originally issued the non-conforming use permit, I determined that the firing range is not consistent with the uses allowed in this zone and the Borough Planning & Zoning Technician Tracy Cui concurred with this opinion.

Based on the findings above, you are hereby issued a Cease and Desist order citing public safety and in accordance with HBC 8.12.020 (Certain conditions declared nuisances) "B - To annoy, injure or endanger the safety, health, comfort, or repose of the public". Your intended use for the property was not in accordance with the Borough Code, posed a danger to residents and visitors, was not permitted. You were further notified that continuing to use the property to fire weapons was a violation for which you could be cited and fined.

You may appeal this notice to the assembly by filing with the clerk, an appeal in writing in accordance with the appeal procedure provided under HBC 8.12.130 within 15 days from the date of this notice. Therefore, an appeal would have to be received no later than August 29th, 2014.

This matter requires your immediate attention. If you continue to fire weapons on your property you will be cited for violation of the Borough code. Thank you very much for your attention to this matter. Please contact the Borough if you have any questions.

Respectfully,



David Sosa
Borough Manager

CC: Bill Musser, Police Chief
Tracy Cui, Planning & Zoning Technician



HAINES BOROUGH
PO Box 1209
Haines, AK 99827-1209
907-766-2231
907-766-2716 (fax)

September 5, 2014

Mr. Gary Keller
PO Box 1564
Haines, Alaska 99827

Re: Firing Range
C-CIA-03-06B0; Lot 6B., Block 3, Chilkoot Inlet Subdivision

Dear Mr. Keller,

This letter provides a summary of our verbal agreements reached during a meeting that took place in the Borough Administration Building on 2 September, 2014 at 2:00 PM. Also present at the meeting were Mayor Stephanie Scott, and Ms. Judy Ewald.

The purpose of the meeting was to review options relating to the firing range installed on the property referenced above. The Borough's foremost priority is to ensure the safety of residents and visitors and we appreciate your willingness to ensure the safety of the range located on your property. To this end, the goal is to provide Projectile Containment to the point of impact. Additionally, we agreed to the development of sufficient safeguards such that should a ricochet occur, the projectile would be contained within the boundaries of your property.

Per our discussion we agreed that you would erect appropriate backstop, side-berms, and overhead in the target area to affect containment. Relevant information from the National Rifle Association (NRA) 2012 [The Range Sourcebook](#) is included as an attachment to assist with the construction of a containment system. As agreed the Chief of Police will view the system and will be the individual to make the determination as to safety.

Should you disagree with the Police Chief's determination you will still be able to Appeal the Manager's original abatement decision. To that end, notice to the Assembly of your intent to appeal will still appear on the agenda as an Item for the 9 September Assembly Session and will be listed as a consent agenda item. Any appeal must be heard by the Assembly no later than 24 October 2014.

Re: Firing Range
C-CIA-03-06B0; Lot 6B., Block 3, Chilkoot Inlet Subdivision

Thank you again for your assistance with this matter. We look forward to resolving this issue to the satisfaction of all parties.

David B. Sosa
Borough Manager
Haines Borough, Alaska

CC: Bill Musser, Police Chief
XI Cui, Planner

Technical Track: Outdoor Range Design

Design Criteria for Shooting Ranges

By Clark Vargas, P.E., President

C. Vargas and Associates, LTD., Inc., Jacksonville, Florida

There is one overriding design criteria paramount to the design of shooting ranges—that is safety. There is an adage told by experienced range designers and range operators: A completely safe range cannot be designed. A safe range results if and only if it is operated safely and the participating shooters are controlled by the rules and safety policies.

*Shooters are controlled by safety rules and safety policies which must be enforced on the range. Rule violations must have consequences. If you don't enforce your rules, then you are just giving advice. It's important to ingrain the idea into shooters that *unintentional discharges can happen to everyone.**

Range managers can create safer ranges by focusing on the following:

- teaching shooters how to approach the firing line;*
- teaching shooters proper gun handling on the firing line;*
- providing safety areas;*
- teaching shooters that only aimed fire is allowed;*
- teaching shooters all range rules; and*
- cost effective, safe range design can result only if safe, controlled shooters are an assumption.*

To reiterate, range managers must ingrain the idea into shooters' minds that unintentional discharges will happen. I have been shooting for more than 30 years. I have had unintentional discharges. When this happens, it is very traumatic. You become very embarrassed. The only thing that has saved you is that you have been taught to keep your muzzle pointed downrange at arms length so when the discharge occurs, no damage is done.

Knowing how to approach a firing line is a courtesy that needs to be taught to all shooters. For example, when a new shooter walks behind other shooters, they must know not to handle firearms behind other shooters.

At your range, you must insist that shooters execute aimed fire only, and this does not address how quickly you fire. You can have very accurate rapid fire, however; the type of firing that you allow must be in relation to the distance to the target, and must be a process of aiming,

Clark Vargas is a professional engineer and President of a successful 23-year-old civil/environmental engineering firm and has designed more than 30 shooting ranges in Florida, New York, Virginia, Tennessee and Kansas. He also is President of the Florida Sport Shooting Association, the NRA's official state association. He shoots conventional and international pistol competitively and has been invited to shoot for the U.S. Pistol Team try-outs. Mr. Vargas is Past President of the Gateway Rifle and Pistol Club, a 2,200-family member shooting club in Jacksonville, Florida, an endowment member of the NRA, and the NRA's 1999 Achievement in Range Development Marlin R. Scarborough Award recipient.

firing and hitting the target. You must insist on this and not allow shooting at backstops or wooden frames, which will destroy property. Shooters, of course, also must know the administrative rules.

Cost effective range design results only if the designer assumes that the shooter is going to be controlled. Analyze what I just said. If the designer knows that the shooter is not going to be controlled, the only thing that can be designed would be a concrete box with 16-inch thick walls for the shooter to enter into. That would not be a very pleasant shooting experience.

The reference for range specifications I use is the *Army Regulation 385-63 Safety Policy and Procedures for Firing Ammunition for Training, Target Practice and Combat*. This manual clarifies certain requirements on ranges, reviews ballistic data and incorporates new standardized range design. Other examples are from the newly revised National Rifle Association's *NRA Range Manual*.

Ballistics Background

Let's discuss why ranges are designed the way that they are.

A surface danger zone diagram of a shooting range for a single small-arms shooter firing at a fixed ground target would show the center line as a vertical line through the middle of the firing fan. On each side of the center line, you have a 5-degree sector. That 5-degree sector is the dispersion or wobble that the shooter holding a firearm would be expected to have downrange. On either side of that 10-degree arc, the designer provides another 5 degrees to each side for ricochets and any misalignment or inaccuracies. Adjacent to that, the designer provides an area that is called an "A" area. Typically, for small arms, it is 100 meters wide. The distance from the firing line to the maximum trajectory line is called the "A" distance.

A designer develops the impact sector area by first imagining a person who is firing at ground level at a surface target being able to deviate 10 degrees on either side of a center line of fire and allowing him to raise the rifle or the pistol at a 30- to 35-degree angle. These are the angles that will give a maximum trajectory. You now have the maximum distance of impact and a description of the area that is impacted by a range.

This surface danger zone to provide a safe area for one shooter to shoot is a very large area and, in most urban locations, would be cost prohibitive.

Consider a 200-yard range. It is 100 yards wide by 200 yards long. That gives us an idea as to the amount of area that is required for a safety fan for that size range if it were nonbaffled and did not have a backstop.

We also must gauge the maximum range of typical small-arms ammunition. The .22 long rifle is going about 4,590 feet. That's just under a mile. The .223 travels about two miles. The .30-caliber is going about 15,000 feet or three miles. Those are considerable distances.

The trajectories of national match bullets were developed for the .30-caliber rifle bullet as the bullet was improved. Experimenting started in 1919. Four years later, the bullet was further developed, to the 150-grain, .30-caliber bullet with a flat tail which gained 900 feet. Then it

was redesigned from 150 to 170 grains, adding 2,700 feet more distance. For shooting maximum distance, the rifle is aimed at 30 degrees. The bullet basically rises up 1,500 yards and travels 17,100 feet or 5,700 yards.

In 1922 and 1923, bullet design was improved by developing a 6-degree boat tail. The next refinements in 1924 and 1925 resulted in another 3-degree angle in the back to make a 9-degree boat tail, for an additional 3,600 feet. That's how the 10,000- to 15,000-foot trajectory was developed for the .30-caliber match bullet.

To give you an idea of trajectories, consider typical trajectories when shooting at 1,000 yards. The rise to the summit is about 5 yards. The lower trajectories are shooting to 500 yards.

The bullets to contain in a range design are powerful. We also must consider the thickness of materials required for positive protection against direct impact for different calibers of ammunition. For example, .30-caliber ammunition takes 7 inches of 5,000 psi concrete to contain it, or 20 inches of broken stone or about 48 inches of earth.

As a design consideration, if you're going to stop a round, you must stop it completely. If the designer wants to slow the round or contain it within a shot fall area, then one can make assumptions that proportionately, if 7 inches of concrete stop the bullet, 3 1/2 inches of concrete will take 50 percent of the energy out of a .30-caliber round. Therefore, the designer can estimate how to slow a round and where that round will fall, giving the him the choice not only to completely baffle, but also fence shot fall areas to prevent access.

Let's discuss the physics of a bullet in flight. The bullet has a center of gravity through which the force of gravity acts. The quick burning powder will give it a pressure impulse at the tail of the bullet which provides direction of flight and exit muzzle velocity. The front of the bullet, however, is going to hit air resistance which will slow it down and generate, along with gravity, a resultant force that retards the bullet.

When discussing trajectories, the base of trajectory is at the muzzle, the origin of trajectory. It always is horizontal to the earth or perpendicular to the pull of gravity. For shots made within 10 degrees up or down from the horizontal, the designer can assume that the line of sight is parallel to the base of the trajectory. This, however, will not be true when shooting down into a valley or shooting steeply up into a hill.

Trajectories below 30 to 35 degrees are flat trajectories. Those shots are the ones that we're most concerned about as designers. A shot that is fired above 30 to 35 degrees provides plunging trajectories. Plunging trajectories occur mainly with artillery guns; it is the normal trajectory of an artillery shell. The trajectories that we are discussing are flat trajectories for small-arms ammunition, i.e., direct fire.

Due to the force of the inertia, and without any gravity, a bullet would move horizontally in perpetuity. A .30-caliber round travels at 2,800 feet per second, and within the first second of flight, that bullet is 2,800 feet downrange. By the fifth second of flight, it would be 15,000 feet downrange. This is maximum distance as limited by the pull of gravity.

What actually happens is that Mother Nature has the 32-foot per second acceleration constant that is called the pull of gravity. Gravity starts acting on a bullet immediately as it comes out of the barrel and is no longer supported by the barrel.

A bullet in a vacuum acted on by gravity would fall 16.1 feet in one second. In five seconds, which is the maximum time of flight for the .30-caliber bullet exiting at a maximum range angle, it would have fallen 402.5 feet, which is quite a distance. If a man, 5 feet 6 inches tall, fired on the horizontal plane, one can calculate that bullet is going to hit the ground quickly, and it does. The design problem is that, by the time that bullet falls 5 feet 6 inches, it already is 2,800 feet downrange. At most ranges, shooting will occur inside of 200 yards. With a very flat trajectory, a bullet has to be contained or slowed down in the design, because so much energy still remains.

The motion of a bullet fired horizontally and acted upon by gravity without air resistance arcs down immediately upon leaving the support of the barrel. What must the shooter do in order for that bullet to hit the bull's eye? The shooter inserts an angle of elevation into the gun. The angle of elevation is inserted with the sights in order to provide the trajectory that hits the bull's eye. Note that the base of trajectory is horizontal.

Consider the elements of trajectory. There is an ascending branch or summit; this is the point in which the pull of gravity equals or reduces all vertical velocity. Then there is a descending branch. The velocity in the horizontal at the point of impact is called terminal velocity. A .30-caliber bullet going its maximum distance of 15,000 feet impacts with sufficient force to penetrate about 2 inches of wood.

Bullet Containment and Escape Angle Control

Now that we have gone through ballistics, we need to talk about range design to contain bullets and control angles. A typical range requires ample parking for shooters to unload gear and feel comfortable. Parking must meet the design criteria of your locality.

The range requires an assembly area where shooters can check their gear. There must be a ready area for shooters before they go to the firing line. At that time, shooters may start wondering if their sights are set properly. They may want to check their sights and scopes. To remedy this need, range design should provide a safety area. A safety area is nothing more than a place for shooters to handle their guns unsupervised. A requirement of a safety area is that no live ammunition is allowed, since unsupervised gun handling will take place. No ammunition is allowed, period.

After checking their gear in the ready area, shooters go to the ready line. The ready line is a control line to enable officers to have control over shooters going to the firing line. Some type of fencing must be provided to prevent indiscriminate access from the ready line to the firing line without going through a control point or past a range officer.

At a prescribed distance from the firing line, the range has target lines. Side berms must extend far enough to contain all ricochets. That is the main purpose of side berms.

If the designer projects to the backstop a line that is perpendicular to the end of the firing line, he must provide a backstop with sufficient runoff to the right and left to contain rounds with a 5-degree wobble, which is predicted as normal dispersion.

The designer would provide ground baffles to catch rounds that ricochet. The purpose of ground baffles is to intercept rounds skipping and rising. Theory states that a ricocheting round leaves the point of impact at the same angle under which it impacted. In reality, that's not true because there are a lot of surface irregularities. The designer, however, must follow the theory. The designer places ground baffles to intercept the ascending ricocheting rounds before they get over the backstop.

In front of the firing line, the designer places overhead baffles to contain shots that otherwise would travel over the berm.

Site Selection

One of the most important criteria to control range construction cost is to select a proper site. There must be sufficient distance behind the backstop so that sound does not affect the neighbors. You don't want neighbors to complain. Also, if a round or ricochet gets out, it should fall within the range's non-accessible fenced property.

If you build in a populated area, your range must be totally baffled so that the range owner can demonstrate to a judge that a round cannot escape. Ranges are very expensive to construct.

The Tenoroc Shooting Range, near Orlando, Florida, was constructed using these guidelines and moderately priced. Tenoroc will contain a round in a prescribed area should it escape through the baffles.

Baffles

Let's look at an example of baffling requirements. A shooter at a 5-foot-6-inch eye level is in a covered pistol line; you should design a baffle so that his line of sight goes below the first baffle. The shooter's line of sight would intercept the backstop 5 feet from the top. All shots that are fired within this height are going to impact the berm.

If you were to take an angle up to 35 degrees from the muzzle, some type of structural material must be provided on the roof to make sure that a bullet does not go through unimpeded. It must be intercepted so that it will not travel maximum distance. The recommendation for Tenoroc Shooting Range was a construction of sheet steel sandwiched between wood.

In a pistol range cross section of a typical baffled range design, if a shooter makes a shot from the 5-foot-6-inch eye level that is just caught by the bottom of the first baffle, then it also is caught by the top of the second baffle, which gives you an 85-percent reduction in energy for that bullet.

The next design consideration would be shooting from the bench. If the shot clears below the bottom of the second baffle, it is intercepted by the top of the berm. All shots are contained. Obviously, a range should not allow prone shooting if all shots cannot be contained. You must be able to control the shooting that is done within your range. If you want to allow prone shoot-

ing, additional baffles must be built to contain those lower shots. The cost to do so would be considerable.

Typical backstop core area is made out of the cheapest material that you can find—a clay or soil to stand up on a 1-to-1 slope. If you use sands, the natural angle to repose will result in about a 1-to-1 slope. This results in a more expensive berm.

Lead Considerations

You've heard about lead considerations. One recommended design feature for new ranges is to construct an impervious layer to intercept any lead leachate, so that leachate runoff would be directed into a ditch. That ditch would be directed to some type of pond. If lead migration results and you have to do a cleanup, you know exactly where you to look for that lead. Adding a soil amendment, such as lime, to raise the soil pH also is recommended to reduce solubility and lead migration.

Any new design should allow for eventually removing about 3 feet of the front of the back berm's face periodically. There are many opinions for handling lead. I believe that, to get out from under the Resource Conservation and Recovery Act definitions of hazardous waste, you need to recycle lead. Recycled materials clearly are not waste. If lead is not waste, it can't be a hazardous waste. When recycling after lead sifting, the remaining tailings can be controlled through soil amendments to prevent groundwater contamination. If all these design features are implemented, a new range should be in fairly good shape with respect to lead.

Another range design consideration to stop shot is to build a manger, especially in areas where steel shot shooting takes place. The manger will keep ricochets from going over berms in ranges where you shoot steel chickens, plates and other types of reactive targets.

Also, some range managers do not mine the lead on a periodic basis the way they should, or they shoot more and put more lead downrange than they mine. This creates an armor coating situation which causes bullets to ricochet. The manger also solves this problem.

In armored backstops, the bullet can impact and skip, or it can roll up the hill or dislodge other bullets which sail back over the berm. In that case, lead can scatter 70 to 75 yards behind the backstop. The way to stop this would be to put in a ricochet catcher. Normally, the ricochet catcher is built 5 to 6 feet from the backstop crest. It protrudes 5 to 6 feet from the face of the backstop.

Another type of range baffling is called the Venetian blind baffling. Approximately 8 feet from the firing shed, the baffles are about 1-foot centers. The baffles are vertical 2-by-12-inch boards. As you get further away from the firing line, the baffles get spaced out. The theory behind this design is, any shot that could get through passes through two pieces of 2-by-12-inch material to reduce bullet energy.

The designer can do a lot of things to control angles of escape. Typical U.S. Air Force designs raise the shooting line 3 feet above the ground. Ground baffles are 3 feet high so the shooter is shooting over the top of the ground baffles when shooting prone. Overhead baffles are set 9 feet above the ground. If you analyze all angles of escape, no bullet can get through

when firing from the firing line. This type of design allows for prone shooting to occur. This design is more expensive than what was done at Tenoroc Shooting Range.

Typical ground baffles are sandwiched composite construction. You may choose to put additional earth material behind it in order to stop the shot.

The National Rifle Association recommends 45- or 90-degree exit angle baffles for urban areas. Basically, it is steel construction with prestressed hollow-core concrete slabs at a 25-degree angle.

NRA recommends that, if property owners have built or could build dwellings within a half mile downrange of your property, you could possibly get by with a 45-degree angle design and should baffle the range completely, from the firing line to the target line. If neighbors are within one-quarter mile, then the recommendation is to use a 90-degree design. This design is such that if someone pointed a firearm up and fired vertically, the bullet would not leave the range.

Gateway Rifle and Pistol Club

I'm very proud of the design for the Gateway Rifle and Pistol Club, a 2,700-family member club where I'm president. It was designed by competitive shooters. It is made available to the public in Jacksonville, Florida, because we needed to provide a place for community members to shoot.

Gateway has 16 ranges that are operated by competitive shooters. At least two competitions are conducted every weekend, and Gateway is open every day of the year. We also let day guests from the general public use our range.

The pistol complex has 15-, 25- and 50-yard lines. The smallbore rifle complex is 100 yards long. Gateway has a 200-meter high-power rifle range. The range has a silhouette range at the center; action pistol has seven ranges to the east. There is a 100-yard rifle practice range in the northwest corner and an air gun range in half of Building 1.

The 15-yard pistol and 100-yard rifle ranges alone provide income for 25 percent of Gateway's budget annually. That is income from paying guests who are coming in off the street.

Gateway's ranges face northwest toward airport property, which surrounds us to the north, east and west. We have entered into a lease arrangement for airport property off the easterly property line. We shoot shotgun, and the shotfall is off of our property to the east on leased airport property.

Range managers must cultivate the range's neighbors; Gateway members and the board of directors are very active in community relations. We support local politicians; we support 4-H; we help with YMCA. This type of activism has made us a valuable part of the city fabric. The city considers Gateway an asset, as opposed to a sore spot or liability.

Conclusion

Range site selection has got to be done with respect to the safety concerns that I just covered. The site selected is going to dictate how much money you're going to spend developing the range.

Before you can get to range construction, a master plan is a must. Go to a professional designer to help you. You're probably going to have more shooting range in mind than you can afford.

After that, come up with a financial plan. Your financial plan is your reality. It separates needs from wants. Your master plan shows your ultimate development, but your financial plan tells you how far you can go budget-wise, or how to stage your construction until you can achieve your total master plan.

If you proceed with a range designed by a professional, you then can apply for permitting. Once permits are obtained, you can build in phases. Again, let me reemphasize, completely safe ranges cannot be designed. Remember that a safe range results from controlling your shooters.

The most important decision in range design is site selection with safety in mind. Selection of the proper site results from a proper range master plan and, in reality, only happens as a result of a financial business plan. Once the site is selected, preliminary site plans are developed and estimates of cost are derived.

The project should be designed according to phases which will generate income to allow construction of subsequent phases proceeding to completion.

Hopefully, this presentation has informed you as to how a properly engineered range can be cost-effectively designed.



HAINES BOROUGH
PO Box 1209
Haines, AK 99827-1209
907-766-2231
907-766-2716 (fax)

September 9, 2014

Mr. Gary Keller
PO Box 1564
Haines, Alaska 99827

Re: Firing Range
C-CIA-03-06B0; Lot 6B.,Block 3, Chilkoot Inlet Subdivision

Dear Mr. Keller,

I am in receipt of your letter dated 8 September, 2014 and acknowledge your differences with respect an agreed path forward. I have also been informed by Police Chief Musses that you have been coordinating with his office regarding proposed changes. At the conclusion of our conversation on the 8th, I was of the impression that we had agreed the following items:

- Projectile Containment at the point of impact
- Appropriate signage along property boundaries to notify residents and visitors of the presence of a range
- Approval by the Police Chief
- A plan to notify the Police Department when firing commenced and ceased.

My sense at the time of our meeting was that all present felt that these were reasonable and prudent steps to take that enhanced safety and afforded you use of the range on your property. As your letter indicates, you object to these measures being considered agreed but state that you are willing to make "reasonable changes" to ease concerns. While my preference remains a solid agreement on terms, I am pleased that you are continuing to engage with the Borough and remain hopeful that this matter can be resolved to the satisfaction of all parties.

Per your request, we will schedule your appeal for the 23rd of September 2014. Should you have any questions please do not hesitate to contact the Borough.

David B. Sosa
Borough Manager
Haines Borough, Alaska

CC: Bill Musser, Police Chief
XI Cui, Planner

To: Haines Borough Assembly
Haines Borough Mayor
Haines Borough Manager

Fr: Melissa Aronson

September 17, 2014

I wish to add my voice to those concerned about the shooting range on Beach Road and ask that the "Cease and Desist" order remain in place.

My physical address is 371 Beach Road, close to Portage Cove Campground.

While I live more than 500 feet from the shooting range, I have heard the gun shots and have been frightened by them. Earlier this summer I called the police to report hearing gun shots and automatic fire. I was concerned that something very serious may have been happening down Beach Road; after all, we live in a time when mass shootings are a concern throughout the nation. Also I have had conversations with cruise ship passengers walking on Beach Road and campers at Portage Cove Campground, all of whom were concerned about the gunshots.

My late husband and I purchased our property in 2004 and were not informed about the shooting range further down Beach Road. If we had known about it, we likely would not have purchased the property. We were moving from a rural area of California where twice we had almost been hit by bullets from neighbors shooting irresponsibly and one of our neighbors died when a stray bullet hit her in the head. Obviously, hearing gunshots in the neighborhood would be highly undesirable.

This summer the shooting has increased markedly. When the shooting begins, I immediately quit doing anything outside and seek shelter in my home. The shooting is negatively affecting my ability to enjoy my rights as a property owner.

This area is a developing residential area and a shooting range is incompatible with contemporary use.

Please keep the Cease and Desist order in place and revoke the permit for a shooting range. A major role of government is to protect the health and safety of the residents.

Thank you.

From: Bern Savikko [mailto:bsavikko@gmail.com]

Sent: Wednesday, September 17, 2014 9:22 AM

To: Julie Cozzi

Subject: Comments for the assembly meeting regarding property use on Beach Road

To Members of the Assembly,

I was recently informed of the use of a neighboring property as a firing range. I am only a seasonal resident of Haines and have a cabin on Lot 6 which is several properties north of Mr. Keller's.

We were in Haines in early August and during that visit we were surprised by a number of gunshots in the neighborhood. Having seen a bear on the beach earlier, we figured someone was firing off warning shots to scare off the bear. Only recently did we find out that it was most likely Mr. Keller exercising his rights to use his property as a firing range.

Without knowing any of the details, I can only assume Mr. Keller was practicing proper gun safety and shooting into an area which would create no problems for neighbors or traffic. That said, the noise alone was enough to scare our dog and us. I purchased my property in 2004 with no knowledge that it was very near a gun range. My understanding is that we are in a residential area within the city/borough limits and this sort of activity would be restricted. Apparently, it is restricted but Mr. Keller's property is "grandfathered-in" as a shooting range.

Mr. Keller has indicated that he has received no complaints from neighbors and I can believe that. Use of his property as a gun range has been so minimal in the past 10 years that I have been here that it has gone unnoticed by my wife and I (and our dog). If his use of the property as a gun range remained infrequent, it probably would not be an issue. However, it could become an issue if it were used on a regular basis and therefore I am against a city sanctioned gun range being located so near to our property. I believe it would negatively impact my property value, but more importantly, it would negatively impact the existing rural residential character of the whole neighborhood. Our neighborhood hosts many tourists, hikers, small children, Bed & Breakfast's and more. One of the primary reasons I purchased my property was its quiet, secluded location away from such activities. Once again, this area is now a residential area and no longer a wilderness beyond the "end of the road." Use of a property in the area as a gun range just doesn't fit into the residential zoning that I bought into.

I am writing this letter to support the Cease and Desist order that was issued to Mr. Keller to refrain from shooting in his yard. I do not want to restrict Mr. Keller's property rights, however in regards to this particular use, I believe it is in the best interest of everyone in the area to have Mr. Keller follow the rules that the rest of us live by and use the shooting range out by the Mt. Riley trailhead. This range has been traditionally used for target practice and the area seems to be more compatible for such use.

Thank you for your consideration,

Sincerely,

Bern Savikko and Wendie Marriott

Rob Miller
PO Box 742
Haines, AK 99827

To the Assembly:

I would like to state my strong opposition to Mr. Keller being allowed to continue operating his private shooting range in the middle of a residential subdivision within the townsite. As a gun owner myself, I see no compelling reason why Mr. Keller cannot avail himself of the Haines Sportsmen's Association to accommodate his shooting desires. This is what everyone else in the townsite does. I would also like to point out that due to the configuration of the hillside, the gunshot noise on our property is VERY LOUD, despite the 500 feet or so that separates our properties.

Aside from the issue of the safety of the range, an issue which I believe the city manager is more qualified to address than am I, I would like to state that this has the potential to be a major quality of life issue, and an unsettling occurrence to resident and visitor alike. Mr. Keller's attorney states that there has been only one complaint in 28 years. The validity of this statement hinges on what is considered a "complaint." Mr. Keller himself has indicated to me in the past that often a patrol car has been dispatched to his house in response to a phone call to the police, but that when he presented his authorization to the officer, he had been allowed to continue. I personally observed a patrol car head out to his house and return while the shooting continued prior to my making any calls or inquiries. When I phoned the police, they informed me that they had already visited Mr. Keller's house and he showed them a document indicating that all was in order. Are we to believe that HPD investigated my "complaint" before I made it? Later, I did request that the city manager look into the basis of Mr. Keller's claim of a legal shooting range, and expressed personal opposition to him being allowed to continue, although I filed no formal complaint. However, it is quite clear that I am not the only person over the years who has reported gunfire to the police during Mr. Keller's shooting activity. I strongly question Mr. Bruce's assertion that I have lodged the only complaint, and I believe that a thorough search of the records would show a number of calls over the years having been made to the Haines police, only one of which was ever made by me.

Prior to this year, Mr. Keller only seemed to shoot briefly, once per summer. I didn't perceive it as a major problem. This year, after 3 afternoons of shooting in a row, including 2 extended semi-automatic bursts, I decided to inquire as to the basis of the claim, as it seemed incredible that this would be sanctioned by the borough. My inquiry (which at the time was nothing more than a request to view the document authorizing the shooting) angered Mr. Keller. When I paid him a visit to invite him to attend a meeting on the topic I had arranged with Mr. Sosa, Mr. Keller was angry, combative, threatened me with a lawsuit, and stated "this is war." Mr. Keller at that time promised to shoot every day from then on to "show me." He did shoot the next two days, then ceased.

During his 5-day spree, I observed

- 1) concerned and upset tourists, who asked me what was going on. They asked if they should call the police. I told them they could, but the police wouldn't do anything and the borough apparently sanctions the activity. They turned around and left, unwilling to proceed toward the Battery Point Trail under those conditions.
- 2) a frightened dog which ran down the road in a panic;

- 3) a concerned neighborhood boy who knocked on our door because he was worried about the dog (he said the dog ran down the road to the water and jumped in the ocean in response to the gunfire and wondered if the dog was ours. He also expressed concern about the source of the gunfire).
- 4) a guest of mine who is a veteran, who immediately ran for cover upon the commencement of shooting. The noise level was sufficient to aggravate his tinnitus.

This subdivision has grown up from when it was established in 1984, and even more so since annexation. There are many more residents, much heavier use of the road, more kids, more dogs, and MUCH more traffic and activity. Tourists often walk down the road. The cross-country team often trains out this road. Several local tour companies run tours out the road and then on by foot to Battery Point. Although in the past Mr. Keller's activities were infrequent enough and the population was sparse enough to not be alarming to me (in fact I had a conversation at one point in the past about him helping me sight in a gun on his range), this area has grown up. We have all given up activities that were appropriate in the past due to increased population and use.

If, in the face of all this increased residential activity, the assembly believes that it is appropriate to allow Mr. Keller to continue, then certain conditions should be set. At the very least, the dates and times of the shooting should be publicized ahead of time to a) residents, b) tour operators in the area, c) any visiting tourships (so tourists can be warned), d) the school district, so any athletic training can either be relocated, or the participants notified. Gunfire in a residential area is a rare enough occurrence to be alarming to many people. The first reaction is often "who is being attacked by a bear?" Advance notice is needed to help allay the level of fear and concern.

In addition, any real property sold in the vicinity should include a disclosure which clearly states that the usual expectations of a rural residential property within the townsite with regard to firearms discharges do not apply. Presently, properties are bought and sold with the purchasers unaware of the situation. I personally know of several purchasers in the area that did not know they were buying near a shooting range. A review of borough zoning standards would naturally lead a prospective buyer to erroneously believe that the laws and regulations stated in the borough code regarding firearm discharges apply to everyone, when in fact they apply to everyone but Mr. Keller.

I recognize that Mr. Keller has only used his shooting range very occasionally. However, it is my understanding that until the cease and desist order was issued, he could in theory shoot all day and every day and invite any number of others to join him in doing so. Even if the range is deemed "safe," it has the potential to adversely affect the neighborhood and the community at large, including local businesses. I therefore encourage the assembly to let Mr. Sosa's cease and desist order stand.

Sincerely,

Robert W. Miller
Beach Road

Ardy Miller
PO Box 742
Haines, AK 997827

September 16, 2014

Dear Assembly Members:

I am writing to express my concerns about a firing range located in my neighborhood on Beach Road. My main concern is actually spelled out in the appeal of the Cease and Desist order that was issued to the owner of the range. This range was established, according to the appeal filed by the range owner, Gary Keller's, attorney, 28 years ago when there were only two occupied lots on the gravel portion of Beach Road. A number of things have changed in the past 28 years – things that appear to make the use of what is now essentially a residential backyard as a gun range unacceptable.

The most apparent and critical change is that there are now about 30 residences on our section of Beach Road. Most, if not all, of these residences are occupied during the summer months, and half or more are occupied year round. An area that really was “out in the sticks” a few years ago has grown into a residential neighborhood, been annexed into the city limits and is now within the townsite. The population density in our area has grown, even since annexation, at which time the gun range was “grandfathered” in, apparently as part of the annexation process.

Beach Road is also a heavily-used pedestrian route, by locals and visitors alike. Joggers, hikers, dog walkers, bicyclists, school groups, and area residents use the road regularly. Tourists often walk down the road from town or the cruise ship dock on their way to the Battery Point Trailhead. The sudden sound of gunfire can be very disconcerting to those of us who live here. Imagine the potential effect on visitors from less peaceful areas of the country and the world, especially as there is nothing to indicate that Beach Road is anything other than a rural residential neighborhood.

My concerns with this issue are not about gun ownership and use. My concern is with where guns are used. The authors of the Borough Code rightly restricted discharge of firearms within the townsite, and zoning of rural residential areas does not allow for firing ranges. This is not just a safety issue – it is a quality of life issue. It is hard to imagine that people in other areas of the townsite would respond positively to the random and unannounced sound of repeated gunfire in their neighborhoods. It is hard to imagine that they would not also be concerned about the safety of children and pets who might wander onto their neighbor's open firing area. Granted, shooting is not a common occurrence at our neighbor's range. But, even the occasional burst is sufficient to frighten tourists, panic pets, and rattle residents' and their visitors' nerves. Some may argue that noise is a fact of life in Alaska – hammers, nail guns, chainsaws, wood splitters, etc. . Agreed – but there is a fundamental difference in my, and I suspect most people's, reaction to the sound of a chainsaw or nail gun and the sound of repeated bursts of gunfire. Given these considerations, I support the continuation of the Cease and Desist Order.

Sincerely,

Ardy Miller

From: Todd Winkel [mailto:twinkel@hotmail.com]
Sent: Tuesday, September 16, 2014 4:42 PM
To: Julie Cozzi
Subject: Comment on Private Shooting Range on Beach Road

To Whom It May Concern:

In regards to the presence of a private shooting range in operation on Beach Road, as a neighbor and business owner on that road, I feel I should express my opinions on the subject. I do not wholly object to the operation of a legal private shooting range at said location.

We do operate a lodging business during the months of March through the end of November. During the months of June, July and August we tend to get guests that tend to be quite a bit pickier than those we get in the shoulder months. Guests have at times expressed concern when hearing gunshots and a small number have expressed their desire not to hear the gun shots. Historically, the quantity of gunfire from the location has been minimal and typically only occurs a few days each summer. The operator of the range has attempted to respect the neighbors by shooting at reasonable hours. For our business, during the summer months, the majority of our guests are not actually present at the business during the hours of 11 am through 6 pm.

It is our feeling that the range can continue to be operated at said location as long as:

1. Measurements are taken to enable us to inform our guests when there may be gunfire;
2. The operator of the range be available by phone during days when the range is in use to enable us to contact the operator of the range and that said operator cease gunfire per our request in the scenario when we have guests on location who are not ammendable to the noise.
3. The range is not operated in the early morning or evening when guests may be enjoying the silence offered by our location (if range operator wishes to fire prior to 11 am or after 6pm, we request he make contact with us in advance for concurrence that the use will not pose an issue with any guests we have on site).

Basically, we believe good old fashioned neighbor to neighbor communication and respect will work just fine to enable this individual to continue to enjoy his historic rights.

The range was in operation prior to the area being annexed by the Borough and we do not wish to see the Borough remove these historic rights from the location.

We firmly believe that one of the greatest draws of the Haines area is the freedom's enjoyed due to location and general manner by which it has historically been managed. Over the past couple of years the Borough has acted in a manner that is contrary to what makes this such a special place. We really hope the Borough can revisit what makes this such a special place and consider this prior to acting in a manner that impacts individual's freedoms on Private Land. We hope that future enforcement of Borough code can be performed in the interest of the

intent of the Code - not the literal interpretation.

Furthermore, we hope to see the Borough Assembly take a step back from it's strong focus on Cruise Ship Visitor perceptions of Haines and it's drive to make Haines more like Skagway. If Skagway is what individuals desire, than that is where they should go.

Thanks for considering my input on this issue and I appologize if I got a bit off into the broccoli patch near the end. I guess mounting frustrations with the manner in which the Borough has been conducting business and bending over backwards to fondle relationships with Cruise Ships and Large Hotel Chains at the expense of local small business just needed to be let out on paper.

Sincerely,

Todd Winkel

September 14, 2014

RECEIVED Haines Borough

Haines Borough Administration & Assembly
c/o Julie Cozzi, Borough Clerk
103 Third Ave S.
P.O.Box 1209
Haines, AK 99827

SEP 15 2014
Clerks Office

RE: Gary Keller's Appeal of 8/14/2014 Cease and Desist Order

Issuing this order amounts to a hasty, arbitrary action lacking adequate research and communicative finesse. I urge the Assembly to weigh Gary Keller's appeal with due diligence and objectivity.

As one of the newer Beach Road neighbors, and working outside when Gary's firing range shots reverberated through our thinned forest, I was momentarily taken aback. Once I found out he had a legitimate permit, my recoiling nerves settled and relaxed.

When I noted a cease & desist order was served on Gary, I was both surprised and perturbed. No one from our Beach Road neighborhood had obtained collective authorization to complain. No borough official interviewed immediate neighbors to determine and/or clarify any nuisance or public safety issues. I urge the Assembly to judiciously weigh these matters.

Please feel welcome to contact me via (907)766-3917, if you have any questions.

Neighborly, Bill McCord



RECEIVED

SEP 03 2014

HAINES BOROUGH

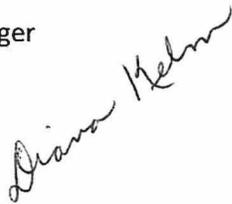
HAINES BOROUGH
TO WHOM IT MIGHT CONCERN

THE FIRING RANGE THAT
GARY KELLER HAS GRANDFATHERED
IN ON HIS PROPERTY IS NOT
BOTHERING SOME TO OUR FAMILY.
WE BELIEVE HE SHOULD BE
ALLOWED TO KEEP IT.

Sheldon Scott
Beach Rd Property OWNER
9/3/14

Memo to: David Sosa
Haines Borough Manager

Memo from: Diana Kelm
Beach Road South Resident



Subject: Developing neighborhoods and
Strong-arm tactics

Date: September 8, 2014

I noted with concern a letter on the Haines Borough website written by borough manager David Sosa to our neighbor Gary Keller regarding Gary's use of a firing range at his home on Beach Road South. I have resided across the road from the Kellers for 15 years and am aware of this practice on their property. While the first occurrence of fire-arm activity all those years ago gave me pause, once I learned that it was legally permitted, and all these years later has been practiced both safely and only very occasionally, it has not been of further concern to me.

What does give me concern is the manner in which differences between neighbors are being addressed by those in authority. Haines consists of a number of neighborhoods that are still developing. Beach Road South is one of them. In approximately the past 10 years, about a dozen families and/or homes have appeared in the half-mile neighborhood of about two dozen total houses or cabins. The properties here were intended to be populated according to rural residential zoning criteria. It is resided in by 'old timers' of 15 to over 20 years and a blend of summer people and newer, full-time inhabitants, some of whom physically dwell here only sporadically. Other property owners have remained here only a couple of years, during which time they have dramatically pillaged the pristine landscape, then moved away. We all recognize that change happens. How it is imposed upon and accommodated among neighbors defines the character—and the quality—of the neighborhood.

Strong-arm tactics as described by Mr. Sosa in his Cease and Desist order are not it. This practice plays into the mentality of neighbors who bond together against other neighbors, even under the intent of seeming helpful to others. There is no 'Governor of Beach Road South'!

To engage authority figures (such as our Chief of Police, who accompanied Mr. Sosa on his August investigation of the Kellers' property) and to deliver threatening orders that send a message put a figurative club into the hands of those who rabble-rouse and crusade. In fairness, both Mr. Sosa and Mr.

Musser are new to issues intrinsic to rural Alaska towns and neighborhoods. However, naivete is not a license to foster sickness in a community.

I solicit a more neighborly process-- a process which embraces communication that is respectful and a process that is directed toward compromise that is reasonable.

✓ Cc: Stephanie Scott, Haines Borough Mayor

William Musser, Haines Borough Chief of Police

Tracy Cui, Haines Borough Planning and Zoning Technician

RECEIVED Haines Borough

August 28, 2014

Aug 29 2014

Clerk's Office

To Whom it May Concern,

I am writing this letter in support of Gary Keller and his shooting range. Gary has had his shooting range in place for 28 years and has had a Borough exemption for shooting in the Town Site area since he was annexed. Gary has stated that there haven't been any changes to his neighborhood such as new houses going up near his range or anything else.

Gary's range goes back into the mountain side with trees on either side of it with stumps and logs as a backstop you can't ask for a much better place to be shooting into for safety.

In all this time he has not had any issues or problems; talking with Gary he says that his neighbors don't have any issues with his range except the one that wasn't granted permission to use the range. I think that Gary showed excellent judgment by not allowing just anybody to use his range if you don't know someone's abilities it is only prudent not to let them use your range. What helps keep a range like this safe is by being particular with who you allow to use it.

In conclusion I support Gary Keller and his right to keep his range.

1
Wm Dandyroy

Forrest W Hinkema

To: Haines Planning Commission
Re: shooting range on Beach Rd.
From: Dennis W. Franks

8/14/2014

RECEIVED Haines Borough

AUG 14 2014

Clerk's Office

- 1.) I have lived on Beach Rd. extension since 1997 - before we were annexed to the borough.
 - 2.) My neighbor Gary Keller who lives across from me has had a personal shooting range behind his house since he moved there. He asked me if his shooting would be a problem & I said no.
 - 3.) Apparently one of our new neighbors has taken exception to his range & has lodged a complaint.
 - 4.) This letter is written in support of Mr. Keller's shooting range. Please feel free to call me if needed.
- Sincerely
Dennis W. Franks

766-3683 ²

Chapter 8.12 NUISANCES

Sections:

- 8.12.010 Definitions.
- 8.12.020 Certain conditions declared nuisances.
- 8.12.030 Hazardous building or structure prohibited.
- 8.12.040 Hazardous building or structure – Condemnation authority.
- 8.12.050 Hazardous building or structure – Inspection and report to assembly.
- 8.12.060 Abatement official.
- 8.12.070 Notice and order to abate.
- 8.12.080 Service of notice.
- 8.12.090 Method of service.
- 8.12.100 Proof of service.
- 8.12.110 Abatement by borough.
- 8.12.120 Method of abatement.
- 8.12.130 Appeal to assembly.
- 8.12.140 Enforcement.
- 8.12.150 Recovery of costs.

8.12.010 Definitions.

For the purposes of this chapter, the following terms are defined as follows:

“Incidental expenses” includes, but is not limited to, the actual expenses and costs incurred by the borough in the preparation of notices, specifications, and contracts, in the overhead and inspection of the work, and in the printing and mailing required under this chapter.

“Nuisance” means any act or thing that is injurious to the public health or safety, prevents or obstructs the reasonable use and enjoyment of life or property, or is dangerous to surrounding property.

8.12.020 Certain conditions declared nuisances.

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

- A. To bury a person except within an established cemetery.
- B. To annoy, injure or endanger the safety, health, comfort, or repose of the public.
- C. To offend the public decency.
- D. To interfere with, obstruct, or render dangerous any street, highway, navigable lake, or stream.
- E. To make any loud or unreasonable noise that annoys, injures or endangers the comfort, repose, or health of a person, except as may be necessary in the operation of properly maintained equipment or other apparatus which cannot be operated otherwise.
- F. To operate a machine, device or apparatus that causes reasonably preventable electric interference in the operation of any radio or television receiving set.
- G. To maintain an unoccupied building in such a manner as to permit or enable the ingress and egress of animals.
- H. To maintain a building in a state of disrepair or deterioration, in a manner creating or permitting the existence of a hazardous or unsafe condition, or in a manner constituting an attractive nuisance.

I. To maintain a building in a state of disrepair or deterioration so as to reduce the surrounding property values or cause other unreasonable economic detriment to surrounding property owners, including, but not limited to, allowing on the premises: lumber, refuse, junk, debris, or abandoned, discarded, and unused objects, such as automobiles, fixtures, furniture, appliances, and other objects which are not kept for immediate use and have been allowed on the premises for more than 30 days.

J. To cause the accumulation of stagnant water or discharge of wastewater on the ground surface or into any surface watercourse as a result of the failure of an on-site wastewater disposal system.

K. To create, permit, or allow to exist, or to fail to take reasonable and precautionary measures to restrict access to, a condition on property in one's control or possession constituting an attractive nuisance or safety hazard to children, including, but not limited to: abandoned or broken equipment or tools, excavations, water pools, or objects in which children can be confined, such as refrigerators or other enclosures.

L. To cause the emission of noxious fumes.

M. To cause the exposure, display, sale, or distribution of pictures, books, pamphlets, magazines, papers, documents, or objects that offend the public decency, according to prevailing community standards; or to provide a facility, location or other medium where such items are exposed, displayed, sold, or distributed.

N. To use a street, sidewalk, or place adjacent thereto in such a manner as to cause an obstruction of traffic except as may be authorized by law or ordinance.

O. To cause the public exposure of a person having a contagious disease.

P. To cause one's cellar, pool, sewer, water closet, or private drain to become noxious, foul, offensive, or to otherwise pose an unreasonable risk to the public health and safety.

8.12.030 Hazardous building or structure prohibited.

It is unlawful for any person, association, corporation, or other entity to have, keep, or maintain, within the townsite service area, any building or other structure that is or has become a fire or health hazard or a public nuisance.

8.12.040 Hazardous building or structure – Condemnation authority.

Any building or other structure within the townsite service area that is a fire or health hazard or a public nuisance shall be subject to condemnation as authorized by AS 29.

8.12.050 Hazardous building or structure – Inspection and report to assembly.

Whenever the manager, fire chief, chief of police, or planning commission of the borough, after inspection, deems any building or other structure within the townsite service area to be a fire or health hazard or a public nuisance, said public official shall render to the assembly a complete written report concerning the conditions of such building or other structure and, if condemnation is recommended, a statement of the reasons why such building or other structure should be condemned. Included in such report shall be any violations of this chapter or of any other code provisions and of any state statutes, together with recommendations as to abating, altering, repairing, removing, or demolishing such building or other structure.

8.12.060 Abatement official.

The manager or the manager's designee may, as provided by this chapter, abate any nuisance within the townsite service area that is prohibited by this chapter.

8.12.070 Notice and order to abate.

A. Upon discovery or receipt of notice of any nuisance prohibited by this title, the abatement official shall immediately notify the owner of the property on which the nuisance exists and require the abatement of the nuisance within a reasonable time limit specified by the abatement official.

B. The abatement official may abate any public nuisance without notice in an emergency when the public safety, comfort or repose is seriously annoyed, injured, or endangered to the point where immediate action is necessary to avoid further harm and notice cannot be reasonably given in a timely manner. All abatement procedures provided in this chapter, except the giving of notice, shall apply to the nuisance abated under this subsection, including the recovery of costs.

C. Unless a nuisance has created an emergency situation which requires immediate abatement as provided in subsection (B) of this section, the abatement official shall issue an abatement notice and order to:

1. The record owners of the affected property;
2. The person committing, creating, or maintaining the public nuisance; and
3. The occupant of the affected property.

D. The notice and order shall contain:

1. The street address and legal description of the subject property;
2. A statement that the abatement official has found the property affected with a public nuisance including a brief and concise description of the public nuisance as declared in this chapter;
3. A statement of the action to be taken, as determined by the abatement official, to wholly abate the public nuisance by rehabilitation, repair, demolition, or other action;
4. A statement advising that, if any required abatement is not commenced or completed within the time specified, the abatement official may proceed to cause the necessary work to be done and charge the cost thereof against the property or its owner;
5. An advisement that any person having record title or other legal interest in the property may appeal the notice and order of any action of the abatement official to the assembly by filing with the clerk, an appeal in writing in accordance with the appeal procedure provided under HBC [8.12.130](#) within 15 days from the date of service of such notice and order;
6. An advisement that failure to file a timely appeal will constitute a waiver of the right to contest the order.

E. No notice and order under subsection (C) of this section is required for the abatement of a public nuisance occurring on borough property or public streets, parks, and rights-of-way.

8.12.080 Service of notice.

A. The abatement notice and order issued under HBC [8.12.070](#) and any amended or supplemental notice and order shall be posted on and served upon the record owner of the property affected by the public nuisance. A copy thereof shall also be served on each of the following if reasonably ascertainable to the abatement official or readily available from official public records:

1. The holder of any mortgage, deed of trust, lien, or other encumbrance of record;
2. The lessor or holder of any lease of record;
3. The owner of any other estate or legal interest of record in or to the property affected with the public nuisance;

4. The person in possession of the property.

B. The failure of the abatement official to serve any person required to be served under subsection (A) of this section shall not invalidate any proceedings herein as to any other person duly served or relieve such person from any duty or obligation imposed by the provisions of this chapter.

8.12.090 Method of service.

Service of the notice and order shall be made upon all persons entitled thereto under HBC [8.12.080](#), personally or by mailing a copy of such notice and order by registered or certified mail, postage prepaid, return receipt requested, to the person's address as it appears on the last assessment roll of the borough or to such proper address as is known, or reasonably ascertainable by, the abatement official. If no address of such person is available, a copy of the notice and order shall be addressed to such person at the address of the property involved in these proceedings. A failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified or registered mail in the manner herein provided shall be effective on the date of mailing.

8.12.100 Proof of service.

Proof of service of the notice and order shall be certified to at the time of the service by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt, card return, or acknowledgment of receipt by certified or registered mail, shall be affixed to the copy of the notice and order.

8.12.110 Abatement by borough.

After the expiration of the time limit specified in the notice and order for the abatement of the nuisance, the abatement official shall proceed to abate the nuisance at the expense of the borough, unless:

- A. The nuisance has already been abated to the satisfaction of the abatement official;
- or
- B. An appeal from the order of abatement has been filed with the assembly.

8.12.120 Method of abatement.

A. The abatement official (and the assembly, if an appeal is taken) shall order the means best calculated to wholly abate the nuisance for the least cost. Demolition shall not be ordered if repair or removal may accomplish the abatement.

B. Abatement of a public nuisance by the borough shall be accomplished by borough personnel or by private contractor.

8.12.130 Appeal to assembly.

A. A person entitled to service under HBC [8.12.080](#) may appeal a notice and order or an action of the abatement official concerning abatement of a public nuisance, by filing at the office of the clerk, within 15 days from the date of service of such order, a written appeal to the assembly.

B. Upon receipt of an appeal filed pursuant to this section, the clerk shall present it at the next regular or special meeting of the assembly.

C. Within five days of the assembly meeting referred to in subsection (B) of this section, and as directed by the assembly, the clerk shall fix a date, time, and place for the hearing by the assembly, or shall notify the appellant that the appeal has been rejected for

lack of timeliness. Such hearing date shall not be less than 10 days or more than 60 days from the date the appeal was filed with the clerk. Written notice of the time and place of the hearing and the issue(s) to be heard shall be given at least 10 days prior to the date of the hearing to each appellant by the clerk either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal. If applicable, the notice shall state that the appeal was not filed in a timely manner and require that the appellant show good cause for the late filing before proceeding on the merits of the appeal.

D. Unless excused by the assembly upon a showing of good cause, the failure to file an appeal in a timely manner in accordance with the provisions of subsections (A), (B) and (C) of this section shall constitute a waiver of the right to challenge or adjudicate the validity of the notice and order, or any portion thereof, before the assembly. In no event shall good cause be found to exist where an appeal is filed more than 30 days after the expiration of the filing deadline, at which time the clerk may refuse to accept an appeal outright.

E. Only those matters or issues specifically raised by the appellant shall be considered at the hearing on the appeal.

F. Enforcement of the notice and order of abatement issued under this chapter shall be stayed pending final disposition of a timely and properly filed appeal.

G. At the hearing, the appellant may appear in person or by agent or attorney. The presiding officer of the assembly may administer oaths and compel the attendance of witnesses. Record shall be kept of the proceedings by the clerk or a competent stenographer under direction of the clerk and the appellant shall be furnished a copy upon request at no expense. The assembly shall have the following powers:

1. To hear and decide appeals where error is alleged in any order, findings, requirement, decision, or determination of the abatement official;
2. To hear and decide requests for exceptions to the terms of this chapter;
3. To grant variances from the terms of this chapter in specific cases as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the chapter would result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.

In exercising its powers, the assembly may, in whole or part, reverse, affirm, or modify the finding, order, requirement, decision, or determination appealed.

H. The assembly, after the public hearing, shall adopt a resolution of its findings. If removal of the nuisance is provided for and ordered, the owner shall have at least 30 days from the date of the resolution to do so unless the assembly orders that repairs or alterations be completed within a lesser time.

8.12.140 Enforcement.

A. Generally. After an order of the abatement official or assembly becomes final, a person to whom such order is directed who fails, neglects, or refuses to obey such order shall be subject to punishment in accordance with HBC [1.24.010](#).

B. Failure to Obey Order. If, after any order of the abatement officer or assembly has become final, any person to whom such order is directed fails, neglects, or refuses to obey such order, the abatement official may:

1. Cause such person to be prosecuted under subsection (A) of this section;
2. Institute any appropriate action to abate such public nuisance; or
3. Take both of the actions specified in subsections (B)(1) and (2) of this section.

8.12.150 Recovery of costs.

A. The abatement official shall keep an accounting of the costs, including incidental expenses, of abating each public nuisance, and shall render an itemized written report to the assembly showing the costs and manner of abatement of each public nuisance, including any salvage value relating thereto.

B. Upon the completion of the abatement work, the abatement official shall prepare and file with the clerk a report specifying the work done, itemizing the total cost of the work, and identifying the property affected by the public nuisance and the names and addresses of the persons entitled to notice pursuant to HBC [8.12.080](#). Before the report is submitted to the assembly, a copy of a report shall be posted for at least five days upon the affected premises, together with a notice of the time when the report shall be heard by the assembly.

C. The costs may be recovered by the borough in a civil action or the borough may assess such costs against each and every separate property affected by the abatement as a tax, which tax shall then be collected as other taxes are collected.

D. All moneys recovered for the costs of abatement shall be paid into the general fund.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-503

Assembly Meeting Date: 9/23/14

Business Item Description:	Attachments:
Subject: Amend Code to Allow Requests for Special Ski Events to be Submitted Prior to Ski Season	1. Ordinance 14-08-390 - Current Draft 2. 9/2/14 Memo from Commerce Committee Chair 3. 8/19/14 Proposal from Assembly Member Campbell 4. Citizen Written Comment
Originator: Assembly Member Campbell	
Originating Department:	
Date Submitted: 8/19/14	

Full Title/Motion:
Motion: Advance Ordinance 14-08-390 to a second public hearing on 10/14/14.

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: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

On 8/26, the ordinance was referred to the Commerce Committee and staff for a recommendation to come to the assembly during this meeting. The committee met on 9/2/14 and prepared a new draft to be considered for introduction. That draft was introduced on 9/9/14 and is now in the public hearing process.

The proposed changes to code are:

- 1.) Increase the number of special event permits to five.
- 2.) Allow organizations wanting to conduct a special event out of bounds to APPLY for that at any time rather than just within the heliskiing season.
- 3.) Once a Special Event Permit is approved, it is no longer subject to the "shared use" policy.

Referral:

Referred to: Commerce Committee	Referral Date: 8/26/14
Recommendation: Introduce redrafted ordinance	Meeting Date: 9/2/14

Assembly Action:

Meeting Date(s): 8/26, 9/9, 9/23/14	Public Hearing Date(s): 9/23/14
	Postponed to Date:

An Ordinance of the Haines Borough to amend Borough Code Section 5.18.080 to allow up to five permits for special ski events each calendar year, to enable a request for temporary additions to the ski map to be submitted prior to a ski season, and to clarify that permitted special ski events are not subject to the Shared Use Policy.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Code Sub-Section 5.18.080(A). Sub-Section 5.18.080(A) of the Haines Borough Code is amended, as follows:

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

5.18.080 Commercial ski tours, commercial ski productions and special ski competition events.

A. Number of Permits

1. No more than three commercial ski tour permits, ~~and one permit for a special ski competition~~, may be issued for any one calendar year.

2. No more than five permits for a special ski event or competition may be issued for any one calendar year.

2. ~~3.~~ **3.** A permit does not create an exclusive right of use of an area by the permittee. However, the borough may specify areas of the map in which a permittee may operate.

3. ~~4.~~ **4.** If more than three applicants apply for a commercial ski tour permit in any calendar year, preference shall be given to existing permit holders in good standing in the grant of a permit.

Section 5. Amendment of Code Sub-Section 5.18.080(G). Sub-Section 5.18.080(G) of the Haines Borough Code is amended, as follows:

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

G. Temporary Additions to Approved Commercial Ski Tour Areas.

1. A permittee **or an applicant for a special commercial ski production or special ski competition event** may request the addition of territory to the "Haines Borough Approved Commercial Ski Tour Areas" map for a special ski ~~competition event~~, **not to exceed 14 days in length**. All such requests ~~shall be made only during a season and shall expire at the end of that the season~~ **within which the event takes place**. Requests shall be submitted to the manager. All requests shall be submitted **on a form designed by the Borough**. ~~in writing, be accompanied by a diagram showing the proposed additional area with reasonable specificity and shall explain the reasons for the proposal.~~

2. No later than ~~seven~~ **fourteen** days after receipt of a request submitted in compliance with subsection (G)(1) of this section, the manager shall prepare a written recommendation to the assembly.

3. The assembly ~~may~~ **shall** act on the manager's recommendation by resolution **at its earliest regular meeting**. If the assembly approves the temporary addition of territory, the "Haines Borough Approved Commercial Ski Tour Areas" map shall be amended by designating the additional territory as "temporary" and identifying the dates for which the additional territory is approved.

4. The Shared Use Policy (HBC 5.18.080(H)) is not effective for the duration and in the location of a special commercial ski production or a special ski competition event.

Section 6. Amendment of Code Sub-Section 5.18.080(H). Sub-Section 5.18.080(H) of the Haines Borough Code is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED

H. Shared Use Policy.

1. Commercial ski tour permittees shall yield to nonmotorized, recreational backcountry users, within the boundaries of the area known as Telemark Ridge at the head of the Haska Creek drainage, on a by-request basis.

2. Recreational backcountry users may contact a permittee by phone or e-mail at least 48 hours in advance of the activity and request to use a specific area on a specific day.

3. Confirmation shall be given by the permittee within 24 hours of the request.

4. The person making the request shall notify the borough clerk of the request.

5. Cancellation of the request shall be communicated to the permittee before 9:00 a.m. on the day of the activity.

6. Failure by recreational users to communicate a cancellation of the activity may result in the loss of request privileges.

7. Failure by a permittee to confirm a request, or to yield an area to recreational users, shall be reported to the borough clerk and recorded for future review.

8. The duration of a recreational activity in any specific area shall be for a maximum of three days consecutively, and for no more than 10 days per month.

9. The Shared Use Policy in its entirety is not effective for the duration and in the location of a special commercial ski production or a special ski competition event.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2014.

Attest:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 09/09/14
Date of First Public Hearing: 09/23/14
Date of Second Public Hearing: ___/___/___

September 2, 2014

To: Julie Cozzi, Borough Clerk
Fr: Debra Schnabel, Commerce Committee Chair

Re: Commerce Committee Substitute for Ordinance 14-08-390: An Ordinance of the Haines Borough to amend Borough Code Sub-Section 5.18.080 to allow requests for special ski events to be submitted prior to a ski season for the borough manager's approval.

The Commerce Committee generally approves and encourages special ski production and competitive ski events for their perceived economic benefits to the community. The committee recognizes the need to provide a process for generating these events with adequate time for planning, review, approval and marketing, and recommends code amendment to provide for this. However, the committee is not in agreement with the standing proposal to authorize the borough manager to designate territory outside of the heli-ski permitted area for these events.

Therefore, through the Chair, the Commerce Committee recommends the following substitute amendments to Sub-Section 5.18.080 Commercial ski tours, commercial ski productions and special ski competition events and requests that the following substitute amendment to 5.18.080 be placed before the Assembly for public hearing on September 9:

A. Number of Permits

1. No more than three commercial ski tour permits, ~~and one permit for a special ski competition~~, may be issued for any one calendar year.

2. No more than five permits for a special ski event or competition may be issued for any one calendar year.

~~2.~~ **3.** A permit does not create an exclusive right of use of an area by the permittee. However, the borough may specify areas of the map in which a permittee may operate.

~~3.~~ **4.** If more than three applicants apply for a commercial ski tour permit in any calendar year, preference shall be given to existing permit holders in good standing in the grant of a permit.

G. Temporary Additions to Approved Commercial Ski Tour Areas.

1. A permittee **or an applicant for a special commercial ski production or special ski competition event** may request the addition of territory to the "Haines Borough Approved Commercial Ski Tour Areas" map for a special ski ~~competition~~ event, **not to**

September 2, 2014

exceed 14 days in length. All such requests ~~shall be made only during a season and shall expire at the end of that the season~~ **within which the event takes place.** Requests shall be submitted to the manager. All requests shall be submitted **on a form designed by the Borough.** ~~in writing, be accompanied by a diagram showing the proposed additional area with reasonable specificity and shall explain the reasons for the proposal.~~

2. No later than ~~seven~~ **fourteen** days after receipt of a request submitted in compliance with subsection (G)(1) of this section, the manager shall prepare a written recommendation to the assembly.

3. The assembly ~~may~~ **shall** act on the manager's recommendation by resolution **at its earliest regular meeting.** If the assembly approves the temporary addition of territory, the "Haines Borough Approved Commercial Ski Tour Areas" map shall be amended by designating the additional territory as "temporary" and identifying the dates for which the additional territory is approved.

4. The Shared Use Policy (HB 5.18.080 H) is not effective for the duration and in the location of special commercial ski production or a special ski competition event.

H. Shared Use Policy.

9. The Shared Use Policy in its entirety is not effective for the duration and in the location of special commercial ski production or a special ski competition event.

Change to Title 5.18- event allowance

(submitted by George Campbell, August 19, 2014)

The primary desire in looking to change code is to allow events to be scheduled well before ski season. Presently, only during the ski season can there be a request for even a temporary change to areas of skiing. This is restrictive and does not allow for the planning and advertising that would be associated with any but small local events.

Events are not only for participants, but for spectators. With the present areas allowable for heli-ski use there are no locations suitable for a competitive spectator event to be viewed from the roadside.

Allowing the manager two weeks is to ensure that all pertinent information can be gathered prior to a decision. Contact with Fish and Game, BLM and other agencies may be needed; these tasks will be in addition to the daily duties the staff presently must perform. Giving two weeks allows for research, but also limits the period in which requesting parties must wait to begin their planning process.

The present boundaries for heli-ski have been set through a political process. These boundaries were reviewed, recommendations were offered, then the Assembly changed the results for political reasons. With this in mind, I believe that it would be in the Borough's best interest to limit the political debate on short temporary land use and put trust in our staff. This will also limit delays in announcing decisions.

The subject of heli-skiing has become an emotional polarizing one. The financial drain the Assembly has allowed for the 'management' of these tours is considerable when including the attorney cost, staff and Assembly's time. The actual impact to the random public is low, and the danger to the public is also low.

Our Assembly presently spends little time and money ensuring safety of visitors and community members in the summer. Most citizen's lives are impacted by numerous busses, vans, trailers with rafts, kayaks and hordes of people. We as a community consider this part of doing business, and allow the staff to manage all but the very basic permit approvals.

I believe that it is appropriate to treat the heli-ski industry in the manner in which we treat summer tours. Causing more terse and emotional public meetings for a two week event in the winter is not in the Borough's best interest. Our staff should be trusted to approve temporary use in keeping with the Assembly desires for the best interest of the Borough.

From: Thom Ely [mailto:akthome@yahoo.com]

Sent: Wednesday, September 17, 2014 7:27 AM

To: Julie Cozzi

Cc: Stephanie Scott; Debra Schnabel; Dave Berry; Joanne Waterman; Diana Lapham; Jerry Lapp; George Campbell; Leslie Ross

Subject: Re: 14-08-390 Public Testimony for 9/23 BA Meeting

Dear Mayor Scott, Assembly Members, Manager Sosa and Ms Ross,

This ordinance makes a mockery of everything that has been debated and compromised on over the last eighteen years regarding this issue. It should be called SEABA [14-08-390](#). I'm not demonizing these guys, just pointing out the facts. If it wasn't for this company heli-skiing in Haines would be doing just fine.

The ordinance has many problems. First it is open ended by including "event", "competition" and "production" as eligible reasons to request using an out of bounds area. Hence anything goes for fourteen days up to five times per season. That is seventy days per season that could be requested to ski closed terrain. That is pretty much the whole season.

Both permit holders and any other applicant can apply. The "Special Ski Competition Event" clause was originally put in there for a non permitted entity to come to Haines and hold a real ski competition such as Red Bull or Freeride whoever. It was for a limited one time event, not a free for all as is now the case in this draft.

The manager is tasked to make a decision in fourteen days to allow an area to be opened and "must" make a recommendation to the Assembly. Is the manager or the assembly experts on goat, bear and wolverine habitat? Will he consult with other public land users such as backcountry skiers, hunters and residents and do it all with no bias in fourteen days?

The only shared use area is Telemark Ridge which I requested be removed from the allowable ski terrain in the last map revision as it was useless to SEABA without dropping into Haska Creek Bowl, which has been out of bounds since the regulations were first adopted. The Assembly chose to come up with this shared use policy which I thought was stupid. It has not been used and now in this draft it does not apply.

This draft ordinance is a clear attempt by SEABA to land helicopters in Haska Bowl and gain access to other closed terrain which I strongly oppose. There is more than enough permitted terrain for any ski competition, production or event. They can do whatever they want there, have a girls in pink ski outfits event, a third week of March ski production, a rasta dudes smoking reefer on one ski competition, etc.

The Assembly just voted to not revisit the heli-ski map for a period of time. This ordinance circumvents the map revision process and gives a pass to a business that has operated out of bounds illegally, got caught and deserves no favors. Please make a decision and stick with it. No "temporary" use areas.

The Assembly, Mayor and Manager would be wise to scrap this draft and let things be. The industry has a lot of work to do to bring some positive energy and press to our community, in light of what has occurred over the past several years. Enough is enough!

This just stirs the pot again, creating strife and ill will. It is more than past due to let things be. I guarantee that this issue will not go to rest if this ordinance passes as written.

Sincerely,
Thom Ely



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 14-472Assembly Meeting Date: 9/23/14

Business Item Description:	Attachments:
Subject: Signage Code, including Off-Premises Signs	1. Ordinance 14-05-383 - Current Draft 2. 9/16 Memo re. Recommended Additional Amendments 3. 8/19/14 Commerce Committee Minutes
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 5/19/2014	

Full Title/Motion:

Motion: Advance Ordinance 14-05-383 to a fourth public hearing on 10/14/14.

Administrative Recommendation:**Fiscal Impact:**

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$ n/a	\$ n/a	n/a

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:

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Consistent: Yes No**Summary Statement:**

This ordinance is intended to clarify the borough's signage code. It was introduced on 5/27 and had public hearings on 6/10 and 6/24. Following the second hearing, it was referred to the Commerce Committee for more work. That committee returned with a significant rewrite, and the assembly accepted that version of the ordinance and scheduled a third public hearing. The new draft restructures the existing code to provide for sub-chapters describing purpose, applicability, administration, exemptions, general provisions, definitions/descriptions regulated and standards; and further regulates or clarifies signs within specific districts. Mayor Scott and Assembly Member Schnabel submitted a memo proposing additional amendments to include omitted language. Staff has reviewed the ordinance draft and has identified several issues to consider and strongly encourages the assembly to conduct a 4th public hearing to provide more opportunity for staff and planning commission vetting. Assembly Member Schnabel concurs.

Referral:

Referred to: Commerce Committee

Referral Date: 6/24/14

Recommendation: Substitute Ordinance

Meeting Date: 7/1, 8/4, 8/19/14

Assembly Action:

Meeting Date(s): 5/27, 6/10, 6/24, 9/9, 9/23/14

Public Hearing Date(s): 6/10, 6/24, 9/23/14

Postponed to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to provide clarification of purpose, sign standards by district, off premise signage, portable and sandwich signage.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Purpose. This ordinance amends Title 18, Chapter 18.90 to clarify the borough's signage code. Chapter 18.90 of the Haines Borough Code in existence prior to adoption of this ordinance is hereby repealed in its entirety and reenacted as a new Chapter 18.90 to read, as follows:

18.90.010 Purpose

The purpose of this ordinance is to encourage the effective use of signs as a means of communication for information and commerce in the borough, to direct traffic effectively and safely, to offer equitable means for business identification while protecting the safety, welfare and aesthetics of the community by regulating the design, construction and placement of signs to prevent confusion and traffic hazards.

18.90.020 Applicability – Effect.

A. This ordinance is enforceable in the Townsite Planning/Zoning District, the Mud Bay Planning/Zoning District and the Lutak Planning/Zoning District.

B. This ordinance shall provide guidance for the effective use of signs outside of a planning/zoning district.

C. All signs areawide must comply with AS 19.25.075 – 19.25.180 as it may apply.

18.90.030 Administration

A. Permits. A permit is required prior to the placement of any sign except those specifically exempted under HBC 18.90.040.

1. An application for a sign permit shall be made on a form supplied by the borough. Such application may be considered part of a land use permit application or may be considered separately; if considered separately, the application shall be accompanied by a fee as established by the Assembly.

2. The owner of the property, structure, lot or premise proposed for the placement of a sign must file the application for a permit.

3. The permit application shall include a document identifying sign dimension, materials, placement, design, elevation, cross section, plot plan showing the proposed location of the sign on a lot or building, and method of illumination, if any.

4. A sign permit application will be reviewed and either approved, disapproved or advanced to the Planning Commission when a variance from the provisions of this code is requested by the manager or designee within five working days after receipt of a completed application. An application is complete when the manager or designee determines that all information pertinent to the design, construction, and placement of the proposed sign is available in the application packet.

B. Variances Allowed. Relief from any provisions of this ordinance may be provided only with written approval of the manager upon favorable recommendation by the Planning Commission made by motion at a public meeting.

C. Enforcement. The placement of any sign without a sign permit, except those specifically exempted under HBC 18.90.040, shall result in a warning letter, and if unresponsive, a \$100 fine.

18.90.040 Exemptions

The following signs are exempt from regulations under this chapter provided such signs are on the business premise and conform to standards set forth in this chapter and AS 19.25.075 – 19.25.180 as it may apply:

A. Installed Free-standing, Projecting, Façade, Window and Awning signs (reference HBC 18.90.060) in existence before September 9, 2014. Such signs shall not be replaced, moved, enlarged, altered or reconstructed except in compliance with this chapter;

B. Legal notices, directional, traffic and parking signs, temporary paper signs serving notice of a public event or a hazard and informational signs erected by a government agent or directed by a government agent.

C. Real estate signs up to six square feet placed on the subject property or premises advertising sale, lease or rental

D. Political signs up to 24 square feet displayed on private property. A political sign advertising a candidate or persuading a position on a vote may be erected no more than 60 days prior to the election date for that candidate or issue and must be removed no later than seven days following the election date.

E. Small informational signs not exceeding one square foot and bearing only property numbers, directional arrows, post office box numbers, names of occupants of premises, information such as Open/Closed, awards, commendations or credit card signs displayed on the premises or property.

F. Temporary display window signs on the interior surface of a window.

G. A Directory or sign of six (6) square feet or less affixed to a building and giving information about the occupants of a residential or office building.

H. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use, attached mechanically, magnetically or painted on the surface of the vehicle.

I. Construction Signs. During construction, repair or alteration of a structure or infrastructure, temporary signs that denote the architect, engineer, financier or grantor, contractor or builder, or which denote the name of the structure and or its use of occupants may be erected on the construction site. Total square footage of sign or signs per site shall not exceed 32 square feet.

J. Work of Art, such as murals that neither directly nor indirectly contain commercial messages and illustrations on boards used to cover doors and windows during a business closure.

K. Temporary sign used to advertise casual and isolated sales not made in the regular course of business placed on private property while items are for sale. In this instance, only one sign shall be allowed, no larger than 16 square feet. Sign may identify product for sale and shall not identify the business name. Sign is not allowed for more than two consecutive days.

18.90.050 General Provisions

A. All permitted signs shall be located, installed or placed so as to achieve their purpose without constituting a hazard to vehicle operations, pedestrians or aircraft.

B. It is the intent of this section that commercial signs shall not be located, installed, placed or maintained on streets, alleys or sidewalks. Variance from this intent shall be allowed only with written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting.

C. Lighting. If illuminated, no lighted sign shall cause beyond the property line on which it is located, installed or placed or adversely affect the safe vision of motor vehicle operations or pedestrians. Blinking, flashing, rotating, pulsing illuminating devices which have a changing light intensity are not allowed except blinking neon signs placed in the window of a commercial or establishment during business hours, providing the neon sign does not exceed 20 percent of the window area. Signs with internal lighting are allowed only by district.

D. Materials. 1. All elements of signs intended for permanent placement shall be constructed of rigid, weather-proof materials. 2. Signs intended for temporary placement shall be constructed of weather-resistant, tear-resistant materials; lettering shall be water-proof and signs reasonably affixed or supported.

E. Placement. No sign shall extend more than four (4) feet above a structure; the top of any sign shall not be installed to exceed thirty (30) feet height restriction.

F. Substantial Condition. Signs shall be maintained in good repair. Any sign not in substantial, sturdy condition will be subject to removal as a public nuisance as provided by HBC 8.12.

18.90.060 Sign Definitions, Placement, Dimensions

A. Off-Premise Signs.

1. Definition. Off-premises signs are signs that are located, affixed, installed, placed, erected or maintained on a structure, lot, facility or premise (a) not owned by the person or business entity or interest served by the sign; (b) not the physical location of the business entity or interest served by the sign; and (c) Off-premise signs may be free-standing, portable, affixed or painted directly on a structure.

2. Placement. Off-Premises signs a) are allowed on municipal streets, alley or sidewalks only with written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting and the Alaska Department of Transportation where applicable; b) require written consent of the property owner filed with the application; c) may not be in the required property set-back; d) may not exceed one per person, business entity or interest served; and e) if portable, may not be displayed outside of posted business hours or applicable time frame.

3. Dimension. Off-Premise Signs shall not exceed a) sixteen (16) square feet in area per sign face; b) two sign faces per sign structure; and c) maximum height of four (4) feet.

B. Free-standing signs.

1. Definition. Free-Standing signs are a) signs supported by one or more posts or legs permanently installed in the ground or concrete; and b) sandwich signs.

2. Placement. a) shall not be located, installed or placed within twenty-five (25) ft. of a street or alley intersection line except when less than six and one-half (6.5) square feet per surface and maximum height is less than forty-two (42) inches, and with the approval of the Alaska Department of Transportation where applicable; b) if off-premises, require written approval of the manager upon favorable recommendation by the Planning Commission at a public meeting, as provided for in HBC 18.90.030(B).

3. Dimension. a) If off-premise: as provided for in HBC 18.90.060(A)(3); or b) if on premises of business, entity or interest: not to exceed thirty-two (32) square feet.

C. Projecting and Marquee Signs.

1. Definition. Signs that are mounted perpendicular to a structure's facade, usually attached to the structure on a mounted post and supported with guy wires, but may also be hung under a marquee or canopy.

2. Placement. a) Projecting signs with the building end attached to the facade shall have sufficient size and number of guy wires to secure the street end of the sign to safely suspend the sign and prevent swinging. Marquee signs do not need to be attached at one end or be supported with guy wires; b) shall have clearance of seven (7) feet above grade; c) shall not extend within three feet of a street, curb or traveled way; d) shall not extend above the structure's roof peak or eave; and e) are limited to one per business frontage facing public property.

3. Dimension. a) A marquee sign size is the actual dimension of the sign mounted to provide seven (7) feet clearance above grade and not extending beyond the limits of the marquee; b) The dimensions of a projecting sign attached to a building are relative and shall

conform to the following, with the horizontal length measurement beginning at the facade of the building:

Length	Height
8 ft.	16 inches
7 ft.	22 inches
6 ft.	28 inches
5 ft.	34 inches
4 ft.	36 inches
3 ft.	42 inches
2 ft.	48 inches

D. Façade Signs.

1. Definition. Signs painted directly onto a face (facade) of a structure or an independent sign affixed directly and parallel to the facade of a structure.
2. Placement. Signs placed on the side of a structure.
3. Dimension. There are no limitations on the dimensions of a facade sign on a front facade. Facade signs on facades other than the front facade shall not exceed ten (10) percent of the total square feet of the facade, or thirty-two (32) square feet, whichever is greater.

E. Sandwich Signs.

1. Definition. Signs with two opposing faces attached at the top and with a limited connector to allow the sign to open into an "A" shape.
2. Placement. See "Free-standing signs, Placement."
3. Dimensions. Maximum sign height four (4) feet and a maximum sign width is two (2) feet Minimum sign height is two (2) feet six (6) inches with a width of one (1) feet three (3) inches [2.5 ft. X 1.25 feet]

F. Window Signs.

1. Definition. Signs created when lettering and or an image(s) is painted or applied directly onto a window.
2. Placement. See definition.
3. Dimensions. Shall not exceed twenty (20) percent of window area.

G. Awning Signs.

1. Definition. Signs created by printing, painting or applying words or letters to an awning or awning fringe.
2. Placement.
3. Dimensions.

H. Banners.

1. Definition. Signs created by printing, painting or applying words, letters and or images to cloth.

2. Placement.

3. Banners require a minimum clearance of eighteen (18) ft. above streets and alleys and seven (7) ft. above sidewalks, provided the banner also receives approval of the Alaska Department of Transportation, where applicable.

18.90.080 Signs by District

A. Townsite Planning/Zoning District

1. Commercial, Waterfront, Waterfront Industrial, Heavy Industrial, Light Industrial, Multiple Use zones:

a) Allowed Signs

1. All signs not prohibited by this chapter are allowed up to a total signage area to not exceed one hundred sixty (160) sq. ft. per business, entity or interest premise.

2. Internally lit signs are allowed.

b) Prohibited Signs/materials/processes

1. Beacons.

2. Inflatable signs and tethered balloon.

3. Signs advertising activities or products no longer offered on the premises, including sales and events for a civic, public or nonprofit purpose.

4. Signs towed on wheels or wheeled trailers behind vehicles.

5. Placement of any type of handbill, flyer, brochure or sticker on public property or a vehicle parked on public property.

2. Rural residential, Rural Mixed Use and Residential

a) Allowed Signs

1. One sign, not to exceed eight (8) sq. ft., to identify a home occupation, cottage industry, vacation home rental or Bed & Breakfast business.

b) Prohibited Signs

1. Off-premise signs.

2. All signs and processes prohibited by this chapter.

3. Significant Structure Area Zone

a) Allowed Signs.

1. Freestanding signs, including sandwich signs, provided the total height of the sign, including supports, is less than eight feet.

2. Projecting signs, provided they do not extend over public property.

3. Wall-mounted signs, provided total sign area per building wall shall not exceed five percent of the total square foot area of that building wall, or 16 square feet, whichever is greater.

4. Banners.

b) Prohibited Signs: Neon, flashing, back-lit or internally lit signs, whether they are on the outside of the building or placed in a window.

c) In addition to the other placement standards of this chapter, signs in the SSA shall not be mounted on building roofs, extend above building eaves, or cover architectural features such as windows, doors or building trim.

B. Mud Bay Planning /Zoning District. Reference HBC 18.70.030(B)(3)(e)(7).

1. Allowed Signs

a) one sign, not to exceed eight (8) sq. ft., to identify a home occupation, cottage industry, vacation home rental or Bed & Breakfast business

2. Prohibited Signs

a) Off-premise signs.

b) all signs and processes prohibited by this chapter.

C. Lutak Inlet Planning/Zoning District. Reference HBC 18.70.030(C)(3)(j).

1. Sign Standards.

a) Signs permanently affixed to structures shall not exceed 32 square feet.

b) Permanent signs not affixed to a structure shall not exceed 16 square feet.

c) Only non-electrified signs will be permitted.

d) Temporary signs shall be removed within 10 days after the date of sale or the event or condition advertised. Temporary signs shall not exceed 16 square feet per side.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2014.

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	05/27/14
Date of First Public Hearing:	06/10/14
Date of Second Public Hearing:	06/24/14 – Referred to Commerce Committee
Date Introduction of Substitute Ordinance:	09/09/14
Date of Third Public Hearing:	09/23/14

Memorandum

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

September 16, 2014

To: Haines Borough Assembly

Cc: Dave Sosa, Manager
Julie Cozzi, Clerk

From: Stephanie Scott, Mayor, Haines Borough
Debra Schnabel, Assembly Member

Subject: Amendment to Ordinance 14-05-383: An Ordinance of the Haines Borough amending Haines Borough Code Title 18, Chapter 18.90 to provide clarification of purpose, sign standards by district, off premise signage, portable and sandwich signage

When 14-05-383 was re-formatted, a couple of "holes" came to light. We recommend that 14-05-383 be amended to reflect the information in bold and underlined below. In summary, placement and dimension information was omitted in the two classes of signs: awnings and banners.

G. Awning Signs.

1. Definition. Signs created by printing, painting or applying words or letters to an awning or awning fringe.
2. Placement. **On awning.**
3. Dimensions. **Shall not exceed 32 square feet of the awning.**

H. Banners

1. Definition. Signs created by printing, painting or applying words, letters and or images to cloth.
2. Placement. Banners **and all attached ropes and cables for method of hanging shall** require a minimum clearance of eighteen (18) ft. above streets and alleys and seven (7) ft. above sidewalks, provided the banner also receives approval of the Alaska Department of Transportation, where applicable.
3. Dimension. **Banners shall have a maximum height of 4 feet.**

Haines Borough Assembly Committee Meeting
 Commerce Committee
 Assembly Chambers

Date: August 19, 2014

<p>Issue: Ordinance No. 14-05-383: Amendment to Code Chapter 18.90 Signs</p> <p>Proposal is to amend code to allow for off-premise signs. There is a perceived need for balance between the general need for information and the need to manage the proliferation and placement of signs for general aesthetics and public safety.</p>	
<p>Discussion: Enforcement of existing code disallowing off-premise signage has been lax. We recognize that off-premise signage can be helpful to people needing to find services (example: Chilkat Bakery) and community activities (example: SE AK State Fair).</p> <p>The code currently provides for sandwich signs only on Portage Street. Recent attempt to enforce code relating to these particular signs generated a raucous encounter between enforcement officers and business owners claiming that business was dependent on sandwich signs on the sidewalk. An entire July 1, 2014 Commercial Committee meeting (noticed, but unrecorded) was devoted to positive discussion of sign placement on Portage Street by numerous property owners. It follows to question why the use of sandwich signs should be limited to Portage Street, and to describe conditions under which sandwich signs and off-premise signs could be allowed for all businesses.</p> <p>The structure of existing code is confusing. There is need for definition or description of various signs, sign standards and applications for signs.</p>	
<p>Recommended Action: To submit to the Clerk a substitute ordinance (attached) that states clearly the purpose for sign regulations, the administration of the processes for permitting signs and enforcing regulations, that provides for defined sign types, standards and applications within identified zones of the Borough. The substitute ordinance shall provide for sandwich signs on public sidewalks with approval by the Planning Commission and shall provide standards for off-premise signage with approval of the Planning Commission if proposed for municipal property, and with permit of the property owner if proposed for non-municipal property.</p>	<p>Who: Chair</p> <p>When: September 9</p>

Meeting Chaired by Debra Schnabel Minutes by Debra Schnabel
 Committee Members Attending: George Campbell, Jerry Lapp, Stephanie Scott
 Staff Attending: Manager David Sosa
 Citizens and Consultants: (Can't recall)



MANAGER'S REPORT

DATE: September 23, 2014
TO: Mayor and Borough Assembly
FROM: David B. Sosa, Borough Manager

BOROUGH ADMINISTRATION MISSION

Under the guidance and direction of the Borough Assembly, the mission of the Haines Borough Administration is to deliver critical and desired services; to protect the safety and well-being of the community; and to create conditions for a vibrant, sustainable economy that enhances and safeguards quality of life

Manager's Comments:

Economic Development Incentive Program: A working group reviewed the DRAFT on 4 September and recommended changes. The document is now with the Commerce Committee for further review and action.

ICMA Conference: Between September 11 and September 18 2014 I attended the International City County Management Association Conference in Charlotte, NC. During the conference I participated in a number of workshops and classes of particular interest to the Borough. Days began with a key note address at 8:30 am followed by classes which lasted through 5:00 pm. There were recreational events scheduled which I did not participate in due to the busy schedule and my need to engage with Borough staff who were 4 time zones behind making the time between 5:00 pm and 10:00 pm good working hours. My detailed schedule was as follows:

Saturday, September 13

8:00AM-12:00PM	Leading Your Organization (and Elected Officials) to Fiscal Health and Wellness through Priority Based Budgeting	Workshop ‡	CCC 203A
1:00PM-5:00PM	Fatal Flaws of a Council- Manager Relationship	Workshop ‡	CCC 203A

Sunday, September 14

8:00AM-12:00PM	The Next 10 Years: Strategic Planning and Performance Management	Workshop ‡	Westin Harris
12:45PM-2:45PM	Civility and Civic Engagement: The Art of Positive Dialogue	Forum	CCC Ballroom B
3:00PM-5:00PM	Doris Kearns Goodwin: The Bully Pulpit	Keynote	CCC Crown Ballroom
5:00PM-7:00PM	A Taste of the Carolinas		Location TBA
5:00PM-5:30PM	First Time Attendees Meet and Greet		CCC 218AB/219AB

Monday, September 15

7:00AM-8:15AM	Inspirational Breakfast		CCC 203AB
9:45AM-11:00AM	Essential Management Skills for Today . . . and the Next 100 Years!		CCC 207
11:15AM-12:30PM	<i>Life, Well Run</i> : Making It Real for Your Community		CCC 213AB
11:15AM-12:30PM	Leadership and Resiliency: Preparing for What Lies Ahead		CCC 208
12:30PM-1:30PM	Lean Six Sigma in the Public Sector		CCC Exhibit Hall A, Theater B
1:45PM-2:45PM	Understanding the New Generation of Geographic Information Systems		CCC Exhibit Hall A, Theater A
3:00PM-4:00PM	Optimize Your Community's Water and Wastewater Assets while Retaining Ownership and Control		CCC Exhibit Hall A, Theater B
4:00PM-5:00PM	Do You Manage a Community under 5,000?	Roundtable	CCC Ballroom C - Round area 1

Tuesday, September 16

8:30 AM-9:30 AM	Keynote Address		CCC Crown Ballroom
9:45AM-10:45AM	Becoming a Tourism Magnet		CCC Exhibit Hall A, Theater B
11:00AM-11:30AM	The Innovation Culture, Where		CCC Ballroom C, Lounge 2

Great Ideas Come From

11:00AM-11:30AM	Jump-Starting a Small-Community Economy		CCC Ballroom C, Lounge 3
12:45PM-1:45PM	Building a Better Downtown District	Roundtable	CCC 215
2:00PM-3:10PM	The Road to Excellence		CCC 208
3:30PM-4:40PM	Enhancing Operational Efficiencies and Elevating Your Community for Success		CCC 217AB

Wednesday, September 17

8:30 AM-9:30 AM	Keynote Address		CCC Crown Ballroom
10:45AM-12:45PM	Building Your Organizational Technology Strategy	Forum	CCC Ballroom A

In addition to the schedule posted above I will add that I took advantage of spare time in the mornings and evenings for exercise (1 hour daily), meals, laundry, and took advantage of an opportunity on Tuesday evening to have dinner with other managers.

Internet/E-Mail & Computer Use Policy: Mr. Warren Johnson, our IT consultant, has revised the DRAFT Policy for Computer use and it is currently being reviewed by staff. This Policy will apply to all users of Borough technology equipment and services. A cell phones use policy is also being developed.

SDIC Training: CBJ is bringing specialists to Juneau to provide some training on Systematic Consent Building. It is a way of looking at how to move potentially controversial projects through the public process. The Manager has been invited to participate and will attend between Sept 30 – Oct 2.

Legal: The Borough is currently tracking/awaiting feedback on the following items:

- A legal opinion regarding the Kochu Trust Property Tax determination
- A legal opinion on use of proceeds from sale of lands to fund utility extensions
- Finalization of the Minor Offenses Ordinance
- Platchka v. Haines

Maintenance Agreements: The Borough is in the process of negotiating Maintenance Agreements with the Haines Senior Citizens Center Inc and the Haines Borough School District to agree responsibilities regarding Operations & Maintenance of these facilities.

Downtown Revitalization Committee Recommendations: I received the letter of recommendations from the DRC that was forwarded through the Planning Commission and

presented to the Assembly on 9 September. Several of the ideas are worth more consideration and I would recommend that the Assembly direct the DRC, through the PC, to work with staff to develop formal plans that can be reviewed during the FY 16 Budget Process. This will ensure that any fully developed plans are reviewed within the context of the wider scope of Borough projects and allow the projects to be weighed against all other priorities.

Small Boat Harbor Drilling: The harbor drilling is complete and I would like to thank the people of Haines for your patience and ability to put up with disruption during the process. This was an essential step in the process of improving the harbor and our ability to drill 24/7 achieved a considerable savings (150k) although at the expense of some very unpleasant evening for some members of the community. I also want to commend the Harbormaster and the Facilities Director for their efforts to move the work along and their action on addressing concerns from the public. While we published information about the project well in advance of the drilling we have learned from this process and are looking into ways we can better inform the public of the full scope of work for future projects. Thanks you for your patience and willingness to work with us to improve Haines.

Strategic Planning: As a reminder, the second Strategic Planning session is tentatively scheduled for 8 October at 6:30 PM. The results of this meeting will identify key priorities and goals. This information will provide the staff with the necessary information with which to assess the relevance and appropriateness of programs in relation to priorities and goals.

Bureau of Land Management Visit: On 7 & 8 October Mr. Dennis Teitzel the Field Manager of the Glennallen Field Office will be in Haines with members of his staff. They are coming to town to have discussion of several pending projects and will be scheduling meeting with a number of different organization including Borough Staff and interested Assembly Members. More information to follow.

Voting: Borough staff completed mandated election training this week and early voting for the Haines Borough Election on October 7th will begin on Monday 22 September.

Audit: The Finance Department will undergo its annual audit by external auditors from 22-27 September.

Juneau Access Improvements Project Draft SEIS: The draft was published on 15 September and a hard copy was provided to the borough on 18 September. The following sites have additional information:

http://dot.alaska.gov/sereg/projects/juneau_access/index.shtml &
<http://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=174070>

Facilities & Public Works:

Borough Radio Communication System and E-911

The contractor is waiting for the FCC to approve the new narrowband license applications that were submitted by the Borough.

High School Air Handling Units

This project is awaiting the final inspection. The engineer was unable to fly to Haines for the inspection on September 12 due to weather. Final inspection is anticipated to take place by the middle of October.

Third Avenue Reconstruction

Substantial completion inspection took place on September 15. The contractor is working to complete a punch list of items before the final inspection and final payment.

Picture Point

Topographical surveying was completed and submitted to the Borough on July 14. A design proposal from PND has been submitted and staff is currently in the permit process with the State.

Library Building Controls Conversion

This work is substantially complete. Training took place on September 11 and 12. The system is functioning as expected and is very user friendly. This system is expected to cut down on energy and maintenance cost.

Chilkat Center for the Arts Window Replacement

Contract has been awarded to Stickler Construction of Haines. Work is scheduled to begin in September.

Administration Building Window Replacement

Window replacement is scheduled for the finance office in October. The existing windows are in very poor condition and will be replaced with new triple pane windows.

Borough Administration Building Roof

This contract has been awarded to Stickler construction and work is scheduled to begin in October.

Oslund Dr. Paving

Paving was completed on Oslund Drive August 31. The contractor also paved 300' up Young Rd from the Oslund intersection to address drainage and grading issues.

Third Avenue Contaminated Soil

Bids for the disposal of the Third Avenue contaminated soil were opened on September 4. Soil was removed from the site by Bicknell Construction of Juneau on September 17.

Geo Tech Investigation

Geotechnical drilling for environmental and structural investigation of the Portage Cove Boat Harbor began the week of September 1 and will continue through the middle of September. This work

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 AUGUST 2014

Usage:

August saw most classes still on summer hiatus but we had some great performances produced by Haines Arts Council including Christy Hays and Kris Jones and Rattletrap Ruckus. Christy Tengs Fowler produced an extravaganza of local talent by showcasing her writing as inspired by Dr. Phil. The performances were filmed and I believe sent to Dr. Phil but no word yet on whether he will be coming to Haines. The crowd pleaser, *White Fang*, was shown toward the end of the month after memories and stories were shared by those who were in the film or in any way acquainted with it.

Opportunities abounded for political discussions with a reception hosted by the Borough for Senator Murkowski as well as an informational meeting hosted by citizens who believe that Big Marijuana is a Big Mistake. On a lighter and more mouth-watering note, Yuko Hays and her minions prepared Sushi-To-Go for dozens as a fundraiser to bring the Jujutsu teacher to Haines. Sadly, bad weather restricted said teacher from reaching the dojo for the big night but being nothing if not flexible, the students of Jujutsu carried on with training .

The kitchen is nearing the end of the seasonal use and will be vacated at the end of October although it has been suggested by some that the lobby would make a perfect café year round.

September welcomes the return of the Strongwomen to the lobby. They will meet weekly on Monday and Thursday at a new time, 10 am to noon.

Maintenance

Things on the maintenance list:

- Many thanks to the borough for all the work that has gone into heat regulation in the building. We are anticipating savings in being able to regulate heating in certain areas.
- Window replacement in the KHNS production, broadcast and dance studios. Scheduled after moose hunt, perhaps? KHNS will have to set up another office for some of our production work so hoping to have a few days' notice but very grateful for the replacement.
- The area in the basement ladies bathroom that was patched up during the 2013 conference needs to be addressed with a long term solution.
- Railing for stairs at front side of building – in winter these steps can be dangerous. Do we want to block them off in winter? If so, maybe a roadblock could be put in place as it was last year when the snows began.

Submitted by Facilities Manager, Kay Clements, August 2014



Chilkat Center for the Arts			
8/31/2014			
Contact	Function	Participants	Amount
	Dance Studio		
Kerry Cohen	jujutsu private training	2	120.00
Melina Shields	Yoga (summer hiatus)	0	0.00
Chorus Bishop	Seibukan Jujutsu decreased classes for summer - bill partially credited against window cleaning	179	300.00
	Lobby		
Well and Fit	Morning Muscles	59	105.00
St Michael's	Sunday Services - 4 weeks	120	300.00
Well and Fit	Strongwomen (summer hiatus)	0	0.00
Jujutsu	Sushi Preparation and sales	15	100.00
Bill Kurz	Big Marijuana, Big Mistake Meeting	30	75.00
Haines Arts Council	Christy Hays and Kris Jones	70	75.00
Haines Arts Council	Rattletrap Ruckus	50	75.00
Haines Borough	Senator Murkowski Reception	70	n/c
	Conference Room		
KHNS	Board meeting July 15	8	n/c
FCCA	Board meeting July 10	7	n/c
	Auditorium		
Davey Ozahowski	White Fang Film Night 8/30	100	200.00
Christy Fowler	Dr. Phil Songwriting Fest	260	325.00
	Kitchen		
Sarah Jaymot	Sarah J's Shoppe	2	250.00
Joe Ordonez	Rainbow Glaciers fish cutting	2	75.00
	August Sub totals	974	2000.00
	Seibukan Jujutsu - trade out Balance for window cleaning of CCA		-211.00
	August Totals	974	1789.00

Haines Borough Public Library

July Statistics

Visits: 10,462

Monthly Circulation: 9,492

Internet Use: 2,134 WiFi: 2,757

Meeting Room Use: 48, Attendance: 209

Library Programs: 54, Attendance: 629

Non-Library Programs: 0, Attendance: 0

August 20, 2014**Director's Report**Updates

- Mechanical controls - Eric Persson, of Meridian Systems of Anchorage, was here the week of August 4th along with an electrician to work on updating our mechanical controls. The work plan was changed somewhat once Meridian Systems had a complete look at our existing system. They will return in three weeks to train us on monitoring the system via internet. Both the library and facilities staff will have access.
- The new door and window for the Community Foundation grant, "A Glass Act" arrived and are installed. Completion and touch up work will continue this week. Thanks to Andus for stepping in and helping complete this project.
- We received 6 iPads through the OWL project for patron use. Jedediah and Janine are working on young adult 'Guys and Gals Read' programs for use for the iPads. We will also be receiving 2 more laptops that we hope to designate as our gaming computers. Our hopes are to join other libraries throughout the state that have created a Minecraft club.
- While in Anchorage at the Alaska Library Network Board meeting, I was able to meet with OWL staff and talk with GCI to move forward with increasing our internet speed. The work order is now in place to increase our connection from 1.5 to 3mb/s. The monthly cost will be \$135, a \$55 per month increase. This cost is covered by the Friends of the Library.
- We are currently advertising for a Library Aide position, 10 hours a week with a starting wage of \$11.06. This position is part of our FY15 budget request. Applications will be reviewed beginning the end of next week.
- Janine Allen will be attending the Association for Rural & Small Libraries conference in Tacoma, WA, September 3-6. Her attendance will be paid for through a State Library continuing education grant with assistance from the Friends.
- I will be finalizing work on the FY14 library budget numbers, working with Cathy Keller on Friday, August 22nd.

Grants

- Currently working on the Public Library Assistance FY14 grant report, annual statistical report, and updated technology plan due to the State Library by October 1.
- Final financial reimbursement form for current IMLS Enhancement grant due September 30th. The final narrative report is due December 30th.

Haines Borough Public Library

- FY15, IMLS Basic Grant amount of \$7,000 has been requested
- FY15, Public Library Assistance grant amount will be \$6,650.

Program Highlights

- 50 children and 40 adults attended the Summer Reading Finale. The weather was on our side so the event could be held at the playground. Tom Heywood kicked it off with fun songs on guitar and fiddle. The kids enjoyed hotdogs cooked by Jerry and Barb Blood and pizza donated by Rusty of the Rusty Compass. Alissa Henry attended one last time with her book give away. The participants left with final prizes and books and the entire crowd read along to *Brown Bear, Brown Bear*.
- Thirty-five people attended author Michele Genest's presentation of her northern cookbook, *The Boreal Feast*. Many thanks to Babbling Book for partnering with us on our recent author events.
- On Thursday, September 11 at 6:30, author Dale Brandenburger will read from his new book, *Grizzly Trade*.
-

Upcoming

- August 27-29th, Borough supervisor's training. The agenda tentatively includes: Foundations of Supervision, Interpersonal Effectiveness and Performance Management.
- Yukon Community Libraries presentation, September 17-18
- Alaska Library Association Council Meeting, September 19-20, over OWL rather than face to face in Anchorage.



Haines Borough Permanent Fund

Summary of Principal & Earnings Reserve Balances

As of 06/30/14

	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14
Beginning Principal Balance	5,563,090	5,606,471	5,798,593	5,988,014	6,111,766	6,213,629	6,304,762	6,449,772
Add								
Transfer from Land Sales/LID	-	16,453	-	-	-	-	-	417,148
Inflation Proofing	43,381	175,669	189,421	123,752	101,863	91,133	145,010	146,195
Ending Principal Balance	5,606,471	5,798,593	5,988,014	6,111,766	6,213,629	6,304,762	6,449,772	7,013,115
Beginning Earnings Reserve Balance	45,669	326,202	418,339	418,697	838,984	1,237,608	1,313,886	1,389,719
Add								
Earnings/Change in Value	433,812	289,359	208,532	564,262	661,714	328,899	382,364	593,987
Less								
Inflation Proofing	(43,381)	(175,669)	(189,421)	(123,752)	(101,863)	(91,133)	(145,010)	(146,195)
Expenses	(23,591)	(21,553)	(18,754)	(20,223)	(21,227)	(21,488)	(21,521)	(22,105)
Transfer to General Fund	(86,307)	-	-	-	(140,000)	(140,000)	(140,000)	(150,000)
Ending Earnings Reserve Balance	326,202	418,339	418,697	838,984	1,237,608	1,313,886	1,389,719	1,665,407
Total Fund Balance	5,932,673	6,216,932	6,406,711	6,950,750	7,451,238	7,618,648	7,839,492	8,678,522



**Haines Borough
Planning Commission Meeting
August 14, 2014
MINUTES**

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Heather **Lende**, Andy **Hedden**, Robert **Venables**, Danny **Gonce**, and Don **Turner III**.
Staff Present: Tracy **Cui**/Planning & Zoning Technician III.
Also Present: Kim **Chetney**, Ron **Malone**, Kip & Patty **Kermoian**, Sandra **Barclay**, Carol **Tuynman**, Tim **Wolf**, and Debra **Schnabel** (liaison).
3. **APPROVAL OF AGENDA**
Motion: **Turner** moved to “approve the agenda”. **Heinmiller** seconded it. The motion carried unanimously.
4. **APPROVAL OF MINUTES** – July 10, 2014 Regular Meeting Minutes
Motion: **Heinmiller** moved to “approve the July 10, 2014 regular meeting minutes”. **Gonce** seconded it. The motion carried unanimously.
5. **PUBLIC COMMENTS**
Tuynman said later this fall, representatives from the Alaska Land Trust will come to Haines and talk to residents who are interested in learning about conservation easements.
6. **CHAIRMAN'S REPORT**
Goldberg thanked **Tuynman** for writing the grant request for installing signage at Fort Seward and Main Street.
7. **STAFF REPORTS**
 - A. **Planning & Zoning Report**
Cui reported monthly land use permitting and the status of on-going projects.
 - B. **Downtown Revitalization Committee (DRC) Report**
The commission reviewed the report and endorsed the recommendations that were made by the DRC. The commission appreciated its efforts to this community.
Motion: **Lende** moved to “support the motions in the Downtown Revitalization Committee (DRC) report and send those recommendations to the Assembly”. **Hedden** seconded it. The motion carried unanimously.
8. **PUBLIC HEARINGS**
 - A. **Kim Chetney – Lodging Rental Conditional Use Proposal**
Goldberg opened the hearing at 6:52 p.m.

Several neighbors attended the meeting and voiced concerns about noise and density.

Goldberg closed the hearing at 7:19 p.m.

The application was originally put forward as a lodge, but **Chetney** explained she is not intending to provide food for her guests, and the commissioners decided that her proposal better fit the definition of a vacation rental. Haines Borough Code (HBC) 18.20.020 defines “vacation rental” as a privately owned residential dwelling, such as, but not limited to, a single-family residence, apartment, or room, which is rented for periods of 30 consecutive days or less, limited to a single guest or family at a time.

The commission decided to place conditions on the permit to address the neighbors’ concerns.

Motion: Venables moved to “approve Chetney’s conditional use proposal with the conditions of (1) no more accommodations be built, (2) maximum of 20 guests, (3) no off-road vehicles or jet skis be provided to guests, and (4) this permit will end with the sale of the property”. **Turner** seconded it. The motion carried unanimously.

9. UNFINISHED BUSINESS – None

10. NEW BUSINESS

A. Historic District/Building Review – None

B. Haines Borough Code Amendments

1. Temporary Residence in HBC 18.60.020(H)

The current code requires property owners to apply for a temporary residence permit if desiring to place a trailer, mobile home or RV on their properties even for one day. **Cui** drafted an ordinance with the purpose of clarifying the terms of temporary permits.

During the discussion, the commissioners realized there are other problems in this section of code, such as a requirement on utility connections, and clarification on the time limit of temporary residence permits. Also, the commissioners discussed the intent of a temporary residence permit. They believed it mainly applies to the property owners who live in an RV/trailer while building their permanent residences, but it seems to also apply to the seasonal workers/summer residents who live in an RV/trailer for a few months. Questions were brought up if temporary permits shall be only permitted for construction purposes.

More discussion ensued.

Cui said she will revise the draft ordinance based on the commissioners’ comments, and bring it back at the next regular meeting.

C. Project Updates – None

D. Other New Business

1. Replat of Primary School Subdivision

Cui was directed by the manager to organize a working group to advise the commission on changes to the Primary School Subdivision. The group includes commissioners, the library director, school superintendent, several Borough staff, etc. Eight recommendations were made by this group.

The commission reviewed these recommendations and asked for staff to provide detailed explanations.

The commission agreed to re-schedule this topic for the next regular meeting as an unfinished item.

11. **COMMISSION COMMENTS**

Lende mentioned the commission needs to take a look at the Port Chilkoot parking issues. The commission decided to schedule this topic for this winter.

12. **CORRESPONDENCES** - None

13. **SET MEETING DATES** – The next regular Planning Commission meeting is scheduled for 6:30 p.m. on Thursday, September 11, 2014.

14. **ADJOURNMENT**– 9:41 p.m.

Approved Meeting Minutes
Haines Borough Public Library Board
July 30, 2014
4:00 PM

9B

The mission of the Haines Borough Public Library is to be responsive to community needs by assembling, preserving and providing access to materials, information, and technology. Therefore, the Library will offer an environment conducive to providing programs, sharing information, and stimulating ideas. The library will be a community gathering place where all ages are welcome.

Call to Order - 4:03pm

present - Patty Brown, Dick Flegel, Joanne Ross-Cunningham, Stacey Gala, Cecily Stern, Heather Lende, Lorrie Dudzik, Diana Lapham, James Alborough

excused - Anne Marie Palmieri

Additions or Revisions to Agenda

Move treasurer's report out of consent and into items for discussion.

Consent Agenda Items

The following items are consent items for final action to be taken on all by a single vote. Any item may be removed for separate consideration if necessary. Approval moved/seconded by Dick/Cecily. vote - approved

- Approval of Agenda
- Approval of Minutes 6/18/2014
- Director's report

Items for Discussion (see Director's report for more information)

- Treasurer's report - On June 27 the savings account money was transferred to the Friends of the Library. Representatives from both boards will manage money given to the Friends and earmarked for the addition fundraising.
- National Medal of Honor nomination by Senator Lisa Murkowski - She will be visiting Haines on August 7. We will request that she meet at the library for lunch.
- Replat of Primary School Subdivision - Heather reported that proposed new plat lines will give us more parking and a driveway loop connected to the borough lot.
- Next steps for addition plans - A motion was presented to expand the northern office extension wall by 2 more feet, since the parking issues are already being resolved. moved/seconded Lorrie/James vote - approved
- Library Ordinance updates and information - We have written an ordinance proposal that solidifies the language which explains the policy making duties of the library board.
- Strategic Planning input - Borough is working on a priority-based budget process with the input of department heads. We must meet before the August 20 deadline to give our input. We will meet on August 13 at 8:30am. Bring coffee and food.

Other

- Radio - August 8 - Stacey, August 15 - Dick, August 22 - James

Board Comments - Joann likes the classy bookmarks at the front desk.

Director's Comments - Catapult built by kids will be at the borough booth at the fair.

Next Meeting - August 13, 8:00am

Adjournment - 5:25pm

September 11, 2014

9C

From, Chair Haines Borough ports and harbor advisory committee, Norman Hughes.

Meeting minutes for August 21 hbphac meeting at assembly chambers.

1st motion-Don Turner,jr-2nd Brad Badger

Electing Norman Hughes chairman of advisory board,

None apposed

2nd Motion-Bill Rostad-2nd Terri Pardee

Hbphac chair to write and submit a letter to request Haines Borough Assembly to release funds for dump trailer.

None apposed

There was a verbal request from hbphac for a letter from Haines Borough Assembly to adfg for the new sport ramp.

Meeting dates were set,

Community meeting for south portage cove harbor expansion, October 9th

Next hbphac meeting 10:30 October 18th assembly chambers.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-504

Assembly Meeting Date: 9/23/14

Business Item Description:	Attachments:
Subject: Motorized Use Area in the Townsite	1. Resolution 14-09-589 2. 8/29/14 Email from Assembly Member Campbell 2. 1/14/14 Proposal from Campbell 3. Excerpt of 3/13/14 Planning Commission Minutes 4. Excerpt of 1/14/14 and 2/25/14 Assembly Minutes 5. Maps
Originator: Assembly Member Campbell	
Originating Department:	
Date Submitted: 8/28/14; Initially 1/14/14	

Full Title/Motion:
Motion: Adopt Resolution 14-09-589

Administrative Recommendation:

Fiscal Impact:								
<table border="1"> <thead> <tr> <th align="left">Expenditure Required</th> <th align="left">Amount Budgeted</th> <th align="left">Appropriation Required</th> <th align="left">Projected Impact to Future Operating Budgets</th> </tr> </thead> <tbody> <tr> <td>\$ TBD</td> <td>\$ 0</td> <td>\$ TBD</td> <td>TBD</td> </tr> </tbody> </table>	Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets	\$ TBD	\$ 0	\$ TBD	TBD
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets					
\$ TBD	\$ 0	\$ TBD	TBD					

Comprehensive Plan Consistency Review:		
<table border="1"> <tr> <td>Comp Plan Goals/Objectives: Page 147, Land Use & Future Growth GOAL</td> <td>Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>	Comp Plan Goals/Objectives: Page 147, Land Use & Future Growth GOAL	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comp Plan Goals/Objectives: Page 147, Land Use & Future Growth GOAL	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Summary Statement:
<p>Assembly Member Campbell proposed a motorized park. On 1/14/14, the assembly sent a request to the Planning Commission to identify areas near or within the townsite of suitable size and terrain for designation as a Motorized Park. The commission considered it on 2/13 and did not recommend it. On 2/25, the assembly chose to send it once again to the planning commission with a request to take another look at it. On 3/13, the commission did just that and passed a motion suggesting a couple of areas with a recommendation to refer this question to the parks and recreation advisory committee (PRAC). On 9/9, the assembly passed a motion directing staff to bring this back to them on 9/23 in the form of an ordinance or resolution. This resolution directs the borough manager to look into the costs and other associated issues and develop a plan that would come to the assembly for incorporation into the FY16 budget. The PRAC 9/18 meeting agenda contained this topic, so that committee's recommendation will likely be forthcoming as well.</p>

Referral:				
<table border="1"> <tr> <td>Referred to: Planning Commission</td> <td>Referral Date: 1/14, 2/25/14</td> </tr> <tr> <td>Recommendation: Industrial Zones; refer to PRAC</td> <td>Meeting Date: 2/13, 3/13/14</td> </tr> </table>	Referred to: Planning Commission	Referral Date: 1/14, 2/25/14	Recommendation: Industrial Zones; refer to PRAC	Meeting Date: 2/13, 3/13/14
Referred to: Planning Commission	Referral Date: 1/14, 2/25/14			
Recommendation: Industrial Zones; refer to PRAC	Meeting Date: 2/13, 3/13/14			

Assembly Action:				
<table border="1"> <tr> <td>Meeting Date(s): 1/14, 2/25, 9/9, 9/23/14</td> <td>Public Hearing Date(s):</td> </tr> <tr> <td></td> <td>Postponed to Date:</td> </tr> </table>	Meeting Date(s): 1/14, 2/25, 9/9, 9/23/14	Public Hearing Date(s):		Postponed to Date:
Meeting Date(s): 1/14, 2/25, 9/9, 9/23/14	Public Hearing Date(s):			
	Postponed to Date:			

A Resolution of the Haines Borough Assembly directing the Borough Manager to prepare a plan for a motorized recreation area in the Townsite that would be included in the FY16 budget.

WHEREAS, the Haines Borough Assembly has expressed interest in the development of public land within the Townsite Service Area as a site for motorized recreation; and

WHEREAS, the site identified is adjacent to FAA Road; and

WHEREAS, development of a motorized recreation area requires the investment of staff time and effort, such as the legal identification of the site, the value of the site, assessment of liability issues; and rule-making associated with the use of the site,

NOW THEREFORE BE IT RESOLVED that the Haines Borough Assembly directs the Borough Manager to identify costs and a timeline associated with the development of Haines Borough land to be used for motorized recreation and present a plan to the Assembly for incorporation in the FY16 Budget.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2014.

Stephanie Scott, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

From: Stephanie Scott
Sent: Friday, August 29, 2014 1:07 PM
To: George Campbell; Patty Campbell; Kathi Lapp; Chris Brooks; Zach Ferrin; Diana Lapham; Justin Derr; Nic Trimble; Shane Horton; Amy Tonsgard; Jami & Dano Hanson
Subject: RE: Motorized use

Thank you George. I think this is a very good way to work. I am looking forward to a good discussion and am eager to hear from everyone.

Sincerely,

Stephanie

From: George Campbell [outback@alaska.net]
Sent: Friday, August 29, 2014 1:02 PM
To: Patty Campbell; Kathi Lapp; Chris Brooks; Zach Ferrin; Diana Lapham; Justin Derr; Nic Trimble; Shane Horton; Amy Tonsgard; Jami & Dano Hanson
Cc: Julie Cozzi; Stephanie Scott
Subject: Motorized use

Hi folks,

The September 9th assembly meeting will have the designated motorized area back before the assembly. There have been mixed reviews by many groups. Without the support of users it will not happen.

The area I have asked for is at the end of FAA road between Community Waste Solutions, (the dump), and Lilly Lake Road. Though it is timbered, the development can be done by users in the future as interest grows.

If everyone could either come to the meeting, write letters or send emails to the borough it would help to get this through. Folks to send this to are the clerk: Julie Cozzi (jcozzi@haines.ak.us) and Mayor Stephanie Scott (sscott@haines.ak.us). Ask for your letter to be included in the agenda for the motorized area.

Some talking points you might want to include:

- Families could have an area close to town to recreate after work and before bed time
- Motorized users would have a place to go close to town not on the streets
- Once developed people from other communities will be attracted to visit
- Possible economic impacts with folks needing parts and repairs
- Community recreational opportunities year around

There are some that argue that motorized use has no current restrictions and lots of places to go. This last fall we saw another local area closed to motorized with only one persons use. Currently the Borough is trying to stop a persons historic use (28 years), of shooting in their back yard for 'safety' and 'noise' reasons. As we develop more neighborhoods throughout the valley, all uses will be scrutinized. Nationwide, motorized use has been limited by all agencies, reducing the areas of allowed use to a fraction of what was open 20 years ago. Please

consider the people wanting to take their children riding in 20 years, and ask where they will be able to use their machines. Having one area set aside now will ensure that there will be one place motorized users can recreate.

Please send this letter to anyone that might have an interest.

Thank you,

George Campbell

Received from Assembly Member George Campbell
On 1/8/14 for 1/14/14 Assembly Meeting

Formation of a Motorized Park in Haines Alaska

Suggested Motion:

Request the Planning Commission to identify areas near or within the townsite of suitable size and terrain for designation as a Motorized Park. Recommendations to be returned to the assembly for the February 25th, 2014 assembly meeting.*

The Haines Borough Comprehensive Plan includes motorized recreation as one of the “Quality of Life” benefits for residents. Motorized use represents the third largest recreation group responding when combining snowmachine and ATV use.

Motorized use by families is on the increase in Haines, having a place close to town where families can go ride in the evening will be a long term benefit to our community, and can become a draw for visitors from other communities.

Some suggestions for location of a Motorized Park:

1. Borough land near and west of Community Waste Solutions land fill; designated as parks and open space in the comp plan, near present industrial use
2. Borough Land at the end of Sawmill Road between the road and Chilkat River, industrial and vacant land on most sides of this location.
3. Borough land near the water treatment plant, poor option due to sensitive salmon habitat.
4. Oslund Park; Borough land that was given to “Children of the Chilkat Valley”; presently only the skate park is dedicated for the intended purpose
5. Other lands requiring some sort of a purchase, trade or MOU for use: Pit at the end of Major road, Fairground’s old gravel pit, Klukwan Inc property at Jones Point.



**Haines Borough
Planning Commission Meeting
March 13, 2014
EXCERPT OF APPROVED MINUTES**

Present: Chairman Rob **Goldberg**, Commissioners Don **Turner III**, Lee **Heinmiller**, Danny **Gonce**, Heather **Lende** and Andy **Hedden**, Robert **Venables** (called in).

Staff Present: Stephanie **Scott**/Mayor, Julie **Cozzi**/Interim Borough Manager, Carlos **Jimenez**/Director of Public Facilities, and Tracy **Cui**/Planning & Zoning Technician III.

Also Present: Brad **Ryan**, Roger **Schnabel**.

10 D. Other New Business

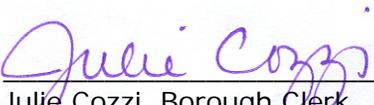
1. Possible Identifying of a Motorized Park within Townsite Service Area

Motion: **Venables** moved that "Industrial areas in the Townsite Service Area, such as Jones Point and Lutak Inlet, can be considered for a motorized park; if the Assembly wishes to pursue this it should be sent to the Parks and Recreation Committee". **Turner** seconded it.

The motion carried unanimously.

Attest:





Julie Cozzi, Borough Clerk
Haines Borough, Alaska

**Haines Borough
Borough Assembly Meeting #264
February 25, 2014
EXCERPT OF MINUTES**

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

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Krista **KIELSMEIER**/Administrative Assistant, Carlos **JIMENEZ**/Director of Public Facilities, Phil **BENNER**/Harbormaster, Darsie **CULBECK**/Executive Assistant, Jila **STUART**/Finance Director, Ed **BRYANT**/Maintenance, Tanya **CARLSON**/Tourism Director, Simon **FORD**/Interim Police Chief.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Glenda **GILBERT**, Thom **ELY**, Jim **SHOOK**, Mary Jean **SEBENS**, Mike **BORCIK**, Mike **CASE**, Jerry **ERNY**, Royce **DOMBROCK**, Heather **LENDE**, Tim **ACKERMAN**, Steve **ALCOCK**, Scott **SUNDBERG**, Libby **KURZ**, and others.

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Planning Commission

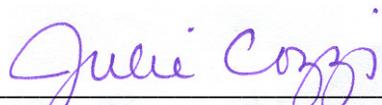
2. Record of Decision Re: Possible Identification of a Motorized Park within Townsite Service Area

In discussion of the Planning Commission report, **SCHNABEL**, as liaison, said she believed the commission was not responsive to the request from the assembly. The assembly could either deliberate on the decision that a motorized park within the townsite service area was not a good idea, or it could override the commission. **SCOTT** asked if the assembly wanted to send this topic back. **BERRY** said he was under the impression the assembly asked the commission to identify areas, and the commission did not address the issue. **SCHNABEL** clarified that the commission did not like the proposal. **BERRY** stated the assembly asked if there were any potential areas. **CAMPBELL** said commission members did not have enough experience with motorized use to make decisions. Sending the topic back to the commission might not be productive, but he was willing to support that action. **SCHNABEL** agreed with sending it back; this topic was a planning issue.

Motion: **SCHNABEL** moved "that the request to identify areas that might be conducive for a motorized park within the townsite service area be referred to the planning commission for its response, within four months," and the motion carried unanimously.

I certify that the above is a true and complete excerpt of agenda item 9(A)(2) from the February 25, 2014 borough assembly minutes.





Julie Cozzi, MMC, Borough Clerk
Haines Borough, Alaska

Haines Borough
Borough Assembly Meeting #261
January 14, 2014
EXCERPT OF MINUTES

Present: Mayor Stephanie **SCOTT**, and Assembly Members Jerry **LAPP**, Debra **SCHNABEL**, Dave **BERRY**, George **CAMPBELL**, and Diana **LAPHAM**. Joanne **WATERMAN** was not present.

Staff Present: Julie **COZZI**/Interim Borough Manager, Michelle **WEBB**/Interim Clerk, Darsie **CULBECK**/Executive Assistant to the Borough Manager, Krista **KIELSMEIER**/Administrative Assistant, Carlos **JIMENEZ**/Director of Public Facilities, Phil **BENNER**/Harbormaster, and Al **GIDDINGS**/Community Youth Development Director.

Visitors Present: Tom **MORPHET**/CVN, Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Bill **STACY**, Mike **DENKER**, Gina **ST. CLAIR**, Glenda **GILBERT**, Sara **CHAPPELL**, Bill **STACY**, Rob **GOLDBERG**, and others.

11. NEW BUSINESS

C. Other New Business

5. Proposed ATV Recreation Plan

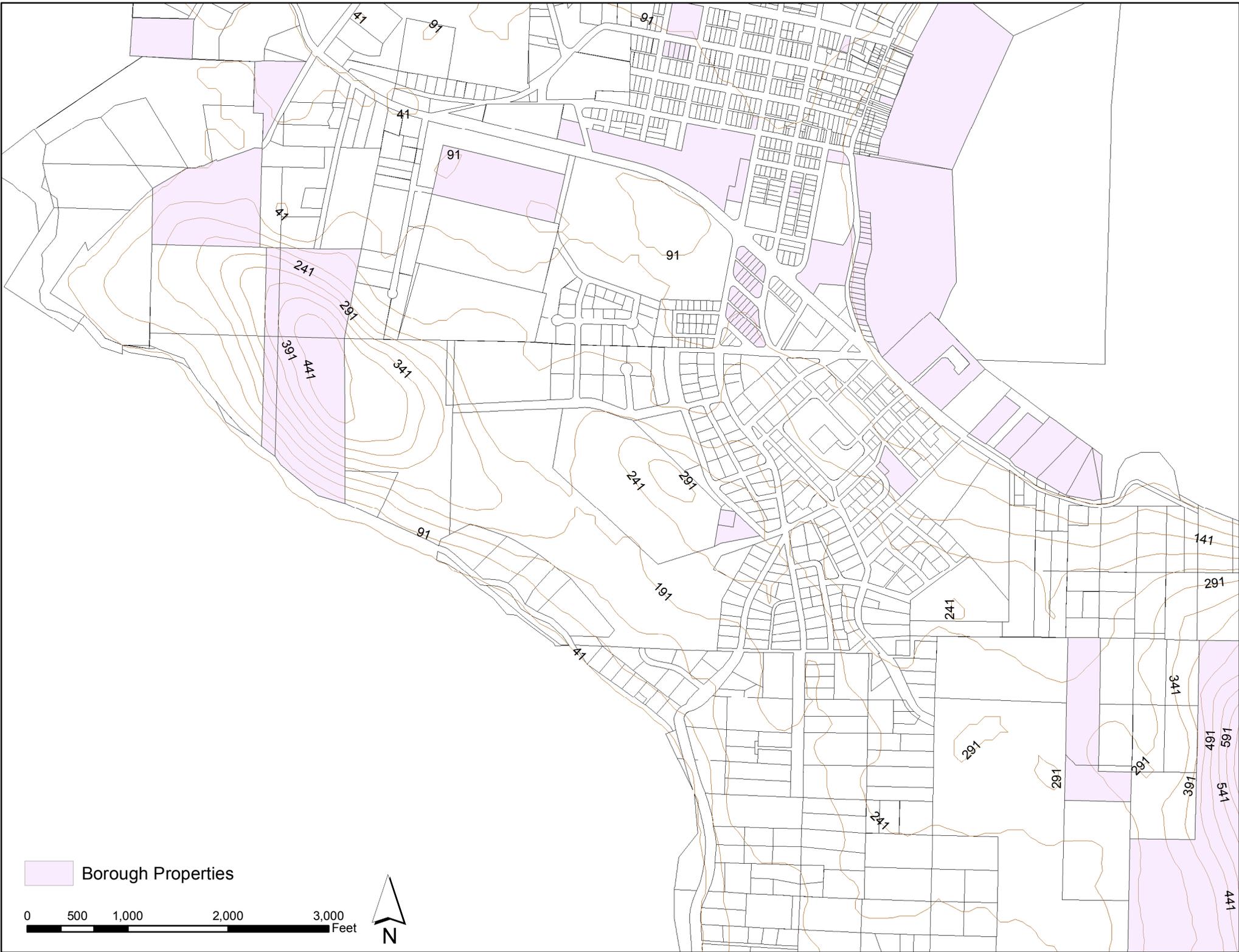
Motion: **CAMPBELL** moved to "request the Planning Commission to identify areas near or within the townsite of suitable size and terrain for designation as a Motorized Park to be returned to the assembly by the February 25th, 2014 assembly meeting," and the motion carried 4-1 with **SCHNABEL** opposed

There was no discussion.

I certify that the above is a true and complete excerpt of agenda item 11(C)(5) from the January 14, 2014 borough assembly minutes.



Julie Cozzi, MMC, Borough Clerk
Haines Borough, Alaska





**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-511

Assembly Meeting Date: 9/23/14

Business Item Description:	Attachments:
Subject: Authorize Contract with Romtec for Restroom Building Module at Picture Point	1. Resolution 14-09-590 2. Romtec Quote 3. WalCon Quote 4. Picture Point Design Committee Minutes (8/21/14)
Originator: Special Projects Officer (Christina Baskaya)	
Originating Department: Administration	
Date Submitted: 8/22/14	

Full Title/Motion:
Motion: Adopt Resolution 14-09-590.

Administrative Recommendation:
This resolution is recommended by the Picture Point Design Committee.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 27,500	\$ 27,500	\$ 0	Increased Maintenance Costs

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives: Objective 8A, Page 203	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>The Haines Borough received a grant from the Alaska Department of Transportation and Public Facilities for Picture Point Wayside Improvements in the amount of \$184,400 with a local match of \$46,000. The Picture Point Design Committee recommended the Borough purchase a restroom building as part of this project. The Borough Special Projects Officer, Community and Economic Development solicited quotes as a pricing comparison. Romtec provided a quote of \$27,500 for a Model 1008 pre-fabricated restroom building module. The Picture Point Design Committee preferred this option over a WalCon Chisholm 22 model, with an estimated base price of \$36,318, and two other restroom buildings that were researched and found unsuitable for Haines. The Borough has sufficient funding from the Picture Point Wayside Improvements grant and budgeted local match for the Romtec Model 1008, plus the estimated \$6,500 in shipping costs. Note: The Picture Point Design Committee Minutes refer to "the purchase of the Romtec 1006 bathroom with the addition of the log post and beam porch," which is actually the Model 1008.</p>

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

Assembly Action:	
Meeting Date(s): 9/23/14	Public Hearing Date(s):
	Postponed to Date:

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Romtec in the amount of \$27,500 for the purchase of a Model 1008 pre-fabricated restroom building module as part of the Picture Point Wayside Improvements project.

WHEREAS, the Haines Borough received a grant from the Alaska Department of Transportation and Public Facilities for Picture Point Wayside Improvements in the amount of \$184,400 with a local match of \$46,000; and

WHEREAS, the Picture Point Design Committee recommended the Borough purchase a restroom building as part of this project; and

WHEREAS, the Borough Special Projects Officer, Community and Economic Development solicited quotes as a pricing comparison; and

WHEREAS, Romtec provided a quote of \$27,500 for a Model 1008 pre-fabricated restroom building module; and

WHEREAS, the Picture Point Design Committee preferred this option over a WalCon Chisholm 22 model, with an estimated base price of \$36,318, and two other restroom buildings that were researched and found unsuitable for Haines; and

WHEREAS, the Borough has sufficient funding from the Picture Point Wayside Improvements grant and budgeted local match for the Romtec Model 1008, plus the estimated \$6,500 in shipping costs,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with Romtec in the amount of \$27,500 for the purchase of a Model 1008 pre-fabricated restroom building module as part of the Picture Point Wayside Improvements project.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2014.

Attest:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Krista Kielsmeier

From: Carlos Jimenez
Sent: Thursday, September 18, 2014 9:39 AM
To: Krista Kielsmeier
Subject: FW: Romtec Follow-Up/ Waterless RR Building
Attachments: T2-1008-AKChena River .jpg; T2-1008-OH-2.jpg; T2-1008-OH-Sunnybrook.jpg; T2-1008-OH-Sunnybrook-Matching existing17590.jpg

From: Todd Black [<mailto:todd.black@romtec.com>]
Sent: Tuesday, August 26, 2014 9:07 AM
To: Carlos Jimenez
Subject: Romtec Follow-Up/ Waterless RR Building

Carlos-

Christina told me that you would be the contact taking over on this project once she left for her trip. I wanted to take this opportunity to introduce myself and get some information Christina had requested in front of you.

Currently, I have given her budgetary information for our Model 1006. Last Friday, she had indicated that you guys might be interested in our Model 1008- which is the Model 1006 w/ a covered roof extension/entryway. I have attached a couple of Photos of the Model 1008 for you to review. This unit is still a pre-fabricated building Module that you would set in place. The Roof Extension comes as (1) extra piece that you do have to attach to the main building module during installation.

As for the money difference in the (2) models, I gave Christina the following budgetary estimates:

- Romtec Model 1006: \$23,999 (+ Shipping)
- Romtec Model 1008: \$27,500 (+ Shipping)

Please let me know if you if you would like me to produce a hard quote (including shipping) on the Model 1008.

I look forward to working with you throughout this project. Have a great day!

Todd Black
Sales
Phone: 541.496.3541
Fax: 541.496.0803
Email: Todd.black@romtec.com
Web: Romtec.com

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Romtec, Inc. is a complete design-build firm for public restrooms and parkitecture, such as concessions, pavilions, and kiosks. Romtec provides over 20 years of expertise in restroom design and construction.









Krista Kielsmeier

Subject: RE: Picture Point Restroom

From: Christina Baskaya
Sent: Friday, August 22, 2014 1:51 PM
To: Carlos Jimenez
Subject: Picture Point Restroom

Hello Carlos,

I attached the Romtec Restroom details and the committee actually wanted model 1008 with the log post and beam porch. That version costs an additional \$3,500 which brings that total to \$27,499 plus approx. \$6,400 for shipping. I think that the \$106,000 left in the grant budget for restrooms, should still cover this and construction.

Thank you for taking this back on!

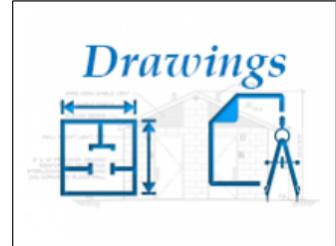
Christina Baskaya
Special Projects Officer, Community & Economic Development
Haines Borough, Alaska
www.hainesalaska.gov
cbaskaya@haines.ak.us
907-766-2231 ext. 60



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Model 1006-1009 – SST Traditional Double



Get This Building Package For As Low As \$23,999

[Request a Quote](#)

Visit our quick and simple quote form, and get your building project started today!

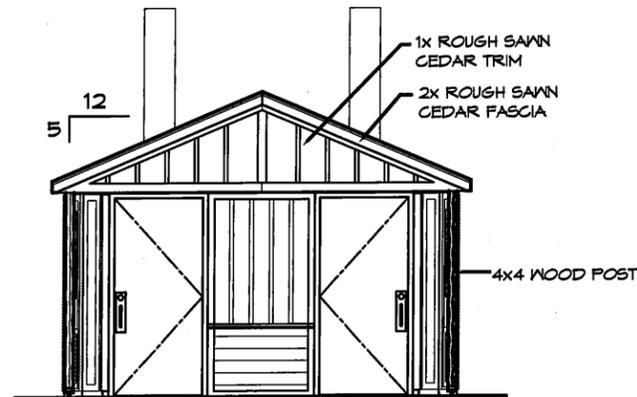
Romtec 1006, 1007, 1008 & 1009

DESCRIPTION: Romtec's SST® Traditional Double line of waterless restrooms is designed to meet your two occupant needs. Each pre-engineered unit is fitted with Romtec's SST® ventilation system, which uses natural air pressure to move odors away from the restroom. Both unisex bathrooms have their own 750-gallon vault, making this an ideal solution for popular locations that are off the grid. The Traditional Double models come with a gable roof and either a privacy partition, an all weather porch, or a log post and beam porch. Keep your costs low by selecting exactly what features you want. These units arrive ready for installation, but Romtec also offers turnkey expediency.

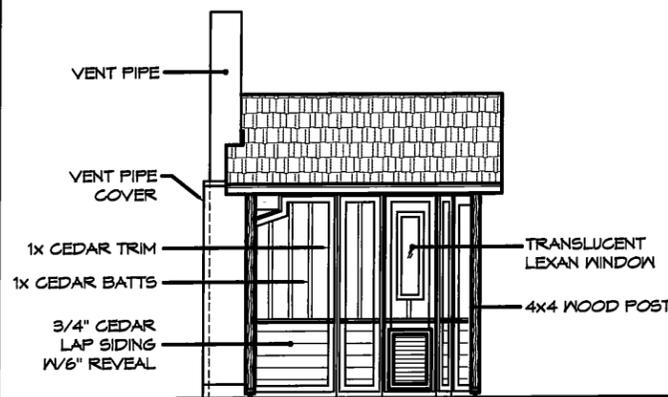
FEATURES:

- Floor plan: 10'-6" (widest) x 13'-6" ext.; 6' x 7'-3" interiors (2)
- 750-gallon impervious underground vaults (2)
- Romtec's SST® odor-free waterless restroom design with flow-through ventilation and kick-proof louvered wall vent
- Reinforced concrete foundation and slab – poured in place
- Prefabricated structure with choice of cedar wood siding, stucco finish (choice of colors), log-look siding
- Gable roof with metal or composition roofing, optional tile
- Choice of building additions: Privacy Partition addition (1007) or All-Weather Porch & Privacy Partition addition (1008) or Rustic Log Porch & Privacy Partition (1009)
- Acrylic restroom windows in aluminum frames
- Powder-coated steel door with ADA pull handle & deadbolt
- 18" ADA toilet riser with seat/lid, stainless steel grab bars
- 12" dia. vent pipe, 24" dia. cleanout for pump access
- Options: choice of toilet paper dispensers, hand cleaner, urinal, solar lighting system

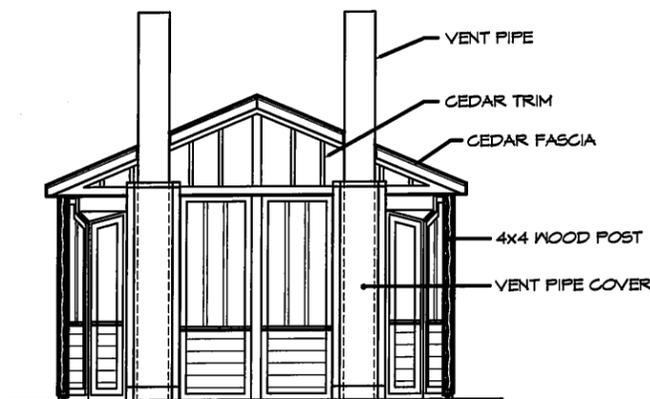
Standard



FRONT VIEW

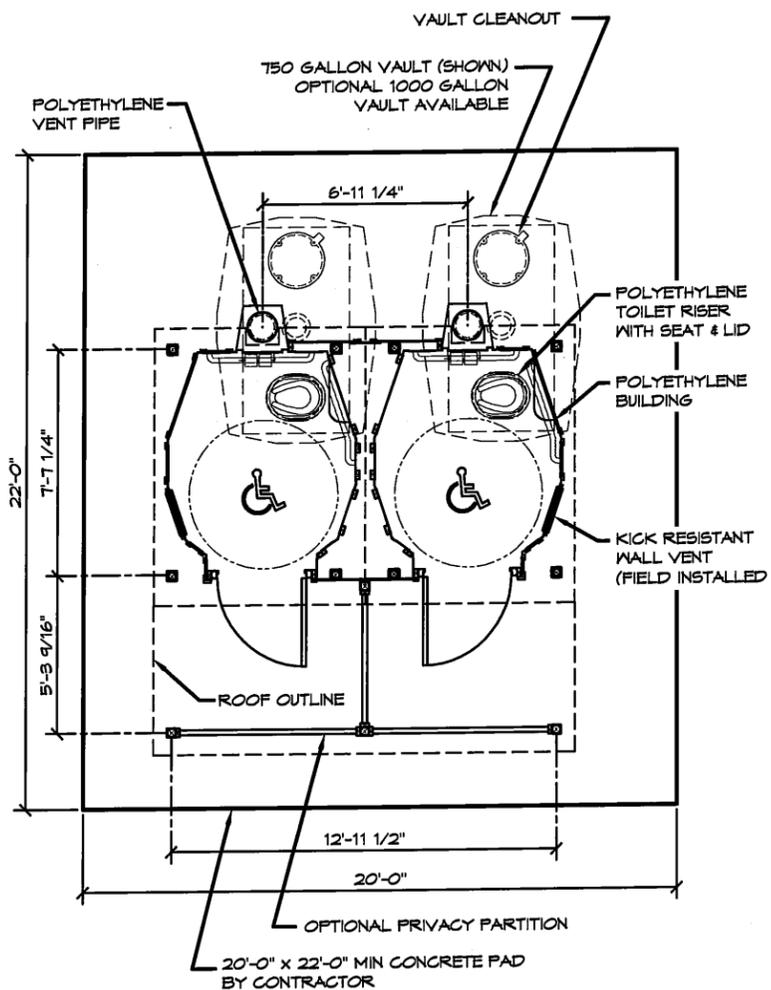


SIDE VIEW WITH STANDARD SIDING PACKAGE



BACK VIEW

SST TRADITIONAL DOUBLE RESTROOM

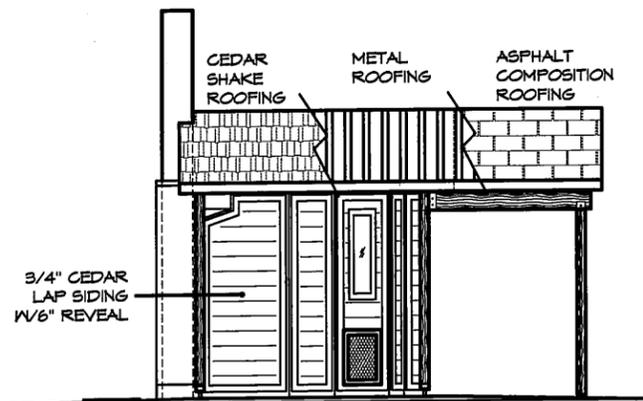


FLOOR PLAN

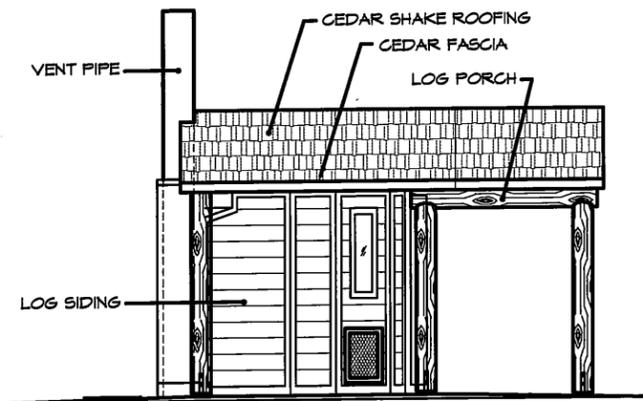
ALL-WEATHER PORCH AND PARTITION ARE OPTIONAL. REFER TO YOUR QUOTE FOR YOUR SPECIFIC BUILDING PACKAGE.

STANDARD SIDING FOR THE TRADITIONAL BUILDING IS CEDAR LAP & BATT. OPTIONAL SIDING IS STUCCO AND LOG POST & BEAM. REFER TO YOUR QUOTE FOR YOUR SPECIFIC BUILDING.

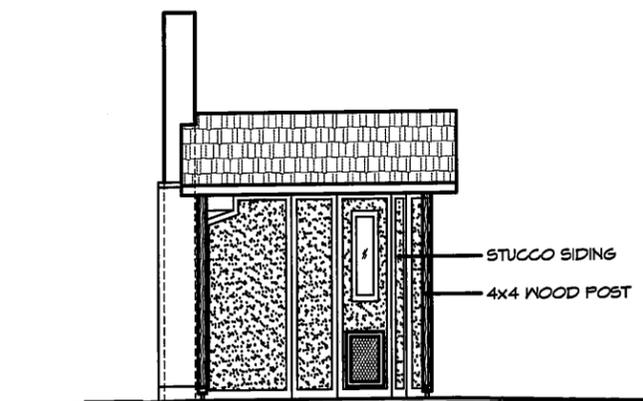
Options



SIDE VIEW WITH PORCH & PRIVACY PARTITION



SIDE VIEW WITH LOG PORCH & LOG SIDING



SIDE VIEW WITH OPTIONAL STUCCO SIDING

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ROMTEC
 18240 NORTH BANK ROAD - ROSEBURG, OR 97470
 (541) 486-3541 FAX (541) 486-0803

PRELIMINARY

PROJECT: 1006 w/o Porch - 1007 w/ Porch
SST TRADITIONAL DOUBLE RESTROOM-CONCRETE
OPTIONAL PORCH & PARTITION
 MEN'S OR WOMEN'S SINGLE USER RESTROOM BUILDING

PROJECT#:	
MODEL#:	1006/1007
DATE:	7/22/11
REVISIONS	
REV.	DATE BY
DRAWN BY:	TI

SHEET NO.



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Phone Number (optional)

Message (optional)

Have a WalCon Representative contact me about this project

Press ESCAPE or click on X (right-top) to Cancel.



All WalCon products are manufactured to the most rigorous design factors presented in the International Building Code for all geographical areas within the continental United States, with the exclusion of barrier islands.

Chisholm 22
Length: 168"
Width: 116"
Height: 114"

Cubic Feet: 1,286
Weight: 58,292 lbs
Vault: included
Building Type: C
Rooms: 2
Toilets: 2
Urinals: 0
Sinks: 0
Showers: 0

Base Price:
\$36,318.00

This price is for guidance only, does not include freight and does not constitute a valid WalCon price quotation. Please

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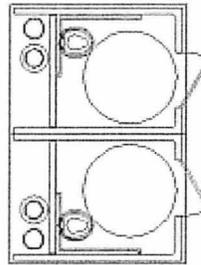
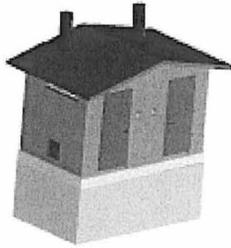
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Chisholm 22



ADA-Compliant, 2-Room Vault Restroom Building.

A superior, concrete, ADA-compliant, two-room vault restroom building, complete with floor, walls, gable roof, and two dry toilets. The **Chisholm 22** has a painted stucco exterior with a painted concrete roof. This model includes two ventilated holding vaults with service access and ships in four sections, two building and two vault sections.



Standard Product Options

Roof Options:

Wall Options:

Hardware Options:

Risers:

Toilet Paper Dispensers:

- Additional Options:**
- Baby Changing Station | \$760.00
 - Toilet Seat Cover Dispenser | \$284.00
 - Sanitary Napkin Disposal Bin | \$177.00
 - Hydraulic Door Closer | \$850.00

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Picture Point Design Committee Meeting

August 21, 2014

Location: Library Conference

Members Present: Barbara Mulford, Judy Heinmiller, Rob Goldberg, Leslie Ross

Absent: Meredith Pochardt

Visitors: Sue Waterhouse, Sue Leuscher, Christina Baskaya

Call to order: 10:08am

Discussion: Sue Waterhouse commented that she was not in favor of the paving and parking development of Picture Point. She thinks that the point is fine the way it is. She asked if the design was online.

The committee replied that the projects is part of the overall DOT Scenic Byway. Committee stated they are trying to organize the use of Picture Point area, which is already being used. The object was to make the area available for all users, including handicap.

Rob brought up the question of if the development was in our budget.

Barbara suggested that if we were limited on funds, that we eliminate the pavilion. She said that we should develop Area 2 with the D1, as well as Area 1 and promote it for camper use. Put burn pits in at Area 2.

Bathroom Discussion:

Christina presented two models: Romtec 1006 and Walcom Chisholm 22. Two other restrooms that she had researched, would not work for Haines. Barb suggested continuity with the bathroom similar to the Tanani point.

Motion: Judy moved to recommend the purchase of the Romtec 1006 bathroom with the addition of the log post and beam porch.

Second: Rob

Passed unanimously.

AIA Totem Sign Discussion: Barbara brought up the public did not want signage or minimal signage.

Judy said more wayfinding signage is needed. Sue L. suggested providing a little more information to get visitors interested in learning more of Haines. Barbara said that the totem sign was originally thought to be for Area 2. Leslie said that it should be in Area 1 for to capture more visitors.

Barbara suggested that we secure the CIP funds for at least half of the signs and she wants to figure out the cost of the wayfinding signs. It was suggested to start with contacting DNR.

Motion: Rob made the motion to recommend that the Borough match \$14,000 for the purchase of the AIA totem sign.

Second: Barbara

Passed unanimously.

Motion to Adjourn by Barbara

Second: Judy



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 14-512

Assembly Meeting Date: 9/23/14

Business Item Description:	Attachments:
Subject: Harbor Garbage Disposal	1. Letter from PHAC Chairman Norm Hughes 2. Quote from APC Equipment & Manufacturing with photo 3. 3/25/14 Spreadsheet of Potential Cost Savings, resubmitted by Mr. Hughes
Originator: Port and Harbor Advisory Committee	
Originating Department:	
Date Submitted: 9/11/14; originally Oct. 2013	

Full Title/Motion:

Motion: Direct the manager to propose a plan that would reduce the man-hours that ports and harbors staff devotes to garbage disposal.

Administrative Recommendation:

The borough manager supports the motion.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ to be determined if any	\$ 0	\$ to be determined if any	to be defined as part of plan

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives: Objective 4B, Page 144	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

In October 2013, the Port and Harbor Advisory Committee (PHAC) unanimously recommended the assembly approve the purchase of a dump trailer for the Ports and Harbors Department to use for trash disposal. On 2/25/14, the assembly adopted Ordinance 14-01-365 which appropriated \$12,810 to purchase a dump trailer. However, on 3/25/14, a resolution authorizing the actual purchase failed adoption. The PHAC is concerned about the inordinate amount of time staff spends dealing with garbage...time taken away from port and harbor business. The committee is asking the assembly to reconsider its denial of the harbor dump trailer purchase. There may be other solutions to consider, as well. The dump trailer is not a solution to illegal use of the harbor dumpster; it is a solution to releasing ports & harbor staff from dealing with garbage in the harbor dumpster - no matter where it comes from. Funds would have to be reappropriated since the previous appropriation was part of the FY14 budget.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 3/11, 3/25, 9/23/14	Public Hearing Date(s):
	Postponed to Date:

9/11/14

Mayor, Stephanie Scott and Haines Borough Assembly,

The harbor committee has held many a meeting since March and always on the agenda under old business is---- trash disposal. The harbor staff has been by hand removing trash and bagging it and driving it to the dump. The harbor is used 24 hours a day and in the morning the dumpster is overflowing and creating an attractant to animals. Which with great zeal spread it to the winds. It is the committees understanding that the money for a dump trailer was appropriated but not released. The committee requests the release of funds for a dump trailer. The dump trailer would (in the opinion of harbor committee) save harbor staff man hours and create efficiencies that in a couple of years will lessen the allocation of funds for trash disposal in future harbor budgets. When this comes up on the Haines Borough Assembly agenda. I would be more than willing to be present to answer any questions related to this request of the hbphac.

Haines Borough Ports and Harbor Advisory Committee

Chair Norman Hughes

APC EQUIPMENT & MFG., INC.

September 19, 2014

FROM: Kris French

2014 MAXEY 7'X14' PINTLE ROLL OFF TRAILER

STANDARD FEATURES

GVWR:	14,000 lbs
Empty Trailer Weight:	2,700 lbs
Net Payload Capacity:	11,300 lbs (including dumpster weight)
Axles:	Tandem 7,000lb 8 lug (electric brakes on both axles)
Tires:	New ST235/80 radial 16" E range 10ply trailer tires (3,520lbs each)
Wheels:	16"x6" 8 hole
Main Frame:	6"x2" rectangular steel tubing
Tongue:	8" channel
Tilt Frame:	3"x2" rectangular steel tubing
Cross Members:	3" channel
Dumpster Flooring:	1/8" thick sheet steel
Dumpster Siding:	1/8" thick sheet steel
Dumpster Doors:	Double swing doors (opens like barn doors)
Battery:	3 Group 27 deep cycle marine (charges while being towed)
Pump:	Electric over hydraulic - power up / power down
Controller:	10' corded remote control
Hydraulics:	Dual 3.5" hydraulic cylinder (20,000lb lift capacity)
Winch System:	15,000lb industrial Warm winch

.....

Coupler:	2 5/16" adjustable OR 3" Pintle
Jack:	12,000lb drop leg jack
Fenders:	Tandem 14ga tread plate fenders
Lights:	All LED stop/turn/clearance lights (rear lights encased in steel housing)
Safety Features:	All required DOT lighting, safety chains, DOT tape, and break-a-way switch

FOB PARIS, TX \$9,995.00

2 PIECE METAL ROLLING LID \$2,438.00



MAXEY
TRAILERS INC.

Memorandum

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

August 19, 2014

To: Haines Borough Assembly

Cc: Dave Sosa, Manager
Julie Cozzi, Clerk

From: Stephanie Scott, Mayor, Haines Borough

Subject: Comment on the SATP

Comments on the SATP are due August 30. I prepared a draft comment for your consideration after combing through the plan, meeting with DOT planners, Mr. Hughes and Mr. Plotkin, and attending the public hearing.

I was delighted that Mr. Hughes emphasized that the construction of the Alaska Class Ferry Day Boat and its proposed Haines-Juneau route and modification of our terminal should be viewed as independent of the design and construction of the Comet-Katzehin Road (East Lynn Canal Road).

However, I do not dismiss the possibility that a road will be constructed. That being the case, I do think that there are transportation issues surrounding the transition from our present mass-transit system to the proposed system. I believe that the proper place to raise and address those issues in a plan such as this.

I urge you to adopt this comment as your own and authorize its transmission.

August 26, 2014

Andy Hughes, Regional Planning Chief
State of Alaska Department of Transportation and Public Facilities
Southeast Region Planning
Box 112506
Juneau, Alaska 99811-2506
dot.satp@alaska.gov

RE: Comment re the Southeast Alaska Transportation Plan from the Haines Borough Assembly

Dear Mr. Hughes,

Thank you for the opportunity to comment on the updated version of the Southeast Alaska Transportation Plan (SATP). And thank you for hosting a public hearing here in Haines September 10.

There is no question that transportation in and out of Haines is key to sustaining our community. We believe that the SATP represents a wise use of federal and state transportation dollars through the plan to develop vessels that can reliably and efficiently travel on the water between Skagway, Haines, and the hub city of Juneau.

The Haines Borough has historically supported reliable ferry service in the Lynn Canal and understands that the SATP in its support for building two Alaska Class Ferries, Day Boat; and homeporting one in Haines, does just that. Thank you.

There are a few elements of the Plan that could, in our opinion, be re-visited by DOT staff to good effect.

System Refurbishments. Tables 2 and Tables 3 list System Refurbishments at a cost of \$1,342.1 which exceeds Major System Projects, estimated at \$1,223.2. System Refurbishments are clearly a huge part of the DOT plan for Southeast Alaska. Would it be possible to outline refurbishments in the same way that you outline projects? We would like to know the refurbishment projects slated for the Haines Borough throughout the planning period.

Timetable Adjustments. We have direct experience with the difficulties associated with permitting the realignment and improvement of an existing highway (Haines Highway) with federal dollars. The Haines Highway Realignment project has been in the design and permitting phase for at least 10 years. Table 2 plans a brief 3 years between the award of the design phase for the highway from Comet to Katzehin (2014) and the construction contract in 2017. Experience suggests that this timetable may be too aggressive and may underestimate the costs that will be

associated with a lengthy design and permitting process. We suggest that it would be a good idea, for planning purposes, to adjust the table to reflect experience.

Design for Katzeihin Terminal. Although there are separate “design” timelines for other facilities (Angoon Airport; Kake-Petersburg Road & Ferry Terminal; Wrangell Narrows Shuttle Ferry; etc.), there is no “design” timeline for the Katzeihin terminal. The Haines Borough will have a keen interest in the design of the Katzeihin terminal in that it will be essential that the facility meet the needs of the traveling public in possibly challenging circumstances (ferry delays, poor driving conditions delaying departures south, etc.). Please include a separate line for the design phase of this terminal so that affected communities can meaningfully participate.

Accommodation of Foot Traffic. The Haines Borough has an interest in a transportation plan for the Upper Lynn Canal that accommodates foot traffic as well as vehicle traffic. Currently, the AMHS system is a mass transit system. Most of the passengers it serves travel without vehicles. We note with interest that the North End Ferry Authority for Prince of Wales has planned a mini-coach service for passengers traveling without vehicles (pg. 23). We believe that it is reasonable and responsible for the State Department of Transportation to design into the East Lynn Canal road route a system to accommodate the bulk of the travelers who would otherwise travel by ferry south. Please design and estimate the cost (to be borne as a fee for service) to the public for traveling to Juneau, without personal vehicles, in order to connect with air carriers, for medical attention, for cultural and sports events. This service supports the trend noted elsewhere in the plan toward an increasingly older population. The present system of travel on the ferry easily accommodates the needs of elders; replacement should equal or improve the present level of service.

Population Figures for the Haines Borough. The Haines Borough also has an interest in the accurate representation of the population and the economics of travel in the Upper Lynn Canal. Many agencies will refer to the SATP in the future. We ask that you include the actual numbers from ADOLWD and Southeast Conference pertinent to Southeast Alaska rather than by reference in a footnote, as is the case on page 27 of the report. It is important for readers from other regions around the state to see the numbers that confirm the statement of “increases in population, labor force, job earnings....” (page 27). This is, after all, the Southeast Alaska Transportation Plan, and should incorporate related statistics directly.

Use Figures for Ferry Travel in the Upper Lynn Canal. And lastly, the Haines Borough also has an interest in representing the numbers relating to current travel in the Upper Lynn Canal. It would be useful to include the actual statistics related to ridership and revenue via ferry south and north, via air carriers, and via highway. We are confident that you have access to those statistics and believe publishing those numbers in this plan would be useful to decision makers and flesh out the transportation picture for the Upper Lynn Canal.

Thank you very much for the opportunity to comment.

Sincerely,

The Haines Borough Assembly

DRAFT