


Haines Borough
Borough Assembly Meeting #237
AGENDA

December 11, 2012 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg

Stephanie Scott,
Mayor

Dave Berry Jr.,
Seat A
Assembly Member

Steve Vick,
Seat B
Assembly Member

Debra Schnabel,
Seat C
Assembly Member

Joanne Waterman,
Seat D
Assembly Member

Norman Smith,
Seat E
Assembly Member

Jerry Lapp,
Seat F
Assembly Member

Mark Earnest,
Borough Manager

Julie Cozzi,
Borough Clerk

Michelle Webb,
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 11/27/12 and 12/4/12 Assembly Meeting Minutes

8B – Chilkat Center Activity Report

9A – Fire Service Area #1 Board Minutes

9B – Parks and Recreation Advisory Committee Minutes

11A1 – Adoption of Resolution 12-12-424

11A4 – Adoption of Resolution 12-12-427

- * 4. APPROVAL OF MINUTES** – November 27, 2012 Regular and
December 4, 2012 Joint Meeting with School Board

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

6. MAYOR'S COMMENTS/REPORT

7. PUBLIC HEARINGS

A. Ordinance 12-11-309 – Second Hearing

An Ordinance of the Haines Borough Assembly amending Borough Code Title 8, Section 8.20.010 to remove certified landfill material from the list of items not considered a bear attraction nuisance.

The topic of bear attractants was recently revisited in a meeting attended by several interested groups including the borough, Chilkoot Bear Foundation, and Community Waste Solutions. Those in attendance agreed it would be important to have some type of deterrent at the landfill. Therefore, a recommendation was made to strike "certified landfill material" from the list of items exempt from the bear attraction nuisance code. This ordinance was introduced on 11/6 and had a first public hearing on 11/27.

Motion: Adopt Ordinance 12-11-309.

B. Ordinance 12-11-310 – First Hearing

An Ordinance of the Haines Borough Assembly providing for the addition or amendment of specific line items to the FY13 budget.

*The manager recommends this. The Finance Committee will meet prior to this meeting to review the ordinance, and they will have a recommendation. **Motion:** Advance Ordinance 12-11-310 to a second public hearing on 1/8/13.*

8. STAFF/FACILITY REPORTS

A. Borough Manager – 12/11/12 Report

1. Public- or Private-Sector Option?

The manager has presented two program options for dealing with impounded and abandoned vehicles, and, the assembly is asked to decide which option would be preferred in the event Ordinance 12-10-308 is adopted.

***B. Chilkat Center – Facility Report for November 2012**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

*** A. Fire Service Area #1 Board – Minutes of 10/26/12 Meeting**

*** B. Parks and Recreation Advisory Committee – Minutes of 11/8/12 Meeting**

C. Assembly Standing Committee Reports

10. UNFINISHED BUSINESS

A. Ordinance 12-10-308

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3 to establish a Vehicle Retirement Program Fund, to levy a motor vehicle registration tax, and to exempt from property taxes all vehicles subject to the registration tax.

This was introduced on 10/23 and the first hearing was 11/6. Following the second hearing on 11/27, the assembly postponed it to this meeting with the following motions on the table. Discussion will resume at the primary amendment level.

Main Motion: "Adopt Ordinance 12-10-308."

Primary Amendment #1: "Include impoundment vehicles in the ordinance by incorporating the amendments proposed in the November 27, 2012 document prepared by the borough manager."

11. NEW BUSINESS

A. Resolutions

* 1. Resolution 12-12-424

A Resolution of the Haines Borough assembly authorizing the Borough Manager to enter into a construction contract with Southeast Road Builders for the Barnett Drive Bolted Steel Water Tank project for an amount not-to-exceed \$537,950.00.

*This resolution is recommended by the borough manager and director of public facilities. **Motion:** Adopt Resolution 12-12-424.*

2. Resolution 12-12-425

A Resolution of the Haines Borough assembly authorizing the Borough Manager to contract with Pacific Rim Mechanical, LLC in the amount of \$76,356 for Mosquito Lake School fire suppression system repairs.

*This resolution is recommended by the borough manager and director of public facilities. **Motion:** Adopt Resolution 12-12-425.*

3. Resolution 12-12-426

A Resolution of the Haines Borough assembly authorizing the Borough Manager to enter into a Memorandum of Understanding with Prophecy Platinum Corp. to establish a framework of mutual cooperation and the exchange of information among the parties regarding the potential development of the Wellgreen Ni, Cu, Au, PGE deposit near Burwash Landing, Yukon Territory.

*This resolution is recommended by the borough manager and Haines Port Development Steering Committee. **Motion:** Adopt Resolution 12-12-426.*

*4. Resolution 12-12-427

A Resolution of the Haines Borough assembly authorizing the Borough Manager to execute a contract extension and change order with Southeast Road Builders, Inc. for the Lily Lake Water Transmission Project for an amount not to exceed \$14,629.08.

*This resolution is recommended by the borough manager and director of public facilities. **Motion:** Adopt Resolution 12-12-427.*

5. Resolution 12-12-428

A Resolution of the Haines Borough assembly adopting the Borough's FY 2014 state legislative priorities.

*This resolution is adopted annually in advance of submitting legislative funding requests for capital projects. **Motion:** Adopt Resolution 12-12-428.*

B. Ordinances for Introduction - None

C. Other New Business

1. Board Appointments

*(Re)appointment requests have been received for various seats on the Parks and Recreation Advisory Committee, Fire Service Area #1 Board, Fire Service Area #3 Board, and Letnikof Estates RMSA Board. After review and consideration of the board recommendations, the mayor has determined the (re)appointments she wishes to make and seeks assembly confirmation. **Motion:** Confirm the mayor's (re)appointments as listed on the 12/11/12 Mayoral Appointment document.*

12. SET MEETING DATES

13. PUBLIC COMMENTS

14. ANNOUNCEMENTS/ASSEMBLY COMMENTS

15. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #236
November 27, 2012
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** (via teleconference), Joanne **WATERMAN**, Norman **SMITH**, Steve **VICK**, and Dave **BERRY**. **Absent:** Assembly Member Debra **SCHNABEL**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Chief Fiscal Officer, Michelle **WEBB**/Deputy Clerk, Darsie **CULBECK**/Executive Assistant to the Manager, Gary **LOWE**/Chief Of Police, Carlos **JIMENEZ**/Director Of Public Facilities, and Ed **BRYANT**/Facilities Maintenance Technician.

Visitors Present: Karen **GARCIA**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Kelly **LOWE**, Thom **ELY**, Paul **NELSON**, Terry and Barbara **PARDEE**, Dave **KAMMERER**, Dean **LARI**, Michael **BYER**, Cheryl **STICKLER**, Annette **SMITH**, Kay **CLEMENTS**, Tim **MCDONOUGH**, Dick **FOLTA**, Laverne **BRYANT**, and others.

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

The following Items were on the published consent agenda:

- 4 – Approve 11/6/12 Minutes
- 8B – Chilkat Center Report
- 8C – Museum Report
- 8D – Volunteer Fire Department Report
- 8E – Library Report
- 9A – Museum Board Minutes
- 9B – Tourism Board Minutes
- 9C – Parks & Recreation Committee Minutes
- 9D – Planning Commission Minutes
- 9F – Library Board Minutes
- 11A1 – Adopt Resolution 12-11-418
- 11A2 – Adopt Resolution 12-11-419
- 11A3 – Adopt Resolution 12-11-420
- 11A4 – Adopt Resolution 12-11-421
- 11A5 – Adopt Resolution 12-11-422
- 11A6 – Adopt Resolution 12-11-423
- 11B1 – Introduce Ordinance 12-11-310
- 11C3 – Board Appointments
- 11C4 – Approve 2013 Assembly Meeting/Agenda Schedule
- 11C5 – Approve Christmas Pool Rates
- 11C6 – Approve Ring of Fire Letters

Motion: **LAPP** moved to “approve the agenda/consent agenda,” and it was amended to remove Item 11A3 from the consent agenda. The motion, as amended, carried unanimously.

ELY requested removal of Resolution 12-11-420 from the consent agenda, and **VICK** made a motion to that affect that carried unanimously.

* 4. **APPROVAL OF MINUTES** – November 6, 2012 Regular Meeting

5. **PUBLIC COMMENTS**

ELY expressed concern about reengineering the Haines Highway for heavy industrial use. The resolution seems to be a blanket statement of support and that has not yet been determined in the public arena. Some highway residents have concerns about the potential increase in truck use. The resolution should include the environmental and safety concerns. Also, the people on Union Street (along the truck route) would be potentially impacted.

A.SMITH represented the Chilkat Center Foundation and gave an activity report. They are now a 501(C)3

nonprofit organization. The next step is a strategic planning session. There are currently over fifty dues-paying members. The Center is a busy place; many activities are going on. She summarized some of the upcoming events. The group is grateful for the new roof and boiler.

LARI thanked the mayor for her efforts to help address his concerns, and his meeting with the manager yesterday seemed to be productive. It is time for the assembly to evaluate the police chief and report to the public that they are satisfied with his performance. He doesn't believe he's an honest person, and it's time for his work to be checked.

KAMMERER agreed. He wants an independent investigation. The public deserves a thorough evaluation. He asked the mayor to make sure the assembly members get copies of the complaints he submitted. **SCOTT** noted the documents are marked "confidential" and **KAMMERER** granted approval for her to distribute them to the assembly.

School Superintendent **BYER** announced the Haines school recently received the Title I Distinguished Elementary School award. It is one of two receiving the award out of 175 schools. Instructor **B.PARDEE** explained the award and said all teachers are now considered Title I instructors. School principal **STICKLER** said over the past five years the school has been focusing on 1) collective responsibility (this is the community's school and the assembly represents the community), 2) convergent assessment (how the school is doing nationally), 3) concentrated instruction (where to best focus efforts), and 4) certain access (how to make sure every single child has access to the "good stuff"). **B.PARDEE** said it's no longer your children and my children, it's our children. They are working on positive behavior intervention strategies school-wide to encourage good behavior. This community is supportive and caring. There are 3,000 volunteer-hours each year. Everyone should be very proud of this award. **STICKLER** said Haines will be attending the Title I award ceremony in Nashville in January. She thanked the assembly for the support over the years.

NELSON said he believes everyone prefers to be non-confrontational but he had to speak in support of **LARI** and **KAMMERER**. Felony wire-fraud was reported in July and nothing has been done. The local police took over four months to get the report documents to the Juneau district attorney, and he doesn't understand why.

6. MAYOR'S COMMENTS/REPORT

SCOTT recognized the work of employees Ed Bryant and Andus Hale who maintain the borough's facilities. She also recognized Jerrie Clarke, Museum Director, who changed her mind about resigning and will remain at the helm of the Sheldon Museum. She congratulated EMT-Firefighter Jennifer Walsh who has completed her firefighter I class. The mayor is proud of the new pellet-fired boiler at the senior center. She noted 117 gallons of heating oil equals one ton of pellets in equivalent BTUs. There is a savings and it will be tracked over time to see how it is performing. She went to the AML conference in Anchorage, and she had the opportunity to facilitate an energy session. The top recommendation is that public buildings need to have energy policies in place. She hopes to work with the assembly to develop energy policies for the borough's buildings.

A. **Assembly Committee and Board Liaison Appointments**

The mayor reviewed the planned appointments and sought assembly confirmation.

Motion: **VICK** moved to "confirm the mayor's assembly committee and board liaison appointments," and the motion carried unanimously.

7. PUBLIC HEARINGS

A. Ordinance 12-10-308 – Second Hearing

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 3 to establish a Vehicle Retirement Program Fund, to levy a motor vehicle registration tax, and to exempt from property taxes all vehicles subject to the registration tax.

Mayor **SCOTT** opened the public hearing at 7:04pm.

E.BRYANT said 200 tons of iron was hauled out to the barge earlier this year. The borough should provide another barge rather than charge a tax. It is not needed. A tax is tax. There is not a lot of money in his savings account.

L.BRYANT wondered if the assembly had considered other ways to solve this problem. For example, perhaps the state should not register a person's new vehicle if the borough has notified them of a junked/abandoned vehicle that is registered in their name.

NELSON said he talked with **CULBECK** about another idea: using private industry.

ELY said the borough would be paying more for this program than it would take in. It is best left in private industry's hands. Also, responsible citizens should not have to pay for irresponsible ones.

KURZ agreed with **ELY** and **NELSON**.

Hearing no further public comments, the mayor closed the public hearing at 7:10pm.

Motion: **WATERMAN** moved to "adopt Ordinance 12-10-308," and the motion carried unanimously in a roll call vote.

During the discussion, **BERRY** spoke in opposition. The fee adds up very quickly. Increasing taxes and regulations is not a solution if the borough is not enforcing current ordinances to the best of its ability. It will cost more than the amount of money fees will bring in. He added the Chilkoot Indian Association has applied for grant funding to bring another scrap metal barge to town. **SMITH** said the business plan is really lacking. He wanted more detail, and this does not demonstrate that it pencils out. The borough hasn't enforced its code to deal with the derelict vehicles. Implementing a tax is not going to cover the cost of the program. The borough should take the lead by funding a scrap metal barge every few years. **VICK** has supported this for some time and likes the plan. But also the borough should do a better job of enforcing its laws. He likes the idea of the plan but cannot support it at this time. The first step should be to enforce current ordinances. **LAPP** is in favor of the concept, and he spoke in support of the ordinance. If it could be done without a tax it would be great. **WATERMAN** spoke in favor of the ordinance. She supports the concept of establishing something. Where's the money going to come from for the borough to sponsor a barge? That's what this tax would do. It's becoming an increasing problem, and it is not just about junk vehicles. It would also establish an impound lot which does not currently exist. Additionally, it will provide a means for towing vehicles found to be in the way of snowplows. She disagrees this would encourage more irresponsibility. This will provide a financial base for the problem. The borough is already paying for it but doesn't know it. She added that she supports private sector involvement. **SCOTT** believes the borough should do this for itself rather than depending on grants.

PRIMARY AMENDMENT #1: **WATERMAN** moved to "include impoundment vehicles in the ordinance by incorporating the amendments proposed in the November 27, 2012 document prepared by the borough manager," and it was seconded.

SMITH said the borough needs to enforce the borough and state laws, including the requirement for a person to register their vehicle in Alaska if they are employed here. He wondered where the impoundment lot would be. **EARNEST** explained the borough currently has no location for vehicles that are taken into evidence, removed from the road for snow plowing, and those involved in accidents. He supports the private sector, however there are going to be orphaned vehicles---those where the registered owner cannot be found. He noted the revenues won't come in before 2014, so there is time to put together a plan.

The mayor called a brief recess to confer with the borough clerk about procedural options for proceeding. Upon reconvening, **SCOTT** suggested one option might be to postpone the matter until the December 11 meeting in order to work out further details.

Motion to Postpone: **SMITH** moved to "postpone to December 11, 2012 to provide an opportunity to work out the details," and it carried unanimously

B. Ordinance 12-11-309 – First Hearing

An Ordinance of the Haines Borough Assembly amending Borough Code Title 5, Section 8.20.010 to remove certified landfill material from the list of items not considered a bear attraction nuisance.

Mayor **SCOTT** opened the public hearing at 7:42pm.

FOLTA appeared as a member of the Chilkoot Bear Foundation and encouraged the assembly to support this ordinance.

NELSON said he was unclear about what this ordinance would do, and **SCOTT** explained it to his satisfaction.

MCDONOUGH spoke in support of the ordinance.

Hearing no further public comments, the mayor closed the public hearing at 7:45pm.

Motion: **BERRY** moved to "advance Ordinance 12-11-309," and the motion carried unanimously.

During the discussion, **VICK** appreciated the agencies working together on a solution. **SCOTT** explained Community Waste Solutions is paying for the fence possibly with some assistance from the

Chilkoot Bear Foundation and the State of Alaska.

8. STAFF/FACILITY REPORTS

A. **Borough Manager** – November 27, 2012

EARNEST said he appreciates the assembly's support for making it a priority to address deferred maintenance issues. The work is ongoing with the federal and legislative priorities. The planning commission is expected to meet very soon to review them, as well. The school board and assembly will meet jointly Tuesday, December 4 to discuss potential school district legislative priorities. The HELP Committee met this morning to begin the process of updating the emergency plan. It will eventually come to the assembly for concurrence.

SMITH asked about the E-911 upgrade and wondered if it is better to temporarily manage the existing system while trying for a new Public Safety Building. **EARNEST** said the idea is to have a new console and equipment that can be pulled out and relocated. The non-recoverable cost would be the telephone wires within the building. The borough has to make a calculated decision. Also, the grant funds have a limited timeframe. The draft of the RFP is nearly complete. Public Facilities is reviewing it and trying to resolve the installation question(s) prior to issuing it.

- * B. **Chilkat Center** – Facility Report for October 2012
- * C. **Museum** – Staff Activity Reports of September and October 2012
- * D. **Haines Volunteer Fire Department** – October 2012 Monthly Report
- * E. **Library** – October 2012 Monthly Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. **Museum Board of Trustees** – Minutes of 9/20/12 and 10/23/12 Meetings
- * B. **Tourism Advisory Board** – Minutes of 9/27/12 and 10/15/12 Meetings
- * C. **Parks & Recreation Advisory Board** – Minutes of 9/5/12 and 10/4/12 Meetings
- * D. **Planning Commission** – Minutes of 10/11/12 Meeting
- E. **Assembly Standing Committee Reports**
- * F. **Library Board of Trustees** – Minutes of 10/16/12 Meeting

10. UNFINISHED BUSINESS

A. Ordinance 12-08-302

An Ordinance of the Haines Borough Assembly amending Haines Borough Code Title 16, Sections 16.28.010 and 16.28.030 to prohibit verbal abuse, physical assault and threats against borough and harbor staff, physical assault and threats against members of the public while within the harbor, and refusing to comply with lawful directives by the harbormaster, and giving the harbormaster the authority to suspend or revoke the privilege of using borough port and harbor facilities.

*This ordinance was introduced on 8/28 and had public hearings on 9/11 and 10/23. It was postponed to 11/6 in order to consider additional amendments, at which time the ordinance was adopted, as amended. However, at the end of that meeting the adoption motion was reconsidered because of another possible amendment that had come to light. Adoption was once again postponed, this time to 11/27. The assembly resumed debate on the **motion already on the table: Adopt Ordinance 12-08-302.***

Primary Amendment: **WATERMAN** moved to "amend the ordinance draft by inserting the words 'of the receipt of the notice' in the second sentence of subsection 16.28.030(C) prior to the word 'suspension,'" and the motion carried unanimously.

WATERMAN explained the amendment clarifies the point at which the clock starts ticking on the five day-period a person has to submit an appeal.

The main motion, as amended, carried unanimously in a roll call vote, and Ordinance 12-08-302 was adopted.

11. NEW BUSINESS

A. **Resolutions**

* 1. Resolution 12-11-418

A Resolution of the Haines Borough Assembly adopting an alternative method for the FY13 Shared Fisheries Business Tax Program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in FMA 17: Northern Southeast.

The motion adopted by approval of the consent agenda: "adopt Resolution 12-11-418."

- * 2. **Resolution 12-11-419**
A Resolution of the Haines Borough Assembly authorizing the filing of a lawsuit for the foreclosure of municipal real property tax liens.

The motion adopted by approval of the consent agenda: "adopt Resolution 12-11-419."

- 3. **Resolution 12-11-420**
A Resolution of the Haines Borough Assembly supporting the Haines Highway Reconstruction and Chilkat Bridge Replacement MP 3.5-25.3 project with the Chilkat River Bridge designed and constructed to the highest possible industrial standard.

KURZ said he doesn't believe "scare numbers" and what-ifs are necessary. The state is required to do things like environmental impact studies.

CULBECK explained the lifespan of a bridge is 75 years, so the ADOT is looking ahead. Upgrading to the full standard is important.

ELY said this should consider potential heavy traffic, and safety should be mentioned.

Motion: **BERRY** moved to "adopt Resolution 12-11-420," and the motion carried unanimously in a roll call vote.

LAPP doesn't want to deter ADOT from fixing the highway and the bridge. The existing bridge was not designed for the current traffic, and he believes it is probably one of the most unsafe highways in the state. **BERRY** noted the fourth and fifth Whereas clauses address the issue of safety. It would be to the borough's advantage to plan ahead to the future. The project plan includes six-foot shoulders for bicyclists and pedestrians. Any improvement to the bridge and road is to the public's benefit. **SMITH** agreed the borough has a chance to allow ADOT put a new bridge in and it should be encouraged. **VICK** said he doesn't have a problem with the resolution. There are indeed safety issues with the existing highway and bridge. He understands the concerns expressed about mining but does not believe the bridge will encourage or stop mining activity. **LAPP** noted this bridge was originally slated for replacement about ten years ago and kept being held off. It's important to support it going forward. **EARNEST** said there will be ample opportunity for public comment through every phase of this project. This is the first step toward keeping it in the Statewide Transportation Improvement Program (STIP) and moving forward.

- * 4. **Resolution 12-11-421**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order for Kendall Ford of Wasilla to purchase a pickup for the Police Department for an amount not to exceed \$26,167.

The motion adopted by approval of the consent agenda: "adopt Resolution 12-11-421."

- * 5. **Resolution 12-11-422**
A Resolution of the Haines Borough Assembly authorizing Pacific Rim Mechanical to install the replacement boiler at the Public Safety Building for an amount not to exceed \$85,000.

The motion adopted by approval of the consent agenda: "adopt Resolution 12-11-422."

- * 6. **Resolution 12-11-423**
A Resolution of the Haines Borough Assembly authorizing the Borough Manager to purchase a new float for Excursion Inlet for \$19,450 plus \$3,500 shipping for a total of \$22,950.

The motion adopted by approval of the consent agenda: "adopt Resolution 12-11-423."

B. Ordinances for Introduction

- * 1. **Ordinance 12-11-310**
An ordinance of the Haines Borough Assembly providing for the addition or amendment of specific line items to the FY13 budget.

The motion adopted by approval of the consent agenda: "introduce Ordinance 12-11-310 and set a first public hearing for 12/11/12."

C. Other New Business

- * 1. **Request for Reconsideration – Ordinance 12-10-306**
Ordinance 12-10-306 was unanimously adopted on 11/6 after being amended by two different conceptual motions. As directed, the clerk prepared it for codification and sought confirmation that it conforms to the assembly's intent. To allow for this, the clerk requested reconsideration of the motion to adopt.

Motion: LAPP moved to reconsider the 11/6/12 motion to adopt Ordinance 12-10-306, and it carried unanimously.

This returned the **motion to adopt Ordinance 12-10-306** to the table. There was no discussion, and the motion carried unanimously in a roll call vote.

2. Schedule for Manager Evaluation and Contract Review

Mayor Scott drafted a proposed schedule (and an alternate) for the manager evaluation and contract review stipulated in the 11/6/12 assembly motion to "extend the manager's contract for one year pending a satisfactory review and to review the terms of the contract."

Motion: LAPP moved to "approve the alternate timeline proposed by the mayor," and it carried unanimously.

WATERMAN noted the manager's evaluation is typically conducted in executive session. It was clarified it is possible for a committee of the whole to go into executive session.

***3. Board Appointments and Committee Assignments**

(Re)appointment requests were received for seats on the Tourism Advisory Board and Parks and Recreation Advisory Board. The boards reviewed the requests and submitted recommendations. The mayor wished to make the appointments and sought assembly confirmation. All terms end November 2015. The motion adopted by approval of the consent agenda: "confirm the mayor's (re)appointment of Jeff Butcher and Rhonda Hinson to the Tourism Advisory Board and appointment of Daymond Hoffman to the Parks & Recreation Advisory Board."

***4. 2013 Meeting/Agenda Schedule**

This schedule established the assembly regular meeting schedule for 2013 and clarified the agenda & packet deadlines. The motion adopted by approval of the consent agenda: "approve the 2013 Haines Borough Assembly Meeting and Agenda Schedule."

***5. Swimming Pool Fee Schedule – Christmas Rates**

The motion adopted by approval of the consent agenda: "approve the special Christmas pool pass prices for the quarterly, 10-punch, and 20-punch until 12/31/2012, and authorize a donation of 10 pool pass gift certificates to the Salvation Army for the "Giving Tree."

***6. Ring of Fire – Draft White Paper and Letters of Request for Assistance with BLM Plan**

The Ring of Fire is the Bureau of Land Management (BLM) planning document for federal lands in our area. Several significant delays have caused an impact on the area available for heliskiing. This will impact the 2013 heliski season as these BLM areas remain shut out pending finalization of the plan. Letters to the Alaska delegation were drafted to request their help in asking the BLM to finalize the plan. The motion adopted by approval of the consent agenda: "approve the proposed draft white paper and letters of request for assistance."

12. CORRESPONDENCE/REQUESTS - None

13. SET MEETING DATES

A. Finance Committee – Tuesday, 12/11, 5:30pm - Purpose: Review Ordinance 12-11-310

14. PUBLIC COMMENTS

ELY clarified his comments about the state's highway project. He does not want to see the Haines Highway turned into an industrial haul road. He's obviously in favor of bike lanes and wider shoulders.

FRIEDNENAU expressed concern about conducting the manager's evaluation in executive session. She asked the assembly to keep as much as possible in public session.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

BERRY said he will be out of town from January 7th through the 11th.

EARNEST said public comments should be respectful and not offensive.

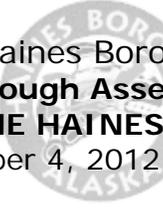
16. ADJOURNMENT – 8:33pm

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk


Haines Borough
Special Borough Assembly Meeting
JOINT SESSION WITH THE HAINES BOROUGH SCHOOL BOARD
December 4, 2012 – 6:30pm

Draft

MINUTES

A. Call to Order/Pledge to the Flag: Mayor **SCOTT** called the meeting to order at 6:30 p.m. in the Haines Borough High School Commons and led the pledge to the flag.

B. Assembly Roll Call: Present –Mayor Stephanie **SCOTT**, and Assembly Members Steve **VICK**, Debra **SCHNABEL**, Jerry **LAPP**, Norm **SMITH**, and Dave **BERRY**. Absent: Joanne **WATERMAN**.

Borough Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Michelle **WEBB**/Deputy Clerk, Jila **STUART**/Chief Fiscal Officer, and Carlos **JIMENEZ**/Director of Public Facilities.

C. School Board Roll Call: Present - President Brenda **JONES** and members Sara **CHAPPELL**, Brian **CLAY**, Ardy **MILLER**, Ann Marie **PALMIERI**, Royal **HENDERSON**, Sarah **SWINTON**, Brenda **JONES**, and student member Royal **HENDERSON**. **Absent** – Chris **TURNER**/Student Representative.

School District Staff Present: Michael **BYER**/School Superintendent and Ashley **SAGE**/District Secretary, and Cheryl **STICKLER**/Principal, and Nevada **BENTON**/Instructor.

Visitors Present: Tom **MORPHET**/CVN, Margaret **FRIEDENAUER**/KHNS, Bill **KURZ**, Jim **STANDFORD**, Laverne **BRYANT**, and others.

D. Approval of Agenda

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

E. Public Comments – There were no comments

F. Business

1) FY14 School District Legislative Priorities

Motion: **VICK** moved to “adopt the School District’s major maintenance list.” The motion carried unanimously.

During discussion, **SCHNABEL** asked if there is a process for dealing with something else that might occur in the future and when the most appropriate time would be to evaluate the priority list. **SCOTT** responded that this would be reviewed annually, and multiple years are reflected in this list. **BYER** explained the school district and borough have been meeting regularly to discuss maintenance items. Anything new would make its way through that meeting process and come to the assembly and school board. **LAPP** asked if the items are listed in priority order. **BYER** said there was an attempt to put them in order, but things do change. **VICK** asked about the suppression system that runs from the commons area to the pool. At the time it was discussed at a previous joint meeting, that system was about to fail and he is not sure if it has been corrected. **EARNEST** said this project will also appear on the list of legislative priorities for the borough assembly. There are several issues that impact both the school and borough, including pool leaks and mechanical issues. **SCOTT** suggested it might be helpful for people to understand how things are prioritized through the Department of Education (DEED) major maintenance funding program. It is a process for getting points for projects. **BYER** said occasionally DEED audits the custodial and maintenance plan, and the District can get points for that. Additionally, points are added for those projects with completed engineering, etc. The points are added up and the total determines where the project falls on the list of projects applied for statewide. This year, there were 111 projects on the list. Being on the list does not mean full-funding. If it gets funded, the state covers 65% and the municipality 35%. **SCOTT** said there has been some discussion about what constitutes major maintenance. It is defined in statute as: “a project that must be undertaken in order to protect the structure of existing school facilities or correct building code deficiencies that required major repair or rehabilitation in order for the facility to be continued to be used for educational purposes.” There is provision in statute for the school board and assembly to come to an agreement. It is important to identify the projects and the funding sources. There are several sources of funding: DEED major maintenance fund, Legislative, School District’s CIP fund, Borough CIP, Borough general fund, and bonding.

SCHNABEL asked for the total project estimate for the pool/locker room project and which part is school responsibility and which the borough's? **JIMENEZ** said the borough is waiting for a break down from Jenson Yorba & Lott. **EARNEST** explained this could be submitted in CAPSIS either as one combined project or separately. There are some issues with separate entries, because to isolate the two systems, it would bring up a whole additional discussion of the status of the pool. He recommends the project be considered as a single project and see where things go. The assembly will ultimately make the decision as to how to proceed. **SCHNABEL** asked for an explanation of the Vocational Education building mechanical upgrades. **BYER** said it involves the heating system, air circulation, plumbing, and fire suppression. These are things that were recommended by the mechanical engineers that never got done. **SCHNABEL** believes surveys and assessments should be local responsibilities and only seek funding for construction. **BERRY** understands but he looks at it the other way. The opportunity to get the funding for even an assessment would free up funds for other things. **EARNEST** said on December 11, the assembly will consider legislative priorities borough-wide that will include the gamut: school projects, harbor, water, etc. A master list will be formed, and there will be much more discussion. The list will be prioritized only for the purpose of entering the projects into the CAPSIS system because it requires a priority assignment. He noted the school district can send resolutions and letters to the legislature independently in support of the requests. **SCOTT** said if this school district list is approved this evening, the projects will show up in the master list. **MILLER** asked if the priorities are locked in. **EARNEST** said a project is not bound by the 5 or 6 projects above it. If there is a compelling reason to move up to the top, it can be done. He reiterated that this is just for the purpose of entering projects into a system that requires priorities. **SCOTT** cautioned everyone to be realistic about the amount of money these projects add up to and the possibility that it may be harder to get funding this year.

G. Closing Comments

H. Adjournment – 7:03pm

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

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Mayor's Report

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

December 4, 2012

Two Letters.

1) **When Comments Are About People, not Points.** I am sure that we all have experienced the challenge of trying to deliver a complaint about one's government while trying to remain impersonal. The problem is that the government is ultimately personal. Someone in the government did something to offend or was the agent who applied some offending regulation, and it is just so hard to separate the offense from the offender. I decided to address this challenge with a letter to the editor in the Nov. 29 issue of the CVN.

There is a line between public comments critical of a public employee's job performance and comments about the person her/himself. During recent public comment sections of Assembly meetings, I feel that I have allowed some speakers to cross that line and I apologize. When the line is crossed, we all experience discomfort. I do not want the Assembly Chambers to become associated in anyone's mind with a place where personal attacks are in any way acceptable.

I believe that the line between a statement of complaint about job performance and a personal attack is crossed because it is not a "bright line;" it is easy to miss it. This is especially true because we all highly value the right to speak. But it is one thing to speak freely about a job that one believes is being done irregularly or even improperly; it is quite another to call the person doing the job "a liar" or "incompetent." The later, especially when it is repeatedly stated, comes perilously close to harassment.

My job is to use my gavel, not to stop the comment from coming forward, but to ask the commentator to reframe. I will try not to miss the mark in the future, and we can all try to speak to points, not people. Thank you.

I've received some criticism of my position. It's been suggested that I am drawing near to transgressing freedom of speech. I am a huge supporter of First Amendment (free speech), but I also recognize that disrespectful speech can mar the decorum of a public gathering. Public gatherings that lack decorum can in and of themselves limit free speech. As Lady Macbeth said to Macbeth when he was carrying on at his

banquet, having seen the ghost of Banquo, “You have displaced the mirth, broke the good meeting...” I think personal comments can very well “break our good meetings.” I will try hard to be more sensitive to this principle, but I may need a nudge now and then. Please do not hesitate to call for “a point of order” when necessary.

2) Dodov/Liberman Tragedy. Marilyn Davis and Natalie and Alex Dodov’s implied criticism of the municipality in their paid Nov. 22 commentaries in the CVN begged response. I sent the following letter to the CVN for publication December 6:

Borough officials are not insensitive to the grief experienced by the Dodov and Liberman families and friends in the loss of Nicolay Dodov and Rob Liberman. Neither are we ignoring the requests for an official response to take action or consider changing how we regulate the heliski industry in the borough. The Borough is in receipt of the Alaska State Trooper’s final report and conclusion of the matter as non-criminal; prior to any action the Borough may take, we want to gain comfort in understanding what that means. Also prior to making any decisions we are reviewing recommendations offered by our attorney, Brooks Chandler. Knowing the best course of action requires a commitment to truth, fairness, and compassion. It will also require time. *Thank you for your patience.*

The Borough filed a Public Information Request and received a copy of the Alaska State Trooper’s report of the 3/13/12 incident. In an email to Darsie Culbeck, November 27, John Novak, Assistant Attorney General, Counsel for the Department of Public Safety, stated that the “AST closed its investigation and characterized the matter as non-criminal.”

As implied in the CVN letter, I wasn’t exactly sure what “non-criminal” meant. The importance of this matter seemed to justify taking advantage of the Borough attorney role as advisor to the Mayor (HBC 2.32.020 (A)), so I did. In response, Brooks Chandler emailed the following on December 3:

There are a couple of categories of crime related to deaths in situations where it is obvious the death was not intended by the potential criminal defendant. They are commonly referred to as manslaughter. In legalese this is known as “criminally negligent homicide”. Conviction of this crime requires proof that someone was so careless that they can be said to have been recklessly indifferent to the potential consequences of their conduct which included causing the death of another person. Drunk driving deaths are the most frequent fact pattern that leads to these charges. This is also the basis for the federal prosecution of one of the supervisors on the BP rig that blew up in the Gulf who was charged with a crime just last week.

So the Troopers saying this is a “non-criminal matter” means that their investigation has not led them to conclude that the company or any of its

employees acted with reckless indifference to the consequences of their actions or non-actions (such as NOT going skiing) on the day of the accident or its immediate aftermath. This means the issue of negligence is what is called a “civil matter”. If the justice system is going to be engaged in any further review of the accident it will be in the context of a wrongful death lawsuit like the Borough is involved in presently in the Williamson case.

The Borough’s response to an application to renew a heliski operator’s permit may or may not be controversial. My goal is to be prepared with good reasons for whatever decision is made. To that end, the administration is pursuing various lines of inquiry, especially related to safety issues, recently (December 2) recommended by our attorney. To date, no heliski operator has submitted an application for the 2013 season.

Ethical Issues.

I am concerned that sections of code have been overlooked when seeking to engage local – and engaged – talent. To that end, I wrote a memo to the Manager November 24 (attached) citing HBC 2.62.060 describing provisions, which, if followed, would make it acceptable to provide a contract for a borough employee or a member of a committee or commission. Clerk Julie Cozzi also identified provisions in HBC 2.06.060 which, again, if followed, can make it acceptable for a member of a board or commission to be awarded a contract. The Clerk forwarded both provisions to the Borough attorney for interpretation December 4, so clarification should soon be in hand. I will probably write (yet again) another letter to the CVN!

Snow Removal Impediments: Illegally Parked Vehicles.

Last winter, I fielded complaints from citizens who felt unjustly and unnecessarily bermed in, but I also listened to plow operators complain about vehicles left where they ought not to be left, around which they then had to maneuver – thus significantly slowing down operations; and leaving absolutely no time whatsoever to return for berm removal. Plow operators, both municipal and state, say they despair of calling in illegally parked cars to the PD or the Troopers, because “nothing happens.” In my opinion, even though we have parking laws “on the books” (see Chapter 10.44 in its entirety), we have not provided enforcement with the tools needed to enforce. We need towing services. To this end, I contacted City and Borough of Juneau Chief of Police Greg Browning for a copy of the agreement between CBJ and Capital Towing for vehicle removal and impoundment. I hope to see an RFP for these services published by the Haines Borough soon. See more in the attached December 2 memo to the Manager.

Energy Issue to Keep in Mind as We Start to Budget for FY14. Electricity costs may go up, because PCE (Power Cost Equalization) credit may go down, because electricity rates in the Railbelt and Fairbanks are going up, according to an article out of Ketchikan <http://www.ktuu.com/news/ktuu-electric-rates-predicted-to-increase-20121126,0,4826794.story>. I sought clarification from APT. Danny said that the PCE rate is calculated by the RCA and usually takes effect in July of each

year. Bob Grimm, APT president also responded through Danny Gonce in a November 30 email:

It is clear that if rates in Anchorage, Fairbanks and Juneau increase or decrease the average of those rates will be utilized as the floor rate that above which the PCE program will attempt to equalize. This calculation is generally done by the RCA and is subject to public comment.

AS 42.45.100. Power Cost Equalization and Rural Electric Capitalization Fund.

(a) The power cost equalization and rural electric capitalization fund is established as a separate fund for the purpose of

(1) equalizing power cost per kilowatt-hour statewide at a cost close to or equal to the mean of the cost per kilowatt-hour in Anchorage, Fairbanks, and Juneau by paying money from the fund to eligible electric utilities in the state

Attachments:

Memo re Employee Hire

Memo re Towing

Memorandum

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

November 24, 2012

To: Mark Earnest, Manager

Cc: Julie Cozzi, Borough Clerk; Darcie Culbeck, Executive Assistant to the Manager

From: Stephanie Scott, Mayor, Haines Borough

Subject: Borough employment of a member of Borough committee

My attitude to problems is to look at each situation as an opportunity to improve. That is how I approached the discussion of the hire of Lenise Henderson, a member of the Borough Facilities Master Plan Steering Committee, in the November 22 issue of the *Chilkat Valley News*. I dived into the code to seek guidance and this is what I found In Title 2:

2.62.060 Transactions between borough and officials or employees.

A. Affidavit as to Transaction – Filing with Clerk. Should any officer or employee of the borough desire or intend to have business dealings with the borough whereby that person may derive income and benefits other than those provided as remuneration for the performance of official duties, or duties of employment, the person shall file with the clerk, and in such form as the clerk may prescribe, a statement under oath which shall include the nature of the proposed transaction and the extent of the interest, direct or indirect, which the officer or employee has in the transaction.

B. Publication of Affidavit – Costs Borne –Exceptions. The clerk shall publish a copy of the statement of the intent to do business with the borough in a newspaper of general circulation within the borough at least once within seven days after the statement has been sworn and subscribed to. In addition, the clerk shall post a copy of the statement in at least one public place. The cost of the newspaper publications shall be borne by the officer or employee who intends to enter into business transactions with the borough; provided, that any member of a borough board, commission or committee who serves in that capacity without compensation will have the cost of the publication paid for by the borough (emphasis added). The clerk may require of any officer or employee who is obligated to pay the cost of publication to pay a deposit to cover such costs.

C. Action by Assembly Only After Specified Lapse of Time. The assembly, or other agency or official with authority to act for the borough in the transaction, shall take no action with regard thereto until at least 10 days have elapsed since the filing of the statement by the interested official or employee and until at least seven days have elapsed since the publishing and posting of the statement as required herein.

I have underlined the section that I believe could be interpreted to pertain to the hire of a member of a committee (and thus to Lenise). My question is: Do you agree that we should have obtained an affidavit and should have published our intention to hire as described prior to entering into the contract? If this situation arises again, should we adhere to the procedure laid out in 2.62.060 (A-C)?

I believe that Lenise Henderson clearly understood and was advised properly to refrain from entering into the conversation or voting regarding the contract, and adhered to that standard to avoid a conflict of interest. I also believe that the Manager was within his scope of authority to “let” the contract. If we should have followed 2.62.070 in this case, I believe we should so state, and commit to doing so should we have the occasion in the future. I would like to know if you agree with this analysis. If you do, I will write a letter to the editor of the CVN outlining, “lessons learned.” I would like to publish such a letter in the upcoming CVN so I would appreciate a quick response if possible.

Thanks!

Memorandum

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December 2, 2012

To: Mark Earnest, Manager, Haines Borough

Cc: Gary Lowe, Chief of Police; Carlos Jimenez, Facilities Director; Julie Cozzi, Clerk

From: Stephanie Scott, Mayor, Haines Borough

Subject: Removal of illegally parked vehicles

I have concluded that there is considerable frustration on everyone's¹ part with respect to the ability to enforce local and state impound and parking laws. We have adequate local authority (see Chapter 10.44 in its entirety and the section I have excerpted below); apparently, we do not have adequate tools (i.e. towing apparatus, impound yard).

As an example of how another municipality copes with the need to remove vehicles, I have attached the impound procedures and fees from the City and Borough of Juneau which I found at <<http://www.juneau.org/police/Impound.php>>. I sent a request to Chief Browning and to Clerk Lauri Sica for a copy of the agreement between CBJ and Capital Towing. This might help us develop an RFP for services that we need for the Haines Borough. A reasonably priced RFP (perhaps crafted in language that ranges the fees by using a "not to exceed" clause) will at least provide the foundation for public negotiation for the service.

With respect to fees, I note that the cost to the parking law violator in Juneau is \$197 (including one day's storage) and that all financial transactions are performed by the Police Department. One obtains the release of the vehicle by presenting a receipt of payment to the private tow operator.

I personally have had individual in-person and email conversations on this topic

¹ By everyone, I mean the Haines Public Works Department, the Haines Facilities Director, the Haines Chief of Police, the State DOT, and evidently, the state troopers as reported to me by Matt Boron, DOT.

with all parties. It is my hope that this situation can be resolved for this season so that everyone can do their work efficiently and in cooperation one with another in the best interests of the community. Perhaps a good way forward is to convene an initial round-table meeting for all municipal and state players and see if there is a consensus on a solution. If the solution requires Assembly action, as it may should you determine to issue an RFP, let's move in that direction with alacrity.

I do have a question regarding our code, and to that end I draw your attention to the last line on each code section which says; "Fine/Bail: \$25.00." Can you please tell me what that means? Does it mean that in addition to the charges for removal, there is a fine of \$25.00? Does that translate into the cost of the ticket, if ticketed for illegal parking?

10.44.010 Parking during snow removal.

It shall be unlawful for any person to park any vehicle or to allow any vehicle owned or under the person's control to continue to be parked on any public street during the time, day or night, that snow removal from such street is reasonably necessary for the movement of vehicular traffic without leaving in charge of such vehicle a person authorized, competent, and able to remove such vehicle. Falling snow, the presence of unremoved snow on such street, or the conduct of snow removal operations will be sufficient to indicate this prohibition. Any vehicle found parked during such periods on a public street where such snow removal is reasonably necessary may be removed by the chief of police or persons under the chief's control and such vehicle shall be impounded until the cost of such removal shall have been paid to the borough or to the person removing the vehicle at the direction of the chief of police or other persons under the chief's supervision and control. Any such charge remaining unpaid shall constitute a lien against said vehicle and shall be collectible in the same manner as personal property taxes. Fine/Bail: \$25.00. (Ord. 07-08-167)

Thank you for your attention to this matter. This is a long-standing problem that spans multiple administrations. It would be wonderful to be able to finally resolve the issue of how to enforce our parking regulations.

Attachment: Impound Release Fees and Information, City and Borough of Juneau Police Department



Impound Release Fees and Information

*****NO PERSONAL CHECKS*****

Towing/Release Fee: \$160

Processing Fee: \$25

Storage Fees: \$12 per calendar day

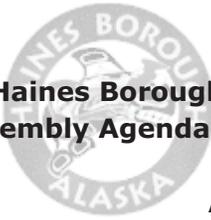
72-hour hold: Some vehicles are held for minimum of 72 hours. If the 72 hours end after business hours, on a weekend or a holiday, the vehicle will not be released until the next business day.

VEHICLES HELD MORE THAN 30 DAYS WILL BE AUCTIONED OR JUNKED PURSUANT TO AS28.10.502 AND AS28.11.070. THE REGISTERED OWNER WILL BE RESPONSIBLE FOR ALL FEES.

No vehicles will be released without the Juneau Police Department's release form. Upon payment of fees, **your form will be stamped with an expiration date. If you do not pick up your vehicle by the expiration date, additional storage fees will be required.** You must pay the additional storage fees at the Juneau Police Department before your vehicle will be released.

CALL CAPITAL TOWING (723-7660) to pick up your vehicle during business hours only.

*****Vehicles will be released Monday – Friday 8:00 am – 5:30 pm excluding holidays*****



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-189

Assembly Meeting Date: 12/11/12

Business Item Description:	Attachments:
Subject: Bear Attractants at Landfill	1. Ordinance 12-11-309
Originator: Borough Assembly (Agenda Bill by Clerk's Office)	
Originating Department: Assembly	
Date Submitted: 10/23/12 during assembly meeting	

Full Title/Motion:
Motion: Adopt Ordinance 12-11-309.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos.: Objective 15H, Page 32	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>On October 8, representatives of the Borough, Bear Foundation, and Community Waste Solutions met to discuss installing an electric fence at the landfill to prevent the habituation of bears to garbage. Those in attendance agreed it would be important to have some type of deterrent at the landfill. Therefore, a recommendation was made to strike "certified landfill material" from the list of items exempt from the bear attraction nuisance code. The Bear Foundation and CWS have agreed to enter into a Memorandum of understanding regarding consultation and design of an electric fence to be installed by and maintained by CWS. The fence will enclose the building that receives waste at the landfill. This ordinance was introduced on 11/6/12.</p>

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

Assembly Action:	
Workshop Date(s):	Public Hearing Date(s): 11/27, 12/11/12
Meeting Date(s): 11/6, 11/27, 12/11/12	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 8, SECTION 8.20.010 TO REMOVE CERTIFIED LANDFILL MATERIAL FROM THE LIST OF ITEMS NOT CONSIDERED A BEAR ATTRACTION NUISANCE.

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance shall not become a part of the Haines Borough Code.

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

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

Section 4. Amendment of Section 8.20.010(A). Section 8.20.010(A) of the Haines Borough Code of Ordinances is amended to read as follows:

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

8.20.010 Definitions.

The terms and phrases used in this chapter shall have the following meanings:

A. "Bear attraction nuisance" means, except as otherwise provided in this section:

1. More than one-half gallon of any putrescible waste, including packaging or other surfaces to which the material is adhered;

2. "Bear attraction nuisance" does not include:

~~a. Material in a certified landfill;~~

ba. Manure or sewage;

eb. Material in a garbage can temporarily placed outside for purposes of collection after 4:00 a.m. on a day scheduled for collection;

ec. Material completely enclosed in a structure or container which requires hands or tools to open.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2012.

Stephanie Scott, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 11/06/12
Date of First Public Hearing: 11/27/12
Date of Second Public Hearing: 12/11/12



Agenda Bill No.: 12-196
Assembly Meeting Date: 12/11/2012

Business Item Description:	Attachments:
Subject: FY13 Budget Amendments	1. Ordinance 12-11-310 2. Barnett Tank Amendment 3. Budget Amendment Worksheet
Originator: Borough Manager (agenda bill by clerk's office)	
Originating Department: Administration	
Date Submitted: 11/9/12	

Full Title/Motion:
 Motion: Introduce Ordinance 12-11-310 and set a second public hearing for 1/8/13

Administrative Recommendation:
 The borough manager recommends adoption with amendments

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ see ordinance	\$ see ordinance	\$ see ordinance

Comprehensive Plan Consistency Review:
 Comp Plan Policy Nos.: _____ Consistent: Yes No

Summary Statement:
 This provides for the addition or amendment of specific line items to the FY13 budget, as described in the ordinance draft.
 An additional amendment to the ordinance is attached to this agenda bill for consideration.
 The Finance Committee will have a recommendation on this ordinance during this meeting.

Referral:
 Sent to: Finance Committee Date: _____
 Recommendation: _____ Refer to: _____ Meeting Date: 12/11/12

Assembly Action:
 Workshop Date(s): _____ Public Hearing Date(s): 12/11/2012
 Meeting Date(s): 11/27/12,12/11/12 Tabled to Date: _____

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY13 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not become a part of the Haines Borough Code of Ordinances.

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

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2012 through June 30, 2013.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY13 budget as follows:

(1) To appropriate \$52,250 of townsite service area general funds for design services related to Oceanview / Lutak Slope Movement mitigation measures as authorized by the assembly on 10/9/2012 with resolution #12-10-407.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
02-04-00-7312	Professional services (Lutak Slope Movement)	\$0	\$52,250	(\$52,250)
(2) To appropriate \$14,000 of sewer enterprise fund user fees to replace old lighting fixtures with new energy efficient T5 High Output fixtures. The new lights will be about 50% more efficient and deliver about twice the light.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
91-01-00-7371	Maintenance & Repairs – Sewer	\$20,000	\$34,000	(\$14,000)
(3) To adjust the FY13 appropriation for debt service (principal & interest payments) for the sewer fund USDA 1993 bond which was refinanced through an Alaska Municipal Bond Bank Authority (AMBBA) bond issue.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
91-01-00-7510	Bond Principal	\$39,275	35,275	\$4,000
91-01-00-7520	Bond Interest	\$69,014	\$33,645	\$35,369
FY13 reduction in sewer debt service payments				\$39,369
(4) To appropriate \$9,200 of sewer enterprise fund user fees for bond counsel services related to the refinance of the 1993 USDA bond.				
		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
91-01-00-7312	Professional Services (legal)	\$0	\$9,200	(\$9,200)

(5) To appropriate an additional \$22,000 of sewer enterprise fund user fees for solid waste (sludge and screenings) disposal which is tracking higher than originally budgeted. The increase is needed in part because of \$3,650 of bills for FY12 which were not received until September. Also the amendment is needed in part due to an accumulation of sludge at the treatment plant due to FY12's disruption in processing sludge. (At the current rate for sludge and screenings disposal the total annual budget should be approximately \$24,000 with a regular year's volume.)

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
91-01-00-7360	Utilities (sludge & screenings)	\$15,000	\$37,000	(\$22,000)

(6) To increase the areawide general fund budgeted revenue for Raw Fish Tax which came in higher budgeted:

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4363	State Revenue – Raw Fish Tax	\$180,000	\$326,812	\$146,812

(7) To appropriate \$9,500 of Lutak Dock enterprise funds to add 3" minus surface material to the dock.

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
93-01-00-7230	Material & Equipment	\$5,900	\$12,900	(\$7,000)
93-01-00-7900	Work Orders – Public Works	\$1,500	\$4,000	(\$2,500)
Total for Lutak Dock surface materials				(\$9,500)

(8) To accept and appropriate \$70,000 of grant funds from the State of Alaska's Community Coastal Impact Assistance Program for Brown parcel acquisition and conservation.

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
31-01-00-4341	State of Alaska Revenue	\$0	\$70,000	\$70,000
31-01-00-7392	Professional Services	\$0	\$70,000	(\$70,000)
				\$0

(9) To re-appropriate the balance remaining from a \$25,000 FY13 CIP appropriation named "pool blanket and salt generating system" for other pool structural and mechanical repairs.

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
50-01-00-7392	Pool blanket & salt generating sys.	\$25,000	\$12,000	\$13,000
50-01-00-7392	Pool repairs	\$0	\$13,000	(\$13,000)
				\$0

(10) To appropriate \$33,500 to replace the Chilkat Center boilers. The total project cost is \$48,500 but \$15,000 has already been appropriated in FY13 in the CIP fund for "Chilkat Center Major Maintenance & Repairs." This \$15,000 would be combined with an operating transfer of \$18,500 from the areawide general fund and a re-appropriation of an unspent FY08 CIP appropriation of \$15,000 for "Chilkat Center Roof/Ramp Repairs." This project has already taken place and the Assembly was kept informed. An emergency contract was authorized by the manager due to the failure of the old boiler.

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
01-98-00-8200	Transfer OUT - from General Fund	\$0	\$18,500	(\$18,500)
50-98-00-8200	Transfer IN – to CIP Fund	\$0	\$18,500	\$18,500
50-01-00-7392	Project Exp(FY08 Cctr Roof&Ramp)	\$15,000	\$0	\$15,000
50-01-00-7392	Project Expenditures (Cctr Boiler)	\$0	\$33,500	(\$33,500)
				(\$18,500)

(11) To adjust water and sewer fund revenue projections to reflect the revised rate schedule adopted in September 2012.

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
90-01-00-4401	Water Service Revenue	\$320,000	\$331,000	\$11,000
90-01-00-4408	Cruise Ship Water Sales	\$8,000	\$10,000	\$2,000
90-01-00-4600	Misc. Revenue – Water	\$5,000	\$6,000	\$1,000
91-01-00-4404	Sewer Service Revenue	\$398,500	\$405,000	\$6,500
Increased utility revenue budget				\$20,500

(12) Adjust harbor payroll to reflect increased payroll for fuel sales. A slightly increased number of payroll hours was budgeted in FY12 to accommodate fuel sales activity. This increased number of hours was inadvertently not carried forward in the original FY13 budget.

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
92-01-00-6110	Salaries & Wages - Harbor	\$133,520	\$138,420	(\$4,900)
92-01-00-6115	Employee Benefits - Harbor	\$46,308	\$48,408	(\$2,100)
				(\$7,000)

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

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

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 11/27/12
Date of First Public Hearing: 12/11/12
Date of Second Public Hearing: ___/___/___

Memo



To: Mayor, Assembly
From: Mark Earnest, Manager
 Jila Stuart, Chief Fiscal Officer
RE: Recommended Amendment to **Ordinance#12-11-310**

(13) To accept and appropriate a grant from the State of Alaska Department of Environmental Conservation (DEC) in the amount of \$675,500 for Barnett Water Tank Replacement and to accept and appropriate a loan from the State of Alaska DEC Alaska Drinking Water Loan Fund in the amount of \$289,500 for the same purpose. The total project budget for the Barnett Pump Station Replacement is \$965,000.

		Current FY13 Budget	Proposed FY13 Budget	Fund Balance Increase / (Decrease)*
42-90-00-4341	Municipal Matching Grant	\$0	\$675,500	\$675,500
42-90-00-4341	ADWF Loan Proceeds	\$0	\$289,500	\$289,500
42-90-00-7392	Project Expenditures	\$0	\$965,000	(\$965,000)
Revenue over (under) expenditures				\$0

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

HAINES BOROUGH

Proposed Amendments to the FY13 Budget - Ordinance #12-11-310



	Area-wide General	Townsite General	Water Fund*	Sewer Fund*	Harbor*	Lutak Dock*	
FUND	01	02	90	91	92	93	
Fund/Cash Balance as of 06/30/2012	\$ 2,430,110	2,083,560	156,932	724,853	1,066,822	65,942	
FY13 Current BUDGET Excess Revenue Over (Under) CASH Expense	(235,238)	103,492	(30,573)	(65,073)	(78,150)	202,857	Totals
1 Oceanview/Lutak Slope Movement Engineering		(52,250)					(52,250)
2 Sewer Plant Lighting Fixtures				(14,000)			(14,000)
3 Reduce sewer fund debt service expense				39,369			39,369
4 Sewer fund refinance expense				(9,200)			(9,200)
5 Increased sludge & screenings expense				(22,000)			(22,000)
6 Increased raw fish tax revenue	146,812						146,812
7 Lutak dock surface material						(9,500)	(9,500)
8 Brown parcel acquisition grant							-
9 Re-appropriate pool CIP funds							-
10 Chilkat Center boilers	(18,500)						(18,500)
11 New water/sewer rate schedule			14,000	6,500			20,500
12 Adjust harbor payroll for fuel sales					(7,000)		(7,000)
PROPOSED Excess Revenue Over (Under) CASH Expense	(106,926)	51,242	(16,573)	(64,404)	(85,150)	193,357	74,231
NEW Proposed Projected Fund/Cash Balance 06/30/2013	\$ 2,323,184	2,134,802	140,359	660,449	981,672	259,299	74,231

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



Haines Borough Administration
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mearnest@haines.ak.us

December 11, 2012

Lutak Dock

The Lutak fence project is underway and the fencing phase is substantially completed. The Borough is in the process of purchasing a security camera system. We have received a project extension from Marine Exchange to allow us to have all work completed by April 30, 2015. This will allow us to wait until the ground thaws to run all of the necessary underground electrical. We will be issuing an RFP this week for an electrical contractor to install the cameras, run power to the gates, and any other associated work.

Port Chilkoot Dock Improvements - Phase 2

Port Chilkoot Dock Improvements are in the design phase with 35% drawings being reviewed by Borough staff and PND engineers. Based on the proposed minimum, or base bid, design, we have an estimated funding shortfall in the amount of \$800,000. As of June 30, 2012, the Borough has approximately \$445,000 in Fund 34 deferred revenue, which could be applied to the project. This funding shortfall is identified in the Borough's proposed FY 2014 Legislative Priorities.

Letnikof Cove Harbor Refurbishment

Letnikof Harbor upgrades are in the design phase. Partial construction is scheduled to begin the summer of 2013, with the major portion of the construction scheduled for the winter of 2013/14.

Chilkat Center Roof Replacement

The Chilkat Center for the Arts is currently having some additional work performed in conjunction with the replacement of the roof. Structural bracing is being added in the main portion of the roof to alleviate sag in some areas and extend the life expectancy of the structure.

Public Safety Building Boiler

The installation of a new boiler at the Public Safety Building is complete. Borough staff demolished the existing boiler, performed structural repairs to the existing boiler room. Pacific Rim Mechanical installed the new boiler, circulation pumps, and new piping. The Borough has asked Pacific Rim to provide an estimated price for additional thermostats to be installed in the building so that it may be more efficiently heated.

Senior Center Pellet Boiler

The new OKOfen pellet boiler that Pacific Rim Mechanical installed at the Haines Senior Center is operational and running well.

Barnett Water Tank Replacement

The decommissioned Barnett Pump House has been abated and is ready for demolition.

South Portage Cove Harbor

The draft RFP for the Portage Cove Harbor card lock system is underway.

Barnett Water Tank Replacement

An Invitation for Bids was issued for replacing the old Barnett Water Tank wood-stave structure with a new bolted steel water tank. Construction will begin in the spring/summer 2013. The bids were opened on December 5, 2012. Southeast Roadbuilders, Inc. is the apparent low bidder for the project.

PC Dock Tariff Revisions

This ordinance has been rescheduled to January 2013.

ROBERTSON MONAGLE & EASTAUGH

ATTORNEYS AT LAW
1810 Samuel Morse Dr., Suite 202
RESTON, VA 20190
PHONE: 571 313 1792
FAX: 571 313 1973

Date: December 7, 2012

To: Mark Earnest

From: Brad Gilman

Re: Meeting with Carl Burgess, Executive Council, Yukon Territory--
Significance of the Shakwak Project to the Pt. Lutak Plan

The Alaska Governor's Office requested that I meet with Carl Burgess, the Intergovernmental Relations Officer for the Executive Council of the Yukon Territory. The Executive Council is the Yukon's version of the Governor's Office in Juneau. Mr. Burgess works directly for Yukon Territory Premier Darrell Pasloski.

We spent the first half of the meeting discussing the burgeoning potential mineral development in the Yukon Territory. The Yukon Territorial Government views Haines and Skagway as the logical ports for supporting any new development in the north. I briefed him on the Borough's planning process for the expansion of the Pt. Lutak port infrastructure, and promised to keep him informed on our progress (he says only half jokingly that he would probably get better information directly from us than his own ministries).

We then shifted the discussion to Mr. Burgess' main reason for being in Washington, D.C. He has been tasked by the Premier to work with the Alaska Governor's Office to secure the final funding to complete the reconstruction of the North Alaska Highway (commonly referred to as the "Shakwak Project").

As I understand it, the Shakwak Project stems from a 1977 agreement between the U.S. and Canada relating to the transfer of the Alaska-Canada Highway to Canadian ownership and control after World War II. The Canadians were not maintaining the northern stretch of the road shortly after the war. The U.S. and Canada eventually agreed upon a protocol to upgrade the North Alaska Highway, and the Congress authorized the Shakwak Project. The agreement called for the U.S. to pay for the reconstruction of the North Alaska Highway, and for the Canadians to pay for the year-round maintenance of this stretch of road. The U.S. financial contribution for the Project is transferred to the Yukon Territorial Government, which oversees both the reconstruction and the maintenance of the North Alaska Highway.

For the last decade, the U.S. financial obligation to the Shakwak Project was funded at \$30 million annually through the Highway Bill. The Congress failed to renew the Shakwak funding mechanism in this year's Highway Bill. The Yukon Territorial Government maintains that it will need \$12-15 million per year for eight years in order to finish reconstruction between Destruction Bay and Beaver Creek.

Mr. Burgess informed me that there are roughly 600 Canadian residents living along the North Alaska Highway corridor between Haines Junction and the Alaska border to the northwest. The Yukon Territorial Government is currently allocating between 10-15 percent of its annual road maintenance budget for this stretch of road, solely in consideration of the Canadian obligation to the Shakwak Project. Should the United States renege on its obligations under the 1977 Agreement to pay for the reconstruction of the road, the Yukon Territorial Government will eventually discontinue the Shakwak Project and greatly reduce the amount of money budgeted for maintaining the North Alaska Highway.

Completion of the Shakwak project is potentially significant to the residents of Haines and the Haines Borough, as follows:

- If the Canadians determine that the U.S. has failed to fulfill its obligation under the 1977 Agreement, they may decide to shift maintenance money from the North Alaska Highway to the stretch of road between Dawson and Whitehorse. This will lead to the long-term deterioration of the road corridor between Haines, Haines Junction and the Alaska border. A bad road system will impact the ability to move cargo to and from Alaska via the road; will impact cargo movements to and from Haines; and will discourage tourism.
- Road maintenance may end up being a factor in the decision of the Wellgreen Mine and other potential operators on where to route supplies and ore. A fully reconstructed and well maintained North Alaska Highway may improve opportunities for the use of Pt. Lutak in the Yukon mining development. A deteriorating North Alaska Highway may, in contrast, result in the routing of supplies and ore down the central Yukon Territory highway between Dawson and Whitehorse. This would make Skagway a more attractive port alternative for new mineral development.

While supportive of the Shakwak Project, the Alaska Delegation has many competing demands statewide. Without community and stakeholder involvement, the Shakwak Project funding mechanism may be pushed aside as a second tier priority. I am recommending that the Haines Borough identify the Shakwak Project funding mechanism as a Federal Priority for the 113th Congress (2013 and 2014). The Congress intends to take up a multi-year reauthorization of the Highway Bill next year. The Haines Borough can help the State of Alaska establish the Shakwak Project as a federal priority.



Haines Borough Administration
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December 4, 2012,

Motor Vehicle Registration Tax

We recommend the adoption of the Motor Vehicle Registration Tax (MVRT) ordinance establishing a special revenue fund to help offset recurring costs associated with abandoned, impounded and junk vehicles in the Haines Borough.

Adoption of a flat tax of \$22 every other year would raise approximately \$40,000 annually based on an estimated 4200 registered vehicles in the Haines Borough and payment of an 8% administrative fee to the Alaska Department of Administration, Division of Motor Vehicles. The funds would be used to offset unrecoverable costs in the private sector solution, or a fully fund a public solution. In either case the person having their vehicle towed, impounded or junked would be responsible for the associated costs of the service. However in all cases there are expenses that are not covered by direct fees. The MVRT would cover these costs.

This memorandum details two options for moving forward: (1) a private sector approach and (2) a public sector approach. We recommend the private sector approach and assume 100% enforcement of Borough Code relating to registration, impoundment, and disposal of motor vehicles. The private sector approach allows for enforcement of code and reasonable options for the public to comply.

If the Borough issues and awards an RFP without passing the MVRT, the taxpayers will still cover the unrecoverable costs associated with the cost of enforcing code, towing, impounding, and disposal of vehicles as well as administrative oversight and collecting of fees.

Private Sector Option

The Borough will advertise an RFP for the towing and storage of abandoned vehicles, the towing and storage of impounded vehicles, and the disposal of junk cars. MVRT funds will be used to offset any costs that are not covered by the private sector. An example is the administrative cost for the Borough to track down and collect fees from the last registered owner of an abandoned vehicle. Draft RFP details are attached.

If the Assembly opts for a private sector program, but does not receive satisfactory proposals from industry, a public sector approach will be necessary.

Public Sector Option

The Borough will fund the purchase of a tow truck, build an impound yard, purchase equipment for draining and storing vehicle fluids (\$24,000 before shipping) and commit the staff time to manage the program. It is estimated that a used tow truck can be purchased for \$40,000 and a paved, fenced impound yard with capacity for 300 to 400

cars could be constructed on Borough property for \$160,000. The Borough would also need a piece of equipment capable of moving vehicles (\$60,000). The Borough would be required to have liability insurance for the towing and storage of vehicles which is estimated at \$4,000 per year. The Borough would also have to pay staff to do the towing, mechanical work, dispose of hazardous waste, and administer the program. The Borough could store these vehicles until the scrap barge returns.

Draft RFP Details:

Towing and Impounding:

Haines Borough Police may call for towing services. The Contractor will respond within 30 minutes. 24/7 unless other timelines are agreed upon. The Contractor and the Haines Borough will agree to a set rate of fees for all towing and storage situations. The Contractor will have all required towing, storage and liability insurance and list the Haines Borough as additionally insured.

Abandoned Vehicles:

If the Borough asks for towing of an abandoned vehicle, the Borough will be responsible for the cost, but will attempt to collect the revenue from the last registered owner.

Junk Vehicles:

The Contractor shall operate a junk vehicle collection drive each fall and spring for a set price. The Contractor shall dispose of the junk vehicles, fluids, batteries, tires, etc. according to local, state, and federal regulations.

Payment of fees:

A vehicle that is towed or impounded will be released only after payment is made to the Haines Borough Police who will issue a release form to be presented to the Contractor. The contractor will bill the Haines Borough on a monthly basis.

Trial Period

After one registration cycle or two full years of operation, the new program can be reevaluated and fees can be adjusted or removed if warranted. In Juneau, excess funds are used to cover the cost of hazardous material disposal. This services cost the Borough about \$12,000 per year.

Communities that have adopted an MVRT are: Anchorage, Bethel, Bristol Bay, Cordova, Dillingham, Juneau, Kenai, Ketchikan, Kodiak, Matanuska, Nenana, Nome, Petersburg, Sitka, Unalaska, Whittier.

Background on Abandoned Vehicles: Vehicles currently abandoned on Borough property and creating a safety hazard will be moved by Borough staff, others have been left in place.

Abandoned Vehicles are defined in Haines Borough Code as one that is:

- A. Left unattended within 10 feet of the roadway in excess of 48 hours;
- B. Left unattended on private property in excess of 24 hours without written permission from the owner of the property; or
- C. Left on public property without consent of the manager for more than 30 days

Background on Junk Vehicles: The current cost to legally dispose of a passenger vehicle in Haines is \$800, not including towing it to the site. This summer Skookum Recycling brought a scrap barge to Haines and took vehicles for free, however this only happens when there are enough junk cars to make it economically viable for the barge to come. It is estimated that Skookum took 400 cars on the most recent trip. Status quo suggest that an accumulation of 400 cars over the next 5 to 10 years would trigger the scrap barge to return.

Haines Borough Code addresses Junk Vehicles in Declared Nuisances and the zoning of Junk Yards.

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:

- 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.

18.20.020 Definitions – Regulatory

- II. **“Junkyard”** means a lot or portion thereof which is used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of more **than two unregistered, discarded, wrecked or abandoned: motor vehicles**, airplanes, appliances or boats. It may also include building materials, machinery, equipment, or parts thereof, including scrap metals, wood, lumber, plastic, fiber or other tangible materials allowed to accumulate to the point of meeting the definition of nuisance in Chapter [8.12](#) HBC.

18.60.010 General approval criteria.

A land use permit, or conditional use permit, or a platting action permit for a subdivision, may be granted if all the following general approval criteria and applicable specific approval criteria of HBC [18.60.020](#) are complied with. The burden of proof is on the developer to show that the proposed use meets these criteria and applicable specific criteria for approval. Notwithstanding any of the following criteria, no use will be approved that will materially endanger the public health or safety or substantially decrease the value of property in the neighboring area. The burial of uncremated human remains outside a cemetery is prohibited.

- III. B. Junkyard. No junkyard shall be established or operated unless it is completely obscured from view of any traveled or public right-of-way or adjacent properties with a non-compatible use (i.e., residential, commercial). The manager or commission may require a continuous solid fence to prevent the unsightly display of the yard. The fencing provided shall be continuous and of sufficient height and density to provide visual screening required by this chapter on a year-round basis. Precautions shall be taken to prevent ground or water contamination from runoff containing, including but not limited to, fuels and hazardous chemicals.

10.44.010 Parking during snow removal

It shall be unlawful for any person to park any vehicle or to allow any vehicle owned or under the person's control to continue to be parked on any public street during the time, day or night, that snow removal from such street is reasonably necessary for the movement of vehicular traffic without leaving in charge of such vehicle a person authorized, competent, and able to remove such vehicle. Falling snow, the presence of unremoved snow on such street, or the conduct of snow removal operations will be sufficient to indicate this prohibition. Any vehicle found parked during such periods on a public street where such snow removal is reasonably necessary may be removed by the chief of police or persons under the chief's control and such vehicle shall be impounded until the cost of such removal shall have been paid to the borough or to the person removing the vehicle at the direction of the chief of police or other persons under the chief's supervision and control. Any such charge remaining unpaid shall constitute a lien against said vehicle and shall be collectible in the same manner as personal property taxes. Fine/Bail: \$25.00. (Ord. 07-08-167)

Chilkat Center for the Arts

A Community Facility Operated by the Haines Borough

(907) 766-3573

facsimile (907) 766-3574

E-mail business@khns.org

Facility Administration Report

November 2012

Usage

Haines Arts Council hosted eclectic singer songwriters CR Avery and Robert Blake during November. This was an interesting program of music and spoken work and would have been a great opportunity to bring in young folks from the high school but unfortunately had a very small turnout.

The High School Debate, Drama and Forensic Finals were once again held on stage at the Chilkat Center, allowing these very talented kids to expand on the stage and into the packed audience.

Ongoing dance and activity classes are: Yoga, Jujutsu, Strongwoman and Morning Muscles and St Michael's continues with their Sunday services. An underutilized area is our basement. Since the Church is no longer using it, and now that the boiler is completed, this is a space with potential.

The conference room has been full of burly men and lots of tools during most of November as that is the best access to do the attic work that is going on but means it has been unavailable for meeting use, fortunately not a high priority right now but in January we hope to have use again.

December is shaping up to be a busy month with holiday parties, performances and celebrations. All the events are listed on the Chilkat Center Calendar to be found on the CCA website or the KHNS website.

* The Center has been retained for a large state conference in September of 2013 that the Sheldon Museum is hosting. This will be an excellent showcase for the building and ideally all of the structural and cosmetic work will have been completed by this time. The Board might like to consider what, if any, other improvements need to be done this summer. There are some areas that could use painting or touch ups.

Maintenance

- The boilers are working well but we are still struggling with inconsistent heat distribution. A recent reception in the lobby was cold enough to make emergency calls to our facilities director while the theater was toasty at the same time. With so many events going on in December, we're hoping we can hit on the right combination for comfort. We don't want to lose any business!
- The roof has been holding well, especially given the wild and windy weather we have been experiencing. The building has been a hive of activity with lots of work going on in the attic to do with reinforcement of structural support, a very welcome upgrade. Andus Hale has been a delight to have around the building installing sheetrock here, framing a new window there and making sure that the damage by water is slowly being addressed. He has been thoughtful and responsive in helping to solve some of the unexpected issues as a result of the new heat system.
- There is one small outside window left to replace and that is scheduled for spring when it is safer and easier to do. For the time being, we are working around it. The windows on the north side of the KHNS studios are prone to drafts, none more so than our news office which we have stuffed with sweaters to try and block the ice wind. The three big windows replaced are beautiful and much appreciated. May we have a luxuriously warm and early spring so that we can fling them wide open and enjoy the heat.

Many thanks to the Borough for the attention to issues at the CCA this year. It is a worthwhile investment and the people doing the work have been skilled and pleasant to work with.

*Submitted by Facilities Manager, Kay Clements
November, 2012*



Chilkat Center for the Arts			
Nov-12			
Contact	Function	Participants	Amount
Dance Studio			
SEARHC	Yoga Tuesday and Thursday 5:15-6:30, Sun 9:30am	90	180
Chorus Bishop	Seibukan Jujitsu -- No Classes in November	0	0
Lobby			
SEARHC	Morning Muscles	66	105
St Michael's	Sunday Services	60	300
Haines Arts Council	Robert Blake/CR Avery Concert	80	75
SEARHC	Strongwoman	60	120
Chilkat Valley Community Foundation	Annual Meeting	50	75
Auditorium			
Conference Room			
CCA Advisory Board	meeting	8	n/c
KHNS Board	meeting and audit conference	8	n/c
November Totals		406	\$855

Haines Borough Fire Service Area #1 Board
October 26th, 2012
APPROVED

On Friday, October 26, 2012, at 7:00pm, the Haines Borough Fire Service Area #1 Board met in the Haines Borough Assembly Chambers. This was the first meeting of the board in some time. Alan Heinrich, Richard Buck and J.R. Myers were present, and constituting a quorum, the board proceeded. For this meeting only, it was agreed by all that Alan would act as Chair, Richard would act as Vice-Chair, and J.R. would act as Secretary.

The first order of business was brought forth by Alan. He wanted to recruit to fill the remaining board seat. There was a discussion of potential candidates. It was decided that asking around, word of mouth, would be the most effective means of recruiting another board member. A complete board would make it easier for a quorum and for voting, it was noted. We all agreed to ask potential candidates prior to our next meeting, in the hopes of having a full board by then.

The second order of business was a request by Irene Alexakos, dated 9/26/2012, requesting a Differential Tax Rate Reduction per 7.08.040 D.2., for 2013 for her property at Rustabach Lake. There was a discussion about advertising the tax rate reduction so that more property owners were aware of it and might take advantage of it. Also, It was questioned whether or not the requests needed to be made annually. It was decided, upon reading the statute, that they do. It was discussed that perhaps the board should propose a new Differential Tax Reduction method based on insurance rating zones of coverage, rather than physical response time to a property. Which areas would be affected? What might be the financial cost to the borough? Alan states he will look into this further. Also, online applications were mentioned.

Richard moves to approve Differential Tax Reduction request. Alan seconded. All three in favor. Differential Tax Reduction is approved.

Richard spoke regarding a request by Al's assistant in Skagway regarding a request for overtime. There was a brief discussion. She is training for a Fireman II rating, and has been putting in many hours. What is the personnel policy? Alan will inquire further into the details.

Richard mentions that he may be travelling to AZ, CA. He doesn't know when.

Alan plans on being gone between 01/07-03/08/13. He may go to Dallas and other points south.

Other items for consideration:

Alan would like to see the fire department budget for review prior to submission to the Borough Assembly. There is general agreement on this.

Alan thinks a sinking fund for new equipment should be set up.

Alan asks about the costs of the dispatchers. How many calls come in for fire, and what percentage are we paying for the dispatchers versus police and ambulance?

What is the relationship with medical and fire?

What is the status of our Mutual Aid agreements with Klukwan, Klahini and the Forest Service?

What is the condition of the public safety building?

Richard mentioned the surplus equipment now being stored at the Lutac fire building, Rescue 1.

Next Meeting was set for Friday, November 30, 2012 at 7:00pm, at the Borough Assembly Chamber.

Meeting Adjourned at 7:55pm.

Haines Borough Parks and Recreation Advisory Committee

Meeting Minutes, November 8, 2012

Members Present: Ron, Meredith , Jessica, Steve R. (CYD)

Members Excused: Jennifer, Marne.

Guests: Preston, Tanya, Darsie, Norm Hughes.

Quorum: Yes. (Our committee is down to 5 voting members at this time)

Public Comments: Norm Hughes discussed the absence of parks governance in borough code and encouraged us to provide input to the Borough on that matter.

Minutes: Unanimously approved minutes from the past two meetings (Sept 5, 2012 and Oct 4, 2012).
M/S Kayser/Pochardt

Chair and Vice Chair positions: Unanimously approved Ron as Chair. M/S Kayser/Pochardt.
Unanimously approved Meredith as Vice Chair. M/S Jackson/Kayser.
Had some discussion about Secretary position and the need for one. Notetaking in the past was by staff CYD director. Meridith agreed to take minutes at this time.

Future Projects Discussion: Ron brought up getting an official MOU from non-Borough landowners that have public trails crossing their property. Darsie said that the Borough is already looking into this with Mental Health for the section of the Riley trail that crosses their land. The Borough will not be investing future money on these trails without an MOU. There was discussion on possibly salvaging lumber from the PC dock improvements to be used on the Battery Pt. trail. From this discussion it was suggested that in order to tackle the various tasks that we are all interested in we should establish sub-committees that can focus on specific aspects of PARC. The three that were decided upon at this time were: trails, policy, and facilities/events. Sub-committee members will be chosen at our next meeting. M/S Jackson/Kayser

Vacant Seats: Reviewed two applications for vacant committee seats (Menke and Hoffman) and unanimously decided to forward to Mayor the application of Daymond Hoffman for approval.
M/S Kayser/Pochardt

Discussed the interest in keeping Logan's vacated seat as a student seat. The group felt there were a lot of good reasons to involve students in government and this would be a good opportunity. We decided to recommend that the Mayor create a student seat on the committee and have it an Ex-Officio position. M/S Kayser/Jackson.

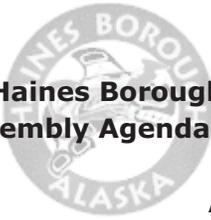
We also decided to recommend to the Mayor creation of a seat for an AKDNR position on the committee. This seat would also be an Ex-Officio one (Note: This was done previously and no action has been taken on it at this time.) If this were to be done, it was brought up that our current bylaws only have the CYD director as ex officio and they would need to be amended.

Haines Hustle: The Fair has approached us with a proposal to partner with them to organize the Haines Hustle. Preston brought up that, although it is something that has been overlooked in the past, it is required to obtain a permit to have this race since it is on State Park land. Darsie brought up that this sponsorship may be better suited for a non-profit organization (such as well and fit) rather than a Borough committee. If it ends up getting too big the Borough may not be willing to support it.

This topic can be taken up by the Facilities/Events committee at the next meeting.

Meeting adjourned at 7:30pm.

Next meeting on Wednesday, Dec 5th, 5:45pm.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-177

Assembly Meeting Date: 12/11/12

Business Item Description:	Attachments:
Subject: Motor Vehicle Registration Tax	1. Ordinance 12-10-308, current draft 2. Amendments Proposed on 11/27/12 by the manager to add impoundments vehicles to the ordinance 3. Substitute Ordinance, prepared by the borough clerk, containing the proposed amendments. [Note: the Primary Amendment currently on the table could be amended to use the substitute ordinance instead of the 11/27 document.]
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 10/16/12	

Full Title/Motion:

On 11/27, the ordinance was postponed to this meeting with the following motions on the table (discussion will resume at the primary amendment level): Main Motion: "Adopt Ordinance 12-10-308."
Primary Amendment #1: "Include impoundment vehicles in the ordinance by incorporating the amendments proposed in the November 27, 2012 document prepared by the borough manager."

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ Dependent on option	\$ Dependent on option	\$

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos.: Objective 15I, Page 33	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Summary Statement:

To offset the costs of junk, abandoned, and impounded vehicles, the Haines Borough may opt into the municipal Motor Vehicle Registration Tax (MVRT) program through the Department of Motor Vehicles (DMV). Haines could expect to receive approximately \$40,000 annually from the program. The Finance Committee discussed this ordinance on 10/30, and they recommended revising the motor vehicle tax rate schedule to a flat \$22 biannual fee regardless of vehicle class. Assembly Member Schnabel drafted a substitute ordinance to that effect, and on 11/6 the assembly amended the ordinance by accepting the substitute. Staff was directed to develop a simple business plan based on the concept of a public-private partnership. The two options, public- and private-sector, will be discussed by the assembly under the manager's report, and a document is in the packet labeled "8A1."

Referral:

Sent to: Finance Committee	Date: 10/23/12
Recommendation: Amend	Refer to: Meeting Date: 10/30/12

Assembly Action:

Workshop Date(s):	Public Hearing Date(s): 11/6, 11/27/12
Meeting Date(s): 10/23, 11/6, 11/27, 12/11/12	Tabled to Date:

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 TO ESTABLISH A VEHICLE RETIREMENT PROGRAM FUND, TO LEVY A MOTOR VEHICLE REGISTRATION TAX, AND TO EXEMPT FROM PROPERTY TAXES ALL VEHICLES SUBJECT TO THE REGISTRATION TAX.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 5, 6, and 7 of this ordinance are of a general and permanent nature and shall become a part of the Haines Borough Code. Sections 4 and 8 of this ordinance shall not be codified.

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. Section 8 of this ordinance shall be effective upon adoption. All other sections shall be effective on January 1, 2014.

Section 4. Rationale for Legislation.

A. Vehicles that have exhausted their useful life must be disposed of in a manner that ensures against threats to the environment, reclaims resources that may be reused, and is financially feasible.

B. Environmental issues associated with the improper disposal or abandonment of vehicles often fall to local governments to address.

C. The cost of tracking down the owners of abandoned and junked vehicles to require them to pay the costs of disposal has not proven economical.

D. It is reasonable to require vehicle owners to participate in paying the costs of properly disposing of and recycling parts of retired vehicles, rather than using general tax revenues.

E. The State of Alaska allows local governments to levy taxes on motor vehicle registrations collected by the state, with an eight percent administrative fee.

F. State law requires that boroughs give notice of election to come under the state motor vehicle registration program by January 1st of the year before the tax goes into effect.

G. Vehicles subject to motor vehicle registration tax are exempted by state law from municipal personal property tax, and therefore, non-commercial trailers identified under AS 28.10.421(b)(6) are expressly excluded from participating in the Haines Borough Vehicle Retirement Program.

I. The state motor vehicle registration program includes exemptions such as senior citizens, disabled persons, and certain military personnel.

Section 5. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.46 titled "Vehicle Retirement Program Fund" to read as follows:

Chapter 3.46

VEHICLE RETIREMENT PROGRAM FUND.

Sections:

3.46.010 Policy and intent.

3.46.020 Allocation.

3.46.030 Management

3.45.040 Investment policy

3.46.010 Policy and intent.

The intent of this chapter is to provide for the proper accounting and management of public funds derived from the motor vehicle registration tax established by Chapter 3.85 of the Haines Borough Code of Ordinances and AS 28.10.431.

3.46.020 Purpose.

There is established a separate fund entitled the "Vehicle Retirement Program Fund." All proceeds derived by the borough from the motor vehicle registration tax shall be deposited in said fund and used for the purpose of providing for the responsible disposal of retired and abandoned vehicles within the borough.

3.46.030 Management.

The borough chief fiscal officer is designated as the official with the responsibility for managing the moneys received and disbursed by the Vehicle Retirement Program Fund and as directed by the assembly.

3.46.040 Investment policy.

Investment policy is set forth in Chapter 3.08 HBC.

Section 6. Amendment of Section 03.70.040(A). Haines Borough Code 03.70.040(A) is amended, to read as follows:

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

3.70.040 Local exemptions and exclusions.

A. The following property is exempt from general taxation:

1. Business inventory and items held for resale;
2. ~~Personal motor vehicles.~~ **All motor vehicles which are subject to the Motor**

Vehicle Registration Tax described in Chapter 03.85.

Section 7. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.85 titled "Motor Vehicle Registration Tax" to read as follows:

Chapter 3.85

MOTOR VEHICLE REGISTRATION TAX.

Sections:

3.85.010 Levy of Motor Vehicle Registration Tax.

3.85.020 Allocation.

3.85.010 Levy of Motor Vehicle Registration Tax.

A. There is levied a biennial motor vehicle registration tax within the borough pursuant to the provisions of AS 28.10.431 and as such statute may be hereafter amended, revised or replaced. The rate of said tax shall be flat and established by resolution of the Haines Borough Assembly. The categories under "Type" are intended to coincide with the categories provided in AS 28.10.431(b), as now enacted or as may be hereinafter amended.

B. The annual motor vehicle tax on commercial vehicles that are registered annually is one-half the rate of the biennial tax.

MOTOR VEHICLE TAX SCHEDULE

BIENNIAL SCHEDULE Tax:

<u>VEHICLE TYPE</u>	<u>RATE</u>
<u>(1) Motorcycle</u>	<u>\$22</u>
<u>(2) Passenger (AS 28.10.421(b)(1)): non-commercial passenger vehicles, motor homes, and low speed vehicles; taxicabs</u>	<u>\$22</u>
<u>(3) Commercial (AS 28.10.421(c)(1-4))</u>	
<u>5,000 pounds or less</u>	<u>\$22</u>
<u>5001–12,000 pounds</u>	<u>\$22</u>
<u>12,001 – 18,000 pounds</u>	<u>\$22</u>
<u>18,001 pounds or over</u>	<u>\$22</u>
<u>(4) Commercial motor bus (AS 28.10.421(b)(4)): motor buses with a seating capacity for 20 or more persons and used exclusively for commercial purposes in transporting of visitors or tourists</u>	<u>\$22</u>
<u>(5) Non-commercial pickup/van (AS 28.10.421(b)(2): less than 10,000 pounds and not registered to a company or business</u>	<u>\$22</u>
<u>(6) amateur mobile radio station vehicles (AS 28.10.421(d)(8))</u>	<u>\$22</u>
<u>(7) vehicles eligible for dealer plates (AS 28.10.421(d)(9))</u>	<u>\$22</u>

3.85.020 Allocation.

Subject to assembly appropriations, all of the money received by the borough under this section and AS 28.10.431, and as such statute may hereafter be amended, revised or replaced, shall be deposited in the Vehicle Retirement Program Fund established in Chapter 3.46 of the Haines Borough Code of Ordinances.

Section 8. Notice. The Manager shall give notice to the State of Alaska pursuant to AS 28.10.431 that the Haines Borough has elected to levy this tax.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2012.

ATTEST:

 Stephanie Scott, Mayor

 Julie Cozzi, MMC, Borough Clerk

Date Introduced: 10/23/12
 Date of First Public Hearing: 11/06/12
 Date of Second Public Hearing: 11/27/12

November 27, 2012

Amendment to:

HAINES BOROUGH, ALASKA
ORDINANCE No. 12-10-308

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 TO ESTABLISH A VEHICLE IMPOUNDMENT AND RETIREMENT PROGRAM FUND, TO LEVY A MOTOR VEHICLE REGISTRATION TAX, AND TO EXEMPT FROM PROPERTY TAXES ALL VEHICLES SUBJECT TO THE REGISTRATION TAX.

Section 4. Rationale for Legislation.

- A. Vehicles that are subject to impoundment must be removed and stored in a safe and secure manner.

(Re-number following subsections, as appropriate.)

Section 5. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.46 titled "Vehicle Impoundment and Retirement Program Fund" to read as follows:

Chapter 3.46

VEHICLE IMPOUNDMENT AND RETIREMENT PROGRAM FUND.

Sections:

3.46.020 Purpose.

There is established a separate fund entitled the "Vehicle Impoundment and Retirement Program Fund." All proceeds derived by the borough from the motor vehicle registration tax shall be deposited in said fund and used for the impoundment and ~~the purpose of providing for the~~ responsible disposal of retired and abandoned vehicles within the borough.

3.46.030 Management.

The borough chief fiscal officer is designated as the official with the responsibility for managing the moneys received and disbursed by the Vehicle Impoundment and Retirement Program Fund and as directed by the assembly.

3.85.020 Allocation.

Subject to assembly appropriations, all of the money received by the borough under this section and AS 28.10.431, and as such statute may hereafter be amended, revised or replaced, shall be deposited in the Vehicle Impoundment and Retirement Program Fund established in Chapter 3.46 of the Haines Borough Code of Ordinances.

Substitute Ordinance

Containing Amendments as Proposed by
the Manager on 11/27/12

(these are the subject of the
Primary Amendment Motion currently
before the Assembly)

HAINES BOROUGH, ALASKA
ORDINANCE No. 12-10-308

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 3 TO ESTABLISH A VEHICLE IMPOUNDMENT AND RETIREMENT PROGRAM FUND, TO LEVY A MOTOR VEHICLE REGISTRATION TAX, AND TO EXEMPT FROM PROPERTY TAXES ALL VEHICLES SUBJECT TO THE REGISTRATION TAX.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Sections 5, 6, and 7 of this ordinance are of a general and permanent nature and shall become a part of the Haines Borough Code. Sections 4 and 8 of this ordinance shall not be codified.

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. Section 8 of this ordinance shall be effective upon adoption. All other sections shall be effective on January 1, 2014.

Section 4. Rationale for Legislation.

A. Vehicles that are subject to impoundment must be removed and stored in a safe and secure manner.

B. Vehicles that have exhausted their useful life must be disposed of in a manner that ensures against threats to the environment, reclaims resources that may be reused, and is financially feasible.

C. Environmental issues associated with the improper disposal or abandonment of vehicles often fall to local governments to address.

D. The cost of tracking down the owners of abandoned and junked vehicles to require them to pay the costs of disposal has not proven economical.

E. It is reasonable to require vehicle owners to participate in paying the costs of properly disposing of and recycling parts of retired vehicles, rather than using general tax revenues.

F. The State of Alaska allows local governments to levy taxes on motor vehicle registrations collected by the state, with an eight percent administrative fee.

G. State law requires that boroughs give notice of election to come under the state motor vehicle registration program by January 1st of the year before the tax goes into effect.

H. Vehicles subject to motor vehicle registration tax are exempted by state law from municipal personal property tax, and therefore, non-commercial trailers identified under AS 28.10.421(b)(6) are expressly excluded from participating in the Haines Borough Vehicle Impoundment and Retirement Program.

I. The state motor vehicle registration program includes exemptions such as senior citizens, disabled persons, and certain military personnel.

Section 5. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.46 titled "Vehicle Impoundment and Retirement Program Fund" to read as follows:

Chapter 3.46

VEHICLE IMPOUNDMENT AND RETIREMENT PROGRAM FUND.

Sections:

3.46.010 Policy and intent.

3.46.020 Allocation.

3.46.030 Management

3.46.040 Investment policy

3.46.010 Policy and intent.

The intent of this chapter is to provide for the proper accounting and management of public funds derived from the motor vehicle registration tax established by Chapter 3.85 of the Haines Borough Code of Ordinances and AS 28.10.431.

3.46.020 Purpose.

There is established a separate fund entitled the "Vehicle Impoundment and Retirement Program Fund." All proceeds derived by the borough from the motor vehicle registration tax shall be deposited in said fund and used for the impoundment and the responsible disposal of retired and abandoned vehicles within the borough.

3.46.030 Management.

The borough chief fiscal officer is designated as the official with the responsibility for managing the moneys received and disbursed by the Vehicle Impoundment and Retirement Program Fund and as directed by the assembly.

3.46.040 Investment policy.

Investment policy is set forth in Chapter 3.08 HBC.

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

3.70.040 Local exemptions and exclusions.

A. The following property is exempt from general taxation:

1. Business inventory and items held for resale;

2. ~~Personal motor vehicles.~~ **All motor vehicles which are subject to the Motor**

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Section 7. Amendment of Title 3. Title 3 of the Haines Borough Code is hereby amended by the addition of a new chapter 3.85 titled "Motor Vehicle Registration Tax" to read as follows:

Chapter 3.85

MOTOR VEHICLE REGISTRATION TAX.

Sections:

3.85.010 Levy of Motor Vehicle Registration Tax.

3.85.020 Allocation.

3.85.010 Levy of Motor Vehicle Registration Tax.

A. There is levied a biennial motor vehicle registration tax within the borough pursuant to the provisions of AS 28.10.431 and as such statute may be

hereafter amended, revised or replaced. The rate of said tax shall be flat and established by resolution of the Haines Borough Assembly. The categories under "Type" are intended to coincide with the categories provided in AS 28.10.431(b), as now enacted or as may be hereinafter amended.

B. The annual motor vehicle tax on commercial vehicles that are registered annually is one-half the rate of the biennial tax.

MOTOR VEHICLE TAX SCHEDULE

BIENNIAL SCHEDULE Tax:

<u>VEHICLE TYPE</u>	<u>RATE</u>
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<u>(2) Passenger (AS 28.10.421(b)(1)): non-commercial passenger vehicles, motor homes, and low speed vehicles; taxicabs</u>	<u>\$22</u>
<u>(3) Commercial (AS 28.10.421(c)(1-4))</u>	
<u>5,000 pounds or less</u>	<u>\$22</u>
<u>5001-12,000 pounds</u>	<u>\$22</u>
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<u>18,001 pounds or over</u>	<u>\$22</u>
<u>(4) Commercial motor bus (AS 28.10.421(b)(4)): motor buses with a seating capacity for 20 or more persons and used exclusively for commercial purposes in transporting of visitors or tourists</u>	<u>\$22</u>
<u>(5) Non-commercial pickup/van (AS 28.10.421(b)(2): less than 10,000 pounds and not registered to a company or business</u>	<u>\$22</u>
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<u>(7) vehicles eligible for dealer plates (AS 28.10.421(d)(9))</u>	<u>\$22</u>

3.85.020 Allocation.

Subject to assembly appropriations, all of the money received by the borough under this section and AS 28.10.431, and as such statute may hereafter be amended, revised or replaced, shall be deposited in the Vehicle Impoundment and Retirement Program Fund established in Chapter 3.46 of the Haines Borough Code of Ordinances.

Section 8. Notice. The Manager shall give notice to the State of Alaska pursuant to AS 28.10.431 that the Haines Borough has elected to levy this tax.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2012.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 10/23/12
Date of First Public Hearing: 11/06/12
Date of Second Public Hearing: 11/27/12 – Adoption Postponed to 12/11/12



Agenda Bill No.: 12-203

Assembly Meeting Date: 12/11/12

Business Item Description:	Attachments:
Subject: Authorize a contract for Barnett Drove Bolted Steel Water Tank	1. Resolution 12-12-424 2. Request for Bids 3. Bid Results and Bids 4. Apparent Low Bidder Subcontractors and Qualifications
Originator: Carlos Jimenez (Agenda Bill by Clerk's Office)	
Originating Department: Public Facilities	
Date Submitted: 12/4/12	

Full Title/Motion:
Motion: Adopt Resolution 12-12-424.

Administrative Recommendation:
This resolution is recommended by the borough manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ \$537,950.00	\$ See summary below	\$ See summary below

Comprehensive Plan Consistency Review:

Comp Plan Policy Nos. : Goal 7, Page 22	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

The borough recently accepted bids for the project to replace the current water tank on Barnett Drive, and the manager recommends award to the apparent low bidder, Southeast Road Builders for \$537,950.00.

70% of the construction cost will be paid with a Municipal Matching Grant in the amount up to \$376,565 from the State of Alaska DEC and 30% will be paid with loan proceeds from DEC's Alaska Drinking Water loan Fund in the amount of \$161,385. However, the grant funding was authorized up to \$675,500, but cannot surpass 70% of the project.

Southeast Road Builders will using subcontractors on this project which will meet the qualifications stated in the bid.

Referral:

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

Assembly Action:

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

HAINES BOROUGH
RESOLUTION No. 12-12-424

Draft

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Southeast Road Builders for the Barnett Drive Bolted Steel Water Tank project for an amount not-to-exceed \$537,950.00.

WHEREAS, the Barnett Drive Bolted Steel Water Tank is in need of replacement; and

WHEREAS, the project includes removing and disposing of an existing pump station building and concrete tank foundation, furnishing and installing a 39' diameter by 20' high bolted steel water tank with an aluminum geodesic dome roof and concrete foundation, furnishing and installing a submersible mixer in the tank and installation of approximately 70' of 8" ductile iron and other associated site grading and other miscellaneous work; and

WHEREAS, the Haines Borough (borough) recently issued a request for sealed bids from qualified, licensed contractors for the Barnett Drive Bolted Steel Water Tank project; and

WHEREAS, the borough received the following two responsive bids:

Pro-West Contractors, LLC - \$975,000.00,
Southeast Road Builders Inc - \$537,950.00; and

WHEREAS, the subcontractors for Southeast Road Builders will be:

All Wire Electric LLC,
Shearer and Assoc. Inc

which will meet the required qualifications set forth in the bid documents; and

WHEREAS, the Director of Public Facilities recommends contract award to the apparent low bidder, Southeast Road Builders Inc; and

WHEREAS, 70% of the construction cost will be paid with a Municipal Matching Grant in an amount up to \$376,565 from the State of Alaska Department of Environmental Conservation (DEC) and 30% to be paid with loan proceeds from DEC's Alaska Drinking Water Loan Fund in the amount of \$161,385,

NOW, THEREFORE, BE IT RESOLVED BY THE HAINES BOROUGH ASSEMBLY

that the borough manager is authorized to enter into a construction contract with Southeast Road Builders Inc. for the Barnett Drive Steel Water Tank project for an amount not-to-exceed \$537,950.00.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____th day of _____, 2012.

Stephanie Scott, Mayor

Attest:

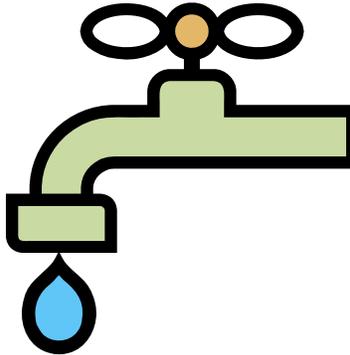
Julie Cozzi, MMC, Borough Clerk

HAINES BOROUGH, ALASKA

PUBLIC NOTICE

REQUEST FOR SEALED BIDS

BARNETT DRIVE BOLTED STEEL WATER TANK



Notice is hereby given that the Haines Borough will receive sealed competitive bids by hand-delivery or mail from qualified contractors for the **Barnett Drive Bolted Steel Water Tank project** until **2:00pm, AST, Monday, December 3, 2012**, at the Office of the Borough Clerk, Borough Administration Building, 103 Third Ave. S, P.O. Box 1209, Haines, Alaska 99827, and shortly thereafter the bids will be publicly opened and read aloud. Late bids will not be accepted.

Project Description: The WORK includes removing and disposing of an existing pump station building and concrete tank foundation, furnishing and installing a 39' diameter by 20' high bolted steel water tank with an aluminum geodesic dome roof and concrete foundation, furnishing and installing a submersible mixer in the tank and installation of approximately 70' of 8" ductile iron. It also includes associated site grading and other miscellaneous work. All work to be completed by August 1, 2013.

Mandatory Pre-Bid Conference: Prospective Bidders are required to participate in a pre-Bid Conference to discuss the proposed WORK, which will be conducted by the borough, at 2:00 p.m. on Monday, November 26, 2012 in the Borough Administration Conference Room, 103 Third Avenue S. in Haines. Prospective bidders may participate by teleconference. Those wishing to participate by teleconference should notify the Borough Clerk before the meeting. To participate by teleconference Dial 800-315-6338 and when prompted, enter 2885 followed by the # sign.

Bidding, Contract, or Technical Questions: All communications relative to this work *prior to* Bid opening shall be directed to the engineer: Carson Dorn, Inc., Attention: Jim Dorn, 907-586-4447. The borough's project manager will be: Carlos Jimenez, Director of Public Facilities, 907-766-2257.

Contract Documents: An electronic copy (Adobe Acrobat .pdf) may be obtained at www.hainesalaska.gov or by contacting the Office of the Borough Clerk (907) 766-2231 Ext 31. A printed copy is available at the offices of the Borough Clerk, 103 Third Avenue S., Haines, Alaska 99827 upon a nonrefundable payment of \$50 for each set of Contract Documents (including technical specifications and accompanying reduced scale drawings). The scale of the reduced drawings is about one-half of the original scale (11" x 17"). If full scale drawings (22" x 34") are desired they may be purchased from the engineer for an additional nonrefundable \$50 fee.

Bid Requirements: All Bids shall be accompanied by the following, as required by Haines Borough Code 3.60.100: 1) copy of a current Alaska business license; 2) copy of a current Haines Borough business license (or proof of registration and payment; forms are available on the borough's website: www.hainesalaska.gov/forms); 3) copy of an Alaska contractor's certificate of registration; and 4) a certified or cashier's check or Bid Bond, in the amount of 5% percent of the Bid, payable to the Haines Borough, Alaska, as a guarantee that the Bidder, if its Bid is accepted, will promptly execute the Agreement. Checks and bid bonds will be returned to unsuccessful bidders.

Borough's Rights Reserved. The borough reserves the right to reject any or all Bids, to waive any informality in a Bid, and to make award to the lowest responsive, responsible Bidder as it may best serve the interests of the borough.



Haines Borough

Bid Opening Record

Project: Barnett Drive Bolted Steel Water Tank
 Project No: 12-11-02
 Bid Deadline: 2:00pm AST, 12/4/12

Location: Borough Administration Conference Room
 Date/Time: 2:05pm, 12/4/12

Bidder	Bid Rcvd by Deadline	Bid Complete and on Required Form & Signed	Proof of AK & HB Business Licensing	Proof of AK Contractor's Certificate of Registration	Bid Bond or certified check of at least 5% of bid	Addenda Noted	Base BID	Bid Mod, if any	Combined Bid (Base + Mod)	Comments
Southeast Road Builders	✓	✓	✓	✓	✓	✓	\$537,950	None	\$537,950	Apparent Low Bid
Pro-West Contractors	✓	✓	✓	✓	✓	✓	\$1,300,000	-\$325,000	\$975,000	

Present: Julie Cozzi, Borough Clerk
Carlos Jimenez, Director of Public Facilities
Michelle Webb, Deputy Clerk
Stacie Turner, Pro-West Contractors
Brenda Jones, Southeast Road Builders



PRO-WEST Contractors, LLC

P.O. Box 870129 prowestcontractors@hotmail.com
Wasilla, Alaska 99687 Ph (907)373-8066 Fax (907) 373-8066

Bld modifcation for the Barnett Drive Bolted Steel Water Tank

Please subtract \$325,000.00 from Pro-West Contractors bid

Thank you

Signed 

Dated 12-4-2012

SECTION 00300 - BID

BID TO: THE HAINES BOROUGH

- 1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the OWNER on the form included in the Contract Documents (as defined in Article 7 of Section 00500 - Agreement) to perform the WORK as specified or indicated in said Contract Documents entitled

Barnett Drive Bolted Steel Water Tank

- 2. Bidder accepts all of the terms and conditions of the Contract Documents, including without limitation those in the "Notice Inviting Bids" and "Instructions to Bidders," dealing with the disposition of the Bid Security.
- 3. This Bid will remain open for the period stated in the "Notice Inviting Bids" unless otherwise required by law. Bidder will enter into an Agreement within the time and in the manner required in the "Notice Inviting Bids" and the "Instructions to Bidders," and will furnish insurance certificates, Payment Bond, Performance Bond, and any other documents as may be required by the Contract Documents.
- 4. Bidder has familiarized itself with the nature and extent of the Contract Documents, WORK, site, locality where the WORK is to be performed, the legal requirements (federal, state and local laws, ordinances, rules, and regulations), and the conditions affecting cost, progress or performance of the WORK and has made such independent investigations as Bidder deems necessary.
- 5. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
- 6. To all the foregoing, and including all Bid Schedule and information required of Bidder contained in this Bid Form, said Bidder further agrees to complete the WORK required under the Contract Documents within the Contract Time stipulated in said Contract Documents, and to accept in full payment therefor the Contract Price based on the total bid price(s) named in the aforementioned Bid Schedule.
- 7. Bidder has examined copies of all the Contract Documents including the following Addenda (receipt of all of which is hereby acknowledged by the Undersigned):

Addenda No.	Date Issued
1	11/27/12

Addenda No.	Date Issued

Give number and date of each Addenda above. Failure to acknowledge receipt of all Addenda will cause the Bid to be non-responsive and shall cause its rejection.

- 8. The Bidder has read this Bid and agrees to the conditions as stated herein by signing its signature in
Haines Borough
Barnett Drive Bolted Steel Water Tank

SECTION 00300 - BID

BID TO: THE HAINES BOROUGH

- 1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the OWNER on the form included in the Contract Documents (as defined in Article 7 of Section 00300 - Agreement) to perform the WORK as specified or indicated in said Contract Documents entitled

Barnett Drive Bolted Steel Water Tank

- 2. Bidder accepts all of the terms and conditions of the Contract Documents, including without limitation those in the "Notice Inviting Bids" and "Instructions to Bidders," dealing with the disposition of the Bid Security.
- 3. This Bid will remain open for the period stated in the "Notice Inviting Bids" unless otherwise required by law. Bidder will enter into an Agreement within the time and in the manner required in the "Notice Inviting Bids" and the "Instructions to Bidders," and will furnish insurance certificates, Payment Bond, Performance Bond, and any other documents as may be required by the Contract Documents.
- 4. Bidder has familiarized itself with the nature and extent of the Contract Documents, WORK, site, locality where the WORK is to be performed, the legal requirements (federal, state and local laws, ordinances, rules, and regulations), and the conditions affecting cost, progress or performance of the WORK and has made such independent investigations as Bidder deems necessary.
- 5. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
- 6. To all the foregoing, and including all Bid Schedule and information required of Bidder contained in this Bid Form, said Bidder further agrees to complete the WORK required under the Contract Documents within the Contract Time stipulated in said Contract Documents, and to accept in full payment therefor the Contract Price based on the total bid price(s) named in the aforementioned Bid Schedule.
- 7. Bidder has examined copies of all the Contract Documents including the following Addenda (receipt of all of which is hereby acknowledged by the Undersigned):

Addenda No.	Date Issued	Addenda No.	Date Issued
	11/27/12		

Give number and date of each Addenda above. Failure to acknowledge receipt of all Addenda will cause the Bid to be non-responsive and shall cause its rejection.

- 8. The Bidder has read this Bid and agrees to the conditions as stated herein by signing its signature in
Haines Borough
Barnett Drive Bolted Steel Water Tank

SECTION 00300 - BID

- Agreement Forms, Section (Section 00500)
- Performance Bond, Section (Section 00610)
- Payment Bond, Section (Section 00620)
- Certificates of Insurance, (CONTRACTOR) Section 00700 and Section 00800
- One executed copy of each subcontract for WORK that exceeds one half of one percent of the intended contract award amount.
- EEO Statement of Acknowledgement (Section 00400)
- DBE Participation Report (Section 00400)
- DBE Contact Documentation (if bidder did not meet established goal) (Section 00400)
- DBE Subcontractor Performance Form ADEC/EPA 6100-3 (Section 00400)
- DBE Subcontractor Utilization Form ADEC/EPA 6100-4 (Section 00400)
- EEO Employer Information Report

END OF SECTION

SECTION 00300 - BID

the space provided below.

Dated: <u>November 30, 2012</u>	Bidder: <u>Pro-West Contractors, LLC</u> (Company Name)
Alaska CONTRACTOR's Business License No: <u>296883</u>	By: <u>[Signature]</u> (Signature in Ink)
Alaska CONTRACTOR's License No: <u>CSLB # 29768</u>	Printed Name: <u>Hoyd Gilman</u>
Telephone No: <u>907/373-8055</u>	Title: <u>Member</u>
Fax No: <u>907/373-8065</u>	Address: <u>P.O. Box 870129</u> (Street or P.O. Box)
	<u>Wasilla, AK 99687</u> (City, State, Zip)

9. **TO BE CONSIDERED. ALL BIDDERS MUST COMPLETE AND INCLUDE THE FOLLOWING AT THE TIME OF THE BID OPENING:**

- Signed Bid, Section 00300 (includes Addenda receipt statement)
- Completed Bid Schedule, Section 00310
- Bid Security (Bid Bond, Section 00320, or by a certified or cashier's check as stipulated in the Notice Inviting Bids, Section 00030)
- Alaska Department of Environmental Conservation DBE (Minority and Women-Owned Business Enterprises) Compliance Statement (Section 00400).
- Copy of current Alaska Business License
- Copy of current Haines Borough Business License (or proof of registration and payment; forms are available on the Borough's website: www.hainesalaska.gov/forms)

10. The apparent low Bidder is required to complete and submit the following documents by 4:30 p.m. on the **fifth business day** following the date of the Bid Opening.

- Subcontractor Report, Section 00360

The apparent low Bidder who fails to submit a completed Subcontractor Report within the time specified in Section 00360 – Subcontractor Report will be found to be not a responsible Bidder and may be required to forfeit the Bid security. The OWNER will then consider the next lowest Bidder for award of the contract.

11. The successful Bidder will be required to submit, **within ten Days (calendar)** after the date of the "Notice of Intent to Award" letter, the following executed documents:

SECTION 00310 - BID SCHEDULE

Schedule of lump sum price for construction of the **Haines Barnett Drive Bolted Steel Water Tank** in accordance with the Contract Documents.

BASE BID - Furnish all labor and materials and perform all WORK as described in these Contract Documents.

BASE BID PRICE

\$ 1,300,000.00

(PRICE IN FIGURES)

\$ One Million, Three Hundred Thousand

(PRICE IN WORDS)

Date: November 30, 2012

Bidder: Pro-West Contractors, LLC

By: Lloyd Gilman

Title: Member



Contractors Bonding and Insurance Company
3101 Western Ave., Suite 300
Seattle, WA 98121

POWER OF ATTORNEY

Contractors Bonding and Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **Contractors Bonding and Insurance Company**, a Washington corporation, does hereby make, constitute and appoint:
Ted Baran, Carol Lowell, Lauri M. Bowers, Jacqueline M. Simpson, jointly or severally.

in the City of Anchorage, State of Alaska its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

Any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million and 00/100 Dollars (\$10,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **Contractors Bonding and Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **Contractors Bonding and Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation shall be executed in the corporate name of the Corporation by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Corporation. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation. The signature of any such officer and the corporate seal may be printed by facsimile or other electronic image."

IN WITNESS WHEREOF, the **Contractors Bonding and Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 24th day of October, 2012.



Contractors Bonding and Insurance Company

Roy C. Die

Vice President

State of Washington }
County of King } SS

On this 24th day of October, 2012, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

CERTIFICATE

I, the undersigned officer of **Contractors Bonding and Insurance Company**, a stock corporation of the State of Washington, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **Contractors Bonding and Insurance Company** this 3rd day of December, 2012

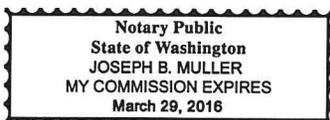
Contractors Bonding and Insurance Company

Roy C. Die

Vice President

Joseph B. Muller

Notary Public



**STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DISADVANTAGE BUSINESS ENTERPRISES
(MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES)
COMPLIANCE STATEMENT**

To be eligible for award of this contract, the bidder/proposer must execute and submit, as part of his or her bid proposal, this statement relating to Disadvantage Business Enterprises (Minority and Woman-Owned Business Enterprises). This statement shall be deemed a material factor in the City's evaluation of this bid proposal. Failure to complete and submit this statement, or the inclusion of a false statement, shall render the bid proposal non-responsive.

The PRO-WEST CONTRACTORS LLC (Company Name) acknowledges that Minority/Woman-Owned Business Enterprises (MBE/WBE) goal of 0 %¹ participation (with a good faith effort of 0 %² MBE and 0 %³ WBE) has been established for this contract, and hereby assures that it will meet the goal or provide documentation to show that the mandatory good faith efforts have been made.

The undersigned certifies that this bidder/proposer is aware of and will comply with MBE/WBE goals of this project and all applicable federal and state statutes and regulations concerning Disadvantage Business Enterprises (Minority and Woman-owned Business Enterprises).

We certify that should we be declared successful bidder/best proposer we shall submit such data as required for award of the contract within the time limits set forth in the contract specifications unless otherwise specified. In addition, we acknowledge that Minority/Woman-Owned Business Enterprises Contract and Procurement Reports will be submitted to the City for each half year of active construction.

We understand that if we are the successful bidder/best proposer and we fail to meet the MBE and/or WBE goals, or fail to demonstrate that we have made the required good faith effort the City can render the bid proposal non-responsive.

Company Name PRO-WEST CONTRACTORS LLC RFP/Contract BARNETT DRIVE BOLTED STEEL WATER TANK
 Authorized Signature [Signature]
 Title Member

Type	¹ Total	² MBE%	³ WBE%
Construction	6.62%	4.58%	2.04%
Services	5.76%	3.22%	2.54%
Supplies	3.35%	2.06%	1.29%

Alaska Business License # 296883

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

PRO-WEST CONTRACTORS, LLC

PO BOX 870129 WASILLA AK 99687

owned by

PRO-WEST CONTRACTORS, LLC

is licensed by the department to conduct business for the period

November 03, 2011 through December 31, 2013
for the following line of business:

23 - Construction

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States. This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Susan K. Bell
Commissioner



No. 29768

Effective: 04/01/2011

Expires: 12/31/2012

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

Certifies that

PRO-WEST CONTRACTORS LLC

Is A Registered

General Contractor-Limited Residential

Commissioner: Susan K. Bell

HAINES BOROUGH
P.O. BOX 1209
HAINES, ALASKA 99827

PHONE: 907-766-2231
FAX: 907-766-2716

HAINES BOROUGH BUSINESS REGISTRATION APPLICATION

This registration is required of all "sellers" doing business within the Haines Borough who:

- (1) Perform services, whether in conjunction with the sale of goods or not; does not include services rendered by an employee to an employer.
- (2) Are making sales to a buyer or consumer within the Borough.
- (3) Maintains any office, distribution, sales house, warehouse or any other place of business, or solicits business or receives order through any agent, sales person or other type of representation within the borough.
- (4) Renting or leasing property, either real or personal.
- (5) Are Itinerant business persons.

No individual or entity may engage in business in the Haines Borough without first having been issued a Haines Borough Business license (HBC 5.02.010). This application form must be filed with the Haines Borough office before engaging in any retail sales, rent collection or performance of services. A "Seller" is defined as "every person making sales to a buyer or consumer, renting or leasing property, either real or personal, or performing services for consideration" (HBC 3.80.020).

BUSINESS NAME: Pro-West Contractors LLC

OWNER/OPERATOR: Lloyd Gilman /Robert Gilman

DESIGNATED AGENT (if applicable) Stacie Turner

PHYSICAL LOCATION:	MAILING ADDRESS:
<u>5461 E mayflower Lane ste.2</u>	<u>box 870129</u>
<u>Wasilla Alaska</u>	<u>Wasilla Alaska 99687</u>

PHONE: (Business) 907-373-8055 **(Home):** 907-434-1284

CHECK WITH THE PLANNING & ZONING DEPT. AT 766-2231 EXT. 23 REGARDING POSSIBLE ZONING REQUIREMENTS.

ALASKA BUSINESS LICENSE #: 296883

LINE OF BUSINESS: construction **STATE ACTIVITY CODE:** 23

FEE: A fifty (\$50.00) dollar payment is required at the time of registration, which is valid for two years; the remainder of the calendar year in which you apply and all of the following year. Thereafter, a registration renewal fee of \$50.00 dollars will be required bi-annually by March 1st following the year of expiration. New registrations shall be automatically mailed to businesses that are current in remitting the registration fee, sales tax and reports through December of the previous year. An Itinerant Merchant is required to deposit a \$250.00 cash bond with the Borough Clerk. This bond will be refunded upon submission of the required sales tax and reports remitted to the Haines Borough Tax Office.

SIGNATURE:  **DATE:** 11/30/2012

.....
FOR OFFICE USE ONLY:
Issued By: _____ AMOUNT PAID: _____ CHECK: _____
Registration #: _____ DATE PAID: _____ CASH: _____

SECTION 00300 - BID

BID TO: THE HAINES BOROUGH

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the OWNER on the form included in the Contract Documents (as defined in Article 7 of Section 00500 - Agreement) to perform the WORK as specified or indicated in said Contract Documents entitled

Barnett Drive Bolted Steel Water Tank

2. Bidder accepts all of the terms and conditions of the Contract Documents, including without limitation those in the "Notice Inviting Bids" and "Instructions to Bidders," dealing with the disposition of the Bid Security.
3. This Bid will remain open for the period stated in the "Notice Inviting Bids" unless otherwise required by law. Bidder will enter into an Agreement within the time and in the manner required in the "Notice Inviting Bids" and the "Instructions to Bidders," and will furnish insurance certificates, Payment Bond, Performance Bond, and any other documents as may be required by the Contract Documents.
4. Bidder has familiarized itself with the nature and extent of the Contract Documents, WORK, site, locality where the WORK is to be performed, the legal requirements (federal, state and local laws, ordinances, rules, and regulations), and the conditions affecting cost, progress or performance of the WORK and has made such independent investigations as Bidder deems necessary.
5. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
6. To all the foregoing, and including all Bid Schedule and information required of Bidder contained in this Bid Form, said Bidder further agrees to complete the WORK required under the Contract Documents within the Contract Time stipulated in said Contract Documents, and to accept in full payment therefor the Contract Price based on the total bid price(s) named in the aforementioned Bid Schedule.
7. Bidder has examined copies of all the Contract Documents including the following Addenda (receipt of all of which is hereby acknowledged by the Undersigned):

Addenda No.	Date Issued
One	11/27/12

Addenda No.	Date Issued

Give number and date of each Addenda above. Failure to acknowledge receipt of all Addenda will cause the Bid to be non-responsive and shall cause its rejection.

8. The Bidder has read this Bid and agrees to the conditions as stated herein by signing its signature in
- Haines Borough** **BID**
Barnett Drive Bolted Steel Water Tank **Page 00300-1**

SECTION 00300 - BID

the space provided below.

Dated: <u>December 4, 2012</u>	Bidder: <u>Southeast Road Builders, Inc.</u> (Company Name)
Alaska CONTRACTOR's Business License No: <u>228340</u>	By:  (Signature in Ink)
Alaska CONTRACTOR's License No: <u>23987</u>	Printed Name: <u>Roger Schnabel</u> Title: <u>President</u>
Telephone No: <u>(907) 766-2833</u>	Address: <u>HC 60 Box 4800</u> (Street or P.O. Box)
Fax No: <u>(907) 766-2832</u>	<u>Haines, AK 99827</u> (City, State, Zip) State of Incorporation: <u>Alaska</u>

9. TO BE CONSIDERED, ALL BIDDERS MUST COMPLETE AND INCLUDE THE FOLLOWING AT THE TIME OF THE BID OPENING:

- Signed Bid, Section 00300 (includes Addenda receipt statement)
- Completed Bid Schedule, Section 00310
- Bid Security (Bid Bond, Section 00320, or by a certified or cashier's check as stipulated in the Notice Inviting Bids, Section 00030)
- Alaska Department of Environmental Conservation DBE (Minority and Women-Owned Business Enterprises) Compliance Statement (Section 00400).
- Copy of current Alaska Business License
- Copy of current Haines Borough Business License (or proof of registration and payment; forms are available on the Borough's website: www.hainesalaska.gov/forms)

10. The apparent low Bidder is required to complete and submit the following documents by 4:30 p.m. on the *fifth business day* following the date of the Bid Opening.

- Subcontractor Report, Section 00360

The apparent low Bidder who fails to submit a completed Subcontractor Report within the time specified in Section 00360 – Subcontractor Report will be found to be not a responsible Bidder and may be required to forfeit the Bid security. The OWNER will then consider the next lowest Bidder for award of the contract.

11. The successful Bidder will be required to submit, *within ten Days (calendar)* after the date of the "Notice of Intent to Award" letter, the following executed documents:

SECTION 00300 - BID

- Agreement Forms, Section (Section 00500)
- Performance Bond, Section (Section 00610)
- Payment Bond, Section (Section 00620)
- Certificates of Insurance, (CONTRACTOR) Section 00700 and Section 00800
- One executed copy of each subcontract for WORK that exceeds one half of one percent of the intended contract award amount.
- EEO Statement of Acknowledgement (Section 00400)
- DBE Participation Report (Section 00400)
- DBE Contact Documentation (if bidder did not meet established goal) (Section 00400)
- DBE Subcontractor Performance Form ADEC/EPA 6100-3 (Section 00400)
- DBE Subcontractor Utilization Form ADEC/EPA 6100-4 (Section 00400)
- EEO Employer Information Report

END OF SECTION

SECTION 00310 - BID SCHEDULE

Schedule of lump sum price for construction of the **Haines Barnett Drive Bolted Steel Water Tank** in accordance with the Contract Documents.

BASE BID - Furnish all labor and materials and perform all WORK as described in these Contract Documents.

BASE BID PRICE \$ 534,950.00

(PRICE IN FIGURES)

\$ Five hundred thirty four thousand nine hundred
fifty dollars and no cents

(PRICE IN WORDS)

Date: December 4, 2012

Bidder: Southeast Road Builders, Inc.

By: Roger Schnabel

Title: President



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 214863

Certificate No. 004852974

KNOW ALL MEN BY THESE PRESENTS: That St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

John Claeys, Joan M. Councilman, Ronald J. Lange, and Pamela A. Nelson

of the City of Seattle, State of Washington, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 9th day of May, 2012.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 9th day of May, 2012, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.



[Signature]
Marie C. Tetreault, Notary Public

**STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DISADVANTAGE BUSINESS ENTERPRISES
(MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES)
COMPLIANCE STATEMENT**

To be eligible for award of this contract, the bidder/proposer must execute and submit, as part of his or her bid proposal, this statement relating to Disadvantage Business Enterprises (Minority and Woman-Owned Business Enterprises). This statement shall be deemed a material factor in the City's evaluation of this bid proposal. Failure to complete and submit this statement, or the inclusion of a false statement, shall render the bid proposal non-responsive.

The Southeast Road Builders, Inc (Company Name) acknowledges that Minority/Woman-Owned Business Enterprises (MBE/WBE) goal of 6.62%¹ participation (with a good faith effort of 4.58%² MBE and 2.04%³ WBE) has been established for this contract, and hereby assures that it will meet the goal or provide documentation to show that the mandatory good faith efforts have been made.

The undersigned certifies that this bidder/proposer is aware of and will comply with MBE/WBE goals of this project and all applicable federal and state statutes and regulations concerning Disadvantage Business Enterprises (Minority and Woman-owned Business Enterprises).

We certify that should we be declared successful bidder/best proposer we shall submit such data as required for award of the contract within the time limits set forth in the contract specifications unless otherwise specified. In addition, we acknowledge that Minority/Woman-Owned Business Enterprises Contract and Procurement Reports will be submitted to the City for each half year of active construction.

We understand that if we are the successful bidder/best proposer and we fail to meet the MBE and/or WBE goals, or fail to demonstrate that we have made the required good faith effort the City can render the bid proposal non-responsive.

Company Name Southeast Road Builders, Inc RFP/Contract Barnett Drive Bolted Steel Water Tank

Authorized Signature 

Title President

Type	¹ Total	² MBE%	³ WBE%
Construction	6.62%	4.58%	2.04%
Services	5.76%	3.22%	2.54%
Supplies	3.35%	2.06%	1.29%

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

SOUTHEAST ROAD BUILDERS, INC

HC 60 BOX 4800 HAINES AK 99827

owned by

SOUTHEAST ROAD BUILDERS, INC

is licensed by the department to conduct business for the period

October 04, 2010 through December 31, 2012
for the following line of business:

23 - Construction



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Susan K. Bell
Commissioner

No. 23987

Effective: 12/28/2010

Expires: 12/31/2012

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

Certifies that

SOUTHEAST ROAD BUILDERS INC

Is A Registered

General Contractor-Limited Residential

Commissioner: Susan K. Bell

2012

HAINES BOROUGH BUSINESS LICENSE

Expires March 1, 2013

This is to certify that the business named below has made application to do business in the Haines Borough, Alaska covering the calendar year January 1 to December 31, 2012, or fraction thereof.

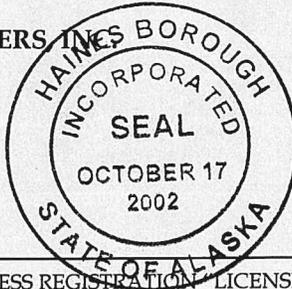
HBC Section 5.02.010

This license must be posted in a conspicuous place
at the business location.

It is not transferable or assignable.

Account # 140.1

SOUTHEAST ROAD BUILDERS
SCHNABEL, ROGER
HC60 BOX 4800
HAINES, AK 99827



Julie Cozzi

Haines Borough Clerk

This license will automatically be renewed if business is current in all reports. This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State of Alaska or of the United States.

NOTE: BUSINESS REGISTRATION "LICENSE" IS RENEWED YEARLY;
REGISTRATION FEE IS BIENNIAL

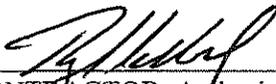
SECTION 00360 - SUBCONTRACTOR REPORT

LIST OF SUBCONTRACTORS (AS 36.30.115)

The apparent low Bidder must submit a list of Subcontractors that the Bidder proposes to use in the performance of this contract *by the fifth business day* following the Bid Opening. If the fifth day falls on a weekend or holiday, the report is due by close of business on the next business Day following the weekend or holiday. The Subcontractor Report list must include each Subcontractor's name, address, location, evidence of valid Alaska Business License, and valid Alaska Contractor's Registration under AS 08.18. *If no Subcontractors are to be utilized in the performance of the WORK, write in ink or type "NONE" on line (1) below.*

<u>SUBCONTRACTOR</u>	¹ AK Contractor <u>License No.</u>	¹ <u>Contact Name</u>	<u>Type of</u>	<u>Contract</u>	✓ if <u>DBE</u>
<u>ADDRESS</u>	² AK Business <u>License No.</u>	² <u>Phone No.</u>	<u>Work</u>	<u>Amount</u>	
1. <u>All Wire Electric LLC</u> <u>140 E. 45th Ave.</u> <u>Anchorage, AK 99503</u>	¹ <u>CONE37638</u> ² <u>965112</u>	<u>Stephen Manuel</u> <u>(907) 339-9473</u>	<u>Electrical-</u> <u>Buildings</u>	<u>\$ 5,800.00</u>	<input checked="" type="checkbox"/>
2. <u>Shearer and Assoc. Inc.</u> <u>1404 NE 134th St #200</u> <u>Vancouver, WA 98685</u>	¹ <u>Pending</u> ² <u>Pending</u>	<u>Ryan Weaver</u> <u>(360) 666-5600</u>	<u>Steel</u> <u>Erection-</u> <u>Buildings</u>	<u>\$ 272,250.00</u>	<input type="checkbox"/>
3. _____ _____ _____	¹ _____ ² _____	_____	_____	<u>\$ _____</u>	<input type="checkbox"/>
4. _____ _____ _____	¹ _____ ² _____	_____	_____	<u>\$ _____</u>	<input type="checkbox"/>

I certify that the above listed Alaska Business License(s) and CONTRACTOR Registration(s), if applicable, were valid at the time Bids were opened for this Project.



CONTRACTOR, Authorized Signature

Roger Schnabel, Southeast Road Builders, Inc.
CONTRACTOR, Printed Name

SHEARER TANKS EXPERIENCE IN SIMILAR WORK



Name & Location of Project	Owner Or Engineer Name	Contract Amount	Completion Date	Prime or Sub	General Contractor	Capacity (Gallons)	Notes
Reservoir Replacement & Retaining Wall Upgrades Seismic Improvement Phase IX Oakland, California	East Bay Municipal Utility District, Owner (510)-287-1211	\$943,138	Jan-05	Sub	Monterey Mechanical Company 8275 San Leandro Oakland, CA 94621 1-510-632-3177	1,830,000 767,252 201,723	3 bolted tanks
City of Connell Washington Water System Improvements Connell, WA	City of Connell, Washington Anderson Perry & Associates Engineers, Jake Hollopeter (509)-529-9260	\$247,734	Jan-04	Prime		75,000	Bolted
Farewell Bend Replacement Water Storage Tank 23751 Old Highway 30 Ontario, Oregon 97901	Oregon Parks & Recreation Department, Owner Henry Mackenroth PE (503)-986-0764	\$151,034	Jan-05	Prime		130,000	Bolted
Washlucna Water Storage Tank Washlucna, Washington	City of Washlucna, Washinton Jake Hollopeter, Anderson Perry Engineers (509)-529-9260	\$181,295	Sep-04	Sub	Pegram Construction PO Box 418 Othello, WA 99344 1-509-488-2246	360,000	Bolted
Water Reservoir #2 Bonneville, WA	City of Bonneville, WA Ray Hayes (509)-427-8200	\$378,980	Jul-04	Prime		530,000	Bolted
W Street Reservoir Washougal, Washington	City of Washougal, Washington Erik Hoovestof Engineer 503-423-4008	\$243,200	May-05	Prime		530,000	Bolted
Woodland Reservoir Cover Replacement Woodland, WA	City of Woodland, WA Rob VanderZanden 360-225-7999	\$166,340	Jan-06	Prime		350,000	New domed roof on an existing concrete tank
Kagman 1 MG Tank Kagman, Saipan	Commonwealth Utilities Corporation 670-235-7025	\$320,000	Oct-03	Sub	GPPC Inc. PMB 898 Box 10001 Saipan Marshall Liban 670-234-7900	1,000,000	Bolted
Farm Labor Homes Water System Improvements Walla Walla, Washington	Anderson Perry & Associates John D. Geraud 509-529-9260	\$312,338	Nov-03	Prime		96,000	Welded
Water Storage Tank #6 Santa Cruz County, California	Mission Springs Christian Center Brian Hayes Ex. Director 831-335-9133	\$177,854	Jan-04	Prime		250,000	Bolted
250,000 gallon storage tank & water transmission line Darrington, WA	Trepanier Engineering Ted Trepanier 425-259-5556	\$395,130	Aug-07	Prime		250,000	Bolted
City of Bandon, OR New Clarifier & UV Improvements Bandon, OR	The Dyer Partnership Mike Dees 541-269-0732	\$106,789	Sep-07	Sub	Emery & Sons Construction Stayton, OR 97383 Bill Martinak 503-769-7751	247,611	Bolted Clarifier Tank
City of Stockton, CA Regional Wastewater Treatment Plant Upgrades Stockton, CA	City of Stockton, CA Dept. of Municipal Utilities Neil Gillins - Ch2mhill 1-916-286-0490	\$966,045	Jan-06	Sub	Ch2mhill Constructors, Inc. 2510 Navy Drive Stockton, CA 95206 Dick Richardson 509-568-0941	4,018,071	Tanks used as media filter digesters Two 2 MG Bolted Tanks
Water Tank Replacement Manzanita Rest Stop Josephine County, Oregon	Oregon Department of Transportation Raymond Cooper (503)-858-4242	\$74,794	Feb-05	Prime		75,000	Bolted
Water Task Force .50 MG Reservoir Calhoun Site Navy Hill, Saipan CNMI	CNMI Task Force Pedro Sasamoto 831-443-5514	\$208,373	Jan-08	Sub	GPPC Inc. PMB 898 Box 10001 Saipan Marshall Liban 670-234-7900	500,000	Bolted
Fox Creek Ranch Tank Carmel Valley, CA 93924	Wy'east Engineering Doug Allen 831-443-5514	\$219,213	Mar-08	Prime		112,797	Bolted
Mellakalla Indian Community Water Improvement Project 500,000 Gallon Bolted Steel Water Storage Tank Mellakalla, Alaska	State of Alaska Village Safe Water Doug Poage 907-269-7612	\$370,269	Oct-08	Prime		508,697	Bolted
Cache Creek Water Treatment Facility Phase 1 Brooks, CA	Hydroscience Engineers 10569 Old Placerville Road Sacramento, CA 95827 Mike Jensen 916-364-1490	\$174,000	Oct-08	Sub	Manito Construction, Inc 1043 Serpentine Lane, Ste 1 Pleasanton, CA 94566 Tom Perko 925-600-0220	31,672 27,815	2 bolted tanks w/ glass steel floors
City of Rockaway Beach McMillan Creek Reservoir Rockaway Beach, OR	HBH Consulting Engineers 2316 Portland Rd., Suite H Newberg, OR 97132 Mike Henry 503-554-9553	\$642,813	Jul-08	Sub	Emery & Sons Construction, Inc 9694 Golf Club Rd. Stayton, OR 97383 Tim Janesofsky 503-769-775	2 MG	Bolted
City of Irrigon, OR 1095 East North Main Avenue Irrigon, OR 97844 Keith White 541-922-3047	Anderson Perry & Associates 1901 N. Fir Street La Grande, OR 97850 Dave Wildman 541-963-8309	\$531,063	January 2009	Sub	Swaggart Brothers Construction PO Box 49 Hermiston, OR 97838 Lance Grossarth 541-564-9000	1.5 MG	Bolted
South White Swan Water Storage Tank Repair & Improvements White Swan, WA	Environmental Health Service Consultant 509-865-1775	\$62,542.38	Jun-08	Prime		245,000	Fixing an existing AC Smith glass fused steel bolted tank

SHEARER TANKS EXPERIENCE IN SIMILAR WORK



Name & Location of Project	Owner Or Engineer Name	Contract Amount	Completion Date	Prime or Sub	General Contractor	Capacity (Gallons)	Notes
City of Bay City, OR High Level Reservoir Bay City, OR	HBH Consulting Engineers 2316 Portland Rd., Suite H Newberg, OR 97132	\$212,534.00	Feb-09	Sub	Emery & Sons Construction, Inc 9694 Golf Club Road Stayton, OR 97383	433,810	Bolted
City of St. Helen's, OR Elk Ridge High Level Reservoir St. Helen's, OR	Bradley Crement 503-554-9553 Kennedy/Jenks Erik Hoovestol 200 SW Market Street, Suite 500 Portland, OR 97201 503-423-4008	\$311,648.00	Mar-09	Sub	Tim Janesofsky 503-588-7576 Landis & Landis 4888 NW Bethany Blvd, K5#195 Portland, OR 97229 TJ 503-466-8043	502,442	Bolted
Young Road Bolted Steel Water Tank Haines, Alaska	Carson Dorn, Inc. Jim Dorn 907-586-4447 712 West 12th Street Juneau, AK 99801	\$638,876.74	Aug-09	Prime	Brad Maynard 907-766-2257 or 907-314-0648	289,014	Bolted
Miles Crossing Vacuum Sewer System Project Astoria, OR	Murray, Smith & Associates, Inc Phil Smith 503-225-9010 121 SW Salmon, Suite 900 Portland, OR 97204	\$240,770	Jun-09	Sub	R&G Excavating 39300 Montgomery Drive Scio, OR 97374 Tim Boedigheimer 503-394-2190	105,152	Tank used for short term storage of raw domestic sewage Bolted Tank
Colonial Creek Campground Tank Repair North Cascades National Park Marblemount, WA	US Dept of the Interior National Park Service Sarah Welch 360-854-7220	\$99,681	Nov-08	Prime		54,000	Fixing an existing AO Smith bolted tank
New Well & Storage Tank for Hawaiian Beaches Water Co Hawaiian Beaches Subdivision Pahoa, HI 96778	Hawaiian Beaches Water Co 15-966 Punawai Street Pahoa, HI 96778 Kate Prescott 808-345-4865		Apr-09	Sub	Briant Construction 3560 Koloa Rd. Kalaheo, HI 96741	330,215	Bolted Tank
North Texas Municipal Water District Panther Creek Regional WWTP Expansion Frisco, Texas	Carollo Engineering Scott Hoff 972-239-9949	\$121,006	Feb-10	Sub	Eagle Contracting PO Box 1600 Keller, TX 76244	27,000	Primary sludge storage bolted tank
Coos Bay North Bend Water Board Shorewood Reservoir Replacement Project Coos Bay, OR	Coos Bay North Bend Water Board 2305 Ocean Blvd Coos Bay, OR 97420 Matt Whitty 541-267-3128	\$103,678	Aug-09	Prime		50,163	Bolted Tank
Colorado Mountain College Spring Valley Campus Water System Improvements Glenwood Springs, CO 81601	High Country Engineering 1517 Blake Avenue Suite 101 Glenwood Springs, CO 81601 Dan Dennison 970-945-9676	\$355,524	Oct-09	Sub	Hughes Excavation Company PO Box 606 Carbondale, CO 81623 Randy 970-379-2309	1 MG	Bolted Tank
Water Plant #3 NW Harris County Municipal Utility District #10 Harris County, Texas	Van De Wiele Engineering, Inc 2925 Briarpark, Suite 275 Houston, Texas Jerry Hlozek 713-782-0042	\$243,680	Jan-10	Sub	Long & Sons, Inc 713-461-7032	210,000	Bolted Tank
Layon Municipal Sanitary Landfill Tamuning, Guam	TG Engineers 125 Tun Jesus Crisostomo St. Tamuning, Guam 96913-3551 671-647-0808	\$380,303	Jan-11	Sub	Black Construction Company PO Box 24667 GMF Guam, Marianas Islands 96921 Angel Armas 671-646-4861	6,817 16,365 219,488	3 Bolted Tanks, One sub-drain tank, one leachate tank & one water storage tank Upgrading three existing welded steel tanks
Burlingame Tanks Improvements Portland, Oregon	Portland Water Bureau 1120 SW 5th Avenue Room 750 Portland, OR 97204 Thomas Gillman 503-823-7964	\$1,178,417	Feb-11	Prime		860,000 380,000 380,000	
Telluride Regional Airport Runway 9-27 Safety Area Improvements Telluride, CO	Kimley Horn & Associates Steve Reeder 602-906-1379 7878 N. 16th Street Suite #300 Phoenix, AZ 85020	\$385,002	Oct-10	Sub	R.E. Monks Construction Co. PO Box 17959 Fountain Hills, AZ 85269 Dave Morrison 602-309-4145	500,000	Bolted Tank
Branham Lane Station Tank Replacement San Jose, CA	San Jose Water Company 1265 S. Bascom Avenue San Jose, CA 95128 Thomas Gee 408-279-7880	\$207,501	Oct-10	Sub	Lewis & Tibbits, Inc. 1470 Industrial Avenue San Jose, CA 95112 Todd Giovannoni	103,478	Bolted Tank
Rainbows End Station Tank Replacement Cupertino, CA	San Jose Water Company 1265 S. Bascom Avenue San Jose, CA 95128 Thomas Gee 408-279-7880	\$151,902	Sep-10	Sub	Lewis & Tibbits, Inc. 1470 Industrial Way San Jose, CA 95112 Ryan Kreider 408-925-0220	63,524	Bolted Tank
City of Monmouth 4th Street 1.2 MG Reservoir 1550 South 4th Street Independence, OR	4B Engineering & Consulting 3700 River Road Keizer, OR 97303 Edward Bulls 503- 589-1115	\$499, 438	Dec-10	Prime		1.25 MG	Bolted Tank
City of Rocksprings, WY Public Dept. 2300 Sunset Road Rocksprings, Wyoming	City of Rocksprings, Wyoming Mike Gizonis 307-389-5042		Dec-08	Prime		NA	Added domed roofs to two existing 80' diameter clarifier tanks
Oregon Military Dept. Camp Rilea Wastewater System Improvements Warrenton, Oregon	Kennedy Jenks Consultants 200 SW Market Street #200 Portland, OR 97201 Justin Ford 503-423-4013	\$344,026	May-11	Sub	Hoffman Construction Co. 805 SW Broadway Suite 2100 Portland, OR 97205 Larry Collins 503-269-6744	400,000	Bolted Tank
Water Treatment Supply Facilities Project Gearhart, OR 97138	Kennedy Jenks Consultants 200 Market Street #200 Portland, OR 97201 Andrew de Boer 503-423-4013	\$440,914	Aug-12	Sub	R&G Excavating 39300 Montgomery Drive Scio, OR 97374 Ian 503-510-5912	1 MG	Bolted Tank

SHEARER TANKS EXPERIENCE IN SIMILAR WORK



Name & Location of Project	Owner Or Engineer Name	Contract Amount	Completion Date	Prime or Sub	General Contractor	Capacity (Gallons)	Notes
City Of Montesano, WA Water Tank & Transmission Main 22 Loughhead Lane Montesano, WA 98563	Gibbs & Olson, Inc. 2604 12th Court SW, Suite A Olympia, WA 98563 Mike Olden 360-352-1120	\$997,849	Jan-12	Prime		880,000	Bolted Tank
Parker Community Water System Parker, Washington	Anderson Parry & Associates 1901 N. Fir La Grande, OR 97850 Dave Wildman 541-963-8309	\$384,876	Feb-12	Sub	P.O.W. Contracting, Inc. PO Box 4772 Pasco, WA 99302 Scott 509-366-2344	354,100	105' tall glass fused steel bolted standpipe tank
City of Harlowton Water System Improvements Harlowton, MT	Great West Engineering 2501 Belt View Drive Helena, MT 59601 Joel Pilcher 406-449-8627	\$1,064,610	Jan-12	Prime		593,500	82'-6" tall potable water bolted tank
Dry Prairie Rural Water System East Medicine Lake Project Culbertson, MT	DeWild Grant Reckert & Assoc. 1302 S Union St. Rock Rapids, IA 51246 John Madden 712-472-2531	\$299,253	Jul-12	Prime		184,900	Glass bolted tank w/ insulation system
U.S. Army Kwajalein Atoll Marshall Islands FY11 UMMCA PN 77607 Water Tank Replacement Roi-Namur Kwajalein Atoll	U.S. Army Engineer District Honolulu Construction A-E Contracts Branch Sean Sackett 808-438-8578	\$483,357	Aug-12	Sub	San Juan Construction, Inc. 301 N. Cascade Avenue Montrose, CO 81401 Peter Gonzales 970-497-8200	531,000	Demo an existing welded tank & install a new glass fused steel bolted tank
Wastewater System Improvements Phase II Gold Beach, Oregon	City of Gold Beach 94100 5th Place Gold Beach, OR 97444	\$363,816	In Progress	Sub	Stellar J Corporation 1363 Down River Drive Woodland, WA 98674 Tim Starbuck 360-225-7996	Two digester tanks each one 209,900 gallons	Two bolted tanks
Northern District Wastewater Treatment Plant Interim Upgrade Tanguisson Area Dededo, Guam Glacier National Park Water Storage Tank Two Medicine Area, MT	Veolia Water Guam 215 Rojas St. Ixora Building #213 Harmon, Guam 96813 John Soria 671-646-8361 National Park Service PO Box 128 West Glacier, MT 59936 Del Zimmerli 406-888-7979	\$142,570	Aug-12	Sub	215 Rojas St. Ixora Building #213 Harmon, Guam 96813 John Soria 671-646-8361	124,900	One sludge holding bolted tank
Harris County MUD #1 Water Plant #3 And Offsite Water Line Extension Harris County, TX	Van De Wiele Engineers 2925 Briarpark, Suite 275 Houston, Texas Scott Novosad 713-782-0042	\$324,804	In progress	Sub	W.W. Payton Corporation PO Box 1056 Katy, TX 77492-1056 Eric A. Silva 281-371-7068	426,104	
Pohnpei Three Classroom Buildings Phase 3 Pohnpei, Microesia	Lyon Corporation 45 N. King St. Suite 501 Honolulu, HI 96817 Pat Campanella 808-523-1738	\$324,163	Oct-12	Sub	Pacific International Inc. PO Box 6 Majuro, MH 96960	47,250	Three 15,750 gallon glass fused steel bolted tanks
Round Butte Tank 5 Miles West of Madras Madras, OR	Edson Pugh (541)475-3849 WH Pacific	\$191,283	In Progress	Prime		100,000	Glass Fused Steel Bolted Water Storage Tank
Town of South Prairie Water Tank Replacement South Prairie, WA	3400 Capital Blvd, Suite 202 Olympia, WA 98501 Mike Horton (360)918-5845	\$345,846	In Progress	Prime		240,000	Glass Fused Steel Bolted Water Storage Tank
Dallesport Water System Tank #2 Improvement Project Dallesport, WA	John Grim & Associates 407 State St. Lyle, WA John Grim (509)365-5421	\$316,560	In Progress	Prime		210,000	Glass Fused Steel Bolted Water Storage Tank
0.5 MG Finished Water Reservoir Phase 1 Siletz, OR 97380	Confederated Tribes of Siletz Indians Siletz, OR	\$357,240	In Progress	Sub	Clackamas Construction PO Box 279 Boring, OR 97009 Bobbie Mohler (503)663-1144	516,000	Glass Fused Steel Bolted Water Storage Tank
Lake Owyhee State Park Water Reservoir Replacement Lake Owyhee State Park, OR	Oregon Parks & Recreation 725 Summer St. NE Salem, OR 97301	\$119,320	In Progress	Sub	Colton Construction Co. PO Box 1168 Oregon City, OR 97045	36,352	Glass Fused Steel Bolted Water Storage Tank



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-204

Assembly Meeting Date: 12/11/12

Business Item Description:		Attachments:
Subject: Authorize a contract to make emergency repairs to the Mosquito Lake School Fire Suppression System		1. Resolution 12-12-425 2. 12/2/12 State Fire Marshal Letter to School District, including system report 3. Pacific Rim Mechanical Quote 4. Price Quote on Pump and Tank
Originator: Borough Manager (Agenda Bill by Clerk's Office)		
Originating Department: Administration		
Date Submitted: 12/3/12		

Full Title/Motion:
Motion: Adopt Resolution 12-12-425.

Administrative Recommendation:

Fiscal Impact:		
Expenditure Required	Amount Budgeted	Appropriation Required
\$ 76,356.00	\$ See summary below	\$ See summary below

Comprehensive Plan Consistency Review:

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

A June 2012 inspection of the Mosquito Lake School by Harri Fire Protection Division found the school's water supply tank to be severely corroded and the fire pump is non-operational. The State Fire Marshall's Office notified the Haines Borough School District that the Mosquito Lake School is in violation of state fire and life-safety regulations and must be corrected immediately, with written certification of completion due by 1/1/13. The borough is requesting a deadline extension. The proposed suppression system repairs include a new pump and replacing the existing 1,000-gallon water tank, and Pacific Rim Mechanical provided a quote of \$76,356 for these emergency repairs. The source of funding is as yet undetermined.

Referral:

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

Assembly Action:

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

HAINES BOROUGH
RESOLUTION No. 12-12-425

Draft

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with Pacific Rim Mechanical, LLC in the amount of \$76,356 for Mosquito Lake School fire suppression system repairs.

WHEREAS, a June inspection of the Mosquito Lake School by Harri Fire Protection Division found the school's water supply tank has severe corrosion and the fire pump is non-operational; and

WHEREAS, the Alaska Department of Public Safety through the State Fire Marshall's Office notified the Haines Borough School District that the Mosquito Lake School is in violation of state fire and life-safety regulations and must be corrected immediately, with written certification of completion due by January 1, 2013; and

WHEREAS, the Borough's Public Facilities Director is seeking an extension to that timeline; and

WHEREAS, the proposed Mosquito Lake School sprinkler repairs include a new pump and replacing the existing 1,000-gallon water tank used for fire suppression; and

WHEREAS, Pacific Rim Mechanical, LLC has provided a quote of \$76,356 for these emergency repairs to comply with the state fire marshal's order; and

WHEREAS, the bid includes some additional piping and sprinkler heads in the school; and

WHEREAS, due to time considerations related to compliance with the fire marshal's order, these services will be paid for out of the _____ fund for which available monies are available, with a FY 2013 budget amendment to follow,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to contract with Pacific Rim Mechanical, LLC in the amount of \$76,356 for Mosquito Lake School fire suppression system repairs.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this _____ day of _____, 2012.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Life Safety Inspections Bureau - Juneau

2760 Sherwood Lane, Suite 2-B
Juneau, Alaska 99801-8546
Main: 907.465.4331
Fax: 907.465.5521

RECEIVED Haines Borough

DEC 05 2012
JEC
Clerk's Office

December 02, 2012

Michael Byer
Haines School District
P.O. Box 1289
Haines, AK 99827

DELIVERY CONFIRMATION NO: 7010 2780 0000 7485 2177

BUILDING NAME: HSD - MOSQUITO LAKE SCHOOL
CITY: Haines
CASE: I6120 **INSPECTION:** 1213
INSPECTOR: Robert Plumb **DATE:** December 02, 2012

SUBJECT: Automatic Fire Protection System - Order to Correct

Dear Michael Byer:

This office is in receipt of a "Report of Inspection" from the Harri Fire Protection Division dated December 02, 2012.

The report indicates that the item(s) listed on the following page(s) are violations of state fire and life safety regulations and must be corrected in the time and manner specified below. Correction of the violations must begin immediately upon your receipt of this letter.

This letter does not require you to use the same company to make the corrections. This letter only tells you that the corrections must be made.

Your written certification of completion must be forwarded to our office by January 01, 2013.

We have enclosed your appeal rights as stated in state statutes and regulations. If you have any questions regarding this matter, please contact our office at the address above.

Sincerely,

Robert Plumb
Deputy Fire Marshal

Enclosure: System Report

cc: Haines Borough Building and Fire Officials

Reference is made to the above cited inspection, specifically to item(s):

1. We received a Report of Inspection from the Harri Fire Protection Division for the Mosquito Lake School fire pump and fire sprinkler system. The date of the inspection was June 28, 2012. The following items require correction:
 1. The report indicates that the fire pump would not start and that the water supply tank has sever corrosion. Repair or replace teh fire pump and supply tank.
 2. The report indicates there is no inspectors test valve and recomends installing an inspectors test valve.

The school was built in 1983. Approved plans did not require full coverage of the school, only unocupied storage areas. The fire pump and water tank are located in the shop/garage which is in a separate building. This fall, plans were approved (PR 2012June1085) to replace the existing fire pump and the existing water tank. At that time we sugested that the system be upgraded with a larger fire pump and a larger supply tank and that the fire sprinkler system be extended to provide complete coverage in the school. On 11/29/12 our office was informed that the School Board has tabled the repair or upgrading of the fire system and that no work is scheduled to take place. The minimum amount of work that must be done is to repair the existing system so that it provides the coverage that was required in the original plan review from 1982. (As approved by our office on October 31, 2012 PR 2012June1085.) We highly recomend that when repair work is done on the system that the fire system be upgraded to provide complete fire sprinkler coverage throughout the school. Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed. IFC. 901.6

APPEAL RIGHTS
Title 13 Alaska Administrative Code
Chapter 50, Section 070 (e)

(e) If an order is made by the state fire marshal or his or her authorized representative, the owner within seven days after receiving the order , file a written appeal to the state fire marshal who will, within 10 days after he or she receives the appeal, review the order and file his or her written decision. The order must be complied with within the time specified in the order unless the state fire marshal revokes the order. The state fire marshal's decision on an appeal under this subsection is a final order of the Department of Public Safety for purposes of AS 18.70. 100. (In effect before 7/28/59; am 6/25/69, Reg. 30; am 2/21/71, Reg. 37; am 1/14/81, Reg. 77)

Alaska Statute Section 18.70.100

Sec. 18.70.100. VIOLATION. (a) A person who violates any provision of AS 18.70.010 -- 18.70.100, 18.70.300 -- 18.70.310, or a regulation adopted under those sections, or who fails to comply with an order issued under AS 18.70.010 -- 18.70.100 or 18.70.300 -- 18.70.310 is guilty of a class B misdemeanor. When not otherwise specified, each 10 days that the violation or noncompliance continues is a separate offense.

(b) A person aggrieved by a final order may appeal to the superior court within 30 days after the issuance of the final order. Filing of the appeal does not excuse noncompliance with the order. The court may stay the operation of the order on those terms relating to bonding or other matters that the court finds proper. A stay may not be granted or continued if the court finds that it is against the public interest. (Subsection 10 ch 66 SLA 1955; added by Subsection 1 ch 113 SLA 1957; am Subsection 2 ch 120 SLA 1990)

Harri

Fire Protection Division

"Serving Southeast Alaska Since 1924"

5245 Glacier Highway
Juneau, Alaska 99801
phone 907-586-3190
fax 907-586-4129

ANNUAL FIRE SPRINKLER INSPECTION, TESTING AND MAINTENANCE REPORT

PROPERTY NAME: **MOSQUITO LAKE SCHOOL**
PHYSICAL ADDRESS: **MOSQUITO LAKE, ALASKA**
OWNER OR PROPERTY MANAGER: **HAINES SCHOOL DISTRICT**
MAILING ADDRESS: **BOX 1289 ~ HAINES, AK 99827**
CONTACT PERSON: **JIM STANFORD**
PHONE NUMBER: **767-5558**
DATE OF INSPECTION: **JUNE 28, 2012**

HP&H BILLING CODE: **HAINESSD**
EMAIL: stanfrds@aptalaska.net
DATE OF PREVIOUS INSPECTION: **SEPTEMBER 17, 2011**

SCOPE OF INSPECTION

THIS INSPECTION IS BASED ON NFPA 25 *INSPECTION, TESTING, AND MAINTENANCE OF WATER-BASED FIRE PROTECTION SYSTEMS*; NFPA 13 *STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS*; ALASKA STATUTES AND IS APPROVED BY THE LOCAL AUTHORITY HAVING JURISDICTION. THOSE ITEMS IN NFPA 25 REQUIRING INSPECTION FREQUENCIES DAILY, WEEKLY, MONTHLY, QUARTERLY, OR SEMI-ANNUALLY ARE CONDUCTED ON AN ANNUAL BASIS. THIS INSPECTION IS NOT AN ENGINEERING EVALUATION OF THE FIRE PROTECTION SYSTEM.

BUILDING

- YES NO NA NO BUILDING OR SPRINKLER SYSTEM MODIFICATIONS SINCE THE PREVIOUS INSPECTION?
YES NO NA NO ALARMS OR SYSTEM IMPAIRMENT SINCE THE PREVIOUS INSPECTION?
YES NO NA SPRINKLER SYSTEM IN SERVICE WITH ALL VALVES IN THE CORRECT POSITION?
YES NO NA NO VALVE SEALS BROKEN SINCE THE PREVIOUS INSPECTION?
YES NO NA VALVE INFORMATION SIGNS POSTED AT THE SYSTEM RISER?
YES NO NA ALL AREAS OF THE BUILDING ACCESSIBLE FOR INSPECTION?
YES NO NA BUILDING APPEARS TO BE FULLY PROTECTED BY SPRINKLERS? **THIS IS A PARTIALLY SPRINKLERED BUILDING WITH VERY MINIMAL COVERAGE.**

WET SYSTEM

- YES NO NA ADEQUATE HEAT FOR WET PIPE SYSTEMS?
YES NO NA GAUGES INDICATE NORMAL SUPPLY WATER PRESSURE?
YES NO NA GAUGES TESTED OR REPLACED IN THE LAST 5 YEARS?
YES NO NA ALARM VALVES AND CHECK VALVES FREE OF PHYSICAL DAMAGE?
YES NO NA ALL VALVES IN THE APPROPRIATE OPEN OR CLOSED POSITION?
YES NO NA THE RETARDING CHAMBER OR ALARM DRAINS NOT LEAKING?
YES NO NA VALVES INSPECTED INTERNALLY IN THE LAST 5 YEARS?

MAIN DRAIN TEST (FIRE HOSE VALVE)

- OUTLET SIZE **1-1/2"** STATIC PRESSURE **45** RESIDUAL PRESSURE **13 (W/O PUMP)**
YES NO NA ARE RESULTS SIMILAR TO PREVIOUS TESTS (WITHIN 10% OF THE HISTORICAL RECORD)? **HISTORICALLY, THE RESIDUAL PRESSURES HAVE BEEN READ WHEN THE FIRE PUMP IS RUNNING. THE FIRE PUMP WOULD NOT START DURING THE ANNUAL TESTING.**

CONTROL VALVES (WET SYSTEM CONTROL VALVE)

- YES NO NA OPEN?
YES NO NA ACCESSIBLE?
YES NO NA LUBRICATED?
YES NO NA EXERCISED?

NUMBER OF TURNS? **NA**

SIZE **2"**

TYPE **OS-Y**

SECURED **LOCKED**

RECEIVED
JUL 12 2012
Div. of Fire & Life Safety
Life Safety Inspection Bureau
Juneau Office

Forwarded to: _____
Order to Correct Sent on: 12/3/12
No System Impairment noted: _____
Date: _____
Deputy I.D. RJP/11

CONTROL VALVES (WET SYSTEM CONTROL VALVE)

YES NO NA OPEN?
YES NO NA ACCESSIBLE?
YES NO NA LUBRICATED?
YES NO NA EXCERSIZED?
NUMBER OF TURNS? **NA**
SIZE **2"**
TYPE **OS-Y**
SECURED **LOCKED**

ALARMS

ALARM PANEL ~ MAKE **SIEMENS** MODEL **SYSTEM 3** CODE **NA** ACCOUNT# **NA**
~ ALARM-RECEIVING FACILITY: **LJ ALARM** OPERATOR: **JEN**

OR

WATER MOTOR GONG

OR

ELECTRIC BELL/HORN

YES NO NA ALARM DEVICES FREE OF PHYSICAL DAMAGE?

YES NO NA WATERFLOW DEVICES TESTED BY OPENING THE INSPECTOR'S TEST VALVE OR BY-PASS VALVE? **THERE IS NO INSPECTOR'S TEST VALVE ON THIS SYSTEM, ALARMS WERE ACTIVATED BY OPENING THE 1-1/2" FIRE HOSE VALVE TO CREATE A WATER FLOW CONDITION.**

YES NO NA WATERFLOW DEVICES ACTIVATE? **SEVERAL ATTEMPTS WERE MADE TO START THE FIRE PUMP BY FLOWING WATER THRU THE 1-1/2" FIRE HOSE. THE WATER FLOW DEVICE ACTIVATED ONLY ONCE DURING THESE ATTEMPTS.**

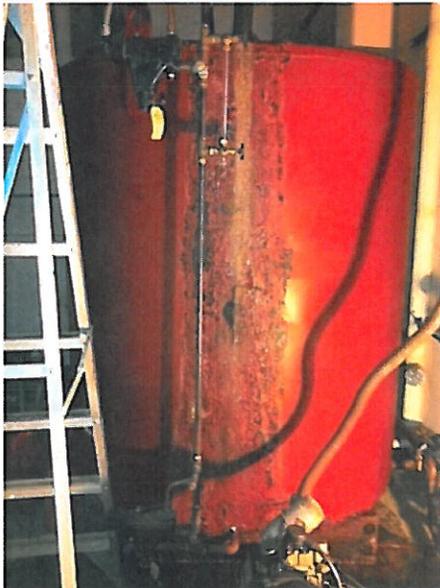
YES NO NA LOCAL ALARMS SOUND WHEN WATERFLOW OCCURS?

YES NO NA TAMPER SWITCHES INDICATE MOVEMENT?

YES NO NA ALARM-RECEIVING FACILITY RECEIVES SIGNALS PROPERLY?

PIPING

YES NO NA PIPE APPEARS TO BE IN GOOD CONDITION WITH NO EXTERNAL CORROSION? **THE OVERHEAD PIPING APPEARS TO BE IN GOOD CONDITON, BUT THE TANK THAT SUPPLIES THE WATER FOR THE SPRINKLER SYSTEM IS SHOWING SIGNIFICANT CORROSION.**



YES NO NA PIPE APPEARS TO BE FREE FROM LEAKS AND MECHANICAL DAMAGE?

YES NO NA PIPE APPEARS TO BE FREE FROM EXTERNAL LOADS?

YES NO NA PIPE APPEARS TO BE PROPERLY HUNG?

YES NO NA PIPE APPEARS TO BE PROPERLY BRACED?

YES NO NA INTERNAL INSPECTION CONDUCTED IN THE LAST 5 YEARS?

SPRINKLERS

- YES NO NA SUPPLY OF SPARE SPRINKLERS AND SPRINKLER WRENCH?
- YES NO NA SPRINKLERS IN SERVICE APPEAR TO BE DATED 1920 OR LATER?
- YES NO NA STANDARD SPRINKLERS APPEAR TO HAVE BEEN IN SERVICE LESS THAN 50 YEARS?
- YES NO NA FAST RESPONSE SPRINKLERS APPEAR TO HAVE BEEN IN SERVICE LESS THAN 20 YEARS?
- YES NO NA DRY SPRINKLERS APPEAR TO HAVE BEEN IN SERVICE LESS THAN 10 YEARS?
- YES NO NA SPRINKLERS IN HARSH ENVIORNMENTS, CORROSIVE ATMOSPHERES, ETC. APPEAR TO HAVE BEEN IN SERVICE LESS THAN 5 YEARS?
- YES NO NA GLASS BULB SPRINKLERS APPEAR TO HAVE NO FLUID MISSING?
- YES NO NA IF SPRINKLERS HAVE BEEN REPLACED, DO THEY APPEAR TO BE THE PROPER TYPE?
- YES NO NA SPRINKLERS DO NOT APPEAR TO BE SUBJECT TO RECALL?
- YES NO NA SPRINKLERS APPEAR TO BE IN GOOD CONDITON AND FREE FROM PHYSICAL DAMAGE?
- YES NO NA SPRINKLERS APPEAR TO BE FREE OF CORROSION?
- YES NO NA SPRINKLERS APPEAR TO BE FREE OF FOREIGN MATERIALS INCLUDING PAINT?
- YES NO NA SPRINKLERS APPEAR TO BE FREE FROM OBSTRUCTIONS TO SPRAY PATTERNS?
- YES NO NA SPRINKLERS APPEAR TO BE PROPERLY SPACED? **MOST OF THE SPRINKLERS ARE OVERSPACED.**
- YES NO NA SPRINKLERS APPEAR TO BE PROPERLY POSITIONED?

COMMENTS & RECOMMENDATIONS

- ~CONSIDER REPLACING THE CORRODED SUPPLY TANK AS IT IS THE ONLY WATER AVAILABLE ON THE PREMISES FOR FIRE PROTECTION.
- ~AN INSPECTOR'S TEST VALVE SHOULD BE INTALLED IN THE SPRINKLER SYSTEM TO VERIFY THE FUNCTION OF THE ALARMS IN A WATER FLOW SITUATION WHEN SPRINKLERS ARE ACTIVATED.
- ~CONSIDER RE-PIPING THIS ENTIRE SYSTEM SO THAT THE SCHOOL IS PROPERLY PROTECTED. THIS IS A SMALL, REMOTE BUILDING AND THE ADDITIONAL SPRINKLERS NEEDED TO EXTEND THE SYSTEM AND PROVIDE FOR PROPER SPACING WOULD BE FAILY MINIMAL.
- ~THE FIRE PUMP FAILED TO OPPERATE WHEN SENSING A PRESSURE DROP IN THE SYSTEM PIPING. IT WAS NOTED THAT THE MERCROID SWITCH DID MOVE TO THE CORRECT POSITION WHEN THE PRESSURE DROPPED. THE BATTERY APPEARED TO BE DISCHARGED WHEN CHECKED WITH A VOLTMETER. SOME SORT OF CONTINIOUS CHARGING SYSTEM SHOULD BE SET UP SO THAT THE BATTERY MAINTAINS A CHARGE AND WILL START THE FIRE PUMP WHEN NECESSARY. THERE IS MINIMAL WATER PRESSURE AVAILABLE FOR THIS SPRINKLER SYSTEM AND IT IS DOUBTFUL THAT THE SPRINKLER SYSTEM WOULD BE EFFECTIVE WITHOUT THE FIRE PUMP BEING FULLY OPERATIONAL.

SIGNATURES

INSPECTOR **DEAN HEARD**
DATE **JUNE 28, 2012**

AK PERMIT# **99-025**

SIGNATURE





Proposal

PO Box #669
Haines Alaska, 99503

Cell: 907-382-2068
Fax: 907-272-8389
Office: 907-766-2086

Oct 19th, 2012

To: Haines Borough/ Haines School District
Project: Mosquito Lake Fire Pump Upgrade
Attention: Michael Byers / Carlos Jimenez

Pacific Rim Mechanical LLC will have two Employees to assist in the Fire Protection Tank , Pump and Domestic water, Demolition of the old system and the installation of the new system.

Pacific Rim Mechanical LLC proposes to furnish Labor, Materials, and Supervision for the noted project.

Note: The project has been surveyed by Pacific Rim Mechanical and Accel fire Protection and will not require any other site visits.

The scope of work shall consist of the following.

Inclusions:

- Installation of attached Fire Pump proposal by Accel Fire
- 1 year Guarantee on parts and installation
- Commissioning of project ? Training for Mosquito Lake Personell
- Field coordination and Project Management in accordance with the Project specifications and Project Drawings.

Exclusion

[Recipient Name]

October 19, 2012

Page 2

- All Freight (By others)
- All Carpentry(By others)
- All exclusions included by Accel Fire attached proposal.
- Housing for out of town subcontractors
- All permits
- Bond

The following are the rates to be applied on a time and material basis. The labor and material **estimates** for the material, electrical subcontractor, Pac Rim assistance for Demo and re install are in fact....**estimates**.

Pac Rim Labor-Regular \$108.00 per man hr.....Overtime \$138.00

Estimated hrs 120, two men one week..... 80 reg 40 OT..... \$14,160.00

Material Mark up cost plus 25%

Estimated unforeseen material costs,..... \$2000.00

Freight cost plus 8%

Est Freight costs from Anch(2000 lbs).....\$1700.00

Est Freight cost from Seattle (1200 lbs\$900.00

All subs , cost plus 8%

Accel Fire \$54,749.00

Electrical Contractor ?

Per-diem per man \$47.00 per day

Two to three men 7 days,..... \$987.00

Total Estimated costs, **\$74,496.00**

Phone- Cell (907) 382-2068/ Fax (907) 272-8389 E- mail: shawnjobrien@gmail.com

From: Carlos Jimenez
To: kkielsmeier@haines.ak.us
Subject: FW: Mosquito Lake Pump & Tank
Date: Wednesday, December 05, 2012 10:14:57 AM

From: Shawn [mailto:shawnjobrien@gmail.com]
Sent: Wednesday, November 07, 2012 5:06 PM
To: Carlos Jimenez
Subject: Fwd: Mosquito Lake Pump & Tank

Sent from my iPhone

Begin forwarded message:

From: Mike Warner <mike@accelfire.com>
Date: November 7, 2012, 3:11:16 PM AKST
To: Shawn <shawnjobrien@gmail.com>
Subject: Mosquito Lake Pump & Tank

Shawn,

I received the pricing from one of the two tank suppliers in Anchorage- See Below

- 1- The fire needed to support the protection of the entire building will increase the contract by \$1860.00
- 2- The fire water tank as described yesterday in size to fit in the opening, will increase the contract amount by \$20,740.00

Freight for these items are assumed to remain as per original proposal

When I get the second quote from the other tank supplier and if it is more competitive , I will let you know

Give me a call and we can discuss

Thanks Shawn

Mike Warner
General Manager

Accel Fire Systems, Inc.
4510 Gambell St
Anchorage, Alaska 99503
(907) 349-1490 Fax (907) 349-2490



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-168

Assembly Meeting Date: 12/11/12

Business Item Description:	Attachments:
Subject: Memorandum of Understanding (MOU) with Prophecy Platinum	1. Resolution 12-12-426 2. Memo from the Manager 3. Proposed Memorandum of Understanding
Originator: Borough Manager (Agenda Bill by Clerk's Office)	
Originating Department: Administration	
Date Submitted: Originally 9/7/12; Resubmitted 12/3/12	

Full Title/Motion:
Motion: Adopt Resolution 12-12-426

Administrative Recommendation:
The borough manager recommends adoption.

Fiscal Impact:						
<table border="0" style="width:100%"> <tr> <td align="center">Expenditure Required</td> <td align="center">Amount Budgeted</td> <td align="center">Appropriation Required</td> </tr> <tr> <td align="center">\$ 0</td> <td align="center">\$</td> <td align="center">\$</td> </tr> </table>	Expenditure Required	Amount Budgeted	Appropriation Required	\$ 0	\$	\$
Expenditure Required	Amount Budgeted	Appropriation Required				
\$ 0	\$	\$				

Comprehensive Plan Consistency Review:		
<table border="0" style="width:100%"> <tr> <td>Comp Plan Policy Nos. : Goal 3, Objective 3J, page 107</td> <td>Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>	Comp Plan Policy Nos. : Goal 3, Objective 3J, page 107	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comp Plan Policy Nos. : Goal 3, Objective 3J, page 107	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Summary Statement:
<p>This non-binding MOU is between the Borough and Prophecy Platinum part of a continuum of port development efforts currently underway and is a direct function of the Port Development Master Plan funded by the Legislature in FY 2012. This MOU is an important step in the borough's efforts to promote the industrial waterfront zone in and around Lutak Dock and will provide the framework for discussions regarding the possibility of mineral concentrate transshipments through the Haines port. Prophecy Platinum owns 100 percent of the Wellgreen property, located near Burwash Landing, Yukon Territory. The deposit is rich in gold and platinum group metals, including platinum, palladium, and rhodium, nickel, and copper. On 9/25/12, the assembly removed Resolution 12-09-405 from the agenda and referred the MOU to the Haines Port Development Steering Committee (HPDSC). On 11/5/12, the HPDSC reviewed a redraft of the MOU that removed the confidentiality component, and they recommend approval.</p>

Referral:						
<table border="0" style="width:100%"> <tr> <td>Sent to:</td> <td>Date:</td> </tr> <tr> <td>Recommendation:</td> <td>Meeting Date:</td> </tr> <tr> <td>Refer to:</td> <td></td> </tr> </table>	Sent to:	Date:	Recommendation:	Meeting Date:	Refer to:	
Sent to:	Date:					
Recommendation:	Meeting Date:					
Refer to:						

Assembly Action:				
<table border="0" style="width:100%"> <tr> <td>Workshop Date(s):</td> <td>Public Hearing Date(s):</td> </tr> <tr> <td>Meeting Date(s): 9/25, 12/11/12</td> <td>Tabled to Date:</td> </tr> </table>	Workshop Date(s):	Public Hearing Date(s):	Meeting Date(s): 9/25, 12/11/12	Tabled to Date:
Workshop Date(s):	Public Hearing Date(s):			
Meeting Date(s): 9/25, 12/11/12	Tabled to Date:			

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a Memorandum of Understanding with Prophecy Platinum Corp. to establish a framework of mutual cooperation and the exchange of information among the parties regarding the potential development of the Wellgreen Ni, Cu, Au, PGE deposit near Burwash Landing, Yukon Territory.

WHEREAS, the Haines Borough is actively engaged in a Port plan to market and develop the industrial area in the vicinity of Lutak Dock; and

WHEREAS, the major efforts are underway in the Yukon Territory to develop and extract mineral resources; and

WHEREAS, some of the mineral production requires transshipment of concentrate via deep water ports; and

WHEREAS, Haines has been identified as a potential future port for transshipment of mineral concentrate;

WHEREAS, Prophecy Platinum Corp. is developing a large mineral deposit located near Burwash Landing, Yukon Territory; and

WHEREAS, if the property proves to be feasible and mining commences at some point in the future, the Haines Port could serve as a mineral concentrate transshipment point; and

WHEREAS, representatives of Prophecy Platinum and the Borough met to discuss the possibility of entering into a non-binding, non-exclusive Memorandum of Understanding (MOU) to establish a framework of mutual cooperation and the exchange of information among the parties regarding the potential development of the Wellgreen property; and

WHEREAS, on September 25, 2012, the assembly referred the MOU to the Haines Port Development Steering Committee (HPDSC); and

WHEREAS, on November 5, 2012, the HPDSC reviewed a redraft of the MOU and recommends assembly approval,

NOW, THEREFORE, BE IT RESOLVED by the Haines Borough Assembly that the Borough Manager is hereby authorized to enter into a Memorandum of Understanding with Prophecy Platinum Corp. to establish a framework of mutual cooperation and the exchange of information among the parties regarding the potential development of the Wellgreen Ni, Cu, Au, PGE deposit near Burwash Landing, Yukon Territory.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ___ day of _____, 2012.

Attest:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk



Haines Borough Administration
Mark Earnest, Borough Manager
(907)766-2231 • Fax(907)766-2716
mearnest@haines.ak.us

December 11, 2012

Prophecy Platinum Memorandum of Understanding

Included for Assembly consideration at the December 11, 2012 meeting is a resolution authorizing a non-exclusive, non-binding Memorandum of Understanding (MOU) between the Borough and Prophecy Platinum Corp to provide the framework for discussions regarding the possibility of mineral concentrate transshipments through the Haines port. Prophecy Platinum owns 100 percent of the Wellgreen property, located near Burwash Landing, Yukon Territory. The deposit is rich in gold and platinum group metals, including platinum, palladium, and rhodium, as well as nickel, and copper.

We are working with Prophecy Platinum to schedule a presentation of the project, perhaps at a Port Development Steering Committee in the near future. Although it is too early to speculate whether Haines port facilities would ever be used for this purpose, or even if Wellgreen ever goes into production, the MOU will serve as the basis for meaningful dialog between the company and the community. It should be noted that this effort is consistent with the Haines Borough 2025 Comprehensive Plan, which provides the following under the Implementation Plan:

Economic Development

Goal 3: Achieve a strong, diversified local economy that provides employment and income for all citizens that desire to work while protecting the health of the environment and quality of life. Build on local assets and competitive advantages to create economic opportunity.

Objective 3J: Capitalize on Haines' position as a transportation hub to increase transfer and shipment of cargo, supplies, fuel, and other commodities with the Yukon, northern British Columbia and Interior Alaska.

- Ensure that Haines Highway and its bridges are capable and certified to handle load/weights necessary to transport ore, LNG and similar loads to and from Yukon, northern British Columbia, and interior Alaska. a) Identify current load certification of Haines Highway and Bridges. b) Identify industrial load roads must bear. c) Upgrade and recertify as needed, including allocating funding to accomplish.
- Actively market Haines port and highway facilities and capacities.
- Prepare Port Development Plan (Identify transshipment opportunities for which Haines is competitive, estimate revenue and jobs to community, risks, and identify infrastructure, marketing and other investments needed to capture increased market share by Haines Borough and private partners).
- Based on Port Development Plan's recommendations, identify decision-making sequence, strategic investments & funders, and timeline. Take systematic action.
- Investigate options, pros and cons, to meet Yukon Liquid Natural Gas (LNG) transshipment demand.
- Identify measures for industrial truck traffic along Highway to Lutak Dock to avoid or minimize impacts (e.g., noise, operation of engine brakes, routes, hours of operation, etc.).

This is a balanced approach aimed toward exploring economic development opportunities in Haines.

MEMORANDUM OF UNDERSTANDING

October _____, 2012

This Memorandum of Understanding (“MOU”) is between Prophecy Platinum Corp (“Prophecy”) and Haines Borough (“Haines”) (collectively the “Parties” or each a “Party”).

PURPOSE

The Purpose of this MOU is to establish a framework of mutual co-operation and the exchange of information between the Parties.

NON-BINDING PROVISIONS

The following numbered paragraphs of this MOU (collectively, the “**Nonbinding Provisions**”) reflect our mutual understanding of the matters described in them, but each Party acknowledges that the Nonbinding Provisions are not intended to create or constitute any legally binding obligation between the Parties, and no Party shall have any liability to the other with respect to the Nonbinding Provisions unless and to the extent that they are embodied in a fully integrated definitive agreement (a “**Definitive Agreement**”), and other related documents, which are prepared, authorized, executed and delivered by and between all parties. If a Definitive Agreement is not prepared, authorized, executed or delivered for any reason, no party to this MOU shall have any liability to any other party to this MOU based upon, arising from, or relating to the Nonbinding Provisions.

1. BACKGROUND

Prophecy is listed on the TSX Venture Exchange and primarily engaged in the identification, acquisition and exploration for mineral resource properties throughout Canada.

In the Yukon Territory, Prophecy holds a 100% interest in a certain mineral exploration property (the “Wellgreen Property”), located approximately fifteen (15) kilometres from the Alaska Highway and three hundred and seventeen (317) kilometres north of the city of Whitehorse in southwestern Yukon.

The Wellgreen Property is rich in platinum group metals (platinum, palladium, rhodium, nickel and copper) with a National Instrument 43-101 compliant inferred resources estimate of 289,000,000 tonnes and an indicated resource estimate of 14,000,000 tonnes.

Haines, is a home rule borough, located at the hub of road and sea routes to the rest of Alaska, Yukon, and overseas and four hundred and two (402) kilometres from the Wellgreen Property.

Haines owns and operates Lutak Dock, an industrial deep sea port facility. Lutak Dock handles freight shipments in and out of the community, as well as the rest of Alaska and overseas. Also located in Haines are the privately-owned Chilkoot Lumber Dock Facility and the US Government-owned Haines POL Terminal Dock, with associated uplands, that may be available for development in the future.

The Lutak and other dock facilities are located approximately four (4) miles from Haines. The Lutak Dock is currently configured for use as a containerized, conventional, roll on, and roll off cargo operation, as well as storage. The Chilkoot Lumber Dock Facility, located just north of the Lutak Dock, can be upgraded and configured to accommodate bulk and other cargo, as well as storage. The POL Terminal Dock and uplands, located just south of Lutak Dock, can be developed to facilitate large shipments and storage of bulk cargo and fuels.

It is Prophecy's intention is to fully develop the Wellgreen Property as viable commercial resource ready for commercial production commencing in 2018 and 2019. To achieve this goal, Prophecy:

- commissioned an Independent Preliminary Economic Assessment ("PEA") that investigated the Wellgreen Property as a commercial viable resource. The PEA recommends that the Wellgreen Property will support a 32,000 ton per day open pit mine operation that is expected to produce 1.959 billion pounds of nickel; 2.058 billion pounds of copper; and 7.119 million ounces of platinum, palladium, and gold over a 37 year mine life; and
- commissioned a transportation study with a mandate to evaluate the movement of concentrate from the Wellgreen Property to three shipping destinations, Haines, Port of Skagway, and the Port of Stewart. This transportation study is expected to be completed by December 14, 2012.

It is Haines' intention is to position itself to capture a significant share of transportation and expediting business related to the export of raw materials from the Yukon Territory. Haines is actively seeking prospective tenants for and potential users of the Lutak industrial waterfront. Haines intends to provide affordable marine transportation via a Lutak waterfront development. To achieve this goal, Haines:

- has received State funding in the amount of USD \$120,000 to study and assess the potential for Haines in the resurgence of the Yukon mining industry reflected in a Port Development Master Plan; and
- established a Port Development Steering Committee to oversee and guide future port development initiatives involving studying and implementing the rehabilitation and the redesign, of the Lutak Dock and the construction of a modern and expanded port.

2. OBJECTIVE

The objective of this MOU is to identify, assess, and investigate through mutual co-operation and the sharing of information the potential of a future commercial relationship between the Parties that is mutually beneficial reflecting the Parties intentions and goals.

3. COLLABORATIVE PROCESS AND INFORMATION SHARING

The Parties agree to in good faith to consult, cooperate, and exchange information and identify areas of mutual interest and benefit to aid in and to achieve the objective of this MOU.

The Parties agree to the free exchange of information which includes, but is not limited to, the following:

- Regulations, guidance documents, policies, procedures, and other scientific and technical documents;
- Data and information regarding port utilization, port capacity and dimension to handle vessel size, frequency of shipment, capital requirements to complete expansion work, and permits required for such concentrate transport;
- Environmental data and assessments
- Studies / plans
- Community impact / social studies

The Parties agree to meet periodically and attend meetings as necessary to update each other on their perspective progress in the collection and analysis of information pertaining to their respective marine transportation goals.

The Parties agree that they will each make best efforts to dedicate the necessary time and effort to fulfill the objective of this MOU.

Each Party will notify the other Party immediately regarding any circumstances that arise and that may potentially affect fulfilling the objective of this MOU.

BINDING PROVISIONS

Upon execution by the Parties of this MOU or counterparts thereof, the following lettered paragraphs of this MOU (collectively, the “**Binding Provisions**”) will constitute the legally binding and enforceable agreement of the Parties (in recognition of the significant costs to be borne by the Parties in pursuing this proposed transaction and further, in consideration of their mutual undertakings as to the matters described herein).

A. NON-BINDING PROVISIONS NOT ENFORCEABLE

The Nonbinding Provisions do not create or constitute any legally binding obligations between the Parties, and none of the Parties shall have any liability to the other parties with respect to the Nonbinding Provisions unless and to the extent that they are embodied in the Definitive Agreement, if one is successfully negotiated, executed and delivered by and between all parties. If the Definitive Agreement is not prepared, authorized, executed or delivered for any reason, no party to this MOU shall have any liability to any other party to this Letter based upon, arising from, or relating to the Nonbinding Provisions.

B. NON-EXCLUSIVITY AND LEGAL STATUS

This MOU is non-exclusive. Each Party is free to carry out similar initiatives with third parties. This MOU does not constitute an offer, binding commitment or obligation of either Party, nor will it be construed or deemed as creating a contract of any nature and under no circumstances will either Party be bound in any manner whatsoever, in either law or equity, other than as expressly set out. The Parties may not act or bind the other in any way nor may either represent that it is in any way responsible for the acts of the other. This MOU does not establish a joint venture or partnership between the Parties.

C. FINANCIAL ARRANGEMENTS

This MOU will not impose any financial responsibilities on the parties, except that each party will be responsible for the costs it incurs in its own interest, related to the support of this MOU.

D. SETTLEMENT OF DISPUTES

Any disputes regarding the interpretation or implementation of this MOU will be resolved only by consultation among the Parties and will not be referred to a court, or other third party for settlement.

E. NOTICE

Any notice, direction or other communication required or permitted to be given under this Agreement will be in writing and will be given by personal delivery or by prepaid registered or certified mail or by facsimile or other form of telecommunication, in each case addressed as follows:

To Prophecy:

Attention: Joseph Li, Corporate Secretary
Address: Prophecy Platinum Corp.
2nd Floor, 342 Water Street,
Vancouver B.C.,
Tel: 604-569-3661 x 102
Fax: 604-569-3617
Email: jli@prophecycoal.com

To Haines:

Attention: Mark Earnest, Borough Manager
Address: Haines Borough
P.O Box 1352
Haines AK 99827
Tel: 907-766-2231 x 29
Fax: 907-766-7261
Email: mearnest@haines.ak.us

F. AMENDMENTS

This MOU may be amended only with the mutual written consent of the Parties. Any amendment must be approved by the Haines Borough Assembly.

G. DURATION, WITHDRAWAL AND TERMINATION

This MOU will be reviewed periodically by the parties and will remain in effect until either withdrawn from or terminated.

Any party may withdraw from this MOU upon presentation of 30 days written notice to the other party.

This MOU may be terminated at any time, with the mutual written consent of the parties.

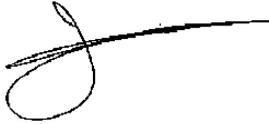
H. EXECUTION IN COUNTERPARTS

The Parties hereto agree that this MOU may be executed and dated in counterparts, each counterpart of which counterpart when taken together will constitute the original MOU.

I. EFFECTIVE DATE AND SIGNATURE

This MOU, agreed to in principle by the parties as of the date of signature below, takes effect on
*, 2012

PROPHECY PLATINUM CORP.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Per: _____
Joseph Li
Director and Corporate Secretary

HAINES BROUGH

Per: _____
Authorized Signature



Agenda Bill No.: 12-202
Assembly Meeting Date: 12/11/2012

Business Item Description:		Attachments:
Subject:	Change Order - Lily Lake Water Transmission Project	1. Resolution 12-12-427 2. Proposed Change Order 3. Memo from Carlos Jimenez 4. Resolution 11-05-280, adopted 5/24/11
Originator:		
Borough Manager		
Originating Department:		
Administration		
Date Submitted:		
12/3/12		

Full Title/Motion:
 Motion: Adopt Resolution 12-12-427

Administrative Recommendation:
 This is recommended by the borough manager.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required
\$ 14,629.08	\$ 1,425,000.00 grant funds	\$ 0

Comprehensive Plan Consistency Review:

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

The project is being paid for by a Municipal Matching Grant from Alaska DEC for \$1,085,000 and the U.S. EPA for \$340,000. Construction was extended into 2012 due to the addition of an emergency backup generator and a new control panel. According to Resolution 11-05-280 from May 2011, "the borough was successful in receiving approval from state and federal funding sources to expand the project scope of work with the balance of granted funds; specifically, to add an emergency backup generator and a new control panel for potable water production at the water treatment plant." Field work for the Lily Lake project took only a few weeks, but the generator's arrival was delayed due to its electrical specifications. The borough got an extension of the EPA grant for this project because of that delay. The grant is to be closed out by the end of December.

Referral:

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

Assembly Action:

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

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a contract extension and change order with Southeast Road Builders, Inc. for the Lily Lake Water Transmission Project for an amount not to exceed \$14,629.08.

WHEREAS, the Borough Assembly, on 5/1/10, authorized the manager to contract with Southeast Road Builders, Inc. (SRI) for completion of Lily Lake Transmission Line Upgrade project for an amount not to exceed \$712,091.50; and

WHEREAS, the borough was successful in receiving approval from state and federal funding sources to expand the project scope of work with the balance of granted funds; specifically, to add an emergency backup generator and a new control panel for potable water production at the water treatment plant and, on 5/24/11, the assembly authorized a contract extension and change order to complete the additional work for \$198,375.00; and

WHEREAS, field work for the project took only a few weeks, but the generator's arrival was delayed due to its electrical specifications; and

WHEREAS, the borough got an extension of the EPA grant for this project because of that delay, and the grant is to be closed out by the end of December 2012; and

WHEREAS, the balance of granted funds (ADEC Municipal Matching Grant \$1,085,000 and U.S. EPA \$340,000) are sufficient for the total cost of the project,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the Borough Manager to execute a contract extension and change order with Southeast Road Builders, Inc. for the Lily Lake Water Transmission Project for an amount not to exceed \$14,629.08.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this ____ day of _____, 2012.

Stephanie Scott, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

HAINES BOROUGH

CHANGE ORDER

ORDER NO. 2
Page 1 of 1

DATE: November 29, 2012

PROJECT NAME: Lily Lake Transmission Line Upgrade

CONTRACT AGREEMENT DATE: July 19, 2010

OWNER: HAINES BOROUGH

CONTRACTOR: Southeast Road Builders

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification: Extra work as described below.

Original CONTRACT AGREEMENT: \$712,091.50 DAYS: 73

Current CONTRACT AGREEMENT adjusted by previous CHANGE ORDER(S) \$910,466.50 DAYS: 365

This CHANGE ORDER will **increase** the CONTRACT AGREEMENT by \$14,629.08 DAYS: 380

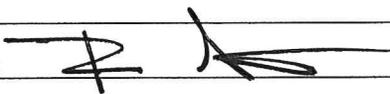
The new CONTRACT AGREEMENT including this CHANGE ORDER will be \$925,095.58 DAYS: 745

The date for completion of all work will be October 15, 2012 (Date).

DESCRIPTION OF CHANGES	INCREASE IN CONTRACT AMOUNT (\$)	(DECREASE) IN CONTRACT AMOUNT (\$)	CONTRACT TIME EXTENSION (DAYS)
Concrete pad, CAT engine and imported backfill	14,629.08		380
TOTALS	\$14,629.08	\$	380
NET CHANGE CONTRACT AMOUNT INCREASE OR (DECREASE)	\$14,629.08		380

Signatures Required:

The undersigned Contractor approves the foregoing Change Order as to the changes, if any, in the contract price specified for each item, including any and all supervision costs and other miscellaneous costs relating to the change in work, and as to the extension of time allowed, if any, for completion of the entire work on account of said Change Order. The Contractor agrees to furnish all labor and materials and perform all other necessary work, inclusive of that directly or indirectly related to the approved time extension, required to complete the Change Order items. This document will become a supplement of the contract and all provisions will apply hereto. It is understood that the Change Order shall be effective when all signatures are in place.

Owner: _____ Date: _____
 Contractor:  _____ Date: 11/30/12
 State or Federal Agency, if applicable: _____ Date: _____

MEMORANDUM

December 4, 2012

To: Mark Earnest, Borough Manager
From: Carlos Jimenez, Director of Public Facilities
Re: Lily Lake Water Transmission Line Upgrade – Change Order

The Lily Lake water transmission line upgrade project construction was extended into 2012 due to the addition of an emergency backup generator and a new control panel. According to Resolution 11-05-280 from May 2011, “the borough was successful in receiving approval from state and federal funding sources to expand the project scope of work with the balance of granted funds; specifically, to add an emergency backup generator and a new control panel for potable water production at the water treatment plant.” This change was recommended during Brad Maynard’s tenure as public facilities director. Roger Schnabel of Southeast Road Builders said field work for the Lily Lake project took only a few weeks, but the generator’s arrival was delayed due to its electrical specifications. Former public facilities director Brian Lemcke cited this delay in a September e-mail seeking an extension for an EPA grant for this project. This grant is to be closed out by the end of December.

A Resolution of the Haines Borough Assembly authorizing the manager to execute a contract extension and change order with Southeast Road Builders, Inc. for the Lily Lake Transmission Line Upgrade project to add an emergency generator and control panel for an amount not to exceed \$198,375.

WHEREAS, the Assembly, on 5/1/10, authorized the manager to contract with Southeast Road Builders, Inc. (SRI) for completion of Lily Lake Transmission Line Upgrade project for an amount not to exceed \$712,091.50; and

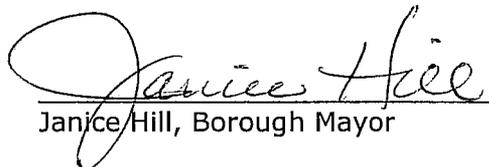
WHEREAS, the contract expired 10/1/2010, however, the borough was successful in receiving approval from state and federal funding sources to expand the project scope of work with the balance of granted funds; specifically, to add an emergency backup generator and a new control panel for potable water production at the water treatment plant; and

WHEREAS, SRI provided a proposal to complete the additional work for \$198,375.00; and

WHEREAS, the balance of funds granted by the Department of Environmental Conservation and Environmental Protection Agency are sufficient,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly authorizes the manager to execute a contract extension and change order with Southeast Road Builders, Inc. for the Lily Lake Transmission Line Upgrade project to add an emergency generator and control panel for an amount not to exceed \$198,375.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the 24th day of May, 2011.


Janice Hill, Borough Mayor

Attest:


Julie Cozzi, MMC, Borough Clerk





**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-205

Assembly Meeting Date: 12/11/2012

Business Item Description:	Attachments:
Subject: FY14 State Legislative Priorities	1. Resolution 12-12-428 2. FY14 Legislative Priorities - Working Draft 3. Current School District Major Maintenance Priorities
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 12/3/12	

Full Title/Motion:
Motion: Adopt Resolution 12-12-428.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:	
Comp Plan Policy Nos. : Objective 2B, Page 56	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>It is the intent of the assembly to provide the Alaska Governor, Legislature, and state officials adequate information to represent the needs of the Borough concerning legislative requests including necessary funding requirements, The purpose of this resolution is to identify the borough's capital budget priorities for submission to the State of Alaska for FY 2014.</p> <p>The list will be prioritized only for the purpose of entering the projects into CAPSIS because that system requires a priority assignment.</p>

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

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

HAINES BOROUGH
RESOLUTION No. 12-12-428

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY ADOPTING THE BOROUGH'S
FY 2014 STATE LEGISLATIVE PRIORITIES.**

WHEREAS, the Haines Borough Assembly met to discuss and prioritize the Borough's FY 2014 legislative priorities; and

WHEREAS, it is the intent of the Assembly to provide the Alaska Governor, Legislature, and state officials adequate information to represent the needs of the Borough concerning legislative requests including necessary funding requirements,

NOW, THEREFORE BE IT RESOLVED, by the Haines Borough Assembly, Haines, Alaska:

Section 1. The following Capital Budget priorities are identified as the Haines Borough priorities for the State of Alaska for FY 2014 [Note: not in priority order]:

- Lutak Dock Upgrades - Phase I
- Sewer System Upgrades
- Lutak / Oceanview Area Slump Mitigation & Drainage Improvements
- Road Improvements - Phase IV
- Public Safety Building
- Road Maintenance Equipment
- Port Chilkoot Dock Improvements - Phase II
- HS/Pool Locker Rooms and Mechanical Systems
- High School Air Handling Unit Replacement
- Vocational Education Building Mechanical Upgrades
- High School Roof Survey and Assessment
- Mosquito Lake Sprinkler System
- Mosquito Lake Air Handler Replacement

Section 2. The following Operating Budget priorities are identified as the Haines Borough priorities for the State of Alaska for Fiscal Year 2014:

1. Municipal Revenue Sharing

Section 3. The Borough Manager is hereby instructed to advise the Governor, Legislature, and appropriate State agencies of the Borough's legislative priorities and take all appropriate steps to provide background information and testimony in representing the Borough's best interests.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on the ___ day of _____, 2012.

Stephanie Scott, Borough Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk

FY 2014 Legislative Priorities - Working Draft

Lutak Dock Upgrades - Phase I

This Phase I project consists of repairs and improvements to the Lutak Dock facility. The project can be further segmented into the following components: Existing Sheetpile Cells - Loss of Fill Repair Study; Site Grading & Drainage Improvements; Transfer Bridge Load Capacity Upgrades & Repairs; High Mast Lighting; Staging Area Power Pedestals & Security Gate Electrical Operators; Video Surveillance System. Estimated cost of the port improvement project is: **\$2,671,900**.

Mineral and energy demand is driving industrial developments in the Yukon Territory and Interior Alaska. The Lutak deep water port in Haines is strategically located to aid in this development. The port offers tremendous upland potential for development and the Haines Highway provides a year-round moderate grade and elevation route to the interior that includes a truck route bypassing downtown Haines. The ADOT&PF is currently upgrading the Haines Highway to improve commercial viability and safety. This port has played a strategic role in Alaska's development for 60 years. The strategic importance of this facility for the Borough, State of Alaska, and the Nation will continue for the near- and long-term future.

The basic elements of the existing facility are sixty years old, although improvements have been made over the years by the Borough and private users. Currently, the port supports the handling of bulk fuels, and bulk cargo including: sand and gravel, timber, container shipments and shore-based fisheries processing. These activities are limited by the size of the port facility and condition of the existing infrastructure. Due to recent developments in the Yukon and Alaska, there is considerable growth potential for handling transshipment of ore, equipment, building supplies, and energy development opportunities, including but not limited to liquefied natural gas. Development of this port will provide significant economic benefits to Haines in particular and Alaska in general.

Sewer System Upgrades

Sewer Treatment Plant Health and Safety Upgrades: This project consists of upgrading the screening process that removes and treats raw sewage particulates at the Waste Water Treatment facility. Total estimated cost of this project is **\$350,000**. The new screens would wash and dry the waste, making it suitable to dispose of at the local landfill. This project will reduce health risks to employees and the general public, enhance safe operating conditions, and significantly reduce operating costs.

The Haines Wastewater Treatment Plant currently uses wedge wire rotary drum screens to separate the solid materials from the raw influent flow. The drum screens retain small bags, paper, plastic materials, grit, undecomposed food waste, fecal matter, etc. Because the screenings contain fecal material, as well as grease and scum, proper handling and disposal of this material is important. The current screenings at

the plant are heavy and wet and contain visible fecal material. Currently, material from the rotary drum screens are discharged into a collection hopper and stored on-site.

The screenings washer / compactor equipment will be used to wash, dewater, and compact screenings to significantly reduce the volume and weight of the screenings. The washer / compactors can reduce the volume and weight of the screenings by up to 75% and reduction of fecal matter by more than 95% and can offer a safer, cleaner, more efficient screenings handling operation.

Sewer Plant Roof Replacement: This project consists of replacing roofs on three Waste Water Treatment buildings. Total estimated cost of this project is **\$500,000**. This project includes demolition, re-sheathing, framing, and installation of water shield, insulation, and metal roofing. This project will prolong the life of the buildings, protect equipment, and save on energy expenditures. The existing roofs are structurally unsound and leak significant amounts of water onto sensitive plant machinery and equipment.

West Fair Drive Sewer Main Replacement: The Haines Borough needs to install a new sewer main along West Fair Drive. This project consists of approximately 800' of new 8" PVC sewer line and at least two manholes. This project has an estimated cost of **\$120,000**. This project would replace a 4-inch ABS sewer line that is too small to handle the existing demand, let alone the projected growth, in that area.

Lutak / Oceanview Area Slump Mitigation & Drainage Improvements

We are waiting on information from PND.

Road Improvements - Phase IV

The project includes reconstructing and paving 1700 LF of Third Avenue, a rural minor collector that connects the Old Haines Highway to Union Street. Estimated cost of the road improvement project is: **\$1,250,000**. This project will influence the even distribution of traffic in downtown Haines by providing equally attractive choices for routing to strategic facilities. Third Avenue is a rural minor collector, connecting traffic from southern and central parts of the borough to Union Street, the connector to the Alaska Marine Highway System (AMHS) and the Haines Highway, the State route to Canada and Alaska's Interior. This aspect of the project moderately improves connectivity and enhances coordination of freight systems as intended by the Alaska Department of Transportation and Public Facilities (ADOT&PF), Statewide Transportation Improvement Program (STIP).

Public Safety Building

We are still developing a scope for this project.

Road Maintenance Equipment

This project consists of purchasing a 10-yard dump truck outfitted with a nose plow, belly blade, and sander. This truck will be used for snow removal in the winter and hauling the rest of the year.

Estimated cost of outfitted equipment: **\$250,000**. This request would replace a scrapped 10-yard dump truck.

This project consists of purchasing a Caterpillar 950 with a quick coupler, digging bucket, large snow bucket, and forks. Estimated cost of outfitted equipment: **\$350,000**. This request would replace a 1982 Caterpillar 950 Loader that has outlived its useful life.

Port Chilkoot Dock Improvements - Phase II

The Port Chilkoot Dock serves cruise ships that rely on Haines for ports of call and disembarkation and embarkation of passengers. The Phase II project consists of the following components: constructing a new 360-foot access trestle, 306-foot approach dock, ADA compliant 120-foot gangway and gangway access/queuing area; mooring dolphin; ambulance turnaround area; and lightering dock and other improvements. Funding in the amount of **\$800,000** is needed to complete this phase of the project. This funding request would be added to the \$5,139,300 of project existing funds.

FY 2014 Legislative Priorities - Working Draft

Priority	Project	ROM Cost*
	Lutak Dock Upgrades - Phase I	
	Existing Sheetpile Cells - Loss of Fill Repair Study	\$150,000
	Site Grading & Drainage Improvements	\$350,000
	Transfer Bridge Load Capacity Upgrades & Repairs	\$600,000
	High Mast Lighting	\$400,000
	Staging Area Power Pedestals & Security Gate Electrical Operators	\$100,000
	Video Surveillance System	\$100,000
	Construction Surveying	\$35,000
	Mobilization	\$173,500
	ESTIMATED BID PRICE	<u>\$1,908,500</u>
	CONTINGENCY (20%)	\$381,700
	PERMITTING, ENGINEERING, ADMIN, INSPECTION & OTHER INDIRECT COSTS (20%)	<u>\$381,700</u>
	TOTAL PROJECT BUDGET	<u>\$2,671,900</u>
	 Sewer System Upgrades	
	Sewer Treatment Plant Health and Safety Upgrades	\$350,000
	Sewer Plant Roof Replacement	\$500,000
	West Fair Drive Sewer Main Replacement	\$120,000
		<u>\$970,000</u>
	 Lutak / Oceanview Area Slump Mitigation & Drainage Improvements	
		TBD
	 Road Improvements - Phase IV	
	Third Avenue Reconstruction	\$1,250,000

Public Safety Building

TBD

TBD

Road Maintenance Equipment

Dump Truck: 10-yard dump truck with a nose plow, belly blade, and sander

\$250,000

Loader: Cat 950 with quick coupler, digging bucket, large snow bucket and forks

\$350,000

\$600,000

Port Chilkoot Dock Improvements - Phase II

Phase II Construction

\$800,000

Phase IIB Construction

TBD

MAJOR MAINTENANCE PLANNING COMMITTEE

(To facilitate excellent planning and implementation of HBSD major maintenance)

Current HBSD major maintenance priorities:

1. HS/Pool Locker Rooms and Mechanical Systems
 - Replacement of the high school locker rooms. All mechanical systems for the high school locker rooms (including heating systems, ventilation, and plumbing) will most likely fail in the near future and should be included in future funding requests. Additionally, plumbing systems for the pool locker rooms above are reaching the end of their maintainable life and should be replaced. There are some leaks occurring from pool locker room waste piping and possibly from pool locker room domestic water piping. This work is in a current CIP proposal to EED and is number 43 for FY14. \$1,936,658
2. High School Air Handling Unit Replacement
 - Existing Fan Units serving Existing School areas: These units may need to be replaced in the next 10-15 years. This replacement should be included in future funding requests. These units are wearing out, are excessively noisy, and interfere with the ability of a teacher to be heard by students.
3. Vocational Education Building Mechanical Upgrades
 - Plumbing and heating work for the Voc-Ed building shown on school construction drawings M206, M409, M506, and M605. The work shown on these Contract Drawings was removed in the VE process and was not added back into the project during the Woodshop Change order. This work is in a current CIP proposal to EED and is number 21 for FY14. \$1,688,192
4. High School Roof Survey and Assessment
 - There has been a history of leaking of this room, especially in the open area and adjacent offices. Brian Lemcke was going to have a survey done the summer of 2012, but it got pushed back and still needs to be done.
5. Mosquito Lake Sprinkler System
 - The supply tank is rusted, the pump is suspect, and there needs to be greater capacity and more sprinkler heads to protect the asset. Current cost estimate runs about \$200,000
6. Mosquito Lake Air Handler Replacement
 - This unit is old and noisy and didn't get replaced when the boiler was renovated and it should have been.



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 12-206
Assembly Meeting Date: 12/11/2012

Business Item Description:	Attachments:
Subject: Mayoral Appointments	1. Mayoral Appointments 12/11/12 2. Requests for (re)appointment and Board Recommendations 3. Mayoral Memo for appointments
Originator: Mayor Scott (agenda bill by the clerk's office)	
Originating Department: Mayor	
Date Submitted: 12/3/2012	

Full Title/Motion:
Motion: Confirm the mayor's (re)appointments as listed on the 12/11/12 Mayoral Appointment document.

Administrative Recommendation:

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

Comprehensive Plan Consistency Review:
Comp Plan Policy Nos. : Consistent: Yes No

Summary Statement:
The mayor wishes to (re)appoint: Jennifer Talley & Jon Hirsh (one year only) to the Parks & Recreation Advisory Committee, Kathleen Fitzwilliam to the Fire Service Area #1 Board, Sean McLaughlin & Robert Venables to Fire Service Area #3 Board, and Scott Sundberg & Gary Murray to the Letnikof Estates RMSA Board. The boards reviewed the requests and submitted recommendations. She seeks assembly confirmation. All terms except where noted end November 2015. The Mayor may recommend other appointments at this meeting. She has received additional (re)appointment requests and the appropriate groups will have recommendations available to consider.

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

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

Mayoral Appointments 12/11/12

Parks and Recreation Advisory Committee

Jennifer Talley – Reappointment – term expires 11/2015

Jon Hirsh – Appointment – term expires 11/2013

This will leave 0 vacancies

Fire Service Area #1 Board

Kathleen Fitzwilliam – Appointment – term expires 11/2015

This will leave 0 vacancies

Fire Service Area #3 Board

Sean McLaughlin – Reappointment – term expires 11/2015

Robert Venables – Reappointment – term expires 11/2015

This will leave 0 vacancies

Letnikof Estates RMSA

Scott Sundberg – Reappointment – term expires 11/2015

Gary Murray – Reappointment – term expires 11/2015

This will leave 0 vacancies

The Mayor may recommend other appointments at this meeting. She has received additional (re)appointment requests and the appropriate groups will have recommendations available to consider.

Remaining Board Vacancies or Expiring Terms:

Chilkat Center Advisory Board – 2 seats

Public Safety Commission – 4 seats

Museum Board of Trustees – 1 seat

Port and Harbor Advisory Committee – 2 seats

Historic Dalton Trail RMSA Board – 1 seat

Four Winds RMSA Board – up to 4 seats

Riverview Drive RMSA Board – 3 seats

From: Ron Jackson [mailto:ronphotos@hotmail.com]
Sent: Thursday, December 06, 2012 9:28 AM
To: Julie Cozzi
Subject: PARC Meeting last night

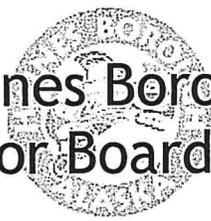
Hi Julie. Attached are the approved minutes from our Nov 8th meeting.

Also, we unanimously supported the re-application of Jennifer for our committee and also the application of Jon Hirsh for our committee.

We have no vacancies now!

Ron.
Ron Jackson
PO Box 961
Haines, AK. 99827
907-766-3703

Haines Borough Application for Board Appointment



- Appointment** (I am not currently on the board)
- Reappointment** (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Boat Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board	<input type="checkbox"/>	Fire Service Area Board #1
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input checked="" type="checkbox"/>	Parks and Recreation Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: Jennifer Talley
 Residence Address: (no change)
 Mailing Address: _____
 Business Phone: _____ Home Phone: 907 3140864
 Fax: _____ Email: _____

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

[Signature] _____ 28 Nov 2012 _____
 Signature of Applicant Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
I am an existing committee member. I look forward to working again with this dynamic group of folks.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Haines Borough Application for Board Appointment

Appointment (I am not currently on the board)

Reappointment (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Boat Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board	<input type="checkbox"/>	Fire Service Area Board #1
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input checked="" type="checkbox"/>	Parks and Recreation Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: Jon Hirsh
 Residence Address: 7 1/2 mile Haines Highway
 Mailing Address: P.O. Box 1646 Haines, AK 99827
 Business Phone: 303-7120 Home Phone: 766-3157
 Fax: _____ Email: Jonasazi@aol.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Jon Hirsh
 Signature of Applicant

Nov. 13, 2012
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
I have worked w/ kids, and adults in an outdoor recreation setting for most of my life. I am a believer in a community.
See Attached

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Jaw Hirsh

I am qualified to be on the Parks and Recreation Advisory Board because of my enthusiasm and desire to live in an outdoor active community. I love Haines and believe there is great potential to develop and maintain our Parks. I have worked indirectly with the Phoenix, Flagstaff and Grand Parks and Rec depts in Arizona. I know some of the great potential that exist within a Park and Rec dept. I wish to contribute to this advisory board.

Haines Borough Application for Appointment

Check the board, commission, or committee for which you are applying

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Boat Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board	<input type="checkbox"/>	Fire Service Area Board #1
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input checked="" type="checkbox"/>	Parks and Recreation Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board

Name: Kathleen Menke
 Residence Address: 515 Mud Bay Rd.
 Mailing Address: PO Box 781 Haines AK 99827
 Business Phone: 907-766-3517 Home Phone: same
 Fax: N/A Email: ci@ckmk.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*


 Signature of Applicant

10-25-12
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):
18-year resident, willing to work with board members to facilitate community dialogue on park/recreation issues, photographer, writer, former biology/aquatic ecology teacher, soccer coach, strong background in natural resources + outdoor recreation.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.

Believe a strong parks + recreation program facilitates a healthy community + a strong economy.

November 30, 2012
Fire Service Area #1 Board Meeting

Applicant for vacant board seat: Kathleen FitzWilliam, LCSW

Kathleen was introduced and questioned by the board members. She told the board about her background and reasons for wanting to serve on the board.

Motion: J.R. moved to recommend Kathleen to the Borough Assembly to fill the remaining board vacancy. Richard seconded. All were in favor. The recommendation will be forwarded to the Borough Clerk.

Michelle Webb

From: Julie Cozzi
Sent: Thursday, November 15, 2012 10:09 AM
To: Kathleen Fitzwilliam
Cc: Michelle Webb
Subject: RE: Fire Board
Attachments: Application for Appointment form.pdf

Hi, Kathleen...

Thank you so much for your interest. While not required, I would appreciate you either completing the attached board appointment application or at least providing the requested information. Have a great day...

Julie

Julie Cozzi, MMC

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

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

From: Kathleen Fitzwilliam [<mailto:kathleen.fitzwilliam@gmail.com>]
Sent: Wednesday, November 14, 2012 7:19 PM
To: Julie Cozzi
Subject: Fire Board

My Name is Kathleen Fitzwilliam, I'm a clinician at Lynn Canal Counseling. I am a licensed clinical social worker, and full time counselor. I wanted to express my interest in serving on the fire service board for the Haines Borough. I have worked in health care for over 5 years, and became a Haines resident in November 2010. I would welcome the opportunity to serve on a board that contributes to the health and safety of the community. As a member of the community, and a professional in the health field I would like to offer my enthusiasm and dedication to the board for consideration.

Kathleen Fitzwilliam, LCSW

From: Robert Venables [mailto:venables@aptalaska.net]
Sent: Wednesday, October 31, 2012 7:43 PM
To: Michelle Webb
Cc: Julie Cozzi
Subject: RE: End of Term and Process for Reappointment

I am interested and willing to continue serving on the FD#3 service area board of directors and would appreciate the opportunity to assist the KVVFD and Chilkat Valley maintain and continue this vital public safety service.

Thank you.

Robert

From: Michelle Webb [mailto:mwebb@haines.ak.us]
Sent: Wednesday, October 31, 2012 2:53 PM
To: venables@aptalaska.net
Cc: Julie Cozzi
Subject: End of Term and Process for Reappointment

Dear Robert:

Good afternoon. Our records show that your term on the Fire Service Area #3 is coming to an end on November 30th, 2012. Thank you for the time and dedication that you have shown to this board and to your community. As the end of your term grows near, we would like to inquire whether you have considered requesting reappointment to your seat.

If you choose to request reappointment, please reply to this email with your request for reappointment. Your request will then be forwarded from the Clerks' office to your board for review and recommendation. After board consideration of your reappointment request, they will submit a recommendation to the Mayor and she will seek assembly confirmation. We anticipate the reappointment taking place at the November 27th assembly meeting depending on when we hear from you and the Board. Otherwise, it may be December 11th.

Thanks again for your service. Please don't hesitate to let me know if you ever have questions or if I can assist in any way. My email is mwebb@haines.ak.us and my phone number is 766-2231 ext.36.

Thank you.

Michelle L. Webb

Deputy Clerk

11/13/12

To Whom it may concern,

I would like REAPPOINTMENT TO
THE LETWIKOF ROAD SERVICE BOARD FOR
ANOTHER TERM. &

THANK YOU VERY MUCH!

Sincerely,



GARY R. MURRAY

Box 1261

Hns. 99827

7863685

Memorandum

Haines Borough
Office of the Mayor
103 Third Avenue S.
Haines, Alaska 99827
sscott@haines.ak.us
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December 6, 2012

To: Julie Cozzi, Borough Clerk

Cc: Michelle Webb, Deputy Clerk

From: Stephanie Scott, Mayor, Haines Borough

Subject: Appointments to Letnikof Estates Road Maintenance Service Area Board and Fire Service Area No. 3 Board

The two referenced boards were unable to meet before members' appointments expired on November 30, 2012; and because each board now lacks a quorum, the board cannot do business. The expiring members have indicated a willingness to be reappointed (either in writing or via telephone conversation with the Mayor on 12/6/12). Because the code provides for the board to have an opportunity to make a recommendation to the mayor, I telephoned the remaining members (also on 12/6/12) to obtain their recommendation regarding the reappointments.

Thus, at this time, I would like to appoint with confidence the following:

- Sean McLaughlin and Robert Venables to the Fire Service Area No. 3 Board of Directors; and
- Scott Sundberg and Gary Murray to the Letnikof Estates Road Maintenance Service Area Board.