



## Meeting Minutes Borough Assembly

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Monday, February 26, 2018

6:00 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

Mayor Jensen called the meeting to order at 6:00 p.m.

**Present:** 7 - Mayor Mark Jensen, Assembly Member Eric Castro, Assembly Member Brandi Marohl, Assembly Member Jeffrey Meucci, Assembly Member Jeigh Stanton Gregor, Assembly Member Nancy Strand and Assembly Member Kurt Wohlhueter

### 2. Voluntary Pledge

The Pledge was recited.

### 3. Awards Presentation

Police Captain Hamilton presented awards to two members of the public and three Police Officers for their heroic actions on May 5, 2017 during an apartment fire at the Narrows Inn:

Mandy Smida received a Citizen's Award for Bravery

Cecilio Escatel received a Citizen's Certificate of Merit

Officer Kalin Rosse received a Medal of Valor

Officer Carl Tate received a Medal of Valor

Officer Derek Thorsen received a Distinguished Service Medal

In addition, Captain Hamilton presented Alaska Police Standards Council certificates to the following Police Officers:

Sergeant Jim Kerr earned both his Intermediate and his Advanced Police Officer Certificate

Officer Jared Popp earned his Intermediate Police Officer Certificate

Officer Louis Wachter earned his Basic Police Officer Certificate

### 4. Approval of Minutes

There were no minutes available for approval.

### 5. Amendment and Approval of Meeting Agenda

The agenda was amended to add Senior Citizen Sales Tax Exemption to Assembly Discussion Items.

### 6. Public Hearings

- A. Public Hearing for Ordinance #2018-04: An Ordinance Amending Chapter 3.08 of the Municipal Code, Entitled "Assembly and Mayor", to Add Agenda Formation Language and to Amend the Deadline for Submission of Items to be Included on an Agenda

**No testimony was given regarding Ordinance #2018-04.**

- B.** Public Hearing for Ordinance #2018-05: An Ordinance Amending Chapter 14.16 of the Municipal Code, Entitled "Electricity", to Amend the Title to "Electric Utility", to Provide for a Utility Director as Head of the Electric Utility Department, and to Establish Fines for Violations of Provisions of Chapter 14.16

**Nathan Midkiff, Candi Woodworth, Robert Larson and Marjorie Oines testified in opposition to the proposed reorganization of the Electric and Public Works Departments.**

- C.** Public Hearing for Ordinance #2018-06: An Ordinance Amending Chapter 14.04 of the Municipal Code, Entitled "Water", to Amend the Title to "Water Utility", to Provide for a Utility Director as Head of the Water Utility Department, and to Establish Fines for Violations of Provisions of Chapter 14.04

**No testimony was given regarding Ordinance #2018-06.**

- D.** Public Hearing for Ordinance #2018-07: An Ordinance Amending Chapter 14.08 of the Municipal Code, Entitled "Sewer", to Amend the Title to "Sewer Utility", to Provide for a Utility Director as Head of the Sewer Utility Department, and to Establish Fines for Violations of Provisions of Chapter 14 .08

**No testimony was given regarding Ordinance #2018-07.**

- E.** Public Hearing for Ordinance #2018-08: An Ordinance Providing for Chapter 3.76 of the Municipal Code, Entitled "Administrative Officers and Appeals Process", Updating Current Language to Reflect Borough Incorporation

**No testimony was given regarding Ordinance #2018-08.**

- F.** Public Hearing for Ordinance #2018-09: An Ordinance Amending Chapter 3.38 of the Municipal Code, Entitled "Public Works Department", to Remove Operation Responsibilities for the Water Utility and Sewer Utility from the Public Works Director Duties

**No testimony was given regarding Ordinance #2018-09.**

- G.** Public Hearing for Ordinance #2018-10: An Ordinance Amending Chapter 3.40 of the Municipal Code, Entitled "Electric Utility", to Amend the Title to "Electric Utility, Water Utility, and Sewer Utility Departments", and to Provide for the Three Utilities to be the Operation Responsibility of the Utility Director

No testimony was given regarding Ordinance #2018-10.

## 7. Bid Awards

There were no bid awards.

## 8. Visitors' Views Related to Agenda

Harvey Gilliland, representing himself, spoke in opposition to the proposed Senior Citizen Sales Tax Exemption fee.

Bob Martin, representing the Harbor Board, spoke in favor of the proposed land trade between Petro 49, Inc. and the Borough.

Brian Lynch, representing himself, spoke in favor of sending the letter to DNR regarding the Borough's land entitlement selections, encouraged seniors who can afford to pay local sales tax to do so, spoke in favor of the proposed Marine Passenger Fee, and urged the Assembly not to waste tax payer's money seeking an outside attorney opinion on the Open Meetings Act but to develop a policy for emails, texts, etc. and receive training on the subject instead.

Janet Holten, representing herself, spoke in opposition of moving all Assembly meetings to begin at 6:00 p.m.

Joel Randrup, representing himself, spoke in support of a letter or resolution regarding the Sea Otter problem.

Bob Lynn, representing himself, spoke in opposition to moving all Assembly meetings to begin at 6:00 p.m.

Marjorie Oines, representing herself, spoke in opposition to changing Assembly meeting times, the Senior Citizen Sales Tax Exemption fee, and the reorganization of the Electric and Public Works Departments.

Bob Ziemke, Adam Day, and TJ Dawe spoke in opposition to the reorganization of the Electric and Public Works Departments.

Clerk Thompson read a letter into the record from Cruise Line Agencies of Alaska who stated its concerns with the proposed Marine Passenger Fee.

Clerk Thompson read into the record letters in opposition to the proposed reorganization of the Electric and Public Works Departments from Dave Carlson, Robert Luhr, Wally MacDonald and Suzanne Wood.

## 9. Visitors' Views Unrelated to Agenda

No views were shared.

## 10. Board, Commission and Committee Reports

No reports.

### A. February, 2018 SEAPA Meeting Report

**Attachments:** [February, 2018 SEAPA Meeting Report.PDF](#)

Bob Lynn, Petersburg's SEAPA Board Member, updated the Assembly on projects and issues SEAPA is involved in.

**B. Southeast Conference Mid-Session Summit Report**

**Attachments:**     [2018 Mid Session Summit flyer.PDF](#)  
[Information about SE Conference.PDF](#)

Cindi Lagoudakis, the Borough's Southeast Conference Representative, provided an overview of the Mid-Session Summit she recently attended.

**C. Alaska Marine Highway System Reform Initiative Report**

**Attachments:**     [AMHS Reform Initiative.PDF](#)

Dave Kensinger, a member of the Alaska Marine Highway Reform Steering Committee, updated the Assembly on the project.

**11. Consent Agenda**

**A. 2018/2019 Liquor License Renewal for Beachcomber Inn**

**Attachments:**     [Beachcomber Inn Liquor License Renewal Application.PDF](#)

The Assembly unanimously approved the Beachcomber Inn's 2018/2019 State of Alaska liquor license renewal application.

**12. Report of Other Officers**

No reports.

**13. Mayor's Report**

**A. February 26, 2018 Mayor's Report**

**Attachments:**     [February 26, 2018 Mayor's Report.PDF](#)

Mayor Jensen offered his condolences to the family and friends of Michael Bangs. Mayor Jensen read his report aloud.

**14. Manager's Report**

**A. February 26, 2018 Manager's Report**

**Attachments:**     [Manager Report 02262018](#)

Manager Giesbrecht read his report into the record, a copy of which is attached and made a permanent part of these minutes.

## 15. Unfinished Business

Ordinances for Third and Final Reading

- A. Ordinance #2018-01: An Ordinance Amending Petersburg Municipal Code Section 4.28.130, Senior Citizen Exemption, to Authorize Collection of an Application Fee in Order to Cover the Administrative Cost of Processing, Issuing, and Monitoring of Senior Citizen Sales Tax Exemption Cards

Attachments: [Ordinance #2018-01 for Third Reading.PDF](#)

Ordinance #2018-01 was amended by unanimous roll call vote to add a definition of household that matches Medicaid's definition. The ordinance, as amended, was adopted in its third and final reading by a vote of 4-3, Mayor Jensen and Assembly Members Marohl and Wohlhueter opposed.

- B. Ordinance #2018-02: An Ordinance Adopting a New Petersburg Municipal Code Chapter 4.80, To Impose a Marine Passenger Fee, In Order to Address the Costs Incurred by the Borough for Services and Infrastructure Rendered to Cruise Ships and Cruise Ship Passengers Visiting the Borough

Attachments: [Ordinance #2018-02 Final Reading.PDF](#)

Ordinance #2018-02 was amended to change "Infrastructure Fee" back to "Marine Passenger Fee" by unanimous roll call vote. The ordinance was also amended to add wording, subject to approval by the Borough Attorney, to prevent collecting twice for the same passengers on the same cruise trip by a vote of 6-1, Assembly Member Wohlhueter opposed. Ordinance #2018-02, as amended, was approved by a vote of 5-2, Mayor Jensen and Assembly Member Wohlhueter opposed.

Ordinances for Second Reading

- C. Ordinance #2018-04: An Ordinance Amending Chapter 3.08 of the Municipal Code, Entitled "Assembly and Mayor", to Add Agenda Formation Language and to Amend the Deadline for Submission of Items to be Included on an Agenda

Attachments: [Ord #2018-04](#)  
[Agenda Items Poll.PDF](#)

Ordinance #2018-04 was approved in its second reading by a vote of 6-1, Mayor Jensen opposed.

- D. Ordinance #2018-05: An Ordinance Amending Chapter 14.16 of the Municipal Code, Entitled "Electricity", to Amend the Title to "Electric Utility", to Provide for a Utility Director as Head of the Electric Utility Department, and to Establish Fines for Violations of Provisions of Chapter 14.16

Attachments: [Ordinance #2018-05.PDF](#)

**Ordinance #2018-05 was approved in its second reading by a vote of 4-3, Mayor Jensen and Assembly Members Marohl and Wohlhueter opposed.**

- E. Ordinance #2018-06: An Ordinance Amending Chapter 14.04 of the Municipal Code, Entitled "Water", to Amend the Title to "Water Utility", to Provide for a Utility Director as Head of the Water Utility Department, and to Establish Fines for Violations of Provisions of Chapter 14.04

Attachments: [Ordinance #2018-06.PDF](#)

**Ordinance #2018-06 was approved in its second reading by a vote of 4-3, Mayor Jensen and Assembly Members Marohl and Wohlhueter opposed.**

- F. Ordinance #2018-07: An Ordinance Amending Chapter 14.08 of the Municipal Code, Entitled "Sewer", to Amend the Title to "Sewer Utility", to Provide for a Utility Director as Head of the Sewer Utility Department, and to Establish Fines for Violations of Provisions of Chapter 14.08

Attachments: [Ordinance #2018-07.PDF](#)

**Ordinance #2018-07 was approved in its second reading by a vote of 4-3, Mayor Jensen and Assembly Members Marohl and Wohlhueter opposed.**

- G. Ordinance #2018-08: An Ordinance Providing for Chapter 3.76 of the Municipal Code, Entitled "Administrative Officers and Appeals Process", Updating Current Language to Reflect Borough Incorporation

Attachments: [Ordinance #2018-08.PDF](#)

**Ordinance #2018-08 was approved in its second reading by a vote of 4-3, Mayor Jensen and Assembly Members Marohl and Wohlhueter opposed.**

- H. Ordinance #2018-09: An Ordinance Amending Chapter 3.38 of the Municipal Code, Entitled "Public Works Department", to Remove Operation Responsibilities for the Water Utility and Sewer Utility from the Public Works Director Duties

Attachments: [Ordinance #2018-09.PDF](#)

Ordinance #2018-09 was approved in its second reading by a vote of 4-3, Mayor Jensen and Assembly Members Marohl and Wohlhueter opposed.

- I. Ordinance #2018-10: An Ordinance Amending Chapter 3.40 of the Municipal Code, Entitled "Electric Utility", to Amend the Title to "Electric Utility, Water Utility, and Sewer Utility Departments", and to Provide for the Three Utilities to be the Operation Responsibility of the Utility Director

Attachments: [Ordinance #2018-10.PDF](#)

Ordinance #2018-10 was approved in its second reading by a vote of 4-3, Mayor Jensen and Assembly Members Marohl and Wohlhueter opposed.

- J. Proposed Petro 49, Inc. / Borough Land Trade

Attachments: [Harbor Board Meeting Minutes](#)  
[Harbormaster Memo](#)  
[Finance Spreadsheet](#)

The Assembly directed Manager Giesbrecht to enter into negotiations with Petro 49, Inc. regarding a land trade by a vote of 6-1, Mayor Jensen opposed.

## 16. New Business

- A. Board of Equalization Schedule

Attachments: [Finance Director Tow Memo.PDF](#)

The Assembly will act as the Board of Equalization to hear appeals from any property owners disputing this year's property assessments on April 9, 2018 at 6:00 p.m. Board of Equalization training will be held on March 22, 2018 at 4:00.

- B. Open Meetings Act Opinion

Attachments: [Attorney Heideman Opinion Open Meetings Act.PDF](#)

A motion to hire a third party attorney for another opinion on the Open Meetings Act failed by a vote of 6-1, Mayor Jensen in favor.

- C. Alaska Department of Natural Resources, Division of Forestry 2018-2022 Preliminary Five-Year Schedule of Timber Sales

Attachments: [DNR Five Year Schedule of Timber Sales.PDF](#)  
[Draft Letter to DNR re Timber Sales.PDF](#)

The Assembly unanimously approved sending the proposed letter to DNR regarding their timber sale schedule and Petersburg's municipal land entitlement.

- D. Resolution #2018-06: A Resolution Setting Regular Borough Assembly Meeting Start Times to 6:00 P.M.

Attachments:     [Resolution #2018-06.PDF](#)

Resolution #2018-06 failed by a vote of 6-1, Mayor Jensen in favor.

## 17. Communications

No communications.

## 18. Assembly Discussion Items

- A. Recognitions

Assembly Member Castro recognized the Public Works crew who cleared the recent 8 inches of snow/slush from the roads, and then went back to clear the 2 foot berms of snow/slush that clearing the streets pushed into people's driveways. He stated many local residents mentioned the kind deed to him and he wanted to show appreciation for the crew's efforts.

- B. Invitation(s) to 2018 Mayfest Celebration

The Assembly agreed to send Mayfest invitations to the current and upcoming USCG Commandant.

- C. Planning for the Future Ideas from the Community

Attachments:     [Planning Meetings Summary](#)

The Assembly scheduled a work session for Monday, April 23, 2018 at 6:00 p.m. to discuss the ideas received during the Planning for the Future meetings held in January and February.

- D. Sea Otters and the Marine Mammal Protection Act

The Assembly requested Clerk Thompson prepare a resolution for the March 5, 2018 meeting similar to a resolution that Wrangell recently passed requesting the US Congress support sea otter management in Southeast Alaska.

- E. Senior Citizen Sales Tax Exemption

Assembly Member Wohlhueter read aloud, from the original Senior Sales Tax Exemption ordinance adopted February 1, 1980, the purpose and intent of the exemption.

## 19. Adjourn

The meeting was adjourned at 9:32 p.m.