



Petersburg Borough

12 South Nordic Drive
Petersburg AK, 99833

Meeting Minutes Borough Assembly

Monday, March 7, 2016

12:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Mayor Jensen called the meeting to order at 12:00.

Present: 7 - Mayor Mark Jensen, Vice Mayor Cindi Lagoudakis, Assembly Member Eric Castro, Assembly Member Bob Lynn, Assembly Member Jeigh Stanton Gregor, Assembly Member Nancy Strand and Assembly Member Kurt Wohlhueter

2. Voluntary Pledge

The Pledge was recited.

3. Approval of Minutes

A. February 22, 2016 Regular Meeting Minutes

Attachments: [February 22, 2016 Regular Meeting Minutes.pdf](#)

The minutes were unanimously approved.

B. March 1, 2016 Special Meeting Minutes

Attachments: [March 1, 2016 Special Meeting Minutes.pdf](#)

The minutes were unanimously approved.

4. Amendment and Approval of Meeting Agenda

The meeting agenda was approved as submitted.

5. Public Hearings

A. Public Hearing on Ordinance #2016-02: An Ordinance Adopting the Comprehensive Plan Dated February 22, 2016 for the Petersburg Borough

Attachments: [Letter from Beulah Johnson.pdf](#)

Kevin Stelmach, Harold Medalen, John Murgas, Mike Stocks, David Stathem, and Matt Gerritts individually shared their concerns with the proposed comprehensive plan regarding land use designation. All expressed their opposition to any zoning outside of Service Area 1 and many felt they had not been informed and/or included in the decisions of land use designation.

Kathy O'Rear, representing herself, shared that the compilation of the proposed Comprehensive Plan has been a very public process and that a comprehensive plan is a basic plan for the future that can help communities when requesting project funding, etc. The plan is not concrete, but is instead subject to change.

Dave Kensinger, a Planning & Zoning Commissioner, reminded the community there is a vacancy on the Planning & Zoning Commission if anyone is interested in being part of the process. He also clarified that land use designation is not zoning.

Chris Frye, Planning & Zoning Chair, explained the proposed Comprehensive Plan is a place to start and is not set in stone. Any future zoning would need to be through a service area and would go through the entire public process - first through the Planning & Zoning Commission process and then with 3 readings of an ordinance at the Assembly level.

Letters from the following Borough residents, most of whom were requesting no zoning regulations outside of Service Area 1, were read into the record: Don & Charlene Anderson, Connie Bell, George Cole, Ty Cummings, Adam DesRosiers, Ken & Laura Howard, Deb Hurley, Beulah Johnson, Bosjun Reid, Tyler Reid, Jim Stolpe, and Butch Young.

6. Bid Awards

None.

7. Visitors' Views Related to Agenda

Sunny Rice, a past WAVE board member, spoke on behalf of WAVE's \$46,536 Community Services Budget request, stating that a paid employee and an office location available to everyone are the two most important needs. She explained it is WAVE's intention to be a self-sustaining organization and this request is necessary to cover a shortfall in federal funding for FY 2017.

Tom Abbott, KFSK Manager, explained KFSK's \$19,000 funding request (up from previous requests of \$8,000) is due to severe cuts in State public radio funding. He outlined the many services provided by KFSK to Petersburg's Borough government.

Dave Kensinger, Chamber of Commerce member, spoke on behalf of the Chamber of Commerce and the Visitor's Center, who are requesting \$40,500 from the Transient Room Tax Fund.

Kathi Riemer, Claussen Museum Director, shared that the museum's operating funds come from the Borough's contribution and outlined what their request of \$42,000 will pay for.

John Havrilek, Chamber of Commerce Director, first shared his personal belief that supporting KFSK is important as the service they provide our community is a life/health/safety issue for Borough residents. As Director of the Chamber of Commerce, he outlined the many events the Chamber plays a major role in (Mayfest, Salmon Derby, 4th of July, Brewfest, Christmas Tree Lighting) and discussed the many trade shows where the Chamber actively promotes Petersburg.

Susan Ohmer, Petersburg Mental Health Director, shared her appreciation of the Assembly for their time and energy in their difficult roles. She conveyed her support for the many local essential services, including WAVE, Mt. View Food Services, KFSK, Petersburg City Schools, the Petersburg Police Department, Petersburg Medical Center, Petersburg Public Library, Petersburg Parks & Recreation, Claussen Museum, the Chamber of Commerce and

Petersburg Mental Health. Susan stated behavioral health care is changing in Alaska, and PMH has had to make some tough decisions in order to maintain stability in the changing landscape. Last year PMH adjusted to a \$215,000 grant funding cut, and this year they are anticipating another cut of \$35,000. Psychiatric beds have been reduced statewide forcing local law enforcement, hospitals and behavioral health centers to hold anyone that is an imminent threat to themselves until a place for them to go opens up. Local need has increased in terms of psychiatric emergencies, yet in response to funding cuts, behavioral health centers are reducing direct service staff. Local funding will allow PMH to keep their current service level this year including Medicaid and Medicare services. Susan urged the Assembly to maintain support of all agencies requesting community services funding by first considering what our community as a whole values and what the town needs, and then figuring out how to pay for it.

Annette Wooten, representing WAVE, explained that any grants currently available are to fund programs and do not allow use of the funds for operating expenses. WAVE is requesting the Borough fund their operating expenses for this one year funding gap in order to maintain the level of services they have provided for the last three years. At a minimum, Annette's intention is to keep the office space open and phone lines on.

Assembly Member Lagoudakis commented that Mt. View Food Services' request of \$12,000 is less money than they have requested in the past even with a 7% increase in meals served from 2014 to 2015.

8. Visitors' Views Unrelated to Agenda

Katie Yeckley, PIA's Tobacco Prevention & Grant Coordinator, requested to update Petersburg Municipal Code 9.32, the Smoke Free Air Act of 2010, to include electronic cigarettes and vapor products and expand the smoke free distance from within 5 feet of outside entrances, operable windows and ventilation systems of enclosed areas to within 20 feet.

Assembly Members Castro and Wohlhueter asked if the 20 foot distance wouldn't put the smoker out into the middle of the road and wondered how we would offer an alternative. Ms. Yeckley suggested setting up designated smoking areas, which due to the 20 foot smoke free distance would likely need to be outside of the main downtown area.

Assembly Member Lagoudakis stated she would be willing to support the inclusion of electronic cigarettes and vapor products in the ordinance, but felt it would be better to work on how to deal with the legal activity of smoking outdoors outside the 5 feet smoke free distance.

Mayor Jensen added that this discussion came up when the Smoke Free Air Act of 2010 was adopted by the Assembly, which put smokers out on the sidewalk. He wondered how much more do you restrict people from their right to smoke? Assembly Member Lynn stated we must remember employees of Petersburg's businesses, Hospital, Borough, etc., who have a designated smoking area to use while at work and questioned if it is reasonable to send them further from their place of employment. Mayor Jensen used the example of inpatients or Long Term Care residents at Petersburg Medical Center using the covered ambulance bay by the main entrance as their designated smoking area.

Mayor Jensen thanked Ms. Yeckley for her efforts.

9. Board, Commission and Committee Reports

None.

10. Consent Agenda

No items.

11. Report of Other Officers

No reports.

A recess was taken at 1: 43 p.m.

The meeting was reconvened with all members in attendance at 1:52 p.m.

12. Mayor's Report

A. March 7, 2016 Mayor's Report

Attachments: [Mayor's Report 3.7.2016.pdf](#)
[Municipal Building Renovation Bid Results.pdf](#)
[Muni Building Intent to Award Letter.pdf](#)
[FAA Reauthorization & EAS Memo.pdf](#)

In addition to reading his written report, Mayor Jensen informed he will be gone for the March 21 Assembly meeting. Assembly Member Wohlhueter will also be gone, but both Mayor Jensen and Assembly Member Wohlhueter plan to call into the meeting if possible. Assembly Member Stanton-Gregor will not be able to attend the meeting as he will be on an airplane.

The Assembly requested Mayor Jensen testify on the implications to Petersburg of losing funding or having increased costs for the following during the Senate Finance Committee's public hearing on the State's proposed FY 2017 operating budget: school funding, PERS cost to employers, Revenue Sharing, Community Jail funding, drug enforcement (SEACAD) funding, Raw Fish Tax sharing and public radio funding.

Assembly Member Lynn discussed the Essential Air Service reauthorization legislation and suggested the Mayor write a letter to the Chairman of the Federal House Transportation & Infrastructure Committee (who introduced the Aviation, Innovation, Reform, and Reauthorization Act) that outlines the real effects losing our Essential Air Services would have on the Petersburg Borough so our concerns are on the record. Mayor Jensen agreed and added that with the reduction in our ferry service our air service becomes that much more important.

Mayor Jensen read his report into the record.

13. Manager's Report

There is no written report as Manager Giesbrecht is traveling for Borough business.

14. Unfinished Business

Ordinances for Second Reading

A. Ordinance #2016-02: An Ordinance Adopting the Comprehensive Plan Dated February 22, 2016 for the Petersburg Borough

Attachments: [Comprehensive Plan Memo.pdf](#)
[Ordinance #2016-02.pdf](#)

Motion was made to adopt Ordinance #2016-02 in its second reading.

Assembly Member Lynn made a motion to amend the proposed Comprehensive Plan to add the following wording: "Any proposals to implement a land use code for areas outside of Service Area 1 should include an advisory vote of those people affected."

Discussion ensued regarding the Comprehensive Plan and its suggested actions for the future of the Borough; nothing in the plan is set in stone and nothing in the plan calls for implementation of or enforcement of zoning regulations outside of Service Area 1. However, some Assembly Members agreed that if the wording suggested by Member Lynn would alleviate some fears it couldn't hurt.

Assembly Member Lagoudakis suggested a line be added to the Comprehensive Plan stating the Assembly would not impose zoning in any area until a Service Area is established, which would be at the request of the area residents and would require public input and discussion. She felt adding an advisory vote on top of the Planning & Zoning process already in place that includes public meetings is unnecessary, and adding the stipulation of no zoning until a Service Area is established could solve the problem. Assembly Member Lynn felt that statement could be contradictory to the Charter.

The amended motion, to add the wording "Any proposals to implement a land use code for areas outside of Service Area 1 should include an advisory vote of those people affected" to the Comprehensive plan, passed 5-2, Members Lagoudakis and Strand opposing.

The main motion to adopt Ordinance #2016-02 in its second reading, as amended, passed unanimously.

15. New Business

A. Ordinance #2016-03: An Ordinance Providing for Chapter 7.04, Dogs

Attachments: [Ordinance #2016-03 for 2nd reading.pdf](#)

Assembly Member Lagoudakis shared that in her research of service dogs, she found there are no specific requirements for training or certification of such and feels parts of our ordinance may be unenforceable. Chief Swihart stated he may have made an incorrect assumption and he would look into it before the next reading.

Assembly Member Lynn wondered if the Borough should require a certificate of vaccination before a license will be issued.

Ordinance #2016-03 passed unanimously in its First Reading.

B. Ordinance #2016-04: An Ordinance Providing for Fines in Section 1.16.030, Fine Schedule, for Violations of Chapter 7.04, Dogs

Attachments: [Ordinance #2016-04 for 2nd reading.pdf](#)

Ordinance #2016-04 was unanimously approved in its First Reading.

C. Resolution #2016-07: A Resolution Approving the Licensed Use and Maintenance of the Mort Fryer Ball Fields to the Petersburg Little League

Attachments: [Resolution #2016-07.pdf](#)
[Borough & PLL License Agreement.pdf](#)
[Petersburg Little League March 1, 2016 Meeting Minutes.pdf](#)

Duane Bell, District Administrator for Southeast Alaska Little League, spoke regarding Petersburg Little League's

agreement to use and maintain the Mort Fryer Ball Fields.

Resolution #2016-07 was unanimously approved by Roll Call Vote.

- D.** Resolution #2016-08: A Resolution Authorizing and Directing the Municipal Land Selection Agent to Transmit to the Alaska Department of Natural Resources a Portion of the Borough's Nomination of Municipal Entitlement Lands

Attachments: [Resolution #2016-08.pdf](#)
[Nominations for Municipal Land \(Part 1\).pdf](#)

Mayor Jensen shared that he and Community and Economic Development Director Cabrera will be meeting with DNR in Juneau on March 16, 2016 to present and discuss the Borough's land selections.

Assembly Member Lynn outlined the criteria the Land Selection Committee used in selecting the parcels: 1) lands that can be sold for a profit and then added to the property tax roll; 2) lands with access to terminal transportation facilities (Woodpecker Cove and Olson's Log Dump, for instance); and 3) lands to be used for mitigation purposes.

Resolution #2016-08 was adopted unanimously.

- E.** FY 2017 Community Services Budget Requests

Attachments: [Community Services Budget and Transient Room Tax Special Revenue Fund.pdf](#)
[Chamber of Commerce.pdf](#)
[Clausen Museum.pdf](#)
[KFSK.pdf](#)
[Mnt. View Food Services.pdf](#)
[Petersburg Mental Health Services, Inc..pdf](#)
[WAVE.pdf](#)

A motion requesting a Balance Sheet from each entity requesting funds from the Community Services budget was unanimously approved by Roll Call Vote.

- F.** North End Ferry Authority Letter of Support Request

Attachments: [North End Ferry Authority Letter.pdf](#)

Motion to provide a letter of support for the North End Ferry Authority's \$117,000 State grant application was unanimously approved.

16. Communications

None.

17. Assembly Discussion Items

- A.** Recognitions

Assembly Member Castro recognized the members of the Petersburg Volunteer Fire Department for all their time and effort - they are greatly appreciated. He also encouraged the public to support the Petersburg Volunteer Fire Department by attending the annual Community Sunday Brunch, a fundraiser for the Fire Department sponsored by Petersburg Fisheries on Sunday, March 13th from 10:00 a.m. to 1:00 p.m. at the PFI Cookhouse.

Assembly Member Lynn recognized the Land Selection Committee for their research and consideration of what Borough lands to request from the Department of Natural Resources.

B. Marijuana Ordinance

Attachments: [US Deputy Attorney General Memo.pdf](#)
[Questions for the Assembly on Marijuana.pdf](#)
[C. Lagoudakis Answers to Marijuana Questions.pdf](#)
[J&R Roberts Marijuana Opinion.pdf](#)
[Draft Alcohol and Marijuana Ordinance.pdf](#)
[Draft Changes to General Penalties Ordinance.pdf](#)

Assembly Member Stanton-Gregor reported on a marijuana presentation he, Assembly Member Castro and Police Chief Swihart attended in Wrangell on March 1st given by the Director of Alaska's Alcohol and Marijuana Control Office, Cynthia Franklin. He found Ms. Franklin to be extremely helpful, knowledgeable and encouraging. Ms. Franklin discussed U.S. Deputy Attorney General James Cole's memo, which generally states that if certain criteria are followed, the regulation and enforcement of state laws will be left to the state and local law enforcement and federal prosecution of these cases is not a priority.

Assembly Member Castro felt the presentation was well done and helped him to better understand how the marijuana industry might work in Petersburg. He felt it could be beneficial to bring Ms. Franklin to Petersburg for another presentation and possibly invite surrounding communities to attend as well.

Assembly Member Wohlhueter asked if Ms. Franklin gave any specific suggestions on moving forward with this issue based upon community size - maybe share what other communities of similar size to Petersburg are adopting for regulations, etc. Assembly Member Stanton-Gregor stated his belief that Ms. Franklin's stance is the State regulations speak for themselves. Municipalities are allowed to adopt more stringent regulations if they see fit.

Chief Swihart shared that he believes we made the task of coming up with local marijuana regulations more difficult than it needs to be. The State has a good process going, and the process is being refined along the way. He agreed it would be beneficial to have Ms. Franklin give a presentation in Petersburg and stated his attendance at the Wrangell presentation went a long way in helping him understand where the Marijuana Control Board was coming from and what approach they were going to take in adopting the regulations.

Assembly Member Castro wondered if we could invite Ms. Franklin down to give a presentation and perhaps refine some of her presentation toward local municipalities rather than State-wide in general.

Mayor Jensen requested Clerk Thompson communicate with Ms. Franklin as well as other municipality clerks to see if they would be interested in attending a presentation in Petersburg.

Assembly Member Stanton-Gregor encouraged the public to send the Assembly feedback on the questions regarding marijuana regulations that are currently posted on the Borough's website (www.petersburgak.gov).

18. Adjourn

The meeting was adjourned at 3:05 p.m.