



Meeting Minutes Borough Assembly

Tuesday, January 20, 2015

7:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Mayor Jensen called the meeting to order at 7:00 p.m.

Present: 6 - Mayor Mark Jensen, Vice Mayor Cindi Lagoudakis, Assembly Member Bob Lynn, Assembly Member Nancy Strand, Assembly Member Jeigh Stanton Gregor and Assembly Member Kurt Wohlhueter

Excused: 1 - Assembly Member John Havrilek

2. Voluntary Pledge

The Pledge was recited.

3. Approval of Minutes

A. Meeting Minutes of January 5, 2015

Attachments: [January 5, 2015 Minutes.pdf](#)

The minutes were unanimously approved, as submitted.

4. Amendment and Approval of Meeting Agenda

The meeting agenda was approved, as submitted.

5. Public Hearings and Bid Awards

6. Visitors' Views Related to Agenda

Dave Kensinger, resident and business owner, spoke in support of the Borough purchasing land at Papke's Landing. He informed the Papke's dock area is used not only by the immediate area residents and lodge owners, but also by many in-town residents. He believed Borough ownership of some of the property in the area would benefit the community as the other governmental agencies would be more responsive to the Borough than to individuals.

7. Visitors' Views Unrelated to Agenda

No comments.

8. Board, Commission and Committee Reports

No reports.

9. Consent Agenda

A. Local Acknowledgement of 2015 Gaming Permit Applications for the Petersburg Rod & Gun Club and Petersburg Little League

Attachments: [Petersburg Rod & Gun Club Permit Ap.pdf](#)
[Petersburg Little League Permit Ap.pdf](#)

The permit applications were acknowledged.

10. Report of Other Officers

No reports.

11. Mayor's Report

Mayor Jensen advised there would not be a quorum for the February 17 meeting; and the Borough was notified late this afternoon that it had won its dangerous building suit against Karen Ellingstad and Fred Triem.

The February 17 Assembly meeting was cancelled due to lack of quorum; and the Manager will send notice to Ellingstad and Triem giving a time when the dangerous building at 1011 Wrangell Ave. violation must be remedied.

12. Manager's Report

01-20-2015 Report

Attachments: [Manager report 01202015](#)

In absence of the Manager, Clerk O'Rear read the written Manager's report.

13. Unfinished Business

Ordinances for Second Reading

A. Ordinance #2014-20: An Ordinance Providing Parking Regulations and Fines for Parking Violations and Repealing the Remaining Chapters of the Old City Code (short title).

Attachments: [Ord. #2014-20.pdf](#)

The ordinance would finalize the transfer of City of Petersburg traffic ordinances to Borough Code. The Assembly had previously adopted Ordinance #2013-25 that listed the State statutes and regulations that were adopted for use in the Borough to address our most common motor vehicle enforcement needs. The second reading of the ordinance had been postponed until Police Chief Swihart was available to answer questions. During discussion of the ordinance, it was questioned why the parking restrictions should be applied borough-wide. It was noted that although the police department does not routinely enforce parking

restrictions outside of service area one, there may be need for the parking ordinance outside of service area one when performing contracted services with the Forest Service and State Police. If written under local ordinance, the fine for an infraction would come to the borough versus the State.

The ordinance was passed unanimously by Roll Call Vote in second reading.

14. New Business

A. Ordinance #2015-01: An Ordinance Providing for a Joint Thomas Bay Power Advisory Committee with Wrangell (short title), First Reading

Attachments: [Ord #2015-01 TBPC.pdf](#)

The ordinance mirrored the City and Borough of Wrangell's ordinance #890 that passed in its first reading on January 13. The ordinance provided for a joint advisory committee that will only meet and be active when both municipalities' assemblies believe there is a matter to be addressed between the communities. Wrangell was expected to finalize their ordinance on January 27. During discussion, it was noted that if the ordinance is approved, a Charter amendment to remove the Thomas Bay Power Authority from the Charter will be placed on the October election ballot.

The ordinance was unanimously approved by Roll Call Vote.

B. Ordinance #2015-02: An Ordinance Providing for a Farm Property Tax Exemption and Submitting the Ordinance to the Voters (short title). First Reading.

Attachments: [Ord. #2015-02 Farm Property Tax Exemption.pdf](#)

The ordinance provided for a property tax exemption for farm structures when a land owner meets specific requirements. The ordinance, if approved by the Assembly, would require voter approval. Discussion was held on what effect the legalization of marijuana would have on the potential number of exemptions applied for and approved. To some assembly members, 10% of income based on farming appeared to be a very small percentage of income to qualify for an exemption.

The Ordinance was approved in first reading by unanimous Roll Call Vote.

C. Resolution #2015-01 - Supporting Enactment of Healthy Forests/Timber Reform Legislation that would Expand Local Timber Economies

Attachments: [Res. #2015-01.pdf](#)

The resolution urges the federal government to enact a Healthy Forests Bill in the first quarter of 2015 that includes retroactive Secure Rural Schools payments and provides a long term funding source to assist in the expansion of local timber economies. Prior to adoption, the resolution was amended in the second whereas clause to reference Payment in Lieu of Taxes funding.

The resolution, as amended, was unanimously approved by Roll Call Vote.

D. Resolution #2015-02 - Resolution Authorizing Participation in the Mental Health Trust Land Office's Winter Land Sale for Property Located at Papke's Landing

Attachments: Res. #2015-02 MHLT Winter Sale.pdf
 Seaduck Subdivision Map.pdf
 13 comments of purchase or non purchase of Papke's Land.pdf

Thirteen comments had been expressed to the Assembly in response to a public request for comments first issued November 28. Eleven of the responses encouraged participation in the land sale and two discouraged participation. Mayor Jensen advised that if the resolution passed, an Executive Session would be held at the end of the meeting for the Assembly to give guidance to staff on which parcels to bid on and for what purchase price. Assembly Member Strand related she could not support the purchase of land until such time as a service area for the Papke's area was formed. Assembly Member Stanton Gregor did not see the acquisition of land as a service area issue as the current dock, launch facility and area parking is used by everyone, not just Papke's or Wrangell Narrows residents. Acquisition of the property would be a long term benefit as no improvements would be made in the short term. Assembly Member Lynn provided a brief history on the area and also informed he did not believe the acquisition of the property was a service area matter. He added that if the borough acquired the property and did not put it to use, it could be resold. Mayor Jensen expressed concern of purchasing additional borough property when the northern boundary dispute with Juneau had yet to be resolved.

Resolution #2015-02 was passed by a 5-1 Roll Call Vote. Member Strand opposed as she believed acquisition of the land was a service area issue.

E. Consideration of Professional Services Contract with Harai & Associates, Inc.

Attachments: [Harbor Master Recommendation and Pics.pdf](#)
[Harai & Associates Proposal.pdf](#)

The contract for services was for an amount not to exceed \$14,950 to provide permitting, design, construction specifications and bid documents to replace a 25 x 50 foot deteriorated timber dock north of the Harbor office. The estimated cost to reconstruct the dock was \$150,000.

The Assembly approved the professional services agreement as recommended by the Harbor Master.

15. Communications

Mayor Jensen informed that Representative Kreiss-Tomkins has been keeping assembly members apprised of his work regarding regulations for pesticide and herbicide use. Member Lagoudakis passed on the Fire/EMS Department's call for volunteers.

16. Assembly Discussion Items

A. Recognitions

B. Discussion on a Local Ordinance to Address Marijuana Sales, Cultivation, Manufacturing, Testing, etc.

Mayor Jensen asked for community discussion on what is desired for local regulations on marijuana. He asked if the assembly would like to form a committee to research matters or solicit public comments. Member Lagoudakis informed she would like to consider an ordinance similar to Juneau that indicates no areas within the borough will be designated for commercial marijuana sales or production and no permits issued until the State regs are determined. This approach would allow the community to take its time in

establishing local regulations. The Assembly appeared split on whether to wait until the State finalizes regulations or to move forward now with local regs. In response to the Mayor's request for his opinion, Police Chief Swihart believed it would benefit the community to begin educating and preparing itself. Although there are pros and cons to be considered, the Chief said he had most concerns on the safety aspects related to grow operations and the concentration of THC in edibles. Discussion continued with it noted that where commercial dispensaries are located has been a large controversial topic in many Colorado communities and is a matter that needs to be determined by our community. Chief Swihart was asked to provide a presentation on what the law allows and does not allow so everyone is on the "same page". Chief said he would try to provide information, however there are still many unanswered questions that the State must address.

Consensus was the assembly will conduct a public comment period at each upcoming assembly meeting. A public comment period was not defined.

17. Executive Session

- A. By unanimous Roll Call Vote the Assembly adjourned to Executive Session to discuss which lots in the Seaduck Subdivision the Borough would make sealed purchase bids on and what dollar amount should be bid on each lot.**

Assembly to Executive Session at 8:09 p.m.

Regular Session was reconvened at 8:50 p.m.

By a Roll Call Vote of 5-1 (Member Strand opposed) staff was directed to submit bids as discussed in executive session.

18. Adjourn

The meeting adjourned at 8:51 p.m.

Approved: _____

Debra K. Thompson, Deputy Clerk