



## Meeting Minutes Borough Assembly

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Monday, November 25, 2013

7:00 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

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

**Present:** 5 - Mayor Mark Jensen, Assembly Member John Hoag, Assembly Member John Havrilek, Assembly Member Cindi Lagoudakis and Assembly Member Nancy Strand

**By Phone:** 1 - Assembly Member Kurt Wohlhueter

### 2. Voluntary Pledge

*The Pledge was recited.*

### 2A. Assembly Vacancy

[13-330](#) Appointment to Vacancy

**Attachments:** [Lynn Letter of Interest.pdf](#)  
[Support Letters.pdf](#)

*One letter of interest to fill the vacancy was received. Resident Bob Lynn offered his services to the community.*

**By a unanimous paper ballot, Mr. Lynn was appointed to the assembly to serve until the October, 2014 regular election.**

### 3. Approval of Minutes

A. [13-332](#) There are no minutes available for approval.

### 4. Amendment and Approval of Meeting Agenda

The agenda, as presented, was unanimously approved.

### 5. Public Hearings and Bid Awards

A. [13-334](#) Public Hearing on Ordinance #2013-17: An Ordinance Providing for Chapter 14.12, Sanitation, of the Municipal Code and Providing Incentive for Recycling

*David (Ole) Whitethorn questioned the proposed salvage permit increase from \$5.00*

*per day to \$10.00 per day and elimination of an annual salvage permit.*

*Public Works Director Hagerman informed the salvage program was originated to allow citizens entry to the landfill to obtain reusable items. However, the program has evolved to include several people using the program to commercially salvage precious metals, resulting in considerable revenue to some individuals and creating a very competitive, often disruptive and hostile atmosphere at the landfill. It was believed a higher cost for a daily salvage permit would generate more money to borough, yet not create a hardship on the salvagers. Salvaging is planned to remain as a two day program.*

## **6. Visitors' Views Related to Agenda**

*Mike Bangs (Harbors & Port Advisory Board member); Brian Lynch (Director, Petersburg Vessel Owners); and Joe Willis (resident and commercial fisherman) spoke in support of agenda item 13D, Amendment to Drive Down Facility Plan Document and Funding Plan. All encouraged the assembly to approve amendment of the base construction plan for the project to include an electrical component to assure electrical contractors participate in the bid process.*

## **7. Visitors' Views Unrelated to Agenda**

*Brian Lynch, Director for Petersburg Vessel Owners, presented a proposed letter to our federal representatives urging that the federal government become more involved in ensuring that downstream Alaska water quality and fisheries are not adversely affected by industrial development in British Columbia (Rivers to Borders). The assembly will take formal consideration to join as a signatory to the letter at the December 2 meeting.*

## **8. Board, Commission and Committee Reports**

*No report.*

## **9. Consent Agenda**

*No items.*

## **10. Report of Other Officers**

*No reports.*

## **11. Mayor's Report**

**A.** [13-331](#) Report for November 25, 2014

**Attachments:** [Tremblay Letter of Interest.pdf](#)  
[TBPA Term Listing.pdf](#)



1. *Appointment to Vacancy on Library Board - hearing no objections from the assembly, Mayor Jensen appointed Chelsea Tremblay to the vacancy until the October, 2014 election.*
2. *Reappointment to Thomas Bay Power Authority - hearing no objections from the assembly, Mayor Jensen reappointed John Jensen as Petersburg's representative to the Thomas Bay Power Authority.*
3. *Report on Attendance at Alaska Municipal League Conference - Mayor Jensen and Assembly Members Hoag, Havrilek and Lagoudakis each shared information received at this year's conference held in Anchorage. Mayor Jensen also provided a report on his attendance to the Mayor's conference and participation in a teleconference of the Kake-Petersburg Intertie Steering Committee.*
4. *Mayor Jensen reminded of the December 2 regular assembly meeting at noon and the work session with the hospital board on December 5 at 9:00 a.m.*

## 12. Manager's Report

- A. [13-322](#) 11-25-2013 Report

Attachments: [Manager report 11252013](#)

*Manager Giesbrecht reviewed his written report.*

## 13. Unfinished Business

Ordinances for Third and Final Reading

*None.*

Ordinances for Second Reading

- A. [ORD#13-018](#) Ordinance # 2013-17: An Ordinance Providing for Chapter 14.12, Entitled Sanitation, of the Municipal Code, Updating Current Language to Reflect Borough Incorporation; and Providing Incentive For Recycling. Final Reading.

The ordinance has been revised by Attorney Heideman since its second reading. In Section 14.12.210, fines for violations are to be as provided in Chapter 1.16. Proposed Ordinance #2013-22 (under new business) provides for a fine schedule for the Code.

Attachments: [Ord. 2013-17, as amended.pdf](#)

*Discussion was held on the value of salvage material at the landfill being taken by commercial users. PW Director Hagerman indicated that changes in the scrap metal recycling industry in SE Alaska has provided the borough with value in the scrap metal pile that hasn't been seen historically. The value that can now be recouped by the borough when selling the entire pile is being compromised by the commercial salvagers throughout the year. While it is very difficult to determine the dollar value*

*of material being salvaged from the yard by permittees, it is understood that the return on some annual salvager's activities has been substantial. It is believed the redrafted ordinance begins to recoup some of the value being lost by increasing the per day salvaging fees and eliminating annual permits. Additionally, the competitive nature of the avid salvagers has become a situation that has been difficult for the utility to manage so the department is trying to refocus the salvage program on simple reuse of disposed items instead of catering to the commercially interested customer.*

**By unanimous Roll Call Vote, Ordinance #2013-17 was approved in second reading.**

**B. [13-000](#)**

Juneau Appeal of Petersburg Borough Boundaries

No new information.

*No new information received from the Court.*

**C. [13-001](#)**

Redistricting

**Attachments:** [2013 Proclamation Plan Map.pdf](#)

*The court has ruled that the Redistricting Board's 2013 Proclamation Plan meets State Constitution requirements. The Riley plaintiffs have said they will not appeal the decision. Petersburg has gone on record in support of the 2013 Proclamation Plan. The Plan must be in effect by April 1, 2014 and will place Petersburg with Sitka in the same House and Senate Districts, which is preferred over the original pairing of Petersburg with downtown Juneau.*

**D. [13-342](#)**

Consideration to Amend the Drive Down Facility Construction Bid Documents and Funding Plan

**Attachments:** [Proposed Amendment to Plans.pdf](#)

[September approval and supporting documents.pdf](#)

*At the September 27, 2013 assembly meeting, the assembly accepted the Harbors and Port Advisory Board's recommendation and authorized the engineers to prepare the final construction documents and proceed to bid. The approved construction plans consisted of a base project with seven alternatives. At a recent pre-bid conference, it was noted by interested contractors that omitting all electrical components from the base project discouraged electrical sub-contractors to participate in the bid process as electrical is only addressed in project additives. Since the pre-bid conference, PND is proposing the project be amended to include some electrical work in the base project and provide five additive alternates instead of the original seven. Changing the project as recommended would increase the engineer's estimate for the base project from \$10,851,212 to \$11,362,308., a project deficit of \$511,096 which would need to come from the Harbor Fund.*

**By a unanimous Roll Call Vote the assembly approved the project be amended to include electrical work in the base project and provide five additive alternates as outlined in PND's revised project estimate dated November 15, 2013.**

**14. New Business**



- A. [ORD#13-18](#) Ordinance # 2013-18, An Ordinance Providing for Chapter 9.12, Entitled Littering, of the Municipal Code, Updating Current Language to Reflect Borough Incorporation. Second Reading.

The ordinance has been revised by Attorney Heideman to address fines in Section 9.12.200 as well as added language to Section 9.12.130 clarifying that the costs for clean-up can be recovered in a civil action as well as inclusion in the refuse collection bill.

**Attachments:** [Ord. #2013-18.pdf](#)

*The purpose of the ordinance is to update Code language to reflect borough incorporation.*

**By unanimous Roll Call Vote Ordinance #2013-18 was approved in first reading, in title only.**

- B. [ORD#13-19](#) Ordinance # 2013-19, An Ordinance Providing for the Harbors and Ports Department and Advisory Board (short title). Second Reading.

**Attachments:** [Ord. #2013-19.pdf](#)

*The proposed ordinance would provide for the administration, operation and maintenance of a borough harbor department and provides for the retention of a seven member elected Harbors and Port Advisory Board.*

*This ordinance, as well as proposed Ordinances # 2013-20 (Public Safety) and # 2013-21 (Parks and Recreation), expands the existing duties of Advisory Boards to also provide advice to department heads on their respective departmental duties and responsibilities. The ordinances also remove the secretary positions from the advisory boards and change some responsibilities of the board chairpersons.*

**By a Roll Call Vote of 5-1 (Member Hoag opposed) Ordinance # 2013-19 was approved in first reading, by title only. Member Hoag supported retention of the board for Borough purposes, but opposed the board being elected.**

- C. [ORD#13-20](#) Ordinance # 2013-20, An Ordinance Providing for a Borough Health Officer, Fire Department, Police Department and Retention of a Five Member Elected Advisory Board (short title). Second Reading.

In response to concerns voiced at the November 25, 2013 assembly meeting that the ordinance automatically designated the chief of staff of the Medical Center to be the health officer, Attorney Heideman has recommended that Section 3.20.010 be amended to give the borough flexibility to acquire the most knowledgeable person for different needs. The proposed amendment provides for the borough manager to appoint a health officer for each specific need as it arises.

**Attachments:** [Ord. 2013-20, as amended.pdf](#)

*Member Lagoudakis expressed concern with carrying forward the prior city Code language that designated the chief of staff at Petersburg Medical Center as the health officer without having a written understanding with the Hospital Board. She believed it prudent to postpone action on the ordinance until a meeting with the Board is held*

and the matter addressed. A motion to postpone the first reading of the ordinance failed by a vote of 2-4 (Members Hoag, Strand, Havrilek and Mayor Jensen opposed). It was consensus of the no voters that the ordinance could move forward without delay as this has been the norm in the past.

**By a Roll Call Vote of 4-2 (Members Lagoudakis and Hoag opposed. Lagoudakis due to health officer provisions; Hoag due to the public safety board being elected) Ordinance # 2013-20 was approved in first reading by title only.**

- D. [ORD#13-21](#) Ordinance #2013-21, An Ordinance Providing for Borough Parks and Recreation and Retention of a Five Person Elected Advisory Board. Second Reading.

**Attachments:** [Ord. #2013-21.pdf](#)

**By a Roll Call vote of 5-1 (Member Hoag opposed) Ordinance #2013-21 was approved in first reading by title only. Member Hoag was opposed due to the Parks & Recreation Board being retained as an elected board.**

- E. [13-333](#) Authorization to Place the Crane Dock Widening Project Out to Bid

**Attachments:** [Harbormaster Recommendation.pdf](#)

[Engineer's Estimate.pdf](#)

*PND Engineers have completed the final design for the project and have estimated the construction cost to be \$877,234. An additive alternate to provide for access ladders is proposed at an estimated cost of \$38,650. Harbor Master Wollen has provided written recommendation to authorize the bid process to take advantage of having multiple construction companies working in Petersburg this upcoming season. Funding for the project is secured.*

**By unanimous Roll Call Vote, the assembly authorized the Crane Dock Approach Widening Project be let out for bid.**

- F. [13-341](#) Authorization to Solicit a Request for Proposals to Provide Psychiatric Emergency Response, Treatment Services and Community Support

**Attachments:** [RFP for Psychiatric Services.pdf](#)

*During the FY 2013/14 budget process, a couple of assembly members had suggested that the borough seek proposals on community mental health care service needs. Information on state funded mental health programs was received that indicated local funding allows for services to be provided outside of state requirements. During discussion consensus was the proposed RFP appeared to be too far reaching. It was also noted that for-profit mental health providers may apply for local grant funds. Making an analysis of what services a local mental health professional will provide for the community should occur prior to local grant funds being given.*

**By a 1-5 Roll Call Vote, (Member Hoag in support) the motion to authorize a solicitation for a Request for Proposals to provide psychiatric emergency response, treatment services and community support, failed.**

## 15. Communications



A. Educational Material

*Educational materials for the public administration program for the University of Alaska are available at the public library.*

B. Attorney Correspondence

*Member Hoag expressed disappointment that a recent memo written to the assembly by Attorney Brennan was designated Attorney Client Privileged making it exempt from release to the public. He believed the memo should be available as a public record as it addressed matters that will be discussed in the very near future.*

**16. Assembly Discussion Items**

A. [13-002](#) Recognitions

This agenda item is reserved to acknowledge individuals, groups, departments, agencies or anyone for their contributions toward the betterment of the Petersburg community.

*Clerk O'Rear was acknowledged for being nominated as a potential recipient of the Clerk of the Year Award given by the Alaska Association of Municipal Clerks.*

B. [13-344](#) By-Mail Elections

**Attachments:** [Question Results.pdf](#)

*Attorney Heideman and Clerk O'Rear are currently rewriting the municipal election code to provide for borough formation. During the incorporation election process, many residents expressed their desire for the borough to conduct all of its elections by mail. Comments received to the borough's inquiry last March resulted in mixed views. Heideman and O'Rear want to know if the assembly wants to provide for mail elections and if so, should it be for all elections or only for the conduct of special elections. Consensus of the assembly was more feed back from the public is needed. They requested the borough solicit comments to mail-in elections as well as conduct a public hearing on the subject in January. The Clerk is to provide a cost analysis of by-mail elections compared to in-person elections.*

**17. Adjourn**

*The meeting adjourned at 8:50 p.m.*

Date Approved: \_\_\_\_\_

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Kathy O'Rear, Clerk