



## Meeting Minutes Borough Assembly

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Friday, September 27, 2013

12:00 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

**Present:** 4 - Mayor Mark Jensen, Vice Mayor Sue Flint, Assembly Member Cindi Lagoudakis and Assembly Member Nancy Strand

**Excused:** 1 - Assembly Member John Hoag

**By Phone:** 2 - Assembly Member John Havrilek and Assembly Member Kurt Wohlhueter

### 2. Voluntary Pledge

*The Pledge was recited.*

### 3. Approval of Minutes

#### A. [13-228](#) Regular Assembly Meeting Minutes of September 3, 2013

**Attachments:** [09-03-2013 Minutes.pdf](#)

The minutes were approved, as submitted.

### 4. Amendment and Approval of Meeting Agenda

The agenda was approved, as submitted.

### 5. Public Hearings and Bid Awards

*None.*

### 6. Visitors' Views Related to Agenda

*Resident and Executive Director for Petersburg Vessel Owner's Association, Brian Lynch requested to speak to agenda item 15A (ADOT response on Borough's concerns on use of herbicides and pesticides.)*

### 7. Visitors' Views Unrelated to Agenda

*Kim Kilkenny, Petersburg Mental Health clinician, provided the 9 year results of a 10 year study regarding substance abuse and addiction in the community. She said the results indicated the Petersburg community is making progress in awareness and curbing abuse. She referenced the largest gain in the program was that the legal system is now taking more action on substance related crimes. One year remains on the 10 year study and that year will be dedicated to developing prevention strategies.*

*She thanked the Assembly for their support of the study.*

## 8. Board, Commission and Committee Reports

### A. [13-223](#) Status Report - Landfill Slope Stabilization Project.

**Attachments:** [Status Report.pdf](#)

*Public Works Director Hagerman briefed the Assembly on the status of the on-going Landfill Slope Stabilization project. The project is underway in conjunction with the North Harbor Dredge which is being performed by the Corp of Engineers. The dredge spoils are being accepted and used at the landfill as a cover to the metal pile. The Slope Project consists of: fill (the dredge soils which were approved for fill use after sampling by the Corps); grading of all slopes to ADEC standards; and rock for a work pad for scrap metal storage and other sanitation operations. The dredge spoils are more "watery" than anticipated and have caused the need for the Borough to amend the Slope Project specs and provide for a containment berm at the outer fill limits of the permitted area. The Borough Manager approved the project change (even though it exceeded his expense limit because of the long time period between Assembly meetings) to assure both the dredge and slope projects would not be shut down. At this time, the total containment berm is not complete, but dredging and de-watering of the spoils continues to keep both projects on track. It is anticipated that the project change for the Landfill Slope Project will be within budget, but exactly what needs to be done on the slopes can not be determined until next spring. The Public Works department is working with the Corp and the Corp's dredge contractor to obtain some type of funding toward the slope project, as it was the Corp that analyzed the dredge spoils prior to commencement of dredging.*

## 9. Consent Agenda

*No items.*

## 10. Report of Other Officers

*No report.*

## 11. Mayor's Report

### A. [13-238](#) Accept Resignation and Solicit Letters of Interest

**Attachments:** [Hurt Resignation Letter.pdf](#)

*Mayor Jensen informed that Anne Hurt will be retiring the end of the month and moving to Seattle. Her leaving will cause a vacancy on the Library Board. Ms. Hurt was thanked for her several years of service to the borough as a finance department employee and library board member.*

**The clerk was authorized to solicit letters of interest to fill the vacancy on the Board.**

### B. [13-242](#) Review on the Retention of Boards/Committees

**Attachments:** [New Review Schedule.pdf](#)



*Due to the change in date of this meeting, a new schedule for the review of boards/committees to be retained by the borough was also changed.*

**A new schedule was provided to the Assembly.**

**C. [13-243](#) Papke's Landing Posting Board**

*The Borough has received written notification of approval from both ADNR and ADOT for use of State owned land at Papke's Landing dock facility for public noticing purposes. The Assembly will be asked for formal approval of the posting area at the October 7 meeting.*

**D. [13-245](#) Annual AML Conference**

***Attachments:*** [Registration Info.pdf](#)

*Mayor Jensen advised that any assembly member attending this year's AML conference in Anchorage, November 18 - 22, make their own reservation soon to assure accommodations.*

**E. [13-240](#) Support Letter for SEAPA Grant Application**

***Attachments:*** [Support Letter for SEAPA Wind Grant Ap.pdf](#)

*Mayor Jensen provided a copy of his support letter to SEAPA. The letter supports grant funding from the Alaska Energy Authority - Renewable Energy Fund to support SEAPA's grant application for funds to provide a Wind Resource Assessment in Southeast Alaska.*

**F. [13-191](#) Manager Evaluation**

*Mayor Jensen and Assembly Member Lagoudakis have met with Manager Giesbrecht and discussed the cumulative performance evaluation as submitted by the individual assembly members, department heads and Manager Giesbrecht. The formal evaluation between the Assembly and Manger will be held October 7. Jensen and Lagoudakis have made recommendations for consideration regarding goals and a new wage for the upcoming year.*

**G. [13-239](#) Grand Opening of Petersburg Public Library**

***Attachments:*** [Library Grand Opening.pdf](#)

*Mayor Jensen urged everyone to attend the grand opening of the new library to be held Saturday, September 27.*

**12. Manager's Report**

*No report.*

**13. Unfinished Business**

**A. [13-000](#) Juneau Appeal of Petersburg Borough Boundaries**

*There has been no determination yet from the court.*

**B.**     [13-001](#)           Redistricting

*No new information.*

**C.**     [13-231](#)           MOU Between US Coast Guard Auxiliary and Petersburg Borough Regarding Utilization of Borough-Owned Vessels

**Attachments:**     [MOU with Coast Guard Auxiliary.pdf](#)

*The Assembly discussed the proposed agreement between the US Coast Guard Auxiliary and the Borough regarding the use of the Borough's Harbor Homeland Security Boat. The vessel would be used by the Auxiliary, if funding is approved and provided by the federal government, to increase recreational boater safety and assistance on the waters of Southeast. The Assembly asked both Harbormaster and Fire/EMS Director if they had concerns to the proposed agreement. Both supported the agreement as long as the Auxiliary was required to follow the Borough's written policy on use of the vessel. Consensus of the Assembly was the boat could be used by the Auxiliary if it did not interfere with daily operations and vessel maintenance and as long as there is advance notice of use. The Assembly instructed the agreement be amended to include observance of the Borough's existing written use policy.*

**By a 5-1 Roll Call Vote (Assembly Member Wohlhueter opposed), the Assembly approved entering into the proposed MOU with the US Coast Guard Auxiliary, as amended.**

**D.**     [13-232](#)           Authorization to Submit CIP List

**Attachments:**     [Letter to Governor in CIP Needs.pdf](#)

*The Assembly reviewed the Manager's prepared 2015 CIP list pursuant to the Assembly's direction on September 3. The Assembly ascertained that the department heads for the borough were in agreement with the list.*

**By a unanimous Roll Call Vote, the Manager was authorized to submit the top 14 projects to the Governor and Legislature for funding consideration in FY 2015.**

## Ordinances for Third and Final Reading

*No items. Ordinance #2013-13 will receive final reading at the October 7 meeting.*

**14.     New Business****A.**     [ORD#13-014](#)       An Ordinance Providing for Chapter 4.36 of the Municipal Code and Updating Current Language to Reflect Borough Incorporation

**Attachments:**     [Ord. 2013-14.pdf](#)

*Ordinance #2013-14 would carry over the City of Petersburg Code provisions to the Borough Code. There were no substantial changes to note.*

**Ordinance #2013-14 was approved by title only, in first reading by a unanimous Roll Call Vote.**



- B. [ORD#13-015](#) An Ordinance Providing for Title 6 of the Municipal Code and Updating Current Language to Reflect Borough Incorporation

**Attachments:** [Ord. 2013-15.pdf](#)

*The agenda for the meeting indicated the ordinance carried over the City of Petersburg Code provisions to the Borough Code. Changes also place more limitations and license application processes on itinerant merchants (door to door sales, solicitors, etc). The limitations placed on itinerant merchants would not apply to local fund raising activities or garage/yard sales held by individuals selling their personal belongings.*

**The ordinance was approved by title only, in first reading, by a unanimous Roll Call Vote.**

- C. [RES#13-021](#) A Resolution Informing Wrangell Assembly that the Petersburg Assembly Accepts SEAPA's August 19, 2013 Offer (or similar to be negotiated) to Take Over TBPA Costs at Tyee Hydro and Urging Wrangell Assembly to do the Same (short title)

**Attachments:** [Res. 2013-21 with Non Net Billable Budget.pdf](#)

*The resolution demonstrated Petersburg's support for SEAPA to take over operation and maintenance costs of the Tyee Lake Hydro Project under the same (or similar terms to be negotiated) as SEAPA's CEO's memo to the TBPA President, dated August 19, 2013. The resolution said Petersburg will no longer fund future non-net billable items as in the current budget and that if Wrangell does not accept the terms, or similar terms to be negotiated, the Wrangell community will be solely responsible for the unfunded PERS liability that is estimated to be in excess at \$750,000. The Assembly amended the last resolved clause of the resolution to indicate that SEAPA should pay for the 2014 Non-Net Billable currently being paid by Wrangell.*

**This Resolution, as amended, was approved by unanimous Roll Call Vote.**

- D. [13-224](#) Receipt of Non-Compliance Report on Dangerous Buildings and Scheduling of Noncompliance Hearings

**Attachments:** [Dangerous Building Non-compliance Info.pdf](#)

*The Assembly acknowledged receipt of paperwork submitted by Community Development Director Luczak informing of two properties within Service Area One (1011 Wrangell Avenue and 701 Gjoa Street) that have structures that have been deemed dangerous per Code. Both property owners have failed to comply with written notices to either bring the structures to Code or demolish them. The next step of the process is for the Assembly to conduct a non-compliance hearing.*

**The Assembly scheduled a Non-Compliance Hearing to be held in conjunction with the December 2, 2013 Assembly meeting. The purpose of the hearing will be to hear testimony from any interested persons. The Assembly will allow written testimony to be submitted.**

- E. [13-235](#) Authorization to Move Drive-Down Commercial Dock Facility to Final Design and Bid Phases

**Attachments:** [PND Proposal and Harbor Board Recommendation.pdf](#)

*The Harbor and Ports Board, at their September 13, 2013 meeting, reviewed and approved the 95% design plans. They have recommended the Assembly direct PND*

Engineers to prepare the final construction documents and move the project to bid. PND had provided 7 bid alternates. Base bid for the project was estimated at 10.851 million. The Borough had received 10.8 million dollars in grant funds from the State.

**The Assembly, by unanimous Roll Call Vote, accepted the Harbor and Ports Advisory Board recommendation and authorized the engineer's to prepare the final construction documents and proceed to bid the project.**

## 15. Communications

### A. [13-237](#) September 12, 2013 Letter from ADOT

**Attachments:** [DOT Letter.pdf](#)  
[Lynch email.pdf](#)  
[Previous Correspondence.pdf](#)

*Resident and Executive Director of Petersburg Vessel Owners Association, Brian Lynch, encouraged the Assembly to consider developing an ordinance to require Assembly approval for broad based use of pesticides and herbicides within the Borough limits. The Assembly discussed the most recent letter received from ADOT (dated September 12, 2013) regarding the on-going disagreement between Petersburg and the State agency on the regulations developed for mass use of the substances. During discussion it was noted that the Alaska Conference of Mayors and other Southeast communities are beginning to voice concerns to the regulations. Instead of incurring legal costs to investigate the possibilities of developing a local ordinance or suing the State, consensus was to wait and see what may develop in the legislature now that more communities are raising concerns. It was also discussed that possibly the State could be encouraged to use federal (Forest Service) standards/guidelines for use of herbicides and pesticides whereas the residents and businesses of communities have more of a say on the use of the chemicals. The Assembly requested that the local Forest Service District Ranger attend a future meeting to inform the Assembly of guidelines used by the Forest Service. The Assembly wanted to now about the federal guidelines/regs before encouraging the State to consider using them.*

### B. [13-236](#) AML Request for Letters or Resolutions of Support - Transportation

**Attachments:** [AML Request.pdf](#)

*The Alaska Municipal League is requesting each individual community to contact the governor's office to encourage him to provide increased transportation funding in the upcoming budget. The communities can either express their desire in letter or resolution form.*

**The Clerk was directed to prepare a letter or resolution for consideration at the next meeting.**

## 16. Assembly Discussion Items

### A. [13-002](#) Recognitions

*There were no recognitions, but the Assembly did discuss the need for improved crosswalk designation on Haugen Drive at 2nd and 3rd Streets.*



**17. Adjourn**

This meeting was adjourned at 1:05p.m.