

MINUTES OF THE PETERSBURG BOROUGH ASSEMBLY MEETING, 2ND REGULAR MEETING OF THE MONTH, HELD MONDAY, AUGUST 19, 2013 AT 7:00 P.M. IN THE ASSEMBLY CHAMBERS OF THE MUNICIPAL BUILDING

1. **CALL TO ORDER/ROLL CALL** The meeting was called to order by Mayor Jensen at 7:00 p.m. Present: Mayor Jensen; Assembly Members Flint, Havrilek, Hoag, Wohlhueter (by phone), Strand and Lagoudakis. Absent: None.
2. **VOLUNTARY PLEDGE** The Pledge was recited.
3. **INFORMATIONAL PRESENTATION ON KAKE ACCESS AND INTERTIE PROJECTS** Jason Anderson (US Forest Service), Andy Hughes (Alaska Department of Transportation); and Mark Schinman (SEAPA's Manager for the Intertie Project) presented the assembly with information on both projects. City of Kake and City of Kupreanof officials had been invited to attend the meeting. There were Kupreanof representatives in attendance, but no Kake representatives present or on the phone. The 35 minute presentation revealed the projects will remain on separate tracks/processes and not combined; the Intertie Project is further along in the process; if a road is developed it will include ferry transportation; crossing Petersburg Creek has been ruled out; the estimates to date for the intertie rang from 59 million to 72 million (depending on route taken) and are based on costs of the project without a road. SEAPA representative Schinman informed the electrical project would be considerably less costly if a road were to be developed. During the presentation it was questioned how ADOT believed they could maintain a road between Petersburg and Kake when it is evident they are not able to maintain roads already developed and under their control.
A recess was called at 7:40 p.m.

The meeting was reconvened at 7:45 with all member of the assembly in attendance.
4. **APPROVAL OF MINUTES** There were no minutes available for approval.
5. **AMENDMENT AND APPROVAL OF MEETING AGENDA** The agenda was amended to include item 16B, Rasmus Enge Bridge. The agenda, as amended, was approved.
6. **PUBLIC HEARINGS AND BID AWARDS**
 - A. **Ordinance #2013-11: An Ordinance Providing for Chapter 3.18 of the Municipal Code, Entitled "Finance Department", Updating Current Language to Reflect Borough Incorporation and Providing for the Dissolution of the Finance Committee for the City of Petersburg.** Mayor Jensen called for public comment. No comments were received.
Ord. 11
 - B. **Ordinance #2013-12: An Ordinance Providing for Chapter 4.35 of the Municipal Code, Entitled "Property Development Fund", Updating Current Language to Reflect Borough Incorporation and Designating that Funds from the Sale, or for Acquisition, of State Entitlement Lands be Deposited into, or Disbursed from, the Property Development Fund.** Mayor Jensen called for public comment. No comments were received.
Ord. 12
7. **VISITORS' VIEWS RELATED TO AGENDA** Resident Barry Bracken was in attendance to address agenda Item 14A.

City of Kupreanof Council member Dave Beebe expressed concerns about the Kake Intertie and Access project presentation. He questioned the independence of the electrical EIS from the access EIS. He believed the EIS for both projects were being coordinated. Beebe also questioned the perception of the electrical consultant's belief that Kake's current use of electricity is conservative. He has observed instances of non-conservation of electrical use in Kake during the evening hours while out fishing. He believed alternative electric sources, other than an intertie, should be sought for Kake.

Borough resident Karin McCullough thanked the Assembly and Barry Bracken for the position taken on trying to limit the use of pesticides within the borough.

8. **VISITORS' VIEWS UNRELATED TO AGENDA** None.

9. **BOARD, COMMISSION AND COMMITTEE REPORTS** No reports.

10. **CONSENT AGENDA** No items.

11. **REPORT OF OTHER OFFICERS** No reports.

12. **MAYOR'S REPORT**

A. Seeking Letters of Interest to Fill Vacancy Mayor Jensen informed the Borough is seeking letters of interest from interested residents to fill a vacancy on the Hospital Board. The appointee to the vacancy will serve until the October, 2014 election.

B. Email from Bob King, Legislative Aid for Senator Begich Mr. King has advised the US Coast Guard does not have current plans to take the Anacapa out of service or change its homeport. The Coast Guard is a long way from phasing out their 110' vessels for the 154' fast response cutters. The Coast Guard has been notified of the Senator's interest in retaining a cutter in Petersburg. The Senator's office will keep us informed of any plans affecting either the Anacapa or Elderberry.

C. Attorney's Opinion on Uncompensated Assistance from Borough Assembly Members Attorney Brennan had provided his opinion that there was nothing inappropriate in the borough assembly delegating one of its members a particular task within the member's skills so long as final decisions are reserved to the assembly. He believed there was nothing in the Alaska Rules of Professional Conduct (legal ethics of attorneys) that prohibited assembly member Hoag from providing legal assistance to the borough. By a 6-1 Roll Call Vote (member Lagoudakis opposed) assembly member Hoag was authorized to continue to assist borough administration with on-going labor relation matters.

Opinion

D. Mayor's Letter to James Balsiger, National Marine Fisheries Service Mayor Jensen informed of his August 9 letter to NMFS that expressed his extreme disappointment in NMFS unwillingness to take an active role in removing a very dangerous Stellar Sea Lion from our harbors. The Borough will continue to monitor the situation, but encourages residents and visitors to contact Mr. Balsiger's office in Juneau to express their concerns or for issues related to property damage or injury due to the animal. Any dangerous activity of the sea lion(s) should also be reported to the harbor master so that the incidents can be documented. A NMFS representative will be traveling to Petersburg to observe the situation.

Balsiger Letter

E. Work Session Reminder The Hospital Board and Borough Assembly will conduct a joint work session on August 22 at 9:00 a.m. in the assembly chambers. The Work Session will focus on finances of the hospital and how borough formation may affect hospital funding and governance.

F. Southeast Conference Assembly members planning to attend the September 17-19 event are asked to register and make their own reservations.

13. MANAGER'S REPORT The manager reviewed his written report.

Mrg. Report

14. UNFINISHED BUSINESS

A. Juneau Appeal of Petersburg Borough Boundaries Oral argument will commence at 3:00 p.m. Wednesday, September 4 in Juneau. Judge Menendez has allotted only one hour total for all three parties to make their case. Mayor Jensen plans to attend the court session.

B. Redistricting No new information.

C. Ordinance #2013-11: An Ordinance Providing for Chapter 3.18 of the Municipal Code, Entitled "Finance Department", Updating Current Language to Reflect Borough Incorporation and Providing for the Dissolution of the Finance Committee for the City of Petersburg. 2nd Reading. The ordinance was unanimously approved in 2nd reading by Roll Call Vote.

Ord. 11

D. Ordinance #2013-12: An Ordinance Providing for Chapter 4.35 of the Municipal Code, Entitled "Property Development Fund", Updating Current Language to Reflect Borough Incorporation and Designating that Funds from the Sale, or for Acquisition, of State Entitlement Lands be Deposited into, or Disbursed from, the Property Development Fund. 2nd Reading. By unanimous Roll Call Vote, the ordinance was approved in 2nd reading.

Ord. 12

E. Authorization to Send Reply to the July 9 letter from Michael Coffey, ADOT, Regarding ADOT's use of Herbicide and Pesticide Applications in Petersburg

By unanimous voice vote, the assembly authorized the Mayor to send the letter, as amended by the assembly. The letter informed the Borough considered Mr. Coffey's letter unresponsive to our concerns on the effect of contamination of aquatic habitats and transmission of contamination into fish and other aquatic resources. The letter informed that according to a recent study, one of the active ingredients in herbicides approved for use by ADOT had been overlooked of its toxicity to mammals. It was believed that public awareness of the use of herbicides in or near Alaskan waters could have a negative impact on the public's willingness to buy and consume Alaska seafood. The study had also raised concerns regarding exposure of our residents to contaminated drinking water, consumption of contaminated plants and direct contact with toxins. The letter concluded the Borough appears to have no choice but to consider regulatory actions, via the adoption of ordinance and/or land use restrictions that would ban the large-scale application of herbicides and pesticides within Borough boundaries.

Letter to Kemp and Coffey

15. NEW BUSINESS

A. Ordinance #2013-13: An Ordinance Providing for Title 1 of the Municipal Code, Updating Current Language to Reflect Borough Incorporation. First Reading. By a unanimous Roll Call Vote, the ordinance was approved in first reading. The ordinance carries over the City of Petersburg Code provisions to the Borough Code. It provides for matters regarding: ordinance and resolution preparation; designates a general penalty and interest rate; limits claims against the borough for refunds for over payment to be filed within one year; and provides for records management.

B. Resolution #2013-20: A Resolution Declaring Saturday, October 5 as a Sales Tax-Free Day in the Petersburg Borough The resolution was approved by a 6-1 (member Hoag opposed) Roll Call Vote. Assembly members noted that it was preferred to provide a sales tax-free day that benefited our residents, not visitors. The time of the year provided in resolution #2013-20 (fall) was preferred over a spring or summer tax-free event.

Res. 20

C. Determination on the Retention of Advisory Boards, Committees and

Commissions At the March 18 Assembly meeting, whether to retain or disband the various advisory boards and committees was tabled due to the lateness of the hour of the meeting. Borough Charter Section 19.08 C reads "Except for those provided for by this Charter, all appointed and elected advisory boards, committees and commissions in effect at the time of this Charter shall be dissolved one year after the effective date of this Charter unless specifically continued by ordinance. A motion to retain all the boards/committees, except for the Finance Committee, failed by a vote of 2-4 (members Havrilek, Hoag, Flint, Lagoudakis and Jensen opposed). After discussion, it was determined to address the retention of each board/committee upon it's own merits and needs. The near future assembly meetings will designate a time on the agenda to address the retention or abolishment of one or two boards/committees.

16. COMMUNICATIONS

Mayor Jensen again informed that of NMFS, will be traveling to Petersburg to observe our sea lion problems.

17. ASSEMBLY DISCUSSION ITEMS

A. Recognitions

1. Great Job Member Flint expressed her pleasure with the improvements made to Blaquiere Point boat launch. It is a wonderful improvement for the borough.

2. Thank you Resident Dave Beebe thanked the harbor department for their help in apprehending the culprit who stole his skiff.

B. Rasmus Enge Bridge Member Wohlhueter expressed his idea to repair/replace the bridge by community volunteer help...a good old fashion "barn raising" type project. Administrative staff questioned the ability to perform bridge replacement by volunteers when ADOT must rate the bridge for safety use purposes. Member Havrilek expressed his idea that the bridge be converted to a walking bridge. It would save the community considerable dollars.

18. ADJOURN The meeting adjourned at 8:40 p.m.

Date Approved
