

**MINUTES OF THE PETERSBURG BOROUGH ASSEMBLY MEETING, 1ST REGULAR MEETING OF THE MONTH, HELD MONDAY, JUNE 3, 2013 AT 12:00 A.M. IN THE ASSEMBLY CHAMBERS OF THE MUNICIPAL BUILDING**

1. **CALL TO ORDER/ROLL CALL** Mayor Jensen called the meeting to order at 12:00 noon. Present: Mayor Jensen; Assembly Members Flint, Havrilek, Wohlhueter, Hoag, Strand (late) and Lagoudakis (by phone). Absent: None.
2. **VOLUNTARY PLEDGE** The Pledge was recited.
3. **APPROVAL OF MINUTES**
  - A. **Regular Meeting Minutes of May 20, 2013** The minutes were unanimously approved.  
5-20-2013 Assembly Meeting Minutes
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** None.
7. **VISITORS' VIEWS UNRELATED TO AGENDA**
  - A. **Barry Bracken - Herbicide Spraying** Borough resident Barry Bracken informed the Assembly of a decision by the Governor's office to allow State agencies to apply herbicides and pesticides to State property and Rights of Way without obtaining a permit from the Department of Environmental Conservation, and without any public review. Bracken shared his concerns that these new regulations deny our citizens the right to participate in the decision making process and can affect our drinking water and aquatic habitat, as well as exposing our children and pets to harmful toxins. He remembered when several years ago Petersburg expressed strong opposition to the Department of Transportation's plans to spray herbicides to control plant growth on Mitkof Highway and the program was stopped before it got started. Bracken requested the Borough adopt an ordinance protecting our Borough residents from toxic contamination. Assembly Member Flint thought it prudent to send a letter to the State in protest of the way they decided this without any public input. A motion was passed to draft an ordinance to control herbicide and pesticide spraying in our borough. In addition, the Assembly will send a letter to the Department of Transportation expressing Petersburg's opposition to herbicide and pesticide spraying.

**ENTER ASSEMBLY MEMBER STRAND (12:05 P.M.)**

8. **BOARD, COMMISSION AND COMMITTEE REPORTS** None.
9. **CONSENT AGENDA** None.
10. **REPORT OF OTHER OFFICERS**
  - A. **Kake Electrical Intertie and Kake Access Community Work Group** Assembly Member Lagoudakis reported the meeting was attended by Kake's Administrator Rudy Bean and Kake's Mayor Henrich Kadake; Nancy Barnes, legislative aide for Jonathan Kreiss-Tomkins; Bob Mills with Kake Tribal Corp; Mike Traffalis with DOT and Tom Parker with the USFS (both made presentations describing the projects and their

timelines); and many Borough residents. All parties were in agreement of the need for the Intertie and to keep the lines of communication open. There was not consensus on Intertie route or road route preferences. All parties expressed interest in staying involved in the process and have plans to meet again in August.

## **11. MAYOR'S REPORT**

**A. Seeking Letters of Interest The Borough is seeking letters of interest from persons interested in serving on the Ad Hoc Sale Tax Ordinance Review Committee. The Committee will review the Borough's current sales tax ordinance as it relates to changing commerce and economical needs in support of a wide variety of public community services and operations. After review, including receipt of public input, the Committee will make recommendations for changes to the ordinance. Assembly Members Strand and Flint have expressed interest in serving on the committee.**

Seeking Letters of Interest Notice Ad Hoc Sales Tax Committee

**B. Authorization to Send Letter to Nathan Cullen** The letter requests support to facilitate open dialogue between the US and Canada to create an ecosystem-based approach for assessing new development proposals in the BC-Alaska transboundary watershed region but was not authored by Mayor Jensen. While Jensen feels it is important to urge the State of Alaska to fund a baseline water quality assessment study of all of our transboundary rivers so we have something to compare future assessments to and ensure Canadian mining projects are not harming water quality on the rivers, he is uncomfortable with some of the strong language in the letter without knowing where the facts come from. The clerk's office is currently researching where the letter originated and will help Mayor Jensen get more information regarding the subject. The Assembly agreed the Mayor should hold off signing the letter until he feels comfortable in doing so.

Letter to Nathan Cullen

**Mayor Jensen informed the Assembly that he will be leaving for the fishing grounds before the June 17th meeting and will be gone until possibly September. He will participate by phone if and when he is able to.**

- 12. MANAGER'S REPORT** Manager Giesbrecht reviewed his written report. The report is attached and made a permanent part of these original meeting minutes.

6-3-2013 Manager's Report

## **13. UNFINISHED BUSINESS**

**A. Ordinance #2013-7: An Ordinance Providing for Chapter 3.12 of the Municipal Code, Entitled "Administration", Updating Current Language, Adding a Section that Informs how Employees will be Compensated and Applying the Provision of the Ordinance on an Area-wide Basis. Final Reading.** Motion was made and seconded to adopt Ordinance #2013-7 in its third and final reading. Assembly Member Lagoudakis spoke on her belief that the ordinance as written does have good intentions, but feels it does not meet its stated goal and is not a meaningful ordinance. She stated that when we pass law, it needs to be meaningful and measurable. Lagoudakis contends the contents of Section 3.12.030, Compensation of Employees, is not law; it is policy. At hire, Borough employees do not receive a copy of the Municipal Code. They do receive an Employee Handbook where she feels this information would be more properly placed. Assembly Member Flint wholeheartedly agreed and made a motion to remove Section 3.12.030 from Ordinance #2013-7. Motion was seconded by Assembly Member Strand. The amendment passed 5-2, Members Hoag and Havrilek opposed. The original motion to adopt Ordinance #2013-7 as amended passed by a unanimous vote of the Assembly in its third and final reading.

Ordinance #2013-7

**B. Ordinance #2013-8: An Ordinance Adopting the Budget and Setting the Millage Rates for the Fiscal year July 1, 2013 through June 30, 2014. Final Reading.** Motion was made and seconded to adopt Ordinance #2013-8 in its third

and final reading. At the next Assembly meeting, Assembly Member Havrilek would like to discuss capping the total mill rate, including bonds, at 10 to send a message to property and business owners that the Borough is fiscally responsible and looking at offering consistency down the road. The motion passed 6-1, Member Havrilek opposed.

Ordinance #2013-8

**C. Juneau Appeal of Petersburg Borough Boundaries** Assembly members received a copy of the Borough's Appellee Brief that was filed with the court on May 31, 2013 in response to Juneau's appeal. Juneau will now have the opportunity to file a brief in response to ours.

**D. Redistricting** The Assembly was supplied with a copy of the May 30, 2013, order issued by the Alaska Superior Court that requires public hearings on the revised redistricting plan and instructs the Redistricting Board to begin expeditious preparation of a new plan.

5-30-2013 Alaska Superior Court Order on Redistricting

#### **14. NEW BUSINESS**

**A. Authorization to Amend Professional Services Agreement - Landfill Slope Stabilization Project** By unanimous Roll Call Vote, the Assembly approved PND Engineer's Professional Service Agreement amendment for the Landfill Slope Stabilization Project to include Contract Administration and Construction Inspection for an amount not to exceed \$49,220.

Landfill Slope Stabilization Project - PND Contract Amendment

**B. Acknowledgment of Certified 2013 Real Property Tax Roll** The Assembly acknowledged the Certified 2013 Real Property Tax Roll with a total assessed value of \$294,744,990.

Certified 2013 Real Property Tax Roll

#### **15. COMMUNICATIONS**

**A. Letter from NMFS/NOAA Officer Jerod Cook concerning fish cleaning stations and local sea lion issues** Jerod Cook, NMFS/NOAA Officer, spoke regarding aggressive sea lions that have become habituated to eating discarded fish carcasses at the fish cleaning stations we have in our Petersburg harbors. He shared a letter from NMFS Alaska Region Administrator, James Balsiger, that states the problem at the Petersburg harbor has advanced to a human safety issue and significant effort will be required to reverse the trend. He suggests a long term solution should include discarding fish carcasses away from the Petersburg harbor. Harbormaster Wollen, Petersburg Charter Association President Stan Malcom, skiff rental business owner John Jensen, Officer Cook and the Assembly discussed how some other towns handle this problem and a few different options to remedy the situation. Doug Fleming, ADF&G Sport Fish Biologist, answered questions about the regulations that require fishermen to bring in their catch head on for sampling of size and weight as well as other data collected by Fish and Game port samplers. A fisherman may gut and gill the fish on the water but the rest of the fish must be brought back to port otherwise whole. The Assembly suggested the Harbor Board work with those interested to come up with their best solution and bring it back to the Assembly for action if need be.

#### **16. ASSEMBLY DISCUSSION ITEMS**

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

**1. Mayfest Food Tent Power** Parks & Recreations Director Hayes thanked Darby Mattingly for donating his time and equipment and the Borough Electric Department for all their work in fixing the electrical issues at the Mayfest Foot Tent this year. Everything went smoothly because of their electrical expertise.

**2. Bree Hays** MVM Administrator Bell recognized Bree Hays for her service to the community as an RN and Administrator for Mountain View Manor from 2005

to August of 2010. Hays passed away at the young age of 36 after a long battle with cancer. Bell expressed MVM's deepest condolences to Bree's family.

**3. Kevin Kivisto** Fire/EMS Coordinator Dixson recognized Kevin Kivisto who passed away unexpectedly this last weekend. Kivisto joined the Fire Department in January of 2009 and received his EMT II certification. He will be sadly missed and Dixson said the Department's thoughts are with his family.

**4. Cindi Lagoudakis** Assembly Member Flint thanked Member Lagoudakis for taking on an important issue and facilitating a work group to try to unite Kake, Kupreanof and Petersburg regarding the Kake Electrical Intertie and Kake Access Road. Flint looks forward to more positive results from future meetings on the subjects.

**17. ADJOURN** The meeting was adjourned at 1:25 p.m.

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Date Approved

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