



Petersburg Borough

12 South Nordic Drive
Petersburg AK, 99833

Meeting Minutes Borough Assembly

Monday, October 3, 2016

12:00 PM

Assembly Chambers

1. Call To Order/Roll Call

Vice-Mayor Lagoudakis called the meeting to order at noon.

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

By Phone: 1 - Assembly Member Kurt Wohlhueter

Excused: 1 - Mayor Mark Jensen

2. Voluntary Pledge

The pledge was recited.

3. Board of Adjustment Hearing

A. Bill Menish Appeal of the Planning Commission's August 23, 2016 Denial of a Conditional Use Permit to Allow a Two-Family Dwelling in an Industrial District at 710 S. Nordic Dr. (Parcel ID #01-010-061)

Attachments: [Process to be Used for Appeal Hearing.PDF](#)
[Menish Appeal Form.PDF](#)
[Staff Recommendation on Appeal.PDF](#)
[PMC 19.44 Industrial District.PDF](#)
[PMC 19.72 Conditional Use Permits.PDF](#)
[PMC 19.92 Appeals.PDF](#)

The Assembly, acting as the Board of Adjustment, opened the hearing. Vice-Mayor Lagoudakis read the procedure for the hearing into the record. Bill Menish testified telephonically and explained his argument in favor of being granted a conditional use permit. The Board of Adjustment voted to allow Mr. Menish to read into the record additional letters in support of his appeal. Community Development Director Cabrera presented the Planning Commission's report concerning the matter and answered questions from the Board, to which Mr. Menish responded. Board Member Wohlhueter moved to grant the appeal based on condition number four, misrepresentation of fact, because of the past precedent of allowing similar uses in the area. The motion was not seconded. Manager Giesbrecht recommended that if the Board were considering overturning the Planning Commission's decision and granting the appeal, they have their justifications vetted by the Borough attorney before finalization of the decision. Board Member Lynn moved that the Board take the allowable 10 day period to consider their decision regarding the appeal. The motion passed 5-1, with Board Member Lagoudakis opposing. The possibility of reconvening the Board of Appeals during the Election Canvass on October 7, 2016 was considered.

Vice-Mayor Lagoudakis called for a five minute break.

4. Approval of Minutes**A. August 1, 2016 Regular Meeting Minutes**

Attachments: [8-1-16 Meeting Minutes.PDF](#)

The minutes were approved.

B. August 15, 2016 Regular Meeting Minutes

Attachments: [8-15-16 Meeting Minutes.PDF](#)

The minutes were approved.

C. September 6, 2016 Regular Meeting Minutes

Attachments: [9-6-16 Meeting Minutes.PDF](#)

The minutes were approved.

5. Amendment and Approval of Meeting Agenda

The meeting agenda was approved, with addition of a discussion item regarding an AML committee formed to review the State's sales tax proposal.

6. Public Hearings

None.

7. Bid Awards

None.

8. Visitors' Views Related to Agenda

Marj Oines asked if there was a procedure for the public to present questions to the Assembly at meetings during its discussions on items on the agenda. Vice-Mayor Lagoudakis explained that there was not; however, the Assembly would try to be careful to explain more thoroughly its rationale in making decisions. Ms. Oines also asked the Assembly for information on who would be responsible for monitoring local licensed marijuana facilities for compliance with laws and regulations. Manager Giesbrecht explained which agencies will be responsible. Ms. Oines then requested that the minutes reflect that there are Assembly Members who have expressed an interest in designating up to 50% of the excise tax be set aside for use in supporting the treatment of health care and addiction issues. Finance Director Tow explained that the ordinance could be changed in the future.

Gary Morgan, potential licensee of a marijuana cultivation facility in Petersburg, spoke in support of Ordinance #2016-11.

9. Visitors' Views Unrelated to Agenda

Brian Lynch, representing Rivers Without Borders, reported on the recent meeting with the lieutenant governor regarding mining activities in British Columbia. He asked that the Borough send a letter to Lt. Governor Mallott encouraging him to send a letter to Secretary of State Kerry requesting federal intervention in this issue.

10. Board, Commission and Committee Reports

No reports.

11. Consent Agenda

None.

12. Report of Other Officers

No reports.

13. Mayor's Report**A. October 3, 2016 Mayor's Report**

Attachments: [10-3-2016 Mayor's Report.PDF](#)

Vice-Mayor Lagoudakis read the Mayor's Report into the record.

14. Manager's Report

A. Manager's Report 10-03-2016

Attachments: [Manager report 10032016](#)

Manager Giesbrecht read his report into the record and answered questions from the Assembly. Public Works Director Hagerman also answered questions regarding the report. A copy of the Manager's Report is attached and made a permanent part of these minutes.

15. Unfinished Business

Ordinances for Third and Final Reading

A. Ordinance #2016-11: An Ordinance Amending Borough Code by Providing for a New Chapter 4.70 to Impose Excise Taxes on the Cultivation, Manufacture and Importation of Marijuana and Any Marijuana Product for Commercial Use

Attachments: [Ordinance #2016-11.PDF](#)

Ordinance #2016-11 passed by unanimous roll call vote.

16. New Business

None.

17. Communications

Alaska Mental Health Trust wanted to remind the Assembly that the public comment period regarding the land trade between the Forest Service and Mental Health Trust will be open until October 6, 2016.

Unofficial petitions have been received from area residents regarding property sales in the Sandy Beach area.

18. Assembly Discussion Items**A. Recognitions**

Assembly Member Gregor thanked all the Petersburg citizens who have turned out for early voting and encouraged everyone else to take the time to vote on election day.

Member Castro recognized the volunteer firefighters for their time and efforts.

B. Kupreanof, Papke's Landing, and Entrance Island Docks

No new comments received.

C. Marijuana

No comments.

D. D. Sales Tax Proposal by the State

The Assembly agreed that Member Lynn should serve on the committee AML has formed to look at the State's proposed sales tax.

19. Adjourn

The meeting was adjourned at 2:07 p.m.