



Petersburg Borough

12 South Nordic Drive
Petersburg AK, 99833

Meeting Minutes Borough Assembly

Monday, March 16, 2015

7:00 PM

Assembly Chambers

1. Call To Order/Roll Call

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

2. Voluntary Pledge

The pledge was recited.

3. Approval of Minutes

A. March 2, 2015 Regular Meeting Minutes

Attachments: [March 2, 2015 Meeting Minutes.pdf](#)

The minutes were unanimously approved as submitted.

B. March 9, 2015 Special Meeting Minutes

Attachments: [March 9, 2015 Special Meeting Minutes.pdf](#)

The March 9, 2015 special meeting minutes were unanimously approved.

4. Amendment and Approval of Meeting Agenda

The meeting agenda was approved as submitted.

5. Public Hearings and Bid Awards

A. Joe Aliberti - Appeal of the Planning Commission's February 12, 2015 Granting of a Conditional Use Permit, with conditions, to construct a net house at 107 Arness Heights Drive (Lot 4, Bayview Estates, Parcel #201056410)

Appellant Joe Aliberti appeared telephonically. He stated that the grounds on which his appeal should be granted were as follows:

There are misrepresentations of fact in Assessor Arne Erickson's February 11, 2015 letter regarding the impact on property values in the area. Mr. Aliberti reported that the letter stated the property in question is in the Hungerford Hills Subdivision when, in fact, it is Bayview Estates. The letter also claims that the usage will be interior in nature and that there will be no outside storage of materials, which, he said, is not the case. Mr. Aliberti pointed to comments in the letter regarding an abutting property that has a significant amount of commercial materials on it and pre-dates residential development in the area. According to Mr. Aliberti, all of the lots, including the one mentioned, are residential lots.

Mr. Aliberti continued by reading the purpose of a single-family residential district according to PMC 19.20.010. He argued that the proposed usage for this piece of property is not in keeping with that purpose and explained his reasoning for that opinion. After referencing Liz Cabrera's March 11, 2015 memo to the Board of Appeals, Mr. Aliberti discussed the difference in his and the Borough's interpretation of the word "private" in PMC 19.20.040 where it pertains to the net house.

Mr. Aliberti then discussed how the assessors explained that effect on property values is based on historical events, so there is no way for them to say it will affect property values until it has already happened based on sales.

Liz Cabrera, Staff to the Planning Commission, then reminded the Appellant and the Assembly that the issue is not whether Appellant Aliberti agrees with the decision but whether the Planning Commission followed the law, followed the established procedures, and interpreted things correctly. She explained in detail how the Planning Commission followed all guidelines in each decision they made regarding granting this conditional use permit. Member Lynn asked what conditions were placed on the net house. Ms. Cabrera explained those conditions and the reasoning for them. There was some discussion between Ms. Cabrera and the Assembly to clarify the conditions.

Following Ms. Cabrera, property owner Aaron Miller read Assessor Arne Erickson's letter again to the Assembly. Mr. Miller believes this letter and Liz Cabrera's memo address all of Mr. Aliberti's concerns quite well. He then passed out pictures of Mr. Aliberti's property for the Assembly to see. Member Gregor asked if Mr. Miller felt he could meet the conditions of the permit, to which Mr. Miller replied he could.

Pat Weaver, an owner of other property in the area, then voiced her and her husband's concerns about enforcement of the conditions set forth for this permit. She believes that the owners of the abutting property with commercial materials stored on it have been told by the Borough on many occasions to remove the materials but that it continues to be a problem. Their fear is that the same thing will happen with this property.

Dona Laubhan, a member of the Planning Commission, spoke regarding signage in the area that advertises residential and commercial lots for sale. She also discussed some of the things the Commission took into account when making their decision

Aaron Miller then reestablished the fact that the burden of proof was on Appellant Aliberti.

Mr. Aliberti was given a chance for final comments. He discussed his belief that the Borough will not enforce the conditions. He believes the conditions should have preset consequences at each step if they are not followed. He also reiterated his opinion that the continuation of commercial/industrial lots into the residential area will affect the property values.

There was some discussion between Liz Cabrera, Joe Aliberti, and the Assembly regarding consequences for violations of a conditional use permit.

Assembly determined Appellant failed to establish reason to grant the appeal as expressed in Petersburg

Municipal Code Section 19.92.020B, and the appeal was denied by unanimous roll call vote.

B. Public Hearing on Ordinance #2015-04: An Ordinance Adjusting the FY 2015 Budget for Known Changes (Includes Change in Recycling Program)

Attachments: [J. Holten Recycling Letter.pdf](#)
 [L. Herff Recycling Letter.pdf](#)

Marietta Davis started the public comments by reading a letter from Vicky Curtiss against the proposed change in the recycling program. Ms. Davis then gave her testimony, followed by Angela Davis, Roger Sabine, John Murgas, Bob Martin, Wilhelm Herff, Linda Herff, Sarah Holmgrain, Harvey Gilliland, Wes Abbott, Jake Wilkinson, Charles Davis, Paul Anderson, Arlana Corl, and Catherine Kowalski, all in favor of keeping the current blue bag program.

Public Works Director Karl Hagerman read into the record his March 10, 2015 letter to the Assembly outlining the financial benefits and encouraging them to make the move to a long-term, sustainable recycling program by transitioning to a cart based system.

C. Public Hearing for Ordinance #2015-03: An Ordinance Providing for New Chapter 9.16, Nuisances

No comments received.

D. Public Hearing for Ordinance #2015-05: An Ordinance Providing for Increases in Short Term and Transient Moorage Fees and Establishing Fees for Use of the Commercial Drive Down Dock (short title)

John Murgas, owner of Island Ventures, LLC, spoke to the financial impact the change in minimum moorage rental commitment from three to six full consecutive months would have on his commercial fishing vessel clients. He informed the Assembly that most of these clients use April and May to work on their boats in the boat storage yard and launch their boats in late May or early June. This puts them into December to pay for a stall, if they want to take advantage of the lower rental rate. He stated that October is usually the latest he can safely block up a boat. This requires these clients to either pay the higher rate or forfeit two months stall rental. He proposed that a compromise may be to change the long term moorage minimum commitment to four months and short term to ten days to four months. Also affected, Mr. Murgas said, were transient fishing vessels that come to fish for the summer and pleasure yacht visitors who like to home base here for the summer. Because these individuals are very mobile, they would likely find other harbors for this purpose.

Mayor Jensen read into the record a letter from George Meintel, a local fisherman, stating his opinion that increasing the moorage rates will not have the effect intended. He believes that commercial vessels and pleasure crafts that choose to summer in Petersburg will now find other ports to use. This will result in lost dollars to the Harbor and other town businesses. Mr. Meintel believes that Petersburg should encourage more vessels to use its facilities, and a moorage rate increase will do the opposite.

E. Public Hearing for Ordinance #2015-06: An Ordinance Adopting the Budget for Fiscal Year July 1, 2015 Through June 30, 2016

Susan Ohmer, Director of Petersburg Mental Health Services, spoke in support of non-profits and the police department. She stated that although it will probably be a difficult few years financially, historically Petersburg has pulled together and fared well during these times. She wanted to assure the Assembly that Petersburg Mental Health Services has already begun to prepare for the inevitable cuts that will need to be made, but they will continue to do their best to provide the services needed for the community. She expressed appreciation and respect for the Assembly for doing the best they can in making difficult decisions that impact all levels of our town, but she hopes that they will find ways to avoid lessening the Borough contribution to non-profit services or entities that increase the safety of the people of Petersburg, including the police department, the hospital, KFSK, Mountain View Manor, the museum, the schools, and Petersburg Mental Health Services.

6. Visitors' Views Related to Agenda

None.

7. Visitors' Views Unrelated to Agenda

None.

8. Board, Commission and Committee Reports

No reports.

5 minute recess taken at 8:05 p.m.

9. Consent Agenda

A. Local Approval of Liquor License Renewal Applications

Attachments: [Notice of Liquor License Renewal Applications.pdf](#)

The Consent Agenda was unanimously approved.

10. Report of Other Officers

No reports.

11. Mayor's Report

A. Mayor's Written Report

Attachments: [March 16, 2015 Mayor's Report.pdf](#)

Mayor Jensen appointed Erica Kludt-Painter and Gerald S. Laubhan to the Local Emergency Planning Committee; reported the Assembly will meet as a Board of Equalization at 9:00 a.m. on Monday, April 6, to hear appeals of 2015 property tax assessments; and reported the Alaska Supreme Court will hold a hearing in the Juneau vs. LBC and Petersburg Borough appeal at 10:30 a.m. on June 17, 2015, in Anchorage. The Borough attorney, Jim Brennan, and either Mayor Jensen or Manager Geisbrecht will attend.

12. Manager's Report

No report.

13. Unfinished Business

Ordinances for Third and Final Reading

A. Ordinance # 2015-04: An Ordinance Adjusting the FY 2015 Budget for Known Changes.

Attachments: [Ord. #2015-04.pdf](#)
 [K. Hagerman Recycling Letter.pdf](#)
 [Sanitation Reserves Projections with Various Recycling Scenarios.pdf](#)
 [Sanitation and Recycling Collection Routes and Staffing.pdf](#)
 [Baler and Landfill Customer Frequency Audit.pdf](#)
 [Potential Sanitation Rate Increases with Blue Bags.pdf](#)

Assembly Member Wohlhueter spoke to his desire to revisit this issue next year and to allow the recycling contractor to continue operating until that time.

Motion was made to adopt Ordinance #2015-04. The original motion was amended to isolate the sanitation portion of the ordinance to allow a vote on it separately from the remainder of the ordinance. The amendment would allow for continuation of the current recycling program for one year. The amendment failed by roll call vote of 5-2 with Members Lynn and Wohlhueter in favor.

By roll call vote, the original motion Ordinance #2015-04 was approved 6-1, Member Wohlhueter opposed.

Ordinances for Second Reading

B. Ordinance #2015-03: An Ordinance Providing for New Chapter 9.16, Nuisances

Attachments: [Ordinance #2015-03.pdf](#)

Ordinance #2015-03 was unanimously approved in its second reading by roll call vote.

- C. Ordinance #2015-05: An Ordinance Providing for Increases in Short Term and Transient Moorage Fees and Establishing Fees for Use of the Commercial Drive Down Dock (short title).**

Attachments: [Ordinance #2015-05 \(Amended by Staff\).pdf](#)
[Proposed Harbor Moorage Increases.pdf](#)

Ordinance #2015-05 was approved in its second reading by a roll call vote of 6-1, Member Lagoudakis opposed.

- D. Ordinance 2015-06: An Ordinance Adopting the Budget for Fiscal Year July 1, 2015 Through June 30, 2016 (amended to add Section 3, B.)**

Attachments: [Ordinance #2015-06.pdf](#)

Ordinance #2015-06 passed by roll call vote 6-1, Member Havrilek opposed.

14. New Business

- A. Consideration of a Construction Inspection Contract for the Pump Station 1 Force Main Upgrade Project**

Attachments: [Memo from C. Cotta - Pump Station Force Main Upgrade Inspection Contract.pdf](#)
[DOWL Proposal for Construction Management Services.pdf](#)

Member Lynn expressed concerns regarding bringing in an inspector from outside of Petersburg for this project. He requested that this be added as a discussion item for the next meeting and hopes to train and utilize an existing staff member to perform construction inspections. Mayor Jensen voiced his agreement with Member Lynn's concerns.

Approval to enter into the contract with DOWL for Construction Inspection Services in an amount not to exceed \$118,744 was unanimous.

15. Communications

None.

16. Assembly Discussion Items

A. Recognitions

Mayor Jensen recognized the late Ray Pederson for his many years of service to Petersburg as a dedicated City employee and active community member. He expressed his condolences to the family.

Member Havrilek thanked Patrick and Kimmie Wilson for all the work they put forth for the annual firemen's breakfast fundraiser at PFI's cookhouse.

Outgoing Clerk O'Rear thanked the Assembly for the past 15 years and wanted to commend them on their dedication to make decisions that benefit the community as a whole.

Liz Cabrera recognized Shauna Pitta-Rosse and Brandi Heppe for recently winning the Southeast Alaska Preschool Teachers of the Year Award in Juneau.

17. Adjourn

The meeting was adjourned at 9:24 p.m.