



# Petersburg Borough

12 South Nordic Drive  
Petersburg AK, 99833

## Meeting Agenda Borough Assembly

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Monday, July 18, 2016

12:00 PM

Assembly Chambers

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1. **Call To Order/Roll Call**

2. **Voluntary Pledge**

3. **Approval of Minutes**

A. **June 20, 2016 Regular Meeting Minutes**

Attachments: [June 20, 2016 Regular Meeting Minutes.PDF](#)

4. **Amendment and Approval of Meeting Agenda**

5. **Public Hearings**

A. **Public Hearing for Ordinance #2016-09: An Ordinance Adjusting the FY 2017 Budget for Known Changes**

*Any public testimony regarding the adjustments being made to the FY 2017 Budget should be given during this public hearing. A copy of the proposed Ordinance #2016-09 can be viewed under Agenda Item 14D.*

6. **Bid Awards**

7. **Visitors' Views Related to Agenda**

*Visitors wishing to share their views on any agenda item on today's agenda may do so at this time.*

8. **Visitors' Views Unrelated to Agenda**

*Visitors with views on subjects not on today's agenda may share those views at this time.*

9. **Board, Commission and Committee Reports**

10. **Consent Agenda**

11. **Report of Other Officers**

**A. 2016 Election Report**

**Attachments:** [2016 Election Report.PDF](#)

*Deputy Clerk Swihart will read the Election Report on behalf of Clerk Thompson.*

**12. Mayor's Report****A. July 18, 2016 Mayor's Report**

**Attachments:** [7.18.2016 Mayor's Report.PDF](#)

**13. Manager's Report****A. July 18, 2016 Manager's Report**

**Attachments:** [7.18.2016 Manager's Report.PDF](#)

**14. Unfinished Business**

## Ordinances for Third and Final Reading

**A. Ordinance #2016-06: An Ordinance Adding Marijuana Regulations to Chapter 6.04, Alcoholic Beverages & Marijuana**

**Attachments:** [Ordinance #2016-06 Adding Marijuana to Chapter 6.04 for 3rd reading .PDF](#)

*Ordinance #2016-06, which adds marijuana regulations to Chapter 6.04 of the Municipal Code, passed in its second reading on June 6, 2016. To be consistent with the Assembly's removal of all language allowing for marijuana use at marijuana retail establishments from Ordinance #2016-08 (the Smoke Free Air Act) during its second reading, Clerk Thompson removed Section 6.04.065 (Onsite use of marijuana at a retail location) from this ordinance.*

**B. Ordinance #2016-07: An Ordinance Adding Fines for Marijuana Violations to Chapter 1.16, General Penalty and Interest**

**Attachments:** [Ordinance #2016-07 Adding Marijuana and Smoking Fines to Chapter 1.16 .PC](#)

*Ordinance #2016-07 provides for fines for marijuana violations and passed in its second reading at the May 16, 2016 meeting.*

**C. Ordinance #2016-08: An Ordinance Amending Chapter 9.32 of the Borough Code, The Smoke Free Air Act of 2010; and Amending Chapter 9.12 of the Borough Code, Littering, by Amending the Definition of Litter**

**Attachments:** [Ord #2016-08 Amending Chapter 9.32 Smoke Free Air Act.PDF](#)

*Ordinance #2016-08 was amended in its second reading to add the words "aerosol and vapor" in regards to electronic cigarettes and to remove all wording allowing for the smoking of marijuana at a properly licensed marijuana retail establishment.*

## Ordinances for Second Reading

**D. Ordinance #2016-09: An Ordinance Adjusting the FY 2017 Budget for Known Changes**

**Attachments:** [Ordinance #2016-09 Adjusting FY2017 Budget.PDF](#)  
[Hungry Point Trail Extension Grant Agreement.PDF](#)  
[PW Director Hagerman Paving Request.PDF](#)  
[Public Safety Communications Equipment Homeland Security Grant.PDF](#)

*Ordinance #2016-09 uses DNR Grant funds on the Hungry Point Trail Extension project, provides for the use of National Forest Receipts Streets and Roads Fund monies to perform additional paving on specific local streets, and adds a Homeland Security grant unintentionally left off the FY 2017 budget to be used for the purchase of Public Safety Communications Equipment previously approved by the Assembly.*

**15. New Business**

**A. Presentation to Assembly of Certified Citizen's Initiative Petition to Submit to Borough Voters the Question of Prohibiting Marijuana Establishments in the Petersburg Borough**

**Attachments:** [Initiative Petition filed 7-8-2016.PDF](#)  
[Signature Certification Letter.PDF](#)

*A citizen's initiative petition to submit to the qualified voters of the Petersburg Borough the question of prohibiting marijuana establishments in the Borough on a Municipal Election ballot was filed on June 27, 2016 and certified by Clerk Thompson as in good form and sufficient on July 9, 2016. The petition contains 434 valid Borough voter signatures (the amount of Borough voter signatures needed for sufficiency was 104), . The petition was filed and certified less than 180 days before the date of the next Regular Election on October 4, 2016 , thereby requiring a Special Election be held within 90 days of certification (90 days from July 9 is October 7, 2016).*

*The Assembly has the opportunity to adopt an ordinance under Section 2.44.080 to place the question proposed by the initiative petition on the regular Municipal Election ballot, thereby avoiding the need for and cost of a Special Election if desired.*

**B. Ordinance #2016-10: An Ordinance Submitting to the Qualified Voters of the Petersburg Borough the Question of Prohibiting the Sale and Importation for Sale of Marijuana and Any Marijuana Product and the Operation of Any Marijuana Establishment, Including All of the Following License Types: Retail Marijuana Store, Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility and Marijuana Testing Facility, Within the Petersburg Borough, on the October 4, 2016 Municipal Election Ballot**

**Attachments:** [Ordinance #2016-10.PDF](#)

*If adopted, Ordinance #2016-10 would submit the question to prohibit marijuana establishments in the Petersburg Borough proposed by the citizen's initiative petition that was certified as sufficient by Clerk Thompson on July 9, 2016 onto the regular Municipal Election ballot to be held on October 4, 2016. Adoption of this ordinance would render a Special Election on the subject unnecessary.*

**C. Resolution #2016-15: A Resolution Expressing a Deep Sense of Urgency for the Alaska State Legislature to Take Immediate Action During the Fifth Special Session of the 29th Legislature to Pass All Necessary Fiscal Legislation Required to Provide for a Fair, Balanced, and Sustainable State Budget**

**Attachments:** [Resolution #2016-15.PDF](#)

*Governor Walker's office requested municipalities approve a resolution urging the Legislature to pass all necessary fiscal legislation required to provide for a fair, balanced and sustainable State budget during their fifth Special Session.*

**D. Resolution #2016-16: A Resolution Authorizing Additional Paving on Borough Streets**

**Attachments:** [Resolution #2016-16.PDF](#)

*Resolution #2016-16 requests approval for additional street paving to take place before the third and final reading of Ordinance #2016-09 which authorizes the use of federal road maintenance or surfacing monies for the project.*

**E. Resolution #2016-17: A Resolution Opposing a State Sales Tax and Favoring a State Income Tax**

**Attachments:** [Resolution #2016-17.PDF](#)

*On Monday, July 11, 2016, Governor Walker introduced legislation for a 3% State sales tax. Resolution #2016-17 opposes a State sales tax and favors a State income tax.*

**F. Approval of Pump Station 1 and Force Main Upgrade Phase 1 - Change Order #2**

**Attachments:** [C. Cotta Memo - Change Order #2.PDF](#)

[Change Order #2 - Pump Station 1 and Force Main Upgrade Phase 1.PDF](#)

*Assistant Public Works Director Cotta is requesting approval of Change Order #2 for the Pump Station 1 and Force Main Upgrade Phase 1 project.*

**G. Consideration of Special Use Permit**

**Attachments:** [Planning Commission Report R. Dunham SUP.PDF](#)

[R. Dunham SUP Application.PDF](#)

[S. Hjort Letter - R. Dunham SUP Application.PDF](#)

[R. Dunham Special Use Permit.PDF](#)

*The Planning Commission is recommending approval of applicant Rosann Dunham's request for a Special Use Permit to construct and maintain a driveway on the Baranof Street Right of Way which would provide access to the backyard at 223 S. Nordic Drive.*

**H. Consideration of Special Use Permit**

**Attachments:** [Planning Commission Report T. Greenley SUP.PDF](#)  
[T. Greenley SUP Application.PDF](#)  
[T. Greenley Special Use Permit.PDF](#)

*The Planning Commission is recommending approval of applicant Tom Greenley's request for a Special Use Permit to construct and maintain a driveway on the Koenigs Lane Right of Way which would provide access for development of private land.*

**16. Communications****A. State Dock Questionnaire**

**Attachments:** [State Dock Questionnaire.PDF](#)

*As of 4:00 on Wednesday, July 13, twenty completed questionnaires had been turned into the Clerk's office. Copies of all questionnaires received have been shared with the Assembly.*

**17. Assembly Discussion Items****A. Recognitions****B. Kupreanof, Papke's Landing, and Entrance Island Docks**

**Attachments:** [Questions from T. Koeneman.PDF](#)

*An email from local resident Timothy Koeneman was received by Clerk Thompson and the Assembly that contains a list of questions regarding the issue of whether or not to accept ownership of State owned dock facilities at Kupreanof, Papke's Landing, and Entrance Island. Some of the questions prompt Assembly discussion and are highlighted on the attached copy of the email for reference.*

**18. Adjourn**