



## Meeting Minutes Borough Assembly

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Monday, March 3, 2014

12:00 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

Mayor Jensen called the meeting to order at 12:00 noon.

**Present:** 5 - Mayor Mark Jensen, Assembly Member John Havrilek, Assembly Member Nancy Strand, Assembly Member Kurt Wohlhueter and Assembly Member Bob Lynn

**Excused:** 1 - Assembly Member Cindi Lagoudakis

### 2. Voluntary Pledge

The Pledge was recited.

### 3. Approval of Minutes

A. Regular Meeting Minutes of February 14, 2014

**Attachments:** [2-14-2014 Assembly Meeting Minutes.pdf](#)

The minutes of February 14, 2014 were unanimously approved.

### 4. Amendment and Approval of Meeting Agenda

The agenda was approved as submitted.

### 5. Public Hearings and Bid Awards

*No hearings scheduled.*

### 6. Visitors' Views Related to Agenda

*Brian Lynch, Executive Director of the Petersburg Vessel Owner's Association, spoke in favor of approving the Drive Down Facility Bulkhead change order request on the agenda under Item 14A. He urged the Assembly to use the funds available for its intended use and complete the Drive Down Facility to the greatest extent possible now rather than incur higher costs later. Lynch also expressed the importance of facilities to attract vessels to Petersburg as well as maintain the vessels we currently service.*

### 7. Visitors' Views Unrelated to Agenda

*No views unrelated to the agenda were shared.*

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

*No reports.*

**9. Consent Agenda****A. 2014 Chamber of Commerce Gaming Permit**

Due to confidential information placed on the permit applications, the applications are no longer made part of the assembly meeting packet. Anyone wishing to view the application may do so at the Clerk's office.

**Attachments:** [Chamber Gaming Permit Letter.pdf](#)

The consent agenda was unanimously approved.

**10. Report of Other Officers**

*No report.*

**11. Mayor's Report****A. Mayor's Report**

**Attachments:** [3-3-2014 Mayor's Report.pdf](#)  
[Joint Psg Wrg Letter to SEAPA re TBPA.pdf](#)

*Mayor Jensen read his written report which informed of: a vacancy on the Planning & Zoning Commission; Board of Equalization will be held on Wednesday, April 2, 2014 at 9:00 a.m., and BOE training will be held immediately before the March 17 regular meeting; Manager Giesbrecht and Mayor Jensen met with our Legislators in Juneau to discuss Petersburg's capital project needs and to lobby for funding for the renovation of the Municipal Building to house the Police, Finance, and Administration departments; met with ADOT to discuss the State's position on the 3 state-owned docks within our Borough; Mayor Jensen was able to testify about the damage by sea otters to our Dungeness crab and other commercial use fish stocks at a House Fisheries Committee meeting; Sam Kito III was appointed by Governor Parnell to fill the Democratic House seat vacated by Beth Kertulla; Petersburg and Wrangell sent a joint letter to SEAPA proposing SEAPA take over the operations and maintenance of the Tye Hydroelectric Project and requesting SEAPA provide a written proposal with the terms and conditions under which they would accept the transfer; the annual Public Official Financial Disclosure statement must be filed with the Borough Clerk's office and APOC by March 15, 2014; Governor Parnell visited with Mayor Jensen and Manager Giesbrecht this morning. They discussed the police station being the Borough's number one priority on the capital projects list, gave Governor Parnell a tour of the current police station, and discussed funding possibilities. The Governor recommended Petersburg come up with a dollar figure that we are able to put toward the police station project when we request additional funding from the Legislature. Mayor Jensen will be out of town the last week of March, all of April, and possibly the first week of May.*

## 12. Manager's Report

### A. 03-03-2014 Report

**Attachments:** [Manager report 03032014](#)

The written report is attached and made a permanent part of these minutes.

## 13. Unfinished Business

### Ordinances for Third and Final Reading

### A. Ordinance #2014-04: An Ordinance Providing for Title 2 (Elections) of the Municipal Code, and Updating Current Language to Reflect Borough Incorporation. Third and Final Reading.

The ordinance retains all processes and functions for in-person voting that our residents are accustomed to.

**Attachments:** [Ord. 2014-04.pdf](#)

**By unanimous roll call vote, Ordinance #2014-04 was adopted in its third and final reading.**

### B. Ordinance #2014-05: An Ordinance Providing for Title 10 (Criminal Code) of the Municipal Code and Updating Current Language to Reflect Borough Incorporation. Third and Final Reading.

This ordinance has been revised to remove outdated and unused portions of the previous code. Also, portions of the code have been updated to allow the police department to process minor crimes as Borough ordinance violations. Under this revision, officers would have the discretion to issue a Borough citation, in lieu of arrest, for common offenses. Allowing for the disposition of cases in this manner will provide defendants with a speedier process and will reduce the amount of police, prosecutor, and court resources needed to process what were traditionally criminal cases. Nothing in this revision prevents officers from making physical arrests and processing criminal violations in the current manner.

Other revisions include the adoption of current state watercraft statutes similar to the Borough's previous adoption of traffic administrative codes and statutes.

**Attachments:** [Ord. 2014-05.pdf](#)

[Map for Ordinance #2014-05 Sections 10.20.020 & 10.20.021.pdf](#)

**Ordinance #2014-05 was adopted in its third and final reading by unanimous**

roll call vote.

C. Juneau Appeal of Petersburg Borough Boundaries

*No court decision yet.*

**14. New Business**

A. Drive Down Facility Bulkhead Change Order Request

The Harbor Board requests the Assembly approve a change order inserting the engineering and construction of 120 feet of a Bulkhead located at the Drive Down upland staging area into the ongoing project.

**Attachments:**    [Harbormaster Memo re Drive Down Bulkhead.pdf](#)  
[DDF Concept No. 5 Site Plan.pdf](#)  
[DDF Bulkhead Loading Dock Concept Plan.pdf](#)  
[DDF Bulkhead Loading Dock Cost Estimate.pdf](#)

*Assembly Member Wohlhueter gave the history of the drive down dock idea/design that began in 1994 and has always included a bulkhead with commercial access. Discussion took place regarding whether the money should be spent now or if it would be prudent to wait until the current stage of the project is complete before making a decision on this change order. Assembly Member Lynn asked if the money could be moved to other projects within the Borough; Manager Giesbrecht and Mayor Jensen explained the process of giving the money back to the Legislature with a request to repurpose the funds toward another viable project, and that the request may or may not be granted. Mayor Jensen expressed his concern with earmarking the funds for any project until after the State's FY15 budget is finalized.*

**Motion was made to table the change order request until the second meeting of September, 2014. This timing will allow the project to be a continuation of the Drive Down Facility project if approved. The motion was approved by unanimous roll call vote.**

**15. Communications**

*No communications were received.*

**16. Assembly Discussion Items**

*No discussion items this meeting.*

A. Recognitions

*Assembly Member Havrilek thanked the Borough's Power and Light department for expeditiously changing out a transformer near his home and having his power back on within an hour and a half.*

*Assembly Member Havrilek and Mayor Jensen both congratulated Petersburg High School senior PK Bunyi for winning the Alaska Technology Student of the Year*

*award, Petersburg School District Teacher and Technology Coordinator Jon Klundt-Painter for being awarded the Alaska Technology Support Teacher of the Year, and Petersburg School District Superintendent Rob Thomason for receiving the Alaska Technology Administrator of the Year award, all from the Alaska Society for Technology in Education.*

## **17. Executive Session**

**A.** Executive Session to discuss the status of litigation, disclosure of which might adversely affect the finances of the Borough.

**By unanimous roll call vote, the Assembly adjourned to Executive Session to discuss the status of litigation between the Borough and Karen E. Ellingstad/Fred W. Triem.**

**Assembly to Executive Session at 12:55 p.m.**

**Regular Session reconvened at 1:30 p.m.**

## **17. Adjourn**

**The meeting was adjourned at 1:32 p.m.**