



# Petersburg Borough

12 South Nordic Drive  
Petersburg AK, 99833

## Meeting Minutes Borough Assembly

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Monday, October 20, 2014

7:00 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

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

**Present:** 7 - Mayor Mark Jensen, Assembly Member John Havrilek, Assembly Member Nancy Strand, Assembly Member Bob Lynn, Vice Mayor Cindi Lagoudakis, Assembly Member Jeigh Stanton Gregor and Assembly Member Kurt Wohlueter

### 2. Voluntary Pledge

The Pledge was recited.

### 3. Approval of Minutes

A. Regular Meeting Minutes of October 6 and Special Session Minutes of October 10, 2014

**Attachments:**    [Oct 6, 2014 Minutes.pdf](#)  
                              [Oct. 10, 2014 Minutes.pdf](#)

The minutes were unanimously approved.

### 4. Amendment and Approval of Meeting Agenda

The agenda was approved, as submitted.

### 5. Public Hearings and Bid Awards

A. A. Public Hearing on Proposed Ordinance #2014-20: New Sections to Title 11, Traffic Code and Repealing the Remainder of Title 11 of the Former City of Petersburg Code

B. Public Hearing on Proposed Ordinance #2014-21: Adjusting the FY 2015 Budget for Known Changes (Note: The Ordinance has been amended since its first reading. See agenda item 13B)

No public comments were received to either ordinance.

### 6. Visitors' Views Related to Agenda

Brian Lynch, author of proposed Resolution #2014-17 (item 14B), asked for two

*paragraphs of the resolution to be removed. He urged support of the resolution.*

*Mike Stainbrook, resident, voiced support for Resolution #2014-17 as both a commercial and subsistence fisherman. He also voiced support to adopting an ordinance similar to Skagway's ordinance on herbicide and pesticide use and application (agenda item 16B). He believed such an ordinance was important to Petersburg to preserve our environment.*

*Suzanne Wood, resident along Mitkof Highway, also spoke in support for Petersburg to consider an ordinance similar to that as enacted by Skagway. She informed she lived on the water side of Mitkof Highway and has water rights to run-off near 6 1/2 mile Mitkof. She has had concerns with the State spraying along both sides of Mitkof Highway as the water is used for domestic purposes as well as by wildlife. At a recent radio show, Governor Parnell had indicated that he was not aware of our community's concerns with the State's use of pesticides and herbicides. She believed the issue was not only an environmental concern, but also a public safety concern and the Governor should be informed.*

*Karen McCullough, resident, spoke in support of approving Resolution #2014-17 and adoption of an ordinance similar to the Skagway herbicide ordinance. She believed both issues were important to our community. She agreed with Wood that Governor Parnell should be made aware of our concerns.*

*Joe Sebastian, Kupreanof resident, opposed the State's action in spraying pesticides and herbicides along State highways. He believed the State should use alternatives and he called for a class action suite against the State.*

## **7. Visitors' Views Unrelated to Agenda**

*No comments.*

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

*None.*

## **9. Consent Agenda**

*No items.*

## **10. Report of Other Officers**

*No reports.*

## **11. Mayor's Report**

### **A. Assembly Appointments**

**Hearing no objections from the Assembly, the Mayor made the following appointments: Vice Mayor: Assembly Member Lagoudakis; Alaska Municipal League and Southeast Conference Representative, Mayor Jensen; liason to the Harbors & Port Advisory Board, Assembly Member Wohlhueter; liason to the Public Safety Advisory Board, Assembly Member Strand.**

**B. Mayor's Written Report**

**Attachments:**     [Mayor's Written Report.pdf](#)  
                              [Elected List with Vacancies in Yellow.pdf](#)  
                              [Appointment List with Vacancies in Yellow.pdf](#)  
                              [Ord. #2014-18 showing required assembly representation.pdf](#)

Vacancies on Boards and Commissions are to be advertised; appointment to the SEAPA Board will occur at the 2nd meeting in November; appointment and reappointment of a representative to the Thomas Bay Power Commission is postponed until the end of the year, pending whether or not the Commission will be retained; Assembly Member Jeigh Stanton Gregor was appointed as the Assembly's Representative to the Historic Preservation Committee; and the 2nd meeting in November will be held on the 24th due to many assembly members attending AML.

**12. Manager's Report**

*Manager Giesbrecht reviewed his written report.*

The written report is attached and made part of these official meeting minutes.

**A. 10-20-2014 Report**

**Attachments:**     [Manager report 10202014](#)

*The importance of the State's reconstruction of Haugen Drive to include a bike path was discussed. The borough is not sure whether the path is or is not included in the project due to funding shortfalls.*

**13. Unfinished Business****Ordinances for Second Reading****A. Ordinance #2014-20: An Ordinance Providing Parking Regulations and Fines for Parking Violations and Repealing the Remaining Chapters of the Old City Code (short title).**

The ordinance will finalize the transfer of City of Petersburg traffic ordinances to Borough Code. The Assembly previously adopted Ordinance #2013-25 that listed the State statutes and regulations that were adopted for use in the Borough to address our most common motor vehicle enforcement needs.

**Attachments:**     [Ord. #2014-20.pdf](#)

*Assembly Member Lynn expressed concerns with the ordinance in lieu of Borough Charter requirements. He questioned why we would adopt an ordinance that we won't or can't thoroughly enforce. He believed too much discretion may be being given to the police department. He asked the ordinance be postponed in order for the police chief to address the several concerns that the assembly has.*

By unanimous Roll Call Vote, further consideration of the Ordinance was postponed until the return of Police Chief Swihart.

**B.** Ordinance #2014-21: An Ordinance Adjusting the FY 2015 Budget for Known Changes.

The Ordinance had been amended by staff to reflect the payment of PILT funds to Kupreanof as approved at the October 6 meeting; and to add a request from the Fire Department to provide for a full sized SUV at the cost of \$32,032 through the State cooperative purchasing program. The Fire Department currently has a \$34,181 balance for the unit within the Motor Pool Fund.

**Attachments:**     [Amended Ordinance #2014-21.pdf](#)  
                              [Public Works Director Recommendation.pdf](#)  
                              [Request from EMS Director.pdf](#)  
                              [Ord. #2014-21 in first reading.pdf](#)

The ordinance was approved in second reading, as amended, to include the purchase of the Fire Department vehicle.

**C.** Approval of Amended 2015/16 Capital Improvement Project List

The CIP list had been updated to show the changes made by the Assembly at the October 6 meeting and to include the addition of Petersburg Mental Health's building renovation project that was not included on the original list.

**Attachments:**     [Updated CIP List.pdf](#)

*Discussion was held on the makeup of already secured funds for the renovation of the municipal building/police complex. It was noted all secured funds are legislative grant funds. No local dollars are included. However, should the assembly decide to fund any portion of the project, the list can be amended to include those funds at anytime.*

By unanimous Roll Call Vote, the amended CIP list was approved.

## **14. New Business**

**A.** A Resolution Authorizing Procurement of Portable Emergency Services Radios Through the Alaska State Purchasing Contract

The resolution provides for the purchase of grant funded radios through the State's local government purchasing contract at the cost of \$60,835.32.

**Attachments:**     [Res. #2014-016.pdf](#)  
                              [Radio Quote.pdf](#)

*Mayor Jensen voiced concerns about replacing radios that were just purchased in*

2013. He also questioned why the Borough was not using the competitive bid process, whereby allowing a local provider opportunity to bid, versus using the State purchasing contract. Upgrading to a narrow band system in 2013 was discussed with it noted that the radios purchased in 2013 were not functioning for the police department. When the new police chief arrived, he looked into the matter and had the total radio system reviewed over a three to four day period. It was determined the proposed new radios (subject to this purchase request) would be more beneficial to the department and would better address their emergency needs. The proposed new radios' functions are boarder that the 2013 radios. The Fire Department will not be changing out all of their 2013 radios, only a small portion. They will continue to use the 2013 radios, unless it is determined the newer radios are providing far better communication. Installation of a repeater system and higher tower were also discussed. It was not known if the repeater and new tower would remedy the problems that are currently being experienced with the 2013 radios. Consensus was it is very important to have emergency equipment that functions properly. Requirements of Home Land Security grants were briefly discussed in relationship to postponing the purchase of the radios to obtain additional information.

**By a Roll Call Vote of 5-2 (Assembly Members Lagoudakis and Havrilek opposed) the purchase of the radios was postponed pending more information. Lagoudakis and Havrilek preferred to accept the Chief's recommendation and make the purchase. (Additional information may or may not be available by the next meeting).**

**B.** A Resolution Supporting International Joint Commission (IJC)  
Involvement in the Alaska/British Columbia Transboundary Region

Petersburg Vessel Owners Association had asked for support of their efforts to urge the United States government to work with the government of Canada to refer transboundary development issues in the British Columbia/Alaska region to the International Joint Commission. The Commission would be charged with using all powers under the Boundary Waters Treaty to ensure our Southeastern Alaska resources are not harmed by upstream development. PVOA has submitted the resolution to Alaska Municipal League for their support.

**Attachments:** [Res. #2014-17.pdf](#)

**The resolution, as amended per the request of Brian Lynch, author of the resolution, was unanimously approved by Roll Call Vote.**

**C.** Consideration of Amendment #4 to the Professional Services  
Agreement with Dowl HKM - Design of Pump Station 1 Force Main  
Upgrade

The amendment was for \$32,190 and would bring Dowl's total contract to \$219,199. Design of the project was funded by a \$270,000 ADEC loan.

**Attachments:** [Explanation and Recommendation.pdf](#)  
[Agreement.pdf](#)  
[Service Estimates.pdf](#)

The amendment was unanimously approved by Roll Call Vote.

## 15. Communications

*None.*

## 16. Assembly Discussion Items

### A. Recognitions

*ANB, ANS, PIA and the Parks and Recreation Department were acknowledged for the excellent conduct of Grand Camp; and the Friends of Annabell Baker were also acknowledged for their fund-raising effort over the weekend for cancer awareness.*

### B. Alaska Mental Health Trust Land Office Letter of September 17, 2014 - Papke's Landing Parcels

This matter will remain on meeting agendas until action is taken by the Assembly. Please see October 6 meeting agenda for full content.

**Attachments:**     [Land Trust Letter.pdf](#)  
                              [Borough Letter to Land Trust.pdf](#)

*No new information.*

### C. Assembly Member Havrilek asked for a discussion on Borough Services and/or Borough Service Areas

*To offer opportunity for residents to comment on, question and learn about Borough service areas, the Assembly will discuss service area issues over the next few meetings. Some residents have expressed that there has been a lessening of services outside of Service Area 1 since borough formation. It was noted by the Fire/EMS Director that the fire and EMS departments have not changed their operations since borough formation. The Borough Charter is explicit on what is and is not to be provided by service area.*

### D. Assembly Member Strand asked discussion be given to the Skagway ordinance addressing the sale or application of herbicides/pesticides.

**Attachments:**     [Skagway Final Ordinance.pdf](#)

*Assembly Member Strand believed the Borough needs to have a say on the use of pesticides and herbicides within the Borough limits. Comments voiced by several visitors at this meeting indicated there is a community concern. The matter consists of two issues regarding the State's revised ADOT/DEC regulations - the environmental and safety concerns with spraying and the lack of public comment opportunity. Skagway's ordinance, or one similar, may require an added, knowledgeable employee to be on borough staff to enforce the ordinance. Consensus was the Skagway ordinance should be used as a model to formulate an ordinance specific to Petersburg. Staff is to develop a draft ordinance and provide to assembly members for comment. Once a draft ordinance is prepared, the document will be submitted to the public for their input.*

- E. Assembly Member Strand had asked to discuss the possibilities of making all heating fuel tax exempt.

*Assembly Member Strand believed exempting all heating fuel from local sales tax would be a benefit to everyone and would be the most fair policy to all area residents. She related that residents heating with electricity are not paying the sales tax that is paid by oil or wood heat users. Consensus was the matter should be discussed at a future date closer to next year's local election.*

## 17. Executive Session

*A recess was held prior to the Executive Session.*

*Recess at 8:46 p.m.*

**By unanimous vote, the Assembly adjourned to Executive Session to conduct the Manager's performance evaluation**

- A. Borough Manager Performance Evaluation

A draft final performance evaluation has been prepared combining all returned assembly and department head ratings and comments. Use of Executive Session encourages full and candid discussion of the manager's job performance and preserves the manager's individual rights. The final evaluation, as approved by the Assembly, becomes a public record and part of the manager's personnel file. Any changes to the employment terms will be conducted in public session.

*Regular Session was reconvened at 8:52 p.m.*

**By a unanimous Roll Call Vote, the Assembly approved the performance evaluation of the Borough Manager for the time period of October 1, 2013 through September 30, 2014 and authorized a 2.5% wage increase.**

## 17. Adjourn

*The meeting adjourned at 9:12 p.m.*

Approved: \_\_\_\_\_

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Kathy O'Rear, Clerk