



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda Borough Assembly Regular Meeting

Monday, April 01, 2024

12:00 PM

Assembly Chambers

You are invited to a Zoom webinar.
When: Apr 1, 2024 12:00 PM Alaska
Topic: Assembly Meeting 4.1.2024

Please click the link below to join the webinar:

https://petersburgak-gov.zoom.us/j/85643492158?pwd=FIMMP50-3AQjsfdhIR_HfG2ykV8iMQ.5jdhUQtjRM5KvprS

Passcode: 542345

Or Telephone: (720) 707 2699 or (253) 215 8782
Webinar ID: 856 4349 2158
Passcode: 542345

1. **Call To Order/Roll Call**
2. **Voluntary Pledge of Allegiance**
3. **Approval of Minutes**
 - A. **March 18, 2024 Assembly Meeting Minutes**
4. **Amendment and Approval of Meeting Agenda**
5. **Public Hearings**
 - A. **Ordinance #2024-05: An Ordinance Determining that Property Conveyed to the Borough in a Tax Foreclosure Proceeding Shall not be Retained for a Public Purpose and Shall Hereafter be Sold - Second Reading**

Any public testimony regarding Ordinance #2024-05 should be given during this public hearing. A copy of Ordinance #2024-05 may be found under agenda item 14C.

B. Public Hearing for an Application to Purchase Borough Owned Tidelands - Island Refrigeration, LLC

Brock Snider, owner of Island Refrigeration, LLC, has filed an application to purchase a Borough owned tideland lot located on the south side of Dock Street (legal description: a portion of Wilson Tidelands Lease Plat #2000-6, T-37; parcel ID #01-010-035).

Any public testimony regarding this tideland purchase application should be given during this public hearing. A copy of the application may be found under agenda item 15C.

Borough Code Section 16.16.070, *Sale of Tidelands*, requires that at the public hearing, the applicant clearly demonstrate the benefits of sale of the subject tideland that could not be realized through leasing and that outright sale of a tideland, as contrasted with lease of the tideland, is in the Borough's best interest.

A. Island Refrigeration, LLC

Brock Snider, doing business as Island Refrigeration, LLC, shall present his reasons for applying to purchase the tideland parcel.

B. Public Testimony

Members of the public may provide their testimony regarding the Island Refrigeration, LLC application to purchase the Borough owned tideland parcel.

6. Bid Awards

7. Persons to be Heard Related to Agenda

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

8. Persons to be Heard Unrelated to Agenda

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

9. Mayor's Report

There is no written Mayor's report.

10. Boards, Commission and Committee Reports

11. Consent Agenda

A. Kito's Kave Package Store License Renewal Application

Kito's Kave has applied with the Alaska Alcohol & Marijuana Control Office for a retail package store liquor license renewal. The Assembly may support or protest the application. A protest may not be arbitrary, capricious or unreasonable.

B. Kito's Kave Beverage Dispensary License Renewal Application

Kito's Kave has applied with the Alaska Alcohol & Marijuana Control Office for a liquor license renewal. The Assembly may support or protest the application. A protest may not be arbitrary, capricious or unreasonable.

12. Report of Other Officers

A. Petersburg Medical Center

PMC CEO Hofstetter will provide a report.

B. Summary of SEAPA Board Meeting - March 14, 2024

Assembly Member Lynn will provide a report regarding the March 14, 2024 SEAPA Board Meeting which was attended by Members Lynn and Fine Walsh, Mayor Jensen and Utility Director Hagerman.

13. Manager's Report

A. April 1, 2024 Manager's Report

14. Unfinished Business

A. Ordinance #2024-03: An Ordinance Adjusting the FY 2024 Budget for Known Changes - Third Reading

If adopted in three readings, Ordinance #2024-03 will 1) transfer funds approved by the Assembly in the FY 2023 budget to begin the GIS Capital Project; 2) utilize \$9,000 of the Property Development Fund for conceptual plan design for parking and traffic flow improvements to better serve the Stedman Elementary School and the Petersburg Children's Center; 3) increase the Fire Department's Machine and Equipment budget by \$11,500 to purchase mounting cradles for Getec Tablets used for computer aided dispatch and for two Starlink Mobile units; 4) transfer \$367,599 from the General Fund FY 2023 Surplus to the Assisted Living Facility to cover the facility's operating deficit; 5) transfer \$41,616 from the Electric Department reserves to their Travel & Training budget to cover new employee moving/hiring expenses and EMD training for our Power Generation/Mechanic/Operator position; 6) transfer \$10,000 from the Sanitation Department reserves to their Machinery & Equipment budget to purchase two 20' shipping containers to store household hazardous waste items at the Landfill; 7) transfer \$12,700 to the Community Development Department to provide Petersburg with an ICC-certified official while the new Building Official is working through his credentials and \$5,000 to the Community Development Travel & Training budget to send two employees to the International Code Council conference for continuing education credits and additional training; 8) transfer \$23,399 to the Finance Department's Auditing Expenses budget to cover the Borough auditor's fees for FY 2024; 9) transfer \$60,000 to the Borough's Attorney Fees budget to cover extra expenses incurred by the Kerr and Koenigs lawsuits; and 10) transfer \$30,017 to the Borough's Property Insurance budget due to increased property insurance premiums.

Ordinance #2024-03 was approved in its first reading by a vote of 6-1.

As Amended in the Second Reading:

11) Added the Elderly Housing Entrance Repair Project to the supplemental budget in the amount of \$50,000 (from the Mountain View Manor Elderly Housing reserves) to put the project out to bid.

Ordinance #2024-03 was approved in its second reading by a vote of 6-1.

B. Ordinance #2024-04: An Ordinance Amending Section 10.20.010, *Discharge of Firearms Prohibited*, of the Petersburg Municipal Code, to Remove Prohibition of Discharge of Firearms in the Area of Frederick Point East Subdivision - Third Reading

Ordinance #2024-04, if approved in three readings, will remove the prohibition of the discharge of firearms in the Frederick Point East area to include immediately adjacent lands. The Assembly unanimously approved Ordinance #2024-04 in its first and second readings.

C. Ordinance #2024-05: An Ordinance Determining that Property Conveyed to the Borough in a Tax Foreclosure Proceeding Shall not be Retained for a Public Purpose and Shall Hereafter be Sold - Second Reading

If approved in three readings, land conveyed to the Borough in a tax foreclosure proceeding will be offered for public sale. Ordinance #2024-05 was unanimously approved in its first reading.

15. New Business

A. Resolution #: 2024-05: A Resolution in Support of SB121/HB226: Protecting Patient Freedom of Pharmacy Choice and Access to Medications

If adopted by the Assembly, Resolution #2024-05 will convey to the Alaska Legislature Petersburg's support for Senate Bill 121 and House Bill 226, protecting patient freedom of pharmacy choice and access to medications.

B. Assignment of Trident Seafoods Corporation Lease to EC Phillips and Son, Inc.

E.C. Phillips and Son is in the process of purchasing the Trident Seafoods Petersburg Plant, and requests to assume the Trident Lease. The lease assignment should be contingent upon the closing of the sale of 301 Harbor Way to E.C. Phillips and Son Inc.

Suggested motion: I move to approve assignment of the Trident Seafoods lease, contingent on the closing of the sale of the Trident Seafoods plant located at 301 Harbor Way to E.C. Phillips Inc.

C. Island Refrigeration, LLC Application to Purchase Borough-Owned Tidelands

Island Refrigeration, LLC has filed an application to purchase Borough-owned tidelands located on the south side of Dock Street (legal description: a portion of

Wilson Tidelands Lease Plat #2000-6, T-37; parcel ID #01-010-035). The Planning Commission recommends the Assembly approve the sale of the tidelands.

Borough Code Section 16.12.005, Leasing Preference, states, "The orderly development of the borough with due consideration toward ocean resource harvesting, economic development, public recreation and public service centers, combined with dwindling municipal revenues and limited land available for public purposes, supports a strong preference toward leasing land versus outright sale of land."

Borough Code Section 16.16.070, Sale of Tidelands, states:

- 1) In isolated and necessary instances, the Assembly may sell tracts of tide and submerged lands which are not needed for public purposes; and
- 2) Sales of tide and submerged land shall not be made for consideration less than the assessed full and true value as established by the borough assessor; and
- 3) The Assembly shall hold a public hearing to consider the disposal of the tidelands; and
- 4) At the hearing, the benefits of sale of the subject tideland that could not be realized through leasing must be clearly demonstrated; and
- 5) An applicant for purchase of tidelands must conclusively demonstrate that outright sale of a tideland, as contrasted with lease of the tideland, is in the Borough's best interests.

The Petersburg Comprehensive Plan Waterfront Master Plan, adopted by the Assembly in 2016, suggests Petersburg change zoning policies to be more strategic about the use of waterfront land for water-dependent uses, and the adopted Land Use Maps suggest the tidelands being considered for sale be designated as "Waterfront A - Water Dependent Commercial or Industrial" with the intended use prioritized for water dependent commercial or industrial uses.

Per Borough Code Section 16.12.080E, the Assembly shall:

- 1) Determine whether the application shall move forward in the application process or be denied.
- 2) If it is to move forward, the Assembly shall schedule a public sale or exempt the application and disposal from public sale. If the application and disposal are exempted from public sale, the Assembly may authorize the Borough Manager to commence negotiations for disposal, the final terms of which are subject to approval by the Assembly.

For the purpose of this agenda item, the Assembly shall satisfy the requirements of Step 1) and Step 2), above. A resolution to approve the application moving forward in the manner determined by the Assembly will be drafted for the April 15, 2024 Assembly meeting.

16. Communications

A. Correspondence Received Since March 14, 2024

17. Assembly Discussion Items

A. Assembly Member Comments

B. Recognitions

18. Adjourn