



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Agenda Borough Assembly Regular Meeting

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Monday, June 06, 2022

12:00 PM

Assembly Chambers

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You are invited to a Zoom webinar.

When: Jun 6, 2022 12:00 PM Alaska

**Topic: June 6, 2022 Assembly Meeting - Noon**

Please click the link below to join the webinar:

[https://petersburgak-](https://petersburgak.gov.zoom.us/j/81466667100?pwd=Nmh0Tm5TZGJ3NTFiUGYwd1lITitpdz09)

[gov.zoom.us/j/81466667100?pwd=Nmh0Tm5TZGJ3NTFiUGYwd1lITitpdz09](https://petersburgak.gov.zoom.us/j/81466667100?pwd=Nmh0Tm5TZGJ3NTFiUGYwd1lITitpdz09)

Passcode: 237785

**Phone Numbers:** (253) 215-8782 (720) 707-2699

Webinar ID: 814 6666 7100

Passcode: 237785

1. **Call To Order/Roll Call**
2. **Voluntary Pledge of Allegiance**
3. **Approval of Minutes**
  - A. May 16, 2022 Regular Assembly Meeting Minutes**
4. **Amendment and Approval of Meeting Agenda**
5. **Public Hearings**
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. **Boards, Commission and Committee Reports**
10. **Consent Agenda**
  - A. El Zarape Restaurant Liquor License Application**

El Zarape Restaurant has applied with the Alaska Alcohol and Marijuana Control Office for a liquor license. The Assembly may support or protest the application. A protest may not be arbitrary, capricious or unreasonable.

**B. Reimbursable Illumination Systems Agreement between the State of Alaska, Department of Transportation and Public Facilities and Petersburg Municipal Power and Light**

If approved, Petersburg Municipal Power and Light agrees to maintain and repair the present illumination and signal system and their controls, and to furnish the required electrical energy for an annual fee not to exceed \$30,222.00, which the State will pay in one lump sum payment. This Agreement shall be for one (1) year, with four (4) one-year renewal options.

**C. Tidelands Lease Agreement Between the Petersburg Borough and Piston and Rudder**

This Agreement amends the annual rental rate for Tidelands Parcels T-36B and T-36C for the five-year period from July 1, 2022 through June 30, 2027 in the amount of \$14,640.00.

**11. Report of Other Officers**

**A. Petersburg Medical Center**

PMC CEO Phil Hofstetter will provide a report

**12. Mayor's Report**

**A. June 6, 2022 Mayor's Report**

**13. Manager's Report**

**A. June 6, 2022 Manager's Report**

**14. Unfinished Business**

**A. Ordinance #2022-07: An Ordinance Adopting the Budget for the Fiscal Year July 1, 2022 Through June 30, 2023 - Third Reading**

Adoption of Ordinance #2022-07 will set the Borough's FY 2023 budget. In the first reading of the ordinance, the draft budget was edited to 1) update the dollar amount in the Harbor Budget for the South Harbor Dredge project from \$500,000 to \$1.1 million; and 2) update the account description in the Parks & Recreation budget for account #506512 from Lap Pool Pump Replacement to Cemetery Security Cameras. Ordinance #2022-07, as amended, was approved in its first reading by a vote of 4-3, Members Fine-Walsh, Kensinger and Meucci opposed.

In the second reading of the ordinance, the draft budget was edited to 1) Increase Electric Department payroll by \$106,154; 2) Add \$40,000 to ARPA Grant Fund 287 for potential grant writer; and 3) Add \$17,500 to ARPA Grant Fund 286 for Humanity in

Progress. Ordinance #2022-07, as amended, was approved in its second reading by a vote of 5-2, Members Fine-Walsh and Meucci opposed.

## 15. New Business

**A. Ordinance #2022-08: An Ordinance Proposing an Amendment to Section 14.02A (Services to be Provided Only by Service Area) of the Home Rule Charter of the Petersburg Borough, and Directing That the Proposed Charter Amendment be Submitted to the Qualified Voters of the Borough - First Reading**

If adopted, Ordinance #2022-08 will submit the proposed charter amendment to the qualified voters of the Petersburg Borough to amend the Charter to add language regarding collection of solid waste where the owner of the property requests and pays for such service; and water, sewer and electric services where extension of such utility service is being requested and paid for by the owner of the property.

**B. Ordinance #2022-09: An Ordinance Proposing an Amendment to Section 19.03A (Personal Financial Interest and Nepotism) of the Home Rule Charter of the Petersburg Borough, and Directing that the Proposed Charter Amendment be Submitted to the Qualified Voters of the Borough - First Reading**

If adopted, Ordinance #2022-09 will submit a proposed Charter amendment to the qualified voters of the Petersburg Borough to amend the Charter language from "Assembly" to "Body" to allow the elected body to which the officer belongs to determine if the officer may or may not participate in the official action.

**C. Ordinance #2022-10: An Ordinance Proposing an Amendment to Section 11.13E (Purchasing; Contracting) of the Home Rule Charter of the Petersburg Borough to Allow Borough Employees and Officials to Participate in Borough Property Sales When Conducted by Competitive Outcry Auction, and Directing that the Proposed Charter Amendment be Submitted to the Qualified Voters of the Borough - First Reading**

If adopted, Ordinance #2022-10 will submit a proposed Charter amendment to the qualified voters of the Petersburg Borough to amend the Charter to allow Borough employees and officials to participate in Borough property sales when conducted by competitive outcry auction.

**D. Resolution #2022-09: A Resolution of the Petersburg Borough Setting the Millage Rates for the Fiscal Year July 1, 2022 through June 30, 2023**

If approved, Resolution #2022-09 will set the millage rates for FY 2023.

**E. Special Use Permit: Nathan and Mindy Lopez - Neptune St Right-of Way**

This Special Use Permit would add approximately 6,000 sf of fill to the Neptune St right-of-way, starting at Noseeum St. This would allow the applicant to use the right-of-way to access their private property at 207 W Marian St. The Planning Commission recommends approval of the Special Use Permit.

**F. Petersburg Subdivision Development Cost**

At the request of Assembly Member Meucci, Manager Giesbrecht seeks approval to engage with PND Engineers, Inc. to provide engineering services, as outlined in the attached proposal, for design of an expansion of the Airport Subdivision and an extension of Fram Street for an amount not to exceed \$7,200.

**G. Utilization of Municipal Entitlement Lands for Acquiring Uplands at Papke's Landing**

Manager Giesbrecht requests approval for Municipal Entitlement lands to be used to acquire the uplands at Papke's Landing from the Alaska Department of Natural Resources for future marine facility improvements.

**H. Request for All of the Tidelands Affiliated with Papke's Landing**

Manager Giesbrecht seeks approval to request ownership of the tidelands affiliated with Papke's Landing, including the old log dump storage area, from the Alaska Department of Natural Resources.

**I. Set an End Date for Public Comments on the Papke's Landing Conceptual Design**

The Papke's Landing conceptual design was presented for public comment on May 9, 2022. Assembly Member Lynn requests establishing an end date for the public comment period.

**J. Evaluation of Potential Future Hospital Sites**

Petersburg Medical Center requests Assembly approval to begin the survey and evaluation process, at PMC's expense, of Borough lands to be used as a potential future hospital site.

**K. Approval to Work with Petersburg Medical Center Regarding Mountain View Manor Management**

Manager Giesbrecht requests approval to work with the Borough's attorney and PMC to determine the manner and means to best transfer management of the MVM Assisted Living Facility to PMC; for the benefit of both current residents and the community at large, including any interim steps necessary to provide adequate leadership for the facility, and to bring a proposed agreement back to the Assembly for consideration.

**L. Reid Brothers Construction Replat Application**

Reid Brothers Construction requests a replat of two lots in the power plant subdivision to realign the property line shared with PMPL so that it is parallel to the back walls of the Reid Brothers shop and the Scow Bay Pole Yard buildings. Utility Director Hagerman supports this replat and recommends that the Assembly approve the application as an involved landowner and authorize the Borough Manager to sign the application on behalf of the municipality.

**M. Early Childhood Education Task Force Appointments**

The Assembly shall consider appointment of interested persons to the newly created Early Childhood Education Task Force. Since the date of publishing the last agenda, a letter of interest was received from Rachel Etcher and Heather Conn.

**16. Communications**

**A. Correspondence Received Since May 12, 2022**

**17. Assembly Discussion Items**

**A. Assembly Member Comments**

**B. Recognitions**

**18. Adjourn**



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Minutes Borough Assembly Regular Meeting

Monday, May 16, 2022

6:00 PM

Assembly Chambers

### 1. Call To Order/Roll Call

Mayor Jensen called the meeting to order at 6:00 p.m.

#### PRESENT

Assembly Member Bob Lynn  
Assembly Member Chelsea Tremblay  
Assembly Member David Kensinger  
Vice Mayor Jeigh Stanton Gregor  
Assembly Member Jeff Meucci  
Mayor Mark Jensen  
Assembly Member Thomas Fine-Walsh

### 2. Voluntary Pledge of Allegiance

The Pledge was recited.

### 3. Approval of Minutes

#### A. May 2, 2022 Assembly Meeting Minutes

The May 2, 2022 Assembly meeting minutes were unanimously approved.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Meucci.  
Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh

### 4. Amendment and Approval of Meeting Agenda

The agenda was amended to add a Discussion Item regarding the Papke's Landing Marine Facility Improvements Conceptual Design comment period and a Discussion Item to discuss sending a letter from the Borough and the Chamber of Commerce to National Geographic regarding their cruise ship visits to Petersburg this summer. The Assembly unanimously approved the agenda as amended.

Motion made by Assembly Member Meucci, Seconded by Assembly Member Tremblay. Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh

**5. Public Hearings**

**A. Public Hearing for Ordinance #2022-07: An Ordinance Adopting the Budget for Fiscal Year July 1, 2022 Through June 30, 2023**

Cate Kowalski, Todd Newlun, Michele Pfundt, Jim Floyd, Luan Madole, and Marietta Davis spoke in favor of a fully funded Police Department.

Jim Whitethorn stated our roads are in need of maintenance. He also expressed support for the Police Department.

Don Koenigs spoke about the proposed FY 2023 budget and expressed support for the Police Department.

**6. Bid Awards**

There were no 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.*

Chris Zimmer, the Alaska Director for Rivers Without Borders, thanked the Assembly for considering Resolution #2022-08 regarding the clean up and closure of the Tulsequah Chief Mine.

**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.*

Jim Floyd, speaking as the Manager of Hammer & Wikan and the President of the Chamber of Commerce, and Will Ware, representing the Cedar Box and Haa Aani Adventures LLC, shared their concerns about the National Geographic cruise ships not allowing passengers to visit local shops in Petersburg.

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

**A. Parks & Recreation Advisory Board Report on Trails Work Session**

Parks & Recreation Advisory Board Chair Hayes read a letter to the Assembly reporting on an October, 2021 public work session regarding local trail development and requested the Assembly and Borough staff re-establish efforts to support the development of the Severson's Connector Trail.

**10. Consent Agenda**

There were no consent agenda items.

## 11. Report of Other Officers

### A. Southeast Conference Report

Robert Venables, Southeast Conference Executive Director, shared the results to date of a survey of southeast businesses' COVID-19 impacts, encouraged any businesses who have not completed the survey to do so, and updated the Assembly on current issues and activities happening at the organization.

### B. Southeast Alaska Power Agency Report

Assembly Member and SEAPA Board Member Lynn and Utility Director and SEAPA Board Member Alternate Hagerman gave the Assembly an update on SEAPA activities.

### C. Petersburg Housing Report

Assembly Member Tremblay reported on a May 3, 2022 meeting on housing in Petersburg.

## 12. Mayor's Report

### A. May 16, 2022 Mayor's Report

Mayor Jensen read his report into the record.

## 13. Manager's Report

### A. May 16, 2022 Manager's Report

Manager Giesbrecht read his report into the record, a copy of which is attached and made a permanent part of these minutes.

## 14. Unfinished Business

### A. Ordinance #2022-05: An Ordinance Updating Chapter 14.04.420 of the Municipal Code, Entitled "Water Rate Schedule and Fees" - Third and final reading

Ordinance #2022-05 was unanimously approved in its third and final reading.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Meucci. Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh

### B. Ordinance #2022-06: An Ordinance Updating Various Sections of Chapter 14.08 of the Municipal Code, Entitled "Sewer Utility" - Third and final reading

By unanimous roll call vote, the Assembly approved Ordinance #2022-06 in its third and final reading.



Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Tremblay.

Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh

**C. Ordinance #2022-07: An Ordinance Adopting the Budget for the Fiscal Year July 1, 2022 Through June 30, 2023 - Second Reading**

Ordinance #2022-07 was amended 1) to increase the Electric Department payroll by \$106,154 (due to an administrative error); 2) to add \$40,000 to the ARPA Grant Lost Revenue Fund 287 for potentially hiring a grant writer; and 3) to add \$17,500 to the ARPA Grant Fund 286 for Humanity in Progress. Ordinance #2022-07, as amended, was approved by a vote of 5-2 in its second reading.

Motion made by Assembly Member Meucci, Seconded by Assembly Member Tremblay.

Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Mayor Jensen

Voting Nay: Assembly Member Meucci, Assembly Member Fine-Walsh

**15. New Business**

**A. Resolution #2022-08: A Resolution Encouraging the Prompt and Full Closure and Cleanup of the Tulsequah Chief Mine and Urging the B.C. Government to Oppose any Extension of the Receivership Process**

Resolution #2022-08 was unanimously approved.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Tremblay.

Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh

**B. Mountain View Manor Assisted Living Services**

By unanimous roll call vote, the Assembly directed Manager Giesbrecht to research and enter into discussions with Petersburg Medical Center to share resources and combine efforts in providing services at the Borough's Mountain View Manor Assisted Living Facility.

Motion made by Assembly Member Lynn, Seconded by Assembly Member Meucci.

Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh

**C. Early Childhood Education Task Force Appointments**

The Assembly unanimously approved appointment of the 11 Petersburg residents who submitted letters of interest to serve on the Early Childhood Education Task Force (Katie Holmlund, Denise Gubernick, Chad Wright, Jeff Meucci, Jessica Doril, Sharlay Mamoe, Becky Turland, Stephanie Payne, Chelsea Tremblay, Glorianne Wollen, and Hannah Flor) and appointed Chelsea Tremblay as Chair.

Motion made by Assembly Member Lynn, Seconded by Vice Mayor Stanton Gregor. Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh

**D. Capital Projects Process Work Session**

A work session to discuss updates to and the process for capital project needs lists (State of Alaska CAPSIS, ADOT Needs List, Federal Priorities List) was set for June 27, 2022 at 6:00 p.m..

Motion made by Assembly Member Meucci, Seconded by Assembly Member Tremblay. Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen

**16. Communications**

**A. Correspondence Received Since April 28, 2022**

**17. Assembly Discussion Items**

**A. Papke’s Landing Marine Facility Conceptual Design Comment Period Close Date**

After some discussion, the Assembly requested an action item for the June 6 Assembly meeting to set a end date for receiving comments on the Papke’s Landing Marine Facility Conceptual Design.

**B. Letter to National Geographic Regarding Tour Ships Coming to Petersburg**

The Assembly discussed taking whatever steps are necessary to get to the bottom of the reasoning behind National Geographic’s decision to not allow passengers and crew to explore Petersburg while in port.

**C. Assembly Member Comments**

Assembly Member Fine-Walsh thanked the Parks & Recreation Advisory Board for their report on trails.

**D. Recognitions**

Fire/EMS/SAR Director Dixson recognized Petersburg's EMS responders for their dedication to our community and shared that May 15-21 is EMS Appreciation Week.

Assembly Member Tremblay thanked the Petersburg residents who are willing to serve on the Early Childhood Education Task Force and thanked the volunteers at Humanity in Progress for their efforts to help those who require assistance with obtaining food, clothing, housing and other basic needs.

Police Chief Kerr thanked the community members and business owners who showed up to the meeting today on behalf of the Police Department.

**18. Adjourn**

The meeting was adjourned at 8:42 p.m.

Motion made by Vice Mayor Stanton Gregor, Seconded by Assembly Member Tremblay. Voting Yea: Assembly Member Lynn, Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Mayor Jensen, Assembly Member Fine-Walsh



THE STATE of ALASKA GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development ALCOHOL & MARIJUANA CONTROL OFFICE 550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

May 24, 2022

Petersburg Borough

VIA Email: dthompson@petersburgak.gov; bregula@petersburgak.gov

Table with 4 columns: License Type, Licensee, Doing Business As, Premises Address. License Type: Restaurant/Eating Place, License Number: 6055, Licensee: El Zarape LLC, Doing Business As: El Zarape, Premises Address: 114 N Nordic Drive

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Handwritten signature of Joan M. Wilson

Joan Wilson, Director amco.localgovernmentonly@alaska.gov

**REIMBURSABLE MAINTENANCE AGREEMENT**

**BETWEEN THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES**

**AND**

**PETERSBURG MUNICIPAL POWER & LIGHT**

**FOR THE MAINTENANCE AND MANAGEMENT OF THE  
ILLUMINATION AND SIGNAL SYSTEM AS DESCRIBED BELOW**

This Intergovernmental REIMBURSABLE ILLUMINATION SYSTEMS AGREEMENT ("Agreement") is entered into between the State of Alaska, Department of Transportation and Public Facilities ("State"), and the Petersburg Borough, d/b/a Petersburg Municipal Power & Light ("Petersburg Municipal Power & Light"), a municipality organized and existing under the laws of the State of Alaska (State and Petersburg Municipal Power & Light are collectively referred to as "Parties" herein).

**WHEREAS**, The State has management and maintenance responsibility for the Illumination Systems located on State of Alaska rights of way on Mitkof Island in in the Petersburg Borough;

**WHEREAS, The Petersburg Borough, d/b/a** Petersburg Municipal Power & Light, is a municipal entity having jurisdiction in Petersburg, Alaska;

**WHEREAS**, Petersburg Municipal Power & Light has requested permission from the State to assume the management and maintenance responsibilities for the subject illumination Systems, including all luminaires, poles and bases;

**WHEREAS**, the State has agreed to permit Petersburg Municipal Power & Light to perform the maintenance and repair of Unmetered and Metered State Street Lights and Petersburg Municipal Power & Light has agreed to accept the maintenance and repair responsibility for Unmetered and Metered State Street Lights under the following terms and conditions.

**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the State and Petersburg Municipal Power & Light agree as follows;

**1) Authority for this Agreement:**

The authority for this Agreement is under AS 19.05.040.

## 2) Purpose and Term:

- a.) The purpose of this Agreement is to transfer the responsibilities for maintenance and management of the illumination system from the State to Petersburg Municipal Power & Light.

Petersburg Municipal Power & Light, Agrees:

To maintain and repair the present illumination and signal system and their controls, and to furnish the required electrical energy, for an annual fee not to exceed **\$30,222.00, which the State will pay in one lump sum payment promptly upon execution of this Agreement.**

- b.) **Term.** The term of this Agreement shall be for **1 year, with four (4) one-year renewal options** unless sooner terminated by the State or Petersburg Municipal Power & Light. This Agreement will automatically renew unless Petersburg Municipal Power & Light provides the State at least 60 days advance written notice of termination.
- c.) **Effective Date.** The effective date of this Agreement is July 1, 2022, enabling the continuation of maintenance and management responsibilities of the State illumination system to Petersburg Municipal Power & Light and pending ADOT execution of the agreement and Petersburg Municipal Power & Light's certification that the Petersburg Borough Assembly took the appropriate measures to adopt any resolution, ordinance or any other document required by the Petersburg Borough's charter or state law.
- d.) **Termination.** Either party may terminate this agreement without cause through issuance of a termination letter to the appropriate Authorized Representative. The parties shall provide 60-day advanced notice of termination.

## 3.) Jurisdiction:

Alaska State Courts shall have exclusive jurisdiction over all civil and equitable actions under this Agreement. Any civil or equitable actions initiated by the Petersburg Municipal Power & Light or the State that arise under or are in any manner related to this Agreement shall be filed in the Alaska State Courts with venue in the First Judicial District at Juneau, Alaska. This Agreement shall be interpreted under the laws of the State of Alaska.

## 4.) Indemnification:

- a. The Borough agrees to defend, indemnify, and hold harmless the State of Alaska, its agents and employees, from and against any and all suits, claims, actions, losses, costs, penalties, and damages, arising out of, in connection

with, or incident to any action or omission under this Agreement by the Borough, its agents, employees, contractors, subcontractors, or licensees, including attorney fees and litigation costs. The Borough assumes the risk and liability for its activities and those of its agents, employees, contractors, subcontractors, licensees, or invitees directly or indirectly related to this Agreement, including environmental and hazardous substance risk and liability. This provision shall be valid and enforceable only to the extent of the negligence or willful misconduct of the Borough, or the Borough's agents, employees, contractors, subcontractors, or licensees, the intent being that each party is responsible for its own negligent acts or omissions or willful misconduct, or that of its agents, employees, contractors, subcontractors, or licensees.

- b. This indemnification provision and its terms shall survive the termination of this Agreement and shall hold the State harmless for any unsafe or hazardous conditions occurring on State land interests defined in this Agreement resulting from the Borough's negligent acts or omissions or willful misconduct, or that of its agents, employees, contractors, subcontractors, or licensees.
- c.) Liability for claims and causes of action arising from injuries which occurred prior to the Effective Date, nor liabilities imposed by or claims or causes of action arising from or asserted under AS 46.03.822, shall not be governed by this paragraph.

**5) Incorporation Clause:**

Petersburg Municipal Power & Light shall comply with all applicable current Federal and State laws, regulations, executive orders, stewardship agreements, and applicable DOT&PF manuals and guidelines, including those provisions that would apply to the DOT&PF if the DOT&PF were to perform those tasks to be performed under this Agreement by Petersburg Municipal Power & Light. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement. If amendments to such laws, regulations, etc. are made after the effective date of this Agreement, and such amendment results in an increase in cost to be incurred by Petersburg Municipal Power & Light under this Agreement, the Parties agree to negotiate an equitable adjustment to the Annual Fee to be paid hereunder.

This obligation includes, but is not limited to, compliance with Federal and State uniform relocation assistance and real property acquisition policies; compliance with provisions of the Federal-Aid Policy Guide ("FAPG"); and compliance with the requirements of Title 23 of the United States Code and related implementing regulations, as set forth in the Code of Federal Regulations.

**6) Each Party is an Independent Contractor:**

For the purposes of this Agreement and all services to be provided hereunder, each party shall be, and shall be deemed to be, an independent contractor and not a partner, agent, or employee of the other party. Neither party shall have authority to make any statements, representations, or commitments of any kind, or to take any action, which

shall be binding on the other party, except as may be explicitly provided for herein or authorized by the other party in writing.

**7) Authorized Representatives:**

- a.) Each authorized representative below will have the responsibility to administer and, unless otherwise noted, serve as the main point of contact.
- b.) If and when there is a change in the main point of contact, the changing party shall provide written notification to the other.

<b>For Petersburg Municipal Power &amp; Light</b>	<b>For the State:</b>
Karl Hagerman, Utility Director	D. Lance Mearig, P.E.
P.O. Box 329	Regional Director
Petersburg, Alaska 99833	P.O. Box 112506
khagerman@petersburgak.gov	Juneau, Alaska 99801
	lance.mearig@alaska.gov

- c.) **Notice.** Any request, demand, authorization, direction, notice, consent or waiver provided or permitted to be made upon, given by, or furnished to, the State or Petersburg Municipal Power & Light shall be sufficient for every purpose hereunder if in writing and delivered by hand or by e-mail and shall be deemed delivered at the time of e-mail to the persons at their e-mail addresses noted above or mailed by certified or registered mail, return receipt requested, postage prepaid and addressed as noted above.

The foregoing addresses may be changed by either party by giving to the other party the same type of notice described above providing a substitute address. Any such notice or other document shall be deemed to be received upon delivery, if delivered by hand or by email, or as of five days after the date deposited in the mail, if mailed by certified or registered mail.

**8) Miscellaneous Provisions:**

- a.) **Amendment or modification of Agreement.** This Agreement may only be modified or amended by written agreement signed by authorized representatives for both Parties.
- b.) **The whole agreement.** This Agreement constitutes the entire agreement between the Parties. There are no other understandings or agreements between the Parties, either oral or memorialized in writing regarding the matters addressed in this Agreement.
- c.) **Assignment.** Without the written consent of the State, this Agreement is not assignable by Petersburg Municipal Power & Light either in whole or in



part.

- d.) **Duty of Cooperation.** Petersburg Municipal Power & Light agrees to provide access to relevant records relating to the illumination systems which are the subject of this Agreement, to any authorized representatives of the DOT&PF and further agrees to cooperate in good faith with inquiries and requests for information relating to its obligations under this Agreement.
- e.) **Necessary approvals.** In the event that any ordinance, approval, permit, notice, or other proceeding or authorization is requisite under applicable law to enable Petersburg Municipal Power & Light to enter into this Agreement or to undertake its duties and obligations, or to observe, assume or carry out any of the provisions of the Agreement, Petersburg Municipal Power & Light will initiate and consummate, as provided by law, all actions necessary with respect to any such matters so requisite.
- f.) **Joint drafting.** This Agreement has been jointly drafted by the Parties, and each party has had the ability and opportunity to consult with its legal counsel prior to signature. The Agreement shall not be construed for or against either party.
- g.) **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original. The counterparts shall together constitute but one agreement. Any signature on a copy of this Agreement or any document necessary or convenient thereto sent electronically or by facsimile shall be binding upon transmission and the electronic or facsimile copy may be utilized for the purposes of this Agreement.
- h.) **Waiver.** Failure to insist upon strict compliance with any term, condition, covenant, promise, or provision contained herein shall not be deemed a waiver of those or any other terms, conditions, covenants, promises, or provisions of this Agreement.
- i.) **Survival.** Any duty, liability or obligation arising hereunder, including without limitation, the obligation of indemnification, shall survive the termination of this Agreement and shall be legally enforceable until satisfied by performance or payment or until enforcement is legally precluded by lapse of time.
- j.) **Successors and assigns.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the State and Petersburg Municipal Power & Light.

k.) **Recitals.** The recitals stated above are agreed to be true and correct and are incorporated herein as material provisions.

IN WITNESS WHEREOF, The Parties hereto have executed this Agreement as of the date signed below.

**PETERSBURG BOROUGH, D/B/A PETERSBURG MUNICIPAL POWER &  
LIGHT**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC  
FACILITIES**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

*Record in the Petersburg Recording District.*

**Amendment No. 2 to the  
Tidelands Lease Agreement  
Between The Petersburg Borough, Alaska – Lessor  
And  
Piston & Rudder Service, Inc. – Lessee  
  
Tidelands Parcels T-36B and T-36C**

Date of Original Lease – July 1, 2012  
Recorded as document # 2012-000833-0 on October 19, 2012  
Amendment No. 1, dated July 1, 2017  
(Not Recorded)

**Effective Date of This Rate Amendment – July 1, 2022**

WHEREAS, the Original Lease dated July 1, 2012, as amended, provides for renewal of the term of the lease; and

WHEREAS, Municipal Code and the amended original lease require the annual rent to be adjusted on each fifth anniversary date of the lease and the new annual rent shall be based upon the current full and true value of the property and any borough owned improvements, as established by the borough's assessor, adjusted by the rental rate percentage of ten percent (10%); and

THEREFORE, BE IT RESOLVED, the original lease dated July 1, 2012, as amended, is further amended as follows:

Pursuant to Section 3 of the Original Lease, as amended, the annual rental rate for the five-year period from July 1, 2022 through June 30, 2027 is:

Based on the borough assessor's statement of valuations for the leased premises of \$146,400 as reflected in the 2022 assessment records,

Fourteen Thousand, Six Hundred Forty Dollars and 00/100  
(2022 assessed value of \$146,400.00 x 10% = \$14,640.00)

Lessor does hereby certify the terms of this lease amendment. All other terms and conditions of the Original Lease remain in full force and effect.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

LESSOR: Petersburg Borough  
PO Box 329  
Petersburg, AK 99833

By: \_\_\_\_\_  
Debra Thompson, CMC  
Borough Clerk

STATE OF ALASKA )  
 ) ss  
FIRST JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Debra Thompson to me known to be the Borough Clerk described in and which executed the above and foregoing instrument, and acknowledged to me said instrument to be the free and voluntary act and deed of said Borough for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute this instrument.

WITNESS My Hand and Official Seal the day and year in this certificate first above written.

\_\_\_\_\_

Notary Public in and for the State of Alaska residing at Petersburg, Alaska.  
My commission expires \_\_\_\_\_.

*After Recording Return To: Borough Clerk  
Petersburg Alaska  
PO Box 329  
Petersburg, AK 99833*

**Mayor's Report  
June 6, 2022 Assembly Meeting**

- 1. Appreciation for Shelyn Bell, out-going Mountain View Manor Director:** Thank you to Shelyn Bell for her 18 ½ years of dedicated service caring for our elderly population and their families at Mountain View Manor. We wish you the best in your future endeavors. You will be missed!
  
- 2. Mayor's Summer Schedule:** Mayor Jensen will be gillnetting through September and will attend Assembly meetings when available.
  
- 3. Seeking Letters of Interest:** The Petersburg Borough is accepting letters of interest from citizens who wish to serve the community by filling one of the vacant seats on the following Borough Boards/Commissions until the October 2022 Municipal Election:  
Planning Commission – two vacant seats  
Parks & Recreation Advisory Board – one vacant seat



**Borough Manager's Report  
Assembly Meeting 6 June 2022**

- ❖ Parks and Rec is moving right along with Annual Cleaning and Maintenance Closure. All aspects of the Community Center are getting cleaned, fixed, and reorganized! Electrical repairs are happening as scheduled.
- ❖ Leisure pool is showing signs of water passage through the floor. We are investigating how to best seal the pool floor to buy time to coordinate resurfacing the pool.
- ❖ Dry weather conditions have resulted in a lot of dusty streets. We had about ½ tank of lignosite on hand which has been used to mitigate dust on several Borough streets. At present we are unable to obtain additional lignosite due to supply chain issues, and we are looking into alternative methods of dust control until we can resupply with lignosite.
- ❖ Reid Brothers will be mobilizing to Public Works in mid-June to begin replacement of the failed drainage culvert in the shop yard. Construction is expected to take about 6 weeks.
- ❖ The Motor Pool is auctioning off several surplus vehicles. Details are available by calling Public Works or visiting the Borough's website. Auction notices will also be posted in public locations around town.
- ❖ Channel Construction is planning to be in Petersburg the week of June 5<sup>th</sup> to remove metal from the Borough's landfill. Free metal disposal will be offered to the public for at least a portion of the time that the contractor is onsite.
- ❖ Sam working on a backlog of maintenance projects at the museum. The building is nearing the end of its useful life without major repairs.
- ❖ Thanks to Public Works for excavating around the piping to the water storage tank so that a more refined plan for providing cross connection protection can be developed – as required by ADEC. Alan Murph is working on the revised plan for submission to the State.
- ❖ Water deliveries to outlying residents are in motion due to the dry weather.
- ❖ The community switched over to diesel power for the annual SEAPA maintenance shutdown. The shutdown is scheduled for June 1 -10, and the community is reminded to conserve power as much as possible during the diesel run to conserve fuel and minimize the diesel fuel adjustment as much as possible!
- ❖ David Mazzella has returned from his first lineman school in Fairbanks. He learned a lot and we are very happy to have him back on the crew.
- ❖ McMillen Jacobs is making headway on the Blind Slough Project. Electrical control schematics were received from the equipment supply contractor and this has allowed the engineers to further the project construction documents. Work continues for the FERC license amendment, valve procurement, penstock scope of work and

there will be a site visit by the engineers and equipment supplier on June 15 and 16<sup>th</sup>.

- ❖ We continue to distribute KN95 masks and at-home COVID antigen test kits. Test kits are available at the Police Dept, Library, Municipal, Fire Department, PMC and Public Health Nurse's Office. The at-home test kits have been hard to obtain from the State the last few weeks.
- ❖ Josh is off work. Congratulations to Kaitlin and Josh on the birth of their son Henry.
- ❖ Chief Kerr met with Phil about hospital site selection and provided input on public safety concerns and hospital access routes for some of the proposed sites.
- ❖ Mayfest was reported as one of the biggest years for attendance while also having the least amount of law enforcement calls for service. PPD would like to thank everyone who attended for doing their part in making this year's Mayfest an enjoyable experience for all.
- ❖ Congratulations to Ray for passing the ICC Residential Plans Examiner test.
- ❖ The library's summer programs are underway. Thank you to the many local businesses, organizations and individuals who make these programs possible. Sign up at [psglib.org](http://psglib.org). This year there are three programs offered:
  - Get a Life! A biography & memoir reading challenge - Adults & Teens 13+, June 1 - July 31
  - Summer STREAM - Kids ages 5-13, May 31 - July 12
  - Bookworms - Kids 0-5 and their caregivers, May 31 - July 12
- ❖ Assisted Living is open for visitors. Please don't visit if you are not feeling well. Please call Shelyn with any questions at 907-772-2445.
- ❖ One independent Assisted Living apartment is now occupied and still working down the waitlist to fill the other independent apartment. Received 3 Independent living applications last week after advertising.
- ❖ We continue to advertise for Director, Resident Assistant positions and a fill in RN.
- ❖ Michelle is wrapping up loose ends on the AHFC inspection, will be submitted next week.
- ❖ All Harbors are full. There is a waiting lists for all stall class. Staff is considering adding fingers to the Poor Man's Float to help accommodate summertime users.
- ❖ Maintenance staff built a new towable utility float for harbor customers to use at their stalls.
- ❖ Harbor Parking is being enforced.
- ❖ Staff visited with the Captain of the Port at our annual port meeting on Thursday, June 2<sup>nd</sup>. USCG Intel is also here for a pre-season check in. We really appreciate their work monitoring issues within the region. It's nice to have "a number to call" when we notice things that do not seem quite right but might add to a situation outside our local operation.
- ❖ Remind boaters of the no wake zone outside all three harbors and responsibilities for wake is on the owner/operator.

**PETERSBURG BOROUGH  
ORDINANCE #2022-07**

**AN ORDINANCE OF THE PETERSBURG BOROUGH ADOPTING THE BUDGET FOR THE FISCAL YEAR JULY 1,  
2022 THROUGH JUNE 30, 2023**

**Section 1. Classification:** This ordinance is not of a permanent nature and shall not be codified in the Petersburg Municipal Code.

**Section 2. Purpose:** The purpose of this ordinance is to set forth budgetary requirements for the operation of the various divisions, departments and organizations of the Petersburg Borough for Fiscal Year 2023. Support to the Petersburg School District has been included in the General Fund Expenditures.

**Section 3. Substantive Provisions:** In accordance with Section 11.07 of the Charter of the Petersburg Borough, the budget for the fiscal period beginning July 1, 2022 and ending June 30, 2023 is hereby approved in the amounts and for the purposes as stated below. The supporting line item budget detail, as reviewed by the Assembly, is incorporated as part of this ordinance.

**A. Fiscal Year 2023 Revenue and Expenditure Budget**

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENDITURES BUDGET</u>
<b>GENERAL FUND</b>		
General Fund	\$ 10,705,841	\$ 10,705,841
<b>ENTERPRISE FUNDS</b>		
Electric Fund	\$ 7,089,366	\$ 7,937,154
Water Fund	\$ 1,199,747	\$ 2,055,301
Wastewater Fund	\$ 910,834	\$ 1,454,560
Sanitation Fund	\$ 1,271,843	\$ 1,557,838
Harbor Fund	\$ 2,065,658	\$ 4,440,948
Elderly Housing Fund	\$ 453,401	\$ 571,775
Assisted Living Fund	\$ 1,795,338	\$ 2,149,728
<b>INTERNAL SERVICE FUNDS</b>		
Motor Pool Fund	\$ 1,017,321	\$ 1,681,433
<b>DEBT SERVICE FUND</b>	\$ 799,285	\$ 835,000
<b>SPECIAL REVENUE FUNDS</b>		
Miscellaneous Grants	\$ 31,607	\$ 31,607
Economic Development Fund	\$ 100,000	\$ 732,843
Secure Rural Schools Fund	\$ 450,000	\$ 700,000
Secure Rural Roads Fund	\$ 244,000	\$ 350,000
Property Development Fund	\$ 38,000	\$ 70,000
Transient Room Tax Fund	\$ 50,000	\$ 51,000
E911 Surcharge Fund	\$ 86,000	\$ 82,600
Marine Passenger Fee	\$ 35,000	\$ 50,000
Borough Organizational Fund	\$ -	\$ 61,128
Coronavirus State and Local Recovery Fund (ARPA)	\$ -	\$ 412,500
DCRA Local Government Lost Revenue Fund (ARPA)	\$ 1,430,893	\$ 1,430,892
Local Disaster - FEMA	\$ 620,000	\$ 620,000
<b>CAPITAL PROJECTS FUNDS</b>	\$ 1,614,000	\$ 12,342,004



**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 5. Effective Date:** This ordinance shall become effective July 1, 2022.

**Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 6<sup>th</sup> day of June, 2022.**

\_\_\_\_\_  
**Mark Jensen, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Debra K. Thompson, Borough Clerk**

Adopted:  
Published:  
Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2022-08**

**AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 14.02A (SERVICES TO BE PROVIDED ONLY BY SERVICE AREA) OF THE HOME RULE CHARTER OF THE PETERSBURG BOROUGH, AND DIRECTING THAT THE PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE QUALIFIED VOTERS OF THE BOROUGH**

**WHEREAS**, Section 14.02A, *Services to be Provided Only by Service Area*, of the Borough Charter lists powers of the Borough that are to be exercised only through the establishment of service areas; and

**WHEREAS**, this listing at paragraph 3 of Section 14.02A includes the collection of solid waste; and

**WHEREAS**, this listing at paragraph 4 of Section 14.02A includes water, sewer and electric services; and

**WHEREAS**, except for paragraphs 3 and 4, the powers listed in Section 14.02A are ones generally paid for through general real property taxation, rather than by costs charged directly to individual property owners; and

**WHEREAS**, paragraph 3 would purport to require creation of a new service area outside of Service Area No. 1 even in an instance where an individual property owner wishes to obtain and pay for garbage collection; and

**WHEREAS**, paragraph 4 would purport to require creation of a new service area outside of Service Area No. 1 even where the costs of extension of utility service to a property are being requested and paid for wholly by the property owner to receive the service; and

**WHEREAS**, requiring creation of a service area in such instances -- where the cost of utility installation is voluntarily paid for in full by the new service holder, or where an individual property owner wants to obtain waste collection -- is not a practical application of service area requirements and would substantially hinder borough residents who live outside of Service Area No. 1 and who wish to pay the costs to hook up to or access nearby utilities; and

**WHEREAS**, in each instance, the property owner would be charged the standard utility rates established in borough code for the service, and a service area is not needed to collect monthly charges imposed after service is initiated; and

**WHEREAS**, nothing in this amendment would alter the intent of Section 14.02A, to ensure that residents did not receive services from the borough that they don't want without the opportunity to vote on those services; and

**WHEREAS**, Petersburg Borough Charter Section 18.02, entitled Election, specifies that any proposed charter amendment shall be submitted to the qualified voters of the Borough.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, that the following proposed amendment to the Home Rule Charter of the Petersburg Borough be submitted to the qualified voters of the Borough at the next regular or special election occurring more than 90 days after adoption of this ordinance.

**Section 1. Classification:** This is a non-code ordinance, however the proposed borough charter amendment set out below is of a permanent nature and, if approved by the voters, shall be reflected in the Petersburg Borough Charter.

**Section 2. Purpose:** The purpose of this ordinance is to propose a charter amendment to the Borough voters that would allow for extension of water, sewer, electric, and solid waste collection services to properties without establishment of a service area where any costs and expenses of any installation of the service, and monthly charges thereafter, would be paid for by the property owner receiving the new service.

**Section 3. Substantive Provisions:**

a) Proposed Charter Amendment – Sections 14.02A of the Charter: The new language proposed is in red and underlined.

**Section 14.02 - Services to be Provided Only by Service Area.**

A. The following powers shall be exercised only through service areas:

1. The establishment and operation of police departments, the hiring of police officers or the contracting for the services of police officers;
2. The establishment and operation of fire and emergency medical services departments, the hiring of firefighters and the contracting for fire fighting services;
3. The collection but not disposal of solid waste, except where collection is being requested and voluntarily paid for by the owner of the property to receive such service;
4. Water, sewer and electric services, except where the extension of such utility service is being requested and voluntarily paid for by the owner of the property to receive such service;
5. Street construction and maintenance;
6. Building code enforcement;
7. Parks and recreation; and
8. Animal control

B. Until otherwise changed, those areas which were, at the time this Charter was approved, a part of the former City of Petersburg's public water system or sanitary sewage system or which were within the boundaries of the former City of Petersburg shall be included within a service area for each and all of the above powers and for the power to build, operate, maintain and replace the public water system, sanitary sewage services, roads, bridges, sidewalks, culverts, storm sewers and drainage ways.

C. All other service areas in existence on the date this Charter becomes effective shall continue in effect until such time as changed as provided in this article and the borough shall exercise the same powers within those service areas as were exercised by the former governing body.

D. Nothing in this Charter except section 14.06 prohibits the borough from exercising any other power on a non-areawide basis or through service areas.

E. No areawide power shall be interpreted to include or authorize any of the powers described in 14.02 A.

b) Submittal to Voters: The question to be submitted to the voters shall read substantially as follows:

**Proposition #\_\_\_**

**Providing that Creation of a Service Area is not Required when Extension of Utility Service to a Property is Requested and Paid for by the Property Owner**

Shall Section 14.02A(4) of the Petersburg Borough Charter be amended to provide that the creation of a service area is not required where the extension of water, sewer, electric or solid waste collection to a property is requested and will be paid for by the property owner?

- YES
- NO

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 5. Effective Date:** This ordinance shall be effective upon adoption. The proposed borough charter amendment set forth herein, if approved by the voters, shall become effective immediately upon certification of the election results.

**Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
**Mark Jensen, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Debra K. Thompson, Borough Clerk**

Adopted:  
Published:  
Effective: Ordinance effective upon adoption. Charter Amendment effective upon Voter Approval and Certification of Election Results.

**PETERSBURG BOROUGH  
ORDINANCE #2022-09**

**AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 19.03A (PERSONAL FINANCIAL INTEREST AND NEPOTISM) OF THE HOME RULE CHARTER OF THE PETERSBURG BOROUGH, AND DIRECTING THAT THE PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE QUALIFIED VOTERS OF THE BOROUGH**

**WHEREAS**, Section 19.03A, *Personal Financial Interest and Nepotism*, of the Borough Charter currently reads as follows (emphasis added):

Section 19.03 - Personal Financial Interest and Nepotism.

A. Prohibition. An elected borough officer may not participate in any official action in which the officer or a member of the officer's household has a substantial financial interest unless after disclosure of the interest the officer's participation is approved in a public meeting by the majority of the assembly. Borough officials shall publicly disclose their substantial financial interests as required by law.

; and

**WHEREAS**, this Section is applicable to all elected borough boards, which includes without limitation the Planning Commission, the Harbor and Ports Advisory Board, the Library Board, the Public Safety Advisory Board, and the Parks and Recreation Advisory Board; and

**WHEREAS**, this Section would purport to establish a procedure whereby a member of a borough board other than the assembly would be required to go to the assembly to have that member's financial interest disclosed and considered, rather than having the board upon which the member sits consider that interest; and

**WHEREAS**, in 2006, the Borough Charter Committee looked to the Haines Borough Charter when it drafted the home rule charter which was to be included in Peterburg's borough formation petition; and

**WHEREAS**, the Haines Borough Charter provides that elected officers' conflicts of interest are to be addressed by the body on which the officer sits (Haines Borough Charter, §18.01); and

**WHEREAS**, there is nothing in the minutes of the Charter Committee meetings which indicate that this matter was specifically discussed or considered, or that the Committee intended a substantive change from the typical procedure, like Haines', under which individual boards consider and address member conflicts; and

**WHEREAS**, as currently written, the language raises issues regarding its workability, as it is likely that by the time the assembly has the opportunity to consider a conflict disclosed by a member of another board, the matter at issue could have passed out of the board's purview; and

**WHEREAS**, nothing in this amendment would alter the substantive intent of Section 19.03A, to ensure that elected officials timely raise conflicts of interest and that those conflicts be considered and resolved by other borough officials prior to a member's participation; and

**WHEREAS**, Petersburg Borough Charter Section 18.02, entitled Election, specifies that any proposed charter amendment shall be submitted to the qualified voters of the Borough.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, that the following proposed amendment to the Home Rule Charter of the Petersburg Borough be submitted to the qualified voters of the Borough at the next regular or special election occurring more than 90 days after adoption of this ordinance.

**Section 1. Classification:** This is a non-code ordinance, however the proposed borough charter amendment set out below is of a permanent nature and, if approved by the voters, shall be reflected in the Petersburg Borough Charter.

**Section 2. Purpose:** The purpose of this ordinance is to propose a charter amendment to the Borough voters which would provide that a conflict of interest disclosed by a member of an elected borough board be considered and resolved by that board, rather than the assembly.

**Section 3. Substantive Provisions:**

a) Proposed Charter Amendment – Sections 19.03A of the Charter: The language proposed for deletion is struck through and the proposed addition is in **red and underlined**.

Section 19.03 - Personal Financial Interest and Nepotism.

A. Prohibition. An elected borough officer may not participate in any official action in which the officer or a member of the officer's household has a substantial financial interest unless after disclosure of the interest the officer's participation is approved in a public meeting by the majority of the **body**assembly. Borough officials shall publicly disclose their substantial financial interests as required by law.

.b) Submittal to Voters: The question to be submitted to the voters shall read substantially as follows:

**Proposition #\_\_\_**

**Providing that Conflicts of Interest Raised by Members of Elected Borough Boards be Addressed by the Board on Which the Officer Sits**

Shall Section 19.03A of the Petersburg Borough Charter be amended to provide that when an elected borough officer discloses a substantial financial interest in a matter before the board on which the officer sits, that board shall consider and address that member's conflict of interest?

- YES
- NO

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 5. Effective Date:** This ordinance shall be effective upon adoption. The proposed borough charter amendment set forth herein, if approved by the voters, shall become effective immediately upon certification of the election results.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mark Jensen, Mayor

ATTEST:

\_\_\_\_\_  
Debra K. Thompson, Borough Clerk

Adopted:  
Published:  
Effective: Ordinance effective upon adoption. Charter Amendment effective upon Voter Approval and Certification of Election Results.

**PETERSBURG BOROUGH  
ORDINANCE #2022-10**

**AN ORDINANCE PROPOSING AN AMENDMENT TO SECTION 11.13E (PURCHASING;  
CONTRACTING) OF THE HOME RULE CHARTER OF THE PETERSBURG BOROUGH TO  
ALLOW BOROUGH EMPLOYEES AND OFFICIALS TO PARTICIPATE IN BOROUGH  
PROPERTY SALES WHEN CONDUCTED BY COMPETITIVE OUTCRY AUCTION, AND  
DIRECTING THAT THE PROPOSED CHARTER AMENDMENT BE SUBMITTED TO THE  
QUALIFIED VOTERS OF THE BOROUGH**

**WHEREAS**, Section 11.13E of the Borough Charter currently reads as follows (emphasis added):

Personal Interest. **Borough officers, employees and elected officials shall not be eligible to sell, barter, or supply anything to the borough or purchase anything from the borough while holding office or employment or for a period of six months after leaving office or employment unless an invitation to submit sealed bids is published**, and the borough complies with all ordinance provisions regarding the acceptance or rejection of bids. This section shall not apply to things valued at less than \$5,000.00 or those things which the borough offers generally to the public (as for example, utility services) which shall be purchased or offered at prices or rates prevailing in the community and without discrimination.

; and

**WHEREAS**, the Borough Code, at PMC 16.12.020, allows public sales of Borough real property to be conducted by either submittal of sealed bids or by outcry auction; and

**WHEREAS**, both sealed bidding and outcry auction procedures constitute competitive bidding, and thus there is no substantive difference between the two methods in regard to ensuring that borough employees and officials are not perceived to have received an unfair advantage, which could arise if direct sale procedures were utilized; and

**WHEREAS**, the Assembly has generally opted for the holding of outcry auctions for the sale of real property, deemed preferable for the purposes of maximizing sale proceeds, with the resulting unintended consequence of excluding borough employees and officials from participation in the auction under Charter section 11.13E even though competitive public bidding is occurring; and

**WHEREAS**, nothing in this amendment would alter the substantive intent of Section 11.13E, ensuring that competitive procedures have been utilized in connection with property sales in which borough employees and officials participate; and

**WHEREAS**, Petersburg Borough Charter Section 18.02, entitled Election, specifies that any proposed charter amendment shall be submitted to the qualified voters of the Borough.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, that the following proposed amendment to the Home Rule Charter of the Petersburg Borough be submitted to the qualified voters of the Borough at the next regular or special election occurring more than 90 days after adoption of this ordinance.



**Section 1. Classification:** This is a non-code ordinance, however the proposed borough charter amendment set out below is of a permanent nature and, if approved by the voters, shall be reflected in the Petersburg Borough Charter.

**Section 2. Purpose:** The purpose of this ordinance is to propose a charter amendment to the Borough voters which would allow borough employees and officials to participate in sales of borough property held using competitive outcry auctions procedures.

**Section 3. Substantive Provisions:**

a) Proposed Charter Amendment – Sections 11.13E of the Charter: The language proposed for addition is in **red and underlined**.

Section 11.13 - Purchasing; Contracting.

A. The assembly, by ordinance, shall provide for competitive bidding for purchase of goods and services by the borough and sales of surplus borough property and for any exceptions.

B. The assembly, by ordinance, shall establish provisions for approval of borough contracts and exceptions. The provisions shall address, at a minimum:

1. Authority of assembly. All contracts, except as provided in subsection 2 of this section, shall be authorized by the assembly and, if in writing, shall be signed by the manager and clerk. Contracts shall be approved as to form by the borough attorney if the assembly requires such approval.

2. Purchase and Sale of Borough Property. Procedures for the purchase and sale of borough property and equipment shall include a provision for the centralized purchasing on behalf of the borough. The procedures shall also provide the dollar limit within which purchases of the borough property and equipment may be made without specific assembly approval and define those circumstances where competitive bidding is not required.

C. Limitations on Contractual Power.

1. The assembly shall have power to enter into only those contracts which, by their terms, will be fully executed within a period of five years. This limitation shall not apply to contracts concerning interests in real property. Any contract, other than a franchise, which will not be fully executed within a period of five years shall first receive the approval of a majority of the qualified electors of the borough who vote on the contract. This restriction shall not apply to any contract for services with a public utility or with other governmental units, or to contracts for debt secured by the bonds or notes of the borough.

2. The assembly shall provide by ordinance the procedure whereby the borough may purchase, sell, lease or dispose of real property. No action of the assembly to dispose of any borough interest in real property dedicated to public use shall be final until the resolution to do so has been on file in the office of the borough clerk for 30 days.

3. Except as authorized in subsection 11.13B2 above, each contract for the construction of public improvements or for the purchase or sale of personal property shall be let only after opportunity for competitive bidding and after appropriate notice of

not less than two weeks. All bids shall be opened in public at the time and place designated in the invitation for bids. The assembly may reject any or all bids. If, after opportunity for competitive bidding, no bids are received which are satisfactory to the assembly, it may authorize the manager to negotiate for a contract in the open market. The assembly may waive any and all irregularities.

4. The assembly may approve contracts for engineering, architectural, legal, medical and other professional services for the borough without competitive bidding. Such contracts shall not exceed two years, except for completion of work in progress under architectural or engineering contracts.

D. Business Dealings with the Borough. The assembly shall provide by ordinance the procedure whereby an officer or employee of the borough, who intends to have business dealings with the borough whereby he or she may derive income or benefits other than those provided as a remuneration for official duties or the duties of employment, shall file with the clerk a statement, under oath, setting forth the nature of such business dealings and his or her interest therein, not less than ten days before the date when action may be taken by the assembly or by any officer or agency of the borough upon the matter involved. Such statement shall be sufficient for continuing transactions of a similar or like nature for six months from the date of its filing.

E. Personal Interest. Borough officers, employees and elected officials shall not be eligible to sell, barter, or supply anything to the borough or purchase anything from the borough while holding office or employment or for a period of six months after leaving office or employment unless an invitation to submit sealed bids is published **or an outcry auction is conducted**, and the borough complies with all ordinance provisions regarding the acceptance or rejection of bids. This section shall not apply to things valued at less than \$5,000.00 or those things which the borough offers generally to the public (as for example, utility services) which shall be purchased or offered at prices or rates prevailing in the community and without discrimination.

b) Submittal to Voters: The question to be submitted to the voters shall read substantially as follows:

**Proposition #\_\_\_**

**Allowing Borough Employees and Officials to Participate in Borough Property Sales when Competitive Bidding Procedures are Followed**

The Petersburg Borough Charter, at Section 11.13E, currently allows borough officials and employees to participate in sales of borough property when those sales are conducted by competitive sealed bidding. Shall the Petersburg Borough Charter be amended to additionally include sales held by competitive outcry auction?

- YES
- NO

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstance shall not be affected.

**Section 5. Effective Date:** This ordinance shall be effective upon adoption. The proposed borough charter amendment set forth herein, if approved by the voters, shall become effective immediately upon certification of the election results.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mark Jensen, Mayor

ATTEST:

\_\_\_\_\_  
Debra K. Thompson, Borough Clerk

Adopted:  
Published:  
Effective: Ordinance effective upon adoption. Charter Amendment effective upon Voter Approval and Certification of Election Results.

**Petersburg Borough, Petersburg, Alaska  
RESOLUTION #2022-09**

**A RESOLUTION OF THE PETERSBURG BOROUGH SETTING THE MILLAGE RATES FOR  
THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023**

**WHEREAS**, the Assessor has completed the final assessment records and the total taxable assessed value of all real property within the Petersburg Borough as of January 1, 2022 is \$335,928,100. Of this amount the taxable assessed valuation of Service Area 1 totals \$284,031,400; and

**WHEREAS**, Petersburg Municipal Code 4.24.300 B. states that the assembly shall, before June 15th, establish the mill rate of the tax levy, by designating the number of mills upon each dollar of value of assessed taxable real property that shall be levied.

**THEREFORE, BE IT RESOLVED** that the Assembly of the Petersburg Borough by this resolution hereby adopts and levies the following millage rate upon each dollar of assessed taxable real property for the fiscal year July 1, 2022 through June 30, 2023:

<b>AREA WIDE - EDUCATION.....</b>	<b>4.2 mills</b>
<b>SERVICE AREA 1 (IN ADDITION TO AREA WIDE)</b>	
<b>SERVICE AREA 1 GENERAL PURPOSES.....</b>	<b>5.5 mills</b>
<b>GO BOND DEBT RETIREMENT</b>	
<b>AQUATIC CENTER.....</b>	<b>.5 mills</b>
<b>VOCATIONAL EDUCATION BUILDING.....</b>	<b>.1 mills</b>
<b>SCHOOL DEFFERED MAINTENANCE.....</b>	<b>.24 mills</b>
<b>LIBRARY BOND.....</b>	<b>.35 mills</b>
<b>ASSISTED LIVING DEBT.....</b>	<b>.61 mills</b>

**BE IT FURTHER RESOLVED**, all 2022 property taxes shall become due by October 17, 2022 after 4:30 p.m. per Petersburg Municipal Code 4.24.320 A. because October 15, 2022 falls on a Saturday; and if not paid by the due date are delinquent.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the Petersburg Borough on the 6th day of June, 2022.

\_\_\_\_\_  
**Mark Jensen, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Debra K. Thompson, Clerk**



The Petersburg Borough would like all property owners to be aware of the assessment and tax schedule for the 2022 calendar year. Forms and information can be found online or in our office. On June 1, 2020, the Borough Assembly approved Ordinance 2020-14 amending chapter 4.24 to change the payment due date for property taxes to October 15<sup>th</sup> (or next business day) 4:30pm of each year.

## 2022 Property Tax Timeline

February 15, 2022	Deadline for Fire/EMS, Fire Suppression System, Disabled Veterans and Senior Citizen, and Non-Profit Exemption Applications
March 1, 2022	Property Assessments Mailed Out
March 1 – March 31, 2022	Appeal Period
April 14, 2022	Board of Equalization @ 5pm
By May 2, 2022	Delivery of Assessment Roll to Assembly
Prior to June 15 2022	Mill Rate of Tax Levy
July 1, 2022	Property Tax Invoices Mailed
<b>October 17, 2022</b>	<b>Property Taxes Due, 4:30 pm Finance Office</b>

Petersburg Borough Finance Office  
 Open 8-4:30 Monday-Friday  
 Call 772-4425 ex 3 or stop by 12 South Nordic Drive

## Planning Commission Staff Report

Meeting date: May 10, 2022

**TO:** Planning Commission

**FROM:** Liz Cabrera, Community & Economic Development Director

**Subject:** SPECIAL USE PERMIT – Neptune St. ROW  
Nathan & Mindy Lopez

### Recommendation:

Recommend the Assembly approve the Special Use Permit for Neptune St. ROW

### The Petersburg Planning & Zoning Commission makes the following findings of fact:

1. An application for a special use permit application was submitted by Nathan & Mindy Lopez (applicant) and fees paid on March 14, 2022.
2. The proposed project would add approximately 6,000 sf of fill to the Neptune St right-of-way starting at Noseeum St.
3. The applicant is seeking to use the Neptune St ROW to access their private property.
4. Applicant intends to construct a residential dwelling on their property at 207 W Marian St.
5. There is some existing fill on the Neptune St ROW and utilities buried within the ROW.
6. A new residential dwelling would be required to connect to municipal sanitary sewer under PMC 14.08.080.
7. No comments from Public Works Department.
8. Fire Department stated they had no concerns.
9. Hearing notices were mailed to property owners within 600 feet of the right-of-way.
10. On May 10, 2022, a duly noticed public hearing was held by the Petersburg Planning Commission.
11. At the public hearing, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments.



### Section 2. Based on the preceding findings of fact, the Petersburg Planning Commission makes the following determinations:

1. The proposal is found to be of a beneficial nature to the community.

## Planning Commission Staff Report

Meeting date: May 10, 2022

The proposal improves access to a residential parcel allowing for new dwelling to be developed. Utilities are located within the ROW so a new dwelling would be able to connect to municipal power, water, and sewer. With limited developable land available, providing access to a new lot with utilities will benefit the subject property owner as well as other surrounding parcel owners if they are interested in developing their lots.

### 2. Impact on adjacent and surrounding properties.

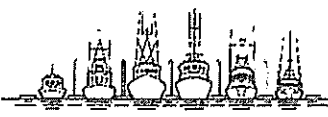
Most of the adjacent and surrounding properties are privately owned. The Neptune St ROW already has some gravel and underground utilities within the ROW, so the SUP would be primarily to improve and extend what is already there. We do not anticipate any negative impact on adjacent or surrounding properties by granting the SUP.

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Chair, Planning Commission

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Secretary, Planning Commission

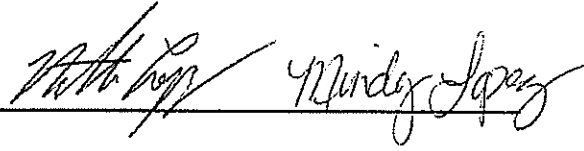
 <b>PETERSBURG BOROUGH</b> <b>SPECIAL USE PERMIT</b> <b>APPLICATION</b>	CODE TO:	<b>110.000.404110</b>
	BASE FEE:	\$50.00
	PUBLIC NOTICE FEE:	\$70.00
	<b>TOTAL:</b>	<b>\$120.00</b>
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC: <b># 319</b>
<b>APPLICANT/AGENT</b>		
NAME Nathan and Mindy Lopez		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT) NAME
MAILING ADDRESS P.O. Box 1250		MAILING ADDRESS
CITY/STATE/ZIP Petersburg, AK 99833		CITY/STATE/ZIP
PHONE 907-841-0183		PHONE
EMAIL nathanlopezproject@gmail.com		EMAIL
<b>PROPERTY INFORMATION</b>		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: The Undeveloped row of Neptune between the properties of Seventh Day Adventist, Russ and Dana Thynes, Our Property, Lewie Silva, Todd Lappetito requesting access to property with a road.		
PARCEL ID:	ZONE:	OVERLAY:
CURRENT USE OF PROPERTY: No Current Use		LOT SIZE:
PROPOSED USE OF PROPERTY (IF DIFFERENT): To be able to access with a road from Noseeum to the Undeveloped Row of Neptune to our Personal Property that is at 207 W Marian Street 243 Lot 4A		
SEPTIC SYSTEM: Is there a septic system on the property? <input type="checkbox"/> YES <input type="checkbox"/> NO What is current or planned system? <input type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system		
WATER SOURCE: <input type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name):		
<b>TYPE OF APPLICATION</b>		
<input type="checkbox"/> Use of Borough Right-of-Way. Please submit site plan showing area you will be developing/using.		
<input checked="" type="checkbox"/> Other: Requesting Access to the Undeveloped Row of Neptune off of Noseeum to our property.		
<b>SUBMITTALS:</b>		
Please submit additional information as required for specific permit. See specific application for more information.		
<b>SIGNATURE(S):</b>		
I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or authorized agent thereof for the property subject herein.		
Applicant(s): Nathan And Mindy Lopez <i>Mindy Lopez</i> <i>Nathan Lopez</i>		Date: 3-14-22
Owner(s): _____		Date: _____



### 19.76 SPECIAL USE APPLICATION

(SUBMIT WITH SITE PLAN)

Applicant(s): Nathan And Mindy Lopez



Address or PID: \_\_\_\_\_

Project Summary: We are requesting to use the Undeveloped Row of Neptune off of Noseeum to our property for a drive way.

Conditions of approval as required in Petersburg Municipal Code 19.76.020:

(Note that all regulations and requirements of Title 19 must be satisfied in order to qualify for a conditional use permit.)

1. The Borough Assembly may issue the permit if the request, as approved by the Planning Commission, is found to be of beneficial nature to the community and that adjacent and surrounding property will not be adversely impacted.

There are instances when the private sector needs to use borough property for uses other than what the property was initially intended for. An example would be to use a platted, but undeveloped, right-of-way for private access to private property.

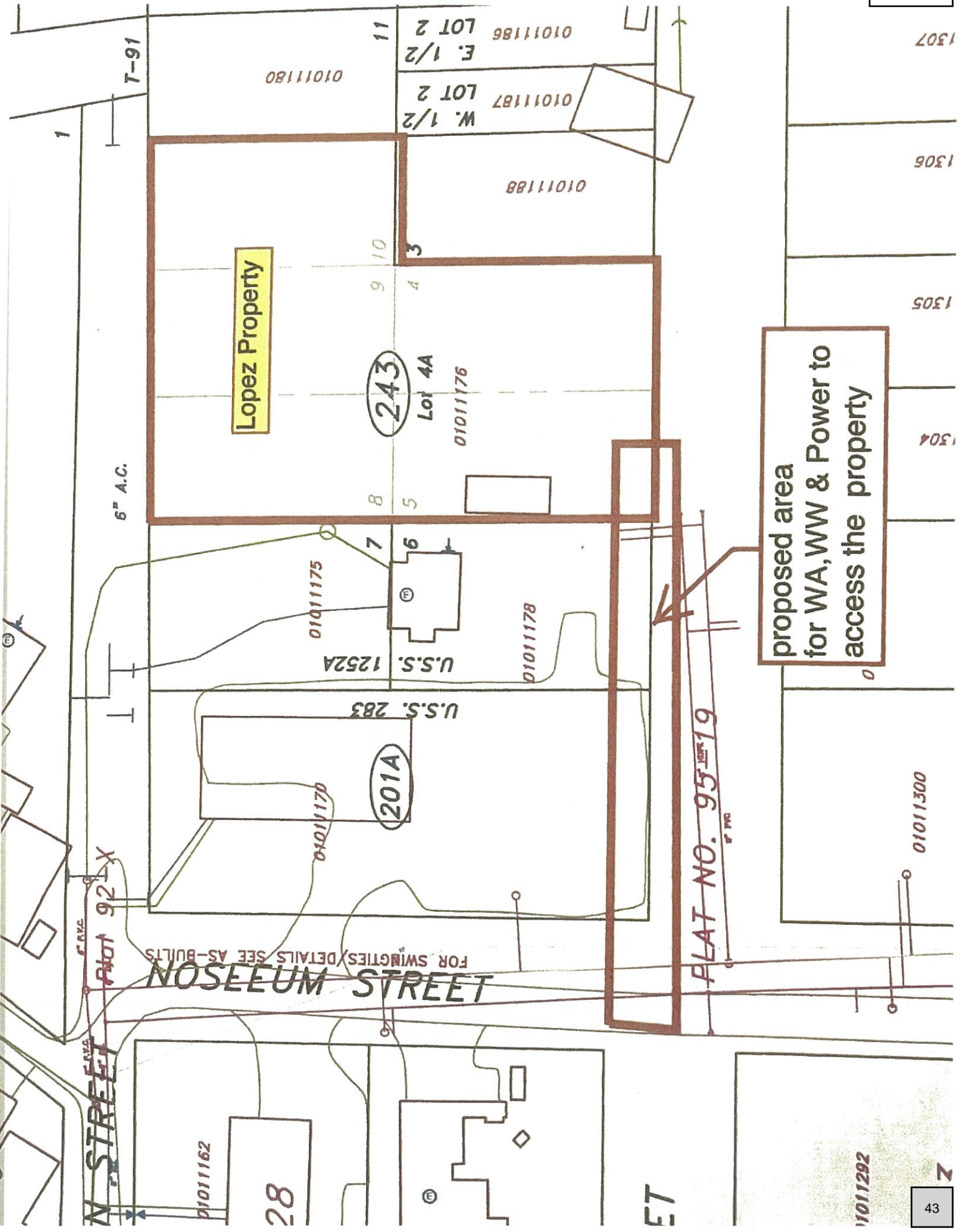
Explain how your application meets these conditions:

Our request for access to the Undeveloped Row of Neptune off of Noseeum would meet these conditions because it would be of beneficial nature to the community by providing access to a community members property to be able to hopefully put a home on it for their family. The Surrounding and Adjacent properties will not be adversely impacted in any way.

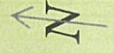
Lopez  
Personal Property



NOSEBUM ST



# Neptune Right-of-Way Noseum Street & Neptune Street



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swire, Swire (Thailand), NAVTEQ, and the GIS User Community



Source: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NNCC, Esri Japan, METI, Esri China (Hong Kong), Swis (Switzerland), IGCC, (c) OpenStreetMap contributors, and the GIS User Community

**From:** [Ambre Burrell](#)  
**To:** [Karen Malcom](#)  
**Subject:** Public Hearing for Special use Permit Application - Lopez  
**Date:** Thursday, April 28, 2022 3:37:13 PM

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I am writing in support of the Lopez's Special use permit application.

There is no adverse impacts to the surrounding neighbors or neighborhood by allowing access on the ROW to the Lopez's property. If anything this will be a benefit to surrounding lots allowing them to potentially develop their land.

With a lack of "in town" property available I feel we should be allowing everyone to access and utilize their property to the fullest potential.

Thank you for your time,

Ambre Burrell  
Rock-N-Road Construction, Inc  
P. 907.772.3308  
F. 907.772.2268



ENGINEERS, INC.

May 24, 2022

PND 22J044

Mr. Karl Hagerman  
Utility Director  
Petersburg Borough  
PO Box 329  
Petersburg, AK 99833

Re: Petersburg Subdivision Improvements – Cost Estimates

Dear Karl,

PND Engineers, Inc. (PND) appreciates the opportunity to provide this fee proposal for engineering services on the referenced project. We understand Petersburg is considering its options for developing two subdivisions on Borough owned property and is interested in understanding the full project costs for each including roadway and utility construction, permitting, surveys, design, contract administration, inspection and closeout services. The two subdivisions include an expansion of the Airport Subdivision and an extension of Fram Street from 9<sup>th</sup> to 11<sup>th</sup> Street. Both of these areas are currently undeveloped with the exception of an existing transite water main in Fram Street that needs to be replaced.

The scope of services under this proposal includes the following for each subdivision.

1. Cursory assessment of water, sewer, storm drain and power utility needs in coordination with Borough staff.
2. Earthwork material quantity computations for full core out excavation to competent hard pan and classified backfill for roadway structure to meet Borough Standard Details.
3. Preliminary cost estimates for roadways, drainage, utilities, engineering and other indirect costs. We will coordinate our estimates with local civil contractors to verify unit costs for the major earthwork and utility installations and will coordinate with the Borough for power utility extensions.
4. Brief letter report with exhibits.

Assumptions: PND will work closely with Borough staff and anticipates we will be provided all necessary topo and property boundary information from the Borough's GIS mapping system. We understand the Borough will provide peat probe data along each alignment to assess depth of muskeg for estimating purposes. We also anticipate that PMPL will provide guidance and cost information for the power utility extensions and therefore have not included the services of an electrical engineer in this proposal.

PND proposes to perform the described work on a lump sum basis for \$7,200. We appreciate the opportunity to provide these services to Petersburg Borough on this important project and are available to commence quickly upon authorization. Please let me know if you wish to see any changes to the proposed scope of services or to the assumptions we have made in preparing this proposal. We look forward to working with you.

Sincerely,

PND Engineers, Inc. | Juneau Office

Dick Somerville, P.E. | Vice President



**Borough Manager Report  
Papke's Landing  
June 6, 2022**

The Alaska Department of Transportation (ADOT) planner Joanne Schmidt, and Southcoast regional Director Lance Mearig, have stated that ADOT would like to transfer ownership of Papke's to the Petersburg Borough. Initially ADOT also was requesting the Borough take on ownership and maintenance requirements for Papke's Road, however this is no longer being discussed at this time. I believe ADOT would still like the Borough to take this road, however I explained to ADOT that the Petersburg Borough Charter does not allow for the Borough to take on road maintenance outside of Service Area 1, and any changes to the charter would require a Borough wide vote.

At the August 9, 2021, Assembly Meeting, a quorum of the Assembly approved an expenditure of an amount not to exceed \$35,920 for the purpose of creating conceptual drawings for the proposed Papke's Landing facility, and for design documents for a breakwater at Banana Point boat launch.

On March 20, 2022, Harai and Associates, Inc., provided the conceptual drawings for Papke's to the Borough Manager. These documents were provided to Harbormaster Wollen with instructions from the Borough Manager to review the proposed drawings with the Harbor Board and make recommendations before them being sent to the Assembly.

On April 15, 2022, the Petersburg Harbor Advisory Board met, and discussed these plans. The Board and several members of the public in attendance, asked questions of the Engineer, Alan Murph, and received input from him and the audience. The plans were forwarded to the Assembly for future action and additional public comment.

The Borough Assembly met at the Assembly meeting of April 18, 2022, with an Assembly discussion item to discuss the next steps for the proposed project. The Assembly discussed additional public input and the conceptual drawing were made available to the public on the Borough's website, and notices were placed in several locations asking the public to provide comments.

With help from several Alaska Department of Transportation staff, I was able to connect with an Alaska Department of Natural Resources (ADNR) representative John King on April 28, 2022, to discuss the process the Petersburg Borough would need to follow to obtain ownership of the tidelands and uplands associated with the Papke's facilities. He forwarded ADNR's process, and I have been working on getting the full application together. This involves several of the issues on this agenda, and the Borough agreeing to pay for the surveys on the property in question.

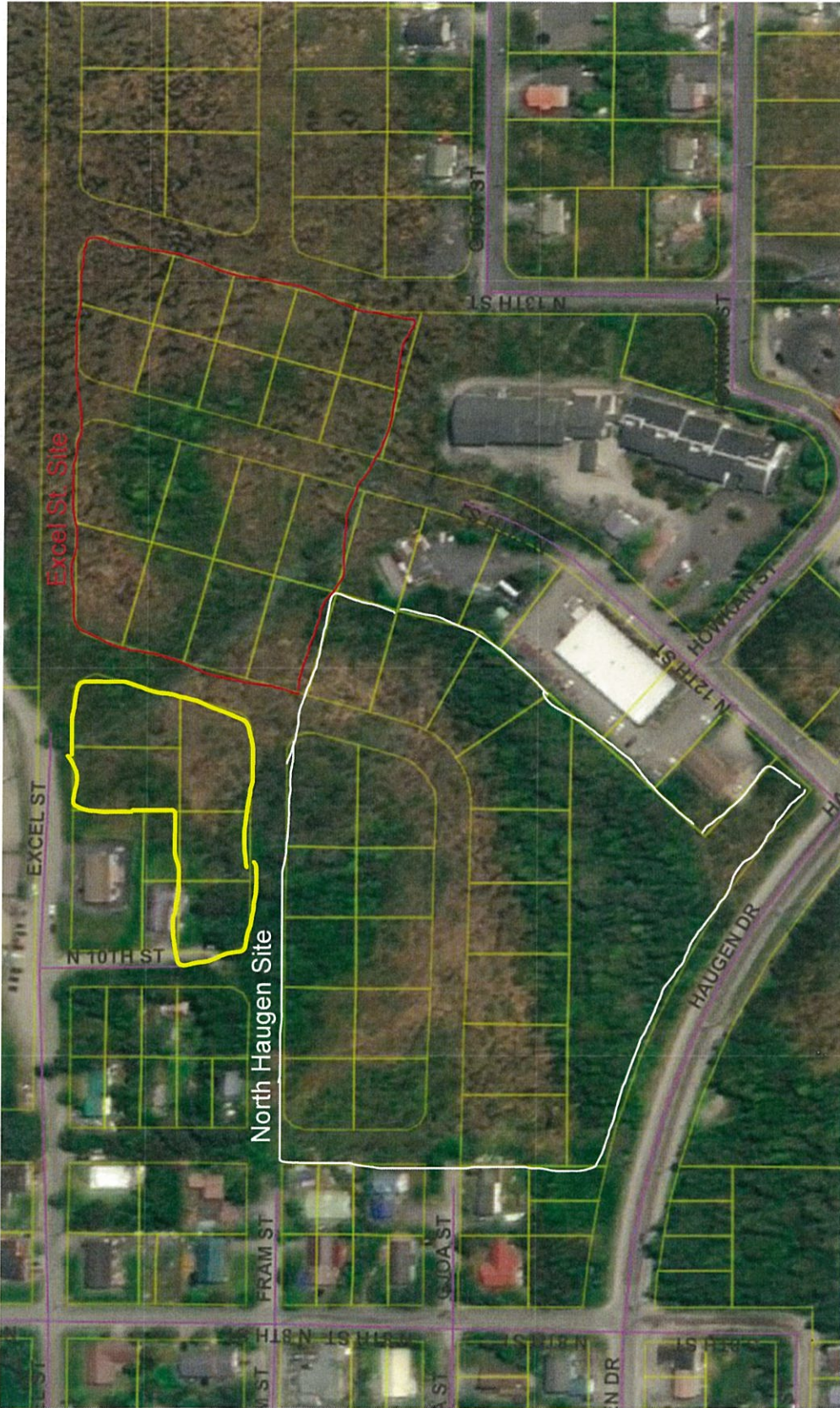


On May 5, 2022, a meeting was held with Assembly Members Kensinger and Lynn present, along with Alan Murph and several members of the public. Comments and concerns regarding the proposed drawings were made, and it is my understanding that these comments will be added to any public responses received. It is my understanding that the Borough will need to agree to the plans for Papke's prior to ADNR allowing any transfer of the tidelands or uplands property, although this is still under discussion.

### **Future Assembly Approval Required**

1. Resolution in support of the acquisition of the Tidelands and Uplands at Papke's Landing
2. Approval of conceptual plans
3. Approval to order and pay for a survey of the tidelands and uplands at Papke's Landing.

North Haugen and Excel St. Sites




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MEMORANDUM

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**TO:** MAYOR JENSEN AND ASSEMBLY MEMBERS  
**FROM:** KARL HAGERMAN, UTILITY DIRECTOR   
**SUBJECT:** SUPPORT OF REPLAT APPLICATION FROM REID BROTHERS CONSTRUCTION  
**DATE:** 6/2/2022  
**CC:** STEVE GIESBRECHT, MANAGER  
DEBRA THOMPSON, CLERK

Reid Brothers Construction Inc. has recently contacted PMPL in regard to a request to replat the lots in the power plant subdivision. In the request, Lots 2A (Reid Brothers Shop location) and 2B (PMPL Scow Bay Pole Yard location) would be platted to realign the common property line so that it is parallel to the back walls of each party's existing buildings. A copy of the replat application and draft plat is attached to this memorandum.

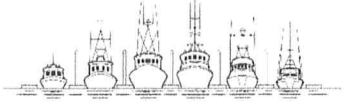
The realignment of the common property line will allow Reid Brothers to gain some needed space for siting of trucks and equipment on their property, without encroachment on the Borough's land. The change in property line will not materially affect the size of either lot and both parcels will be oriented in a better fashion in regard to existing development and structures. The realignment has not adverse effects on the PMPL pole yard. Reid Brothers will cover any surveying and recording costs as well as the application fee.

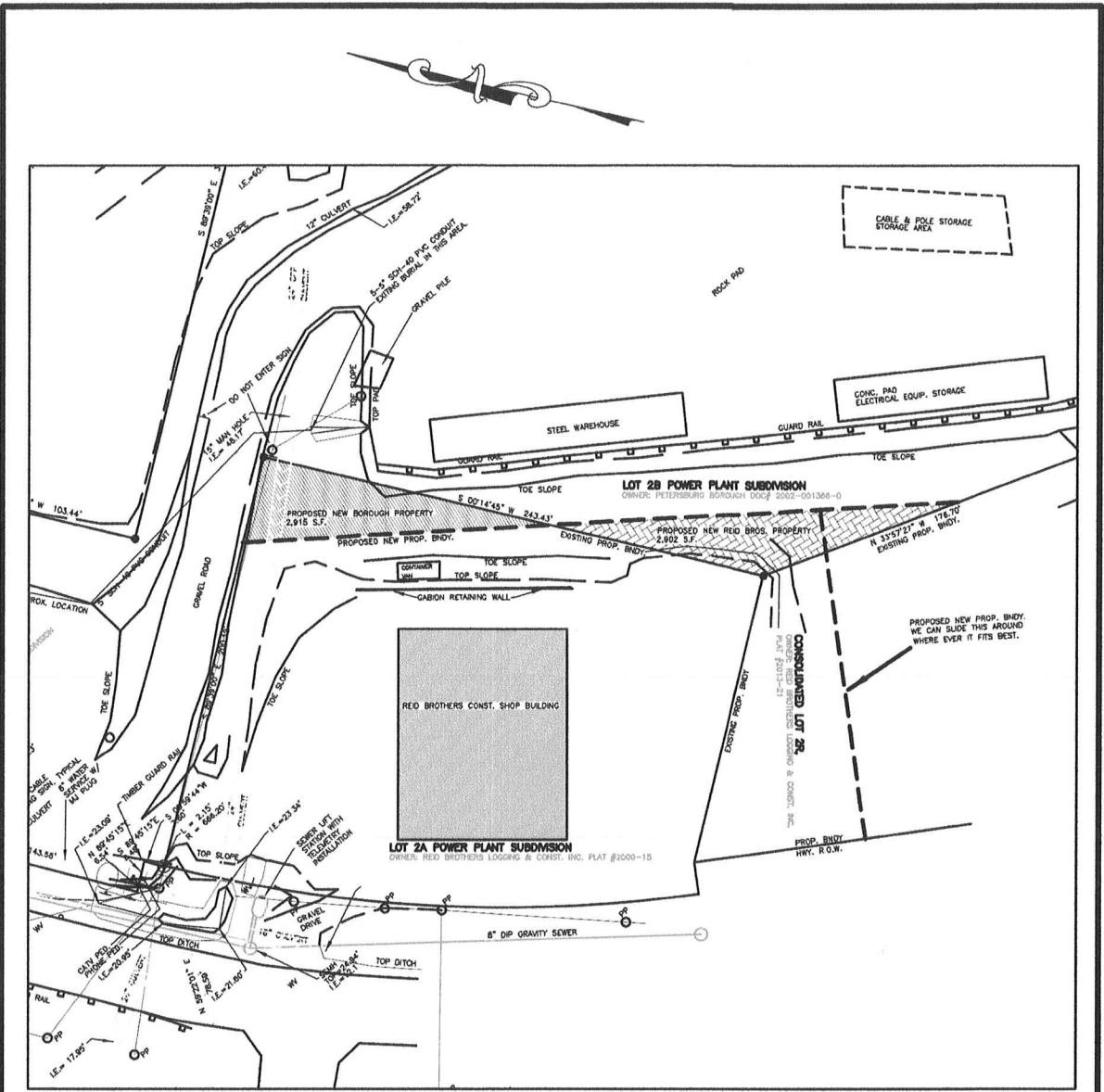
PMPL is fully supportive of this request and recommends that the Assembly approve of the application as an involved landowner and authorize the Borough Manager to sign the application on behalf of the municipality. Pending Assembly approval, the application will be offered for consideration by the Planning and Zoning Commission at their July meeting. If the Commission approves the application, the replat will be completed and recorded. There will be no need for the issue to return to a future Assembly agenda.

If the Assembly is amenable to this proposal, a suggested motion would be:

***I move to approve of the application for replat of lots 2A and 2B of the Power Plant Subdivision as proposed by Reid Brothers Construction Inc. and authorize the Borough Manager to sign the application as the Petersburg Borough's agent in this matter.***

Thank you for your consideration.

 <b>PETERSBURG BOROUGH LAND USE APPLICATION</b>	CODE TO: <b>110.000.404110</b>	
	BASE FEE: <b>95.00</b>	
	PUBLIC NOTICE FEE: \$70.00	
	<b>TOTAL: \$165.00</b>	
DATE RECEIVED: _____	RECEIVED BY: _____	CHECK NO. or CC: _____
<b>APPLICANT/AGENT</b>		<b>LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)</b>
NAME <i>Reid Brothers Logging &amp; Construction, Inc.</i>		NAME
MAILING ADDRESS <i>PO Box 1187</i>		MAILING ADDRESS
CITY/STATE/ZIP <i>Petersburg, Alaska 99833</i>		CITY/STATE/ZIP
PHONE <i>907-772-3755</i>		PHONE
EMAIL <i>reidbros@aptalaska.net</i>		EMAIL
<b>PROPERTY INFORMATION</b>		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: <i>339 Mitkof Highway - effecting Lot 2A &amp; Lot 2B Power Plant Subdivision</i>		
PARCEL ID: <i>01-058-275</i>	ZONE: <i>Industrial</i>	OVERLAY:
CURRENT USE OF PROPERTY: <i>Commercial Construction business</i>	LOT SIZE:	
PROPOSED USE OF PROPERTY (IF DIFFERENT): <i>Replat the boundary line between Lot 2A + Lot 2B of the Power Plant Subdivision to make the alignment parallel with buildings on both properties.</i>		
SEPTIC SYSTEM: Is there a septic system on the property? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
What is current or planned system? <input type="checkbox"/> Municipal <input type="checkbox"/> DEC-approved on-site system <i>N/A</i>		
WATER SOURCE: <input type="checkbox"/> Municipal <input type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well <i>N/A</i>		
LEGAL ACCESS TO LOT(S) (Street Name): <i>Mitkof Highway</i>		
<b>TYPE OF APPLICATION &amp; BASE FEE</b>		
<input type="checkbox"/> 19.84 Zoning Change (\$100)		
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)		
<input checked="" type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat/18.19 <u>Replat (\$75 + \$10 per lot)</u> <i>Replat</i>		
<input type="checkbox"/> 18.24 Final Plat (\$25 per lot)		
<b>SUBMITTALS:</b>		
For Zoning Change, please submit letter stating the new zoning and explaining the need for the change. For Subdivision approvals, please submit a prepared plat map as required by borough code.		
<b>SIGNATURE(S):</b>		
I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner(s) or authorized agent thereof for the property subject herein.		
Applicant(s): <i>Reid Brothers Logging &amp; Construction, Inc.</i>		Date: <i>5/18/22</i>
Owner: <i>Jojo Reid President</i>		Date: <i>5/19/22</i>
Owner: <i>John Reid Vice President</i>		Date: <i>5/19/22</i>
Owner: _____		Date: _____



**PROPOSED BOUNDARY LINE ADJUSTMENT**

**EFFECTING LOT 2A & LOT 2B OF THE POWER PLANT  
SUBDIVISION PLAT No. 2000-15 & CONSOLIDATED  
LOT 2R OF R.O.S. PLAT No. 2013-21**

**PETERSBURG RECORDING DISTRICT**

**LEGEND**

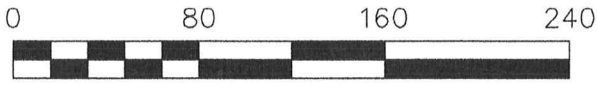
- 2" BRAUN ALCAP

**NOTES:**

THIS DOCUMENT IS A CONCEPTUAL SKETCH CREATED TO DEPICT A PROPOSED BOUNDARY ADJUSTMENT BETWEEN LOTS 2A & 2B OF THE POWER PLANT SUBD. PLAT# 2000-15 & CONSOLIDATED LOT 2R OF R.O.S. PLAT# 2013-21.

TOPOGRAPHIC & BOUNDARY ELEMENTS FROM A SURVEY & DRAWING CREATED BY RICK G. BRAUN L.S.

**CLIENT: REID BROTHERS LOGGING & CONSTRUCTION INC.  
P.O. BOX 1187  
PETERSBURG, AK 99833**



**REV. 5/3/22**

**SURVEYOR**  
**CENTRAL SOUTHEAST SURVEYORS**  
 P.O. BOX 533, PETERSBURG, AK 99833  
 PH (907) 518-0076  
 SKETCH COMPLETED 5/3/2022 SCALE: 1" = 80'  
 DRAWN BY D.C.T. PROJ. No. RSNAP2022

May 18, 2022

Petersburg Borough  
P.O. Box 329  
Petersburg, AK 99833

Heather Conn and Rachel Etcher  
Rae C. Stedman Elementary  
P.O. Box 289  
Petersburg, AK 99833

Clerk Thompson and Petersburg Borough Assembly,

Principal Heather Conn and School Counselor Rachel Etcher would like to represent Stedman Elementary on the Early Childhood Education Task Force. We believe that child care and early childhood education opportunities are an essential part of any community and a great need in ours.

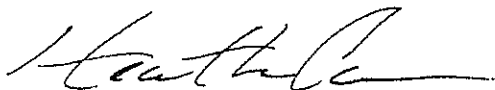
High quality child care has a great number of benefits for children, families, and communities. These include, but are not limited to an increase in a child's social, emotional, and communication skills, greater awareness of their environment and the people in it, enable parents to enter/stay in the workforce, be a resource for families, and relieve some of the stress commonly associated with finding and keeping child care.

Our desire is to be a part of a group that is ready to take action. We would like to see an increase in early childhood space for children zero to nine years of age, an increase in the rate of pay for those employed in the area of early childhood education, and make childcare more affordable for our community's families.

Thank you for putting your thoughts and efforts into this important issue.

Sincerely,

Heather Conn



Rachel Etcher

**PETERSBURG INDIAN ASSOCIATION****PO Box 1418  
Petersburg, Alaska 99833****Phone: 907-772-3636****Fax: 907-772-3637**

May 2, 2022

To Whom It May Concern;

It is our understanding that the Petersburg Borough is working with the State of Alaska to obtain the dock, floats, ramp, tidelands, and uplands located at Papke's Landing on Mitkof Island. The State of Alaska DOT and DNR both have interests in this facility; DOT has already indicated that it would like to pass ownership to the Borough. The Borough Assembly has solicited a Letter of Support from the Petersburg Indian Association (PIA) regarding this matter.

Although Petersburg's governing body has not shown itself to be a staunch or reliable supporter of matters that are important to its Native constituency, the PIA Tribal Council carefully considers what is beneficial to the community as a whole, in addition to what is beneficial to the Tribe, when deciding whether or not to issue a letter of support.

Papke's Landing is utilized by tribal members for subsistence use, as well as for transportation and recreational purposes. It is an important infrastructure resource for our community and provides improved access throughout the Borough and the region.

In this matter, PIA supports the actions of the Borough to obtain the Papke's Landing facilities for the purpose of providing improvements and on-going maintenance. It is hoped that a change in ownership will ensure the longevity of this valuable resource.

Sincerely,

A handwritten signature in black ink that reads "Cris Morrison". The signature is written in a cursive, flowing style.

Cris Morrison  
Tribal Council President

**Debra Thompson**

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**From:** Will Ware <warehouse95@gmail.com>  
**Sent:** Friday, May 13, 2022 8:43 AM  
**To:** Assembly  
**Subject:** Letter of Support

Good morning,

I understand that the Borough is asking for support of Petersburg Indian Association (PIA), a Federally Recognized Tribe, for obtaining additional resources for upkeep of Papke's Landing. Although I'm not entirely familiar with the request the borough is specifically asking for, what I am astonished by is the request made of PIA. I am not a Council member, but I am a Tribal Citizen of this Tribe. I don't speak for the Council, but I will share my astonishment that the Borough would make requests of the Tribe when at no time has the Borough accepted any requests of our Tribal pursuits, i.e. Natives Without Land or the Landless issue.

Do you not find it ironic that a request is made of the Tribe, but when a request is made from our Tribal Citizens, no genuine consideration is made?. Do you find it ironic that when the Natives Without Land speakers mention the benefits to Petersburg, just as PIA has made immense contributions to this community over the last number of decades, specifically over the last 20 years that contribution is ignored when we come with a request?

Is PIA and Natives Without Land the same entity, no. However, the vast majority of our Tribal Citizens are Landless shareholders.

I keep hearing that there are still questions of the Landless. Disingenuous! We've answered every question we've been asked, even beyond what you've requested. There are no more questions, just fear that the Borough will somehow lose if your Native neighbors and citizens succeed. If I am wrong, explain how. Consider the millions that PIA has poured into this community and the potential for that to continue. Consider the millions that Native Corporations bring to our State. In all, hundreds of millions in Federal, State and Private funds from Tribal entities.

Either way, please see the irony of a request made of our Tribe when you refuse to reciprocate.

If I'm wrong and you still have questions, feel free to call me at 907-518-0001. If I'm right, acknowledge the irony. The Tribe may and probably will still support, but at least there's honor in the recognition. If my words are harsh, I've been nice and polite. It's been ignored.

Will Ware



**Debra Thompson**

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**From:** John Otness <johnatport@gmail.com>  
**Sent:** Sunday, May 15, 2022 11:51 AM  
**To:** Debra Thompson  
**Subject:** Sending this as a gesture of cooperation.

To the Borough,

16 food plants that supply this community with basics have been burned to the ground this year alone. The Biden admin has even come out and pre warned us of their engineered food crisis.

We who have eyes to see know that this Town has no back up plan if a stoppage on our supply line is cut off. Diesel. is not being produced and a shortage is now being called in some news outlets. Pipelines shut down intentionally Baby formula was intentionally shut down in production.

This town will be one of the first to face the upcoming disaster if serious actions are not taken such as the purchase of several high tunnel greenhouses that a joint Borough citizen effort is engaged We on the concerned side have discussed and have the wherewithal to install and get food production up and running . I have a property across from the High school that could house 2 25x100 foot high tunnel greenhouses and i would gladly grow food to save our community. Growing all year long is possible with wood fired rocket stove heating systems. We must become proactive now. If we thought the meth scourge was rough then just imagine starving citizens who will do whatever it takes to feed their family. Chaos will take place and that my friends is a real possibility. I believe 10 high tunnels could help but not feed all that we are accustomed to eating. But this can be done if this community is involved . If we are cut off with our pants down we are all in very serious trouble. Oh. and PS Both the Hammer slough Drainage streams that had fed people for generations should be stocked with salmon immediatley. Dont sweat. the. De-icer runoff. as a deturrant. as both marinated de iced salmon and the bears taste great when. one isd starving as town folk. will not have gas or diesel. in worst. case scenarios. We all together can do this with our faith in GOD.

Please let us know if you agree or disagree as time is critical.

Sincerely John. J. Otness

**Debra Thompson**

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**From:** Karil Miller <tkmiller@gci.net>  
**Sent:** Monday, May 16, 2022 12:45 PM  
**To:** Debra Thompson; assembly@petersbugak.gov  
**Subject:** Papke's Conceptual Design

Terry Miller  
PO. Box 175  
Petersburg,Al  
1-907-321-2002

The current conceptual design for Papke's is excessive in price and size. The conceptual design moves the foot print of the project south on Wrangell Narrows which drives up the cost. Moving the project foot print south also impacts the only home near the project. The infrastructure in place at Papke's now is solid. The trestle and launch ramp could use some maintenance that would extend its life out 20 years or more. Abandoning the current boat launch ramp would cost around a million and a half dollars. Keeping the Papke's Landing at its current site is the only way to control the cost of the project. The area that really needs attention is the floating dock. The dock doesn't float at low tide and barely floats at high tide. Any improvements to Papke's should focus on the real needs which is replacement of the float/dock. The parking lot at Papke's is truly a hopeless situation. The current parking lot size is adequate if the cars and boat trailers don't use Papke's for year round storage. The cost of a larger parking lot for more derelict cars and abandoned boat trailers makes zero sense. The need for a fee structure for launching boats and parking cars may be the only answer. The cost of enforcing parking at Papke's and maintaining any future improvements are real, but the building of a project that costs 6.4 million dollars on the backs of Petersburg tax payers is excessive.

Thank you for your time.  
Terry Miller

Sent from my iPad

## Debra Thompson

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**From:** Debra Johnson <akfloorcovering@gci.net>  
**Sent:** Monday, May 16, 2022 5:08 PM  
**To:** Assembly  
**Subject:** Regarding cutting a police position

May 16<sup>th</sup> 2022

Hello everyone,

I am writing to ask you to please reconsider this idea you have about cutting a police officer position.

Petersburg is extremely fortunate to have the police force that we have. They really care about our community and the people in it. Our officers are all family men, and they and their families are a major part of our community. Some are married to home town women who grew up here, and are invested into our town with their extended families and do not plan on leaving.

I have been robbed twice at my store, thousands of dollars worth of flooring. Other businesses have had similar experiences, not to mention homes being burglarized all over town as well. The people of Petersburg want 24 hour a day protection. Our community deserves it.

If you want to cut a position to save money, then this truly is not the direction to pursue because cutting a position will end up costing more money in overtime pay. What will save money is actually adding 1 or 2 more positions so there is less over time being paid out.

These officers are all family men, and deserve to be home with their children and wives at the end of their shifts and not having to work more hours of overtime because you cut a position.

These men put their lives on the line every single day. They never know when a call they go on could go wrong. Never. Especially with as much meth, and heroin that we have in town and domestic violence calls.

They are the first ones called in emergencies, and catastrophies that come about, and will be, regarding things that we have no idea may come our way in the months and years ahead.

Being a police officer is a thankless job. My cousin has been a police officer in Seattle for about 40 years now, and he loves what he does because he knows he is protecting his community.

I invite you to spend a shift with them on a weekend and I guarantee you will know that cutting a position is the wrong move to make.

Thank you for your serious consideration of this matter.

Debbie Johnson

(Alaska Floorcovering)

907-518-0295

Sent from my iPhone



Box 234 Haines, AK 99827

(907) 303-7899

elijah@chilkatenvironmental.com

Steve Giesbrecht  
Borough Manager  
12 South Nordic Drive  
PO Box 329  
Petersburg, AK. 99833

Regarding: Petersburg AFS Tank Farm. ADEC File 1521.38.005

Steve,

Chilkat Environmental performed literature review and consultations to support Borough decision-making for the former tank farm at South Nordic Drive and submitted a letter with recommendations for the borough March 1, 2022. A copy of that letter is attached.

The final well sampling has now been completed, wells decommissioned, and the site responsibility transferred to Petro Marine. I discussed the site again with ADEC Project Manager, Rebekah Reams on 5/9/22 and she concurred that the next required action is submission of a formal closure request. Site closure under 18 AAC 75.380 requires submission of a report that explains site information and how closure requirements have been met.

Site closure is appropriate when efforts to reduce contamination have met approved cleanup levels, or the possibility of human exposure to any residual contamination is highly unlikely. Our understanding is that Petro Marine has a consultant that will prepare and submit the closure request. After ADEC approves closure, it is not anticipated that further environmental actions will be called for. As an institutional requirement for closure, there is a possibility ADEC may require future notification if excavation of subsurface soils is conducted and they may qualify that no drinking water wells should be installed there. These standard protections are not anticipated to impact planned property use.

I recommend Petersburg Borough proceed with their consideration of property exchange upon acceptance of site closure by ADEC.

Elijah Donat  
May 18, 2022  
Principal Investigator



Box 234 Haines, AK 99827

(907) 303-7899

elijah@chilkatenvironmental.com

Steve Giesbrecht  
 Borough Manager  
 12 South Nordic Drive  
 PO Box 329  
 Petersburg, AK. 99833

Regarding: Petersburg AFS Tank Farm. ADEC File 1521.38.005

Steve,

Chilkat Environmental performed literature review and consultations to support Borough decision-making for the former tank farm at South Nordic Drive. First built in the 1930s and rebuilt in the 1990s, the 0.4-acre site was used for bulk fuel storage until 2006. Tanks and infrastructure were removed by 2016 and what remains is a shop and parking area. Cleanup was performed in the mid 90's and included 6-feet of excavation under the 1930's tank farm. Polluted soil was shipped and stored on-site for treatment. The treatment of soil on site was not successful and about 1500yds<sup>3</sup> were shipped in 2008. Further investigations of soil and shallow groundwater led to closure of the site by ADEC in 2012.

The property is owned by Petro Marine, however the responsible party for contamination is Chevron. As part of the environmental assessment performed for this land exchange some wells were located and sampled, encountering minor exceedences of cleanup levels intended to protect off site uses of groundwater for human consumption. Four sampling events were planned to characterize these shallow wells and three have occurred. Results show the site does not yet meet the Migration to Groundwater cleanup standards and that levels are consistent or decreasing.

Cleanup levels are based on how people are exposed to the pollution. This site has posed no risks to human health since cleanup in the mid 1990's because there are no downgradient uses of groundwater and all other cleanup levels were satisfied. Besides removing stockpiles in 2008, there have been no ADEC recommendations of further cleanup since those executed in 1996. Chilkat Environmental met with ADEC site manager Rebekah Reams, her supervisor Robert Burgess and Steve Giesbrecht on February 16, 2022. They explained that Chevron's contractor has one more quarterly monitoring well sampling event to perform. Afterwards, the contractor will provide recommendations. Decommissioning of the existing monitoring wells will be required by ADEC. The site is closed formally or closed with institutional controls limiting soil movement and excavation.

Chilkat recommends waiting for completion of the final summer 2022 monitoring event, acceptance of recommendation for closure by ADEC and decommissioning of wells before proceeding with property exchange.

Elijah Donat  
 March 1, 2022  
 Principal Investigator

Petersburg Borough Assembly,

Recently the Borough Assembly voted to reject the rights of their Native American citizens to participate in their right to recover and own a very small percentage of the land that was appropriated from them. Unfortunately, Native people did not realize and understand the concept of paper ownership of land until it was all taken from them and redistributed amongst the non-native population. In today's world, it would be paramount to someone coming to your house speaking a foreign language and saying the government has seized all your property and you do not own it any longer. Also, we are going to take your land and give it to our friends and someone will now live in your house. I ask, how you would feel if that was the case with you and your family, no land, no home and very little self-worth left. Although this was just an illustration, it none-the-less is the reality Native people faced. This is not a poor me illustration, nor is an attempt to illicit any sympathy but it is glimpse at a past that was evident throughout Southeast Alaska.

The Alaska Native Claims Settlement Act returned a very small percentage of that land back to Tribal Corporations and regrettably, five communities were left out of that Act, Petersburg, Wrangell, Haines, Tenakee and Ketchikan. The Landless Committee met recently with the Petersburg Borough Assembly and orally or in writing answered all the questions the Assembly posed. As a result of our meetings and subsequent communications, we were very surprised when the Bourgh Assembly did not support the Petersburg Landless legislation.

We have been a people who have strived for recognition these past 50 years since ANCSA passed, because, all of the communities were recognized with the exception of the 5 communities. Those 5 communities known as the Left outs, the Land-less and now, Natives Without Land, continue to contest for our land. Unfortunately, even with those communities who benefit from our Corporate status the most, the communities we call home.

Some may ask why were these communities left out of the original act, the reason is simple, there is not an explainable answer to that question. Juneau, Sitka, and Kodiak were awarded their land and Corporate status but the like communities of Ketchikan, Petersburg, Haines, Tenakee and Wrangell were denied participation.

I think we need to discuss the economic benefits that are associated with the Corporation in your community. Number one of course is jobs, Native Corporations historically have created more opportunities for employment in the communities that received Corporate status. Next, is of course the goods purchased from vendors, local businesses, and sometimes individuals in the community. This of course is a real plus in a community where seasonal work has been the norm because more local orders in a community, means more hours for a community member to be employed

Secondly, business development, it is the opportunity of a lifetime, to have a corporation that has a community ingrained D.N.A., to promote ideas and to find ways to make the community a vibrant area for people to want to live. The Corporations throughout southeast and in Alaska have come up with many successful community endeavors that do not impose on existing local business but in many ways enhance that business and as such the other businesses in the community.

Let's take some time to talk about some concerns we hear, will the Corporation cut down trees: The answer is simply, yes, if the corporation deems it a viable opportunity to create meaningful revenue. That being said, this isn't the 1970's anymore, trees are also valuable if you don't cut them down, when they are used for Carbon Credits. Carbon Credits in a nutshell are a way for emission producing businesses like coal and gas to lease good positive emission land that is preserved much like the conservation community would do. One could argue that those companies still pollute the air, which is true but now they have to lease land from the Corporation that will omit positive carbon in the air and it is a win-win for Alaskans, they keep their trees, they keep their clean air and maybe they make the air a little cleaner for the rest of the United States. The loggers are not overly

comfortable with Carbon Credit tracts but that is not to say that some of the trees owned by the Corporation would not be allocated for harvesting. It is a balance the community will have implied input in, the Corporation of course will be run by its Board of Directors, who will naturally be sensitive to the community needs. It is true the Corporation will decide how to use its resources to generate revenue for the Corporation, but it will always know that it is a part of the larger community. Will local business be supported, yes, whenever it is feasible, because the Corporation is Native owned and owned by the Tribal members of Petersburg, so of course they want their community to flourish.

To summarize:

The Corporation and Land selections are an opportunity for each community. They will purchase local goods, sponsor community activities as well as community projects and they will often be a major part of the process of the revitalization of the community itself. This is not a Native-White issue anymore, it is an issue about the economics of the community and that is why I would implore you to rethink your vote and reconsider the positive benefits of a local Tribal Corporation, that will create employment, which will create the payroll to buy goods sold in Petersburg stores and will create a better sense of well-being for all in the community.

I would encourage the Petersburg Assembly to retract their vote of non-support of their landless citizens and instead support a bill that benefits all of Petersburg directly and/or indirectly.

Sincerely,

***Randy Williams***

Randy Williams  
President, Natives Without Land, Ketchikan

**Debra Thompson**

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**From:** Billrmenish <billrmenish@gmail.com>  
**Sent:** Tuesday, May 24, 2022 3:00 PM  
**To:** Assembly  
**Subject:** Olivia Olsen proposal

Olivia recently shared with us her proposal to the borough to buy the Tango street right away and the N.PTN 4 parcel and T45A. I would be surprised if the borough were willing to sell it as to the proximity to the drive down dock and the cold storage. It is the only place for any possible expansion for that area. If one looks out 5-10 years, there will definitely be a need for more harbor storage and expansion. Also, part of this area has historically been used for a major snow dumping area so the borough would have to find another place. She says she is asking for the borough to sell it for the assessed value which doesn't reflect what the property is worth to the borough and other interested parties. If the borough were to choose to sell this, I hope there would be an auction as was done at Sandy Beach to generate the best revenue for this piece of property. My understanding is that the harbor department is against this sale. I would propose that the borough oppose the sale of this property.

Sincerely,

Bill Menish  
Sent from my iPad



## Debra Thompson

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**From:** Debra Thompson  
**Sent:** Wednesday, May 25, 2022 8:46 AM  
**To:** Assembly  
**Subject:** FW: PLFM Subcommittee Legislative Hearing

**From:** Klein, Chere (Murkowski) <Chere\_Klein@murkowski.senate.gov>  
**Sent:** Wednesday, May 25, 2022 7:44 AM  
**To:** Debra Thompson <dthompson@petersburgak.gov>; Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>  
**Cc:** Mark Jensen <fvtwilight39094@gmail.com>  
**Subject:** PLFM Subcommittee Legislative Hearing

Good morning Debbie,  
 Can you please share with the mayor and assembly.  
 Thank you,

HEARING ANNOUNCEMENT  
 COMMITTEE ON ENERGY AND NATURAL RESOURCES  
 SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

This notice is to advise you of a hearing before the Senate Committee on Energy and Natural Resources' Subcommittee on Public Lands, Forests, and Mining. The hearing will be held on Tuesday, June 7, 2022, at 3:00 pm in Room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the following bills:

- \* S. 387, to protect, for current and future generations, the watershed, ecosystem, and cultural heritage of the Grand Canyon region in the State of Arizona, to provide for a study relating to the uranium stockpile in the United States, and for other purposes;
- \* S. 1264, to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing permits and leases, and for other purposes;
- \* S. 1412, to provide for the conveyance of certain Federal land in Carson City, Nevada, and for other purposes;
- \* S. 1750, to redesignate land within certain wilderness study areas in the State of Wyoming, and for other purposes;
- \* S. 2254, to amend the Wild and Scenic Rivers Act to designate certain streams in the greater Yellowstone ecosystem and Smith River system in the State of Montana as components of the Wild and Scenic Rivers System, and for other purposes;
- \* S. 2568, to establish the Open Access Evapotranspiration (OpenET) Data Program;
- \* S. 2708, to provide for greater consultation between the Federal Government and the governing bodies and community users of land grant-mercedes in New Mexico, to provide for a process for recognition of the historic-traditional uses of land grant-mercedes, and for other purposes;
- \* S. 2980, to authorize the voluntary donation of grazing permits and leases in the State of New Mexico, and for other purposes;
- \* S. 2996, to provide for the distribution of certain outer Continental Shelf revenues to the State of Alaska, and for other purposes;
- \* S. 3046, to codify the authority of the Secretary of Agriculture and the Secretary of the Interior to

conduct certain landscape-scale forest restoration projects, and for other purposes;

\* S. 3129, to amend the Wild and Scenic Rivers Act to designate certain segments of the Gila River system in the State of New Mexico as components of the National Wild and Scenic Rivers System, to provide for the transfer of administrative jurisdiction over certain Federal land in the State of New Mexico, and for other purposes;

\* S. 3144, to establish the Sutton Mountain National Monument, to authorize certain land exchanges in the State of Oregon, to convey certain Bureau of Land Management land in the State of Oregon to the city of Mitchell, Oregon, and Wheeler County, Oregon, for conservation, economic, and community development purposes, and for other purposes;

\* S. 3200, to authorize the relinquishment and in lieu selection of land and minerals in the State of North Dakota, to restore land and minerals to Indian Tribes within the State of North Dakota, to conserve the Little Missouri National Grasslands, and for other purposes;

\* S. 3269, to provide for the recognition of certain Alaska Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes;

\* S. 3370, to release the reversionary interest of the United States in certain non-Federal land in Salt Lake City, Utah, and for other purposes;

\* S. 3404, to provide the consent of Congress to an amendment to the Constitution of the State of New Mexico;

\* S. 3644, to require the collection of certain data relating to Bureau of Land Management land acquisitions, and for other purposes;

\* S. 3709, to require the Secretary of Agriculture to carry out vegetation management projects and timber production projects on certain National Forest System land in the States of Montana, South Dakota, and Wyoming, and for other purposes;

\* S. 3997, to amend the Land Between the Lakes Protection Act of 1998 to clarify the administration of the Land Between the Lakes National Recreation Area, and for other purposes;

\* S. 4062, to amend the Federal Land Policy and Management Act of 1976 to authorize the sale of certain Federal land to States and units of local government to address housing shortages, and for other purposes;

\* S. 4080, to modify the boundary of the Berryessa Snow Mountain National Monument to include certain Federal land in Lake County, California, and for other purposes; and

\* S. 4227, to streamline the oil and gas permitting process and to recognize fee ownership for certain oil and gas drilling or spacing units, and for other purposes.

The committee will follow guidelines developed in consultation with the Office of the Attending Physician and the Senate Rules Committee to protect the health of members, staff, and the public.

The hearing will be webcast live on the committee's website, and an archived video will be available shortly after the hearing concludes. Witness testimony will be available on the website at the start of the hearing.

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Chere Klein  
Ketchikan Office  
U.S. Senator Lisa Murkowski  
907-225-6880



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Environmental  
Conservation**  
OFFICE OF THE COMMISSIONER

POST OFFICE BOX 111800  
Juneau, Alaska 99811-1800  
Main: 907.465.5066  
Fax: 907.465.5070

May 26, 2022

Mark Jensen, Mayor  
Peterburg Borough Assembly  
12 South Nordic Drive  
PO Box 329  
Petersburg, AK 99833  
Sent via email: [mayorjensen@petersburgak.gov](mailto:mayorjensen@petersburgak.gov)

Re: A Resolution Encouraging the Prompt and Full Closure and Cleanup of the Tulsequah Chief Mine and Urging the B.C. Government to Oppose Any Extension of the Receivership Process (Resolution 2022-08)

Dear Mayor Jensen,

The Office of Governor Mike Dunleavy acknowledges receipt of Petersburg Borough Assembly Resolution 2022-08, which resolves, in part, that “the Petersburg Borough Assembly strongly urges the State of Alaska and United States federal government to make it clear to the B.C. and Canadian federal governments that the receivership process must end as scheduled this August and that B.C. should then move aggressively to take over the abandoned mine, close it down, and permanently stop the acid mine drainage.”

Reclamation of the Tulsequah Chief Mine remains the highest-priority transboundary issue for the State of Alaska (State). The Province of British Columbia (B.C.) and the State continue to engage on transboundary issues at a leadership level through the Bilateral Working Group (BWG), particularly on the protection of transboundary waters and the status of the Tulsequah Chief Mine.

As you are aware, the Tulsequah Chief Mine is currently owned by Chieftain Metals Inc. (Chieftain). A receiver was appointed over Chieftain in 2016. In 2020 the Receiver and Chieftain’s primary secured creditor made an application to the Ontario Superior Court to discharge the Receiver but with the option to reappoint the Receiver at any time in the receivership proceedings. While B.C. did not oppose the discharge of the Receiver, B.C. did oppose an open-ended period for re-appointment of the Receiver. On October 8, 2020, Ontario Superior Court Chief Justice Morawetz discharged the Receiver and provided Chieftain’s secured creditor until August 2022 to apply for the re-appointment of a Receiver in the receivership proceedings.

The State, through the BWG, has clearly communicated our expectation to B.C. that the receivership proceedings for the Tulsequah Chief Mine be closed at the conclusion of the court-ordered re-appointment period. It is our understanding that B.C. desires this same outcome, as evidenced by their motions before the Court.

May 26, 2022  
Page 2 of 2

Although the reclamation activities B.C. may initiate are currently limited by the receivership proceedings, B.C. has taken meaningful steps to prepare for the closure and reclamation of the Tulsequah Chief Mine, including developing and publishing a conceptual closure and reclamation plan, conducting site preparation work to support heavy equipment access, assessing the existing water treatment plant and its abilities to provide temporary water treatment during closure and reclamation periods, completing field studies to inform detailed engineering designs, and initiating a five-year water quality and aquatic effects monitoring program for the Tulsequah River.

The State supports the tangible work B.C. has completed to date, and we will continue to work cooperatively with B.C. to ensure the Tulsequah Chief Mine is properly closed and reclaimed after conclusion of the receivership proceedings.

Sincerely,



Jason W. Brune  
Commissioner

CC via email:

Randy Ruaro, Chief of Staff, Office of the Governor

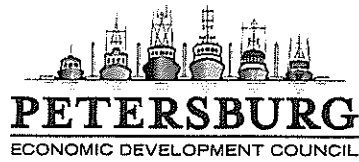
Jason Brune, Commissioner, Alaska Department of Environmental Conservation

Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game

Corri Feige, Commissioner, Alaska Department of Natural Resources

Kyle Moselle, Executive Director, Alaska Department of Natural Resources

Debra Thompson, Borough Clerk, [dthompson@petersburgak.gov](mailto:dthompson@petersburgak.gov)



May 26, 2022

Petersburg Borough Assembly  
PO Box 329  
Petersburg, AK 99833

Dear Mayor and Assembly,

We are writing in support of the Assembly's efforts to ensure the long-term utility and functionality of the Papke's Landing dock and ramp.

Even though the facility is well beyond its useful life and in need of improvements, it has become increasingly more important to businesses, residents, and visitors in our community.

We encourage the Assembly to continue working toward a long-term solution to ensure the facility continues to operate.

Sincerely,

PEDC Board of Directors

PO Box 750, Petersburg, AK 99833  
phone: 907.772.4042 - email:petersburgedc@gmail.com

**Debra Thompson**

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**From:** ronnbuschmann@aol.com  
**Sent:** Tuesday, May 31, 2022 2:55 PM  
**To:** Assembly  
**Subject:** Property Development

Dear Assembly Members - I would like to encourage the Borough to proceed with developing building lots on Borough land, much of which happens to already be subdivided and adjacent to Borough utility services. The lack of available and affordable building lots is slowing growth through the lack of housing. The community is unable to provide housing for necessary workers for the school and hospital as well as the fishing and fish processing industry.

Another aspect of Borough involvement in supplying building lots is the fact that, with the price of a middle income home hovering around \$300,000, the Borough would receive over \$3,000 a year in property taxes per home, not to mention other economic activity and the probability that many families will have children for our school that was built for 700 students but presently houses closer to 400. Each child, of course, increases State and federal support to the school. On the subject of utilities, the sewer and water plants could easily accommodate an increased population of 1000 or more people. Likewise the electric utility, particularly with the newer heating technologies being encouraged, would be adequate for winter heating loads.

In the 1960s the City of Petersburg basically had their own construction company and developed city property like Park and Lake Street and much of the area between downtown and the airport. These lots were developed and sold with the condition that if the buyer didn't start building within 2 years they would forfeit the lot which would then be sold to someone else. This was done to discourage speculators. In the mid 70's the City adopted a strategy of developing private land with a 1/3,1/3,1/3 formula. The property owners on each side paid 1/3 of road, water, sewer, and electrical utility costs, the City paid 1/3. It was a popular program and enabled the City to get more land on the tax rolls. In the 1980s the land development process was changed so a land developer would hire a private contractor to build the road and install utilities to City specifications under City supervision. That is how most of the Severson family and RB(Rick Braun, Ronn Buschmann) subdivisions were built). Other than that most lot development in the last 20 years has been dividing private lots, working through land incorporated into the City with the annexation of the Scow Bay area in 1978, or development out the road by Mental Health. The Tlinkit-Haida subdivision added to the inventory as well but now the community is suffering for lack of building opportunities.

Which is the long winded way of saying that it's time for the Borough to consider hiring a contractor to install road, water, and sewer on Borough property that is already subdivided by Planning and Zoning and ready to go once design parameters are established.

Thank You. Ronn Buschmann

**Debra Thompson**

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**From:** Cody Litster <litsterc@yahoo.com>  
**Sent:** Thursday, June 2, 2022 7:01 AM  
**To:** Assembly  
**Subject:** Papkes Landing

Assembly,

The Papkes Landing boat ramp, dock, and parking lots are vital to many Petersburg families. Rural residents access their homes through Papkes. The access the facility provides is also essential to several lodges that bring dollars to our community through tourism and bed taxes. I live in the Papkes area and utilize the dock and boat launch for recreation and subsistence needs.

The facility has fallen into disrepair. It is also too small for current activity levels. I fully support the borough taking over the lands and facility. I believe the borough could upgrade the facility and add it to the harbor system. Charging fees for launching, parking, and moorage would pay for maintenance and upkeep.

I am not in support of the proposed concept that was presented to the public. It makes no sense to me to abandon the current ramp and start from scratch. This would only add cost to the plan. Additionally, the expansion over the tidelands encroaches on local property owners. Given the current parking lot and access road to the north there should be plenty of room for expansion without such a large foot print being placed at someone's front door.

I am in full support of upgrades to the Papkes dock, ramp, and parking areas. I would only hope that the concept is only a very rough draft of the proposed project. I understand that there is no design that will meet all needs and interests. I do feel that a project that can be accomplished in phases with public input to the design would be the best way to move forward with this project.

Cody Litster  
Papkes Resident

Sent from my iPhone