



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda Borough Assembly Regular Meeting

Monday, October 04, 2021

12:00 PM

Assembly Chambers

You are invited to a Zoom webinar.

When: Oct 4, 2021 12:00 PM Alaska
Topic: October 4, 2021 Assembly Meeting

Please click the link below to join the webinar:

<https://petersburgak-gov.zoom.us/j/86470855714?pwd=OEIweXhaWjVHTk5NSHFJVXVTeHFPQT09>
Passcode: 177752

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or
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Webinar ID: 864 7085 5714

Passcode: 177752

1. **Call To Order/Roll Call**
2. **Voluntary Pledge of Allegiance**
3. **Approval of Minutes**
 - A. Regular Assembly Meeting Minutes September 20, 2021**
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

11. Report of Other Officers

A. SEAPA Update

Utility Director Hagerman and Assembly/SEAPA Board Member Lynn will provide an update on SEAPA activities.

B. Petersburg Medical Center Update

PMC CEO Hofstetter will provide an update on the Medical Center.

12. Mayor's Report

A. October 4, 2021 Mayor's Report

13. Manager's Report

A. October 4, 2021 Manager's Report

14. Unfinished Business

A. Ordinance #2021-16: An Ordinance Amending Chapters 9.16, 14.04, 14.08, 14.12, and 14.16 of the Municipal Code to Authorize Creation and Recording of a Lien in Favor of the Borough in Order to Secure Payment of Delinquent Fees, Costs and Expenses - Third and Final Reading

If adopted, Ordinance #2021-16 will authorize the Borough to place liens on real property to secure past due utility fees, costs incurred by the municipality in the abatement of an unsafe or dangerous building, and other fees and charges provided for by ordinance. Ordinance #2021-16 was unanimously approved in its first and second readings.

15. New Business

A. Ordinance #2021-15: An Ordinance Updating Chapter 9.04 of the Municipal Code, Entitled "Disease Control", to Update Language and Reflect Borough Incorporation - First Reading

The purpose of Ordinance #2021-15 is to 1) move the chapter into borough code; 2) amend or remove antiquated language; 3) delete duties that have historically not been performed by the local health officer; 4) delete the health officer's power to compel vaccinations, currently provided for in section 9.04.040; 5) add language to ensure that actions of the health officer under 9.04.020 (A) and (B) are taken only under the direction of either the borough manager or the borough assembly; 6) include a new section 9.04.040 that outlines the required substance of health officer directives, to ensure that directives are factually based, designed to be as least restrictive as

possible, and are in the best interests of public health; and 7) provide a fine in the event of violation of a directive (new section 9.04.050).

B. Ordinance #2021-17: An Ordinance Updating Various Provisions of Chapter 14.12 of the Municipal Code, Entitled "Sanitation"

Ordinance #2021-17, if adopted, will 1) add provisions to address concerns regarding bears accessing refuse containers located in residential neighborhoods, including establishment of a fine for noncompliance; 2) change collection of recyclables from once per week to once every two weeks; 3) add a section to address the disposal of vehicles; and 4) update collection and on-site disposal rates.

C. Airport COVID Testing Contract Extension

The State of Alaska is requesting an extension of the Airport COVID Testing contract for an additional \$1,222,750.00 for services performed October 1, 2021 through September 30, 2022.

D. Approval of Letter to the Petersburg Ranger District Regarding Improvements to Raven's Roost Trail & Cabin

The Parks & Recreation Advisory Board requests the Assembly join them in a letter drafted to the Petersburg Ranger District expressing thanks for the improvements to the Raven's Roost Trail and Cabin.

E. Approval of Election Officials

Clerk Thompson requests approval of the following Borough residents to serve as Election Officials during the Municipal Election on October 5, 2021:

Liz Bacom
Tim Chittenden
Sue Flint
Janice Kvernvik

16. Communications

17. Assembly Discussion Items

A. Transboundary Salmon Rivers

Assembly Member Meucci requested this discussion item. The Southeast Alaska Indigenous Transboundary Commission and Salmon Beyond Borders request the Assembly sign on to their "The Rivers That Feed Us" Resolution.

B. Assembly Member Comments

C. Recognitions

18. Adjourn



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Minutes Borough Assembly Regular Meeting

Monday, September 20, 2021

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 Taylor Norheim

2. Voluntary Pledge of Allegiance

The Pledge was recited.

3. Approval of Minutes

A. Regular Assembly Meeting Minutes September 7, 2021

The September 7, 2021 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 Norheim

4. Amendment and Approval of Meeting Agenda

The agenda was unanimously approved as submitted.

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 Norheim

5. Public Hearings

A. Ordinance #2021-16: An Ordinance Amending Chapters 9.16, 14.04, 14.08, 14.12, and 14.16 of the Municipal Code to Authorize Creation and Recording of a Lien in Favor of the Borough in Order to Secure Payment of Delinquent Fees, Costs and Expenses - Public Hearing

No testimony was given.

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.

No views were shared.

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.

Huhnie Lee spoke to the Assembly stating he is running for US Senate as an independent Alaskan in 2022.

9. Boards, Commission and Committee Reports

No reports were given.

10. Consent Agenda

There were no Consent Agenda items.

11. Report of Other Officers

A. Election Report 2021

Clerk Thompson presented her Election Report to the Assembly and requested approval of 17 Borough residents to serve as Election Officials. The Assembly unanimously approved the list of those willing to serve.

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 Norheim

12. Mayor's Report

A. September 20, 2021 Mayor's Report

Mayor Jensen read his report into the record and added that he will not be available to attend the November 1, 2021 Assembly meeting.

13. Manager's Report

A. September 20, 2021 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 #2021-13: An Ordinance Amending Section 3.08.080 of the Municipal Code, Entitled "Quorum and Voting Requirements", To Allow Assembly Member Participation by Teleconference to be Counted for Purposes of Determining a Quorum - Third and Final Reading

Ordinance #2021-13 was approved in its third and final reading by a vote of 5-2, Mayor Jensen and Assembly Member Lynn opposed.

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

Voting Yea: Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor Stanton Gregor, Assembly Member Meucci, Assembly Member Norheim

Voting Nay: Assembly Member Lynn, Mayor Jensen

B. Ordinance #2021-16: An Ordinance Amending Chapters 9.16, 14.04, 14.08, 14.12, and 14.16 of the Municipal Code to Authorize Creation and Recording of a Lien in Favor of the Borough in Order to Secure Payment of Delinquent Fees, Costs and Expenses - Second Reading

The Assembly unanimously approved Ordinance #2021-16 in its second reading.

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

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

15. New Business

A. Entrance Island Dock, Kupreanof Dock and Papke's Dock

A motion to direct Manager Giesbrecht to begin discussions with the State DOT about ownership of the Entrance Island dock, the Kupreanof dock and Papke's Landing dock was amended to authorize Manager Giesbrecht to open up discussion with Alaska DNR and any other agencies regarding the process of the Borough obtaining ownership of the Papke's Landing dock, ramps and parking lot areas. The motion, as amended, was approved by a vote of 6-1, Mayor Jensen opposed.

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

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

Voting Nay: Mayor Jensen

B. Manager Giesbrecht's 2021 Performance Evaluation

Manager Giesbrecht's 2021 Performance Evaluation was unanimously approved.

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

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

16. Communications

No communications were received.

17. Assembly Discussion Items

A. Assembly Member Comments

Assembly Member Kensinger gave a report on his attendance and discussions at the Southeast Conference Annual Meeting. He shared that someone from Alaskans for Better Elections may come to town this fall/winter to educate our residents on the State's new ranked voting system.

Assembly Member Tremblay spoke about a recent press release which notified of 8 new active COVID cases in our community that are most likely caused from community spread. She reminded of PMC's post contact and asymptomatic COVID testing scheduling.

Assembly Member Stanton Gregor was wearing his "I Voted" sticker and encouraged everyone to vote either absentee or in person on election day to exercise our duty in democracy.

Assembly Member Lynn shared that we are fortunate in Southeast Alaska with COVID testing opportunities. He just returned from Canada - had no problem testing to cross the border going North but coming back into Alaska from Canada there were only two places to go for testing. He stated he is very thankful for Petersburg Medical Center and what they have offered our community.

Assembly Member Norheim commented that he looks forward to the Alaskans for Better Elections presentation and stated that maybe Petersburg will adopt ranked voting in the future.


B. Recognitions

There were no recognitions.

18. Adjourn

The meeting was adjourned at 7:02 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 Norheim

Date: September 27, 2021
To: Mayor Jensen and Borough Assembly
From: Karl Hagerman, Utility Director 
Re: SEAPA update
CC: Bob Lynn, SEAPA Voting Director for Petersburg
Steve Giesbrecht, Borough Manager

Following the regular quarterly meeting of the SEAPA Board of Directors, I'm happy to provide this update on the happenings of the agency. Director Lynn was on vacation, so I stood in as Petersburg's voting member at the meeting. A special meeting was held on September 17th in honor of long-time Ketchikan Manager and Board member Karl Amylon. Items of note are below:

- * The submarine cable project is complete and was highly successful. SEAPA staff negotiated the assumption of risk associated with weather delays. The negotiation removed approximately \$2.2M in contract costs in exchange for a cost per day of \$258,000 for any delays experienced during the cable lay process. Only one day of delays was experienced so the move by SEAPA staff was highly effective in reducing costs to the agency.
- * Debt service on the submarine cable bond sale will require ~\$790,000 in payments each year. Total debt service of the agency will be ~\$2.2M per year from FY22-FY33, when it will drop back down to include only the submarine cable debt.
- * SEAPA has sent the damaged ends of the failed submarine cable to an independent lab for evaluation. This is an important step to determine if the agency's \$5 million insurance policy will pay out on SEAPA's claim. After a deductible of \$250,000, the agency stands to receive up to \$4.75M from the insurance company. Initial evaluation by SEAPA and their cable consultant/expert indicate that an insurance claim will be successful, however we await the determination by the third-party lab and are ready to appeal and challenge any determination not in SEAPA's best interest.
- * Discussion is beginning on whether to purchase a spare triplex cable to span the longest submarine crossing on the north end of the transmission line. A price is being sought from Sumitomo, the company that recently provided the Vank-Woronofski cable, but the additional depth in other crossings must be addressed. Current estimates for cable cost are at ~\$4.5M. Having a spare cable would address the ongoing risk of aging cables in the system and reduce deployment time in the future. More information is needed by the Board.
- * Discussions on the wholesale rate continue. The CEO has stated that he should have a rate increase scenario for consideration of the Board at the December 2021 meeting. Presently, discussions and information are indicating the need for a 1 cent per kWh increase to wholesale power. Discussions are ongoing with the Board to determine how the increase will be implemented. The increase is needed to repay new debt for the submarine cable, fund annual needs of the vegetation management plan and cover other inflationary increases to agency expenses.

* SEAPA staff is working on a video presentation and article for a major industry publication that details the submarine cable replacement project from start to finish. We look forward to sharing this with the Assembly and community when completed.

* Lakes are full and have been in spill conditions since June. Legacy lakes in Ketchikan and at Crystal Lake are also full so SEAPA sales have lagged behind budgeted levels this summer due to local legacy generation. However, strong sales in late spring have the agency total YTD sales on track with the budget.

* The Board approved a Vegetation Management Plan that provides a systematic schedule for cutting and brushing of growth along the transmission line.

* SEAPA's auditor has provided an unmodified opinion on the agency's FY21 financial statements. All is well with the agency's books.

On September 17th, SEAPA called a special meeting in order for the Board and staff to honor Karl Amylon, long time City of Ketchikan Manager and a current SEAPA Board member. The agency read aloud a proclamation of recognition and appreciation for Mr. Amylon's service to the agency and his excellent work as KPU's manager. Karl had been serving as Ketchikan's Manager for over 26 years and leading KPU for 23 years. Unfortunately, Karl succumbed to illness and passed away before he could receive the recognition for his service to the community, agency and region. Many current and former SEAPA staff members, Board members and City staff provided testimony of respect and appreciation for Mr. Amylon's service during the meeting.

**Petersburg Medical Center
Petersburg, Alaska**

Board Resolution #2021-01

**A Resolution Supporting the Planning for a New Hospital Facility in Petersburg
to be Completed in Phases**

WHEREAS, the Petersburg Borough Assembly (the "Assembly") and the Petersburg Medical Center Board ("PMC Board") recognize the need for quality health care for the residents of Petersburg; and

WHEREAS, the Assembly and the PMC Board recognize the substantive changes in health care delivery, health care regulations, privacy concerns, treatment processes, equipment, communications and procedures; and

WHEREAS, the current health care facility for Petersburg Medical Center is nearing forty (40) years of age and its infrastructure can no longer be remodeled to accommodate necessary upgrades, making the existing facility in need of replacement; and

WHEREAS, existing Petersburg Medical Center departments are in need of more space to meet the needs of the patients and staff, accommodate technological upgrades, and accommodate more modern medical equipment; and

WHEREAS, the Assembly has stated that the cost of building a new facility exceeds the Borough's ability to finance or bond for the building project making it imperative that the building project be completed in phases as external sources of funding become available; and

WHEREAS, the PMC Board supports the concept of building a new hospital in phases; and

WHEREAS, the Assembly has agreed to provide 1 of 3 sites to Petersburg Medical Center as part of the planning for construction of a new hospital; and

WHEREAS, the Assembly supports Petersburg Medical Center moving forward with the geotechnical work so that a specific site can be designated by the Borough to Petersburg Medical Center for the planning for a new hospital; and

WHEREAS, the Assembly has passed a Resolution in support of the PMC Board moving forward with Phase 2 of the building process to bring the selected site for the new hospital building to shovel ready status;

NOW, THEREFORE, BE IT RESOLVED, the PMC Board:

1. Thanks the Assembly for its Resolution Supporting the PMC Board and Petersburg Medical Center in the Planning for a New Hospital Facility in Petersburg to be Completed in Phases; and
2. Seeks to engage with the public and develop a plan for a new facility that will meet the needs of Petersburg Borough residents for health care services into the future; and
3. Will continue to participate with the Assembly in the planning for a new facility; and
4. Supports the manager and staff working with the Petersburg Medical Center Chief Executive Officer and potential contractors in connection with planning for a new facility; and
5. Will continue to seek external financing for the new facility; and
6. Will continue to keep the Assembly updated on the status of the new building project.

Passed and approved by the Petersburg Medical Center Board this 23rd day of September, 2021.



Jerod Cook, Board Chair

ATTEST:



**Philip Hofstetter, CEO
Petersburg Medical Center**

**Mayor's Report
For
October 4, 2021 Assembly Meeting**

- 1. October Election:** The Municipal Election will be held tomorrow, October 5, 2021, in the Community Gym from 8:00 a.m. to 8:00 p.m. For more information, please contact Clerk Thompson at dthompson@petersburgak.gov or 772-5405.

- 2. Domestic Violence Awareness Month Proclamation:** Mayor Jensen proclaims October, 2021 as Domestic Violence Awareness Month and October 21, 2021 as Wear Purple Thursday.



MAYORAL PROCLAMATION

DOMESTIC VIOLENCE AWARENESS MONTH
OCTOBER 2021

The Petersburg Borough, in recognition of the critical work being done by domestic violence victim advocates and allies, encourage all citizens to actively engage in the scheduled Domestic Violence Awareness Month activities in October organized by Working Against Violence for Everyone (WAVE) and other national organizations who are working towards the eradication of domestic violence.

Domestic Violence Awareness Month is nationally recognized each October to generate awareness of violence and to promote taking action.

More prevalent than most realize, one in four women and one in seven men will experience domestic violence in their lifetimes. Anyone, regardless of gender, race, sexual identity or orientation, or socio-economic status, can become a victim of domestic violence. This year's campaign theme, #Every1KnowsSome1, strives to highlight how common domestic violence is and that it is more than physical violence.

Petersburg joins with others across the state of Alaska and nationwide in supporting domestic violence victims and survivors, the advocates and organizations who serve them, and holding offenders accountable in the Petersburg Borough.

Therefore, I, Mark Jensen, Mayor of Petersburg Borough, hereby proclaim October 2021 as Domestic Violence Awareness Month and October 21, 2021 as Wear Purple Thursday.

Proclaimed this 4th day of October, 2021

A handwritten signature in black ink, appearing to read "Mark Jensen", is written over a horizontal line.

Mark Jensen, Mayor



**Borough Manager's Report
Assembly Meeting 04 October 2021**

- ❖ The Streets crew assisted Parks-N-Rec with removal of a derelict staircase at Eagle's Roost Park. They are still working on seasonal road maintenance and will start prepping for winter soon.
- ❖ The Streets crew responded to a broken water main on 3rd Street that occurred on Saturday, September 25th. The failed section of transite main was replaced with a length of ductile iron. Thanks to all our employees (Streets and Water Dept) who worked well into the night to get the job done successfully.
- ❖ Currently working on some improvements at Sandy Beach Park. Some additional parking spaces are being added, a failed driveway culvert has been replaced, and some rotten trees removed.
- ❖ Work continues on the Motor Pool Shop repairs, although covid outbreaks have sidelined some contractor personnel and slowed down progress. We are still pushing to have Motor Pool operations moved into the rebuilt space before winter arrives.
- ❖ New vehicles continue to be in short supply due to the chip shortage and various other supply chain disruptions. This has impacted us in the form of greatly increased lead times for new vehicle procurements, especially light duty vehicles like pickups and SUVs.
- ❖ The Fire Station is OPEN to walk-in traffic however, masks required inside the building, and we are not allowing group tours at this time. The Training room remains CLOSED to the public.
- ❖ Fire, EMS, and SAR are training in-person, but must follow COVID mitigation measures.
- ❖ Visitation continues at Assisted Living. Call 772-2445 with any questions. Masks are required to be worn in all Borough buildings. Please do not visit if any symptoms of being ill, and if you've traveled consider a covid test prior to visiting.
- ❖ State of Alaska Licensing inspection for Assisted Living took place September 20th and 21st. All went very well.
- ❖ October 7th Direct TV staff will be in town to begin the switch from cable TV to Satellite TV in all apartments at Assisted Living and Petersburg Elderly Housing buildings.
- ❖ Shelyn and staff are working with PMC, residents and POA's, to set up booster shots for residents who have had the Pfizer vaccine and want the booster.
- ❖ The State of Alaska's AK-ARPA Business Relief Program is open until October 19. Eligibility is limited to Alaska-based for-profit businesses with an active State of Alaska Business License. Businesses exempt from licensing will need to provide proof of the required license, for example, a limited-entry permit. Link can be found on the borough's Covid-19 information page under Resources for Businesses and Organizations.

- ❖ Molly has been working with ADNR to verify property ownership, existing leases, agreements, and other encumbrances on land around Papke's dock and ramp.
- ❖ Molly has been working with the PD's E911 contractor to provide the GIS data for new system.
- ❖ USDA, including the Forest Service, Rural Development, and Natural Resources Conservation Service, are strategizing to obtain investment ideas, seek out short- and long-term opportunities, and identify barriers that impact federal investments in Southeast Alaska. USDA initially committed up to \$25 million based on local priorities for short-term investments in various areas including fisheries and mariculture, recreation and visitor services, tourism, sustainable timber management, transportation, water/wastewater utilities, housing. The USFS Is accepting submissions for investment ideas through October 19. Check out the Southeast Alaska Sustainability Strategy (SASS) at fs.usda.gov/Tongass for more information.
- ❖ The Harbor is prepping the large crane for dismantle, shipping out for overhaul project this week. We are hoping to use this as a project that would qualify for the allocated 2016 Salmon Disaster funds.
- ❖ Glorianne has been having a bit of a dialogue with US Army dive team based out of Hawaii for the possibility using a couple of derelict sinkings as practice for salvage operation. The team is looking at numerous opportunities in Alaska so will hear later if we get chosen.
- ❖ Ira II Street Sewer project began the week of September 20th. The contractor is making good progress so far, even with very wet weather. This work will impact traffic on Ira II Street for another month. The wastewater department encourages anyone that must walk or drive through this area to be aware of heavy equipment, abide by traffic control signs and avoid walking into the active work sites.
- ❖ Staff recently removed the two mobile restrooms from the municipal parking lot. They are being pumped one last time, cleaned up and winterized. They will be stored at the 14th Street pole yard under cover for the winter.
- ❖ The line crew and electrician are preparing for replacement of the remote substation switch at the Blind Slough Substation. All staff is working toward a goal of completing the work during the week of October 11th, which is our window of opportunity with the Engineer working on the project, however if this window of opportunity is lost for any number of reasons, we will reschedule the work for the early spring.
- ❖ Rock N Road Construction recently completed the installation of a taller fence around the Main Street Substation. The fence will offer much better protection to the transformer and buswork and the fencing slats have improved the appearance of the facility for the patrons of the Public Library and users of Centennial Park.
- ❖ PMPL is still waiting to hear from ADOT in regard to the street lighting quote that was sent for Papke's Landing Road.
- ❖ Property taxes are due October 15th by 4:30 into the finance office. Please remember that a postmark is not considered timely and that the post office is experiencing slower wait times. Payments can be made online, over the phone or dropped off at our drop box if trying to social distance.
- ❖ The new 911 system is currently being installed, and training has started for employees on the new system. It is expected to go live this month.

**PETERSBURG BOROUGH
ORDINANCE #2021-16**

**AN ORDINANCE AMENDING CHAPTERS 9.16, 14.04, 14.08, 14.12, and 14.16
OF THE MUNICIPAL CODE TO AUTHORIZE CREATION AND RECORDING
OF A LIEN IN FAVOR OF THE BOROUGH IN ORDER TO SECURE PAYMENT
OF DELINQUENT FEES, COSTS AND EXPENSES**

WHEREAS, the Alaska Legislature passed, and the Governor signed into law, amendments to AS 09.45.169, AS 29.35.010, and AS 34.35.950 to authorize the creation, recording, and notice of a lien on real property to secure past due utility fees, costs incurred by the municipality in the abatement of an unsafe or dangerous building, and other fees and charges provided for by ordinance; and

WHEREAS, the Assembly wishes to create such liens to allow for the recovery of the costs and expenses incurred by the Borough in abatement of nuisances, and in the provision of utility services.

THEREFORE, THE PETERSBURG BOROUGH ASSEMBLY ORDAINS:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to create liens to secure the payment of borough fees, costs and expenses under PMC 9.16, 14.04, 14.08, 14.12 and 14.16.

Section 3. Substantive Provisions:

A. Chapter 9.16 (Nuisances) of the Petersburg Borough Municipal Code is amended by adding a new section 9.16.105, entitled Lien, to read as follows:

9.16.105 - Lien.

A. The costs and expenses incurred by the borough under PMC 9.16.100 shall constitute a lien in favor of the borough upon the real property where the nuisance is or was located.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent and continues until the entire amount due is satisfied.

C. A notice of lien may be recorded in the Petersburg Recording District, First Judicial District, State of Alaska. If recorded, a copy of the notice of lien shall be mailed to the last known address of the property owner of record.

D. Fees for the administrative cost of filing and releasing a notice of lien shall be:

1. Filing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee; and
2. Releasing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee.

E. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens under state law.

F. Except as otherwise provided by state law, upon recordation, the lien has priority over any other liens except for:

- 1. liens for property taxes, special assessments, and sales and use taxes;
- 2. liens that were perfected before the recording of the lien under this paragraph;
- 3. liens that, under state law, are prior, paramount, and superior to all other liens; and
- 4. mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien.

G. The creation and enforcement of the lien hereunder is a cumulative remedy and shall be in addition to all other remedies available to the borough permitted by law.

B. Chapter 14.04 (Water Utility) of the Petersburg Borough Municipal Code is amended by adding a new section 14.04.455, entitled Lien, to read as follows:

14.04.455 - Lien.

A. The fees and other charges imposed under this Chapter, including without limitation monthly service fees, commodity charges, disconnect and reconnect fees and interest, shall constitute a lien in favor of the borough upon the real property to which service is provided.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent and continues until the entire amount due is satisfied.

C. A notice of lien may be recorded in the Petersburg Recording District, First Judicial District, State of Alaska. If recorded, a copy of the notice of lien shall be mailed to the last known address of the account holder of record, and the property owner of record if not the same as the account holder.

D. Fees for the administrative cost of filing and releasing a notice of lien shall be:

- 1. Filing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee; and
- 2. Releasing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee.

E. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens under state law.

F. Except as otherwise provided by state law, upon recordation, the lien has priority over any other liens except for:

- 1. liens for property taxes, special assessments, and sales and use taxes;
- 2. liens that were perfected before the recording of the lien under this paragraph;

3. liens that, under state law, are prior, paramount, and superior to all other liens; and

4. mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien.

G. The creation and enforcement of the lien hereunder is a cumulative remedy and shall be in addition to all other remedies available to the borough permitted by law.

C. Chapter 14.08 (Sewer Utility) of the Petersburg Borough Municipal Code is amended by adding a new section 14.08.365, entitled Lien, to read as follows:

14.08.365 - Lien.

A. The fees and other charges imposed under this Chapter, including without limitation monthly service charges, commodity charges, disconnect and reconnect fees and interest, shall constitute a lien in favor of the borough upon the real property to which service is provided.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent and continues until the entire amount due is satisfied.

C. A notice of lien may be recorded in the Petersburg Recording District, First Judicial District, State of Alaska. If recorded, a copy of the notice of lien shall be mailed to the last known address of the account holder of record, and the property owner of record if not the same as the account holder.

D. Fees for the administrative cost of filing and releasing a notice of lien shall be:

1. Filing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee; and
2. Releasing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee.

E. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens under state law.

F. Except as otherwise provided by state law, upon recordation, the lien has priority over any other liens except for:

1. liens for property taxes, special assessments, and sales and use taxes;
2. liens that were perfected before the recording of the lien under this paragraph;
3. liens that, under state law, are prior, paramount, and superior to all other liens; and
4. mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien.

G. The creation and enforcement of the lien hereunder is a cumulative remedy and shall be in addition to all other remedies available to the borough permitted by law.

D. Chapter 14.12 (Sanitation) of the Petersburg Borough Municipal Code is amended by adding a new section 14.12.185, entitled Lien, to read as follows:

14.12.185 - Lien.

A. The fees and other charges imposed under this Chapter, including without limitation monthly collection rates, pack-out, return call and extra refuse service fees, and interest, shall constitute a lien in favor of the borough upon the real property to which service is provided.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent and continues until the entire amount due is satisfied.

C. A notice of lien may be recorded in the Petersburg Recording District, First Judicial District, State of Alaska. If recorded, a copy of the notice of lien shall be mailed to the last known address of the account holder of record, and the property owner of record if not the same as the account holder.

D. Fees for the administrative cost of filing and releasing a notice of lien shall be:

1. Filing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee; and
2. Releasing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee.

E. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens under state law.

F. Except as otherwise provided by state law, upon recordation, the lien has priority over any other liens except for:

1. liens for property taxes, special assessments, and sales and use taxes;
2. liens that were perfected before the recording of the lien under this paragraph;
3. liens that, under state law, are prior, paramount, and superior to all other liens; and
4. mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien.

G. The creation and enforcement of the lien hereunder is a cumulative remedy and shall be in addition to all other remedies available to the borough permitted by law.

E. Chapter 14.16 (Electric Utility) of the Petersburg Borough Municipal Code is amended by adding a new section 14.16.765, entitled Lien, to read as follows:

14.16.765 - Lien.

A. The fees and other charges imposed under this Chapter, including without limitation customer, energy and demand charges, disconnect and reconnect fees, and interest, shall constitute a lien in favor of the borough upon the real property to which service is provided.

B. The lien imposed by this section arises and attaches at such time as payment becomes delinquent and continues until the entire amount due is satisfied.

C. A notice of lien may be recorded in the Petersburg Recording District, First Judicial District, State of Alaska. If recorded, a copy of the notice of lien shall be mailed to the last known address of the account holder of record, and the property owner of record if not the same as the account holder.

D. Fees for the administrative cost of filing and releasing a notice of lien shall be:

1. Filing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee; and
2. Releasing of notice of lien: Fifty Dollars (\$50) plus recorder's filing fee.

E. An action to foreclose a lien created by this section shall be commenced and pursued in the manner provided for the foreclosure of liens under state law.

F. Except as otherwise provided by state law, upon recordation, the lien has priority over any other liens except for:

1. liens for property taxes, special assessments, and sales and use taxes;
2. liens that were perfected before the recording of the lien under this paragraph;
3. liens that, under state law, are prior, paramount, and superior to all other liens; and
4. mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien.

G. The creation and enforcement of the lien hereunder is a cumulative remedy and shall be in addition to all other remedies available to the borough permitted by law.

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 the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this _____ day of _____ 2021.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective:

**PETERSBURG BOROUGH
ORDINANCE #2021-15**

**AN ORDINANCE UPDATING CHAPTER 9.04 OF THE MUNICIPAL CODE, ENTITLED
“DISEASE CONTROL”, TO UPDATE LANGUAGE AND REFLECT BOROUGH
INCORPORATION**

WHEREAS, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough, and

WHEREAS, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

WHEREAS, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg to continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly, and

WHEREAS, Chapter 9.04 of the ordinances of the former City of Petersburg was originally adopted in 1973, and requires substantial update in order to move it into the current municipal code.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Chapter 9.04, as set out below, is hereby adopted as a borough ordinance.

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to update the language of the chapter.

Section 3. Substantive Provisions: Chapter 9.04 of the former Petersburg City Code, as amended herein, is hereby adopted as a Borough ordinance and shall read as follows:

Chapter 9.04 - DISEASE CONTROL

9.04.010 - General powers and duties of health officer.

It shall be the duty of the health officer to enforce all ordinances containing provisions for the protection of public health, ~~to make inspections of foodstuffs and of the premises used for storing or selling of provisions as may be provided by ordinance; and shall~~ and to perform such other duties and functions as may be ~~directed~~required by ~~the borough manager or assembly statute or ordinance.~~ The chief of police is designated as a duly authorized agent of the borough health officer for enforcement purposes.

9.04.020 - Screening ~~and detention~~ of persons coming into the borough~~immigrants for disease; temporary quarantine of exposed persons.~~

A. The health officer may, whenever the officer deems it necessary and under the direction of the borough manager or assembly, require the examination~~examine or cause to be examined~~ by a~~some~~ competent physician, of all~~of~~ persons entering the borough~~city~~ from any town, city, borough~~district~~, location, state or other place where the~~an~~ officer has reason to believe there are any cases of cholera, yellow fever, smallpox, or other contagious or infectious diseases. For the purpose of making such examination, the health officer shall have authority to enter any ship, vessel~~steamboat~~ or other water craft, or any vehicle; and said health officer may direct and enforce the quarantine~~cleansing and purifying~~ of any such ship, vessel~~steamboat~~ or other water craft, or any vehicle.

B. By and under the direction of the borough manager or assembly, the health officer may:

(i) The health officer may establish and provide, by and with the consent of the city council, a suitable place for the temporary quarantine~~detention~~ of persons who have been exposed to the infection of cholera, yellow fever, smallpox or other infectious or contagious diseases, and the health officer shall have the power to order and compel said person or persons to remain in such place of quarantine~~detention~~ for such time as may be necessary, and determine the conditions and duration of such quarantine; and, and to forbid and prevent any and all communications with such person or persons. The health officer shall have the power to

(ii) forbid or prevent any and all persons from living in or otherwise entering~~being in or about any such~~ house or premises in which~~where~~ any person is or has been sick with smallpox, cholera, yellow fever or any other infectious or contagious disease, and prevent any and all persons already in such house or premises from leaving such house or premises without first having obtained permission to do so from the health officer.

9.04.030 - Reporting by health officer.

The health officer shall make such reports to the borough assembly~~city council~~ as may be required. The officer shall also make recommendations to the assembly for rulings, orders or ordinances respecting the public health whenever he is requested to do so, or whenever the officer deems it necessary or advisable.

9.04.040 - Directives of the health officer.

Any directive of the health officer issued under the authority of this chapter shall state:

1. the facts upon which the directive is based;
2. the specific actions being directed or prohibitions imposed by the health officer;

3. the belief that it is in the best interest of public safety and health, and the protection of property, that the directive be issued, including any temporary limitation of the exercise of certain rights; and

4. that the conditions of the directive are designed to provide the least necessary restrictions.

Any directive issued hereunder shall supersede any inconsistent or conflicting borough ordinance or regulation.

9.04.050 - Compliance with health officer directives; Violations.

A. No person shall fail or refuse to comply with any directive of the health officer issued under the authority of this chapter, or the lawful orders of duly authorized law enforcement officers or personnel acting under such directive.

B. Violation of this section shall be a strict liability violation, subject to a fine as provided in the fine schedule set forth in Section 1.16.030 of the Borough Code; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.16.010.

~~9.04.040 – Power to compel vaccination.~~

~~The health officer may enforce compulsory vaccination on persons or passengers coming from infected places or parts, and when he deems it necessary for the promotion and protection of health of the city, may also enforce compulsory vaccination of the inhabitants.~~

~~9.04.050 – Investigation and removal of afflicted persons.~~

~~The health officer shall make it his duty to investigate all cases where it is alleged that cases of communicable, infectious or contagious diseases are said to exist. Whenever he may deem it necessary, he may remove or order the removal from the premises occupied of any person having such communicable, infectious or contagious disease. The expense of said removal shall be paid by the city.~~

~~9.04.060 – Power to quarantine.~~

~~The health officer shall have charge of the enforcement of quarantine rules. Whenever a case of smallpox, cholera, yellow fever, diphtheria or scarlet fever, or other contagious, infectious or communicable disease, is found to exist, the health officer shall have the power and authority to place any premises within which a contagious or epidemic disease occurs under quarantine. He shall cause suitable notice setting forth the facts to be posted in appropriate places and shall determine the time when the quarantine ends.~~

~~9.04.070 – Conditions of quarantine.~~

~~No person or persons except a physician, clergyman, undertaker or those having written permits from the health officer shall enter or depart from any house where smallpox, yellow fever, cholera, diphtheria, or scarlet fever exists or while the corpse of any person who has died of such disease remains within the house, nor within ten days thereafter, or until the building and its contents shall have been disinfected or otherwise disposed of to the satisfaction of the health officer.~~

~~9.04.080 – Disinfection of premises.~~

~~The health officer shall have power, during the prevalence of an epidemic, to fumigate and disinfect any premises which, in his judgment, require disinfection.~~

Section 4. Fine Amounts: The following fine amount is adopted for a violation under Section 9.04.050, and shall be administratively incorporated into Section 1.16.030 of the Borough Code:

Section Number	Description of Violation	Fine Amount
9.04.050A	Failure or refusal to comply with health officer directive, or the lawful order of law enforcement personnel	\$500.00

Section 5. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 6. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2021.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective:

PETERSBURG BOROUGH
ORDINANCE #2021-17
AN ORDINANCE UPDATING VARIOUS PROVISIONS OF CHAPTER 14.12 OF THE MUNICIPAL
CODE, ENTITLED “SANITATION”

Whereas, additional provisions are needed in Chapter 14.12 to address concerns regarding bears accessing refuse containers located in residential neighborhoods (including establishment of a fine for noncompliance); and

Whereas, the recycling rate definition and goals, as currently found in Chapter 14.12, have not been implemented or utilized to date, and should be deleted now, to be reassessed and re-implemented in the future at the will of the community and the Assembly; and

Whereas, in order to retire one collection truck from active service, and avoid the cost of obtaining a new truck, the collection interval for recyclables will need to be changed to once every two weeks (from the current interval of once per week); and

Whereas, changes to Irregular (non-scheduled) collection service are required, to account for the Borough’s new roll off containers and to update rates; and

Whereas, a section to address the disposal of vehicles is needed, to both encourage disposal at the landfill and to prevent abuse of the current Borough vehicle disposal policy; and

Whereas, the collection and on-site disposal rates for the Borough sanitation services have not been updated since 2018, and increases are needed to keep up with increased costs and expenses to the Borough.

Therefore, the Petersburg Borough Ordains, Chapter 14.12 of the Petersburg Municipal Code, entitled Sanitation, is hereby amended as follows:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to update the language of Chapter 14.12.

Section 3. Substantive Provisions: The following provisions of Chapter 14.12 of the Petersburg Borough Municipal Code are hereby amended as set out below (the proposed new language is in red (except for additions to the table found in Section 14.12.150, which are in purple), the tables containing the new proposed rates in Sections 14.12.140 and .150 are highlighted in blue, and the language proposed for deletion is struck through:

Section 14.12.010, *Definitions*;

Section 14.12.040, *Regulations governing refuse collectors*;

Section 14.12.080, *Duty to have, use and maintain containers*;

Section 14.12.090, *Notices*;

Section 14.12.140, *Rates for refuse collection*;

Section 14.12.150, *On-site refuse disposal rates*;

Section 14.12.190, *Service discontinued at property owner's request*;

Section 14.12.195, *Community recycling goals*; and

Section 14.12.210, *Penalties for violations.*

14.12.010 Definitions.

The following words, terms and phrases when used in this title and in the administrative procedures associated with this title, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

"Baler waste" means any materials that are not accepted by the utility as wood waste, metal waste, household hazardous waste or recyclables, and will be baled as municipal solid waste. This is referred to as the refuse stream.

"Commingled" means a mixture of recyclable materials that meets the acceptable standards as defined by the sanitation department and the recycling program. Also referred to as "single stream recycling".

"Container" means a container supplied or approved by the borough.

"Household hazardous waste" means non-industrial, residential grade chemical wastes which require specialized disposal to meet environmental law. These materials shall not be disposed of through the borough's wastewater treatment system or by inclusion in the refuse stream. Examples include, but are not limited to: paint, herbicides, pesticides, poisons, boat and vehicle batteries, acids, wood stain, varnish, lacquer, corrosive cleaners, lubricants, hydraulic fluid, brake fluid, transmission fluid and solvents.

"Landfill salvage program" means a program and permit system that allows residential customers to enter the landfill for the purposes of salvaging usable materials. The program is subject to the written landfill salvage program, that may be amended from time to time by the public works director.

"Metal waste" means any material that is predominantly metallic in nature and has limited non-metallic attachments or trim. Examples include, but are not limited to: metal roofing and siding, metal pipe, small engines and equipment, outboard motors, appliances, scrap metals, bicycles, etc. This applies to ferrous and non-ferrous metals.

"Reasonable effort" means taking one of the following measures to secure refuse: (1) storing a container refuse inside an enclosed building until the morning on the day of refuse collection, or (2) if indoor storage is not readily available and the refuse container is located outdoors, securing a the lid of the container at all times with a line, rubber bungee cord, ratchet strap, heavy rope, or other method capable of holding the lid firmly and fully closed should the elements cause the container to be knocked over on its side by weather or animals, and then removing the rope or strap no earlier than the morning on the day of refuse collection to allow for collection by the refuse collector. A simple weight atop the container is not sufficient. The container shall be secured or stored in such a manner until the day of refuse pick-up. Whenever a refuse container is located outside, the lid of the container must at all times be fully closed, with no refuse exposed.

"Recyclable materials or recyclables" means the materials which are targeted and accepted by the borough for inclusion in the recyclable stream.

~~"Recycling rate" means the percentage (by weight) of recyclable materials that are removed from the community refuse stream in any 12-month period.~~

"Refuse" means garbage, rubbish or any other trash including but not limited to accumulations of animal, fruit or vegetable matter created by the use and preparation of meat, fish, fowl, fruits or vegetables, fish waste and offal, crockery, bottles or other containers, cans, plastic, metal vessels; trimmings from lawns, trees and gardens; pasteboard boxes, berry boxes, rags, paper, straw, sawdust, packing material, shavings, ashes and similar materials. Refuse does not include recyclable materials.

"Used oil" means engine oil which has been used for a purpose prior to containment and delivery to the utility. Residential used oil is accepted at all times by the utility. Commercial deliveries of used oil shall be accepted based upon available space and operational capacity of the utility.

"Vector" refers to animals or insects that can potentially spread disease through contact with solid wastes and thereby pose a danger to public health.

"Voucher" refers to a purchased permit which allows for discounted disposal rates for borough residents as defined by the refuse voucher program.

"Wood waste" means all wooden based waste such as lumber, logs, clean stumps, branches, brush, plywood and other woody waste that can be burned without creation of black smoke.

14.12.040 Regulations governing refuse collectors.

Any person authorized by the borough, through its borough assembly, to collect and dispose of refuse or to collect and deliver recyclables for the borough, shall be governed by the following regulations:

- A. Provide a conveyance adapted to the purpose that no litter of any kind, or contents of such conveyance, shall be permitted to spill or escape onto the streets or highways over which refuse is being hauled;
- B. Collect and remove all accumulated refuse or recyclables at frequent intervals so as to prevent the premises becoming encumbered and to prevent the development of fire or health hazards, or unsightly and objectionable conditions existing at any time or place in the borough; provided, that collections of refuse be made at least once each week from each residence, store, shop or other establishment and that collections of recyclables be made at least once every two weeks. Collections of refuse for more than once per week shall be arranged where conditions require more frequent service;
- C. Deliver all refuse or recyclables to a disposal or transfer site designated by the borough for such purpose, and to no other place;
- D. Keep the baling facility and work areas in a sanitary and orderly condition as circumstances permit, using every reasonable means to contain refuse and recyclables and to prevent the baling facility/work areas from becoming a refuge or breeding place for vectors, or becoming detrimental to the public health and safety.

14.12.080 Duty to have, use and maintain containers.

- A. Within Borough Service Area 1, it shall be the duty of every person in possession, charge or control of any residence to keep and utilize approved refuse storage containers for refuse collection and disposal by the borough. Applicability of this provision to future borough service areas shall be determined during the establishment of each service area. Commercial or industrial structures where refuse is created or accumulated shall keep approved refuse storage containers for refuse collection and shall either provide for delivery to the borough solid waste baling facility, or enroll in the Borough's collection service.
- B. The borough will provide approved refuse containers to customers within Service Area 1, for voluntary customers outside of Service Area 1 and for future service areas as determined during service area development, and when provided they shall be used. Refuse storage containers shall be of an approved type as designated by the borough and shall be strong, watertight, not easily corrodible, rodent-proof, and insect-proof. Containers shall have an overlapping cover or a cover permanently attached to the container. ~~A reasonable effort shall be made by each customer to stow or secure refuse containers in such a manner that refuse will not be accessible to animals.~~ Containers which cannot be mechanically emptied shall not be allowed. Customers failing to utilize an approved container ~~adhere to this section~~ shall be subject to a fee of ~~\$10.00~~ \$5.00 per pickup ~~of a non-approved container~~, in addition to their monthly service charge and any applicable extra refuse charge imposed under subsection 14.12.140 G. of this chapter.

A reasonable effort (as defined in Section 14.12.010) shall be made by each customer to stow or secure refuse prior to collection in such a manner that refuse will not be accessible to animals. Customers who fail to make the required reasonable effort to secure refuse shall be guilty of a violation of this Chapter, and subject to a fine as provided for in Section 14.12.210.

- C. The borough will provide recyclable containers for all customers who elect to recycle and when provided they shall be used. Recyclable containers shall be capable of protecting the materials from weather by means of an overlapping lid or ability to be sealed from the elements. The containers shall function so as to minimize odors and vector attraction. Consumer food and beverage containers deposited into recyclable containers shall be rinsed prior to placement in the container to prevent vector attraction and provide a product acceptable to recycling markets.
- D. The customer shall keep each refuse or recyclable storage container clean inside and out so that no odor nuisance shall exist. Covers shall not be removed except when necessary to place refuse in the storage container or take refuse from the container. Containers shall not be overloaded to the extent covers cannot be ~~securely replaced~~ fully closed or the in order to keep deposited materials ~~would be from being~~ exposed to animals and the weather. Garbage shall not be compacted within the container to the extent that inversion of the container will not allow the refuse to fall out by process of gravity. If the refuse container is so tightly packed that garbage will not fall out of the container when inverted by the collection truck, causing some or all of the garbage to be retained inside the container and resulting in a call-back, the customer may be subject to a return call fee as described in Section 14.12.140, Rates for Refuse Collection.
- E. A level pad of crushed rock, concrete or wood plank shall be provided by the customer for siting of wheeled dumpsters. The pad shall be constructed to drain water to keep the dumpster from freezing to the pad and of a sufficiently smooth surface so the dumpster can be easily rolled. The pad shall be located to provide ease of access by the collection equipment and shall be built at a correct height so that trucks can secure and empty containers.
- F. On the customer's designated collection day/s, refuse and recyclable storage containers shall be placed so the collector can have direct access to the containers by no later than the start of that day's sanitation work shift (understood to be 8:00 a.m. unless a different time is specified and publicly noticed by the Sanitation Dept). Access to containers must remain thereafter until collected by collector ~~borough~~ personnel. It shall be required that refuse and recyclable containers be placed within eight feet of the driven road surface on ~~any~~ public property or right of way approved by the collector, that is safely accessible on a year-round basis by the collection vehicle. Containers shall not have obstructions between the container and the collection truck and must be placed with a minimum of three feet clear space around the container.

14.12.090 Notices.

- A. Notices from the borough regarding a customer's account will normally be given in writing and either mailed or delivered to the ~~property owner's~~ customer's last known address. Notices for changes in collection schedules due to public holidays or other operational considerations shall be made borough wide by issuance of public service announcements that are delivered to local media and posted to the borough website. Where conditions warrant and in emergencies, the borough may notify either by telephone or messenger.
- B. Notices from a customer to the borough may be given by the customer or authorized representative, orally or in writing, at the finance or public works offices of the borough, or to an agent of the borough authorized to receive notices.

14.12.140 Rates for refuse collection.

- A. Except as otherwise provided in this chapter, each residential unit within Service Area 1 shall maintain and be charged for at least the minimum level of service. Single-family residential and duplex units requiring more than the minimum level shall be charged accordingly.
- B. Commercial and industrial users including hotels, motels, bed and breakfast units and apartment buildings with three or more units shall be charged for the level of service requested.

C. The monthly rates for refuse collection by the borough or its designated or authorized agent shall be:

7/01/13—2% Increase

Pick-ups Per-Week	32-gal Recycling Incentive Rate	32-gal	64-gal	96-gal	288-gal	384-gal	480-gal	540-gal
1	\$27.63	\$33.16	\$49.08	\$57.58	\$166.84	\$221.47	\$276.10	\$310.25
2			\$75.79	\$112.21	\$330.73	\$440.00	\$549.26	\$617.55
3				\$166.84	\$494.63	\$658.52	\$822.42	\$924.85
4					\$658.52	\$877.05	\$1,095.57	\$1,232.15
5							\$1,368.73	\$1,539.45
6								\$1,880.90
7								\$2,154.05

7/01/14—2% Increase

Pick-ups Per-Week	32-gal Recycling Incentive Rate	32-gal	64-gal	96-gal	288-gal	384-gal	480-gal	540-gal
1	\$28.19	\$33.83	\$50.06	\$58.73	\$170.18	\$225.90	\$281.62	\$316.45
2			\$77.31	\$114.45	\$337.35	\$448.80	\$560.24	\$629.90
4				\$170.18	\$504.52	\$671.69	\$838.86	\$943.35
5							\$1,396.10	\$1,570.24
6								\$1,918.52
7								\$2,197.14

7/01/15—2% Increase

Pick-ups Per-Week	32-gal Recycling Incentive Rate	32-gal	64-gal	96-gal	288-gal	384-gal	480-gal	540-gal
1	\$28.75	\$34.50	\$51.06	\$59.90	\$173.58	\$230.42	\$287.26	\$322.78
2			\$78.86	\$116.74	\$344.09	\$457.77	\$571.45	\$642.50
3				\$173.58	\$514.61	\$685.13	\$855.64	\$962.22
4					\$685.13	\$912.48	\$1,139.83	\$1,281.92

5							\$1,424.03	\$1,601.64
6								\$1,956.89
7								\$2,241.08

7/01/16—2% Increase

Pick-ups Per Week	32 gal Recycling Incentive Rate	32 gal	64 gal	96 gal	288 gal	384 gal	480 gal	540 gal
1	\$29.32	\$35.18	\$52.08	\$61.10	\$177.05	\$235.03	\$293.00	\$329.24
2			\$80.43	\$119.08	\$350.98	\$466.93	\$582.88	\$655.35
3				\$177.05	\$524.90	\$698.83	\$872.75	\$981.46
4					\$698.83	\$930.73	\$1,162.63	\$1,307.56
5							\$1,452.51	\$1,633.68
6								\$1,996.02
7								\$2,285.90

7/01/17—2% Increase

Pick-ups Per Week	32 gal Recycling Incentive Rate	32 gal	64 gal	96 gal	288 gal	384 gal	480 gal	540 gal
1	\$29.91	\$35.89	\$53.12	\$62.32	\$180.59	\$239.73	\$298.86	\$335.82
2			\$82.04	\$121.46	\$358.00	\$476.27	\$594.53	\$668.46
3				\$180.59	\$535.40	\$712.80	\$890.21	\$1,001.09
4					\$712.80	\$949.34	\$1,185.88	\$1,333.71
5							\$1,481.56	\$1,666.35
6								\$2,035.94
7								\$2,331.62

7/01/18—2% Increase

Pick-ups Per Week	32 gal Recycling Incentive Rate	32 gal	64 gal	96 gal	288 gal	384 gal	480 gal	540 gal

1	\$30.51	\$36.61	\$54.18	\$63.57	\$184.20	\$244.52	\$304.84	\$342.54
2			\$83.68	\$123.89	\$365.16	\$485.79	\$606.43	\$681.83
3				\$184.20	\$546.11	\$727.06	\$908.01	\$1,021.11
4					\$727.06	\$968.33	\$1,209.60	\$1,360.39
5							\$1,511.19	\$1,699.68
6								\$2,076.66
7								\$2,378.25

07/01/2022—3% Increase

Pick-ups Per Week	32 gal Recycling Incentive Rate	32 gal	64 gal	96 gal	288 gal	384 gal	480 gal	540 gal
<u>1</u>	<u>\$31.43</u>	<u>\$37.71</u>	<u>\$55.82</u>	<u>\$65.48</u>	<u>\$189.73</u>	<u>\$251.86</u>	<u>\$313.99</u>	<u>\$352.82</u>
<u>2</u>			<u>\$86.19</u>	<u>\$127.61</u>	<u>\$376.11</u>	<u>\$500.36</u>	<u>\$624.62</u>	<u>\$702.28</u>
<u>3</u>				<u>\$189.73</u>	<u>\$562.49</u>	<u>\$748.87</u>	<u>\$935.25</u>	<u>\$1,051.74</u>
<u>4</u>					<u>\$748.87</u>	<u>\$997.38</u>	<u>\$1,245.89</u>	<u>\$1,401.20</u>
<u>5</u>							<u>\$1,556.53</u>	<u>\$1,750.67</u>
<u>6</u>								<u>\$2,138.96</u>
<u>7</u>								<u>\$2,449.60</u>

07/01/23—3% Increase

Pick-ups Per Week	32 gal Recycling Incentive Rate	32 gal	64 gal	96 gal	288 gal	384 gal	480 gal	540 gal
<u>1</u>	<u>\$32.37</u>	<u>\$38.84</u>	<u>\$57.49</u>	<u>\$67.44</u>	<u>\$195.42</u>	<u>\$259.41</u>	<u>\$323.40</u>	<u>\$363.40</u>
<u>2</u>			<u>\$88.78</u>	<u>\$131.43</u>	<u>\$387.40</u>	<u>\$515.37</u>	<u>\$643.36</u>	<u>\$723.35</u>
<u>3</u>				<u>\$195.42</u>	<u>\$579.37</u>	<u>\$771.34</u>	<u>\$963.31</u>	<u>\$1,083.30</u>
<u>4</u>					<u>\$771.34</u>	<u>\$1,027.30</u>	<u>\$1,283.26</u>	<u>\$1,443.24</u>
<u>5</u>							<u>\$1,603.22</u>	<u>\$1,803.19</u>
<u>6</u>								<u>\$2,203.13</u>
<u>7</u>								<u>\$2,523.09</u>

7/01/24—3% Increase

Pick-ups Per Week	32 gal Recycling Incentive Rate	32 gal	64 gal	96 gal	288 gal	384 gal	480 gal	540 gal
<u>1</u>	<u>\$33.34</u>	<u>\$40.00</u>	<u>\$59.21</u>	<u>\$69.46</u>	<u>\$201.28</u>	<u>\$267.19</u>	<u>\$333.11</u>	<u>\$374.30</u>
<u>2</u>			<u>\$91.44</u>	<u>\$135.38</u>	<u>\$399.02</u>	<u>\$530.84</u>	<u>\$662.66</u>	<u>\$745.05</u>
<u>3</u>				<u>\$201.28</u>	<u>\$596.75</u>	<u>\$794.48</u>	<u>\$992.21</u>	<u>\$1,115.79</u>

<u>4</u>					<u>\$794.48</u>	<u>\$1,058.12</u>	<u>\$1,321.76</u>	<u>\$1,486.53</u>
<u>5</u>							<u>\$1,651.32</u>	<u>\$1,857.29</u>
<u>6</u>								<u>\$2,269.22</u>
<u>7</u>								<u>\$2,598.78</u>

7/01/25—3% Increase

<u>Pick-ups Per Week</u>	<u>32 gal Recycling Incentive Rate</u>	<u>32 gal</u>	<u>64 gal</u>	<u>96 gal</u>	<u>288 gal</u>	<u>384 gal</u>	<u>480 gal</u>	<u>540 gal</u>
<u>1</u>	<u>\$34.34</u>	<u>\$41.20</u>	<u>\$60.99</u>	<u>\$71.55</u>	<u>\$207.32</u>	<u>\$275.21</u>	<u>\$343.10</u>	<u>\$385.53</u>
<u>2</u>			<u>\$94.18</u>	<u>\$139.44</u>	<u>\$410.99</u>	<u>\$546.76</u>	<u>\$682.54</u>	<u>\$767.41</u>
<u>3</u>				<u>\$207.32</u>	<u>\$614.65</u>	<u>\$818.31</u>	<u>\$1,021.97</u>	<u>\$1,149.27</u>
<u>4</u>					<u>\$818.31</u>	<u>\$1,089.86</u>	<u>\$1,361.42</u>	<u>\$1,531.13</u>
<u>5</u>							<u>\$1,700.86</u>	<u>\$1,913.00</u>
<u>6</u>								<u>\$2,337.30</u>
<u>7</u>								<u>\$2,676.74</u>

7/01/26—3% Increase

<u>Pick-ups Per Week</u>	<u>32 gal Recycling Incentive Rate</u>	<u>32 gal</u>	<u>64 gal</u>	<u>96 gal</u>	<u>288 gal</u>	<u>384 gal</u>	<u>480 gal</u>	<u>540 gal</u>
<u>1</u>	<u>\$35.37</u>	<u>\$42.44</u>	<u>\$62.82</u>	<u>\$73.70</u>	<u>\$213.54</u>	<u>\$283.47</u>	<u>\$353.39</u>	<u>\$397.10</u>
<u>2</u>			<u>\$97.01</u>	<u>\$143.62</u>	<u>\$423.32</u>	<u>\$563.16</u>	<u>\$703.02</u>	<u>\$790.43</u>
<u>3</u>				<u>\$213.54</u>	<u>\$633.09</u>	<u>\$842.86</u>	<u>\$1,052.63</u>	<u>\$1,183.75</u>
<u>4</u>					<u>\$842.86</u>	<u>\$1,122.56</u>	<u>\$1,402.26</u>	<u>\$1,577.06</u>
<u>5</u>							<u>\$1,751.88</u>	<u>\$1,970.39</u>
<u>6</u>								<u>\$2,407.42</u>
<u>7</u>								<u>\$2,757.04</u>

- D. Pack-out service. Pack-out service shall be provided for an additional monthly charge of \$10.00 for each 32-gallon equivalent within the customer's service level. No pack-out service shall be provided for containers located more than 50 feet from the street. No pack-out service shall be provided for service levels greater than 96 gallons.
- E. Return call pick-ups. Customer containers and dumpsters must be readily available for pick-up as determined by the borough. Return call pick-ups deemed not to be an oversight or responsibility of the refuse collection personnel will be charged \$15.00 per return call in addition to the regular monthly bill.
- F. Minimum charge. The minimum refuse collection charge shall be the rate for 32 gallons for once per week pick-up.
- G. Extra refuse. If a customer places an extra carton, box, bag, bale or container out for pick-up by the refuse collection personnel beyond the level of service billed to the customer, that customer shall be charged an extra refuse fee equal to an additional one quarter of the minimum monthly refuse collection charge for each 32-gallon equivalent, or portion thereof, that is over and above the customer's service level.

- H. Multi-unit commercial and/or residential premises. The landlord/owner may be billed for the service provided to multi-unit commercial and/or residential premises with three or more units where the refuse containers communally serve the units.
- I. Vacation rate. In the event the residence will be vacant for a time period of one month or more, the customer may request a vacation rate of five dollars per month which will discontinue collection pickups during the vacancy of the residence. The customer will provide the utility with a specific date of return at which time regular service and billing will resume. The vacation rate is available for full billing periods only. It shall not be prorated for partial billing periods.
- J. If customers set out refuse beyond their billed level of service more than twice per month, the utility will notify the customer and upgrade the service to the appropriate level.
- K. Irregular service charges. When requests are made by customers for irregular collection service ~~for less than a month's time or for special events~~, the fee for such service shall consist of a refuse charge plus a pick-up fee, as follows:

(i) For plastic or metal containers (other than roll off containers), the refuse charge shall be as set out in Section 14.12.140 will be prorated from the collection schedule for the size of container requested. In no case shall the prorated charge be less than one week's billing. An additional \$55.00 fee will be applied for each pick-up of the requested container if it is between 288 and 540 gallons, inclusive, or above in size.

(ii) For roll off containers, the pick-up fee will be \$85.00, and the refuse charge will be billed at the published per lb. rate for baler waste as listed in Section 14.12.150.

Metal dumpsters and roll off containers may be picked up by the collector and returned to the Sanitation Dept at the Borough's discretion if a customer does not have refuse collected from the container for a period of 30 consecutive days or more. A pickup fee and refuse charge (if refuse is present in the container at the time of pickup), in the amounts set out in paragraph (i) or (ii) above, will apply and be charged to the customer's account.

A container deposit may be required for this irregular services as described in this section.

- L. Recycling incentive rate. Beginning with the implementation of a residential commingled curbside recycling program, the service fee for 32-gallon refuse collection shall be increased by 20 percent over codified rates and programmed increases contained in section 14.12.140 C. This increase shall be waived for all customers who enroll in the borough's commingled curbside recycling program. By enrollment in the curbside recycling program, the customer agrees to actively recycle and follow the rules of the program as established by the sanitation utility.

- M. Disposal of vehicles. Vehicles will be accepted for disposal at the landfill under the provisions of this section, and subject to the schedule of fees listed in Section 14.12.150, On-site refuse disposal rates.

It is the intent of this section to provide an affordable means for residents of the Borough to dispose of used vehicles while also keeping costs reasonable for the Sanitation Dept. It is not the intent of this section to provide processing of used vehicles prior to final disposal. Accordingly, vehicles brought to the landfill for disposal must be processed by the customer prior to disposal, by removal of all fluids, tires/wheels, and any trash contained within the vehicle, unless otherwise permitted by the Department. The Sanitation Department reserves the right to refuse drop off of any vehicle that has not been processed by the customer. If a vehicle is dropped off that has not been fully processed, charges may be either applied to the customer's account, or billed directly to the customer if the customer does not have an account, for labor and equipment time incurred by the Sanitation Dept to process the vehicle for disposal. Abuse of the vehicle disposal policy may lead to suspension of the customer's landfill privileges at the discretion of the Public Works Director.

The Sanitation Dept shall maintain a comprehensive policy for vehicle disposal and shall update this policy periodically as needed. All persons wishing to dispose of a vehicle will be provided a copy of the vehicle disposal policy and will be required to acknowledge receipt of the policy.

14.12.150 On-site refuse disposal rates.

A. Standard fees.

Description	7/1/13	7/1/14	7/1/15	7/1/16	7/1/17
Baler waste (per lb)	\$.160	\$.165	\$1.65	\$.165	\$.165
Metal waste (per lb)	.065	.065	.065	.065	.065
Wood waste (per lb)	.065	.065	.065	.065	.065
Refrigeration unit w/Freon (per each)	40.00	40.00	40.00	40.00	40.00
Passenger or light truck tires (per each)	4.25	4.50	4.50	4.50	4.50
Heavy equipment tires (per each)	50.00	50.00	50.00	50.00	50.00
White Goods (per lb)	.065	.065	.065	.065	.065
Household hazardous waste (per lb)	.160	.165	.165	.165	.165
Antifreeze (per gallon)	3.50	3.50	3.50	3.50	3.50
Auto/Marine Battery (per each)	5.50	5.50	5.50	5.50	5.50
Used Oil (per gallon)	0.00	0.00	0.00	0.00	0.00
Paint (per gallon)	1.00	1.00	1.00	1.00	1.00
Commercial Noncompacted (yard)	16.00	16.00	16.00	16.00	16.00
Junk Vehicles (per each)	75.00	75.00	75.00	75.00	75.00
Voucher Vehicles (per each)	37.50	37.50	37.50	37.50	37.50
Vouchers (per each)	40.00	45.00	45.00	45.00	45.00
Salvage permits (per day)	10.00	10.00	10.00	10.00	10.00
Wood waste charity (per lb)	0.00	0.00	0.00	0.00	0.00
Baler waste charity (per lb)	0.00	0.00	0.00	0.00	0.00
Metal waste charity (per	0.00	0.00	0.00	0.00	0.00

lb)						
Wood waste — borough (per lb)		0.00	0.00	0.00	0.00	0.00
Metal waste — borough (per lb)		0.00	0.00	0.00	0.00	0.00
<u>Description</u>	<u>7/1/18</u>	<u>7/1/22</u>	<u>7/1/23</u>	<u>7/1/24</u>	<u>7/1/25</u>	<u>7/1/26</u>
<u>Baler waste (per lb)</u>	<u>\$.165</u>	<u>\$.190</u>	<u>\$.190</u>	<u>\$.190</u>	<u>\$.190</u>	<u>\$.190</u>
<u>Metal waste (per lb)</u>	<u>.065</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>
<u>Wood waste (per lb)</u>	<u>.065</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>
<u>Refrigeration unit w/Freon (per each)</u>	<u>40.00</u>	<u>40.00</u>	<u>40.00</u>	<u>40.00</u>	<u>40.00</u>	<u>40.00</u>
<u>Passenger or light truck tires (per each)</u>	<u>4.50</u>	<u>4.50</u>	<u>4.50</u>	<u>4.50</u>	<u>4.50</u>	<u>4.50</u>
<u>Heavy equipment tires (per each)</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>
<u>White Goods (per lb)</u>	<u>.065</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>	<u>.075</u>
<u>Household hazardous waste (misc - per lb)</u>	<u>.165</u>	<u>.190</u>	<u>.190</u>	<u>.190</u>	<u>.190</u>	<u>.190</u>
<u>Antifreeze (per gallon)</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>
<u>Gasoline*(see note below table)</u>	<u>N/A</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>	<u>3.50</u>
<u>Auto/Marine Battery (per each)</u>	<u>5.50</u>	<u>5.50</u>	<u>5.50</u>	<u>5.50</u>	<u>5.50</u>	<u>5.50</u>
<u>Used Oil (per gallon)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Paint (per gallon)</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>
<u>Aerosols (per each)</u>		<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>
<u>Commercial Noncompacted (yard)</u>	<u>16.00</u>	<u>19.00</u>	<u>19.00</u>	<u>19.00</u>	<u>19.00</u>	<u>19.00</u>
<u>Junk Boats and Vehicles - metal (per each)</u>	<u>75.00</u>	<u>75.00</u>	<u>75.00</u>	<u>75.00</u>	<u>75.00</u>	<u>75.00</u>
<u>Junk Boats and Vehicles – fiberglass/wood (per ton)</u>	<u>N/A</u>	<u>135.00</u>	<u>135.00</u>	<u>135.00</u>	<u>135.00</u>	<u>135.00</u>
<u>Travel Trailers and Mobile Homes (per ton)</u>	<u>N/A</u>	<u>135.00</u>	<u>135.00</u>	<u>135.00</u>	<u>135.00</u>	<u>135.00</u>
<u>Voucher Vehicles (metal only, per each)</u>	<u>37.50</u>	<u>37.50</u>	<u>37.50</u>	<u>37.50</u>	<u>37.50</u>	<u>37.50</u>
<u>Vouchers (per each)</u>	<u>45.00</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>	<u>50.00</u>
<u>Salvage permits (per day)</u>	<u>10.00</u>	<u>10.00</u>	<u>10.00</u>	<u>10.00</u>	<u>10.00</u>	<u>10.00</u>
<u>Wood waste - charity non-profit (per lb)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Baler waste - charity non-profit (per lb)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Metal waste - charity non-profit (per lb)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Baler waste – borough (per lb)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Wood waste - borough (per lb)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

<u>Metal waste - borough (per lb)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
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*Residential customers may dispose of up to 5 gallons of gasoline at no charge. Any amount of gasoline over 5 gallons will be charged at \$3.50 per gallon. Commercial customers will be charged \$3.50 per gallon for all disposal of gasoline.

- B. *Adjustment or waiver of standard fees.* The public works director may adjust or waive standard refuse fees in the event a customer experiencing financial hardship is disposing of a structure and/or its contents that were ruined due to an accidental fire or natural disaster. This provision shall not apply to the intentional burning and disposal of any structure. This provision shall not apply if insurance payments have been received by the customer for the purpose of reimbursing the customer for their loss and disposal of the debris.
- C. Refuse rates and fees shall be reviewed annually by the sanitation utility and finance department and a recommendation made to the borough manager for the increase or decrease of rates needed for the sound financial management of the refuse utility. The borough manager shall review the findings and present the recommendation to the borough assembly.

14.12.190 Service discontinued at ~~property owner's~~ customer's request.

- A. *Notice.* Each customer about to vacate any premises supplied with municipal refuse collection service shall give the borough at least one-day written notice specifying the day service is to be discontinued. If one-day written notice is not given, the customer will be responsible for all scheduled pick-up charges accrued by the premises until the borough receives notice.
- B. *Final billing.* At the time service is disconnected due to unit vacancy and after notice is given by the customer, a bill will be issued for the proportionate share of the monthly rate. The final bill is payable immediately.

14.12.195 Community recycling goals.

~~It shall be the goal of the borough sanitation department to implement recycling programs and systems that will achieve the following community wide, recycling rates by the respective deadlines:~~

- ~~A. By January 1, 2017 the community will achieve a recycling rate of 30%.~~
- ~~B. By January 1, 2019 the community will achieve a recycling rate of 40%.~~
- ~~C. By January 1, 2021 the community will achieve a recycling rate of 50%.~~
- ~~D. The sanitation department shall promote recycling through public education, programmatic revisions as necessary, capital equipment planning and funding, and operational enhancements as required to achieve the published goals.~~

14.12.210 Penalties for violations.

- A. A person who violates a provision of this chapter, other than nonpayment of an past due and delinquent accounts, or who fails to comply with any mandatory requirement of this chapter, shall be guilty of a violation, and shall be punished by imposition of the subject to a fine established in the fine schedule set forth as provided in chapter 1.16.030 of the borough code if the offense is listed in that fine schedule; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.16.010 of the borough code.

- B. A person who violates a provision of this chapter by making any unlawful disposal is also liable for all costs and expenses incurred by the borough in the clean up and remedy of that disposal, in addition to administrative costs and attorney fees incurred by the borough as a result of the violation. If the unlawful disposal occurs on private property, the provisions of section 9.12.130 shall apply.

Section 4. Fine Amounts: The following fine amounts are adopted for violation of Section 14.12.080B, and shall be administratively incorporated into Section 1.16.030 of the Borough Code:

<u>Section Number</u>	<u>Description of Violation</u>	<u>Fine Amount</u>
14.12.080B	Failure to utilize reasonable efforts to secure refuse (1st offense)	\$ 50.00
14.12.080B	Failure to utilize reasonable efforts to secure refuse (2nd offense)	\$150.00
14.12.080B	Failure to utilize reasonable efforts to secure refuse (3rd and subsequent offenses)	\$300.00

Section 5. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 6. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2021.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Clerk

Adopted:
Noticed:
Effective:

State of Alaska
Amendment to Professional Services Contract

1. Agency Contract Number C0620-523-A
2. Solicitation Number (if used)
3. Optional Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Years remaining <u>0</u>
4. Financial Coding
5. Agency Assigned Encumbrance Number
6. Amendment Number One (1)

This agreement is between the State of Alaska,		
7. Department of Health and Social Services Health and Social Services/ COVID-19 Emergency Operations Center (EOC) hereafter the State, and		
8. Contractor Petersburg Borough hereafter the Contractor		
Mailing Address PO Box 329	Street or P.O. Box	City Petersburg
		State AK
		ZIP Code 99833
9. Original period of performance From: July 1, 2021 To: September 30, 2021		10. Amended period of performance From: July 1, 2021 To: September 30, 2022
11. Previous amount of contract to date: \$ 308,200.00	12. Amount of this amendment: \$ 1,222,750.00	13. This amended contract shall not exceed a total of: \$ 1,530,950.00
<p>14. In accordance with the provisions of the above referenced contract, the parties to that contract agree that the services to be performed by the contractor are amended as follows: This amendment expands the duties listed in Appendix C of the Contract. It also adds funding to compensate for the additional timeline.</p> <p>All other terms and conditions of the contract remain in effect.</p> <p>In full consideration of the Contractor's performance under and including this amendment, the State shall pay the Contractor a total not to exceed \$ 1,530,950.00.</p> <p>IN WITNESS WHEREOF the parties hereto have executed this amendment.</p> <p>Notice: This amendment has no effect until signed by the head of the contracting agency, project director and head contracting agency or designee.</p>		
15. CONTRACTOR		17. CERTIFICATION:
Name of Firm Petersburg Borough		I certify that the facts herein and on supporting documents are correct, that this voucher constitutes a legal charge against funds and appropriations cited, that sufficient funds are encumbered to pay this obligation, or that there is a sufficient balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alterations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the verity, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.815-.820. Other disciplinary action may be taken up to and including dismissal.
Signature of Authorized Representative	Date	
Typed or Printed Name of Authorized Representative Steve Giesbrecht		
Title Petersburg Borough Manager		
16. CONTRACTING AGENCY		Signature of Head Contracting Agency or Designee
Health and Social Services, EOC		Date
Signature of Project Director	Date	Typed or Printed Name of Authorizing Official Amy Burke
Typed or Printed Name of Project Director Amy O'Connor		Title Section Chief – Grants, Procurement & Facilities
Signature of Division Director	Date	
Typed or Printed Name of Division Director Heidi Hedberg		

Appendix C – Amendment 1 Description of Services

Amendment 1

This amendment, Amendment 1, adopts the terms and conditions of the previous contract, C0620-523-A, and makes the following changes:

Scope of Work

Contractor shall oversee COVID-19 customer and testing services at the Petersburg Airport or the Medical Center. Services must be accessible to all travelers arriving by air, land, or maritime travel, pursuant to the most recent applicable Health Orders/Mandates that may be issued during the time of the contract.

See (<https://covid19.alaska.gov/travelers/>).

Services will be free of charge; contractors/subcontractors will not bill private insurance but shall bill all COVID-19 services to DHSS.

- This contract remains in effect through September 30, 2022 pursuant to current emergency mandates/declarations established by the State of Alaska and may be canceled at any time should such COVID-19 screening/testing requirements cease. Notice will be provided to the contractor as soon as possible, should the services be discontinued.
- The contractor shall use the most up to date guidelines from the State of Alaska, as per <https://covid19.alaska.gov/travelers/> to assist and expedite passengers through COVID-19 testing process upon arrival in Alaska.
- The contractor shall acquire the equipment necessary to meet the needs of the contract, for efficient and timely testing of passengers electing to complete the recommended COVID-19 testing.
- The contractor will not bill patient's private insurance, but shall bill DHSS for all COVID-19 processes.
- The contractor shall submit weekly airport reports to bryan.emmons@alaska.gov by close of business each Monday, unless Monday is a State of AK holiday; then reports are due by 12:00 pm the Tuesday following the Monday holiday.
- The contractor shall submit reports and invoices using the State of AK forms, included with this contract.
- The contractor shall submit specimens to a CLIA approved facility that is in compliance with the DHSS reporting and positive case notification.
- The contractor shall make all attempts to have test results returned to the patient with in 48 hours of providing test specimen.
- Traveler testing shall comply with the most recent Health Order/Mandate.
- Funding for directional signage to assist passengers to receive testing / vaccines.
- All other terms and conditions remain unchanged.

Assessment/adjustment

- The contractor and project manager agree to meet as needed to assess functionality of all services and adapt to meet the current need. This may include scaling services up or down, implementing new processes, and considering new workflows. The State will maintain the final authority for these adjustments, and approval must be obtained prior to implementation.

Transition of Services – End of Contract Term

- The State of Alaska's Procurement Code requires the purchase of services to be competitively solicited at the termination of a contract. This may result in a change of contractors from one contract term to another. Should that occur at the termination of this contract, the incumbent vendor is required to assist by facilitating a smooth transfer of the contracted functions to a new vendor or back to the purchasing agency.

Appendix D – Amendment 1 Payment for Services

Payment for services provided shall not exceed \$1,530,950.00 for the period of performance of this contract.

Estimated Daily Rate for Services

Services shall be billed at actual costs for services used.

For the purposes of this contract, the following formula is used as an estimate:

- Laboratory Specimens: \$100/each test
- Staff Hours: \$50/hour
- Packaging and Shipping: \$100/per day
- PPE: \$50/per day
- Facility Charge: \$1,000/per day

Total Estimated Daily Rate - \$3,350.00 per day

The rates above shall be used to scale these services up or down as may be deemed necessary. Any variation to the formula above must be approved in advance by the Project Director, prior to implementation.

Invoicing

The Contractor shall submit invoices to the address specified below no later than 30 days after the end the period for which services were performed. Failure to include the required information on the invoice may cause an unavoidable delay to the payment process. The State will pay all invoices within thirty (30) days of invoice approval by the Project Director.

The invoice must:

- Reference the Contractor's name, address and phone number
- Reference the contract number: C0620-523-A
- Include an invoice number
- Reference the Alaska Division of Public Health – Emergency Operations Center (DPH - EOC)
- itemize the contractual services provided during the period invoiced as described in Appendix C

Email invoices to:

hss.publichealth@alaska.gov

(please reference the contract C0620-523-A in the subject line)

At the conclusion or termination of the contract, the contractor shall submit all final billings and / or invoices within 60 calendar days, or 2 months from the date of the conclusion or termination of contract.

Late billings and / or invoices may be at risk of losing reimbursement.

Notwithstanding any other provision of this contract, it is understood and agreed that the State shall withhold payment at any time the Contractor fails to perform work as required under Appendix C and/or D of this contract.



September 13, 2021

Petersburg Ranger District
Tongass National Forest
12 N Nordic Dr
Petersburg, AK 99833

Attn: Ted Sandhofer, District Ranger
Paul Olson, Cabin/Trails Program Manager
Linda Slaght, Coordinator, Petersburg Resource Advisory Council

RE: Improvements to Raven's Roost Trail & Cabin in Petersburg, Alaska

We are writing to you to express our gratitude for your recent and ongoing work to improve our community access to the Tongass National Forest by updating the "Raven's Roost" trail in Petersburg.

Investment in our local trail system increases opportunities for community members and visitors alike to exercise outdoors, access solitude and wildlife experiences, and strengthen relationships with family and friends via safe, accessible group hiking and camping.

We appreciate how you've boosted safety and accessibility on this trail, making the route clear and improving steep and slippery sections with stairs and other improvements. We've noticed a dramatic increase in use of the trail as more people can safely access the upper reaches of the trail with the ongoing improvements. We look forward to cabin development and appreciate the use of local wood and local contractors for that work. We also appreciate how a local craftsman was commissioned to create benches along the trail. This adds community flavor to this trail and makes it stand out as a uniquely "Petersburg" place!

Thank you for your advocacy and funding of local trail projects. We look forward to continuing to improve hiking opportunities with trail development in and around Petersburg with our partners at the USFS Petersburg Ranger District, Petersburg Resource Advisory Committee, and the awesome trails department at Petersburg Indian Association.

Sincerely,

Brian Richards, Stephanie Hayes, Desi Burrell, Garrett Kravitz, Malena Marvin
Petersburg Parks and Recreation Advisory Board

Stephanie Payne
Petersburg Parks & Recreation Director

Mayor Mark Jensen and Assembly Members Bob Lynn, David Kensinger, Jeff Meucci, Taylor
Norheim, Jeigh Stanton Gregor, and Chelsea Tremblay
Petersburg Borough Assembly

cc: Earl Stewart, Forest Supervisor
648 Mission Street
Ketchikan, AK 99901-6591

Debra Thompson

From: Breanna Walker <breanna@salmonstate.org>
Sent: Monday, August 2, 2021 5:29 PM
To: Mark Jensen; Debra Thompson; Chelsea Tremblay; Assembly
Subject: AK-BC Transboundary Salmon Rivers Update
Attachments: 2021 AKBC Resolution of Support.pdf

Hello Distinguished Municipal Leaders,

The [Southeast Alaska Indigenous Transboundary Commission](#) (SEITC) and [Salmon Beyond Borders](#) reach out to you today with a sense of urgency. Canada continues to permit massive mines with toxic tailings dams along shared rivers without the meaningful engagement of those of us downstream. Meanwhile, transboundary salmon runs plummet. [We again](#) call on regional municipalities to join us in the ongoing effort to defend the Taku, Stikine, and Unuk Rivers -- **THE RIVERS THAT FEED US**.

We humbly request that the Petersburg Borough Assembly consider adopting a municipal resolution based on the **attached Resolution of Support** language that has been carefully drafted, considered, and signed by many of our closest transboundary partners who represent multiple sectors and interests of Southeast Alaska.

We also request the opportunity to provide a virtual update to your assembly at its earliest convenience before our potential community visits later this fall, pending Covid-19. *Would you please respond to Breanna@salmonstate.org to confirm that you've received this request, including your preferences for a virtual update to the assembly, by Friday, August 13th?*

Many thanks for your ongoing support and for your consideration of the next phase of our collective work as Southeast Alaskans to defend and sustain our transboundary salmon rivers. Please don't hesitate to reach out to us with questions, ideas, or concerns at any time.

Sincerely,
 Breanna Walker, Campaign Coordinator
 Salmon Beyond Borders

On behalf of
 Frederick Otilius Olsen, Jr., Executive Director
 Southeast Alaska Indigenous Transboundary Commission
 and
 Jill Weitz, Campaign Director
 Salmon Beyond Borders

[Southeast Alaska Indigenous Transboundary Commission](#) is a consortium of 15 Tribal governments founded in 2014 working to protect our Tribal lands and waterways for future generations in the Southeast Alaska/Bristol Bay/British Columbia/Yukon Territories region.

[Salmon Beyond Borders](#) is a campaign driven by sport and commercial fishermen, community leaders, tourism and recreation business owners, and concerned citizens, in collaboration with Tribes and First Nations. It is united across the Alaska/British Columbia border to defend and sustain our transboundary rivers, jobs, and way of life.

--

Breanna Walker, Campaign Coordinator
[Salmon Beyond Borders](#)
 Juneau, Alaska

Auk Kwáan and Taku Kwáan lands
breanna@salmonstate.org
1.218.244.2723



**A RESOLUTION OF SUPPORT
FOR A PERMANENT BAN ON TAILINGS DAMS AND FOR A TEMPORARY HALT TO THE
PERMITTING, EXPLORATION, DEVELOPMENT, AND EXPANSION OF CANADIAN MINES
ALONG ALASKA-BRITISH COLUMBIA TRANSBOUNDARY SALMON RIVERS
UNTIL THE UNITED STATES-CANADA BOUNDARY WATERS TREATY OF 1909 AND
THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ARE UPHELD AND AN
INTERNATIONAL AGREEMENT ON WATERSHED PROTECTIONS IS IMPLEMENTED**

WHEREAS, the Boundary Waters Treaty of 1909 was signed to prevent and resolve disputes over the use of shared waters between the United States (U.S.) and Canada, declaring in Article IV that, "it is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other;" and

WHEREAS, the Alaska-British Columbia (B.C.) Memorandum of Understanding and associated Statement of Cooperation on Protection of Transboundary Waters signed by the State of Alaska and the Province of B.C. in 2015 are important, but cannot provide binding, enforceable protections for the residents, rivers, and watersheds of the Alaska-B.C. transboundary region; and

WHEREAS, inadequately regulated Canadian hard rock mines in Northwest B.C., most of which are large-scale and open-pit, are occurring in known acid-generating ore bodies near the transboundary Taku, Stikine, and Unuk Rivers shared with Southeast Alaska, producing massive tailings dams that have to store toxic waste forever, expansive waste rock storage facilities, the need for perpetual water treatment, roads, and other infrastructure, as well as threatening (both in the short term and on geological timescales) the productivity and ecological health of these watersheds through cumulative impacts, contamination, habitat destruction, and/or possible catastrophic failures; and

WHEREAS, the Taku, Stikine, and Unuk Rivers are of tremendous and unique cultural, ecological, subsistence, economic, and recreational value as Indigenous people from several Nations have stewarded the Alaska-B.C. transboundary region since time immemorial and this region is now home to nearly 80,000 people in dozens of communities; and

WHEREAS, the Southeast Alaska Indigenous Transboundary Commission - a consortium of fifteen federally recognized Tribes in Southeast Alaska - in 2018 submitted a petition to the Inter-American Commission on Human Rights, asserting that Canada has violated their human rights by failing to prevent foreseeable harms from hard rock mines in B.C., and on March 31, 2021 sent a request to B.C. Premier Horgan for a pause in the permitting of B.C. mining projects in Alaska-B.C. transboundary watersheds until an agreement is made regarding Alaska Tribal participation in ongoing permit decisions pursuant to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and

WHEREAS, the clean water and intact habitat of Alaska-B.C. transboundary watersheds are historically some of the most productive wild salmon rivers on the entire west coast of North America, with the Taku, Stikine, and Unuk Rivers alone contributing nearly \$50 million in economic activity, \$34 million in direct spending, over 400 jobs and almost \$20 million in labor income towards Southeast Alaska's annual multi-billion dollar fishing and visitor industries; and

WHEREAS, the leaching of heavy metals to groundwater and sediment from mining can contaminate freshwater systems for decades, preventing recovery of fish populations many



years after the cessation of mining activity and posing a risk to human health, and B.C.'s Tulsequah Chief mine in the Taku River watershed has been abandoned and leaching acid mine drainage since 1957; and

WHEREAS, B.C.'s environmental assessment process does not set legal requirements or standards for assessing cumulative effects of existing and proposed development, and B.C.'s open-pit Red Chris mine has been operating at the headwaters of the Stikine River since 2015, the entire riparian corridor of the Iskut River, the largest tributary of the Stikine River, is staked with B.C. mineral claims, B.C.'s Kerr-Sulphurets-Mitchell project (KSM), if built as proposed in the Unuk-Nass River watersheds, would be the largest open-pit mine in Canada and one of the largest in the world, and more than half of the B.C. portion of the Unuk watershed is staked with mineral claims; and

WHEREAS, the Taku, Stikine, and Unuk Rivers are experiencing a decline in wild salmon populations, resulting in the Alaska Department of Fish and Game listing Chinook salmon in the Unuk River as a Stock of Concern in 2017 and will soon list Chinook salmon in the Taku and Stikine Rivers as Stocks of Concern; and

WHEREAS, on June 30, 2021, Canada's Department of Fisheries and Oceans eliminated 60% of its commercial salmon fleet in B.C. due to poor returns and declining populations - some near 90% declines - resulting in the largest set of commercial salmon fishery closures in B.C. history, while simultaneously B.C. continues to permit industrialization of the headwaters (spawning and rearing grounds) of some of its largest salmon producing systems; and

WHEREAS, the risk of natural forces such as extreme precipitation events and landslides, which are becoming more common due to climate change, add further instability to the mining infrastructure and could trigger catastrophic failure of the tailings waste dams and thereby release contaminants into the Taku, Stikine, and Unuk waterbodies and are inadequately addressed in B.C. mine operations designs; and

WHEREAS, following B.C.'s Mount Polley mine disaster in 2014 an expert panel appointed by the B.C. government found that if mining companies continue their business-as-usual operations the province could face an average of two dam failures every ten years and the same expert panel reported there are 123 active tailings dams in B.C.; and

WHEREAS, the Auditor General of B.C., in her report issued on May 3, 2016, found that the B.C. Ministry of Energy and Mines and Ministry of the Environment's "compliance and enforcement activities of the mining sector are inadequate to protect the province from significant environmental risks", and according to a 2017 report by the United Nations Environment Programme, Canada has the world's second-worst record for mine tailings spills after China, with seven incidents reported in the previous decade; and

WHEREAS, the June 2021 *Audit of Code Requirements for Tailings Storage Facilities* by B.C.'s Mine Audits and Effectiveness Unit, has found provincial mining code changes developed after the Mount Polley disaster lack the definition needed to ensure compliance, verification and enforcement--which means communities and the environment across the province lack full protection against the potentially catastrophic consequences of tailings dam failures that B.C.'s new mining code was meant to provide; and

WHEREAS, B.C. touts itself to U.S. officials and potential investors as a world-class marketplace for responsibly-sourced metals and a mining jurisdiction with highly positive ESG (Environment, Social, Governance) outcomes and yet, B.C. is supporting widespread exploration and the



permitting of open pits and tailings dams at mine sites across B.C. just upriver from four U.S. border states (AK, WA, ID, MT) and at the headwaters of some of North America's last remaining productive wild salmon rivers, without the consultation and consent of local Tribes and communities downstream; and

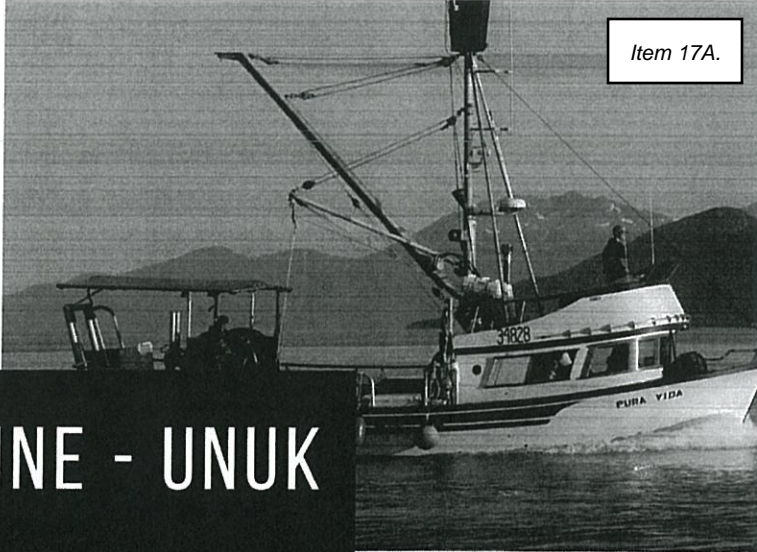
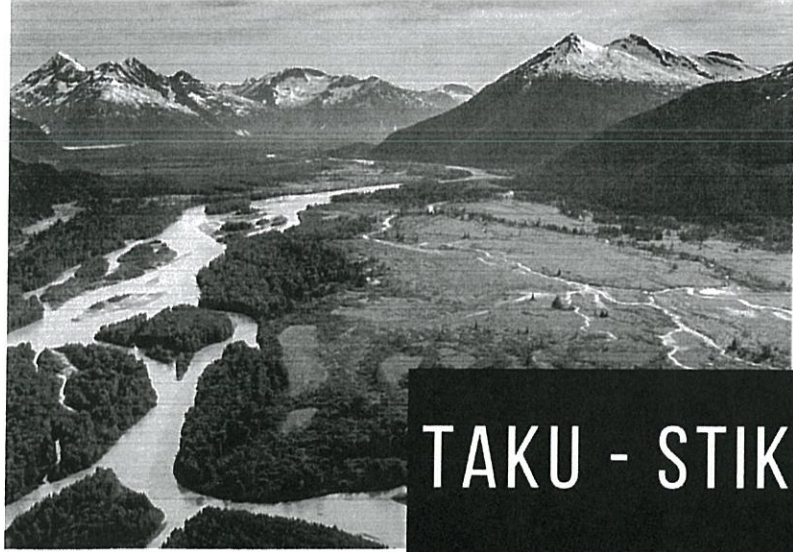
WHEREAS, Native Tribes in Alaska, First Nations in B.C., commercial fishermen, local communities, conservation groups, thousands of concerned citizens, and local, state, provincial, and federal lawmakers (including all eight Senators from the four border states) on both sides of the U.S.-Canada border have raised concerns since 1998 about B.C. mining development potentially causing significant harm to water quality, fish and wildlife, cultural practices, and local economies in Alaska-B.C. transboundary watersheds and still do not have a meaningful say in the shared management of our shared rivers; and

WHEREAS, the below signed agree to share information and seek all opportunities for collaboration to address these issues, promote methods to protect these vital rivers from harm, and seek to facilitate and promote meaningful dialogue and engagement at the local, state, federal, provincial, and Tribal levels to assure protection of resources on both sides of the border.

We, the undersigned business owners, organizations, and community members, seek a thriving Salmon Coast (AK-B.C. transboundary region) fed by intact ecosystems, healthy salmon populations and landscapes, robust traditional lifestyles, and sustainable economies.

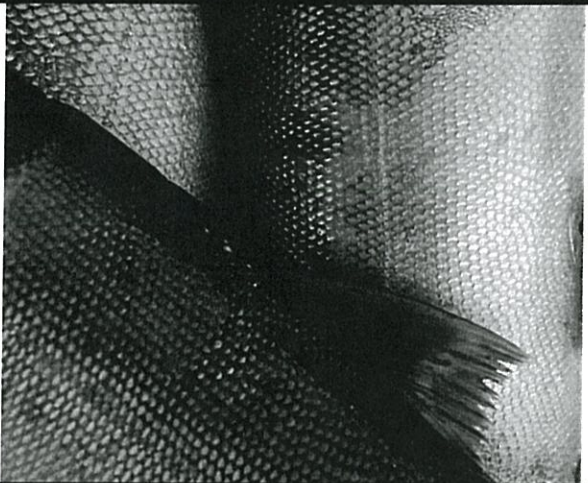
Therefore, BE IT RESOLVED that we call upon President Joe Biden and the United States government and Prime Minister Justin Trudeau and the Canadian government to *immediately*:

1. **Utilize** their authority under the United States-Canada Boundary Waters Treaty of 1909 to prevent and resolve disputes over the use of shared waters; and
2. **Support** an immediate temporary halt to permitting, exploration, development, and expansion of Canadian mines along shared Alaska-B.C. salmon rivers until a binding international agreement on watershed protections, developed by *all* jurisdictions in these shared transboundary watersheds and consistent with the Boundary Waters Treaty of 1909 and the United Nations Declaration on the Rights of Indigenous Peoples, is implemented; and
3. **Convene** with local communities, stakeholders, and Indigenous leaders of the Taku, Stikine, and Unuk watersheds to develop the aforementioned binding international agreement on watershed protections. This agreement will identify and honor no-go zones and decisions by local residents and Indigenous people on both sides of the international border, ensure mining companies and shareholders are liable for cleaning up their waste and compensating impacted communities for all damages, and enforce requirements for mining best practices, including a permanent ban on the perpetual storage of contaminated water and wet tailings behind earthen dams along these irreplaceable Alaska-B.C. transboundary salmon rivers.



TAKU - STIKINE - UNUK

THE RIVERS THAT FEED US



The transboundary Taku, Stikine, and Unuk Rivers of Southeast Alaska and Northwest British Columbia's Salmon Coast are the rivers that feed us - physically, culturally, economically, and spiritually. These wild, glacial rivers flow from the vast boreal forest of British Columbia (B.C.) into the temperate rainforest of Southeast Alaska and the Tongass National Forest.

Along these major salmon river systems, the B.C. government is aggressively pursuing unprecedented industrial development, including large-scale mines, many with massive toxic waste dams - without the meaningful consent of those living downstream.

British Columbia

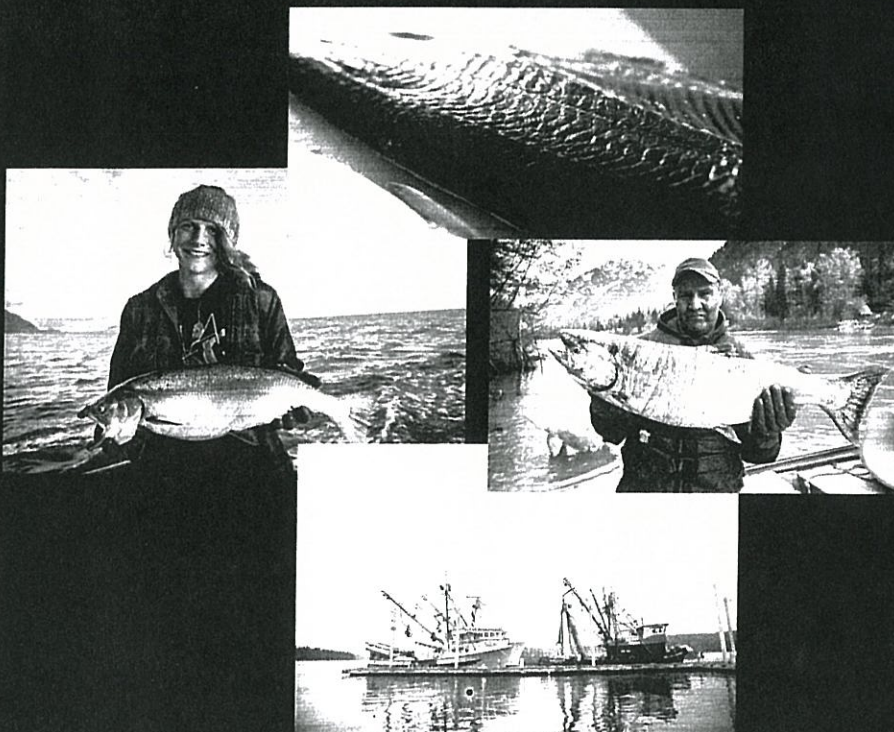
SALMON BEYOND BORDERS
DEFENDING OUR RIVERS, JOBS, AND W...
www.salmonbeyondbord...

WHAT'S AT STAKE: WILD SALMON & PEOPLE LIVE HERE



- Largest roadless river system on the West Coast of North America
- U.S. portion is under Tongass Land Use Designation
- Fastest free-flowing river in North America
- U.S. portion is within the Stikine-Leconte Wilderness Area
- B.C. has staked approx. 60% of Canadian side of watershed with mining claims
- U.S. portion is within Misty Fjords National Monument

The Taku, Stikine, and Unuk Rivers are central to life, culture, commerce, sustenance, and ways of life in this region – and home to several Indigenous Nations, including the Tlingit and the Tahltan – linking about 80,000 people in many communities on both sides of the U.S.-Canada border. These rivers are hotspots of biodiversity, climate refugia, and birth all five species of wild Pacific salmon – and serve as economic powerhouses that contribute \$48 million annually to Southeast Alaska's economy. Our transboundary rivers have been stewarded by Indigenous peoples since time immemorial and are subject to the U.S.-Canada Boundary Waters Treaty of 1909.

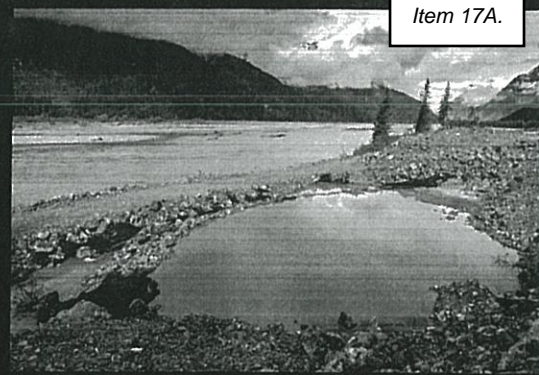


- Taku, Stikine, Unuk transboundary watersheds: 30,000 square miles and produce 80% of our region's Chinook (king) salmon
- Almost 20% of these watersheds are staked with B.C. mineral claims
- Nearly 80,000 people live downstream from Northwest B.C.
- Salmon and tourism contribute \$2 billion-dollars annually to the Southeast Alaska economy

B.C.'S MODERN-DAY GOLD RUSH

Item 17A.

B.C. is feverishly rushing through massive open-pit gold and copper mines, including their colossal toxic waste storage facilities, at the headwaters of shared, iconic salmon rivers. This is happening without the meaningful input of communities and Tribes downstream in Alaska, and despite a global push to ban earthen mine tailings dams.



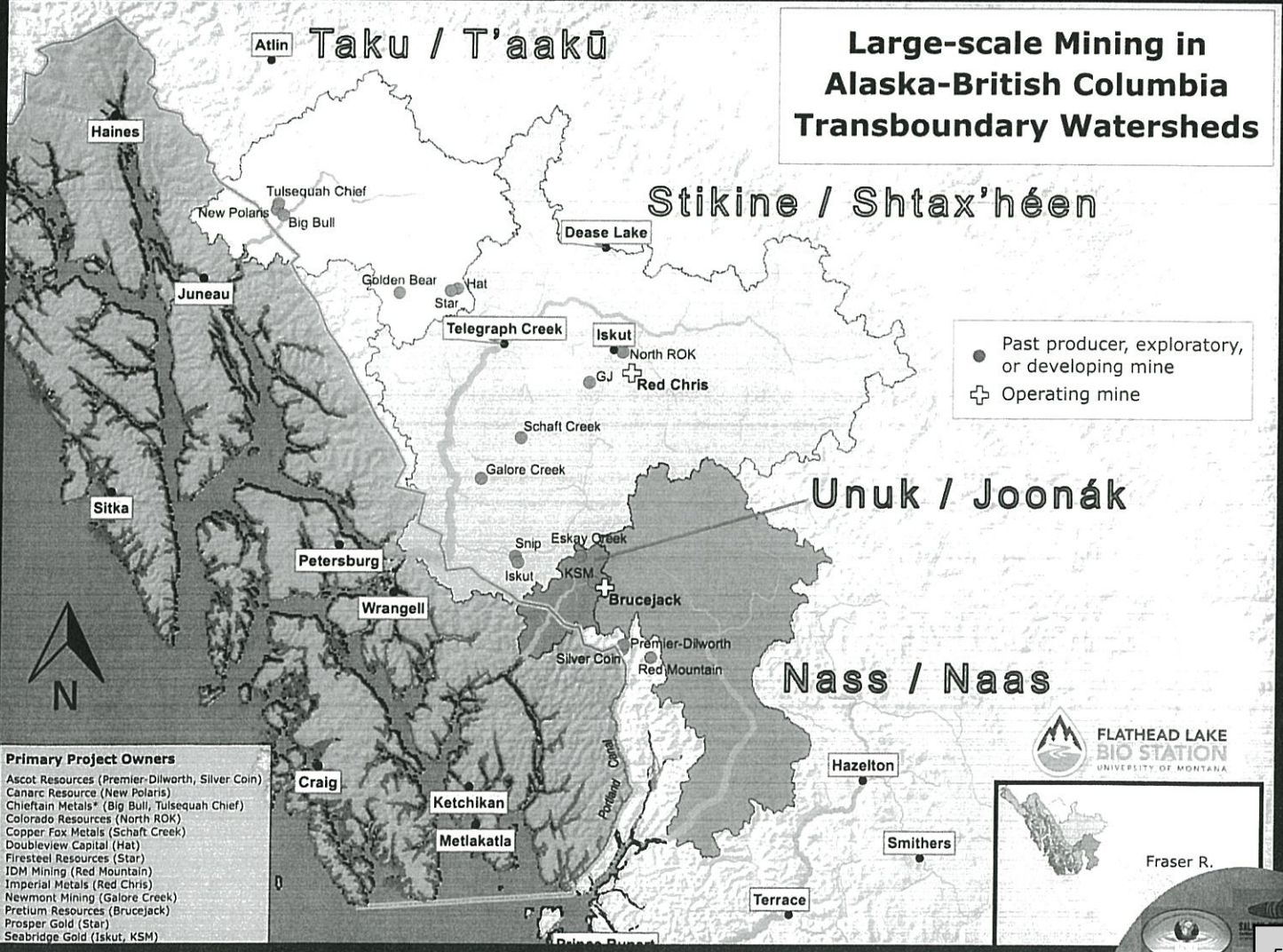
TULSEQUAH CHIEF - ABANDONED MINE IN TAKU

The industrialization of these river systems is the largest threat to some of the last remaining wild salmon habitat left on the planet. B.C.'s archaic mining laws are not strong enough to protect communities that depend upon cold, clean water, and wild salmon.

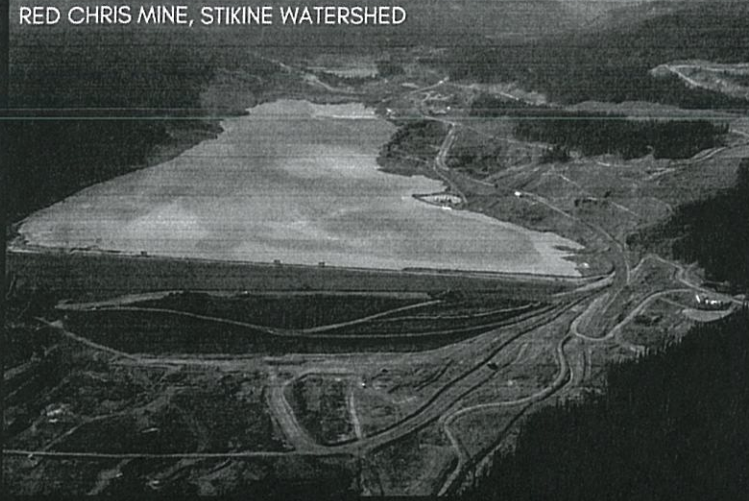


RED CHRIS - OPEN-PIT MINE IN STIKINE

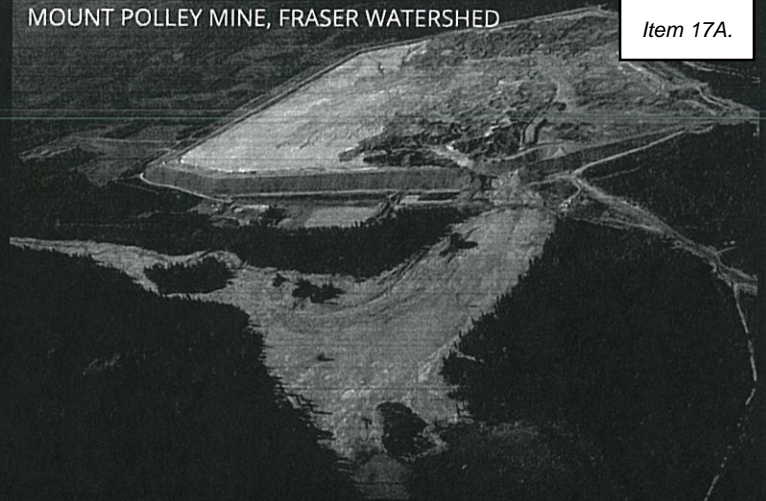
Almost 20% of all three AK-B.C. transboundary watersheds are staked with B.C. mineral claims. B.C. markets these mines of the "Golden Triangle" as important for the "clean energy transition." In reality, the vast majority of mining companies are targeting mostly gold. About 80% of the gold they dig up will become jewelry.



RED CHRIS MINE, STIKINE WATERSHED



MOUNT POLLEY MINE, FRASER WATERSHED



Item 17A.

B.C. continues to permit earthen mine "tailings dams" along shared salmon rivers even though these massive mine waste dams have to hold back a toxic slurry of acid-generating waste forever. These dams pose a great risk to environmental and human health because these will ultimately fail. An expert panel that reviewed B.C.'s 2014 Mount Polley mine waste dam failure (pictured right) found B.C. could face an average of two tailings dam failures every ten years. Peru, Chile, and Brazil have all banned upstream tailings dams. It's time these ticking time bombs are also banned along some of the world's last remaining intact salmon rivers.

THE RIVERS THAT FEED US

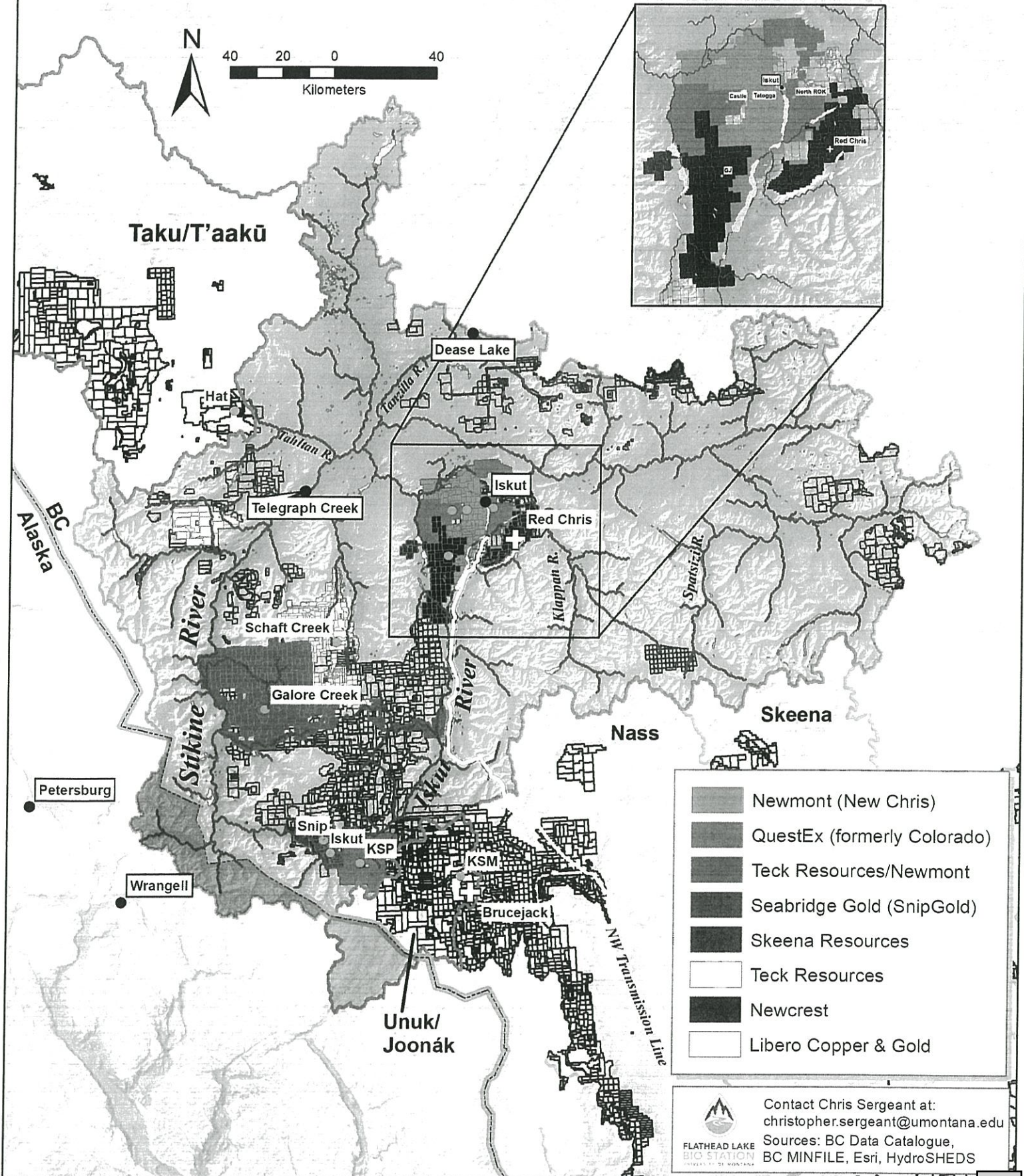
This international issue requires an international solution. That is why we are calling for a temporary HALT to exploration, development, and expansion of mines along shared AK-B.C. salmon rivers until the U.S. and Canadian federal governments convene local communities, stakeholders, and Indigenous leaders to develop a binding international agreement that:

- Honors no-go zones and decisions by impacted local residents and Indigenous peoples
- Ensures B.C. mining companies and shareholders are liable for cleaning up their waste
- Permanently bans toxic mine waste dams along AK-B.C. transboundary salmon rivers

**TAKE ACTION AND LEARN MORE AT
SALMONBEYONDBORDERS.ORG AND SEITC.ORG**



Major BC mines, claims, and companies in the Stikine/Shtax'héen watershed



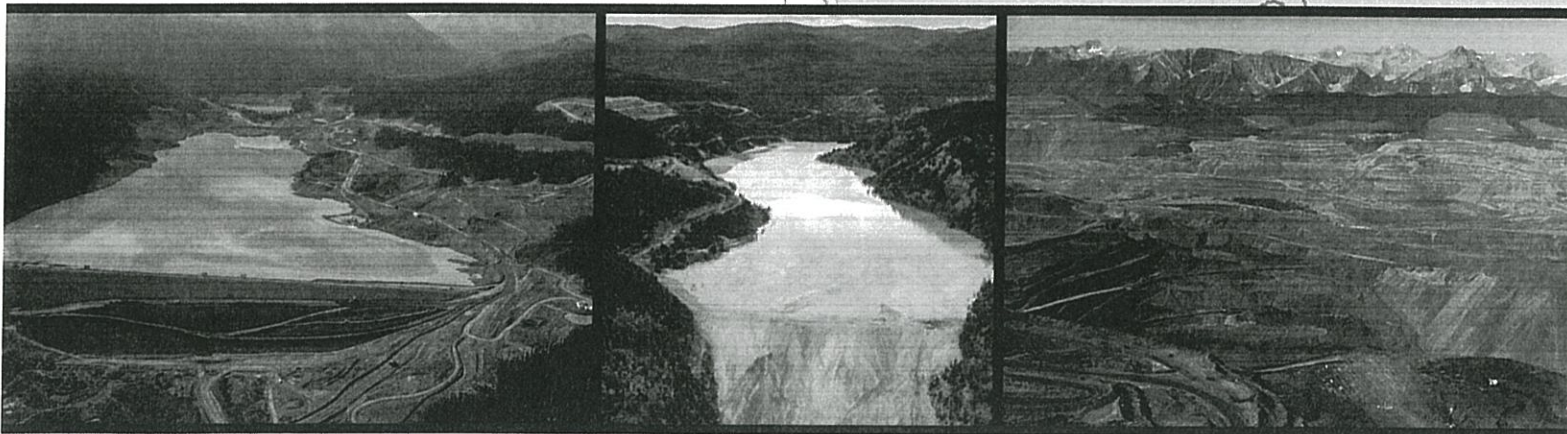
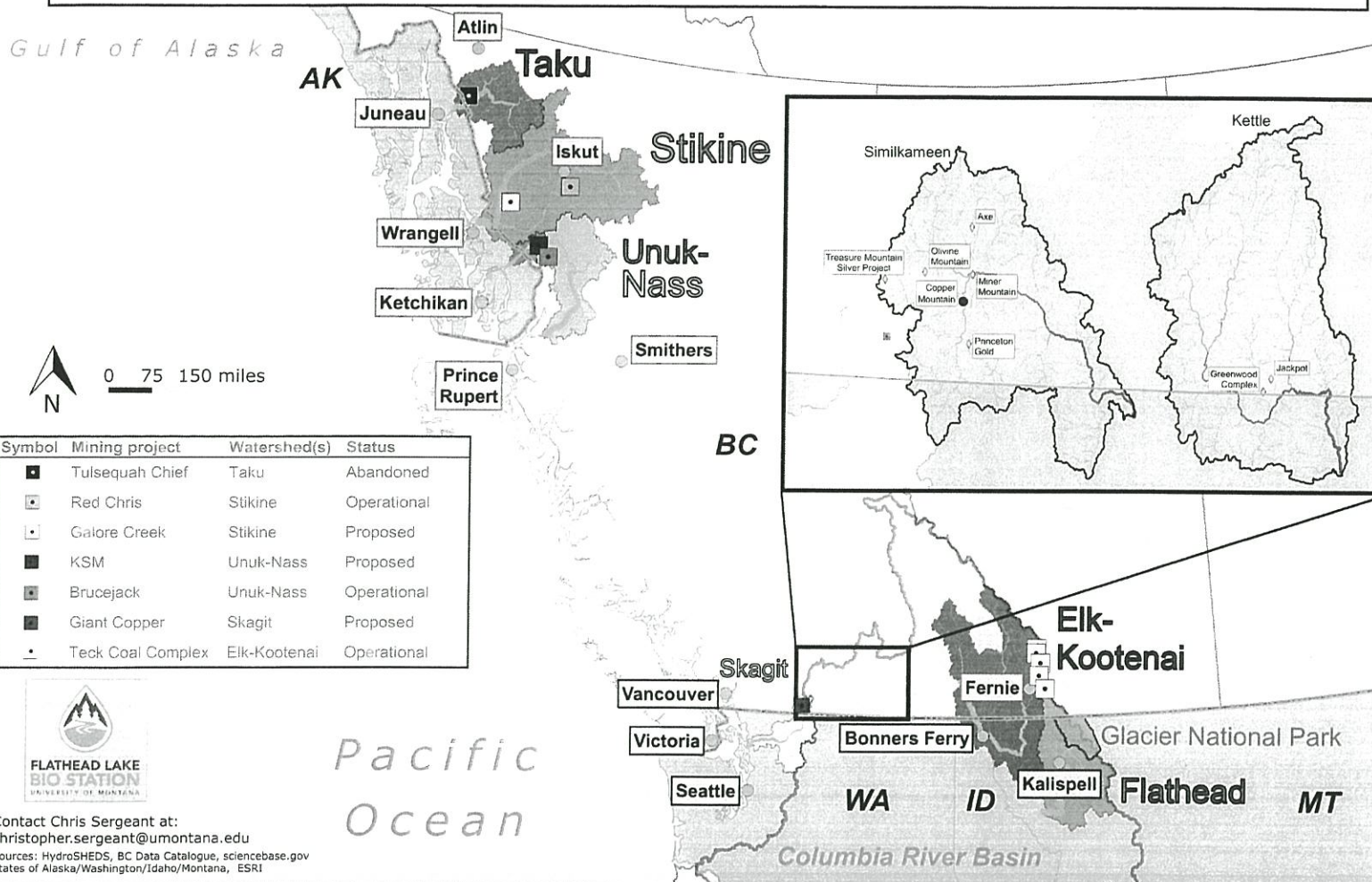
Contact Chris Sergeant at:
christopher.sergeant@umontana.edu
 Sources: BC Data Catalogue,
 BC MINFILE, Esri, HydroSHEDS

CANADA POLLUTES SHARED WILD RIVERS



Canadian large-scale mines impact the U.S. waters of three other British Columbia (B.C.) border states – Washington, Idaho, and Montana – just as they pollute or threaten to pollute the Alaska-B.C. transboundary Taku, Stikine, and Unuk Rivers. For decades, B.C. has stalled meaningful international action between the U.S., Canadian and Indigenous governments to protect shared rivers and salmon. B.C. promotes its handshake agreements (MOUs) with downstream U.S. states, while doubling down on the destruction of critical fish and wildlife habitat so vital to our economies and ways of life. B.C.'s own Auditor General has sharply criticized the B.C. mine evaluation, approval, monitoring, mitigation, and bonding processes, warning that B.C. is at risk of violating the Boundary Waters Treaty in relation to the ongoing B.C. mining-related pollution of international waterways.

British Columbia Mining Projects in Shared US-BC Watersheds



LEARN MORE AT SALMONBEYONDBORDERS.ORG AND SEITC.ORG

**PETERSBURG BOROUGH, PETERSBURG, ALASKA
RESOLUTION #2017-18**

**A RESOLUTION OF THE PETERSBURG BOROUGH IN SUPPORT OF THE
ENFORCEMENT OF THE BOUNDARY WATERS TREATY IN THE SOUTHEAST
ALASKA/NORTHWEST BRITISH COLUMBIA TRANSBOUNDARY REGION**

WHEREAS, the transboundary rivers of Southeast Alaska and Northwest British Columbia have tremendous unique economic, ecological, cultural, and recreational value; and

WHEREAS, the pristine waters and intact habitats of these transboundary river systems are some of the most productive wild salmon rivers on the west coast of North America and must be protected to ensure the healthy wild salmon populations and abundant fisheries currently enjoyed by Southeast Alaskans and Canadians; and

WHEREAS, the Petersburg Borough Assembly supports responsible mining in tandem with assurances of protection for our fisheries and pristine waters; and

WHEREAS, large-scale mining in British Columbia is experiencing unprecedented and rapid expansion within the Taku River, Stikine River, and Unuk River watersheds; and

WHEREAS, projects of concern include Tulsequah Chief, New Polaris, and Big Bull in the Taku River watershed; Galore Creek, Red Chris Mine, and Schaft Creek in the Stikine River watershed; and the Kerr-Sulphurets-Mitchell project and Brucejack Mine in the headwaters of the Unuk River; and

WHEREAS, large-scale mining development could have significant adverse effects on the environment and fisheries within the transboundary region, including areas important to residents and businesses in Petersburg; and

WHEREAS, the projects of concern would generate billions of tons of acid generating tailings, which would be held behind large dams and which could pose the threat of acid rock drainage for centuries, if not in perpetuity; and

WHEREAS, ongoing acid rock drainage at the Tulsequah Chief Mine, and the Mount Polley tailings dam failure, demonstrate weaknesses in current monitoring and enforcement efforts in British Columbia; and

WHEREAS, the Auditor General of British Columbia issued a report on May 3, 2016, on her audit of compliance and enforcement in the mining sector and found that the British Columbia Ministry of Energy and Mines and Ministry of the Environment's "compliance and enforcement activities of the mining sector are inadequate to protect the province from significant environmental risks"; and


WHEREAS, the Statement of Cooperation on Protection of Transboundary Waters, signed by Lieutenant Governor Byron Mallott, British Columbia Minister of Energy and Mines Bill Bennett, , and British Columbia Minister of the Environment Mary Polak, on October 6, 2016 is important, but cannot provide binding, enforceable protections for the residents, rivers, and watersheds of the state; and

WHEREAS, commercial fishermen, subsistence and recreational users, elected leaders, local communities, and Native Tribes and First Nations on both sides of the Alaska / Canada border have raised concerns about the pace and scope of the proposed large-scale mining development in the watersheds of transboundary river systems and the potential for harm to water quality, fish and wildlife, and the socio-economic sustainability of our local communities within the region; and

WHEREAS, the Boundary Waters Treaty of 1909 between the United States and Canada states in Article IV, "It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other," and provides a mechanism to address transboundary water concerns through the International Joint Commission.

THEREFORE BE IT RESOLVED the Petersburg Borough Assembly strongly urges the United States government to utilize any and all powers under the Boundary Waters Treaty to develop binding and enforceable protections, including long term water quality monitoring and financial assurances, to ensure that Alaska and British Columbia interests and ways of life are not harmed by upstream Canadian development in the shared transboundary watersheds of Southeast Alaska and Northwest British Columbia.

Passed and approved by the Petersburg Borough Assembly, Petersburg Alaska this 2nd day of October, 2017.


Cindi Lagoudakis, Mayor

ATTEST:


Debra Thompson, Borough Clerk

**Petersburg Borough, Alaska
RESOLUTION #2019-13**

A RESOLUTION CALLING ON THE BRITISH COLUMBIA PROVINCIAL GOVERNMENT TO ACT IMMEDIATELY TO PROTECT THE TRANSBOUNDARY STIKINE WATERSHED AND ALL WHO DEPEND ON IT FROM THE POTENTIAL IMPACTS OF CANADIAN MINING PROJECTS AND REQUESTING A NEW ENVIRONMENTAL ASSESSMENT UNDER THE 2019 BRITISH COLUMBIA ENVIRONMENTAL ASSESSMENT ACT BE CONDUCTED ON THE GALORE CREEK MINE

WHEREAS, the Petersburg Borough is located within the transboundary region of the Stikine Watershed and represent 3,198 residents; and

WHEREAS, we are deeply rooted in the fishing industry in Petersburg, with commercial fishing, processing, and marine support services comprising a large portion of the local economy; and

WHEREAS, waters of the Stikine River and the surrounding watershed support the life of integral foods, such as the five species of Pacific salmon, eulachan, trout, and plants and fungi that support subsistence for our residents; and

WHEREAS, the Petersburg Borough Assembly wishes to protect our community's pristine waters for generations yet to come; and

WHEREAS, the Petersburg Borough Assembly supports responsible mining in tandem with assurances of protection for our fisheries and clean waters; and

WHEREAS, the Boundary Waters Treaty of 1909 between the United States and Canada states that "waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other"; and

WHEREAS, in 2016, Canada ratified the United Nations Declaration on the Rights of Indigenous Peoples, including the principles of free, prior, and informed consent for all Indigenous groups impacted by the actions of the federal government; and

WHEREAS, proposed and operating mines located in the Stikine Watershed currently include the Johnny Mountain Mine and SNIP Mine (currently in exploration), the proposed Schaft Creek Mine, the operational Red Chris Mine, and the proposed Galore Creek Mine; and

WHEREAS, the Galore Creek Mine is of urgent concern due to the potential for development under a 2007 Environmental Assessment Certificate issued by the British Columbia (BC) government under laws that do not offer the appropriate environmental protections and that are now outdated; and

WHEREAS, if not properly regulated and managed, these proposed and operating mines have the potential to directly harm our residents and our neighbors within the Stikine Watershed

as well as citizens of British Columbia by way of harm to the Stikine River's water quality, which would directly impact foods, clean drinking water and healthy fisheries; and

WHEREAS, our Alaskan Senators Murkowski and Sullivan recently stated their support for greater mining protections on transboundary rivers in British Columbia and called upon their leadership to take action to guarantee the protection of Alaska's natural resources; and

WHEREAS, it is the responsibility of the Alaskan and British Columbia Governments to work together to safeguard the Stikine Watershed from harm.

THEREFORE BE IT RESOLVED that we, the Petersburg Borough Assembly, call upon the British Columbia Provincial Government, as the jurisdiction where mines in the transboundary Stikine Watershed are regulated, to act immediately to protect the Stikine Watershed and all who depend on it from the potential impacts of irresponsible mining.


BE IT FURTHER RESOLVED that we urge the British Columbia Provincial Government and Agencies to conduct a new Environmental Assessment for the Galore Creek Mine that incorporates the United Nations Declaration on the Rights of Indigenous People and Free Prior and Informed Consent in light of the 2019 British Columbia Environmental Assessment Act, which takes into account a wider range of effects in the final approval process than was conducted for the 2007 Environmental Assessment and the new environmental assessment specifically provide detailed analysis of how water quality will be protected.

Passed and approved by the Petersburg Borough Assembly on November 18, 2019.



Jeigh Stanton Gregor, Vice Mayor

Attest:



Danielle Aikins, Deputy Clerk

**Petersburg Borough, Alaska
RESOLUTION #2019-20**

A RESOLUTION URGING THE STATE OF ALASKA TO ENSURE THE BRITISH COLUMBIA (B.C.) GOVERNMENT IMPLEMENT AN OPEN AND TRANSPARENT PROCESS TO CLEAN UP AND CLOSE THE TULSEQUAH CHIEF MINE

WHEREAS, the Taku River is usually Southeast Alaska's largest overall salmon producer, with Southeast's largest run of coho and king salmon, and is a vital regional economic, cultural and recreational resource. Annual salmon runs can top two million wild fish. The Taku produces up to 100,000 Chinook, 300,000 coho, 400,000 sockeye, 50,000 chum and 1,000,000 pink salmon, as well as significant populations of steelhead trout, cutthroat trout, Dolly Varden char and eulachon; and

WHEREAS, the Taku is the traditional territory of Tlingit people on both sides of the border. The Douglas Indian Association is the federally recognized tribe in Alaska and the Taku River Tlingit First Nation is based in Atlin, B.C. Both have recently called for the cleanup and closure of the Tulsequah Chief mine; and

WHEREAS, the Tulsequah Chief mine has been discharging toxic acidic wastewater into the Taku watershed since it was abandoned in 1957. Despite numerous calls for cleanup, the pollution was allowed to continue unabated by previous B.C. governments; and

WHEREAS, this situation is changing and it appears the current B.C. government now realizes the Tulsequah Chief is not a viable mine and the previous strategy of hoping a company will reopen and eventually clean up the mine isn't realistic; and

WHEREAS, although B.C. is developing a remediation plan for the mine and says that on site work will start in 2020, there is still much to do to ensure this happens; and

WHEREAS, cleaning up and closing down the Tulsequah Chief mine is currently the best, relatively easiest and timeliest opportunity to protect a valuable transboundary salmon watershed; and

WHEREAS, Alaska legislators, governors, members of congress, community leaders, fishing and tourism groups, businesses and other Alaskans have made cleanup of the Tulsequah Chief a main goal in discussions with B.C. Provincial and Canadian federal officials for many years.

WHEREAS, Remediation of the Tulsequah Chief Mine remains the state of Alaska's highest transboundary water priority.

THEREFORE BE IT RESOLVED, the Petersburg Borough Assembly urges the State of Alaska to:

1. Ensure that the B.C. government conducts a comprehensive cleanup and closure of the Tulsequah Chief mine site; and
2. Engage with B.C. and ensure that the process to develop and implement a cleanup and closure plan is as open and transparent as possible and gives downstream interests a voice; and

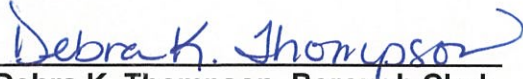
3. Ensure that the cleanup plan be released to the public so that interested parties are given meaningful opportunity to review the plan in order that downstream stakeholder interests are considered toward achieving the best possible remediation outcome.

PASSED and APPROVED by the Assembly of the Petersburg Borough, Alaska this 16th day of December, 2019.



Mark Jensen, Mayor

ATTEST:



Debra K. Thompson, Borough Clerk