



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Agenda Borough Assembly Regular Meeting

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Monday, November 04, 2024

12:00 PM

Assembly Chambers

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### **You are invited to a Zoom webinar.**

When: November 4, 2024 12:00 PM Alaska

Topic: Regular Assembly Meeting

Please click the link below to join the webinar:

<https://petersburgak-gov.zoom.us/j/84602347469?pwd=ny5mOAyerXlwoBCxT81K9>

Passcode: 461730

Or by Telephone: (253) 215-8782 or (720) 707-2699

Webinar ID: 846 0234 7469

Passcode: 461730

1. **Call To Order/Roll Call**
2. **Voluntary Pledge of Allegiance**
3. **Approval of Minutes**
  - A. October 21, 2024 Assembly Meeting Minutes**
4. **Amendment and Approval of Meeting Agenda**
5. **Public Hearings**

- A. Public Hearing for Ordinance #2024-19: An Ordinance Amending Chapter 4.30 of the Petersburg Municipal Code, *Alaska Remote Seller Sales Tax Code***

Any public testimony regarding Ordinance #2024-19 should be given during this public hearing. A copy of Ordinance #2024-19 may be found under agenda item 14C.

- B. Ordinance #2024-20: An Ordinance Amending Chapter 14.30, *Mountain View Manor Elderly Housing and Assisted Living Facility*, to Institute a new Assisted Living Community Facility Fee to be Used for Facility Maintenance and Repair, to Require that Two Bedroom Assisted Living Units be Occupied by Two Residents, and to Increase Certain Fees**

Any public testimony regarding Ordinance #2024-20 should be given during this public hearing. A copy of Ordinance #2024-20 may be found under agenda item 14D.

**C. Ordinance #2024-21: An Ordinance Amending Chapter 16.16, *Tidelands*, of the Petersburg Municipal Code to Provide for Updated Provisions Regarding the Disposal of Tidelands and Submerged Lands**

Any public testimony regarding Ordinance #2024-21 should be given during this public hearing. A copy of Ordinance #2024-21 may be found under agenda item 14E.

**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. US Forest Service Update**

Petersburg District Ranger Case will update the Assembly on USFS activities.

**B. Petersburg Medical Center**

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

**12. Mayor's Report**

**A. November 4, 2024 Mayor's Report**

**13. Manager's Report**

**A. November 4, 2024 Manager's Report**

**14. Unfinished Business**

**A. Ordinance #2024-17: An Ordinance Amending Various Sections of Chapter 4.28 of the Petersburg Municipal Code, Entitled *Sales Tax*, to add Definitions and Rules Regarding Particular Businesses, and to Specify Sales Tax Exemptions Required by Law - Third Reading**

If adopted in three readings, Ordinance #2024-17 will enhance Chapter 4.28 by adding needed definitions and rules being used but not listed in Code and by specifying sales tax exemptions required by State or Federal law. Ordinance #2024-17 was unanimously approved in its first and second readings.

**B. Ordinance #2024-18: An Ordinance Adjusting the FY 2025 Budget for Known Changes - Third Reading**

This supplemental budget is for both revenues and expenses that were not expected during the time the original budget was put together this spring.

Four of these items are for grants we have recently been awarded, as follows: a State of Alaska Legislative grant for \$30,000 to replace the shooting range boardwalk; a \$900,000 Denali grant to rebuild the Banana Point Breakwater; a \$216,210 grant from the Pacific States Marine Fisheries Commission to be used at the Scow Bay turnaround phase 1 project; and a \$54,882 Title III National Forest Receipts grant to be spent on 10 sets of turnout gear for the fire department.

Unanticipated expenses in this supplemental are: \$6,000 in the Motor Pool Department to upgrade the tire changing machine; \$5,000 in additional cost for the purchase of the Public Works pickup in the Motor Pool Department; \$5,000 for advertising for debt authorization prior to the election and for the lead service line identification advertising; an additional \$ 215,000 for the Harbor's dock shed (estimated at higher than budgeted); \$16,000 for the temporary building official position in Community Development until the current building official has all of his credentials; the Fire Department's replacement values for vehicle insurance coverage was determined to be inadequately low, replacement values have been increased thus increasing the Fire Department's vehicle insurance cost by \$41,954; \$15,000 to replace the Water Department's sludge pond/backwash pump which has failed and cannot be rebuilt; and \$8,500 for the Sanitation Department's hazmat event earlier this year, which cost more than anticipated.

Three amendments were made to the ordinance during its second reading: 1) the 10% matching funds for the \$900,000 Banana Point Breakwater grant that are not in-kind services will come from the Property Development Fund; 2) reduce the funds added to the Water Department's Machinery and Equipment line item from \$20,000 to \$15,000 for a total of budget line item of \$20,000; and 3) remove the request to add \$10,000 to the Wastewater Professional Services line item.

Ordinance #2024-18 was unanimously approved, as amended, in its second reading.

**C. Ordinance #2024-19: An Ordinance Amending Chapter 4.30 of the Petersburg Municipal Code, Alaska Remote Seller Sales Tax Code - Second Reading**

If approved in three readings, Ordinance #2024-19 will adopt the Uniform Alaska Remote Seller Sales Tax Code by reference and provide that the Assembly ratify subsequent amendments to the Uniform Code within 120 days of adoption by the Alaska Remote Seller Sales Tax Commission. Ordinance #2024-19 was unanimously approved in its first reading.

**D. Ordinance #2024-20: An Ordinance Amending Chapter 14.30, Mountain View Manor Elderly Housing and Assisted Living Facility, to Institute a new Assisted Living Community Facility Fee to be Used for Facility Maintenance and Repair, to Require that Two Bedroom Assisted Living Units be Occupied by Two Residents, and to Increase Certain Fees - Second Reading**

Ordinance #2024-20, if approved in three readings, will create a one-time Community Facility Fee of \$2,000 for new residents moving into the facility which will be used for

facility maintenance and repair, will require that future rented two bedroom Assisted Living units be occupied by two residents, increase the Assisted Living food cost from \$350 to \$450 per month, will add a security deposit and pet registration fee for Assisted Living units, and will provide for late fees. Ordinance #2024-20 was unanimously approved in its first reading.

**E. Ordinance #2024-21: An Ordinance Amending Chapter 16.16, *Tidelands*, of the Petersburg Municipal Code to Provide for Updated Provisions Regarding the Disposal of Tidelands and Submerged Lands - Second Reading**

Because the economic value of Petersburg's tidelands is great, Ordinance #2024-21 is written to provide that the sale of tidelands shall not be made for consideration less than the appraised full and true value rather than the assessed value, and to clarify the sale process to ensure any sale of tidelands is in the Borough's best interests.

An amendment to Section 16.16.075C was made during the first reading to provide that the Harbor Board Chair shall notify the Clerk if the Harbor Board cannot provide a timely report to the Assembly regarding a tideland purchase application. Ordinance #2024-21 was unanimously approved as amended in its first reading.

## 15. New Business

**A. Ordinance #2024-22: An Ordinance Clarifying that Property Obtained by Foreclosure and Which the Assembly Determines to Sell is Exempt from Sale Procedures and Requirements of Petersburg Municipal Code Chapters 16.12 and 16.16**

Ordinance #2024-22, if adopted by the Assembly in three readings, will clarify that the procedures and requirements of Code Chapters 16.12 and 16.16 do not apply to the disposal and sale of property obtained by the Borough in foreclosure proceedings.

**B. Ordinance #2024-23: An Ordinance Amending Chapter 14.20 of the Petersburg Municipal Code, *Municipal Harbors*, to Adopt Provisions Regarding Inactive Vessels**

If adopted in three readings, Ordinance #2024-23 will impose storage fees, a marine condition survey, and proof of insurance on vessels in the harbors that are deemed inactive.

**C. Application to Purchase Borough-Owned Property at 1020 Sandy Beach Road (Parcel ID #01-014-700)**

Ron and Anne Loesch have applied to purchase Borough-owned property located at 1020 Sandy Beach Road. The parcel is assessed at \$129,300, and is currently zoned Rural Residential, which requires a minimum lot size of 1 acre and is intended for one single-family home per acre. Conditional uses in the Rural Residential zoning district include mobile homes and mobile home parks. The immediate surrounding area is zoned Single-Family Residential or Public Use.



The Planning Commission held a public hearing regarding the application and has made recommendation to the Assembly to sell the parcel with comments as follows (see full Planning Commission report attached in this meeting packet):

- The subject property is not needed for any public purpose.
- The subject property is zoned as required by Code.
- The applicant has no plans for development of the property.
- The Assembly should consider initiating a rezone of the property to Single-Family Residential prior to disposal. Single-Family Residential zoning would not require subdivision of the parcel, but it would be more in keeping with surrounding uses of the neighborhood, would allow for development that is consistent with the neighborhood, and would allow the option for future subdivision of the property into two to six lots.

Mr. & Mrs. Loesch object to a rezone and request the parcel be left as Rural Residential.

Borough Code Section 16.12.080C states, "In preliminarily determining whether to grant the interest sought, or to place terms or conditions on such interest, the Borough Assembly shall consider the nature, extent and cost of improvements which an applicant may construct, the value of an applicant's proposed use to the economy of the Borough and other relevant factors."

Per Borough Code Section 16.12.080E, the Assembly shall determine whether the application shall move forward in the application process or be denied. If the application is to move forward, the Assembly shall schedule a public sale (by either outcry auction or sealed competitive bid) or exempt the application from public sale and direct the Borough Manager to commence direct negotiations with the applicants.

If the Assembly determines to proceed with a public sale of the parcel, a Resolution stating the date, time, minimum bid and other pertinent information will be brought before the Assembly for approval at the November 18 Assembly meeting.

#### **D. Election of Vice Mayor**

Charter Section 2.05B provides that no later than the first regular meeting of the assembly in November each year, the assembly shall elect from its membership a Vice Mayor.

#### **E. Assembly Member Appointments to Boards**

Mayor Jensen, with Assembly approval, will appoint Assembly Members as representatives or liaisons to the Southeast Conference, Alaska Municipal League, Harbors and Ports Advisory Board, Hospital Board, Public Safety Advisory Board, Local Emergency Planning Committee, the Early Childhood Education Task Force, and the Housing Task Force. The 2023/2024 Assembly Appointment list is attached for reference.

## **16. Communications**

**17. Assembly Discussion Items**

**A. Assembly Member Comments**

**B. Recognitions**

**18. Adjourn**



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Minutes Borough Assembly Regular Meeting

Monday, October 21, 2024

6:00 PM

Assembly Chambers

### 1. Call To Order/Roll Call

The meeting was called to order at 6:00 pm.

#### PRESENT

Mayor Mark Jensen  
Vice Mayor Donna Marsh  
Assembly Member Scott Newman  
Assembly Member Rob Schwartz  
Assembly Member Jeigh Stanton Gregor  
Assembly Member James Valentine

#### EXCUSED

Assembly Member Bob Lynn

### 2. Voluntary Pledge of Allegiance

### 3. Approval of Minutes

#### A. October 4, 2024 Special Assembly Meeting Minutes

The October 4, 2024 meeting minutes were approved as submitted.

Motion made by Assembly Member Stanton Gregor, Seconded by Vice Mayor Marsh.  
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

#### B. October 7, 2024 Assembly Meeting Minutes

The October 7, 2024 meeting minutes were approved as submitted.

Motion made by Vice Mayor Marsh, Seconded by Assembly Member Newman.  
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

### 4. Amendment and Approval of Meeting Agenda

The agenda was approved as submitted.

Motion made by Assembly Member Stanton Gregor, Seconded by Assembly Member Schwartz.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

## 5. Public Hearings

### A. Public Hearing for Ordinance #2024-17: An Ordinance Amending Various Sections of Chapter 4.28 of the Petersburg Municipal Code, Entitled *Sales Tax*, to add Definitions and Rules Regarding Particular Businesses, and to Specify Sales Tax Exemptions Required by Law

No testimony was given.

### B. Public Hearing for Ordinance #2024-18: An Ordinance Adjusting the FY 2025 Budget for Known Changes

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.*

Joshua Adams encouraged the Assembly to advocate for the return of the judgeship to Petersburg.

## 9. Boards, Commission and Committee Reports

There were no reports.

## 10. Consent Agenda

There were no consent agenda items.

## 11. Report of Other Officers

### A. Emergency Vehicle Insurance Discussion

Susan Erickson, owner of Petersburg-Wrangell Insurance and Broker for the Borough's liability insurance through Alaska Public Entity Insurance, explained the differences in insurance coverage for the Borough's emergency vehicles.

## 12. Mayor's Report

### A. October 21, 2024 Mayor's Report

Mayor Jensen read his report into the record.

## 13. Manager's Report

### A. October 21, 2024 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 #2024-17: An Ordinance Amending Various Sections of Chapter 4.28 of the Petersburg Municipal Code, Entitled *Sales Tax*, to add Definitions and Rules Regarding Particular Businesses, and to Specify Sales Tax Exemptions Required by Law - Second Reading

If adopted in three readings, Ordinance #2024-17 will enhance Chapter 4.28 by adding needed definitions and rules being used but not listed in Code and by specifying sales tax exemptions required by State or Federal law. Ordinance #2024-17 was unanimously approved in its first and second readings.

Motion made by Vice Mayor Marsh, Seconded by Assembly Member Newman.  
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

### B. Ordinance #2024-18: An Ordinance Adjusting the FY 2025 Budget for Known Changes - Second Reading

This supplemental budget is for both revenues and expenses that were not expected during the time the original budget was put together this spring.

Four of these items are for grants we have recently been awarded, as follows: a State of Alaska Legislative grant for \$30,000 to replace the shooting range boardwalk; a \$900,000 Denali grant to rebuild the Banana Point Breakwater; a \$216,210 grant from the Pacific States Marine Fisheries Commission to be used at the Scow Bay turnaround phase 1 project; and a \$54,882 Title III National Forest Receipts grant to be spent on 10 sets of turnout gear for the fire department.

Unanticipated expenses in this supplemental are: \$6,000 in the Motor Pool Department to upgrade the tire changing machine; \$5,000 in additional cost for the purchase of the Public Works pickup in the Motor Pool Department; \$5,000 for advertising for debt authorization prior to the election and for the lead service line identification advertising; an additional \$ 215,000 for the Harbor's dock shed (estimated at higher than budgeted), and approval is needed to go out to bid; \$16,000 for the temporary building official position in Community Development until the current building official has all of his credentials; the Fire Department's replacement values for

vehicle insurance coverage was determined to be inadequately low, replacement values have been increased thus increasing the Fire Department's vehicle insurance cost by \$41,954; \$20,000 to replace the Water Department's sludge pond/backwash pump which has failed and cannot be rebuilt; and \$8,500 for the Sanitation Department's hazmat event earlier this year, which cost more than anticipated.

**Amendment #1:** A motion was made to add clarifying language to the Denali Grant 10% match to provide that non-payroll expenses will come from the Property Development Fund.

Motion made by Assembly Member Stanton Gregor, Seconded by Assembly Member Schwartz. Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**Amendment #2:** A motion was made to reduce the \$20,000 additional expense in the Water Department's Machinery and Equipment line item to \$15,000 for a budgeted total of \$20,000.

Motion made by Assembly Member Stanton Gregor, Seconded by Vice Mayor Marsh. Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**Amendment #3:** A motion was made to remove the addition of \$10,000 to the Wastewater Professional Services line item which was to be used to hire a diver to locate the wastewater plant outfall.

Motion made by Assembly Member Stanton Gregor, Seconded by Vice Mayor Marsh. Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

Ordinance #2024-18 was approved as amended by unanimous roll call vote.

Motion made by Vice Mayor Marsh, Seconded by Assembly Member Newman. Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**15. New Business**

**A. Ordinance #2024-19: An Ordinance Amending Chapter 4.30 of the Petersburg Municipal Code, Alaska Remote Seller Sales Tax Code**

If approved in three readings, Ordinance #2024-19 will adopt the Uniform Alaska Remote Seller Sales Tax Code by reference and provide that the Assembly ratify subsequent amendments to the Uniform Code within 120 days of adoption by the Alaska Remote Seller Sales Tax Commission.

The Assembly unanimously approved Ordinance #2024-19 in its first reading.



Motion made by Vice Mayor Marsh, Seconded by Assembly Member Stanton Gregor. Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**B. Ordinance #2024-20: An Ordinance Amending Chapter 14.30, *Mountain View Manor Elderly Housing and Assisted Living Facility*, to Institute a new Assisted Living Community Facility Fee to be Used for Facility Maintenance and Repair, to Require that Two Bedroom Assisted Living Units be Occupied by Two Residents, and to Increase Certain Fees**

Ordinance #2024-20, if approved in three readings, will create a one-time Community Facility Fee of \$2,000 for new residents moving into the facility which will be used for facility maintenance and repair, will require that future rented two bedroom Assisted Living units be occupied by two residents, increase the Assisted Living food cost from \$350 to \$450 per month, will add a security deposit and pet registration fee for Assisted Living units, and will provide for late fees.

By unanimous roll call vote, the Assembly approved Ordinance #2024-20 in its first reading.

Motion made by Vice Mayor Marsh, Seconded by Assembly Member Stanton Gregor. Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**C. Ordinance #2024-21: An Ordinance Amending Chapter 16.16, *Tidelands*, of the Petersburg Municipal Code to Provide for Updated Provisions Regarding the Disposal of Tidelands and Submerged Lands**

Because the economic value of Petersburg's tidelands is great, Ordinance #2024-21 is written to provide that the sale of tidelands shall not be made for consideration less than the appraised full and true value rather than the assessed value, and to clarify the sale process to ensure any sale of tidelands is in the Borough's best interests.

A motion was made to amend Ordinance #2024-21, Section 16.16.075C by replacing the strike through language as follows:

~~The planning commission and the harbor board shall each provide their written report on the referral to the assembly no less than within one hundred (100) days of the date of referral. If the harbor board does not provide a timely report to the assembly, the assembly may grant the board additional time, but is not required to do so; the process may proceed without a report from the harbor board.~~

If the harbor board is not scheduled to meet within 100 days of referral, or cannot otherwise provide a timely report to the assembly, the board chair shall promptly notify the borough clerk and the assembly may, in its discretion 1) grant the harbor board additional time, or 2) proceed with a public hearing and

**decision without a report from the harbor board prior to the expiration of 100 days.**

The Assembly unanimously approved Ordinance #2024-21 as amended in its first reading.

Motion made by Assembly Member Newman, Seconded by Vice Mayor Marsh.  
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**D. Resolution #2024-13: A Resolution Authorizing the Borough Manager to Apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a Loan from the Alaska Drinking Water Fund and Alaska Clean Water Fund for the Project Entitled Scow Bay Haul-Out and Work Yard**

The Assembly unanimously approved Resolution #2024-13 authorizing the Borough Manager to Apply to apply for an ADEC loan for the Scow Bay Haul-Out and Work Yard project, and to execute the loan agreement.

Motion made by Vice Mayor Marsh, Seconded by Assembly Member Valentine.  
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**E. Letter of Support for the USFS Thomas Bay Stewardship Proposal**

Petersburg District Ranger Case requested a letter of support to use stewardship contracting for the Thomas Bay Young-Growth Timber Sale project.

The Assembly unanimously approved the letter in support of the USFS Thomas Bay Stewardship proposal.

Motion made by Assembly Member Valentine, Seconded by Assembly Member Stanton Gregor.  
Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

**16. Communications**

**A. Correspondence Received Since October 3, 2024**

**17. Assembly Discussion Items**

**A. Assembly Member Comments**

There were no comments.

**B. Recognitions**

Assembly Member Stanton Gregor recognized Harbormaster Wollen and thanked the Harbor staff for their work in facilitating the removal of the derelict vessels from the Harbor.

Assembly Member Marsh congratulated Principal Heather Conn on receiving the National Distinguished Principal Award.

## **18. Adjourn**

The meeting was adjourned at 7:03 pm.

Motion made by Assembly Member Stanton Gregor, Seconded by Assembly Member Newman.

Voting Yea: Mayor Jensen, Vice Mayor Marsh, Assembly Member Newman, Assembly Member Schwartz, Assembly Member Stanton Gregor, Assembly Member Valentine

## Borough Manager's Report Assembly Meeting 21 October 2024

- ❖ The Fire Department is hosting an EMT-1 Initial class starting 10/21. This course will take place nights and Saturdays until Nov 14<sup>th</sup>.
- ❖ Learn Not to Burn was 10/7-10/11, Thank you to Kegan Green, Kayla Perry, Heather Canik and Cindi Lagoudakis for making it a success this year.
- ❖ Coby Holder was hired as the new EMS Coordinator. He will start 11/4 and will be a great addition to the team. Thank you to Patrick Lane for stepping in to help catch up on EMS Coordinator duties in preparation for Coby to start.
- ❖ Friendly reminder to folks to check the batteries in their smoke detector when they change their clocks back for Daylight Savings time.
- ❖ The Fire department will be handing out glow sticks and candy in Severson's subdivision and other areas during Halloween. Residents at Elderly Housing will be handing out candy in the lobby of Elderly Housing on Halloween from 6:00-8:00. Please come in through our patio entrance to the south end of the building.
- ❖ Steelhead Construction received approval from the Fire Marshall on the EH Entrance Repair Project. Please drive slowly and carefully around the building and refrain from blocking the emergency access route.
- ❖ PMPL is auditing customers and will be sending out letters to customers that must move their meters to an accessible location (for maintenance and reading) or have temporary services that need to be upgraded to a permanent, code compliant meter base. For customers who get letters from the Utility Director, they can call 907-772-4203 with any questions.
- ❖ Pumpstation 4 Force Main project – Invitations to Bid have been prepared and Chris Cotta will be taking over the project at this point. Karl is still involved with finalizing the remaining land acquisition processes, but the Public Works office will manage the project through bidding and construction.
- ❖ Remember boat owners' harbor staff will be cleaning up floats of water hoses and clutter to make way for snow removal. Also, remember to call the Harbor Office with boat-watching information as vessel owners start to travel out of town.
- ❖ Harbor Maintenance has been working to track down a waterline leak in the South Harbor, staff appreciate the customers' patience, and we are inspecting the line for cracks and damaged areas.
- ❖ Harbor staff has been working with the Borough attorney to draft language for code changes to permanent moorage contracts to protect the Borough from derelict vessel situations. These changes have been reviewed by the Harbor Advisory Board and will come before the Assembly on a future agenda.
- ❖ Harbor Staff has been working with CEO of American Cruise line to partner with the Borough to develop conceptual drawings that will be used at a future community open house and a work session

with the Assembly and staff.

- ❖ A water fountain has been placed up in the mezzanine of the aquatic center. This will be greatly appreciated by our patrons and employees alike!
- ❖ We have upcoming limited open swims and cancellations due to a significant loss of lifeguards for traveling, school, etc. We are lining up another lifeguard course that will be held in early to mid-November. Please help spread the word on that to as we need to get people signed up for potential Lifeguard employment.
- ❖ We are gearing up for our annual Halloween Hustle and are looking forward to a pumpkin plunge again this year! Pumpkins have been donated by Bennett McGrath, and the pumpkin patch! Please keep an eye out around Parks and Recreation facility and Facebook posts for updates on these events, and our Dive In movie events for the season.
- ❖ Parks And Rec has continued partnership with Petersburg Medical Center for another session of Bingo-cize! Please contact PMC for involvement in this wonderful class that has been proven to help with fall prevention.
- ❖ Julie Anderson, Aaron Hankins, and Stephanie Payne were all certified by the Alaska Office of Boating Safety, in conjunction with the US Coast Guard, at the Alaska Recreation and Parks Association conference in Wrangell this September to conduct Kids Don't Float and cold-water survival programming.
- ❖ Local dirt roads are in poor condition due to all the rain and not many opportunities to use the street grader. The crew will be out grading as soon as weather allows.
- ❖ We've gotten word from SECON that they are planning to have a paving plant in town during construction season in 2026. Public Works is gathering information on paving costs and funding options, including a possible grant. The potential costs are eye-opening, to say the least
- ❖ Some garbage bear activity continues, but overall, the community is doing a much better job of keeping garbage secure. Thanks to everyone who has stepped up their game in this regard!
- ❖ The Public Works crew is working on adding a small mezzanine storage area to the Public Works parking garage. This will allow us to get some more supplies and equipment into dry storage and out of the weather.
- ❖ Assistant Director Marohl and Supervisor Mike Bell are working with EPA to get the Clearwell replacement project rolling. The Clearwell is a 280,000 gallon, open-topped tank behind the water plant that stores process water for backwashing the water filters and other plant operations. It is also the water supply for the Borough's baling facility. The Borough recently received a \$1.6M grant to fund this project, and we have also allocated \$400,000 in Water Dept reserves if needed.
- ❖ We are still waiting for the final version of the WW discharge permit to come back from EPA. There will be significant costs associated with the new permit. While we know what some of those costs are going to be, we don't know yet what the final schedule will be for required changes.



# Petersburg Medical Center

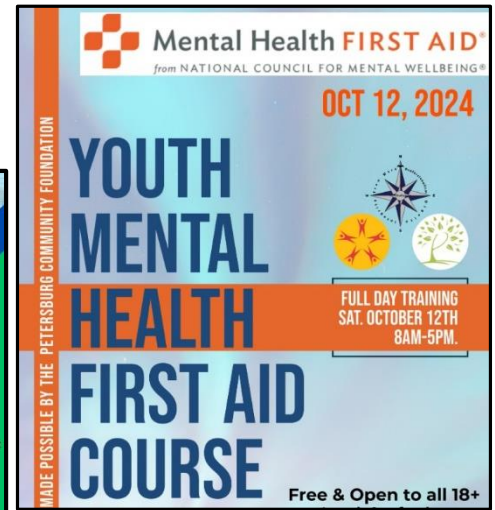
## CEO Assembly Report October 2024

**Mission Statement:** Excellence in healthcare services and the promotion of wellness in our community.

**Guiding Values:** Dignity, Integrity, Professionalism, Teamwork, Quality

**Community Engagement:** Goal: To strengthen the hospital’s relationship with the local community and promote health and wellness within the community.

- Community can sign up online for site tours of WERC building at [www.pmcak.org](http://www.pmcak.org).
- Continued community classes Bingocize and Tai Ji Quan.
- Oct 7<sup>th</sup> -Attended and reported at Borough Assembly Meeting
- Oct 8<sup>th</sup>-Meet and greet with new assembly member James Valentine.
- Oct. 12<sup>th</sup>- Youth Mental Health First Aid Course hosted by PMC staff at the WAVE building.
- Oct 12<sup>th</sup>-Walk with a Doc; walk begins at Hungry Point Trail by the ball field. Topic was Breast Cancer awareness and prevention.
- Online survey available for those wanting so submit suggestions and ideas for road naming. Suggestions due by 10/31/24.
- Oct. 24<sup>th</sup>- KFSK PMC Live.



**Financial Wellness:** Goal: To achieve financial stability and sustainability for the hospital.

**FY23 Benchmarks for Key Performance Indicators (KPIs):** Gross A/R days to be less than 55, DNFB < then 5 days, and 90 Days Cash on Hand

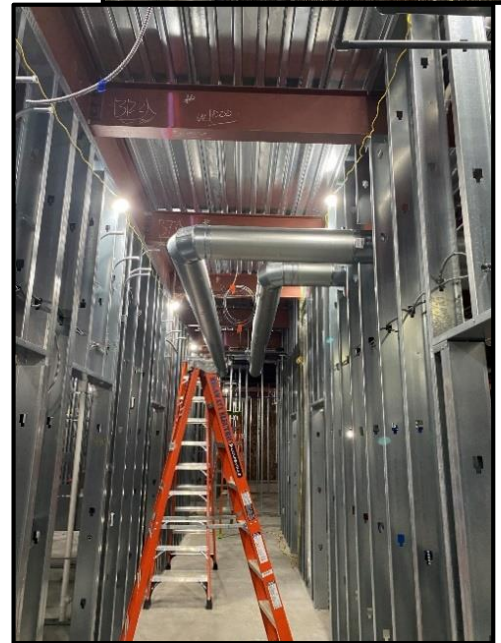
- **Accounts Receivables (AR) Update:** Accounts Receivables (AR) continue to hover around 80–83 days. The revenue cycle team works tirelessly to improve this metric with a target of 55 days. We are continuing to advance by bringing this aspect of revenue cycle in-house and have hired our first employee in this role!
- As a comparison from the previous year the financials are the strongest quarter we have seen in years.



- September month close showed a significant receivable due to the high volumes this summer in inpatient, swing bed and LTC.
- We have secured 6 grants, some of which are multi-year totaling \$423,722 for FY25 and \$585,366 in FY26-27. We have still two pending grants related to the new facility, one is the appropriations for \$3M and the other is USDA telemedicine and technology grant for \$640k.

**New Facility:** Goal: To expand the capacity and capabilities of the community borough-owned rural hospital through the construction of a new facility, while taking into account the needs and priorities of the local community. Arcadis submitted the update on the new facility and we continue to be on track and on budget for the WERC building. Transition planning with the departments that will move will continue monthly until the move date next summer/fall. Design completed for MRI contract was signed pending RFP process, Certificate of Need application will be submitted.

- Site Preparation: Site preparation is complete for the full 4.9 acres of wetlands permitting. Permitting for the additional area by the northeast corner will be in process.
- Progress on WERC Building: Progress continues with interior metal framing, mechanical & electrical rough in and some interior work. The windows are being installed and MRI foundation poured in November.
- Updates: Project updates are available on the PMC website under the “New Facility & Planning” tab. Photos are updated on social media every Friday afternoon.
- Tour of the Sites: Guided tours of the site for community are scheduled and signups are available on PMC website.



**Workforce Wellness:** Goal: To create a supportive work environment and promote the physical and mental well-being of hospital staff, in order to improve retention rates and overall productivity.

- PMC welcomes Rachel Kandoll, RN taking on the role of Infection Prevention, Michael File as Facility Engineer.
- 10/23/2024 -Annual Managers Retreat was held to discuss the strategic plan and set the priorities for the year.
- PR is also collaborating with the Anchorage-based firm Element and local artist Grace Wolf to refresh and improve the PMC logo and brand.
- CEO Office Hours each month
- Abbey H. and Becky T. conducted a series of de-escalation training for all staff this month.
- Keith Reilley, psychiatrist NP from Baltimore OPC provided training to nursing staff and medical staff with a series of trainings as part of the BHS telepsychiatry grant on Sept 16-18.
- Employee engagement efforts this month included the new internal newsletter Cyndi N. in HR creates. This month highlights Physical Therapy Staff, Medical Assistants, Healthcare supply chain week, and National Boss's Day.



**Patient-Centered Care and Wellness:** Goal: To provide high-quality, patient-centered care and promote wellness for all patients.

- The Cedar Social Club adult day program has new certification allowing more people to participate and receive services. Thanks to a state grant there is now three years of funding that will help the Cedar Club benefit more people for more times during the day.
- Access to care:
  - Specialty clinic for scopes continues to be a challenge to schedule with SEARHC's next visit to PMC. We are working on November as the next tentative date to coordinate.
  - Psychiatrist Joshua Sonkiss is working and continues to take referrals and consultations from the providers.
  - Optometrist Dr. Kamey Kapp saw patients in Specialty Clinic 9/30-10/4.
  - Primary care continues to offer well child exams with sport physicals.
  - Erik Hulebak conducted weight certifications for our local wrestling team.

- Flu Shot PODs at WAVE were a success. Approximately 68 people were vaccinated at the first POD and 56 at the second.
- Clinic availability: In summary, the clinic is now fully staffed with 4 physicians and 2 mid-level practitioners. The wait time for regular appointments are working to improve with high demand providers.

PMC is now scheduling  
**MIDDLE & HIGH SCHOOL**  
**SPORTS PHYSICALS**

**Well Child Exam + Sports Physical  
(FREE - covered by insurance)**

**Sports Physical Only  
(\$20 - no insurance applied)**

Call Joy Janssen Clinic to Schedule  
907-772-4299

The flyer features silhouettes of a cheerleader, a basketball, a volleyball, and two athletes wrestling.

**Submitted by:** Phil Hofstetter, CEO

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**Mayor's Report  
For  
November 4, 2024 Assembly Meeting**

- 1. Seeking Letters of Interest:** The Petersburg Borough is accepting letters of interest from citizens who wish to serve the community as Board Member to the Southeast Alaska Power Agency (SEAPA) for calendar year 2025. The Borough Assembly will appoint one voting member and one alternate to the SEAPA Board.

Letters of interest should be submitted to Clerk Thompson at the Borough offices located at 12 S. Nordic Drive; by sending to PO Box 329, Petersburg, AK 99833; or by emailing to [dthompson@petersburgak.gov](mailto:dthompson@petersburgak.gov).

- 2. Seeking Letters of Interest:** The Petersburg Borough is accepting letters of interest from citizens who wish to serve the community by filling one of the vacant seats on the following Borough Boards until the October 2025 Municipal Election:

Parks & Recreation Advisory Board – one vacant seat  
Planning Commission – one vacant seat

Letters of interest should be submitted to Clerk Thompson at the Borough offices located at 12 S. Nordic Drive; by sending to PO Box 329, Petersburg, AK 99833; or by emailing to [dthompson@petersburgak.gov](mailto:dthompson@petersburgak.gov).





**Borough Manager's Report  
Assembly Meeting 04 November 2024**

- ❖ Parks & Rec. staff are working with Netwell Noise Control for the gym acoustics purchase and tile removal.
- ❖ Halloween Hustle was on Thursday, and the Pumpkin Plunge was great! 46 pumpkins, 46 people! Pumpkins in the pool is just the best!!
- ❖ Stephanie will be conducting a First Aid/CPR/AED course for Elderberry crew end of Nov/Begin of Dec.
- ❖ Dive In Movie Nights are in full swing, check with Parks and Rec for upcoming dates
- ❖ Lifeguard course scheduled for Nov. 22nd - 24th, must attend all 3 days plus 6 hours online prior to class. Leave your name and contact information with Parks and Rec if you are interested!
- ❖ Stephanie has been invited to speak at a Land Manager Forum in Anchorage to discuss the Borough partnership with PIA.
- ❖ PMPL's mechanic has recently traveled to Houston Texas to witness testing of the "new" EMD 3.5MW diesel generator. The testing went very well, and we believe the generator will be a great addition to the power generation fleet.
- ❖ PMPL has installed a temporary transformer at the WERC project and has ordered a permanent unit for the site. Anticipated delivery on the permanent transformer is June 2025.
- ❖ PMPL has been made aware of the potential for a new industrial customer and is researching and evaluating a data center company to see if this business may be a good fit to add power sales and decrease rate pressure on other customers. PEDC is also discussing this possibility.
- ❖ Karl recently met with PIA's Tribal Administrator and Finance Director to discuss a DOE funded Tribal Grid Resilience grant that the entities are partnering on.
- ❖ The library has reopened on Mondays for regular hours
- ❖ John McCabe, former Petersburg resident and retired teacher, has donated \$58,000 to the Petersburg Library Art Education Endowment this year. His total contributions to date are \$199,540. The annual interest earnings provide a stable, ongoing funding source to enhance arts programming at the library. In the upcoming year earnings from the fund will be used to host painting, drawing, writing and music workshops at the library for all ages.

- ❖ Thanks to Petersburg artists MaryAnne Rainey and Pia Reilly for hosting ornament making classes at the library for the Capitol Christmas Tree in Washington DC.
- ❖ Currently, Our EMT-1 initial class has 11 participants in the course. The course at the time of this reading will be 3/4 of the way through. Thanks to all the participants for sticking with this month-long course of nights and weekends.
- ❖ As Winter sets in, please take care to inspect heat tapes, heat lamps, stove pipes and other heating equipment to ensure that they are in proper working order. Make sure that any heating appliance is clear from any combustible material. Should you need equipment to clean a stove pipe, the fire department loans Chimney brushes and ladders. Contact the fire station at 772-3355 for more info.
- ❖ FEMA has finished awarding its Assistance to Firefighter's grants (AFG) for 2023. Only 2 departments in Alaska; Gustavus and Ketchikan received awards. Though the AFG did not come through, PVFD would like to thank the assembly for their support in using Title III funding to replace our worn-out turnout gear.
- ❖ Hydrant winterization is complete
- ❖ After getting the go ahead from the Police Dept, the crew removed 4 derelict vehicles, a skiff trailer, and an old boat engine from the Papke's boat launch parking area
- ❖ Martin and crew have finished most of the site work to expand the parking lot and improve visibility at the Raven's Roost trailhead. The new pedestrian crosswalk will be painted in the spring when weather permits
- ❖ Motor Pool Staff are starting on the vehicle inspection process for the upcoming FY26 budget. Any vehicles that are scheduled for replacement in FY26 will be brought into the shop and fully evaluated; then either extended or recommended for replacement based on the results of the inspections
- ❖ Operations at the baler were disrupted last week when the waste oil system day tank overflowed and resulted in an oil leak inside the baling facility. Although there was some oil-related damage to the office area, we were able to contain the leak quickly and resumed normal operations at the baler after a two-day closure to do some mitigation work. A big Thank You to other Depts who pitched in to help, including Streets, Wastewater and Building Maintenance!
- ❖ Harbor Maintenance is installing several new ladders to aid in rescue of people who fall into the harbor.
- ❖ Staff are looking into a new fender system to help protect in-water utilities from bulbous bows.
- ❖ OSHA has sent a letter to let everyone know they are doing inspections on assisted living. The Borough will take advantage of their consultation program at Assisted Living which will help with future audits by OSHA.
- ❖ Assisted Living will start working on their state inspection next month. It will be a desktop inspection rather than in person. They are also in the middle of the Medicaid audit which is due by December 31.



**PETERSBURG BOROUGH  
ORDINANCE #2024-17**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 4.28  
OF THE PETERSBURG MUNICIPAL CODE, ENTITLED SALES TAX,  
TO ADD DEFINITIONS AND RULES REGARDING PARTICULAR  
BUSINESSES, AND TO SPECIFY SALES TAX EXEMPTIONS  
REQUIRED BY LAW**

**WHEREAS**, Chapter 4.28, section .020, *Definitions*, does not contain definitions regarding short term occupancy or certain other rentals, certain digital goods and services, and travel agency services, which would be beneficial to have stated in the Borough Code;

**WHEREAS**, the Borough applies several rules regarding real estate commissions and certain rentals in regard to sales taxation, that would also be beneficial to have set out in the Borough Code; and

**WHEREAS**, there are a number of sales tax exemptions, some currently located in 4.28.120, *Exemptions*, and some not currently stated in the Code, that are mandatory upon the Borough, as set out in federal law, or the state constitution or statutes, and it would be helpful to have those explicitly set out in their own section of Chapter 4.28.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, Chapter 4.28, *Sales Tax*, of the Petersburg Municipal Code, is hereby amended by (A) adopting new sections 4.28.115, *Rules applicable to particular businesses or occupations*, and 4.28.125, *Tax Exemptions required by law*, and (B) amending sections 4.28.020, *Definitions*, and 4.28.120, *Exemptions*, 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 amend various sections of Chapter 4.28, *Sales Tax*, to address certain rental definitions and rules, and add in provisions regarding tax exemptions required by federal or state law.

**Section 3 Substantive Provisions:** Chapter 4.28 is hereby amended as follows. The language proposed for addition is **underlined and bolded**, and the language proposed for deletion is ~~struck through~~.

**A. Amendment.** Section 4.28.020, *Definitions*, is hereby amended by adding the following new definitions into the Section, in alphabetical order, and adding new paragraphs 8 and 9 to the definition of "Services", as follows:

4.28.020 Definitions.

...

**“Delivery network company” means a business that facilitates, through the use of an Internet website or mobile application, the delivery of products or services.**

**“Digital good” means any product delivered electronically (whether downloaded, streamed or subscribed to). A digital good generally takes the form of a license to use or store in a digital or electronic format. Digital goods are generally intangible property for purposes of this chapter.**

**“Digital service” means any service delivered electronically that uses one or more software applications. Digital service includes any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service, provided the service is delivered electronically.**

...

"Services" include all services of every manner and description provided in whole or part within the borough, that are performed or furnished for consideration whether in conjunction with the sale of goods or not, including but not limited to:

1. Professional services;
2. Services in which a sale of property or product may be involved, including property or products made to order;
3. Utilities and utility services not constituting a sale of property or products, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services;
4. The sale of transportation services;
5. Services rendered for compensation by any person who furnishes any such services in the course of his trade, business, or occupation, including all services rendered for commission;
6. Advertising, maintenance, recreation, amusement, and craftsman services; ~~and~~
7. Travel and adventure services and delivery services-; **and**
- 8. The rental of goods, equipment, vehicles, vessels, residential lodging, and commercial structures or other buildings and spaces therein; and**

**9. Digital Services**

**“Short Term Occupancy” includes all rentals for lodging less than 30 days.**

...

**“Travel Agency Services” means arranging or booking for a commission, fee or other consideration, vacation or travel packages, rental car, tours or other travel reservations or accommodations, tickets for domestic or foreign travel by air, ship, rail, bus or other medium of transportation, or hotel or other lodging accommodations.**

...

**B. New Section.** A new section, 4.28.115, entitled *Rules applicable to particular businesses or occupations*, is hereby added, to read as follows:

**4.28.115 Rules applicable to particular businesses or occupations.**

**A. Real Estate Sales Commissions.** Commissions and/or realtor fees for the sale, rental or management of real property located in the borough are subject to sales tax regardless of the location of the person to whom the commission and/or fee is payable.

**B. Rentals for storage of goods.** Fees or charges for storage of goods, or for providing a space for such storage, are subject to borough sales tax except where an entire structure or building is being rented for such storage.

**C. Sale of Services delivered to a buyer physically located outside the Borough.** Unless otherwise exempted under section 4.28.120, fees and charges for the sale of services that are performed in whole or in part within the Borough are subject to the sales tax regardless of the location of the buyer. These include fees charged for brokerage and bookkeeping services.

**D. Sale of Services Invoice Period.** The invoice period for the sale of services shall not exceed thirty (30) days. This applies to all services, including construction- and building-related services.

**E. Short Term Occupancy Rentals.** Each night of lodging rental shall be considered a separate transaction; therefore the maximum tax computation shall be calculated on a per room per night basis.

**C. Amendment.** Section 4.28.120, *Exemptions*, is hereby amended by deleting paragraphs O. and P., regarding certain state-exempt food stamp or coupon purchases, and moving those to new section 4.28.125, and relettering paragraph S, as paragraph O, as follows:

4.28.120 Exemptions.

The following sales and services are exempt from said sales tax:

[There are no changes to paragraphs A-N]

~~O. Exemptions as required by state law which prohibits the collection of a sales tax on purchases made with food coupons, food stamps or other type of certificate issued under the Food Stamp Act;~~

~~P. Food purchases under the special supplemental food program for Women, Infants and Children (WIC);~~

...

OS. Gross receipts derived from borough department of parks and recreation programs;

D. New Section. A new section, 4.28.125, entitled *Tax exemptions required by law*, is hereby added, to read as follows:

**4.28.125 Tax exemptions required by law.**

**The borough is prohibited by law from imposing its sale tax on the following:**

- 1. Sales to federally chartered credit unions or credit unions organized under Alaska Statutes Chapter 06.45 (12 U.S.C. §1768; A.S. 06.45.230).**
- 2. Sales to the Alaska Life and Health Insurance Guaranty Association (A.S. 21.79.130).**
- 3. Sales to the Alaska Insurance Guaranty Association (A.S. 21.80.130).**
- 4. Purchases made with (a) food coupons, food stamps, or other type of allotment issued under 7 USC §§2011—2036 (Food Stamp Program), or (b) food instruments, food vouchers or other type of certificate issued under 42 USC §1786 (Special Supplemental Food Program for Women, Infants, and Children) (A.S. 29.45.650(f)).**
- 5. A construction contract awarded by the State of Alaska, or agency of the State of Alaska, or on a subcontract awarded in connection with the project funded under the construction contract (A.S. 29.45.650(k)).**
- 6. Sales to the United States, or to the State of Alaska or its political subdivisions (Art. IX. §4, AK Constitution). Political subdivisions include the Petersburg Borough and its School District and Medical Center.**
- 7. Air transportation of individuals or goods by a federally certified air carrier (A.S. 29.45.820).**

**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 be effective upon adoption.

**PASSED AND APPROVED** by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

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

Adopted:  
Noticed:  
Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2024-18**

**AN ORDINANCE OF THE PETERSBURG BOROUGH ADJUSTING  
THE FY 2025 BUDGET FOR KNOWN CHANGES**

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

**Section 2. Purpose:** The purpose of this ordinance is to adjust the FY 2025 budget for known changes.

**Section 3. Substantive Provisions:** In accordance with Section 11.09(a) of the Charter of the Petersburg Borough, the budget for the fiscal period beginning July 1, 2024 and ending June 30, 2025 is adjusted as follows:

**Explanation:** Necessary revisions in the FY 2025 budget identified after adoption of the Budget.

<u>Account Number</u>	<u>Account</u>	<u>Original Budget</u>	<u>Increase (Decrease)</u>	<u>Amended Budget</u>
<b>FISCAL YEAR 2025 REVENUE / EXPENSE BUDGET ADJUSTMENTS</b>				
<b>State of Alaska Legislative Grant – Shooting Range Boardwalk</b>				
200.000.402270	State Grant Revenue	\$0	\$30,000.	\$30,000.
200.000.506440	Shooting Range Boardwalk Expenses	\$0	(\$30,000)	(\$30,000)
Replace the failing boardwalk with a new boardwalk that will be realigned and widened to allow for an ATV to maintain the target lines.				
<b>Denali Grant – Banana Point Breakwater</b>				
761.000.402260	Denali Grant Revenue	\$0	\$900,000.	\$900,000.
761.000.402265	In-Kind Revenue – Property Development Fund & Admin Payroll	\$0	\$90,000.	\$90,000.
761.000.501450	Banana Point Breakwater Expense	\$0	(\$990,000)	(\$990,000)
Rebuild the breakwater at Banana Point boat launch.				
<b>Pacific States Marine Fisheries Commission Grant</b>				
760.000.402241	Grant Revenue	\$0	\$216,210.	\$216,210.
760.000.501450	Construction Expenses	\$0	(\$216,210.)	(\$216,210.)
Disaster Funds allocated to support affected fishing communities. Budgeting to put this towards the Scow Bay construction project to finish phase 1 of the funding stack.				

<b>Motor Pool – Tire Changing Machine</b>				
510.000.507070	Tire Changing Machine Expense	(\$24,000.)	(\$6,000.)	(\$30,000.)
Upgrade machine to size that will do all truck and equipment.				
<b>Motor Pool – Public Works #9 Pickup</b>				
510.000.507067	Public Works Pickup #9	(\$45,000.)	(\$5,000.)	(\$50,000.)
Quotes are coming in higher then budgeted for this vehicle.				
<b>Water Department – Advertising and Printing</b>				
420.000.501440	Advertising and Printing	(\$750.)	(\$5,000.)	(\$5,750.)
Advertising for debt authorization prior to election and continued advertising & promotional efforts for lead service line identification.				
<b>Sanitation Department – Advertising and Printing</b>				
440.000.501440	Advertising and Printing	(\$1,900.)	(\$4,000.)	(\$5,900.)
Garbage bear ads and public education campaign for recycling program.				
<b>National Forest Receipts – Title III</b>				
200.579.410290	Title III Grant	\$0	\$54,882.	\$54,882.
200.579.501340	Small Tools and Equipment	\$0	(\$54,882.)	(\$54,882.)
The Borough received Title III National Forest Receipts after the FY25 budget had been finalized. These funds are restricted in use to a limited number of allowable uses. The suggested use of these funds is to outfit up to 10 new fire turn out gear suits. One set (boots - \$400, pant and coat - \$4,500, gloves - \$150, Nomex hood - \$50 and helmet - \$550) is estimated to cost \$5,650. This purchase will be made through Sea Western, a group purchasing company which may bring projected costs down.				
<b>Harbor – Dock Shed Project</b>				
450.000.506555	Dock Shed Project	(\$85,000.)	(\$215,000.)	(\$300,000.)
Dock shed project construction estimate is higher then originally budgeted for.				
<b>General Fund – Community Development</b>				
110.536.501412	Temporary Building Official	\$0	(\$16,00.)	(\$16,000.)
<b>Temporary Building Official</b> – Petersburg’s building official is ICC certified in three different areas: residential inspection, plan review, and mechanical inspection. While the new building official acquires his certifications, we need an ICC-certified official to review building plans, issue permits, conduct structural and mechanical inspections, sign certificates of occupancy. As the name indicates, this is a temporary situation, and we do not expect it to be an ongoing annual expense.				



<b>General Fund – Fire Department Vehicle Insurance</b>				
110.525.501464	Vehicle Insurance	(\$15,343.)	(\$41,954.)	(\$57,297.)
Fire Dept. Director Hankins increased the vehicle insured values to current replacement value, this increased the fire/EMS vehicle insurance by \$34,541.				
<b>ARPA Grants</b>				
287.000.501330	<del>Assisted Living Parking Lot</del> Building Repairs, Equipment & Materials	(\$30,000.)	\$0	(\$30,000.)
286.000.501416	<del>Community Gym Ceiling</del> Building Repairs, Equipment & Materials	(\$80,000.)	\$0	(\$80,000.)
Name change to broaden the use of the remainder of funds before the deadline of December 31, 2024.				
<b>Water Fund</b>				
420.000.506519	Machinery and Equipment	(\$5,000.)	(\$15,000.)	(\$20,000.)
Sludge Pond / backwash pump failed and cannot be rebuilt.				
<b>Sanitation Fund</b>				
440.000.501930	Haz Mat Event	(\$55,000)	(\$8,500)	(\$63,500.)
Hazmat event's billing was delayed until this fiscal year and was \$8,500 more then anticipated.				

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

**Section 5. Effective Date:** This ordinance shall become effective immediately after the date of its passage.

**Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this**

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

**ATTEST:**

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

Adopted:  
 Published:  
 Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2024-19**

**AN ORDINANCE AMENDING CHAPTER 4.30 OF THE PETERSBURG  
MUNICIPAL CODE, ALASKA REMOTE SELLER SALES TAX CODE**

**WHEREAS**, under Resolution #2019-19, the Petersburg Borough joined the Alaska Remote Seller Sales Tax Commission, an intergovernmental entity established to implement single-level statewide sales tax administration following the U.S. Supreme Court decision in *South Dakota v. Wayfair*, and approved the Alaska Intergovernmental Remote Seller Sales Tax Agreement; and

**WHEREAS**, the terms of the Agreement require adoption of certain uniform provisions for administration, collection and remittance of municipal sales tax applicable to sales made by remote sellers; and

**WHEREAS**, pursuant to Ordinance # 2020-03, the Borough adopted the Uniform Alaska Remote Seller Sales Tax Code, as it existed in 2020; and

**WHEREAS**, since that adoption, the Commission has made several amendments to the Uniform Code, which are required to be adopted by Commission members; and

**WHEREAS**, amendments would be required on a periodic basis and it has been deemed more efficient to adopt the uniform code by reference, with a requirement that the Assembly ratify subsequent amendments within 120 days of adoption.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS** 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 amend Chapter 4.30, *Alaska Remote Seller Sales Tax Code*, to delete Sections 4.30.005-.280 in their entirety and replace with adoption by reference language.

**Section 3 Substantive Provisions:** Chapter 4.30 of the Petersburg Municipal Code, entitled *Alaska Remote Seller Sales Tax Code*, is hereby amended as follows. The language proposed for addition is **underlined and bolded**, and the language proposed for deletion is struck through.

**4.30.010 Authorization of membership and Agreement.**

**The terms of the Alaska Intergovernmental Remote Seller Sales Tax Agreement have been adopted by the Borough, and the Borough is a member of the Alaska Remote Seller Sales Tax Commission (“Commission”).**

**4.30.020 Adoption of Uniform Alaska Remote Seller Sales Tax Code.**

**A. Except as otherwise set out in this Chapter, the Borough adopts by reference the January 1, 2025 edition of the Alaska Remote Seller Sales Tax Code (the “Code”) adopted by the Commission. Amendments to the Code made by the Commission after**

January 1, 2025 must be ratified by the Assembly within 120 days of the date the Commission adopts the amendments.

B. The definitions included in the Code are intended to be specific to this Chapter only, and any word or term not therein defined shall have the meaning provided elsewhere in the Borough Code, including without limitation Section 4.28.020.

#### 4.30.030 Delegation of remote seller sales tax administration.

The Borough delegates to the Commission the authority to administer and collect borough sales tax on remote sales made or facilitated by remote sellers and marketplace facilitators, including sales tax registration, exemption certification, collection, remittance, and audit authority.

#### 4.30.040 - Definition of nonprofit organization.

The following definition of "nonprofit organization" or "qualified nonprofit organization" shall be applicable to this Chapter:

"Nonprofit organization" or "qualified nonprofit organization" means any organization formed exclusively for religious, educational or charitable purposes that has received an IRS nonprofit designation of 501(c)(3) or 501(c)(4). All sales of the organization must be exempt from federal income tax.

#### 4.30.050 Scope

This chapter applies only to sales made or facilitated by remote sellers and marketplace facilitators, as defined in the Code.

#### ~~4.30.005 - Introduction.~~

~~The Alaska Remote Seller Sales Tax Code, as set out in the provisions of this chapter, is an ordinance largely prepared by the Alaska Remote Seller Sales Tax Commission, of which the borough is a member. This chapter is herein adopted in order to provide for administration by the Commission of the borough sales tax collected by remote sellers and marketplace facilitators, as those terms are defined herein, pursuant to section 4.30.230. When used in this chapter, the term "member jurisdiction" refers to the Petersburg Borough.~~

#### ~~4.30.010 - Interpretation.~~

~~A. In order to prevent evasion of the sales taxes and to aid in its administration, it is presumed that all sales and services by a person or entity engaging in business are subject to the sales tax.~~

~~B. The application of the tax to be collected under this Code shall be broadly construed and shall favor inclusion rather than exclusion.~~

~~C. Exemptions from the tax to be collected under this Code shall be narrowly construed against the claimant and allowed only when such exemption clearly falls within an exemption defined in the member jurisdiction's Code.~~

~~D. The scope of this Code shall apply to remote sellers or marketplace facilitators, delivering products or services into member municipalities adopting this Code, within the State of Alaska.~~

#### ~~4.30.020 - Title to collected sales tax.~~

~~Upon collection by the remote seller or marketplace facilitator, title to collected sales tax vests in the commission for remittance to the member jurisdiction. The remote seller or marketplace facilitator~~

~~remits collected sales tax to the commission on behalf of the member jurisdiction, from whom that power is delegated, in trust for the member jurisdiction and is accountable to the commission and member jurisdiction.~~

#### ~~4.30.030 Collection Rate.~~

~~A. To the fullest extent permitted by law, the sales tax levied and assessed by the member jurisdiction shall be collected on all remote sales where delivery is made wholly or in part within the member jurisdiction, within the State of Alaska.~~

~~B. The applicable tax shall be added to the sales price as provided in the member jurisdiction's Sales Tax Code, based on point of delivery.~~

~~C. The tax rate added to the sale price shall be the tax rate for the member jurisdiction where the property or product is sold, or service that was rendered is received, and based on the date the property or product was sold or the date the service rendered was received.~~

~~D. An address and tax rate database will be made available to remote sellers and marketplace facilitators, indicating the appropriate tax rate to be applied.~~

~~E. The tax assessed shall be consistent with relevant jurisdictional tax caps, single unit sales, and exemptions.~~

~~F. When a sale is made on an installment basis, the applicable sales tax shall be collected at each payment, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered, based on the member jurisdiction Code.~~

~~G. When a sales transaction involves placement of a single order with multiple deliveries made at different points in time that are separately invoiced, the applicable sales tax shall be collected on each separately invoiced delivery, calculated at the sales tax rate in effect, and with the cap applied, at the time of the original sale or the date the service is rendered.~~

#### ~~4.30.040 Obligation to collect tax Threshold criteria.~~

~~A. Any remote seller or marketplace facilitator must collect and remit sales tax in compliance with all applicable procedures and requirements of law, provided the remote seller or marketplace facilitator has met one of the following threshold criteria ("threshold criteria") in the current or previous calendar year:~~

~~1. The remote seller's statewide gross sales, including the seller's marketplace facilitator's statewide gross sales, from the sale(s) of property, products or services delivered in the state meets or exceeds one hundred thousand dollars (\$100,000.00); or~~

~~2. The remote seller, including the seller's marketplace facilitator, sold property, products, or services delivered in the state in two hundred (200) or more separate transactions.~~

~~B. For purposes of determining whether the threshold criteria are met, remote sellers or marketplace facilitators shall include all gross sales, from all sales of goods, property, products, or services rendered within the State of Alaska.~~

#### ~~4.30.050 Reporting and remittance requirements for local and remote sales.~~

~~A. Sellers with a physical presence in the member jurisdiction and no remote or internet-based sales shall report and remit to, and comply with standards of, including audit authority, the taxing jurisdiction.~~

~~B. Sellers with a physical presence in the member jurisdiction that also have remote or internet-based sales where the point of delivery is in a different taxing jurisdiction shall (i) report and remit the remote or internet sales to the commission; and (ii) report and remit the in-store sales to the taxing jurisdiction.~~

~~C. Sellers with a physical presence in the member jurisdiction that also have remote or internet-based sales where the point of delivery is in the same member jurisdiction shall report and remit those remote sales to the member jurisdiction.~~

~~D. Sellers and marketplace facilitators that do not have a physical presence in the member jurisdiction must report and remit to the commission all remote sales where the point of delivery is in the member jurisdiction.~~

~~E. A marketplace facilitator is considered the remote seller for each sale facilitated through its~~

~~marketplace and shall collect, report, and remit sales tax to the commission. A marketplace facilitator is not considered to be the remote seller for each sale or rental of lodging facilitated through its marketplace, wherein the seller is considered to have a physical presence in the member jurisdiction.~~

~~4.30.060 – No retroactive application.~~

~~The obligations to collect and remit sales tax required by this chapter are applicable at the effective date of the member jurisdiction's ordinance adopting the Alaska Remote Seller Sales Tax Code.~~

~~4.30.070 – Payment and collection.~~

~~Pursuant to this Code, taxes imposed shall be due and paid by the buyer to the remote seller or marketplace facilitator at the time of the sale of property or product or date service is rendered, or with respect to credit transactions, at the time of collection. It shall be the duty of each remote seller or marketplace facilitator to collect the taxes from the buyer and to hold those taxes in trust for the taxing authority of the member jurisdiction. Failure by the remote seller or marketplace facilitator to collect the tax shall not affect the remote seller's, or marketplace facilitator's, responsibility for payment to the commission.~~

~~4.30.080 – Remote seller and marketplace facilitator registration requirement.~~

~~A. If a remote seller's gross statewide sales meets or exceeds the threshold criteria from section 4.30.040, the remote seller shall register with the commission. If the remote seller is a marketplace seller and only makes sales in Alaska through a marketplace, the marketplace seller is not required to register with the commission. The marketplace seller must submit an affidavit attesting to these facts on a form provided by the commission.~~

~~B. If a marketplace facilitator's gross statewide sales meets or exceeds the threshold criteria from section 4.30.040, the marketplace facilitator shall register with the commission.~~

~~C. A remote seller or marketplace facilitator meeting the threshold criteria shall apply for a certificate of sales tax registration within 30 calendar days of the effective date of this Code or within 30 calendar days of meeting the threshold criteria whichever occurs second. Registration shall be to the commission on forms prescribed by the commission.~~

~~D. An extension may be applied for and granted based on criteria established by the commission, based on evidence produced to describe time necessary to update software or other technical needs, not to exceed 90 days.~~

~~E. Upon receipt of a properly executed application, the commission shall confirm registration, stating the legal name of the remote seller or marketplace facilitator, the primary address, and the primary sales tax contact name and corresponding title. The failure of the commission to confirm registration does not relieve the remote seller or marketplace facilitator of its duty to collect and remit sales tax.~~

~~F. Each business entity shall have a sales tax registration under the advertised name.~~

~~G. The sales tax certificate is non-assignable and non-transferable.~~

~~H. The sales tax certificate satisfies the member jurisdiction's requirement to obtain a municipal business license or tax identification number, provided the remote seller does not have a physical presence in that jurisdiction.~~

~~4.30.090 – Tax filing schedule.~~

~~A. All remote sellers or marketplace facilitators subject to this Code shall file a return on a form or in a format prescribed by the commission and shall pay the tax due.~~

~~B. Filing of sales tax returns are due monthly; quarterly or less frequent filing is optional upon application and approval by the commission, consistent with the code of the member jurisdiction.~~

~~C. A remote seller or marketplace facilitator who has filed a sales tax return will be presumed to be making sales in successive periods unless the remote seller or marketplace facilitator files a return showing a termination or sale of the business in accordance with this Code.~~

~~D. The completed and executed return, together with the remittance in full for the tax due, shall be transmitted to and must be received by the commission on or before midnight Alaska Standard Time~~

on the due date. Monthly returns are due the last day of the immediate subsequent month. Quarterly returns are due as follows:

- Quarter 1 (January—March): April 30.
- Quarter 2 (April—June): July 31.
- Quarter 3 (July—September): October 31.
- Quarter 4 (October—December): January 31.

E. If the last day of the month following the end of the filing period falls on a Saturday, Sunday, federal holiday or Alaska state holiday, the due date will be extended until the next business day immediately following.

F. Any remote seller or marketplace facilitator holding a remote seller registration shall file a sales tax return even though no tax may be due. This return shall show why no tax is due. If the remote seller or marketplace facilitator intends to continue doing business a return shall be filed reflecting no sales and a confirmation of the intent to continue doing business and shall continue to do so each filing period until the entity ceases doing business or sells the business. If the remote seller or marketplace facilitator intends to cease doing business, a final return shall be filed along with a statement of business closure.

G. The remote seller or marketplace facilitator shall prepare the return and remit sales tax to the commission on the same basis, cash or accrual, which the remote seller or marketplace facilitator uses in preparing its federal income tax return. The remote seller or marketplace facilitator shall sign the return, and transmit the return, with the amount of sales tax and any applicable penalty, interest or fees that it shows to be due, to the commission.

H. Remote sellers and marketplace facilitators failing to comply with the provisions of this Code shall, if required by the commission and if quarterly filing has been chosen, file and transmit collected sales taxes more frequently until such time as they have demonstrated to the commission that they are or will be able to comply with the provisions of this Code. Six consecutive on-time sales tax filings, with full remittance of the sales taxes collected, shall establish the presumption of compliance and return to quarterly filing.

I. The preparer of the sales tax return shall keep and maintain all documentation supporting any and all claims of exempted sales and purchases. Documentation for exempted sales should include the number of the exemption authorization card presented by the buyer at the time of the purchase; the date of the purchase; the name of the person making the purchase; the organization making the purchase; the total amount of the purchase; and the amount of sales tax exempted. This documentation shall be made available to the commission upon request. Failure to provide such documentation may invalidate that portion of the claim of exemption for which no documentation is provided.

#### 4.30.100—Estimated tax.

A. In the event the commission is unable to ascertain the tax due from a remote seller or marketplace facilitator by reason of the failure of the remote seller or marketplace facilitator to keep accurate books, allow inspection, or file a return, or by reason of the remote seller or marketplace facilitator filing a false or inaccurate return, the commission may make an estimate of the tax due based on any evidence in their possession.

B. Sales taxes may also be estimated, based on any information available, whenever the commission has reasonable cause to believe that any information on a sales tax return is not accurate.

C. A remote seller's or marketplace facilitator's tax liability under this Code may be determined and assessed for a period of six years after the date the return was filed or due to be filed with the commission. No civil action for the collection of such tax may be commenced after the expiration of the six-year period except an action for taxes, penalties and interest due from those filing periods that are the subject of a written demand or assessment made within the six-year period, unless the remote seller or marketplace facilitator waives the protection of this section.

D. The commission shall notify the remote seller or marketplace facilitator, in writing, that the commission has estimated the amount of sales tax that is due from the remote seller or marketplace facilitator. The commission shall serve the notice on the remote seller or marketplace facilitator by delivering the notice to the remote seller's or marketplace facilitator's place of business, or by mailing the notice by certified mail, return receipt requested, to the remote seller's or marketplace facilitator's

last known mailing address. A remote seller or marketplace facilitator who refuses the certified mail will be considered to have accepted the certified mail for purposes of service.

E. The commission's estimate of the amount of sales tax that is due from a remote seller or marketplace facilitator shall become a final determination of the amount that is due unless the remote seller or marketplace facilitator, within 30 calendar days after service of notice of the estimated tax:

1. Files a complete and accurate sales tax return for the delinquent periods supported by satisfactory records and accompanied by a full remittance of all taxes, interest, penalties, costs and other charges due; or
2. Files a written notice with the commission appealing the estimated tax amount in accordance with the appeal procedures, under the provisions of section 4.30.160 of this chapter.
3. Arguments or reasons for failure to timely file a return and remit taxes collected shall not be considered a valid basis or grounds for granting an appeal. The basis and grounds for granting an appeal of an assessment are:
  - a. The identity of the remote seller or marketplace facilitator is in error;
  - b. The amount of the debt is erroneous due to a clerical error (and the nature and extent of the error is specified in the request for appeal); or
  - c. The remote seller or marketplace facilitator disputes the denial of exemption(s) for certain sales.

F. The amount of sales tax finally determined to be due under this section shall bear interest and penalty from the date that the sales tax originally was due, plus an additional civil penalty of \$50.00 for each calendar month or partial month for which the amount of sales tax that is due has been determined.

#### 4.30.110 ~~Returns—Filing contents.~~

A. Every remote seller or marketplace facilitator required by this chapter to collect sales tax shall file with the commission upon forms furnished by the commission a return setting forth the following information:

1. Gross sales rounded to the nearest dollar;
2. The nontaxable portions separately stating the amount of sales revenue attributable to each class of exemption, rounded to the nearest dollar;
3. Computation of taxes to be remitted;
4. Calculated discount (if applicable) based on member jurisdiction's code; and
5. Such other information as may be required by the commission.

B. Each tax return remitted by a remote seller or marketplace facilitator shall be signed (digital or otherwise) by a responsible individual who shall attest to the completeness and accuracy of the information on the tax return.

C. The commission reserves the right to reject a filed return for failure to comply with the requirements of this Code for up to three months from the date of filing. The commission shall give written notice to a remote seller or marketplace facilitator that a return has been rejected, including the reason for the rejection.

#### 4.30.120 ~~Refunds.~~

A. Upon request from a buyer or remote seller or marketplace facilitator, the commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller or marketplace facilitator shall process the refund and amend any returns accordingly.

B. If the claimant is a remote seller or marketplace facilitator, and the tax refund is owed to any buyer, the remote seller or marketplace facilitator submits, and the commission approves, a refund plan to all affected buyers.

C. Interest will not be paid on tax refund requests filed with the commission.

D. The member jurisdiction may allow a buyer to request a refund directly from the member jurisdiction.

#### 4.30.130 ~~Amended returns.~~

~~A. A remote seller or marketplace facilitator may file an amended sales tax return, with supporting documentation, and the commission may accept the amended return, but only in the following circumstances:~~

- ~~1. The amended return is filed within one year of the original due date for the return; and~~
- ~~2. The remote seller or marketplace facilitator provides a written justification for requesting approval of the amended return; and~~
- ~~3. The remote seller or marketplace facilitator agrees to submit to an audit upon request of the commission.~~

~~B. The commission shall notify the remote seller or marketplace facilitator in writing (by email or otherwise) whether the commission accepts or rejects an amended return, including the reasons for any rejection.~~

~~C. The commission may adjust a return for a remote seller or marketplace facilitator if, after investigation, the commission determines the figure included in the original returns are incorrect; and the commission adjusts the return within three years of the original due date for the return.~~

~~D. A remote seller or marketplace facilitator may file a supplemental sales tax return, with supporting documentation, and the commission may accept the supplemental return, but only in the following circumstances:~~

- ~~1. The remote seller or marketplace facilitator provides a written justification for requesting approval of the supplemental return; and~~
- ~~2. The remote seller or marketplace facilitator agrees to submit to an audit upon request of the commission.~~

#### ~~4.30.140 – Extension of time to file tax return.~~

~~Upon written application of a remote seller or marketplace facilitator, stating the reasons therefor, the commission may extend the time to file a sales tax return but only if the commission finds each of the following:~~

- ~~1. For reasons beyond the remote seller's or marketplace facilitator's control, the remote seller or marketplace facilitator has been unable to maintain in a current condition the books and records that contain the information required to complete the return;~~
- ~~2. Such extension is a dire necessity for bookkeeping reasons and would avert undue hardship upon the remote seller or marketplace facilitator;~~
- ~~3. The remote seller or marketplace facilitator has a plan to cure the problem that caused the remote seller or marketplace facilitator to apply for an extension and the remote seller or marketplace facilitator agrees to proceed with diligence to cure the problem;~~
- ~~4. At the time of the application, the remote seller or marketplace facilitator is not delinquent in filing any other sales tax return, in remitting sales tax to the commission or otherwise in violation of this chapter;~~
- ~~5. No such extension shall be made retroactively to cover existing delinquencies.~~

#### ~~4.30.150 – Audits.~~

~~A. Any remote seller or marketplace facilitator who has registered with the commission, who is required to collect and remit sales tax, or who is required to submit a sales tax return is subject to a discretionary sales tax audit at any time. The purpose of such an audit is to examine the business records of the remote seller or marketplace facilitator in order to determine whether appropriate amounts of sales tax revenue have been collected by the remote seller or marketplace facilitator and remitted to the commission.~~

~~B. The commission is not bound to accept a sales tax return as correct. The commission may make an independent investigation of all retail sales or transactions conducted within the state or member jurisdiction.~~

~~C. The records that a remote seller or marketplace facilitator is required to maintain under this chapter shall be subject to inspection and copying by authorized employees or agents of the commission for the purpose of auditing any return filed under this chapter, or to determine the remote seller's or marketplace facilitator's liability for sales tax where no return has been filed.~~



~~D. In addition to the information required on returns, the commission may request, and the remote seller or marketplace facilitator must furnish, any reasonable information deemed necessary for a correct computation of the tax.~~

~~E. The commission may adjust a return for a remote seller or marketplace facilitator if, after investigation or audit, the commission determines that the figures included in the original return are incorrect, and that additional sales taxes are due; and the commission adjusts the return within three years of the original due date for the return.~~

~~F. For the purpose of ascertaining the correctness of a return or the amount of taxes owed when a return has not been filed, the commission may conduct investigations, hearings and audits and may examine any relevant books, papers, statements, memoranda, records, accounts or other writings of any remote seller or marketplace facilitator at any reasonable hour on the premises of the remote seller or marketplace facilitator and may require the attendance of any officer or employee of the remote seller or marketplace facilitator. Upon written demand by the commission, the remote seller or marketplace facilitator shall present for examination, in the office of the commission, such books, papers, statements, memoranda, records, accounts and other written material as may be set out in the demand unless the commission and the person upon whom the demand is made agree to presentation of such materials at a different place.~~

~~G. The commission may issue subpoenas to compel attendance or to require production of relevant books, papers, records or memoranda. If any remote seller or marketplace facilitator refuses to obey any such subpoena, the commissioner may refer the matter to the commission's attorney for an application to the superior court for an order requiring the remote seller or marketplace facilitator to comply therewith.~~

~~H. Any remote seller, marketplace facilitator, or person engaged in business who is unable or unwilling to submit their records to the commission shall be required to pay the commission for all necessary expenses incurred for the examination and inspection of their records maintained outside the commission.~~

~~I. After the completion of a sales tax audit, the results of the audit will be sent to the business owner's address of record.~~

~~J. In the event the commission, upon completion of an audit, discovers more than \$500.00 in additional sales tax due from a remote seller or marketplace facilitator resulting from a remote seller's or marketplace facilitator's failure to accurately report sales and taxes due thereupon, the remote seller or marketplace facilitator shall bear responsibility for the full cost of the audit. The audit fee assessment will be in addition to interest and penalties applicable to amounts deemed to be delinquent by the commission at the time of the conclusion of the audit.~~

#### 4.30.160 – Audit or estimated tax protest.

~~A. If the remote seller or marketplace facilitator wishes to dispute the amount of the estimate, or the results of an examination or audit, the remote seller or marketplace facilitator must file a written protest with the commission, within 30 calendar days of the date of the notice of estimated tax or results of an audit or examination. The protest must set forth:~~

- ~~1. The remote seller's or marketplace facilitator's justification for reducing or increasing the estimated tax amount, including any missing sales tax returns for the periods estimated; or~~
- ~~2. The remote seller's or marketplace facilitator's reasons for challenging the examination or audit results.~~

~~B. In processing the protest, the commission may hold an informal meeting or hearing with the remote seller or marketplace facilitator, either on its own or upon request of the remote seller or marketplace facilitator, and may also require that the remote seller or marketplace facilitator submit to an audit if one was not previously conducted, or a more formal audit if an estimation audit was previously performed.~~

~~C. The commission shall make a final written determination on the remote seller's or marketplace facilitator's protest and mail a copy of the determination to the remote seller or marketplace facilitator.~~

~~D. If a written protest is not filed within 30 days of the date of the notice of estimated tax or the result of a review, audit or examination, then the estimated tax, review, audit or examination result shall be final, due and payable to the commission.~~

~~4.30.170 – Penalties and interest for late filing.~~

~~A. A late filing fee of \$25.00 per month, or fraction thereof, shall be added to all late-filed sales tax returns, until a total of \$100.00 has been reached. An incomplete return shall be treated as the filing of no return.~~

~~B. Delinquent sales tax bear interest at the rate of 15 percent per annum until paid.~~

~~C. In addition, delinquent sales tax shall be subject to an additional penalty of five percent per month, or fraction thereof, until a total of 20 percent of delinquent tax has been reached. The penalty does not bear interest.~~

~~D. Fees, penalties and interest shall be assessed and collected in the same manner as the tax is assessed and collected, and applied first to fees, penalties and interest, second to past due sales tax.~~

~~E. The filing of an incomplete return, or the failure to remit all tax, shall be treated as the filing of no return.~~

~~F. A penalty assessed under this section for the delinquent remittance of sales tax or failure to file a sales tax return may be waived by the commission, upon written application of the remote seller or marketplace facilitator accompanied by a payment of all delinquent sales tax, interest and penalty otherwise owed by the remote seller or marketplace facilitator, within 45 calendar days after the date of delinquency. A remote seller or marketplace facilitator may not be granted more than one waiver of penalty under this subsection in any one calendar year, in accordance with the commission's penalty waiver policy. The commission shall report such waivers of penalty to the member jurisdiction, in writing.~~

~~4.30.180 – Remote reseller certificate of exemption.~~

~~A. A remote seller with no physical presence in the member jurisdiction purchasing goods or services for the express purpose of resale to buyer(s) located in the member jurisdiction shall apply for a resale certificate through the commission.~~

~~B. The remote reseller certificate of exemption will expire at the end of the calendar year it is issued.~~

~~4.30.190 – Repayment plans.~~

~~A. The commission may agree to enter into a repayment plan with a delinquent remote seller or marketplace facilitator. No repayment plan shall be valid unless agreed to by both parties in writing.~~

~~B. A remote seller or marketplace facilitator shall not be eligible to enter into a repayment plan with the commission if the remote seller or marketplace facilitator has defaulted on a repayment plan in the previous two calendar years.~~

~~C. The repayment plan shall include a secured promissory note that substantially complies with the following terms:~~

~~1. The remote seller or marketplace facilitator agrees to pay a minimum of ten percent down payment on the tax, interest and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.~~

~~2. The remote seller or marketplace facilitator agrees to pay the balance of the tax, penalty and interest owed in monthly installments over a period not to exceed two years.~~

~~3. Interest at a rate of 15 percent per annum shall accrue on the principal sum due. Interest shall not apply to penalties owed or to interest accrued at the time the repayment plan is executed or accruing during the term of the repayment plan.~~

~~4. If the remote seller or marketplace facilitator is a corporation or a limited liability entity, the remote seller or marketplace facilitator agrees to provide a personal guarantee of the obligations under the repayment plan.~~

~~5. The remote seller or marketplace facilitator agrees to pay all future tax bills in accordance with the provisions of this chapter.~~

~~6. The remote seller or marketplace facilitator agrees to provide a security interest in the form of a sales tax lien for the entire unpaid balance of the promissory note to be recorded by the commission at the time the repayment plan is signed. The remote seller or marketplace facilitator shall be responsible for the cost of recording the tax lien.~~

~~D. If a remote seller or marketplace facilitator fails to pay two or more payments in accordance with the terms of the repayment plan agreement, the remote seller or marketplace facilitator shall be in default and the entire amount owed at the time of default shall become immediately due. The commission will send the remote seller or marketplace facilitator a notice of default. The commission may immediately foreclose on the sales tax lien or take any other remedy available under the law.~~

~~4.30.200 – Remote seller or marketplace facilitator record retention.~~

~~Remote sellers or marketplace facilitators shall keep and preserve suitable records of all sales made and such other books or accounts as may be necessary to determine the amount of tax which the remote seller or marketplace facilitator is obliged to collect. Remote sellers or marketplace facilitators shall preserve suitable records of sales for a period of six years from the date of the return reporting such sales, and shall preserve for a period of six years all documentation supporting exempted sales of goods or services, and all such other books, invoices and records as may be necessary to accurately determine the amount of taxes which the remote seller or marketplace facilitator was obliged to collect under this chapter.~~

~~4.30.210 – Cessation or transfer of business.~~

~~A. A remote seller or marketplace facilitator who sells, leases, conveys, forfeits, assigns, gifts, or otherwise transfers (collectively, a "transfer") the majority of their business interest, including to a creditor or secured party, shall make a final sales tax return within 30 days after the date of such conveyance.~~

~~B. At least ten business days before any such transfer is completed, the remote seller or marketplace facilitator shall send to the commission, by approved communication (email confirmation, certified first-class mail, postage prepaid) a notice that the remote seller's or marketplace facilitator's interest is to be conveyed and shall include the name, address and telephone number of the person or entity to whom the interest is to be conveyed.~~

~~C. Upon notice of transfer and disclosure of buyer, the commission shall be authorized to disclose the status of the remote seller's or marketplace facilitator's sales tax account to the named buyer or assignee.~~

~~D. Upon receipt of notice of a transfer, the commission shall send the transferee a copy of this Code with this section highlighted.~~

~~E. Neither the commission's failure to give the notice nor the transferee's failure to receive the notice shall relieve the transferee of any obligations under this section.~~

~~F. Following receipt of the notice, the commission shall have 60 days in which to perform a final sales tax audit and assess sales tax liability against the remote seller or marketplace facilitator. If the notice is not mailed at least ten business days before the transfer is completed, the commission shall have 12 months from the date of the completion of the transfer or the commission's knowledge of the completion of the transfer within which to begin a final sales tax audit and assess sales tax liability against the remote seller or marketplace facilitator. The commission may also initiate an estimated assessment if the requirements for such an assessment exist.~~

~~G. A person acquiring any interest of a remote seller or marketplace facilitator in a business required to collect the tax under this chapter assumes the liability of the remote seller or marketplace facilitator for all taxes due the commission, whether current or delinquent, whether known to the commission or discovered later, and for all interest, penalties, costs and charges on such taxes.~~

~~H. Before the effective date of the transfer, the transferee of a business shall obtain from the commission an estimate of the delinquent sales tax, penalty and interest, if any, owed by the remote seller or marketplace facilitator as of the date of the transfer, and shall withhold that amount from the consideration payable for the transfer, until the remote seller or marketplace facilitator has produced a receipt from the commission showing that all tax obligations imposed by this chapter have been paid. A transferee that fails to withhold the amount required under this subsection shall be liable to the commission and member jurisdiction for the lesser of the amount of delinquent sales tax, penalty and interest due from the remote seller or marketplace facilitator as of the date of transfer, and the amount that the transferee was required to withhold.~~

I. In this section, the term "transfer" includes the following:

1. A change in voting control, or in more than 50 percent of the ownership interest in a remote seller or marketplace facilitator that is a corporation, limited liability company or partnership; or
2. A sale of all or substantially all the assets used in the business of the remote seller or marketplace facilitator; or
3. The initiation of a lease, management agreement or other arrangement under which another person becomes entitled to the remote seller's or marketplace facilitator's gross receipts from sales, rentals or services.

J. Subsection H. of this section shall not apply to any person who acquires their ownership interest in the ongoing business as a result of the foreclosure of a lien that has priority over the commission's sales tax lien.

K. Upon termination, dissolution or abandonment of a business entity, any officer having control or supervision of sales tax funds collected, or who is charged with responsibility for the filing of returns or the payment of sales tax funds collected, shall be personally liable for any unpaid taxes, interest, administrative costs and penalties on those taxes if such person willfully fails to pay or cause to be paid any taxes due from the corporation. In addition, regardless of willfulness, each director, member, or general partner of the entity shall be jointly and severally liable for unpaid amounts. The person shall be liable only for taxes collected which became due during the period he or she had the control, supervision, responsibility or duty to act for the corporation. This section does not relieve the entity of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

L. A remote seller or marketplace facilitator who terminates the business without the benefit of a purchaser, successor or assign shall make a final tax return and settlement of tax obligations within 30 days after such termination. If a final return and settlement are not received within 30 days of the termination, the remote seller or marketplace facilitator shall pay a penalty of \$100.00, plus an additional penalty of \$25.00 for each additional 30-day period, or part of such a period, during which the final return and settlement have not been made, for a maximum of six additional periods.

#### 4.30.220 – Use of information on tax returns.

A. Except as otherwise provided in this chapter, all returns, reports and information required to be filed with the commission under this Code, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:

1. Employees and agents of the commission and member jurisdiction whose job responsibilities are directly related to such returns, reports and information;
2. The person supplying such returns, reports and information; and
3. Persons authorized in writing by the person supplying such returns, reports and information.

B. The commission will release information described in subsection A. of this section pursuant to subpoena, order of a court or administrative agency of competent jurisdiction, and where otherwise required by law to do so.

C. Notwithstanding subsection A. of this section, the following information is available for public inspection:

1. The name and address of sellers and marketplace facilitators;
2. Whether a business is registered to collect taxes under this chapter;
3. The name and address of businesses that are 60 days or more delinquent in filing returns or in remitting sales tax, or both filing returns and remitting sales tax; and, if so delinquent, the amount of estimated sales tax due, and the number of returns not filed.

D. The commission may provide the public statistical information related to sales tax collections, provided that no information identifiable to a particular remote seller or marketplace facilitator is disclosed.

E. Nothing contained in this section shall be construed to prohibit the delivery to a person, or their duly authorized representative, of a copy of any return or report filed by them, nor to prohibit the publication of statistics so classified as to prevent the identification of particular buyers, remote sellers, or marketplace facilitators, nor to prohibit the furnishing of information on a reciprocal basis to other agencies or political subdivisions of the state or the United States concerned with the enforcement of

tax laws.

~~F. Nothing contained in this section shall be construed to prohibit the disclosure through enforcement action proceedings or by public inspection or publication of the name, estimated balance due, and current status of payments, and filings of any remote seller or marketplace facilitator or agent of any remote seller or marketplace facilitator required to collect sales taxes or file returns under this chapter, who fails to file any return and/or remit in full all sales taxes due within 30 days after the required date for that business. Entry into any agreement whether pursuant to the provisions of this chapter or otherwise shall not act as any prohibition to disclosure of the records of that remote seller or marketplace facilitator as otherwise provided in this chapter.~~

~~G. A prospective lessee or purchaser of any business or business interest may inquire as to the obligation or tax status of any business upon presenting to the commission a release of tax information request signed by the authorized agent of the business.~~

~~H. Except as otherwise provided herein, all returns referred to in this chapter, and all data taken therefrom, shall be kept secure from public inspection, and from all private inspection.~~

#### 4.30.230 – Violations.

~~A. A remote seller or marketplace facilitator that fails to file a sales tax return or remit sales tax when due, in addition to any other liability imposed by this Code, shall pay to the commission all costs incurred by the commission to determine the amount of the remote seller's or marketplace facilitator's liability or to collect the sales tax, including, without limitation, reviewing and auditing the remote seller's or marketplace facilitator's business records, collection agency fees, and actual reasonable attorney's fees.~~

~~B. A person who causes or permits a corporation of which the person is an officer or director, a limited liability company of which the person is a member or manager, or a partnership of which the person is a partner, to fail to collect sales tax or to remit sales tax to the commission as required by this Code shall be liable to the commission for the amount that should have been collected or remitted, plus any applicable interest and penalty.~~

~~C. Notwithstanding any other provision of law, and whether or not the commission initiates an audit or other tax collection procedure, the commission may bring a declaratory judgment action against a remote seller or marketplace facilitator believed to meet the criteria to establish that the obligation to remit sales tax is applicable and valid under local, state and federal law. The action shall be brought in the judicial district of the member jurisdiction.~~

~~D. The commission may cause a sales tax lien to be filed and recorded against all real and personal property of a remote seller or marketplace facilitator where the remote seller or marketplace facilitator has:~~

- ~~1. Failed to file sales tax returns for two consecutive filing periods as required by the Code; or~~
- ~~2. Failed within 60 days of the end of the filing period from which taxes were due to either (a) remit all amounts due or (b) to enter into a secured payment agreement as provided in this Code.~~
- ~~3. Prior to filing a sales tax lien, the commission shall cause a written notice of intent to file to be mailed to the last known address of the delinquent remote seller or marketplace facilitator.~~

~~E. In addition to other remedies discussed in this Code, the commission may bring a civil action to:~~

- ~~1. Enjoin a violation of this Code. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall enjoin the violation.~~
- ~~2. Collect delinquent sales tax, penalty, interest and costs of collection, either before or after estimating the amount of sales tax due.~~
- ~~3. Foreclose a recorded sales tax lien as provided by law.~~

~~F. All remedies hereunder are cumulative and are in addition to those existing at law or equity.~~

#### 4.30.240 – Penalties for violations.

~~A. In the event that a penalty provided below is different from the sale penalty in the member jurisdiction's sales tax code, the penalty proscribed in the member jurisdiction's sales tax code will apply.~~

~~B. Buyer, remote seller, or marketplace facilitator who knowingly or negligently submits false~~

~~information in a document filed with the commission pursuant to this Code is subject to a penalty of \$500.00.~~

~~C. A remote seller or marketplace facilitator who knowingly or negligently falsifies or conceals information related to its business activities with the commission or member jurisdiction is subject to a penalty of \$500.00.~~

~~D. A person who knowingly or negligently provides false information when applying for a certificate of exemption is subject to a penalty of \$500.00.~~

~~E. A remote seller or marketplace facilitator who fails or refuses to produce requested records or to allow inspection of their books and records shall pay to the commission a penalty equal to three times any deficiency found or estimated by the commission with a minimum penalty of \$500.00.~~

~~F. A remote seller or marketplace facilitator who falsifies or misrepresents any record filed with the commission is guilty of an infraction and subject to a penalty of \$500.00 per record.~~

~~G. Misuse of an exemption card is a violation and subject to a penalty of \$50.00 per incident of misuse.~~

~~H. Nothing in this chapter shall be construed as preventing the commission from filing and maintaining an action at law to recover any taxes, penalties, interest and/or fees due from a remote seller or marketplace facilitator. The commission may also recover attorney's fees in any action against a delinquent remote seller or marketplace facilitator.~~

#### ~~4.30.250 – Remittance of tax; remote seller held harmless.~~

~~A. Any remote seller or marketplace facilitator that collects and remits sales tax to the commission as provided by law may use an electronic database of state addresses that is certified by the commission pursuant to subsection C. of this section to determine the jurisdictions to which tax is owed.~~

~~B. Any remote seller or marketplace facilitator that uses the data contained in an electronic database certified by the commission pursuant to subsection C. of this section to determine the jurisdictions to which tax is owed shall be held harmless for any tax, charge, or fee liability to any jurisdiction that otherwise would be due solely as a result of an error or omission in the database.~~

~~C. Any electronic database provider may apply to the commission to be certified for use by remote sellers or marketplace facilitators pursuant to this section. Such certification shall be valid for three years. In order to be certified, an electronic database provider shall have a database that satisfies the following criteria:~~

~~1. The database shall designate each address in the state, including, to the extent practicable, any multiple postal address applicable to one location and the taxing jurisdictions that have the authority to impose a tax on purchases made by purchasers at each address in the state.~~

~~2. The information contained in the electronic database shall be updated as necessary and maintained in an accurate condition. In order to keep the database accurate, the database provider shall provide a convenient method for jurisdictions that may be affected by the use of the database to inform the provider of apparent errors in the database. The provider shall have a process in place to promptly correct any errors brought to the provider's attention.~~

#### ~~4.30.260 – Savings clause.~~

~~If any provision of chapter 4.30, the Alaska Remote Seller Sales Tax Code, or chapter 4.28, sales tax, is determined by the commission or an adjudicatory body of competent jurisdiction to discriminate against a remote seller in favor of a local seller with a physical presence in the Borough, the discriminatory provision shall continue in effect only to the extent such provision does not discriminate against a remote seller, and the comparable code provision applicable to a local seller will apply to a remote seller, and the remainder of chapter 4.30 and chapter 4.28 shall continue in full force and effect.~~

#### ~~4.30.270 – Definitions.~~

~~Whenever the following words and terms are used in this chapter, they shall have the meaning herein ascribed unless the context clearly indicates otherwise. Other definitions are found in the definitional section of the member jurisdiction's general sales tax ordinance.~~

~~"Buyer" or "purchaser" means a person to whom a sale of property or product is made or to whom a~~

service is furnished.

~~"Commission" means the Alaska Remote Seller Sales Tax Commission established by agreement between local government taxing jurisdictions within Alaska, and delegated tax collection authority.~~

~~"Delivered electronically" means delivered to the purchaser by means other than tangible storage media.~~

~~"Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services, including, but not limited to, transportation, shipping, postage, handling, crating and packing.~~

~~"Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.~~

~~"Goods for resale" means:~~

~~A. The sale of goods by a manufacturer, wholesaler or distributor to a retail vendor; sales to a wholesale or retail dealer who deals in the property sold, for the purpose of resale by the dealer.~~

~~B. Sales of personal property as raw material to a person engaged in manufacturing components for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of, a product manufactured for sale by the manufacturer.~~

~~C. Sale of personal property as construction material to a licensed building contractor where the property sold becomes part of the permanent structure.~~

~~"Lease" or "rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.~~

~~"Local sale" means a sale by a seller with a physical presence in a taxing jurisdiction, where the point of delivery is a location within the same taxing jurisdiction.~~

~~"Marketplace" means a physical or electronic place, platform or forum, including a store, booth, internet website, catalog or dedicated sales software application, where products or services are offered for sale.~~

~~"Marketplace facilitator" means a person that contracts with remote sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the remote seller's property, product or services through a physical or electronic marketplace operated by the person, and engages:~~

~~A. Directly or indirectly, through one or more affiliated persons in any of the following:~~

~~1. Transmitting or otherwise communicating the offer or acceptance between the buyer and remote seller;~~

~~2. Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and remote sellers together;~~

~~3. Providing a virtual currency that buyers are allowed or required to use to purchase products from the remote seller; or~~

~~4. Software development or research and development activities related to any of the activities described in subsection B. of this section, if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and~~

~~B. In any of the following activities with respect to the seller's products:~~

~~1. Payment processing services;~~

~~2. Fulfillment or storage services;~~

~~3. Listing products for sale;~~

~~4. Setting prices;~~

~~5. Branding sales as those of the marketplace facilitator;~~

~~6. Order taking;~~

~~7. Advertising or promotion; or~~

~~8. Providing customer service or accepting or assisting with returns or exchanges.~~

~~"Marketplace seller" means a person that makes retail sales through any physical or electronic marketplace that is operated by a marketplace facilitator.~~

~~"Member jurisdiction" means a taxing jurisdiction that is a signatory of the Alaska Intergovernmental Remote Seller Sales Tax Agreement, thereby members of the commission, and who have adopted the Alaska Remote Seller Sales Tax Code. In this chapter 4.30, it refers to the Petersburg Borough.~~

~~"Monthly" means occurring once per calendar month.~~

~~"Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.~~

~~"Physical presence" for purposes of section 4.30.230 means a seller who establishes any one or more of the following within the member jurisdiction:~~

- ~~1. Has any office, distribution or sales house, warehouse, storefront, or any other place of business within the boundaries of the member jurisdiction;~~
- ~~2. Solicits business or receiving orders through any employee, agent, salesman, or other representative within the boundaries of the member jurisdiction;~~
- ~~3. Provides services or holds inventory within the boundaries of the member jurisdiction;~~
- ~~4. Rents or leases property located within the boundaries of the member jurisdiction.~~

~~A seller that establishes a physical presence within the member jurisdiction in any calendar year will be deemed to have a physical presence within the member jurisdiction for the following calendar year.~~

~~"Point of delivery" means the location at which property or a product is delivered or service rendered.~~

~~A. When the product is not received or paid for by the purchaser at a business location of a remote seller in the member jurisdiction, the sale is considered delivered to the location where receipt by the purchaser (or the purchaser's recipient, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery as supplied by the purchaser (or recipient) and as known to the seller.~~

~~B. When the product is received or paid for by a purchaser who is physically present at a business location of a remote seller in the member jurisdiction, the sale is considered to have been made in the member jurisdiction where the purchaser is present even if delivery of the product takes place in another taxing jurisdiction. Such sales are reported and tax remitted directly to the member jurisdiction, not to the commission.~~

~~C. When the service is not received by the purchaser at a business location of a remote seller, the service is considered delivered to the location where the purchaser receives the service.~~

~~D. For products or services transferred electronically, or other sales where the remote seller or marketplace facilitator lacks a delivery address for the purchaser, the remote seller or marketplace facilitator shall consider the point of delivery of the sale to be the billing address of the buyer.~~

~~"Product based exemptions" means an exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product.~~

~~"Professional services" means services performed by architects, attorneys at law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations that require a professional license under Alaska Statute.~~

~~"Property" and "product" and "good" means both tangible property, an item that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses; and intangible property, anything that is not physical in nature (i.e.; intellectual property, brand recognition, goodwill, trade, copyright and patents).~~

~~"Quarter" means trimonthly periods of a calendar year; January—March, April—June, July—September, and October—December.~~

~~"Receive or receipt" for purposes of section 4.30.030 and the definition of "point of delivery" means:~~

- ~~A. Taking possession of property or product;~~
- ~~B. Making first use of services;~~
- ~~C. Taking possession or making first use of digital goods, whichever comes first.~~

~~The terms "receive" and "receipt" do not include temporary possession by a shipping company on behalf of the purchaser.~~

~~"Remote sales" means sales of goods or services by a remote seller or marketplace facilitator.~~

~~"Remote seller" means a seller or marketplace facilitator making sales of goods or services for delivery within the State of Alaska, without having a physical presence in the member jurisdiction in which delivery is made.~~

~~"Resale of services" means sales of intermediate services to a business where the charge for which will be passed directly by that business to a specific buyer.~~



~~"Sale" or "retail sale" means any sale of services for any purpose other than for resale, or any transfer of property or product for consideration for any purpose other than for resale.~~

~~"Sales price or purchase price" means the total amount of consideration, including cash, credit, property, products, and services, for which property, products, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:~~

- ~~A. The seller's cost of the property or product sold;~~
- ~~B. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;~~
- ~~C. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;~~
- ~~D. Delivery charges;~~
- ~~E. Installation charges; and~~
- ~~F. Credit for any trade-in, as determined by state law.~~

~~"Seller" means a person making sales of property, products, or services, or a marketplace facilitator facilitating sales on behalf of a seller.~~

~~"Services" means all services of every manner and description, which are performed or furnished for compensation, and delivered electronically or otherwise into the member jurisdiction, including but not limited to:~~

- ~~1. Professional services;~~
- ~~2. Services in which a sale of property or product may be involved, including property or products made to order;~~
- ~~3. Utilities and utility services not constituting a sale of property or products, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services;~~
- ~~4. The sale of transportation services;~~
- ~~5. Services rendered for compensation by any person who furnishes any such services in the course of his trade, business, or occupation, including all services rendered for commission; and~~
- ~~6. Advertising, maintenance, recreation, amusement, and craftsman services.~~

~~"Tax cap" means a maximum taxable transaction.~~

~~"Taxing jurisdiction" means a local government in Alaska that has a sales tax.~~

~~"Transferred electronically" means obtained by the purchaser by means other than tangible storage media.~~

#### ~~4.30.280 – Supplemental definitions.~~

~~For purposes of this chapter, the commission may promulgate supplemental definitions that are incorporated into this remote seller sales tax code, provided that they are not in conflict with or contrary to definitions set forth in chapter 4.28. Supplemental definitions are available at <https://arsstc.org/>. Provisions of the supplemental definitions that are amended, deleted, or added prior to or after the effective date of the latest amendment to this chapter shall be applicable for purposes of this chapter on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.~~

**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 January 1, 2025.

**PASSED AND APPROVED** by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

**ATTEST:**

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

Adopted:  
Noticed:  
Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2024-20**

**AN ORDINANCE AMENDING CHAPTER 14.30, *MOUNTAIN VIEW MANOR ELDERLY HOUSING AND ASSISTED LIVING FACILITY*, TO INSTITUTE A NEW ASSISTED LIVING COMMUNITY FACILITY FEE TO BE USED FOR FACILITY MAINTENANCE AND REPAIR, TO REQUIRE THAT TWO BEDROOM ASSISTED LIVING UNITS BE OCCUPIED BY TWO RESIDENTS, AND TO INCREASE CERTAIN FEES**

**WHEREAS**, the Mountain View Manor Assisted Living Facility has experienced increased operational costs due to inflation and rising utility expenses; and

**WHEREAS**, the current rates have not been adjusted for several years, resulting in a financial shortfall; and

**WHEREAS**, it is essential to ensure the financial sustainability of the Mountain View Manor Assisted Living Facility to continue providing safe, comfortable, and supportive living environments for its residents; and

**WHEREAS**, the proposed rate increase has been carefully evaluated to balance affordability for residents and their families with the facility's operational needs.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, Sections 14.30.030 and 14.30.040, of Chapter 14.30, *Mountain View Manor Elderly Housing and Assisted Living Facility*, of the Petersburg Municipal Code, are 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 establish a one-time community fee for MVM Assisted Living residents, to help pay for needed repair and maintenance at the facility, and to establish and increase certain other charges.

**Section 3 Substantive Provisions:** Section 14.30.030, Assisted living rental rates, food and service charges, and Section 14.30.040, Additional Services, of the Petersburg Municipal Code, are hereby amended as follows. The language proposed for deletion is struck through and for addition is **underlined and bolded**.

14.30.030 Assisted living rental rates, food and service charges.

- A. Residents of the assisted living units with independent care plans shall pay monthly rent at a rate set by the joint discretion of the finance director and facility director.
- B. Residents of the assisted living units with care plans requiring assistance shall pay **monthly** rent, food and basic service charges, ~~per unit,~~ as follows:
  1. Rent:
    - (a) ~~For the months of April—December of calendar year 2020, the sum of \$1,100.00 per month;~~
    - (b) ~~For calendar year 2021, the sum of \$1,200.00 per month;~~

- ~~(c) For calendar year 2022, the sum of \$1,300.00 per month;~~
- (d) For calendar year 2023 and thereafter, the sum of **One Thousand Four Hundred Dollars (\$1,400.00)** per month **for a one (1) bedroom unit and One Thousand Six Hundred Dollars (\$1,600.00) per month for a two (2) bedroom unit,** or 90 percent of market rent applicable to the Section 8 subsidized elderly housing units for one and two bedroom units as approved by the Alaska Housing Finance Corporation and adjusted on an annual basis, whichever is greater.
  - i. **Security deposit: Five Hundred Dollars (\$500.00), subject to use and refund in accordance with terms of residential services contract.**
  - ii. **Two (2) bedroom units: Two bedroom units are required to have two residents, each of whom is responsible for one-half (1/2) of the rental and cable tv fees. This does not apply to a resident who was residing in a two bedroom unit as of July 1, 2024.**
  - iii. **Pet registration fee: Three Hundred Dollars (\$300.00), paid in accordance with facility pet addendum and policy.**

~~(e) For double occupancy of a unit, an additional \$900.00 per month.~~

- 2. Food: ~~\$450~~350.00 per month.
- 3. Service charges:

Self-pay units (Basic Care)	The maximum service rate per day applicable to the facility established by the federal government for Medicaid Residential Supported Living
Medicaid subsidized units	Service charges as approved and adjusted from time to time by Medicaid

C. Residents in assisted living units who require more care than required for basic care shall be charged for additional services based on a personal assessment determined by an accumulative point system established by this assisted living service plan:

Basic care (0—15 points)	No additional charge
Level I care (16—30 points)	\$350.00 per month
Level II care (31—45 points)	\$550.00 per month
Level III care (46—60 points)	\$750.00 per month
Level IV care (61+ points)	\$1,000.00 per month

D. The assisted living director may increase the number of Medicaid assisted living units when there are no potential self-pay tenants on the waiting list.

**E. Beginning January 1, 2025, a new resident moving into the facility shall pay a one-time Community Facility Fee, in the form of a non-refundable charge of Two Thousand Dollars (\$2,000.00). The proceeds of the Community Facility Fee shall be used for facility maintenance and repair.**

**14.30.040 Additional services and charges.**

A. Residents may purchase additional services provided by the facility by paying service charges as follows:

Basic cable TV	\$25.00 per month, plus any additional charges for channels above basic service
Laundry	\$10.00 per month, <b>Elderly Housing Only</b>
Covered parking	\$10.00 per month, <b>Elderly Housing Only</b>

B. At the discretion of the housing director, individuals or groups may rent the elderly housing kitchen and/or dining/social hall at the following rates:

Kitchen	\$15.00 per hour
Social/dining hall	\$75.00 per day
	\$50.00 per evening

Social/dining hall rental rates may be waived for Mountain View Manor residents.

**C. Other charges:**

<u>Late fees (recurring charge)</u>	<u>\$25.00 if paid past due date; + \$25.00 if not paid before the end of the month, \$50.00 maximum</u>
<u>Late fee (non-recurring charge)</u>	<u>\$50.00</u>
<u>Dishonored payment</u>	<u>Actual bank charges</u>

**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 January 1, 2025.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

**ATTEST:**

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

Adopted:  
Published:  
Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2024-21**

**AN ORDINANCE AMENDING CHAPTER 16.16, *TIDELANDS*, OF THE PETERSBURG MUNICIPAL CODE TO PROVIDE FOR UPDATED PROVISIONS REGARDING THE DISPOSAL OF TIDELANDS AND SUBMERGED LANDS**

**WHEREAS**, on September 19, 1962, the State of Alaska conveyed to the then-City of Petersburg tidelands and submerged lands lying seaward of the city; and

**WHEREAS**, due to the economic value of the tidelands to Petersburg for shipping purposes and our marine related industries such as commercial fishing, Municipal Code Chapter 16.16 provides that Borough-owned tidelands may be sold only “in isolated and necessary instances” when not needed for a public purpose; that the applicant for purchase of tidelands must conclusively demonstrate that outright sale of a tideland, as contrasted with lease of the tideland, is in the Borough’s best interests; and, that the sale of tidelands shall not be made for a consideration less than the assessed full and true value as established by the Borough Assessor; and

**WHEREAS**, the Harbor Advisory Board made recommendation to the Assembly to amend Chapter 16.16 to state that the sale of tidelands shall not be made for consideration less than the appraised full and true value, and to clarify the sale process to ensure any sale of tidelands and submerged lands is in the Borough’s best interests.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, Chapter 16.16, *Tidelands*, of the Petersburg Municipal Code is hereby amended as follows. The language proposed for addition is in bold and underlined, and the language proposed for deletion is struck through.

**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 amend and update the provisions for disposal of borough-owned tidelands and submerged lands.

**Section 3. Substantive Provisions:**

Chapter 16.16 - Tidelands

Sections:

16.16.010 - State conveyance approved and accepted.

16.16.020 - Subdivision plat approved and adopted.

16.16.030 - Plats to be retained at municipal hall.

16.16.040 - Preferential rights filing period declared expired.

**16.16.045 - Power to dispose of tidelands and submerged lands—Methods of disposal.**

16.16.050 - Lease of Tidelands leases.

16.16.060 - Lease for erosion control.

16.16.070 - Sale of tidelands—~~Procedure.~~

**16.16.075 - Disposal procedures.**

~~16.16.080 - Upland owner preference right.~~

**16.16.080 - Disposal to a state or federal agency, federally recognized tribe or nonprofit entity, or for a public benefit purpose, for less than appraised value.**

16.16.090 - Permits for temporary tideland use.

16.16.010 - State conveyance approved and accepted.

The conveyance by the state to the then-City of Petersburg, dated September 19, 1962, of tidelands and submerged lands lying seaward of the city, was approved and accepted.

16.16.020 - Subdivision plat approved and adopted.

The tidelands subdivision plat, (meaning that certain plat of subdivision of Alaska Tidelands Survey No. 9, prepared by Toner & Nordling, Registered Engineers, and entitled "Tidelands Addition to the City of Petersburg, Alaska, Subdivision of ATS No. 9.") was approved and adopted as the official tidelands subdivision plat of the tidelands and submerged lands conveyed by the state to the then-city of Petersburg by conveyance dated September 19, 1962.

16.16.030 - Plats to be retained at municipal hall.

The plats demonstrating tidelands and submerged lands held by the borough shall be retained at the Petersburg Municipal Hall, and made available for public inspection at reasonable hours.

16.16.040 - Preferential rights filing period declared expired.

The time period in which certain persons were granted the right to file preference rights to tidelands pursuant to Article II of Petersburg Ordinance No. 184 has expired.

**16.16.045 - Power to dispose of tidelands and submerged lands—Methods of disposal.**

**The borough assembly may authorize the disposal of tidelands and submerged lands in accordance with the provisions of this Chapter and on terms and conditions as the assembly shall determine.**

**A. The borough may dispose of tidelands and submerged lands by sale, lease, equivalent value exchange, license, permit, or any other lawful means.**

**B. Tidelands and submerged lands may be disposed of by direct negotiations, public sale or lease conducted by outcry auction or sealed competitive bidding, or such other lawful methods as the borough assembly may approve.**

**C. The sale or equivalent value exchange of tidelands or submerged lands shall be by ordinance; such ordinance shall be submitted to the voters of the borough for ratification if the borough tidelands or submerged lands to be sold or exchanged are valued, by appraisal, at greater than One Million Five Hundred Thousand Dollars (\$1,500,000.00). The lease, license, permit, or other disposal of tidelands or submerged lands shall be by resolution.**

16.16.050 - Lease of Tidelands-leases.

A. Except for a leases of tidelands or submerged lands to a state or federal agencies, federally recognized tribe, or nonprofit entities, or for a public benefit

~~purpose, or for erosion control under and as set out in subsection 16.16.060B, tidelands or submerged lands shall not be leased for a rental rate less than ten percent (10%) of its appraised assessed value including any improvements. The borough assembly may negotiate rental rates for tidelands or submerged lands leased to state or federal agencies or nonprofit entities for less than ten percent consideration.~~

B. Tidelands and submerged lands owned by the borough may be leased for surface use only.

C. A particular tideland or submerged land may be offered for lease by the borough **assembly** upon its own motion, or may be nominated for lease by an application which must demonstrate:

1. The proposed use of the nominated tideland or submerged land is a beneficial use in terms of highest and best use; and

2. That it is in the borough's interest to lease the nominated tideland or submerged land.

D. The requirements and provisions of **section 16.16.075** ~~chapter 16.12~~ for the lease of ~~borough owned real property~~ shall apply to the lease of tidelands and submerged lands.

#### 16.16.060 - Lease for erosion control.

A. In instances where ~~the planning commission determines~~ a tideland is **deemed** necessary for use to control erosion to an upland property, the borough assembly may waive the public sale provisions of **section 16.16.075** ~~chapter 16.12~~ and authorize the borough manager to directly negotiate with the upland owner, **excepting that t**he application, review, and deposit provisions of ~~chapter 16.12~~ shall apply.

B. The lessee must obtain all state and federal approvals before a lease is granted **under this section**. The annual lease rate for ~~a~~ these tidelands **parcel hereunder** shall be **one thousand five hundred dollars (\$1,500.00), an amount which may be increased by the borough at five (5) year intervals.**

C. Only structures designed to stop wave and tidal action from eroding the shoreline may be constructed on tidelands leased under these provisions. **Any construction or installation on the tidelands shall require the prior written approval of the borough.**

#### 16.16.070 - Sale of tidelands—Procedure.

In isolated and necessary instances, the assembly may, in the manner provided for in **section 16.16.075**, ~~the sale of other real property owned by the borough,~~ sell tracts of tidelands and submerged lands which are not needed for public purposes. **It is anticipated that the sale of tidelands or submerged lands, versus a lease or other type of disposal, will be uncommon, given the high nature of the burden of proof required of the applicant under section 16.16.075(F).**

**Except for a sale of tidelands or submerged lands to a state or federal agency, federally recognized tribe or nonprofit entity, or for a public benefit purpose, as discussed in section 16.16.080,** a ~~s~~ales of tidelands and submerged lands shall not be made for a consideration less than the **appraised value of the tidelands or submerged lands, established by an appraisal issued no more than one (1) year prior to the date of sale.** ~~assessed full and true value as established by the borough assessor. In addition to the initiation and sale procedures in chapter 16.12, the following procedures shall apply:~~

A. ~~The assembly shall hold a public hearing to consider the disposal. Notice of the hearing shall be given by publication in the local newspaper at least 15 days before the hearing. In addition to public notification, the borough shall send notice of the hearing by~~



~~certified mail to all property owners within 600 feet of the property proposed for sale, to the last known address of record. If the sale was initiated by application, the applicant shall pay the cost of the public notice and certified mailing.~~

~~B. At the hearing, the benefits of sale of the subject tideland that could not be realized through leasing must be clearly demonstrated.~~

~~C. An applicant for purchase of tidelands must conclusively demonstrate that outright sale of a tideland, as contrasted with lease of the tideland, is in the borough's best interests. The borough reserves the right to refuse sale of any tideland, regardless of sufficiency of proof.~~

#### **16.16.075 - Disposal procedures.**

**The following procedures shall apply to disposal of tidelands and submerged lands:**

**A. Disposal of tidelands and submerged lands may be initiated in two ways:**

**1. The borough assembly may initiate the disposal of tidelands or submerged lands on terms and conditions established by the assembly; or**

**2. Any person desiring to obtain an interest in borough-owned tidelands or submerged lands may make application to the borough clerk on forms provided by the borough. An application shall provide a legal description of the tidelands or submerged lands, the desired interest in the land sought under the application, the intended use of the tidelands or submerged lands, and the nature and extent of improvements the applicant intends to place upon the land. In the case of an application seeking to purchase tidelands or submerged lands, the applicant shall also state with specificity how the sale of the land would satisfy the requirements of paragraph F below. Only applications completed in full and accompanied by a nonrefundable filing fee of five hundred dollars (\$500) will be accepted by the clerk. Accepted applications shall be presented to the borough assembly at its next regular meeting, and the assembly shall decide whether the application shall proceed. In determining whether the application is to proceed, the assembly shall consider the nature and extent of applicant's intended use and development of the lands, the value of an applicant's proposed use to the economy of the borough and other relevant factors known at that time.**

**3. Upon a determination that an application is to proceed, the borough clerk shall make an estimate of costs that will be incurred by the borough in the application process, including without limitation, title report, survey and/or appraisal, legal fees, postage, recording fees, public noticing and advertising. The clerk shall notify the applicant in writing of the estimated costs and the applicant shall have fifteen (15) calendar days from mailing or other delivery of the notice to pay the estimated costs to the borough. Failure of the applicant to pay the estimated costs shall result in the application being cancelled. The applicant shall be required to pay the actual costs associated with an application, and if the actual costs exceed the estimate, the applicant shall pay the excess costs immediately upon notice from the borough. All costs paid to the borough hereunder are nonrefundable, excepting that if the actual costs are less than estimated, the borough will refund the applicant the difference.**

**a. All title research, survey or appraisal services, public noticing, recording and advertising shall be performed under the control of the borough. Work done without borough approval will not be accepted.**

b. Payment of estimated costs shall not give the applicant any right to obtain the interest applied for.

B. Any borough-initiated disposal, or any application for disposal that the borough assembly has accepted for further proceedings, shall be referred to both the borough planning commission and the borough harbor board for their review and recommendations. The planning commission shall hold a public hearing on the proposed disposal.

C. The planning commission and the harbor board shall each provide their written report on the referral to the assembly within one hundred (100) days of the date of referral. If the harbor board is not scheduled to meet within 100 days of referral, or cannot otherwise provide a timely report to the assembly, the board chair shall promptly notify the borough clerk and the assembly may, in its discretion 1) grant the harbor board additional time, or 2) proceed with a public hearing and decision without a report from the harbor board prior to the expiration of 100 days.

In the case of a sale or equivalent value exchange of tidelands or submerged lands, the reports shall including the following, at a minimum:

1. A discussion of the assessed and appraisal values of the lands proposed for sale or exchange;

2. Any relevant title information;

3. A discussion regarding the past usage history of the lands proposed for sale or exchange, and the potential conduct of or need for an environmental assessment;

4. Recommended terms and conditions of the sale or exchange;

5. Alternatives considered, including alternative uses for the land that could be expected to result in greater benefits for the community, or that would prevent worse losses to marine services; and

6. Consideration of how the sale or exchange would benefit the public.

It is not necessary for both reports to cover each of the topics set out in paragraphs (1) through (6) above provided that each topic is addressed in at least one of the two reports. Either the assembly, the harbor board, or the planning commission may require an applicant to furnish a site or conceptual plan, a detailed development plan, a listing of estimated development costs, and a good faith development deadline.

The assembly may also refer the matter to any other borough board or commission that may have an interest in the application, for its review and recommendations

D. Following receipt of the reports, the assembly shall hold a public hearing to consider the disposal. Notice of the hearing shall be given by publication in the local newspaper at least fifteen (15) days before the hearing, and by posting on the borough website. In addition to publication and posting, the borough shall mail notice of the hearing to the applicant and to the owner(s) of the properties immediately adjacent to the tidelands or submerged lands proposed for disposal, to the last known address of record. If the potential disposal was initiated by application, the applicant shall pay the nonrefundable cost of the public notice and mailing.

E. At the hearing, if tidelands or submerged lands are proposed for sale, the benefit to the borough of sale, that could not be realized through leasing, must be clearly demonstrated.

**F. In the case of an application for the purchase of tidelands or submerged lands, an applicant bears the burden of conclusively demonstrating, by clear and convincing evidence,**

**1. That outright sale of the land, as contrasted with lease or other means of disposal, is in the borough's best interests, and**

**2. That sale, contrasted with lease or other means of disposal, is the only viable option for the applicant's development plans to successfully proceed.**

**The borough reserves the right to refuse sale of any tidelands or submerged lands, regardless of sufficiency of proof.**

**G. Following the public hearing, the assembly shall determine whether the disposal shall move forward, and the method of disposal. In the case of the sale of tidelands or submerged lands, the assembly must also make one of the following findings in order for the sale to move forward, and state the factual basis for its finding:**

**1. If the borough does not sell the land, it is expected that the borough will lose specific essential public marine-related services, or these services will be severely weakened; or**

**2. If the borough does sell the land, it is expected that the borough will gain specific essential public marine-related services, or these services will be significantly strengthened.**

**If a board report identifies an alternative use that would lead to greater benefits, or prevent worse losses, to marine services than that use proposed by the application, and the assembly elects not to pursue that alternative, the assembly findings must set out the factual basis for its determination that the alternative use shall not proceed.**

**If more than one application has been submitted for a single parcel of tidelands or submerged lands, and both would meet the requirements of paragraphs G above, the assembly shall consider the potential development plans under each application and determine which would be of highest and best benefit to the borough. The assembly findings shall identify the highest and best use.**

**H. All disposals of borough tidelands or submerged lands shall be by public sale to the highest responsible bidder, conducted either by sealed competitive bid or outcry auction, unless the assembly determines that an exemption from public sale is in the best interests of the borough.**

**1. *Public Sale.* The assembly shall determine the minimum accepted bid price after review of the appraisal value. The required form of bids shall be established by the borough assembly. Appeals from a determination of a successful bidder, and payment and conveyance of the land following a public sale, shall be made pursuant to the provisions of PMC 16.12.110-.120.**

**2. *Other Means of Disposal.* If a disposal is exempted from public sale, the assembly shall establish the alternative method of disposal, and the terms and conditions of disposal. If the assembly determines to proceed by direct negotiations, the assembly may authorize the borough manager to commence such negotiations for disposal of the land; the final terms of a negotiated disposal are subject to approval by the assembly unless the minimum essential terms and the authority of the borough**

manager to execute the disposal are set forth in the resolution or ordinance authorizing negotiations. If the disposal is to proceed by direct negotiations, notice of the negotiated sale price shall be provided to the owner(s) of property located immediately adjacent to the tidelands or submerged lands, by mailing to the last known address of record, prior to any final assembly approval of the disposal.

3. *Equivalent Value Exchange.* If an exchange is to move forward, the assembly shall direct the borough manager to conduct direct negotiations for the exchange, including ordering appraisals for the exchange properties and a preliminary commitment for title insurance for the property to be obtained by the borough. The final terms of an exchange are subject to approval by the assembly.

I. The borough assembly may require the construction of improvements within a specified period of time as a condition of disposal of any borough-owned tidelands or submerged lands. Whenever the assembly determines construction of improvements shall be required as a condition of a disposal, the terms and conditions shall be incorporated into the conveyance agreement.

J. The minimum required provisions for leasehold and other similar temporary interests in tidelands and submerged lands shall be as set out in PMC 16.12.170.

~~16.16.080 – Upland owner preference right.~~

~~The upland owner of a subject tidelands tract to be leased or sold shall be accorded preference right to meet the high bid, under procedures to be established by the assembly in the resolution or ordinance permitting the sale.~~

16.16.080 - Disposal to a state or federal agency, federally recognized tribe or nonprofit entity, or for a public benefit purpose, for less than appraised value.

A. The borough may dispose of borough tidelands and submerged lands for less than the appraised value to a state or federal agency, federally recognized tribe or nonprofit entity, or for a public benefit purpose, for considerations determined by the borough assembly to be in the best interest of the borough. The application, review and deposit provisions of section 16.16.075 shall apply to such disposals, except that the assembly may determine not to require an appraisal in the case of a sale to a state or federal agency, federally recognized tribe or nonprofit entity.

B. A disposal for a public benefit purpose may be authorized by the assembly for less than the appraised value, or for other forms of consideration in addition to or in lieu of, in whole or in part, direct monetary payment to the Borough, when the proposed disposal is for a project meeting both of the following requirements: (1) the project consists of economic development consisting of installation, construction, or operation of new or expanded marine industrial, manufacturing, or commercial facilities; and (2) the assembly determines the project will result in a significant short- or long-term public benefit to the Petersburg Borough. "Public benefit", as used hereunder, means a project that provides one or more positive economic impacts on the community that in the assembly's determination outweigh maximizing the direct monetary payment to the borough.

C. In addition to the application, review and deposit provisions of section 16.16.075, the following requirements apply to disposals for a public benefit:

**1. If a disposal is initiated by application, the application shall include, at a minimum, a conceptual plan and development timeline.**

**2. The borough manager shall prepare and submit to the assembly, prior to the public hearing, a written report and recommendation that, at a minimum, includes:**

- a) A fair market value appraisal of the property, including any borough-owned improvements, determined by a certified real estate appraiser, assuming the property was sold without any development requirements that may be imposed pursuant to this section;**
- b) A descriptive summary listing of expected economic public benefits of the project, and associated costs;**
- c) Recommended disposal requirements or conditions, if any, to ensure the proper development and timely completion of the project in the public interest; and**
- d) A proposed method of disposal.**

**3. The assembly, if it wishes to approve the disposal, shall issue written findings setting out its basis for the determination that the project provides one or more positive short- or long-term economic impacts on the community that outweigh maximizing the direct monetary payment to the borough of the appraised value of the property.**

**4. As a condition of disposal and to ensure provision of the anticipated public benefit, the assembly may impose specific project requirements and conditions, including without limitation construction of specific improvements, a time frame for completion of those improvements or the project as a whole, subsequent sale restrictions, and monetary impacts on the applicant if the project requirements and conditions are not met. The disposal requirements and other conditions shall be set out in a purchase agreement, and if needed, the parcel deed.**

16.16.090 - Permits for temporary tideland use.

A. The assembly may, by resolution, authorize permits to applicants for the temporary use of tidelands and/or submerged lands for a period not to exceed five **(5)** years. Permits may be issued without public auction of the permit, for any purpose compatible with the land use classification, and on terms and conditions as assembly shall determine. The assembly may authorize the borough manager to enter into direct negotiations for a temporary use permit; the final terms of a temporary use permit are subject to approval by the assembly unless the minimum essential terms and the authority of the borough manager to execute the permit are set forth in the resolution.

B. The rental rate for temporary use shall be determined using the current assessed value of the property.

C. The application, review and deposit provisions of **section 16.16.075** chapter 16.12 shall apply.

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

**Section 5. Effective Date:** This ordinance shall be effective immediately upon final passage.

**PASSED AND APPROVED** by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

**ATTEST:**

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

Adopted:  
Published:  
Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2024-22**

**AN ORDINANCE OF THE PETERSBURG BOROUGH CLARIFYING THAT PROPERTY  
OBTAINED BY FORECLOSURE AND WHICH THE ASSEMBLY DETERMINES TO  
SELL IS EXEMPT FROM SALE PROCEDURES AND REQUIRMENTS OF  
PETERESBURG MUNICIPAL CODE CHAPTERS 16.12 AND 16.16**

**WHEREAS**, when the Borough Assembly forecloses on property, the Assembly first determines by ordinance whether to retain the parcel for a public purpose; and

**WHEREAS**, if the Assembly determines that the parcel of property shall be sold, they then determine by resolution the method of sale; and

**WHEREAS**; the minimum bid for the property has historically been set at assessed value plus miscellaneous expenses; and

**WHEREAS**; the proceeds from the sale of property will first be used to pay off the property taxes owed, with any remaining proceeds going to the prior property owner.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, Section 4.24.460, *Disposition and sale of foreclosed property*, of the Petersburg Municipal Code, is hereby amended as follows:

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

**Section 2. Purpose:** The purpose of this ordinance is to add a section that clarifies that foreclosed property determined to be sold by the Borough does not need to follow the sale procedures of Chapters 16.12 and 16.16 of the Petersburg Municipal Code.

**Section 3. Substantive Provisions:** Section 4.24.460, *Disposition and sale of foreclosed property*, of the Petersburg Municipal Code is hereby amended as follows. The language proposed for addition is underlined and in red.

**4.24.460 Disposition and sale of foreclosed property.**

A. The assembly shall determine by ordinance whether foreclosed property deeded to the borough shall be retained for a public purpose or sold. The ordinance shall contain the information required by state law. The finance director shall provide notice of the assembly's determination to the former record owner of the property in accordance with state law.

B. The procedures and requirements of Chapters 16.12 and 16.16 of this Code shall not apply to the disposal and sale of property that was obtained by the Borough under the provisions of this Chapter.

**Section 4. Severability:** If any provisions 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 \_\_\_\_\_, 2024.

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

**ATTEST:**

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

**Adopted:**  
**Noticed:**  
**Effective:**



**PETERSBURG BOROUGH  
ORDINANCE #2024-23**

**AN ORDINANCE AMENDING CHAPTER 14.20 OF THE PETERSBURG  
MUNICIPAL CODE, *MUNICIPAL HARBORS*, TO ADOPT PROVISIONS  
REGARDING INACTIVE VESSELS**

**WHEREAS**, commercial fishing is the economic driver of the community of Petersburg;  
and

**WHEREAS**, the majority of vessels using or seeking moorage space at the Borough's harbors are commercial fishing vessels; and

**WHEREAS**, vessel moorage within the harbors is intended for "for active or operational motor vessels only", under PMC 14.20.130(A); and

**WHEREAS**, there is an extensive wait for permanent moorage space at the harbors, with over 100 vessels on the wait list at this time; and

**WHEREAS**, the presence of inactive vessels at the harbors - those vessels that do not leave their mooring spaces for long periods of time - contribute to the backlog, as they use moorage space for vessel storage when that moorage is greatly needed for active, working vessels; and

**WHEREAS**, inactive vessels also contribute to the lack of available space at the harbors as those moorage stalls are never available for the hot berthing of other vessels, which accounts for almost 20% of the revenue of the harbors; and

**WHEREAS**, inactive vessels can become derelict vessels if they are not regularly attended and maintained, as the hulls and other systems can fall into disrepair due to nonuse; and

**WHEREAS**, it is the intent of the Borough to encourage the active and regular use of vessels moored in borough harbors, and to discourage the use of moorage stalls for vessel storage purposes, especially where vessels become unable to be moved under their own power.

**THEREFORE, THE PETERSBURG BOROUGH ORDAINS**, Chapter 14.20, *Municipal Harbors*, of the Petersburg Municipal Code, 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 impose certain requirements on vessels using the municipal harbors that have been deemed inactive, meaning those vessels that have not moved from an assigned moorage stall to outside the harbor in 12, 24, or 36 consecutive months.

**Section 3 Substantive Provisions:** Chapter 14.20 of the Petersburg Municipal Code, entitled *Municipal Harbors*, is hereby amended as follows. The language proposed for addition is **underlined and bolded**, and the language proposed for deletion is struck through.

A. **New Section.** Chapter 14.20, Municipal Harbors, is hereby amended by adding a new section 14.20.392, entitled *Inactive vessels*, to read as follows:

**14.20.392 Inactive vessels.**

**A. For purposes of this section, a vessel is deemed inactive when, within a period of twelve (12) consecutive months, it has not exited its assigned moorage stall and the boundaries of the borough harbor under its own power, and remained absent from the harbor for a period exceeding twenty-four (24) consecutive hours, excepting that a vessel of 32 feet in length or less without sleeping accommodations must have remained absent from the harbor for a period exceeding twenty-four (24) nonconsecutive hours.**

**B. If a vessel is deemed inactive under paragraph A of this section, the vessel shall be considered to be occupying the stall for purposes of vessel storage and a vessel storage charge shall be imposed thereafter, in addition to the applicable moorage rate, until the vessel is no longer considered an inactive vessel. The storage charge shall be equal in amount to the moorage fee imposed under Section 14.20.390(A)(1) of this Code.**

**C. If a vessel is deemed inactive under paragraph A of this section, and remains so for an additional twelve (12) months thereafter, for a total of twenty-four (24) consecutive months of inactivity, the vessel owner must provide the Borough, by the end of the twenty-fifth (25th) month and thereafter on an annual basis if the vessel remains inactive, a marine condition survey for the vessel, conducted by a marine surveyor who is a member of either NAMS (National Accredited Marine Surveyors) or SAMS (Society of Marine Surveyors), that has been prepared within three (3) months of submittal to the Borough. All hull, floatation, equipment or other issues identified in the survey that the Borough Harbormaster reasonably determines may present a safety threat to harbor facilities must be fully repaired and otherwise remedied by the vessel owner within two (2) months of notification by the Borough Harbormaster; a shorter period of repair may be imposed if the repair is deemed immediately necessary to avoid imminent harm to borough facilities. If the noticed repairs or remedies are not fully and timely completed, the vessel shall be considered a derelict vessel under Section 14.20.270 of this Code.**

**D. If a vessel is deemed inactive under paragraph A of this section, and remains so for an additional twenty-four (24) consecutive months thereafter, for a total of thirty-six (36) consecutive months of inactivity, the vessel owner must provide the Borough, on an annual basis, with certificates of insurance, demonstrating the vessel has current policies of Protection and Indemnity (P&I) insurance and Marine Pollution Liability Insurance, with limits of liability no less than \$500,000 per occurrence, and naming the Borough as an additional insured. If the required insurance certificates are not provided, or the required insurance is not in place, the vessel shall be considered a derelict vessel under Section 14.20.270 of this Code.**

**E. The records of the Borough Harbor Department shall be considered conclusive in determining whether a vessel is deemed inactive under paragraphs A, C, and D of this Section.**

**The Borough Harbormaster shall provide written notice to the vessel owner, by US Mail at the last address of record, that the vessel has been deemed inactive under paragraph A, or has continued inactivity under paragraph C or D of this Section. If the vessel owner believes that the Borough records are inaccurate, the owner shall submit, in writing, owner's objection to the determination and owner's supporting documentation. The objection must be received in the office of the Borough Harbormaster within fourteen (14) days of the date of mailing of the Harbormaster's notice. The Harbormaster shall consider the documentation submitted by the owner and issue a final decision within ten (10) days.**

**B. Amendment.** Section 14.20.030, *Definitions*, is hereby amended by adding a new paragraph 3 to the definition of Derelict vessel, to read as follows:

"Derelict vessel" means:

1. A vessel that has been left unattended for a continuous period of more than 24 hours, if:

a. The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or

b. The vessel has been moored or otherwise left in a municipal harbor, and if:

i. The vessel's certificate number or marine document has expired, and the registered owner no longer resides at the address listed in the vessel registration or marine document records of a state department or the United States Coast Guard,

ii. The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined,

iii. The vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner, or

iv. The vessel registration records of a state department or the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name cannot be determined; ~~or~~

2. Any vessel delinquent for failure of the vessel owner, master or agent to register or to pay for moorage or other services as provided in this chapter. ~~or~~

**3. Any vessel deemed to be derelict under the provisions of Section 14.20.392(C) or (D) of this Code.**

**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 \_\_\_\_\_, 2024.

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

**ATTEST:**

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

Adopted:  
Noticed:  
Effective:

# Planning Commission Report & Finding of Fact

Planning Commission Meeting Date: October 8, 2024

APPLICANT/AGENT:

Ron & Anne Loesch

OWNER(S), IF DIFFERENT:

Petersburg Borough

LEGAL DESCRIPTION:

LOT 13B, Plat 2008-15

LOT AREA:

98,881 sf (~2.3 acres)

LOCATION:

1020 SANDY BEACH RD

SURROUNDING ZONING:

North: Unzoned (Airport Property)

South: Public Use

East: Public Use/Single Family

West: Unzoned (Airport property)

ZONING:

RURAL RESIDENTIAL

PID:

01-014-700

APPLICATION SUBMISSION DATE:

8/30/2024

I. APPLICANT REQUEST: The applicant has requested to purchase borough-owned property at 1020 SANDY BEACH ROAD.

II. APPLICABLE CODE:

16.12 ACQUISITION OR DISPOSAL OF BOROUGH PROPERTY

III. FINDINGS:

- a. Ron and Anne Loesch applied to purchase borough property at 1020 Sandy Beach Rd (Lot 13B).
- b. On March 12, 2024, the Planning Commission voted to initiate a rezone of Lot 13B from Rural Residential to Single Family Residential at Loesch's request. The Loesch's subsequently withdrew the request, and the commission tabled the action item at the following meeting.
- c. The current zoning is Rural Residential (RR). The RR district requires a minimum of 1-acre lots and is intended for one single-family home per acre. However, conditional uses in the RR include mobile homes and mobile home parks.
- e. The immediate surrounding area is zoned SF or public use and is a well-developed residential area with some institutional uses (park, playground) with road access and municipal power, water, and sewer located nearby. Two other nearby lots are zoned RR, one is used for a church and the other is vacant land owned by the borough.
- f. Rural residential zoning has primarily been used for areas of Service Area 1 without access to municipal water and sewer. The larger minimum lot size of 1 acre is intended to ensure sufficient acreage for on-site septic systems and create a more rural, lower density area.

# Planning Commission Report & Finding of Fact

Planning Commission Meeting Date: October 8, 2024

g. Although the Sandy Beach Rd neighborhood is zoned single-family, lot sizes vary significantly from large multi-acre parcels to lots of 9,000/10,000-sf. The area is generally less dense than other neighborhoods apart from certain stretches of the waterfront.

h. Applicant states purchase is for a long-term investment and has no plans for immediate development.

i. The applicant states the subject property could be subdivided into 5-6 lots; this would necessitate the property be rezoned to single-family residential. Currently, the parcel could only be subdivided into two lots.

j. Review by borough departments found no public need for the property.

## IV. PUBLIC NOTICE

The borough provided public notice of the hearing. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

## V. APPLICATION REVIEW

a. The application is classified as a request to purchase borough property.

b. Criteria –

Per 16.12.050, no borough property in Service Area 1 may be disposed of unless it has been zoned by the borough.

Per 16.12.080 (A), the Planning Commission may require an applicant to state the nature, extent, size and general specifications of improvements the applicant intends to construct upon the real property and the time when the improvements will be completed.

## VI. ACTION

**Proposed motion:** I move to recommend sale of the property with the attached report.

**Based on the preceding findings of fact, the Petersburg Planning Commission makes the following report to the Borough Assembly:**

1. The subject property is not needed for any public purpose.
2. The subject property is zoned as required by code.
3. The applicant has no plans for development.
4. The Assembly should consider initiating a rezone of the property to single-family residential prior to disposal. Single-family residential zoning would not require subdivision of the parcel, but it would be more in keeping with surrounding uses of the neighborhood, allow for development that is consistent with the neighborhood, and allow the option for future subdivision of the property into 2-6 lots.

## EXHIBITS

A. Applicant materials; B. Vicinity & Detail Maps; C. Public Hearing Mailout



Petersburg Borough, Alaska

Land Disposal Application

(\$500.00 non-refundable filing fee required)

Form must be completed in its entirety to be considered

Office Use:
Rec'd. by: <u>(Signature)</u>
Fee: \$ <u>500.00</u>
Date Rec'd: <u>2/30/24</u>

Date: Feb. 5, 2024

This is a request for land disposal via (circle one):  
Lease Purchase Exchange Other

Parcel ID #(s) of Subject Property:  
01-014-700

Proposed term of lease: \_\_\_\_\_  
(total years)

Legal Description of Property:  
Lot 13B

Current Zoning of Property:  
Rural Residential

Applicant Name: Ron & Anne Loesch

Applicant Mailing Address: P.O. Box 451  
Petersburg, AK 99833

Applicant Contact Info: captainron389@yahoo.com  
(phone and/or email) 907-518-1180

1. Size of Area requested (identify the minimum area necessary in square feet): 98,881
2. Attach a map showing the location of the land requested. Map must show surrounding area with the land requested clearly marked with bolded borders or highlighted color.

3. Narrative on use of property: Explain proposed use of land and when use is expected to begin and end. Include any planned new construction or renovation, including time-frame when construction or renovation will be completed and type of materials to be used. Provide the estimated dollar value of proposed improvements. Explain the value of the proposal to the economy of the borough and any other information you feel should be considered. (attached additional sheet if necessary)

Long-term investment opportunity with Development well into the future. Sale dependant on rezoning to single family residential zoning change.

Eventually could be subdivided into 5-6 single family lots.

See following edited page

4. Name and address of all adjacent upland owner(s) if applicable: (attach additional sheet if necessary)

Susan Ohmer / Mark T. [redacted] burg Borough

5. Are there any existing permits or leases covering any part of the land applied for?

Yes  No  If yes, please check one: (  Lease  Permit)

Describe the type of permit or lease, if applicable, and the name and last known address of the permittee or lessee:

6. What local, state or federal permits are required for the proposed use? (list all)

None at present time

7. If applicant is a corporation, provide the following information:

N/A

A. Name, address and place of incorporation:

B. Is the corporation qualified to do business in Alaska?:  Yes  No

Name and address of resident agent:



3. Narrative on use of property: Explain proposed use of land and when use is expected to begin and end. Include any planned new construction or renovation, including time-frame when construction or renovation will be completed and type of materials to be used. Provide the estimated dollar value of proposed improvements. Explain the value of the proposal to the economy of the borough and any other information you feel should be considered. (attached additional sheet if necessary)

Long-term investment opportunity with Development well into the future. ~~Rate dependent on rezoning to single family residential zoning change~~ Deleted 8-30-24 RJS  
Eventually could be subdivided into 5-6 single family lots.

4. Name and address of all adjacent land owners or lessees, including upland owner(s) if applicable: (attach additional sheet if necessary)

Susan Ohmer / Mark Tuccillo Petersburg Borough

5. Are there any existing permits or leases covering any part of the land applied for?

\_\_\_ Yes  No If yes, please check one: (\_\_\_ Lease \_\_\_ Permit)

Describe the type of permit or lease, if applicable, and the name and last known address of the permittee or lessee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. What local, state or federal permits are required for the proposed use? (list all)

None at present time

7. If applicant is a corporation, provide the following information:

N/A

A. Name, address and place of incorporation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Is the corporation qualified to do business in Alaska?: \_\_\_ Yes \_\_\_ No

Name and address of resident agent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Why should the Planning Commission recommend Assembly approval of this request?


Puts Borough Property on tax rolls  
Makes land available for future development  
as housing needs expand.

9. How is this request consistent with the Borough's comprehensive plan?

Meets future housing needs.

10. Prior to submitting this application, please verify with pertinent Borough Departments that the land requested for lease, purchase or exchange is not needed for a public purpose by speaking with the appropriate personnel in the Electric, Water, Wastewater, Community Development, Harbor or Public Works Departments and obtain their comments and signatures below. (attach additional sheet if necessary):

Department Comments: WATER, WASTEWATER AND POWER DEPARTMENTS  
HAVE NO PUBLIC PURPOSE FOR THE SUBJECT PROPERTY.

  
Signature of Department Commenter

Department Comments: Harbor Dept has no public  
purpose for the subject property


  
Signature of Department Commenter

Department Comments: Public Works has no public purpose  
for the subject property.

  
Signature of Department Commenter

Department Comments: Parks + Recreation has no need for this parcel

Dept Comments: Com Dev has no need  
for the parcel. Liz Caser

  
Signature of Department Commenter

**NOTICE TO APPLICANT(s):**

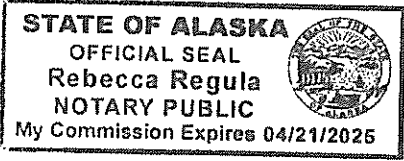
**Applicant will be required to pay a non-refundable filing fee with the Borough of \$500 to cover estimated costs of: a title report, survey, legal fees, postage, recording fees, public noticing and advertising and other costs incidental to the processing of this application.**

**I hereby certify that I have received and reviewed a copy of Petersburg Municipal Code Chapters 16.12 and 16.16 (as they may pertain to my particular application) and understand the Code requirements. I further certify I am authorized to sign this application on behalf of the applicant.**

**Please sign application in the presence of a Notary Public.**

*Ronald J. Loesch*

Applicant/Applicant's Representative



Subscribed and sworn to by Ronald Loesch, who personally appeared

before me this 20<sup>th</sup> day of February, 2024.

*Rebecca Regula*

Notary Public

Notary Public in and for the State of Alaska. My Commission Expires: 4.21.2025



Petersburg Borough Property  
 1020 Sandy Beach Road  
 01-014-700

Item 15C.

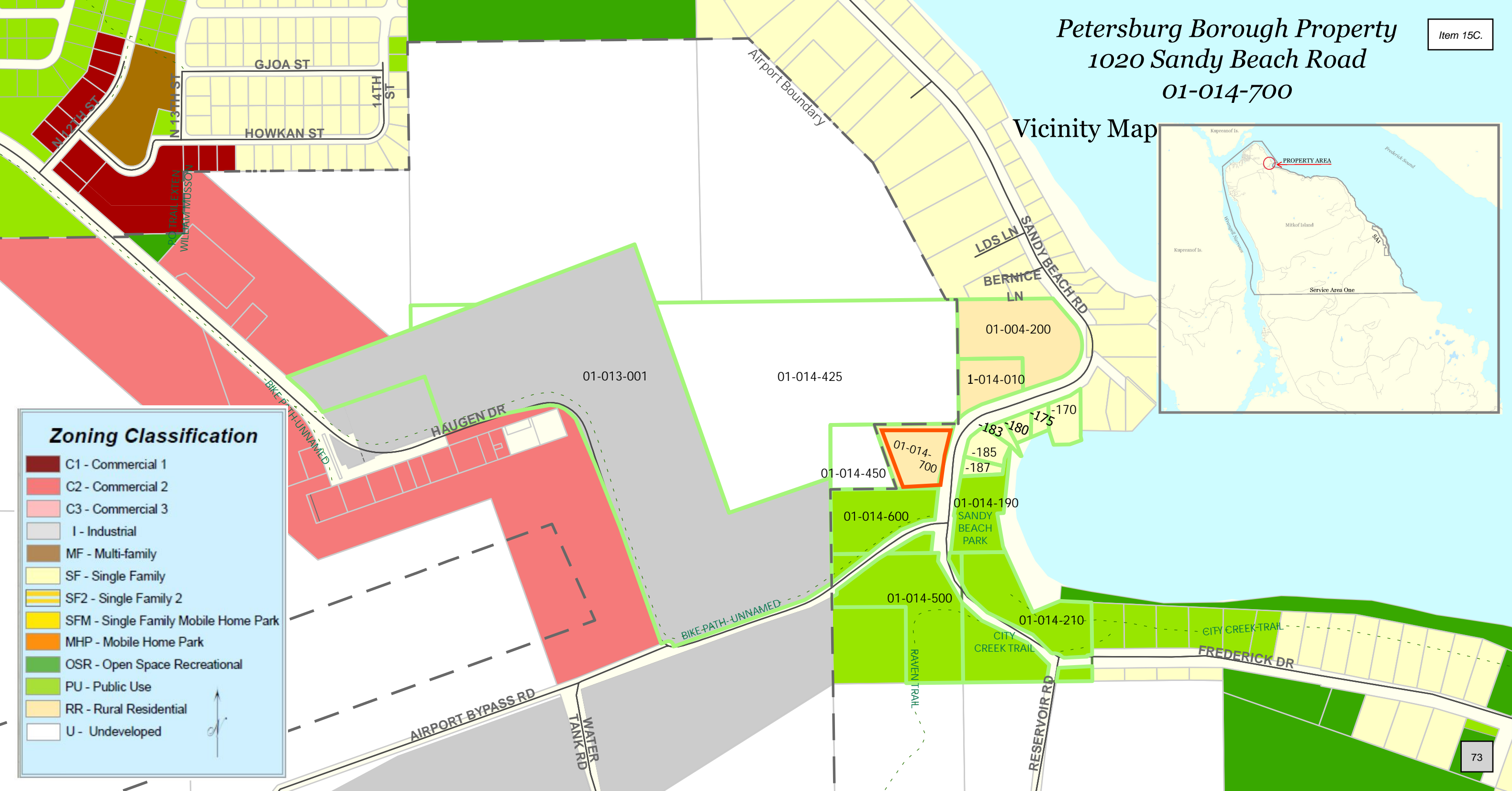
Vicinity Map



**Zoning Classification**

- C1 - Commercial 1
- C2 - Commercial 2
- C3 - Commercial 3
- I - Industrial
- MF - Multi-family
- SF - Single Family
- SF2 - Single Family 2
- SFM - Single Family Mobile Home Park
- MHP - Mobile Home Park
- OSR - Open Space Recreational
- PU - Public Use
- RR - Rural Residential
- U - Undeveloped

↑







September 17, 2024

**BERGERON SAMUEL EDWARD MILLARD LINDA GAY  
PO BOX 2090  
PETERSBURG, AK 99833-2090**

**NOTICE OF SCHEDULED PUBLIC HEARINGS**

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

**Review and recommendation of an application from Ron & Anne Loesch to purchase borough property at 1020 SANDY BEACH ROAD (PID: 01-014-700).**

The public hearing and consideration of the application will be held:	<b>Tuesday, October 8<sup>th</sup>, 2024, at 12:00 PM</b> Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via <b>ZOOM</b> , please contact Anna Caulum at 907-772-5409.	

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

<b>TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION</b>	
By Mail:	PO Box 329, Petersburg, Alaska 99833
By Email:	acaulum@petersburgak.gov
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera  
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip	EMAIL
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440	<a href="mailto:nwood@mac.com">nwood@mac.com</a>
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083	<a href="mailto:fvroque@gci.net">fvroque@gci.net</a>
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281	<a href="mailto:jim@hammerandwikon.com">jim@hammerandwikon.com</a>
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681	<a href="mailto:i.fishjensen@gmail.com">i.fishjensen@gmail.com</a>
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514	<a href="mailto:psmeeks@aptalaska.net">psmeeks@aptalaska.net</a>
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673	<a href="mailto:mariettajoanne12@gmail.com">mariettajoanne12@gmail.com</a>
LOESCH RONALD JOHN LOESCH ANNE MARIE	THE RONALD AND ANNE LOESCH LIVING TRUST	PO BOX 451	PETERSBURG	AK	99833-0451	
OHMER SUSAN		PO BOX 556	PETERSBURG	AK	99833-0556	
STRAND NANCY		PO BOX 505	PETERSBURG	AK	99833-0505	
BERGERON SAMUEL EDWARD MILLARD LINDA G SAMUEL MILLARD TRUST		PO BOX 2090	PETERSBURG	AK	99833-2090	
DUDDLES MATTHEW W DUDDLES JOLYN I DUDDLES LIVING TRUST		PO BOX 490	PETERSBURG	AK	99833-0490	
FORNER MURPHY FORNER MARY LAYLA1975 TRUST		PO BOX 191056	ANCHORAGE	AK	99519-1056	
PETERSBURG BIBLE CHURCH		PO BOX 704	PETERSBURG	AK	99833-0704	
ALASKA STATE OF		550 W 7TH AVE STE 1050A	ANCHORAGE	AK	99501-3579	

[jensenboat@gmail.com](mailto:jensenboat@gmail.com)

Oct. 17, 2024

Debra Thompson  
Borough Clerk

Debra,

Could you please forward this information and our letter to the  
Borough Assembly as well as Liz and Steve.

With thanks,  
  
Ron and Anne



October 16, 2024

Liz Cabrera  
Planning Commission Staff

Steve Giesbrecht  
Borough Manager

Debra Thompson  
Borough Clerk

Re: Objection to action of the planning commission Action item #4

On August 30, 2024, Anne and I submitted our land disposal Application with payment of the \$500 filing fee to purchase Borough Property at 1020 Sandy Beach Road. The application included our request to abandon an earlier request to rezone the property to single family use.


At the Planning Commission Meeting on October 8, 2024 the commission adopted the Staff Report to the Borough Assembly that included 4 recommendations to the Borough Assembly. Item #4 of this report stated: "The Assembly should consider initiating a rezone of this property to single family residential prior to disposal. Single-family residential zoning would not require subdivision of the parcel, but it would be more in keeping with surrounding uses of the neighborhood, and allow the option for future subdivision of the property into 2-6 lots."

As the applicant for the purchase of this lot, I specifically withdrew my request to change the lot zoning from Rural Residential to Single Family zoning in a letter to the Planning and Zoning Commissioners on April 9, 2024. We want to retain the Rural Residential zoning at the present time.

Should we wish to develop the property to include more than two lots, we, as well as any other owner of the property could initiate the zoning change at some time into the future. There is no benefit to the Petersburg Borough to change zoning to Single Family Use prior to the eventual sale of the parcel.

We respectfully request that the Borough Administration and the Borough Assembly maintain the Rural Residential Zoning on the property at 1020 Sandy Beach Road. The closest neighbors (Mark Tuccillo and Susie Ohmer) residing across the street from said property also agree with our wishes to leave the property zoned as Rural Residential.

Respectfully submitted,

  
Ron & Anne Loesch

# Planning Commission Staff Report & Finding of Fact

Meeting Date: October 8, 2024

APPLICANT/AGENT:

Ron & Anne Loesch

OWNER(S), IF DIFFERENT:

Petersburg Borough

LEGAL DESCRIPTION:

LOT 13B, Plat 2008-15

LOT AREA:

98,881 sf (~2.3 acres)

LOCATION:

1020 SANDY BEACH RD

SURROUNDING ZONING:

North: Unzoned (Airport Property)

South: Public Use

East: Public Use/Single Family

West: Unzoned (Airport property)

ZONING:

RURAL RESIDENTIAL

PID:

01-014-700

APPLICATION SUBMISSION DATE:

I. APPLICANT REQUEST: The applicant has requested to purchase borough-owned property at 1020 SANDY BEACH ROAD.

II. APPLICABLE CODE:

16.12 ACQUISITION OR DISPOSAL OF BOROUGH PROPERTY

III. FINDINGS:

- a. Ron and Anne Loesch applied to purchase borough property at 1020 Sandy Beach Rd (Lot 13B).
- b. On March 12, 2024, the Planning Commission voted to initiate a rezone of Lot 13B from Rural Residential to Single Family Residential at Loesch's request. The Loesch's subsequently withdrew the request, and the commission tabled the action item at the following meeting.
- c. The current zoning is Rural Residential (RR). The RR district requires a minimum of 1-acre lots and is intended for one single-family home per acre. However, conditional uses in the RR include mobile homes and mobile home parks.
- e. The immediate surrounding area is zoned SF or public use and is a well-developed residential area with some institutional uses (park, playground) with road access and municipal power, water, and sewer located nearby. Two other nearby lots are zoned RR, one is used for a church and the other is vacant land owned by the borough.
- f. Rural residential zoning has primarily been used for areas of Service Area 1 without access to municipal water and sewer. The larger minimum lot size of 1 acre is intended to ensure sufficient acreage for on-site septic systems and create a more rural, lower density area.



# Planning Commission Staff Report & Finding of Fact

Meeting Date: October 8, 2024

- g. Although the Sandy Beach Rd neighborhood is zoned single-family, lot sizes vary significantly from large multi-acre parcels to lots of 9,000/10,000-sf. The area is generally less dense than other neighborhoods apart from certain stretches of the waterfront.
- h. Applicant states purchase is for a long-term investment and has no plans for immediate development.
- i. The applicant states the subject property could be subdivided into 5-6 lots; this would necessitate the property be rezoned to single-family residential. Currently, the parcel could only be subdivided into two lots.
- j. Review by borough departments found no public need for the property.

## IV. PUBLIC NOTICE

The borough provided public notice of the hearing. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

## V. APPLICATION REVIEW

a. The application is classified as a request to purchase borough property.

b. Criteria –

Per 16.12.050, no borough property in Service Area 1 may be disposed of unless it has been zoned by the borough.

Per 16.12.080 (A), the Planning Commission may require an applicant to state the nature, extent, size and general specifications of improvements the applicant intends to construct upon the real property and the time when the improvements will be completed.

## VI. ACTION

**Proposed motion:** I move to recommend sale of the property with the attached report.

**Based on the preceding findings of fact, the Petersburg Planning Commission makes the following report to the Borough Assembly:**

1. The subject property is not needed for any public purpose.
2. The subject property is zoned as required by code.
3. The applicant has no plans for development.
4. The Assembly should consider initiating a rezone of the property to single-family residential prior to disposal. Single-family residential zoning would not require subdivision of the parcel, but it would be more in keeping with surrounding uses of the neighborhood, allow for development that is consistent with the neighborhood, and allow the option for future subdivision of the property into 2-6 lots.

## EXHIBITS

- A. Applicant materials

4-9-24

**RE: Rezone of land at 2016 and 2020 Sandy Beach Road**

Planning & Zoning Commisioners:

I respectfully request that you leave the Rural Residential zoning in place on the parcels at 2020 and 2016 Sandy Beach Road.

Given the recent interest in providing single family and multi-family property by the Petersburg Borough, PIA, Sig & Amber Burrell and other private parties, I think it best to delay the rezone on the two Sandy Beach parcels under consideration today.

In the future, there may be significant interest in larger 2-plus acre parcels by people wanting larger lots.

Furthermore, my earlier request for a rezone of the property at 2020 Sandy Beach Road to Single Family use would be contrary to the wishes of Mark Tuccillo and Susie Ohmer who wish to leave the zoning as is, on the property they are interested in purchasing.

In conclusion, please leave the Rural Residential zoning in place and an should we be successful in purchasing these properties, the zoning can be reconsidered should additional single-family properties be needed in the future.

Respectfully,

Ron & Anne Loesch  
2023 Sandy Beach Road  
Petersburg, AK 99833

Petersburg Borough  
PO Box 329  
12 South Nordic Drive  
Petersburg, AK 99833  
907-772-4425

Print 8/30/2024 10:24:41AM

<u>Account</u>	<u>Amount</u>
Misc - Ron Loesch 01-014-700	500.00

<u>Payments</u>	500.00
Visa *****5271	

Auth # 16379837	
Total Payments	<u>500.00</u>

Thank You For Your Payment,  
kayley

Batch # 30664 Contact # 10

Keep this receipt for your records.

Payment 8/30/2024 10:24:33AM




**Petersburg Borough, Alaska**

**Land Disposal Application**

(\$500.00 non-refundable filing fee required)

Form must be completed in its entirety to be considered

Office Use:
Rec'd. by: 
Fee: \$500.00
Date Rec'd: 2/30/24

Date: Feb. 5, 2024

This is a request for land disposal via (circle one):  
Lease Purchase Exchange Other

Parcel ID #(s) of Subject Property:

01-014-700

Proposed term of lease: \_\_\_\_\_  
(total years)

Legal Description of Property:

Lot 13B

Current Zoning of Property:

Rural Residential

Applicant Name:

Ron & Anne Loesch

Applicant Mailing Address:

P.O. Box 451  
Petersburg, AK 99833

Applicant Contact Info:  
(phone and/or email)

captainron389@yahoo.com  
907-518-1180

1. Size of Area requested (identify the minimum area necessary in square feet): 98,881 sq
2. Attach a map showing the location of the land requested. Map must show surrounding area with the land requested clearly marked with bolded borders or highlighted color.



3. Narrative on use of property: Explain proposed use of land and when use is expected to begin and end. Include any planned new construction or renovation, including time-frame when construction or renovation will be completed and type of materials to be used. Provide the estimated dollar value of proposed improvements. Explain the value of the proposal to the economy of the borough and any other information you feel should be considered. (attached additional sheet if necessary)

Long-term investment opportunity with Development well into the future ~~Rate dependant on rezoning to single family residential zoning change~~ Deleted 8-30-24 RJD  
Eventually could be subdivided into 5-6 single family lots.

4. Name and address of all adjacent land owners or lessees, including upland owner(s) if applicable: (attach additional sheet if necessary)

Susan Ohmer / Mark Tuccillo Petersburg Borough

5. Are there any existing permits or leases covering any part of the land applied for?

\_\_\_ Yes  No If yes, please check one: (\_\_\_ Lease \_\_\_ Permit)

Describe the type of permit or lease, if applicable, and the name and last known address of the permittee or lessee: \_\_\_\_\_

6. What local, state or federal permits are required for the proposed use? (list all)

None at present time

7. If applicant is a corporation, provide the following information:

N/A

A. Name, address and place of incorporation: \_\_\_\_\_

B. Is the corporation qualified to do business in Alaska?: \_\_\_ Yes \_\_\_ No

Name and address of resident agent: \_\_\_\_\_

8. Why should the Planning Commission recommend Assembly approval of this request?

Puts Borough Property on tax rolls  
Makes land available for future development  
as housing needs expand.

9. How is this request consistent with the Borough's comprehensive plan?

Meets future housing needs.

10. Prior to submitting this application, please verify with pertinent Borough Departments that the land requested for lease, purchase or exchange is not needed for a public purpose by speaking with the appropriate personnel in the Electric, Water, Wastewater, Community Development, Harbor or Public Works Departments and obtain their comments and signatures below. (attach additional sheet if necessary):

Department Comments: WATER, WASTEWATER AND POWER DEPARTMENTS  
HAVE NO PUBLIC PURPOSE FOR THE SUBJECT PROPERTY.

  
Signature of Department Commenter

Department Comments: Harbor Dept has no public  
purpose for the subject property

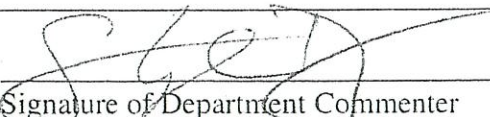
  
Signature of Department Commenter

Department Comments: Public Works has no public purpose  
for the subject property.

  
Signature of Department Commenter

Department Comments: Park + Recreation has no need for this parcel.

Dept Comments: ComDev has no need  
for the property. Liz Caser

  
Signature of Department Commenter



NOTICE TO APPLICANT(s):

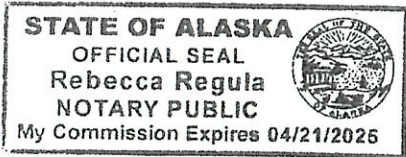
Applicant will be required to pay a non-refundable filing fee with the Borough of \$500 to cover estimated costs of: a title report, survey, legal fees, postage, recording fees, public noticing and advertising and other costs incidental to the processing of this application.

I hereby certify that I have received and reviewed a copy of Petersburg Municipal Code Chapters 16.12 and 16.16 (as they may pertain to my particular application) and understand the Code requirements. I further certify I am authorized to sign this application on behalf of the applicant.

Please sign application in the presence of a Notary Public.

*Ronald J. Loesch*

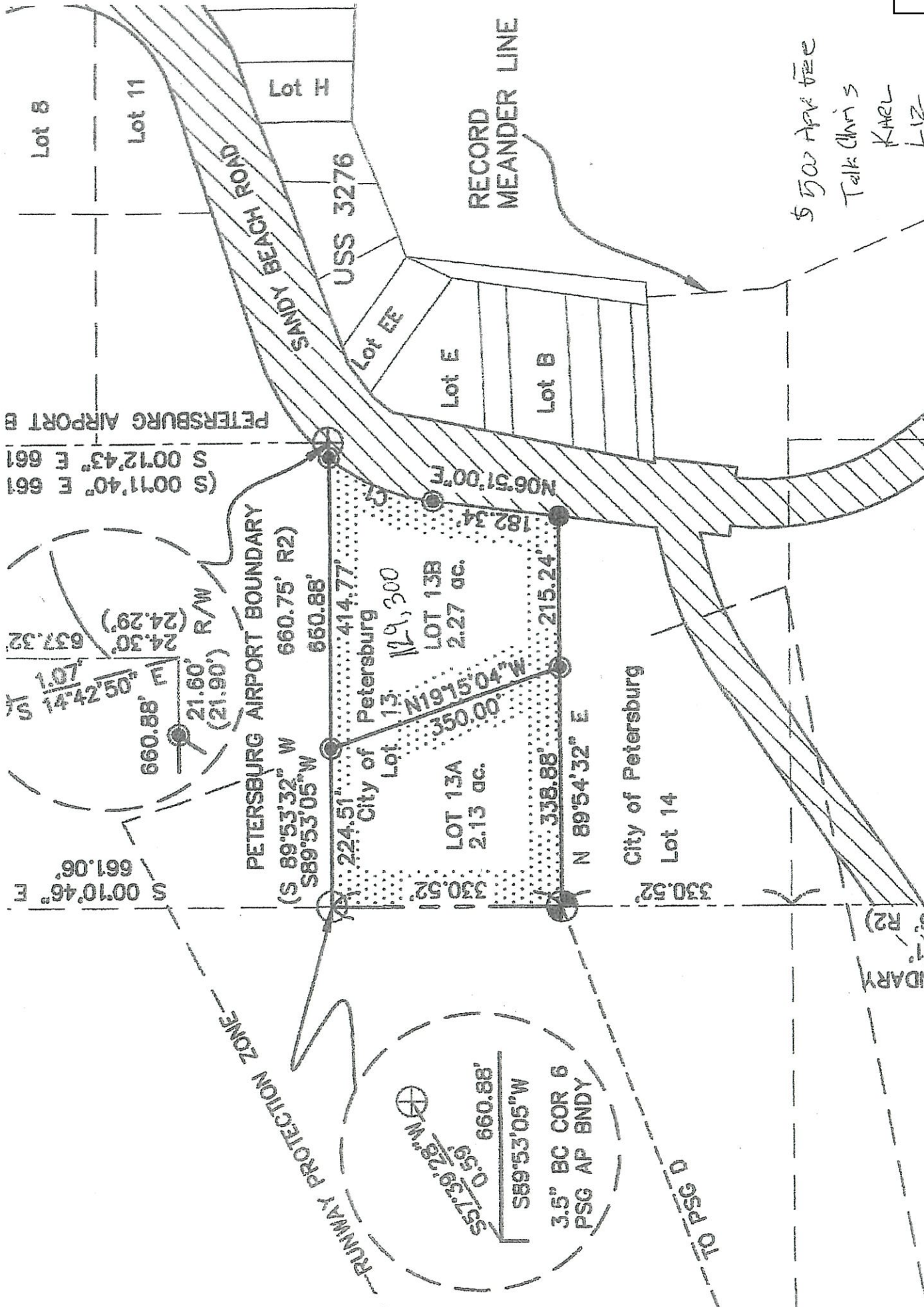
Applicant/Applicant's Representative



Subscribed and sworn to by Ronald Loesch, who personally appeared before me this 20<sup>th</sup> day of February, 2024

*Rebecca Regula*  
Notary Public

Notary Public in and for the State of Alaska. My Commission Expires: 4-21-2025



# Borough Assembly

## Meetings

The Assembly meets the first Monday of each month at 12:00 PM (Noon) and the third Monday of each month at 6:00 p.m. in the Assembly Chambers of the Municipal Building. (Special Meetings may be called by the Mayor or four or more members of the Assembly)

Items for the agenda may be submitted by any Assembly Member or the Borough Manager. Items must be submitted no later than 5:00 p.m. on the Monday preceding the meeting.

## Current Assembly Members

**(Mayor - 3 year term; Assembly - 3 year term)**

\*\*First Date indicates taking of office, not necessarily the beginning of a term

	<u>Taking Office</u>	<u>Term Ends</u>
<b>Mark Jensen, Mayor</b>	<b>10/17</b>	<b>10/25</b> (elected to 3 yr term 10/2016; resigned 5/2017; elected to 2 yr term 10/2017, elected to 3 yr term 10/2019, elected to a 3 yr term 10/2022)
<b>Donna Marsh, Vice Mayor</b>	<b>10/22</b>	<b>10/25</b> (elected to 3 yr term 10/2022)
<b>Scott Newman</b>	<b>10/22</b>	<b>10/25</b> (elected to 3 yr term 10/2022)
<b>Rob Schwartz</b>	<b>10/23</b>	<b>10/26</b> (elected to 3 yr term 10/2023)
<b>Jeigh Stanton Gregor</b>	<b>10/23</b>	<b>10/26</b> (elected to 3 yr term 10/2023)
<b>Bob Lynn</b>	<b>10/18</b>	<b>10/27</b> (elected to 3 yr term 10/2018; elected to 3 yr term 10/2021; elected to 3 yr term 10/2024)
<b>James Valentine</b>	<b>10/24</b>	<b>10/27</b> (elected to 3 yr term 10/2024)

Assembly Members may be reached by email or by phone call to their personal residences. For contact information check the Borough website at [www.petersburgak.gov](http://www.petersburgak.gov) or contact the Borough Clerk at 907-772-5405. Or, you may mail communications to the Borough Assembly at: PO Box 329, Petersburg, AK 99833, or by email at [Assembly@petersburgak.gov](mailto:Assembly@petersburgak.gov).

## 2023/24 Assembly Appointments

**11/6/2023**

**Southeast Conference Representatives - Mayor Mark Jensen (voting member) & Assembly Member Thomas Fine-Walsh**

**Alaska Municipal League Representative - Mayor Mark Jensen & Assembly Member Bob Lynn**

**Liaison to Harbor and Ports Advisory Board – Assembly Member Scott Newman**

**Liaison to Hospital Board – Assembly Member Bob Lynn**

**Liaison to Public Safety Advisory Board – Assembly Member Rob Schwartz**

**Elected Official to Local Emergency Planning Committee – Assembly Member Donna Marsh**

**Early Childhood Education Task Force – Assembly Member Jeigh Stanton Gregor**