



# Petersburg Borough

12 South Nordic Drive  
Petersburg, AK 99833

## Meeting Agenda Borough Assembly Regular Meeting

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Monday, September 20, 2021

6:00 PM

Assembly Chambers

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You are invited to a Zoom webinar.  
When: Sep 20, 2021 06:00 PM Alaska  
Topic: September 20, 2021 Assembly Meeting

Please click the link below to join the webinar:  
<https://petersburgak.gov.zoom.us/j/81257793180?pwd=aFdLTkIjcStxUmUmtsYkNuRGIVaWVEUT09>  
Passcode: 301195

Or Telephone:

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

US: +1 253 215 8782 or +1 346 248 7799 or +1 720 707 2699 or +1 301 715 8592 or  
+1 312 626 6799 or +1 646 558 8656  
Webinar ID: 812 5779 3180  
Passcode: 301195

1. **Call To Order/Roll Call**
2. **Voluntary Pledge of Allegiance**
3. **Approval of Minutes**
  - A. Regular Assembly Meeting Minutes September 7, 2021**
4. **Amendment and Approval of Meeting Agenda**
5. **Public Hearings**
  - A. Ordinance #2021-16: An Ordinance Amending Chapters 9.16, 14.04, 14.08, 14.12, and 14.16 of the Municipal Code to Authorize Creation and Recording of a Lien in Favor of the Borough in Order to Secure Payment of Delinquent Fees, Costs and Expenses - Public Hearing**

Any public testimony regarding Ordinance #2021-16 should be given during this public hearing. A copy of Ordinance #2021-16 may be found under agenda item 14A.

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. Election Report 2021**

Clerk Thompson will provide a report to the Assembly regarding the October 2021 elections.

**12. Mayor's Report**

**A. September 20, 2021 Mayor's Report**

**13. Manager's Report**

**A. September 20, 2021 Manager's Report**

**14. Unfinished Business**

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

If adopted, Ordinance #2021-13 will allow Assembly Member participation by teleconference to be counted for purposes of determining a quorum.

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

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

**15. New Business**

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

Assembly Member Meucci wishes to direct Manager Giesbrecht to begin discussions with the State DOT about resolving the ownership, or transfer of ownership, of the Entrance Island dock, the Kupreanof dock and Papke's Landing dock.

**B. Manager Giesbrecht's 2021 Performance Evaluation**

The Assembly will consider approval of Manager Giesbrecht's 2021 Performance Evaluation.

**16. Communications**

No communications were received.

**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

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Tuesday, September 07, 2021

12:00 PM

Assembly Chambers

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### 1. Call To Order/Roll Call

Mayor Jensen called the meeting to order at 12:00 p.m.

#### PRESENT

Mayor Mark Jensen

Vice Mayor Jeigh Stanton Gregor

Assembly Member David Kensinger

Assembly Member Jeff Meucci

Assembly Member Taylor Norheim (Note: Member Norheim joined the meeting at 12:25 p.m.)

Assembly Member Chelsea Tremblay

### 2. Voluntary Pledge of Allegiance

The Pledge was recited.

### 3. Approval of Minutes

#### A. Regular Assembly Meeting Minutes August 9, 2021

#### B. Regular Assembly Meeting Minutes August 16, 2021

The meeting minutes for August 9 and August 16, 2021 were unanimously approved as submitted.

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

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

### 4. Amendment and Approval of Meeting Agenda

The agenda was amended to move Assembly Discussion Item 17C to 17A and was unanimously approved as amended.

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

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

**5. Public Hearings**

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

James Whitethorn spoke in opposition to allowing Assembly Members to be counted toward a quorum if they are not physically present at the meeting.

**6. Bid Awards**

**A. 2021 Winter Sand Bid Award**

The 2021 Winter Sand bid was unanimously awarded to Rock and Road Construction for an amount not to exceed \$40,000.00.

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

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

**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.*

No views were shared.

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

No reports were given.

**10. Consent Agenda**

**A. BPO Elks Lodge #1615 Liquor License Renewal Application**

The Assembly unanimously supported renewal of the Elks Lodge #1615 liquor license.

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

Voting Yea: Assembly Member Tremblay, Assembly Member Kensinger, Vice Mayor

Stanton Gregor, Assembly Member Meucci, Mayor Jensen

## 11. Report of Other Officers

### A. Borough Federal Lobbyist

Sebastian O'Kelly, with the Borough's federal lobbyists, Robertson, Monagle & Eastaugh, provided a detailed update on what our federal delegation and lobbyists are working on in D.C. on behalf of the Petersburg Borough.

### B. Hospital Report

PMC CEO Hofstetter reported on recent activities at the Medical Center and with the Hospital Board.

## 12. Mayor's Report

### A. September 7, 2021 Mayor's Report

Mayor Jensen read his report into the record.

## 13. Manager's Report

### A. September 7, 2021 Managers Report

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

## 14. Unfinished Business

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

Ordinance #2021-13 was approved in its second reading by a vote of 5-1, Mayor Jensen opposed.

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

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

Voting Nay: Mayor Jensen

## 15. New Business

### A. Ordinance #2021-14: An Emergency Ordinance Temporarily Suspending Baler Fees for Household Baler Waste Delivered to the Baler Facility - First and Only Reading

Emergency Ordinance #2021-14 failed by a vote of 5-1, Member Meucci in favor.

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

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

Ordinance #2021-16 was unanimously approved in its first reading.

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

**C. Purchase of Replacement Police Patrol Unit**

The Assembly unanimously approved purchase of a Police Patrol Unit for an amount not to exceed \$57,274.

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

**D. Entrance Island Dock, Kupreanof Dock and Papke's Dock**

The motion to direct Manager Giesbrecht to begin discussion with the State DOT about resolving ownership, or transfer of ownership, of the Entrance Island dock, the Kupreanof dock, and the Papke's Landing dock failed by a vote of 3-3, Mayor Jensen and Members Stanton Gregor and Tremblay opposed.

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

**E. Sale of Borough Parcel #01-003-521 Located at 306 Sandy Beach Road**

The Assembly unanimously approved sale of Borough Parcel #01-003-521 to Chad Villamor in the amount of \$71,099.

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

**F. Sale of Borough Parcel #03-210-310 Located on Kupreanof Island**

The Assembly unanimously approved sale of Borough Parcel #03-210-310 to Rick Braun in the amount of \$15,001.

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

**G. Sale of Borough Parcel #03-213-040 Located on Kupreanof Island**

The Assembly unanimously approved sale of Borough Parcel #03-213-040 to Max D. Craske in the amount of \$18,500.

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

**16. Communications**

**A. Correspondence Received Since August 11, 2021**

**17. Assembly Discussion Items**

**A. Community Housing**

Assembly Member Tremblay shared information regarding a recent meeting she attended with the Share Coalition and Manager Giesbrecht to identify Petersburg's specific housing needs. The group plans to continue to have conversations regarding the subject to try to improve the situation for Petersburg.

**B. Assembly Member Comments**

Member Stanton Gregor reminded everyone that it is Democracy Time again - please get out and vote in the Municipal Election.

Member Norheim reminded our local fishermen that Early/Absentee Voting begins on September 15 and asked the public to consider joining the Fire/EMS team as a volunteer.



**C. Recognitions**

There were no recognitions.

**18. Executive Session**

The Assembly adjourned to Executive Session at 1:52 p.m. to discuss the status of the collective bargaining agreement negotiations with the Petersburg Municipal Employees Association.

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

Note: Assembly Member Norheim left the meeting at the beginning of the Executive Session.

The Assembly entered Regular Session again at 2:17 p.m.

**19. Ratification of the PMEA Collective Bargaining Agreement**

The January 1, 2021 - June 30, 2023 Collective Bargaining Agreement with the Petersburg Municipal Employees Association was unanimously approved.

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

**20. Adjourn**

The meeting was adjourned at 2:19 p.m.

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

**2021 Election Report  
September 20, 2021 Assembly Meeting**

The annual Municipal Election will be held Tuesday, October 5, 2021.

1. This year's ballot will provide for the election of: 26 elected positions as follows:
  - A. Two Assembly Members: Two - 3 year terms
  - B. Two School Board Members: Two - 3 year terms
  - C. Two Hospital Board Members: Two - 3 year terms
  - D. Four Planning Commissioners: Two - 3 year terms; One – 2 year term; One – 1 year term
  - E. Three Harbor Board Members: Two - 3 year terms; One – 2 year term
  - F. Two Library Board Members: Two- 3 year terms
  - G. Four Parks & Recreation Board Members: One - 3 year term; Two – 2 year terms; One – 1 year term
  - H. Two Public Safety Board Members: One - 3 year term; One – 1 year term

2. There are two propositions on the October 5 ballot; one for all Borough voters to consider and one for only those voters who reside within Service Area 1 to consider:


Proposition #1 (All Borough Voters) will decide whether the Borough shall issue electric utility revenue bonds in a total principal amount not to exceed \$7,800,000 for the purpose of refurbishment of the Blind Slough hydroelectric plant and construction of the Scow Bay Standby Generation project. If approved by the voters, the revenue obligation will be of the electric utility only.

Proposition #2 (Service Area 1 Voters) will decide whether to reduce the boundaries of Borough Service Area 1 by removing Frederick Point East Subdivision.

3. I request approval of the following list of Borough residents to serve as Election Officials for the 2021 Municipal Election:

- |                |                 |
|----------------|-----------------|
| Gerry Frostad  | Stephanie Payne |
| Knut Frostad   | Patti Reid      |
| Aaron Hankins  | Tina Sakamoto   |
| Don Koenigs    | Mary Thompson   |
| Luan Madole    | Yvonne Thynes   |
| Karen Malcom   | Alice Williams  |
| Victoria Moore | Cena Worhatch   |
| Cindy Newman   | Erica Worhatch  |

I am still in need of a few more Election Officials. Please send interested Borough voters my way.

  
Debra K. Thompson  
Borough Clerk

**Mayor's Report  
For  
September 20, 2021 Assembly Meeting**

- 1. October Election:** Borough elections will be held on Tuesday, October 5, 2021, in the Community Gym from 8:00 a.m. to 8:00 p.m. Absentee voting is currently taking place in the Police Training room of the Municipal Building from 11:00 a.m. to 3:00 p.m. Monday through Friday until 12:00 p.m. on Monday, October 4, 2021. For more information, please contact Clerk Thompson at [dthompson@petersburgak.gov](mailto:dthompson@petersburgak.gov) or 772-5405.



**Borough Manager's Report  
Assembly Meeting 20 September 2021**

- ❖ The Streets crew assisted Parks-N-Rec with removal of a derelict staircase at Eagle's Roost Park. They are still working on seasonal road maintenance and will start prepping for winter soon.
- ❖ Work continues on the Motor Pool Shop repairs. Interior framing is mostly complete, and the mechanical and electrical subs are working on their portions of the project.
- ❖ A revised Sanitation Ordinance has been drafted and is being reviewed by staff and the Borough's attorney. It will be presented to the Assembly at the next regular meeting on October 4<sup>th</sup>. Garbage bears are still being reported. Along with proposed revisions to the Sanitation Ordinance, we are working with local law enforcement and ADF&G to educate the public on what measures need to be taken to remedy the garbage bear problem.
- ❖ After a lot of updating on our waste oil system at the baler, we are once again burning waste oil. Although some work remains, we feel like our system is in good shape to keep pace with heating needs and used oil deliveries from the Harbor Dept.
- ❖ Since GCI will no longer be providing cable TV, Manor staff have been working hard for months to find a replacement solution that will provide adequate channels, lowest cost, and the closest service to what we currently have for our EH and AL residents. We are able to utilize our current cable line with the new system and will not involve streaming which would have been an astronomical amount of money initially and monthly.
- ❖ **Reminder:** Parks and Recreation will be adding additional parking at Sandy Beach to accommodate more usage of the area. Parking spots will be added behind Shelter 1 and additional parking will be added on roadside. The culvert will also be replaced, and two dead trees will be removed for safety reasons. This work is slated to be completed during last week of September.
- ❖ Youth Basketball Registration is open until September 25<sup>th</sup>. Season begins September 20<sup>th</sup>. Online registration is available or visit Parks and Rec to get signed up!
- ❖ Park restrooms will be closed on October 1<sup>st</sup> for the winter.
- ❖ Auditors were in town last week testing and sampling Borough financial information for fiscal year 2021 with focus on the \$3.9 million in Cares Act funds that were expended last year.
- ❖ Property taxes are due into the finance office by 4:30 on October 15<sup>th</sup>.
- ❖ The Alaska Housing Finance Corporation (AHFC) is accepting applications for a new Alaska Housing Rent Relief period through **Oct. 1, 2021**, providing up to three months of rent relief to eligible applicants who meet the federal requirements. Renters struggling due to the COVID-19 pandemic are invited to check their

**Borough Administration**  
PO Box 329, Petersburg, AK 99833 – Phone (907) 772-4519 Fax (907)772-3759  
[www.ci.petersburg.ak.us](http://www.ci.petersburg.ak.us)

eligibility and apply for Alaska Housing Rent Relief at [AlaskaHousingRelief.org](http://AlaskaHousingRelief.org).

- ❖ The Small Business Administration has a significant amount of funding available in the EIDL program (Economic Injury Disaster Loan) and has expanded maximum loan amounts and uses of fund to include payment and prepayment of business debt (past or future). Current borrowers may be eligible for increased loan amounts. More information online at [sba.gov](http://sba.gov)
- ❖ The library is now open again on Mondays 11am-8pm
- ❖ Thanks to Matt Gerrits and Andrea Weathers for doing an amazing job of taking care of the library grounds and planters this summer.
- ❖ The library will not be offering passport services Sept 22-October 18
- ❖ The Borough website is seeing about 100 unique visitors per day. If you'd like to see changes or improvements, please let Tara know.
- ❖ Ira II Street Sewer project will be kicking off the week of September 20<sup>th</sup> once the contractor's materials are received. This work will impact traffic on Ira II Street for approximately a month. The wastewater department encourages anyone that must walk or drive through this area to be aware of heavy equipment, abide by traffic control signs and avoid walking into the active work site as it progresses from 4<sup>th</sup> Street to 8<sup>th</sup> Street on Ira II.
- ❖ Power and Light has hired a new Office Manager and Lineman Apprentice. Sarah O'Brocta is training to assume the Office Manager role once Sue Flanary retires on December 1<sup>st</sup> and David Mazzella joined the line crew on August 23<sup>rd</sup>. Welcome aboard!
- ❖ The final commissioning of the submarine cable was completed on August 11<sup>th</sup>. PMPL ran the diesel plant on the 9<sup>th</sup> and 11<sup>th</sup> to enable the work to be completed in a safe manner.
- ❖ Line crew work this month includes; install of new LED streetlights on North Nordic and Sandy Beach Road; Work with Contractor for installation of new three phase transformer at the Vakkersted apartments; Working on providing service to three local Verizon cell tower antennas.
- ❖ The electrician continues to install AMI meters in the harbor, perform inspections for electrical permits and work on supplying power to heat pump for control room.
- ❖ The powerplant mechanic hiked to Crystal Lake with the Engineer hired to audit the Owner's Dam Safety Plan as mandated by FERC.
- ❖ Staff recently assisted Engineers from EPS in the installation of new electrical metering on a caterpillar generator and also a new voltage regulator on one of the EMD 20 cylinders.
- ❖ PMPL was contacted by ADOT recently for a price to supply and install streetlights on Papke's Landing Road. This road is a State of Alaska right of way and the request is a continuation of the legwork that Public Works Director Cotta underwent last winter to contact ADOT following Assembly inquiries. A quote for the install of up to six LED streetlights has been forwarded to ADOT and we are waiting to hear back on the acceptability of the quoted work. If an approval is received, PMPL will work to install the lights before winter fully sets in. The lights will then be made part of the maintenance agreement between PMPL and ADOT that accepts funds annually for the maintenance and operation of all ADOT streetlights within the PMPL distribution system.

**PETERSBURG BOROUGH  
ORDINANCE #2021-13**

**AN ORDINANCE AMENDING SECTION 3.08.080 OF THE MUNICIPAL CODE, ENTITLED  
“QUORUM AND VOTING REQUIREMENTS”, TO ALLOW ASSEMBLY MEMBER  
PARTICIPATION BY TELECONFERENCE TO BE COUNTED FOR PURPOSES OF  
DETERMINING A QUORUM**

**Whereas**, current municipal code states that members of the Assembly participating by teleconference will not be counted for purposes of determining a quorum; and

**Whereas**, the ability of Assembly members to attend meetings electronically has become more functional and accessible in the last several years, and at times is necessary due to emergency situations; and

**Whereas**, the Borough Assembly wishes to allow Assembly members participating by electronic means to be counted for purposes of determining a quorum.

**Therefore, the Petersburg Borough Ordains**, Section 3.08.080 is hereby amended to allow Assembly member participation by teleconference to be counted for purposes of determining a quorum.

**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 allow Assembly member participation by teleconference to be counted for purposes of determining a quorum.

**Section 3. Substantive Provisions:** Section 3.08.080 of the Petersburg Borough Municipal Code is adopted as amended and shall read as follows:

**3.08.080 - Quorum and voting requirements.**

A. Four assembly members shall constitute a quorum for the transaction of business. The mayor shall be counted as an assembly member for quorum purposes.

B. An assembly member or members participating by teleconference shall ~~not~~ be counted for purposes of determining a quorum, however.

~~C. All~~ assembly members and the mayor should make reasonable effort to be physically present for every meeting.

C. Any assembly member or the mayor who fails to attend three regular meetings of the assembly per calendar year, either in person or by teleconference, without being excused by the assembly shall forfeit office. ~~A minimum of four assembly members must be physically present at the meeting for purposes of determining a quorum.~~

D. No assembly action is valid or binding unless adopted by the affirmative vote of four or more assembly members. All assembly members present at a meeting, either in person or by teleconference, are required to vote on matters before the assembly, subject to Section 19.03(A) of the borough Charter, and except as otherwise provided in 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 \_\_\_\_\_, 2021.

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

ATTEST:

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

Adopted:  
Noticed:  
Effective:

**PETERSBURG BOROUGH  
ORDINANCE #2021-16**

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

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

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

**THEREFORE, THE PETERSBURG BOROUGH ASSEMBLY ORDAINS:**

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

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

**Section 3. Substantive Provisions:**

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

**9.16.105 - Lien.**

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

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

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

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

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

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



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

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

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

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

**14.04.455 - Lien.**

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

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

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

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

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

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

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

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

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

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

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

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

**14.08.365 - Lien.**

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

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

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

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

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

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

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

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

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

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

**14.12.185 - Lien.**

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

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

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

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

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

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

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

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

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

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

**14.16.765 - Lien.**

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

Adopted:  
Noticed:  
Effective:



**CITY of  
KUPREANOF**

PO BOX 50  
PETERSBURG, ALASKA 99833  
PHONE : 907-340-2400

September 15, 2021

Petersburg Borough Assembly

Subject: Kupreanof State Dock

Mayor and Assembly Members:

The State dock located in the City of Kupreanof is heavily used by City residents, Borough residents and cruise clients. The heaviest use is during the May through September time frame. This heavy use has accelerated the deterioration of the facility. For more than 25 years the City of Kupreanof has provided minor maintenance to keep the dock reasonably safe and usable. During the same period, the State DOT has not provided any maintenance or repair.

In 2016 the deterioration of the dock got to the point where it was becoming unsafe. The tee end float was breaking up with a rotting wood structure and foam billets becoming detached. Ropes were being used to keep everything together. The City contacted the State DOT to discuss the situation. The DOT acknowledged the need for repair but said their budget would not allow anything to be done on the float in the near future. The DOT stated that they would allow the City to implement repairs. As a result, the City applied for a Forest Service grant, contacted all the cruise companies requesting support and budgeted funds in the City's annual budget. Enough funds were raised to allow replacement of the tee end float.

The City entered into a Harbor Repair Agreement with DOT and replaced the dock's 10' by 95' float in 2018. Additional repair was urgently needed to keep the trestle that goes out to the dock reasonably safe and usable. The fundraising continued with another Forest Service grant application along with other funding requests. This allowed the City to enter into a new Harbor Repair Agreement with DOT to replace eight rotted piles and cross bracing under the trestle. This work was completed in 2020. A third project to replace additional rotted piles and cross bracing is planned for 2022 or 2023. When the third project is completed, the City will have invested approximately \$200,000 in the maintenance and repair of the dock since 2018.

The City of Kupreanof has expressed a desire to take ownership of the dock as far back as 2010. The City remains committed to ownership of the dock. We believe we are the appropriate municipality to have ownership and responsibility for the dock for the following reasons:

1. The dock has not received any State funded maintenance and repair in many years. The City of Kupreanof has annually budgeted money for the maintenance of the dock for more than 25 years and has invested considerably in repair over the last 4 years.
2. The dock is heavily used by Borough residents as well as many tour groups to access the City of Kupreanof loop trail, the Forest Service trails to Petersburg Creek and Petersburg Mountain and the Petersburg Creek water shed.
3. The land at the access to the dock is owned and maintained by the City of Kupreanof.
4. The City of Kupreanof built a public shelter near the dock entrance to make everyone's experience better and more memorable.
5. The dock provides easy access to the City Community Center, in addition to local residents to their homes.
6. The City of Kupreanof is financially stable and in a strong position to provide the required maintenance and repair so that all people can gain access to Kupreanof Island and its many wilderness opportunities.

It is requested that the Petersburg Borough work with the State and DOT to facilitate the transfer of the Kupreanof dock to the City of Kupreanof.

If you have any questions or desire additional information, please contact us.

Sincerely,

Butch Anderson, Mayor