



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Agenda Borough Assembly Regular Meeting

Monday, September 18, 2023

6:00 PM

Assembly Chambers

You are invited to a Zoom webinar.
When: September 18, 2023 06:00 PM Alaska
Topic: September 18, 2023 Assembly Meeting

Please click the link below to join the webinar:

[https://petersburgak-
gov.zoom.us/j/84432157862?pwd=NTRTYWFVTFKUFg3UWJmeERHQnN4dz09](https://petersburgak.gov.zoom.us/j/84432157862?pwd=NTRTYWFVTFKUFg3UWJmeERHQnN4dz09)

Passcode: 167981

Or Telephone:

(720) 707-2699, (253) 215-8782

Webinar ID: 844 3215 7862

Passcode: 167981

- 1. Call To Order/Roll Call**
- 2. Voluntary Pledge of Allegiance**
- 3. Non-Compliance Hearing Under the Dangerous Buildings Code for 410 Mitkof Highway**

The Borough Building Official and Utility Director believe the structure located at 410 Mitkof Highway meets the definition of a "dangerous building" under Chapter 9.20 of the Municipal Code, in that it continues to be used as a residence despite the fact that it is not connected to the Borough's sanitary sewer system. This hearing is held for the Assembly 1) to receive evidence from Borough staff, Courtney Johnson (the owner of the property), and any witnesses provided, and 2) to determine whether the "dangerous building" designation applies and an order to vacate the structure until it is properly connected to the Borough's sewer system should be issued.

The order of presentation is as follows:

1. The Building Official
2. Other Borough employees and witnesses presented by the Building Official
3. The owner(s) of the subject property
4. Witnesses presented by the owner(s)

5. All other interested parties (occupant, mortgagee, lessee or any other person having an interest in the building)
6. Witnesses presented by such other parties
7. Rebuttal and Closing Comments by the Building Official
8. Rebuttal and Closing Comments by the building owner(s) and other interested parties

All parties offering testimony shall be sworn in by the Clerk prior to testifying.

4. Approval of Minutes

A. September 5, 2023 Assembly Meeting Minutes

5. Amendment and Approval of Meeting Agenda

6. Public Hearings

7. Bid Awards

A. Scow Bay Generator #2 Procurement Award

Utility Director Hagerman requests approval to award a contract to Marine Services, Inc./Virdi Power for supply of a 3.5MW EMD diesel generator, remote radiator, coolant expansion tank, motor control center, compressed air starting system, equipment engineering and on-site commissioning support for a cost not to exceed \$2,047,000.

8. 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.

9. Persons to be Heard Unrelated to Agenda

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

10. Boards, Commission and Committee Reports

11. Consent Agenda

A. The 420 Retail Marijuana Store License Renewal

The Alcohol and Marijuana Control Office Director has approved to renew a retail marijuana store license for The 420. The Assembly may support or protest the application approval. A protest may not be arbitrary, capricious or unreasonable.

B. Sea*Weed Farms Standard Marijuana Cultivation Facility License Renewal

The Alcohol and Marijuana Control Office Director has approved to renew a standard marijuana cultivation facility license for Sea*Weed Farms. The Assembly may support or protest the application approval. A protest may not be arbitrary, capricious or unreasonable.

12. Report of Other Officers

A. Alaska Public Entity Insurance

APEI Executive Director, Barbara Thurston, will present the Safety and Human Resources Review report requested by the Assembly.

B. Administration / Human Resources

The Administration and Human Resources staff wishes to share plans to implement APEI recommendations.

C. US Forest Service

Bret Uppencamp, USFS Special Uses Permit Administrator, will update the Assembly on an upcoming film proposal to take place in Little Duncan Bay.

13. Mayor's Report

A. September 18, 2023 Mayor's Report

14. Manager's Report

A. September 18, 2023 Manager's Report

15. Unfinished Business

A. Ordinance #2023-13: An Ordinance Adjusting the FY 2024 Budget for Known Changes – Third and Final Reading

Ordinance #2023-13 will update the FY 2024 Budget as follows: 1) to increase the Community Center Sewer Line project budget by \$84,115 as approved with Resolution #2023-08 on June 3, 2023; 2) to accept a \$23,000 grant to the Library from the Rasmuson Foundation; 3) to accept a \$75,120 grant to conduct an energy efficiency audit at the Community Center; 4) to use up to \$100,000 of the Property Development Fund to provide utility connection stubs to residentially zoned Borough property lines to prepare lots for future sale as approved with Resolution #2023-09 on July 17, 2023; 5) to use \$14,640 of Elderly Housing reserves for design development to remedy structural issues due to rot and deterioration of the wood on the building's main entrance ramp and cover; 6) to increase the Fire Department's communications budget by \$5,000 and the small tools budget by \$1,000; and 7) to increase payroll and benefits by a total of \$186,225 to cover the wage increases approved by the Assembly for PMEA covered employees and Department Heads; 8) to include an additional expense of \$26,000 to the supplemental budget for two 14-yard Roll-off Garbage Containers to be paid for by the Sanitation Department; 9) to include an additional expense of \$16,075 to the supplemental budget for work at the Assisted Living facility to repair water damage in the kitchen.

Ordinance #2023-13 was unanimously approved with two amendments (8 and 9 above) in its second reading.

16. New Business

A. Resolution #2023-12: A Resolution Approving the Disposal of Borough Owned Property Located at 10 N. 12th Street (Parcel #01-006-431) by Direct Sale to the Petersburg Indian Association for \$45,000

Manager Giesbrecht and Tribal Administrator Wright have negotiated a purchase price of \$45,000 for parcel #01-006-431 and request Assembly approval to proceed with the sale.

B. Land Exchange to Benefit Pump Station 4 Project

Utility Director Hagerman requests approval to exchange Borough owned land for privately owned land to benefit the Pump Station 4 project.

C. Letter to the Alaska Trust Land Office Regarding Proposed Development of the South Mitkof Subdivision

If approved by the Assembly, the attached letter will explain to the Trust Land Office the Assembly's concerns regarding the sale of lots without completed central access.

D. Approval of 2023 Election Officials for the October 3, 2023 Municipal Election

Clerk Thompson requests approval of the following Borough residents to act as Election Officials in the October 3, 2023 Municipal Election:

Joe Bertagnoli	Patti Reid
Tim Chittenden	Tina Sakamoto
Dianne Christensen	Julianne Thompson
Martha Cummins	Yvonne Thynes
Angela Davis	Marina Whitacre
Mara Lutomski	Cena Worhatch
Malena Marvin	Erica Worhatch
Stephanie Payne	

17. Communications

A. Correspondence Received Since August 31, 2023

18. Assembly Discussion Items

A. Extending Platting Authority Outside of Service Area 1

Assembly Member Meucci requests a discussion regarding extending the Borough's platting authority outside of Service Area 1.

B. Housing Task Force

Assembly Member Kensinger requests a discussion regarding the Housing Task Force.

C. Petersburg Municipal Code Chapter 4.35 Property Development Fund

Assembly Member Meucci requests a discussion regarding the Property Development Fund code.

D. Scholarship Program for Trade Schools

Assembly Member Meucci requests a discussion regarding a Borough sponsored scholarship program for individuals wishing to attend a trade school.

E. Southeast Alaska Sea Otter Stakeholder Update


Assembly Member Meucci wishes to share information from the Southeast Alaska Sea Otter Stakeholder Group.

F. Assembly Member Comments

G. Recognitions

19. Adjourn

MEMORANDUM

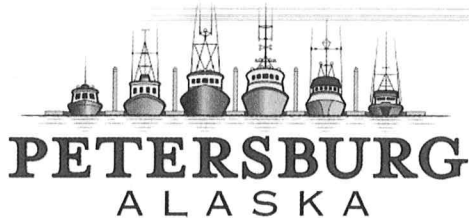
TO: MAYOR JENSEN AND BOROUGH ASSEMBLY
FROM: KARL HAGERMAN, UTILITY DIRECTOR 
SUBJECT: 410 MITKOF HIGHWAY – NONCOMPLIANCE HEARING
DATE: 9/15/2023
CC: STEVE GIESBRECHT, BOROUGH MANAGER
DEBRA THOMPSON, BOROUGH CLERK
RAY WESEBAUM, BUILDING OFFICIAL
COURTNEY JOHNSON, VIA EMAIL

A dangerous building noncompliance hearing is on the agenda for the regular meeting of September 18, 2023, regarding a structure located at 410 Mitkof Highway. I, along with the borough building official, intend to submit evidence which we believe indicates that the structure meets the definition of a 'dangerous building' under Chapter 9.20 of the municipal code, in that it is still being used as a residence despite the fact that it is not hooked up to the borough sanitary sewer system. Ms. Johnson, the owner of the property, will also be provided the opportunity to present evidence and testimony.

We will be asking the Assembly to enter a finding that the structure constitutes a dangerous building, and a suggested motion is below:

“I move that the structure located at 410 Mitkof Highway be determined to meet the definition of a Dangerous Building, as defined in PMC 9.20.010.I and J; that the structure be ordered to be vacated, and not used for either overnight stays or as a permanent or temporary residence by any person, until such time as it is properly connected to the Borough’s sanitary sewer system; and that Borough staff be directed to draft findings and an order, consistent with this motion and based upon the testimony and evidence entered during the noncompliance hearing, for consideration and approval at the next regular Assembly meeting.”

Thank you for your attention and consideration of this matter.



NOTICE AND ORDER OF ABATEMENT

DATE OF NOTICE: August 3, 2020

Property Address: 410 Mitkof Highway

Legal Description: Lot Portion GL 7, Section 10, T59S, R79E.

Parcel ID: 01-084-155

Owner/Responsible Party:

Courtney Johnson

Mailing Address: PO Box 1904 , Petersburg, AK 99833

Contact from the Petersburg Police Department regarding photo evidence of the above property revealed the following code violation(s) as defined by the Petersburg Municipal Code: 14.08.020, 14.08.080 and 9.16.030(B)2

The premises are found to constitute a nuisance and a immediate threat to the public health, safety or welfare or to the environment and therefore subject to abatement. If the nuisance is not corrected by taking the described corrective action by the date specified, the borough may without further prior notice enforce this order and abate the condition under PMC 9.16.070(A)2.

Description of Violations:

Violation of PMC 14.08.020(A) & (B) – Unlawful sewage – Disposal methods designated

Violation of PMC 14.08.080(A) – When connection to public sewer is required

Violation of PMC 9.16.030(B)2 – Nuisance – Unlawful enumeration

Description of Nuisance: Raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

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Corrective Action Required to Abate the Nuisance:

- 1. Area in which the spill is occurring is accessible to the public and domestic pets. The contaminated area must be clearly marked and cordoned off to restrict access.**
- 2. The domestic sewer from the household must be connected to the Petersburg Borough sanitary sewer collection system by way of excavation and plumbing of the household sewer to the existing sewer service lateral. Map showing approximate location of the sewer service lateral is attached.**
- 3. Sewer connection must be completed by a licensed construction contractor (excavation), which must be inspected by the Borough prior to any backfill of the connection point.**
- 4. Site of illegal discharge must be cleansed per DEC Cleanup Guidelines for domestic wastewater spills (enclosed). Access to the area must be restricted for at least 24 hours after the site has been cleansed.**

As the property owner or the person creating, permitting or maintaining the nuisance, you are directed to abate the nuisance by taking the above described corrective action **by no later than 5:00 pm on August 18, 2020.**

If the required corrective action is not taken and the nuisance abated on or before the date and time stated above, the Petersburg Borough may, at its option, disconnect water service under 14.04.130 and/or undertake abatement of the nuisance under PMC 9.16.070(A)2, the cost and expense of either/both shall be charged to you. The borough may also impose civil penalties of \$500/day or seek criminal fines as well as administrative fees against you.

Any person having record title or legal interest in the premises may appeal this notice and order to the Borough Assembly by filing a written appeal with the Borough Clerk's office, on an appeal form provided by the Clerk's office, within 15 days from the date of service of this notice in accordance with section 9.16.080 of the Petersburg Municipal Code. Failure to properly and timely file an appeal shall constitute a waiver of all rights to contest this notice and order.

As this violation constitutes an immediate threat to the public health, we encourage you to act quickly to remedy this situation and are waiving the requirement to obtain a plumbing permit prior to commencement of work.

Please contact me at the phone number below with any questions.

ISSUED BY Karl Hagerman  ON August 3, 2020
PHONE: 907-772-5421 EMAIL: khagerman@petersburgak.gov
Cell Phone: 907-518-4559

Copies of Section 14.08.020, 14.08.080, 14.04.130 and Chapter 9.16 of the Municipal Code are enclosed. Additionally, guidelines from the State of Alaska Department of Environmental Conservation pertaining to the proper way to cleanup a domestic wastewater spill and a map showing you the location of the sanitary sewer lateral pipe where you must connect, are also enclosed.

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14.08.020 - Unlawful sewage—Disposal methods designated.

- A. No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the borough, or in any area under the jurisdiction of the borough, any human or animal excretion, garbage or other objectionable waste.
- B. No person shall discharge into any natural outlet within the borough, or in any area under the jurisdiction of the borough, any sanitary sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as provided in this chapter, no person shall construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Ord. No. 2018-07, § 3, 3-5-2018)

14.08.080 - When connection to public sewer is required.

- A. In the best interest of the health and welfare of the residents of the borough, the owner of all houses, buildings or other structures designated or used for human occupancy, employment, recreation or other purpose, situated within the borough, and abutting on any street, alley or right-of-way in which there is located a sanitary sewer of the borough, are required, at their expense, to connect all toilet and wastewater facilities directly with the proper sewer in accordance with the provisions of this chapter within 180 days after official notice to do so; provided, that such sewer is within one hundred fifty feet of the property line.
- B. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, all residual waste shall be pumped from the tank and the tank shall be filled with suitable material, such as sand.
- C. In the event a property owner fails to connect to the sanitary sewer system after an official notice deadline is reached, the property owner will be assessed the normal applicable monthly sewer base charges until the connection is complete. The Alaska Department of Environmental Conservation will be notified of the situation.

(Ord. No. 2018-07, § 3, 3-5-2018)

Chapter 9.16 - NUISANCES

9.16.010 - Purpose and scope.

- A. The purpose of this chapter is to ensure that nuisances are prevented, discontinued, and abated in a timely manner and do not reoccur. Other chapters of the Petersburg Borough Municipal Code address nuisances as well. Various municipal departments are responsible for regulating nuisances, depending upon the type or location of the nuisance. The provisions in this chapter, including the description of the various types of nuisances, procedures for prevention, discontinuation, inspection, enforcement, appeal, and abatement, as well as the appeal and remedies sections, are not exclusive or a limitation on municipal departments in addressing nuisances.
- B. Application of this chapter is limited to Service Area 1 of the Borough.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.020 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates different:

"Abate" means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this code or a borough regulation, by such means and in such a manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this chapter, the verbs "abate" and "correct" shall be interchangeable and have the same meaning.

"Building" includes any structure, generally with walls and a roof, used for human habitation, occupancy or use.

"Code enforcement officer" or "enforcement officer" means the borough's code enforcement officer(s); the building official; the fire marshal or his or her designee; the chief of the Petersburg police department or his or her designee; the director of the community development department or his or her designee; the director of the public works department or his or her designee; or any other person or persons assigned or directed by the borough manager or his or her designee to enforce the regulations of this chapter.

"Costs" means, but is not limited to, include, but are not limited to, the cost of 1) preparation, mailing and service of notices required hereunder, 2) issuance of requisite specifications and abatement contracts, 3) conduct and performance of inspections and the abatement work, 4) any administrative overhead for

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inspection of the property or abatement work performed, and 5) attorney fees incurred in the abatement process.

"Equipment" means goods used or bought for use primarily in a business.

"Nuisance" means any act or creation which is injurious to the public health or safety, which prevents or obstructs the free and comfortable enjoyment of life and property, causes a detrimental effect on nearby property values, or is dangerous to surrounding property.

"Person responsible for the violation" means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the premises for a period of at least 90 days; or any person who created, caused, participated in, or has allowed a violation to occur.

"Premises" means any land, including any tract, lot or parcel of land, or easement or right-of-way, and any structures thereon.

"Structure" means anything built, constructed, or erected, including buildings.

"Junk" or "salvage" means any abandoned, broken, used, worn out, wrecked, scrapped, partially or fully dismantled or discarded tangible material, including vehicles or watercraft of all kinds, or any combination of materials or items including appliances, chemicals, building materials, equipment or parts thereof, fiber, machinery, metal, scrap metal, rags, rubber, paper, plastics, lumber or wood, that cannot without further alteration and reconditioning be used for their original purposes.

(Ord. No. 2015-03, § 3, 4-6-2015.)

9.16.030 - Unlawful; enumeration.

- A. It is unlawful for any person to create, permit or maintain the existence of any nuisance.
- B. Nuisances include, but are not limited to, the following:
 - 1. The deposit, existence or presence in or on any premises of any accumulation of garbage, refuse, manure or animal or vegetable matter which produces a foul, decaying, malodorous or offensive odor, or which serves or constitutes a potential breeding ground or harborage for insects or rodents; .C

- 2. The deposit, existence or presence in or on any premises of any human excrement or

waste;

- 3. Attractive nuisances dangerous to children in the form of abandoned buildings, abandoned or broken equipment, hazardous pools or ponds or excavations, neglected machinery or abandoned refrigerators, freezers, or other major appliance;
 - 4. The keeping or maintenance in any area on private property, which is clearly visible from a public street, sidewalk, park or other public area, any accumulation, collection or untidy storage of junk, salvage, or trash, including discarded or unused items, or any condition determined to be unhealthy by a code enforcement officer, or an unsightly condition after written complaint from three or more residents within the neighborhood or general vicinity of the condition;
 - 5. Any building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of Title 19.
- C. Failure to timely correct nuisances involving a structure may result in the structure becoming or being declared a dangerous building, under the provisions of chapter 9.20 of this Code. If a structure meets the definition of a dangerous building in chapter 9.20, the borough building official may, but is not required to first attempt to abate the nuisance under the provisions of this chapter.
- D. The following chapters of this code also prohibit or restrict other conditions, which are deemed to be nuisances:
- 1. Abandoned or Junked Vehicles, PMC 11.16.
 - 2. Dangerous Building, PMC 9.20.
 - 3. Littering, PMC 9.12.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.040 - Abatement—Standards to be followed.

The code enforcement official, and the assembly if an appeal is taken, shall order the means best calculated to abate wholly the nuisance with the least costs of abatement; and demolition shall not be ordered if repair, vacancy, or removal may accomplish the abatement.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.050 - Abatement—Notice and order.

- A. Unless a nuisance has created a situation which requires summary abatement, the code enforcement officer may issue an abatement notice and order and serve it in the manner described in this section upon the record owners of the affected property, and, if different from the record owners, the person creating, permitting or maintaining the nuisance and any non-owner occupant of the affected property. The notice and order shall contain:

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1. The street address and legal description sufficient for identification of the affected premises;
 2. The statement that the code enforcement officer has found the premises affected with a nuisance, with a brief and concise description of the nuisance;
 3. A statement of the action required to be taken, as determined by the code enforcement officer, to abate the nuisance, and an order directing such action to be taken;
 4. A statement advising that if any required abatement is not commenced or completed within the time specified, i) the code enforcement officer may proceed to cause the necessary work to be done and charge the cost thereof against the premises, its owner and/or, if applicable, the person creating, permitting or maintaining the nuisance, and ii) civil penalties and/or fines, and administrative fees may be imposed; and
 5. A statement advising that any person having record title or legal interest in the premises may appeal from the notice and order of any action of the code enforcement officer by filing with the borough clerk, within fifteen days from the date of service of such notice and order, an appeal in writing in accordance with the appeal procedure as provided in section 09.16.070, and that failure to appeal will constitute a waiver of all right to contest the order.
- B. The abatement notice and order and any amended or supplemental notice and order shall be posted on the premises affected by the nuisance and served upon the persons set about in paragraph A above either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to the person at that person's last known address. Service by certified mail in the manner herein provided shall be deemed effective on the date of mailing.
- C. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. The inability or failure of the code enforcement officer to serve any person required to be served shall not invalidate any proceedings herein as to any other person duly served.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.060 - Abatement—Extension of time.

Upon receipt of a request from a person required to conform to the abatement order, and agreement in writing by such person that the person will comply with the order if allowed additional time, the code enforcement officer may grant an extension of time within which to abate the nuisance if the code enforcement officer determines that such an extension of time will not create or perpetuate a situation dangerous to life or property.

(Ord. No. 2015-03, § 3, 4-6-2015)

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9.16.070 - Abatement—Enforcement of order.

- A. The creation or maintenance of a nuisance is prohibited, and whenever a nuisance is deemed to exist within the borough, it may be abated in either the manner set out in this chapter, or under a different applicable procedure set out in the borough code.
1. *Voluntary correction.* When the borough determines that a nuisance exists and prior to the issuance of an abatement notice and order, a code enforcement officer may attempt to secure the voluntary correction of a violation by attempting to contact the person responsible for the violation, explaining the violation, and requesting correction within the time specified. The borough may also enter into a written voluntary correction agreement with any person causing, allowing, or participating in the violation, including the property owner.
 2. *Abatement by borough.* The borough may perform the abatement required upon noncompliance with the terms of a written voluntary correction agreement, an unappealed notice and order, or a final decision of the assembly. The borough may utilize borough employees or a private contractor under borough direction to accomplish the abatement. The borough, its employees and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes. Nothing in this chapter shall prohibit the borough from pursuing abatement of a violation pursuant to any other laws of the state of Alaska or the borough.
 3. *Summary abatement.* Whenever any nuisance causes an immediate threat to the public health, safety or welfare or to the environment, the borough may summarily and without prior notice abate the condition. Except for the requirement of notice, all abatement proceedings provided for in this chapter apply to a nuisance summarily abated, including the recovery of the costs of the summary abatement. No notice is required for abatement of a nuisance occurring on the public streets and rights-of-way, or other borough property.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.080 - Abatement—Appeal to assembly.

- A. Any person having record title or legal interest in premises which are the subject of an abatement notice and order may appeal from that notice and order by filing a written appeal to the assembly with the office of the borough clerk, within fifteen days from the date of service of such notice and order.
- B. As soon as practicable after receiving the written appeal, the assembly shall fix a date, time and place for the hearing of the appeal by the assembly. Such date shall be not less than ten days nor more than sixty days from the date the appeal was filed with the borough clerk. Written notice of the hearing shall be given to each appellant by the borough clerk, either by

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causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at appellant's address shown on the appeal.

- C. Failure of a person to file an appeal in accordance with the provisions of this section shall constitute a waiver of that person's right to the assembly hearing and of any adjudication of the notice and order, or any portion thereof.
- D. Only those matters or issues specifically raised by the appellant shall be considered in the hearing on the appeal.
- E. Enforcement of any notice and order of the code enforcement officer issued under this chapter shall be stayed during the pendency of an appeal therefrom which was properly and timely filed. Such a stay does not prevent the code enforcement officer from taking abatement action if the nuisance subsequently becomes subject to summary abatement.
- F. The hearing shall be conducted informally, and may be governed by such rules and procedures as the assembly may choose. At the hearing, the appellant may appear in person or by agent or attorney, and offer documents and testimony, of appellant or other witnesses, in support of the appeal. The code enforcement officer, or their designee, shall appear at the hearing and may offer documents and testimony, of the official or other witnesses, in support of the abatement notice and order. Both the code enforcement officer and the appellant may cross-examine witnesses, under reasonable time limits adopted by the presiding assembly member. The presiding assembly member may administer oaths, and a record shall be kept of the proceedings by the borough clerk.
- G. The assembly, after the hearing, shall issue a written final decision on the appeal, including findings of fact. If it affirms that a nuisance subject to abatement exists, the decision shall also contain an order based upon its findings, directing the abatement within such time period and upon such terms and conditions as it may prescribe. The decision shall be given to each appellant by the borough clerk, either by causing a copy to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at appellant's address shown on the appeal.
- H. If the person who requests a hearing to contest notice and order then fails to appear at the scheduled hearing after having been given notice in the manner provided for by this chapter, the person shall be deemed to have waived the right to appear and present testimony and evidence in support of the appeal. The assembly shall proceed to hear testimony and receive evidence from the code enforcement officer and shall issue a written final decision on the appeal based upon the record before it, including findings of fact as required under section 9.16.080(G).

(Ord. No. 2015-03, § 3, 4-6-2015)

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The final decision of the assembly issued under this section above may be appealed to the Superior Court, First Judicial District, State of Alaska, within 30 days of the date the decision was issued and in accordance with applicable Court Rules. For purposes of this section, the date of issuance is the date upon which the decision was mailed or delivered to the appellant. Failure to file the notice of appeal in the manner and time specified shall forfeit any right to appeal.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.100 - Recovery of costs.

- A. The borough shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation and/or against the subject property. Such costs shall become due and payable 30 days after the date of the bill.
- B. The borough manager or designee may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary. Any challenge to the amount of the abatement costs must be made within 14 days of issuance of the bill and shall be heard by the borough manager in an informal hearing. The borough manager shall make a written determination as to whether or not the borough's costs were accurate and necessary for accomplishing the abatement.
- C. The costs and expenses may be recovered by the borough in a civil action or by any other permitted method, including use of a collection agency or the exercise of any lien rights possessed by the borough.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.110 - Inspections and right of entry.

The code enforcement officer is authorized to enter on or into premises and structures, and conduct inspections thereof, in order to enforce the provisions of this chapter, including in circumstances where the official has reasonable cause to believe that a nuisance exists in any structure or on any premises subject to this code. The official may enter and inspect such structure or premises at any reasonable time in performance of the official's enforcement activities under this chapter; provided, however, that where the Constitution of the United States or the State of Alaska requires that the official obtain an administrative search warrant before entering onto premises and making an inspection, the official shall not make the inspection until authorized to do so by a search warrant issued by a court of competent jurisdiction. If the code enforcement officer is a borough official other than the chief of police, then a peace officer shall accompany the abatement official in any entry and inspection conducted under a search warrant.

(Ord. No. 2015-03, § 3, 4-6-2015)

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9.16.120 - Violations and remedies.

- A. A person who violates a provision of this chapter shall be guilty of a violation, and shall be subject to a fine as provided in chapter 1.16 of the Borough Code.
- B. The remedies provided for in this chapter shall be cumulative. In addition to other remedies or procedures provided in the chapter, a nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action. The code enforcement officer may also assess civil penalties, in an amount up to One Hundred Dollars (\$100) per day, for any violation of this chapter; the amount of any such penalty may be set out in the notice and order, or by separate assessment.
- C. Each and every day that a person fails to comply beyond a date fixed for compliance shall constitute a separate offense.

(Ord. No. 2015-03, § 3, 4-6-2015.)

14.04.130 - Unsafe facilities.

The borough may refuse to furnish water and may immediately disconnect services to any premises where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with federal, state or local laws and regulations.

(Ord. No. 2018-06, § 3, 3-5-2018)



1.c.1

1.b.iii.3





Alaska Department of Environmental Conservation
DIVISION OF WATER

INDOOR AND OUTDOOR CLEANUP PROCEDURES FOR DOMESTIC WASTEWATER SPILLS

Indoor cleanup guidelines for domestic wastewater spills.

Cleanup guidelines for domestic wastewater spills that occur inside of a building

If sewage is on nonabsorbent floor material like tile, vinyl, concrete or other nonabsorbent surfaces, cleanup of the visible water and semi-solid material should be accomplished using a vacuum or mop and by using the proper concentrations of sanitizers to disinfect. Make sure that the sanitizer is of proper concentration and that all affected areas are thoroughly sanitized.

If the sewage is on an absorbent floor material, such as carpet, the material that has absorbed the sewage should be vacuumed to remove as much of the waste as possible.

Do not mix cleaning and disinfecting products or chemicals. Cleaning products can react with one another to produce toxic vapor or liquid substances.

The following is a list of common sanitizers:

- Chlorine: For chlorine solutions, the chlorine concentration should be in the range of 50 to 1000 parts per million (ppm) or milligrams per liter (mg/l) for disinfecting surfaces of appliances and food preparation areas and 200 ppm (mg/l) for walls and floors. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies.
- As a rule of thumb, add 3/4 cup Clorox Bleach to one gallon of water. Only use bleach that has "sanitizes" or "kills germs" on the label.
- Alternative disinfectants: Other disinfectants, which include iodine and quaternary solutions, must be used according to the manufacturer's specifications / recommendations if used for disinfecting sewage spills.

Please note: Using chlorine or alternate disinfectants on absorbent materials (such as carpet) may cause damage to the material and loss of color may occur.

1.d.1

Because it is difficult to adequately sanitize carpet, carpet pad and absorbent flooring materials, ADEC recommends that saturated flooring materials be removed and disposed of at a permitted solid waste disposal facility.

Remember, access to the spill area must be restricted until 24 hours after cleanup has been completed so as to minimize any threat to public health or the environment.



Outdoor cleanup guidelines for domestic wastewater spills

The following are recommended procedures for cleaning up untreated or inadequately treated sewage, spilled to the ground surface.

1. In all conditions:
 - A. If the area in which the spill occurred is accessible to the public or domestic pets, the contaminated area must be clearly marked or cordoned off to restrict access.
 - B. Protective clothing (at a minimum, rubber or latex gloves and rubber boots) should be worn when cleaning up a sewage spill. (Dispose of gloves and wash rubber boots when leaving spill site). Keep children and interested bystanders away from cleanup activities.
 - C. Please note that hydrated lime is a caustic material and can be dangerous to handle and apply. Lime should only be used or applied by people experienced in using this material.
 - D. Do not mix cleaning and disinfecting products or chemicals. Cleaning products can react with one another to produce toxic vapor or liquid substances.
2. In non-freezing conditions, when sewage is a mixture of liquid and solid material, the following steps should be taken:
 - A. If the spilled material can't be recovered using hand tools, a commercial vacuum or pump truck should be called to remove all visible liquid and solid material.
 - B. When the area is visibly clean, either a mixed chlorine water solution (using Clorox or an equal bleach) or hydrated lime should be applied to the spill area to disinfect. To make a 5 percent chlorine solution, add 3/4 cup Clorox bleach to one gallon of water. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies. Only use bleach that has "sanitizes" or "kills germs" on the label.
 - C. If the spill occurred in a heavily populated area and odor may be an issue or within 100 feet of surface water, hydrated lime should be applied to the area in place of chlorine bleach. Enough hydrated lime should be applied to raise the pH to at least 12. By raising the pH to 12 for at least one-hour, the area will be disinfected. You can test the pH by using litmus paper obtained at a chemical supply facility. Because lime is a caustic material, access to the area treated with lime must be restricted during the disinfection period.
 - D. After the spill area has been cleansed (24 hours after the chlorine solution or hydrated lime has been applied), the barriers may be removed and access to the area restored.
3. In freezing or frozen conditions.
 - A. An attempt should be made to clean up the spill before it becomes completely frozen.
 - B. If possible, the frozen sewage should be removed down to the natural ground surface (or at least one inch below the spilled sewage if on thicker ice) and the recovered material disposed of properly. This could require that approval be obtained from the local government for disposal in a permitted landfill. An acceptable alternative solution is to stock pile the frozen sewage in an approved lined containment area until conditions are more favorable for transport and disposal. (Because each spill site and situation is different, please contact you local ADEC office for recommendations regarding constructing an acceptable containment area.) If the material thaws, the liquid must be properly handled

and disposed of at a permitted wastewater treatment and disposal facility. Keep in mind that frozen and / or that sewage may still contain active, harmful bacteria, cysts and viruses.

- C. When the area is visibly clean, either a mixed chlorine water solution (using Clorox or an equal bleach) or hydrated lime should be spread across the spill area to disinfect. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies.
- D. If the spill occurred in a heavily populated area and odor may be an issue or within 100 feet of surface water, hydrated lime should be applied to the spill area in place of chlorine bleach. The hydrated lime will raise the pH to 12, which will disinfect the area. By raising the pH to 12 for at least one-hour, the area will be disinfected. You can test the pH by using litmus paper obtained at a chemical supply facility. Because lime is a caustic material, access to the area treated with lime must be restricted during the disinfection period.
- E. When the spill area has been cleansed (24 hours after the chlorine solution or hydrate lime has been spread), the barriers can be removed and access to the area restored.

Remember, access to the spill area must be restricted until 24 hours after cleanup has been completed, so as to minimize any threat to public health or the environment.

For more information or if you have questions regarding State of Alaska Wastewater Regulations 18 AAC contact your [local DEC office](#).



Department of Environmental Conservation

Mailing Address: P.O. Box 111800

Juneau, Alaska 99811

Location: 410 Willoughby Avenue, Juneau

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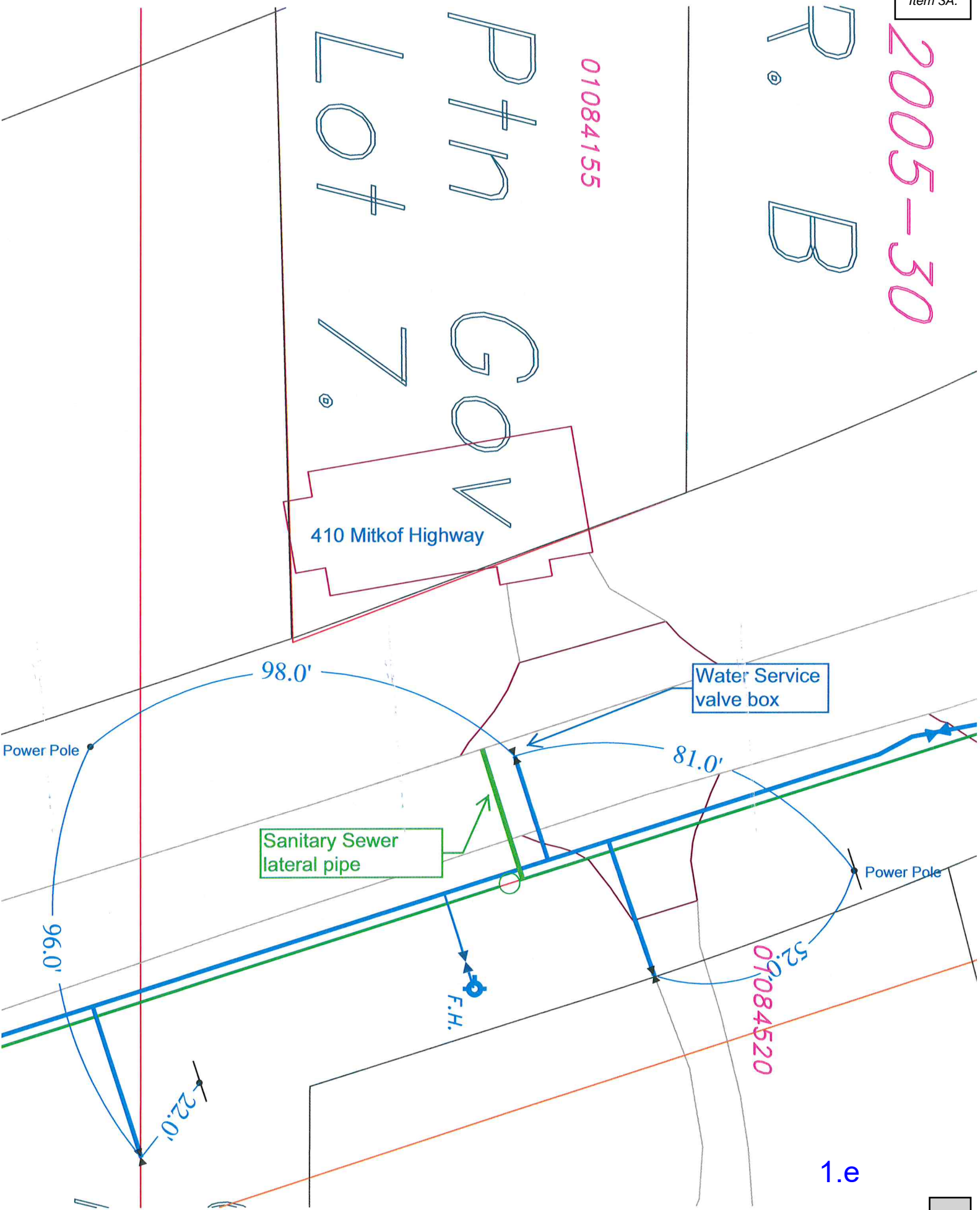
2005-30

P.B.

01084155

PTN
LOT 7
GOV

410 Mitkof Highway



1.e



Decision on Appeal of Courtney Johnson from Notice and Order of Abatement

The Petersburg Borough Assembly conducted a hearing on October 20, 2020, during which it heard testimony and argument, and received and reviewed documents, relating to the Appeal of Courtney Johnson from an August 3, 2020 *Notice and Order of Abatement* issued by Utility Director Karl Hagerman. The *Notice and Order of Abatement* related to the failure of the residence located at 410 Mitkof Highway to be connected to the borough sewer system and the presence of raw sewage at the property, constituting a nuisance.

Testimony and argument was received from Appellant, Courtney Johnson and from Borough Employees Karl Hagerman (Utility Director), Justin Haley (Wastewater Operations Supervisor), Joe Bertagnoli (Building Official), and Petersburg Police Department Officer Louis Waechter. The written Record on Appeal ("ROA") before the Assembly consists of 40 pages.

In accordance with Petersburg Municipal Code (PMC) 9.16.080G, the Assembly hereby adopts the following Written Decision.

FINDINGS OF FACT

1. Courtney Johnson ("Owner") is the owner of the residence located at 410 Mitkof Highway ("the residence" or "the property"). (ROA page 32¹)
2. The residence is located on a hillside above and adjacent to a body of water referred to as the Wrangell Narrows. (Testimony of Karl Hagerman)
3. The residence is located within 150' of the borough sewer system, but is not connected to the system. (Testimony of Karl Hagerman; ROA page 22)
4. The prior owners of the property received notification requiring connection of the residence to the borough sewer system. (Testimony of Karl Hagerman)
5. On July 24, 2020, Officers Waechter and Popp of the Petersburg Police Department went to the residence in search of a third party on an active felony warrant. Owner gave the Officers permission to search the residence. (Testimony of Officer Waechter)
6. While at the property, Officer Waechter saw raw sewage and toilet paper on the ground, next to what appeared to be a broken sewer pipe, directly off the back deck of the residence. (Testimony

¹ Some pages of the Record on Appeal have two page numbers. The references herein are to the typed numbers located at the bottom right of each page.

of Officer Waechter) Officer Waechter took photographs and forwarded the photographs to the Borough Building Official and to the Wastewater Department. (Testimony of Officer Waechter and Karl Hagerman; ROA pages 17-18, 38)

7. Upon receipt of the photographs, Utility Director Karl Hagerman ("Hagerman") made attempts to contact the Owner at the telephone numbers which had been provided to the utility. All of the numbers known to the utility were either disconnected or not working, and he was not able to reach her. (Testimony of Karl Hagerman)

8. On August 3, 2020, Hagerman issued a *Notice and Order of Abatement*. (Testimony of Karl Hagerman; ROA pages 4-22)

9. On August 3, 2020, the *Notice and Order of Abatement* was posted at the front door of the property, and sent to the Owner by regular and certified mail. (Testimony of Hagerman; ROA pages 23-24)

10. The description of the violations of the Petersburg Municipal Code set out in the *Notice and Order of Abatement* were as follows (ROA page 4):

PMC 14.08.020A and B (Sewer Utility) - Unlawful sewage - Disposal methods designated.

PMC 14.08.080A (Sewer Utility) - When connection to public sewer is required.

PMC 9.16.030B(2) (Nuisances) - Unlawful; enumeration.

11. The description of the nuisances contained in the *Notice and Order of Abatement* were as follows (ROA page 4):

Raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

12. The required corrective action to abate the nuisance, as set out in the *Notice and Order of Abatement*, was as follows (ROA page 5):

1. Area in which the spill is occurring is accessible to the public and domestic pets. The contaminated area must be clearly marked and cordoned off to restrict access.
2. The domestic sewer from the household must be connected to the Petersburg Borough sanitary sewer collection system by way of excavation and plumbing of the household sewer to the existing sewer service lateral. Map showing approximate location of the sewer service lateral is attached.
3. Sewer connection must be completed by a licensed construction contractor (excavation), which must be inspected by the Borough prior to any backfill of the connection point.
4. Site of illegal discharge must be cleansed per DEC Cleanup Guidelines for domestic wastewater spills (enclosed). Access to the area must be restricted for at least 24 hours after the site has been cleansed.

13. The *Notice and Order of Abatement* directed the nuisance to be abated by no later than 5:00 p.m. on August 18, 2020. (ROA page 5)
14. On August 18, 2020, Owner filed with the Borough Clerk a Notice of Appeal from the provisions of the *Notice and Order of Abatement*. (ROA pages 31-32)
15. Following the filing of the Notice of Appeal, an inspection of the site was scheduled with the Owner. (Testimony of Karl Hagerman)
16. On August 24, 2020, an inspection of the property was conducted by Joe Bertagnoli, Borough Building Official, Justin Haley, Borough Wastewater Operations Supervisor, and other Borough Officials. (Testimony of Justin Haley and Joe Bertagnoli) Both Joe Bertagnoli and Justin Haley prepared reports of the inspection. (ROA pages 25-26) Photographs were taken by Joe Bertagnoli during the inspection. (ROA pages 27-29)
17. The inspection disclosed that Owner and another individual had reconnected the residence to the septic tank, via a corrugated plastic pipe laying on the ground, and had run a new outfall line from the septic tank to a nearby stream which ran directly into the ocean, the original outfall line being unusable. The top of the septic tank was covered with earth and vegetation, making the inspection hatches inaccessible. (Testimony of Justin Haley and Joe Bertagnoli; ROA pages 25-29)
18. The Owner was advised at that time that the work performed was not acceptable in that the materials used were not in accordance with Borough Code, the outfall into the stream was a code and regulatory violation, and the residence needed to be connected to the borough sewer system. (Testimony of Justin Haley and Joe Bertagnoli; ROA pages 25-26)
19. The Alaska Department of Environmental Conservation (ADEC) recommends that septic tanks be pumped every two years at a minimum. (ROA page 25). The septic tank at the property has not been pumped for many years. Since 2008, neither the Borough nor the private septic pumping company has serviced this septic tank. (Testimony of Justin Haley; ROA page 25)
20. On August 25, 2020, Justin Haley spoke with ADEC official Raymond Zimmer. Mr. Zimmer advised that while marine discharges from septic systems were previously acceptable, secondary treatment and disinfection is now required, and that compliance with the current regulations is required when an owner performs repair or component replacement on an existing system. (ROA page 30)
21. It is probable that the septic system at the property is not functioning properly. The septic tank had earth and vegetation growth on it, and did not appear to have been accessed in many years. (Testimony of Justin Haley; ROA pages 25, 28)
22. On October 9, 2020, the Notice of Hearing on Appeal was served on the Owner by hand delivery. (ROA pages 33-39) Documents to be utilized by the Borough officials at the hearing were provided to Owner. (ROA pages 3-30, 40)
23. On October 20, 2020, the hearing on Owner's appeal was held before the Assembly. Witnesses were sworn in by the Borough Clerk prior to giving testimony. The Owner and the Utility Director were provided the opportunity to testify, and to call and question witnesses and present documents.

24. At the hearing and in her Notice of Appeal, Owner stated, in summary, as follows: (i) Officer Waechter should not have taken photographs of the sewage spill, (ii) she was not aware that the residence was not connected to the borough sewer system when she purchased the residence in 2018, and she has been charged for borough sewer service, (iii) the septic system at the residence is operational and now in use, (iv) the Borough is responsible for the cost of connecting the residence to the borough sewer system since "there should have been a Certificate of Occupancy issued by local government" when she purchased the home (ROA page 32) and it was the Borough's responsibility to ensure that the sewer system connection had been previously made, and (v) the appeal hearing was not timely held within sixty days of her filing the appeal, as required by the Borough Code.

CONCLUSIONS OF LAW

- 1. The *Notice and Order of Abatement* was proper in form and properly posted and served upon the Owner under PMC 9.16.050B. Actual receipt of the document is demonstrated by the filing of the Notice of Appeal by the Owner.
- 2. The Owner's August 18, 2020 Notice of Appeal was timely and properly filed under PMC 9.16.080A.
- 3. PMC 14.08.080A requires that the owner of a residence situated within the Borough, within 180 days after official notice to do so, connect the toilet and wastewater facilities of the residence to the borough sewer system if such sewer system is within 150' of the property line.
- 4. Following such connection, PMC 14.08.080B requires that the septic tank be abandoned, all waste be pumped from it, and that it be filled with sand or other suitable material.
- 5. The failure of the residence located at 410 Mitkof Highway to be connected to the borough sewer system, and the Owner's continued use of the septic tank, constitutes violations of PMC 14.08.080A and B.
- 6. Officer Waechter was on the property on July 24, 2020 with the permission of the Owner, and the photographs he took were forwarded to the proper Borough Officials.
- 7. Under PMC 9.16.030, the deposit or presence of human excrement on the ground constitutes an unlawful nuisance. The photographs taken by PPD Officer Waechter on July 24, 2020 demonstrate the presence of a nuisance on the property in that human excrement was deposited on the ground due to an open pipe from the residence. The Owner does not dispute the accuracy of the photographs.
- 8. The plumbing work performed by the Owner, as reflected in the August 24, 2020 inspection, is not in compliance with the building or plumbing codes adopted in Borough Code in regard to the materials used or the manner of connection. Additionally, the outfall pipe is improperly routed to a stream, which flows into the ocean, constituting, at a minimum, a violation of PMC 14.08.020B and 18 AAC 72.050. Accordingly, the current plumbing facilities at the residence are unsafe and not in conformity with the law, and create an unlawful nuisance on the property.
- 9. The Owner's claim on appeal that the Borough is responsible for the cost of connecting the residence to the borough sewer system is not supported by the Borough Code. PMC 14.08.080A

states that the connection shall be at the expense of the owner. Further, the Borough does not issue a "Certificate of Occupancy", or undertake to verify code compliance, when a house is sold within the Borough.

- 10. Under PMC 14.08.080C, following the official notice, the property owner is charged for borough sewer service even if the owner has failed to complete the required connection.
- 11. Whether the Owner was aware, or should have been aware, of the lack of connection from the residence to the borough sewer system at the time she purchased the residence is not relevant for purposes of this appeal. The Owner is the party responsible under PMC 14.08.080A to comply with the connection requirements, and lack of knowledge of the applicable state of facts does not excuse compliance.
- 12. The Notice of the Hearing on Appeal was served upon the Owner in accordance with PMC 9.16.080B.
- 13. The Appeal Hearing was timely held under PMC 9.16.080B, which requires that a hearing be held no less than ten days, nor more than sixty days, from the date the appeal was filed with the Borough Clerk. The sixtieth day fell on a weekend (October 17, 2020), and the hearing was held on the next following business day (October 20, 2020).

Accordingly, the appeal filed by the Owner from the Utility Director's August 3, 2020 *Notice and Order of Abatement* is hereby DENIED, and the existence of a nuisance is AFFIRMED. The Owner is ordered to abate the nuisance by bringing the property into full compliance with the requirements set out in the *Notice and Order of Abatement*, no later than thirty (30) days from the date of the Borough Clerk's distribution of this Decision. If the required corrective action is not taken, and timely and proper abatement does not occur, the Utility Director is authorized to take action on behalf of the Borough as set out in the *Notice and Order of Abatement*, including without limitation (1) disconnecting water service to the residence under PMC 14.04.130, (2) undertaking abatement under PMC 9.16.070A(2), the cost and expense of which is to be charged to the Owner, and/or (3) imposing civil penalties and/or seeking criminal fines.

In accordance with PMC section 9.16.090, this Decision may be appealed to the Superior Court, First Judicial District, for the State of Alaska within 30 days of the date of the Clerk's distribution.

November 2, 2020



Mark Jensen, Mayor

Certificate of Service:

This Decision was distributed by Debra K. Thompson, Borough Clerk, on November 4, 2020, by US Mail and email to the following: Courtney Johnson, PO Box 1904, Petersburg, Alaska 99833; cjohnson5047@gmail.com.



NOTICE OF DISCONNECTION OF WATER SERVICE

Date: July 23, 2021

Property Address and Legal Description: 410 Mitkof Highway/ Lot Portion GL 7, Section 10, T59S, R79E

Owner/Responsible Party: Courtney Johnson

Mailing Address: PO Box 1904, Petersburg, AK 99833

Dear Ms. Johnson:

This is in furtherance of the August 3, 2020 Notice of Abatement issued by the Borough regarding the sewer facilities located on the above-referenced property. Following completion of the extensive abatement hearing and appeal proceedings, the home located on the property remains unconnected to the municipal sewer system, with unsafe and improper sewer facilities.

Accordingly, this letter is to provide formal notice to you that, pursuant to PMC 14.04.130, the municipal water service to this parcel will be disconnected on August 6, 2021 if connection to the municipal sewer system is not made by that time. Municipal water service will remain disconnected until the unsafe and improper sewer facilities are corrected and the parcel is connected to the municipal sewer system.

In order to connect the parcel to the municipal sewer system, you are required under PMC 14.08.200 to obtain a plumbing permit prior to commencement of work. If an application for a permit is received from you, we will work to expedite issuance as much as possible.

Please note that during the initial period of disconnect, you will not be charged the monthly fee for sewer service in order to provide you time to make the required connection, however the sewer service base charge will recommence ninety (90) days following disconnect, regardless of whether you have actually connected to the municipal system, pursuant to PMC 14.08.080C.

Please contact me if you have any questions.

Karl Hagerman
Utility Director
Email: khagerman@petersburgak.gov
Telephone: 907-772-5421

Certificate of Service:

On July 23, 2021, sent by US Mail, both regular and certified, to Courtney Johnson at the address set out above, and posted on parcel.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

DIVISION OF WATER
Anchorage

555 Cordova Street
Anchorage, AK 99501
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov

3/12/2021

NOTICE OF VIOLATION

Failure to Comply with regulations at 18 AAC 83 – Alaska Pollutant Discharge Elimination System

Attn: Courtney Johnson
410 Mitkof Highway
Petersburg, AK, 99833

Enforcement Tracking Number. 20-R0528-40-0001

Dear Ms. Johnson,

The Department of Environmental Conservation (DEC or the Department) alleges that beginning on or about August 24, 2020 in Petersburg, Alaska, Ms. Johnson did unlawfully fail to comply with the wastewater regulations of the State of Alaska.

The Department is in possession of the attached photographs and information provided by the Petersburg Borough depicting an unlawful discharge of domestic wastewater from your residence located at 410 Mitkof Highway to surface waters of the United States.

- 1) "Photograph 3" on page 31 of 42 of the attached October 20, 2020 Appeal Hearing Packet, taken August 24, 2020, taken by Joe Bertagnoli of the Petersburg Borough, depicts a discharge of domestic wastewater from a pipe connected to the septic system to a fresh surface water drainage. DEC does not possess a record of approval under 18 AAC 72 for the discharge in question.
 - a. AS 46.03.100(a) and 18 AAC 72.010(a) state that a person may not construct, modify or operate a sewage system that results in the disposal of waste material onto the land or into the waters of the state without prior authorization from the Department.

Exhibit B

To address the violation(s) described above, the Department requires that you provide a response in writing to the following items no later than **3/26/2021**:

- a. Submit to DEC a copy of documentation of approval from DEC of the septic system under 18 AAC 72.200 to Raymond Zimmer and Melinda Smodey no later than Friday, **3/26/2021** by 5:00 PM Alaska time. If you do not possess documentation of approval from DEC of the septic system under 18 AAC 72.200, please respond as such.
- b. DEC is aware of the Petersburg Borough’s request that you connect your septic system to the Borough’s sanitary sewer collection system. If you choose to connect your septic tank to the Petersburg Borough’s sanitary sewer collection system, DEC approval under 18 AAC 72.200 is not required because the septic tank would not discharge to lands or waters and therefore require approval under 18 AAC 72. If this is your selected outcome, submit documentation to DEC to establish that this action was performed no later than **Friday, May 14, 2021** at 5:00 PM Alaska Time.
- c. Currently, you have a septic system that has not received DEC Engineering Review and Approval under 18 AAC 72. If your selected outcome is to maintain a septic tank on your property, DEC requires that you submit engineering plans required to obtain DEC approval of the existing septic tank. The DEC approval process consists of you hiring a professional engineer registered in the state of Alaska to develop engineered plans of the system and submit them for DEC approval consistent with the process laid out in regulations at 18 AAC 72.200. This also requires submittal of the required processing fee under 18 AAC 72.205. Your DEC contact related to questions about this septic tank engineering plan submission is Raymond Zimmer, Raymond.zimmer@alaska.gov, 907-465-5167. DEC requires that you submit complete plans and the plan processing fee no later than **Friday, May 14, 2021** at 5:00 PM Alaska Time.
Additional information can be found on the Department’s website at: <https://dec.alaska.gov/water/wastewater/engineering/>

Deliverables can be submitted via email:

Attention:
Melinda Smodey
Melinda.smodey@alaska.gov
907.269.7564


Penalties for violation of State statutes and regulations can be quite serious. In a civil action, a person who violates or causes or permits to be violated a provision of AS 46.03 and/or 18 ACC 83, may be liable to the State for Substantial monetary damages under AS 46.03.760. Depending on the nature of the violation, you may also be liable for the State’s response costs under AS 46.03.822, for spill penalties under AS 46.03.758-759, for administrative penalties under AS 46.03.761, or for other kinds of damages or penalties under other statutes.

In a criminal violation, a person who acts with criminal negligence may be guilty of a Class A misdemeanor. AS 46.03.790. Upon conviction, a defendant who is not an organization may be

sentenced to pay a fine not exceeding \$10,000.00 and/or sentenced to a definite term of imprisonment of not more than one year. Upon conviction, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of \$500,000.00 or an amount which is three times the pecuniary damage or loss caused by the defendant to another or property of another. AS 12.55.035; each day of violation may be considered a separate violation. Alaska laws allow the State to pursue both civil and criminal actions concurrently.

Nothing in this notice shall be construed as a waiver of the State’s authority or as an agreement on the part of the State to forego judicial or administrative enforcement of the above-described violation(s) or to seek recovery of damages, cost and penalties as prescribed by law. In addition, nothing herein shall be construed as a waiver of enforcement for past, present, or future violations not specifically set forth herein.

If you have additional questions, I may be contacted at (907) 269-7564, or via e-mail: melinda.smodey@alaska.gov. Thank you for your cooperation and assistance in protecting public health and the environment.

Sincerely,


Melinda Smodey, Enforcement Officer
Credential No. R-0332

Check One:
 Personally Served
 Sent by Certified Mail

on the 12th day of March, 2021

Enclosure: Attachment 1: October 20, 2020 Appeal Hearing Packet

cc:
DEC.Water.Enforcement@alaska.gov
Tiffany Larson, DEC
Gene McCabe, DEC
Tonya Bear, DEC
Raymond Zimmer, DEC
Karl Hagerman, Petersburg Borough



NOTICE AND ORDER OF ABATEMENT

DATE OF NOTICE: August 3, 2020

Property Address: 410 Mitkof Highway

Legal Description: Lot Portion GL 7, Section 10, T59S, R79E.

Parcel ID: 01-084-155

Owner/Responsible Party:

Courtney Johnson

Mailing Address: PO Box 1904 , Petersburg, AK 99833

Contact from the Petersburg Police Department regarding photo evidence of the above property revealed the following code violation(s) as defined by the Petersburg Municipal Code: 14.08.020, 14.08.080 and 9.16.030(B)2

The premises are found to constitute a nuisance and a immediate threat to the public health, safety or welfare or to the environment and therefore subject to abatement. If the nuisance is not corrected by taking the described corrective action by the date specified, the borough may without further prior notice enforce this order and abate the condition under PMC 9.16.070(A)2.

Description of Violations:

Violation of PMC 14.08.020(A) & (B) – Unlawful sewage – Disposal methods designated

Violation of PMC 14.08.080(A) – When connection to public sewer is required

Violation of PMC 9.16.030(B)2 – Nuisance – Unlawful enumeration

Description of Nuisance: Raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

Corrective Action Required to Abate the Nuisance:

- 1. Area in which the spill is occurring is accessible to the public and domestic pets. The contaminated area must be clearly marked and cordoned off to restrict access.**
- 2. The domestic sewer from the household must be connected to the Petersburg Borough sanitary sewer collection system by way of excavation and plumbing of the household sewer to the existing sewer service lateral. Map showing approximate location of the sewer service lateral is attached.**
- 3. Sewer connection must be completed by a licensed construction contractor (excavation), which must be inspected by the Borough prior to any backfill of the connection point.**
- 4. Site of illegal discharge must be cleansed per DEC Cleanup Guidelines for domestic wastewater spills (enclosed). Access to the area must be restricted for at least 24 hours after the site has been cleansed.**

As the property owner or the person creating, permitting or maintaining the nuisance, you are directed to abate the nuisance by taking the above described corrective action **by no later than 5:00 pm on August 18, 2020.**

If the required corrective action is not taken and the nuisance abated on or before the date and time stated above, the Petersburg Borough may, at its option, disconnect water service under 14.04.130 and/or undertake abatement of the nuisance under PMC 9.16.070(A)2, the cost and expense of either/both shall be charged to you. The borough may also impose civil penalties of \$500/day or seek criminal fines as well as administrative fees against you.

Any person having record title or legal interest in the premises may appeal this notice and order to the Borough Assembly by filing a written appeal with the Borough Clerk’s office, on an appeal form provided by the Clerk’s office, within 15 days from the date of service of this notice in accordance with section 9.16.080 of the Petersburg Municipal Code. Failure to properly and timely file an appeal shall constitute a waiver of all rights to contest this notice and order.

As this violation constitutes an immediate threat to the public health, we encourage you to act quickly to remedy this situation and are waiving the requirement to obtain a plumbing permit prior to commencement of work.

Please contact me at the phone number below with any questions.

ISSUED BY Karl Hagerman  ON August 3, 2020
PHONE: 907-772-5421 EMAIL: khagerman@petersburgak.gov
Cell Phone: 907-518-4559

Copies of Section 14.08.020, 14.08.080, 14.04.130 and Chapter 9.16 of the Municipal Code are enclosed. Additionally, guidelines from the State of Alaska Department of Environmental Conservation pertaining to the proper way to cleanup a domestic wastewater spill and a map showing you the location of the sanitary sewer lateral pipe where you must connect, are also enclosed.

14.08.020 - Unlawful sewage—Disposal methods designated.

- A. No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the borough, or in any area under the jurisdiction of the borough, any human or animal excretion, garbage or other objectionable waste.
- B. No person shall discharge into any natural outlet within the borough, or in any area under the jurisdiction of the borough, any sanitary sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as provided in this chapter, no person shall construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Ord. No. 2018-07, § 3, 3-5-2018)

14.08.080 - When connection to public sewer is required.

- A. In the best interest of the health and welfare of the residents of the borough, the owner of all houses, buildings or other structures designated or used for human occupancy, employment, recreation or other purpose, situated within the borough, and abutting on any street, alley or right-of-way in which there is located a sanitary sewer of the borough, are required, at their expense, to connect all toilet and wastewater facilities directly with the proper sewer in accordance with the provisions of this chapter within 180 days after official notice to do so; provided, that such sewer is within one hundred fifty feet of the property line.
- B. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, all residual waste shall be pumped from the tank and the tank shall be filled with suitable material, such as sand.
- C. In the event a property owner fails to connect to the sanitary sewer system after an official notice deadline is reached, the property owner will be assessed the normal applicable monthly sewer base charges until the connection is complete. The Alaska Department of Environmental Conservation will be notified of the situation.

(Ord. No. 2018-07, § 3, 3-5-2018)

Chapter 9.16 - NUISANCES

9.16.010 - Purpose and scope.

- A. The purpose of this chapter is to ensure that nuisances are prevented, discontinued, and abated in a timely manner and do not reoccur. Other chapters of the Petersburg Borough Municipal Code address nuisances as well. Various municipal departments are responsible for regulating nuisances, depending upon the type or location of the nuisance. The provisions in this chapter, including the description of the various types of nuisances, procedures for prevention, discontinuation, inspection, enforcement, appeal, and abatement, as well as the appeal and remedies sections, are not exclusive or a limitation on municipal departments in addressing nuisances.
- B. Application of this chapter is limited to Service Area 1 of the Borough.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.020 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates different:

"Abate" means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this code or a borough regulation, by such means and in such a manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this chapter, the verbs "abate" and "correct" shall be interchangeable and have the same meaning.

"Building" includes any structure, generally with walls and a roof, used for human habitation, occupancy or use.

"Code enforcement officer" or "enforcement officer" means the borough's code enforcement officer(s); the building official; the fire marshal or his or her designee; the chief of the Petersburg police department or his or her designee; the director of the community development department or his or her designee; the director of the public works department or his or her designee; or any other person or persons assigned or directed by the borough manager or his or her designee to enforce the regulations of this chapter.

"Costs" means, but is not limited to, include, but are not limited to, the cost of 1) preparation, mailing and service of notices required hereunder, 2) issuance of requisite specifications and abatement contracts, 3) conduct and performance of inspections and the abatement work, 4) any administrative overhead for

inspection of the property or abatement work performed, and 5) attorney fees incurred in the abatement process.

"Equipment" means goods used or bought for use primarily in a business.

"Nuisance" means any act or creation which is injurious to the public health or safety, which prevents or obstructs the free and comfortable enjoyment of life and property, causes a detrimental effect on nearby property values, or is dangerous to surrounding property.

"Person responsible for the violation" means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the premises for a period of at least 90 days; or any person who created, caused, participated in, or has allowed a violation to occur.

"Premises" means any land, including any tract, lot or parcel of land, or easement or right-of-way, and any structures thereon.

"Structure" means anything built, constructed, or erected, including buildings.

"Junk" or "salvage" means any abandoned, broken, used, worn out, wrecked, scrapped, partially or fully dismantled or discarded tangible material, including vehicles or watercraft of all kinds, or any combination of materials or items including appliances, chemicals, building materials, equipment or parts thereof, fiber, machinery, metal, scrap metal, rags, rubber, paper, plastics, lumber or wood, that cannot without further alteration and reconditioning be used for their original purposes.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.030 - Unlawful; enumeration.

- A. It is unlawful for any person to create, permit or maintain the existence of any nuisance.
- B. Nuisances include, but are not limited to, the following:
 1. The deposit, existence or presence in or on any premises of any accumulation of garbage, refuse, manure or animal or vegetable matter which produces a foul, decaying, malodorous or offensive odor, or which serves or constitutes a potential breeding ground or harborage for insects or rodents;
 2. The deposit, existence or presence in or on any premises of any human excrement or

waste;

3. Attractive nuisances dangerous to children in the form of abandoned buildings, abandoned or broken equipment, hazardous pools or ponds or excavations, neglected machinery or abandoned refrigerators, freezers, or other major appliance;
 4. The keeping or maintenance in any area on private property, which is clearly visible from a public street, sidewalk, park or other public area, any accumulation, collection or untidy storage of junk, salvage, or trash, including discarded or unused items, or any condition determined to be unhealthy by a code enforcement officer, or an unsightly condition after written complaint from three or more residents within the neighborhood or general vicinity of the condition;
 5. Any building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of Title 19.
- C. Failure to timely correct nuisances involving a structure may result in the structure becoming or being declared a dangerous building, under the provisions of chapter 9.20 of this Code. If a structure meets the definition of a dangerous building in chapter 9.20, the borough building official may, but is not required to first attempt to abate the nuisance under the provisions of this chapter.
- D. The following chapters of this code also prohibit or restrict other conditions, which are deemed to be nuisances:
1. Abandoned or Junked Vehicles, PMC 11.16.
 2. Dangerous Building, PMC 9.20.
 3. Littering, PMC 9.12.

(Ord. No. 2015-03, § 3, 4-6-2015.)

9.16.040 - Abatement—Standards to be followed.

The code enforcement official, and the assembly if an appeal is taken, shall order the means best calculated to abate wholly the nuisance with the least costs of abatement; and demolition shall not be ordered if repair, vacancy, or removal may accomplish the abatement.

(Ord. No. 2015-03, § 3, 4-6-2015.)

9.16.050 - Abatement—Notice and order.

- A. Unless a nuisance has created a situation which requires summary abatement, the code enforcement officer may issue an abatement notice and order and serve it in the manner described in this section upon the record owners of the affected property, and, if different from the record owners, the person creating, permitting or maintaining the nuisance and any non-owner occupant of the affected property. The notice and order shall contain:

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1. The street address and legal description sufficient for identification of the affected premises;
 2. The statement that the code enforcement officer has found the premises affected with a nuisance, with a brief and concise description of the nuisance;
 3. A statement of the action required to be taken, as determined by the code enforcement officer, to abate the nuisance, and an order directing such action to be taken;
 4. A statement advising that if any required abatement is not commenced or completed within the time specified, i) the code enforcement officer may proceed to cause the necessary work to be done and charge the cost thereof against the premises, its owner and/or, if applicable, the person creating, permitting or maintaining the nuisance, and ii) civil penalties and/or fines, and administrative fees may be imposed; and
 5. A statement advising that any person having record title or legal interest in the premises may appeal from the notice and order of any action of the code enforcement officer by filing with the borough clerk, within fifteen days from the date of service of such notice and order, an appeal in writing in accordance with the appeal procedure as provided in section 09.16.070, and that failure to appeal will constitute a waiver of all right to contest the order.
- B. The abatement notice and order and any amended or supplemental notice and order shall be posted on the premises affected by the nuisance and served upon the persons set about in paragraph A above either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to the person at that person's last known address. Service by certified mail in the manner herein provided shall be deemed effective on the date of mailing.
- C. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. The inability or failure of the code enforcement officer to serve any person required to be served shall not invalidate any proceedings herein as to any other person duly served.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.060 - Abatement—Extension of time.

Upon receipt of a request from a person required to conform to the abatement order, and agreement in writing by such person that the person will comply with the order if allowed additional time, the code enforcement officer may grant an extension of time within which to abate the nuisance if the code enforcement officer determines that such an extension of time will not create or perpetuate a situation dangerous to life or property.

(Ord. No. 2015-03, § 3, 4-6-2015)

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9.16.070 - Abatement—Enforcement of order.

- A. The creation or maintenance of a nuisance is prohibited, and whenever a nuisance is deemed to exist within the borough, it may be abated in either the manner set out in this chapter, or under a different applicable procedure set out in the borough code.
1. *Voluntary correction.* When the borough determines that a nuisance exists and prior to the issuance of an abatement notice and order, a code enforcement officer may attempt to secure the voluntary correction of a violation by attempting to contact the person responsible for the violation, explaining the violation, and requesting correction within the time specified. The borough may also enter into a written voluntary correction agreement with any person causing, allowing, or participating in the violation, including the property owner.
 2. *Abatement by borough.* The borough may perform the abatement required upon noncompliance with the terms of a written voluntary correction agreement, an unappealed notice and order, or a final decision of the assembly. The borough may utilize borough employees or a private contractor under borough direction to accomplish the abatement. The borough, its employees and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes. Nothing in this chapter shall prohibit the borough from pursuing abatement of a violation pursuant to any other laws of the state of Alaska or the borough.
 3. *Summary abatement.* Whenever any nuisance causes an immediate threat to the public health, safety or welfare or to the environment, the borough may summarily and without prior notice abate the condition. Except for the requirement of notice, all abatement proceedings provided for in this chapter apply to a nuisance summarily abated, including the recovery of the costs of the summary abatement. No notice is required for abatement of a nuisance occurring on the public streets and rights-of-way, or other borough property.

(Ord. No. 2015-03, § 3, 4-6-2015.)

9.16.080 - Abatement—Appeal to assembly.

- A. Any person having record title or legal interest in premises which are the subject of an abatement notice and order may appeal from that notice and order by filing a written appeal to the assembly with the office of the borough clerk, within fifteen days from the date of service of such notice and order.
- B. As soon as practicable after receiving the written appeal, the assembly shall fix a date, time and place for the hearing of the appeal by the assembly. Such date shall be not less than ten days nor more than sixty days from the date the appeal was filed with the borough clerk. Written notice of the hearing shall be given to each appellant by the borough clerk, either by

- causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at appellant's address shown on the appeal.
- C. Failure of a person to file an appeal in accordance with the provisions of this section shall constitute a waiver of that person's right to the assembly hearing and of any adjudication of the notice and order, or any portion thereof.
 - D. Only those matters or issues specifically raised by the appellant shall be considered in the hearing on the appeal.
 - E. Enforcement of any notice and order of the code enforcement officer issued under this chapter shall be stayed during the pendency of an appeal therefrom which was properly and timely filed. Such a stay does not prevent the code enforcement officer from taking abatement action if the nuisance subsequently becomes subject to summary abatement.
 - F. The hearing shall be conducted informally, and may be governed by such rules and procedures as the assembly may choose. At the hearing, the appellant may appear in person or by agent or attorney, and offer documents and testimony, of appellant or other witnesses, in support of the appeal. The code enforcement officer, or their designee, shall appear at the hearing and may offer documents and testimony, of the official or other witnesses, in support of the abatement notice and order. Both the code enforcement officer and the appellant may cross-examine witnesses, under reasonable time limits adopted by the presiding assembly member. The presiding assembly member may administer oaths, and a record shall be kept of the proceedings by the borough clerk.
 - G. The assembly, after the hearing, shall issue a written final decision on the appeal, including findings of fact. If it affirms that a nuisance subject to abatement exists, the decision shall also contain an order based upon its findings, directing the abatement within such time period and upon such terms and conditions as it may prescribe. The decision shall be given to each appellant by the borough clerk, either by causing a copy to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at appellant's address shown on the appeal.
 - H. If the person who requests a hearing to contest notice and order then fails to appear at the scheduled hearing after having been given notice in the manner provided for by this chapter, the person shall be deemed to have waived the right to appear and present testimony and evidence in support of the appeal. The assembly shall proceed to hear testimony and receive evidence from the code enforcement officer and shall issue a written final decision on the appeal based upon the record before it, including findings of fact as required under section 9.16.080(G).

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.090 - Appeal to superior court.

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The final decision of the assembly issued under this section above may be appealed to the Superior Court, First Judicial District, State of Alaska, within 30 days of the date the decision was issued and in accordance with applicable Court Rules. For purposes of this section, the date of issuance is the date upon which the decision was mailed or delivered to the appellant. Failure to file the notice of appeal in the manner and time specified shall forfeit any right to appeal.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.100 - Recovery of costs.

- A. The borough shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation and/or against the subject property. Such costs shall become due and payable 30 days after the date of the bill.
- B. The borough manager or designee may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary. Any challenge to the amount of the abatement costs must be made within 14 days of issuance of the bill and shall be heard by the borough manager in an informal hearing. The borough manager shall make a written determination as to whether or not the borough's costs were accurate and necessary for accomplishing the abatement.
- C. The costs and expenses may be recovered by the borough in a civil action or by any other permitted method, including use of a collection agency or the exercise of any lien rights possessed by the borough.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.110 - Inspections and right of entry.

The code enforcement officer is authorized to enter on or into premises and structures, and conduct inspections thereof, in order to enforce the provisions of this chapter, including in circumstances where the official has reasonable cause to believe that a nuisance exists in any structure or on any premises subject to this code. The official may enter and inspect such structure or premises at any reasonable time in performance of the official's enforcement activities under this chapter; provided, however, that where the Constitution of the United States or the State of Alaska requires that the official obtain an administrative search warrant before entering onto premises and making an inspection, the official shall not make the inspection until authorized to do so by a search warrant issued by a court of competent jurisdiction. If the code enforcement officer is a borough official other than the chief of police, then a peace officer shall accompany the abatement official in any entry and inspection conducted under a search warrant.

(Ord. No. 2015-03, § 3, 4-6-2015)

9.16.120 - Violations and remedies.

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- A. A person who violates a provision of this chapter shall be guilty of a violation, and shall be subject to a fine as provided in chapter 1.16 of the Borough Code.
- B. The remedies provided for in this chapter shall be cumulative. In addition to other remedies or procedures provided in the chapter, a nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action. The code enforcement officer may also assess civil penalties, in an amount up to One Hundred Dollars (\$100) per day, for any violation of this chapter; the amount of any such penalty may be set out in the notice and order, or by separate assessment.
- C. Each and every day that a person fails to comply beyond a date fixed for compliance shall constitute a separate offense.

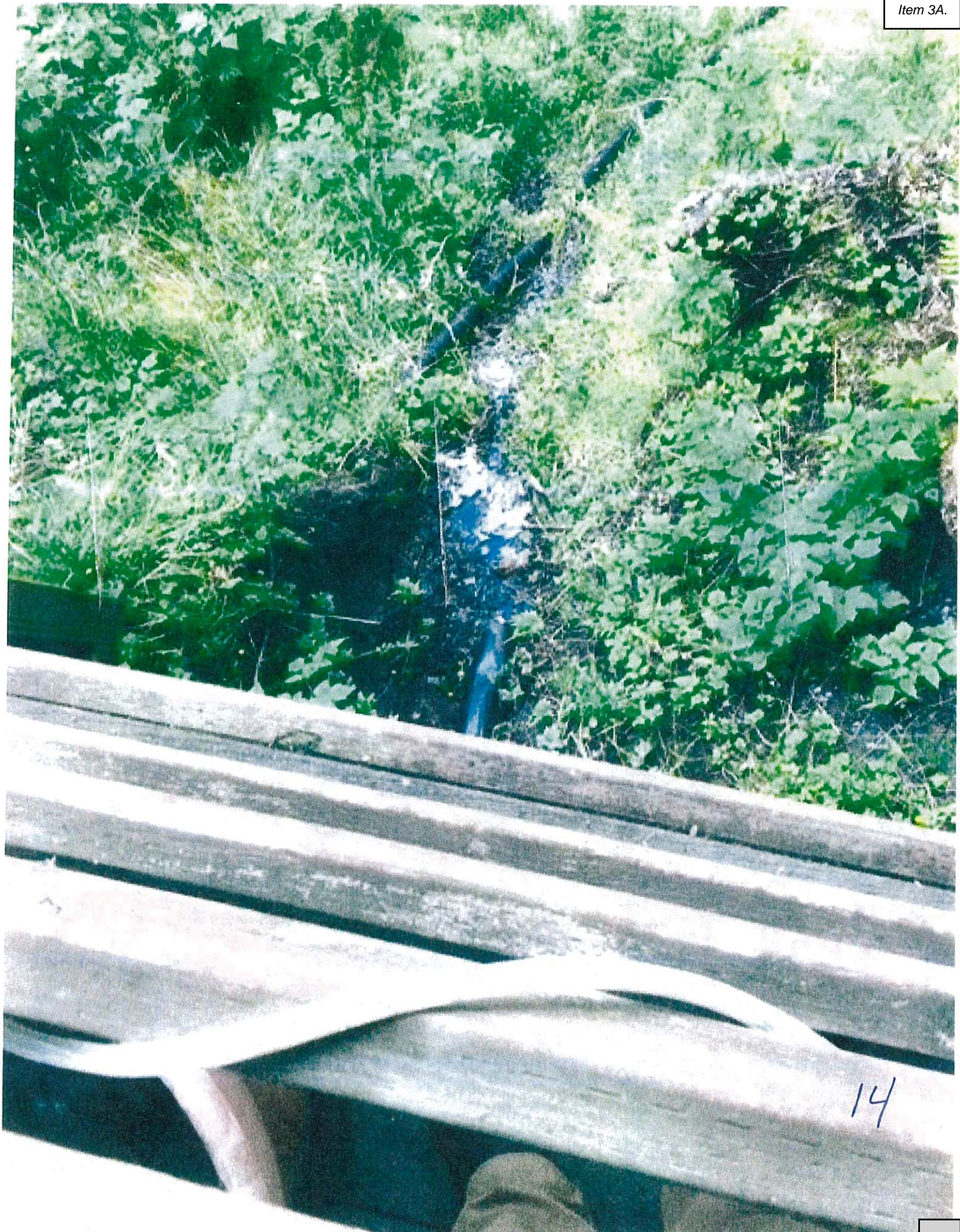
(Ord. No. 2015-03, § 3, 4-6-2015)

14.04.130 - Unsafe facilities.

The borough may refuse to furnish water and may immediately disconnect services to any premises where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with federal, state or local laws and regulations.

(Ord. No. 2018-06, § 3, 3-5-2018)

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INDOOR AND OUTDOOR CLEANUP PROCEDURES FOR DOMESTIC WASTEWATER SPILLS

Indoor cleanup guidelines for domestic wastewater spills.

Cleanup guidelines for domestic wastewater spills that occur inside of a building

If sewage is on nonabsorbent floor material like tile, vinyl, concrete or other nonabsorbent surfaces, cleanup of the visible water and semi-solid material should be accomplished using a vacuum or mop and by using the proper concentrations of sanitizers to disinfect. Make sure that the sanitizer is of proper concentration and that all affected areas are thoroughly sanitized.

If the sewage is on an absorbent floor material, such as carpet, the material that has absorbed the sewage should be vacuumed to remove as much of the waste as possible.

Do not mix cleaning and disinfecting products or chemicals. Cleaning products can react with one another to produce toxic vapor or liquid substances.

The following is a list of common sanitizers:

- Chlorine: For chlorine solutions, the chlorine concentration should be in the range of 50 to 1000 parts per million (ppm) or milligrams per liter (mg/l) for disinfecting surfaces of appliances and food preparation areas and 200 ppm (mg/l) for walls and floors. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies.
- As a rule of thumb, add 3/4 cup Clorox Bleach to one gallon of water. Only use bleach that has "sanitizes" or "kills germs" on the label.
- Alternative disinfectants: Other disinfectants, which include iodine and quaternary solutions, must be used according to the manufacturer's specifications / recommendations if used for disinfecting sewage spills.

Please note: Using chlorine or alternate disinfectants on absorbent materials (such as carpet) may cause damage to the material and loss of color may occur.

Because it is difficult to adequately sanitize carpet, carpet pad and absorbent flooring materials, ADEC recommends that saturated flooring materials be removed and disposed of at a permitted solid waste disposal facility.

Remember, access to the spill area must be restricted until 24 hours after cleanup has been completed so as to minimize any threat to public health or the environment.

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Outdoor cleanup guidelines for domestic wastewater spills

The following are recommended procedures for cleaning up untreated or inadequately treated sewage, spilled to the ground surface.

1. In all conditions:
 - A. If the area in which the spill occurred is accessible to the public or domestic pets, the contaminated area must be clearly marked or cordoned off to restrict access.
 - B. Protective clothing (at a minimum, rubber or latex gloves and rubber boots) should be worn when cleaning up a sewage spill. (Dispose of gloves and wash rubber boots when leaving spill site). Keep children and interested bystanders away from cleanup activities.
 - C. Please note that hydrated lime is a caustic material and can be dangerous to handle and apply. Lime should only be used or applied by people experienced in using this material.
 - D. Do not mix cleaning and disinfecting products or chemicals. Cleaning products can react with one another to produce toxic vapor or liquid substances.
2. In non-freezing conditions, when sewage is a mixture of liquid and solid material, the following steps should be taken:
 - A. If the spilled material can't be recovered using hand tools, a commercial vacuum or pump truck should be called to remove all visible liquid and solid material.
 - B. When the area is visibly clean, either a mixed chlorine water solution (using Clorox or an equal bleach) or hydrated lime should be applied to the spill area to disinfect. To make a 5 percent chlorine solution, add 3/4 cup Clorox bleach to one gallon of water. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies. Only use bleach that has "sanitizes" or "kills germs" on the label.
 - C. If the spill occurred in a heavily populated area and odor may be an issue or within 100 feet of surface water, hydrated lime should be applied to the area in place of chlorine bleach. Enough hydrated lime should be applied to raise the pH to at least 12. By raising the pH to 12 for at least one-hour, the area will be disinfected. You can test the pH by using litmus paper obtained at a chemical supply facility. Because lime is a caustic material, access to the area treated with lime must be restricted during the disinfection period.
 - D. After the spill area has been cleansed (24 hours after the chlorine solution or hydrated lime has been applied), the barriers may be removed and access to the area restored.
3. In freezing or frozen conditions.
 - A. An attempt should be made to clean up the spill before it becomes completely frozen.
 - B. If possible, the frozen sewage should be removed down to the natural ground surface (or at least one inch below the spilled sewage if on thicker ice) and the recovered material disposed of properly. This could require that approval be obtained from the local government for disposal in a permitted landfill. An acceptable alternative solution is to stock pile the frozen sewage in an approved lined containment area until conditions are more favorable for transport and disposal. (Because each spill site and situation is different, please contact you local ADEC office for recommendations regarding constructing an acceptable containment area.) If the material thaws, the liquid must be properly handled

and disposed of at a permitted wastewater treatment and disposal facility. Keep in mind that frozen and / or thawed sewage may still contain active, harmful bacteria, cysts and viruses.

- C. When the area is visibly clean, either a mixed chlorine water solution (using Clorox or an equal bleach) or hydrated lime should be spread across the spill area to disinfect. You can verify the chlorine concentration by using test paper available at food supply warehouses or chemical supply companies.
- D. If the spill occurred in a heavily populated area and odor may be an issue or within 100 feet of surface water, hydrated lime should be applied to the spill area in place of chlorine bleach. The hydrated lime will raise the pH to 12, which will disinfect the area. By raising the pH to 12 for at least one-hour, the area will be disinfected. You can test the pH by using litmus paper obtained at a chemical supply facility. Because lime is a caustic material, access to the area treated with lime must be restricted during the disinfection period.
- E. When the spill area has been cleansed (24 hours after the chlorine solution or hydrate lime has been spread), the barriers can be removed and access to the area restored.

Remember, access to the spill area must be restricted until 24 hours after cleanup has been completed, so as to minimize any threat to public health or the environment.

For more information or if you have questions regarding State of Alaska Wastewater Regulations 18 AAC contact your local DEC office.

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2005-30

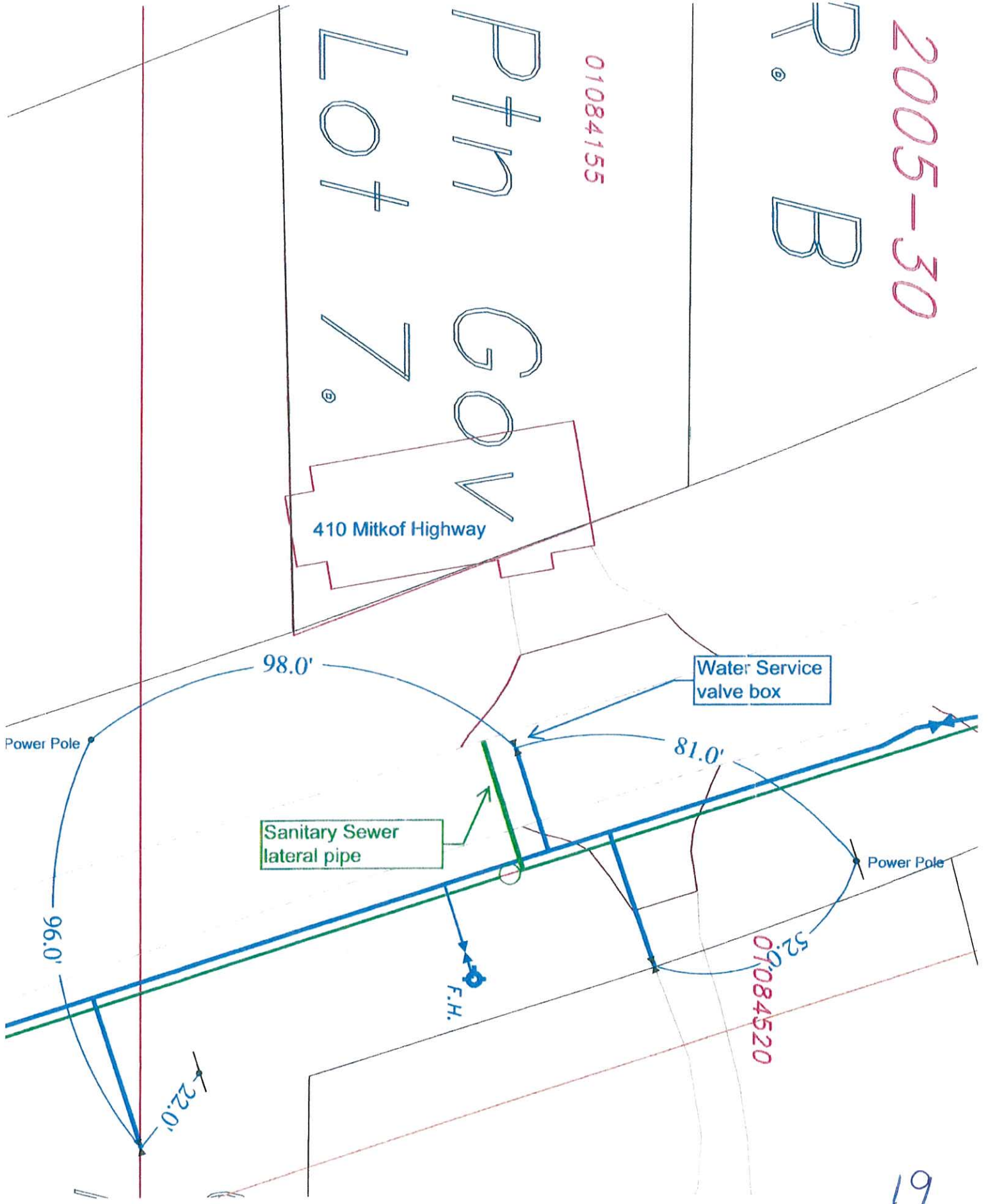
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01084155

Lot 7
Pt'n
GOV



410 Mitkof Highway



Water Service valve box

Sanitary Sewer lateral pipe

F.H.

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Photo of 410 Mitkof Highway showing Notice and Order of Abatement packet on front door 8/3/2020



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**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only**

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

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Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

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PERMITS AK 99833

PS Form 3800, April 2015 PSN 7530-02 000-9037 See Reverse for Instructions

7018 1300 0285 0704



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From: Justin Haley <jhaley@petersburgak.gov>
Sent: Tuesday, August 25, 2020 10:10 AM
To: Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>; Joe Bertagnoli <jbortagnoli@petersburgak.gov>
Cc: Debra Thompson <dthompson@petersburgak.gov>; Liz Cabrera <lcabrera@petersburgak.gov>; Chris Cotta <ccotta@petersburgak.gov>; Karl Hagerman <khagerman@petersburgak.gov>
Subject: RE: Courtney Johnson property

Good Morning Steve,

We met with the owner and her friend that was helping to fix the problems. They explained that they had reconnected the house to the septic tank and run a new outfall line from the septic tank to a nearby stream. It was made clear that the outfall was not consistent with any regulations and that needed to be addressed.

We made our way around to the water side of the house and found that they had reestablished a connection between the house and septic tank as they had stated but had used a corrugated plastic pipe that is not approved for sewer. The line was laying on the ground with no cover. It was made clear that the materials used were not acceptable and that the lines needed to be buried to protect them from damage.

The original outfall that appeared to have been install in accordance with ADEC regulations was found to be completely unusable which is why they installed the new outfall to the nearby stream. It was again pointed out that materials used are not approved for this purpose, that lines need to be buried for protection and that the outfall to the stream is a clear violation of regulations.

The top of septic tank was covered in earth and vegetation that made the inspection hatches not accessible. Do to the placement of the tank, the amount and size of the vegetation present it is unlikely that the septic tank has received any maintenance in many years. I spoke to the Rick Anderson from Stinker Septic Pumping. He has been pumping septic tanks in Petersburg for the last few years and has not pumped this one. The wastewater department did septic pumping starting in about 2008 but discontinued that service once Rick started up. We never pump the septic tank either. ADEC recommends pumping septic tanks every 2 years at a minimum.

It was discussed that the steps taken so far need to be viewed as temporary fix and that they still need to connect to the Borough sewer and that a residential pump station would likely be required to do so. They responded that since the previous owner didn't connect when sewer became available and the borough allowed them to stay connected to the septic tank that if the borough wanted them to connect to the sewer it was the borough's responsibility to pay for it. There was considerably more said by the owner but it was difficult to follow so I have basically clarified their stance to the best of my ability.

Thanks,
Justin Haley
Wastewater Operations Supervisor
Petersburg Borough
PO Box 329
Petersburg, Alaska 99833
Phone (907) 772-3787
Fax (907) 772-2186
jhaley@petersburgak.gov

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August 24, 2020

Site visit at 410 Mitkof Highway-Courtney Johnson residence

I did an on-site visit with Justin Haley and Dennis Jones of Wastewater Department, along with Chief Kerr and Officer Louis Waechter of the Petersburg Police Department.

We were there to look at the sewer system hook ups which had been observed previously to be failing and spilling raw sewage over the embankment and running down the hill towards the ocean. The previously observed pipe failure had been reconnected with a new pipe which ran down the hill to the septic tank. It was observed that there was a new pipe running from the outfall of the septic tank to the nearby creek which runs directly to the ocean. The pipe under the house appears to be cast iron and then it transitions to 4" ABS before transitioning to the 3" corrugated pipe with some sort of fitting or just bonded with duct tape. It was hard to make out if there was a coupling under the tape. This entire use of materials is against building codes for materials used. It is against code to downsize any drainage pipe in the direction of flow. It is also against code to use corrugated pipe for sanitary drainage. The piping also needs to be protected from damage. They stated that this was only temporary to fix the leakage problem until the permanent solution was done. I did not go to the septic tank down the hill but from the looks of it I can only assume that it has never been serviced. I have attached some photos of the piping and septic tank.(the septic tank is under that clod of earth with the chair bottom on top of it) The outfall into the creek can be seen on one picture and the reduced pipe next to the house can be seen on the other photo.

Joe Bertagnoli

Building Official
Petersburg Borough
P.O. Box 329
Petersburg AK 99833
907-772-5410
907-518-0494 (cell)
907-772-3759 (fax)
jbortagnoli@petersburgak.gov

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Photo documentation of site inspection of 410 Mitkof Highway on August 24, 2020

Photo 1



Photo showing connection from original piping to new corrugated drainpipe.

- Connection made with duct tape.
- Corrugated pipe not rated for installation.
- All piping unburied and not protected.

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Photo 2 410 Mitkof Highway August 24, 2020 Joe Bertagnoli



Photo showing piping route and connections to septic tank.

- All piping unburied and not protected.
- Corrugated piping not rated for the installation.
- Septic tank buried in soil and inaccessible to pump out and maintain.

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Photo 3 410 Mltkof Highway August 24, 2020 Joe Bertagnoli



Photo showing discharge of corrugated pipe to a surface water drainage adjacent to beach of Wrangell Narrows.

- Corrugated pipe not rated for installation.
- All pipe unburied and unprotected.
- Discharge of septic system directly to receiving waters of the State of Alaska.

From: Justin Haley <jhaley@petersburgak.gov>

Sent: Tuesday, August 25, 2020 11:28 AM

To: Debra Thompson <dthompson@petersburgak.gov>; Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>; Joe Bertagnoli <jbertagnoli@petersburgak.gov>

Cc: Liz Cabrera <lcabrera@petersburgak.gov>; Chris Cotta <ccotta@petersburgak.gov>; Karl Hagerman <khagerman@petersburgak.gov>

Subject: RE: Courtney Johnson property

I spoke to Raymond Zimmer with ADEC. He directed me to 18 AAC 72.050 (a) (1) which requires secondary treatment and disinfection to discharge domestic wastewater to the waters of the United States. He said that marine discharges from septic systems was previously acceptable but when an owner needs to repair or replace existing system components they must comply with current regulations. He also stated that whenever a community system is available the owner is advised to connect to it. Cost to bring current system into compliance with state regulation would likely exceed the cost to connect to borough sewer by a considerable amount.

Hope this helps.

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PETERSBURG BOROUGH
APPEAL FORM FOR NOTICE AND ORDER OF ABATEMENT

THIS FORM IS TO BE USED ONLY FOR FILING AN APPEAL OF A NOTICE AND ORDER OF ABATEMENT
PURSUANT TO SECTION 9.16.080 OF THE MUNICIPAL CODE

Name of Appellant: Courtney Johnson

Mailing Address: PO Box 1904 410 Mitkof Hwy
PSB AK 99833

Telephone Number: 907 500 4067

Date of Abatement Order: 08/03/2020

Describe below why you feel the Notice and Order of Abatement was issued in error. If necessary, you may attach additional pages.

Please see attached documents in reference to said notice and order of Abatement. I am appealing these accusations and request to be heard in front of counsel, with legal representation.

An appeal of a decision must be filed with the borough clerk within 15 calendar days of the date the Notice and Order of Abatement was issued. Please attach a copy of the decision which is being appealed.

Signature of Appellant: Courtney Johnson

Date: 08/16/2020

Title of sianatorv if Appellant is an entitv:

08/18/2020

To Whom it May Concern,

I am the owner of the residence at 4.1 mile of Mitkof Hwy. This letter is written today to appeal the Borough's Notice and Order of Abatement, dated August 3rd, 2020 and request that I have more time to access this grave situation at hand. I am a proud homeowner and want to be in compliance with all required Ordinances. There are currently 4 children under the age of 11 living in the top level of the home with their mother, and I pray we can all work together in order to find the right channels and avenues to correct this sewage issue at hand.

It is unclear who the responsible parties are for these sewage accusations, but I was unaware that I was breaking any Wastewater Codes. When I bought this house in 2018, there should have been a Certificate of Occupancy issued by local government, stating that the residency was in compliance to local regulations and approved to reside in dwelling. I did not receive notification from any entity, stating there were major legal issues that needed to be addressed or I could be evicted from my home. It seems that the Wastewater Department, First Bank of Alaska, and previous owners should have addressed this problem years ago, when the roads were laid and city sewage hookups were installed. My house is currently connected to the City's water hookup, so it would be assumed that the sewage requirements had also been met. I am very sorry we are now here in this situation, but I would love to correct this issue, with the City's advice and knowledge.

According to the Borough Code of Ordinances, Ordinance 14.08.020 states that no person shall construct or maintain a septic tank. I did not think it was legally possible to be on a septic tank in 2020, when it is required to be hooked up to public sewage, as stated in Ordinance 14.08.080. Section A of 14.08.080 states that the owners of the residency are required to connect directly with proper sewer within 180 days after official notice was delivered. This project happened 10-20 years ago. I assumed the City was maintaining their Code of Ordinances and following the proper channels to report this negligence to the Alaska Department of Environmental Conservation and owners. I bought this property from First Bank, as an Estate Sale, due to the previous owners both being deceased. I bought it with the understanding that everything was in appliance with local mandates and requirements. I am still piecing together the history of the home and such permits concerning sewage installations.

As stated in 9.16.030, it is unlawful for any person to create, permit, or maintain the existence of claimed nuisance. I did not have the knowledge that I was doing anything unlawful, since 5 City Workers and an Officer of the Law came to my residency and performed a thorough inspection of my hillside and sewage situation. They, in fact, verified that it was a false accusation and there were no problems to be reported. I was cleared of all accusations. According to the 4th Amendment and the Borough's Ordinance 9.16.110, it states that I have protection against unlawful searches and that a court appointed search warrant has to be presented at the time of the search. Nothing like this happened. This Notice of Abatement was not signature verified and documented to be delivered by an Officer of the Law nor by any City Official, so I am requesting an extension for time, in order to properly tackle these issues.

It is stated in the Alaska Right of Privacy Amendment, Amendment 3, that I have rights as a citizen of the United States of America, to privacy and that shall not be infringed. This accusation by the police department was not performed under a search warrant. They entered my premises unlawfully and submitted a grave and detrimental accusation outside of their authority, and this is illegal. I deserve to be treated with respect and some sort of professionalism. I am innocent and want a chance to be heard. I am willing to fix any issues there are with my residency, but I need time and more knowledge of the situation at hand.

Thank you for your time,

Courtney Johnson

Courtney Johnson



NOTICE OF APPEAL HEARING ON NOTICE AND ORDER OF ABATEMENT

PROPERTY ADDRESS: 410 Mitkof Highway
Lot Portion GL 7, Section 10, T59S, R79E

OWNER/RESPONSIBLE PARTY: Courtney Johnson
PO Box 1904
Petersburg, AK 99833

DATE/TIME OF HEARING: October 20, 2020, 5:00 p.m.

Dear Ms. Johnson:

On August 3, 2020, you were served with a Notice and Order of Abatement regarding the household sewer system serving the above-described premises and ordered to take corrective action by August 18, 2020 to abate the nuisance. A copy of that notice is enclosed, which contained the following determination:

The premises are found to constitute a nuisance and an immediate threat to the public health, safety or welfare or to the environment and is therefore subject to abatement. If the nuisance is not corrected by taking the described corrective action by the date specified, the borough may without further prior notice enforce this order and abate the condition under PMC 9.16.070(A)2.

Description of the nuisance: raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

Pursuant to your August 18, 2020 appeal from the Notice and Order of Abatement and PMC section 9.16.080, you are hereby given notice that the hearing on your appeal is scheduled for **Tuesday, October 20, 2020 at 5:00 p.m.** before the Petersburg Borough Assembly. The hearing will be held via videoconference system (Zoom) due to COVID-19 in-person attendance restrictions.

The hearing shall be conducted informally. At the hearing, you may be assisted by a representative or attorney, and offer documents and provide testimony, of both yourself or

other witnesses. The Borough Utility Director and other borough employees are expected to offer testimony, written documents and photographs concerning the household’s sewer system and its condition. You will be provided the opportunity to ask questions of witnesses, as will the Utility Director or any member of the Assembly. Testimony and cross-examination of witnesses will be conducted under reasonable time limits adopted by the Assembly. Oaths shall be administered to persons who wish to testify, and a record shall be kept of the proceedings by the Borough Clerk. The Utility Director will mail or email to you, under separate cover, a copy of the documents which the Director will present to the Assembly at that hearing. If you will also have documents to present to the Assembly, please provide two copies of those documents to the borough clerk's office by 4:30 p.m. on Wednesday, October 14, 2020, so that they may be included in the packet which is provided to the Assembly prior to the hearing.

Following the hearing, the Assembly will make a written decision on the appeal, including findings of fact. If the Assembly affirms the Notice and Order of Abatement, the Assembly will issue an order directing the abatement within a specified time period and upon such terms and conditions as the Assembly may determine. A copy of that written decision will be mailed or delivered to you.

Failure to appear at the hearing will waive your right to offer testimony and present testimony and evidence to the Assembly regarding the issues presented in your appeal, and the Assembly shall proceed to make findings of facts and issue its order based upon the evidence or testimony before it.

Prior to the hearing, I will send you via email an invite to the Zoom meeting, by which you will be able to click and connect to the meeting. If you are unable to attend via videoconferencing, please contact me no later than 4:30 p.m. Wednesday, October 14, 2020 so that alternative arrangements can be made to schedule your participation by teleconference.

If you have any questions regarding this notice of hearing, please feel free to contact me in writing at dthompson@petersburgak.gov.

Respectfully,



Debra K. Thompson, Borough Clerk
on behalf of the Petersburg Borough Assembly

DATE OF THIS NOTICE: October 9, 2020



NOTICE AND ORDER OF ABATEMENT

DATE OF NOTICE: August 3, 2020

Property Address: 410 Mitkof Highway

Legal Description: Lot Portion GL 7, Section 10, T59S, R79E.

Parcel ID: 01-084-155

Owner/Responsible Party:

Courtney Johnson

Mailing Address: PO Box 1904 , Petersburg, AK 99833

Contact from the Petersburg Police Department regarding photo evidence of the above property revealed the following code violation(s) as defined by the Petersburg Municipal Code: 14.08.020, 14.08.080 and 9.16.030(B)2

The premises are found to constitute a nuisance and a immediate threat to the public health, safety or welfare or to the environment and therefore subject to abatement. If the nuisance is not corrected by taking the described corrective action by the date specified, the borough may without further prior notice enforce this order and abate the condition under PMC 9.16.070(A)2.

Description of Violations:

Violation of PMC 14.08.020(A) & (B) – Unlawful sewage – Disposal methods designated

Violation of PMC 14.08.080(A) – When connection to public sewer is required

Violation of PMC 9.16.030(B)2 – Nuisance – Unlawful enumeration

Description of Nuisance: Raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

Wastewater Department

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4521

www.petersburgak.gov

Corrective Action Required to Abate the Nuisance:

- 1. Area in which the spill is occurring is accessible to the public and domestic pets. The contaminated area must be clearly marked and cordoned off to restrict access.**
- 2. The domestic sewer from the household must be connected to the Petersburg Borough sanitary sewer collection system by way of excavation and plumbing of the household sewer to the existing sewer service lateral. Map showing approximate location of the sewer service lateral is attached.**
- 3. Sewer connection must be completed by a licensed construction contractor (excavation) and residential plumber (household plumbing to public sewer) licensed by the State of Alaska. Plumber shall provide written statement to the Borough attesting connection work was completed in accordance with adopted building code.**
- 4. Site of illegal discharge must be cleansed per DEC Cleanup Guidelines for domestic wastewater spills (enclosed). Access to the area must be restricted for at least 24 hours after the site has been cleansed.**

As the property owner or the person creating, permitting or maintaining the nuisance, you are directed to abate the nuisance by taking the above described corrective action **by no later than 5:00 pm on August 18, 2020.**

If the required corrective action is not taken and the nuisance abated on or before the date and time stated above, the Petersburg Borough may, at its option, disconnect water service under 14.04.130 and/or undertake abatement of the nuisance under PMC 9.16.070(A)2, the cost and expense of either/both shall be charged to you. The borough may also impose civil penalties of \$500/day or seek criminal fines as well as administrative fees against you.

Any person having record title or legal interest in the premises may appeal this notice and order to the Borough Assembly by filing a written appeal with the Borough Clerk’s office, on an appeal form provided by the Clerk’s office, within 15 days from the date of service of this notice in accordance with section 9.16.080 of the Petersburg Municipal Code. Failure to

properly and timely file an appeal shall constitute a waiver of all rights to contest this notice and order.

As this violation constitutes an immediate threat to the public health, we encourage you to act quickly to remedy this situation and are waiving the requirement to obtain a plumbing permit prior to commencement of work.

Please contact me at the phone number below with any questions.

ISSUED BY Karl Hagerman  ON August 3, 2020
PHONE: 907-772-5421 EMAIL: khagerman@petersburgak.gov
Cell Phone: 907-518-4559

Copies of Section 14.08.020, 14.08.080, 14.04.130 and Chapter 9.16 of the Municipal Code are enclosed. Additionally, guidelines from the State of Alaska Department of Environmental Conservation pertaining to the proper way to cleanup a domestic wastewater spill and a map showing you the location of the sanitary sewer lateral pipe where you must connect, are also enclosed.



AFFIDAVIT OF MAILING AND OF POSTING PROPERTY

Re: Notice of Appeal Hearing Regarding Notice and Order of Abatement

Property Address: 410 Mitkof Highway
Petersburg, Alaska 99833

Borough Parcel ID No.: 01.084.155

I, Louis Waechter, a Police Officer of the Petersburg Borough, being duly sworn, affirm and state as follows:

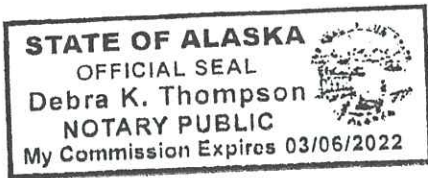
4. On October 9, 2020, I caused a true and correct copy of the attached Notice of Appeal Hearing, in a sealed envelope to be hand delivered to Courtney Johnson.

L. Waechter WAEGB
Signature

10/09/2020
Date

Police Officer
Title

SUBSCRIBED AND SWORN to or affirmed before me at Petersburg, Alaska, on this 9th day of October, 2020.



Debra K. Thompson
Notary Public in and for the State of Alaska
My Commission Expires: 3/6/2022

Debra Thompson

From: Debra Thompson
Sent: Friday, October 16, 2020 12:17 PM
To: Courtney Johnson
Subject: Utility Director's Documents for October 20, 2020 Appeal Hearing
Attachments: Borough Utility Director Documents for Appeal Hearing.PDF

Hi Courtney,

Please find attached a copy of the documents the Borough Utility Director will be presenting to the Assembly during your Appeal Hearing scheduled for 5:00 p.m. on Tuesday, October 20, 2020. The hearing will be conducted via the Zoom videoconferencing service. I will email you an invite to the hearing separately before the end of the day today.

Please let me know if you have any questions.

Thank you,
Debbie

Debra K. Thompson, CMC
Borough Clerk/Human Resources Manager

Petersburg Borough
907-772-5405



FILED in the Trial Courts
State of Alaska
First Judicial District at Petersburg
JUN 05 2023

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IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT IN PETERSBURG

In re Real Property located at
410 Mitkof Highway, Petersburg, Alaska

Administrative Search Warrant
1PE-23 - 4 SW

ADMINISTRATIVE SEARCH WARRANT

The Petersburg Borough having requested an administrative search warrant authorizing entry onto the real property and structures located at 410 Mitkof Highway, Petersburg, Alaska ("the premises"), and the Borough having established probable cause for the issuance of this Administrative Search Warrant, the Petersburg Borough is hereby authorized to have its employees enter onto and into the premises for inspection purposes, consistent with the following conditions:

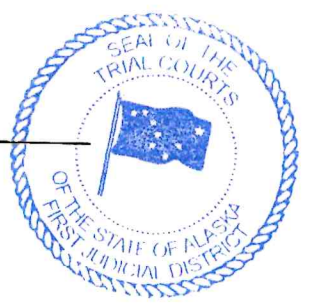
1. The inspection is for enforcement of Petersburg Municipal Code Title 9, Chapters 16 (*Nuisances*) and 20 (*Dangerous Buildings*). The purpose of this inspection is to determine whether code and regulatory violations exist in regard to the improper disposal of human waste.
2. The inspection is authorized for the entire real property located at 410 Mitkof Highway in Petersburg, Alaska, including all real property and structures.
3. The Petersburg Borough is prohibited from searching or inspecting personal property, other than any sanitary facility fixtures.

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- 4. The Petersburg Borough may open any closed door, but the Petersburg Borough is prohibited from forcible entry except as may be necessary to enter into a structure or sanitary facility.
- 5. This warrant shall be valid until 6/9, 2023, at 5:00 pm.
- 6. The warrant must be executed and returned to the court by 6/13 2023.
- 7. The warrant is only valid between 8:00 a.m. and 8:00 p.m., Alaska time.
- 8. Any person who willfully refuses to permit an inspection pursuant to this warrant shall be guilty of a violation under PMC 09.16.120(A) and any other applicable statute or ordinance.

DATED: 6/5/2023

K. H. H. H.
~~Magistrate Judge~~
 Superior Court Judge



Building Official Return

This warrant was executed on the ___ day of May, 2023, by inspection of the premises herein described.

 Ray Wesebaum
 Petersburg Borough Building Official
 Dated: _____



June 20, 2023

Via email and certified US Mail:

Courtney Johnson
PO Box 1904
Petersburg, AK 99833
cjohnson5047@gmail.com

and

Via certified US Mail:

Alaska Housing Finance Corporation, holder/beneficial owner
PO Box 101020
Anchorage, AK 99510

Via email and certified US Mail:

First Bank, lending institution/originator
Loan Servicing
Attn: Heather Borch
2030 Sea Level Drive, Suite 200
Ketchikan, AK 99901
Heather.Borch@firstbankak.com

NOTICE OF DANGEROUS BUILDING - 410 Mitkof Highway

Dear Ms. Johnson:

Pursuant to Petersburg Municipal Code (PMC) 09.20.040, and a June 7, 2023 inspection conducted under the authority of an Administrative Search Warrant at the property located at 410 Mitkof Highway, Petersburg, Alaska ("the property"), this is to provide notice to you that the Borough Utility Director and Borough Building Official have determined that the housing structure located at the property ("the building") is a dangerous building within the standards set forth in PMC 9.20.010. A copy of PMC Chapter 9.20 is enclosed herewith.

The building is being used as a residence by one or more persons, however the structure is not hooked up to the Borough's sewer system and has no water service due to prior abatement proceedings. The inspection of the property disclosed that an improper outfall line runs from the

building to a nonfunctional septic tank¹ and then from the tank down the hill and onto the beach of Wrangell Narrows, resulting in untreated human waste being deposited into public waters.² See, attached photographs taken during the inspection.

This situation was the subject of a previous Notice and Order of Abatement dated August 3, 2020, and no abatement has occurred, in that the building remains unconnected to the Borough sewer system.

As a result of the continued use and occupancy of the building, the building meets the definition of a dangerous building under the standards of PMC 9.20.010(F) and (I):

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;

I. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the city; (PMC 9.20.010)

Therefore, you are hereby notified as follows:

1. The building must be immediately vacated by all persons until the dangerous condition is fully repaired; and

2. The building must be repaired by properly hooking it up to the Borough sewer and water system within thirty (30) days of the date of this Notice.

Please note that the required notice under PMC 9.20.050 has been posted onto the building.

¹ The top and sides of the septic tank are covered with earth and extensive vegetation, making the inspection hatches inaccessible. The septic tank has not been pumped in many years and does not appear to be functional.

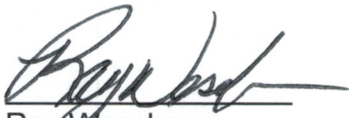
² This constitutes a violation of PMC 14.08.020, *Unlawful sewage - Disposal methods designated*, paragraphs A and B:

A. No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the borough, or in any area under the jurisdiction of the borough, any human or animal excretion, garbage or other objectionable waste.

B. No person shall discharge into any natural outlet within the borough, or in any area under the jurisdiction of the borough, any sanitary sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

In regard to Alaska Housing Finance Corporation and First Bank, please note that a holder of a mortgage or deed of trust, or any other person or entity having an interest in the building, may, at its own risk, conduct the necessary repairs or have such work performed. See, PMC 9.20.050(A)(3).

Please contact us if you have any questions.



Ray Wesebaum
Building Official



Karl Hagerman
Utility Director

Enclosures - PMC Chapter 9.20
Inspection photographs

Cc: Linda Wahl
Borough Manager
Borough Attorney

















CERTIFICATE OF SERVICE

The undersigned affirms that on the 20th day of June, 2023, he served the Notice of Dangerous Building on the following:

Via email and certified US Mail:

Courtney Johnson
PO Box 1904
Petersburg, AK 99833
cjohnson5047@gmail.com

and

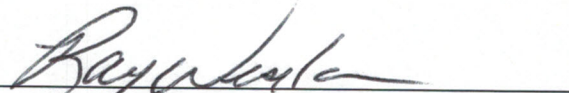
Via certified US Mail:

Alaska Housing Finance Corporation, holder/beneficial owner
PO Box 101020
Anchorage, AK 99510

and

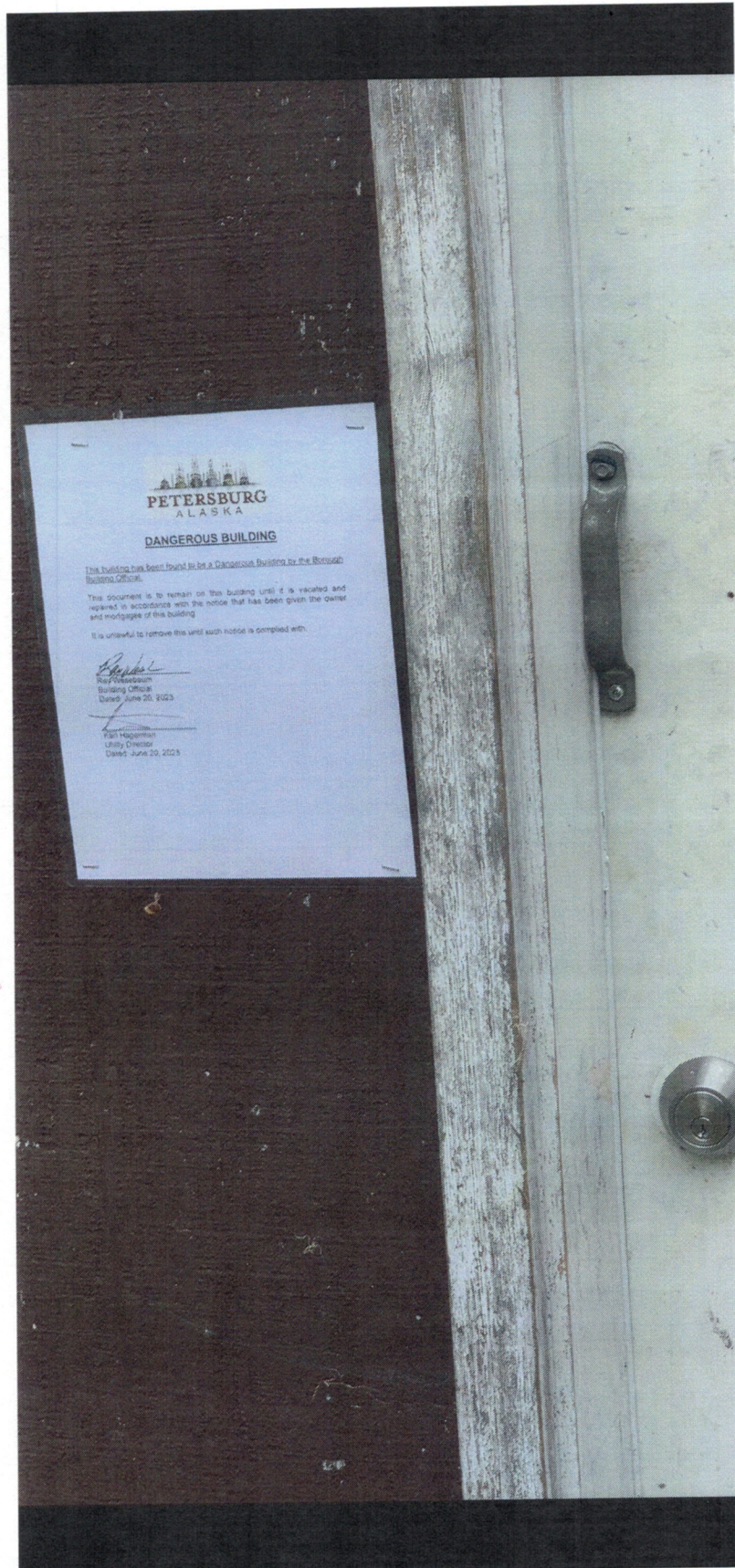
Via email and certified US Mail:

First Bank, lending institution/originator
Loan Servicing
Attn: Heather Borch
2030 Sea Level Drive, Suite 200
Ketchikan, AK 99901
Heather.Borch@firstbankak.com



Signature

Printed Name: Ray Wesebaum, Building Official



POSTAL SERVICE

PETERSBURG
1201 HAUGEN DR
PETERSBURG, AK 99833-9800
(800)275-8777

06/20/2023 03:25 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope	1		\$1.74
Ketchikan, AK 99901 Weight: 0 lb 2.40 oz Estimated Delivery Date Mon 06/26/2023			
Certified Mail® Tracking #:			\$4.15
70220410000014242179			
Return Receipt Tracking #:			\$3.35
9590 9402 6275 0274 6078 60			
Affixed Postage Affixed Amount: \$8.76			\$8.76
Total			\$0.48

First-Class Mail® Large Envelope	1		\$1.74
Anchorage, AK 99510 Weight: 0 lb 2.50 oz Estimated Delivery Date Mon 06/26/2023			
Certified Mail® Tracking #:			\$4.15
70220410000014242193			
Return Receipt Tracking #:			\$3.35
9590 9402 6275 0274 6078 46			
Affixed Postage Affixed Amount: \$8.76			-\$8.76
Total			\$0.48

First-Class Mail® Large Envelope	1		\$1.74
Petersburg, AK 99833 Weight: 0 lb 2.50 oz Estimated Delivery Date Fri 06/23/2023			
Certified Mail® Tracking #:			\$4.15
70220410000014242186			
Return Receipt Tracking #:			\$3.35
9590 9402 6275 0274 6078 39			
Affixed Postage Affixed Amount: \$8.76			-\$8.76
Total			\$0.48

Grand Total:			\$1.44
Cash			\$2.00
Change			-\$0.56

The timeliness of service to or from destinations outside the contiguous US may be affected by the limited availability of transportation.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

Now hiring - go to www.usps.com/careers

U.S. Postal Service CERTIFIED MAIL® RECEIPT Domestic Mail Only

Item 3A.

For delivery information, visit our website at www.usps.com

Petersburg, AK 99833

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.74

Total Postage and Fees \$9.24

Sent To Courtney Johnson
Street and Apt. No., or PO Box No. PO Box 1904
City, State, ZIP+4® Petersburg, AK 99833

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com

Ketchikan, AK 99901

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.74

Total Postage and Fees \$9.24

Sent To First Bank lending institution/originator
Street and Apt. No., or PO Box No. 2070 Sea Level Dr. Ste. 200
City, State, ZIP+4® Ketchikan, AK 99901

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com

Anchorage, AK 99510

Certified Mail Fee	\$4.15
Extra Services & Fees (check box, add fee as appropriate)	\$3.35
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.74

Total Postage and Fees \$9.24

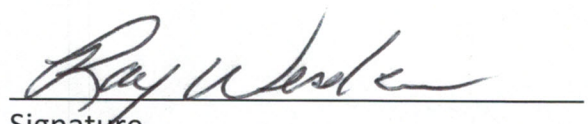
Sent To U.S. Finance Corp. Benefi



CERTIFICATE OF POSTING

The undersigned affirms that on the 20th day of June, 2023, he posted the **Dangerous Building Notice**, a copy of which is attached hereto, on the structure located at the following address:

**410 Mitkof Highway
Petersburg Alaska**

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

Signature

Printed Name: Ray Wesebaum, Building Official

Report of Non-Compliance

To: Petersburg Borough Assembly

By: Karl Hagerman, Utility Director
Ray Wesebaum, Building Official

RE: 410 Mitkof Highway – Report of Non-compliance to a Notice of Dangerous Building

Cc: Steve Giesbrecht, Borough Manager
Debra Thompson, Borough Clerk
Liz Cabrera, Community Development Director

I. Introduction

Pursuant to Petersburg Municipal Code (PMC) Chapter 09.20, and a June 7, 2023 inspection conducted under the authority of an Administrative Search Warrant at the property located at 410 Mitkof Highway, Petersburg, Alaska ("the property"), notice was given by the Borough Utility Director and Borough Building Official to the owner of the property of a determination that the housing structure located at the property ("the building") is a dangerous building within the standards set forth in PMC 9.20.010(F) and (I). A copy of the *Notice of Dangerous Building* is attached to this report.

In brief, it came to the attention of the Borough that the building was being used as a residence by one or more persons, including the owner's father, however the building is not hooked up to the Borough's sewer system, and has no water service due to prior abatement proceedings. The recent inspection of the property disclosed that an improper outfall line runs from the building to a nonfunctional septic tank¹ and then from the tank down the hill and onto the beach of Wrangell Narrows, resulting in untreated human waste being deposited into public waters.² See, attached photographs taken during the inspection.

II. Previous Proceedings

This situation was the subject of a previous *Notice and Order of Abatement* dated August 3, 2020, when raw sewage was noted at the property by a borough employee. The property owner appealed

¹ The top and sides of the septic tank are covered with earth and extensive vegetation, making the inspection hatches inaccessible. The septic tank has not been pumped in many years and does not appear to be functional.

² This constitutes a violation of PMC 14.08.020, *Unlawful sewage - Disposal methods designated*, paragraphs A and B:

A. No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the borough, or in any area under the jurisdiction of the borough, any human or animal excretion, garbage or other objectionable waste.

B. No person shall discharge into any natural outlet within the borough, or in any area under the jurisdiction of the borough, any sanitary sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

to the Assembly, which issued a Decision on Appeal on November 2, 2020, upholding the *Notice and Order of Abatement*. Thereafter, the property has continued to be occupied from time to time, with no abatement occurring in that the building remains unconnected to the Borough sewer system.

III. Current Proceedings

As a result of the continued use and occupancy of the building, and the lack of proper sewage disposal, Borough officials determined that it met the definition of a dangerous building under the standards of PMC 9.20.010(F) and (I):

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;

I. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the city; (PMC 9.20.010)

The owner was directed by a *Notice of Dangerous Building*, dated June 20, 2023, which was also posted onto the building per PMC 9.20.050, ordering that:

- 1. The building must be immediately vacated by all persons until the dangerous condition is fully repaired; and
- 2. The building must be repaired by properly hooking it up to the Borough sewer and water system within thirty (30) days of the date of this Notice.

As of July 20, 2023, no repair of the dangerous building has occurred, insofar as legal connections have not been made from the house to the borough sewer and water systems. Therefore, this constitutes a condition of non-compliance, necessitating this report of non-compliance to the Assembly under PMC 9.20.050(C).

In keeping with the provisions of PMC Sections 9.20.060 - .080, it is requested that the Assembly hold a non-compliance hearing to consider a issuance of an order requiring the building be vacated until the owner, or other party of interest, makes legal connection from the building to the borough sanitary sewer system.

Thank you for your consideration.

Photos from the Serving of Administrative Search Warrant at 410 Mitkof Highway on June 20, 2023



Discharge pipe below house leading to septic tank.



Pipe connected to septic tank and leading to beach.



Pipe connected to septic tank.



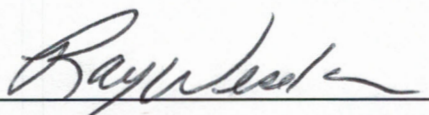
Pipe from septic tank going to beach.



CERTIFICATE OF SERVICE

The undersigned affirms that on the 27th day of July, 2023, he served the **Report of Non-compliance** on the following:

Via email and certified US Mail:
Courtney Johnson
PO Box 1904
Petersburg, AK 99833
cjohnson5047@gmail.com


Signature
Printed Name: Ray Wesebaum, Building Official



NOTICE OF HEARING REGARDING NONCOMPLIANCE WITH AN ORDER TO VACATE AND REPAIR A DANGEROUS BUILDING

PROPERTY ADDRESS: 410 Mitkof Highway, Petersburg, Alaska

OWNER OF BUILDING: Courtney Johnson and Courtney Johnson
 PO Box 1904 13713 Hwy 57
 Petersburg, AK 99833 Vancleave, MS 39565
 Email: cjohnson5047@gmail.com

MORTGAGE HOLDER: Alaska Housing Finance Corporation, holder/beneficial owner
 PO Box 101020
 Anchorage, AK 99510
 and
 First Bank, lending institution/originator
 Loan Servicing
 Attn: Heather Borch
 2030 Sea Level Drive, Suite 200
 Ketchikan, AK 99901
 Heather.Borch@firstbankak.com

NONCOMPLIANCE HEARING TO BE HELD: September 18, 2023, 6:00 p.m., at the Petersburg Borough Assembly Chambers located at 12 S. Nordic Drive, Petersburg, Alaska.

Dear Ms. Johnson:

On June 20, 2023, you received notice that the residential structure located at 410 Mitkof Highway ("the building") in Petersburg had been determined by the Borough Building Official to be a Dangerous Building under the provisions of Chapter 9.20 of the Petersburg Municipal Code (PMC), and you were ordered to vacate the buildings until the dangerous condition of improper sewer disposal was fully repaired. A copy of that notice is enclosed, which contained the following determination:

The building is being used as a residence by one or more persons, however the structure is not hooked up to the Borough's sewer system and has no water service due to prior abatement proceedings. The inspection of the property disclosed that an improper outfall line runs from the building to a nonfunctional

septic tank and then from the tank down the hill and onto the beach of Wrangell Narrows, resulting in untreated human waste being deposited into public waters.
[footnotes omitted]

The Building Official directed that the building be properly connected to the borough sewer and water system within 30 days from the date of the June 20, 2023 notice.

The time within which the required corrective action was to be taken expired, without the repairs having been performed, and the Utility Director and Building Official reported the noncompliance to the Borough Assembly.

Accordingly, pursuant to PMC section 9.20.070, you are hereby given notice to appear before the Petersburg Borough Assembly at a noncompliance hearing to be held on Monday, September 18, 2023 at 6:00 p.m., at the Borough Assembly Chambers located at 12 S. Nordic Drive, Petersburg, Alaska, to give and provide testimony and evidence to show cause as to why the building located at 410 Mitkof Highway should not be ordered permanently vacated unless and until repaired in accordance with the requirements set out in the Building Official's June 20, 2023 notice.

The hearing will be conducted informally. At the hearing, you may appear in person or by agent or attorney, and offer documents and testimony, of yourself or other witnesses. The Borough Building Official, Utility Director and other borough employees are expected to offer testimony, written documents and photographs concerning the building and its condition. Both you, the Building Official and the Utility Director, or any member of the Assembly, may cross-examine witnesses. Testimony and cross-examination of witnesses will be conducted under reasonable time limits adopted by the Assembly. Oaths shall be administered to persons who wish to testify, and a record shall be kept of the proceedings by the Borough Clerk. The Building Official will mail to you, under separate cover, a copy of the documents which the official will present to the Assembly at that hearing. If you will also have documents to present to the Assembly, we would ask that you provide them to the borough clerk's office by 4:30 p.m. on Friday, September 8, 2023, so that they may be included in the packet which is provided to the Assembly prior to the hearing. If you do provide documents to the clerk for inclusion in the Assembly packet, you should additionally provide a copy of those documents directly to the Borough Building Official.

Following the hearing, the Assembly will make written findings of fact as to whether or not the building is a dangerous building within the terms of PMC 9.20.010. If the building is determined by the Assembly to be a dangerous building, it is anticipated that the Assembly will issue an order directing you and all other persons having an interest in the building to permanently vacate the building unless and until the building is properly connected to the borough sewer and water system. Failure to comply with an Assembly order can have serious financial and other consequences, including being responsible for costs under PMC 9.20.110.

Failure to appear at the hearing will waive your right to offer testimony or evidence to the Assembly regarding the building, which shall proceed to make findings of facts and issue its order based upon the evidence or testimony presented by the Building Official, the Utility Director and any other person who attends the hearing and provides testimony or evidence.

A copy of Chapter 9.20 of the Petersburg Municipal Code is enclosed for your information and review.

If you have any questions regarding this notice of hearing, please feel free to contact Borough Clerk Debra Thompson in writing at dthompson@petersburgak.gov.

Respectfully,



Debra K. Thompson, Borough Clerk
on behalf of the Petersburg Borough Assembly
DATE OF THIS NOTICE: August 25, 2023

Chapter 9.20 - DANGEROUS BUILDINGS

Sections:

9.20.010 - Defined.

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle of its base;
- B. Those which, exclusive of the foundation, show thirty-three percent or more of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public, or property;
- I. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the city;
- J. Those buildings existing in violation of any provision of the building code of the city, or any provision of the fire-prevention code, or other ordinances of the city.

(Ord. 291 § 5, 1973; prior code § 42.70.010)

9.20.020 - Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building official and the city council in ordering repair, vacation, or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. In any case where a dangerous building is fifty percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter, or any ordinance of the city or statute of the state of Alaska, it shall be demolished.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.020)

9.20.030 - Unlawful.

- A. It is unlawful for any person, firm, association, club or corporation to have, keep or maintain within the city any building or other structure which is, or has become, a fire or health hazard, or a public nuisance.
- B. All dangerous buildings within the terms of Section 9.20.010, declared to be public nuisances under Chapter 9.16 of this code, shall be repaired, vacated or demolished as provided in this chapter.

(Ord. 291 § 5 (part), 1973: prior code §§ 42.60.030 and 42.70.030)

9.20.040 - Inspection duties of building official.

The building official, or his designated representative, shall:

- A. Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of Section 9.20.010;
- B. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter;
- C. Inspect any building, wall or structure reported by the fire or police department in the manner provided in this chapter, as probably existing in violation of the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.040 (part (1—3)))

9.20.050 - Notice duties of building official.

The building official, or his designated representative, shall:

- A. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in any building found by the building official to be a dangerous building within the standards set forth in Section 9.20.010 of this chapter that:
 1. The owner must vacate, or repair, or demolish the building in accordance with the terms of the notice and this chapter,
 2. The occupant or lessee must vacate the building, or may have it repaired in accordance with the notice and remain in possession,
 3. The mortgagee, agent or other person having an interest in the building may, at his own risk, repair, vacate or demolish the building, or have such work or act done;
- B. Set forth in the notice provided for in subsection A of this section a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this chapter within thirty days of the date of notice; provided, however, that any person so notified may petition the city council for a thirty-day extension of time in which to comply with the provision of the notice;
- C. Report to the council any noncompliance with the notice provided for in subsections A and B;
- D. Appear at all hearings conducted by the council, and testify as to the conditions of dangerous buildings;
- E. Place a notice on all dangerous buildings reading as follows:

This building has been found to be a dangerous building by the building official. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in such building. It is unlawful to remove this notice until such notice is complied with.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.040 (part (4—8)))

9.20.060 - Noncompliance hearing—Before city council.

For every case of noncompliance with the notice provided for in this chapter reported by the building official, the city council shall hold a hearing and hear testimony as the building official, or the owner, occupant, mortgagee, lessee or any other persons having an interest in the building, shall offer relative to the dangerous building.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.050)

9.20.070 - Noncompliance hearing—Notice.

Upon receipt of a report of the building official as provided for in Section 9.20.050(C) of this chapter, the city council shall give notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building to appear before the council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building officials' notice provided for in Section 9.20.050(B).

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.060)

9.20.080 - Noncompliance hearing—Findings of city council.

The city council shall make written findings of fact from the testimony offered at the hearing as to whether or not the building in question is a dangerous building within the terms of Section 9.20.010.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.070)

9.20.090 - Issuance of order to repair, vacate or demolish.

In the event the city council determines in its findings of fact that the building in question is in fact a dangerous building within the terms of Section 9.20.010, the council shall issue an order based upon its findings commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building to repair, vacate or demolish the building within such time period and upon such terms and conditions as the council may prescribe. Any person not the owner of the dangerous building but having an interest in the building, may demolish such dangerous building at his own risk to prevent the acquiring of a lien against the land upon which the dangerous building stands by the city as provided in Section 9.20.100.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.080)

9.20.100 - City action upon failure to comply.

If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Section 9.20.090 within the time established by the city council for such compliance, then the council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards provided for in Section 9.20.020.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.090)

9.20.110 - Costs of repair, vacation or demolition.

- A. In the event that any building is repaired, vacated or demolished as provided for in Section 9.20.100, the costs thereof shall constitute a lien in favor of the city upon the land on which the building existed, and such lien shall be enforced and foreclosed as provided by ordinances of the city relating to the enforcement and foreclosure of ad valorem tax liens.*
- B. In addition to the provision of subsection A as to liens, the owner of the land upon which the building existed shall be personally liable for such costs of repair, vacation or demolition, and such liability may be enforced in a personal action brought by the city against such property owner in the courts of the state of Alaska.
- C. In any case where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of the city, the city may institute any appropriate action or proceedings against the owner of the land upon which the building existed to force such owner to make all necessary repairs or demolish the building.
- D. If any person becomes obliged under the provisions of this chapter to demolish any building or other structure, then he shall likewise be obliged to remove from the land upon which such building is or was situated all debris and other property (except permanent foundations) resulting from or related to such demolition.
- E. None of the provisions contained in this section shall be deemed exclusive of any of the others, or of any other remedies that the city may have at law.

(Ord. 291 § 5 (part), 1973; prior code § 42.70.100)

* Editor's Note: Provisions on the foreclosure of ad valorem tax liens are found in Ch. 9.24.

9.20.120 - Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined in Section 9.20.010 is immediately repaired, vacated or demolished, the building official shall report such facts to the city council, and the council shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition shall be collected in the same manner as provided in Section 9.20.110.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973; prior code § 42.70.110)

9.20.130 - Manner of notice when owner absent.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notices or orders provided for in this chapter shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building, as shown by the land

records of the Petersburg Recording District, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

(Ord. 291 § 5 (part), 1973; prior code § 42.70.120)

9.20.140 - Administrative liability denied.

No officer, agent or employee of this city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of this city as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney.

(Ord. 291 § 5 (part), 1973; prior code § 42.70.130)

9.20.150 - Duty to report—Fire department.

The members of the fire department shall make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973; prior code § 42.70.140)

9.20.160 - Duty to report—Police department.

All police officers shall make a report in writing to the building official of any buildings or structures which are, or may be, or are suspected to be dangerous buildings within the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973; prior code § 42.70.150)

9.20.170 - Violations—Penalties.

- A. The owner of any dangerous building who fails to comply with any notice or order to repair or vacate or demolish the building, given by any person authorized by this chapter to give such notice or order, shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars or by imprisonment for not more than thirty days, or both. Each and every day that a person fails to so comply beyond the date fixed for compliance shall constitute a separate offense.
- B. The occupant or lessee in possession who fails to comply with any notice to vacate or fails to repair the building in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor. Each and every day that such person fails to comply beyond the date

fixed for compliance shall constitute a separate offense.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.160)



CERTIFICATE OF SERVICE

The undersigned affirms that on the 25th day of August, 2023, she served the Notice of Hearing Regarding Noncompliance with an Order to Vacate and Repair a Dangerous Building on the following:

Via email and US Mail:

Courtney Johnson
PO Box 1904
Petersburg, AK 99833
cjohnson5047@gmail.com

Courtney Johnson
13713 Hwy 57
Vanceleave, MS 39565

and

Via US Mail:

Alaska Housing Finance Corporation, holder/beneficial owner
PO Box 101020
Anchorage, AK 99510

and

Via email and US Mail:

First Bank, lending institution/originator
Loan Servicing
Attn: Heather Borch
2030 Sea Level Drive, Suite 200
Ketchikan, AK 99901
Heather.Borch@firstbankak.com


Debra K. Thompson, Borough Clerk

- PETERSBURG, ALASKA
Title 9 - HEALTH AND SAFETY
Chapter 9.20 DANGEROUS BUILDINGS

Chapter 9.20 DANGEROUS BUILDINGS

Sections:

9.20.010 Defined.

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle of its base;
- B. Those which, exclusive of the foundation, show thirty-three percent or more of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public, or property;
- I. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the city;
- J. Those buildings existing in violation of any provision of the building code of the city, or any provision of the fire-prevention code, or other ordinances of the city.

(Ord. 291 § 5, 1973: prior code § 42.70.010)

9.20.020 Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building official and the city council in ordering repair, vacation, or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

- C. In any case where a dangerous building is fifty percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter, or any ordinance of the city or statute of the state of Alaska, it shall be demolished.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.020)

9.20.030 Unlawful.

- A. It is unlawful for any person, firm, association, club or corporation to have, keep or maintain within the city any building or other structure which is, or has become, a fire or health hazard, or a public nuisance.
- B. All dangerous buildings within the terms of Section 9.20.010, declared to be public nuisances under Chapter 9.16 of this code, shall be repaired, vacated or demolished as provided in this chapter.

(Ord. 291 § 5 (part), 1973: prior code §§ 42.60.030 and 42.70.030)

9.20.040 Inspection duties of building official.

The building official, or his designated representative, shall:

- A. Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of Section 9.20.010;
- B. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter;
- C. Inspect any building, wall or structure reported by the fire or police department in the manner provided in this chapter, as probably existing in violation of the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.040 (part (1—3)))

9.20.050 Notice duties of building official.

The building official, or his designated representative, shall:

- A. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in any building found by the building official to be a dangerous building within the standards set forth in Section 9.20.010 of this chapter that:
 1. The owner must vacate, or repair, or demolish the building in accordance with the terms of the notice and this chapter,
 2. The occupant or lessee must vacate the building, or may have it repaired in accordance with the notice and remain in possession,
 3. The mortgagee, agent or other person having an interest in the building may, at his own risk, repair, vacate or demolish the building, or have such work or act done;
- B. Set forth in the notice provided for in subsection A of this section a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this chapter within thirty days of the date of notice; provided, however, that any person so

notified may petition the city council for a thirty-day extension of time in which to comply with the provision of the notice;

- C. Report to the council any noncompliance with the notice provided for in subsections A and B;
- D. Appear at all hearings conducted by the council, and testify as to the conditions of dangerous buildings;
- E. Place a notice on all dangerous buildings reading as follows:

This building has been found to be a dangerous building by the building official. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in such building. It is unlawful to remove this notice until such notice is complied with.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.040 (part (4–8))

9.20.060 Noncompliance hearing—Before city council.

For every case of noncompliance with the notice provided for in this chapter reported by the building official, the city council shall hold a hearing and hear testimony as the building official, or the owner, occupant, mortgagee, lessee or any other persons having an interest in the building, shall offer relative to the dangerous building.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.050)

9.20.070 Noncompliance hearing—Notice.

Upon receipt of a report of the building official as provided for in Section 9.20.050(C) of this chapter, the city council shall give notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building to appear before the council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building officials' notice provided for in Section 9.20.050(B).

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.060)

9.20.080 Noncompliance hearing—Findings of city council.

The city council shall make written findings of fact from the testimony offered at the hearing as to whether or not the building in question is a dangerous building within the terms of Section 9.20.010.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.070)

9.20.090 Issuance of order to repair, vacate or demolish.

In the event the city council determines in its findings of fact that the building in question is in fact a dangerous building within the terms of Section 9.20.010, the council shall issue an order based upon its findings commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building to repair, vacate or demolish the building within such time period and upon such terms and conditions as the council may prescribe. Any person not the owner of the dangerous building but having an interest in the building, may demolish such dangerous building at his own risk to prevent the acquiring of a lien against the land upon which the dangerous building stands by the city as provided in Section 9.20.100.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.080)

9.20.100 City action upon failure to comply.

If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Section 9.20.090 within the time established by the city council for such compliance, then the council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards provided for in Section 9.20.020.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.090)

9.20.110 Costs of repair, vacation or demolition.

- A. In the event that any building is repaired, vacated or demolished as provided for in Section 9.20.100, the costs thereof shall constitute a lien in favor of the city upon the land on which the building existed, and such lien shall be enforced and foreclosed as provided by ordinances of the city relating to the enforcement and foreclosure of ad valorem tax liens.*
- B. In addition to the provision of subsection A as to liens, the owner of the land upon which the building existed shall be personally liable for such costs of repair, vacation or demolition, and such liability may be enforced in a personal action brought by the city against such property owner in the courts of the state of Alaska.
- C. In any case where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of the city, the city may institute any appropriate action or proceedings against the owner of the land upon which the building existed to force such owner to make all necessary repairs or demolish the building.
- D. If any person becomes obliged under the provisions of this chapter to demolish any building or other structure, then he shall likewise be obliged to remove from the land upon which such building is or was situated all debris and other property (except permanent foundations) resulting from or related to such demolition.
- E. None of the provisions contained in this section shall be deemed exclusive of any of the others, or of any other remedies that the city may have at law.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.100)

* Editor's Note: Provisions on the foreclosure of ad valorem tax liens are found in Ch. 9.24.

9.20.120 Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined in Section 9.20.010 is immediately repaired, vacated or demolished, the building official shall report such facts to the city council, and the council shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition shall be collected in the same manner as provided in Section 9.20.110.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.110)

9.20.130 Manner of notice when owner absent.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notices or orders provided for in this chapter shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building, as shown by the land records of the Petersburg Recording District, to the last known address of each, and a copy of such notice shall be posted in a

conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.120)

9.20.140 Administrative liability denied.

No officer, agent or employee of this city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of this city as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.130)

9.20.150 Duty to report—Fire department.

The members of the fire department shall make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.140)

9.20.160 Duty to report—Police department.

All police officers shall make a report in writing to the building official of any buildings or structures which are, or may be, or are suspected to be dangerous buildings within the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.150)

9.20.170 Violations—Penalties.

- A. The owner of any dangerous building who fails to comply with any notice or order to repair or vacate or demolish the building, given by any person authorized by this chapter to give such notice or order, shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars or by imprisonment for not more than thirty days, or both. Each and every day that a person fails to so comply beyond the date fixed for compliance shall constitute a separate offense.
- B. The occupant or lessee in possession who fails to comply with any notice to vacate or fails to repair the building in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor. Each and every day that such person fails to comply beyond the date fixed for compliance shall constitute a separate offense.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.160)



Petersburg Borough

12 South Nordic Drive
Petersburg, AK 99833

Meeting Minutes Borough Assembly Regular Meeting

Tuesday, September 05, 2023

12:00 PM

Assembly Chambers

1. Call To Order/Roll Call

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

2. Voluntary Pledge of Allegiance

The Pledge was recited.

3. Approval of Minutes

A. August 21, 2023 Assembly Meeting Minutes

All minutes were approved as submitted.

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

Voting Yea: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

4. Amendment and Approval of Meeting Agenda

The agenda was approved as submitted.

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

Voting Yea: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

5. Public Hearings

A. Public Hearing for Ordinance #2023-13: An Ordinance Adjusting the FY 2024 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.

Joel Randrup, representing himself, spoke about the need for utilities on Lake Street to be repaired before improvements are made and that he would like to see more public input about the improvements.

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.

Aaron Hankins, the Borough's Emergency Services Director, announced that the CERT class has been canceled by the instructor and will be rescheduled.

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. Petersburg Medical Center

PMC CEO Hofstetter thanked the Borough for the use of the Assembly Chambers for the hospital board meetings. All of the new hospital plans are available for viewing at the library. He provided an update to the Assembly on Medical Center Activities.

12. Mayor's Report

A. September 5, 2023 Mayor's Report

Mayor Jensen read his report into the record.

13. Manager's Report

A. September 5, 2023 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 #2023-12: An Ordinance Amending Chapter 4.08 of the Former City of Petersburg Code to Account for Borough Formation - Third and Final Reading

Ordinance #2023-12 was unanimously approved in its third and final reading.

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

Voting Yea: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

B. Ordinance #2023-13: An Ordinance Adjusting the FY 2024 Budget for Known Changes – Second Reading

- 1) Public Works Director Cotta requests to add two 14-yard garbage containers to the current supplemental budget (one to be stationed at the school to help with their bear issues and one to be on hand when contractors or other members of the public need this size of a container temporarily for large projects).

A motion was made to amend Ordinance #2023-13 to include an additional expense of \$26,000 to the supplemental budget for two 14-yard Roll-off Garbage Containers to be paid for by the Sanitation Department.

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

Voting Yea: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

- 2) Assisted Living Director Casey requests to add \$16,075 to the current supplemental budget to pay for repairing the Assisted Living kitchen which sustained water damage and is currently not operational. A copy of the estimate from Steelhead Enterprises LLC is attached.

A motion was made to amend Ordinance #2023-13 to include an additional expense of \$16,075 to the supplemental budget for work at the Assisted Living facility to repair water damage in the kitchen.

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

Voting Yea: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

Ordinance #2023-13 was unanimously passed in its second reading.

15. New Business

A. Acceptance of Dedication of Easements, Rights-of-Way, Alleys and Roadways proposed on the Alaska Mental Health Trust's Plat of the South Mitkof Subdivision

After much discussion, the Plat of the South Mitkof Subdivision from DNR was unanimously rejected.

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

Voting Nay: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

16. Communications

There is no correspondence to share.

17. Assembly Discussion Items

A. Assembly Member Comments

There were no Assembly Member comments.

B. Recognitions

Member Meucci recognized the Petersburg Post Office for placing second in the State of Alaska in the USPS customer satisfaction survey.

18. Executive Session

The Assembly Adjourned to Executive Session at 1:20 pm to receive advice and recommendations from attorneys in regard to pending litigation (James Kerr v. Petersburg Borough.)

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

Voting Yea: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

The Assembly exited the Executive Session at 2:17 pm.


19. Adjourn

The meeting was adjourned at 2:17 pm.

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

Voting Yea: Mayor Jensen, Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

MEMORANDUM

TO: MAYOR JENSEN AND BOROUGH ASSEMBLY
 FROM: KARL HAGERMAN, UTILITY DIRECTOR 
 SUBJECT: AWARD RECOMMENDATION – SCOW BAY GENERATOR #2 PROCUREMENT
 DATE: 9/11/2023
 CC: STEVE GIESBRECHT, BOROUGH MANAGER

Petersburg Municipal Power and Light (PMPL) issued a Request for Proposals (RFP) for the Scow Bay Generator #2 Procurement project on April 28, 2023.

On July 17, 2023, the Petersburg Borough received and opened all submitted proposals which met the RFP deadline. Cummins, SMS Equipment and Marine Services Inc./Viridi Power (MSI/VP) all submitted proposals prior to the deadline. An evaluation committee of PMPL leadership and staff scored the proposals as submitted and in accordance with the criteria stated in the Request for Proposals.

As a result of the evaluation and scoring process, Marine Services Inc./Viridi Power was ranked as the vendor team with the proposal that best met the criteria of the RFP. The PMPL Consultant for this project, David Buss P.E., concurred with the scoring of MSI/VP as the top ranked proposal and recommended negotiations with that vendor.

After negotiating with MSI/VP, PMPL has arrived at revised terms that are acceptable to the department. Therefore, PMPL recommends awarding a contract for the Scow Bay Generator #2 Procurement to MSI/VP and enter into an agreement to that end.

Therefore, it is recommended that the Borough Assembly award a contract to Marine Services Inc./Viridi Power for supply of a 3.5MW EMD diesel generator, remote radiator, coolant expansion tank, motor control center, compressed air starting system, equipment engineering and on-site commissioning support for a cost not to exceed \$2,047,000.00. Shipping of the ancillary equipment is included, however shipping of the generator from Houston, Texas to Petersburg will be the responsibility of the Borough. The unit will be ready to ship 8 months after the award. The current capital project fund balance can meet this procurement and anticipated shipping costs.

The diesel generator being offered is a 2009 20-cylinder EMD in excellent condition, with less than 700 hours of total run time, and an 11kV generator end which has been tested to show it to be in great condition. MSI will offer a full 18-month warranty on the unit – as if it were new.

As full funding for the project is not yet available, a multi-phased approach is being taken to move toward ultimate completion. Following the award of the generator purchase, PMPL will engage Electric Power Systems for site and electrical design services. Design and construction of a building to house the generator will follow, as well as specifying and ordering of the transformer to convert the generator output to distribution voltage.

Thank you for your consideration.




Petersburg Borough - PMPL
 Scow Bay Generator #2 Procurement Request for Proposals
 Deadline for submission July 17, 2023 4:30pm

Proposal Scoring and Ranking Summary

Proposer	Evaluator's Scoring					Average Score	Ranking
	#1	#2	#3	#4	#5		
Marine Systems Inc., Seattle, WA	102	90	96	114	82	96.8	1
Cummins, Anchorage, Alaska	54	70	74	80	40	63.6	3
SMS Equipment Anchorage, Alaska Proposal #1 (2 x 2.0MW)	32	56	64	64	56	54.4	4
SMS Equipment Anchorage, Alaska Proposal #2 (10 x 400kW)	58	56	80	60	66	64	2

Marine Systems Inc. of Seattle Washington (MSI) is the top ranked respondent to this solicitation. PMPL intends to negotiate with MSI toward an award of a procurement contract. If successful negotiations are not reached, PMPL will reach out to the next ranked proposer to begin negotiations, and so on until a contract is awarded. Once contract terms are settled and an award recommendation is prepared for Petersburg Borough Assembly consideration, an Intent to Award notice will be sent to all Proposing companies and all proposals shall be open for review by competing proposers. Thanks to all companies that responded to this solicitation.

Karl Hagerman, Utility Director 



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

August 30, 2023

Licensee: Susan Burrell

DBA: The 420

VIA email: ssusiesfire@msn.com

Local Government: Petersburg Borough

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

Re: Retail Marijuana Store #10163 Combined Renewal Notice

License Number:	#10163
License Type:	Retail Marijuana Store
Licensee:	Susan Burrell
Doing Business As:	The 420
Physical Address:	307 N. Nordic Dr. Petersburg, AK 99833
Designated Licensee:	Susan Burrell
Phone Number:	907-518-4425
Email Address:	ssusiesfire@msn.com

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2022/2023 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,



Joan M. Wilson, Director
907-269-0350



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

August 30, 2023

Licensee: Susan Burrell
DBA: SEA*WEED FARMS
VIA email: ssusiesfire@msn.com
Local Government: Petersburg Borough

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

Re: Standard Marijuana Cultivation Facility #14511 Combined Renewal Notice

License Number:	#14511
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Susan Burrell
Doing Business As:	SEA*WEED FARMS
Physical Address:	307 N. Nordic Drive Room A Petersburg, AK 99833
Designated Licensee:	Susan Burrell
Phone Number:	907-518-4425
Email Address:	ssusiesfire@msn.com

License Renewal Application Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

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At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,



Joan M. Wilson, Director
907-269-0350



SAFETY AND HUMAN RESOURCES REVIEW OF THE PETERSBURG BOROUGH

Barbara Thurston, APEI Executive Director
Carleen Mitchell, Deputy Director
Cole Cummins, Loss Control Manager

September 2023

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Executive Summary

APEI was appointed by the Petersburg Borough assembly on June 5, 2023, to complete a review of the borough's practices regarding safety and human resources.

This review was prompted by community concerns following the crash of a Borough vehicle on July 4, 2016, which resulted in the death of two Borough employees and injuries to two others. Concerns have been expressed regarding the safety practices in place in the Borough and the procedures followed in the hiring, training, and evaluation of their employees, particularly in areas related to safety.

In response, and in an attempt to prevent another incident like the one on July 4, 2016, the Assembly engaged APEI to complete a review of the Borough's current practices.

It is important to note that this review is not an investigation of the circumstances leading up to and following the 2016 crash. We have not attempted to ascertain exactly what may have caused or what could have prevented the crash. Our goal with this review is to develop an understanding of the practices currently in place and make recommendations as to how those could be improved to increase the safety of Borough employees and the public.

In our review, we noted a number of areas where the Borough is doing well, and others where we feel that changes will help to make the Petersburg Borough a safer place to live and work. We encourage the Borough to continuously review their processes to identify any changes that can be made to improve further.

Process

Soon after the Petersburg Borough Assembly engaged APEI for this review, we received copies of the Borough's Personnel Policy Manual, Safety Manual and various other documents pertaining to hiring and personnel policies. APEI staff reviewed these documents to get a sense of what policies the Borough at least intends to follow in their operations.

Three APEI staff members visited Petersburg on August 15 and 16 and interviewed management, employees, assembly members, and community members. Participating APEI staff included Barbara Thurston, Executive Director; Carleen Mitchell, Deputy Director and HR Specialist; and Cole Cummins, Loss Control Manager.

The Assembly had requested that Borough staff have an opportunity to submit their comments and observations to APEI. To that end, we established a dedicated email account (comments@akpei.com) to which people were invited to send their input. Our understanding is that information about our visit and how to submit comments was circulated to department heads, who were asked to disseminate the information to their staff. While APEI committed to treating the comments we received as confidential, we are not certain that information about the confidentiality was communicated to all staff. We are also not certain that all staff received information about how to submit comments to us.

We received comments from about 40 employees and/or members of the public. While most of the comments were urging us to carry out an investigation of the July 4, 2016 vehicle crash, a few provided information about current practices. Each of these was read and acknowledged, and relevant information was noted so it could be considered in our review.

Cole, Carleen, and Barbara each talked to different Borough staff, Assembly members, and/or members of the public during and following their visit to Petersburg. We then shared our notes to help identify areas of particular concern and to compare the information received from the different parties.

Borough-wide Observations and Recommendations

Our review of Borough documents and our subsequent interviews with Borough staff identified several issues affecting all departments where we have recommendations for improvements. Department-specific recommendations are noted later in this document.

At the end of this report, we have listed resources that could be helpful to the Borough in addressing many of our recommendations. These resources can provide Borough staff access to many valuable tools including training opportunities, sample policies, handbooks, suggestions on how to address particular personnel issues, and important employment laws.

New Employee Orientation and Onboarding

A key to a successful employer/employee relationship is clear communication about job duties and expectations from the very beginning of employment. Organizations with a robust new employee orientation and onboarding program often see greater employee engagement, less turnover, and stronger commitment to safety and best practices.

Current Practice

In conversations both with the HR department and with the various department heads, there was a general consensus that the current orientation process includes the following:

- New employees meet with HR to complete new hire paperwork.
- HR provides new employees with a copy of the Personnel Policy Manual and has the employee complete a form acknowledging receipt of and their responsibility to review the manual.
- HR provides general information about paid time off, union membership, and employee benefits.
- The employee is referred to their department head for the remainder of the orientation. The department head reviews the job description with the employee, both sign off on the review and then send the signed job description to HR to include in the personnel file.
- Department heads are responsible for developing and providing the remainder of the new employee orientation and onboarding. This includes the responsibility for determining what safety training is needed, providing that training, and recording that the training has been completed.

Mountain View Manor and the Petersburg Police Department appear to have robust orientation programs for their employees as would be expected and are appropriate for the types of services provided by those departments. Other departments' orientation programs appeared to be less formal and undocumented.

APEI Recommendations

APEI recommends that the borough create a formal **orientation** program for all new hires and then work with department heads to create department specific orientation programs. This orientation program would include:

- Checklists of key training and topics that are assigned to all staff. This would likely include topics such as vehicle safety and harassment and discrimination prevention;
- Training and topics to be reviewed at the department level, including department-specific safety topics, use of PPE, and instruction on how to do a particular job; and

- A system for documenting that the orientation steps have been completed as topics are covered and training is provided.

Ideally, all training and topics would be covered within the first few weeks of employment.

Beyond developing a formal orientation program, department heads and other supervisors should be provided with guidance for **onboarding** new employees. While employee orientation can be guided by a checklist of items to complete, onboarding is a longer-term process involving the provision of regular, documented feedback to new employees as they grow into their position. Depending on the complexity of a position, onboarding is a process that typically takes 3-18 months.

Onboarding is a key component in employee success as it ensures employees are made aware of potential concerns about their job performance early and often. Should an employee's performance not meet expectations, regular feedback provided during onboarding paves the way for addressing concerns more formally and in a way that will support the borough's decisions and actions.

For supervisors and managers new to their position, orientation should include being provided with information about their supervisees regarding any accommodations that are in place for an employee and any existing performance improvement plans or performance concerns that are actively being addressed. This will allow the new supervisor to continue to follow up on these personnel actions as appropriate.

It's recommended that department heads be evaluated on the effectiveness of their orientation and onboarding practices as part of their annual evaluation.

Management Training

It is important to have an ongoing management training program for all supervisors and managers. For new managers in particular, it is common to have been promoted into a supervisory position because of their skills or experience at a lower-level position, but, too often, these employees receive little training in how to be an effective supervisor. This lack of training can lead to ineffective operations and overlooked safety protocols.

Current Practice

While Petersburg provides management training, it is somewhat haphazard and not consistent among all departments and levels of management. APEI visited Petersburg in February 2023 and in 2019 to provide management training and the Borough has

recently started holding a monthly department head meeting with the City Manager and all Department Heads.

APEI Recommendation

The borough should develop a checklist of key topics and training to be provided to all first-time managers, and periodically to more experienced managers. This may include:

- Borough policies regarding employee discipline and termination
- Training on documenting employee feedback, performance, and evaluations
- Key employment laws such as, ADA, FMLA/AFLA and workers' compensation
- Collective bargaining agreements

Personnel Policy Manual and Safety Manual

Current Practice

The Borough's Personnel Policy Manual is dated May 2019, though it appears to be much older with many dated references. The fact that these documents are old does not necessarily mean that the information in them is inaccurate, although the lack of a regular update indicates that new developments in safety or employment law may not be incorporated. Additionally, at 110 pages long it is very cumbersome and is unlikely to be read by staff.

The Borough has drafted a revised version of the Personnel Policy Manual, but it has not yet been finalized.

The Borough's Safety Manual is very extensive and covers the majority of the safety hazards that Borough employees are faced with. However, though it doesn't have a date identifying when it was created, it appears to have been adopted sometime before 2012. While many of the components within the manual are still compliant and up to date with today's current safety standards, some areas of the safety manual are clearly out of date and need to be updated.

APEI Recommendation

We recommend that Petersburg replace their current Personnel Policy Manual with two resources:

- An **Employee Handbook** that is short enough that it is realistic to expect all staff to read it. We recommend that an overview of the key items in the handbook be discussed with new employees as part of the orientation process.

- A **Policy Manual** that gives details on Borough policies on a variety of topics. This Policy Manual can be referenced in the Employee Handbook as needed so employees know where to look for more specifics on a given topic.

We recommend that the Borough develop a plan to periodically review both the Policy Manual and the Safety Manual on a rotating basis to ensure they remain relevant. Consider reviewing one policy per month and, even if the review results in few or no updates, note that the review was completed.

One specific and significant section in the Safety Manual that requires an update is the section on Hazard Communication, as OSHA has made substantial changes to the standard since 2012. Recent OSHA changes include chemical hazard classifications, new container labeling requirements, as well as updated safety data sheets. Employees must be trained in these new changes to the Hazard Communication Standard and be aware of the chemicals they may be exposed to on the job.

Where possible, departmental safety and procedure manuals should be incorporated into the Borough's general Safety Manual, so that everyone is aware they exist and to ensure departmental procedures are consistent with the overall Borough policies. Where a department's manual is a specialized technical document that has been obtained from an outside source, it may be appropriate to incorporate it in the Borough manual by reference rather than in its entirety. Regardless of their locations, departmental manuals should be regularly reviewed by a team of management and staff, and changes adopted as appropriate.

Each of these manuals should be prominently placed on the Borough's website for easy reference.

Safety Committee

Current Practice

It is our understanding that the Petersburg Borough does not currently have a safety committee and has not had one in many years. Safety committees are a critical part of an organization's safety culture because they provide an organized opportunity for employees and management to review and discuss safety issues and to implement changes as needed.

APEI Recommendation

The Borough should establish a safety committee to assess the work environment for risks and implement changes to improve safety throughout the borough. Effective

safety committees typically include 5-10 members, representing management and employees from departments across the organization, and meet at least quarterly. For the first year after creation, we recommend that a safety committee meet at least monthly as a way to get into a routine of thinking about safety and addressing issues. APEI can provide the Borough with support in setting up the committee and in setting the agenda for the first few meetings.

We recommend that the Assembly ask the Safety Committee to provide periodic updates to them about the committee's activities and actions.

Safety Officer

Current Practice

The Safety Manual references the Borough having a safety officer, but it appears that no such officer has been appointed. Several department heads that we spoke with expressed their belief that a Safety Officer would help improve safety in the Borough.

APEI Recommendation

In large organizations, a Safety Officer is an important part of the organization's safety culture because the person in that position is able to focus on safety issues rather than another job. In a community the size of Petersburg, a dedicated full-time Safety Officer may be impractical, but we do recommend that an individual be identified for this role. We see this individual serving as the point person for safety information and responsible for coordinating safety improvement efforts.

If the Borough elects to not identify an individual as an official safety officer, then the Borough policies referencing that position should be amended to identify another person responsible for those particular tasks.

Vehicle Safety and Driving Policies

Current Practice

Many departments at the Borough have vehicles or have staff that drive occasionally for Borough business. Current Borough policies do not include a specific driving policy; however, a number of topics pertaining to driving are mentioned throughout the Personnel Policy Manual. These include:

- Prohibited use of a cell phone while driving for Borough business
- Drug and alcohol testing programs, including reasonable suspicion procedures

- Requirement to report to a supervisor that one's medication use may affect the ability to safely and effectively perform job duties
- Vehicle maintenance and safe operation

APEI staff received reports that Borough staff are occasionally asked to drive a vehicle of a type that is unfamiliar to them, with little or no training being provided.

We spoke with HR regarding any policies which define limitations for job applicants pursuing a position with driving duties who may have a previous driving-related conviction that may make them ineligible for a driving position (DUI, reckless driving convictions etc.). Staff explained that there is not a specific policy, but for positions that require a Commercial Driver's License (CDL), such convictions would appear in the Federal Motor Carrier Safety Administration (FMCSA) database and make an individual ineligible.

For staff operating vehicles for which a CDL is not required, Borough staff explained that any employee driving restrictions resulting from infractions or violations is "taken into consideration" in hiring or in assigning job duties. It is not clear what this means or that it is applied consistently for all employees.

APEI reviewed the documentation for tracking required drug and alcohol testing for drivers who fall under Federal Motor Carrier Safety Administration (FMCSA) rules. This documentation was comprehensive and indicates that the borough has excellent practices in place to ensure they meet their obligations for drug and alcohol testing (pre-employment, random, post-accident, reasonable suspicion) for these drivers. Others with driving responsibilities who do not fall under FMCSA rules are subject to reasonable suspicion and post-accident testing.

APEI Recommendation

The Borough should consider developing a comprehensive Vehicle Safety Policy to address safe vehicle operation throughout the Borough. Doing so would create a single document that could easily be reviewed with any employee with driving responsibilities to ensure they are aware of their obligations for safe vehicle operation. Sample language for a vehicle policy is available from SHRM (*Use of Company Vehicles Policy* and *Company Fleet Usage and Driver Safety Policy*) which the borough can use to guide their policy development.

The current Drug and Alcohol Policy includes a list of prohibited conduct which includes the following statement: "*Failing to notify an employee's supervisor before beginning work that the employee is taking medications or drugs which may interfere with the*

safe and effective performance of duties.” We did not see a similar statement in the draft revised Personnel Policy Manual.

- We recommend that a statement similar to the above be included in both an Employee Handbook and the Vehicle Safety policy.
- In addition, the statement should be expanded to include a requirement that employees must notify their supervisor of any other situation or condition (loss of driver’s license, medical condition, or diagnosis) which may affect the employee’s ability to legally or safely operate a vehicle.

We recommend that any staff member who is expected to drive on the job, including employees who drive their own vehicles, be required to periodically take a defensive/distracted driving or other vehicle operation safety course. In addition, before being asked to drive a type of vehicle (including pulling a trailer) that is unfamiliar to an employee, the employee be required to spend some time in a check ride with an experienced driver to develop a familiarity with the vehicle. This practice driving should be documented and included in the employee’s personnel file.

We recommend that the Borough develop clear policies stating which motor vehicle violations would make an individual ineligible for a position and for how long (e.g., 3 years following the conviction). This will provide clear guidelines for hiring managers and prevent any appearance of bias through inconsistent hiring practices.

We recommend the Borough review all driving positions not subject to FMCSA requirements and consider if any should be subject to similar testing as those who fall under FMCSA. This may include, for example, any employees who provide transportation to members of the public.

General Safety Practices

Current Practices

During the interview process with department directors and HR, APEI identified many positive safety attributes that were noticeable throughout the borough. It was clear that department heads were involved with staff in discussing injuries, hazards, and other safety concerns within their departments. Department heads also actively engage with their employees when injuries do occur and work to investigate the reason for the incident.

Each department director was clear that employee safety was important to them and their staff. Most of the departments have readily available personal protective

equipment (PPE) with a specific line item in their budgets for safety items. When employees need PPE, it is available and at no cost to them.

Conducting safety **assessments** of hazards throughout the borough is of vital importance to help keep employees safe. We have not been able to identify any safety assessments that have recently been completed by Borough departments.

APEI Recommendations

APEI recommends that the borough utilize the following types of safety assessments. These should be completed in each department where hazards are present or are likely to be present.

- The first assessment that APEI recommends is the **Hazard Assessment and Certification for PPE**. This is an assessment that looks at hazards that an employee may face in the workplace, and then identifies the required Personal Protective Equipment (PPE) they need to keep themselves safe. This type of assessment is required by OSHA to identify if PPE is needed and to assure that employees receive training on the equipment that they are using.
- The second assessment that APEI recommends is a **Job Safety Analysis (JSA)**. This assessment tool helps break down each job task into specific steps, identifies potential hazards associated with those tasks, and then helps coach the employee on how to avoid those hazards. A JSA is a great tool to ensure consistent and safe work methods are being followed on each hazardous job task.

Incident investigation

An incident investigation is a thorough examination of an incident's circumstances to identify its root cause(s) and develop recommendations to prevent a similar occurrence. Investigating accidents and incidents is necessary for preventing future incidents and legal and regulatory compliance.

Investigating a worksite incident – a fatality, injury, illness, or a near-miss – provides employers and workers the opportunity to identify hazards in their operations and shortcomings in their safety and health programs. Most importantly, it enables employers and workers to identify and implement the corrective actions necessary to prevent future incidents.

Current Practice

The Borough's Safety Manual has a section on incident reporting, which gives parameters on who is to be notified of an incident, which incidents must be reported and investigated, and which forms get filled out.

When we asked staff about incident investigations, we received a range of answers, and it isn't clear that everyone is familiar with the policy or that it is consistently followed. The criteria in the Policy used to identify incidents required to be investigated are inconsistent and difficult to follow.

APEI Recommendation

The Borough should update and revise their incident investigation policy to reflect Borough needs and practices and to clarify the requirements. Specifically, a revised *Incident Investigation Policy* should include:

- A description of who is responsible for doing an investigation;
- A plan for providing training in how to handle incident investigations, and responsibility for ensuring that training occurs;
- Clear criteria about which types of incidents require a formal investigation and those for which a simple incident report is sufficient; and
- Information about how the results of the investigation are to be used and shared.

Human Resources Management

Current Practices

In reviewing the Borough's **hiring practices**, we found the Human Resources Department's hiring process to be thorough and well documented. Of particular note:

- Job descriptions are reviewed prior to posting advertisements for any new positions.
- Job applications are required from all candidates, ensuring consistency in the information being submitted.
- HR participates in all job interviews, which ensures that legally compliant interview techniques are being used.
- Reference checks are completed on all applicants for Borough positions. In addition to checking with references provided by the applicant, Borough staff will

also reach out to prior employers, or others in the community for additional perspectives.

- Driver's license checks are completed on all new hires who have identified that they have a driver's license, regardless of whether or not driving is a regular part of their job duties. For those who do have regular driving duties, drivers' licenses are re-checked annually.

The Borough provided APEI with sample job descriptions to review, and others were available for our review on the Borough's website under job postings. The Borough's **job descriptions** are well-written and provide a clear description of the working conditions one can expect to encounter in each position, including the primary physical demands, a description of the working environment, and potential hazards. The minimum requirements appeared to be thorough and reasonable for the descriptions we reviewed.

The Borough performed a review of all job descriptions following the July 2016 vehicle crash to ensure that a complete list of job duties was reflected in each position. This included a careful review to specifically identify positions which have driving-related duties. If an employee experiences a disability, having the position description include a complete list of the duties will allow for an accurate assessment through the interactive process used to determine appropriate accommodations.

We reviewed the Borough's **performance evaluation** process, and the existing Employee Evaluation Form.

The Borough has been working on improving their performance evaluation process and is taking concrete steps to have a more effective employee evaluation program. This includes updating the evaluation form and the purchase of copies of the book, "*2600 Phrases for Effective Performance Reviews*" to be provided to all department heads. This is an excellent resource that will allow department heads to use more effective language in their evaluations.

Newly hired employees have a 6-month probationary period in which a written evaluation is given at the 3- and 6-month mark as is required by the collective bargaining agreement. APEI confirmed that timely emails are sent to department heads by HR reminding supervisors of their obligation to provide this feedback and evaluation. If a later decision is made to not retain an employee at the end of their probationary period, the Borough has the documentation needed to support that action.

We inquired about the evaluation process for newly promoted employees. It was noted that the Borough currently does not have a process for providing interim evaluations in this situation, and that the collective bargaining agreement states that if an employee promotion does not work out, the employee is to be transferred back to their prior position.

APEI Recommendation

We would like to make the following recommendations:

- Job descriptions where a regular driver’s license is required reference an “insurable driver's license”. We recommend that the word “insurable” be removed and consider replacing it with a more specific criteria (such as “with no more than XX points assigned against their license by DMV”).
- The performance evaluation form includes a space for *Goals*. The form should also include a place for *Training Objectives*. We recommend that goals and training objectives are listed in the end-of-probation evaluations as well as in the annual evaluation.

Ongoing training is a valuable tool to advance employee performance, reiterate safety objectives, keep employee skills relevant, and identify cross-training needed in the department. The annual evaluation is the ideal time to speak with an employee about their professional development goals as well as what the borough needs from the employee to ensure all objectives are being met.

- The criteria for each rating (*Needs Improvement*, *Meets Expectations*, and *Exceeds Expectations*) are not clearly defined and supervisors may not know how to apply these terms. The Borough should provide more detail on the form as to what level of performance must be met to achieve each rating. APEI has resources available to assist the Borough with clarifying these definitions. Doing so will help employees to better understand the level of expectations necessary for each rating.
- As part of each annual performance appraisal process, the supervisor and employee should review the position description together to ensure the job duties still accurately reflect the work being done and the expectations placed on the employee.
- We recommend that the Borough adopt a process similar to that used for new employees for providing feedback to a newly promoted employee during an introductory period so that if the decision is made to demote the employee, there is documentation of feedback that will support the eventual decision.

Reasonable Accommodation under the Americans with Disabilities Act (ADA)

Current Practice

We inquired about the Borough's practices for reviewing requests for and providing reasonable accommodation to qualified individuals with a disability. The HR department indicated that such accommodation requests are very infrequent and are overseen by the HR department in consultation with the employee's supervisor and department head and as needed, the Borough attorney.

When a request for accommodation is received, the ADA requires that the employer engage the employee in an interactive process to determine the appropriate accommodation. The Borough meets this requirement, and HR reviews each of the employee's job duties with the department head and employee. This allows for a determination of any possible limitations imposed by the employee's disability that the employee may not have considered and identify possible accommodations.

Documentation of the interactive process at the Borough was described as involving a series of emails back and forth between those participating in the process along with notes being made on the job description of agreed-upon accommodations.

APEI Recommendation

We recommend that the Borough formalize their documentation of the interactive process to include the following:

- A list of who was involved in the interactive process;
- A description of which essential job functions are impacted by the employee's disability;
- If documentation has been requested from the employee's medical provider, when the request was made, and when the documentation is requested by, and a copy of the documentation once it's received;
- An estimate of how long the accommodation is anticipated to be needed and dates for following up with the employee to evaluate the effectiveness of the accommodation or any changes that need to be made; and
- Information about other individuals that may need to be informed about the accommodation and how that information is to be shared. This last step is essential when an accommodation provided to an employee affects safety or the operations of the Borough.

We recommend that all managers receive training on the ADA interactive process so they will be prepared to address a request or identified need for reasonable accommodation. This is critically important to ensure the safety of employees and the public, that Borough functions operate successfully, and to protect the Borough from the possibility of lawsuits. Training is available from APEI and through Lexipol; additional resources to guide managers through the interactive process are listed at the end of this report.

Additional information

APEI receives many questions from our members about accommodations under the ADA, and it is a topic that many commentors to this review were concerned about. It is important to comply with the law and to provide qualified employees with a disability with accommodation that will allow them to be successful in their jobs. While an employer can deny a request for accommodation if the request would impose an undue hardship, the bar for meeting these criteria is very high and a request for accommodation should not be denied without consultation with your attorney.

Employers are often concerned about preserving employee privacy and what information they are allowed to request of the employee and to share with other employees. Some guidelines for the Borough in relation to these issues are:

- As part of the interactive process, employers may request documentation that is necessary to substantiate that an employee has an ADA-qualified disability and needs the reasonable accommodation requested. The employer cannot ask for unrelated documentation such as complete medical records.
- While the ADA provides exceptions for staff who have a need-to-know basis, employers are generally prohibited from discussing employees' medical information with others, including coworkers or members of the public.
- If an employee is provided with accommodation (due to a disability or for any other reason), other staff may be made aware of the **existence** of that accommodation, however, the employer may not discuss the **reason** for the accommodation with other staff.

During the interactive process, the employer should discuss with the employee what aspects of the accommodation may need to be communicated to others, specifically who those individuals are and how the employee prefers that information to be communicated. For example, if the employee's disability may require a medical response (diabetic, seizure, etc.), coworkers may need to be informed of how to respond. Otherwise, any inquiry by staff about the reasons behind the employee's accommodation should be responded to by simply

explaining that the employer is acting for a legitimate business reason and in compliance with federal and state law.

As always, we encourage our members to seek legal counsel when faced with a complex accommodation issue.

Training documentation

Current Practice

We observed that most departments provide training to staff, however training documentation is not consistently forwarded to HR to include in the employee personnel file.

APEI Recommendation

We recommend copies of all training documentation be included in the personnel file.

Specific Observations and Safety Suggestions by Department

Community Development Department

Observations and strengths

- A police officer will accompany the building inspector when visiting a potentially dangerous property.

Safety Concerns Specific to the Department

- The building inspector is exposed to potentially hazardous environments when he is required to enforce codes while going into dangerous buildings.
- The building inspector is also exposed to potential threats from members of the public who are concerned about him/her being on their property.

APEI Recommendations

- Department staff, particularly the building inspector, should be provided de-escalation and communication skills training.

Fire Department

Observations and strengths

- The Fire Department has a very robust training program along with rigorous checks and balances for which staff can enter buildings, drive vehicles, fight fires, etc.
- All new volunteers receive a background check before they can join.
- All new volunteers receive an orientation packet about the department.
- The Department pays for all volunteer training and certifications and provides extensive training on-site.
- The Department provides an exercise area for their staff.

Safety Concerns specific to the Department

- Fire Department staff are faced with the many hazards of fighting a fire.

- Bloodborne pathogens is another issue that EMTs and other staff face on the job.
- Dealing with members of the public is also an area where staff face potential hazards.
- Falls and lifting injuries are some of the main workplace injuries that staff face.

APEI Recommendations

- APEI has no specific recommendations for the Fire Department but encourages them to make changes as detailed in the overall Borough recommendations above.

Finance

Observations and strengths

- There is a plexiglass barrier between the front desk and the public, to provide a safe distance between department staff and members of the public visiting the building.
- Contract assessors are provided with identification to minimize residents' worries about strangers on their property.

Safety Concerns specific to the Department

- Department staff expressed concern over a lack of familiarity with the Borough's IT services and the protections taken to prevent a cyber-attack or attempted fraudulent impersonation.
- Property assessments are conducted by contractors from out of town, and there is a possibility of residents feeling threatened by a stranger on their property and responding negatively.

APEI Recommendations

- The Borough should review current cyber security standards with their IT provider to verify that the computer system meets current standards.
- All staff, but Finance Department staff in particular, should participate in cyber security training that includes information on phishing attempts and fraudulent impersonation.

Harbor department

Observations and strengths

- Staff are constantly walking the docks to look for safety concerns or hazards throughout the day.
- The Harbor Department has their own training program to help new staff learn the skills necessary to safely work on the water, docks, and around the area of the harbors.

Safety Concerns Specific to the Department

- Working on the waterfront is inherently dangerous.
- Snow removal in the wintertime can be extremely dangerous.
- APEI received reports that Harbor staff do not always wear lifejackets when in a skiff or other boat.
- Skiff use during the night hours is another dangerous activity staff may face.

APEI Recommendations

- The information contained in the new employee training program should be written down and formalized.
- If such a policy does not already exist in the Harbor Department Safety Manual, one should be drafted specifying when employees are required to wear life jackets. This policy should be enforced among all employees.

Library

Observations and strengths

- Library staff receive occasional training from the Police Department on how to deal with difficult members of the public.

Safety Concerns Specific to the Department

- There are some instances where staff work alone during the evening hours.
- There are occasional customers/patrons that become aggressive and threatening to library staff.
- Community members of the public who volunteer at the library do not receive a background check before volunteering.

APEI Recommendations

- APEI recommends having two staff on duty at all times to ensure that staff members are not alone in the event of an emergency.
- Look at installing a panic button at the front desk that directly alerts law enforcement in case of emergencies.
- Consider providing communication and verbal de-escalation training for staff.
- APEI recommends conducting background checks on all volunteers before they start work. This will ensure that they are suitable candidates for volunteering at the library.
- A volunteer orientation should also be developed to outline the duties, limitations, and expectations of volunteers.

Mountainview Manor

Observations and strengths

- Supervisors and staff utilize a robust training platform called Relias for their training needs. This provides at least 10 hours of training per year for each staff member.
- The department head is working on getting CNA training for all interested staff which will be provided by the medical clinic.
- When residents become aggressive or challenging to work with alone, two staff members help with the care of the resident.
- The Manor participates in monthly safety meetings as well as quarterly fire drills.

Safety Concerns Specific to the Department

- Lifting, pulling, and patient handling are the main safety concerns within the Manor.
- Trip hazards, bloodborne pathogens, and resident combativeness are other safety hazards that staff often deal with.

APEI Recommendations

- Recommend conducting a review of how the keys are managed throughout the facility and consider installing an electronic keycard system.

Parks and Recreation

Observations and strengths

- Multiple people reported to us that the current Parks and Recreation director is visible to staff and the public and that she has regular meetings with staff to discuss safety and other issues.
- Parks and Recreation has an emergency action plan that all staff are trained on and that provides guidance in how to respond to emergencies occurring in different parks and rec facilities.
- All staff receive a “Welcome to Parks and Recreation” manual when they are hired to introduce the new employees to the services the department offers.

Safety Concerns Specific to the Department

- Parks and Recreation staff are responsible for snow removal, which is a frequent cause of back strain and slip and fall injuries.
- There have been concerns about loose tiles in the pool and gym areas causing injury.
- Borough playgrounds have not recently been inspected to make sure they comply with current safety standards.

APEI Recommendations

- Develop a safety checklist for conducting safety walkthroughs throughout each facility. This should be specific to each facility (pool, playground, etc.) and would include looking for hazards such as fire and life safety, broken wall tiles, and other safety concerns throughout the department.
- Staff should be trained in the best technique to safely shovel snow.
- The department should develop a program for regular inspections of the playgrounds.

Police

Observations and strengths

- The Police Department has extensive Standard Operating Procedures that officers adhere to.

- The department has a very robust training program including the initial AST Academy and constant updated training on safety topics that pertain to police officers and staff.
- The department has high quality safety gear and other personal protective equipment for department staff.

Safety Concerns Specific to the Department

- Dealing with members of the public is where police officers face their greatest hazards.
- Bloodborne pathogens are another issue that staff face on the job.

APEI Recommendations

- APEI does not have specific expertise in police operations and has no specific recommendations for the Police Department. We encourage them to make changes to their training opportunities and documentation as detailed in the overall Borough recommendations above.

Public Works, Sanitation, and Motor Pool

Observations and strengths

- Public Works uses the APEI fire and safety checklist to inspect their buildings each year.
- The Motor Pool Department has a very robust program regarding inspections and maintenance for borough vehicles.
- Motor Pool mechanics have a preventative maintenance schedule with a written checklist in place to use during vehicle inspections.
- Sanitation has established a hearing conservation plan which includes Alaska Audiology providing an annual hearing exam.

Safety Concerns Specific to the Department

- The heavy equipment used in the department is hazardous in general.
- The staff at the sanitation department are exposed potential hazards in material that is dropped off by the public at the landfill.

APEI Recommendations

- The department is inconsistent about documenting their employees' training. They should ensure that training is documented in writing and sent to HR to be placed in the employee's personnel file.
- Ensure that all chemicals are properly labeled, and staff know where to find the safety data sheets for each chemical.

Water and Wastewater/Power and Light

Observations and strengths

- Due to the inherently hazardous nature of much of the work being done in this department, staff and department management are very aware of safety and the need to follow safe workplace practices.
- The Power and Light Department has weekly safety meetings to talk about current hazards and upcoming jobs.
- The Power and Light Department has an emergency action plan and goes over it with all new employees.
- Water and Wastewater employees are trained in confined space hazards and take them seriously.

Safety Concerns

The work done in these departments is inherently dangerous.

- The electrical workers deal with high voltage and many other electrical hazards.
- Water and Wastewater deals with confined space entry as well as hazardous chemicals.

APEI Recommendations

Develop a checklist for conducting safety walkthroughs throughout each facility. These checklists should be specific to the different types of facilities used by the department, and walkthroughs should be done at least quarterly.

Ways in which APEI can support the Borough

As a public entity pool, APEI offers a number of services to our members that may be of value to the Borough.

Employee Training

APEI offers several training opportunities to our members.

- We are able to visit members' sites and provide their staff with general training (as we did in February 2023 when we presented on-site training to Petersburg Borough staff on various Human Resources and management topics).
- Live training can be provided by APEI through videoconference.
- All APEI members have access to Lexipol, which offers on-demand web-based training in a number of topics relevant to city government operations, including Police, Fire, and EMS operations. This includes training in driver safety, management and communication skills, and OSHA related courses. Petersburg has taken advantage of the Lexipol training in the past and would benefit from it being more widely adopted.

As the Borough develops their new employee orientation and onboarding programs and identifies recommended training for more experienced employees, we recommend they look to Lexipol to help address these needs. Lexipol training courses are of high quality and can complement in-person or other training available to staff.

Human Resources Consultation

APEI provides consultation advice to our members on human resources issues, including issues related to the Americans with Disabilities Act (ADA), employee performance issues, and other subjects. In many cases, we can help the member determine the best course of action; in others we can help you narrow the scope of the question so it can be posed to an attorney.

Safety Support

APEI can provide support to members as they develop their risk management plan and safety practices. This includes:

- On-site Safety inspections of Borough buildings (as was most recently done by Cole Cummins in June of 2022);
- Assistance in the development of safety committees including suggesting topics for committee meetings and guidance through the first few meetings;
- Samples of safety programs and policies; and
- Fire and life safety checklists.

Loss Control Manual

APEI provides our members with a Loss Control Manual, updated annually, which provides detailed guidance on many of the items included in this report and the tools described here.

Legal Fee Reimbursement

Two situations faced by public entities – employee termination and reports of child sexual abuse – involve legal issues that may be more complex than are typically handled by a municipal attorney. To encourage members to reach out for specialized legal advice, APEI will reimburse the member for an hour of an attorney’s time in helping the member address these issues.

Crisis support

APEI now has access to organizations that can provide support to a member in the event of a serious incident that results in injuries or death to multiple people or was otherwise traumatic for a community. These organizations can help provide a community’s leadership with guidance in how to best support the affected individuals and respond to media attention after an incident occurs. Such support might have been helpful after the 2016 crash and would be available to Petersburg as an APEI member should they ever find themselves in another similar situation.

Additional Resources

Human resource management, employment law, policy samples:

Society for Human Resource Management (SHRM): <https://www.shrm.org/>

Public Sector HR Association (PSHRA): <https://pshra.org/>

Americans with Disabilities Act (ADA) and reasonable accommodation:

Job Accommodation Network (JAN): <https://askjan.org/>

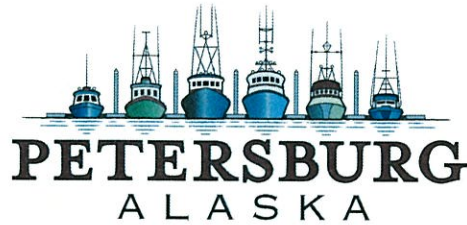
Equal Employment Opportunity Commission (EEOC): <https://www.eeoc.gov/>

Workplace safety:

Alaska Occupational Safety and Health (AKOSH):
<https://labor.alaska.gov/lss/oshhome.htm>

Occupational Safety and Health Administration (OSHA): <https://www.osha.gov/>

National Institute for Occupational Safety and Health (NIOSH):
<https://www.cdc.gov/niosh/topics/default.html>



September 12, 2023

Re: APEI's Safety and Human Resources Review

Dear Assembly Members,

The safety and well-being of Borough employees is our top priority. We value the work that APEI put in to review the Borough's Safety and Human Resources practices and policies. We appreciate the practices that APEI indicated the Borough was doing well and are fully committed to implementing APEI's recommendations for processes that the Borough can improve. We want to share our initial thoughts and plans to implement these recommendations.

A Safety Officer will be appointed and a Safety Committee will be established to review and determine how best to implement recommended changes to Borough policies and procedures. They will also ensure that all necessary training and communication channels are in place to inform all departments about these policy updates. The Safety Officer will update the Assembly on a regularly scheduled basis to let you know how the process is proceeding.

We believe that this proactive approach will contribute to better communication and collaboration for all employees and departments. We are dedicated to fostering a supportive and safe working environment for all Borough employees.

Please do not hesitate to reach out if you have any questions or require additional information. We look forward to working together to implement these changes for the Petersburg Borough.



Stephen Giesbrecht
Borough Manager



Debra K. Thompson
Borough Clerk/HR Manager



Rebecca Regula
HR Officer/Deputy Clerk

**Mayor's Report
For
September 18, 2023 Assembly Meeting**

- 1. Condolences to Representative Mary Peltola:** Mayor Jensen, on behalf of the Petersburg Borough Assembly, offers sincere condolences to Alaska's U.S. Representative, Mary Peltola, for the recent loss of her husband.

- 2. Early and Absentee Voting for the October 3, 2023 Municipal Election:** Early and absentee voting is available in the Training Room of the Police Department (downstairs near the main entrance to the Municipal Building) from 11:00 a.m. to 3:00 p.m., Monday through Friday. Early and Absentee voting will end at 12:00 p.m. on Monday, October 2, 2023.

For more information regarding the October 3, 2023 Municipal Election, please contact Clerk Thompson at 907-772-5405 or dthompson@petersburgak.gov.



**Borough Manager's Report
Assembly Meeting 18 September 2023**

- ❖ On Sunday the 10th, The new Fire Engine arrived. It is currently up at the station where paid staff are equipping it with tools and equipment, training with the volunteers will continue through the month of September. There will be an announced 'Push-in Ceremony' when E2 is placed in service where the public will be welcome.
- ❖ The CERT Class scheduled for last week unfortunately had to be postponed. There is an option for folks to take a 12hr online course to get through most of the book work, the course is self-paced and free of charge. Please contact the station for details.
- ❖ EMS has a slew of upcoming classes for fall and winter. First is an online ETT course that is ran in conjunction with SEREMS. This class will be perpetually open for enrollment and is again self-paced, however this course is only free to volunteers in the department, members of the public who wish only to take the course but not volunteer with the Department will be charged a \$300 course fee.
- ❖ There will be an EMT-2 bridge course scheduled 12/10 to 12/16. This is bridge from those with an active EMT-1 certification.
- ❖ There will be EMT-1 bridge from those with an active ETT or Wilderness First Responder certificate scheduled for after the first of the year, estimated start date of Jan 7th.
- ❖ Anderson Electric will be here Oct.18th to start repairing the fire station's light controller.
- ❖ October 8th – 14th is Learn Not To Burn Week and the group will be presenting to the Elementary School. This is also a good time for the public to check their Carbon Monoxide and Smoke detectors and ensure they are in working order.
- ❖ The Community Center has reopened its gymnasium portion of the facility, but with limited use. The gym (limited hours around school use) and weight room (full day access) will be open and available for use. Due to the lack of commercial carpet options, carpet will be installed closer to October. Please contact Parks and Recreation for more information about room usage and what is available.
- ❖ Parks and Recreation is partnering with Petersburg Medical Center to host Bingocize!! This is an evidence-based program designed to incorporate exercise and movement into a fun game to help prevent falls and injury. It is free and everyone is welcome to join by contacting Becky Turland at PMC: 907-772-5580 or bturland@pmc-health.org. Gym membership is NOT required, sessions begin September 25th.
- ❖ The time is coming for Parks and Recreation to close the park restrooms and remove large trash cans from the ballfield. This will occur on Friday, September 29th. Other trash receptacles will be available at the ballfield – please be diligent about properly placing your trash in the cans.

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

- ❖ Public Works finished replacing 2,000 feet of wastewater force main that connects the baling facility to the municipal sewer system. Backfill of the trench is underway.
- ❖ The Borough's new vactor truck arrived and is being readied for service. Once the new truck is fully activated, the old vactor will be auctioned off this fall along with other surplus Borough vehicles and equipment.
- ❖ Chris and Aaron will be at Southeast Conference September 19-21 to attend the annual meeting of the Southeast Alaska Solid Waste Authority (SEASWA).
- ❖ The Maintenance Dept is helping Assisted Living address some maintenance needs identified during a recent AHFC inspection of the premises.
- ❖ The EPA has mandated a lead service line inventory in all public water systems to identify any lead or lead based materials used for distributing water in our system. The department recently got notice from ADEC that we have been included as one of the public utility beneficiaries of a federal grant program in which the State will be assisting/completing a process to identify materials used in our community for our water system.
- ❖ The Borough's DC Lobbyist recently asked the federal delegation for letters of support for the DOE Section 243 grant award.
- ❖ The Blind Slough contractor has all concrete pours completed in the building. Electrical equipment has been moved in and the contractor is working on shoring up the hillside to enable pouring the penstock thrust blocks and installation of the new penstock. Gilkes Hydro will be in Petersburg on September 20th to guide the installation of the turbine, generator, bearing lube oil system and turbine inlet valve.
- ❖ Our mechanic, with assistance from our meter reader and/or groundman, has been working to brush out the penstock and replace corroded bolts on the penstock couplings. The upper portion of the pipeline from the dam to the breakover is complete and we are looking for good weather to continue this work before the contractor is ready to fill the pipe with water again at the end of October.
- ❖ Wrangell Municipal Light and Power took delivery of 6 transformers that were the wrong configuration for their system earlier in the year. PMPL was happy to pick up these units for Wrangell's cost which are perfect for our system. With lead times for transformers being up to 50 weeks, it was nice to have access to these units and receive them in short order.
- ❖ Last of the tour ship activity this week. Was a busy season. Still seeing transient vessels heading south, stopping in for weather etc.
- ❖ Western Marine should be arriving on scene in the next couple of weeks to start the dredging the first week of October. Staff continues to request SH boat owners contact the Harbor Office with travel plans and leave boat watcher contact information for Harbor Crew to reach out as needed.
- ❖ The kitchen at Assisted Living is completed and back in use.
- ❖ Derrick is working with several Assisted Living residents who are needing additional care. Some consultation with Long Term Care as well.

**PETERSBURG BOROUGH
ORDINANCE #2023-13**

**AN ORDINANCE OF THE PETERSBURG BOROUGH ADJUSTING
THE FY 2024 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 2024 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, 2023 and ending June 30, 2024 is adjusted as follows:

Explanation: Necessary revisions in the FY 2024 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>
FISCAL YEAR 2024 REVENUE / EXPENSE BUDGET ADJUSTMENTS				
Parks & Recreation – Property Development Fund – Community Center Sewer Line Project				
260.000.506528	Community Center Sewer Line Expense	\$417,000.	\$84,115.	\$501,115.
The Petersburg Borough Assembly Approved Resolution #2023-08 at the June 3, 2023 Assembly meeting which was in approval of this budget adjustment. This expense will come from the Property Development Fund.				
Misc. Grants – Library Rasmuson Grant				
200.000.402232 & 200.000.506652	Rasmuson Foundation Grant for a copy machine and collection expansion.	\$0	\$23,000.	\$23,000.
The Library received notice of a \$23,000 grant from the Rasmuson Foundation after the FY24 budget was going through the budget process.				
Misc. Grants – State & Community Energy Programs (SCEP)				
200.000.402294 & 200.000.506653	Energy Audit	\$0	\$75,120.	\$75,120.
The Borough is receiving \$75,120 to conduct an energy efficiency audit of the Community Gym / Aquatic Center.				
Property Development Fund – Utility Connection Stubs				

260.000.506530	To provide utility connection stubs to residentially zoned Borough property lines to prepare the lots for future sale.	\$0	\$100,000.	\$100,000.
This budget amendment was approved by Resolution #2023-09 at the 7/17/23 meeting.				
Elderly Housing – Main Entrance Repair				
470.000.506530	Main Entrance Repair Design Work	\$0	14,640.	\$14,640.
Expense for a Harai & Associates design proposal relating to structural issues on the main entrance ramp & cover due to rot and deterioration on the wood structure.				
General Fund – Fire Department				
110.525.501420	Communications	\$18,550.	\$5,000.	\$23,550.
110.525.501340	Small Tools	\$15,350.	\$1,000.	\$16,350.
\$5,000 in communications – Onsolve (Code Red System) erroneously not budgeted for in the original budget and a \$1,000 increase in small tools expense is for repairs to a Hurst tool that was found to be defective during it's annual inspection.				
Borough Wide Wage Increases				
Borough Payroll & Benefits	All Departments	\$11,005,127.	\$186,225.	\$11,191,352
Wage Increases from PMEA and Department Head salary increases approved by the Assembly.				
Sanitation – Additional Garbage Containers				
440.000.506518	Two 14-yard garbage containers	\$0	\$26,000.	\$26,000.
Added in the second reading of Ordinance 2023-13. Adding two dumpsters to sanitation department.				
Assisted Living – Kitchen Repairs				
480.000.501480	Repair & Maintenance	\$17,200.	16,075.	\$33,275.
Added in the second reading of Ordinance 2023-13. To repair the Assisted Living kitchen which sustained water damage.				

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:

From the minutes of the 6/03/23 Assembly Meeting:

15. New Business

A. Resolution #2023-08: A Resolution for Bid Award Authorization for the Community Center Sewer Line Project and Increase in Budget

Resolution #2023-08 was unanimously approved.

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

Voting Yea: Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci, Assembly Member Newman

From the minutes of the 7/17/23 Assembly Meeting:

15. New Business

A. Resolution #2023-09: A Resolution to Use up to \$100,000 from the Property Development Fund to Provide Utility Connection Stubs to Residentially Zoned Borough Property Lines to Prepare the Lots for Future Sale

Resolution #2023-09 was unanimously approved.

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

Voting Yea: Vice Mayor Lynn, Assembly Member Fine-Walsh, Assembly Member Kensinger, Assembly Member Marsh, Assembly Member Meucci

**PETERSBURG BOROUGH, ALASKA
RESOLUTION #2023-08**

**A RESOLUTION FOR BID AWARD AUTHORIZATION FOR THE COMMUNITY
CENTER SEWER LINE PROJECT AND INCREASE IN BUDGET**

WHEREAS, the Community Center Gym began experiencing a multitude of plumbing and sewer line problems over the past 2 years; and

WHEREAS, problem with the sewer lines are resulting in very recent closures of gym locker room facilities; and

WHEREAS, approval was granted by the Petersburg Borough Assembly with Resolution 2022-21 to hire RSA Engineering, Inc. to create the bid documents for this project at an estimated project cost of \$416,290; and

WHEREAS, with Ordinance #2023-08, the Borough Assembly approved \$417,000 from the Property Development Fund in the FY 2024 budget for this project; and

WHEREAS, the project was made available for bidding on Thursday, May 18, 2023, closing on June 16, 2023 where the sealed documents were publicly opened and read; and

WHEREAS, one bid was received from Ketchikan Mechanical, Inc. with a project cost not to exceed \$501,114.61; and

WHEREAS, the deficit of \$84,114.61 can be obtained from the Property Development Fund with approval of the Borough Assembly.


THEREFORE BE IT RESOLVED, the Petersburg Borough Assembly hereby authorizes the acceptance of the bid provided by Ketchikan Mechanical, Inc. for the repairs to the Community Center Gym sewer line, in an amount not to exceed \$501,114.61, and to increase the budget by \$84,114.61 to come from the Property Development Fund.

Passed and Approved by the Petersburg Borough Assembly on June 19, 2023.



Bob Lynn, Vice Mayor

ATTEST:



Debra K. Thompson, Borough Clerk

**PETERSBURG BOROUGH, ALASKA
RESOLUTION #2023-09**

A RESOLUTION TO USE UP TO \$100,000 FROM THE PROPERTY DEVELOPMENT FUND TO PROVIDE UTILITY CONNECTION STUBS TO RESIDENTIALLY ZONED BOROUGH PROPERTY LINES TO PREPARE THE LOTS FOR FUTURE SALE

WHEREAS, the Petersburg Borough is currently experiencing a housing shortage for new and current Borough residents; and

WHEREAS, the Petersburg Borough appointed a Housing Task Force to research the subject and bring forward ideas the Borough can act on to provide needed housing; and

WHEREAS, the Petersburg Borough Assembly, at their February 6, 2023 meeting, unanimously voted for Manager Giesbrecht to instruct the Borough’s Utility Director to identify any existing Borough-owned lots that can be easily connected to water, sewer and electric services and bring them forward to the Assembly to consider offering for public sale; and

WHEREAS, Utility Director Hagerman identified the following Borough lots with estimated costs to provide utility connections in preparation for future sale:

1200 Lake Street	\$24,000
200 Aaslaug Street	\$27,000
Sandy Beach Road Parcel #01.003.515	<u>\$22,000</u>
	\$73,000 estimated total costs

WHEREAS, actual costs to provide these utility connection stubs will be added to the assessed value of the property to determine the selling price of each lot; and

WHEREAS, Director Hagerman also noted Borough property located at 1016 Sandy Beach Road, which has existing water and sewer service at the property line, that Community Development Director Cabrera recommends to rezone from Rural Residential (R-R) to Single Family Residential (S-F) to fit better in the neighborhood and in preparation for future sale; and

WHEREAS, the Borough’s Property Development Fund currently has \$295,075 in available, unencumbered funds.

NOW THEREFORE, BE IT RESOLVED, the Petersburg Borough Assembly approves to use up to \$100,000 from the Property Development Fund to provide utility connection stubs to residentially zoned Borough property lines located at 1200 Lake Street, 200 Aaslaug Street and Parcel #01.003.515 on Sandy Beach Road to prepare the lots for future sale.

Passed and Approved by the Petersburg Borough Assembly on July 17, 2023.


Bob Lynn, Vice Mayor

ATTEST:


Debra K. Thompson, Borough Clerk

Jody Tow

From: Tara Alcock
Sent: Wednesday, May 17, 2023 9:08 AM
To: Jody Tow
Subject: FW: Congratulations! | Grant Award #17897

FYI

From: Monica Garcia-Itchoak <mitchoak@rasmuson.org>
Sent: Monday, May 15, 2023 2:06 PM
To: Tara Alcock <talcock@petersburgak.gov>
Cc: Monica Garcia-Itchoak <mitchoak@rasmuson.org>
Subject: Congratulations! | Grant Award #17897

Dear Taralee,

Congratulations! Your Tier 1 grant award to purchase a copy machine and expand collections with an outright grant of \$23,000.

You will receive an award letter and grant agreement in snail mail (sometimes take up to 10 business days), and a check will **arrive separately from bill.com** – this is a new process for the Foundation. If you want to sign up for EFT for future grants, the bill.com letter will include instructions on setting that up. It is not necessary to sign up for ETF.

If you have any grant portal or payment questions, please email grants@rasmuson.org and Cc me on all correspondence so I can track and help expedite.

I will be your PO for this grant through the final reporting deadline. The Foundation looks forward to hearing about your progress. Please share photos when you submit your final report so we can highlight your organization's impact on the community. In addition, a press release will go out within the next week on all our social media platforms – feel free to share within your networks.

Let me know if you have any questions during your project.

All the best,
 Monica



Monica Garcia-Itchoak
 she/her/hers
 Program Officer

Direct 907-334-0520
Cell 708-228-3386



FINAL ALLOCATION OF FUNDS

Office of State and Community Energy Programs (SCEP)
U.S. Department of Energy (DOE)

ATTACHMENT 1A: DOE FORMULA GRANT FUNDING ALLOCATIONS TO LOCAL GOVERNMENTS FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM

This document presents the final formula grant funding allocations by Local Government (Table 1a) for the EECBG Program - Sec. 40552(b) of the [Infrastructure Investment and Jobs Act \(IIJA\)](#) of 2021.

Table 1a. FINAL EECBG Program Formula Grant Funding Allocations to Local Governments
Listed Alphabetically by State and Local Government

#	State/Territory	Entity Name	Level of Government	Allocation
Total (Local Governments)				\$299,200,000
1	AK	Aleutians East	County	\$75,120
2	AK	Fairbanks North Star	County	\$77,080
3	AK	Haines	County	\$75,080
4	AK	Kenai Peninsula	County	\$76,770
5	AK	Ketchikan Gateway	County	\$75,180
6	AK	Kodiak Island	County	\$75,250
7	AK	Matanuska-Susitna	County	\$77,960
8	AK	North Slope	County	\$75,430
9	AK	Northwest Arctic	County	\$75,270
10	AK	Petersburg	County	\$75,120
11	AK	Anchorage	City	\$300,250
12	AK	Bethel	City	\$75,220
13	AK	Fairbanks	City	\$76,260
14	AK	Juneau, City and Borough of	City	\$76,130
15	AK	Kenai	City	\$75,270
16	AK	Ketchikan	City	\$75,300
17	AK	Kodiak	City	\$75,210
18	AK	Palmer	City	\$75,250
19	AK	Sitka	City	\$75,300
20	AK	Wasilla	City	\$75,390
21	AL	Baldwin	County	\$246,150
22	AL	Calhoun	County	\$79,030
23	AL	Etowah	County	\$78,540
24	AL	Jefferson	County	\$348,100
25	AL	Lee	County	\$78,040

Harai & Associates, Inc.

Consulting Civil Engineers & Land Surveyors

P.O. Box 625 Petersburg, Alaska 99833
Telephone & Fax (907) 772-9216

July 18, 2023

Michelle Lopez
Director, Elderly Housing
Petersburg Borough
P.O. Box 1530
Petersburg, Alaska 99833

Re: Elderly Housing, Main Entrance Repair – Engineering Proposal

Michelle;

I would like to offer my engineering services for the Main Entrance - Repair Design Proposal. This proposal is in response to your request for design work relating to structural issues on the main entrance ramp & cover. All of these structural issues are related to deterioration and rot on the wooden structural members.

A brief site visit with you, we discussed would it be best to repair the existing or demolish the existing and replace with new. I stopped by the site at a later dated and did some preliminary inspection. I now tentatively conclude that it would be best to repair the existing. This would be the more cost effective and would probably provide 25+ years of additional life to the structure. Further inspection would be done under this engineering proposal.

This engineering service proposal is for the design, bidding and contract administration of the main entrance repair from start to finish. I would be working closely with you, your staff and the Petersburg Borough staff in the design and bidding process.

Cost for these services is estimated as follows and not to exceed.

Gather site & project information (old design plans)	
Professional Engineer: 4 hrs@ \$120/hr =	\$480.00
Site inspection & measurements:	
Professional Engineer: 6 hrs@ \$120/hr =	\$720.00
Preliminary design & approval	
Professional Engineer: 40 hrs@ \$120/hr =	\$4,800.00

Michelle Lopez
July 18, 2023
Page 1 of 2

Final design & project manual/specifications: Professional Engineer: 28 hrs @ \$120/hr =	\$3,360.00
Project bidding: Professional Engineer: 8 hrs @ \$120/hr =	\$960.00
Project award, administration & inspection: Professional Engineer: 28 hrs @ \$120/hr =	\$3,360.00
Project closeout: Professional Engineer: 8 hrs @ \$120/hr =	<u>\$960.00</u>
Engineering services total =	\$14,640.00

Additional cost for printing construction contracts, bid advertisement and other associated cost will be billed separately and are not included in this engineering services contract cost.

If this engineering services proposal is acceptable, let me know and I can start on the project about the end of August. Tentative schedule is: completion of the design and bid document would be approximately the end of October. Construction bid advertisement would be in November. Award of contract could be estimated in December. Completion of repair work would be approximately in June of 2024. If you have questions or I can be of further help, please call me. Thank you, for considering my engineering and design services.



Susan E. Harai, PE/LS
Harai & Associates, Inc.

Steelhead Enterprises LLC

PO Box 1922
 Petersburg, AK 99833 US
 steelheadenterprisesllc@gmail.com

Estimate

ADDRESS	SHIP TO	ESTIMATE	232
Petersburg Assisted Living	Petersburg Assisted Living	DATE	08/23/2023

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Labor	cabinets, sinks, flooring removal and reinstall, drywall removal and reinstall, mud tape paint, FRP removal and reinstall, drying cleaning and disinfect, skim coat floor to drain.	160	70.00	11,200.00
materials	drywall, mud, tape, paint, fasteners, FRP, adhesives, caulk, disinfectant, flooring.	1	4,500.00	4,500.00
dump fees	waste materials	1	250.00	250.00
Cleaning Supplies & Materials	mediclean or equivalent, brushes, rags sponge, cleaners,	1	125.00	125.00
Services		1	0.00	0.00

kitchen repairs. water damage	SUBTOTAL	16,075.00
	TAX	0.00
	TOTAL	\$16,075.00

Accepted By

Accepted Date

**PETERSBURG BOROUGH, ALASKA
RESOLUTION #2023-12**

**A RESOLUTION APPROVING THE DISPOSAL OF BOROUGH OWNED PROPERTY
LOCATED AT 10 N. 12TH STREET (PARCEL #01-006-431) BY DIRECT SALE TO
THE PETERSBURG INDIAN ASSOCIATION FOR \$45,000**

WHEREAS, the Borough owns property located at 10 N. 12th Street, more particularly described as follows ("the property"):

Parcel B, Block 302, Greenbelt Subdivision, Plat #2016-4, Petersburg Recording District, First Judicial District, State of Alaska (Borough parcel # 01-006-431)

;and

WHEREAS, the property has a 2023 assessed value of \$52,900; and

WHEREAS, the property has been determined not needed for a public use, and was rezoned from Open Space – Recreation to Commercial-1 by Borough Ordinance #2023-02 on February 6, 2023; and

WHEREAS, application has been made by the Petersburg Indian Association (PIA), a federally recognized tribe, to purchase the property and on March 14, 2023, a noticed public hearing was held by the Petersburg Borough Planning Commission; and

WHEREAS, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments, and have made recommendation to the Assembly to sell the property subject to the following conditions:

- Any development on the property shall connect to municipal sewer system. Cost of extending utilities (electricity, water, sewer) to the property will be the responsibility of the property owner. Cost of providing service from the property line to any structure is the responsibility of the property owner.
- Any plans to construct a driveway approach to Haugen Drive would need prior approval of the Utility Director to ensure the integrity of the waterline in addition to ADOT approval.
- Property conveyance is subject to an easement to the Petersburg School District for use and access to the existing informational sign and associated powerlines.

; and

WHEREAS, with Resolution #2023-10, the Assembly approved the Borough Manager to commence direct negotiations with PIA per Code Section 16.12.080(E), the final terms of which are subject to Assembly approval; and

WHEREAS, Borough Ordinance #2023-10, adopted by the Assembly on June 5, 2023, amended Borough Code Chapter 16.12.030(A) to add federally recognized tribes to the list of entities that may purchase Borough property for less than assessed value if determined by the Assembly to be in the best interest of the Borough; and

WHEREAS, the Borough Manager and PIA have negotiated a purchase price of \$45,000 with the conditions recommended by the Planning Commission listed above.

THEREFORE, BE IT RESOLVED by the Petersburg Borough Assembly hereby authorizes the sale of the following property to the Petersburg Indian Association for \$45,000 with conditions as outlined in this resolution:

Parcel B, Block 302, Greenbelt Subdivision, Plat #2016-4, Petersburg Recording District, First Judicial District, State of Alaska (Borough parcel # 01-006-431)


PASSED AND APPROVED by the Petersburg Borough Assembly on September 18, 2023.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

MEMORANDUM

TO: MAYOR JENSEN AND BOROUGH ASSEMBLY
FROM: KARL HAGERMAN, UTILITY DIRECTOR 
SUBJECT: LAND EXCHANGE TO BENEFIT PUMPSTATION 4 PROJECT
DATE: 9/12/2023
CC: STEVE GIESBRECHT, BOROUGH MANAGER
 DEBRA THOMPSON, BOROUGH CLERK
 JODY TOW, FINANCE DIRECTOR

The Pumpstation 4 Force Main project has been in development for some time. Currently, the project has achieved 65% design completion by PND Engineers, with 95% completion scheduled to be achieved by the end of September. The project is anticipating a bid advertisement to start in late October with construction occurring next year.

However, one requirement of the project is to procure a portion of private land adjacent to the pump station in order to site the new wetwell and valve vault. As this station is particularly deep and is the second largest pump station in our system, it was not economically feasible to decommission the current pumps and replace them in the same footprint as the existing station. Utilizing vacant land adjacent to the station provides enough space for a deep excavation without impacting generator shed foundations and aids in the constructability of the project by eliminating a large expense for bypass pumping during the work.

The owner of the adjacent land is amenable to working with the Borough to make land available for the project. The manner in which the wastewater department would like to proceed is through a process of right of way vacation, followed by a major subdivision of Lot 10 (1320 N Nordic Drive) and conditional use permit to use the newly procured property for public utility purposes. The process is described in further detail below.

1. The Borough Assembly passes a motion approving of the concept of the land acquisition and moving forward with Ramona Street Right of Way Vacation – referring the issue to the Planning Commission.
2. The Planning Commission reviews the request for the right of way vacation and the dedication of the vacated right of way to Lot 10 at 1320 N Nordic Drive and provides recommendations to the Assembly. The Assembly will receive the recommendations and have the final decision insofar as the vacation of Borough property.
3. Concurrently with the vacation request, the Planning Commission would receive and consider a Major Subdivision application of Lot 10 to separate the land being requested for the new pump station. The Commission may approve of the subdivision under their authority without making recommendations to the Assembly.
4. Lastly, the WW department will seek a conditional use permit through the Planning Commission to site and operate utility infrastructure in a lot zoned for single family residential use.

The goal of this process is to acquire permanent Borough ownership of lands where the pump station will be located, to vacate right of way and increase the size of the private land owner's Lot 10 so that no substandard lot size will remain after the completion and to move overhead infrastructure to underground in the vicinity of the pump station by way of a utility easement on private property.

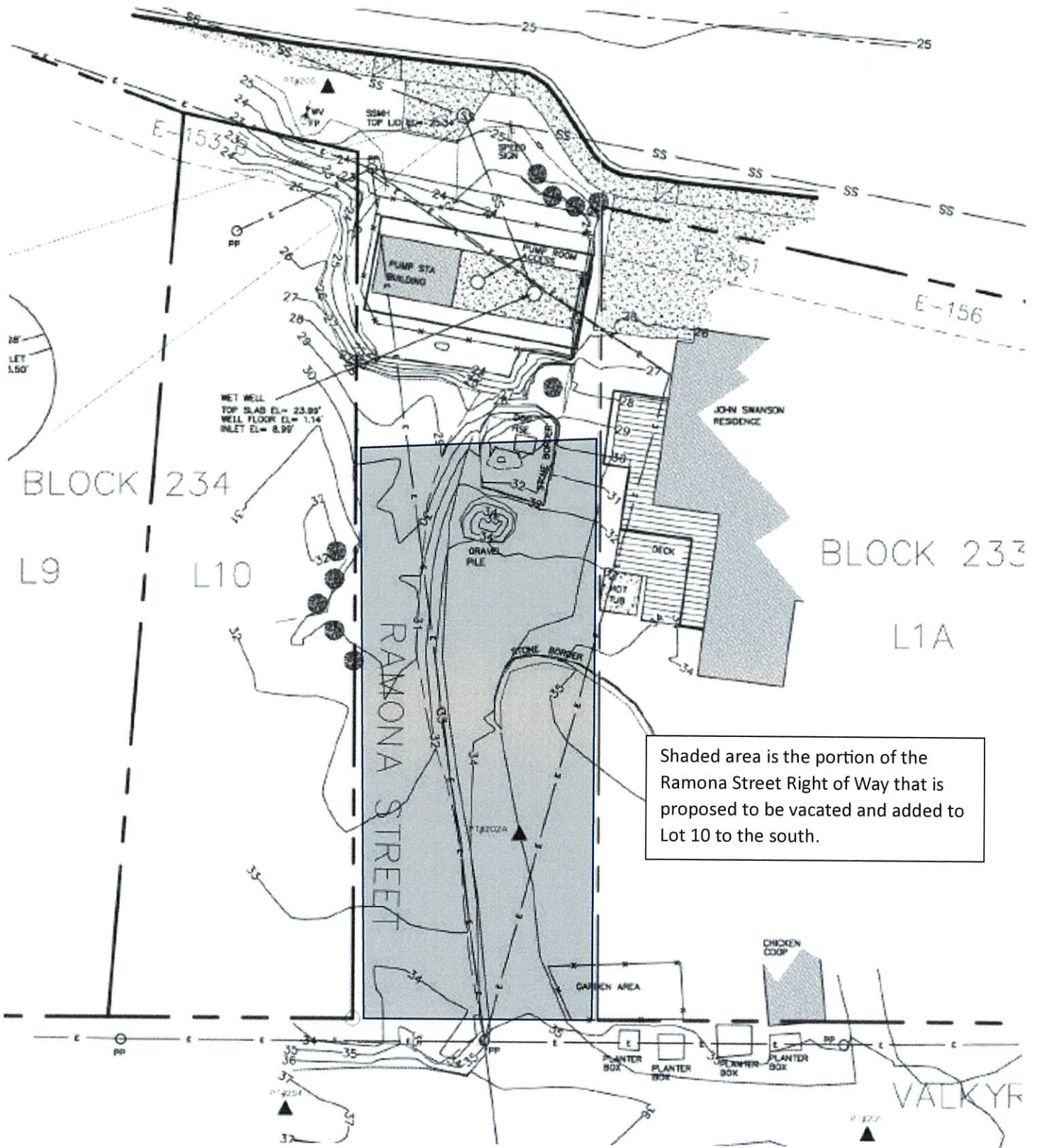
Sketches of the acquisition process are attached to this memo for clarity's sake.

If this land acquisition concept is acceptable to the Assembly, a suggested motion is provided below.

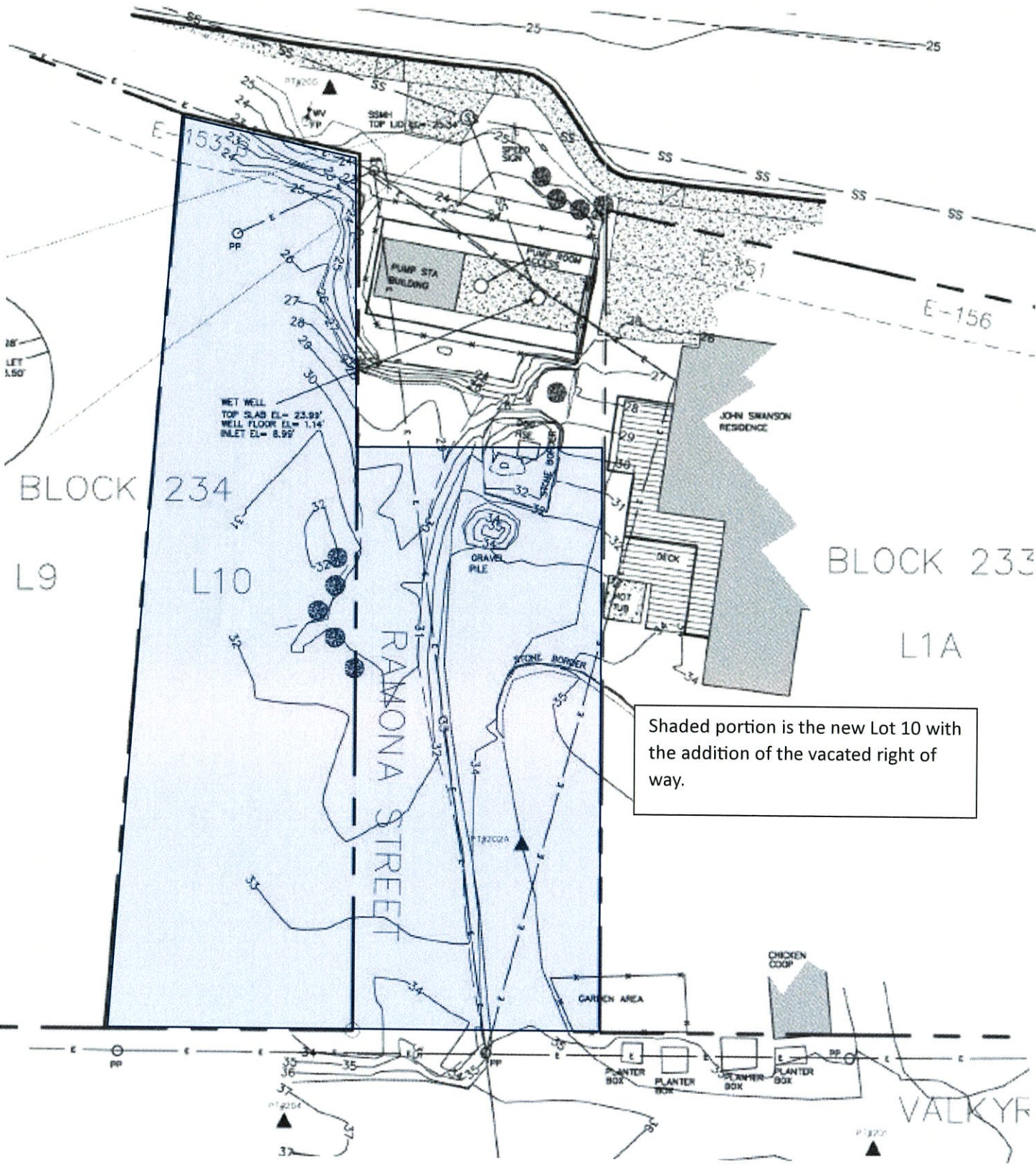
“I move to approve the concept for land acquisition for the Pump Station 4 project and to allow the wastewater department to move forward with applications to the Planning Commission for vacation of portions of the Ramona Street right of way and to seek land for the pump station via a major subdivision of Lot 10 at 1320 N Nordic Drive.”

Thank you for your consideration.

Petersburg Wastewater Department – PS 4 Land Acquisition Proposal - Ramona Street Vacation.
Approximate location. Not to scale.
K. Hagerman 9.11.23

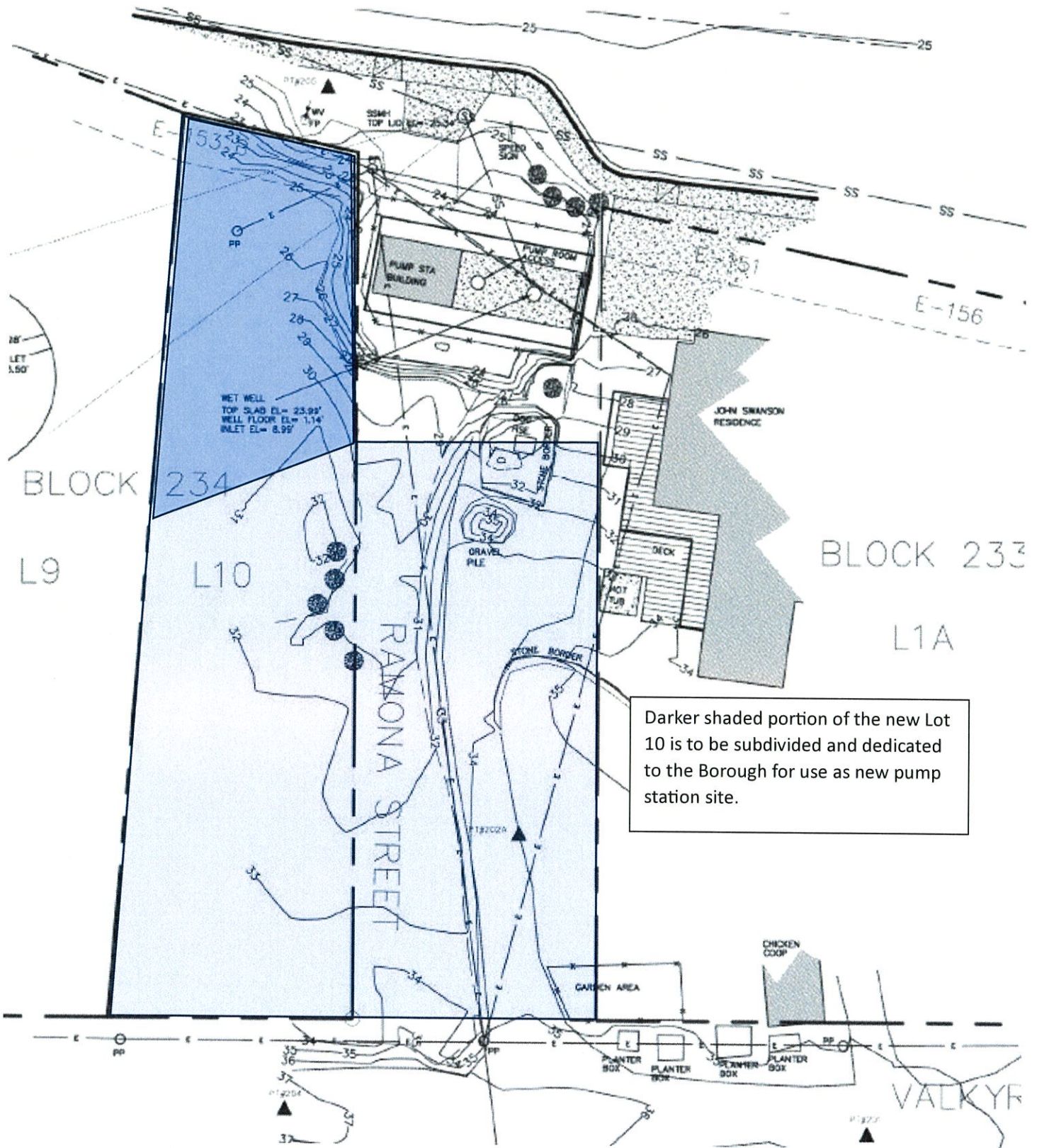


Petersburg Wastewater Department – PS 4 Land Acquisition Proposal – Dedication of Vacated Ramona St to Lot 10. Approximate location. Not to scale.
K. Hagerman 9.11.23



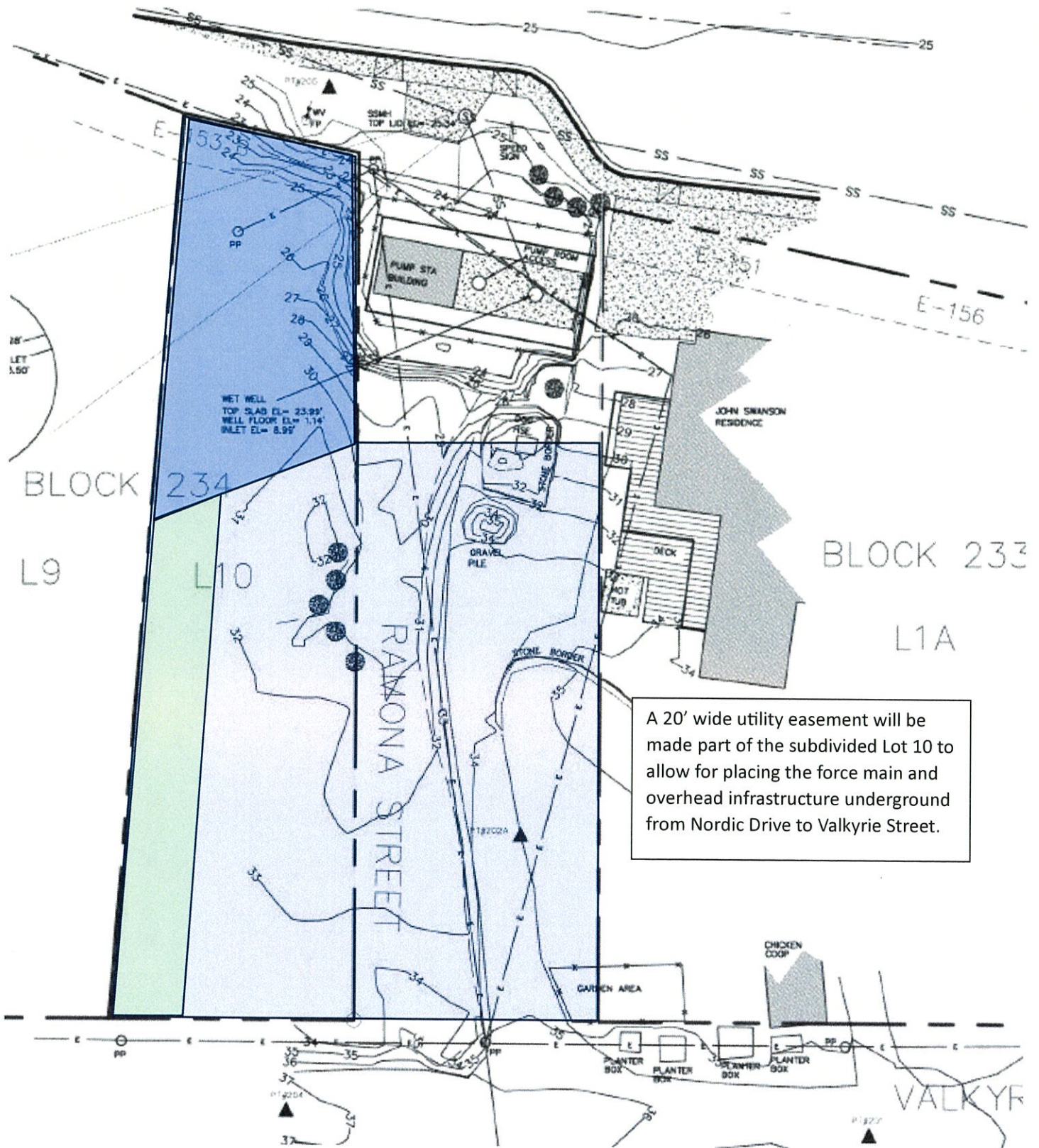
Shaded portion is the new Lot 10 with the addition of the vacated right of way.

Petersburg Wastewater Department – PS 4 Land Acquisition Proposal – Subdivision of Lot 10 for pump station. Approximate location. Not to scale.
K. Hagerman 9.11.23



Darker shaded portion of the new Lot 10 is to be subdivided and dedicated to the Borough for use as new pump station site.

Petersburg Wastewater Department – PS 4 Land Acquisition Proposal – Subdivision of Lot 10 for pump station with utility easement. Approximate location. Not to Scale.
K. Hagerman 9.11.23



A 20' wide utility easement will be made part of the subdivided Lot 10 to allow for placing the force main and overhead infrastructure underground from Nordic Drive to Valkyrie Street.



September 18, 2023

To: Chandler Long
Senior Project Manager
Alaska Trust Land Office
1900 First Avenue, Suite 313
Ketchikan, AK 99901

The Petersburg Borough Assembly voted down accepting the dedication on the newest proposed development of the South Mitkof Subdivision. While the Assembly appreciates the further development of Trust land within the Borough, we see major future problems for both the Borough and the potential landowners that could be resolved before the lots are sold. Selling lots without a completed central access, or at least a legal requirement for a homeowner's association, or some other binding requirement to help pay for roads, will create an unreasonable burden and ill will toward the Borough in the future.

The Borough would like to work with you to avoid major future problems, including platted and developed road right-of-ways, utility easements, and appropriately sized lots to meet ADEC leach field requirements. Each lot should have road access, and the subdivision roads should be built to Borough standards and designed in a manner that is conducive for snow removal, general maintenance, and emergency service needs. The Subdivision should have at least one road outlet to Mitkof Highway, and this should be permitted and agreed upon with ADOT and built to their general road and location specifications. Main road arteries should be appropriately named.

These steps will make it possible for development to proceed in this subdivision and handle the possibility of future utility services.

Thank you again for your support in developing this land within the Petersburg Borough. We continue to have great interest in available land for building homes, and we are certain proper development will increase the sales value of this subdivision.

Respectfully,

Mark Jensen, Mayor
Petersburg Borough

Debra Thompson

From: Madonna Parks <madonna.parks@yahoo.com>
Sent: Sunday, September 10, 2023 10:45 AM
To: Assembly
Cc: Barbara Thurston; Carleen Mitchell; Cole Cummins
Subject: APEI Review

Assembly,

We have read the APEI review. It's an easy-to-read, actionable document. A detailed roadmap for the Borough. It leaves no questions as to what needs to be fixed, provides instructions on how to fix those areas and a plan to go forward.

We hope the Assembly's next step, after a public review of the document, is to implement the APEI recommendations.

Transparency and the safety of the community is key here.

Sincerely,
Madonna and RD Parks

Debra Thompson

From: jeff dunham <dunhamjeff@yahoo.com>
Sent: Monday, September 11, 2023 1:16 PM
To: Assembly
Subject: APEI Recommendation

To Petersburg Borough,

I have read the APEI Report. Please Please implement all the APEI recommendations. Please make sure history does not repeat itself. The Borough and its families should never have to endure trauma like this again.

Thanks,
Jeff Dunham

Debra Thompson

From: Teresa Dunham <dunhamteresa78@yahoo.com>
Sent: Monday, September 11, 2023 1:19 PM
To: Assembly
Subject: AEPI REVIEW

I am Molly Parks aunt Teresa. I have read the AEPI report.

Please implement all AEPI recommendations. Please follow through with each department on a regular basis and verify that protocol is being realized. The crash that took the life of my niece Molly and her coworker Marie and injured Catherine, was allowed to happen because of poor management starting at the top. I really hope that everyone in a management position takes the hiring process and background checks serious every time. Everyone deserves to be safe at their job. Oh how I wish Molly was protected from Christopher Allen that day.

I will finish by saying,

Molly, Molly, Molly our Alaska Girl. Loved always. 

Sent from my iPhone

Sent from my iPhone

Debra Thompson

From: G Lackermann <lazylack2@yahoo.com>
Sent: Monday, September 11, 2023 1:19 PM
To: Assembly
Subject: Borough

To the Petersburg Borough

My family and I have read and discussed the APEI Report. As it seems to try to cover our issues, we are still concerned about year to year, on going follow up and staff review. Those in charge were not professional, informed and caring leaders. If left on their own they my regress back into their lazy, thoughtless and dangerous habits. Please do not allow history to repeat itself!

Thank-you,
Chris Lackermann

Debra Thompson

From: Rose Giunta <rosegiunta3plus2@gmail.com>
Sent: Monday, September 11, 2023 2:22 PM
To: Assembly
Subject: APEI report

To the Petersburg Bough,

It was interesting in reading the article to find out what the insurance company is asking you to work on. It sounds like they're not going to enforce it and again that concerns me. I am part of the community that comes in visits often, I absolutely need to know that my granddaughter and myself would be safe with your staff and what you have implemented. I will be coming in to question if you have put these things into place that they've asked you to do ,my hopes are that you would agree with what they have told you and that you would quickly implement . (All that was asked) we would never want anything else to happen like it did July 4.

Thank you

Rose Giunta

Sent from my iPhone

Debra Thompson

From: ellen bentley <Inrn_emt@yahoo.com>
Sent: Monday, September 11, 2023 3:09 PM
To: Assembly
Subject: APEI RECOMMENDATIONS

I have read the APEI document. Please implement ALL their recommendations. Thank you.

Ellen Bentley

[Sent from Yahoo Mail for iPhone](#)

Debra Thompson

From: Molly Dunham <mollymarie.dunham@gmail.com>
Sent: Monday, September 11, 2023 4:03 PM
To: Assembly
Subject: Apei report

My daughter and I have read the APEI report. For the future safety of burrough employees please implement all APEI recommendations.

Sincerely,
Molly Dunham & Cameron Keeland

Debra Thompson

From: Marilyn Dunham <dunhammarilyn@yahoo.com>
Sent: Monday, September 11, 2023 5:15 PM
To: Assembly
Subject: APEI REPORT

I have read the APEI report. Please implement ALL APEI recommendations.

Marilyn Dunham

Debra Thompson

From: Clint Dunham <dunhamclint@yahoo.com>
Sent: Monday, September 11, 2023 5:15 PM
To: Assembly
Subject: APEI report - Judge Parks 🍷🍷🍷

I have read the APEI report. Please implement all APEI recommendations.



Debra Thompson

From: Janet Kvernvik <kvernvikj@gmail.com>
Sent: Monday, September 11, 2023 7:46 PM
To: Assembly
Subject: APEI Report

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you Borough Assembly for taking the initiative in having APEI do a safety review!! I have read report and now hope to hear that it's being followed. Let's keep our community safe. Janet Kvernvik

Debra Thompson

From: Carin Christensen <clchristensen@mail.com>
Sent: Tuesday, September 12, 2023 6:53 AM
To: Assembly
Subject: APEI report

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

I have read the APEI report. Please implement all APEI recommendations and make the document available to the public.

Sincerely,
Carin Christensen

Debra Thompson

From: Sue Williams-Judge <swjudge@uw.edu>
Sent: Tuesday, September 12, 2023 11:22 AM
To: Assembly
Subject: APEI report

Follow Up Flag: Follow up
Flag Status: Flagged

My niece, Molly Parks, and another Burrough employee Marie, died in a tragic incident in 2016. Sad but true - this was a preventable incident. It was simple common sense to not let a Burrough employee with history of seizures who was not allowed to lifeguard be allowed to drive a Burrough vehicle.

I would like to encourage the Burrough to implement all APEI recommendations so that future events like what happened to my beloved niece never, ever happen again.

Sincerely,
Sue Williams-Judge

Sue Williams-Judge, MN, ARNP

Strong Bones Coordinator

Teaching Associate
UWMC Outpatient Rheumatology Clinic | **UW Medicine**

10330 Meridian Ave. North Ste 250 | Seattle, WA 98133
OFFICE: (206) 668-6123 FAX: (206) 668-6178 CELL: (206) 228-7024

EMAIL: swjudge@uw.edu WEB: uwmedicine.org



Pronouns | She, her

Debra Thompson

From: Robert Ford <nezpercebf@gmail.com>
Sent: Tuesday, September 12, 2023 11:23 AM
To: Assembly
Subject: APEI

Follow Up Flag: Follow up
Flag Status: Flagged

I have read all recommendations from APEI. Please implement all recommendations.

Sent from my iPhone

Debra Thompson

From: carey case <careygwen@hotmail.com>
Sent: Thursday, September 14, 2023 6:55 AM
To: Assembly
Subject: APEI Review.

Assembly Members,

I have read the APEI review of the Safety and Human Resource policies and practices that were in place on July 4, 2016. I thank you for moving forward with a review and would urge you to accept all of the recommendations for change made in the report. I also ask that you provide the report to the public for review prior to your next meeting.

Thank you,

Carey and Ben Case

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**PETERSBURG BOROUGH
Resolution #2013-4**

**A RESOLUTION AUTHORIZING THE ALASKA DEPARTMENT OF NATURAL
RESOURCES TO ACT AS THE PLATTING AUTHORITY FOR THE BOROUGH
OUTSIDE OF SERVICE AREA ONE UNTIL THE BOROUGH HAS THE NECESSARY
REGULATIONS AND PROCEDURES IN PLACE TO
EXERCISE THE AUTHORITY**

WHEREAS, the Petersburg Borough was officially incorporated on January 3, 2013 upon certification of the December 18, 2012 incorporation election, and

WHEREAS, the Petersburg Borough is a home rule municipality and must provide land use planning, platting and use regulations, and

WHEREAS, the Charter for the Borough, Section 19.06, requires that the ordinances and resolutions of the City of Petersburg, which was dissolved at borough formation approval, continue in full force and effect within the former city limits only, until expressly reaffirmed, revised or replaced by the assembly, and

WHEREAS, Borough Charter, Section 7.04, provides that the authority for platting, planning and land use regulations within the corporate boundaries of the City of Kupreanof be vested with the City of Kupreanof, and

WHEREAS, the Transition Plan of the Petersburg Borough calls for the development of a Comprehensive Plan, which includes platting, to involve public meetings and process so that borough development and conservation reflects the priorities of borough citizens, and

WHEREAS, development of a borough Comprehensive Plan requires the oversight of a Borough Planning Commission and that land and parcels be entered into a borough GIS system, and

WHEREAS, the Borough is currently in the process of filling vacant seats on the Borough Planning Commission and is seeking the necessary land information for development of a GIS system.

THEREFORE BE IT RESOLVED by the Petersburg Borough Assembly:

1. The City of Kupreanof is exempt from the passage of this resolution. The City of Kupreanof will continue to provide for platting within its city limits;
2. Platting and Land Use regulations and process for the former City of Petersburg, now Service Area One of the Petersburg Borough, will continue to be administered by the Petersburg Borough under the ordinances and regulations of the former City of Petersburg;
3. The Alaska Department of Natural Resources is hereby designated as the Acting Platting Authority for all other areas of the Petersburg Borough, continuing to use all State regulations regarding platting, until such time that the Borough adopts platting regulations applicable outside Service Area One.

Passed and Approved by the Petersburg Borough Assembly on Feb. 4, 2013.

ATTEST:


Kathy O'Rear, Clerk


Mark Jensen, Mayor

Chapter 4.35

PROPERTY DEVELOPMENT FUND*

Sections:

- 4.35.010** **Creation of a property development fund.**
- 4.35.020** **Purpose.**
- 4.35.030** **Restrictions of fund.**
- 4.35.040** **Earned interest.**

4.35.010 **Creation of a property development fund.**

There is created a Petersburg Borough property development fund.
(Ord. No. 2013-12, § 3, 9-3-2013)

4.35.020 **Purpose.**

The purpose of the property development fund is to provide funding for the purchase and development, rehabilitation or improvement of real property owned by the municipality and for the administration of real property transactions, including, but not limited to, the sale, lease or trade of real property. The property development fund shall segregate funds received from the sale of borough-owned real property. Funds generated by the sale of general grant entitlement lands received from the State of Alaska under AS Ch. 29.65 will be receipted into this fund, and expenses from such sales shall be paid from this fund in accordance with 4.35.030. In addition, funds may be receipted into this fund through the budget process, as approved by the borough manager and the assembly.
(Ord. No. 2013-12, § 3, 9-3-2013)

4.35.030 **Restrictions of fund.**

Expenditure of funds from the property development fund shall be as provided by the budgetary process and control and approval of the borough assembly.
(Ord. No. 2013-12, § 3, 9-3-2013)

4.35.040 **Earned interest.**

Interest earned from the proceeds of the sale of real property shall be accumulated for the same purposes as the fund.
(Ord. No. 2013-12, § 3, 9-3-2013)

***Editor's note**—Ordinance No. 2013-12, § 3, adopted September 3, 2013, transferred and incorporated Chapter 4.35 to read as herein set out as a borough ordinance. See Ordinance List and Code Comparative Table and Disposition List for complete derivation from City Code.

Understanding sea otter population change in Southeast Alaska

Joseph M. Eisaguirre^a, Toshio D. Matsuoka^a, George G. Esslinger^a, Benjamin P. Weitzman^b, Jamie N. Womble^c, and Paul A. Schuette^b

^aUS Geological Survey (USGS), Alaska Science Center, Anchorage, AK; ^bUS Fish and Wildlife Service (USFWS), Marine Mammals Management, Anchorage, AK; ^cNational Park Service (NPS), Southeast Alaska Inventory and Monitoring Network and Glacier Bay Field Station, Juneau, AK

- The Southeast Alaska (SE) Stock of northern sea otters (*Enhydra lutris kenyoni*) ranges from Cape Yakataga (north) to Dixon Entrance (south; Figure 1).
- Sea otters were harvested to extinction in SE by 1900 and were unlikely to naturally repopulate the region¹.
- During the decades that sea otters were absent, their prey (e.g., clams, sea urchins, crabs) increased in size and number, setting the stage for rapid sea otter population growth if sea otters returned.
- Between 1965 and 1969, the Alaska Department of Fish and Game (ADFG) and Atomic Energy Commission (AOC) reintroduced 413 sea otters from Amchitka Island and Prince William Sound to seven sites along the outer coast of SE (Figure 2).
- Since the reintroductions, surveys from boats and aircraft have estimated sea otter abundance and range expansion (Figure 3).
- Early surveys (1975-1994) consisted of minimum counts or crude estimates because it wasn't known how many sea otters were hidden from view when surveyors went by. Recent surveys (2002-2022) included additional search effort to estimate the percentage of sea otters not detected, improving the accuracy of abundance estimates.
- Glacier Bay has been surveyed regularly by USGS and NPS from aircraft beginning in 1993, revealing approximately one third of all sea otters in SE may live in the Bay²⁻⁷.
- Over the years, advances have been made in the statistical methods used to develop a population estimate from the survey counts²⁻⁷ (Figure 3). Uncertainty remains, and each analysis may give different results depending on the methods and data used. For example, many historical estimates relied on only a single year of data, whereas contemporary methods can use data from multiple or even all years.
- The USFWS 2023 report⁸ used all aerial survey data collected through 2022 and recently developed statistical methods to provide an updated understanding of sea otter population change since reintroduction (Figure 3).

➤ Next steps

- Continue improving statistical modeling, including using harvest data directly in estimating abundance, as well as including other types of survey data, such as boat and drone based.
- Adapt monitoring plan to accommodate localized survey efforts that may occur more regularly.
- Develop workflow to update abundance estimates efficiently as localized surveys occur.

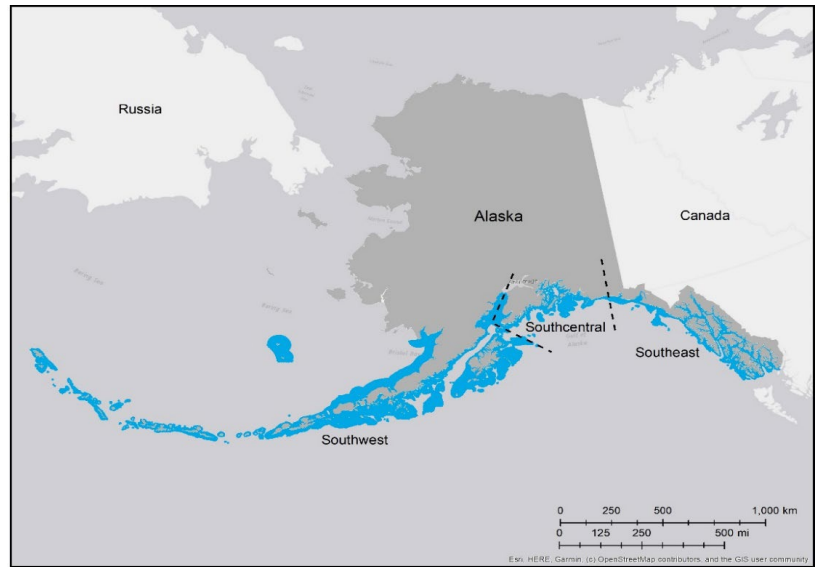


Figure 1: Map of northern sea otter stock regions, shown within the 100-m depth contour (blue), managed by the US Fish and Wildlife Service in Alaska

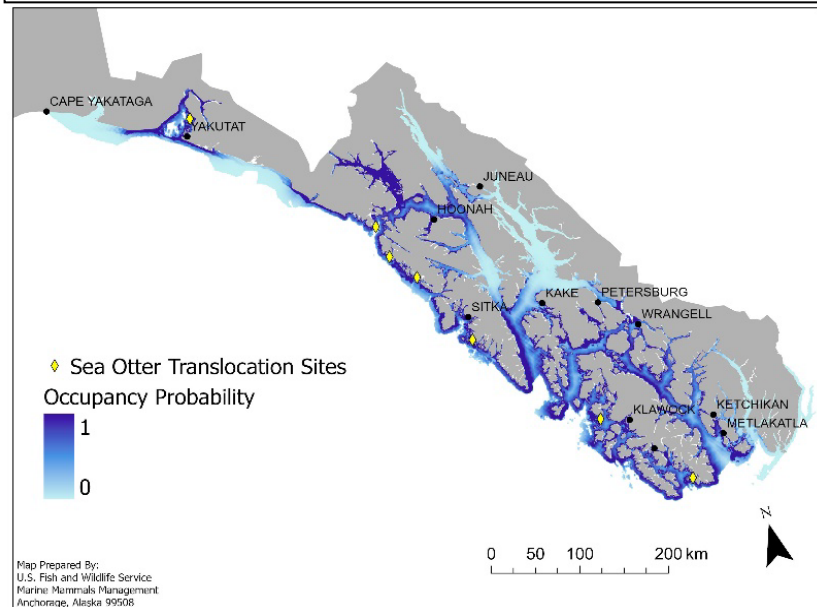


Figure 2: Map of Southeast Alaska sea otter stock region adapted from the 2023 USFWS report⁸ showing sea otter occupancy probability and translocation sites.

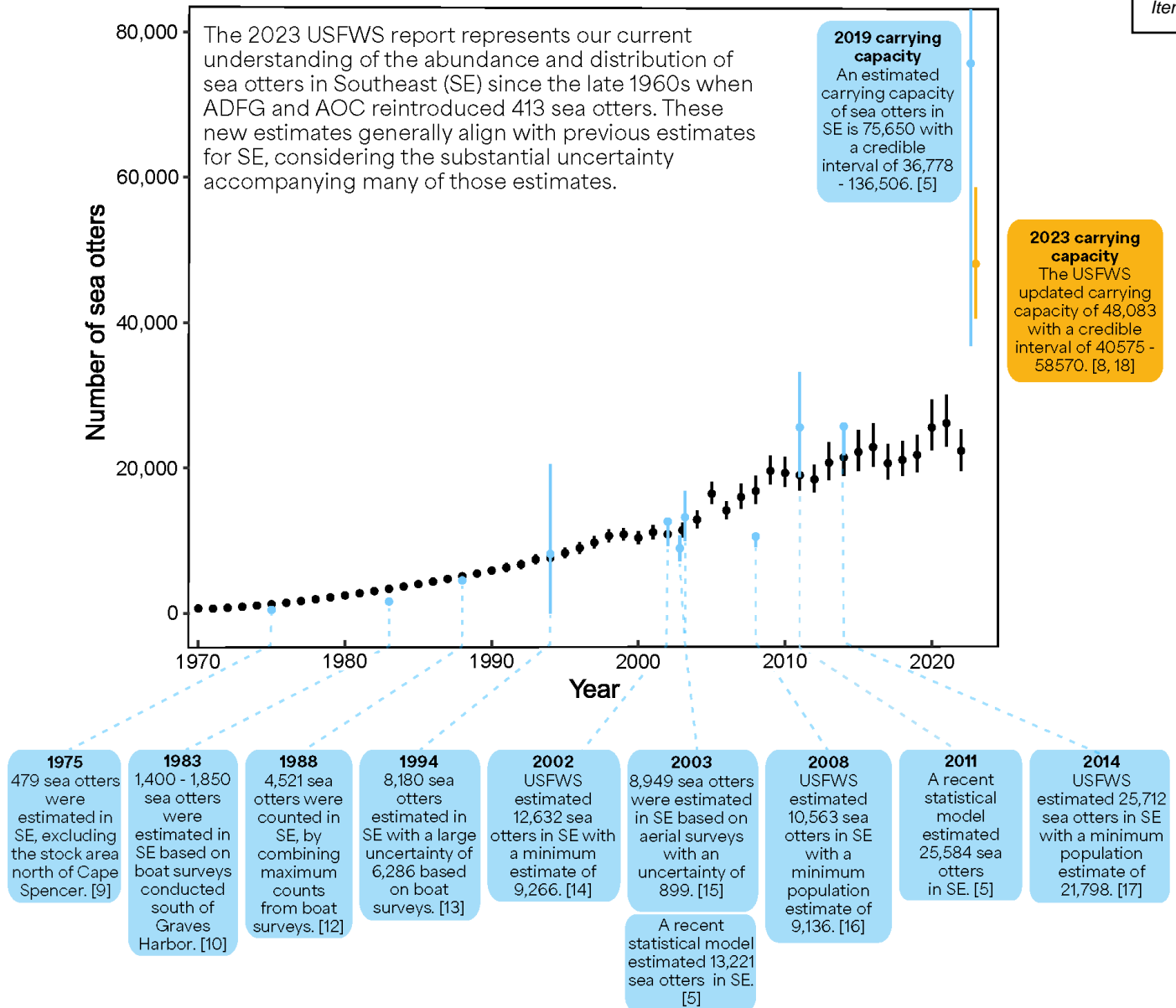


Figure 3. Figure adapted from the USFWS 2023 report⁸ showing current (black) and historical (colors) estimates of sea otter abundance in SE. Error bars represent different measures of uncertainty depending on the type of estimate and are shown only to provide a general idea of the uncertainty around estimates. Not shown are years where smaller-scale surveys occurred, such as NPS/USGS Glacier Bay surveys in most years beginning in 1993.

- Kenyon, K.W. 1969. The sea otter in the eastern Pacific Ocean: Washington, D.C., U.S. Fish and Wildlife Service, North American Fauna 68, 352 p.
- Williams, P.J., Hooten, M.B., Womble, J.N., Esslinger, G.G., Bower, M.R., and Hefley, T.J. 2017. An integrated data model to estimate spatiotemporal occupancy, abundance, and colonization dynamics. *Ecology* 98:328-336. <https://doi.org/10.1002/ecy.1643>
- Williams, P.J., Hooten, M.B., Esslinger, G.G., Womble, J.N., Bodkin, J.L., and Bower, M.R. 2019. Diversity and Distributions 25:895-908. <https://doi.org/10.1111/ddi.12908>
- Lu, X., Williams, P.J., Hooten, M.B., Powell, J.A., Womble, J.N., and Bower, M.R. 2019. Nonlinear reaction-diffusion process models improve inference for population dynamics. *Environmetrics* e2604. <https://doi.org/10.1002/env.2604>
- Tinker, M.T., Gill, V.A., Esslinger, G.G., Bodkin, J., Monk, M., Mangel, M., Monson, D.H., Raymond, W.W., and Kissling, M.L. 2019. Trends and carrying capacity of sea otters in Southeast Alaska. *The Journal of Wildlife Management* 83:1073-1089. <https://doi.org/10.1002/wjmg.21685>
- Eisaguirre, J.M., Williams, P.J., Lu, X., Kissling, M.L., Beatty, W.S., Esslinger, G.G., Womble, J.N., and Hooten, M.B. 2021. Diffusion modeling reveals effects of multiple release sites and human activity on a recolonizing apex predator. *Movement Ecology* 9:34. <https://doi.org/10.1186/s40462-021-00270-w>
- Eisaguirre, J.M., Williams, P.J., Lu, X., Kissling, M.L., Schuette, P.A., Weitzman, B.P., Beatty, W.S., Esslinger, G.G., Womble, J.N., and Hooten, M.B. 2023. Informing management of recovering predators and their prey with ecological diffusion models. *Frontiers in Ecology and the Environment*: in press. <https://doi.org/10.1002/fee.2673>
- Schuette, P., Eisaguirre, J., Weitzman, B., Power, C., Wetherington, E., Cate, J., Womble, J., Pearson, L., Melody, D., Merriman, C., Hanks, K., and Esslinger, G. 2023. Northern Sea Otter (*Enhydra lutris kenyoni*) Population Abundance and Distribution across the Southeast Alaska Stock: Summer 2022. USFWS Region 7 Technical Report MMM-2023-01, 41 p. <https://www.fws.gov/media/usfws-region-7-technical-report-mmm-2023-01-march-2023>
- Jameson, R.J., Kenyon, K.W., Johnson, A.M., and Wight, H.M. 1982. History and status of translocated sea otter populations in North America. *Wildlife Society Bulletin* 10:100-107. <https://www.istor.org/stable/3781726>
- Johnson, A., Jameson R., Schmidt, T., and Calkins, D. 1983. Sea otter survey, Southeast Alaska, 1983. U.S. Fish and Wildlife Service, Anchorage, Alaska, 10 p.
- Simon-Jackson, T., and Hodges, J. 1986. Sea Otter Survey, Southeast Alaska - 1986. US Fish and Wildlife Service report. <https://ecos.fws.gov/ServCat/DownloadFile/49962?Reference=49418>
- Pitcher, K.W. 1989. Studies of southeastern Alaska sea otter populations: Distribution, abundance, structure, range expansion, and potential conflicts with shellfisheries. U.S. Fish and Wildlife Service Cooperative Agreement NO. 14-16-0009-954 Final Report. https://www.adfg.alaska.gov/static/home/library/pdfs/wildlife/federal_aid/89_seott_se_pitcher.pdf
- Aglar, B.A., Kendall, S.J., Seiser, P.E., and Lindell, J.R. 1995. Estimates of marine bird and sea otter abundance in Southeast Alaska during summer 1994: U.S. Fish and Wildlife Service, Anchorage, Alaska, 102 p
- US Fish and Wildlife Service [USFWS]. 2002. Northern Sea Otter (Southeast Alaska) Stock Assessment Report.
- Esslinger, G.G., Bodkin, J.L. 2009. Status and trends of sea otter populations in Southeast Alaska, 1969-2003. Scientific Investigations Report 2009-5045. <https://pubs.usgs.gov/sir/2009/5045/pdf/sir20095045.pdf>
- USFWS. 2008. Northern Sea Otter (Southeast Alaska) Stock Assessment Report.
- USFWS. 2014. Northern Sea Otter (Southeast Alaska) Stock Assessment Report. <https://www.fws.gov/media/northern-sea-otter-southeast-alaska-stock-assessment-report>
- USFWS. 2023. Northern Sea Otter (Southwest Alaska) Stock Assessment Report. <https://www.fws.gov/media/northern-sea-otter-southwest-alaska-stock-assessment-report-0>