

**Minutes of Regular Assembly Meeting  
Held on April 9, 2013**

Mayor David L. Jack called the regular Assembly Meeting to order at 7:00 p.m., April 9, 2013, in the Borough Assembly Chambers. Assembly Members Stough, McCloskey, Wiederspohn, Christian and Stokes were present. Assembly Member Privett was absent. Borough Manager Timothy Rooney and Borough Clerk Kim Flores were also in attendance.

Pledge of Allegiance was led by Assembly Member Ernie Christian.

Invocation given by Dave Wilson with the Church of Jesus Christ of Latter Day Saints.

**CEREMONIAL MATTERS** – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

Community Presentation by the Wrangell Friends of the Library – Kay Jabusch, Library Director; Renate Davies, Friends of the Library Treasurer; and Carol Rushmore, Friends of the Library President; presented a plaque to Cathy Schmidt for 30 + years of service as the President of the Friends of the Library.

**AMENDMENTS TO THE AGENDA**

Amend the agenda to include the acceptance of the resignation from Assembly Member Privett from the Borough Assembly and to direct the Borough Clerk to advertise for letters of interest.

***Moved by Stough, seconded by Stokes, to accept the resignation from Assembly Member Bill Privett on the Borough Assembly and direct the Borough Clerk to advertise for letters of interest to fill the vacancy up until the next regular Borough Election to be held October 1, 2013. Motion approved unanimously by polled vote.***

Amend the agenda to include the following discussion items under New Business at the request of Assembly Member Stough:

- Garbage Dump (Landfill) Hours
- Fill Permit for the Boat Haulout Area
- Possible Purchase of Land on Peninsula Avenue

As there was no objection, these items were added as discussion topics under New Business.

**CONFLICT OF INTEREST**

Assembly Member Christian declared a perceived conflict of interest to item #13a. He said that twenty percent of his wife's salary came out of the Thomas Bay Power Authority's Budget.

Declaration of conflict of interest for Christian for item #13a was granted.

## **CONSENT AGENDA**

***Moved by Christian, seconded by Stough, to approve Consent Agenda Items marked with an (\*) asterisk; 6a, 7a & 7b. Motion approved unanimously by polled vote.***

## **APPROVAL OF MINUTES**

\*6a Minutes of the Regular Assembly meeting held April 23, 2013

## **COMMUNICATIONS**

\*a Travel Summary for the period of January through March, 2013

\*b Minutes of the Regular TBPA Commission meeting held January 30, 2013

## **BOROUGH MANAGER'S REPORT**

Borough Manager Rooney's report was provided.

- Administrative – Senate Finance Committee, State's Capital Budget; Washington Update; Request from WCA to donate Wrangell Institute Property; Borough Land Entitlement; Technology Committee update; AK Marine Hwy. 50<sup>th</sup> Anniversary Documentary; Borough Manager's Timesheet
- Public Works – Free Dump Days; Household hazardous Waste; Street Clean-up
- Parks & Recreation – New Parks Director; Restrooms open
- Capital Projects – 300-Ton Marine Vessel Hoist; Cassiar Street, Road and Utility Improvements; Community Center Renovations; Community Garden Grants, Community Greenhouse; Heritage Harbor; Marine Service Center, Pier Structural Upgrades; Marine Service Center, Concrete Paving, Phase II; Trail Grant; Waterfront Armor Rock
- Convention & Visitors Bureau – Stikine River Birding Festival
- Electric Department – Spur Road Line Extension; FCC Licensing; Pat's Creek Power Line; Wind Data Collection; Power Plant

Manager Rooney reminded the Assembly and the listening public that the Manager's Report was available online and could also be emailed and/or mailed directly upon request.

Assembly Member Christian commented on the proposed City and Borough of Wrangell Municipal Land Entitlement conveyance and portions to be rejected, received by the State of Alaska, DNR. He stated that there was a process that the City could follow to file an objection to this decision.

Manager Rooney stated that in his report, he had noted that he and Ms. Rushmore would be reviewing the comments and would be responding to DNR. He further stated that it was his

and Ms. Rushmore's intention to see that the City received the all of the nine thousand plus acres that the City was entitled to.

Assembly Member Christian noted that the deadline for filing a response was May 1, 2013.

Mayor Jack said that it was his understanding that the lands that were not approved were not approved for specific reasons. He stated that if we did not receive the rejected lands, the City would have the opportunity to select other land to make up for the land that we did not receive.

Assembly Member Christian stated that there were not a lot of other options open for land.

Manager Rooney responded that Assembly Member Christian was correct and that he had contacted the person who wrote the letter to the City and that they had set up a phone call to discuss the options and express the concerns about the rejected parcels of land.

### **BOROUGH CLERK'S FILE**

Borough Clerk Flores's report was provided.

Borough Clerk Flores noted that the Wrangell Medical Center Board packets and agendas were now available on the Borough website under the meeting date set for the WMC Board Meeting.

### **MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS**

#### **10a Reports by Assembly Members**

Assembly Member Christian reported that since he was on the Wrangell Cooperative Association Board, so far over 650 people have been housed out for the Re-dedication. WCA is anticipating over 1000 people arriving in town for the event. He also thanked WCA for doing such a great job in organizing this event.

Assembly Member Stough reported that as the Assembly Liaison to the Wrangell Hospital Board, he had been appointed to serve on the Bylaws Policy & Ordinance Committee for the Wrangell Hospital Board.

Assembly Member Stough further reported that in reading the Ordinance passed by the Borough Assembly, the Assembly Liaison "shall" sit in all executive sessions of the Hospital Board.

#### **10b Formation of a Special Committee to be appointed by Mayor Jack – Special Energy Committee**

Assembly Member Stough asked if this committee would be a Special Committee or a long term Committee since he believed that there was a 60 or 90 day time limit.

Mayor Jack answered that a time limit was not mandatory. He said that this committee would remain in place until December 2014 or until the committee provided a final report to the Assembly, whichever came sooner.

Mayor Jack stated that the purpose of this Special Energy Committee was to review the Communities Memorandum of Understanding that formed SEAPA; to see if that was still appropriate for today or not and to bring a report back to the Assembly.

Mayor Jack recommended that the committee members work closely with the other communities involved and try to come to a consensus.

Assembly Member Christian read from the 2008 MOU and stated that the according to the language in the MOU, the committee was tasked with the following: *In exchange for the mutual promises contained herein and for other consideration the receipt and adequacy of which is hereby acknowledged, the parties agree as follows: No later than December 31, 2014, they will jointly commission an independent analysis of the economics of the sale of individual projects and the break-up of the restructured Agency into the SEAPA. The analysis will consider the history of payments by each utility, the effects of the pooling arrangement, Utilities, any remaining debt owed on the Agency's purchase of the combined projects, the current value of the project proposed to be purchased, and such other factors as may be appropriate at the time of the analysis. The member Utilities agree to discuss in good faith the project sale and break-up based on such analysis. The parties understand that this MOU does not require any break-up or sale of projects, as any such break-up or sale of the Projects requires an amendment of the PSA (Power Sales Agreement), as well as approval by the governing bodies of each of the Member Utilities.*

Mayor Jack appointed the following people to serve on the Special Energy Committee:

- Assembly Member: Stough and McCloskey
- Staff Members (recommended by Borough Manager Rooney): Clay Hammer and Ron Paul
- There were no letters of interest received from the General Public
- Wrangell SEAPA Board Member: Brian Ashton
- TBPA Representative: David Galla

Mayor Jack requested that Assembly Member McCloskey Chair the Special Energy Committee.

Mayor Jack said that he would still like to see a member of the general public sit on the committee.

There were no objections to the appointments from the Assembly.

## **PERSONS TO BE HEARD**

**Randy Oliver, 3408 Zimovia Hwy.,** said that he would like there to be a discussion item on the next Agenda with regards to the contract that he had with the City; said that the City had said that Oliver Construction did not have a contract; yet the City termed the contract April 22<sup>nd</sup>, 2013; had spent many years trying to clean up the town; getting rid of junked cars to scrap iron to fence posts; dumped hundreds of thousands of dollars back into the community in contractors wages, consumables, fuel and freight; this has been done at no cost to the City; felt that City Manager and Director of Public Works had treated him unfairly; wanted the City to acknowledge that Oliver Construction had a contract with the City; said that theft had been occurring at the Landfill; only tin and light metal came in to the Landfill site.

Mr. Oliver stated that he had received a letter on this day, terminating his contract as of April 22, 2013. This would be the last day that he had to remove material from the Landfill and from Byfords, which had been an amendment to the main contract.

### **UNFINISHED BUSINESS**

**12a** PROPOSED ORDINANCE No. 868: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.030 (A) and (B), CHANGING OVERNIGHT CAMPING AND OVERNIGHT PARKING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE (*second reading*)

***Moved by Stough, seconded by Christian, to approve second reading.***

Manager Rooney explained that this ordinance was to extend the overnight camping hours from 24 to 48 hours. He said that this was a result from requests from the Forest Service.

Assembly Member McCloskey asked if there were signs posted that stated the overnight camping hours.

Manager Rooney answered that the signs stated that the overnight camping hours were 24 hours, but that the signs would be changed to read 48 hours.

***Motion approved unanimously by polled vote.***

### **NEW BUSINESS**

**13a** Approval of Thomas Bay Power Authority FY 2014 Non-Net Billable Budget

Assembly Member Christian did not participate in this item as a potential conflict of interest had been established under "Conflict of Interest".

Manager Rooney clarified that the Assembly would be approving the TBPA FY 2014 Budget and not just the Non-Net Billable Budget.

***Moved by Stough, seconded by Stokes, to approve the Thomas Bay Power Authority FY 2014 Budget.***

Assembly Member asked if the rest of the Non-Net Billable language could be added to the motion.

Assembly Member Stough said that the motion as stated would help with the way that the budget was perceived with TBPA and SEAPA.

Mayor Jack asked Mr. Southland to speak to this item.

***Paul Southland, General Manager to TBPA, 114 Third Street,*** stated that the Thomas Bay Power Authority was asking the City of Wrangell for one half of the Non-Net Billable portion of the TBPA Budget but the obligation under the O&M Agreement with SEAPA was that the Governing Bodies approve the entire budget.

***Motion approved unanimously by polled vote.***

*Assembly Member McCloskey left the meeting at 7:33 p.m.*

There were three items added to the Agenda under Amendments to the Agenda by Assembly Member Stough. These items were added to New Business as follows:

**1. Garbage Dump Hours**

Assembly Member Stough stated that he had brought up the garbage dump hours numerous times in the past while serving on the Council; felt that if the employees were at the dump at 8:00 a.m., they should be open for business; very inconvenient to have the dump open at noon; he had discussed this issue with the past City Manager; had not discussed this with the current Borough Manager yet.

Assembly Member Stough asked that this item be on the agenda for the next Regular Assembly meeting.

*There was no objection to this item being added to the Agenda for the next Regular Assembly meeting.*

**2. Fill Boat Haulout area from the garbage dump to the port dock**

Assembly Member Stough stated that at the last meeting there were questions about this; contract had been issued for the Waterfront Armor Rock fill. He further stated that if we were not filling the area, he did not want to see the permit go dead; City may want to develop that area in the future.

Assembly Member Stough asked that this item be on the agenda for the next Regular Assembly meeting.

*There was no objection to this item being added to the Agenda for the next Regular Assembly meeting.*

**3. Purchase of land for parking on Peninsula Avenue**

Assembly Member Stough explained that this was the lot adjacent to Delta Western on the South side; said that this was the lot that Dick Ballard had created; First Bank now owned it; lot size is about 29, 398 square feet; the City had never owned property or had parking on Peninsula Street; no parking except on the dock at the North end; perfect opportunity to purchase a piece of property to alleviate this problem.

Assembly Member Stough asked that this item be on the agenda for the next Regular Assembly meeting.

*There was no objection to this item being added to the Agenda for the next Regular Assembly meeting.*

**ATTORNEY'S FILE**

There was no Attorney's File.


**EXECUTIVE SESSION**

There was no Executive Session.

**ADJOURNMENT: 8:39 p.m.**

ATTEST:

  
Kim Flores, Borough Clerk

  
David L. Jack, Mayor

