

**Minutes of Regular Assembly Meeting
Held on July 23, 2013**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., July 23, 2013, in the Borough Assembly Chambers. Assembly Members Stough, McCloskey, Wiederspohn, Jamieson, and Stokes were present. Assembly Member Christian was absent. Borough Manager Timothy Rooney and Borough Clerk Kim Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Maxlyn Wiederspohn.

Invocation was given by Nettie Covalt with the Presbyterian Church.

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

Certificate of Service was presented to Dorothy Hunt-Sweat, Economic Development Committee (to be mailed by the Borough Clerk).

AMENDMENTS TO THE AGENDA

There were no amendments to the Agenda.

CONFLICT OF INTEREST

Assembly Member McCloskey stated that she may have a perceived conflict of interest to Item 13e since she was an employee of DOT&PF.

Assembly Member Jamieson asked if there was any financial gain that she would receive.

Assembly Member McCloskey answered, no.

The assembly ruled that Assembly Member McCloskey did not have a conflict of interest to item 13e.

CONSENT AGENDA

Moved by Jamieson, seconded by Jamieson, 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 June 25, 2013 were approved as presented.

COMMUNICATIONS

*7a Minutes of the TBPA Regular meeting held March 27, 2013; Minutes of the TBPA Special Teleconference meeting held April 4, 2013; Minutes of the TBPA Special

meeting held April 15, 2013; Minutes of the TBPA Special meeting held April 22, 2013; Minutes of the TBPA Special meeting held April 26, 2013

- *7b Minutes of the Economic Development Committee Regular meeting held June 27, 2013

BOROUGH MANAGER'S REPORT

Borough Manager Rooney's report was provided.

Assembly Member Jamieson thanked Manager Rooney for his report. She asked Manager Rooney if there had been any updates to the Met Tower since his Manager's Report had been written.

Manager Rooney replied that there had not been any updates. He explained that the Met Tower was for the Power Plant.

BOROUGH CLERK'S FILE

Borough Clerk Lane's report was provided.

- Upcoming dates to remember
- First day to file for Declaration of Candidacy for various seats
- Code Review Committee meeting – tomorrow, July 24, 2013
- Upcoming Assembly Travel for the AML Summer meeting

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members

Assembly Member Jamieson thanked Cindy Kilpatrick for her volunteer efforts in preserving the collections found beneath Wrangell's Front Street during the Wrangell Revitalization Project.

10b Appointment to fill the vacancy on the Planning & Zoning Commission

Mayor Jack stated that there were no letters of interest received for the vacancy; we would continue to advertise.

10c Appointment to fill the vacancy on the Economic Development Committee

Mayor Jack stated that there were no letters of interest received for the vacancy; we would continue to advertise.

10d Discussion and possible appointment to fill the vacancy of the Inter-Island Ferry Authority, Board of Directors seat (Wrangell Representative)

There was discussion as to whether there was a need for the presence of a Wrangell Representative on the IFA Board of Directors.

Mr. Massin asked that if he were to be re-appointed, that the Borough Assembly to help support the IFA by providing Letters of Support or Resolutions.

With the consensus of the Assembly, Bernie Massin was re-appointed to fill the vacancy on the Inter-Island Ferry Authority, Board of Directors as the Wrangell Representative.

PERSONS TO BE HEARD

Don McConachie, 622 Zimovia Hwy., requested that the Borough Assembly consider deeding Lot 8, Block 83A, Tidelands Addition to the Nore Estate.

Mr. McConachie read the following letter into the record:

Mayor Dave Jack and Borough Assembly Members:
Re: Lot 6C a portion of Lot 6 Block 83 Uplands, and Lot 8, Block 83A, Tidelands addition.

{Old Nore residence located on Case Ave.}

History:

1. This property was purchased in September 1929 by Per and Marie Nore for \$700.00
2. The property was and is owned by a member of the Nore family continually since that time.
3. Taxes have been paid on the property and are current.
4. The home has not been lived in since Marie Nore's death in 1983.
5. The house is located on both the Uplands Lot 6C, Block 83 and the Tidelands Lot 8, Block 83A
6. The home is now in non-livable condition.

Action Requested by Borough Assembly:

1. Tidelands Addition Lot 8, Block 83A is deeded to the Nore Estate.
2. The Appraisal fee is waived.

Reasoning:

1. The house was built and is located on Lot 6C, Block 83 and Lot 8, Block 83A.
2. There is no value afforded to the City and Borough of Wrangell for such a small parcel.
3. As taxes have been paid on the property for over 80 years a degree of ownership could be assumed.

Conclusions:

We feel that there is justification for the action as described because no significant monetary value is present and no large expenditures would occur for the Borough.

It would allow the estate to clean up a present eye sore and place something of value on the properties at some point.

We realize this is step one of a process and look forward to seeing it through.

4. Thank you for your consideration.

Sarah Gadd, 922 Case Ave., asked the Borough Assembly to consider putting in an alley way, adjacent to her lot so that she could begin development.

Assembly Member Jamieson asked if the request for the alley way was time sensitive.

Ms. Gadd answered that it was not. She further said that she would like it done as soon as possible in order to start developing on the raw land.

Bernie Massin, Box 1349, asked for clarification on the permitted uses on the Shoemaker (long term) Tideland Leases.

Assembly Member Jamieson stated that the issue regarding the Tideland Leases was to be on the next Port Commission Agenda.

Mr. Massin asked why it was at the Port Commission.

Assembly Member Jamieson answered that anything to do with Tidelands, went before the Port Commission before coming to the Borough Assembly for consideration.

Mr. Massin asked if he rents a portion of the property to someone, if the renter were to park his car outside of the quonset hut, would that be permitted or be considered storage.

Manager Rooney answered that the leases prohibit outdoor storage. He further answered that the question would be:

- is the vehicle licensed
- is it being driven every day

Manager Rooney said that if the vehicle was being stored for months, that would be considered storage.

Mr. Massin said that he just wanted clarification on the conditions.

Assembly Member Jamieson reiterated that the issue needed to go before the Port Commission before the Borough Assembly could consider it.

Michael Nash, 2 Mile Zimovia Hwy., said that he was here to answer any questions that the Borough Assembly might have on item 13c.

UNFINISHED BUSINESS

12a AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA TO ADJUST THE RATE OF CONSUMER SALES TAX LEVIED WITHIN THE CITY AND BOROUGH OF WRANGELL, ALASKA (second reading)

Moved by Jamieson, seconded by Stough, to approve Ordinance No. 869. Motion approved unanimously by polled vote.

NEW BUSINESS

13a Request to Lease a Portion the of Former Institute Property – Alcan Forest Products

Moved by Stough, seconded by McCloskey, to approve a lease with Alcan Forest Products for use of a portion of the Institute Property as outlined in the agreement with the proceeds from the leases to be reserved for the future marketing and/or development of the property.

Assembly Member Jamieson asked that Staff's conditions be read into the record.

Borough Clerk Lane read the following conditions:

1. The Log storage area will be cleaned of bark and debris and returned to its state prior to use. If any fuels are spilled, the contaminated area should be excavated and replaced with clean material.
2. Establish a permanent gate between the Institute Property and Mental Health lands at the end of the harvest period.
3. Provide signage during use periods to warn off logging truck traffic.
4. Install proper culverts over resident creeks for fish passage in case future fish should be discovered in them.

Manager Rooney stated that the first condition would be amended because they no longer wished to use the area for log storage.

Assembly Member Stough asked if the area would be closed during non-logging times.

Manager Rooney replied, yes.

Mayor Jack spoke about the possibility of Alcan bringing the logs to a specified location after the logging was completed so that the public could cut up logs for firewood.

Manager Rooney stated that this was something that would need to be addressed with Mental Health.

Manager Rooney further stated that he would send a letter to Mental Health.

Motion approved unanimously by polled vote.

13b Approval of the Revised 2013 Wrangell Medical Center Personnel Policies

Moved by McCloskey, seconded by Jamieson, to table this item for more time to review and ask questions. Motion approved unanimously by polled vote.

13c Approval of an Assignment of Tidelands Lease in Lieu of Foreclosure

Moved by Jamieson, seconded by Stough, to approve the re-assignment of Tidelands Lease – Parcel 3 in Lieu of Foreclosure from Beaver Connections, Inc. to Kenneth G. Trammel, the Hungry Beaver, Inc. and Patty J. Kautz contingent upon a re-assessment.

Mayor Jack explained that this re-assignment was assigning the Tideland Lease back to Ms. Kautz and her business, from the assignment to Kenneth Trammel and his business.

Ms. Kautz and her business had sold the Marine Bar and the Hungry Beaver to Mr. Trammel and his business; Ms. Kautz and her business was now asking for re-assignment of the Tidelands Lease in order to take the Tidelands assignment back from Mr. Trammel.

Motion approved unanimously by polled vote.

13d Discussion and possible action regarding the proposed iPad Policies

Moved by Jamieson, seconded by Stough, to adopt the proposed iPad policy restricting iPads from leaving City Hall.

Assembly Member Stough spoke in favor of the policy to allow the iPads, or whichever electronic device was chosen by the Assembly, to leave City Hall for the following reasons:

- email
- electronic communication
- assembly packets
- Wrangell Municipal Code
- Ordinances
- Resolutions
- upgrade the City to paperless

Assembly Member Stough stated that if the other boards and commissions wanted electronic devices, they could include that in their budget. He further stated that it was important to make sure that a policy was in place before moving forward with the purchase of the electronic devices.

Assembly Member Wiederspohn stated that if the iPads did not leave City Hall, the Assembly would still have paper packets.

Assembly Member McCloskey stated that the Assembly Packet could be saved to a thumb drive for the Assembly to view at home.

Assembly Member McCloskey spoke in opposition to the iPads leaving City Hall.

Assembly Member Stough said that while attending AML last year, an attorney recommended not using your personal computer for City business.

Assembly Member McCloskey stated that purchasing thirty-seven or even seven iPads was very expensive.

Assembly Member Jamieson voiced her concern regarding up to 37 electronic devices leaving City Hall.

Assembly Member Jamieson said that she would be on board if only the Assembly were allowed to have the iPads for now. She further said that the Assembly could work out the bugs first before providing the Boards and Commissions with the iPads.

Assembly Member Jamieson further voiced her concern about where the funding for the electronic devices would come from.

Manager Rooney stated that if the goal was to go paperless, keeping the electronic devices at City Hall would be the way to go. He further stated that if the goal was to go paperless and also have electronic communication, then the policy to have the electronic devices leave City Hall was the way to go.

Matt Gore, Technology Committee Member, stated that if the Assembly chose to use the devices to go paperless, there would be a long-term cost savings with the reduction in paper. He also said that there were other cheaper electronic device options.

Mr. Gore further stated that if there were up to 37 devices distributed to the Assembly and the Boards and Committees, there would most likely be a need for a full time IT person.

Assembly Member Stough said that the funding for the electronic devices could come from the money that was left over from the formation of the Borough.

Assembly Member Jamieson asked Manager Rooney where the funding would come from.

Manager Rooney replied that it could come out of reserves. He said however, that it would be up to the Assembly where the funding would come from.

Borough Clerk Lane re-read the motion for the Assembly.

Motion approved with Jamieson, Wiederspohn, McCloskey, and Stokes voting yea; Stough and Mayor Jack voting nay.

13e Approval to send a letter to DOT&PF regarding ADOT's new Regulations on Herbicide and Pesticide use

Moved by McCloskey, seconded by Jamieson, to Authorization the Borough Mayor to send a letter to Department of Transportation and Public Facilities, regarding ADOT's new Regulations on Herbicide and Pesticide use.

Mayor Jack voiced his concern with writing a blanket letter opposing the use of Herbicides and Pesticides.

Assembly Member Jamieson read the following message from the Southeast Conference correspondence:

The State of Alaska adopts regulations that would allow state agencies to apply herbicides and pesticides on state property and rights of way without obtaining a permit from the Department of Environmental Conservation and without public review.

Motion failed unanimously by polled vote.

13f Consideration and possible action regarding the Final Finding and Decision from Alaska Department of Natural Resources on the Borough Land Selection

Moved by Jamieson, seconded by McCloskey, to accept the final finding and decision by the Alaska Department of Natural Resources dated July 8, 2013.

Manager Rooney stated that the final finding and decision from ADNR was 7,384.39 acres; they rejected about 1700 acres that the Borough had asked for. He further stated that the Assembly can appeal now and not receive any land until the appeal process was completed or approve the final finding and decision and then try and obtain the remaining acreage to total the 9,006.

Assembly Member Jamieson noted that if the Assembly were to appeal, there would be a risk.

Manager Rooney said that Staff did not see that ADNR would ever overturn their decision to give the City the Bradfield land. He also said that ADNR had explained in their findings to the City that they had potential plans for building roads and structures on that land.

Motion approved unanimously by polled vote.

13g Approval of Change Order #1 to ASCOM S.p.A. for the 300-ton Marine Vessel Hoist

Moved by Jamieson, seconded by McCloskey, to authorize the Borough Manager to issue Change Order #1 to Ascom S.P.A. for the 300 Ton Marine Vessel Hoist Procurement Project in the amount of \$34,600 to be paid from the State of Alaska's DCCED grant for this project. Motion approved unanimously by polled vote.

ATTORNEY'S FILE

Summary provided to the Borough Assembly.

EXECUTIVE SESSION

15a Discussion regarding possible replacement of the Borough Manager

Moved by Jamieson, seconded by McCloskey, to move, pursuant to 44.62.320 (c) (2), that we recess into executive session to discuss matters that may tend to prejudice the reputation and character of any person, specifically the possible replacement of the Borough Manager. (Discussion tabled at the June 25, 2013 meeting). Motion approved unanimously by polled vote.

Recessed into Executive Session at 8:17 p.m.

Reconvened back into Regular Meeting at 10:06 p.m.

Moved by Stough, Seconded by McCloskey, to schedule a special meeting of the Assembly to review a Resolution to change Section 105 of the Personnel Policy and review an Ordinance amending Chapter 3.04 of the Wrangell Municipal Code consistent with the Resolution to change Section 105 of the Personnel Policy, and to consider appointment of an Interim Borough Manager, contingent upon the Assembly passing a Resolution to change Section 105 of the Personnel Policy and further contingent upon the Assembly passing an Ordinance to amend Chapter 3.04 of the Wrangell Municipal Code in a manner consistent with the change to Section 105 of the Personnel Policy.

Assembly Member Jamieson stated that the Assembly had discussed scheduling a Special Assembly meeting to be held on Friday, July 26, 2013 at 1:00 p.m. and to also hold a Special Assembly meeting to be held on Monday, August 5, 2013 at 7:00 p.m.

Assembly Member Jamieson further stated that the purpose of the July 26, 2013 Special Assembly meeting was to introduce an ordinance, to consider adoption of the proposed resolution, and to discuss the interim Borough Managers position.

With the consensus of the Assembly, direction was given to the Borough Clerk to schedule both Special meetings.

Motion approved unanimously by polled vote.

ADJOURNMENT: 10:08 p.m.

ATTEST:

Kim Lane, Borough Clerk

David L. Jack, Mayor

