

Minutes of Regular Assembly Meeting Held on March 25, 2014

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., March 25, 2014, in the Borough Assembly Chambers. Assembly Members Stough, Wiederspohn, McCloskey, Blake, and Decker were present. Assembly Member Stokes was absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Julie Decker.

Invocation was given by a member of the Baha'i Faith.

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

- i. Proclamation – Health Fair Week; March 30 – April 5, 2014
- ii. Proclamation – 2014 Choose Respect; March 27, 2014

Certificates of Service were presented to Beth Comstock and Kay Larson for their service on the Cemetery Committee.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

CONFLICT OF INTEREST

Mayor Jack and Assembly Member McCloskey declared that they had a conflict of interest to the Executive Session item. There was no objection from the Assembly.

CONSENT AGENDA

M/S: McCloskey/Blake, to approve Consent Agenda Items marked with an () asterisk; 6a., 7a, 7b, & 7c. Motion approved unanimously by polled vote.*

APPROVAL OF MINUTES

The Minutes of the Public Hearing and Regular Assembly meetings held March 11, 2014 were approved, as presented.

COMMUNICATIONS

- *a. Port Commission Meeting Minutes: Regular - September 5, 2013; Special – October 17, 2013; Regular – October 17, 2013; Regular – November 7, 2013; Regular – December 5, 2013; Regular – January 7, 2014; Regular – February 6, 2014
- *b. Travel Summary for the months of January & February, 2014
- *c. School Board Minutes: Regular - January 20, 2014; Regular - February 17, 2014; Regular - March 16, 2014

BOROUGH MANAGER'S REPORT

Borough Manager Jabusch's Report was provided.

BOROUGH CLERK'S FILE

Borough Clerk Lane's Report was provided.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members

Assembly Member Decker reported that she had attended Southeast Conference earlier this month. Some of the topics at SE Conference were:

- Solid Waste
- Energy
- Economic Development
- Maritime Issues
- SE Conference to spearhead a SE Marine Council to identify and help businesses

PERSONS TO BE HEARD

Patrick McManus, 914 Evergreen Ave., spoke in opposition of SB182 and urged the Assembly to write to Senator Stedman and Representative Wilson, opposing SB182.

Michelle Massin, 201 1st Avenue, spoke in opposition of Staff's recommendations for the right of way resolution on her property.

Wayne Kear, Brueger Street, commented on the disarray of the cemetery.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

13a PROPOSED ORDINANCE No. 877: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 14 HARBOR AND PORT FACILITIES, CHAPTER 14.01 GENERAL PROVISIONS, SPECIFICALLY SECTION 14.01.030, CREATING SUBSECTION (JJ) ESTABLISHING A DEFINITION FOR MARINE SERVICE CENTER (first reading)

M/S: McCloskey/Decker, to approve first reading and move to a second with a Public Hearing to be held on April 8, 2014.

In response to Mayor Jack's question on a possible typo in the Proposed Ordinance, Harbormaster Greg Meissner stated that in the proposed new section JJ, the verbiage should read "upland storage", not "upload storage".

Motion approved unanimously by polled vote.

13b PROPOSED ORDINANCE No. 878: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 14 HARBOR AND PORT FACILITIES, CHAPTER 14.11, FEES AND PENALTIES, SPECIFICALLY SECTION 14.11.005(AA) CHANGING THE FEES FOR THE MARINE SERVICE CENTER AND ESTABLISHING AN EFFECTIVE DATE (first reading)

M/S: Stough/Decker, to approve first reading and move to a second with a Public Hearing to be held on April 8, 2014.

In response to Assembly Member Decker's question, Harbormaster Greg Meissner clarified that the new rates were in line with what other communities were charging.

Motion approved unanimously by polled vote.

13c PROPOSED ORDINANCE No. 879: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE TITLE 14 HARBOR AND PORT FACILITIES, SPECIFICALLY CHAPTER 14.07 PORT OPERATIONS AND OTHER SERVICES CREATING SECTION 14.07.095 MARINE SERVICE CENTER ESTABLISHING AVAILABILITY AND LEASE PROVISIONS OF THE MARINE SERVICE CENTER (first reading)

M/S: Blake/Stough, to approve first reading and move to a second with a Public Hearing to be held on April 8, 2014.

In response to Assembly Member Decker, Harbormaster Greg Meissner stated that this Ordinance was to clarify the space limit for businesses that held leases with the City; he stated that if there was a business that had more than one space, that business would be grandfathered in and be allowed to continue carrying the multiple leases. He further clarified that if that business were to relinquish one of their leases, that business would then only be allowed to carry one lease.

Motion approved unanimously by polled vote.

13d PROPOSED RESOLUTION No. 03-14-1293: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AUTHORIZING THE CONVEYANCE OF PUBLIC LAND, LOT 3A, BLOCK 65, AMENDED WRANGELL INDUSTRIAL PARK SUBDIVISION III REPLAT LOT, BY QUITCLAIM DEED, TO TODD AND CATHERINE WHITE

M/S: Stough/Wiederspohn, to adopt Resolution No. 03-14-1293. Motion approved unanimously by polled vote.

13e Approval of a contract agreement for the annual Household Hazardous Waste Collection services

M/S: Blake/Decker, to approve proposed contract with Carson Dorn, Inc., without competitive bids as provided in Wrangell Municipal Code 5.10.050 (E), to provide services to collect and remove Household Hazardous Waste from Wrangell in an amount not to exceed \$14,000 with funding to come from budgeted funds in the Sanitation Department. Motion approved unanimously by polled vote.

13f Approval to award the proposal received from DOWL HKM for the Professional Engineering Services for the Sewer Pumps Replacement Project Design

M/S: Decker/Blake, to approve entering into an agreement with DOWL HKM for the Sewer Pump Replacement Project Design, on a time and expense basis not to exceed \$98,173.00 which is scheduled to be paid from the City and Borough of Wrangell's grant funds, provided by State of Alaska Department of Commerce, Community, and Economic Development. Motion approved unanimously by polled vote.

13g Approval to purchase residential property from Shelly Massin for the purpose of a right of way

M/S: Decker/Blake, to pay Shelley Massin for the ditch and power line easements based on the appraised value of the easements to be determined by our assessor and to also pay her for the purchase of 155 sq. ft. of road way on her property in the amount of \$387.50.

Borough Manager Jabusch stated that the Staff believes that Ms. Massin should be paid for the easement since this was the practice in the past; this started when Ms. Massin wanted to subdivide; our Assessor has a calculation on how easements are paid to property owners; it is not the practice to purchase the land; Staff's recommendation is to purchase the property as stated, for the right-of-way; an easement should be done for the ditch (which holds a waterline) and the power line on her property.

In response to Assembly Member McCloskey, Carol Rushmore, EDC Director stated that Ms. Massin had submitted the first exhibit to staff; there was a request for additional information by Staff; Greg Scheff then did a preliminary survey on the roadway and the ditch as per Ms. Massin's request. Mr. Scheff then calculated the area in the roadway and the ditch; that is how Staff came to the right-of-way determination.

In response to Assembly Member McCloskey, EDC Director Rushmore stated that this had not gone to Planning & Zoning yet because the plat that P&Z would consider depended on what the Assembly decided to do.

Ms. Massin stated that she would not be able to build 12 feet out from the power line.

M/S: Decker/Stough, to postpone this item until the next meeting on April 8th. Motion approved unanimously by polled vote.

The Assembly directed Manager Jabusch to find out the value of assessed value of the ditch, the value of the ditch area if the City were to purchase it, the property taxes for the easements, and the value of the electrical easement.

ATTORNEY'S FILE

Summary Report was provided to the Assembly.

EXECUTIVE SESSION - Discussion with Borough Attorney regarding litigation in McHolland vs. Wrangell

I move to go into executive session for discussion with Borough Attorney regarding Litigation Case No. 1WR-13-00036CI, McHolland vs. Wrangell involving matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity. Motion approved unanimously by polled vote.

**Mayor Jack and Assembly Member McCloskey did not participate in the Executive Session as they had declared a conflict of interest on this item.


RECESSED INTO EXECUTIVE SESSION @ 8:08 p.m.


Assembly Member McCloskey left the meeting at 8:08 p.m.

RECONVENED THE REGULAR ASSEMBLY MEETING @ 8:53 p.m.

There was no action taken after the Executive Session, the Meeting Adjourned at 8:53 p.m.

ATTEST:


Kim Lane, CMC, Borough Clerk


David L. Jack, Mayor

