

**Minutes of Regular Assembly Meeting  
Held on April 28, 2015**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., April 28, 2015, in the Borough Assembly Chambers. Assembly Members Mitchell, Prysunka, Powell, Rooney, and Blake were present. Assembly Member Decker was absent. Borough Manager Jeff Jabusch and Clerk Kim Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Mark Mitchell.

Invocation was given by Donald McConachie.

**CEREMONIAL MATTERS** – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*  
A Proclamation for **Municipal Clerk's Week**, May 3-9, 2015, was presented to Borough Clerk Lane.

**AMENDMENTS TO THE AGENDA** – None

**CONFLICT OF INTEREST** – Assembly Member Powell declared that he may have conflict of interest to Agenda Item 13b, Request to Vacate Silvernail Roadway due to his involvement in the process and his relationship with The Bay Co.

Mayor Jack ruled that Powell did not have a conflict of interest since with the proposed change; he did not stand to gain financially. There were no objections from the Assembly.

**CONSENT AGENDA**

**M/S: Rooney/Mitchell, to approve Consent Agenda Items marked with an (\*) asterisk; 6a, 7a, 7b, 7c, and 13c & 13d. Motion approved unanimously by polled vote.**

**APPROVAL OF MINUTES**

The minutes of the Public Hearing and Regular Assembly meetings held April 14, 2015 were approved, as presented.

**COMMUNICATIONS**

- \*a. Written Correspondence received from Terry Sherer – State Funding and AMHS
- \*b. Written Correspondence from Wilma Leslie – Staging Area at City Dock
- \*c. School Board Minutes from the February 16, 2015 Regular Mtg.

\*13c. Final Plat approval of the Easement Dedication and Boundary Survey for the Etolin Avenue Lots

\*13d. Final Plat approval of the Hazel/Haverstock Resubdivision

**BOROUGH MANAGER'S REPORT**

Manager Jabusch's report was provided.

**BOROUGH CLERK'S FILE**

The Borough Clerk's Report was provided.

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

**10a** Assembly Member Prysunka reported on the SEAPA Bond refinancing; sold quickly at a favorable rate. Prysunka also reported that the Hospital had hired a new CFO to be shared with Petersburg. Prysunka reported that he was very pleased that the State Trooper has been reinstated in Wrangell.

### **10b Appointment to fill the Vacancy on the Planning & Zoning Commission**

Mayor Jack appointed community member, Royce Cowan to fill the vacancy. There were no objections from the Assembly.

## **PERSONS TO BE HEARD**

**Randy Oliver, 3408 Zimovia Hwy.,** stated that he would need logs for the Logging Show during the 4<sup>th</sup> of July; the only place that he could find the type of wood that he needed was in the proposed area that Mike Allen Jr. wanted to harvest. Mr. Oliver stated that he spoke with Mr. Allen and he believed that this year would be okay but he was concerned about the upcoming years.

**Bill Willard, 426 Front Street,** provided the Assembly with some background on how the WCA Transportation program started in 2012; developed a long range plan to develop a department of transportation to train people and do small jobs for the community; entered into an agreement with the Forest Service in 2012 to do some trail work; last year, entered into an agreement with the Forest Service to replace culverts; hired three people to do that; needs property to keep the equipment that supports the program.

In response to Assembly Member Rooney, Mr. Willard stated that he wasn't sure if there were other lots that would work for his purpose. Mr. Willard stated that the three lots that they were interested in were the only ones that they are familiar with.

Manager Jabusch stated that the cost to get utilities to the first lot would be around \$66,000; and around \$115,000 for the second lot.

In response to Assembly Member Blake, Mr. Willard stated that he didn't think that they would require utilities for both lots.

Mr. Willard explained that this program had been going on since 1929; he didn't think that the program would go away anytime soon.

**Brett Woodbury, 727 Case Ave.,** outlined a plan so that everyone could be accommodated; he stated that he would not require any utility services.

**Aaron Angerman, 120 Reid Street,** voiced his support for selling the lots to Wrangell Cooperative Association (WCA); he stated the tourism benefits that WCA provided to the community.

## **UNFINISHED BUSINESS**

**12a** PROPOSED ORDINANCE No. 898: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 14.11.005, FEE SCHEDULE, OF THE WRANGELL MUNICIPAL CODE RELATING TO FEES FOR USE OF HARBORS AND PORT FACILITIES, TO ADD A FEE FOR LONG-TERM STORAGE RESERVATION AT THE MARINE SERVICE CENTER AND FEES FOR MEYER'S CHUCK MOORAGE (*second reading*)

***M/S: Prysunka/Blake, to adopt Ordinance 898. Motion approved unanimously by polled vote.***

**12b** PROPOSED ORDINANCE No. 899: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.22.030, ENHANCED 911 SURCHARGE ON LOCAL EXCHANGE ACCESS LINES AND WIRELESS TELEPHONE NUMBERS, OF THE WRANGELL MUNICIPAL CODE TO INCREASE THE MONTHLY SURCHARGE WITHIN THE ENHANCED 911 SERVICE AREA (*second reading*)

***M/S: Blake/Powell, to adopt Ordinance No. 899 and for the distribution of revenues to be as follows: 40 percent would go to the repair and maintenance of the 911 equipment and the balance to go towards the operations of the system. Motion approved unanimously by polled vote.***

**12c** PROPOSED ORDINANCE No. 900: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROPOSING AN AMENDMENT TO THE HOME RULE CHARTER, REPEALING SECTION 11-2, THOMAS BAY POWER AUTHORITY (*second reading*)

***M/S: Powell/Prysunka, to adopt Ordinance No. 900. Motion approved unanimously by polled vote.***

#### **NEW BUSINESS**

**13a** Approval of the Senior Tax Exemption that was received after the March 2nd deadline, but before the late filing grace period

***M/S: Prysunka/Blake, to approve the 2015 Senior Tax Exemption for Rick Martin that was received after the deadline of March 2, 2015, but before the allowed grace period of April 15, 2015. Motion approved unanimously by polled vote.***

**13b** Approval to Vacate Silvernail Work Road through the Marine Service Yard adjacent to Lot 4BB-1, W.S.I. SUBD II Subdivision, from the fenced entrance behind City Market to Front Street, zoned Waterfront Development, requested by the Port Commission

***M/S: Blake/Powell, to approve the request to vacate the Silvernail Work Road from the end of the pavement behind the Museum to Front Street, and in place of the vacated ROW, create a 60'wide access easement from the end of pavement to Lot C, Bay Company Replat to provide access to that lot, then taper the access easement to 30 foot wide, with the easement to be located within the driving lane to the current gated access on Front Street. Motion approved unanimously by polled vote.***

**13c** Final Plat approval of the Easement Dedication and Boundary Survey for the Etolin Avenue Lots

***Final Plat was approved under the Consent Agenda.***

**13d** Final Plat approval of the Hazel/Haverstock Resubdivision

***Final Plat was approved under the Consent Agenda.***

**13e** Approval to enter into an Agreement with Mike Allen Jr. for Temporary Use, to harvest timber on City Owned property, as requested by Mike Allen Jr.

***M/S: Prysunka/Rooney, to approve the sale of 100 spruce trees to Mike Allen for \$25,000 to be cut at his sawmill in Wrangell and to authorize the Borough Manager to enter into a contract with Mike Allen to include conditions of the sale.***

In response to Assembly Member Prysunka, ***Mike Allen, 742 Evergreen Ave.***, stated that the logs that he would be harvesting would be processed in town. Mr. Allen stated that he would be cutting down only pre-selected wood; would still be trees standing, not a clear-cut situation.

In response to Assembly Member Blake, Mr. Allen stated that none of the logs were close to Rainbow Falls.

In response to Assembly Member Rooney, Mr. Allen stated that there would be some un-usable trees that would fall during harvesting; removing timber that would not be used for people to take for firewood would be expensive; he stated that it was not always common practice. Mr. Allen also stated that there would be about a 250 foot buffer from the highway; would not account for blown down trees.

Assembly Member Rooney inquired if it could be a condition in the agreement to have the unusable trees pulled out and made available for the public to get for firewood. Mr. Allen said that it wouldn't be cost effective for him to do that; he would have to get permission from Mental Health to access 90% of the desired trees; if he did that, the trees that he would be pulling out for firewood would be worth less than his labor.

Mr. Allen explained that the Forest Service states that anything that is faulty or un-merchantable can be left out in the woods; he will only be harvesting about 8 to 10 trees along the City owned lands road.

Mayor Jack stated that the City could not give permission to allow people to access Mental Health land to go and cut firewood. Assembly Member Rooney agreed.

Assembly Member Prysunka asked what the collateral damage would be if Mr. Allen was selectively cutting down trees? Mr. Allen replied that this would not be a clear-cut.

Assembly Member Mitchell stated that there would be some trees that fall as a result from cutting select trees; cannot drop a 30" tree without some damage to other trees.

In response to Assembly Member Mitchell, Manager Jabusch explained that there was a formula that the Forest Service gave to come up with the value of the timber. Jabusch stated that the Forest Service said that this sale was reasonable for the wood that was at the site.

Assembly Member Prysunka requested that there be a provision in the contract that states that Randy Oliver would have access to the trees he needed for the 4<sup>th</sup> of July Logging Show.

Assembly Member Rooney requested that there be a provision in the contract that required a set-back so that the harvesting would not be visible from the highway.

Assembly Member Prysunka encouraged all parties that the contract stated that only select timber would be logged.

Mr. Allen stated that there could be a Diameter Condition added to the contract to ensure that only specific timber would be logged.

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

**13f** Discussion and possible action regarding a request from Wrangell Cooperative Association to purchase City owned property

Manager Jabusch explained the three proposed options that the Assembly had.

Assembly Member Mitchell was in favor of putting all five lots out for public bid.

Assembly Member Prysunka stated that he was in support of the Tribal Government; he was in favor of selling the lots to WCA.

Assembly Member Rooney echoed Assembly Member Prysunka however, believed that the only fair thing to do would be to put them up for bid.

Assembly Member Blake agreed that WCA did great things for the community; there was a private enterprise business that had an adjacent lot that would benefit his business; stated that if they could not come to an agreement, the fair thing to do would be to put the lots out for bid.

Assembly Member Powell agreed and stated that there should be a way to work together to come to an agreement; also believed that there might be other interested parties that would like to bid on the properties.

Assembly Member Prysunka stated that the City had a precedent for supporting not for profit organizations; had done a similar thing with AICS.

Mayor Jack suggested that this item be postponed so that the two entities could work together to come to an agreement.

Manager Jabusch stated that if the property was to be sold to a private enterprise, the code stated that it would have to go out for bid. He stated that he would double check with the

Attorney; he would also check with the Attorney on doing a government to government arrangement.

Clerk Lane stated that if the City were to sell a piece of property to a private enterprise, it would have to go out for bid; if the City were to transfer or exchange property for one of these lots, it could be done without the bid process.

Mr. Woodbury stated that if he was able to purchase the lots, the City would not need to build a road to the lots.

***M/S: Powell/Rooney, to direct the Borough Manager to check with the Attorney to see what the City can legally do with regards to private enterprise and government to government sales, and to try and to work with both parties to come to a workable solution. Motion approved unanimously by polled vote.***

**13g** Approval and acceptance of an Amendment to the Sewer Pumps Replacement Project CDBG Grant

***M/S: Blake/Prysunka, to accept the \$257,250.00 additional grant funds from the Community Development Block Grant (CDBG) and to authorize the Borough Manager to execute Amendment #01 for the Sewer Pumps Replacement project and approve the matching portion of this grant to come from either a potential and pending USDA grant or sewer reserves. Motion approved unanimously by polled vote.***

**13h** Approval of Amendment #2 for DOWL HKM, for the Sewer Pumps Replacement Project, Contractual Services

***M/S: Prysunka/Mitchell, to approve Amendment #2 to the contract with DOWL for Contract Administration service for the Sewer Pumps Replacement project, with funds in the amount of \$21,176.00 to be designated from the CDBG/DCCED project grant. Motion approved unanimously by polled vote.***

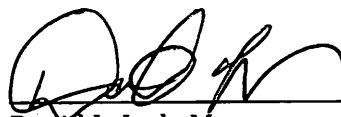
**13i** Approval of a Change Order's 5, 6, and 7 for the Cassiar Roadway and Utilities Improvements project

***M/S: Powell/Blake, to approve Change Order 5 & 6 in the amount of \$12,875 and Change Order 7 in the amount of \$37,618, for the total amount of \$50,493.74. Motion approved unanimously by polled vote.***

**ATTORNEY'S FILE** – Summary Report was provided to the Assembly.

**EXECUTIVE SESSION** – None

Regular Assembly Meeting adjourned at 8:17 p.m.

  
David L. Jack, Mayor

ATTEST:



Kim Lane, Borough Clerk

