



**City and Borough of Wrangell
Borough Assembly Meeting
AGENDA**

November 12, 2013 – 7:00 p.m.

Location: Assembly Chambers, City Hall

1. CALL TO ORDER

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Daniel Blake
- b. INVOCATION to be given by a member of the Baha'i Faith
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
 - i. Plaque presentation to Wayne McHolland for his achievement as the Water Treatment Plant Operator of the Year.
This award was awarded by the Alaska Rural Water Association Conference in Anchorage.

2. ROLL CALL

3. AMENDMENTS TO THE AGENDA

4. CONFLICT OF INTEREST

5. CONSENT AGENDA

- a. Items (*) 6a, 7a, & 7b

6. APPROVAL OF MINUTES

- *a. Minutes of the Special Assembly meeting held October 17, 2013; Minutes of the Regular Assembly meeting held October 22, 2013

7. COMMUNICATIONS

- *a. Minutes of the Regular School Board meeting held September 16, 2013
- *b. Transfer Liquor License Application from the Hungry Beaver LLC Package Store and Beverage Dispensary

8. BOROUGH MANAGER'S REPORT

9. BOROUGH CLERK'S FILE

10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

- a. Reports by Assembly Members
- b. Appointment to fill the vacancies on the following City Boards and Committees:
 - **Planning & Zoning Commission**
One vacancy (*unexpired term until **October 2016***)
 - **Economic Development Committee**
One vacancy (*unexpired term until **October 2016***)
 - **Cemetery Committee**
One vacancy (*unexpired term until **October 2016***)

- **Nolan Museum/Civic Center Board**

Two vacancies (*1 unexpired term until **October 2015** and one unexpired term until **October 2016***)

11. PERSONS TO BE HEARD

12. UNFINISHED BUSINESS

- a. PROPOSED ORDINANCE No. 871: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 14.01.030 E., 14.11.010 F., 14.13.005, 14.13.010 B.1., 14.13.030 A.& B.1.&3., and 14.13.035B. & C. AND CHANGING NUMBERED SECTION 14.13.040 TO 14.13.050 AND BY ADDING NEW SECTIONS 14.09.110, 14.13.040 AND 14.13.060 TO THE CITY OF WRANGELL MUNICIPAL CODE RELATING TO THE MANAGEMENT, IMPOUNDMENT AND SALE OF VESSELS (*first reading*)

13. NEW BUSINESS

- a. PROPOSED ORDINANCE No. 872: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 6.04 OF THE WRANGELL MUNICIPAL CODE RELATING TO ALCOHOLIC BEVERAGES TO AMEND SECTION 6.04.100 ON HOURS OF SALE AND SECTION 6.04.110 ON SALES ON ELECTION DAYS, AND REPEAL SECTION 6.04.120 ON CLEARING THE PREMISES (*first reading*)
- b. PROPOSED RESOLUTION No. 11-13-1286: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REQUESTING THAT THE REGULATIONS COVERING THE USE OF HERBICIDES ALONG ALASKA ROADWAYS BE AMENDED TO PROVIDE FOR PUBLIC COMMENT, AND REQUESTING THAT THE ALASKA DEPARTMENT OF TRANSPORTATION AND THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION MEET WITH REPRESENTATIVES FROM SOUTHEAST COMMUNITIES TO DISCUSS THE IMPACTS OF THE USE OF HERBICIDES ALONG THE REGION'S ROADWAYS
- c. Approval to purchase residential property from Shelley Massin for the purpose of a right of way
- d. Approval to schedule a Special Assembly Meeting for discussion and possible action on the TBPA/SEAPA issues
- e. Approval of the Wrangell Capital Project Priorities Requests for FY 2014-2015
- f. Approval of an Assignment of Tidelands Lease from Northland Services, Inc. to Samson Tug and Barge Company, Inc.
- g. Approval to purchase a Ford F250 from Cal Worthington Ford for the Waste Water Department

14. ATTORNEY'S FILE

15. EXECUTIVE SESSION

- a. Selection and discussing the offer for a new Borough Manager

16. ADJOURNMENT

Agenda Items 1 - 6

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY

AGENDA ITEM

November 12, 2013

ITEM NO. 1 CALL TO ORDER:

INFORMATION: *The Mayor, by code, is required to call the meeting to order at 7:00 p.m. in the Borough Assembly Chambers. Special meetings or continued meetings may be called for at differing times but at the same location. Notice of such will be required by the Borough Clerk. The Mayor will call the meeting to order according to such special or continued meeting notice. At all meetings of the assembly, four assembly members or three members and the mayor shall constitute a quorum for the transaction of business, but a smaller number less than a quorum may adjourn a meeting to a later date.*

RECOMMENDED ACTION:

The Mayor, as presiding officer, is to call the meeting of the Borough Assembly to order, with the following actions to follow:

- a. Pledge of Allegiance to be given by Assembly Member Daniel Blake
- b. Invocation to be given
- c. Ceremonial Matters – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
 - i. Plaque presentation to Wayne McHolland for his achievement
Water Treatment Plant Operator of the Year.
*This award was presented by the Alaska Rural Water Association
Conference in Anchorage.*

ITEM NO. 2 ROLL CALL – BOROUGH CLERK:

INFORMATION: *The Borough Clerk shall conduct a roll call of each elected and duly qualified Assembly Member. Such call shall result in an entry of those present or absent from the meeting. The roll call is primarily utilized in determining if sufficient member(s) are present to conduct a meeting. The Borough Clerk may randomly change the conduct of the roll to be fair to the members of the governing body unless the council determined an adopted procedure for roll call which is different than currently in use.*

RECOMMENDED ACTION:

Borough Clerk to conduct a roll call by voice vote. Each member to signify by saying here, present (or equal) to give evidence of attendance.

ITEM NO. 3 AMENDMENTS TO THE AGENDA:

INFORMATION: *The assembly may amend the agenda at the beginning of its meeting. The outline of the agenda shall be as from time to time prescribed and amended by resolution of the assembly. (WMC 3.04.100)*

RECOMMENDED ACTION:

The Mayor should request of the members if there are any amendments to the posted agenda. ***THE MAYOR MAY RULE ON ANY REQUEST OR THE ASSEMBLY MEMBERS MAY VOTE ON EACH AMENDMENT.***

ITEM NO. 4 CONFLICT OF INTEREST:

INFORMATION: *The purpose of this agenda item is to set reasonable standards of conduct for elected and appointed public officials and for city employees, so that the public may be assured that its trust in such persons is well placed and that the officials and employees themselves are aware of the high standards of conduct demanded of persons in like office and position.*

An elected city official may not participate in any official action in which he/she or a member of his/her household has a substantial financial interest.

ITEM NO. 5 CONSENT AGENDA:

INFORMATION: *Items listed on the Consent Agenda or marked with an asterisk (*) are considered part of the Consent Agenda and will be passed in one motion unless the item has been removed by an Assembly Member or the Mayor and placed on the regular agenda under Unfinished Business.*

RECOMMENDED ACTION:

Move to approve those Agenda items listed under the Consent Agenda and those marked with an asterisk (*) Items:

****6a, 7a, & 7b***

ITEM NO. 6 APPROVAL OF MINUTES:

INFORMATION:

6a *Minutes of the Special Assembly meeting held October 17, 2013; Minutes of the Regular Assembly meeting held October 22, 2013*

**Minutes of Special Assembly Meeting
Held October 17, 2013**

Mayor David Jack called the Special Assembly meeting to order at 11:00 a.m., October 17, 2013, in the Borough Assembly Chambers. Assembly Members McCloskey and Decker were present. Assembly Members Blake, Stokes, Wiederspohn, and Stough were absent. Borough Clerk Kim Lane was also in attendance.

Mayor Jack stated that there was not a quorum present. He further stated that they would not enter into Executive Session, but that they would proceed with the interviews. He said that there would be no formal action taken today.

Mayor Jack said that if another member of the Assembly arrived, they would stop what they were doing, reconvene the Special Meeting, and move to enter into Executive Session.

Special Meeting recessed at 11:02 a.m.

Special Meeting reconvened 1:39 p.m.

Mayor Jack stated that there was nothing further to discuss.

Special meeting adjourned at 1:40 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, Borough Clerk

**Minutes of Regular Assembly Meeting
Held on October 22, 2013**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., October 22, 2013, in the Borough Assembly Chambers. Assembly Members Stough, Stokes, Blake, Wiederspohn were present. Assembly Member Decker participated via telephone. Assembly Member McCloskey was absent. Acting Borough Manager Carol Rushmore and Borough Clerk Kim Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Maxlyn Wiederspohn.

Invocation was given by Kem Haggard from the Harborlight Assembly of God Church.

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

Certificates of Service were presented to the following persons:

- Apryl Hutchinson, Wrangell Convention & Visitors Bureau
- Warren Edgley, Thomas Bay Power Commission
- Dawn Angerman, Economic Development Committee
- Jim Nelson, Cemetery Committee
- Linda Churchill, Cemetery Committee
- Harley Johnson, Nolan Museum/Civic Center Board

A plaque was presented for Lurine McGee to honor her for her service as a Senior Cruise Ship Greeter.

AMENDMENTS TO THE AGENDA

There were no Amendments to the Agenda.

CONFLICT OF INTEREST

There were no Conflicts of Interest declared.

CONSENT AGENDA

Moved by Stough, seconded by Wiederspohn, to approve Consent Agenda Items marked with an (*) asterisk; 6a, 7a, 7b, 13b & 13c. Motion approved unanimously by polled vote.

APPROVAL OF MINUTES

*6a Minutes of the Special Assembly meeting held October 7, 2013; Minutes of the Regular Assembly meeting held October 8, 2013; Minutes of the Special Assembly meeting held October 10, 2013; Minutes of the Special Assembly meeting held October 15, 2013

COMMUNICATIONS

*7a Travel Summary for the month of September, 2013

*7b Board Action from the Regular School Board meeting held October 9, 2013

*13b Final Plat approval of the Neyman Replat

*13c Final Plat approval of the Senna Subdivision

BOROUGH MANAGER'S REPORT

There was no Borough Manager's Report.

BOROUGH CLERK'S FILE

Borough Clerk Lane's report was provided.

In addition to the report, Lane reported that Congressman Don Young would be passing through town on Thursday, November 7, 2013. She said that there would be a closed meeting with the Congressman and members of the Borough Assembly, Borough Staff, the Wrangell Center CEO, and members of the Wrangell Chamber of Commerce Board. She also said that there would be a "meet & greet" with the Congressman and the general public on that day, starting at 3:00 p.m. at the Nolan Civic Center.

Mayor Jack addressed two of the public correspondence letters received.

- Wilma Leslie – Wrangell Mariners Memorial; he stated that this had been given to the Port Commission as well.
- Correspondence regarding the additional School Funding that the Borough gave to the School. He clarified that according to State Statutes, the Borough had no control on what the School did with the money that they received. He stated that this correspondence was forwarded to the School by the Borough Clerk.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members

10b Appointment to fill the vacancies on the following City Boards and Committees:

Planning & Zoning Commission – One vacancy until October 2016

Economic Development Committee - One vacancy until October 2016

Cemetery Committee – Two vacancies until October 2016

Nolan Museum/Civic Center Board – Two vacancies until October 2015 & 2016

Mayor Jack directed the Borough Clerk to continue advertising for the remaining vacant seats.

Linda Churchill stated that she would like to fill one of the vacancies on the Cemetery Committee.

With the consensus of the Assembly, Ms. Churchill was appointed to fill the vacancy on the Cemetery up until October 2016.

PERSONS TO BE HEARD

Mayor Jack stated that at a past meeting, when a public member was speaking, another person said "that's a lie", or something similar. He stated that was very inappropriate and was in violation of the City Rules of Procedure, which are posted in the Assembly Chambers.

Mayor Jack read the following excerpt from the City Rules of Procedure:

- The Mayor may set a time limit on speakers if it appears necessary to gain maximum participation and conserve time. Such time limit may be extended by a majority of the Assembly.
- The Mayor will set forth the item or subject to be discussed and will rule inappropriate comments out of order.
- The Assembly and the public will refrain from argument and debate.
- Any person making personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the Assembly, shall be, forthwith, be the presiding officer, barred from further attendance at the meeting before the Assembly, unless permission to continue is granted by a majority vote of the Assembly.

Mayor Jack stated that if a person makes remarks that cause a disturbance, they can be barred from participating in the meeting, unless the Assembly by a majority vote sees otherwise.

Mayor Jack further stated that the Persons to be heard was on the Agenda in a particular section; that was where people were supposed to be speaking; in the past, it was the practice to allow people to speak on an item when the item came up on the Agenda; that is not the proper place for persons to be heard; people will be heard under the item "Persons to be heard" from now on, unless the Assembly has a request or question for clarification, from a member of the public.

School Superintendent Rich Rhodes, 5.5 Mile Shoemaker Loop Road, stated that the School Board and the Staff appreciated the local contribution that the City made to the School. He further stated that they take those dollars very seriously and that they work very hard to maximize those dollars.

He invited the Borough Assembly to come to the School and have lunch, and put it on his "tab". He said that he was very proud of their programs and what they do; the Board holds him accountable every month on the food service and the amount of kids that were served at the school. He further said that the school is constantly striving to make improvements.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

13a AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 14.01.030 E., 14.11.010 F., 14.13.005, 14.13.010 B.1., 14.13.030 A.& B.1.&3., and 14.13.035B. & C. AND CHANGING NUMBERED SECTION 14.13.040 TO 14.13.050 AND BY ADDING NEW SECTIONS 14.09.110, 14.13.040 AND 14.13.060 TO THE CITY OF WRANGELL MUNICIPAL CODE RELATING TO THE MANAGEMENT, IMPOUNDMENT AND SALE OF VESSELS

Moved by Stough, seconded by Wiederspohn, Move to approve first reading and move to a second with a public hearing to be held on November 12, 2013.

Assembly Member Blake stated that he was concerned about the language in Section 14.11.001 4 (C); The vessel is located in the harbor and is in violation of any rule or regulation of the harbor. He said that maybe there needs to be limits outlined, instead of "any rule".

Assembly Member Stough stated that the notice of impound should be published in the newspaper at least two times.

Assembly Member Stough clarified that this Ordinance was a way to define idle vessel removal; this was to help our Marine Travel Lift keep away from derelict; this change makes it so that no vessel be allowed to remain in the Wrangell Marine Service Center for more than 24 consecutive months.

Motion failed with Decker voting yea; Blake, Stokes, Stough, Wiederspohn, and Mayor Jack voting nay.

Clerk Lane stated that she would report the requested changes to the Port Commission.

***13b** Final Plat approval of the Neyman Replat

Approved under the Consent Agenda

***13c** Final Plat approval of the Senna Subdivision

Approved under the Consent Agenda

ATTORNEY'S FILE

Summary provided to the Borough Assembly.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT: 7:28 p.m.

ATTEST: _____
Kim Lane, Borough Clerk

David L. Jack, Mayor

Agenda Item 7

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

COMMUNICATIONS:

INFORMATION: The Assembly may receive items for Communications, reasons only which do not require action. This is an avenue to keep the Assembly informed, for the public to enter items on the record, if necessary. The Assembly also receives agenda communications directly by their constituents, Borough Manager, other agencies' Officers and Department Directors.

A MAIL BOX IS ALSO AVAILABLE IN THE BOROUGH CLERK'S OFFICE FOR EACH MEMBER OF THE ASSEMBLY AND SHOULD BE CHECKED ON A ROUTINE SCHEDULE.

All items appearing under Communications on the Agenda have been approved under the Consent Agenda unless removed.

- *7a Minutes of the Regular School Board meeting held September 16, 2013
- *7b Transfer Liquor License Application from the Hungry Beaver LLC Package Store and Beverage Dispensary

Item *7a

PROCEEDINGS

MINUTES
WRANGELL SCHOOL BOARD
REGULAR MEETING
September 16, 2013 6:30 P.M.

Evergreen Elementary School Room 101-Intermediate

School Board President Susan Eagle called the regular meeting of the Wrangell Public School Board to order at 6:30 P.M. on Monday, September 16, 2013. **CALL TO ORDER**

A quorum was determined with the following school board members present: Susan Eagle, Tammy Groshong and Rinda Howell. Peter Helgeson and Krissy Smith were absent, excused. Also present was School Board Candidate Cyni Waddington, Superintendent Richard Rhodes, Secondary Principal Monty Bunes and Recording Secretary Kimberly Powell. **DETERMINE QUORUM**

The Pledge of Allegiance was recited, led by Rinda Howell. **PLEDGE OF ALLEGIANCE**

The agenda was approved as presented by unanimous consent. **APPROVAL OF AGENDA**

Parent Diane O'Brien welcomed the School Board back. She said that she has children in two schools and is looking forward to serving on both advisory committees. Mrs. O'Brien told the board that the Girl Scouts recently held a "Women in Science" event with four presenters. Twelve scouts attended. The girls had the opportunity to work with scientists from the Forest Service, Shady Grove Oliver from KSTK on sound waves, the Girl Scout Executive from Ketchikan on Engineering and Holly Owens from SYSTEMS on water sampling. Mrs. O'Brien said that it was fun to see the girls excited about science. Later in the meeting, Mrs. O'Brien asked to add some comments to her input. She told the board that she is pleased with the positive changes that Superintendent Rhodes has made to the elementary lunchroom and recess. **GUESTS TO BE HEARD**

There was not a student representative present to report. Principal Bunes reported that student elections just took place this week. Robbie Marshall was elected student body president, Calleigh Miller is Vice-president and Matthew Covalt is Secretary/Treasurer. **STUDENT REP REPORT**

Industrial Arts Teacher Drew Larrabee made a presentation to the School Board regarding the proposed greenhouse project. Mr. Larrabee took the board members out to the site of the current green house and showed them his plans for the location of a new green house and additional raised beds. Mr. Larrabee said that the students are training on 3D drafting. He showed the board a power point presentation demonstrating the 3D structure. The prospective building will have a single pitch to eliminate snow falling on the sidewalk. All of the frame would be made from local-cut cedar from Mike Allen's mill. Mrs. Groshong expressed concern that the proposed greenhouse might be a target for vandalism. Mr. Larrabee proposed using a close-cell plastic that is double-layered and is more durable. Mrs. Waddington said that she understands that students would be building this but wondered who would be taking care of the maintenance of the building. Superintendent Rhodes said that there is a community group willing to take on the responsibility. **STAFF PRESENTATION**

Motion to accept the items on the consent agenda as presented by Tammy Groshong, seconded by Rinda Howell. Poll vote: Rinda Howell: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved. **APPROVAL OF CONSENT AGENDA**

- Accepted the minutes of the August 19, 2013 Regular Board Meeting

Information & Reports were accepted by unanimous consent. **ACCEPTED INFORMATION & REPORTS**

Motion to offer Kim Wickman a contract for 178 days for the position of Food Service Director/Cook for the remainder of the school year in the amount of \$32,000.00 by Rinda Howell, seconded by Tammy Groshong. Poll vote: Tammy Groshong: No; Rinda Howell: No; Susan Eagle: No. Motion denied. President Eagle confirmed that since the motion failed, the employee would remain as an hourly employee.	DENIED OFFERING KIM WICKMAN A CONTRACT AS FOOD SERVICE DIRECTOR/COOK
Motion to advertise a Request for Proposal for a Vendor to manage the district food service program as presented by Rinda Howell, seconded by Tammy Groshong. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	APPROVED ADVERTISING FOR A FOOD SERVICE RFP
Motion to accept the Upward Bound Grant Sub Award as presented by Tammy Groshong, seconded by Rinda Howell. Poll vote: Rinda Howell: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved.	ACCEPTED THE UPWARD BOUND GRANT SUB AWARD
Motion to approve the application of the SEARHC Community Transformation Grant in the amount of \$16,650.00 by Rinda Howell, seconded by Tammy Groshong. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	APPROVED THE APPLICATION OF THE SEARHC COMMUNITY GRANT
Motion to approve the Memorandum of Agreement with Wrangell Teachers' Association clarifying Section 1 of Article 9, Medical Policies by Tammy Groshong, seconded by Rinda Howell. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	APPROVED THE MEMORANDUM OF AGREEMENT WITH WRANGELL TEACHERS' ASSOC.
Deferred action on the Nomination of Rinda Howell to AASB Board of Directors until the October Board Meeting due to a lack of a quorum to vote on this item.	DEFERRED ACTION ON NOMINATION OF RINDA HOWELL TO AASB BOARD
Motion to offer Therese Pempek a contract for the position of Carl Perkins Grant Director in the amount of \$2,400.00 for the 2013-2014 school year by Tammy Groshong, seconded by Rinda Howell. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	OFFERED THERESE PEMPEK A CONTRACT FOR CARL PERKINS GRANT
Motion to offer Therese Pempek a contract for the position of Upward Bound Grant Director in the amount of \$6,750.0 for the 2013-2014 school year by Rinda Howell, seconded by Tammy Groshong. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	OFFERED THERESE PEMPEK A CONTRACT FOR UPWARD BOUND GRANT
Motion to offer Earl Ray Stokes a contract addendum in the amount of \$5,198.00 to teach middle school algebra during his prep time for the 2013-2014 school year by Tammy Groshong, seconded by Rinda Howell. Poll vote: Rinda Howell: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved.	OFFERED EARL RAY STOKES A CONTRACT ADDENDUM TO TEACH MS MATH
Motion to offer extracurricular contracts to Marilyn Burgess, Michele Galla, Dacee Gillen, Heather Howe and Steve Prysunka as presented for the 2013-2014 school year by Rinda Howell, seconded by Tammy Groshong. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	OFFERED EXTRACURRICULAR CONTRACTS TO BURGESS, GALLA, GILLEN, HOWE AND PRYSUNKA
Motion to approve the hire of Therese Pempek as office aide with appropriate placement on the salary schedule by Tammy Groshong, seconded by Rinda Howell. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	APPROVED THE HIRE OF THERESE PEMPEK AS OFFICE AIDE
Motion to approve the hire of Bridget Schwartz as paraprofessional with appropriate placement on the salary schedule by Rinda Howell, seconded by Tammy Groshong. Poll vote: Rinda Howell: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved.	APPROVED THE HIRE OF BRIDGET SCHWARTZ, PARAPROFESSIONAL
Motion to accept the first reading of Board Policy 6145, Extracurricular and Co-curricular Activities as revised by Rinda Howell, seconded by Tammy Groshong. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved.	ACCEPTED THE FIRST READING OF BP-6145, EXTRACURRICULAR ACTIVITIES
Reviewed Board Policy 6145.2, Interscholastic Competition	REVIEWED BOARD POLICY

Reviewed the upcoming dates and meeting announcements.

Tammy Groshong told the other board members that she is excited to see the community and students more involved in the industrial arts program. She feels that it's really been great having the vocational program diversified to include construction trades.

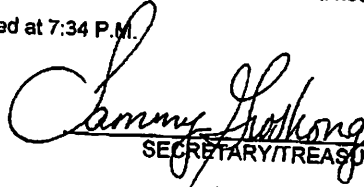
REVIEWED DATES &
MTG ANNOUNCEMENTS
PRESIDENT'S REMARKS
AND COMMENTS FROM
BOARD MEMBERS

Rinda Howell said she believes that the community got a grant for \$125,000.00 to build a community greenhouse. She asked Superintendent Rhodes to contact Bob Lippert or Amber Al-Hadad to see if he could get information on it.

Board President Eagle thanked Peter Helgeson for his service on the board. He is unable to attend tonight but has elected not to run again.

Meeting Adjourned at 7:34 P.M.

ADJOURNED AT 7:34 P.M.


SECRETARY/TREASURER

Transfer Liquor License

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: ☒ Full Year OR ☐ Seasonal List Dates of Operation: 01/01 - 12/31

CITY CLERK

OCT 31 2013

RECEIVED

SECTION A - LICENSE INFORMATION		FEES
License Year: 2013	License Type: Package Store	Filing Fee: \$100.00
License #: 701	Sec. 04.11. _____	Rest. Desig. Permit Fee: (\$50.00) \$
Local Governing Body: (City, Borough or Unorganized) Wrangell Alaska Ketchikan Borough	Community Council Name(s) & Mailing Address: David Jack Julie Decker Daniel Blake James Stough Pamela McClousky Wilma Stokes Maxi Wiederspoon	Fingerprint: \$ (\$51.50 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Patty J Kautz	Doing Business As (Business Name): Marine Bar	TOTAL _____
Mailing Address: PO Box 2313	Street Address or Location of Premises: 640 Shakes Street	Business Telephone Number: 907-874-3005 Fax Number: 907-874-3095
City, State, Zip: Wrangell, Alaska 99929		Email Address: pattykautz@ymail.com
Is any shareholder related to the current owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes" please state the relationship _____		

SECTION B - TRANSFER INFORMATION

☒ Regular Transfer

☐ Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents.

☐ Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.

Name and Mailing Address of **CURRENT** Licensee:

Ken Trammel *BEAVER CONNECTIONS INC*
PO Box 2214
Wrangell, Alaska 99929

Business Name (dba) **BEFORE** transfer:
Marine Bar

Street Address or Location **BEFORE** transfer:
640 Shakes Street

SECTION C - PREMISES TO BE LICENSED

Distance to closest school grounds:
6 Blocks

Distance measured under:
☐ AS 04.11.410 OR
☐ Local ordinance No. _____

☐ Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
☐ Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
☒ Not applicable

Distance to closest church:
3 Blocks

Distance measured under:
☐ AS 04.11.410 OR
☐ Local ordinance No. _____

Premises to be licensed is:
☐ Proposed building
☒ Existing facility
☐ New building

☐ Plans submitted to Fire Marshall (required for new & proposed buildings)
☒ Diagram of premises attached

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc>

SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☐ Yes ☒ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation.

SECTION E – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Hungry Beaver INC		Telephone Number: 907-874-3620	Fax Number: 907-874-3095
Corporate Mailing Address: PO Box 2313	City: Wrangell	State: Alaska	Zip Code: 99929
Name, Mailing Address and Telephone Number of Registered Agent Eileen Sharp 3501 W. Lincoln Road Spokane, WA 99208		Date of Incorporation OR Certification with DCED: 1985	State of Incorporation: Washington

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Patty J Kautz	Pres. & sole officer		PO Box 2313 Wrangell, Alaska 99929 640 Shakes Street	907-874-3005	01/29/1943

Transfer Liquor License

NOTE: If you need additional space, please attach a separate sheet.

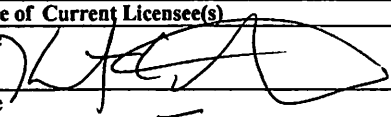
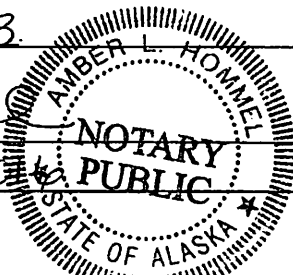
SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Bruce A Kautz PO Box 2313 Wrangell, AK 99929 Address: Home Phone: 907-874-3620 Work Phone:	Applicant <input checked="" type="checkbox"/> Affiliate <input checked="" type="checkbox"/>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
	Date of Birth: 07/01/55		Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
	Date of Birth:		Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s)	Signature of Transferee(s)
Signature 	Signature
Signature <i>Secretary</i>	Signature
Name & Title (Please Print) Kenneth G. Trammel, Secretary	Name & Title (Please Print)
Subscribed and sworn to before me this 31 st day of October, 2013.	Subscribed and sworn to before me this _____ day of _____, 2013.
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska
My commission expires: Oct. 14, 2014	My commission expires:

Transfer Liquor License

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: ☒ Full Year OR ☐ Seasonal List Dates of Operation: 11/01 - 12/31

CITY CLERK
OCT 31 2013
RECEIVED

SECTION A - LICENSE INFORMATION			FEES
License Year: 2013	License Type: Beverage Dispensary	Statute Reference Sec. 04.11. _____	Filing Fee: \$100.00
License #: 698			Rest. Desig. Permit Fee: (\$50.00) \$
Local Governing Body: (City, Borough or Unorganized) Wrangell Alaska Ketchikan Borough	Community Council Name(s) & Mailing Address: David Jack Julie Decker Daniel Blake James Stough Pamela McClousky Wilma Stokes Maxi Wiederspoon		Fingerprint: \$ (\$51.50 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Patty J Kautz	Doing Business As (Business Name): Marine Bar	Business Telephone Number: 907-874-3005 Fax Number: 907-874-3095	
Mailing Address: PO Box 2313	Street Address or Location of Premises: 640 Shakes Street	Email Address: pattykautz@ymail.com	
City, State, Zip: Wrangell, Alaska 99929			
Is any shareholder related to the current owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes" please state the relationship _____			
SECTION B - TRANSFER INFORMATION			
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Name and Mailing Address of CURRENT Licensee: Ken Tramell DBA Beaver Connections INC PO Box 2214 Wrangell, Alaska 99929 Business Name (dba) BEFORE transfer: Marine Bar Street Address or Location BEFORE transfer: 640 Shakes Street	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: 6 Blocks	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: 3 Blocks	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

Transfer Liquor License

SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☐ Yes ☒ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation.

SECTION E – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Hungry Beaver INC		Telephone Number: 907-874-3620	Fax Number: 907-874-3095
Corporate Mailing Address: PO Box 2313	City: Wrangell	State: Alaska	Zip Code: 99929
Name, Mailing Address and Telephone Number of Registered Agent Eileen Sharp 3501 W. Lincoln Road Spokane, WA 99208		Date of Incorporation OR Certification with DCED: 1985	State of Incorporation: Washington

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
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Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

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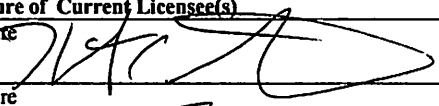

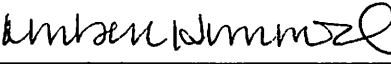
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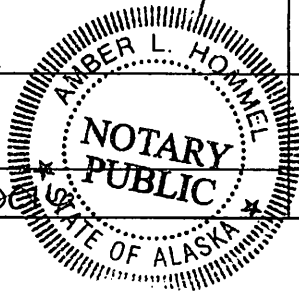
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	Date of Birth:		Date of Birth:

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Signature of Current Licensee(s) Signature 	Signature of Transferee(s) Signature
Signature 	Signature
Name & Title (Please Print) Kenneth G. Trammel, Secretary	Name & Title (Please Print)
Subscribed and sworn to before me this 31 ST day of October, 2013.	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska
My commission expires: October 14, 2015	My commission expires:



**TO: THE HONORABLE MAYOR AND ASSEMBLY
CITY AND BOROUGH OF WRANGELL**

**FROM: JEFF JABUSCH
INTERIM BOROUGH MANAGER**

RE: BOROUGH MANAGER'S REPORT

DATED: November 7, 2013

WASHINGTON DC UPDATE

Several items that are important for Wrangell are still pending. Payment in Lieu of Taxes (PILT) is one and Secure Rural Schools is the other.

PAYMENT IN LIEU OF TAXES (PILT): PILT is a federal program that pays counties and in Alaska boroughs and cities for the acres of federal land within their taxing jurisdiction. In June, Wrangell received almost \$400,000 for our annual PILT payment. The current legislation has expired and unless renewed, this payment could go away.

SECURE RURAL SCHOOLS: We are pretty confident that this will be approved for a one year extension, but unsure at what funding level. We received about 1.3 million in February of this year and again, without an extension, the funding would be reduced to less than \$100,000. Congressman Young indicated that Secure Rural Schools had a better chance than did PILT.

PUBLIC WORKS

BRUSH CUTTING: The public works crew has been cutting brush in city right of ways with our recently acquired, excavator mounted, brush cutter. It has been working extremely well and has saved a great deal of time over our labor intensive past practice.

WINTER PREPARATION: Public works is getting ready for winter. More than 200 fire hydrants have been checked and winterized. Winter tires have been installed on city vehicles and most of the heavy equipment is geared up for snow removal.

SOLID WASTE: The Southeast Alaska Solid Waste Authority (SEASWA), in looking for a new regional project. Now that new solid waste disposal contracts have been negotiated and are in place, they are looking at trying to tackle scrap metal disposal as a regional issue. SEASWA is considering seeking proposals for disposal of scrap metal region-wide to find a solution to this ongoing disposal problem. SEASWA is also looking at grant opportunities to help its member communities plan and implement comprehensive recycling programs, including possible purchase of needed equipment.

WATER/WASTEWATER: Wayne McHolland, the Water Department Leadman, recently received an award for water treatment operator of the year from the Alaska Rural Water Association in recognition of

his excellent work and dedication to providing safe water to the citizens of Wrangell. This is a statewide award.

ROADS: We are working on getting the final things done on both Weber and Cassiar so these can begin construction in the spring. With Weber Street public works will need to complete the necessary water and sewer before the road goes to bid. The paving of this project is being done by the native organization. Cassiar has a couple final items to complete such as a couple of right of way takes for the road and then it should be ready to bid.

MANAGER TRAVEL

I will be gone November 20th to November 23rd for family medical. Carol Rushmore will be the acting manager in my absence. I will be available by phone and possibly e-mail if anyone needs to contact me.

HARBOR DEPARTMENT

The planned paving for the current contract is complete and the new surface is much safer and cleaner to move and work on boats. The new 300 ton boat lift is under construction and is on schedule for an early February delivery date out of Italy. If all goes well we should have the machine in March.

Shoemaker Bay is the next major project for the harbor. Greg Meissner has had conversations with DOT/PF and will also see if we can get the Army Corps of Engineers involved with the breakwater and possible dredging to expand the existing basis so more of it can be used.

Carl Johnson and Greg are getting the city dock fender system and the old mill fender system projects together and hope to get those done this winter/spring. We also will be putting in new concrete between the barge ramp and outer drive in the spring.

George Howell is leaving the Harbor Department and we are advertising in-house with existing union members at this time.

FINANCE DEPARTMENT

Second half property taxes are due on December 16th by 5:00 PM or postmarked on that date. We will be sending out reminders hopefully in the near future. We have experienced some problems with the import that moves all of the tax bills into our collection system. This process has been done electronically, but no longer works. We had found someone that we thought could get this done for us, but that has not materialized and we will be entering the existing bills that went out July 1st manually one at a time. Our current system is approximately 18 years old and the company that supports it cannot guarantee how much longer it will be supported. I think it may be time to look at a new system within the next year or so will I am still here.

Agenda Item 9

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM

BOROUGH CLERK'S FILE:

Mark Your Calendar:

- 11/14 Planning & Zoning mtg. @ 7pm in the Assembly Chambers
11/16 thru 11/22 Borough Clerk Traveling to Anchorage for AAMC & AML
11/18 thru 11/22 Mayor & Assembly Members traveling to Anchorage for NEO, ACom & AML
11/20 Hospital Board mtg. @ 5:30 pm in the Nolan Center Classroom
11/21 WCVB mtg. @ 6:30 pm in the Assembly Chambers
11/27 Economic Development Committee mtg. @ 6:30 pm in the Assembly Chambers



- 11/28 Thanksgiving Day!! City Hall will be closed on Nov. 28th and 29th

AML (AcoM, NEO & Conference) & AAMC

Alaska Municipal League & AAMC Conference schedule is as follows:

- Alaska Association of Municipal Clerks - Nov. 17 - 19, 2013
- Pre-Conference (NEO-Newly Elected Officials Training) - Nov. 18 & 19, 2013
- Regular Conference - Nov. 20 & 21, 2013
- ACom (Alaska Conference of Mayors) - Nov. 19, 2013

Mayor Jack will be attending ACoM & the Regular Conference. Assembly Member Decker will be attending the Newly Elected Officials Training, and Assembly Member Blake will be attending the Newly Elected Officials Training & the Regular AML Conference. Kim Lane will be attending AAMC and the AML Regular Conference.

The following Public Correspondence was received from:

Name	Regarding	Correspondence dated
•		

~The public correspondence received from the above parties is attached.

Thank you,
Kim Lane

Here is some parliamentary information on the use of:

Call the Question



Call the Question (rank 7)

Sophia: *I call the question and move that we stop debate.*

This motion may be the most commonly misunderstood motion. Many people mistakenly believe that if someone shouts out “question,” the group must take a vote immediately. This would give a single individual the right to shut down the debate and make everyone vote. Such an outcome would violate the principle that all members have equal rights, privileges and obligations.

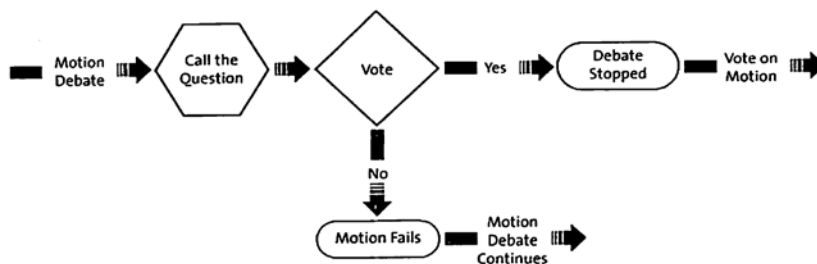


Figure 11. Call the Question

This motion means that one person believes it is time to stop debate and vote immediately on the pending question. It is a request, not an order.

Members must be recognized before calling the question. Don't let someone shout out “question” and take over the meeting without having obtained permission to speak.

When the question is called, the chair asks, “Is there a second?” If someone seconds the motion, the vote is taken immediately on the pending question. It takes two-thirds in favor for this motion to pass.

Call the question:

- needs a second,
- cannot be debated,
- cannot be amended, and
- takes a two-thirds vote to pass. (Under Robert's Rules of Order, a two-thirds vote is normally required when members' rights are being limited or expanded.)



Mastering Council Meetings

Note that these terms all mean the same thing:

- Call the question
- Previous question
- Move the previous question

EXAMPLE

Jasmine: *“I move that we build a mammalian outreach center.”*

Benjamin: [without being recognized]: *“Second.”*

Mayor Pat: *“It has been moved and seconded that we build a mammalian outreach center. We will now debate the motion.”*

[Members debate the motion.]

During debate...

Sophia: *“I call the question.”*

Tomas [without being recognized]: *“Second!”*

Mayor Pat: *“It has been moved and seconded that we stop debate and vote on the pending question, the motion to build a mammalian outreach center.”*

“All those in favor of stopping debate and voting now, raise your right hand.” [Members raise hands.]

“Thank you, hands down.”

“All those opposed, raise your right hand.” [Members raise hands.]

“Thank you, hands down.”

[If the ayes have it:] *There are two-thirds in favor and we will vote immediately.*

[If the noes have it] *There are not two-thirds in favor and debate will continue. Next speaker please...*

Taken from: Mastering Council Meetings

Written by: Ann G. Macfarlane, PRP, CAE & Andrew L. Estep. CAE

Agenda Items 10 a - b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS:

INFORMATION: This agenda item is reserved for the Mayor and Assembly Member's special reports. Such information items as municipal league activities, reports from committees on which members sit, conference attendance, etc., are examples of items included here.

- **Item 10a** Reports by Assembly Members

- **Item 10b** Appointment to fill the vacancies on the following City Boards and Committee:
 - **Planning & Zoning Commission**
One vacancy (*unexpired term until **October 2016***)
 - **Economic Development Committee**
One vacancy (*unexpired term until **October 2016***)
 - **Cemetery Committee**
One vacancy (*unexpired term until **October 2016***)
 - **Nolan Museum/Civic Center Board**
Two vacancies (*1 unexpired term until **October 2015** and one unexpired term until **October 2016***)

There were No letters of interest received for the vacancies.

If there were no letters of interest received, the Borough Clerk will continue to advertise for letters of interest to fill the vacancy.

Letters for City Boards & Committee Appointments received from:

- *none* **Planning & Zoning Commission**
- *none* **Economic Development Committee**
- *none* **Cemetery Committee**
- *none* **Nolan Museum/Civic Center Board –**
 Until October 2015
- *none* **Nolan Museum/Civic Center Board –**
 Until October 2016

RECOMMENDED ACTION

Recommended Action if not approved with the consent of the Assembly:

***Motion: Move to appoint _____ to fill the vacancy on the _____
for the unexpired term up until October 20__.***

Agenda Item 12a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 14.01.030 E., 14.11.010 F., 14.13.005, 14.13.010 B.1., 14.13.030 A.& B.1.&3., and 14.13.035B. & C. AND CHANGING NUMBERED SECTION 14.13.040 TO 14.13.050 AND BY ADDING NEW SECTIONS 14.09.110, 14.13.040 AND 14.13.060 TO THE CITY OF WRANGELL MUNICIPAL CODE RELATING TO THE MANAGEMENT, IMPOUNDMENT AND SALE OF VESSELS (*first reading*)

Attachments

1. Memo from Port Commission, dated October 17, 2013
2. Proposed Ordinance No. 871

RECOMMENDED ACTION:

Move to approve first reading and move to a second with a public hearing to be held on December 10, 2013

Wrangell Port Commission

Memo

October 17, 2013

To: Mayor, City Council and City Manager

From: Recording Secretary – Sherri Cowan

RE: Ordinance change related to Derelict and Abandoned Vessels and Idle Vessel Removal

The Port Commission at their Special Meeting on October 17, 2013 approved to accept the new draft ordinance related to Derelict and Abandoned Vessels and Idle Vessels Removal and forward onto the Assembly for Approval.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 871

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 14.01.030 E., 14.11.010 F., 14.13.005, 14.13.010 B.1., 14.13.030 A.& B.1.&3., and 14.13.035B. & C. AND CHANGING NUMBERED SECTION 14.13.040 TO 14.13.050 AND BY ADDING NEW SECTIONS 14.09.110, 14.13.040 AND 14.13.060 TO THE CITY OF WRANGELL MUNICIPAL CODE RELATING TO THE MANAGEMENT, IMPOUNDMENT AND SALE OF VESSELS

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

SEC. 1. Action. This ordinance amends section 14.11.001 E. of the City and Borough of Wrangell Municipal Code by deleting those words or letters that are bolded and in brackets and by adding those words that are underlined:

E. “Derelict” and “Abandoned” have the meanings given to those words in AS 30.30.010, .090 and .120 and generally mean[s] any vessel which is or appears to be forsaken, abandoned, deserted or cast away, or which in the opinion of the harbormaster is unsound, unseaworthy, and unfit for its trade or occupation.

SEC. 2. Action. This ordinance adds section 14.09.110 to the City and Borough of Wrangell Municipal Code by adding those words and the new section that are underlined:

14.09.110 Idle Vessel Removal.

No vessel will be allowed to remain within the Wrangell Marine Service Center for longer than 24 consecutive months and such vessel is thereafter subject to impoundment and sale per sections 14.13.005-.060 hereof.

SEC. 3. Action. This ordinance amends section 14.11.010 F. of the City and Borough of Wrangell Municipal Code by deleting those words that are bolded and in brackets and by adding those words that are underlined:

F. Lien for Unpaid Fees. In addition to all other remedies available by law, the City and Borough of Wrangell shall have a lien on any registered vessel and a maritime lien and charge against the master and owner of any documented vessel for any fees and interest provided by this title and costs of collection, including attorney’s fees, upon [**any**] such vessel (including all equipment, tackle, and gear)

and property giving rise to such fees.

SEC. 4. Action. This ordinance amends section 14.13.005 A., B., C. and D. of the City and Borough of Wrangell Municipal Code by deleting those words or letters that are bolded and in brackets and by adding those words that are underlined:

The harbormaster is authorized to impound a vessel under any of the following circumstances:

A. The vessel is within the harbor and is a derelict or abandoned [**a nuisance**] as defined in this title;

B. The fees for which the City and Borough of Wrangell has a lien on the registered vessel or a maritime lien and charge against the owner and master on a documented vessel are delinquent;

C. The vessel is located in the harbor and is in violation of any rule or regulation of the harbor; or [**and**]

D. The owner, operator, master or managing agent is not aboard the vessel and the vessel is not properly identified under State or Federal law by a name and/or number.

SEC. 5. Action. This ordinance amends sections 14.13.010 B.1. of the City and Borough of Wrangell Municipal Code by deleting those words that are bolded and in brackets and by adding those words and the new section that are underlined:

B.1. Mailed by certified mail, return receipt requested, to the last known owner and to the master, or managing agent, of the vessel and all lienholders of record against the vessel at their last known addresses; and

SEC. 6. Action. This ordinance amends sections 14.13.030 A.& B.1.&3. of the City and Borough of Wrangell Municipal Code by deleting those words that are bolded and in brackets and by adding those words and the new section that are underlined:

A. Contents. [**Prior to the sale of any**] Immediately upon impounding [**ed**] a vessel, the harbormaster shall prepare a written notice of impoundment and sale of the vessel. The notice shall contain:

B. Distribution. The notice of impoundment and sale shall be, at least 30 days before the sale:

1. Mailed by certified mail, return receipt requested, to the last known owner, and to the master, or managing agent, of the vessel and all lienholders of record against the vessel at their last known addresses;

3. Published in a newspaper of general circulation in the borough at least twice

[once], not less than five (5) days before the auction sale.

SEC. 7. Action. This ordinance amends sections 14.13.035B. & C. of the City and Borough of Wrangell Municipal Code by deleting those words that are bolded and in brackets and by adding those words and the new section that are underlined:

B. Bids. The minimum acceptable bid shall be a sum equal to all fees against the vessel, including interest and costs to be paid in cash at time of sale. The proceeds of such sale shall be applied to the cost of sale, then to interest, then to fees accrued, and the balance, if any, shall be disposed of per .060. [held in trust by the borough for the owner of the vessel to claim. If such balance is not claimed within two years, the balance shall be forfeited to the borough.] Upon sale being made, the borough shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer per AS 30.30.080.

C. No Bids. If at the public sale there are no acceptable bids for the vessel, the borough may destroy, sell at a private sale, or otherwise dispose of the vessel per .040. The dispossession is to be made without liability to the owner, master or managing agent, person in possession of the vessel, or lienholder of the vessel.

SEC. 8. Action. This ordinance renumbers section 14.13.040 to become section 14.13.050 of the City and Borough of Wrangell Municipal Code:

Section 14.13.040 Emergency impoundment, shall re renumbered Section 14.13.050 Emergency impoundment.

SEC. 9. Action. This ordinance adds section 14.13.040 to the City and Borough of Wrangell Municipal Code by adding those words and the new section that are underlined:

14.13.040 When Public auction not required. Public auction is not required when the appraised value of an abandoned vessel, as determined by an independent appraiser, is less than \$100. The appraiser must have at least one year of experience in the sale, purchase, or appraisal of vessels. Upon that determination and after public advertisement has been made once in a newspaper of general circulation, the state agency or municipality may sell the vessel by negotiation, dispose of it as junk, donate the vessel to a governmental agency, or destroy it.

SEC. 10. Action. This ordinance adds section 14.13.060 to the City and Borough of Wrangell Municipal Code by adding those words and the new section that are underlined:

14.13.060 Disposition of proceeds. The authorized seller of the abandoned vessel is entitled to the proceeds of the sale to the extent that compensation is due

to the seller for services rendered with respect to the vessel, including reasonable and customary charges for towing, handling, storage, and the cost of notices and advertising required by AS 30.30.130. A lienholder shall receive priority of payment from the balance of the proceeds to the extent of the lien. Any remaining balance shall be forwarded to the registered owner of the vessel, if the registered owner can be found. If the registered owner cannot be found, the balance shall be deposited with the commissioner of administration and shall be paid out to the registered owner of the vessel if a proper claim is filed for it within one year from the execution of the sale agreement. If no claim is made within that year, the money shall escheat to the state.

SEC. 11. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 12. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 13. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2013.

PASSED IN SECOND READING: _____, 2013.

Attest: _____

Kim Lane
Borough Clerk

David L. Jack
Mayor

Agenda Item 13a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 6.04 OF THE WRANGELL MUNICIPAL CODE RELATING TO ALCOHOLIC BEVERAGES TO AMEND SECTION 6.04.100 ON HOURS OF SALE AND SECTION 6.04.110 ON SALES ON ELECTION DAYS, AND REPEAL SECTION 6.04.120 ON CLEARING THE PREMISES *(first reading)*

Attachments

1. Memo from Borough Clerk Lane, dated November 4, 2013
2. Proposed Ordinance 872

RECOMMENDED ACTION:

Move to approve first reading and move to a second with a public hearing to be held on December 10, 2013

MEMORANDUM

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY
CITY AND BOROUGH OF WRANGELL**

**FROM: KIM LANE
BOROUGH CLERK**

**SUBJECT: ORDINANCE NO. 872
AMENDING CHAPTER 6**

DATE: November 4, 2013

BACKGROUND:

In May of 2012, members of the Borough Assembly, the Borough Manager, and the Borough Clerk were appointed to the Charter and Code Review Committee. The purpose of the Code Review Committee is to review and make appropriate changes to the Wrangell Municipal Code. These changes (after Borough Attorney review), are to be brought to the Borough Assembly for consideration.

It was decided that the Code Review would hold all changes and bring them forward all at once. However, members of the community have asked that the proposed ordinance to amend chapter 6 of the WMC be brought forward now.

The code review committee has reviewed the attached ordinance and recommended the changes proposed. The borough attorney made some minor changes that brought the recommended changes by the code committee into compliance with state law.

Recommended Action:

Move to approve first reading and move to a second with a public hearing to be held on December 10, 2013.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 872

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 6.04 OF THE WRANGELL MUNICIPAL CODE RELATING TO ALCOHOLIC BEVERAGES TO AMEND SECTION 6.04.100 ON HOURS OF SALE AND SECTION 6.04.110 ON SALES ON ELECTION DAYS, AND REPEAL SECTION 6.04.120 ON CLEARING THE PREMISES

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that underlined are to be added and the words that are bolded and in brackets are to be deleted.]

SEC. 1. Action. The purpose of this ordinance is to amend Chapter 6.04 of the Wrangell Municipal Code relating to alcoholic beverages to modify the sections on hours of sale and sales on election days, and to repeal the section on clearing the premises.

SEC. 2. Amendment. Section 6.04.100 of the Wrangell Municipal Code is amended to read:

6.04.100 Hours of sale; presence on licensed premises during closing hours.

[No person, firm or corporation may consume, sell, offer for sale, give, furnish or deliver upon or from an authorized license any intoxicating liquor on any licensed premises within the borough at any time or times between the lawful closing and opening times which are established as follows:]

A. **[Opening Hours.]** Hours of Sale.

1. A person may not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage on premises licensed under Title 4 of the Alaska Statutes between the hours of 2:00 a.m. and 8:00 a.m. on Monday through Friday of each week.
2. A person may not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage on premises licensed under Title 4 of the Alaska Statutes between the hours of 3:00 a.m. and 8:00 a.m. on Saturday and Sunday of each week.

B. Presence on licensed premises during closing hours. A licensee, an agent, or employee may not permit a person to enter and a person may not enter the licensed premises between the hours of 2:00 a.m. and 8:00 a.m. on Monday through Friday of each week, and between the hours of 3:00 a.m. and 8:00 a.m. on Saturday and Sunday of each week. This subsection does not apply to common carriers or to an employee of the licensee who is on the premises to prepare for the next day's business. A person may enter or remain on the premises of a bona fide restaurant or eating place licensed under Title 4 of the Alaska Statutes to consume food or nonalcoholic beverages.

[B. Closing Hours. Beverage dispensary establishments and premises shall be closed no later than the hour of 2:00 a.m. of every day in the calendar year except when such closing hours would fall on Sundays and legal holidays; and retail liquor sales establishments (package liquor sales) and premises shall be closed no later than the hour of 3:00 a.m. of every day of the calendar year except when such closing hours would fall on Sundays and legal holidays. Closing hours falling on Sundays and legal holidays shall be no later than 3:00 a.m. for beverage dispensary establishments, and 4:00 a.m. for retail liquor sales establishments.]

[C. Opening Hours Extended. Upon application therefor, opening hours may be extended by special permit by the borough manager to permit licensed premises holding a club license (as defined by Alaska law) to open between the hours of 8.m. and 10:00 a.m. of any calendar day during those days when licensed premises may be otherwise open under Alaska law. The permit may be issued for only those days and the establishment may only be open for those days covered by the permit. Said special permit may be given only for special occasions in conjunction with a convention or similar activity. From April 15th through September 30th, all package liquor stores may be open at 8:00 a.m. to accommodate the charter and tourism industries.]

SEC. 3. Amendment. Section 6.04.110 of the Wrangell Municipal Code is amended to read:

6.04.110 Election days.

The provisions of AS 04.16.070(a) prohibiting sale of alcoholic beverages on elections days shall not apply within the City and Borough of Wrangell.

[A. All licensees shall be prohibited to sell, give, barter, or exchange upon any licensed premises any intoxicating liquor, or to permit the consumption or removal of any intoxicating liquor upon or from a licensed premises during the hours of holding a national election, or state and municipal elections where a candidate for office appears on the ballot.]

[B. The borough rejects its right of local option conferred pursuant to AS 04.15.120. Liquor establishments shall not be allowed to remain open in accordance with the preceding code section during municipal elections whenever candidates are running for office.]

SEC. 4. Repeal. Section 6.04.120 of the Wrangell Municipal Code is repealed in its entirety as follows:

6.04.120 Reserved. **[Clearing the premises.]**

[A. Beverage dispensary establishments and premises shall be cleared of customers and patrons no later than 30 minutes after closing time; a 15 minute period shall similarly apply to retail liquor sales establishments. No intoxicating liquors shall be sold or dispensed during the respective clearing periods.

B. Except for the clearing periods set forth as provided in subsection (A) of this section, no person shall be on any licensed premises between the lawful closing and opening time as established in WMC 6.04.100. This section shall not apply to bona fide employees of the licensed owner who are on the premises for the purpose of cleaning or preparing for the next day's business, or to persons remaining on the premises of a bona fide restaurant for the purpose of consuming food or nonalcoholic beverages. It shall be similarly unlawful for the person, partnership, corporation, or firm owning or managing the licensed premises to knowingly permit persons to remain beyond closing hours.]

SEC. 5. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 6. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 7. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2013.

PASSED IN SECOND READING: _____, 2013.

Attest: _____

Kim Lane
Borough Clerk

David L. Jack
Mayor

Agenda Item 13b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REQUESTING THAT THE REGULATIONS COVERING THE USE OF HERBICIDES ALONG ALASKA ROADWAYS BE AMENDED TO PROVIDE FOR PUBLIC COMMENT, AND REQUESTING THAT THE ALASKA DEPARTMENT OF TRANSPORTATION AND THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION MEET WITH REPRESENTATIVES FROM SOUTHEAST COMMUNITIES TO DISCUSS THE IMPACTS OF THE USE OF HERBICIDES ALONG THE REGION'S ROADWAYS

Attachments

1. Proposed Resolution No. 11-13-1286
2. House Bill No. 201
3. DOTPF response letters to communities

RECOMMENDED ACTION:

Move to approve Resolution No. 11-13-1286

CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 11-13-1286

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REQUESTING THAT THE REGULATIONS COVERING THE USE OF HERBICIDES ALONG ALASKA ROADWAYS BE AMENDED TO PROVIDE FOR PUBLIC COMMENT, AND REQUESTING THAT THE ALASKA DEPARTMENT OF TRANSPORTATION AND THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION MEET WITH REPRESENTATIVES FROM SOUTHEAST COMMUNITIES TO DISCUSS THE IMPACTS OF THE USE OF HERBICIDES ALONG THE REGION'S ROADWAYS

WHEREAS, the use of herbicides by the Alaska Department of Transportation along Alaska's roads and highways is a subject of great concern amongst the residents of Wrangell, Alaska; and

WHEREAS, the use of herbicides and pesticides should only be used when mechanical and/or manual methods cannot be used; and

WHEREAS, public and private lands and waterways adjacent to Alaska's roadways provide access to fish, wildlife, berries and many other naturally occurring resources that provide food, economic, lifestyle and cultural benefits to many Alaskans; and

WHEREAS, Regulations developed by the Alaska Department of Environmental Conversation and the Alaska Department of Transportation do not provide for public comment on the use of herbicides along Alaska's roadways and public lands

NOW, THEREFORE, BE IT RESOLVED that the City and Borough of Wrangell, Alaska, requests that the regulations covering the use of herbicides along Alaska roadways be amended to provide for public comment

BE IT FURTHER RESOLVED, that the City and Borough of Wrangell, Alaska, requests that the Alaska Department of Transportation and the Alaska Department of Environmental Conservation meet with representatives from Southeast communities to discuss the impacts of the use of herbicides along the region's roadways.

ADOPTED:_____, 2013

David L. Jack, Mayor

ATTEST:_____
Kim Lane, Borough Clerk

HOUSE BILL NO. 201

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GARA, Kerttula, Tarr

Introduced: 4/8/13

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the application of non-aerial pesticides and broadcast chemicals**
2 **near fish habitat or water for human consumption, and in public places."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 46.03.320(c) is amended to read:

5 (c) A person may not apply a pesticide or broadcast chemical in a public place
6 unless licensed by the department or otherwise authorized under a regulation of the
7 department. The department shall by regulation provide for reasonable public
8 notification and time for public comment, including written notice posted on the
9 application site, when pesticides and broadcast chemicals are applied in a public place.

10 In this subsection, "public place" means

11 (1) common areas of an apartment building or other multi-family
12 dwelling;

13 (2) that portion of a government office or facility to which access is
14 not ordinarily restricted to employees; [AND]

1 (3) plazas, parks, and public sports fields; and

2 (4) transportation rights-of-way.

3 * **Sec. 2.** AS 46.03.320 is amended by adding new subsections to read:

4 (e) A non-aerial pesticide or broadcast chemical may not be applied by a
5 public agency under the jurisdiction of the state or used in a state project or program
6 within 150 feet of anadromous or resident fish habitat or within 600 feet of a public or
7 private water source that may be used for human consumption unless licensed by the
8 department under this subsection. The department may not license the use of a non-
9 aerial pesticide or broadcast chemical within 150 feet of anadromous or resident fish
10 habitat or within 600 feet of a public or private water source that may be used for
11 human consumption unless the public is provided with an opportunity for public
12 comment and unless reasonable public notice is given, including written notice posted
13 at the application site, including points of public access, for at least 30 days prior to
14 the commencement of the spray operation, and the department finds that the pesticide
15 or broadcast chemical use will not harm anadromous or resident fish or an anadromous
16 or resident fish habitat and will not harm a public or private water source that may be
17 used for human consumption. The required period for public notice or public hearing
18 may be shortened if the department determines that there is an imminent danger to
19 public health or an emergency that threatens a natural resource of the state that could
20 be prevented or mitigated by the prompt application of a pesticide or broadcast
21 chemical.

22 (f) A non-aerial pesticide or broadcast chemical may not be applied in a public
23 place without posting a written notice at the application site. The notice must be
24 conspicuously posted at each point of customary access to each public place or each
25 portion of each public place and must be at least 8 1/2 by 11 inches and be reasonably
26 designed to remain legible for the longer of 24 hours after the application or the time
27 when entering the application area is safe according to the product label. In this
28 subsection, "public place" means

29 (1) common areas of an apartment building or other multi-family
30 dwelling;

31 (2) that portion of a government office or facility to which access is

- 1 not ordinarily restricted to employees;
- 2 (3) plazas, parks, and public sports fields; and
- 3 (4) transportation rights-of-way.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

Rebecca Colvin
Solid Waste and Pesticide Program
Division of Environmental Health
Department of Environmental Conservation
555 Cordova St.
Anchorage, AK 99501

July 16, 2012

Re: Supplemental Comment On Pesticide Regulations: Combatting Invasive Species

Dear Ms. Colvin:

I forgot to include this in my prior correspondence on the proposed pesticide application changes. The Department already possesses emergency powers to waive public comment when an emergency exists, including one of an environmental nature. That seems to cover cases where there is an immediate need to combat invasive plant species, which has been the case in the past. If you feel that regulation needs to be broadened, then you should do so for invasive species issues – though it could likely be done with an abbreviated public comment period, and an abbreviated period allowing for quick action afterwards, and I'd ask that you look for ways to allow public comment if possible even in those situations.

But the regulations as proposed are far too broad. They allow, when there is no emergency, a ban on public comments in many unjustified circumstances, such as:

- Spraying on stream banks, that can then leach toxins into fishing streams and lakes
- Spraying uphill of groundwater and residential or other water well supplies
- Spraying in areas the state doesn't realize children frequent, even if it is just children of one or a few families.

Generally, broad restrictions on the public's right to have input into government decisions are a bad idea. As written the current regulations are too broad, and too stifling of public comment.

Thank you for considering this additional comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Gara".

Representative Les Gara

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

Rebecca Colvin
Solid Waste and Pesticide Program
Division of Environmental Health
Department of Environmental Conservation
555 Cordova St.
Anchorage, AK 99501
Rebecca.colvin@alaska.gov

July 14, 2012

RE: changes to state pesticide permitting regulations, and extension of comment period

Dear Ms. Colvin:

I am writing to express grave concerns about the Alaska Department of Environmental Conservation's (ADEC) proposal to amend the regulations under Title 18, Chapter 90 of the Alaska Administrative Code related to the use of pesticides. As the representative of many constituents who regularly use state lands and Alaska's waterways, as well as being an avid fisherman myself who enjoys Alaska's natural resources, I am very concerned about the potential impacts of the proposed regulation changes.

A primary area of concern is ADEC's proposal to remove the requirement for public participation for spraying that is not aerial-based, directly on water, or on private land. Currently, the public is invited to comment on individual permits. This leaves Alaskans without a voice on pesticide use that can endanger children, kill fish, and otherwise harm the public and our resources.

If the proposed regulations are enacted as proposed, there would be no requirement for public participation in the decision of whether or not to use pesticides because individual permits would no longer be required (with the above exceptions), and there would be no public hearing or opportunity to submit comments or appeal decisions. The public would only be *informed* of decisions to spray, without having had any opportunity to comment. But for the above exceptions, there would not even be a requirement that written notice be posted at the application site.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

I believe Alaskans should have a right to comment on important state issues. Elimination of a public commenting process by a state agency is always cause for concern, and when the public process pertains to human health and safety, the action is particularly disconcerting. Without a requirement for individual permits, there would be no requirement for applicator agencies to submit applications, and as a result, no requirement for ADEC to accept public comment, evaluate, establish mitigating measures, or authorize, by permit or otherwise, specific spraying proposals. As a result there would be no opportunity for the public to inform ADEC or an applicator agency of places used by the public that should fall within no-spray zones.

While the development of an Integrated Pest Management plan (IPM) would seem to alleviate the need for the application, award, and notification of individual permits, the IPM itself would not even be subject to a public process. The IPM would contain several useful items, including preventive methods used, monitoring of the presence of pests, thresholds for allowable pest presence, etc., but the public would have no input as to whether waterways and right-of-ways that they access would be sprayed, and if sprayed, what kind of chemicals would be used. And, while the applicator agency would be required to post the IPM on "the department's" website, ADEC is not required to review or approve the IPM. While an Integrated Pest Management plan might effectively eradicate pests, its requirements seem woefully inadequate in terms of addressing risks to human health and the environment.

State lands are public lands, which the public owns and uses. Often the public must use state lands and right of ways to access private land and recreational areas, and under the proposed regulations, the public would potentially be exposed involuntarily to toxic chemicals. Since the public owns state lands, it maintains a fundamental right to participate in agency decisions regarding how its lands are to be used. The mission of the Alaska Department of Environmental Conservation is to conserve, improve, and protect Alaska's natural resources and environment to enhance the health, safety, economic and social well-being of Alaskans. ADEC should not be reducing or eliminating its role in the decisions of whether or not to spray on state lands and what chemicals should or should not be allowed to be used. If anything, it should be enhancing its roles in order to fulfill its duty to protect human health. The Alaskan public has been very clear in the past that it does not want the spraying of pesticides to become standard operating procedure, thus pesticide spraying should absolutely remain part of the public process.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

It is also my understanding, based on the proposed components of the IPM in the regulatory changes, that there would not be requirements:

- To identify water bodies or private water wells or other private water sources located in close proximity to a spray area.
- To identify and describe the type of pesticide and formulation to be used.
- To analyze soil types and drainage characteristics in the treatment area.
- That mandate review by other agencies, such as the Department of Fish and Game.
- That impose no-spray buffers to water bodies or private wells or other private water sources.
- That require ADEC to control or regulate the types and toxicities of pesticides being used.

I strongly urge you to reconsider the proposed regulations, maintain a public commenting process, and ensure that human health will be protected.

I also respectfully request that you consider a sixty day extension of the current public comment period, currently running from May 22 to August 2, in regards to how pesticides and toxics in Alaska are regulated. Summer is a busy time for most Alaskans, including fishermen and tourist-related workers, and this issue is obviously an important public health issue.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Gara", with a long horizontal line extending to the right.

Representative Les Gara



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Attachment 13b - 3
Department of Transportation and
Public Facilities

TRANSPORTATION MANAGEMENT & SECURITY
Office of the Commissioner

3132 Channel Drive
P.O. Box 112500
Juneau, AK 99811-2500
Main: 907.465-3904
Fax: 907.586-8365
Web: dot.state.ak.us

July 9, 2013

Vice Mayor, Susan Flint
Petersburg Borough
P.O. Box 329
Petersburg, Alaska 99833

RE: Response to Herbicide and Pesticide applications in the Petersburg Borough

Dear Vice Mayor Flint:

Thank you for your letter addressing Petersburg Borough concerns regarding the Alaska Department of Environmental Conservation (DEC) rulemaking on the use of pesticides and the Alaska Department of Transportation & Public Facilities (DOT&PF) possible use of pesticides within the Petersburg Borough. Commissioner Kemp has asked that I provide a direct response to you as I am the DOT&PF Statewide Maintenance Engineer and oversee the department's pest and vegetation management programs.

The department is willing to work with you and discuss any plans for the application prior to any use within borough boundaries. While your concerns are understandable, the Integrated Pest Management plan process (outlined in detail below) provides for public notification. DOT&PF's goal of pest management with the least possible hazard to people, property and the environment, by the most economical means, addresses the concerns of your borough and, consequently, should remove the need for the borough to consider the adoption of any special ordinance about the use of herbicides within your jurisdiction.

DOT&PF oversees 254 airports, 11 ferries serving 35 communities, 5,619 miles of highway and 720 public facilities throughout the state of Alaska. The department is focusing on the safest, efficient and most cost effective management of its right-of-way and, in turn, is developing guidelines for Vegetation Control within department right-of-way. The new guidelines will establish maintenance and operations intentions to assure citizens safety while operating in the department's right-of-way and see that DOT&PF right-of-way receives continued and scheduled vegetation control to the extent feasible by the allowable budget.

DOT&PF has recently posted an Integrated Pest Management (IPM) plan with the DEC, which will be internally known as the DOT&PF Integrated Vegetation Management Program (IVMP). IVMP is an effective and environmentally sensitive approach to pest/vegetation management that

relies on a combination of common-sense practices. IVMPs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

The new regulation requires that prior to herbicide application the following notification requirements must be met:

- Notification will be provided to ADEC, as required under 18 AAC 90.640(a)(6), not later than 15 days before each proposed application, including multiple application projects, as defined within 18 AAC 90.640(d).
- Two consecutive public notices for planned herbicide applications will be published in a newspaper of general circulation in the affected area, no later than 30 days before the date of scheduled single or multiple application projects as required by 18 AAC 90.640(b).

This notice will include:

- The location of the application
- The complete name and EPA registration number of the herbicide(s)
- The target pests
- The method of application
- For multiple application projects, the approximate number of applications to be made
- How the public can receive more information about the proposed application

Effective vegetation management reduces the risk of functional or structural failure which may contribute to crashes, injury, or disruption to travel. Effective vegetation management will help limit physical obstruction or restricted visibility and can reduce the severity of run-off-road crashes.

DOT&PF objectives in vegetation management within its road system right-of-ways are in accordance with the Guidelines for Vegetation Management, 1st Edition, by the American Association of State Highway and Transportation Officials (AASHTO). These guidelines define three roadside management zones (Zones 1, 2, and 3) from the edge of pavement to improve sight distances, maintain access, protect structures, and reduce wildlife strikes.

The use of herbicide application is expected to significantly improve DOT&PF's ability to manage vegetation upon its road right-of-ways, airports, and facilities. While herbicides are expected to be a useful tool in managing vegetation, we are all citizens who also care about Alaska's environment; herbicide application must be done in an environmentally responsible manner.

In selecting herbicides suitable for DOT&PF use, consideration will be given to habitat conditions in and adjacent to DOT&PF lands. Aquatic habitats, such as wetlands, streams and roadside conveyances, are common upon DOT&PF lands. The boundaries of these aquatic habitats can often only be determined by trained environmental professionals. These aquatic habitats often are hydrologically connected via surface flow to salmon-bearing streams and rivers.

A federal lawsuit in Washington State necessitated environmental reviews of some herbicides and their impact on federally listed salmon species under the Endangered Species Act (ESA). This environmental review has resulted in a list of which herbicides that require a no-spray buffer zone around salmon-bearing streams. While this list was developed to address ESA-listed salmon species in Washington State, DOT&PF will select herbicides that either do not require no-spray buffer zones around salmon-bearing streams or were not included as part of the lawsuit.

Additionally, the climactic conditions throughout the state result in unique soil conditions which can impede the breakdown of some types of herbicides. Given these environmental conditions, DOT&PF has selected broad spectrum herbicides approved by the U.S. Environmental Protection Agency (EPA) for use in aquatic conditions. Those herbicides containing active ingredients which have been shown to have a long residence time within Alaskan soils, such as trifluralin and chlorsulfuron, will be avoided.

Please see the DEC web site (<http://dec.alaska.gov/eh/pest/pe.htm>) or the DOT&PF Maintenance & Operations web site (<http://www.dot.state.ak.us/stwdmno/>) to view the IVMP. If you have any additional concerns regarding the IVMP, please feel free to contact me directly at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. J. Coffey", with a stylized flourish at the end.

Michael J. Coffey
Chief, Statewide Maintenance and Operations
Office of the Commissioner

cc: Commissioner Patrick J. Kemp, P.E.



Municipality of Skagway

GATEWAY TO THE KLONDIKE

P.O. BOX 415 SKAGWAY, ALASKA 99840

(PHONE) 907-983-2297 – Fax 907-983-2151

WWW.SKAGWAY.ORG

July 19, 2013

Patrick J. Kemp, Commissioner
Dept. of Transportation & Public Facilities
State of Alaska
P.O. Box 112506
Juneau, AK 99811

RE: ADOT&PF Herbicide Use in the Skagway Borough

The Municipality of Skagway opposes the use of herbicides and pesticides as a maintenance tool for vegetation control measures on Alaska Dept. of Transportation & Public Facilities (ADOT&PF) owned or leased lands and facilities within the Skagway Borough.

About 27% of the land in the Skagway Borough is State-owned and managed; this land includes State Street, Dyea Road and the local airport, all of which are significantly utilized by local residents and seasonal visitors and represent the bulk of the main transportation corridors within the Borough. The care and maintenance of these areas is integral to the viability of the community, and this maintenance has the potential to affect not only Skagway's quality of life, but also the health of its citizens and natural surroundings.

State Street runs through the middle of the Skagway townsite, with residential homes and local businesses bordering it along its entire length. The Dyea Road provides access not only to more residential areas, but also to remote, natural recreational areas that are highly valued by locals. The airport in Skagway is closely bordered on the west side by the Skagway River, and on the east by residential areas.

ADOT&PF's Integrated Vegetation Management Plan of June 2013 specifies that the agency intends to begin using herbicide as a vegetation control tool to "provide improved maintenance service and public safety in a more cost-effective manner." The Municipality of Skagway maintains that the use of herbicides for the maintenance of vegetation has the potential to negatively affect the health and safety of the public as well as the natural environment, at a cost that may be unquantifiable.

The ADOT&PF's vegetation management plan lists alternative preventative and mechanical methods of vegetation maintenance that include mowing, brush cutting, hydro-axing and

burning. The Municipality of Skagway asks that these alternative methods are solely used in the maintenance of vegetation in the Skagway Borough, as they are highly preferable for maintaining the quality of life and health of the borough's citizens and natural surroundings and for substantially reducing possible negative effects known to be caused by the use of herbicides.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Selmer". The signature is fluid and cursive, with the first name "Stan" and last name "Selmer" clearly distinguishable.

Stan Selmer
Borough Mayor



HAINES BOROUGH, ALASKA

P.O. BOX 1209 • HAINES, ALASKA 99827

Administration 907.766.2231 • (fax) 907.766.2716

Tourism 907.766.2234 • (fax) 907.766.3155

Police Dept. 907.766.2121 • (fax) 907.766.2128

Fire Dept. 907.766.2155 • (fax) 907.766.3373

June 25, 2013

Pat Kemp, Commissioner
Alaska Department of Transportation
PO Box 112506
Juneau, AK 99811

Re: Herbicide and Pesticide use in the Haines Borough

The Alaska Department of Environmental Conservation's decision earlier this year to eliminate the public review process and permitting requirements for using chemicals on state lands deeply concerns the Haines Borough. At a minimum, the Haines Borough requests that DEC reinstate a public review process, including right of appeal, for the potential use of herbicides and pesticides within the borough.

Most of the Haines Borough roadways lie adjacent to, or cross anadromous streams and salmon habitat. The Haines Highway passes through the world class Alaska Chilkat Bald Eagle Preserve, home to the largest gathering of Bald Eagles. Spraying herbicides and pesticides has the potential to harm the environment, fish, wildlife, and human health. Healthy salmon returns for commercial, sport and subsistence fisheries provide major economic benefit to Southeast Alaskans. There is a wealth of scientific literature that links pesticide and herbicide contamination with salmon mortality as well as non-lethal impacts that result in lowered survival rates. Many salmon spawn in waterways adjacent to Haines' roadways. The commercial value of the Lynn Canal salmon fishery ranges from \$1 million to \$3.4 million annually.

Pesticide and herbicide use near residences and areas that our citizens use for gathering food, medicinal substances, or craft materials is inherently dangerous. Use within watersheds that provide drinking water for communities or individuals also poses serious threats. Pesticides and herbicides contain toxic chemicals which rapidly disperse in our local rainforest environment. They have been linked with numerous environmentally caused cancers and may have additional detrimental effects that are presently unknown.

Article 10 of the State Constitution clearly provides broad powers to local governments. **Home Rule** local governments enjoy even broader powers. Article 10, Section 11 of

Alaska's Constitution provides that: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter. Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

In the past, the community of Haines has opposed the spraying of toxic herbicides or pesticides along borough roadways and on public lands. The Haines Borough continues to strongly oppose the use of herbicides and pesticides on roadways and public lands in the borough.

Protecting our residents and the environment from potential damage caused by using toxic chemicals along roadways in the Chilkat and Chilkoot watersheds and within the Alaska Chilkat Bald Eagle Preserve are of utmost importance to the Haines Borough.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Scott', written in a cursive style.

Stephanie Scott
Mayor, Haines Borough

Cc: Senator Bert Stedman
Representative Jonathan Kreiss-Tomkins
Representative Les Gara
Al Clough, Assistant Commissioner
Matt Boron, DOT, Haines



June 17, 2013

Commissioner Patrick J. Kemp,
Department of Transportation & Public Facilities
PO Box 112500
3132 Channel Drive
Juneau, Alaska 99811-2500

Re: Herbicide and Pesticide applications in the Petersburg Borough

Dear Commissioner Kemp:

The Petersburg Borough has learned that earlier this spring, regulations were adopted 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. The Petersburg Borough is very concerned that this action denies our citizens the right to participate in the decision-making process and jeopardizes our community. The broad application of herbicides and pesticides can and does affect drinking water, aquatic habitat, and impacts traditional food gathering areas. In addition, this process exposes our children and pets to harmful, possibly carcinogenic, toxins.

These regulations were adopted despite widespread public opposition across the state. The people of Alaska collectively own our public water supply, our fish and our wildlife resources. We strongly feel that we should have a voice regarding if and when there are any plans which might negatively impact those resources within our area. The 30-day notification requirement prior to application that was adopted, allows for no public input. This falls way short of providing our citizens a voice.

Alaska markets our wild salmon to the world by touting our pristine waters. Applying toxic chemicals to the upland habitat would certainly make that a questionable claim. Spraying our uplands could negatively impact productivity of local salmon streams. Even the small tributaries are important fish rearing habitat. Also, many out-the-road residents rely on surface run-off and small streams for their drinking water. Many of our residents gather berries, fiddlehead ferns, and other traditional foods along roadways in our area. If herbicides and pesticides are applied, there is simply no way to protect against contamination. This is particularly true in our island rain forest ecosystem where anything applied to the land is rapidly washed into adjacent waterways and eventually into salt water by the rain.

You may recall that several years ago the Department of Transportation announced plans to spray herbicides to control plant growth along Mitkof Highway. The people of

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

Petersburg expressed strong opposition and that program was stopped before it got started. Some were opposed to the visual impact, but most were more concerned that toxic residue would contaminate residential runoff-based water supplies and run into aquatic habitats and impact fish productivity. Those concerns have not changed. ADOT went back to mowing the roadsides and, although that method is more labor intensive, it has kept the vegetation down and kept toxic chemicals out of the island's water supplies and waterways.

Article 10 of the State Constitution clearly provides broad powers to local governments. **Home Rule** local governments enjoy even broader powers. Article 10, Section 11 of Alaska's Constitution provides that: "A home rule borough or city may exercise **all** legislative powers not prohibited by law or by charter. Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

Given that language in the constitution, it certainly seems that the Borough, not the state, should be making the decision on whether or not it is important to protect our primary industry and protect the residents of the borough from toxic contamination. We feel strongly the large-scale application of herbicides and pesticides should not be allowed within our Borough. This is the best way to protect our citizens and the waterways of our community.

The Borough hopes that it does not have to consider the adoption of an ordinance and land use restrictions that will ban the large-scale application of herbicides and pesticides within Borough boundaries. At the very least any plans to apply herbicides or pesticides should require a public review process and approval by the Assembly before application could occur.

We would appreciate your immediate attention to this issue.

Sincerely,

Susan Flint
Vice Mayor



Distribution

KFSK Radio
Petersburg Pilot
Senator Dennis Egan (email)
Representative Beth Kerttula (email)

Agenda Item 13c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

Approval to purchase residential property from Shelley Massin for the purpose of a right of way

Attachments

1. Memorandum from Jeff Jabusch, Interim Borough Manager, dated November 6, 2013
2. Memorandum from Carol Rushmore, Economic Director, dated November 5, 2013
3. Memo from Greg Scheff, dated September 30, 2013
4. Plat maps of the proposed area (3)

RECOMMENDED ACTION:

Move to approve staff recommendation to pay for a 155 square foot portion of Shelley Massin's property that a city street is currently located on, in the amount of \$387.50 for the purpose of a right-of-way.

MEMORANDUM

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY
CITY AND BOROUGH OF WRANGELL**

**FROM: JEFF JABUSCH
INTERIM BOROUGH MANAGER**

SUBJECT: SHELLEY MASSIN STREET RIGHT OF WAY RESOLUTION

DATE: November 6, 2013

BACKGROUND:

See memo attached by Carol Rushmore about the history and other background information concerning this item. It also discusses what Ms. Massin is requesting.

Historically and to the best of my knowledge, the city has normally only paid for land that was needed for a city street or sidewalks. Because Wrangell is a very old community and many of the streets were not sufficiently wide enough to contain the road, ditches and utilities, many of these items are on private property throughout the community. As we have done road improvements involving engineered and surveyed plans, we include the various land takes for the roadways and do get the necessary utility easements from the property owners for utilities. In many cases, land owners have donated property because they wanted the improved roads, water, sewer and electric services.

Any properties with a recorded easement receive a small adjustment on their assessed value for property tax purposes so they do receive a benefit.

Although I understand Ms. Massin's argument, I think we need to be consistent with previous practices or get out the check book out because this happens all over town.

Recommended Action by Staff:

To be consistent with past practices, we should pay Ms. Massin for the road encroachment only and once her subdivision is complete with easements for the utilities provide the assessor with all information so her assessment is reduced by the value of the easement.

City and Borough of Wrangell

Date: November 5, 2013

To: Jeff Jabusch, Borough Manager

From: Carol Rushmore, Economic Development Director

Re: Request from Shelly Massin to replat her property to exclude and sell to the City a segment of Third Street Right-of-Way that currently lies within her property boundaries

Background:

Ms. Massin and surveyor Greg Scheff discussed a proposed replat between Ms. Massin and neighbor Warren Edgely with staff that would involve moving the mutual line between properties to eliminate a building encroachment. During the surveyor's preliminary survey of Ms. Massin's property, it was discovered that approximately 155 square feet of the Third Street Right-of-Way (road surface) was actually within Ms. Massin's property. Staff indicated that the Assembly would need to approve the purchase of ROW prior to be included in a preliminary replat. Staff requested a drawing showing the amount of road surface within Ms. Massin's property. Ms. Massin presented a drawing of the area that she wants the Borough to purchase totaling 578 square feet .

Findings:

The proposed area that Ms. Massin is requesting compensation for includes 155 square feet of Third Street road surface and 423 square feet of ditch and slope (attached Replat Exhibit). Replat Exhibit Rev. 1 was requested by staff during the preliminary meeting to show the exact amount of road surface within Ms. Massin's property.

Back in 1982, the properties currently owned by Ms. Massin and Tom Simms were modified via a subdivision plat (attached Roberts and Massin Subdivision #82-9) where each gave up property to be used for Third Street, but included within the new lots area of the vacated portion of McKinnon Street. This area of Third Street became very wide, but the lower portion of Third Street in this area has a very steep side slope, probably the reason for acquiring land for Third Street from Roberts and Massin in 1982.

In 2011, the residents (Gunderson, Robinson and Taylor) across from Ms. Massin requested vacation of Third Street to create uniform 30 foot width of ROW. At that time, Ms. Massin testified at the public hearing her concern and opposition to the street vacation because of her concern that in the future, if widening of Third Street were to happen, her property would be taken, rather than using the existing ROW that, at that time, still existed. Both the Planning and Zoning Commission and the Assembly approved the Third Street Vacation (attached #2011-10).

Ms. Massin is also concerned about potential easements and the lack of use of a portion of her property where the telephone lines are. As new subdivisions are created, the Borough, through its platting authority, attempts to ensure property access to municipal services by obtaining necessary utility easements. Easements across private property remain in private ownership and use, but the use is minimized by not allowing the construction of buildings within the

easement. Usually the Public Works Department or Electrical Department will request an easement for municipal services. Assessments of property are adjusted to reflect the easement.

Staff recommends that the Borough acquire that part of the Third Street road surface that lies within Ms. Massin's property totaling 155 square feet rather than the 578 square feet of additional ditch or slope being requested. Purchasing ditch and slope could require purchasing the same from landowners all over town.

Staff met with the Assessor on his most recent visit to Wrangell in October. The current land assessed value for Ms. Massin's property is \$56,800 based on 22,716 square feet. This is \$2.50 per square feet.

155 square feet would be \$387.50.
578 square feet would be \$1,445.00



R&M ENGINEERING-KETCHIKAN, INC.
ENGINEERS GEOLOGISTS SURVEYORS

355 CARLANN LAKE ROAD, SUITE 200, KETCHIKAN, ALASKA 99901
PHONE (907) 225-7917 FAX (907) 225-3441 EMAIL: RNM/Main@rmketchikan.com

September 30, 2013

City and Borough of Wrangell
Box 531
Wrangell, AK. 99929

ATTN: Carol Rushmore, Planning & Zoning Administrator

RE: Shelley Massin/Warren Edgley Replat

Dear Carol:

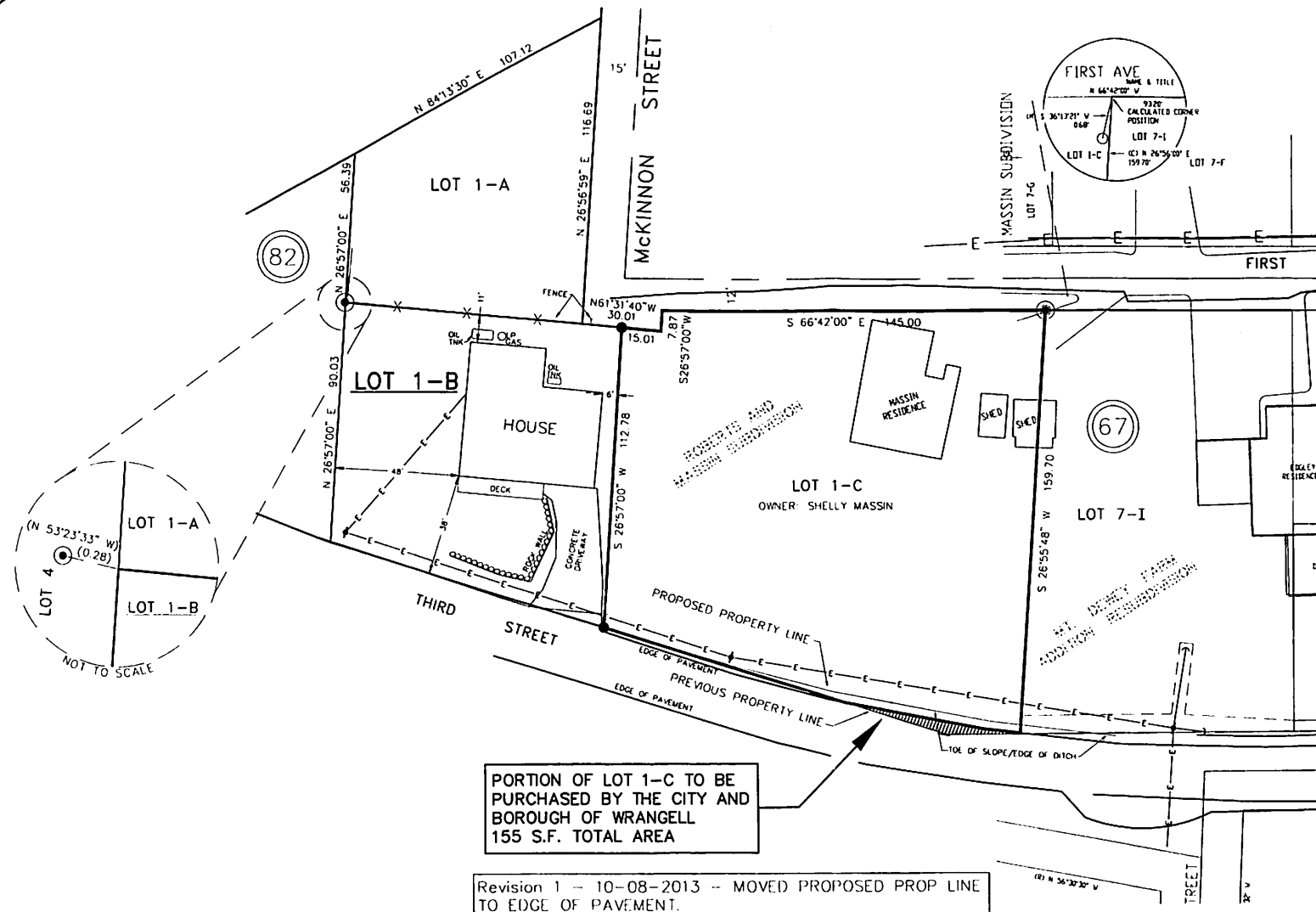
Please find attached a sketch of the above referenced Replat, showing the 3rd Street road encroachment onto the Massin property. Shelley respectfully asks that she be reimbursed for the road encroaching on her property, at appraised value. Please consider this at your earliest convenience.

Respectfully,

A handwritten signature in black ink, consisting of the letters 'GS' inside a circular loop.

Gregory G. Scheff PLS
Principal

Enc.



AREA CALCULATIONS

ORIGINAL LOT 1-C = 22,745 S.F.
 NEW LOT 1-C = 22,590 S.F.
 CHANGE = -155 S.F.

DRAWN BY: T.L.S.
 CHECKED BY: GGS.
 DATE PLATTED: 05/24/10
 DATE SURVEYED: APRIL/MAY 2010
 SCALE: NOT TO SCALE
 SURVEYOR: GREGORY G. SCHEFF
 PROJ NO.: 102313.03

REPLAT EXHIBIT - REV. 1

REPRESENTING THE PORTION OF LOT 1-C TO BE PURCHASED BY THE CITY AND BOROUGH OF WRANGELL TO RECONCILE THE R.O.W. ENCROACHMENT OF THIRD STREET ONTO LOT 1-C

R&M
 R&M ENGINEERING-KETCHIKAN, INC.
 355 Carlanna Lake Road
 Ketchikan, AK 99901

Phone: (907) 225-7917
 Fax: (907) 225-3441

WRANGELL OFFICE
 P.O. BOX 1331
 Wrangell, AK 99929

Phone: (907) 874-2177
 Fax: (907) 874-2187

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WRANGELL PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION DATE 8-12-82, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, KETCHIKAN, ALASKA, 7-21-82 John H. Hurd CHAIRMAN

ATTEST:
Starrville Vincent
SECRETARY
SEAL:

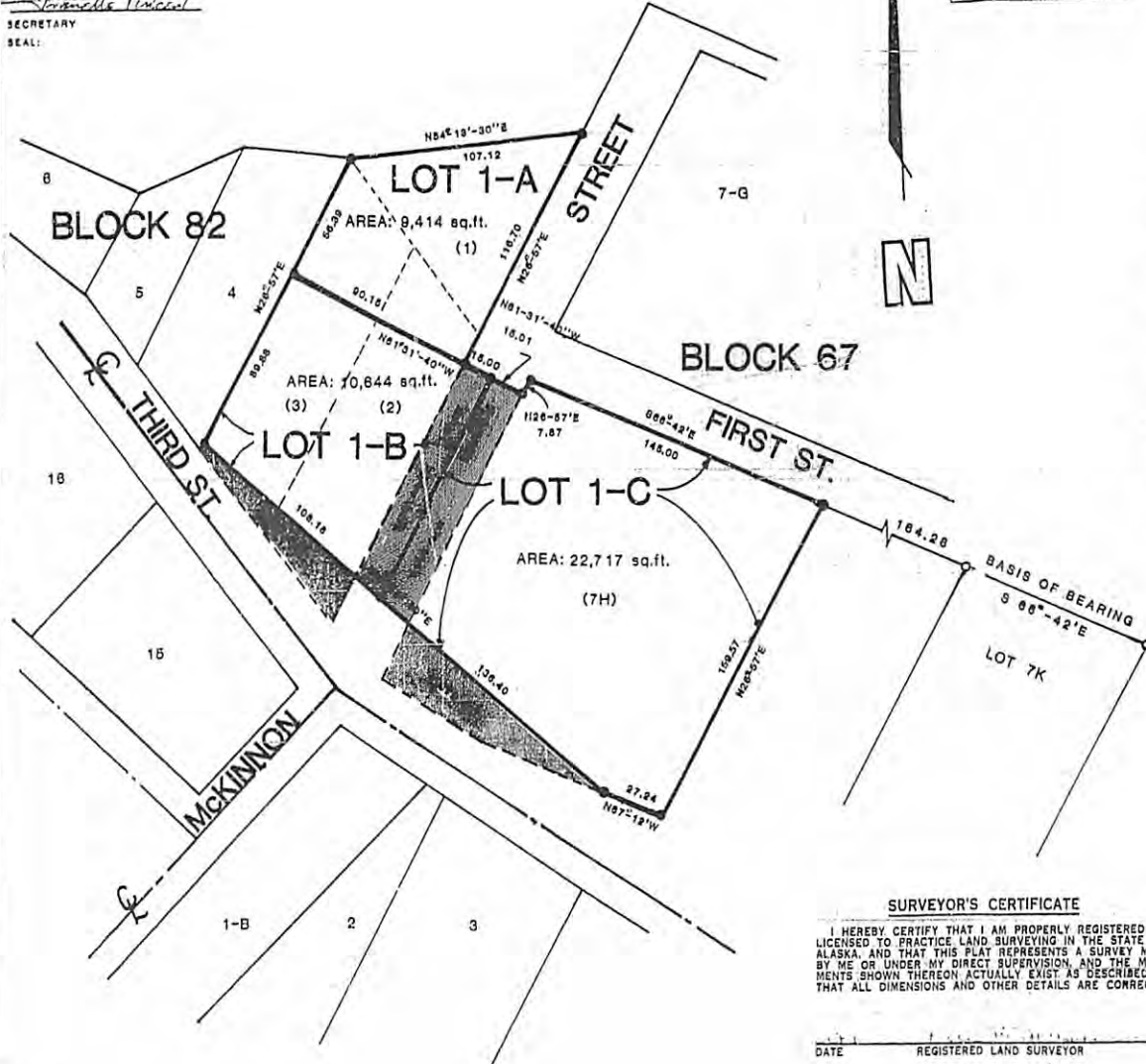
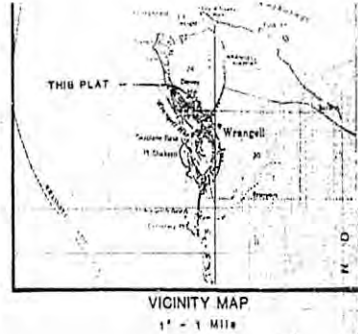
I HEREBY CERTIFY THAT THE PLATTING BOARD VACATED THE PORTIONS OF MCKINNON STREET AS INDICATED HEREON AND THAT THE CITY COUNCIL CONSENTED TO THE VACATION

7-20-82 James K. Henderson
DATE CITY CLERK - CITY OF WRANGELL

Per 82-9

82-431
RECORDED - FILED
WRANGELL
10-19 82
1:07 P
City of Wrangell
Sept. 1982
Wrangell, AK 99929

CITY OF WRANGELL } 58
1ST JUDICIAL DISTRICT,
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING ASSESSOR FOR THE CITY OF WRANGELL, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY OF WRANGELL, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF: David H. Roberts + Martin Massin AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS IN FAVOR OF THE CITY OF WRANGELL ARE PAID IN FULL THAT CURRENT TAXES FOR THE YEAR 1982 WILL BE DUE ON OR BEFORE December 15, 1982 WRANGELL, ALASKA, DATED THIS 12 DAY OF Sept. 1982, AT WRANGELL, ALASKA
James K. Henderson
CITY CLERK, CITY OF WRANGELL



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: September 17, 1982
James K. Henderson
CITY CLERK, CITY OF WRANGELL

CERTIFICATE OF APPROVAL BY THE COUNCIL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WRANGELL, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COUNCIL AS RECORDED IN MINUTE BOOK 15, PAGE 3211, DATED 8-24-82, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, KETCHIKAN, ALASKA, 7-20-82

DATE 7-20-82
ATTEST: James K. Henderson
CITY CLERK

OWNER David H. Roberts + Martin Massin
THE NOTARY'S ACKNOWLEDGEMENT:
UNITED STATES OF AMERICA)
STATE OF ALASKA) 58
THIS IS TO CERTIFY THAT ON THIS 17 DAY OF September 1982, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED David H. Roberts + Martin Massin, TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL MENTIONED WHO EXECUTED THE WITHIN PLAT, AND HE ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.
WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.
James K. Henderson
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 7-2-86

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE _____ REGISTERED LAND SURVEYOR

Prepared By:
Stragier Engineering Services
Nora (Babe) Stragier - P.E., R.L.S.
(907) 747-5833
CIVIL ENGINEER
LAND SURVEYOR
P.O. Box 4558

ROBERTS & MASSIN SUB'D

A SUBDIVISION OF LOTS 1,2,3 BLOCK 82, LOT 7H, BLOCK 67 AVACATION OF MCKINNON ST. R.O.W. U881119
Scale 1"=40'
Drawn By RMS
PREPARED FOR: MR. DAN ROBERTS
BOX 111
WRANGELL, AK. 99920



REBAR W/SURF-KAP SET THIS SURVEY
PREVIOUS LOT LINES
TYPICAL PROPERTY CORNER SET THIS SURVEY

Agenda Item 13d

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

Approval to schedule a Special Assembly Meeting for discussion and possible action on the TBPA/SEAPA issues

Attachments - NONE

RECOMMENDED ACTION:

Move to approve the scheduling a Special Meeting on _____ @
_____ p.m., for discussion and possible action on the TBPA/SEAPA issues

Agenda Item 13e

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

Approval of the Wrangell Capital Project Priorities Requests for FY 2014-2015

Attachments

1. Memorandum from Jeff Jabusch, Interim Borough Manager, dated November 6, 2013
2. Wrangell Capital Project Priority List for FY 2014-2015

RECOMMENDED ACTION:

Move to approve the Wrangell Capital Improvement Project list for FY 2014-2015 as presented.

MEMORANDUM

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY
CITY AND BOROUGH OF WRANGELL**

**FROM: JEFF JABUSCH
INTERIM BOROUGH MANAGER**

SUBJECT: CAPITAL IMPROVEMENT PROJECTS

DATE: November 6, 2013

BACKGROUND:

Annually, staff presents to the assembly a capital list which is then discussed and finalized by the assembly. This approved list is then used by staff as our authorization to lobby for funding or to write grants to try and secure funding for as many of these projects as possible. This year the top two projects are for projects that the assembly has passed resolutions on as a requirement of DEC funding.

The list presented starts from last year's list with projects added to address new changes or deleted if completed.

We welcome questions and dialog concerning this draft list of projects. Although the list is prioritized, often times projects further down the list may get funded because there is specific grant money for a particular type of project.

Recommended Action by Staff:

Move to approve the Wrangell Capital Improvement Project list for FY 2014-2015 as presented.

Proposed Wrangell Capital Budget Requests for State and Federal FY 2014-15

	Town	Project	State Request Amount	Total Project Amount	State or Federal
1	Wrangell	Drinking Water System Improvements: Connection to Upper Reservoir	750,000	750,000	State/Federal
2	Wrangell	Drinking Water System Improvements: Water Treatment Plant Pilot Study	150,000	150,000	State/Federal
3	Wrangell	Wrangell Medical Center Construction	TBD	39,000,000	State/Fed
4	Wrangell	Wrangell Boat Yard Improvements - Final Improvements	4,000,000	4,000,000	State
5	Wrangell	Shoemaker Bay Float Design	800,000	800,000	State
6	Wrangell	New Carving Facility - WCA Request	500,000	500,000	State/Federal
7	Wrangell	School Fire Alarm System			
8	Wrangell	Power Plant Roof Replacement	200,000		
9	Wrangell	Engineering Condition Assessment for Pool Facility and Community Center	35,000	35,000	state
10	Wrangell	Public Safety Building Renovations - Including Court System	950,000	950,000	State/Federal
11	Wrangell	Evergreen Road Improvements and Pedestrian Access (State STIP fu	5,800,000	5,800,000	State/Local
12	Wrangell	Cassiar Street	250,000	250,000	State
	Wrangell	Wrangell Road Resurfacing	2,500,000	2,500,000	State
	Wrangell	Shoemaker Bay Float - Construction	8,000,000	8,000,000	State/Federal
	Wrangell	Mill Property Development Plan and Purchase	3,000,000	3,000,000	State
	Wrangell	Waste Reduction Facility: (Building modifications/Bailer)	1,500,000	1,500,000	State
	Wrangell	Sunrise Lake - Alternative Water Source (Monitoring, Design, NEPA,)	3,000,000	3,000,000	State/Federal
	Wrangell	Pool Facility Improvements (Pool Roof, Mechanical, Remodel)	1,500,000	1,000,000	State/Federal
	Wrangell	Electric System Upgrades (Wrangell Medical Campus and Boat Yard I	250,000	250,000	State/Federal
	Wrangell	Water Main Replacement			
	WRG/PRG	South Mitkof Island Improvements - Banana Point Improvements	1,250,000	1,250,000	State
	Wrangell	Electrical Extension on Etolin			
	Wrangell	Community Center Renovations and Asbestos Removal	1,000,000	1,000,000	State/Federal
	Wrangell	Dam Replacement		40,000,000	Federal
	Wrangell	Trails' Extensions	250,000	250,000	State
	Wrangell	Reliance Harbor - Design and Construction	2,500,000	2,500,000	State/Federal
	Wrangell	Inner Harbor - Design and Construction	2,500,000	2,500,000	State/Federal
	Wrangell	Standard Oil Float - Design and Construction	2,000,000	2,000,000	State
	Wrangell	Industrial Park Expansion - Road and Utilities Expansion	500,000	500,000	Federal
	Wrangell	Institute Property Development	100,000	100,000	State
	Wrangell	New Cemetery Site	250,000	250,000	

Wrangell	Pool Locker Replacements	50,000	50,000	State
Wrangell	Power Plant Generation Expansion	1,500,000		
Wrangell	Power Infrastructure Improvements - Mission and First Avenue	150,000		
Wrangell	Power Engineer Review of Distribution System			
WRangell	Volunteer Park Ball Fields' Improvements			
Wrangell	Senior Apartment Upgrades			
Wrangell	Meridian Street Extension (North End of Cassiar)			
Wrangell	Wrangell Park facility Upgrades and Improvements	250,000	250,000	State
Wrangell	Byford Junk Yard Improvements	100,000		
Wrangell	Two Police Vehicles	70,000		
Wrangell	First and Second Avenue Improvements	2,000,000		
Wrangell	Public Works Building Improvements	50,000		
Wrangell	City/School Exterior Painting	200,000		
Wrangell	Elementary School Parking Lots	500,000		
Wrangell	City Hall Energy Improvements	25,000		
Wrangell	Airplane Float Redecking			
Wrangell	Fire Hose Replacement	25,000		
Wrangell	Volunteer Park Plan	25,000	25,000	State
Wrangell	Multi-Purpose Field Improvements	100,000	100,000	State
Wrangell	Mariners Memorial			Private
Wrangell	Grave Street Utilities			
Wrangell	Stikine Avenue Safety Issues			

Wrangell Capital Budget Requests for 2013-14			State or Federal	
<u>Prioritized Projects Under \$100,000</u>			State	Federal
Town	Project	State Request Amount	Total Project Amount	
	Engineering Condition Assessment for Pool Facility and Community Center	35,000	35,000	state
1	Wrangell			
2	Wrangell	70,000		
3	Wrangell	25,000		
4	Wrangell	50,000		State
5	Wrangell	50,000	50,000	State
6	Wrangell	25,000		State
7	Wrangell	100,000	100,000	
8	Wrangell	25,000	25,000	
9	Wrangell	100,000	100,000	
10	Wrangell	100,000	800,000	State/federal

Agenda Item 13f

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

Approval of an Assignment of Tidelands Lease from Northland Services, Inc. to Samson Tug and Barge Company, Inc.

Attachments

1. Memorandum from Bill Northey, Senior Vice President of Northland Services, dated November 4, 2013
2. Assignment of Lease agreement between Northland Services, Inc. and Samson Tug and Barge Company, Inc.
3. Assignment of Lease documents from 2007

RECOMMENDED ACTION:

Move to approve the Assignment of Tidelands Lease – Lot 4, Block 2-A, Re-subdivision of Lots 1 and 2, Block 1, Lot 1, Block 2-A, and un-subdivided tidelands, U.S.S. 1119 and A.T.S. 83, from Northland Services, Inc. to Samson Tug & Barge Co. (Samson)



Northland Services
MARINE TRANSPORTATION

November 4, 2013

HAND DELIVERED

Wrangell City Assembly
P.O. Box 531
Wrangell, AK 99929

Re: Request for Consent to Assignment of Tideland Lease
Assignment from Northland Services, Inc. to Samson Tug and Barge Company, Inc.
Agenda Request for November 12, 2013 Assembly Meeting

Dear Assembly Members:

As you are very likely aware, Northland Services, Inc. (Northland) has been purchased by Lynden, the parent company of Alaska Marine Lines, Inc. (AML). Lynden is combining Northland's and AML's Southeast Alaska operations. At the same time, Samson Tug & Barge Co. (Samson) is expanding its business throughout the region, and will begin serving Wrangell. Accordingly, Northland desires to assign to Samson and Samson desires to accept assignment from Northland the Wrangell Tidelands Lease dated July 24, 1981 (Tidelands Lease) that Northland currently has in place with the City of Wrangell.¹ The legal description for the Tideland Lease property is as follows:

Lot 4, Block 2-A, Resubdivision of Lots 1 and 2, Block 1, Lot 1, Block 2-A, and unsubdivided tidelands, U.S.S. 1119 and A.T.S. 83, Wrangell Recording District, Subdivision Plat Number 80-1.

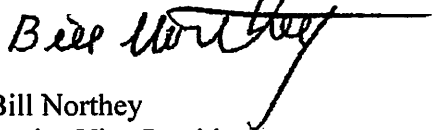
Wrangell City Code requires that we obtain the consent of the City of Wrangell prior to effecting assignment of the Tideland Lease. Accordingly, Northland and Samson have executed an Assignment of Lease pursuant to which Northland has agreed to assign the Tideland Lease to Samson contingent upon the parties obtaining the written consent to such assignment from the City of Wrangell. A copy of the executed Assignment of Lease is enclosed. Northland and Samson respectfully request that the Assembly approve this request to assign the Tideland Lease and that this request for consent be included on the agenda for consideration and action at your **next Assembly Meeting, Tuesday, November 12, 2013.**

¹ Northland took assignment of the Tideland Lease in 2007 from the previous tenants, E. Evi Fennimore and Wilford Fykerude, as approved by the Assembly by Consent to Lease dated October 4, 2007.

Thank you for your consideration of these requests.

Sincerely,

NORTHLAND SERVICES, INC.

A handwritten signature in black ink, appearing to read "Bill Northey", written over a horizontal line.

Bill Northey
Senior Vice President

ASSIGNMENT OF LEASE

This Assignment of Lease ("Assignment") is entered into as of this 28TH day of October, 2013, by and among Northland Services, Inc. ("Assignor"), and Samson Tug and Barge Company, Inc. ("Assignee").

RECITALS

- A. Assignor is the lessee under that certain Tidelands Lease granted by the City of Wrangell, Alaska, dated July 24, 1981, which Tidelands Lease is recorded with the Alaska Department of Natural Resources Recorder's Office, District 104 as document number 1981-000247-0 at Book 7, Page 974, and which Tidelands Lease was assigned and assumed, in part, by that certain Quickclaim Deed [sic] executed by Viola E. Erickson in favor of Elaine Evi Fennimore dated November 8, 2005 and recorded with the Alaska Department of Natural Resources Recorder's Office, District 104 (the "Recorder's Office") as document number 2005-000408-0, and thereafter assigned and assumed by Assignor pursuant to that certain Assignment of Lease by and among Assignor and Wilford Fykerude and Elaine Evi Fennimore dated November 7, 2007 and recorded with the Recorder's Office by Memorandum of Assignment as document number 2007-000478-0 (collectively, the "Lease"). A copy of the Lease is attached as Exhibit A.
- B. The Lease concerns real property with the following legal description (collectively, the "Property"):

Lot 4, Block 2-A, Resubdivision of Lots 1 and 2, Block 1, Lot 1, Block 2-A, and unsubdivided tidelands, U.S.S. 1119 and A.T.S. 83, Wrangell Recording District, Subdivision Plat Number 80-1.
- C. Wrangell Municipal Code 16.08.240, which is incorporated into the Lease by reference therein, requires the approval of the Wrangell City Council prior to the assignment of the Lease.
- D. Assignor desires to assign, and Assignee desires to assume, on the terms and conditions set forth herein, the Lease.

NOW THEREFORE, in consideration for the mutual promises and covenants herein, the parties agree as follows:

AGREEMENT

- 1. Effective Date. For all purposes under this Assignment, the term "Effective Date" shall mean November 9, 2013.
- 2. Assignment; Assumption. Effective as of the Effective Date, and subject to the conditions precedent set forth in Section 3 below:

a. Assignor does hereby grants, conveys, transfers and assigns to Assignee all right, title and interest of Assignor in, to and under the Lease, and any extension, renewals, amendments, modifications or substitutions thereof, including, without limitation intended and by way of example only, Assignors' entire leasehold interest in the Property and all right, title and interest of Assignors in any leasehold improvements on the Property and as landlord under any sublease of the Property or any portion or portions thereof; and

b. Assignee hereby accepts the foregoing assignment and hereby assumes and agrees to perform all of the terms and conditions of the Lease to be performed on the part of Assignors and assumes all of the liabilities and obligations of Assignors under the Lease, as amended hereby, arising or accruing on or after the Effective Date, including, without limitation, liability for the payment of rent and for the due performance of all the terms, covenants and conditions of the tenant pursuant to the Lease as amended hereby.

3. Conditions Precedent. This Assignment and the assignment contemplated hereunder shall be contingent upon: (a) closing of that certain Agreement and Plan of Merger, dated as of April 8, 2013, by and among Lynden Incorporated, Yellow Acquisition Corp., Northland Transportation Company and Endeavour Capital IV, LLC; and (b) Assignor's receipt of written consent to this Assignment by the City and Borough of Wrangell.

4. Indemnity. Assignor agrees to indemnify and hold Assignee harmless from and against all costs, claims and/or liabilities arising from or in connection with Assignor's lease, use and/or possession of the Property prior to the Effective Date, and Assignee agrees to indemnify and hold Assignor harmless from and against all costs, claims and/or liabilities arising from or in connection with Assignee's lease, use and/or possession of the Property on and after the Effective Date.

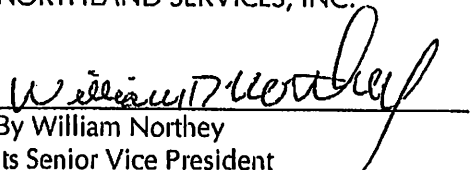
5. Further Cooperation; Memorandum. Assignor agrees to execute and deliver such further documents and do such further acts as may be necessary to cause the assignment and assumption contemplated hereby and otherwise effectuate the intentions and undertakings of the parties expressed herein. Without limiting the foregoing, Assignor and Assignee shall execute a short form memorandum hereof in the form and content of Exhibit B hereto (the "Memorandum"), and Assignor shall have the right upon satisfaction of the above conditions precedent, at its option, to record the Memorandum with the Recorder's Office.

6. Counterparts. This Assignment may be signed in two or more counterparts, each of which will be an original and which together shall constitute a single instrument.

EXECUTED as of the day and year first set forth above.

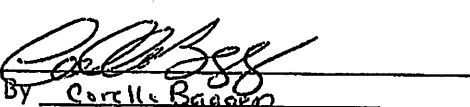
Assignor:

NORTHLAND SERVICES, INC.


By William Northey
Its Senior Vice President

Assignee:

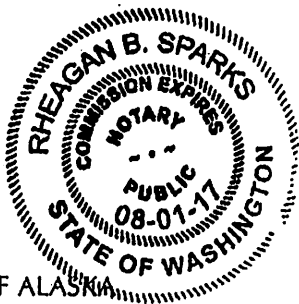
SAMSON TUG AND BARGE COMPANY, INC.


By Corinne Baggen
Its VP

STATE OF WASHINGTON)
) ss.
County of King)

I certify that I know or have satisfactory evidence that **William Northey** is the person who appeared before me, and said person acknowledged that said person signed this instrument, oath stated that said person was authorized to execute the instrument, and acknowledged it as the Senior Vice President of **Northland Services, Inc.**, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

DATED this 20th day of OCTOBER, 2013.

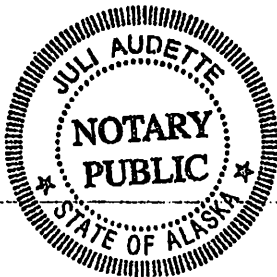


Rheagan Sparks
Notary Public, State of Washington
My commission expires: 01/1/17

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

I certify that I know or have satisfactory evidence that Corella Buggen is the person who appeared before me, and said person acknowledged that said person signed this instrument, oath stated that said person was authorized to execute the instrument, and acknowledged it as V. P. of **Samson Tug and Barge Company, Inc.**, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

DATED this 24th day of Oct., 2013.



Juli Audette
Notary Public, State of Alaska
My commission expires: 03-29-2016

Exhibit A

LEASE

A
L
A
S
K
A**2007-000415-0**

Recording Dist: 104 - Wrangell

10/9/2007 1:05 PM Pages: 1 of 2



Return to: Northland Services Inc.
Post Office Box 24527
Seattle, WA 98124

Wrangell Recording District

Page 1 of 2

(b)(1) here)

**CONSENT TO ASSIGNMENT
OF
TIDELANDS LEASE**

PURSUANT TO Wrangell Municipal Code § 16.08.040, the City of Wrangell, Alaska, of Post Office Box 531, Wrangell, Alaska 99929, hereby consents to the assignment of that certain Lease dated July 24, 1981, and recorded on August 3, 1981, in the Wrangell Recording District in Book 7 at Page 974 et seq., which Lease was assigned to E. Evi Fennimore and Wilford Fykerude dba Chichagof Imports, of Post Office Box 873, Wrangell, 99929 (hereinafter *Chichagof Imports*), as consented to by the City of Wrangell in that Consent to Assignment of Lease and Assumption Thereof dated January 15, 2004, and recorded in the Wrangell Recording District on January 21, 2004, as Document No. 2004-000043-0, from Chichagof Imports to Northland Services Inc. of Post Office Box 24527, Seattle, Washington 98124. The leased real property is situate in the Wrangell Recording District, First Judicial District, State of Alaska, and more particularly described as follows, to-wit:

Lot 4, Block 2-A, Resubdivision of Lots 1 and 2, Block 1,
Lot 1, Block 2-A, and unsubdivided tidelands, U.S.S. 1119
and A.T.S. 83, Wrangell Recording District, Subdivision Plat
umber 80-1

In accordance with Wrangell Municipal Code § 16.08.240, Northland Services Inc. is subject to all the provisions of said Lease and this consent does not release Chichagof Imports from the terms of the above-described Lease.

Dated at Wrangell, Alaska, this 4th day of October, 2007.

City of Wrangell, Alaska
Lessor

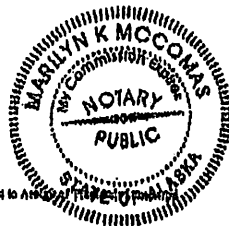
Attest:

Christie Jamieson
Christie Jamieson
City Clerk

By Valery McCandless serving
Valerie McCandless
Mayor as Mayor

STATE OF ALASKA)
) ss:
First Judicial District)

The foregoing instrument was acknowledged before me this 4th day of October, 2007, by Valery McCandless and Christie Jamieson, Mayor and City Clerk, respectively, of the City of Wrangell, Alaska.



Marilyn K. McComas
Notary Public for Alaska
Commission expires: 12-12-09

MARSEP11:207.0014
WWW.WORLDWIDE-CONTRACT-ALASKA.COM



2 of 2
2007-000415-0

Exhibit B

After recording return please return to:

Lynden Incorporated
18000 International Blvd., Suite 800
Seattle, Washington 98188
Attention: Mr. Everett Billingslea

MEMORANDUM OF ASSIGNMENT

THIS MEMORANDUM OF ASSIGNMENT (this "Memorandum") is dated this ____ day of _____, 2013, by and between Northland Services, Inc. "Assignor") and Samson Tug and Barge Company, Inc. ("Assignee"), as memorandum of an unrecorded Assignment of Lease (the "Assignment") of even date herewith, between Assignor and Assignee concerning the following described tide and submerged lands, situated in the City of Wrangell, Wrangell Recording District, First Judicial District, State of Alaska, and all improvements thereon, with the following legal description (collectively, the "Property"):

Lot 4, Block 2-A, Resubdivision of Lots 1 and 2, Block 1, Lot 1, Block 2-A, and unsubdivided tidelands, U.S.S. 1119 and A.T.S. 83, Wrangell Recording District, Subdivision Plat Number 80-1.

1. Assignment of Lease. For good and valuable consideration, Assignors have assigned to Assignee and Assignee has accepted assignment of all of Assignors' right, title and interest, as lessee, under that certain Tidelands Lease with the City of Wrangell, Alaska, as lessor, dated July 24, 1981 relating to the Property upon all the terms, conditions and provisions set forth in the Assignment, which provisions are incorporated in this Memorandum by reference.

2. Miscellaneous. This Memorandum is not a complete summary of the Assignment. Provisions in this Memorandum shall not be used in interpreting the Assignment or its provisions. In the event of a conflict between this Memorandum and the unrecorded Assignment, the unrecorded Assignment shall control.

DATED as of the date first set forth above.

Assignor:

NORTHLAND SERVICES, INC.

Assignee:

SAMSON TUG AND BARGE COMPANY, INC.

By William Northey
Its Senior Vice President

By _____
Its _____

Agenda Item 13g

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

Approval to purchase a Ford F250 truck from Cal Worthington Ford for the Waste Water Department

Attachments

1. Memorandum from Carl Johnson, dated November 7, 2013
2. WMC 5.10.050 (1)
3. Bid Information for Truck Purchase

RECOMMENDED ACTION:

Move to approve purchase of a Ford F250 truck from Cal Worthington Ford through the State of Alaska's procurement contract for the price of \$25,689.00 plus transportation to be paid with budgeted Wastewater Department funds.

MEMORANDUM

**TO: HONORABLE MAYOR AND MEMBERS OF THE ASSEMBLY
CITY AND BOROUGH OF WRANGELL**

**FROM: CARL JOHNSON
PUBLIC WORKS DIRECTOR**

SUBJECT: FORD F250 TRUCK PURCHASE

DATE: November 7, 2013

BACKGROUND:

The Wastewater Department budget includes \$25,000 this year for a new ¾ ton pickup truck.

There is an exception to Wrangell's competitive bidding requirements, under WMC 5.10.050(I), which allows the City to purchase supplies or services that were bid to another Alaskan local government or the State of Alaska. For several years the City has been purchasing its vehicles through a State procurement contract available to local governments. The purchase prices through this program have consistently been much lower than if we were to deal directly with the dealers. As this vehicle purchase program is an annual bid to the State, it meets the requirements of the bidding exemption in the municipal code.

This year's State bid prices just came out and low bidder for this truck was Cal Worthington Ford at \$25,689.00 plus shipping from Anchorage. This is a little over the \$25,000 budgeted but I believe other purchases included in this budget line item will come in under budget and the budget will still balance out.

RECOMMENDED ACTION:

Move to approve purchase of a Ford F250 truck from Cal Worthington Ford through the State of Alaska's procurement contract for the price of \$25,689.00 plus transportation to be paid with budgeted Wastewater Department funds.

ATTACHMENTS:

1. WMC 5.10.050 (I)
2. Bid Information for Truck Purchase

public interest even when the price quoted by the local bidder satisfies subsection (D)(1)(a) or (b) of this section.

3. "Local bidder" for purposes of the section shall mean a bidder who:
 - a. Holds a current Alaska business license;
 - b. Submits a bid for goods or services under the name appearing on the person's current Alaska business license;
 - c. Has maintained a place of business within the boundaries of the borough for a period of six months immediately preceding the date of the bid;
 - d. Is not delinquent in the payment of any utilities, taxes, charges or assessments owing to the borough on account of that business;
 - e. Is incorporated or qualified to do business under the laws of Alaska with its principal place of business in the borough, is a proprietorship and the proprietor is a resident of the borough, or is a partnership and all partners are residents of the City and Borough of Wrangell;
 - f. If a joint venture, all joint venture partners must qualify under subsection (D)(3)(a) through (e) of this section;
 - g. The manager may require such documentation or verification by the person claiming to be a local bidder as is deemed necessary to establish the requirements of this section. [Ord. 817 § 1, 2008; Ord. 816 § 1, 2008; Ord. 605 § 4, 1995; Ord. 444 § 4, 1983.]

5.10.050 When competitive bidding or quotations are not required.

The following may be purchased or contracted for without giving an opportunity for competitive bidding or soliciting quotations:

- A. Supplies, materials, equipment, or contractual services whose cost does not exceed \$10,000, excluding freight costs, in a single transaction;
- B. Supplies, materials, equipment, or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;
- C. Supplies, materials, equipment, or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including war surplus;
- D. Contractual services purchased from a public utility corporation at a price or rate determined by state or other governmental authority;
- E. Contractual services of a professional nature, such as legal, engineering, architectural, and medical services;
- F. Supplies, materials, equipment, or contractual services which must be purchased from a specific source in order to prevent incompatibility with previously purchased supplies, materials, equipment, or contractual services. For purposes of this subsection the term "incompatibility" is defined as the inability to (1) interconnect, combine, interchange, or join, or (2) that which causes or necessitates maintenance expertise or training where such acquisition would result in substantial duplication. The assembly must approve by motion or resolution any purchase whose cost exceeds \$25,000 which is to be excluded from competitive bidding by the authority of this subsection;
- G. Supplies, materials, equipment, contractual services, or public improvements which the assembly declares to be required on an emergency basis or which the assembly declares is impractical or impossible;
- H. Placement of insurance coverage;

I. When it is advantageous to the borough to enter into a contract with a bidder for the same supplies or services such bidder is providing another Alaskan local government, the State of Alaska, or the United States where such supplies or services are being provided the other government unit on the basis of formal bids submitted and where the borough contract is on substantially the same terms as those bids, or to contract with or through such other government unit so that the benefit of the lowest and best responsible bid accrues to the borough;

J. When competitive bidding has been followed, but no bids or quotations are received or the bids or quotations are rejected. In such a case, after assembly approval, the borough manager may proceed to have the services performed or the supplies purchased without further competitive bidding or quotation;

K. Public improvement whose cost does not exceed \$10,000 in a single transaction. [Ord. 816 § 1, 2008; Ord. 444 § 4, 1983.]

5.10.060 Sale of surplus, obsolete, or unneeded personal property.

A. No surplus, obsolete, or unneeded supplies, materials, equipment, or other personal property may be sold until the assembly has declared, by motion or resolution, them obsolete or surplus.

B. Before the borough manager sells any surplus, obsolete, or unneeded supplies, materials, equipment, or any other personal property, the borough manager shall advertise them for sale in a newspaper of general circulation in the borough and give notice in such other manner as he deems necessary to adequately reach prospective buyers to give them an opportunity to make bids. All bids shall be sealed and shall be opened in public at a designated time and place, except when the sale is by auction. The borough manager may repeatedly reject all bids and advertise or give notice again. He shall sell such supplies, materials, equipment, or other personal property to the highest responsible bidder for cash. In case of a tie, the successful bidder shall be determined by publicly drawing lots at a time and place specified by the borough manager, always selling to the highest responsible bidder or bidders for cash. If there are no bidders, the borough manager is authorized to sell such supplies, materials, equipment or other personal property for the minimum value established prior to sealed bidding. A sale of property of more than \$1,000,000 in value must meet with the requirements of Section 5-14 of the borough charter.

C. Personal property, or an interest therein, may be sold or otherwise disposed of without competitive bidding as follows:

1. Supplies, materials, equipment or other personal property, or any interest therein, may be sold or otherwise disposed of by the manager when the total value thereof, as estimated by the manager, does not exceed collectively \$2,000.

2. The manager may sell, lease, donate, exchange or otherwise dispose of personal property, or an interest therein, to or with another municipality, a state or the United States when and under such terms and conditions as the assembly, in its sole judgment, is in the best interest of the borough. [Ord. 667 § 1, 1999; Ord. 645 § 4, 1998; Ord. 597 § 4, 1995; Ord. 444 § 4, 1983.]

5.10.062 Disposition of personal property for economic development purposes.

A. In the exercise of the borough's economic development powers, the assembly may determine, in its sole discretion, that it is in the best interest of the borough to dispose of borough-owned personal property, or any interest therein, which interest has a value of \$1,000,000 or less (as determined by the borough assessor or a qualified appraiser), by sale, lease or otherwise, without requests for proposals or sealed bid procedures and at less than fair market value.

B. In determining the best interests of the borough under this section, the assembly may consider any relevant factors, which may include:

1. The desirability of the economic development project;

Standard Equipment: Class 155XC 3/4 Ton Extended Cab 4x4

Color: OEM White (Any other color requires prior authorization)
 Darkest of OEM Manufactures Standard Cloth Upholstery Interior, (cloth or cloth with vinyl trim)

Seating for minimum of five (5) including driver

8-Foot Bed (Long Box)

GVWR: Minimum 9,200 Pounds

Four Wheel Drive (4x4)

Engine: Gas, V8

40/20/40 Split Bench Cloth Front Seat

Manufactures Standard Cloth Rear Seat

Rubberized Vinyl Flooring

Air Conditioning

Cruise Control/Tilt Wheel

Power Windows/Power Door Locks

Keyless Remote Entry w/ 2 Fobs

Mirrors: Outside - Trailer Tow Power/Heated mirrors left and right, driver adjustable

OEM Up-Fitter Switches

Snow Plow Prep Package

Spray in Bed Liner

OEM Trailer Hitch Package

**CLASS 155
 EXTENDED CAB
 3/4 TON 4X4**

Model: Silverado 1W	Model: F250 XL	Model: F250 XL	Model: Ram 2500 ST
Model: CK25953	Model: X2B	Model: X2B	Model: DJ7L92
Engine: 6.0 V-8	Engine: 6.2 V-8	Engine: 6.2 V-8	Engine: 6.4 V-8
\$ 29,023.00	\$ 25,687.00	\$ 25,860.00	\$ 28,486.00
AK Sales/Chevy	Cal/ Ford	Kendall/Ford	Anch. Chrysler

	AVAILABLE OPTIONS
0	Turbo Diesel Engine
1	6.5' Bed (Standard Box)
0	OEM Stereo with CD and Hands Free Communication System
0	OEM Backup Camera system
1	OEM Trailer Brake Controller
0	Privacy Glass
0	OEM or Dealer Installed Auto Start
0	Anti-Freeze-Long Life Coolant to a minimum -50 degree protection
0	Shipping to Fairbanks
1	Shipping to Juneau

1=yes
0=no

\$ (150.00)	\$ (190.00)	\$ (174.00)	\$ (200.00)
Standard	\$ 192.00	\$ 63.00	\$ 230.00
SOA No Charge	SOA No Charge	SOA No Charge	\$ 600.00
\$ 28,873.00	\$ 25,689.00	\$ 25,749.00	\$ 29,116.00
Don't Purchase	Purchase	Don't Purchase	Don't Purchase

Agenda Item 14

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
November 12, 2013**

INFORMATION:

ATTORNEY'S FILE – None

Agenda Item 15

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM November 12, 2013

INFORMATION:

EXECUTIVE SESSION - Selection and discussing the offer for a new Borough Manager

RECOMMENDED ACTION:

I 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: Selection and discussing the offer for the Borough Manager's position.