



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

**December 10, 2013 – 7:00 p.m.**

**Location: Assembly Chambers, City Hall**

**1. CALL TO ORDER**

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Julie Decker
- b. INVOCATION to be given by
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

**2. ROLL CALL**

**3. AMENDMENTS TO THE AGENDA**

**4. CONFLICT OF INTEREST**

**5. CONSENT AGENDA**

- a. Items (\*) 6a, 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h, & 7i

**6. APPROVAL OF MINUTES**

- \*a. Minutes of the Regular Assembly meeting held November 12, 2013; Minutes of the Special Assembly meeting held December 3, 2013

**7. COMMUNICATIONS**

- \*a. Travel Summary for the period of September through November, 2013
- \*b. Expenditure Report from Southeast Senior Services covering the First Quarter period from July 1, 2013 through September 30, 2013
- \*c. Request from Mark Wagner (Wrangell) to the Dept. of Natural Resources to maintain a trapping cabin, and use it as a temporary shelter
- \*d. Notification of a Dept. of the Army (DA) Permit Application received from George Woodbury on behalf of BW Enterprises – POA-2013-604
- \*e. 2014 Gaming Permit Application renewal for the Alaska State Elks Association
- \*f. Action from the Regular School Board meeting held November 18, 2013
- \*g. Minutes of the Regular Port Commission meeting held: June 6, 2013, September 5, 2013, and October 3, 2013
- \*h. 2014 Gaming Permit Application renewal for the American Legion MEP Post 6 & Post 6 Auxiliary
- \*i. Letter sent to Senators Begich and Murkowski regarding the PILT Payment program

**8. BOROUGH MANAGER'S REPORT**

**9. BOROUGH CLERK'S FILE**

**10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS**

- a. Reports by Assembly Members
- b. Appointment of an Assembly Member to the Code Review Committee
- c. Appointment to fill the vacancies on the SEAPA Board (two voting and two alternates)
- d. Appointment to fill the vacancies on the following City Boards and Committees:
  - **Planning & Zoning Commission**  
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 (*second reading*)
- b. 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 (*second reading*)
- c. Approval of the Wrangell Capital Project Priorities Request for FY 2014-15, amended to include the fire departments two additional requests: \$220,000 for a Fire Engine/Pumper and \$60,000 for the purchase of 10 SCPA's Personal Protection for Firefighters, and to move the institute and mill property to position no. 7 & 8 on the list.
- d. A RESOLUTION OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, RECOMMENDING THAT THE OPERATIONS AND MANAGEMENT OF THE TYEE HYDROELECTRIC PROJECT BE TRANSFERRED FROM THOMAS BAY POWER AUTHORITY (TBPA) TO SOUTHEAST ALASKA POWER AUTHORITY (SEAPA) AND TO WORK COOPERATIVELY WITH THE PETERSBURG BOROUGH AND SEAPA TO FORMULATE A COMPREHENSE CONVERSION PLAN TO MEET THIS GOAL

## **13. NEW BUSINESS**

- a. Approval to an addition to the Wrangell Medical Center Board Bylaws

- b. Approval to vacate an alley between Lot 1, Block 3, USS 1593 owned by Todd and Catherine White and Lot 2, Block 3, USS 1593 owned by William Tommila, zoned Single Family Residential
- c. PROPOSED RESOLUTION No. 12-13-1289: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 2014 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FISHERIES MANAGEMENT AREA 18: CENTRAL SOUTHEAST
- d. Approval to temporarily change the tax deadline date

**14. ATTORNEY'S FILE**

**15. EXECUTIVE SESSION**

- a. Executive Session: Approval of the new Borough Manager's contract

**16. ADJOURNMENT**

# Agenda Items 1 - 6

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY

#### AGENDA ITEM

December 10, 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 Julie Decker
- b. Invocation to be given
- c. Ceremonial Matters – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

#### **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, 7c, 7d, 7e, 7f, 7g, 7h, & 7i***

### **ITEM NO. 6 APPROVAL OF MINUTES:**

**INFORMATION:**

***6a*** *Minutes of the Regular Assembly meeting held November 12, 2013; Minutes of the Special Assembly meeting held December 3, 2013*

## **Minutes of Regular Assembly Meeting Held on November 12, 2013**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., November 12, 2013, in the Borough Assembly Chambers. Assembly Members Stough, Decker, Stokes, Blake, and Wiederspohn were present. Assembly Member McCloskey arrived at 7:04 p.m. Interim Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Daniel Blake.

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

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

A plaque was presented to Wayne McHolland (received by Carl Johnson), for his achievement as the Water Treatment Operator of the Year from the Alaska Rural Water Association Conference in Anchorage.

### **AMENDMENTS TO THE AGENDA**

Mayor Jack stated that there was a request from Shelley Massin to remove item 13c from the Agenda; since the Easterly property was adjacent to her property, and they were not due back into town until the spring; she wanted to wait until the then to have this item addressed by the Assembly.

***Moved by Stough, seconded by Blake, to remove item 13c from the Agenda, to be brought back at a later time. Motion approved unanimously by polled vote.***

### **CONFLICT OF INTEREST**

There were no Conflicts of Interest declared.

### **CONSENT AGENDA**

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

### **APPROVAL OF MINUTES**

The Minutes of the Special Assembly meeting held October 17, 2013 and the Minutes of the Regular Assembly meeting held October 22, 2013 were approved as presented.

### **COMMUNICATIONS**

- \*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

### **BOROUGH MANAGER'S REPORT**

In addition to the Manager's report Jabusch reported on:

- Public Works – Cassiar Street project
- Weber Street project - water and sewer

In response to Assembly Member Stough, Interim Borough Manager Jabusch stated that the land that the Borough had purchased on Cassiar Street was for the purpose of a turn-around.

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

In addition to the Clerk's report, Lane reported that as per Assembly action taken September 24, 2013, the Regular Borough Meeting scheduled for November 26, 2013 was canceled.

Assembly Member McCloskey stated that her travel to Anchorage for AML this month had not been listed in the Clerk's Report.

At the request of Assembly Member Decker, Clerk Lane stated that she would start including the SEAPA Board meetings and the TBPA meetings under the Calendar of Events in the Clerk's report.

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

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

Assembly Member Decker reported on a Statewide Young Fisherman's Summit taking place December 10 – 12, 2013 in Anchorage; travel scholarships were available. She requested that the information be posted on the Borough Website.

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

- **Planning & Zoning Commission**
- **Economic Development Committee**
- **Cemetery Committee**
- **Nolan Museum/Civic Center Board**

With the consensus of the Assembly, James Edens was appointed to fill the vacancy on the Economic Development Committee for the unexpired term ending October 2016.

As there were no letters received for the remaining vacancies, Mayor Jack directed the Borough Clerk to continue advertising for the vacant seats.

### **PERSONS TO BE HEARD**

There were no persons to be heard.

### **UNFINISHED BUSINESS**

**12a** 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*)

***M/S: Stough/Blake, to approve first reading and move to a second with a public hearing to be held on December 10, 2013.***

Assembly Member Stough said that he didn't see that any changes to the Ordinance needed to be made. In response to Assembly Member McCloskey, Greg Meissner stated that Rick Martin was the independent boat appraiser for Wrangell.

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

#### **NEW BUSINESS**

**13a** 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)*

***M/S: McCloskey/Wiederspohn, to approve first reading and move to a second with a public hearing to be held on December 10, 2013.***

Assembly Member Stough stated that this Ordinance was being brought forward by the Code Review Committee. He further stated that some participants had asked that it be brought forward now instead of waiting.

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

**13b** 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

***M/S: McCloskey/Decker, to approve Resolution No. 11-13-1286.***

Mayor Jack clarified that this resolution was to request ADOT to amend the public comment requirement when using herbicides along the Alaska roadways. Assembly Member Decker agreed.

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

**13c** Approval to purchase residential property from Shelley Massin for the purpose of a right of way

~This item was removed from the agenda per assembly action taken under Amendments to the Agenda~

**13d** Approval to schedule a Special Assembly Meeting for discussion and possible action on the TBPA/SEAPA issues

***M/S: Stough/Stokes, to table this item until we hear back from the Attorney on the questions that the Manager had asked.***

In response to Assembly Member Decker, Interim Borough Manager Jabusch stated that he had spoken to the Attorney a number of times; however he did not have definite answers yet. He further stated that he believed that the attorney was getting close to answering the questions that had been asked.

Assembly Member Blake stated that he felt that the Assembly needed to move on this; a lot of issues were pending on this; need to take action.

Assembly Member Stough stated that he didn't have enough information in front of him to make a decision. He further stated that was why he wanted to wait to get the legal opinions.

Assembly Member Decker asked if he thought that if the Assembly set a meeting for the first week in December, would he have the answers by then.

Manager Jabusch said that he would call the attorney tomorrow and try to get some answers.

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

***M/S: Blake/McCloskey, to approve the scheduling a Special Meeting on December 3, 2013 @ 7:00 p.m., for discussion and possible action on the TBPA/SEAPA issues. Motion approved unanimously by polled vote.***

**13e** Approval of the Wrangell Capital Project Priorities Requests for FY 2014-2015

Mayor Jack stated that Dorianne Curley from the Wrangell Fire Department had requested that two items be added to the Capital Project List:

- \$220,000 – for a Fire Engine/Pumper
- \$60,000 – for the purchase of 10 SCPA's

***M/S: Decker/McCloskey, to approve the Wrangell Capital Improvement Project list for FY 2014-2015, as presented.***

In response to Assembly Member Decker, Manager Jabusch stated that the request for money for the Evergreen project was there so that it stayed on the States project list; Cassiar Street – Manager Jabusch stated that the money on the Project List was to cover if the City was short on the base amount of the project money received.

Assembly Member Decker suggested the following changes:

- Institute Property to the No. 6 position
- Mill Property Development Plan and Purchase to the No. 7 position

(Decker stated that these two projects were significant to future development)

Assembly Member Decker requested name for the Mill Property Development Plan and Purchase be changed to reflect that they were looking at potential marine service expansion.

Manager Jabusch suggested phasing that project out with smaller chunks of money so that there was a better chance of getting the funding. Assembly Member Decker agreed.

Assembly Member Blake asked if the city should be looking at Dam tagging that onto the Army Corps of Engineers project. Assembly Member Stough stated - yes, but it should also stay on this list.

***M/S: Decker/Blake, to amend the main motion to include the fire departments two additional requests: \$220,000 for a Fire Engine/Pumper and \$60,000 for the purchase of 10 SCPA's Personal Protection for Firefighters, and to move the institute and mill property to position no. 7 & 8 on the list. Amendment passed with Wiederspohn, Stokes, Blake, Decker voting yea; Stough, McCloskey and Jack voting nay.***

After more discussion and suggested changes, it was the consensus of the Assembly to have Interim Borough Manager Jabusch make the suggested revisions and bring the list back at the next Regular Assembly meeting.

***M/S: Stough/Decker, to table this item until the next regular meeting. Motion approved unanimously by polled vote.***

**13f** Approval of an Assignment of Tidelands Lease from Northland Services, Inc. to Samson Tug and Barge Company, Inc.

***M/S: Stough/Wiederspohn, 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). Motion approved unanimously by polled vote.***

**13g** Approval to purchase a Ford F250 from Cal Worthington Ford for the Waste Water Department

***M/S: McCloskey/Blake, 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. Motion approved unanimously by polled vote.***

#### **ATTORNEY'S FILE**

There was no Attorney's File.

#### **EXECUTIVE SESSION**

**15a** Selection and discussing the offer for a new Borough Manager

***M/S: Blake/McCloskey, that 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. Motion approved unanimously by polled vote.***

Recessed into Executive Session at 8:00 p.m.  
Reconvened back into the Regular Meeting at 8:20 p.m.

***M/S: Stough/McCloskey, to offer the position of Borough Manager to Jeff Jabusch, and that the conditions of the contract to be negotiated by Assembly Members Stough and Blake, and Mayor Jack.***

Assembly Member Stough thanked all of the candidates who came forward and submitted their resume; there were some very good candidates; lots of luck to Mr. Jabusch.

Mayor Jack said that he agreed with that 100%; just because a person wasn't selected, doesn't mean that they were not a very good candidate; they thought that at this point in time, Jeff Jabusch was the best candidate to move forward.

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

***Don McConachie, 622 Zimovia Hwy.*** - thanked the Assembly for coming to this conclusion.

**ADJOURNMENT: 8:23 p.m.**

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk

\_\_\_\_\_  
David L. Jack, Mayor

**Minutes of Special Assembly Meeting  
Held December 3, 2013**

Mayor David L. Jack called the special assembly meeting to order at 7:00 p.m., December 3, 2013, in the Assembly Chambers. Assembly Members Decker, McCloskey, Blake, and Wiederspohn were present. Assembly Members Stokes and Stough were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

**CONFLICT OF INTEREST**

There were no conflicts of interest declared.

**PERSONS TO BE HEARD**

***Paul Southland, P.O. Box 257-*** A letter, submitted by Mr. Southland, was read by the Borough Clerk.

**ITEMS OF BUSINESS**

**5a** PROPOSED RESOLUTION No. 12-13-1287: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT OF THE JOB DESCRIPTION FOR THE FINANCE DIRECTOR

***M/S: Blake/McCloskey, to approve Resolution No. 12-13-1287. Motion approved unanimously by polled vote.***

**5b** RESOLUTION No. 12-13-1288: A RESOLUTION OF THE ASSEMBLY PROPOSED OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE PARTICIPATION AGREEMENT WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF ALASKA (PERS) BY ADDING THE BOROUGH MANAGER TO SAID AGREEMENT

***M/S: McCloskey/Wiederspohn, to approve Resolution No. 12-13-1288.***

Mayor Jack asked if making the amendment to PERS would affect the future unfunded liability if the next Borough Manager chose not to enter into the PERS system.

Manager Jabusch stated that he did not have the answer to that question. He said that if the assembly wanted to table the item until the next meeting, he could call his contact at PERS and find out the answer.

Assembly Member McCloskey withdrew her motion.

***M/S: Blake/Wiederspohn, to differ the Resolution until the next Regular Assembly meeting on December 10, 2013. Motion approved unanimously by polled vote.***

- 5c** Discussion and possible action on the TBPA/SEAPA issues
- a) Power attorney's answers to Assembly's questions
  - b) Petersburg Borough Assembly Resolution
  - c) Future of TBPA & Commission
    - i. Status quo
    - ii. TBPA absorbed by Wrangell
    - iii. TBPA absorbed by SEAPA
    - iv. TBP Commission active vs. inactive status
  - d) SEAPA issues – suggestions for increased communication, transparency and trust-building
  - e) Wrangell's SEAPA Board members (2 voting + 2 alternates)
  - f) MOU between the City of Ketchikan, Wrangell, & Petersburg regarding study of divestiture of SEAPA
  - g) Wrangell's Energy Committee

Assembly Member Decker addressed a memo that was presented to the Borough Assembly from the Special Energy Committee that stated the advantages and the disadvantages to two options of if Wrangell were to absorb the TBPA employees or if SEAPA were to do that.

Assembly Member McCloskey stated that the Special Energy Committee had been presented with the advantages and disadvantages; the Special Energy Committee was looking for direction from the Borough Assembly.

Mayor Jack stated that the Special Energy Committee had submitted (in their memo), two recommendations:

1. Requesting that a letter be sent to the SEAPA Board, asking them to retain their meeting recordings for a longer period of time, and
2. The two options for the operations of Tyee.

Manager Jabusch stated that as a Special Energy Committee member, he understood that there might be more advantages and/or disadvantages; just because they were not listed, didn't mean that they didn't exist.

***M/S: Decker/Blake, to direct the Borough Manager to draft a resolution for consideration at the Assembly's regular meeting on December 10, 2013 which includes the following:***

- *Direction for Borough Manager & Attorney to enter into negotiations on a written offer between SEAPA, Petersburg Borough, City & Borough of Wrangell, and TBPA which essentially accepts the terms of the August 19, 2013 memo from the SEAPA CEO to the TBPA President.*
- *The written offer will be brought back to the governing bodies of each group for final approval.*
- *The City & Borough of Wrangell's acceptance of this offer is contingent upon the following:*
  1. *Current TBPA employees will have assurance that for two years under SEAPA management these positions will not be terminated or removed from Wrangell.*
  2. *Current TBPA employees will be "held harmless" during the management change; for example, accrued benefits will be transferred or otherwise compensated for.*
  3. *TBPA non-net billable expenses for the fiscal year 2014 will either be paid in total by SEAPA, or half will be paid by Petersburg.*
  4. *TBP Commission is not dissolved, but rather placed into an "inactive" status, which would allow for its reactivation if necessary in the future.*
  5. *Transparency and open communication will continue to be improved upon between the City & Borough of Wrangell and SEAPA through 1) future appointments of at least one Assembly member to the SEAPA Board, and 2) digital audio recordings of future SEAPA Board meetings being maintained for at least two years at the SEAPA office.*
  6. *The MOU between the City of Ketchikan, Petersburg Borough, and City & Borough of Wrangell dated December 22, 2008 regarding the commission of an independent analysis of full divestiture will be extended from December 31, 2014, to December 31, 2019.*

Assembly Member McCloskey suggested changing the verbiage in number 5, to say that it was a recommendation to have an Assembly Member on the SEAPA Board.

At the request of Mayor Jack, Trey Acteson, SEAPA CEO spoke to each numbered item in the motion as it pertained to SEAPA.

At the request of Mayor Jack, Michael Nicholls, TBPA General Manager spoke to the specific sections in the motion as it pertained to the employees of the Thomas Bay Power Authority. Mr. Nicholls stated that he would get a copy of the union contract to Manager Jabusch.

In response to Assembly Member Decker, Mr. Acteson stated that the SEAPA Board did abide by the Open Meetings Act. He also answered questions on the SEAPA Board voting structure.

In response to Manager Jabusch, Assembly Member Decker stated with regards to the Unfunded Liability, the motion addressed that issue by saying “which essentially accepts the terms of the memo”.

In response to Assembly Member Decker, Brian Ashton commented on the content of the motion before the assembly. He stated that it was very well thought out.

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

Mayor Jack and Assembly Member McCloskey stated that the Special Energy Committee should remain intact for the time being.

**5d Executive Session:** Approval of the new Borough Manager’s contract

Manager Jabusch requested that this item be differed until he was able to get the PERS question answered. He stated if the amendment to PERS did not happen then the proposed Manager’s contract would not make a lot of since.

***M/S: Blake/McCloskey, to differ this item until the Assembly had more information.  
Motion approved unanimously by polled vote.***

Special meeting adjourned at 8:07 p.m.

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David L. Jack, Mayor

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk

# Agenda Item 7

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013

#### **COMMUNICATIONS:**

INFORMATION: The Assembly may receive items for Communications, reasons only which do not require separate 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 by an Assembly Member or the Mayor and placed on the regular agenda under Unfinished Business.

- \*7a Travel Summary for the period of September through November, 2013
- \*7b Expenditure Report from Southeast Senior Services covering the First Quarter period from July 1, 2013 through September 30, 2013
- \*7c Request from Mark Wagner (Wrangell) to the Dept. of Natural Resources to maintain a trapping cabin, and use it as a temporary shelter
- \*7d Notification of a Dept. of the Army (DA) Permit Application received from George Woodbury on behalf of BW Enterprises – POA-2013-604
- \*7e 2014 Gaming Permit Application renewal for the Alaska State Elks Association
- \*7f Action from the Regular School Board meeting held November 18, 2013
- \*7g Minutes of the Regular Port Commission meeting held: June 6, 2013, September 5, 2013, and October 3, 2013
- \*7h 2014 Gaming Permit Application renewal for the American Legion MEP Post 6 & Post 6 Auxiliary
- \*7i Letter sent to Senators Begich and Murkowski regarding the PILT Payment program

REC'D  
NOV 26 1964  
CITY CLERK

RECEIVED  
26 2013  
ERK

**13115.48**



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November 4, 2013

Mr. Timothy Rooney, Borough Manager  
City and Borough of Wrangell  
P O Box 531  
Wrangell, AK 99929

NOV 12 2013  
CITY CLERK  
RECEIVED

Dear Mr. Rooney:

A copy of the Quarterly Expenditure Reports for Southeast Senior Services' Wrangell program is enclosed. These reports cover the first quarter period from July 1, 2013 through September 30, 2013.

The following services were provided during the first quarter of Fiscal Year (FY) 2014:

- \* 42 individuals received 1,049 home-delivered meals.
- \* 74 individuals received 936 congregate meals.
- \* 39 individuals received 1,094 assisted rides.
- \* 9 individuals received 41 hours of driver homemaker services.
- \* 1 individual received a total of 36 hours of Caregiver Support homemaker services.
- \* 1 disabled individual under the age of 60 received 5 home-delivered meals.
- \* 1 disabled individual under the age of 60 received 58 congregate meals.
- \* 1 disabled individual under the age of 60 received 116 assisted rides.

Figures this quarter reflect 5 days of service all months of this quarter.

On behalf of Wrangell seniors, I would like to thank you for your continued support of the Wrangell Senior Program.

Sincerely,

Jean Strafford  
Executive Director

JS/hi

Enclosures



029 20-15 Wrangell

Fiscal Year 2014

Description	1st Quarter Actual	Year to date Actual
# 4001 T3 NSIP	\$ 510.53	\$ 510.53
4033 T3 Nutrition & Transportation	\$ 10,914.29	\$ 10,914.29
4037 T3 Health Promotion/Disease Prec	\$ 316.00	\$ 316.00
4106 City of Wrangell	\$ 2,005.25	\$ 2,005.25
4364 Title VI-Care Giver Support	\$ 2,309.73	\$ 2,309.73
4365 Title VI-NTS	\$ 12,494.85	\$ 12,494.85
4369 Title VI-NSIP	\$ 393.99	\$ 393.99
4410 Congregate Meal Contr-Over 60	\$ 1,080.69	\$ 1,080.69
4411 Congregate Meal Contr-Under 60	\$ 11.66	\$ 11.66
4412 Home Deliv Meal Contr-Over 60	\$ 361.68	\$ 361.68
4414 Transportation Contr-Over 60	\$ 358.04	\$ 358.04
4415 Transportation Contr-Under 60	\$ -	\$ -
4553 Medicaid	\$ 5,386.53	\$ 5,386.53
4600 In-Kind Revenue	\$ 3,276.24	\$ 3,276.24
4920 Fund Raising	\$ 127.00	\$ 127.00
4950 Individual Donations	\$ -	\$ -
4990 Miscellaneous Revenue	\$ 125.00	\$ 125.00
<b>Total Revenue</b>	<b>\$ 39,671.48</b>	<b>\$ 39,671.48</b>
6110 Salaries & Wages Expense	\$ 20,583.65	\$ 20,583.65
6115 Substitute Wages Expense	\$ 4,311.43	\$ 4,311.43
6120 Payroll Taxes & Benefits	\$ 5,700.48	\$ 5,700.48
6220 Staff Travel & Training	\$ -	\$ -
6311 In-Kind Rent	\$ 2,460.00	\$ 2,460.00
6320 Phone Service Charges	\$ 409.18	\$ 409.18
6330 Facility Utilities	\$ 1,223.93	\$ 1,223.93
6410 Office Supplies	\$ 9.15	\$ 9.15
6420 Postage	\$ 2.25	\$ 2.25
6450 Program Supplies	\$ 104.52	\$ 104.52
6470 Household Supplies	\$ 131.35	\$ 131.35
6475 Home Delivery Containers	\$ 208.69	\$ 208.69
6480 Raw Food	\$ 7,572.59	\$ 7,572.59
6485 Fundraising	\$ -	\$ -
6491 In-Kind Gas & Oil	\$ 316.26	\$ 316.26
6510 Vehicle Repair	\$ -	\$ -
6511 In-Kind Vehicle Repair	\$ 499.98	\$ 499.98
6520 Non-Vehicle Repair	\$ -	\$ -
6540 Equip Purch (under \$5,000)	\$ -	\$ -
6610 Professional Services	\$ -	\$ -
6610 ProgeSSIONal Services	\$ -	\$ -
6620 Vehicle Insurance	\$ 252.48	\$ 252.48
6630 Property & Liability Insurance	\$ 31.54	\$ 31.54
6660 Advertising	\$ -	\$ -
6650 Printing	\$ -	\$ -
<b>Total Expenditure</b>	<b>\$ 43,817.48</b>	<b>\$ 43,817.48</b>
<b>Excess Revenues over (under) Expenses</b>	<b>\$ (4,146.00)</b>	<b>\$ (4,146.00)</b>



Dignity • Care • Compassion

419 6th Street

Juneau, AK 99801

Telephone: 907.463.6100

Fax: 907.586.9018

[www.ccsjuneau.org](http://www.ccsjuneau.org)

DATE: March 22, 2013  
TO: Whom it may concern:  
FROM: Jean Strafford  
Executive Director,  
Catholic Community Service  
SUBJECT: Designated Signing Authority

As Executive Director of Catholic Community Service, I hereby delegate Jennifer Carson, Deputy Agency Director of Catholic Community Service, to sign on my behalf for grant agreements, contract agreements and grant reports during my absence from the agency. I have stipulated that a copy of this memorandum be attached to all documents signed during my absence.

I can be reached at 907.500.2723 with any questions.

Jean Strafford, Executive Director

Jennifer Carson, Deputy Agency Director



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Item \*7c  
**Department of Natural Resources**

Division of Mining Land & Water  
Southeast Regional Land Office

400 Willoughby Avenue, 4th Floor  
PO Box 111020  
Juneau, Alaska 99811-1020  
Main: (907) 465-3400  
Fax: (907) 465-3886

**AGENCY REVIEW NOTICE**

**ADL 108167**

**Mark Wagner**

Subject to AS 38.95.080, the Southeast Regional Land Office has received an application for the following:

**APPLICANT:** Mark Wagner

**PROJECT NAME:** ADL 108167

**GEOGRAPHIC LOCATION:**

Near the confluence of the North and East Fork of the Bradfield River, Bradfield Canal, Wrangell

**LEGAL DESCRIPTION:**

NE 1/4 of Section 14 of Township 65 South, Range 90 East, Copper River Meridian

**REQUESTED ACTIVITY:**

This permit would authorize the maintenance and use of one (1) trapping cabin to be used by the permittee as temporary shelter while trapping.

**PROPOSED DATES OF USE:**

Start: January 1, 2014

End: December 31, 2023

**DEADLINE FOR COMMENTS:** December 13, 2013

You are invited to review the enclosed Land Use Permit application materials. Please direct any questions or comments you may have to Christy Gentemann, [christy.gentemann@alaska.gov](mailto:christy.gentemann@alaska.gov), or the above address. You need not respond if you do not have any comments. The purpose of this notice is to gather input before a decision is made on the proposed activity.

After review and adjudication, we may issue a permit with stipulations for the activity. The activity may be modified during the review and adjudication process.

Christy Gentemann  
Natural Resource Spec I  
(907)465-3401

Distribution List:

- Jackie Timothy, F&G Habitat
- Marla Carter, F&G Access Defense
- Rich Lowell, F&G Wildlife Conservation, Petersburg
- Frances Leach, F&G Advisory Committee Southeast Regional Coordinator
- Patricia Palkovic, DOF
- Gary Mendivil, DEC
- Mark Rollins, DNR, DPOR, Office of History and Archaeology
- Renee Romsland, DNR Aquatic Farm Program
- Trooper Scott Bjork, DPS A Detachment, Southeast Region, Wrangell
- Robert Murphy, DOTPF
- Doug Ault, USFS
- Randal Vigil, USACE
- Kim Lane, Wrangell Borough
- Michele Metz, Sealaska
- Lindsey Ketchel, Southeast Alaska Conservation Council
- James Marcus, Southeast Soil and Water Conservation District

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER**

☐ **Northern Region**  
3700 Airport Way  
Fairbanks, AK 99709  
(907) 451-2740

☐ **Southcentral Region**  
550 W 7th Ave., Suite 900C  
Anchorage, AK 99501-3577  
(907) 269-8552

☒ **Southeast Region**  
400 Willoughby, #400  
Juneau, AK 99801  
(907) 465-3400

**APPLICATION FOR TRAPPING CABIN PERMIT**  
**AS 38.95.075 - AS 38.95.080**

Non-refundable filing and permit fee: \$100

ADL 108 167  
~~7201245~~ 282178  
ADL #

Applicant's Name Mark Wagner Doing business as: \_\_\_\_\_  
Mailing Address P.O. Box 1170 E-Mail wags@iso-media.com  
City/State/Zip Wrangell, AK 99429  
Message Phone (907) 617-0507 Work Phone ( ) \_\_\_\_\_ Contact Person Mark

Location of activity/Legal description of each cabin site:

Site 1. Meridian CR, Township 65S Range 90E, Section 14 NW1/4 NE1/4  
Site 2. Meridian \_\_\_\_\_, Township \_\_\_\_\_ Range \_\_\_\_\_, Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4  
Site 3. Meridian \_\_\_\_\_, Township \_\_\_\_\_ Range \_\_\_\_\_, Section \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4  
Municipality \_\_\_\_\_ Acres 0.1 (43,560 sq. ft. = 1 acre)

Size of each cabin in feet: 1. 120 (10x12); 2. \_\_\_\_\_; 3. \_\_\_\_\_

If one or more of the cabins is an existing structure, state the date it was built: 1. 1/1; 2. 1/1; 3. 1/1,  
and the owner's name; 1. \_\_\_\_\_; 2. \_\_\_\_\_; 3. \_\_\_\_\_.

If you are not the owner of the cabin, submit proof of concurrence of the owner; or ☐ check here if there is no owner.

Distance in miles between cabin 1 and cabin 2 \_\_\_\_\_; and cabin 2 and 3 \_\_\_\_\_.

Justification of purpose and need for each cabin See attached explanation

Length of established trapline 15 mile / Future + 25 mile your trapping license number (2011) 1093108

Means of transportation to established trapline 40 miles by boat from Wrangell

**INSTRUCTIONS TO APPLICANT**

- To qualify for a trapping cabin permit, you must provide **proof**, attached to this application, of your regular use of your established trapline. Attach evidence such as tax returns and fur receipts showing your income derived from trapping; official records of the Department of Fish and Game relating to your trapline use; signed statements by witnesses or officers of the Department of Fish and Game or the Division of Fish and Wildlife Protection within the Department of Public Safety; and similar records. The applicant bears the burden of proof, so it is in your interest to provide as much documentation as possible to support your application.
- Also attach a 1:63,360 scale United States Geological Survey Map (USGS) or its equivalent, showing the location of the established trapline and the proposed cabin site(s).
- No application will be accepted for a cabin that is within two miles of an existing trapping cabin or site, unless a physical barrier such as a river or mountain range separates the sites, or is within 10 miles of a road. No more than three cabins may be applied for.
- No application will be accepted unless accompanied by the required \$100 application and permit fee for a term not to exceed ten years. Make check payable to the Department of Revenue, State of Alaska.

Attachment - Addendum

Map

Photos and other "proofs"

AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210 and AS 38.95.080(e).

The undersigned applicant is aware of and agrees to comply with the provisions of **AS 38.95.080** and **11 AAC 94.010** through **11 AAC 94.410**, and agrees to assume full responsibility for fire prevention at the cabin site and an area within 150 feet of it and full liability for any damages resulting from applicant's negligence. The applicant acknowledges that a trapping cabin permit is nonexclusive and nontransferable; that it authorizes only temporary use of a cabin for shelter while trapping; and that the cabin may not be rented out for any purpose, or used for any commercial purpose other than trapping.

The undersigned applicant certifies that the statements, evidence, and representations appearing in and attached to this application are to the best of his/her knowledge true and correct, and that the conditions of eligibility and issuance of a trapping cabin permit are binding upon him/her. Under AS 38.95.080(e), **any person making a false statement as to any material fact relating to a trapping cabin permit is guilty of a misdemeanor.**

  
Signature of Applicant

Washington  
STATE OF ALASKA

Prince George's  
Judicial District

)  
)ss.  
)

THIS IS TO CERTIFY that on this 3 day of January, 2012, before me appeared Mark Wagner, known to me to be the person(s) who executed this trapping cabin permit application and acknowledged voluntarily signing the same.

  
Notary Public

My Commission Expires 4-29-2013

If applying under AS 38.95.075, the following certification must be provided by the local fish and game advisory committee:

I certify under penalty of perjury that the applicant meets the requirements of AS 38.95.075 for issuance of a trapping cabin, in that the applicant used the cabin for trapping on a regular basis before August 1, 1984; the applicant's past, present, and intended use of the cabin is for temporary shelter while trapping; and the applicant is the owner or has the concurrence of the owner of the cabin.

\_\_\_\_\_  
Chairperson, Local Fish and Game Advisory Committee

\_\_\_\_\_  
Date

STATE OF ALASKA

\_\_\_\_\_  
Judicial District

)  
)ss.  
)

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, before me appeared \_\_\_\_\_, known to me to be the Fish and Game Advisory Committee Chairperson who executed the foregoing certification and acknowledged voluntarily signing the same.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

I have been trapping in the Bradfield Canal area periodically since 2002, my trapping partner Harold Bailey has been trapping the line yearly since 1968.

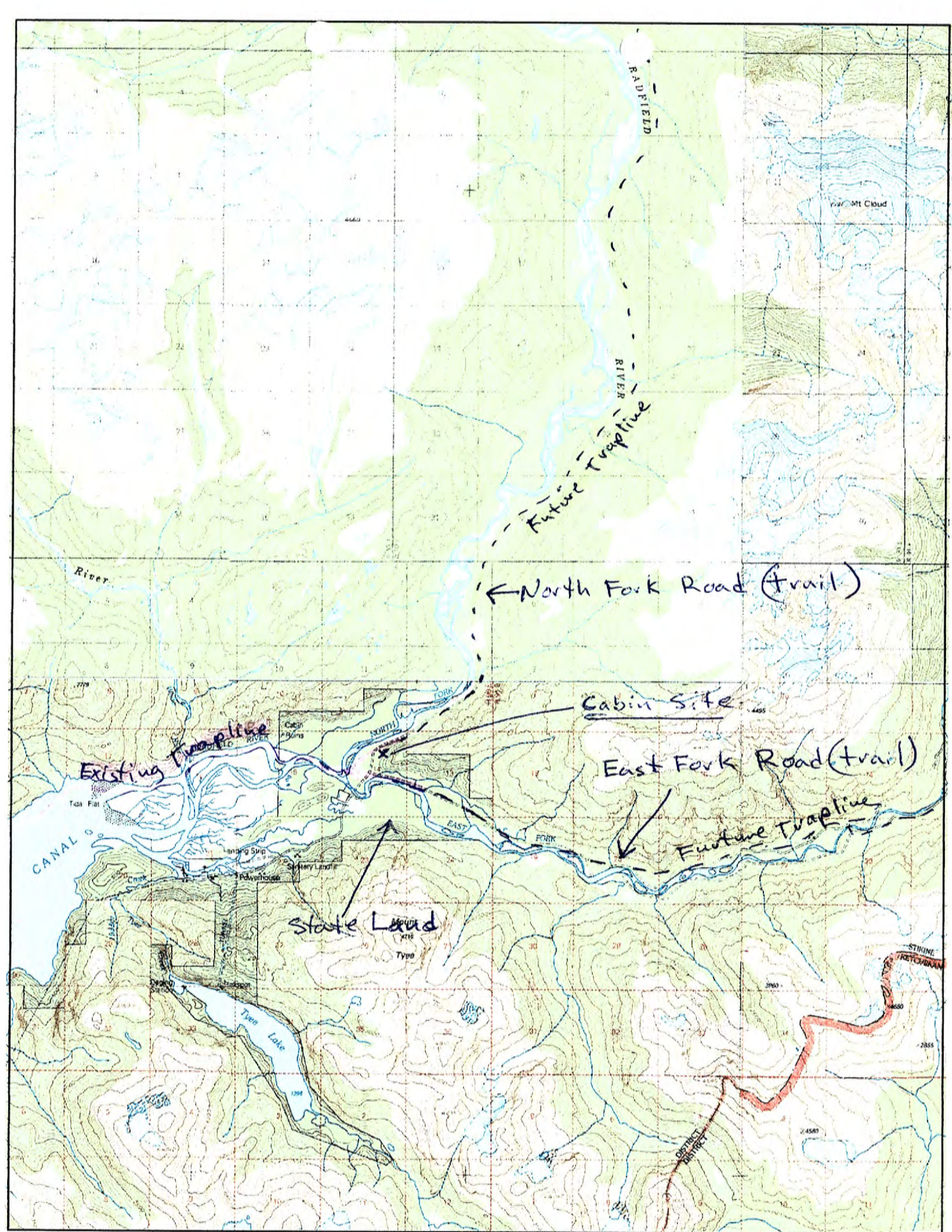
Currently our trapline begins at Marten Creek and proceeds eastward up Bradfield Canal, then up the Bradfield River to the forks of the North Fork and the East Fork. The line then proceeds a short distance up each fork.

The trapline currently terminates about 40 boat miles from the town of Wrangell. As the situation currently exists it is difficult to make the round trip by skiff from town to our trapline during daylight hours.

My plan is to extend the trapline up both forks of the Bradfield river. I have enclosed a couple of pictures documenting the brushing we did on the old road bed in 2007. The entire road has reverted to trail conditions at best.

It will not be possible to accomplish my plan without being able to have a cabin situated in the vicinity that I've described in my Application.

I have also attached a map for reference.



ATTACH TO FUR SHIPMENT

**RAW FUR SKIN EXPORT PERMIT  
STATE OF ALASKA**

Department of Fish and Game

**Raw Fur Skins May Not Be Exported  
From Alaska Without This Permit Attached**

**The skins herein having been legally taken,**

I, Mark Wagner of

PRINT NAME

P.O. Box 1170 Wrangell, AK 99929

PRINT ADDRESS

**certify that I have completed and mailed on**

Dec 28, 2011 at Wrangell an

DATE

POST OFFICE OR CARRIER NAME

**Export Report listing all furs contained in this  
shipment**

SIGNATURE

FORM 11 006B (Rev. 4/89)

Export Permit was mail to Fish & Game on Dec 28<sup>th</sup>  
for the export of 48 Marten, 6 otter, 2 mink  
and 8 ermine.

Marten and Otter were sealed by  
Susan Wise Eagle in Wrangell on the 28<sup>th</sup>.

Furs were trapped on our Bradfield  
Canal/River trapline in December 2011.

**Mark Wagner  
11224 County Line Rd E  
Edgewood, WA 98372**

**April 30, 2013**

**Gina Shirey  
DNR – Miming Land and Water  
400 Willoughby Ave., 4<sup>th</sup> floor  
P.O. Box 111020  
Juneau, AK 99811-1020**

2013 MAY -6 AM 9:37  
SE REGIONAL OFFICE

**Dear Gina:**

**Thanks for the call the other day. Enclosed is a little more information documenting my trapping activity in the Bradfield area where I have applied for a trapping cabin permit.**

**I have redacted the financial information from the fur receipts, I didn't think it is pertinent. The receipt does not reflect the beaver we trapped up there since 22 of the beaver were sent off to get tanned. I sent a couple beaver trapping pictures from November 2012 as documentation.**

**I'm going to be in Wrangell in about a week and will see if my trapping partner has more receipts from previous years. If so, I'll send them along as well.**

**Sincerely,**



**Mark Wagner**



# NORTH AMERICAN FUR AUCTIONS

65 SKYWAY AVE, TORONTO, ON M9W 6C7 CAN, TEL:(416) 675-9320, FAX:(416) 675-6865  
205 INDUSTRIAL CIRCLE, STOUGHTON, WI 53589 USA, TEL:(608) 205-9200, FAX:(608) 205-9210

## CONSIGNOR ACCOUNT SALE - DETAILED REPORT

SOLD FOR THE ACCOUNT OF 846750

AS.

Page 1

MARK RICHARD WAGNER  
11224 COUNTY LINE ROAD E  
EDGEWOOD WA 98372

SALE DATE 23-FEB-2013

PROMPT DATE 15-MAR-2013

CATALOGUE LOT NO.	BUNDLE NO	DESCRIPTION					QTY	PRICE US\$	AMOUNT
		SIZE	GRADE	COLOUR	CLARITY	SECTION - QUALITY			
		BEAVER							
171752	A58660	XL	SDA	DBR-BR			1		
		MARTEN (CAN/AM SABLE)							
163852	C09163	XL	I-II	BR	3	HVY	1		
163952	C00698	XXL	I-II	XD-DBR		SEM	2		
163953	C01570	XXL	I-II	BR	3	SEM	1		
163954	C01527	XXL	I-II	LBR	3	SEM	1		
163965	C01785	XXL-XL	II	LBR	3	LT,	1		
163983	C05023	XL	*I	BR	3	SEM	1		
164006	C05061	XL	I-II	XD-DBR		SEM	3		
164009	C07691	XL	I-II	BR	3	SEM	1		
164016	C07883	XL	I-II	BR	3	SEM	1		
164103	C08104	LGE	I-II	BR	3	SEM, PT HVY	1		
164123	C08016	LGE	I-II	BR	3	SEM, PT HVY	2		
164247	A99460	LGE	*I	DBR-BR	3	PT I-II,SEM	1		
164391	C09325	MED	II	PL	3	SEM	2		
MARTEN (CAN/AM SABLE)						SOLD AVG. <del>252.22</del>	18		
		MARTEN (CAN/AM SABLE)					SECTION III		
164424	C03950	XXL-XL	III	DBR-BR			1		
164426	C03882	XXL-XL	IV				1		
MARTEN (CAN/AM SABLE)		SECTION III					SOLD AVG. <del>252.22</del>	2	
		WILD MINK							
162662	C02468	XL-LGE	*SEL	DK-DBR		NTH,	2		
162668	C02478	XL-LGE	*I	DK-DBR		NTH,SKY	1		
162802	C07012	MED-SML	*SEL	DK-DBR		NTH,SKY	1		
162837	C06431	MED-SML	II	BR-LBR		NC,GD	1		
162842	C06327	MED-SML	II	MXD		NC,PR	1		
WILD MINK						SOLD AVG. <del>252.22</del>	6		
		WILD MINK					SECTION III		
162870	C06757	MED-SML	IV				1		
TOTAL SALES							SOLD	28	
AUCTION COMMISSION @ 11.000%									
W F S C REBATE @ 2.000%									
DRUMMING @ 0.75 \$ PER SKIN ON MARTEN (CAN/AM SABLE)									
SPECIAL REBATE @ 2.00% ON MARTEN (CAN/AM SABLE)									
NET									

ATTENTION: ALL LOTS MARKED "UNSOLD" WILL BE RECONSIGED TO A SUBSEQUENT AUCTION.

ALASKA SPORT FISHING, HUNTING, TRAPPING LICENSE		LICENSE NOT VALID IF PUNCHED MORE THAN ONCE				RES-Resident NR-Nonresident	EXPIRES DECEMBER 31, 2011
RES. CLASS 1 Hunting \$25.00	RES. CLASS 2 Hunting \$25.00	RES. CLASS 3A Hunting/Trapping \$30.00	RES. CLASS 3B Trapping \$15.00	RES. CLASS 4 Hunt/Spt Fish \$40.00	RES. CLASS 5 Hunt/Trap/Spt Fish \$62.00	BLIND RES. CLASS 1A \$0.25 Sport Fishing	BLIND RES. CLASS 2A \$25.00 Hunting
PRINT NAME		INFORMATION REQUIRED - PLEASE PRINT CLEARLY				2011	
PERMANENT MAILING ADDRESS		CITY				STATE/PROVINCE	
CITY		STATE/PROVINCE		COUNTRY		PHYSICAL ADDRESS	
SEX	U.S. CITIZEN	BIRTH DATE (MM/DD/YYYY)	IDENTIFICATION NUMBER	ALASKA RESIDENT AS 16.05.415 & AS 16.05.840: "resident" means - a person (including an alien) who is physically present in Alaska with the intent to remain indefinitely and make a home here, has maintained that domicile in Alaska for the 12 consecutive months immediately preceding this application for a license, and is not claiming residency in any other state, territory, or country.			
WEIGHT (LBS)	EYE COLOR	HAIR COLOR	ALASKA RESIDENT DURING AN ABSENCE FROM THE STATE UNLESS DURING THE ABSENCE THE PERSON (1) ESTABLISHES OR CLAIMS RESIDENCY IN ANOTHER STATE, TERRITORY, OR COUNTRY, OR (2) IS A MEMBER OF THE MILITARY SERVICE OR U.S. COAST GUARD WHO HAS BEEN STATIONED IN ALASKA.				
<p>on obtaining a license under a claim of residency in another state, territory, or country, or as a member of the military service or U.S. Coast Guard who has been stationed in Alaska, the licensee shall be deemed to be a resident of Alaska for the 12 consecutive months immediately preceding the date of issuance of the license, unless the licensee establishes or claims residency in another state, territory, or country, or is a member of the military service or U.S. Coast Guard who has been stationed in Alaska.</p> <p>the licensee shall be deemed to be a resident of Alaska for the 12 consecutive months immediately preceding the date of issuance of the license, unless the licensee establishes or claims residency in another state, territory, or country, or is a member of the military service or U.S. Coast Guard who has been stationed in Alaska.</p> <p>the licensee shall be deemed to be a resident of Alaska for the 12 consecutive months immediately preceding the date of issuance of the license, unless the licensee establishes or claims residency in another state, territory, or country, or is a member of the military service or U.S. Coast Guard who has been stationed in Alaska.</p>							
<p>CLASS ISSUED</p> <p>DATE ISSUED</p> <p>VENDOR NUMBER</p> <p>THIS APPLICATION IS EFFECTIVE AS A LICENSE UPON THE SIGNATURE OF THE DULY AUTHORIZED</p>							
NR CLASS 6A 14-DAY \$80.00 Sport Fishing	NR CLASS 6B 3-DAY \$35.00 Sport Fishing	NR CLASS 6C 1-DAY \$20.00 Sport Fishing	NR CLASS 6D 7-DAY \$55.00 Sport Fishing	CLASSES 6A, 6B, 6C, 6D, and 6E ONLY. This license is valid for the 14/7/3/1 day period:		NR CLASS 7 \$145.00 Sport Fishing	NR CLASS 8 \$85.00 Hunting
NR CLASS 9 \$230.00 Hunting Sport Fishing	NR CLASS 9C \$140.00 NR 6D & 8 Combination	NR CLASS 10 \$260.00 Trap	NR ALIEN CLASS 15 \$300.00 Big Game Hunting	BEGINNING DATE		ENDING DATE	ENDING DATE
MONTH DAY 2011		MONTH DAY 2011		MONTH DAY 2011		MONTH DAY 2011	

STATEMENT OF FISH AND GAME

PLEASE DOWN FOR CLEAR COPIES



**DEPARTMENT OF THE ARMY**  
**ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**ANCHORAGE FIELD OFFICE CEPOA-RD-SA**  
**1600 A STREET SUITE 110**  
**ANCHORAGE, ALASKA 99501-5146**

Regulatory Division  
POA-2013-604

NOV 14 2013

Mr. George Woodbury  
Woodbury Enterprise  
Post Office Box 1934  
Wrangell, Alaska 99929

Dear Mr. Woodbury:

We have received your November 4, 2013, Department of the Army (DA) permit application on behalf of BW Enterprise to place 9177 cubic yards of shot rock and rock wall into 0.5-acre of intertidal waters. The proposed project is located within Section 24, T. 62 S., R. 83 E., Copper River Meridian; USGS Quad Map AK-PETERSBURG B-2; Latitude 56.4754° N., Longitude 132.390° W.; Lots 6, 7, 19, and 20; approximately 400 feet north of the Alaska Marine Highway Ferry Terminal, in Wrangell, Alaska. It has been assigned file number POA-2013-604, Zimovia Strait, which should be referred to in all correspondence with us.

Based on our review of the information you provided and available to our office, we have determined that your proposed project would involve work in and placement of dredged and/or fill material into waters of the United States (U.S.) under our regulatory jurisdiction.

This approved jurisdictional determination (JD) is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to us before the expiration date. Enclosed is a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this approved JD. An online copy of the Approved JD form is available at our website: [www.poa.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations/JurisdictionalDeterminationArchive](http://www.poa.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations/JurisdictionalDeterminationArchive) under the assigned file number.

If you would like us to begin evaluation of your proposal, more information is essential for the application to be considered complete. Please provide the following:

- a. Please resubmit the plans with dimensions on all aspects of the proposed fill.
- b. Please provide the rationale regarding the need for 0.5-acre of fill for storage of construction materials. Please be explicit so that your need can be understood for the fill into waters of the U.S.
- c. Please provide a list of authorizations needed for this project, including all approvals received or denials already made.
- d. Please provide a description of the use of, and specific structures to be erected on the proposed fill. You state it would be used for storage and staging of materials and equipment. What materials and equipment and what duration would you be storing the materials and equipment?
- e. How do you intend to construct the project? Are you proposing to place fill only when the area is dewatered? Place fill near shore and "work your way out"? Isolate the area by placing fill at the outer most extent of the pad?

f. Are you planning on excavating any of the marine sediments? If so, where would they be placed and how would you propose to dredge those materials?

g. Please provide an address for the Stough Trust, one of the adjoining neighbors for the project.

h. Is there eel grass in or near the area proposed to have fill?

Also, in accordance with 33 CFR Part 325.1(d)(7), "For activities involving discharges of dredged or fill material into waters of the U.S., the application must include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts." Therefore, you are required to provide information regarding your proposed avoidance, minimization, and compensatory mitigation, which will be included in the Corps public notice of your project.

You described the potential to "consider" a fee in lieu for the compensation if required. However, the process dictates you address how you have avoided impacts first, address how impacts were minimized, and finally compensation for unavoidable impacts. I will consider the statement that you would use a Fee in Lieu if a permit is issued and compensation is required. Additional information can be obtained from the Alaska District's Final Mitigation Rule Public Notice, Number POA-2008-834, which is available for viewing on our website at: [www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices](http://www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices). The enclosure titled, "Applicant Proposed Mitigation Statement" can be used to assist you in this requirement.

Upon receipt of the requested information we will begin evaluating your application. If we do not receive the information within 30 days of the date of this letter, we will close your file. Closure of the file at such time will not preclude you from reopening the file at a later date.

A preliminary review for compliance with the Environmental Protection Agency's 404 (b)(1) guidelines indicates that the proposed discharge of dredged or fill material may not contain all appropriate and practicable steps to minimize potential impacts of the discharge on the aquatic ecosystem, nor does it appear to represent the least environmentally damaging practicable alternative. You must provide us information on the alternatives you considered for your proposed project. This information should include the availability of other sites and the use of other project designs which would avoid or minimize project impacts on the aquatic ecosystem. See the enclosed "Practicable Alternatives Information Sheet" for a detailed description of the alternatives information. This information must be provided by the public notice expiration date once we've determined your application is complete, and have issued a public notice, however it would generate more meaningful comments if you provide those alternatives prior to the issuance of the public notice.

Should a DA permit be issued, a fee will be required. Since the purpose of the project is commercial in nature, the fee will be \$100.

Section 401(a)(1) of the Clean Water Act requires that you obtain a Certificate of Reasonable Assurance or waiver of certification. This is the responsibility of the Alaska Department of Environmental Conservation (ADEC). Once we determine your application to be complete, we will forward a copy of your application to the ADEC, which they will accept as an application for a Certificate of Reasonable Assurance. A fee is charged by the ADEC for the 401 certificate. Fee information can be found online at [www.state.ak.us/dec/water/wwdp/online\\_permitting/individual\\_permit\\_fees.htm](http://www.state.ak.us/dec/water/wwdp/online_permitting/individual_permit_fees.htm) or by contacting the ADEC at WQM/401 Certification, 555 Cordova Street, Anchorage, Alaska 99501-2617, or by telephone at (907) 269-7564.

Please contact me via email at [shane.m.mccoy@usace.army.mil](mailto:shane.m.mccoy@usace.army.mil), by mail at the address above, by phone at (907) 753-2715, or toll free from within Alaska at (800) 478-2712, if you have questions or to request a paper copy of the jurisdictional determination. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/Missions/Regulatory](http://www.poa.usace.army.mil/Missions/Regulatory).

Sincerely,

Shane McCoy  
Project Manager

Enclosures

### **Practicable Alternatives Information Sheet**

The least environmentally damaging practicable alternative may include construction in uplands or reducing the size of the proposal to the minimum discharge necessary for the project. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose.

Some examples of alternatives are:

a. Please describe other sites you considered for the storage area, and why they would not suffice. It is presumed that an upland alternative is available to satisfy your stated purpose and need.

b. Please describe alternative designs considered for the project. Designs such as smaller fill with a portion of the pad supported by pile, no fill and only piles, or other designs to satisfy your requirements.

c. Please provide any other information regarding the alternatives you considered that you feel may help in our review.

Be advised that your review of alternatives for your proposal should not be limited to these examples.

Remember, failure to provide this information by the public notice expiration date could result in closure of the file, a final decision without the requested information, and/or permit denial.

For more information online about the Section 404(b)(1) guidelines, visit website:  
[www.access.gpo.gov/nara/cfr/waisidx\\_05/40cfr230\\_05](http://www.access.gpo.gov/nara/cfr/waisidx_05/40cfr230_05)



ELKS ASSOCIATION

2013 ~ 2014 ALASKA STATE ASSOCIATION OFFICERS

Janet Johnson, President  
P.O. Box 1  
Kodiak, AK 99615-0001  
(907) 487-1954 or (907)-539-1956

Item \*7e

JOEL HEMBACH, President Elect  
18850 War Admiral Rd.  
Eagle River, AK 99577-8329

KONRAD JACKSON, Trustee Chair  
P.O. Box 2935  
Soldotna, AK 99669-2935

JON E. SHENNETT, Vice President  
P.O. Box 2642  
Sitka, AK 99835-2642

BRUCE MORINITTI, Trustee  
16207 Squaw Valley Circle  
Eagle River, AK 99577

PAUL J. WHITNEY, Secretary  
231 Knoll Circle  
Soldotna, AK 99669-7352

Kerry Tomlinson-Daum, Trustee  
P.O. Box 672  
Sitka, AK 99835-0672

AL NAGEL, Treasurer  
19637 N. Montague Loop  
Eagle River, AK 99577

ROGER R. TRUE, PGER/Alaska Sponsor  
251 Thyme Circle  
Richland, WA 99352

November 11, 2013

City and Borough of Wrangell  
P.O. Box 531  
Wrangell, AK 99929-0531

CITY CLERK  
NOV 15 2013  
RECEIVED

The Alaska State Elks Association has applied for a renewal of our Gaming Permit to conduct raffles in the City and Borough of Wrangell area through our Wrangell Elks Lodge 1595. Pursuant to Alaska State Gaming Regulations we have enclosed a copy of our renewal application.

If there should be any questions feel free to contact me at any time.

Sincerely,

A handwritten signature in dark ink, reading "Paul J. Whitney". The signature is written in a cursive, flowing style.

Paul J. Whitney, Secretary  
Alaska State Elks Association  
231 Knoll Circle  
Soldotna, AK 99669-7352  
907-262-5667  
[aseasecretary@live.com](mailto:aseasecretary@live.com)

# Alaska

## 2014 Gaming Permit Application



826

### Organization Information

Federal EIN 92-6026104	If renewing, enter gaming permit # 1415	Phone Number 907.262.5667	Fax Number
Organization Name ALASKA STATE ELKS ASSOCIATION CTF	Website Address ALASKASTATEELKS.ORG		
Mailing Address 231 KNOLL CIRCLE	City SOLDOTNA	State AK	Zip Code 99669-7352
Entity Type (check one)		Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995.	
<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Association		<input type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input checked="" type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members, as defined in your articles of incorporation or bylaws, who are Alaska residents?			

### Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

Primary Member First Name PAUL	M.I. J	Primary Member Last Name WHITNEY	Alternate Member First Name KONRAD	M.I. Q	Alternate Member Last Name JACKSON
Social Security Number 553-68-6981	Email ASEERSECRETARY@	City SOLDOTNA	Social Security Number 574-54-8436	Email KQJACK@HOTMAIL.COM	City SOLDOTNA
Daytime Phone Number 907-262-5667	Mobile Number 907-395-7231	State AK	Daytime Phone Number 907-283-3872	Mobile Number 907-398-9121	State AK
Home Mailing Address 231 KNOLL CIRCLE	Zip Code 99669-7352	Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Home Mailing Address PO Box 2935	Zip Code 99669-2935	Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Permit # under which test was taken: 662		Permit # under which test was taken: 528			

### Legal Questions

These questions must be answered. If you answer Yes to either question, see instructions.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
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We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below we, the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

Primary Member In Charge's Signature Paul J. Whitney	Printed Name PAUL J. WHITNEY	Date 10/26/13
President or Other Officer's Signature (see instructions) Janet L. Johnson	Printed Name JANET L. JOHNSON	Date 10/28/13
Alternate Member In Charge's Signature Konrad Q. Jackson	Printed Name KONRAD Q. JACKSON	Date 10/26/13
Manager of Games Signature	Printed Name	Date

DEPARTMENT USE ONLY
Validation #
Date Stamp

**One copy of the completed application must be sent to the nearest municipality or borough.**  
See instructions for mandatory attachments.

Pay online with OTIS at [www.tax.alaska.gov](http://www.tax.alaska.gov) or make check payable to State of Alaska. New applicants must pay by check.

### Permit Fee

The permit fee is based on the 2012 estimated gross receipts. Check the appropriate box.

<input type="checkbox"/> New applicant	\$20
<input type="checkbox"/> \$0 - \$20,000	\$20
<input checked="" type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

Mail to: Alaska Department of Revenue, PO Box 110420, Juneau AK 99811-0420

0405-826 Rev 08/30/13 - page 1

# 2014 Alaska Gaming Permit Application

826

Gaming Permit # <b>1415</b>	Organization Name <b>ALASKA STATE ELKS ASSOCIATION CTF</b>
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## Facility-Based Games (self-directed) If more than two facilities, attach a separate sheet.

Facility Name	Physical Address	City	State AK	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool**			
Facility Name	Physical Address	City	State AK	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool**			

## Area-Based Games If more than two areas, attach a separate sheet. \* restricted game type \*\*see instructions for mandatory attachments

Area <b>SEE ATTACHED LIST</b>	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Classic/ <input type="checkbox"/> Other (specify) _____
Area <b>SEE ATTACHED LIST</b>	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Classic/ <input type="checkbox"/> Other (specify) _____

## Manager of Games Required only for self-directed pull-tabs and bingo.

Manager First Name	MI	Manager Last Name	Social Security Number	Daytime Phone Number
Home Mailing Address			Email	Mobile Phone
City	State	Zip Code	Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test taken

## Vendor Information Attach 2013 vendor registration form(s) and fee(s) for each vendor listed below.

Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code

## Operator Information

Designate operator who will conduct activities on the organization's behalf. Attach signed operating contract(s). If more than one operator, attach a separate sheet.

Operator License #	Operator	Facility Name	Game Type(s)
Physical Address		City	State Zip Code

## Multiple-Beneficiary Permittee Information (MBP)

Designate the MBP with which the organization has signed a partnership or joint venture agreement.

MBP Permit #	MBP Name	Facility Name	Game Type(s)
Physical Address		City	State Zip Code

## Dedication of Net Proceeds Describe in detail how the organization will use the net proceeds from gaming activities.

Gaming funds are used to support the Major Project-Youth Camp, a two week summer camp for 100 boys and 100 girls aged 9-13, D.A.R.E. Program, Hoop Shoot, a free throw competition for boys and girls aged 7-13, Soccer Shoot, for boys and girls aged 7-13, other Youth Activities, Scholarships, Veteran programs, Americanism and other state wide activities in support of our communities.

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## 2013 ALASKA GAMING PERMIT APPLICATION

### AREA-BASED GAMES

Anchorage Area Municipality of Anchorage	Anchorage Elks Lodge 2868 P.O. Box 230462 Anchorage, AK 99525	RAFFLE
Eagle River Area Municipality of Anchorage	Eagle River Elks Lodge 2682 17111 North Eagle River Loop Road Eagle River, AK 99577	RAFFLE
Fairbanks Area City of Fairbanks	Fairbanks Elks Lodge 1551 1003 Pioneer Road Fairbanks, AK 99701	RAFFLE
Wasilla Area Matanuska-Susitna Borough	Palmer Elks Lodge 1842 2600 North Barrys Resort Road Wasilla, AK 99645	RAFFLE
Valdez Area City of Valdez	Valdez Elks Lodge 2537 339 Fairbanks Street (P.O. Box 1607) Valdez, AK 99686	RAFFLE
Bristol Bay Area Bristol Bay Borough	Bristol Bay Elks Lodge 2687 Mile 5 Omholt Subdivision (P.O. Box 477) King Salmon, AK 99613	RAFFLE
Homer Area City of Homer	Homer Elks Lodge 2127 215 Jenny Lane Homer, AK 99603	RAFFLE
Kenai Area City of Kenai	Kenai Elks Lodge 2425 205 Barnacle Way Kenai, AK 99611	RAFFLE
Kodiak Area City of Kodiak	Kodiak Elks Lodge 1772 102 West Marine Way (P.O. Box 846) Kodiak, AK 99615	RAFFLE
Seward Area City of Seward	Seward Elks Lodge 1773 419 5 <sup>th</sup> Avenue (P.O. Box 426) Seward, AK 99664	RAFFLE
Soldotna Area Kenai Peninsula Borough	Soldotna Elks Lodge 2706 44640 Parkway Avenue Soldotna, AK 99669	RAFFLE
Juneau Area City & Borough of Juneau	Juneau Elks Lodge 420 P.O. Box 33239 Juneau, AK 99803	RAFFLE

Ketchikan Area City of Ketchikan	Ketchikan Elks Lodge 1429 1448 Tongass (P.O. Box 5177) Ketchikan, AK 99901	RAFFLE
Petersburg Area City of Petersburg	Petersburg Elks Lodge 1615 301 North First Street (P.O. Box 609) Petersburg, AK 99833	RAFFLE
Sitka Area City & Borough of Sitka	Sitka Elks Lodge 1662 412 Sawmill Creek Road Sitka, AK 99835	RAFFLE
Skagway Area Municipality of Skagway Borough	Skagway Elks Lodge 431 560 State Street (P.O. Box 416) Skagway, AK 99840	RAFFLE
Wrangell Area City & Borough of Wrangell	Wrangell Elks Lodge 1595 103 Front Street (P.O. Box 377) Wrangell, AK 99929	RAFFLE

Item \*7f

CITY CLERK  
NOV 25 2013  
RECEIVED**BOARD ACTION****WRANGELL PUBLIC SCHOOL BOARD  
REGULAR MEETING (PAGE 1)  
NOVEMBER 18, 2013**

FOR DETAILS, CONTACT:  
MICK ROBERTSON  
SUPERINTENDENT  
DIRECTOR OF EDUCATION

- Accepted the minutes of the October 9, 2013 Regular Board Meeting
- Accepted the donation from Alaskan Dream Cruises in the amount of \$1,000.00
  - Approved the application of the APEI Safety Equipment and Training Grant
  - Accepted the Consolidated Grant Award in the amount of \$249,601.00
  - Accepted the donation of the tool from Southeast Auto and Marine Parts
  - Offered Marilyn Burgess a contract addendum to re-write the Technology Plan
  - Offered Edna Abella an extracurricular contract as HS Girls' Head Basketball Coach
  - Offered Mikki Kauppila an extracurricular contract as Freshmen Class Advisor
  - Discussed the hiring process for the Secondary Principal
  - Presented the resignation of Kristy Nore, High School Secretary as information
  - Approved the first reading of Board Policy #4119.22, Dress and Grooming
  - Denied the first reading of Board Policy #4119.27, Maintaining Professional Staff/Student Boundaries and sent it back to the administration for clarification
  - Reviewed Board Policy:
    - #5112.6, Education for Homeless Children and Youths
    - #5112.7, Jurisdiction of School Authorities
    - #5117, Non-resident Tuition
    - #5118, Transfers
  - Adjourned

WRANGELL PUBLIC SCHOOLS

FOR RELEASE: 1:30 PM  
NOVEMBER 18, 2013

**WRANGELL PORT COMMISSION  
REGULAR MEETING AGENDA  
Thursday, June 6, 2013 at 7:00p.m.  
Wrangell Borough Assembly Chambers**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
  - a) May 2, 2013 Regular Meeting Minutes
4. **AMENDMENTS TO THE AGENDA**
5. **CORRESPONDENCE**

Letter from Ron Opheim regarding Heritage Harbor 72 hours parking
6. **PERSONS TO BE HEARD**

During this section of the agenda, the Port Commission will invite and listen to topics not on the agenda. The Commission will note the topics and will not take any official action on any of the topics presented, but will refer items to the administration to be researched. Members of the public will be given the opportunity to speak on agenda items at the time the item is introduced for action and/or discussion.
7. **REPORTS**
  - a. Harbormaster
  - b. Commissioners
  - c. Port and harbor safety concerns
8. **UNFINISHED BUSINESS**
  - a. Mariner's Memorial
9. **NEW BUSINESS**
10. **CLOSING**
  - a. Next Agenda Items
  - b. Adjourn meeting

**WRANGELL PORT COMMISSION  
REGULAR MEETING AGENDA  
Thursday, September 5, 2013**

**CALL TO ORDER** – The Regular Meeting was called to order by Chairman Brennon Eagle at 7:04 p.m. Commissioners attending were John Yeager, Bill Knecht and Clay Hammer. Also attending were Harbormaster Greg Meissner, and Recording Secretary Sherri Cowan.

**Roll Call** - Commissioner Eric Yancey was absent.

**AMENDMENTS TO THE AGENDA**

**Approve of Minutes dated June 6<sup>th</sup>, 2013 to be approved next month.**

**Motion to amend the agenda to move New Business item 9b – Don and Betsy McConachie up between 6 & 7 of the agenda.**

*Motion carried unanimously by consensus.*

**CORRESPONDENCE**

Letter from Christie Jameson regarding Lease Agreement located at Shoemaker Bay.  
Letter from Don and Betsy McConachie regarding purchasing Nore Estate Tidelands.

**PERSONS TO BE HEARD**

None

That brings us to 9B-Letter from Don and Betsy McConachie regarding purchase of Nore Estate Tidelands.

**Clay-** He stated he has a conflict of interest with Don and Betsy McConachie and was going to up stain for obvious reasons.

**Don-** He clarified Lot 7 is the town side of AICS building. Use to be town side of the AIC Warehouse. Use to be the old Campbell Warehouse down on the harbor. Right beside McCay's building many years ago. He lives at 622 Zimovia Hwy. He is here to talk about property. This has been an ongoing thing for a lot of years when Marie passed away many years ago. He gave a little bit of history; properties were bought in 1929 for \$700 that included the from tidelands right up to the existing Zimovia Hwy. At any rate after she passed away there were some things that didn't get done. All of the tideland that was on the upland properties was sold to the existing upland owners and for some reason or other we don't know why hers didn't get done. He is assuming that she didn't understand or she thought it was done, whatever the case maybe he doesn't know. Betsy has kind of inherited this problem; the house is a derelict piece of junk and could cause damage. They would like to get it cleaned up. The house where it is built more on the tidelands than it is on the uplands. The taxes have been paid all of these years. They have been paying them all along but really never owed the property. It is now in the Cities jurisdiction. What they would like to do is get it deeded to the Nore Estate so they can do something with the property. It is a thirty five foot wide section of land between two other pieces of tideland owned by perspective upland owners. They would like for us to write a letter to the assembly stating that the Port has no problem or plans with this particular piece of property being turned over to the Nore Estate.

**Eagle-** When these tidelands were transferred were they paid for by the uplands people?

**Don-** Yes they have researched all of it. It was somewhere around \$200 that is what they paid back in the day. He believes it was 1960's. He can't really give the exact date other than September 14, 1929.

**Eagle-** He states that he is extremely comfortable writing a letter stating that the Port has no interest in using this property and I don't want to put a value on it.

**John - Motion to have the Port to write a letter stating they have no interest in this land or develop the land.**

**Bill – Second's Motion**

***Motion carried unanimously by consensus.***

## **7. REPORTS**

### **a. Harbormaster**

**Greg Meissner** – He has been back 4 days on vacation. It has been pretty quite. The boat yard is tore up as we can all see. It has been going very well. They plan to be out and done pouring and turned over to us by mid October and that will include the area that they are in. They still have a little bit to do in area three. That includes the Totem Shed. Ritchie yard is mostly done they pulled some of the fencing down so they had access and had Todd White did some clean up. They don't have access to all of the energized sights yet.

At the Inner Harbor they have done three or four fingers- disassembled them, put floatation in, re-decked and replaced the cleats.

Dock job is done, improvements to the pier itself. The concrete piece they want to do will probably wait till April or spring.

Harley Johnson is interest in getting involved in the Memorial sight and the structure. Maybe he can do something similar with the design. Give him a call when we pick it back up and see what he has to offer.

He had a conversation this morning with Brennon in regards to the derelict vehicles. That is something we need to talk to the PD and see why he can't make his existing sight work. The fencing they got even with the existing pieces they should be able to make it work.

Travel Lift – It is about a five month build. Back in Early August Council signed off on it. It may be here in February by his guess. Put it up in March. That is his hope. We are early into this.

**Clay** – Do they have a website to see it being built? It would be cool to see it being built.

**Greg** – Greg will find out and he will get photos sent to him and put them on the Wrangell's Sight.

### **b. Commission Report**

**Bill** – He didn't sign up to run for another term. He has been doing it for 26 years and has been an honor and a pleasure to see our group develop. He wishes everyone the best of luck.

**Greg** – He thank him for his time and service and he can come see us October 1<sup>st</sup>.

**Brennon** - He would like to thank him for his time and service also. He tells him what a great job Bill has done and what a great historian he is. He tells him what a great honor it has been to work with him. Everyone will probably be asking him questions in the future.

**Clay** – He has nothing more to say and we are just getting back into things and we will have to get back into the Mariner's Memorial project.

**John** –It is nice to see things happening with the Ritchie yard. Hopefully that can continue and take some pressure off the marine service center.

**Bennon** – He has traveled around Southeast and we have a real nice facility. We are fortunate to have the funding to get a lot of new things. We have a better one and have brought in more business. We need to do our best to keep it that way. It reflects on the town.

**c. Safety Concerns**

**John** – Are any of our temps gone yet? Do we have any temps still?

**Greg** – We have one temp still.

**John** – We have lost a few eyes around the summer and everyone has to pick it up a bit. Pick up the trash and things on the doc as the season is winding down.

**Bennon** – Parking 72 hour signs need to be put in place. There are some derelict cars still there.

**Greg**- 72 hours signs are up and 10 day signs are for the back.

**Brennon** - Plastic containers need to be assigned to say there are life jackets in them. People know about them hopefully they will use them and see them walking down the dock.

**Greg** - We will see if we can have Denise Svenson make the signs.

**8. UNFINISHED BUSINESS**

**a. Mariner's Memorial**

**Clay** – He says where they left off with that they were to drum up more local support for it. When we started to move forward we could petition Rasmussen for funding .We would have more to give to them. Don't know where they have gotten with that. Everyone has been busy and can't say that he has held up his end of the bargain. That is something we need to get back into again. We just have to get back to work on this thing.

**John** – To the best of my recollection we were going to come back in the fall and compile a narrative of the history so we could take it back to Rasmussen for the consultation part of the development so we could kind of go that way or take another direction or get grant funding. He volunteered to start drafting a history and build this thing to take to Rasmussen. This is something the community wanted and is very much behind this.

**Brennon** – He will probably not have time in November but will be glad to help. He wants John to put together a proposal to take to Rasmussen asking if we are to go with the Tier one, the predevelopment or we go with some other type of thing. He wants John to task a list to the commissioners to help him with this task and develop some support. Places we can

ask Stikine Sportsman, Native Organization etc. that might work well. We need to get these letters back in order to build this thing.

**John** – He says he will do that but let him have a grace period between now and end of October to work on it and not have a dead line. It works better for him.

**Brennon** – He states he will not be here in November meeting unless moved.

**Clay** – We need to round up a number of letters of support. We are not seeking financial support but letters of support.

**Greg** – Finances are important. Eventually, we will need them. When would be a good time to entertain that?

**Clay** – In regards to the Rasmussen foundation we were to go over the site selection. The rock and asphalt, we have already invested in. We need to be able to demonstrate how much money we have already invested in this in addition to the letters of support then maybe they can help with the financing of it. Then once they have helped us final this design then we can go back and start soliciting financial donations so we can get this thing done.

**Brennon** – We need to see what the City has put into this project so far.

**Greg** – He will get the numbers and figures of what we have spent on this project so far.

**John** – Parallel what Clay was saying-The concept is tangible to take to the community as far as one conventional drawing. We need to get engineering locked in and then ask for direction. I think we are the support point but not at the point asking for donations. We need to get some press out of it.

**Brennon** – Maybe we can get from Sportsman, Elks, or Trident to commit. He doesn't want to ask for money until we get further along in the project.

## **9. NEW BUSINESS**

### **a. Discussion of Possible Action regarding Lease Agreement at Shoemaker Bay**

**Brennon** – Christie is asking for the Port commission to discuss and take some kind of action on the Lease Agreement s located at Shoemaker Bay.

**Greg** – He has talked to Bernie Massin and voiced many times that he was not in compliance and not doing anything with the land. It always starts with the Port and Planning and Zoning and they have to get your input first regardless what the input is and then go onto the assembly. The lease states that the Lessee will construct and maintain the improvements on the leased lands described here in...to provide an area specifically for water-related uses and activities that will enhance and compliment the marina, etc. and maintain the land. Article 20 actually in the City Codes Shoemaker water front land is specific. Storage out there was a big mess so basically it states indoor storage only. We have talked about changing that and recommended that Bernie change that and we knew that we would be out of the Ritchie yard. He has failed miserably. Christie is asking him to come into compliance with the lease agreement. According to the lease we recommend that he comes into compliance or he loose the lease. Planning and Zoning is going to make a comment stating something similar. But because it is tidelands it has to come before the port first. She is stating that he is failing and she wants the port to weigh in on it.

**Brennon** – He feels comfortable going that way on it. He doesn't want to change any of the terms on the lease right now. We weren't involved in it. We don't get any of the money from

the lease, we don't administer the lease. I guess from the stand point it is tidelands we have to weigh in on tidelands just like we did with the Nore Estate. He is comfortable stating that there is a lease in place and you should live up to the terms of the lease agreement.

**Clay** – That is a very good point. If the terms of the lease are to be changed it's on them to undertake that.

**Brennon** – He wants to ask the assembly to enforce the lease. He would like to move to submit Letter to the Assembly that we request Lease to come into compliance with the current signed lease agreement.

**Motioned by John - Seconded by Bill**

***Motion Passed - carried unanimously by consensus.***

**b. Taken care of**

**c. Discussion and possible action of derelict and vessel ordinance**

**Brennon** – This is relating to having a twenty four month time period put on vessels within the marine service center.

**Greg** – We got a hold of the attorney and told him what were looking for. They were asking for the ability to limit the time in the boat yard to twenty four months and the muscle to do something if they run past that. The State Legislature passed a bill regarding abandoned vessels in ports. The attorney took state law and took our request, our ordinance and cleaned up the language and made changes. He made it easier for us to do impoundment of vessels following federal guidelines and state laws. Take the ordinance and read it and see if something jumps out at you.

**Brennon** – This is something that we need to run it through a public hearing and another vote.

**Greg** – We need to have a public meeting, Second reading. Even though the assembly does the same thing we still have too. Even though it seems like we are double dipping. At our next meeting we can have a public hearing, we can explain what it is, take any comments and then vote on it and then it goes onto the assembly. This is a draft and we can change anything between now and the second reading.

**John** – Originally one of the things that initially began if someone is doing work in the yard, they would come to you and they would say they would be in for four weeks and then if they needed more time they would come back in and say they needed another couple more weeks. Is that still taken place?

**Greg** – It is in theory. I mean we have come to realize that if someone needs more time we don't expect it. Some guys leave a little early, some a little late. The average is little higher, more than what they planned. The days when we had guys vanishing and you don't see them forever. There a few boats out there that it is still happening. Prime example is the Brite Ray. It is a big rusty fifty footer. It's paid up now but it has been there for two and half years. We have moved it three times out of the yard and had been in the way of the construction project. After a while it's like a saving a three

dollar board. It's worth one hundred bucks. We are slowly getting rid of them. Now we have the ordinance to take the steps to do our job.

**Clay** – It is very important to know that this is vessels that are projects on port ground. The projects that are taking place on the private leases are a different story and that is there problem.

**Greg** – What we will do we are going to clean up the old form streamline it and make it better. They will have a description of what you get for what you pay for. They will be well aware of what they are getting.

**Brennon** – Any questions or comments? He motions to accept the new ordinance draft and have on the next agenda.

**Clay** – He moves that we accept the new draft ordinance related to derelict and abandoned vessels and idle vessel removal.

**John** – Seconded the motion

*Motion Passed - carried unanimously by consensus.*

**Brennon** – He will not be here for next meeting and Clay will be filling in as Vice Chair. Next meeting 10/03/13.

#### **10. CLOSING**

##### **a. Next Agenda Items**

Draft Ordinance related to Derelict and Abandoned Vessels and Idle Vessel Removal- Public Hearing.

##### **b. Adjourn meeting 7:58 p.m.**

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Brennon Eagle – Chairman

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Sherri Cowan - Recording Secretary

**WRANGELL PORT COMMISSION  
REGULAR MEETING AGENDA  
Thursday, October 3, 2013 at 7:00p.m.  
Wrangell Borough Assembly Chambers**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
  - a) June 6, 2013 Regular Meeting Minutes
  - b) September 5, 2013 Regular Meeting Minutes
4. **AMENDMENTS TO THE AGENDA**
5. **CORRESPONDENCE**
6. **PERSONS TO BE HEARD**

During this section of the agenda, the Port Commission will invite and listen to topics not on the agenda. The Commission will note the topics and will not take any official action on any of the topics presented, but will refer items to the administration to be researched. Members of the public will be given the opportunity to speak on agenda items at the time the item is introduced for action and/or discussion.
7. **REPORTS**
  - a. Harbormaster
  - b. Commissioners
  - c. Port and harbor safety concerns
8. **UNFINISHED BUSINESS**
  - a. Mariner's Memorial
9. **NEW BUSINESS**
  - a. Draft Ordinance related to Derelict and Abandoned Vessels and Idle Vessel Removal- Public Hearing.
10. **CLOSING**
  - a. Next Agenda Items
  - b. Adjourn meeting

C. F. James, CPA, PC  
P. O. Box 1258  
Wrangell, Alaska 99929  
Phone (907) 874-2331 Fax (907) 874-3187  
Email: info@cfjamescpa.com

CITY CLERK  
DEC 02 2013  
RECEIVED

November 25, 2013

City & Borough of Wrangell  
PO Box 531  
Wrangell, AK 99929

RE: American Legion MEP Post 6 & American Legion Post 6 Auxiliary

Dear City Council,  
Enclosed is the 2014 Gaming Permit Applications for Your approval.

Thank You



Vicky Taylor  
C.F. James, CPA, PC

# Alaska

## 2014 Gaming Permit Application

CITY CLERK  
DEC 02 2013  
RECEIVED



826

### Organization Information

Federal EIN 92-0005349	If renewing, enter gaming permit # 242	Phone Number 907-874-3860	Fax Number 907-874-3187
Organization Name American Legion MEP Post 6		Website Address	
Mailing Address P.O. Box 1019		City Wrangell	State AK
		Zip Code 99929	
Entity Type (check one) <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association		Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995. <input type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members, as defined in your articles of incorporation or bylaws, who are Alaska residents?			

### Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

Primary Member First Name Richard	M.I.	Primary Member Last Name Rhodes	Alternate Member First Name Marilyn	M.I.	Alternate Member Last Name Mork
Social Security Number 543-90-9257		Email rrhodes@wrangellschools.org	Social Security Number 543-90-2308		Email
Daytime Phone Number 907-874-4690		Mobile Number	Daytime Phone Number 907-874-2189		Mobile Number 907-470-0085
Home Mailing Address P.O. Box 2319			Home Mailing Address P.O. Box 154		
City Wrangell	State AK	Zip Code 99929	City Wrangell	State AK	Zip Code 99929
Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Permit # under which test was taken:			Permit # under which test was taken: 242		

### Legal Questions These questions must be answered. If you answer Yes to either question, see instructions.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
---	--

We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below we, the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

Primary Member In Charge's Signature <i>Richard Rhodes</i>	Printed Name Richard Rhodes	Date 11/25/13
President or Other Officer's Signature (see instructions) <i>Einer Haaseth</i>	Printed Name EINER HAASETH	Date 11-15-13
Alternate Member In Charge's Signature <i>Marilyn Mork</i>	Printed Name Marilyn Mork	Date 11/14/13
Manager of Games Signature <i>IDA Howell</i>	Printed Name IDA Howell	Date 11/22/13

DEPARTMENT USE ONLY
Validation #
Date Stamp

One copy of the completed application must be sent to the nearest municipality or borough. See instructions for mandatory attachments.

Pay online with OTIS at [www.tax.alaska.gov](http://www.tax.alaska.gov) or make check payable to State of Alaska. New applicants must pay by check.

### Permit Fee

The permit fee is based on the 2012 estimated gross receipts. Check the appropriate box.

<input type="checkbox"/> New applicant	\$20
<input type="checkbox"/> \$0 - \$20,000	\$20
<input checked="" type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

826

Mail to: Alaska Department of Revenue, PO Box 110420, Juneau AK 99811-0420

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# 2014 Alaska Gaming Permit Application

826

Gaming Permit # <b>242</b>	Organization Name <b>AMERICAN Legion MEP Post 6</b>
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## Facility-Based Games (self-directed) If more than two facilities, attach a separate sheet.

Facility Name <b>AMERICAN Legion Hall</b>	Physical Address <b>435 ALASKA AVE</b>	City <b>Wrangell</b>	State <b>AK</b>	Zip Code <b>99929</b>
Facility Type (check one) <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input checked="" type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input checked="" type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool**			
Facility Name	Physical Address	City	State <b>AK</b>	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool**			

## Area-Based Games If more than two areas, attach a separate sheet. \* restricted game type \*\*see instructions for mandatory attachments

Area <b>WRANGE 11, ALASKA</b>	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Other (specify) _____	Classic/ _____
Area	Game type (check all that apply) <input type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Other (specify) _____	Classic/ _____

## Manager of Games Required only for self-directed pull-tabs and bingo.

Manager First Name <b>MARILYN</b>	MI <b>M</b>	Manager Last Name <b>MORRIS</b>	Social Security Number <b>543-90-2308</b>	Daytime Phone Number <b>907-874-2189</b>
Home Mailing Address <b>P.O. Box 154</b>			Email	Mobile Phone <b>907-470-0085</b>
City <b>Wrangell</b>	State <b>AK</b>	Zip Code <b>99929</b>	Has the manager of games passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test taken <b>242</b>

## Vendor Information Attach 2013 vendor registration form(s) and fee(s) for each vendor listed below

Bar or Liquor Store Name	Physical Address	City	State <b>AK</b>	Zip Code
Bar or Liquor Store Name	Physical Address	City	State <b>AK</b>	Zip Code
Bar or Liquor Store Name	Physical Address	City	State <b>AK</b>	Zip Code
Bar or Liquor Store Name	Physical Address	City	State <b>AK</b>	Zip Code
Bar or Liquor Store Name	Physical Address	City	State <b>AK</b>	Zip Code

## Operator Information

Designate operator who will conduct activities on the organization's behalf. Attach signed operating contract(s). If more than one operator, attach a separate sheet.

Operator License #	Operator	Facility Name	Game Type(s)
Physical Address		City	State Zip Code

## Multiple-Beneficiary Permittee Information (MBP)

Designate the MBP with which the organization has signed a partnership or joint venture agreement.

MBP Permit #	MBP Name	Facility Name	Game Type(s)
Physical Address		City	State Zip Code

## Dedication of Net Proceeds Describe in detail how the organization will use the net proceeds from gaming activities.

Children + youth, Scholarships, Promote Patriotism and local pride, boys state

826

**Additional  
Alternate Member in Charge  
Alternate Manager of Games**

[illegible]

# Alaska

## 2014 Gaming Permit Application

CITY CLERK  
DEC 02 2013  
RECEIVED

826

### Organization Information

Federal EIN 92-0093741	If renewing, enter gaming permit # 383	Phone Number 907-874-3871	Fax Number 907-874-3187
Organization Name AMERICAN Legion Post #6 Auxiliary		Website Address	
Mailing Address P.O. Box 546		City WRANGELL	State AK
		Zip Code 99929	
Entity Type (check one) <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association		Organization Type (check one) for definitions see AS 05.15.690 and 15 AAC 160.995. <input type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members, as defined in your articles of incorporation or bylaws, who are Alaska residents?			

### Members In Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

Primary Member First Name M.I. ZONA L	Primary Member Last Name GREGG
Social Security Number 574-18-7512	Email
Daytime Phone Number 907-874-3646	Mobile Number
Home Mailing Address P.O. Box 3	
City Wrangell	State AK
Zip Code 99929	
Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Permit # under which test was taken: 383	

Alternate Member First Name M.I. DEBORAH	Alternate Member Last Name GLASS
Social Security Number 542-64-4492	Email
Daytime Phone Number 907-874-2755	Mobile Number
Home Mailing Address P.O. Box 527	
City Wrangell	State AK
Zip Code 99929	
Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Permit # under which test was taken: 383	

### Legal Questions

These questions must be answered. If you answer Yes to either question, see instructions.

☐ Yes ☒ No Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 160.954?

☐ Yes ☒ No Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?

We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below we, the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

Primary Member In Charge's Signature <i>Zona Gregg</i>	Printed Name ZONA GREGG	Date 11-15-13
President or Other Officer's Signature (see instructions) <i>Mark Z. Mat</i>	Printed Name MARILYN MORK	Date 11/14/13
Alternate Member In Charge's Signature <i>Deborah A. Glass</i>	Printed Name DEBORAH GLASS	Date 11/15/13
Manager of Games Signature <i>Zona Gregg</i>	Printed Name ZONA GREGG	Date 11-15-13

DEPARTMENT USE ONLY

Validation #

Date Stamp

One copy of the completed application must be sent to the nearest municipality or borough. See instructions for mandatory attachments.

Pay online with OTIS at [www.tax.alaska.gov](http://www.tax.alaska.gov) or make check payable to State of Alaska. New applicants must pay by check.

### Permit Fee

The permit fee is based on the 2012 estimated gross receipts. Check the appropriate box.

<input type="checkbox"/> New applicant	\$20
<input type="checkbox"/> \$0 - \$20,000	\$20
<input checked="" type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

Mail to: Alaska Department of Revenue, PO Box 110420, Juneau AK 99811-0420

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826

# 2014 Alaska Gaming Permit Application

826

Gaming Permit # 383	Organization Name AMERICAN Legion Post #6 Auxiliary
------------------------	--

## Facility-Based Games (self-directed) If more than two facilities, attach a separate sheet.

Facility Name American Legion Hall	Physical Address 435 ALASKA AVE	City Wrangell	State AK	Zip Code 99929
Facility Type (check one) <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input checked="" type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input checked="" type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool**			
Facility Name	Physical Address	City	State AK	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Calcutta pool**			

## Area-Based Games If more than two areas, attach a separate sheet. \* restricted game type \*\*see instructions for mandatory attachments

Area Wrangell	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Other (specify) _____	Classic/
Area	Game type (check all that apply) <input type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Other (specify) _____	Classic/

## Manager of Games Required only for self-directed pull-tabs and bingo.

Manager First Name ZONA	MI L	Manager Last Name GREGG	Social Security Number 574-18-7512	Daytime Phone Number 907-874-3646
Home Mailing Address P.O. Box 3			Email	Mobile Phone
City Wrangell	State AK	Zip Code 99929	Has the manager of games passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test taken 383

## Vendor Information Attach 2013 vendor registration form(s) and fee(s) for each vendor listed below.

Bar or Liquor Store Name NA	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code

## Operator Information

Designate operator who will conduct activities on the organization's behalf. Attach signed operating contract(s). If more than one operator, attach a separate sheet.

Operator License # NA	Operator	Facility Name	Game Type(s)
Physical Address		City	State AK
			Zip Code

## Multiple-Beneficiary Permittee Information (MBP)

Designate the MBP with which the organization has signed a partnership or joint venture agreement.

MBP Permit # NA	MBP Name	Facility Name	Game Type(s)
Physical Address		City	State AK
			Zip Code

## Dedication of Net Proceeds Describe in detail how the organization will use the net proceeds from gaming activities.

Child Welfare, Rehabilitations, Civic Hospital Nursery, Scholarships  
Girls State, Aux Emergency Fund, American Legion Auxiliary Programs

826



## CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381  
 Wrangell, AK 99929 FAX (907)-874-3952  
[www.wrangell.com](http://www.wrangell.com)

December 3, 2013

Honorable Senator Lisa Murkowski  
 709 Hart Building  
 Washington DC 20510-0202

Dear Senator Murkowski,

Wrangell, as well as other municipalities, are very aware that the potential for continued PILT funding is in jeopardy. At a time in our state where municipalities will most likely see decreases in state funding due to the ramifications of SB 21, we and members of the Alaska Municipal League and Southeast Conference are very concerned. We also are facing the fact that we don't have many alternative revenue generating or saving options if existing funding is decreased through both federal and state programs. Municipalities are fined by the state if we lay-off employees that remove an entire group or classification from our payroll, thus removing those people from the PERS system. In other words, we have lost much of the ability to manage our own personnel for cost saving measures.

We here in Alaska believe that if our residents must pay property taxes for services, the federal government should, as well. In the City and Borough of Wrangell, 97.3% of the land within the borough boundaries is owned by the federal government, restricting our ability to expand and develop alternative economic income. PILT is NOT a subsidy.

Since the closure of mills back in the mid 1990's due to the federal government cancelling the long term timber contracts, the population declined at one point by almost 30%. While there has been a small rebound in the population, Wrangell schools have shown a student decline of approximately 40% during that time. Prior to the loss of our primary industry, Wrangell had built facilities to support our population, including schools. These are paid for through property taxes and were maintained and supported through the resource development of the Tongass National Forest.

I had always thought that government had the role of helping build infrastructure to improve local economics. In Southeast Alaska, at least, that has not been the case. First it was the timber contracts that were cancelled resulting in the local and regional loss of jobs and an industry. Then any new development here is restricted and dramatically increases in cost because of the Clean Water Act requirements for mitigation in waters of the United States as implemented by the Army Corps of Engineers. We live in the heart of the Tongass National Forest, where the majority of land is federal and considered wetlands, with very defined boundaries for local development opportunities. Yet each time we try to develop land within the borough for private development, we have to put aside more land for mitigation or pay an exorbitant amount in fees for conserving land elsewhere in Alaska. It feels like paying someone to put you out of business.

Wrangell has been trying to rebuild the economy with a focus on marine industries. Sea Otters continue to march into the inside waters of Southeast Alaska and wreak havoc on many species of shell fish, including Dungeness crab. Eventually, if nothing is done regarding the explosive sea otter population, another economic resource will be wiped out in Southeast Alaska. This is another area that the federal government should help with in order to help us economically thrive.

Wrangell urges you to support industry and jobs in Alaska and for the federal government to pay their share of taxes through the PILT program, so that communities can continue to support their schools and other infrastructure. As you well know through your hard work with small communities during your tenure as Senator, while the total nation-wide PILT funds of \$400 million may not be a large ticket item in the federal government budget, it is, however, a large percentage of the budgets of the small rural municipalities. The current PILT payment represents approximately 25% of the total taxes Wrangell collects annually, on 97% of our land base.

We appreciate your help in this manner, as we also appreciate your concern and support for Alaska's municipalities.

Sincerely,

David Jack  
Mayor

cc: Senator Mark Begich  
Alaska Municipal League



## CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381  
Wrangell, AK 99929 FAX (907)-874-3952  
[www.wrangell.com](http://www.wrangell.com)

December 3, 2013

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111 Russell Senate Building  
Washington DC 20510

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Since the closure of mills back in the mid 1990's due to the federal government cancelling the long term timber contracts, the population declined at one point by almost 30%. While there has been a small rebound in the population, Wrangell schools have shown a student decline of approximately 40% during that time. Prior to the loss of our primary industry, Wrangell had built facilities to support our population, including schools. These are paid for through property taxes and were maintained and supported through the resource development of the Tongass National Forest.

I had always thought that government had the role of helping build infrastructure to improve local economics. In Southeast Alaska, at least, that has not been the case. First it was the timber contracts that were cancelled resulting in the local and regional loss of jobs and an industry. Then any new development here is restricted and dramatically increases in cost because of the Clean Water Act requirements for mitigation in waters of the United States as implemented by the Army Corps of Engineers. We live in the heart of the Tongass National Forest, where the majority of land is federal and considered wetlands, with very defined boundaries for local development opportunities. Yet each time we try to develop land within the borough for private development, we have to put aside more land for mitigation or pay an exorbitant amount in fees for conserving land elsewhere in Alaska. It feels like paying someone to put you out of business.

Wrangell has been trying to rebuild the economy with a focus on marine industries. Sea Otters continue to march into the inside waters of Southeast Alaska and wreak havoc on many species of shell fish, including Dungeness crab. Eventually, if nothing is done regarding the explosive sea otter population, another economic resource will be wiped out in Southeast Alaska. This is another area that the federal government should help with in order to help us economically thrive.

Wrangell urges you to support industry and jobs in Alaska and for the federal government to pay their share of taxes through the PILT program, so that communities can continue to support their schools and other infrastructure. As you well know through your hard work with small communities during your tenure as Mayor and Senator, while the total nation-wide PILT funds of \$400 million may not be a large ticket item in the federal government budget, it is, however, a large percentage of the budgets of the small rural municipalities. The current PILT payment represents approximately 25% of the total taxes Wrangell collects annually, on 97% of our land base.

We appreciate your help in this manner, as we also appreciate your concern and support for Alaska's municipalities.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Jack', with a stylized flourish at the end.

David Jack  
Mayor

cc: Senator Lisa Murkowski  
Alaska Municipal League

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**RE: BOROUGH MANAGER'S REPORT**

**DATE: December 3, 2013**

**MANAGERIAL:**

Just a reminder, I will be out of town from the afternoon of December 18<sup>th</sup> until December 21<sup>st</sup> for family medical reasons.

Carol Rushmore will be in charge until I can get back. I will be in contact with her and the finance staff if something comes up.

**CITY HALL CLOSURE** - City Hall will be closed December 25<sup>th</sup> through January 1<sup>st</sup> and will reopen to the public on January 2<sup>nd</sup>. This is a time each year staff uses to clean, file, archive and other activities that are next to impossible to do when we are open to the public. We continue to answer the phone and if there is a need such as a new utility hookup, we will open and help accommodate customers.

**CAPITAL PROJECTS:**

**PROJECT MANAGER** - The city has just hired Ruby McMurren as our new project manager. This is a one year temporary position that is funded through current budget funds most of which are grants. Her first project to get going and completing is the Cassiar Project. We want to be bidding this project out no later than April for summer construction. Ruby previously worked for the city under Bob Caldwell, our past Public Works Director.

**MARINE CENTER PAVING** - The Marine Service Center Paving Phase 2 project is complete. The contractor has completed all punch-list items and has submitted all closeout paperwork. The combined cost of all six change orders is \$9,100.02 or 0.20% of the bid cost. At bid award, the Borough Assembly approved a construction contingency of 10% of the bid price or \$453,527.27. All work was done to specifications. The contractor had until June 2014 to complete and was actually completed 7 months in advance at no cost to the city. In addition, this saved the city about \$50,000 in inspection costs. All of the savings on this phase will be used to work on the remaining paving that is still needed at the site. The project was a huge success.

**WEBER STREET PAVING** - We are working with Wrangell Cooperative Association on the Weber Street Paving Project. WCA has already done the design with review of the city to pave Weber Street with concrete. We are working out the agreement with them for the assemblies' approval so that they can go to bid after the first of the year with construction to begin in April weather permitting. The city will do some utility work under the road before the construction begins. The cost of design, construction and inspection is being funding through WCA's grant sources.

**CASSIAR WATER, SEWER AND PAVEMENT** - We have a handful of things remaining prior to bidding this project out for 2014 construction. This is a 1.5 million dollar project and is funded by two state grants.

**TRAVEL LIFT AND PIER IMPROVEMENTS** - This was a two part project. The improvements to the pier where boats are lifted from the water has been modified to support the new 300 ton travel lift. This portion of the State Department of Commerce, Community and Regional Affairs is complete. We have on order the second part of the grant which is the construction of the actual travel lift machine which is currently being constructed in Italy and is expected to arrive in Wrangell in February at which time it will be assembled by factory representatives. They will also go through all of the training for both operations and maintenance prior to signing off the machine to us. We expect to have some funds remaining on the project and will ask our legislators to expand the language on this grant so we can use this on the paving at the marine center.

**CITY DOCK IMPROVEMENTS** - We have completed the first phase of this project with the completion of work on coating and zincs for the piling system, guard railing, new water line supports and other work. With the money remaining in the existing grant we plan to replace lighting to match downtown street lights and do work to the fender system. We will also change out and complete the new summer floats with new redesigned floats.

**COMMUNITY CENTER IMPROVEMENTS** - The city has a grant from the federal government Department of Housing and Urban Development (HUD) to make improvements at the community center. The first part of this construction is complete with the construction of a new roof, insulation and some other improvements inside. The next phase is to complete the removal of asbestos in the lower part of the building so it can be used for various recreation programs. We are waiting to begin this last part until all of the components of the previous contract is closed out.

**SEWER PUMP STATION** - Although this project is not glamorous, it is essential. The two current sewer pump stations are located adjacent to Remy's Bar and the power plant boat launch areas. These are over 35 years old and the current pumps and technology is long past its prime. In fact, it is getting next to impossible to get parts to keep these going. If either of these go down and cannot be fixed, we have a serious environmental problem. We have both state grant and loan that we can use on this project. We actually are hoping to use the grant and Sewer Department funding before we have to access the loan that is available through the state Department of Environmental Conservation. We are hoping this project can get designed and bid in 2014.

**RECYCLING GRANT** - The city received a grant to start the first steps of a recycling program. The grant requires us to develop a plan that the state would approve. Once the plan was approved we could continue with some recycling equipment to help us begin a program of recycling some items. This grant includes money to identify and clean up remote dump sites, staff training, hiring of a consultant to do a development plan, purchase equipment and promote public opportunities to recycle. The equipment we plan to purchase is a glass crusher. This will turn

glass into a sand size product that can be used for a variety of city uses such as bedding pipes. We have until September 14<sup>th</sup>, 2014 to complete this project.

### **LIGHT DEPARTMENT:**

PERSONNEL - Wrangell Line Apprentice Dwight Yancey has successfully passed his 3<sup>rd</sup> year of testing a full month ahead of schedule. A key member of our WML&P line crew, Mr. Yancey has one more year of his apprenticeship left, after which he will be eligible for certification as a Journeyman Lineman.

POWER PLANT - The new Power Lift Doors for the truck bays that were approved in this year's budget have arrived and staff will start the process of installing them as soon as the work schedule allows. This will aid in weather proofing the truck bays as well as the WML&P Admin Office.

Our unit #4 generator is down at the moment for repairs. It was discovered earlier this season that there were issues with the oil cooler maintaining temperature. As soon as the processing season closed, the unit was taken out of service to have the coolers sent south for cleaning. While being cleaned cracks were discovered in one of the two coolers, attempts to repair those cracks were unsuccessful and another had to be ordered. Both the new cooler and the cleaned one are expected to be in Wrangell by 11/29/13. It will take approximately one day to complete the repair.

GENERAL - The first of the MET towers is in place on the hill behind the golf course. This is the first one of two wind data collection sites that will be going up on the island as part of a Partnership with Alaska Energy Authority. The second is slated to go on the back side of Salamander Ridge as soon as the Forest Service permit is complete.

Buness Electric tells us the new heat pumps ordered for City Hall and the Electric Dept. The heat pumps for the Admin office have arrived. The pumps will be installed at City Hall as soon as they are able to get to it.

The Pats Creek Right of Way Project has moved forward. White Enterprise was contacted to salvage what remained of the downed wood in the area and deck it where local firewood cutters could get access to it. The only thing required to utilize the wood is a free Personal Use firewood permit that can be obtained at the WML&P admin office. As of 11/27/13 a total of 20 permits have been issued.

### **HARBOR DEPARTMENT:**

MARINE SERVICE CENTER - Things are returning back to normal with the contractor gone. The yard is very nice to work in with all of the mud puddles gone and a flat and safe surface to block boats on. Business has been somewhat slow this late summer and fall but we are starting to see requests pick up a bit. Having a yard tore up made scheduling difficult this last six months but we expect business to get back to normal.

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.

Greg Meissner, Wrangell Harbormaster, will be looking at the haul out rates with our competitor's as well as operational costs of the 300 ton machine.

SHOEMAKER BAY - Greg had a conversation with the State DOT Harbor Engineer at the Harbormaster Conference and they may be able to make better headway with the float replacement project. It sounds like we do not need full engineering in hand to apply for the matching grant funds. The engineer will be coming to Wrangell soon and I and Jeff Jabusch will have a chance to figure out our options.

MYERS CHUCK - The state still wants Wrangell to take over ownership of the Meyers Chuck Float system. Wrangell needs to come to a solution with the residents of Meyers Chuck to figure out how we will bill the users of that float. It is not fair for repair (and eventually replacement costs) to come from Wrangell harbor user fees. The Meyers Chuck float users' needs to put money into that fund.

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

SNOW REMOVAL - The harbor is reminding users to clear around their vessels in preparation for snow removal. Staff will also be out pressure washing until the freeze in an attempt to minimize the slick green areas of the floats. Staff is producing a list of lights that are out and needing replacement. The Shoemaker Grid electrical system is having issues and an electrician is looking to see what is repairable and what needs to be replaced.

PERSONNEL - George Howell is still leaving the Harbor but delayed his departure until spring.

FISH EXPO - Greg attended the annual Fish Expo in Seattle last week and he reported that it was a good showing. The show had an increase in attendance and the interest was high. There was a lot of interest in the 300 ton machine and the most asked question was "when does it arrive?" Greg said that if the Harbor can haul a few large boats prior to the fishing season the word would be out on the grounds that Wrangell's new lift is up and running.

Greg handed out a lot of vendor information and answered a lot of questions in regards to the type of work that can be done in Wrangell. A lot of people who are looking to do boat work are hearing that Wrangell is the place to go. It is evident that the Wrangell Marine Service Center has become the premier boat yard in southeast Alaska.

**MUSEUM DEPARTMENT:**

The museum will distribute the first newsletter in over 3 years in December. The newsletter will be mailed quarterly to the members of the Friends of the Museum. It will feature historical photos and articles, in addition to museum information and various (hopefully) entertaining topics.

Chautauqua is coming up and will begin in January. Thus far we have speakers on Paleo Lifestyle and Clean Eating, the 1869 Bombardment, Wrangell's Chinese Gang War, and the 1906 Fire. Chautauqua is held every Thursday at 7pm in the Nolan Center from January to March.

**CIVIC CENTER:**

November seems to be the start of Christmas. We started off with the Harbor Light's annual bizarre and have moved in to decorating for Christmas tree lane as of November 25th. We are in full on deco mode and we welcome anyone to participate. The lane will officially open on December 3rd and bidding will stop on December 14th. During the month of December we will be having functions both private and open to the public \* Dove tree Dec. 8th, Wrangell Chorale Dec 15th, Wrangell Ministerial program Dec 22nd\*.

Terri has been spearheading a project with the CVB/Chamber/Museum on a joint logo. The logo will encompass all four entities and can be used on whatever joint projects we work on. The first is bags that will be used from everything from the gift store to welcome bags. This has been a joint effort and we are forming a great working relationship.

This coming year is bringing us some great and exciting projects. First is the annual Stikine River Birding festival in April. Carol Rushmore, Corree with the USFS, and Terri has been working on this. Then in June we have the Salty Dog Rally, the Nolan Center/CVB/Chamber has been working on this and it should be a great time for those yachters while here in Wrangell.

SOUTHEAST CONFERENCE - Next is Southeast Conference in September, planning has already begun on the preparations for this.

BOARD OF FISHERIES - This summer Terri put a bid in on holding the January 2015 Board of Fisheries meeting here and they got it! This should bring around 80-100 people here in January for 7-9 days. What a great winter boost for the town.

**PARKS AND RECREATION:**

GENERAL NEWS - Parks & Rec has applied to be a vendor to both home school programs in which Wrangell home school students participate. The two programs are: 1) PACE; and 2) IDEAS. The cost of students' participation in certain Parks & Rec recreation and athletic programs could be reimbursed to the student by their school, as long as the program is approved under their curricula.

**RECREATION PROGRAMS** - The first of a two-weekend tournament for Co-ed Youth Basketball League (YBB) took place in Petersburg on November 30<sup>th</sup> and December 1<sup>st</sup>. The second weekend event is scheduled in Wrangell on December 7<sup>th</sup> and 8<sup>th</sup>.

Pee Wee Wrestling League is scheduled to begin in mid-January. Jeff Rooney has expressed an interest in continuing to lead the charge in this Parks & Rec athletic program.

**PARKS** - The Indoor Shooting Range is scheduled to reopen January through February. Marlin Benedict has expressed an interest in continuing to assist as one of the two, weekly instructors for this Parks & Rec program.

**FACILITIES - COMMUNITY CENTER RENOVATIONS PROJECT:** The Borough Manager has provided a final decision regarding the outstanding cost issues with the project's Contractor, Johnson Construction. The Contractor has the option to mediate if the final decision is not accepted. Following conclusion of this matter, the asbestos removal project will be pursued.

**PUBLIC WORKS:**

**STREETS** - Public Works crews have been cutting back brush on City rights of way with our recently acquired, excavator mounted, brush cutter. It worked extremely well and saved a lot of time. In addition, crews went out and removed some of the larger limbs and stumps with power saws.

Public Works has been making preparations for winter. The more than 200 fire hydrants in the system have been checked and winterized, winter tires are on City vehicles, the street sander is ready to go and most of the heavy equipment used for snow removal is chained up and ready. We've held off on chaining up one grader and one loader for road maintenance until we see snow in the forecast and repairs are being made to the plow truck we use for spreading de-icing chemicals.

**SOLID WASTE** - The City finally has a fully executed agreement for our CIAP solid waste grant. This grant includes funds to clean up some remote illegal dumping sites, some planning and training funds, and funds to purchase some recycling equipment. The grant specifically identifies a glass crusher as the equipment we are likely to purchase. Fully implementing a comprehensive recycling program will require purchase of a baler which the sanitation department currently does not have funding for.

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, is 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. The water department will be replacing the water main in upper Weber Street within the next few weeks if the warm weather holds.

**FINANCE DEPARTMENT:**

TAXES - 2<sup>nd</sup> half taxes are due on December 16<sup>th</sup>, 2013.

SENIOR TAX EXEMPTIONS - Filing opens up for Senior and other property tax exemptions in December.

FINANCE DIRECTOR JOB OPENING - Advertisement to file the position of Finance Director is being advertised. It is hopeful that this position can be filled by the end of January and then can start a training program to get them up to speed.

# Agenda Item 9

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM

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

##### *Mark Your Calendar:*

12/12 Planning & Zoning Commission mtg. @ 7 pm in the Assembly Chambers  
12/17 SEAPA Board mtg. from 9 am to 5 pm to be held in Ketchikan  
12/18 Hospital Board mtg. @ 5:30 pm at the Nolan Center  
12/19 WCVB mtg. @ 6:30 pm in the Assembly Chambers

12/25 Christmas Day                      City Hall Closed  
12/26 thru 12/31/14                      City Hall will be closed for the Annual Year-End Maintenance  
12/30 Special Energy Committee mtg. @ 5:15 pm in the Assembly Chambers  
1/1 New Year's Day                      City Hall Closed



#### *AAMC/AML Conferences*

Thank you for allowing me the opportunity to attend the Alaska Association of Municipal Clerks & the Alaska Municipal League Conferences this year. This training allowed me to develop a network of fellow professionals while gaining valuable training that will allow me to provide excellent service to you and the community. If you are interested in seeing the AAMC Schedule, please let me know.

This past year, I joined the Fundraising Committee for the AAMC. This committee helps to raise money for AAMC Scholarships, sending Clerks to the AAMC Conference and Northwest Clerks Institute. I think that we had a record year!! I will know more once the numbers are tallied up. We tried a few new things this year:

- Candy Bar Sales (\$785!!)
- White Elephant Silent Auction (raised over \$500)

The Fundraising Committee also raised money by having: Regional Basket Auction, Paddle Raise, 50/50 (split the pot), Items for Sale, Banquet Silent Auction, and the Raffle Tickets. Again, all proceeds go towards the clerks scholarships.

I will be on the Fundraising Committee for the upcoming year as well as the Scholarship Committee!

Thank you for your support!

**The following Public Correspondence was received from:**

Name	Regarding	Correspondence dated
• Paul Southland	TBPA & Current Energy Issues. Public Comments.	November 25, 2013

***Here is some parliamentary information on the use of:***

### Withdrawing a Motion

A motion may be withdrawn by the mover only with the permission of the group. The mover may ask to withdraw a motion and the chair then can ask for objections. If there are none, the motion is withdrawn. If there is an objection, then a vote must be taken and the motion withdrawn only with a majority vote. Ordinarily, withdrawn motions are not included in the minutes.

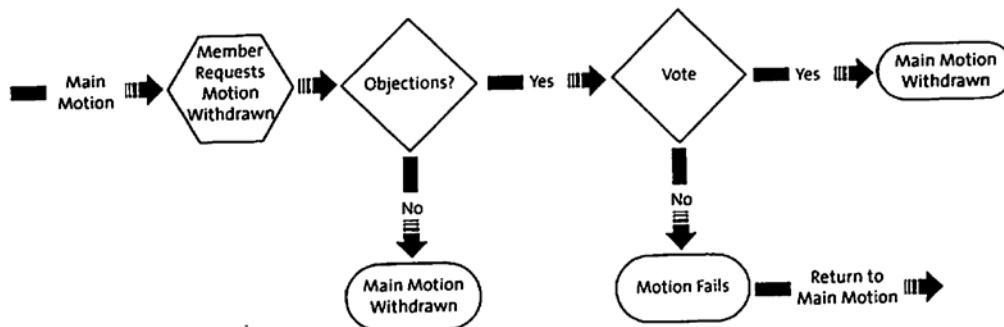


Figure 19. Withdrawing a Motion

#### IN OUR EXPERIENCE

*Under the rules of parliamentary procedure, you don't get to say, "I'm taking my marbles and going home." We have heard of an instance when members of a council were hotly debating a controversial motion. When the maker realized that it was likely to fail, in order to avoid an outright defeat he said "I withdraw the motion." His colleagues allowed him to do this and did not object, which they had the right to do. Their political aims would have been better served if they had known the rules and said, "This motion belongs to the council and we will not allow it to be withdrawn." —Ann*

*Taken from: Mastering Council Meetings*

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

## PAUL G. SOUTHLAND

November 25, 2013

Mayor David Jack and Assembly  
City and Borough of Wrangell

Dear Mayor and Assembly;

I wish to address three topics with respect to Thomas Bay Power Authority and current energy issues reported in the Wrangell Sentinel dated November 21, 2013.

**First** from my experience in public life I think it is of paramount importance that employees of the public be extremely aware of how they present positions on current issues. It is exceptionally easy for statements to be misconstrued or taken out of context. In the paper last Thursday Mr. Jabusch is quoted as taking a contrary position to energy committee member Schmidt's statement "SEAPA wants to run it".

Jabusch's statement, as quoted, "I don't think they would have a heartache if Thomas Bay kept running it"; as a member of the public I would like to know on what information he made that statement.

SEAPA thru its' former CEO Carlson and current CEO Albert Atkison are on record requesting that the operations contracts be terminated. Unless, Mr. Jabusch has information not in the public realm, the SEAPA Board has merely delayed action on that recommendation. To me it seems Mr. Schmidt was exactly correct and on point.

**Second** is the issue of "meaningful" representation for the communities and local ratepayers in their hydroelectric facility. SEAPA has continuously stated on the record that the communities and the ratepayers are not "stock holders" and **DO NOT OWN** the facilities. This is, probably legally true, but just as true is Alaska's intent in building and funding the facilities for the benefit of the communities.

SEAPA has a history of secretive behavior insisting that they are not a public entity subject to the open meetings act, but voluntarily submit to portions. SEAPA Bylaws make their directors only subject to sanction after appointment by SEAPA itself. Directors are indoctrinated upon appointment by SEAPA's attorney in ***the SEAPA is paramount, its' needs supersede those of your community mindset.***

PO BOX 257  
Wrangell, AK 99929  
USA

PHONE 360-961-4286  
FAX 907-874-3524  
EMAIL paulsouthland@gmail.com

The establishment of this organization has led to a "hybrid" semi-public governmental entity called a Joint Action Agency answerable to no elected official. The original state Southeast Integrated Resource Plan draft (SEIRP) pointed to the "inflexible business structure" of SEAPA as a regional problem. It is not a governmental agency, it is not a private agency, but scariest of all is the lack of clear ownership of SEAPA the organization. This lack of clarity in ownership leads to confusion at best, distrust at worst.

If there is doubt in your mind as to my point ask yourselves, "Can I sell my ownership interest in SEAPA?" If so how do I hold title?

**My third point is really where the rubber meets the road.** As ratepayers most of us in Wrangell are interested in this SEAPA, TBPA issue only in how it affects rates.

I have been told time and time again that whatever the outcome of who operates Tyee, as ratepayers our low rates are guaranteed by **the Power Sales Agreement (PSA)**. Perhaps, perhaps not.

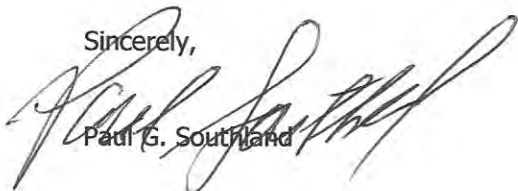
The PSA does for the most part assure our access and price of power in respect to current power production capacity. The PSA, also, clearly states that any new production is solely priced by SEAPA in which we have one vote in five.

We are aware that the Swan Dam is being raised allowing for increased power production. I am told that SEAPA is asserting that the power production capacity of Tyee has increased due to a stream gage modification.

These are each "new" production. What are the assurances that Wrangell's wholesale rate will not be adjusted until we have exceeded our 50% of Lake Tyee's historic generation capacity? Frankly, this assurance would need to come from a utility industry attorney hired by Wrangell to give me much confidence.

Thank you for your time and full consideration of Wrangell's current and future power needs.

Sincerely,



Paul G. Southland

# Agenda Items 10 a - d

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY

#### AGENDA ITEM

December 10, 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 of an Assembly Member to the Code Review Committee**

**RECOMMENDED ACTION IF NOT APPROVED WITH THE CONSENT OF THE ASSEMBLY:**

Move to appoint Assembly Member \_\_\_\_\_ to fill the vacancy on the Code Review Committee.

➤ **Item 10c**      Appointment to fill the vacancies on the SEAPA Board (two voting seats and two alternate seats)

*Letters of interest received from:*

<i><b>Voting Member (Two)</b></i>	<i><b>Alternate Member (Two)</b></i>
<i>Clay Hammer</i>	

**RECOMMENDED ACTION:** Move to appoint \_\_\_\_\_ & \_\_\_\_\_ to fill the vacancy of the Voting Member seat on the SEAPA Board beginning on January 1, 2014, and ending December 31, 2014.

**RECOMMENDED ACTION:** Move to appoint \_\_\_\_\_ & \_\_\_\_\_ to fill the vacancy of the Alternate Member seat on the SEAPA Board beginning on January 1, 2014, and ending December 31, 2014.

➤ **Item 10d**      Appointment to fill the vacancies on the following City Boards and Committees:

- **Planning & Zoning Commission**

One vacancy (*unexpired term until **October 2016***)

*There was one letter of interest received from:*

➤ **Mark Mitchell**

- **Cemetery Committee**

Two vacancies (*unexpired terms until **October 2016***)

- **Nolan Museum/Civic Center Board**

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

➤ **RECOMMENDED ACTION IF NOT APPROVED WITH THE CONSENT OF THE ASSEMBLY:**

Move to appoint \_\_\_\_\_ to fill the vacancy on the Planning & Zoning Commission for the term until October 2016.

*There were **no** other letters of interest received for the remaining vacancies; the Borough Clerk will continue to advertise for letters of interest to fill the vacancies.*

**Letters for City Boards & Committee Appointments received from:**

• <b>Mark Mitchell</b>	<b>Planning &amp; Zoning Commission</b>
• <i>none</i>	<b>Cemetery Committee</b>
• <i>none</i>	<b>Nolan Museum/Civic Center Board –</b> <i>Until October 2015</i>
• <i>none</i>	<b>Nolan Museum/Civic Center Board –</b> <i>Until October 2016</i>

**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\_\_\_\_.

for Item 13c

SEAPA Voting Member Seat

12/3/2013

CITY CLERK  
DEC 03 2013  
RECEIVED

Honorable Mayor and Assembly Members, City and Borough of Wrangell

Please consider this as my Letter of Intent to be considered for any of the SEAPA board positions. It is my understanding that this is a one year term representing the City and Borough of Wrangell on that board.

\*\* Interested in one of the Voting Member Seats (inserted by the Borough Clerk at the request of Mr. Hammer)

Respectfully, Clay Hammer

PO Box 398 Wrangell AK

PH # 907-305-0373

for Item 13d

**Carol Rushmore**

**P&Z Seat**

---

**From:** Trophymtn <trophymtn@aol.com>  
**Sent:** Monday, December 02, 2013 2:19 PM  
**To:** ecodev@wrangell.com  
**Subject:** planning board

Dear Carol: Thank you for the information you provided. It has been very helpful. I would be interested in serving on the Planning Board if that serves the interest of the community. Please let me know if there is anything else you need. Thanks, Mark

CITY CLERK  
DEC 02 2013  
RECEIVED

# **Agenda Item 12a**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 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 *(second reading)*

#### **Attachments**

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

#### **RECOMMENDED ACTION:**

Move to approve Ordinance No. 871.

# 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 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:    November 12 \_\_\_\_\_, 2013.

PASSED IN SECOND READING: \_\_\_\_\_, 2013.

Attest: \_\_\_\_\_

Kim Lane  
Borough Clerk

\_\_\_\_\_  
David L. Jack  
Mayor

# **Agenda Item 12b**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013**

#### **INFORMATION:**

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 (*second reading*)

#### **Attachments**

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

#### **RECOMMENDED ACTION:**

Move to approve Ordinance No. 872.

## **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 15<sup>th</sup> through September 30<sup>th</sup>, 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:   November 12\_\_\_\_\_,2013.

PASSED IN SECOND READING: \_\_\_\_\_, 2013.

Attest: \_\_\_\_\_

Kim Lane  
Borough Clerk

\_\_\_\_\_  
David L. Jack  
Mayor

# Agenda Item 12c

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013

#### INFORMATION:

Approval of the Wrangell Capital Project Priorities Request for FY 2014-15, amended to include the fire departments two additional requests: \$220,000 for a Fire Engine/Pumper and \$60,000 for the purchase of 10 SCPA's Personal Protection for Firefighters, and to move the institute and mill property to position no. 7 & 8 on the list.

#### Attachments:

1. Memo from Jeff Jabusch, dated December 6, 2013
2. Revised Capital Project Priority List for FY 2014-2015

**It is the recommendation of the Borough Manager to take action to remove this item from the table and that it then is defeated. This would allow the new motion to be considered. The new proposed motion addresses all of the changes that were requested by the Assembly on Nov. 12<sup>th</sup> as well as an addition to the bottom of the list, (recommended by staff).**

#### ➤ **MAIN MOTION AS AMENDED:**

*(Item must be voted on to remove from the table since this item was tabled at the November 12, 2013 Regular Meeting)*

Move to approve the Wrangell Capital Project Priorities Request for FY 2014-15, as amended to include the fire departments two additional requests: \$220,000 for a Fire Engine/Pumper and \$60,000 for the purchase of 10 SCPA's Personal Protection for Firefighters, and to move the institute and mill property to position no. 7 & 8 on the list.

#### ➤ **NEW RECOMMENDED ACTION:**

Move to approve the revised Capital Improvement Project List for fiscal year 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: DECEMBER 6, 2013**

**BACKGROUND:**

The original Capital Improvement Projects (CIP) list was presented at the assembly meeting of November 12<sup>th</sup>. At that meeting there were several changes that were requested by the assembly and those changes have been made and incorporated into a revised CIP.

At the request of Carol Rushmore, we have added one new item. The project (Mitigation/Restoration Planning) is an issue that staff have been discussing since the Hospital mitigation issues, and it will be necessary in the future for any Borough development plans -- new residential lands, utility extensions, trails etc. It will take a while to complete, but based on some things I learned last week at my Planning meetings and at AML, with proper planning it might be feasible for not only borough projects but help private development as well.

This item is estimated to cost \$75,000 and has been added to both the master list and the under \$100,000 list.

**Recommended Action by Staff:**

**Move to approve Capital Improvement Project list as presented.**

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

	Town	Project	State		Total		State or Federal
			Request Amount	Project Amount	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	6 Mile property development plan for mixed marine/Industrial uses	100,000	100,000		State	
8	Wrangell	Institute Property Development	100,000	100,000		State	
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 funding ar	5,800,000	5,800,000		State/Local	
12	Wrangell	Cassiar Street	250,000	250,000		State	
	Wrangell	School Fire Alarm System	200,000				
	Wrangell	Power Plant Roof Replacement	2,500,000	2,500,000		State	
	Wrangell	Wrangell Road Resurfacing	8,000,000	8,000,000		State/Federal	
	Wrangell	Shoemaker Bay Float - Construction	1,500,000	1,500,000		State	
	Wrangell	Waste Reduction Facility: (Building modifications/Bailer)	3,000,000	3,000,000		State/Federal	
	Wrangell	Sunrise Lake - Alternative Water Source (Monitoring, Design, NEPA, etc.)	1,500,000	1,000,000		State/Federal	
	Wrangell	Pool Facility Improvements (Pool Roof, Mechanical, Remodel)	250,000	250,000		State/Federal	
	Wrangell	Electric System Upgrades (Wrangell Medical Campus and Boat Yard Haul Out					
	Wrangell	Water Main Replacement	1,250,000	1,250,000		State	
	WRG/PRG	South Mitkof Island Improvements - Banana Point Improvements					
	Wrangell	Electrical Extension on Etolin	1,000,000	1,000,000		State/Federal	
	Wrangell	Community Center Renovations and Asbestos Removal					
	Wrangell	Dam Replacement	250,000	250,000		State	
	Wrangell	Trails' Extensions	2,500,000	2,500,000		State/Federal	
	Wrangell	Reliance Harbor - Design and Construction	2,500,000	2,500,000		State/Federal	
	Wrangell	Inner Harbor - Design and Construction	2,000,000	2,000,000		State	
	Wrangell	Standard Oil Float - Design and Construction	500,000	500,000		Federal	
	Wrangell	Industrial Park Expansion - Road and Utilities Expansion					

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	Fire Engine/Pumper	220,000		
Wrangell	SCBA's for personal Protective Equipment	60,000		
Wrangell	Mitigation/Restoration Plan for Public/Private Development	75000	150000	

Wrangell Capital Budget Requests for 2014-15					State or Federal	
<u>Prioritized Projects Under \$100,000</u>					State	
Town	Project	State Request Amount	Total Project Amount			
1 Wrangell	Engineering Condition Assessment for Pool Facility and Community Center	35,000	35,000	state		
2 Wrangell	Two Police Vehicles	70,000				
3 Wrangell	Fire Hose Replacement	25,000				
4 Wrangell	6 Mile property development plan for mixed marine/industrial uses	100,000	100,000	State		
5 Wrangell	Public Works Building Improvements	50,000		State		
6 Wrangell	Pool Locker Replacements	50,000	50,000	State		
7 Wrangell	City Hall Energy Improvements	25,000				
8 Wrangell	Institute Property Development	100,000	100,000			
9 Wrangell	Volunteer Park Plan	25,000	25,000			
10 Wrangell	Multi-Purpose Field Improvements	100,000	100,000	State/federal		
11 Wrangell	Byford Junk Yard Improvements	100,000	800,000			
12 Wrangell	SCBA's for personal Protective Equipment	60,000				
13 Wrangell	Mitigation/Restoration Plan for Public/Private Development	75000	150000			

# **Agenda Item 12d**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013**

#### **INFORMATION:**

A RESOLUTION OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, RECOMMENDING THAT THE OPERATIONS AND MANAGEMENT OF THE TYEE HYDROELECTRIC PROJECT BE TRANSFERRED FROM THOMAS BAY POWER AUTHORITY (TBPA) TO SOUTHEAST ALASKA POWER AUTHORITY (SEAPA) AND TO WORK COOPERATIVELY WITH THE PETERSBURG BOROUGH AND SEAPA TO FORMULATE A COMPREHENSE CONVERSION PLAN TO MEET THIS GOAL

#### **Attachments**

1. Proposed Resolution No. 12-13-1290
2. Correspondence from Svend A. Brandt-Erichsen, Attorney, dated November 13, 2013
3. Petersburg Borough approved Resolution No. 2013-21
4. Memorandum from Trey Acteson, SEAPA CEO, dated August 19, 2013

#### **RECOMMENDED ACTION:**

Move to approve Resolution No. 12-13-1290

CITY OF WRANGELL, ALASKA

RESOLUTION NO. 12-13-1290

A RESOLUTION OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, RECOMMENDING THAT THE OPERATIONS AND MANAGEMENT OF THE TYEE HYDROELECTRIC PROJECT BE TRANSFERRED FROM THOMAS BAY POWER AUTHORITY (TBPA) TO SOUTHEAST ALASKA POWER AUTHORITY (SEAPA) AND TO WORK COOPERATIVELY WITH THE PETERSBURG BOROUGH AND SEAPA TO FORMULATE A COMPREHENSE CONVERSION PLAN TO MEET THIS GOAL

**WHEREAS**, Thomas Bay Power Authority is under contract with SEAPA to operate and maintain the Tyee Hydroelectric Facility; and

**WHEREAS**, TBPA was created by the Cities of Wrangell and Petersburg to operate and maintain the Tyee Hydro project Facility, and

**WHEREAS**, SEAPA is the owner and holds the Federal Energy Regulatory Commission (FERC) permit for the Tyee Hydroelectric project, and

**WHEREAS**, Wrangell recognizes the many contributions that TBPA has made over the years, the bond it has helped create between Petersburg and Wrangell and believes that TBPA should go into an inactive state rather than eliminate it so it may reactivate it in the future if the need arises ; and

**WHEREAS**, SEAPA has proposed to operate the Tyee facility for the communities of Wrangell and Petersburg; and

**WHEREAS**, Petersburg has passed a resolution that states that they want to accept the offer made by SEAPA's CEO dated August 19, 2013 and that they are willing to work with SEAPA and others to make the offer, or a similar negotiated offer, a permanent agreement and encouraged Wrangell to also accept the SEAPA offer; and

**WHEREAS**, Both Wrangell and Petersburg believe there are economic and operation advantages for SEAPA to operate the Tyee facility; and

**WHEREAS**, Wrangell believes that in this transfer of operations, it is important that the employees of TBPA that will be absorbed into the SEAPA system are given assurances that they will "kept whole" during the transfer and that the positions will be kept in Wrangell for a period of two years; and

**WHEREAS**, Wrangell currently is paying for 100% of the non-net billable costs of TBPA since July 1st, 2013 and believes that these costs need to be equally shared from July 1, 2013 up to the time that the conversion is completed; and

**WHEREAS**, Without TBPA, it is important that Wrangell, Petersburg and SEAPA make every effort to continue to improve open and transparent communications with each other on both the Tyee Project and the SEAPA system as a whole and believes both a longer retention of SEAPA's Digital Audio Recording of meetings and having an assembly member on the SEAPA board will help both SEAPA community members and Wrangell achieve progress in area of better communications and transparency; and

**WHEREAS**, Wrangell believes that it is important that from time to time that the three communities: Ketchikan, Petersburg, and Wrangell revisit the existing MOU, including updates that may be needed, and the underlying reasons why it was part of the original divestiture and urges Ketchikan and Petersburg to participate in this process; and

**WHEREAS,** SEAPA's offer to run the Tyee Hydroelectric Project included absorbing all costs related to the Public Employees Retirement System (PERS) unfunded liability, transferring all employees to SEAPA and integrating them into the various benefit packages that SEAPA would provide; and

**WHEREAS,** Wrangell recognizes that the ARECA Insurance Rebate of approximately \$259,798 is an asset of TBPA and that it is not unreasonable to apply this amount to the unfunded liability debt incurred by its employees while working for TBPA and would encourage Petersburg to take a similar stance; and

**WHEREAS,** Wrangell understands that the conversion of various payroll, accounting and other records to SEAPA may take some time and Wrangell is committed to making that process as smooth as possible and is willing to assist in any way that we can to less the impact this transition has on the employees of TBPA.

**NOW THEREFORE BE IT RESOLVED,** THE CITY AND BOROUGH OF WRANGELL BOROUGH ASSEMBLY directs the Borough Manager to enter into negotiations with SEAPA and the Petersburg Borough to develop a conversion plan to transfer the operations and maintenance of the Tyee Hydroelectric Facility to SEAPA and to bring back the plan to the respective boards for approval.

**RESOLVED FURTHER,** THE CITY AND BOROUGH OF WRANGELL BOROUGH ASSEMBLY would like the following features included as part of the conversion plan:

1. That the conversion plan be completed and presented to the respective boards by January 31, 2014.
2. The current TBPA employees are "kept whole" as it relates to wages and benefits through the conversion process.
3. That the current employee contracts with both IBEW and the TBPA manager are "kept whole" during the conversion process or if some changes have to be made every effort will be made to minimize any negative impacts to the employees.
4. That the City and Borough of Wrangell will work cooperative with SEAPA with all matters related to payroll and other accounting records to help reduce any impact on both the TBPA employees and SEAPA.
5. That SEAPA will be responsible for all of the TBPA PERS unfunded liability and that to help lessen that impact, Wrangell and Petersburg agree to contribute the ARECA Insurance Rebate of approximately \$259,798 or the amount of the unfunded liability, whichever is less.
6. That there is a date set in the future that would require the City and Borough of Wrangell, the City and Borough of Ketchikan and the Petersburg Borough to review the Power Sales Agreement and the organization of SEAPA to see if it is in all of our best interest to continue as is or if there are changes that could be made for the mutual benefit of all communities.
7. That the non-net billable costs that Wrangell has paid since July 1, 2013 to the date of the final conversion are shared by the other parties to this agreement.

**FINALLY RESOLVED,** THE CITY AND BOROUGH OF WRANGELL ASSEMBLY would like the following items adopted in order to promote open communications between Wrangell, SEAPA, Petersburg Borough, and the City and Borough of Ketchikan:

1. Direct the Borough Manager to send a letter to the SEAPA Board requesting them to retain the Digital Audio recordings of their meetings for a period of two years.
2. That the City and Borough of Wrangell would make as policy that the SEAPA board appointment from Wrangell each year would first be chosen, if a candidate is available, from the borough assembly prior to any other candidates being considered.
3. That Wrangell send a letter to both the City and Borough of Ketchikan and the Petersburg

Borough urging them to participate in revising the existing MOU to meet current conditions and to adopt a date in the future that the three communities would participate in reviewing this revised MOU.

ADOPTED: \_\_\_\_\_, 2013

\_\_\_\_\_  
David L. Jack, Mayor

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk



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November 13, 2013

Privileged and Confidential

VIA ELECTRONIC and U.S. MAIL

Jeff Jabusch  
Interim Borough Manager  
City and Borough of Wrangell  
P.O. Box 531  
Wrangell, AK 99929

RE: *Thomas Bay Power Authority*  
Response to Question re Administrative Costs

Dear Mr. Jabusch:

This letter responds to three questions you have asked me regarding clerical and administrative expenses for the Thomas Bay Power Authority (TBPA). Here are the short answers to each of your questions, followed by a background discussion and the analysis that supports the short answers:

**Short Answer**

***1. Are TBPA clerical and administrative costs normally allowed under FERC accounting code 539 and the Long Term Power Sales Agreement?***

As explained below, certain TBPA supervisory activities and clerical support for those activities would fall under FERC accounting code 535. General clerical costs in support of hydroelectric operations would fall under code 539.

The assignment of a cost to a FERC code does not establish a right to recover those costs. TBPA does not sell electricity, so its compensation is not linked to power rates or FERC regulatory requirements. TBPA is compensated for operating the Tyee Lake project under the terms of contracts, and it is those contracts that determine what TBPA costs can be recovered.

The relevant agreements are the Operation and Maintenance Agreement for TBPA (Tyee O&M Agreement) and the Long Term Power Sale Agreement (PSA). The O&M Agreement limits TBPA cost recovery to the O&M budget approved by the Southeast Alaska Power Authority (SEAPA). Similarly, the PSA limits Wrangell's ability to deduct TBPA costs to those costs contained in a SEAPA-approved O&M budget.

***2. Does Southeast Alaska Power Authority (SEAPA) have the legal right to deny reimbursement of TBPA clerical and administrative costs based on SEAPA's Policies and Procedures Handbook?***

Neither the Tyee O&M Agreement nor the PSA specify whether TBPA general administrative costs can be classified as O&M expenses. The PSA says that approved costs are subject to procedures prescribed by SEAPA. I understand that SEAPA uses a Policies and Procedures Handbook that was compiled in 2005 for the Four Dam Pool Power Agency. Since the Handbook proscribes standards and procedures for O&M budgeting, the PSA makes the Handbook applicable to determine TBPA's recoverable O&M costs. As a result, SEAPA does have authority to make decisions regarding TBPA's budget using the Handbook.

It may be possible to argue about whether the Handbook's budgeting standards allow recovery of TBPA's administrative costs. There is a Handbook provision (Section 6.1.1(2)) that excludes general administrative costs. A clause in that paragraph allows administrative costs if they are necessitated by operation of the Project. An argument could be made that all TBPA costs are due to Project operations, since TBPA has no other purpose. However, this Handbook provision appears to have been adopted specifically to exclude the sort of general administrative costs that are at issue. So, while it is possible to make this argument, it seems unlikely to succeed. Moreover, if TBPA administrative costs could be shifted to SEAPA, presumably Ketchikan would want to do the same with its utility's administrative costs. Ultimately that could prove more expensive for Wrangell than the existing arrangement.

***3. If SEAPA does not have the right to deny these charges, can Wrangell deduct these costs when it pays the monthly power bill to SEAPA?***

The PSA does not give Wrangell the power to independently determine on its own whether a TBPA operating cost is recoverable. The PSA only authorizes deduction of costs that have been approved by SEAPA. So, even if Wrangell wanted to pursue an argument about whether the Handbook allows recovery of general administrative costs, the PSA does not give Wrangell the right to unilaterally begin deducting those costs while that argument plays out with SEAPA.

## **Background**

The Assembly's questions stem from a dispute regarding responsibility for TBPA's administrative costs. I understand that historically Petersburg has paid half of these administrative costs, but that it is refusing to pay its share of these costs going forward. You also have told me that TBPA proposed an O&M budget for the Tyee Lake hydroelectric project to SEAPA that included the administrative costs, referred to as "net non-billables," and that SEAPA approved the overall Tyee Lake O&M budget but rejected the net non-billables portion of the proposed budget.

There are several agreements and governing documents that are relevant to questions regarding responsibility for TBPA's administrative costs. SEAPA is a Joint Action Agency (JAA), an Alaska Public Corporation created under authority of AS 42.45.300 to 42.45.320. SEAPA formerly was the Four Dam Pool Power Agency, initially formed by five utilities in December 2000. Two utilities withdrew, and since 2008 SEAPA has had three members: Wrangell, Petersburg and Ketchikan. SEAPA is currently governed by the Third Amended and Restated Joint Action Agency Agreement (the JAA Agreement).

TBPA is an entity created and governed jointly by Wrangell and Petersburg. SEAPA owns (and holds the FERC licenses for) two hydroelectric power projects – Tyee Lake and Swan Lake. TBPA operates the Tyee Lake Project under an operation and maintenance agreement with SEAPA (the Tyee O&M Agreement). The Swan Lake Project is operated by Ketchikan's utility, under a separate O&M agreement.

SEAPA sells power from the projects to the three member communities under the PSA. The current PSA was signed in 2008, replacing the PSA that governed operations of the Four Dam Pool. Revenues from the power sales are used to make bond payments and to operate and maintain the hydro projects and other SEAPA assets. Power output from Tyee Lake is dedicated, in the first instance, to meeting firm power requirements for Wrangell and Petersburg.

Provisions of the Tyee O&M Agreement and the PSA are relevant to the question of TBPA's administrative costs and are discussed in the analysis below. There also is one additional relevant document: the Policies and Procedures Handbook dated June 2005. The Handbook was developed for the Four Dam Pool Power Agency. I understand that SEAPA continues to rely upon the Handbook to guide its operations.

## **Analysis**

### **Where would TBPA Administrative Costs Be Categorized Under FERC's Accounting System?**

FERC has developed a standardized accounting system applicable to all FERC licensees and to all public utilities that are subject to FERC jurisdiction. 18 C.F.R. Part 101.

TBPA is neither a FERC licensee nor a public utility subject to FERC jurisdiction. However, Section 5 of the Tyee O&M Agreement requires TBPA to use the FERC accounting procedures in keeping its books, presumably because SEAPA is the FERC licensee for the Tyee Lake Project.

The FERC accounting system requires more detailed accounting from major utilities and licensees than from smaller utilities and licensees (called “nonmajor utilities” in FERC’s system). Part 101, General Instructions, ¶¶ 1.A and 1.D. The “major” and “nonmajor” criteria are based on power sales. A “major” utility is one with total sales of at least 1 million megawatt-hours, or sales for resale of at least 100 megawatt-hours. *Id.* Since SEAPA’s sales to the communities are for resale, I assume (but have not confirmed) that it is categorized as a major utility under FERC’s accounting system based on sales for resale.

FERC’s accounting system uses a three-digit numbering code with eight general categories of accounts. The 500 series is used to categorize production, transmission and distribution expenses. Part 101, General Instructions, ¶ 3.

For nonmajor utilities, all of the costs of operating a hydroelectric facility, including supervision costs, are reported under code 535. For major utilities, the costs that nonmajor utilities report under code 535 are spread over codes 535-539. Major utilities use code 535 only for the general supervision and direction of hydro facility operations. Costs of operating hydraulic works (including direct supervision) go under code 537, costs of operating electrical equipment (including direct supervision) go under code 538, and miscellaneous labor and expenses are recorded under code 539. The accompanying instructions indicate that code 539 includes general clerical, as well as costs like guarding the plant and yard, building service, snow removal, first aid supplies and safety equipment, office supplies, etc. *See* Part 101.

FERC’s general instructions for the accounting system include guidance on what costs major utilities should record to “operation supervision and engineering” (code 535 for hydro facilities). The instructions state:

The supervision and engineering includable in the operating expense accounts shall consist of the pay and expenses of superintendents, engineers, clerks, other employees and consultants engaged in supervising and directing the operation and maintenance of each utility function.

Pt. 101, Operating Expense Instructions, ¶ 1. The instructions then list items that major utilities should charge to this category, including preparing or reviewing budgets and estimates related to operation or maintenance activities, reviewing and analyzing operating results, establishing organizational setup of departments, and formulating and reviewing routines of departments, as well as secretarial work for supervisory personnel –

but not general clerical work chargeable to other accounts. *Id.* Those general clerical costs would be recorded to code 539.

Based on the above, assuming TBPA follows the accounting procedures for major utility, I would expect TBPA's general supervisory activities, including secretarial support for supervisory activities, to be recorded to code 535. General clerical and administrative support for operation of hydraulic works and electrical production would be recorded to code 539. Without additional information regarding the work performed by TBPA's board, I cannot say definitively whether administrative costs associated with governance of TBPA would fall within code 535. That question can be answered by comparing the Board's work to the tasks listed and described in Part 101's Operating Expense Instructions.

*Assuming TBPA Administrative Costs Fall Within FERC Accounting Codes, Does That Make Them Recoverable From SEAPA?*

While some of TBPA's administrative costs are likely to fall under code 539, and others under code 535, that in and of itself does not make those costs recoverable from SEAPA. FERC's accounting system is simply a standardized approach to accounting for the revenues and costs associated with electric power facilities. A FERC licensee is required to record its costs using this standard accounting system and to provide FERC with access to those records on request, but the obligation for any party to pay those costs must be found elsewhere.

IF TBPA were selling electric power, then the fact that administrative costs are recognized in the FERC accounting system would support inclusion of those costs in TBPA's power rate base. But here, TBPA has no role in power sales. It operates Tyee Lake under a contract with SEAPA. The PSA also contains relevant terms. These documents give SEAPA authority over the Tyee Lake project's budget. Neither the O&M Agreement nor the PSA make any reference to FERC accounting codes, so the classification of TBPA costs within the FERC accounting system does not appear relevant to whether those costs are recoverable from SEAPA.

*Does the Tyee Lake O&M Agreement Obligate SEAPA to Pay TBPA's Clerical and Administrative Expenses?*

The Tyee O&M Agreement provides only general guidance on what costs should be included in TBPA's annual budget for operation and maintenance of Tyee Lake. Section 6 of the Agreement sets out the process for development and approval of TBPA's annual budget. Sections 6(a) and (b) provide that TBPA is to prepare an annual draft budget based on "a reasonable estimate of all anticipated expenditures for operating and maintaining the Project Facility during the Contract Year." Section 6(c) provides that SEAPA is to review the draft budget and forward its recommended budget for Project Management Committee (PMC) approval. Section 6(d) provides that TBPA is not to

make any expenditures in excess of the approved budget unless a revised budget has first been approved. Thus, SEAPA is given the power to approve TBPA's budget, but Section 6 does not provide any detailed direction on the content of the budget.

There is some additional guidance provided by Section 4, which lists TBPA's general responsibilities under the O&M Agreement. These include "all operations of the Project Facility," and providing "all material, labor, technical support, and training to operate maintain and repair the Project Facility." Again, these are fairly broad descriptions and do not provide direct guidance on whether clerical or administrative costs are properly part of the annual budget. There is however, further general and specific direction provided by Section 4 regarding facility operations, including a provision that TBPA "shall also prepare operating and financial statements ... relating to the operation, maintenance and repair of the Project Facility." Section 4(f)(6). Administrative or supervisory staff presumably are responsible for preparing operating and financial statements and maintaining the facility records required by Section 4(f)(6). Accordingly, while Section 4 does not expressly authorize the recovery of TBPA's general administrative costs, Section 4(f)(6) does indicate that the annual budget should include at least the administrative costs associated with the tasks identified in that section.

In sum, the Tye O&M Agreement is essentially silent as to general administrative or overhead costs. This could be interpreted several ways, but the best reading seems to be that the O&M Agreement neither prohibits TBPA from including general administrative overhead in the annual budget, nor requires SEAPA to approve those costs. That means we need to look at the other relevant agreements to see if they provide any additional guidance, starting with the PSA.

*Does The PSA Allow Wrangell To Deduct Unreimbursed TBPA Administrative Costs From Its Power Payments To SEAPA?*

The PSA gives SEAPA control over what may be treated as a facility operating cost.

Section 6.a(iii) of the PSA provides:

Each Purchasing Utility may offset against and deduct from its monthly payments all or a portion of the approved Facility Operating Costs the Purchasing Utility has incurred. All such costs shall be subject to audit, approval, and such other procedures as the Agency may from time to time prescribe.

The term “Facility Operating Costs” is capitalized, which means it should be a defined term in the PSA, but it is not – the current version of the PSA does not specify what constitutes a “Facility Operating Cost.”<sup>1</sup>

Since the term is undefined, it is open to interpretation. Wrangell could argue that “Facility Operating Cost” includes any costs related to operation of Tyee Lake, including TBPA’s clerical and administrative costs. Even though they are overhead costs, they are costs that would not be incurred, but for Tyee Lake operations. And unlike Ketchikan’s utility, which manages other generating facilities besides Swan Lake, TBPA incurs these administrative costs solely to support TBPA operations. Thus, a good argument could be made that TBPA’s administrative costs are “Facility Operating Costs” within the meaning of this provision of the PSA.

But the provision only allows an offset for “approved” Facility Operating Costs. Likewise, the second sentence of this paragraph says that all such costs are subject to “approval” and “such other procedures as the Agency may from time to time prescribe.” Thus, Wrangell may only deduct operating costs that have been approved by SEAPA, and the PSA does not limit SEAPA’s authority over approval of those costs.

Reading the Tyee O&M Agreement and the PSA together, Wrangell may deduct any costs it incurs for TPBA that are part of TBPA’s SEAPA-approved budget. The agreements provide limited guidance on what costs are supposed to be in that budget. However, the second sentence of 6.a(iii) directs us to another document. The proviso that Facility Operating Costs are “subject to” procedures that SEAPA proscribes takes us to SEAPA’s Policies and Procedures Handbook.

*Does SEAPA’s Policies and Procedures Handbook give SEAPA the right to deny TBPA’s clerical and administrative costs?*

I understand that the Handbook was compiled in 2005 for the Four Dam Pool Power Agency and continues to be used by SEAPA. If there is any question regarding whether SEAPA has taken the appropriate administrative steps to formally adopt the Handbook, that question should be presented to SEAPA staff. The comments that follow assume the Handbook was properly adopted.<sup>2</sup>

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<sup>1</sup> There was a definition of “Facility Operating Costs” in the prior version of the PSA, which is reproduced in the Handbook (Section 3.15). The Handbook defines the term to mean “an actual and allowable cost incurred under the provisions of the PSA in operating and maintaining a Dedicated Facility of Facilities.” The PSA provision it cites for this definition is no longer in the PSA – it was removed when the PSA was revised in 2008. In any event, the definition provides no additional guidance, as the term “actual and allowable cost” is effectively the same as the term “approved Facility Operating Cost” in the current version of the PSA.

<sup>2</sup> Even if properly adopted, there are some minor problems with the fit between the Handbook and the current version of the agreements that govern SEAPA and its operations. Section 6 of the Handbook deals with budgeting and billing procedures and standards. The introductory section of Section 6 indicates:

As noted above, Section 6.a(iii) of the PSA provides that Facility Operating Costs are to be subject to “such other procedures as the Agency may from time to time prescribe.” Section 5.1 of the Handbook discusses the O&M Agreements. Paragraph 5.1.4 provides: “An Operator who is also a Purchasing Utility under the Power Sales Agreement may deduct from its monthly power purchase payments, the costs provided for in the O&M budget which are actually incurred, including emergency expenses.” This supports the reading of the term “Facility Operating Costs” in the PSA as meaning costs included in the O&M budget. Beyond this, however, Section 5.1 does not add anything regarding the content of the O&M budget, beyond what it already discussed above in connection with the Tyee O&M Agreement.

Section 6.1.1 of the Handbook sets out standards and procedures for the O&M budgeting process. The provision that appears to be key to the dispute over TBPA administrative costs is Paragraph 6.1.1(2), which provides:

Administrative, clerical, and supervisory costs relating to the normal utility operations of the Project that are not the result of the addition of the Project to the Operators system are not permitted as a Project expense.

This provision is the only direct guidance provided by the relevant documents regarding whether administrative costs are properly included in an O&M budget. I understand that SEAPA has relied on this paragraph as the basis for rejecting TBPA’s general clerical and administrative costs. Given the proviso in PSA Section 6.a(iii) that Facility Operating Costs are subject to prescribed procedures, SEAPA is correct in applying this provision to evaluate the O&M budget for TBPA. The remaining question is whether this provision is being properly interpreted by SEAPA.

The intent of the first half of this provision is clear that clerical and administrative costs related to normal utility operations are not recoverable. However, the second half of the provision limits that exclusion to clerical and administrative costs that “are not the result of the addition of the Project to the Operator’s system.” Since TBPA does not have any operations beyond those related to Tyee Lake, an argument could be made that all TBPA costs result from addition of Tyee Lake to TBPA’s system, and so should be recoverable. However, the absolute breadth of this reading – that any TBPA costs are recoverable –

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The PMC has principal budget authority and is responsible for including Agency costs in the annual budget. Section 7 of the PSA, together with a Memorandum of Understanding dated April 8, 1988, gives the PMC the responsibility for approval of budgets.

No reference to the PMC remains in the current PSA. Its role has been wrapped into that of the SEAPA Board. This is more a matter of form than substance, however, as the Handbook makes clear that Agency Board has long acted as the PMC. Therefore these particular discrepancies between the Handbook and the current PSA do not appear to be material to the questions presented.

undercuts its credibility. Furthermore, the apparent purpose of this provision is to exclude the sort of basic administrative costs that an operator would have to incur regardless of whether they are operating a SEAPA hydro project. Given that intent, it is hard to argue that the limiting clause effectively negates to exclusion of general administrative costs.

Even if a broad exception could be read into the Handbook's exclusion of general administrative costs, nothing in the PSA or the Tyee O&M Agreement dictates – or even supports – that reading. Accordingly, nothing would prevent SEAPA from changing the language to clarify its intent. Alternatively, SEAPA could respond by allowing Ketchikan to shift its administrative costs to SEAPA – and thus to Petersburg and Wrangell. If this were to occur, the net effect could be to increase Wrangell's net costs.

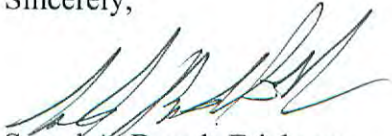
Can Wrangell deduct TBPA Administrative Costs from its Payments to SEAPA, Even Though SEAPA Has Not Approved Those Costs?

Even if Wrangell were to make an argument along the lines just discussed for why SEAPA should pay TBPA's administrative costs, that by itself would not give Wrangell the right to withhold those costs from its SEAPA payments over SEAPA's objection.

The PSA only authorizes Wrangell to deduct approved Facility Operating Costs. The Handbook makes explicit what is implied by the PSA and the Tyee O&M Agreement: that by approved costs, the PSA means costs that are part of an O&M budget approved by SEAPA. Thus, the PSA only authorizes deductions for costs SEAPA has approved in the O&M budget for the Tyee Project. The PSA does not give Wrangell the ability to approve Facility Operating Costs on its own. While Wrangell could frame an argument for SEAPA to allow inclusion of these costs in an approved budget, I would recommend against Wrangell engaging in "self help." Among other considerations, Wrangell's potential claim rests on Handbook language that SEAPA could change at any time. Also, withholding the funds could make it more likely this dispute leads to litigation, the cost of which could easily exceed the amounts at issue.

I hope that this analysis proves useful to the Assembly as it deliberates on how to proceed with the future of TBPA.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Svend A. Brandt-Erichsen', with a stylized, cursive script.

Svend A. Brandt-Erichsen

**PETERSBURG BOROUGH, ALASKA  
RESOLUTION #2013-21**

**A RESOLUTION INFORMING THE CITY AND BOROUGH OF WRANGELL ASSEMBLY THAT THE PETERSBURG ASSEMBLY ACCEPTS THE SOUTHEAST ALASKA POWER AGENCY'S AUGUST 19, 2013 OFFER TO TAKE OVER THE COSTS OF OPERATIONS OF THE TYEE HYDROELECTRIC PROJECT AND TO ABSORB THE CURRENT AND PAST EMPLOYMENT CASH LIABILITIES INCURRED BY THOMAS BAY POWER AUTHORITY AND SUGGESTS THAT THE NON-NET BILLABLE EXPENSES BE PAID BY SEAPA; AND URGING THE WRANGELL ASSEMBLY DO THE SAME**

**WHEREAS**, the formation of Southeast Alaska Power Agency (SEAPA) in late 2008, carried forward a 1996 Operation and Maintenance Agreement contract between the Thomas Bay Power Authority (TBPA) and the Alaska Energy Authority (AEA), whereby SEAPA assumed the rights and responsibilities of the operation and maintenance authority, and costs, of the Tyee Lake Hydro project; and

**WHEREAS**, in the mid 1970's the communities of Wrangell and Petersburg voters jointly approved formation of the TBPA for the purpose of hydro development and operation, and

**WHEREAS**, for many years, the Petersburg municipality has been voluntarily supporting and funding one-half of the Non-Net Billable portion of the annual TBPA budget. The Non-Net Billable budget provides mostly for the expenses to employ two positions within TBPA that are outside of the general operations & maintenance crew costs covered by the O&M Agreement with SEAPA. It also provides the administrative costs associated with the TBPA Board of Directors, and

**WHEREAS**, on May 6, 2013, the Petersburg Borough Assembly by a vote of 6-1 determined not to fund the proposed FY 13/14 TBPA Non-Net Billable budget. It was consensus of the Assembly that responsibility for this budget item was an issue which should be resolved between TBPA and SEAPA; and

**WHEREAS**, the CEO for SEAPA, in a memo dated August 19, 2013 addressed to the TBPA President, proposed a very fair solution, subject to SEAPA Board approval, to absorb all existing TBPA employees, to relieve the Petersburg and Wrangell boroughs from absorbing a substantial retirement liability cost incurred over the years for two employment positions, and to add and fund an additional employment position within the Tyee Project, and

**WHEREAS**, it was apparent at the joint work session held between the Wrangell and Petersburg Borough Assemblies on September 10, 2013 the Wrangell representatives may not fully appreciate the effects of the generous offer made by SEAPA that will benefit both communities.

**NOW THEREFORE BE IT RESOLVED**, the Petersburg Borough Assembly finds the August 19, 2013 memo from the SEAPA CEO to the President of TBPA regarding the Operation and Maintenance Agreement for the Tyee Hydroelectric Project to be acceptable and is willing to work with the SEAPA and TBPA boards to make the offer, or a similar negotiated offer, a permanent agreement.

**RESOLVED FURTHER**, the Petersburg Borough Assembly urges the City and Borough of Wrangell Assembly to acknowledge acceptance of the proposed August 19, 2013 SEAPA terms, or

similar terms that could be negotiated, to save TBPA in excess of \$750,000 in immediate cash liability, as well as retain the ability to influence regional hydro site analysis in the future, is a benefit to both communities.

**FINALLY RESOLVED**, failure of the City and Borough of Wrangell to accept the August 19, 2013 memo terms, or similar terms to be negotiated between SEAPA and TBPA, leaves the Petersburg Borough with no alternative but to take the position that 1) the unfunded PERS liability, exceeding \$750,000, will be the sole liability of the City and Borough of Wrangell should SEAPA determine to terminate the agreement with TBPA; and 2) Petersburg Borough will not fund any future Non-Net Billable items as currently presented in the TBPA budgets.

**Passed and Approved by the Petersburg Borough Assembly on Friday, September 27, 2013.**

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**Mark Jensen, Mayor**

**ATTEST:**

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**Kathy O'Rear, Clerk**

August 19, 2013

To: John Jensen, President - Thomas Bay Power Authority (TBPA)

From: Trey Acteson, CEO - Southeast Alaska Power Agency (SEAPA)

RE: TBPA – Tyee Hydroelectric Project Operation & Maintenance (O&M) Agreement.

Dear President Jensen,

SEAPA is reaching out to the Thomas Bay Power Authority to explore opportunities that exist to remedy a number of important issues that revolve around the current Tyee O&M Agreement. We have provided specific solutions to each of the prominent topics below and believe that collectively they represent an enormous benefit to the TBPA, your employees, and the communities your organization represents. We offer these potential solutions for the Commission's consideration, contingent upon final approval by the SEAPA Board of Directors.

**PERS Unfunded Liability:** The four TBPA power plant employees working under the existing Tyee O&M agreement participate in the State PERS retirement program instead of their Union's (IBEW) pension plan. They are technically employees of the City & Borough of Wrangell and one of the positions has an unfunded liability of \$528,250.00 (\$155,920 termination fee + 18 years of annual payments equaling \$372,330). The other three positions are PERS Tier 4, and although there is no unfunded liability identified for them, the City & Borough of Wrangell currently pays a 10% PERS premium above the normal contribution rate.

The TBPA Secretary position has an unfunded liability of \$228,574.00 (\$3,520 termination fee + 18 years of annual payments equaling \$225,054). There is no unfunded liability identified for the TBPA General Manager's position.

Termination of the existing Tyee O&M contract would result in the TBPA (technically the City & Borough of Wrangell) being burdened with payments for positions that no longer exist, totaling \$756,824.00 (per Buck Consultants' Termination Study).

**Possible Solution:** SEAPA proposes absorbing existing TBPA employees and making a one-time lump sum payment to the City & Borough of Wrangell to cover the unfunded liability for those positions. The City & Borough of Wrangell have indicated that they would consider keeping one employee on their books who prefers to stay in PERS until such time that they retire. The remainder of the employees, with the exception of the Secretary, would have the opportunity to join the IBEW pension plan. The IBEW pension plan is far superior to the PERS Tier 4, which is basically a 401k plan. The IBEW has indicated that they will work with us during any transition and past years of service are typically acknowledged through a partial credit. The secretary position is an administrative position and would be transitioned to SEAPA's NRECA program to be consistent with our other administrative employees.

This solution is a win/win that relieves the Northern communities of a large unfunded liability. It provides a much better opportunity for newer employees to have a "livable" wage when they retire, and also addresses concerns of those approaching retirement.

**ARECA Insurance Rebate:** There is approximately \$259,798.00 available in rebates from ARECA Insurance Exchange. The original premiums were funded by SEAPA through the net billing process. These

rebate monies could be applied toward the PERS unfunded liability payoff to help reduce the collective impact to SEAPA's three member utilities.

**Clearing Crew:** The existing clearing crew is based in Wrangell and consists of one regular full-time position, supplemented by seasonal part-time employees. These individuals face uncertainty every year depending on workload and budgets.

**Possible Solution:** SEAPA proposes absorbing the clearing crew operations as part of a comprehensive package. The crew's home base would remain in Wrangell and SEAPA would commit to hiring one additional regular position. The crew's work scope would expand to cover other areas of the SEAPA transmission system, which would provide greater job stability and help meet line clearing objectives.

**Community Oversight of Tyee:** There is a strong sense of community pride and purpose for the Tyee hydroelectric project in Wrangell and Petersburg. Although the project is owned by SEAPA, it is the primary source of low-cost hydroelectric power for the area. Power from Tyee also now flows south to the interconnected community of Ketchikan to displace high cost diesel generation. Some people feel that if the extra layer of management provided by TBPA is removed, somehow they will lose local control.

**Possible Solution:** The SEAPA Board is comprised of community members appointed by their respective Mayors. They are a direct conduit to their communities and are in a strong position to provide oversight and affect change. It is important to acknowledge that half of the members of the TBPA Commission are already on the SEAPA Board. The misperception of loss of community oversight can be resolved through better outreach and communications. SEAPA would commit to providing quarterly project updates in written report form directly to the City/Borough Assemblies of Wrangell and Petersburg. Community members are always welcome to attend SEAPA Board meetings and significant information regarding budgets and ongoing activities is now readily available on the SEAPA website.

**Thomas Bay Power Authority's Role and Future:** The TBPA's initial mission was to perform hydrosite analysis and advance hydro development in the Thomas Bay Basin. They also assumed the role of O&M contractor for the Tyee project. Over the years TBPA's role has narrowed to just being an O&M contractor.

**Possible Solution:** The State of Alaska has provided funding for SEAPA to perform regional hydrosite analysis and that process will include potential projects in the Thomas Bay Basin. If the Commission desires to have SEAPA transition into the role of managing daily O&M of Tyee, the TBPA could still remain in the community charters and be available for immediate re-activation should a need arise.

**Transition to SEAPA:** There is a clause in the current O&M agreement that requires SEAPA to provide a minimum one year notice of contract termination by June 30, effective the following year. The TBPA currently has a funding gap for non-net billables and they would benefit from an expedited solution.

**Possible Solution:** There is nothing that prevents an early termination of the O&M contract if it is mutually agreed upon by both parties. If it is the desire of the TBPA Commission (and their respective communities), SEAPA is willing to relieve the TBPA of their contractual obligations as part of a more timely transition. Although not required upon termination of the O&M agreement, SEAPA is offering a package of favorable solutions at this time to help facilitate a seamless and positive transition for all parties.

# **Agenda Item 13a**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013**

#### **INFORMATION:**

#### **Approval to an addition to the Wrangell Medical Center Board Bylaws**

#### **Attachments:**

1. Memorandum from Kris Reed (for Terri Henson), dated November 21, 2013
2. Proposed addition to the Wrangell Medical Center Bylaws

#### **RECOMMENDED ACTION:**

Move to approve the addition to the Wrangell Medical Center Bylaws, as presented.

Attachment 13a - 1

**Mission:**

To enhance the quality of  
life for all we serve

**Vision:**

Honor our heritage and be  
the pride of the community

**Values:**

Integrity  
Compassion and Caring  
Trust  
Transparency  
Loyalty  
Honoring our Heritage  
Quality  
Fiscal Responsibility

November 21, 2013

Mayor Dave Jack,  
City & Borough Assembly  
PO Box 503  
Wrangell, AK 99929

Dear Mayor Jack and Assembly Members of the City and Borough of  
Wrangell,

The Wrangell Medical Center Board has studied the attached, addition  
to the WMC Board Bylaws, spelling out the Executive Committee  
duties. The Board voted to accept the addition during the regular  
meeting of November 20, 2013. The Wrangell Medical Center Board  
now respectfully brings the addition to the Bylaws to the Borough  
Assembly for approval as required per Wrangell Municipal Code  
3.32.030 (D)

Sincerely,



Kris Reed For  
Terri Henson,  
President, Wrangell Medical Center Board

*Caring for  
Southeast*

**DRAFT**

***Executive Committee***

The Chairperson of the Board, immediate past-chair, and three (3) officers of the Wrangell Medical Center shall constitute the Executive Committee of the Wrangell Medical Center Board. The Chief Executive Officer of Wrangell Medical Center shall serve as an ex-officio member.

The responsibilities of the Executive Committee may include:

- a. review Wrangell Medical Center activities from time to time between regular, scheduled Board meetings;
- b. serve as consultant to the Chief Executive Officer from time to time regarding on-going operations;
- c. approve borrowing money against committed revenues as needed;
- d. based upon their evaluation make recommendations to the entire Board regarding re-employment, salary, and benefits for the Chief Executive Officer;
- e. provide general approval to the Chief Executive Officer regarding submission of grants to various agencies;
- f. review budgets, audit reports and management letters, and other financial matters when necessary prior to regular board meetings;
- g. meet when necessary between regular Wrangell Medical Center Board meetings. The committee shall present all decisions to the full membership at the next regular Board meeting for full board approval.

# **Agenda Item 13b**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013**

#### **INFORMATION:**

**Alley vacation request to vacate an alley between Lot 1, Block 3, USS 1593 owned by Todd and Catherine White and Lot 2, Block 3, USS 1593 owned by William Tommila, zoned single family residential**

#### **Attachments:**

1. Memo from Lavonne Klinke, Planning & Zoning Secretary, dated November 22, 2013
2. Staff report to P&Z from Carol Rushmore, Economic Development Director, dated November 10, 2013
3. Correspondence & application from Todd & Catherine White, dated October 18, 2013
4. Maps & aerial of proposed area
5. Memorandum from Carl Johnson, dated November 13, 2013
6. Email correspondence from effected land owner, Karen Benedetti, POA for William Tommila

#### **RECOMMENDED ACTION:**

Move to approve the vacation of an alley between Lot 1, Block 3, USS 1593 owned by Todd and Catherine White and Lot 2, Block 3, USS 1593 owned by William Tommila, zoned Single Family Residential subject to the following:

1. Maintain a utility and access easement the full width of the current alleyway to 20 feet from Evergreen, then continue the length of the current alley as a 10 foot utility/access easement centered on the mutual property line;
2. Both properties will be surveyed to encompass the alley vacation; and
3. Each adjacent land owner will receive half of the vacated alleyway, with the above described easement.

# Memo

**To:** Kim Lane, City Clerk  
**From:** Lavonne Klinke, Planning & Zoning Secretary  
**CC:** City Council Members  
**Date:** 11/22/2013  
**Re:** **Vacation of an alley between Lot 1, Block 3, USS 1593 owned by Todd and Catherine White and Lot 2 Block 3, USS 1593 owned by William Tommila, zoned Single Family Residential.**

---

The Planning and Zoning Commission at their regular meeting of November 14, 2013 unanimously recommend to the Assembly to approve the vacation of an alley between Lot 1, Block 3, USS 1593 owned by Todd and Catherine White and Lot 2, Block 3 USS 1593 owned by William Tommila, Zoned Single Family Residential subject to the following:

- 1) Maintain a utility and access easement the full width of the current alleyway to 20 feet from Evergreen, then continue the length of the current alley as a 10 foot utility/access easement centered on the mutual property line;
- 2) Both properties will be surveyed to encompass the alley vacation; and
- 3) Each adjacent land owner will receive half of the vacated alleyway, with the above described easement;

## *City and Borough of Wrangell, Alaska*

### Agenda Items G-2 and G-3

Date: November 10, 2013

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Request for Vacation of an alley between Lot 1, Block 3, USS 1593 owned by Todd and Catherine White and Lot 2, Block 3, USS 1593 owned by William Tommila, zoned Single Family Residential, requested by Todd and Catherine White.

Variance permit application (only if the above request for alley vacation be denied) to the side yard setback requirements on Lot 1, Block 3, USS 1593, zoned Single Family Residential, requested by Todd and Catherine White.

---

**Background:** Applicant White is seeking to construct a house on the beach.

**Review Criteria:**

The proposal must comply with the following sections:

Chapter 20.16: Single -Family Residential District  
Chapter 20.52: Lot Standards

**Findings:** The Applicant is seeking to vacate an alleyway that extends from Evergreen Road to Zimovia Straits between his Lot 1, and Lot 2 owned by William Tommila. The two lots are located below the level of Evergreen. Mr. White has constructed a driveway on his property to access the lower lots. Lot 1 is 31,971 square feet.

The alley, while not needed for City utilities, may be needed for a pump station for each adjacent landowner or for future pedestrian access to the beach.

Public Works Director did meet with Greg Scheff at the property site to identify property corner markers and site lines for the alley boundary. The corners for the alley boundary along Evergreen are marked, but not the lower corners in/adjacent to the ocean, although a site line marker midway down was placed.

The Commission's decision is a recommendation to the Assembly.

**Recommendation for alley vacation:**

Staff recommends that the Planning and Zoning Commission forward a recommendation to the Assembly to vacate the requested alleyway, subject to a utility and access easement the full width of the property adjacent to Evergreen and extending approximately 20 feet down the alley and then 10 foot centered over the mutual property line the rest of the alleyway length.

Oct 18, 2013

RECEIVED

OCT 18 2013

WRANGELL CITY HALL

TO: CBW P & Z

Box 531

Wrangell, Alaska 99929

From: Todd & Catherine White

Box 523

Wrangell, Alaska 99929

We are requesting the vacation  
of the alley between lot 1 &  
lot 2 Block 3 USS 1593

We would provide any easement  
required for the CBW on such  
property. The Alley is extremely  
steep. This easement would help  
us straighten out our property  
line for building purposes. If  
not then we would like to request  
a zero lot line set back on such  
property. Thank you for your time  
and consideration.



25<sup>17</sup>

26

26

ME MEETINGS

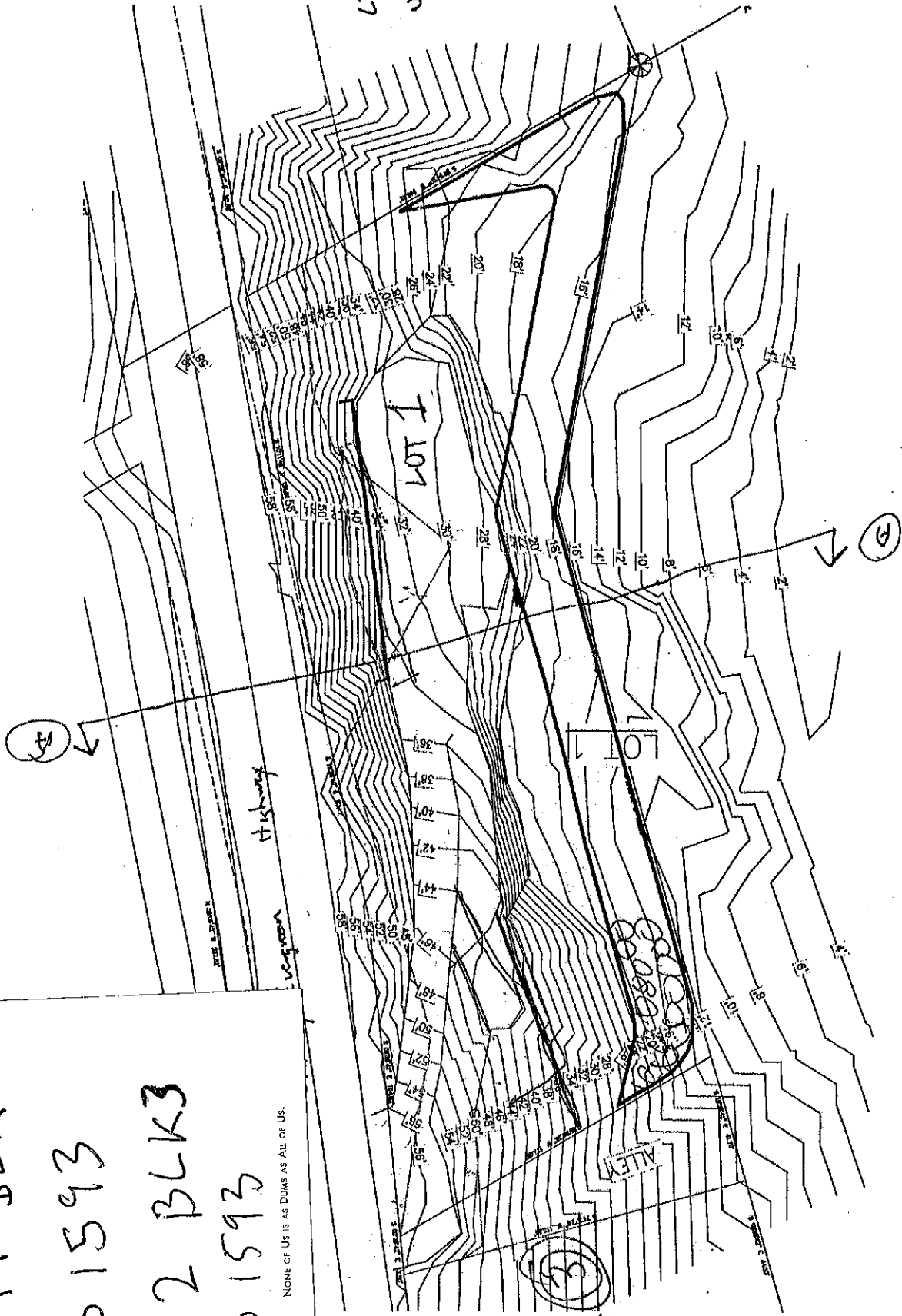
Lot 1 BLK 3

USS 1593

Lot 2 BLK 3

USS 1593

NONE OF US IS AS DUMB AS ALL OF US.



General

# APPLICATION FOR VARIANCE

CITY OF WRANGELL  
PLANNING AND ZONING  
P.O. BOX 531  
WRANGELL, AK 99929  
Application Fee \$50.00

I. The undersigned hereby applies to the City of Wrangell for a variance.

II. Description: (use additional paper if necessary)

Legal description of the area requested for the variance LOT 1

BLK 3 USS 1593

Lot (s) size of the petition area 31000 sq ft

Existing zoning of the petition area SINGLE FAMILY

Current zoning requirements that cannot be met (setbacks, height, etc.):

SIDE SETBACK

Proposed change that requires this variance

III. Application information: (use additional paper if necessary)

Explain details of the proposed development BECAUSE OF STEADINESS OF PROPERTY TO MAKE FOOTING WORK GRADE etc.

A variance may be granted only if all four of the following conditions exist:

That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone.

That the strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardships.

That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan.

Explain how your application meets these conditions:

IF I HAVE THE SET BACK IT WILL WORK

Note: A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a zone in which that use is prohibited.

A schematic site plat must be attached showing the type and location of all Proposed uses on the site, and all vehicular and pedestrian circulation patterns relevant to those uses.

I hereby affirm that the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or the authorized agent thereof for the property subject herein.

Tood White  
PRINT PETITIONER'S NAME

[Signature]  
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA  
BOX 523 WRG 99929 115325  
ADDRESS

10/29/13  
DATE  
305-0544  
TELEPHONE

SCALE: 1" = 100'

LEGEND  
 U.S. SURVEY BOUNDARY  
 U.S. SURVEY LOT BOUNDARY  
 LOT BOUNDARY  
 EASEMENT

U.S. SURVEY NO. 3753

PLAT REVISIONS			COMMENTS
NO.	DATE BY	PLAT NO.	
1	MAR 05E JH	85-3	APPLICANT SUBDIVISION LOT 3 BLOCK 1 U.S. 653
2	MAR 05E JH	85-4	HALL SUBDIVISION BLOCK 2 U.S. 648
3	MAR 05E JH	85-5	EASTAUBURN SUBDIVISION LOTS 5 & 7 BLOCK 3 U.S. 2593
4	MAR 05E JH	85-6	FIFTH AVENUE VILLAGE BLOCK 3A U.S. 948
5	MAR 05E JH	85-7	PLAT ALTERNATION OF LOT 14, BLK 1 U.S. 2022 FIRST AVE. & STONE HIGHWAY
6	MAY 05E JH	85-8	THIRD AVENUE SUBDIVISION LOTS 21 & 22 U.S. 2027

U.S. SURVEY NO. 3753  
 872.26 ACROSS

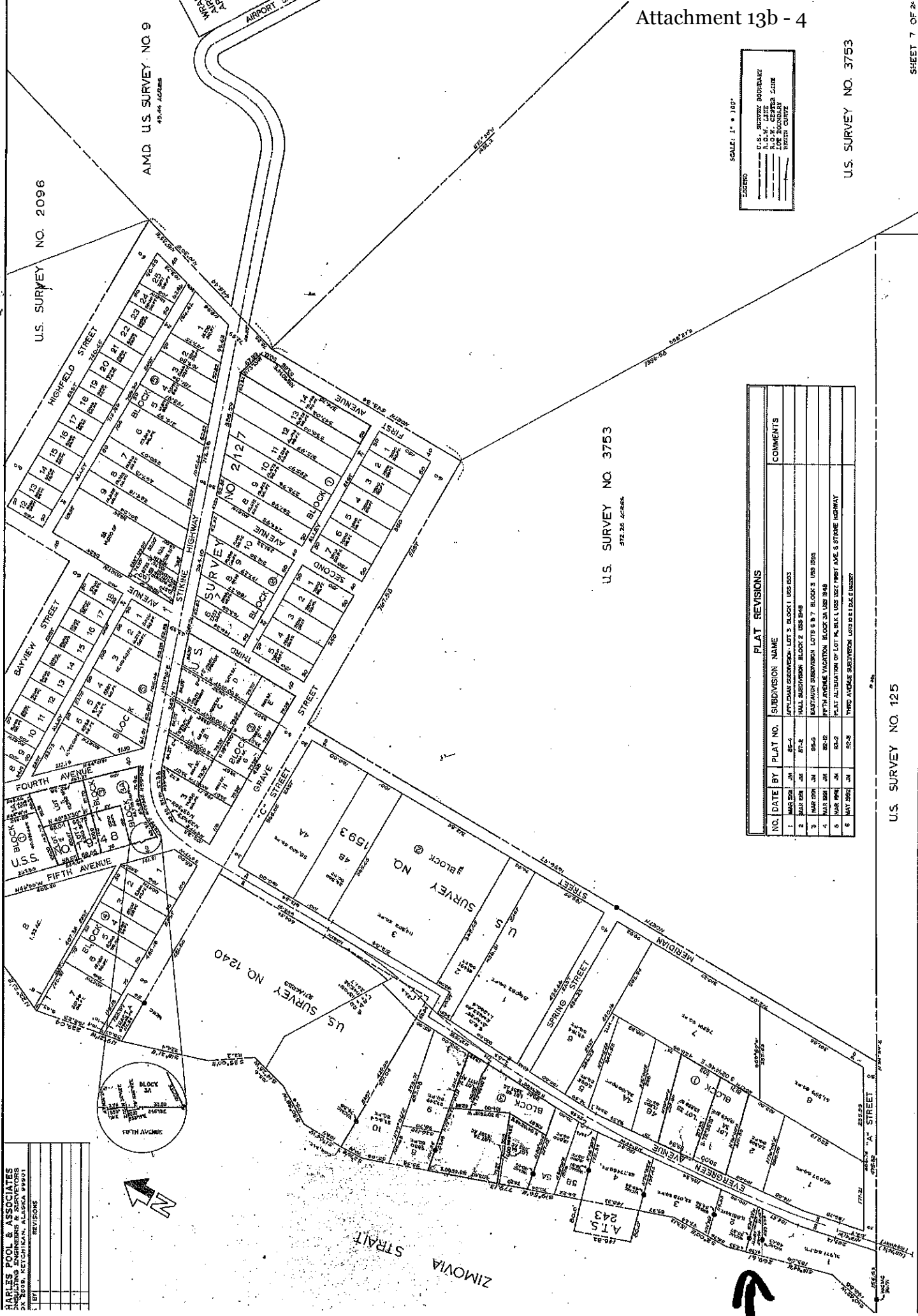
U.S. SURVEY NO. 125

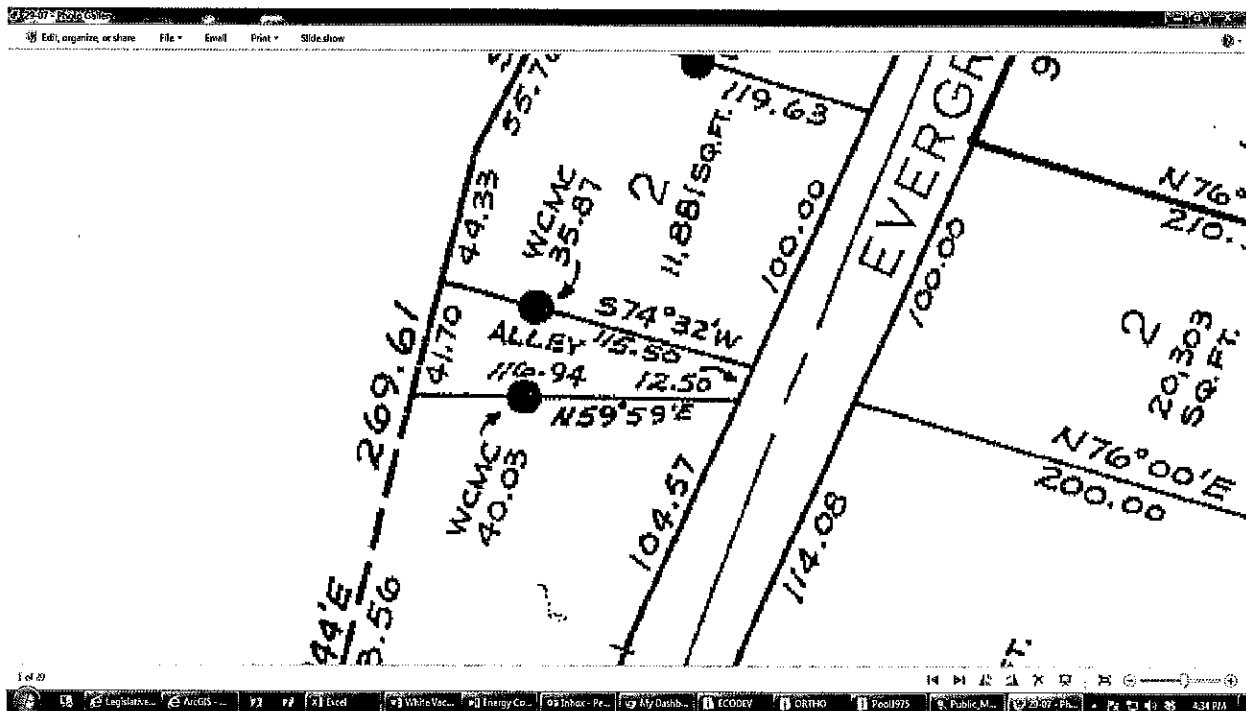
REVISIONS	
BY	DATE

HARLES POOL & ASSOCIATES  
 CONSULTING ENGINEERS & SURVEYORS  
 24750 KETCHIKAN, ALASKA 99901

U.S. SURVEY NO. 2096

AMD U.S. SURVEY NO. 9  
 49.44 ACROSS





# CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 166.666667 feet

DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.  
PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2013.  
AERIAL PHOTO 2002.



**City & Borough of Wrangell  
Public Works Dept.**

# Memo

**To:** Carol Rushmore  
**From:** Carl Johnson  
**CC:** Planning and Zoning  
**Date:** November 13, 2013  
**Re:** White Vacation Request

---

Carol,

Regarding the request from Todd White to vacate the unnamed alley between lots 1 and 2. Block 3, I don't have an objection to vacating the alley but I believe the City needs to retain a portion of the alley or an easement adjacent to the Evergreen ROW.

The City has existing water and sewer mains stubbed into the alley to serve the lots on either side of the alley. These area around these utilities needs to either be retained by the City or protected by an easement. Also, both adjacent lots will need to be accessed from the comparatively flat area at the alley and this access should be protected to the extent possible. I also believe the City should be maintaining at least a 60 foot minimum ROW width, as required by municipal code, whenever possible. The Evergreen ROW at this location is 40 feet wide and it is possible that additional ROW will be required when DOT paves Evergreen in 2015. It seems foolish to give up property the City owns with the possibility a portion may have to be purchased back for the upcoming project.

There is a possibility that the developers of the adjacent parcels will build lower than the existing sewer and will require a pump station but I believe the municipal code is clear that any pump stations required for new homes connecting to existing mains would be the property owners' responsibility. Thus the City will not be responsible for any future pump stations for these parcels and will not need an easement for that purpose.

I recommend the City retain the top 25 feet of the alley and vacate the lower portion.

Thank You,

Carl Johnson  
Public Works Director

**Carol Rushmore**

---

**From:** Karen Benedetti <karenbenedetti51@gmail.com>  
**Sent:** Tuesday, November 12, 2013 2:03 PM  
**To:** Carol Rushmore  
**Subject:** Re: Wrangell - request to vacate alley way adjacent to Tommila property

Hi Carol,

Thanks for contacting me concerning my step-father, William Tommila's Wrangell property. I am his power of attorney and handle his affairs. He has asked me to be the "go between" for this issue.

Bill would be in support of vacating the alleyway but has several concerns that would need to be addressed before his final decision/approval.

I'm not sure if these need to be addressed at this time but here are his concerns.

1. That the alleyway be evenly split down the center and whatever width easement the city would require, would be centered on that line.
2. That he would still be able to access the property unimpeded by this easement, i.e. driveway, parking pad, pathway, etc.
3. That the city's standard side-yard building setback apply to both sides of this new line or easement.
4. That when surveyed, the property lines of his lot, both north and south, east and west be accurate and "undisputed" by his neighbors to the north as well as the Whites to the south. According to the plat maps that we have, it looks like this action would add approximately 6 ft. to the "top" property line along the road, and approx. 20 ft. to the "bottom" line along the shoreline, both on the south corners.
5. Bill is on a fixed income and lives in an assisted living facility. He is concerned that the overall cost of this process be too great a burden on him at this time. We would need to have an estimate of what the overall cost will be.

Sorry I missed your call. Please let me know if there are any questions/issues we need to discuss.

Thanks,  
Karen Benedetti, POA for  
William Tommila

# **Agenda Item 13c**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013**

#### **INFORMATION:**

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 2014 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FISHERIES MANAGEMENT AREA 18: CENTRAL SOUTHEAST

#### **Attachments:**

1. Memorandum from Borough Manager Jeff Jabusch dated November 27, 2013
2. Proposed Resolution No. 12-13-1289
3. DCCED Shared Fisheries Business Tax Program Description

#### **RECOMMENDED ACTION:**

Move to adopt Resolution No. 12-13-1289.

## **MEMORANDUM**

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**SUBJECT: RESOLUTION No. 12-13-1289  
FISCAL YEAR 2014 SHARED FISHERIES BUSINESS TAX PROGRAM**

**DATE: November 27, 2013**

### **BACKGROUND:**

The attachment from the State of Alaska describes the program and where the money comes from and also explains the two options in which the money can be distributed. The borough, along with all of the other communities within Fisheries Management Area 18 have agreed to divide 50% of the money equally and 50% on a per capita basis. This was a decision made years ago when this money first became available.

We are required to make this determination annually by resolution as part of our application.

### **RECOMMENDED MOTION:**

Move to adopt Resolution No. 12-13-1289.

CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 12-13-1289

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 2014 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FISHERIES MANAGEMENT AREA 18: CENTRAL SOUTHEAST

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 2014 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Community and Economic Development that the municipality suffered significant effects during calendar year 2012 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, the Assembly of the City and Borough of Wrangell proposes to use an alternative allocation method for allocation of FY 2014 funding available within the Fisheries Management Area 18: CENTRAL SOUTHEAST in agreement with all other municipalities in this area participating in the FY 2014 Shared Fisheries Business Tax Program;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, by this resolution, certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2012 of fisheries business activity in the Fisheries Management Area 18: CENTRAL SOUTHEAST:

**All municipalities share equally 50% of allocation; all municipalities share remaining 50% on a per capita basis.**

ADOPTED: \_\_\_\_\_, 2013.

\_\_\_\_\_  
David L. Jack, Mayor

ATTEST: \_\_\_\_\_  
Kim Lane, Borough Clerk



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Attachment 13c - 3  
Department of Commerce, Community,  
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809  
Juneau, Alaska 99811-0809  
Main: 907.465.4751/907.465.4733  
Programs fax: 907.465.4761

November 15, 2013

Dear Municipal Official:

The purpose of the *Shared Fisheries Business Tax Program* is to provide for a sharing of state fish tax collected outside municipal boundaries with municipalities that have been affected by fishing industry activities. Municipalities around the state will share approximately \$2.72 million based on 2012 fisheries activity as reported by fish processors on their fish tax returns. Details of how the program works are presented in the application under *Program Description*.

Historically, your municipality along with the other communities in your fisheries management area (FMA) has filed using the alternative method. I have attached a separate sheet that details the communities that are in your FMA, as well as the anticipated payment based on your agreed upon allocation method from last year. If this agreement is still in place with your FMA, you will only need to have your Council/Assembly pass the enclosed sample resolution (pink) in order to participate in the program.

If your FMA intends to change the alternative method of allocation, the new proposal must be submitted to our office no later than January 15, 2014. If an agreement cannot be made with all communities in your FMA, you will need to file using the standard method and claim your significant effects. Instructions on both of these methods are detailed in the application packet.

We encourage your municipality to complete the FY 14 Shared Fisheries Business Tax Application as soon as possible. **FINAL DEADLINE for submission of applications/resolutions is February 15, 2014.**

If you have any questions about the program, or require assistance in completing the application, please call me at 465-4733.

Sincerely,

A handwritten signature in blue ink that reads "Danielle Lindoff".

Danielle Lindoff  
Local Government Specialist IV

# FY 14 Shared Fisheries Business Tax Program

## FMA 18: Central Southeast Area

Alternative Method*	Total allocation:		50% Divided	50% per capita	Calculated Allocation
			\$84,817.38	\$42,408.69	
Community	Population	50% divided share	50% per capita share		
Coffman Cove	181	\$5,301.09	\$486.99	\$5,788.08	
Kake	598	\$5,301.09	\$1,608.96	\$6,910.04	
Kupreanof	34	\$5,301.09	\$91.48	\$5,392.57	
Pelican	82	\$5,301.09	\$220.63	\$5,521.71	
Petersburg Borough	3,269	\$5,301.09	\$8,795.46	\$14,096.54	
Port Alexander	66	\$5,301.09	\$177.58	\$5,478.66	
Sitka	9,084	\$5,301.09	\$24,441.09	\$29,742.18	
Wrangell	2,448	\$5,301.09	\$6,586.50	\$11,887.59	
Totals	15,762	\$42,408.69	\$42,408.69	\$84,817.38	
Community Count	8				

FY 14 Landing Tax Allocation  
\$2,299.07

Calculated Allocation
\$156.89
\$187.30
\$146.17
\$149.67
\$382.10
\$148.51
\$806.20
\$322.23
\$2,299.07

\* All municipalities share 50% of allocation equally; share remaining 50% on a per capita basis.

**DCCED  
SHARED FISHERIES BUSINESS  
TAX PROGRAM  
FY 14 LONG-FORM APPLICATION  
FOR**

**FMA 18: CENTRAL SOUTHEAST**



**APPLICATION MUST BE SUBMITTED TO DCCED  
NO LATER THAN FEBRUARY 15, 2014**

**State of Alaska  
Sean Parnell, Governor**

**Department of Commerce, Community, and  
Economic Development  
Susan K. Bell, Commissioner**

**Division of Community and Regional Affairs  
Scott Ruby, Director**

# **FY 14 SHARED FISHERIES BUSINESS TAX PROGRAM**

## **PROGRAM DESCRIPTION**

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

### **Program Eligibility**

To be eligible for an allocation under this program, applicants must:

1. Be a municipality (city or borough); and
2. Demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

### **Program Funding**

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2012.

Program funding is allocated in two stages:

**1st Stage:** Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2012 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2012, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2012.

**2nd Stage:** The funding available within each FMA will be allocated among the municipalities in that area based on the level of fishing industry significant effects suffered by each municipality compared to the level of effects experienced by the other municipalities in that FMA.

Some boroughs, because of their extensive area, are included in more than one fisheries management area. In these cases, the borough must submit a separate program application for each area.

# **FY 14 SHARED FISHERIES BUSINESS TAX PROGRAM**

## **PROGRAM DESCRIPTION**

### **There are Two Application Methods Possible: Standard and Alternative**

**Standard Method:** In the Standard Method, established by the department, each municipality in the FMA must determine and document the cost of fisheries business impacts experienced by the community in 2012. These impacts are submitted by each municipality in their applications. The department will review the applications and determine if the impacts submitted are valid. Once the impacts have been established for each of the municipalities in the FMA, the department will calculate the allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

**Alternative Method:** Alternative allocation methods may be proposed by the municipalities within the FMA. The department will consider approving the use of a proposed alternative method only if all the municipalities in the area agree to use the method, and if the method includes some measure of the relative effects of the fishing industry on the respective municipalities in the area.

This application packet contains the instructions and forms for applying under either of these methods.

- The **yellow pages** are for applications using the standard method.
- The **pink pages** are to be used for alternative method applications.

The chart on the following page summarizes the process for these two methods.

# **Agenda Item 13d**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013**

#### **INFORMATION:**

#### **Approval to temporarily change the tax deadline date**

#### **Attachments:**

1. Memorandum from Borough Manager Jeff Jabusch, dated December 4, 2013

#### **RECOMMENDED ACTION:**

Move to approve extending the property tax payment due date from December 16, 2013 to December 23, 2013, which will allow adequate time for tax payers to receive their notice that will be mailed on December 6, 2013.

**MEMORANDUM**

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**SUBJECT: SUGGESTED TEMPORARY CHANGE TO PROPERTY TAX DEADLINE DATE**

**DATE: December 4, 2013**

**BACKGROUND:**

Our ordinance allows property tax payers to make their tax payments in two installments. One half can be paid August 15<sup>th</sup> and the other half can be paid December 15<sup>th</sup>.

The tax bills are sent our July 1<sup>st</sup> of each year. Although there is nothing that requires any further notices, we have historically sent out a statement of each tax paper's account at the end of November to remind people of the tax bill and the amount owed.

**Problem:** We have had several things go wrong with our tax program that we are still trying to resolve. Because of this we are not yet able to send out the normal statements as we normally do. Following is the timeline of the problems we have encountered:

- July bills went out on time. These bills are generated produced through a database program (Access). We make copies of the bills and keep track of these in a file at the counter so we can have copies available when customers come to pay their bill.
- Then, in the past have electronically been able to transfer these names and amounts into our Accounting software program so that we can post the payments, run reports, and print statements. This has been a very complicated process and luckily, we have been able to get through this every year.
- This last year we were not able to get this to work. We contacted our computer people that service our accounting software and they subcontract this work to a third party. We were told this would be done by the end of July, then August and so on. We were told he could fix it and that he put in a new way of doing it to make it much simpler. He explained some of the issues with the current set up. Unfortunately, that has never happened. About 3 weeks ago, we finally had the whole staff work 2 or 3 days in row (including the weekend), and manually enter almost 2 thousand tax bills and then when that was complete we had to enter about 3 thousand payments. With all of that manual entry, we have found some differences with our master control and we are close to balancing, but not there yet.
- What this means is we do not feel we can send out the traditional statements but instead, we will send out copies of the actual bills.
- The part time person that normally would have helped with this process had an emergency in the family and is not here to assist. Also, our machine that folds, stuffs, and seals the envelopes is broke. The repair guy is due in this Thursday.
- Needless to say, these reminders are going out really late and could in some cases get to the taxpayer after the deadline has passed.
- We would like to grant a one week grace period or all tax payers by extending the deadline from December 16<sup>th</sup> to December 23<sup>rd</sup>.

**Recommended Action:**

Because of the reasons given above, temporarily extend the property tax due date from December 16<sup>th</sup> to December 23<sup>rd</sup>, which will allow adequate time for tax payers to receive their notice that will be mailed on December 6<sup>th</sup>.

# **Agenda Item 14**

## **CITY & BOROUGH OF WRANGELL**

**BOROUGH ASSEMBLY  
AGENDA ITEM  
December 10, 2013**

### **INFORMATION:**

ATTORNEY'S FILE – Summary Report provided to the Assembly

# **Agenda Item 15**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM December 10, 2013**

#### **INFORMATION:**

**Executive Session:** Approval of the new Borough Manager's contract

#### **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 the approval of the new Borough Manager's contract.