



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

**August 26, 2014 – 7:00 p.m.**

**Location: Assembly Chambers, City Hall**

**1. CALL TO ORDER**

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Daniel Blake
- b. INVOCATION to be given by Don McConachie
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
  - i. Proclamation – Childhood Cancer Awareness Month
  - ii. Margaret Villarma – Recognition for 25 years of Service
  - iii. Tim Bunes – Recognition for 25 years of Service

**2. ROLL CALL**

**3. AMENDMENTS TO THE AGENDA**

**4. CONFLICT OF INTEREST**

**5. CONSENT AGENDA**

- a. Items (\*) 6a, 7a, 7b, 7c, 7d, and 7e

**6. APPROVAL OF MINUTES**

- \*a. Minutes of the Regular Assembly meeting held July 22, 2014

**7. COMMUNICATIONS**

- \*a U.S. Dept. of the Army Corps of Engineers – application for a Permit (POA-2014-326) filed by Burrell Byford
- \*b Minutes of the Regular Thomas Bay Power Commission meeting held July 9, 2014
- \*c Quarterly Expenditure Report for Southeast Senior Services Wrangell (Catholic Community Service) for the period of April 1 thru June 30, 2014
- \*d Application from Jesse West to the Dept. of the Army Corps of Engineers (POA-2014-377)
- \*e Request from James Anderson to the Dept. of the Army Corps of Engineers (POA-2014-345)

**8. BOROUGH MANAGER'S REPORT**

**9. BOROUGH CLERK'S FILE**

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

- a. Reports by Assembly Members
- b. Appointment to fill the vacancy on the Thomas Bay Power Commission

**11. PERSONS TO BE HEARD**

**12. UNFINISHED BUSINESS**

### **13. NEW BUSINESS**

- a. PROPOSED ORDINANCE No. 884: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2 OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY AMENDING SECTION 2.16 CANDIDATES, 2.20 VOTING, SECTION 2.28 CANVASSING RETURNS, AND 2.36 ELECTION OFFENSES (*first reading*)
- b. PROPOSED ORDINANCE No. 885: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 1.08, BOROUGH FLAG, SPECIFICALLY SECTION 1.08.010 AND 1.08.020 (*first reading*)
- c. PROPOSED ORDINANCE No. 886: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING NEW SECTIONS, TO TITLE 1 OF THE WRANGELL MUNICIPAL CODE, GENERAL PROVISIONS (*first reading*)
- d. PROPOSED ORDINANCE No 887: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING NEW A NEW CHAPTER AND NEW SECTIONS, TO TITLE 7 OF THE WRANGELL MUNICIPAL CODE, ANIMALS (*first reading*)
- e. PROPOSED ORDINANCE No. 888: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.36 OF THE WRANGELL MUNICIPAL CODE, SCHOOL BOARD (*first reading*)
- f. Letter of continued support for grant funding by SEAPA to AEA for the Swan Lake Reservoir Expansion Project
- g. Approval of the design proposal for the Alaska Court Remodel
- h. Approval to send a letter to our Congressional Delegates opposing the construction, development, and operation of open pit mining activities
- i. Approval to sell City owned lots
- j. Approval to proceed with processing the 2012-2013 Property Tax Foreclosures
- k. Approval to sell City owned Foreclosed Lots through the land Disposal Process
- l. RESOLUTION No. 08-14-1299: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO ACCEPT A LOAN IN THE AMOUNT OF UP TO \$542,249 FROM THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION

### **14. ATTORNEY'S FILE**

### **15. EXECUTIVE SESSION**

### **16. ADJOURNMENT**

# Agenda Items 1 - 6

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY

#### AGENDA ITEM

August 26, 2014

#### **ITEM NO. 1 CALL TO ORDER:**

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

#### **RECOMMENDED ACTION:**

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

- a. Pledge of Allegiance to be given by Assembly Member Daniel Blake
- b. Invocation to be given by Don McConachie
- c. Ceremonial Matters – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
  - i. Proclamation – Childhood Cancer Awareness Month
  - ii. Margaret Villarma – Recognition for 25 years of Service
  - iii. Tim Buness – Recognition for 25 years of Service

#### **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***

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

**INFORMATION:**

***6a Minutes of the Regular Assembly meeting held July 22, 2014***

**PROCLAMATION**  
*Childhood Cancer Awareness Month*

**WHEREAS**, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year.

**WHEREAS**, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

**WHEREAS**, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

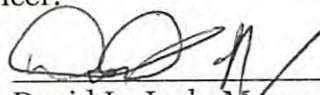
**WHEREAS**, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Providence Alaska Medical Center in Anchorage, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and


**WHEREAS**, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid Recognition Award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

**NOW, THEREFORE**, be it resolved that I, David L. Jack, Mayor of the City & Borough of Wrangell, Alaska, do hereby proclaim the month of September, 2014 as:

**Childhood Cancer Awareness Month**

and encourage all community members of Wrangell to support children and their families who are living with childhood cancer.

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

Attest:   
Kim Lane, CMC, Borough Clerk



**Minutes of Regular Assembly Meeting  
Held on July 22, 2014**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:03 p.m., July 22, 2014, in the Borough Assembly Chambers. Assembly Members Decker, Mitchell, and McCloskey were present. Assembly Member Wiederspohn and Blake were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Mark Mitchell.

Invocation was given by Donald McConachie, Sr.

**CEREMONIAL MATTERS** – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*  
Certificates of Service for James Stough – Borough Assembly and Mark Mitchell – Planning & Zoning Commission were presented.

**AMENDMENTS TO THE AGENDA** – Mayor Jack stated that since Agenda Item 13f included the SEAPA Agreement, there was no need for an Executive Session. There was no objection from the Assembly.

**CONFLICT OF INTEREST** – None.

**CONSENT AGENDA**

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

**APPROVAL OF MINUTES**

The minutes of the June 24, 2014 Public Hearing and Regular Assembly meetings, and the minutes of the July 11, 2014 Special Assembly meeting were approved, as presented.

**COMMUNICATIONS**

- \*a. Minutes of the Regular School Board meeting held on May 19, 2014
- \*b. Travel Summary Report for the Months of April and May, 2014
- \*c. Minutes of the Thomas Bay Power Commission meetings held June 5, 2014, June 12, 2014, and June 27, 2014
- \*d. Letter of permission (POA-2014-250) from the Dept. of the Army, AK Dist. U.S. Army Corps of Engineers to Kiewit Infrastructure West Co.
- \*e. Response to a permit (POA-2014-264) from John and Joan Sargent, issued by the Dept. of the Army, AK Dist. U.S. Army Corps of Engineers
- \*f. Update on the Conceptual Wrangell Trail Link Design Layout – *Amber Al-Haddad, Parks Director and Carol Rushmore – Economic Development Director*

**BOROUGH MANAGER'S REPORT**

Borough Manager Jabusch's report was provided.

**BOROUGH CLERK'S FILE**

In addition to the Clerk's Report, Clerk Lane read a letter aloud for the Assembly and listening public from Kay Jabusch, Wrangell Librarian which announced her retirement as the Librarian, effective January 1, 2015.

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

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

Mayor Jack reported that he attended the last Hospital Board Meeting.

**10b** Mayor Jack appointed Becky Rooney to fill the vacancy on the Borough Assembly until October 2014. There were no objections from the Assembly.

**10c** Mayor Jack volunteered to serve as the Hospital Board Liaison up until the next election.

**10d** Appointment to fill the vacancy on the Thomas Bay Power Commission. There were no letters of interest received for this vacancy.

**10e** Mayor Jack appointed Christina Florschultz and Apryl Hutchinson to fill the vacancies on the Planning & Zoning Commission for the unexpired terms until October 2016. There were no objections from the Assembly.

**PERSONS TO BE HEARD** – None.

**UNFINISHED BUSINESS** – None.

#### **NEW BUSINESS**

**13a** Discussion regarding changing the \$1,000,000 value for the sale or lease of borough property as defined in Charter section 5-14, Contracts and Sales (*question was raised by Assembly Member Decker at the June 24, 2014 Regular Assembly mtg.*)

It was the consent of the Assembly to direct the Borough Clerk to send a memo to the Economic Development Committee to have them look at what the benefits could be for the community if the threshold were increased.

**13b** Approval of City Tidelands Annual Five-Year Reassessments

***M/S: Decker/McCloskey, to the five-year City Tideland Reassessments as presented***

Mayor Jack questioned how the proposed rates compared to the current rates. Manager Jabusch said that we (Clerk) would get that information for the Assembly.

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

**13c** Approval to award a contractor for the Waterfront Master Plan

***M/S: Decker/McCloskey, to award the contract for planning services for a Waterfront Master Plan to Corvus Design, Inc. Motion approved unanimously by polled vote.***

**13d** Approval to surplus a police vehicle, and items that were seized or impounded

***M/S: McCloskey/Decker, to approve impounded motorcycles and Camaro to be bid and sold and to authorize the borough manager to use a boat broker to sell the impounded boat with all of the net proceeds from all sales to go towards the funding of a new Police and Fire Communication system.***

Manager Jabusch explained that the boat was a drug seized vessel, also that he would like to use a boat broker since we (the City) were not knowledgeable on selling boats of this type.

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

**13e** Approval of a Contract with PND Engineers, Inc. for Contract Administration and Inspection Services for the WMSC Concrete Paving, Phase 3 project

***M/S: McCloskey/Decker, to approve a contract with PND Engineers, Inc. based on Time and Expense and in the amount not to exceed \$195,412.00 for the Contract Administration and Inspection Services which is scheduled to be paid with DCCED Grant Funds. Motion approved unanimously by polled vote.***

**13f** Approval of the SEAPA Formal Transition Agreement

Mayor Jack asked if the Assembly and the audience had time to review the documents. There was no request for a recess or for more time to review.

Manager Jabusch provided information on the timeline leading up to the proposed agreement.

At the request of Assembly Member Decker Manager Jabusch attempted to clarify some of the attorney verbiage in the agreement.

***M/S: Decker/McCloskey, to approve the Assignment and Assumption Agreement between Southeast Alaska Power Agency, The Borough of Petersburg, The City and Borough of Wrangell and the Thomas Bay Power Authority. Motion approved unanimously by polled vote.***

**13g** Discussion and possible action relating to Recycling (*added at the request of Mayor Jack*)

**Carl Johnson, Public Works Director**, explained to the Assembly and the listening public what the City was currently doing and would be doing in the future in the community with regards to recycling.

**13h** Approval of the Wrangell Medical Center's FY 2015 Budget

***M/S: McCloskey/Decker, to approve the Wrangell Medical Center's Fiscal Year 2015 Budget.***



Manager Jabusch attempted to answer questions from the Assembly. After discussion, Manager Jabusch was asked to report back to the Assembly with the following information:

1. Why 2012 said "projected" and not actual, and
2. What the current cash reserves are.

***Motion approved with McCloskey, Decker, and Jack voting yes; Mitchell voted no.***

**13i** Approval of the Wrangell Marine Service Center Water Filtration Shed project

***M/S: McCloskey/Decker, that staff recommends that the Assembly authorize the Borough Manager to enter into a contract with John Taylor & Sons, Inc., for the construction of the Marine Service Center Water Filtration Shed, in the contract amount of \$63,650.00 to be paid from grant funds from DCCED.***

At the request of Assembly Member McCloskey, Carl Johnson explained the purpose for the filtration shed.

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

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

**EXECUTIVE SESSION** – None.

Meeting adjourned at: 8:34 p.m.

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David L. Jack, Mayor

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

# Agenda Item 7

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### **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.

- \*a U.S. Dept. of the Army Corps of Engineers – application for a Permit (POA-2014-326) filed by Burrell Byford
- \*b Minutes of the Regular Thomas Bay Power Commission meeting held July 9, 2014
- \*c Quarterly Expenditure Report for Southeast Senior Services Wrangell (Catholic Community Service) for the period of April 1 thru June 30, 2014
- \*d Application from Jesse West to the Dept. of the Army Corps of Engineers (POA-2014-377)
- \*e Request from James Anderson to the Dept. of the Army Corps of Engineers (POA-2014-345)



**DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 22270  
JUNEAU, ALASKA 99802**

July 17, 2014

Regulatory Division  
POA-2014-326

Dear Reviewer:

This letter concerns an application by Burrell Byford, file number POA-2014-326, Zimovia Strait, for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) to construct a 12 foot by 24 foot pier supported by six 5 inch diameter steel pilings, two of which would be below the Mean High Water (MHW) (approximately +9.2 feet above the 0.0 foot contour line). The project site is located within Section 6 T. 66 S., R. 86 E., Copper River Meridian; USGS Quad Map Petersburg A-1; Latitude 56.180183° N., Longitude -132.172833° W.; located in Birch Bay near Wrangell, Alaska.

Specifically the work within jurisdictional waters would include the excavation of two 10 inch diameter holes 6 inches deep, placement of a 10 inch diameter steel tube with a 5 inch diameter steel piling held in place with concrete. The pilings would support a 12 foot by 24 foot pier connected to uplands supported by 4 additional pilings constructed in the same manor above the MHW.

Preliminary determinations indicate the proposed work would be minor, would not have significant individual or cumulative impact on environmental values, and should encounter no appreciable opposition. This project has also been reviewed for impacts to species listed under the Endangered Species Act, anadromous streams and Essential Fish Habitat, and cultural resources; and it has been determined there would be no effect to any of these resources.

We have determined that a Letter of Permission is the most appropriate form of authorization to be issued in this case. The decision whether to issue the Letter of Permission will depend on comments received from Federal and State resource agencies, as well as adjacent property owners. Enclosed is a copy of the plans and/or application received.

Your comments concerning this proposal must be received within 15 days of the date of this letter. If no comments are received, it will be presumed that you have no substantive objections to the issuance of the Letter of Permission.

Please contact me via email at [Matthew.T.Brody@usace.army.mil](mailto:Matthew.T.Brody@usace.army.mil), by mail at the address above, or by phone at (907) 790-4493, if you have questions. For more information about the Regulatory Program, please visit our website at <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

Matthew Brody  
Regulatory Specialist

Enclosures

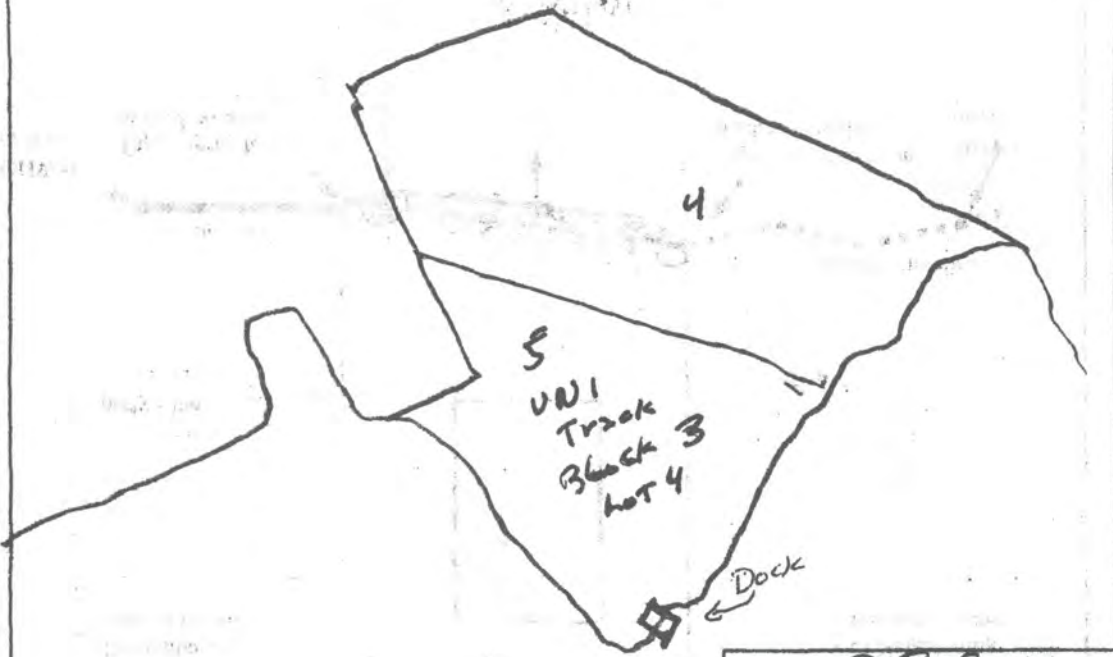
CF:

South – Wrangell

ADEC  
ADF&G-DH  
ADNR-DMLW  
ADNR-OHA, SPHO  
USFWS  
NMFS  
EPA  
KGB  
USCG  
Tlingit and Haida Indian Tribes  
Wrangell Cooperative Association

C. Jenkins  
Jenkins Homestead  
P.O. Box 194  
Wrangell, Alaska 99929

VICINITY MAP



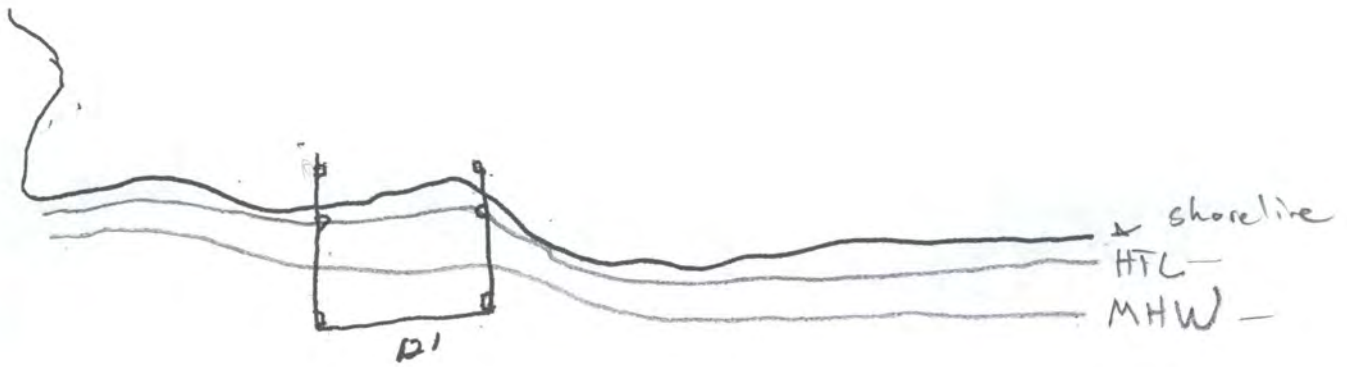
Birch Bay



Scale:

Sheet No. 1 Of 6

Applicant: B Byford  
 File No.: POA-  
 Waterway: Zimuriz Strait  
 Sec. T.UMR. Block 23 Lot 4  
 Lat. 56°19.81' Long. W 132°19.37'  
 Date: 5/17/2014



Birch Bay



Scale:

Sheet No. 2 Of 6

Applicant: B Byford

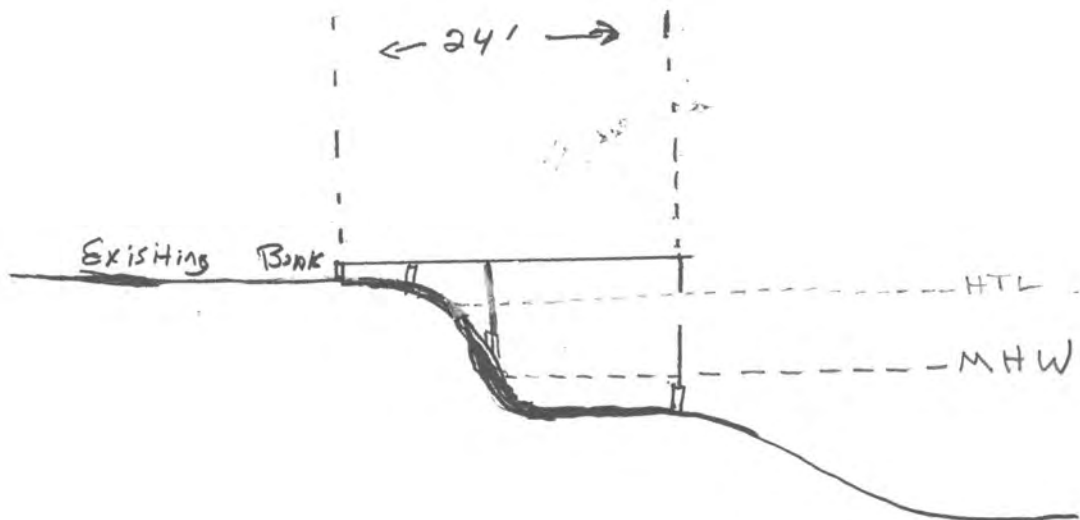
File No.: POA-

Waterway: Zimovia Strait

Sec. UNL T. Block 3 M. Lot 4

Lat.: N 56° 19' 01" Long.: W 152° 14' 20"

Date: 5/17/2014



Scale:

Sheet No. 3 Of 6

Applicant: B Obyford

File No.: POA-

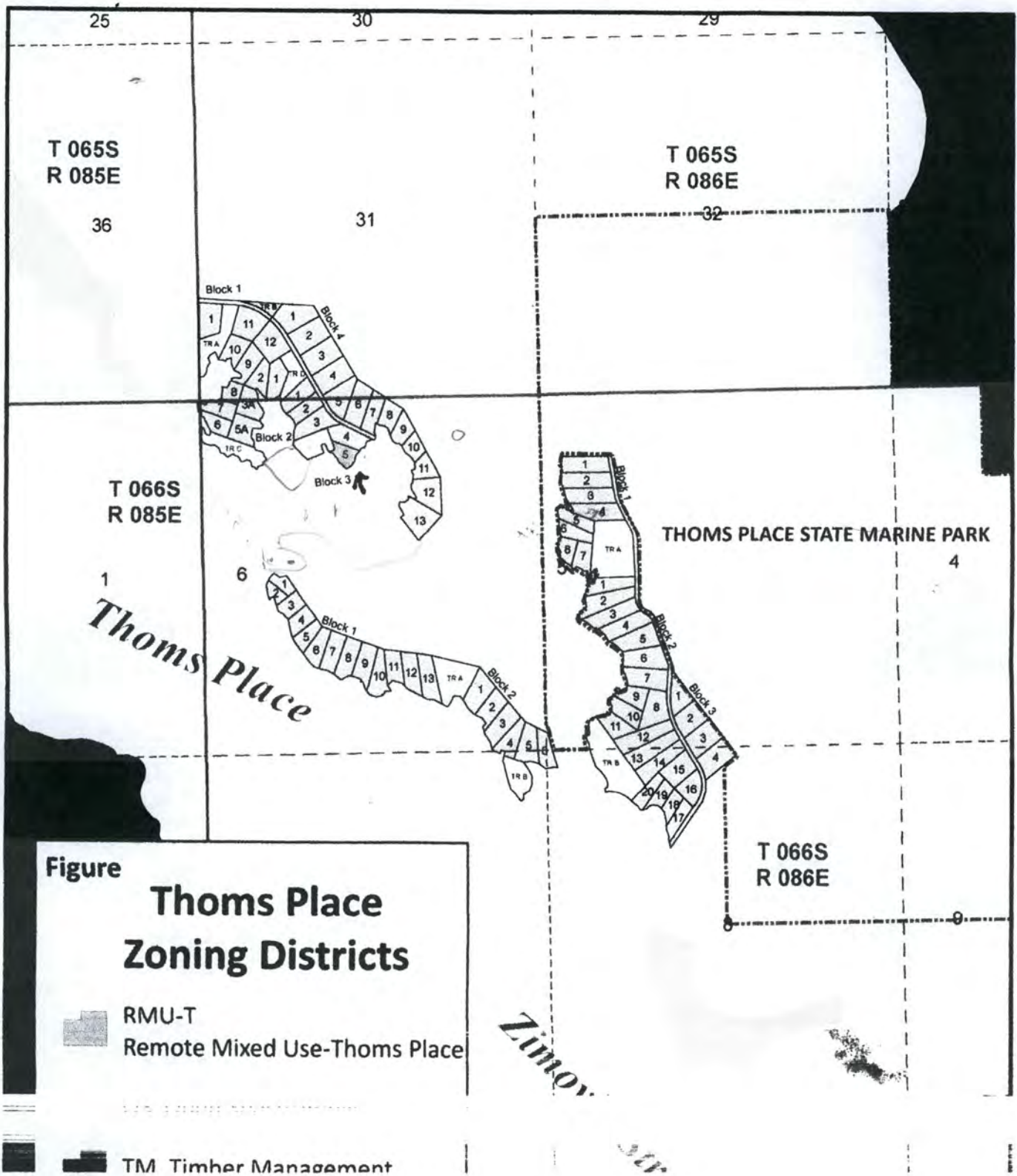
Waterway: Zimovia Strait

Sec. 0N1T. Block 3 Lot 4  
M.

Lat.:  $56^{\circ}19'01''$  Long.:  $153^{\circ}14'37''$

Date: 5/17/2014

City and Borough of Wrangell DRAFT Zoning Maps – October 2011



**Figure**  
**Thoms Place**  
**Zoning Districts**

 RMU-T  
 Remote Mixed Use-Thoms Place

 TM Timber Management

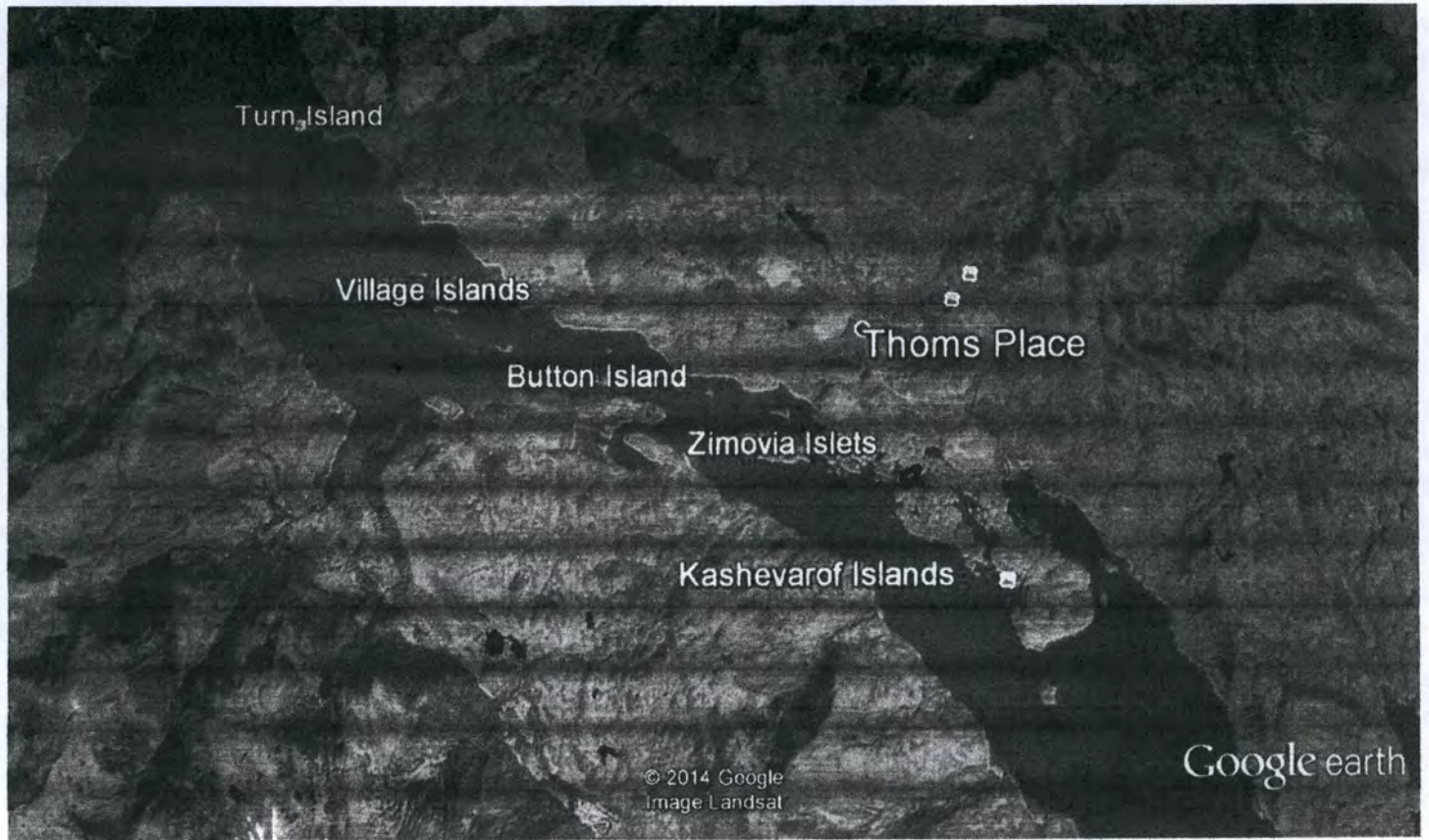


Scale:

Sheet No. 4 of 6


Applicant: *B Obyford*  
 File No.: POA-  
 Waterway: *Zimovia Street*  
 Sec. *UM T. Block 3 lot 4*  
 Lat.: *N 56° 14' 01"* Long.: *W 132° 14' 37"*  
 Date: *5/17/2014*





Google earth



 Scale:	Applicant: <i>B Byford</i> File No.: POA- Waterway: <i>Zimovia Strait</i> Sec. <i>UNL T. Block 3</i> Lot <i>4</i> R. M. Lat.: <i>N 56° 12' 14"</i> Long.: <i>W 132° 14' 37"</i>
	Sheet No. <i>5</i> Of <i>6</i> Date: <i>5/17/2014</i>

**Minutes of Special Thomas Bay Power Commission Meeting  
Held July 9, 2014  
In the Wrangell Borough Assembly Chambers**

Vice President Robert Larson called the special meeting to order at 10:00 a.m., July 9, 2014, in the Wrangell Borough Assembly Chambers. Commissioners Joe Nelson, John Jensen (telephonically), Brian Ashton (arrived at 10:03 a.m.), Bob Prunella, and Clay Hammer were present. Wrangell Borough Clerk Kim Lane was acting Secretary for the Commission.

Also present were: Wrangell - Mayor David L. Jack, Manager Jeff Jabusch, Assembly Member Julie Decker, TBPA General Manager Michael Nicholls, TBPA Foreman Steve Beers, and TBPA Operator/Mechanic Randy Rassler. Petersburg (by telephone) - Borough Manager Stephen Giesbrecht, Assembly Member Nancy Strand, and Borough Clerk Kathy O'Rear. SEAPA CEO Trey Acteson and SEAPA Executive Assistant Sharon Thompson also attended by telephone.

**A QUORUM was established: 5/0**

***M/S: Nelson/Hammer, to adopt the agenda. By unanimous consent of the Commission, the agenda was adopted.***

Commissioner Ashton arrived at 10:03 a.m.

**CONFLICT OF INTEREST**

There were no conflicts of interest declared.

**APPROVAL OF THE MINUTES**

***M/S: Hammer/Ashton: to approve the minutes of the June 27, 2014 regular meeting. Motion approved with Jensen, Hammer, Nelson, Ashton, and Larson voting yea; Prunella abstained since he was not in attendance at the June 27, 2014 meeting.***

**PERSONS TO BE HEARD**

***Trey Acteson, SEAPA CEO,*** requested that the commission (along with the two Borough's) approve the SEAPA Formal Transition agreement. It was the consensus of the commission to include this item for approval on the next regular meeting agenda.

**ITEMS OF BUSINESS**

**5a SEAPA Update**

Mr. Acteson reported on some of the operations at Swan Lake as well as other upcoming SEAPA projects.

In response to Commissioner Nelson, Mr. Acteson said that if there would be a "spill" at Tyee, they would provide photos of that event.

**5b Executive Session – TBPA Manager Evaluation**

In response to Commissioner Jensen, Vice-President Larson stated that after entering into executive session, the commission would call Mr. Jensen on his secured land line so that he could participate in the executive session.

***M/S: Hammer/Nelson, to move pursuant to 44.62.320 (c) (2), that we recess into executive session to discuss matters that may tend to prejudice the reputation and character of any person, specifically the Thomas Bay Power Authority General Manager's Evaluation. Motion approved unanimously by polled vote.***

*Recessed into Executive Session @ 10:20 a.m.*

*Reconvened back into the Special Meeting @ 11:12 a.m.*

***M/S: Hammer/Nelson, to cancel the general manager's contract effective immediately, and to comply with section 4(c) of the General Manager's existing contract according to Resolution No. 2013-04.***

In response to Commissioner Jensen, Commissioner Hammer clarified section 4(c) of the General Manager's contract that if the commission canceled the contract before May 1, 2015, a severance package of 3 months' wages would be full compensation owed under this agreement.

Commissioner Jensen questioned if the General Manager's contract would be canceled with or without severance.

Vice-President Larson replied that the cancelation of the contract would be with severance.

Clerk Lane clarified that the severance would be the equivalent to three-month's regular salary.

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

**5c Set next Regular meeting date**

Vice-President Larson requested that Steve Beers submit a report on the Tyee operations at the next meeting.

***M/S: Hammer/Jensen, to set the next regular meeting date for July 24, 2014 at 10:00 a.m., to be held in Petersburg. Motion approved unanimously by polled vote.***

At the request of Commissioner Hammer, Mr. Nicholls turned the personnel file key over to Commissioner Larson.

Special meeting adjourned at 11:30 p.m.

DATE APPROVED: July 24, 2014

ATTEST: \_\_\_\_\_  




Dignity • Care • Compassion

419 6th Street  
Juneau, AK 99801

Telephone: 907.463.6100

Fax: 907.586.9018

www.ccsjuneau.org

CITY CLERK  
AUG 06 2014  
RECEIVED

July 31, 2014

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

Dear Mr. Jabusch:

A copy of the Quarterly Expenditure Reports for Southeast Senior Services' Wrangell program is enclosed. These reports cover the fourth quarter period from April 1, 2014 through June 30, 2014.

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

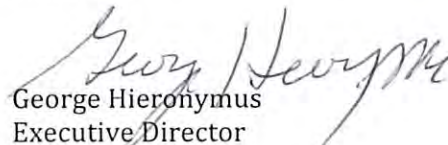
- \* 40 individuals received 1,055 home-delivered meals.
- \* 76 individuals received 987 congregate meals.
- \* 33 individuals received 1,069 assisted rides.
- \* 1 individual received a total of 40 hours of Family Caregiver Support Home-maker services.
- \* 1 disabled individual, under the age of 60, received 3 home-delivered meals.
- \* 1 disabled individual, under the age of 60, received 62 congregate meals.
- \* 1 disabled individual, under the age of 60, received 124 assisted rides.
- \* 2 disabled individuals, under the age of 60, received 10 assisted/unassisted rides.

\*\* Family Caregiver Support Home-maker services are provided through a Title VI Caregiver Support Grant and services for the disabled individual, under the age of 60, were funded by the Medicaid Waiver Program.

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,

  
George Hieronymus  
Executive Director

GH/ab

Enclosures

Description	1st Quarter Actual	2nd Quarter Actual	3rd Quarter Actual	4th Quarter Actual	Year to date Actual
4001 T3 NSIP	\$ 510.53	\$ 486.16	\$ 476.46	\$ 507.85	\$ 1,981.00
4033 T3 Nutrition & Transportation	\$ 10,914.29	\$ 10,914.30	\$ 10,914.30	\$ 10,914.31	\$ 43,657.20
4037 T3 Health Promotion/Disease Prec	\$ 316.00	\$ 258.54	\$ (574.54)	\$ -	\$ -
4106 City of Wrangell	\$ 2,005.25	\$ 2,005.32	\$ 2,005.32	\$ 2,005.29	\$ 8,021.18
4364 Title VI-Care Giver Support	\$ 2,309.73	\$ 2,405.50	\$ 2,098.35	\$ 4,190.19	\$ 11,003.77
4365 Title VI-NTS	\$ 12,494.85	\$ 19,020.65	\$ 19,830.26	\$ 15,025.23	\$ 66,370.99
4369 Title VI-NSIP	\$ 393.99	\$ 262.66	\$ 588.36	\$ 642.82	\$ 1,887.83
4410 Congregate Meal Contr-Over 60	\$ 1,080.69	\$ 1,161.62	\$ 1,915.62	\$ 1,680.07	\$ 5,838.00
4411 Congregate Meal Contr-Under 60	\$ 11.66	\$ 204.17	\$ 298.99	\$ 36.45	\$ 551.27
4412 Home Deliv Meal Contr-Over 60	\$ 361.68	\$ 185.23	\$ 67.11	\$ 241.38	\$ 855.40
4414 Transportation Contr-Over 60	\$ 358.04	\$ 328.15	\$ 648.99	\$ 614.72	\$ 1,949.90
4415 Transportation Contr-Under 60	\$ -	\$ -	\$ -	\$ -	\$ -
4553 Medicaid	\$ 5,386.53	\$ 4,926.72	\$ 9,056.60	\$ 4,579.60	\$ 23,949.45
4600 In-Kind Revenue	\$ 3,276.24	\$ 3,276.24	\$ 3,276.24	\$ 3,276.24	\$ 13,104.96
4920 Fund Raising	\$ 127.00	\$ 26.00	\$ 435.00	\$ 1,686.00	\$ 2,274.00
4950 Individual Donations	\$ -	\$ -	\$ -	\$ 76.00	\$ 76.00
4990 Miscellaneous Revenue	\$ 125.00	\$ -	\$ 1,103.20	\$ 32.00	\$ 1,260.20
<b>Total Revenue</b>	<b>\$ 39,671.48</b>	<b>\$ 45,461.26</b>	<b>\$ 52,140.26</b>	<b>\$ 45,508.15</b>	<b>\$ 182,781.15</b>
6110 Salaries & Wages Expense	\$ 20,583.65	\$ 19,304.73	\$ 17,999.82	\$ 20,306.56	\$ 78,194.76
6115 Substitute Wages Expense	\$ 4,311.43	\$ 4,501.09	\$ 4,133.28	\$ 4,109.59	\$ 17,055.39
6120 Payroll Taxes & Benefits	\$ 5,700.48	\$ 6,301.82	\$ 5,319.39	\$ 5,311.85	\$ 22,633.54
6220 Staff Travel & Training	\$ -	\$ 75.00	\$ -	\$ -	\$ 75.00
6224 Reimbursable Travel	\$ -	\$ 59.09	\$ -	\$ (59.09)	\$ -
6311 In-Kind Rent	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00	\$ 9,840.00
6320 Phone Service Charges	\$ 409.18	\$ 415.38	\$ 412.63	\$ 413.43	\$ 1,650.62
6330 Facility Utilities	\$ 1,223.93	\$ 1,419.72	\$ 1,668.31	\$ 1,363.81	\$ 5,675.77
6410 Office Supplies	\$ 9.15	\$ -	\$ 513.48	\$ -	\$ 522.63
6420 Postage	\$ 2.25	\$ 6.00	\$ 5.69	\$ 207.16	\$ 221.10
6450 Program Supplies	\$ 104.52	\$ 2.99	\$ 599.86	\$ 280.04	\$ 987.41
6470 Household Supplies	\$ 131.35	\$ 303.21	\$ 256.59	\$ 153.88	\$ 845.03
6475 Home Delivery Containers	\$ 208.69	\$ 1,216.53	\$ 1,232.27	\$ 1,216.47	\$ 3,873.96
6480 Raw Food	\$ 7,572.59	\$ 5,370.93	\$ 4,575.74	\$ 6,459.46	\$ 23,978.72
6485 Fundraising	\$ -	\$ -	\$ -	\$ -	\$ -
6491 In-Kind Gas & Oil	\$ 316.26	\$ 316.26	\$ 316.26	\$ 316.26	\$ 1,265.04
6510 Vehicle Repair	\$ -	\$ -	\$ -	\$ -	\$ -
6511 In-Kind Vehicle Repair	\$ 499.98	\$ 499.98	\$ 499.98	\$ 499.98	\$ 1,999.92
6520 Non-Vehicle Repair	\$ -	\$ -	\$ -	\$ -	\$ -
6540 Equip Purch (under \$5,000)	\$ -	\$ -	\$ -	\$ 250.00	\$ 250.00
6610 Professional Services	\$ -	\$ 120.00	\$ -	\$ -	\$ 120.00
6620 Vehicle Insurance	\$ 252.48	\$ 458.52	\$ 343.89	\$ 343.89	\$ 1,398.78
6630 Property & Liability Insurance	\$ 31.54	\$ 63.08	\$ 47.31	\$ 47.31	\$ 189.24
6660 Advertising	\$ -	\$ -	\$ -	\$ -	\$ -
6650 Printing	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Expenditure</b>	<b>\$ 43,817.48</b>	<b>\$ 42,894.33</b>	<b>\$ 40,384.50</b>	<b>\$ 43,680.60</b>	<b>\$ 170,776.91</b>
<b>Excess Revenues over (under) Expenses</b>	<b>\$ (4,146.00)</b>	<b>\$ 2,566.93</b>	<b>\$ 11,755.76</b>	<b>\$ 1,827.55</b>	<b>\$ 12,004.24</b>



**DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 6898  
JBER, ALASKA 99506-0898**

AUG 14 2014

Regulatory Division  
POA-2014-377

Jesse West  
Post Office Box 1786  
Petersburg, Alaska 99833

Dear Mr. West:

This is in response to your application for a Department of the Army (DA) permit to discharge 100 cubic yards of rock fill, into 0.02 acre of wetlands, to construct a 20' by 40' parking pad. The project site is located within Section 26, T. 58 S., R. 79 E., Copper River Meridian, USGS Quad Map: Petersburg D-3, Latitude 56.8115° N., Longitude 132.9392° W., Lot 3, Block 303, Airport Addition Subdivision, in Petersburg, Alaska. Please refer to file number POA-2014-377, Wrangell Narrows, in correspondence with us. We have determined your proposal may be conducted under the authority of the nationwide permit (NWP) outlined below.

Based on our review of the information you provided, and resources available to our office, we have preliminarily determined the subject property contains waters of the U.S. (wetlands) under the Corps' regulatory jurisdiction. See the attached Preliminary Jurisdictional Determination (PJD) Form. Please sign and return this form to our office. A PJD is not appealable. At any time you have the right to request and obtain an Approved Jurisdictional Determination, which can be appealed. If it is your intent to request an Approved JD, do not begin work until one is obtained.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan, 3 sheets, dated August 2014, is authorized by NWP No. 18, Minor Discharges. This NWP and its associated General and Regional Conditions can be accessed at our website at: [www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx](http://www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx). You must comply with all terms and conditions associated with NWP No. 18, and please note Regional Conditions C, D, E, F, G, H, and J apply specifically to your proposal.

Also, General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

This verification is valid until March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Thank you for your cooperation with the Corps of Engineer's Regulatory Program. If you have any questions, please contact me via email at [jack.j.hewitt@usace.army.mil](mailto:jack.j.hewitt@usace.army.mil), in writing at the letterhead address, or by phone at (907) 753-2708. For additional information about our regulatory program, visit our web site at: <http://www.poa.usace.army.mil/Missions/Regulatory.aspx>

Sincerely,

  
Jack Hewitt  
Project Manager



**US Army Corps of Engineers  
Alaska District**

Permit Number: POA-2014-377

Name of Permittee: Mr. Jesse West

Date of Issuance: AUG 14 2014

**Upon completion** of the activity authorized by this permit and any mitigation required by the permit, **sign this certification and return it to Jack Hewitt at the following address:**

U.S. Army Corps of Engineers  
Alaska District  
Regulatory Division  
Post Office Box 6898  
JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permittee



# SAVAGE

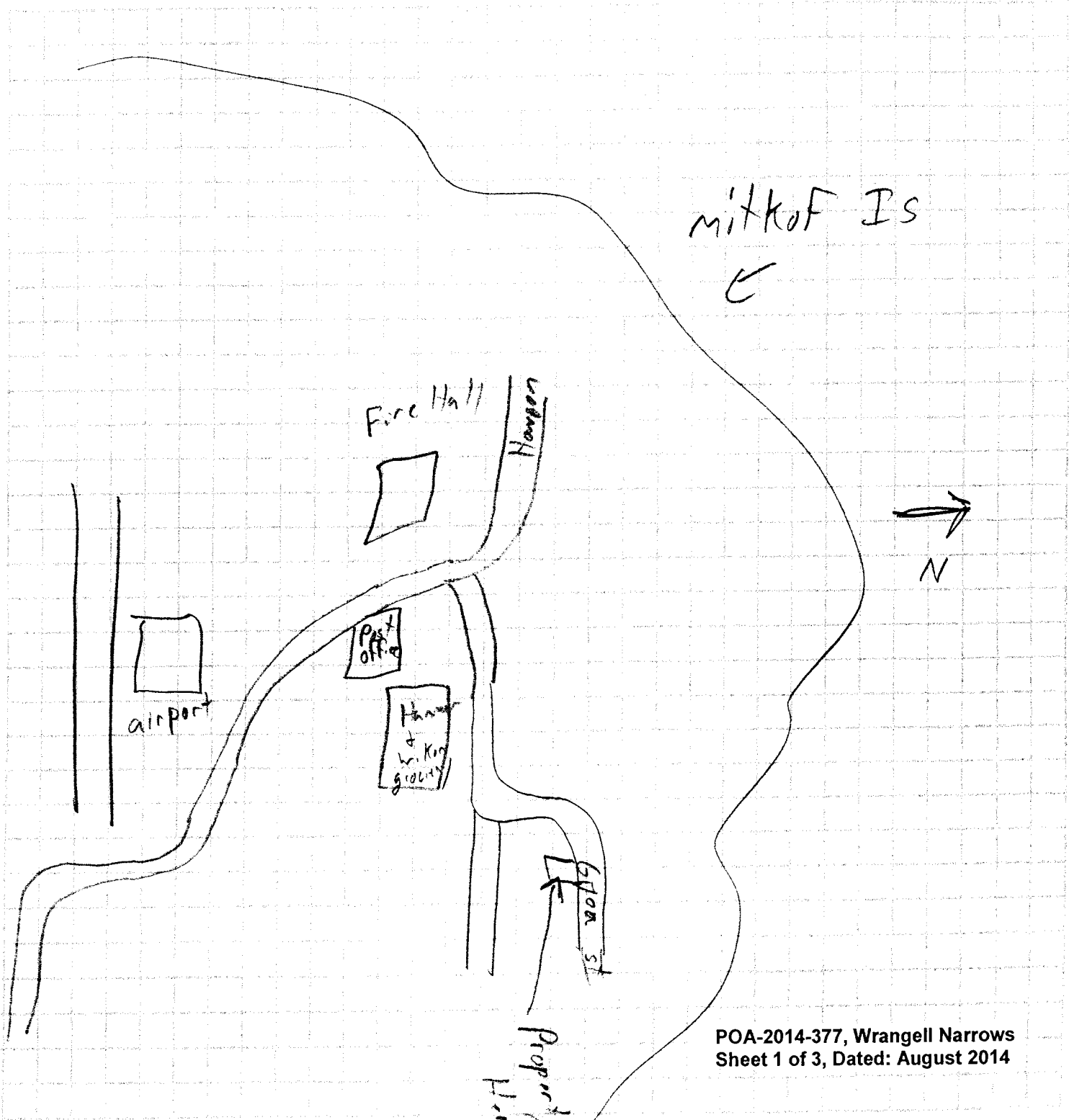
## Wholesale Building Materials

1001 East 25th Street • Tacoma, WA 98421

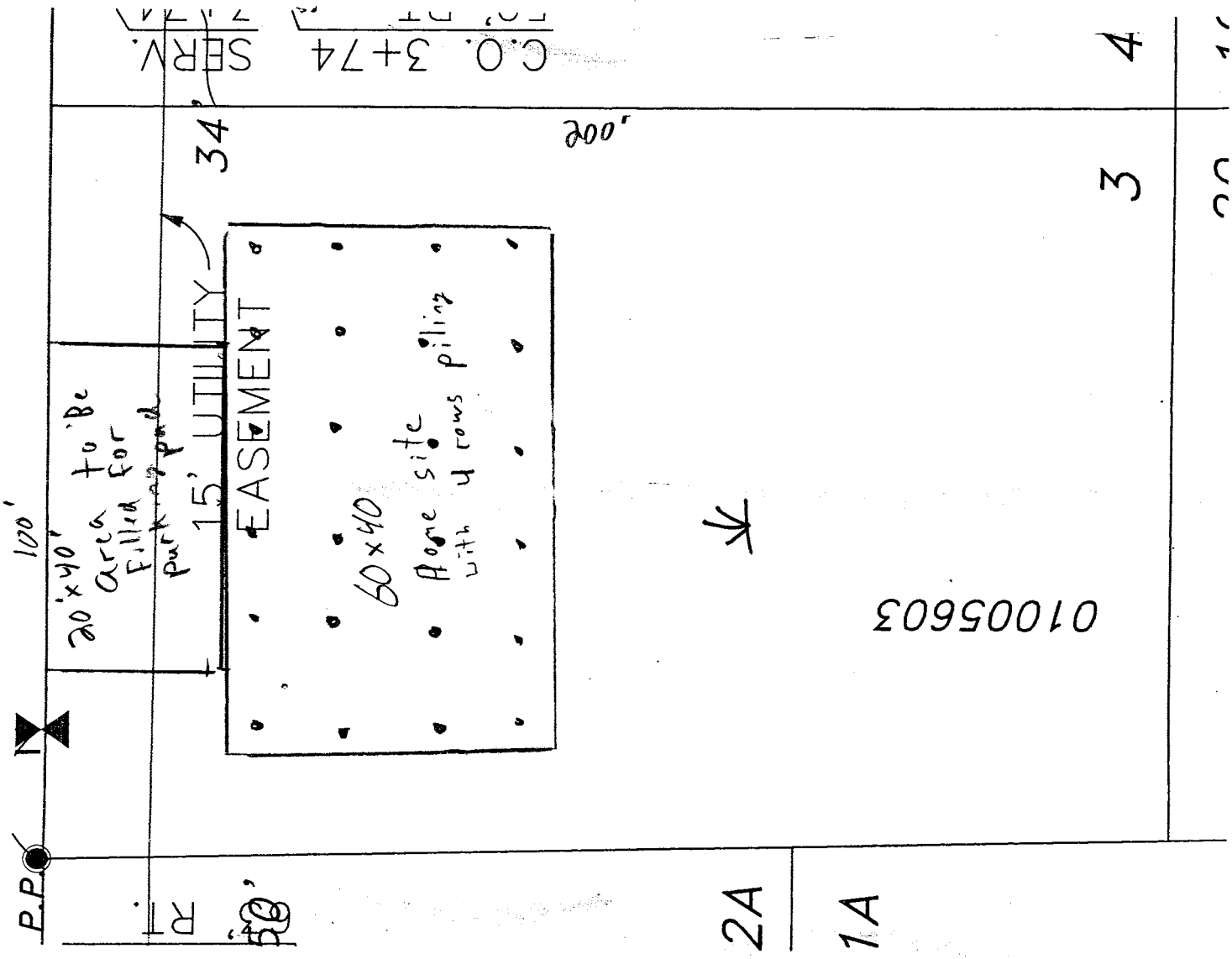
(253) 383-1727

Fax (253) 383-2420

Glass Fax (253) 383-7003



POA-2014-377, Wrangell Narrows  
Sheet 1 of 3, Dated: August 2014



to be connected  
to city sewer  
and water

01005603

3 4

20 10

# SAVAGE

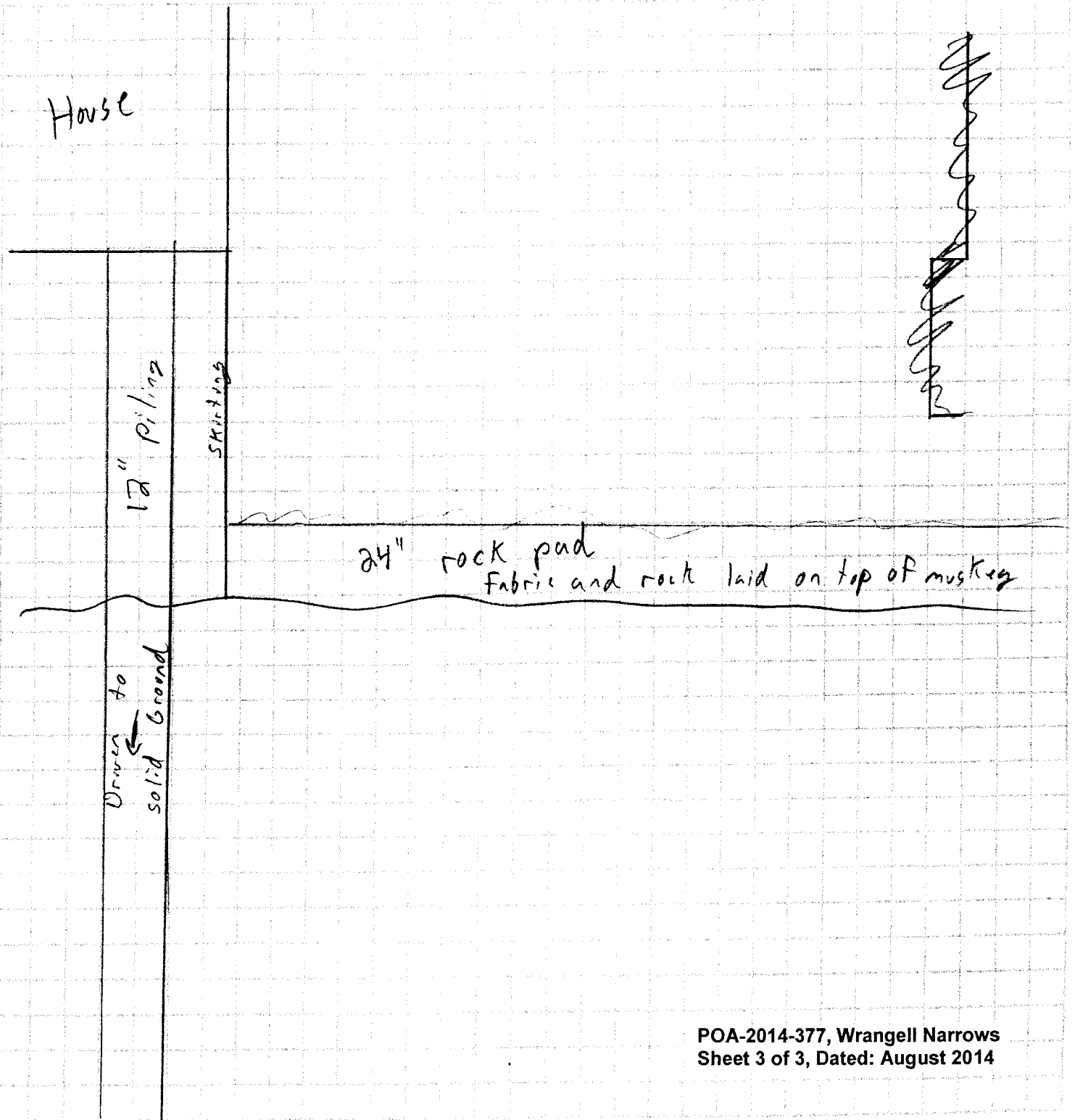
Wholesale Building Materials

1001 East 25th Street • Tacoma, WA 98421

(253) 383-1727

Fax (253) 383-2420

Glass Fax (253) 383-7003



POA-2014-377, Wrangell Narrows  
Sheet 3 of 3, Dated: August 2014

# Preliminary Jurisdictional Determination Form

This preliminary JD find that there "may be" waters of the United States on the subject project site that could be affected by the proposed activity based on the following information:

District Office	Alaska District Office	File/ORM #	POA-2014-377	PJD Date	13 August 2014		
State	AK	City/County	Petersburg				
Nearest Waterbody	Wrangell Narrows			Name and Address of Person Requesting PJD Jesse West Post Office Box 1786 Petersburg, Alaska 99833			
Project Location	Section(s)	Township	26      58      S				
Meridian	Copper River	Range	79      E				
USGS Quad Map	Petersburg D-3	Latitude	56.8115°			N	Longitude
Subdivision Name, Block, Lot, Directions to Project Site	Airport Addition Subdivision, Block 303, Lot 3						

Identify (Estimate) Amount of Waters in the Review Area <u>Non-Wetland Waters:</u> _____ Linear ft    _____ Width    _____ Acres    Stream Flow: _____ _____ <u>Wetlands</u> _____ Acres    Cowardin Class: _____ 1      Palustrine, scrub-shrub	Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: _____ Non-Tidal: _____ <input type="checkbox"/> Office (Desk) Determination    Date of Site Visit: _____ <input type="checkbox"/> Field Determination
--	--

**SUPPORTING DATA:** Data Review for Preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below)

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: \_\_\_\_\_

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data Sheet prepared by the Corps

Corps navigable waters' study: \_\_\_\_\_

USGS NHD Data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s) Cite quad name: \_\_\_\_\_

USDA Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_

National Wetlands Inventory map(s): \_\_\_\_\_

State/Local Wetland Inventory map(s): \_\_\_\_\_

FEMA/FIRM map(s): \_\_\_\_\_

100-year Floodplain Elevation: \_\_\_\_\_

Photographs:

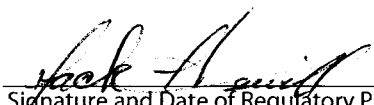
Aerial (Name & Date) \_\_\_\_\_

Other (Name & Date) \_\_\_\_\_

Previous determination(s). File # and date of response letter: \_\_\_\_\_

Other Information: \_\_\_\_\_

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 13 Aug 2014  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

\_\_\_\_\_  
Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

**EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:** 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time. 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.



DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 6898  
JBER, ALASKA 99506-0898  
AUG 18 2014

Regulatory Division  
POA-2014-345

James Anderson  
Post Office Box 3254  
Homer, Alaska 99603

Dear Mr. Anderson:

This is in response to your request for Department of the Army (DA) authorization to discharge 1,180 cubic yards of shot rock, into 0.36 acre of wetlands, to construct a 14' wide by 480' long driveway, and an 80' by 110' shop pad, for the purpose of developing a single family residence. The project site is located within Section 20, T. 64 S., R. 84 E., Copper River Meridian, USGS Quad Map: Petersburg B-2, Latitude 56.3128° N., Longitude 132.3442° W., in Wrangell, Alaska. Please refer to file number POA-2014-345, Zimovia Strait, in correspondence with this office. We have determined your proposal may be conducted under the authority of the nationwide permit (NWP) outlined below.

DA permit authorization is necessary because we have preliminarily determined your project would involve a discharge of fill material into waters of the U.S. under our regulatory jurisdiction. Please sign the attached Preliminary Jurisdictional Determination (PJD) Form and return it to our office. A PJD is not appealable. At any time you have the right to request and obtain an Approved Jurisdictional Determination, which can be appealed. If it is your intent to request an Approved JD, do not begin work until one is obtained.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan, 3 sheets, dated July 2014, is authorized by NWP No. 29, Residential Developments. This NWP and its associated General and Regional Conditions can be accessed at our website at: [www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx](http://www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx). You must comply with all terms and conditions associated with NWP 29, and please note that Regional Conditions C, D, E., F, G, H, and J apply specifically to your project. Also, General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

This verification is valid until March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at [jack.j.hewitt@usace.army.mil](mailto:jack.j.hewitt@usace.army.mil), by mail at the address above, by phone at (907) 753-2708, or toll free from within Alaska at (800) 478-2712, if you have questions or to request paper copies of the regional and/or general conditions.

Sincerely,

  
Jack Hewitt  
Project Manager

Enclosures

ENCLOSURE



**US Army Corps of Engineers  
Alaska District**

Permit Number: POA-2014-345

Name of Permittee: James Anderson

Date of Issuance: AUG 18 2014

**Upon completion** of the activity authorized by this permit and any mitigation required by the permit, **sign this certification and return it to Jack Hewitt at the following address:**

U.S. Army Corps of Engineers  
Alaska District  
Regulatory Division  
Post Office Box 6898  
JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

PROJECT SITE







Approx. 500' from high tide line

Approximate limits of property wetlands

120'x14' Road

120'x14' Road

120'x14' Road on wetlands

4 Acres

100'x14' Road on wetlands

16'x40' Road on wetlands

80'x110' Pad on wetlands

5 Acres

POA-2014-345, Zimovia Strait  
Sheet 2 of 3, Dated: July 2014

Approximate quantities of fill on wetlands:

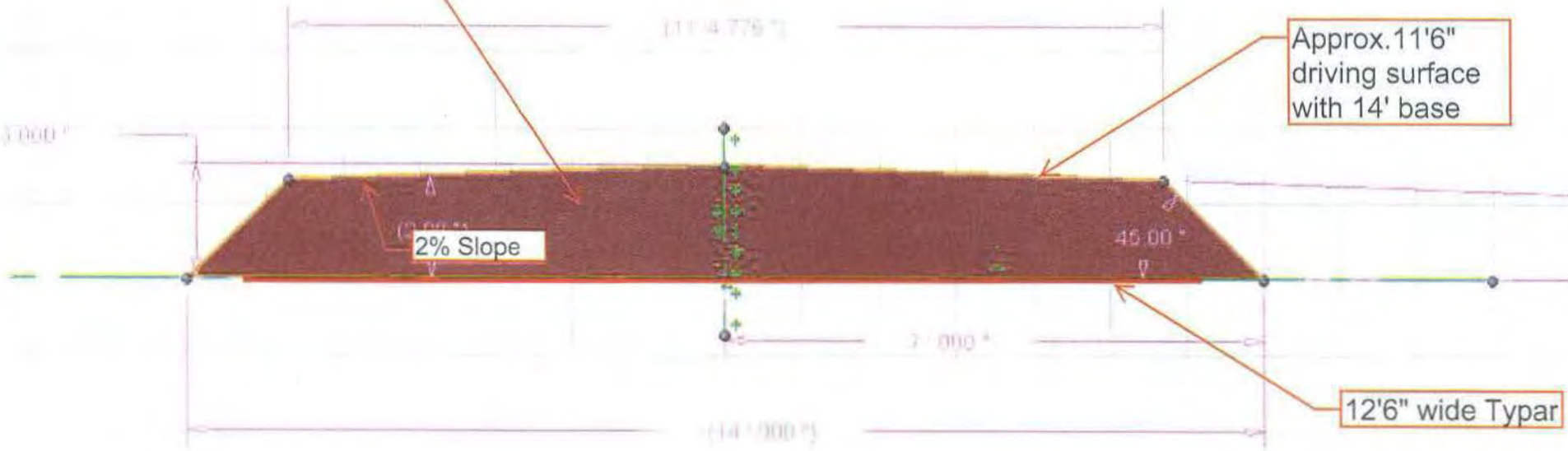
Road = 350 cu. yds. rock  
Pad = 500 cu. yds. rock

Shot rock fill

Approx. 11'6" driving surface with 14' base

2% Slope

12'6" wide Typar



# Preliminary Jurisdictional Determination Form

This preliminary JD find that there "may be" waters of the United States on the subject project site that could be affected by the proposed activity based on the following information:

District Office	Alaska District Office	File/ORM #	POA-2014-345	PJD Date	28 July 2014
State	AK	City/County	Wrangell		
Nearest Waterbody	Zimovia Strait		Name and Address of Person Requesting PJD		
Project Location	Section(s)	20	Township	64	S
Meridian	Copper River	Range	84	E	
USGS Quad Map	Petersburg B-2	Latitude	56.3128°	N	Longitude 132.3442° W
Subdivision Name, Block, Lot, Directions to Project Site	ASLS 96-12, Block 2, Lots 1A and 2A				

Identify (Estimate) Amount of Waters in the Review Area	Stream Flow	Name of Any Water Bodies on the Site Identified as Section 10 Waters:
<u>Non-Wetland Waters:</u>		Tidal: <input type="text"/>
<input type="text"/> Linear ft <input type="text"/> Width <input type="text"/> Acres	N/A	Non-Tidal: <input type="text"/>
<u>Wetlands</u>		<input checked="" type="checkbox"/> Office (Desk) Determination Date of Site Visit: <input type="text"/>
<input type="text"/> Acres Cowardin Class: Palustrine, scrub-shrub		<input type="checkbox"/> Field Determination

**SUPPORTING DATA:** Data Review for Preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below)

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data Sheet prepared by the Corps
- Corps navigable waters' study:
- USGS NHD Data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s) Cite quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National Wetlands Inventory map(s):
- State/Local Wetland Inventory map(s):
- FEMA/FIRM map(s):
- 100-year Floodplain Elevation:
- Photographs:
  - Aerial (Name & Date)
  - Other (Name & Date)
- Previous determination(s). File # and date of response letter:
- Other Information:

**IMPORTANT NOTE:** The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

**EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:** 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time. 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**RE: BOROUGH MANAGER'S REPORT**

**DATED: August 20, 2014**

### **Summer Rush**

Summer for all of our departments always is very demanding and at times, creates demands that are difficult to meet. City Hall is no exception. We have increased demand because of there are more people setting up utility accounts, people paying property tax bills, and our annual audit. The audit requirement and the amount of documentation continue to increase which means more of a demand on staff to create schedules and to pull documents for them to look at. Our new Finance Director and staff in general did a great job. In our preliminary exit interview with the auditor, we again came through in good shape. Our finances are in sound shape and all of our procedures and systems that were examined are also in good shape.

### **Personnel Changes:**

1. George Howell resigned from the Harbor Department.
2. Tim Berberich transferred from the Pool Maintenance to the Harbor.
3. Bruce Smith Sr. has been hired to take Ron Paul's position at the line department.

### **Transfer of TBPA to SEAPA Update:**

All of the parties that are part of the Agreement signed the agreement and we are moving forward in the transfer. SEAPA officially took over operations as of August 16<sup>th</sup>. The City of Wrangell has assumed the task of paying bills, payroll, insurance issues and all other aspects of the transfer up through August 15<sup>th</sup>. The employees at Thomas Bay Power Authority along with the Commission have all been great to work with and have been supportive in this transfer. We are doing things that will put in place automatic transfers of money on insurance refunds directly to SEAPA as the agreement calls for. It is amazing all of the little things required to wind this up. We still have some things we are working on and that will probably continue for a while, but will continue be less and less to do over the next month or so.

One thing that did come to light during the transfer and will require a payment by both Wrangell and Petersburg is accrued vacation time on the books that is being transferred to SEAPA. The reason we will have to pay for this is because as an employee accrues vacation time we record this as an expense even though it is only on paper since we haven't actually paid out the money. We have, however, claimed this to SEAPA as an expense and have been able to deduct it from our power bill. I will be doing that calculation in the near future. This payment will come out of

the budget in the light fund. We had again budgeted \$55,000 for TBPA expenses. The payment could be close to that amount, but should not exceed it.

### **Light Department:**

This week we have had Lineman Edwin Hall from Anchorage filling in as temporary lineman as our only other lineman on staff at the moment had a prior commitment out of state. The weather has been favorable and he, along with our line apprentice, have been busy hanging transformers and setting poles as well as addressing all work orders as they come in. State and National requirements are such that all work on and around live high voltage lines is done by a certified journeyman line worker.

Monday WML&P hosted a presentation by Andy Baker of Your Clean Energy LLC. Andy is the State's premier expert on seawater based heat pump systems with a primary focus on large industrial sized buildings. Andy is the engineer behind the Seward Sealife Center's successful new seawater based heat pump system in Seward. The topics of the presentation covered everything from how seawater can be tapped as a heat source to the different ways that the heat source can be applied to either a single building or even a district heating type application. This is a part of WML&P's effort to bring an awareness of available and proven technology that will provide financially sound alternatives to the current trend towards resistance based electric heat. There were approximately 20 people in attendance

The partnership between WML&P and the Fairbanks based Cold Climate Housing Research (CCHR) continues as CCHR has received additional funding to further study the practical applications of air to air based heat pump systems in Southeast Alaska. CCHR will be sending a team to Wrangell as well as a number of other Southeast communities to install monitoring equipment on existing air to air heat pump systems. A number of Wrangell residents have volunteered to be a part of the study which will also include the heat pump installed at the Electric Department Admin building. The data collected from the study will be used to provide solid validation of the technology in this region as well as hopefully opening up avenues of potential grant funding for future installations.

In other news, the total load for the community has seen a peak demand of 7.11 megawatts so far this summer. The bulk of this demand is due to industrial driven load precipitated by our fish processors. Of the 7.11 megawatt peak approximately 4.00 megawatts can be directly attributed to processing load.

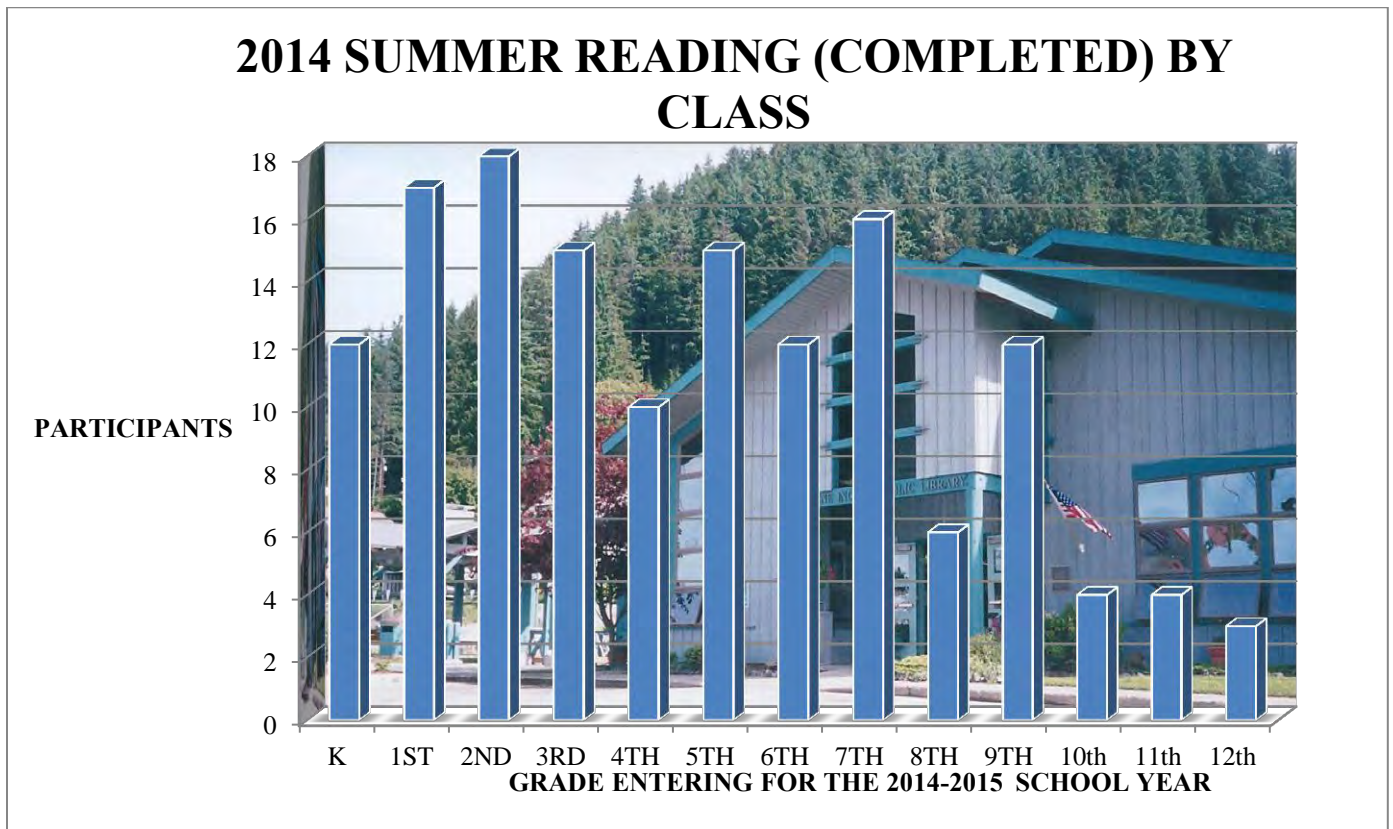
Tyee Lake reached spill level on August 13<sup>th</sup>, this is the first time the lake has spilled since work was started on the weir at the outlet of the lake last summer.

### **Library Department:**

- The Summer Reading Program pool/pizza party was held on August 9th for all the students who completed the program. This year that number was 147. That was the highest number of students that had ever completed the program. This may be due to offering the program to high school students and inviting the Parks & Rec program to

schedule the reading program as an activity. The library ended up with 206 drawings in which all of the students who completed the program won at least one prize. All the prizes were donated by community members, businesses and organizations. Jerry's Arcade supplied ice cream coupons which each student received when they reached the set reading goal, the pool staff supervised the safety of all students, and First Bank supplied a grant in order for each student to receive a WHS sports bag. Attached is a graph depicting the participation by grade each level.

- The Friends of the Library have begun their raffle for (2) airlines tickets anywhere Alaska Airlines flies; \$1.00 per ticket and (6) for \$5.00.
- Recently the library was contacted by the OWL (Online with Libraries) Project Manager and asked if the Wrangell library would like to double our bandwidth. We let them know that this would indeed be something that would benefit the library and its' services. OWL is going to pay most of the cost; the library will just pay an additional \$20 per month. The necessary technical adjustments have been made and upgrade is now complete.



**Fire Department:**

The fire department completed the Pump Testing which is necessary to retain our level 3 ISO rating.

We also put together the 4th of July fireworks and didn't injure anyone in doing so!

We provided full code-cardiac arrest training, and tested all of our fire hose. Our members volunteered to the community, a total of 533.25 hours in Training for the month of July and to date for August. Way to go!!

Planning is underway for our fire prevention week delivered to the schools in October.

This month, the Fire Department responded to:

- 4 Fire Calls
- 6 Search and Rescue calls
- 41 Ambulance requests

Upcoming training includes:

- School bus scenarios Aug 20
- CPR Aug 27
- NASAR Level 3 Search and Rescue responder course September 13-14
- State Fire Conference – Kenai in September 20-29

**Finance Department:**

- Just completed annual audit – went very well considering major departmental changes last fiscal year
- Plan to ramp up collection efforts on various aged taxes and accounts receivable this fall
- As time allows, planning to cross-train finance dept. staff in other job duties
- Working on implementing new task tracking and workflow processes for better timeliness assurance, reminders/ticklers, and controls
- Upgrading unsupported AP and utility clerk computers
- Revisiting IBEW negotiations



# Agenda Item 9

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM

### CLERK'S REPORT August 26, 2014

Mark Your Calendar:

- 8/29 Deadline to file for Declaration for Candidacy (see below for various seats available)**  
**9/7 Last Day to Register to Vote for the upcoming Regular Borough Election**  
9/1 Labor Day Holiday – City Hall will be Closed  
9/3 Parks & Recreation Mtg. @ 7pm in the Assembly Chambers  
9/4 Port Commission Mtg. @ 7pm in the Assembly Chambers  
9/9 Regular Borough Assembly Mtg. @ 7pm in the Assembly Chambers  
9/11 Planning & Zoning Commission Mtg. @ 7pm in the Assembly Chambers  
9/16-18 *Southeast Conference in Wrangell*  
**9/22 Absentee in-person, by-fax, and by-mail for the Regular Borough Election begins in the Borough Clerk's Office**
- 9/9 TBP Commission mtg. to be held telephonically in the Petersburg & Wrangell Assembly Chambers @ 10am  
9/3 SEAPA Board Mtg. to be held in Ketchikan from 9am to 5pm

### *Membership Conference Annual Meeting*

*September 16, 17, 18, 2014 Nolan Center - Wrangell, Alaska*



So far, Mayor Jack and Assembly Member Decker will be attending.

**Please let me know if you would also like to attend. \*\*AGENDA \*\***

### Upcoming Elections

- *Local City Election - Tuesday, October 7, 2014*
- *General Election - November 4, 2014*

Kim Lane, Borough Clerk

**Regular Election Information:**

**Voters** - Please remember to register to vote for the upcoming Regular Borough Election to be held on October 7th, 2014.

The deadline to register to vote is on ***Sunday, September 7th, 2014.***

***Declaration of Candidacy*** will end on August 29th @ 5 pm for the following seats:

Mayor: One – 2 year term (Jack’s term expires 10/2014)

Assembly: Two - 3 year terms (Wiederspohn & Mitchell’s terms expire 10/2014)

Assembly: One - 1 year (unexpired) term until October 2015 (Rooney’s term expires 10/2014)

Port Commission: One - 3 Year Term (Eagle’s term expires 10/2014)

School Board: One - 3 Year Term (Eagle’s term expires 10/2014)

Hospital Board: Two - 4 Year Terms (Robinson & Clark’s terms expire 10/2014)

## **City Boards and Commissions Appointments**

*Persons interested in serving on the following Boards and Commissions, please submit your Letter of Interest to the Borough Clerk's office beginning on September 3<sup>rd</sup> until October 6<sup>th</sup>, 2014. All of the following appointments will have a three-year term.*

### **Planning & Zoning Commission – two vacancies**

*(Valvoda & McConachie expiring October 2014)*

### **Parks & Recreation – two vacancies**

*(Mathis & Martin expiring October 2014)*

### **Wrangell Convention & Visitors Bureau – two vacancies**

*(Delabrue & Cummings expiring October 2014)*

### **Economic Development Committee – two vacancies**

*(Briskar & Decker expiring October 2014)*

### **Nolan Museum/Civic Center Board – one vacancy**

*(Helgeson expiring October 2014)*



## Membership Conference Annual Meeting

September 16, 17, 18, 2014

Nolan Center - 296 Campbell Drive

Wrangell, Alaska

### **DRAFT AGENDA**

#### Monday, September 15th

*Pre-conference Southeast Conference Board of Directors Meeting - 5:00 pm at Nolan Center*

*Conference of Mayors Meeting - 5:00 pm at Nolan Center*

*Southeast Conference Board of Directors and Southeast Mayors combined discussion - 5:00 pm at Nolan Center*

*Volunteers set up, stuff bags, and other duties as assigned - 2:00pm at Nolan Center*

#### Tuesday, September 16th

7:30 AM *Registration & Breakfast*

#### **Opening Ceremony**

8:00 AM *Welcome Lori Blood, SEC President*  
*National Anthem & Alaska Flag Song*  
*Welcome by Dignitaries of Wrangell*

*Michael Geraghty, Attorney General, State of Alaska*

#### **Annual Report**

8:30 AM *Meilani Clark Schivens, Owner, RainCoast Data*  
*Southeast By the Numbers*

#### **Southeast Alaska Marine Industry Council (SEAMIC)**

9:00 AM *Matt Catterson, State of Alaska, Dept. of Commerce, Community & Economic Development*  
*Garrett Etridge, McDowell Group*

9:45 AM **Wrangell Business Highlight**

10:00 AM *15 minute Break- Coffee and Snacks*

10:15 AM *Julie Decker/Mariculture*

11:00 AM *Fishing Fleet Maintenance & Repair Value Chain Presentation*

#### **Southeast Conference Board Candidates Introduction**

12:00 PM *Lunch on your own*

1:30 PM *Cora Campbell, Commissioner State of Alaska Department of Fish and Game*

1:45 PM *Julie Harvey, Emergency Management Spec II, State of Alaska*

*Division of Homeland Security and Emergency Management, Small Community Emergency Response Plan*

#### **Energy**

2:00 PM *Merrill Sanford- Chair/Robert Venables, Coordinator*

2:15 PM *Collin Craven , Cold Climate Housing Research Center- Air-Source Heat Pumps in Wrangell*

2:30 PM *Mark Schinman - Kake Petersburg Intertie update*

2:45 PM *Tim Mcleod - Electric Vehicles*

3:00 PM **Wrangell Business Highlight**

3:15 PM *15 minute Break- Coffee and Snacks*

3:30 PM *Chris Breuwton - Blue Lake Hydro Project*

3:45 PM *Jodi Mitchell - Gartinia Hydro in Hoonah*

4:00 PM *Trey Acteson - Finding the next increment of Hydro*

4:15 PM *Biomass Panel- Karen Peterson- facilitate Panel members, George Northcroft, Federal Building Conversion*

*Darsie Culbeck, Haines Community wide conversion, Robert Deering, Forest Service*

6:00 PM

#### **Community Reception**



## Membership Conference Annual Meeting

September 16, 17, 18, 2014

Nolan Center - 296 Campbell Drive

Wrangell, Alaska

### **DRAFT AGENDA**

Wednesday, September 17th

7:30 AM Registration & Breakfast

8:00 AM Polling Station Opens

#### **ARTS**

8:00 AM Meilani Clark Schivens, Owner, RainCoast Data  
Arts and the Southeast Economy

#### **Solid Waste Authority**

8:30 AM Southeast Alaska Regional Solid Waste Authority

#### **Transportation**

9:00 AM Pat Kemp, Commissioner

9:15 AM Andy Hughes - Southeast Alaska Transportation Plan (SATP) 20 year plan,

9:30 AM Reubin Yost - Marine Highway- Big Projects

9:45 AM Capt Falvey - AMHS Fleet & Terminal Report

10:00 AM Al Clough - Southeast Region Director, Where the rubber hits the road

10:15 AM **Wrangell Business Highlight**

10:30 AM 15 minute Break- Coffee and Snacks

10:45 AM Susan E. Harai PE/PLS, Tribal Transportation Director, Petersburg Indian Association

#### **Food Sustainability**

11:00 AM Sustainable Southeast Partnership - Food Projects and more

Bob Christensen- Project Coordinator, Sustainable Southeast Partnerships

Lia Heifetz, Food Panel POW Greenhouses, Icy Straight Point,

12:00 PM **Lunch on your own**

#### **Timber**

1:30 PM Timber speakers TBA

Wayne Benner, Tongass Advisory Committee Report

2:00 PM **Tourism**

Caryl McConkie, State of Alaska, Dept. of Commerce, Community & Economic Development

Market analysis for small cruise markets in Southeast.

#### **Candidate Forum**

3:00 PM US Senate, US Representative Governor, Lieutenant Governor, - RSVP Byron Mallott

Senate District Q

House District 33,34,35,36 - RSVP Steven Samuelson

3:30 PM Polling Station Closes

5:30 PM SEC Board of Directors Meeting

6:00 PM

#### **Cocktail Hour**

7:00 PM

#### **Banquet & Auction**

Thursday, September 18th

8:00AM Registration & Breakfast

8:30 AM Annual Membership Business Meeting

Noon Timber Meeting at Stikine

# Agenda Item 13a

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### INFORMATION:

PROPOSED ORDINANCE No. 884: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2 OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY AMENDING SECTION 2.16 CANDIDATES, 2.20 VOTING, SECTION 2.28 CANVASSING RETURNS, AND 2.36 ELECTION OFFENSES (*first reading*)

#### **Background**

*The purpose for this ordinance is to be consistent with State Statutes. Specifically, the proposed changes are:*

- *petition requiring signatures: from 20 to 10*
- *prohibiting electioneering from polling place: from 100 to 200 feet*
- *changing "inspector" to "chairperson" throughout this chapter*

#### Attachments:

1. Proposed Ordinance No. 884

#### **RECOMMENDED ACTION:**

Move to approve first reading and move to a second with a Public Hearing to be held on September 9, 2014.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 885

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 2 OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY AMENDING SECTION 2.16 CANDIDATES, 2.20 VOTING, SECTION 2.28 CANVASSING RETURNS, AND 2.36 ELECTION OFFENSES

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 are 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 sections in Title 2 of the Wrangell Municipal Code to remain consistent with Alaska State Statutes.

SEC. 2. Amendments. Sections of Chapter 2.16 of the Wrangell Municipal Code are amended to read:

Chapter 2.16  
CANDIDATES

Sections:

- 2.16.010 Declaration of candidacy – Filing.
- 2.16.020 Declaration of candidacy – Form.
- 2.16.030 Write-in candidates and write-in votes.
- 2.16.010 Declaration of candidacy – Filing.

Any person who will possess the qualifications for holding the office sought at the time of taking office may have his or her name placed on the ballot as a candidate for an elective office of the borough by filing, not less than 30 days nor more than 60 days prior to the election, a sworn declaration of candidacy with the borough clerk. Any qualified person may be placed on the ballot as a candidate to fill a vacancy by filing with the borough clerk a declaration of candidacy and a petition signed by at least 10 **[20]** qualified voters. [Ord. 782 § 12, 2006.].

SEC 3. Amendment. Title and sections of Chapter 2.20 of the Wrangell Municipal Code are amended to read:

Chapter 2.20  
VOTING

Sections:

- 2.20.010 Election officials.
- 2.20.020 Official's oath.
- 2.20.030 Chairperson [inspector].
- 2.20.040 Training sessions – Vacancies.
- 2.20.050 Ballots – Numbering and design.
- 2.20.060 Ballots – Listing of offices and candidates.
- 2.20.070 Ballots – Propositions.
- 2.20.080 Ballots – Possession, inspection and delivery.
- 2.20.090 Materials supply to precincts.
- 2.20.100 Sample ballots.
- 2.20.110 Voting booths and ballot boxes.
- 2.20.120 Polling places.
- 2.20.130 Election hours.
- 2.20.140 Keeping of original register.
- 2.20.150 Voting procedure.
- 2.20.160 Rejected ballots.
- 2.20.170 Challenging an elector.
- 2.20.010 Election officials.

The assembly shall be the judge of the election, and the borough clerk the election supervisor for the municipality. It shall be the duty of the election supervisor before the date of the election to appoint from the qualified electors of the borough three judges of election for each voting precinct, one of whom shall be designated as the chairperson [inspector], and two clerks of election. [Ord. 589 § 6, 1993; Ord. 270 § 5, 1972; prior code § 36.30.010.]

...

2.20.030 chairperson [inspector].

The chairperson [inspector] shall have authority to administer all necessary oaths and affirmations which may be required during the election. He shall also have power during the election. He shall also have power during the election to fill any vacancy which may occur among precinct election officials until their duties have been completed. [Ord. 270 § 5, 1972; prior code § 36.30.030.]



SEC 5. Amendment. Sections of Chapter 2.28 of the Wrangell Municipal Code is amended to read:

Chapter 2.28  
CANVASSING RETURNS

Sections:

- 2.28.010 Counting ballots.
- 2.28.020 Tallies.
- 2.28.030 Rules for determining mark on ballots.
- 2.28.040 Delivery of ballots.
- 2.28.050 Canvass board.
- 2.28.060 Canvass of returns – Procedures generally.
- 2.28.070 Canvass of returns – Certificate of return.
- 2.28.080 Canvass of returns – Exclusion of illegal returns.
- 2.28.090 Canvass of returns – Discrepancies in returns.
- 2.28.100 Custody and destruction of ballots.
- 2.28.110 Contest of election – Grounds.
- 2.28.120 Contest of election – Notice.
- 2.28.130 Contest of election – Investigation.
- 2.28.140 Contest of election – Recounts.
- 2.28.150 Contest of election – Resolution.
- 2.28.160 Tie election.
- 2.28.170 Action by assembly on election results.
- 2.28.180 Certificate of elections.
- 2.28.010 Counting ballots.

...

2.28.040 Delivery of ballots.

When the tally of votes is completed, a certificate of returns shall be prepared and signed by the chairperson [inspector] and clerks of each election precinct. After completion of the certificate of returns the counted ballots and all rejected ballots shall be sealed into an envelope provided by the election supervisor, sealed, and delivered to the clerk, along with all challenged ballots in and emergency absentee ballots, to be retained a depository until submitted to the canvass board.

[Ord. 417 § 11, 1981; Ord. 270 § 5, 1972; prior code § 36.40.040.]

2.28.050 Canvass board.

The canvass board shall consist of borough clerk who acted as election supervisor, the chairperson [inspector] from each election precinct, and three members of the assembly. The assembly shall, prior to the date of the election, designate three assembly members to serve on the canvass board. Vacancies shall be filled by appointment of the mayor. [Ord. 417 § 12, 1981.]

SEC 6.        Amendment. Sections of Chapter 2.36 of the Wrangell Municipal Code is amended to read:

Chapter 2.36  
ELECTION OFFENSES

Sections:

- 2.36.010 Offenses and corrupt practices designated.
- 2.36.020 Penalty for violation.
- 2.36.030 Civil remedy.
- 2.36.010 Offenses and corrupt practices designated.

...

Q. Electioneering on election day within the polling place or within 200 [**100**] feet of same.

SEC. 7.        Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 8.        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. 9.        Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: \_\_\_\_\_, 2014.

PASSED IN SECOND READING: \_\_\_\_\_, 2014.

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

ATTEST:

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Kim Lane, Borough Clerk

# Agenda Item 13b

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### INFORMATION:

PROPOSED ORDINANCE No. 885: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 1.08, BOROUGH FLAG, SPECIFICALLY SECTION 1.08.010 AND 1.08.020 *(first reading)*

#### **Background**

*Nathaniel (Wrangell's intern) researched and completely revamped a new Ordinance to be in line with the way the flag should be displayed, defined, etc.*

#### Attachments:

1. Proposed Ordinance No. 885

#### **RECOMMENDED ACTION:**

Move to approve first reading and move to a second with a Public Hearing to be held on September 9, 2014.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 885

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 1.08, BOROUGH FLAG, SPECIFICALLY SECTION 1.08.010 AND 1.08.020

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 are 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 1.08 of Title 1 of the Wrangell Municipal Code, Borough Flag.

SEC. 2. Amendments. Sections of Chapter 1.08 of the Wrangell Municipal Code are amended to read:

BOROUGH FLAG

Sections:

1.08.010 Description.

1.08.020 Interpretation.

1.08.030 Use.

1.08.010 Description.

The official flag of the borough is an emblem of four sides, and four angles of 90 degrees each. The background or field shall be white. In the center of the flag shall be a totem house in black above which are eight gold stars situated in the form of the Big Dipper. The totem house and stars shall be encircled by two circles, set apart so that a circle of equal width is formed by the field of white; the inner circle shall be blue, and the outer circle shall be red. Around the outer border of the red circle shall be the words "WRANGELL" and "GATEWAY TO THE STIKINE" in blue, Roman face lettering. To the upper left of center a gold-colored fish shall be positioned so that the head of the fish points toward the upper section of the red circle; and to the upper right of center shall be a fir tree in black. The ratio of hoist to fly (vertical to horizontal) of the flag is 3 to 5 feet. [Ord. 271 § 4, 1972; prior code § 01.30.010.]

1.08.020 Interpretation.

The red and blue circles and the white background represent the colors of the American flag. The eight golden stars represent the flag of the State of Alaska. The Shakes House represents Wrangell's native culture. The tree represents Wrangell's historical roots in the timber industry, while the salmon stands for Wrangell's modern sport and commercial fishing industries [, white, and blue represent the colors of the American flag. The eight stars of gold compliment the Alaskan flag. The shakes house stands for our native culture and is Wrangell's nationally known landmark. The salmon represents one of Wrangell's largest industries, including sport and commercial fishing. The tree represents the forest, the logging and the sawmills, industries constituting a large part of Wrangell's economy]. [Ord. 271 § 4, 1972; prior code § 01.30.015.]

SEC 3. Repeal. Section 1.08.03(U.) of the Wrangell Municipal Code is repealed:

...

U. Reserved [The flag should not be used for purposes of decoration, either over the middle of streets or as a covering for automobiles or floats in a parade or for draping speaker's platforms or stands, or for any other similar purpose of decoration.]

...

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. 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. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: \_\_\_\_\_, 2014.

PASSED IN SECOND READING: \_\_\_\_\_, 2014.

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David L. Jack, Mayor

ATTEST:

---

Kim Lane, Borough Clerk

# Agenda Item 13c

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### INFORMATION:

PROPOSED ORDINANCE No. 886: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING NEW SECTIONS, TO TITLE 1 OF THE WRANGELL MUNICIPAL CODE, GENERAL PROVISIONS *(first reading)*

#### **Background**

*Police Chief McCloskey had sent a request to the State of Alaska Court, requesting that a list of offences be classified and added to the court system's Uniform Table of Minor Offenses (UMOT).*

*Because of the way that some offences are listed in our Wrangell Municipal Code, the AK Court cannot add the list of offenses to their table until we have fixed our code.*

*Chief McCloskey and I worked with the State of AK Court and with Ms. Barbara Ritchie (Borough Attorney's office) to correct the fee schedule in Chapter 1 of the Wrangell Municipal Code.*

*This is the first step in the process.*

#### Attachments:

1. Proposed Ordinance No. 886

#### **RECOMMENDED ACTION:**

Move to approve first reading and move to a second with a Public Hearing to be held on September 9, 2014.



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 886

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING NEW SECTIONS, TO TITLE 1 OF THE WRANGELL MUNICIPAL CODE, GENERAL PROVISIONS

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 are 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 add new sections and make other amendments to Chapter 1.20, General Penalty Title 1.

SEC. 2. Amendment. Section 1.20 of the Wrangell Municipal Code is amended to read:

**Chapter 1.20  
GENERAL PENALTY**

Sections:

1.20.010 Generally.

1.20.020 Reserved. **[Attempts to commit a misdemeanor.]**

1.20.030 Aiding in an infraction **[misdemeanor]**.

1.20.040. Surcharge.

1.20.050 Minor Offense Fine Schedule.

**1.20.010 Generally.**

A. Unless an ordinance specifically provides otherwise, any person violating any of the provisions of this code or failing to comply with any of the mandatory requirements of this code is guilty of an infraction and shall be punished by a fine not to exceed \$500. A defendant charged with an infraction is not entitled to a jury trial or to court-appointed counsel at public expense [Unless specifically provided to the contrary, violation of any ordinance or Charter provisions of the borough by doing any act prohibited or declared to be unlawful thereby or declared to be an offense or a misdemeanor thereby and any person who fails to do any act required by any such provision shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000].

B. Any person violating a provision of this code that specifically provides that a violation of the provision is a misdemeanor, is guilty of a misdemeanor and punishable by a fine not to exceed

\$1,000 or imprisonment of not more than 90 days, or both [The application of subsection (A) of this section is intended to broadly apply to violations of all regulatory provisions of this code and in the sense “regulatory offense” is to connote an offense or conduct other than one traditionally regarded as a crime. Considering the factors of lesser maximum punishment, the social and moral reproach or infamy attaching to offense, the extent to which it may be deemed antisocial behavior, and the consequences to a violator upon conviction, the penalty prescribed in subsection (A) of this section, not involving the possibility of imprisonment or incarceration upon conviction and not having the right to trial by jury, shall apply to each provision of the Wrangell Municipal Code unless expressly stated otherwise].

[C. Serious misdemeanors traditionally regarded as criminal in nature or inherently involving a high degree of moral or social opprobrium, or which are to a large degree regarded as antisocial behavior, shall, upon conviction, be punishable by a fine not exceeding \$1,000 or imprisonment not more than 90 days, or both, and are to be found in the following code provisions: WMC [2.36.010](#), WMC Title [10](#), WMC [15.08.190](#), and Chapter [20.92](#) WMC.]

[D]C. The borough may institute a civil action against any person who violates a borough ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. Each day, or part thereof, that a violation of a borough ordinance continues shall constitute a separate violation.

1.20.020 Reserved. [Attempts to commit a misdemeanor.

Any person who attempts to commit a misdemeanor and in such attempt does any act toward the commission of such misdemeanor but fails or is prevented or intercepted in the perpetration thereof is guilty of that misdemeanor and shall be punished in the manner prescribed for the attempted misdemeanor itself.]

1.20.030 Aiding in an infraction [misdemeanor].

Every person who counsels, abets or aids another in the commission of a particular infraction [misdemeanor] as expressly prescribed by ordinance is guilty of an infraction [a misdemeanor] and is punishable in the same manner as the principal offender.

**1.20.040. Surcharge.** In addition to any penalty prescribed by law, a defendant convicted of violating a borough ordinance shall pay the surcharge required under AS [12.55.039](#) and [29.25.074](#). All such surcharges collected shall be remitted to the State of Alaska as required by AS [29.25.074](#).

**1.20.050 Minor Offense Fine Schedule.**

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be

paid to the police department. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

<b><u>Section</u></b>	<b><u>Offense</u></b>	<b><u>Penalty/Fine</u></b>
<u>7.04.010</u>	<u>Cruelty – Abandonment</u>	<u>\$200</u>
<u>7.04.020</u>	<u>Animals at large prohibited</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.030</u>	<u>At large – Prohibited – Nuisance declared</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.035</u>	<u>Objectionable animals</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.040</u>	<u>Restraint requirements</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.045 &amp; 7.08.050</u>	<u>Off-leash areas &amp; Off –leash area rules</u>	<u>First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.</u>
<u>7.08.115</u>	<u>Potentially dangerous and dangerous dogs: violation of restrictions, confinement requirements, and sign requirements</u>	<u>First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum \$500.00.</u>
<u>7.08.120</u>	<u>Biting dog – Confinement</u>	<u>First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a</u>

		<u>maximum fine of \$500.00.</u>
<u>7.08.140</u>	<u>Proclamation to confine all dogs during epidemic</u>	<u>First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>
<u>7.08.150</u>	<u>Interference with animal enforcement agents</u>	<u>First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. 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. 5. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: \_\_\_\_\_, 2014.

PASSED IN SECOND READING: \_\_\_\_\_, 2014.

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David L. Jack, Mayor

ATTEST:

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Kim Lane, Borough Clerk

# Agenda Item 13d

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### INFORMATION:

PROPOSED ORDINANCE No. 887: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING NEW A NEW CHAPTER AND NEW SECTIONS, TO TITLE 7 OF THE WRANGELL MUNICIPAL CODE, ANIMALS *(first reading)*

#### **Background**

*The Code Review Committee met a number of times to go over the animal section of the WMC.*

*Police Chief McCloskey and the Borough Attorney's office assisted in making changes to the code. There are sections in this Ordinance that addresses penalties that were recommended by the State of Alaska Court.*

*Also, there are now definitions added to the Animal Section.*

#### Attachments:

1. Proposed Ordinance No. 887
2. Map of Wrangell to show off-leash areas

#### **RECOMMENDED ACTION:**

Move to approve first reading and move to a second with a Public Hearing to be held on September 9, 2014.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 887

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING, AND ADDING A NEW CHAPTER AND NEW SECTIONS, TO TITLE 7 OF THE WRANGELL MUNICIPAL CODE, ANIMALS

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 are 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 add a new Chapter 7.01 entitled Definitions to Title 7 of the Wrangell Municipal Code, Animals, and to add new sections and make other amendments to Chapter 7.04, General Regulations, and Chapter 7.08, Dogs/Cats of Title 7.

SEC. 2. New Chapter. Title 7 of the Wrangell Municipal Code is amended by the addition of a new Chapter 7.01 to read:

**Title 7  
ANIMALS**

Chapters:

- 7.01 Definitions.
- 7.04 General Regulations.
- 7.08 Dogs/Cats.

**Chapter 7.01  
DEFINITIONS**

**7.01.010 Definitions.**

In this title, unless the context requires otherwise, the following words and phrases shall have the meanings set out in this section:

**A. Abandon**

To leave an animal for a period in excess of 24 continuous hours without adequate provision for its physical needs.

**B. Acceptable collar**

Any commercial or homemade collar or harness capable of allowing a tag and/or leash to be affixed which does not cause injury to the animal.

**C. Altered animal**

An animal that has been sterilized.

**D. Animal**

“Animal” means all nonhuman members of the kingdom Animalia.

**E. Animal enforcement agent**

Any peace officer, other law enforcement personnel, or an animal control officer, or other person specifically authorized by the borough manager to enforce the provisions of this title.

**F. Animal exposed to rabies**

An animal that has been bitten by an animal that either has rabies or has been in proximity or contact with an animal that has rabies or has been exposed to an animal that has rabies.

**G. Animal shelter**

Any premises designated by the manager or the manager’s designee for the purpose of impounding and caring for animals pursuant to this title.

**H. At large**

Any animal that is not under restraint.

**I. Boarding**

Keeping an animal overnight in a commercial animal establishment used for such a purpose.

**J. Commercial animal establishment**

1. Any property wherein or whereon any person engages in the business of regularly selling, training, boarding, or breeding animals for compensation; or
2. Any property used to house or board any horse, mule, donkey, or other livestock; or
3. For animals other than livestock, fish or fowl, any property used to house more than 20 adult animals; or
4. Any property used to house more than 10 adult fowl.

**K. Competent voice control**

When all the following are met:

- (1) The person exhibiting the voice control is present with the animal and monitors all of its activities;
- (2) The person exhibiting the voice control is capable of directing all of the animal’s movements and activities by voice commands; and

(3) The animal under voice control follows all of the vocal commands quickly and accurately.

**L. Confined**

Shut within an enclosure. This includes, but is not limited to, a fenced in area of the real property of the owner, an animal shelter (i.e. pen, dog house, leash, or kennel), and any building on the owner's property, including house or garage.

**M. Dangerous dog**

A dog as defined in WMC 07.08.110.

**N. Dog**

A member of the genus and species Canis familiaris, commonly known as a domestic dog, but does not include other members of the family Canidae such as a fox, coyote, wolf or other game species the taking of which is regulated by the state of Alaska. For the purposes of this title, "dog" includes Canid hybrids unless otherwise specified.

**O. Domestic animal**

Any animal kept for pleasure or for utility that has been adapted to life in association with and to the use by human beings, and shall not include animals which normally can be found in the wild.

**P. Enclosure**

A structure suitable to confine an animal. The structure shall be securely constructed and shall have secure sides, and shall be kept secured at all times. The design and construction shall be adequate to prevent the animal from escaping.

**Q. Euthanasia**

The act of inducing the humane death of an animal.

**R. Facility**

A building or property other than a private residence in which an animal is maintained.

**S. Humane manner**

Care of an animal to include, but not be limited to, adequate heat, ventilation, and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

**T. Improperly confined**

The confinement of an animal under conditions that endanger the animal's health or safety or the safety of the public.

**U. Keeper**

Any person, group of persons, partnership, firm, trust or corporation, owning, having an interest in, or having control, custody, or possession of any animal and includes any adult member of a family or group of persons sharing a residential unit where another member of the family or group has an interest in, or has control, custody or possession of an animal which is kept in or on



the premises of the shared residential unit. “Keeper” does not include a person who voluntarily undertakes the temporary care of an animal that is otherwise abandoned or a person who voluntarily undertakes the temporary care of an animal that is at large in violation of WMC 7.08.030.

**V. Leash**

A chain, leash or rope, held in such manner as to maintain control and to prevent the attached animal from attacking any person, animal, or entering a designated no-pet area.

**W. Neglected**

An animal that has not received that degree of care that a reasonable person would give under the same circumstances. The care must include sufficient food and clean water, adequate shelter and protection from the weather, health care, and clean living conditions.

**X. Nuisance animal**

Any animal which is doing any of the acts set forth in WMC 7.08.030.

**Y. Objectionable animal**

Any animal which is doing any of the acts set forth in WMC 7.08.035.

**Z. Pet Shop**

A commercial establishment that offers to sell live animals with the intent that they be kept as pets.

**AA. Physical injury**

Physical pain or an impairment of physical condition.

**BB. Potentially dangerous dog**

A dog as defined in WMC 7.08.110.

SEC. 3. Amendment. The table of sections of Chapter 7.04 of the Wrangell Municipal Code is amended to read:

**Chapter 7.04  
GENERAL REGULATIONS<sup>1</sup>**

Sections:

- 7.04.010 Cruelty – Abandonment.[ – **Domestic creature defined.**]
- 7.04.020 Animals at large prohibited.
- 7.04.030 Entering public or private property.
- 7.04.0[3]40 Penalty for violation.

SEC. 4. Amendment. Section 7.04.010 of the Wrangell Municipal Code is amended to read:

**7.04.010 Cruelty – Abandonment [– Domestic creature defined].**

A. Any person who necessarily or without cause overworks, beats, abuses, starves, torments, kills or otherwise mistreats a domestic animal **[creature]**, or causes or procures any such acts to be done, shall be deemed guilty of an [misdemeanor] infraction. **[For the purposes of this section, the term “domestic creature” means any tame animal or animal kept as a pet, including, but limited to, dogs, cats, rabbits, monkeys, birds or reptiles.]**

B. Any person who intentionally abandons a domestic animal**[creature]**, whether or not it is sick, maimed, infirm, or disabled, where there is not a caretaker to assume responsibility for proper food and water and other needs, shall be deemed guilty of an [misdemeanor]infraction.

SEC. 5. Amendment. Section 7.04.020 of the Wrangell Municipal Code is amended to read:

**7.04.020 Animals at large prohibited.**

It is unlawful for the **[owner or]** keeper to permit or allow any bull, ox, cow, sheep, goat, hog, dog, or other animal or any domestic fowl to be **[run]** at large within the borough limits, or to be pastured or herded, or staked or tied for the purpose of grazing, in any of the streets, alleys, squares, or other grounds belonging to or under the control of the borough and within the borough limits **[of the borough]**; and it is unlawful for the **[owner or]** keeper of any of said animals, or stock of any kind or domestic fowl to tie, stake, pasture, or turn at large any of said animals upon any private property within the limits of the borough, without the consent of the owner of said property.

SEC. 6. New Section. A new Section 7.04.030 is added to Chapter 7.04 of the Wrangell Municipal Code to read:

**7.04.030 Entering public or private property.**

A. An animal enforcement agent may enter onto any property, public or private, at all reasonable hours in the performance of his or her duties under this title, except that he or she may not enter any private residence or house without the consent of a person authorized to give consent.

B. It shall be a condition of any designated or any permitted commercial animal establishment that an animal enforcement agent shall be allowed to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit for a commercial animal establishment is revoked for cause, or pending an appeal of such action, the animal enforcement agent shall have power of entry on the premises and into all areas where animals are being kept.

SEC. 7. Amendment. Section 7.04.030 of the Wrangell Municipal Code is renumbered to be 7.04.040 and amended to read:

**7.04.0[3]40 Penalty for violation.**

**[Any person convicted of violation of any of the provisions of this chapter shall be punished in the following manner: first violation, a 15.00 fine/penalty; second violation, a \$50.00 fine/penalty; third violation, a \$100.00 fine/penalty; fourth violation, a \$125.00 fine/penalty; fifth violation, a \$150.00 fine/penalty; sixth and subsequent violations, a \$200.00 fine/penalty. The execution of any sentence imposed hereunder may not be suspended nor may imposition of sentence be suspended, except upon the condition that the defendant pay the minimum fine as provided in this section, nor may the punishment provided for in this section be reduced]** Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500 if the offense is not listed in the 1.20.050 fine schedule.

SEC. 8. Amendment. The table of sections of Chapter 7.08 Wrangell Municipal Code is amended to read:

**Chapter 7.08  
DOGS/CATS**

Sections:

- 7.08.010 Licensing.
- 7.08.020 Dog vaccination required.
- 7.08.030 **[Running at]** At large – Prohibited – Nuisance declared.
- 7.08.035 Objectionable animals.
- 7.08.040 Restraint requirements.
- 7.08.045 Off-leash areas.
- 7.08.050 Off-leash area rules.
- 7.08.0[4]60 Impoundment.
- 7.08.0[5]70 Notice of impoundment.
- 7.08.0[6]80 Hearings and appeals.
- 7.08.0[7]90 Reclamation – Impoundment costs.
- 7.08.[08]100 Disposal.
- 7.08.[09]110 **[Vicious dogs – Harboring – Muzzling]** Potentially dangerous and dangerous dogs – definitions.
- 7.08.115 Classification of dogs – Notice, hearing, and appeal – Restrictions.
- 7.08.1[0]20 Biting dog – Confinement.
- 7.08.1[1]30 Biting dog – Notification of state – Observation.
- 7.08.1[2]40 Proclamation to confine all dogs during epidemic.
- 7.08.1[3]50 Interference with animal enforcement agents [officers].
- 7.08.1[4]60 Penalty for violation.
- [7.08.150 Mail-in bail.]**

SEC. 9. Amendment. Section 7.08.010 of the Wrangell Municipal Code is amended to read:

**7.08.010 Licensing.**

A. Every person who owns or keeps a dog within the borough shall report to the **[borough clerk] police department**, not later than the first day of February of each year, his or her name and address, and shall give the name, breed, color, and sex of each dog owned or kept by such person and shall be required to pay to the police department clerk the fee of \$5.00 for each neutered male or spayed female dog and \$15.00 for each intact dog so owned or kept. Upon payment of the fee, the **[borough clerk] police department clerk** shall furnish a receipt thereof, **and [also]** a metal license tag carrying an identification number that shall be securely fastened to a collar made of leather, metal or other substantial material worn by the dog.

B. The **[borough clerk] police department** shall keep and accurate record of all licensed dogs. The **[borough clerk] police department** shall cause a notice of the necessity of paying such a license fee to be printed in a paper of general circulation within the borough one time before the tenth day of January in each year.

SEC. 10. Amendment. Section 7.08.020 of the Wrangell Municipal Code is amended to read:

**7.08.020 Dog vaccination required.**

**[No license shall be granted for a] A** dog older than six months **[which does not] is required to** have a current rabies vaccination.

SEC. 11. Amendment. Section 7.08.030 of the Wrangell Municipal Code is amended to read:

**7.08.030 [Running at] At large – Prohibited – Nuisance declared.**

A. It is unlawful for any **[owner or]** keeper of a dog/cat to permit the **[said]** animal to be **[run]** at large on any street, sidewalk, wharf or public place or otherwise become a nuisance within the incorporated borough limits.

B. A dog will be deemed **[to be running]** at large unless confined upon private property with consent of the owner thereof, or led or securely tied upon a leash in hands of some responsible person.

C. All dogs/cats **[running]** at large within the borough limits are declared a public nuisance and are subject to immediate impoundment without prior notice.

D. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 12. New Sections. Chapter 7.08 of the Wrangell Municipal Code is amended by the addition of new Sections 7.08.035, 7.08.040, 7.08.045, and 7.05.050 to read:

**7.08.035 Objectionable animals.**

A. The keeper of an animal shall:

1. Prevent the animal from disturbing a neighborhood or any number of persons by frequent or prolonged noise, barking, howling or other noises;
2. Prevent the animal from defecating upon, digging upon or injuring public property or a public thoroughfare or private property without the permission of the property owner;
3. Prevent the animal from snapping, running after or jumping at vehicles or persons using the public thoroughfares within the city and borough;
4. Prevent the animal from snapping at, jumping upon or otherwise menacing, injuring or frightening persons, domestic animals, or livestock; provided, that this subsection shall not apply if the person is trespassing or otherwise acting in violation of the law; and
5. Prevent the animal from snapping, harassing or otherwise disturbing or injuring any wildlife.

B. Any animal found in violation of this section may be immediately impounded by the animal enforcement agent.

C. A violation of this section shall be fined as provided in WMC 1.20.050.

**7.08.040 Restraint requirements.**

A. The keeper of any dog shall keep the dog under leash restraint at all times and shall not permit the dog to be off leash in any area except those designated as “off-leash areas.”

B. All dogs or other domestic animals found at large may be impounded. The keeper of the dog or other domestic animal shall be responsible should the dog or other domestic animal be in violation of this section.

C. All dogs in the back of an open pickup truck must be restrained by a tie down which is sufficiently short to protect the animal from jumping out and to prevent the animal from lunging at passers-by.

D. A violation of this section shall be fined as provided in WMC 1.20.050.

**7.08.045 Off-leash areas.**

See Attachment 13d-2 (Wrangell map)

A. Dogs may be off-leash outside of the city and borough’s business district, provided that the keeper is actively engaged with the dog and has competent voice control of the dog.

B. The “business district” is described as follows: Waterward starting from the Ferry Terminal down 2<sup>nd</sup> Street, continuing on Church Street to Case Avenue, turning right down Case Avenue, continuing left down Shakes Street to and including the Harbor parking lot and including Shakes Island; within these areas, dogs must be under leash restraint at all times.

C. A violation of this section shall be fined as provided in WMC 1.20.050.

**7.08.050 Off-leash area rules.**

A. The following rules shall be followed by all keepers that choose to have their dogs off-

leash:

1. Potentially dangerous and dangerous dogs, and biting dogs, as provided under WMC 7.08.110, 7.08.115, 7.08.120, and 7.08.130, and female dogs in heat are prohibited from being off-leash;

2. Dogs shall be leashed upon entering and leaving the fenced sports fields designated for off-leash use;

3. Keepers shall keep their dogs in sight and under “competent voice control” at all times;

4. Keepers shall remain with their dogs when they are off-leash;

5. Keepers shall clean up and remove any dogs’ feces left by their dogs or be subject to fines or prohibitions;

6. Holes dug by dogs must be filled by the keeper;

7. Keepers shall be responsible for all actions of their dogs; and

8. Aggressive or unruly dogs are not allowed to be off-leash.

B. In addition to being subject to the penalties in WMC 7.08.160, any keeper of a dog who violates any rule in this section may be prohibited from using an off-leash area with the dog.

C. No dogs shall be allowed, either on-leash or off-leash, in specific areas within the city and borough’s business district if the city and borough has posted notice prohibiting dogs in those areas.

D. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 13. Amendment. Section 7.08.040 of the Wrangell Municipal Code is renumbered to be 7.08.060 and amended to read:

**7.08.0[4]60 Impoundment.**

A. Any dog/cat found at large shall be impounded by the animal enforcement agent [chief of police or his designee or contractor].

B. The [chief of police or his designee or contractor] animal enforcement agent shall promptly prepare an impoundment report, which shall include a description of the dog/cat, the name, address and telephone number of the [owner or] keeper if known, the location where the dog/cat was found at large and impounded, and the date after which the dog/cat will be disposed of pursuant to WMC 7.08.~~[08]~~100, and the procedure (including any charges to be paid) for reclaiming the dog/cat.

C. During the period of impoundment until reclamation or disposal, the [chief of police or his designee or contractor] animal enforcement agent shall keep the dog/cat in a suitable [kennel] animal shelter facility.

D. No person shall willfully prevent or obstruct the impounding of any animal in violation of any of the provisions of this title by an animal enforcement agent, nor shall any person break open an animal shelter, or take or attempt to take any animal out of an animal shelter facility, or capture device without the consent of an animal enforcement agent, nor shall any person knowingly impound or attempt to impound any animal not legally subject to impoundment.

SEC. 14. Amendment. Section 7.08.050 is renumbered to be 7.08.070 of the Wrangell Municipal Code and amended to read:

### **7.08.0[5]70 Notice of impoundment.**

Within 24 hours after impoundment, the **[chief of police, his designee or contractor]** animal enforcement agent shall give notice of impoundment as follows:

A. In all cases, whether the **[owner]** keeper is known or not known, a copy of the impoundment report shall be posted **[in conspicuous places at the post office and City Hall, and, if possible]** at the police department and broadcasted on the local radio station [and/or television].

B. If the **[legal owner]** keeper of an impounded dog [the dog/cat] is known through licensing, the **[owner]** keeper shall, in addition to the above, be given verbal notice or notice by certified mail, return receipt requested, **[to the owner or keeper of the dog]** at that person's last known address.

SEC. 15. Amendment. Section 7.08.060 of the Wrangell Municipal Code is renumbered to be 7.08.080 and amended to read:

### **7.08.0[6]80 Hearings and appeals.**

A. The **[owner or]** keeper of an impounded dog/cat may request a hearing within **[five]** ten days of mailing, verbal notice or first publication of the notice of impoundment, whichever occurs first. If there is no request for a hearing within the time specified, the right to a hearing will be waived.

B. A hearing, if requested, shall be conducted by the borough manager or the manager's designee. The hearing shall be conducted informally.

C. At the conclusion of the hearing, the borough manager shall state the **[his]** decision, the reasons therefor, and indicate what evidence was relied upon.

D. If the decision sustains the impoundment, or if no hearing is requested and the right is waived, then the borough manager or his designee shall order the **[chief of police, his designee or contractor]** animal enforcement agent to proceed with disposal pursuant to WMC 7.08.[08]100.

E. If the decision overrules the impoundment, the dog/cat shall be promptly returned to its **[owner or]** keeper without charge, or if the dog/cat has previously been reclaimed, all charges paid shall be promptly refunded to the payer.

F. A person aggrieved by the decision of the borough manager may appeal the**[his]** decision to the borough assembly. All appeals to the assembly must be filed in writing with the borough clerk no later than 15 days after the date of the manager's decision; an appeal filed later than 15 days after the date of the decision will not be considered.

G. The keeper of the impounded dog/cat shall be liable for all impound costs under WMC 7.08.090 if the decision to impound is upheld.

**[G]H.** No dog/cat shall be disposed of until the hearings, if any, are completed.

SEC. 16. Amendment. Section 7.08.070 of the Wrangell Municipal Code is renumbered to be 7.08.090 and amended to read:

### **7.08.0[7]90 Reclamation – Impoundment costs.**

A. A person who presents satisfactory proof of ownership or right to possession to the **[chief of police, his designee or contractor]** animal enforcement agent may reclaim an impounded dog/cat any time before the dog/cat has been finally disposed of pursuant to WMC 7.08.[08]100,

by payment of all costs specified in subsection (B) of this section, and payment of any current but unpaid license fee pursuant to WMC 7.08.010.

B. Impoundment costs are as follows:

- |  |             |
|--|-------------|
| 1. Impoundment fee   | \$25.00     |
| 2. Kennel fee  | \$15.00/day |
| 3. Actual cost of postage and publication of notice of impoundment                     | Variable    |
| 4. Actual cost of any emergency veterinarian care, medication or extraordinary expense | Variable    |

SEC. 17. Amendment. Section 7.08.080 is renumbered to be 7.08.100 of the Wrangell Municipal Code and amended to read:

**7.08.[080]100 Disposal.**

A. Title to a dog/cat impounded and not reclaimed nor subject to a hearing shall finally vest in the borough on [of] the [sixth]tenth day following verbal notice, notice by mail or first publication of the notice of impoundment pursuant to WMC 7.08.0[5]70.

B. After title in the dog/cat has vested in the borough, the dog/cat may be disposed of in any economical and efficient manner **[the chief of police, his designee or contractor]** that the animal enforcement agent deems appropriate, including euthanasia.

SEC. 18. Amendment. Section 7.08.090 of the Wrangell Municipal Code is renumbered to be 7.08.110 and amended to read:

**[7.08.090 Vicious dogs – Harboring – Muzzling.]**

**[A. All persons are prohibited from knowingly keeping for themselves or for another any dog known or reported to be a vicious animal dangerous to the public safety.**

**B. Upon written protest, signed by two or more residents of the borough and filed with the borough assembly, the owner or keeper of any such vicious dog shall be notified and required to have posted upon the premises where such dog is owned or kept a legible painted sign bearing the words “Beware of Dog” in letters not less than three inches high and placed in a conspicuous place upon the premises where it may be plainly seen by all persons entering upon the premises. The owner or keeper of any such dog shall also be required, when said dog is permitted outside the house on a leash, to have said dog adequately muzzled, or, if not muzzled, to be kept in an enclosure so constructed that any person entering upon the premises may not be subject to attack.**

**C. Upon a second complaint by one or more persons being filed or reported against any owner or keeper of any such vicious dog, it shall be the duty of the chief of police, or some person appointed by him, immediately to impound such dog for such period of time as**



necessary to conduct an investigation. Thereupon, the chief of police or the person duly appointed by him shall immediately conduct an investigation into the character and propensities of such dog and investigate the grounds of protest and complaint filed against said animal, and thereafter shall take whatever action is justified by the situation, and may decree compliance with the conditions provided in subsection (B) of this section or have the dog destroyed or removed from the borough.]

**7.08.110 Potentially dangerous and dangerous dogs – definitions.**

A. Definitions. Except as provided in subsection C of this section, a “potentially dangerous dog” is any dog that:

1. Without provocation, chases or approaches a person in a threatening manner or in an apparent attitude of attack; or
2. Has a known propensity, tendency or disposition to attack without provocation, or otherwise threaten the safety of human beings or domestic animals.

B. Except as provided in subsection C of this section, a “dangerous dog” is any dog that:

1. Has bitten or otherwise inflicted physical injury on a human being without provocation, on public or private property;
2. Has, while off the premises of its keeper, killed a domestic animal without provocation; or
3. Has been previously classified as potentially dangerous and is found in violation of the provisions of this title.

C. Exceptions to potentially dangerous and dangerous dog.

1. No dog may be classified as potentially dangerous or dangerous if:
  - a. It was acting against a trespasser who had illegally entered premises occupied by the keeper or custodian of the dog;
  - b. The dog was being tormented, abused, assaulted or otherwise provoked;
  - c. The dog was protecting or defending a person within the immediate vicinity of the dog from an attack by a person or other animal, or if the dog was acting to defend itself from attack by another animal or person.
2. No dog may be classified potentially dangerous or dangerous if the injury or damage to an animal was sustained while the dog was working as a police dog, hunting dog, service animals, herding dog, or predator control dog on the property of or under the control of its keeper and the damage or injury was to a species or type of animal appropriate to the work of the dog.

SEC. 19. A new section 7.08.115 is added to the Wrangell Municipal Code to read:

**7.08.115 Classification of dogs – Notice, hearing, and appeal – Restrictions.**

A. Classification of dogs. The animal enforcement agent shall have the authority to determine, based on probable cause, that a dog is potentially dangerous or dangerous. The determination and classification of the animal shall be completed by the animal enforcement agent within 15 days of receipt by the police department of a report or complaint concerning an incident involving the dog. In making the determination, the agent will consider all of the facts and circumstances of the incident, including but not limited to the following factors:

1. The observed and reported past history and present behavior of the dog;
2. Whether the incident was accidental in nature;
3. The extent of the injury to the person or animal attacked; and
4. The keeper's history of compliance with the provisions of WMC Title 7 pertaining to the dog involved in the incident.

B. Notice; Hearing to review classification; Appeals; Restrictions pending hearing or appeal. Written notice of the animal enforcement agent's determination to classify a dog potentially dangerous or dangerous shall be served on the keeper of the dog at the keeper's last known address. The notice shall describe the dog, state the grounds for its classification, and state the restrictions and other requirements applicable to the dog by reason of its classification. The notice shall also state that if a written request for a hearing is filed with the manager within ten days after completion of service of the notice, a hearing will be conducted by the manager or the manager's designee in accordance with WMC 7.08.080 to review the classification or any related restrictions or other requirements applicable to the dog. The right to a hearing shall be deemed waived if not timely requested as set forth in this subsection. The manager's decision may be appealed to the borough assembly as provided in WMC 7.08.080. Pending any hearing or appeal on the classification of the dog, the animal enforcement agent may require that the dog be kept securely confined on the premises of the keeper or other location acceptable to the animal enforcement agent, which may include quarantine at the animal shelter at the keeper's expense.

C. On-premises confinement. While on the keeper's property, a potentially dangerous or dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the dog from escaping by climbing, burrowing, or otherwise. The potentially dangerous dog must be securely confined indoors at all times until the enclosure is available. If built for a dog, the enclosure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. If not built for a dog, the enclosure must meet the more general specifications listed in this section, and any additional specifications as might be prescribed by the animal enforcement agent. The enclosure must also provide adequate protection from the elements and be kept in clean and sanitary condition.

D. Off-premises confinement. A potentially dangerous or dangerous dog may be off the keeper's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length. The leash and dog must be under the actual physical control of a person suitable to control the dog at all times. Such dogs shall not be leashed to inanimate objects such as trees, posts or buildings. The muzzle must be made in a manner that will not cause injury to the dog or interfere with the dog's vision or respiration, but must prevent the dog from biting any person or animal.

E. Signs. The keeper shall display signs in such form as required by the animal enforcement agent on the keeper's premises warning that there is a potentially dangerous or dangerous dog on the premises. One sign must be visible from any public right-of-way abutting the premises. A sign must also be posted on the enclosure for the dog.

F. Destruction of dangerous dogs. The animal enforcement agent may order any dog that is classified as dangerous to be humanely euthanized after being quarantined for such period as provided by law. Written notice of the animal enforcement agent's order shall be served on the keeper of the dog at the keeper's last known address. The notice shall describe the dog and state the grounds for the order. The notice shall also state that if a written request for a hearing is filed with the manager within ten days after completion of service of the notice, a hearing will be conducted by the manager or the manager's designee in accordance with WMC 7.08.080 to review the order. The right to a hearing shall be deemed waived if not timely requested as set forth in this subsection. The manager's decision may be appealed to the borough assembly as provided in WMC 7.08.080. Pending any hearing or appeal, the animal enforcement agent may require that the dog be kept securely confined on the premises of the keeper or other location acceptable to the animal enforcement agent, which may include quarantine at the animal shelter at the keeper's expense.

G. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 20. Amendment. Section 7.08.100 of the Wrangell Municipal Code is renumbered to be 7.08.120 and amended to read:

**7.08.1[0]20 Biting dog – Confinement.**

A. Whenever any **[person owning, possessing, or harboring]** keeper of any dog within the borough limits learns that such dog has bitten any human being, such **[person]** keeper shall immediately impound the dog in a place of confinement to be designated by the **[borough]**animal enforcement agent. The place of confinement must prevent escape and include facilities placing the dog in total isolation from any human being or other animal. A report of the actions taken shall immediately be reported to the **[borough]** police department who shall notify all responsible officials.

B. Whenever responsible officials of the borough learn that any human being has been bitten by any dog within the borough, the identity of such dog shall be ascertained and the **[person owning, possessing, or harboring it]** keeper of the dog shall immediately deliver the dog for impounding as required in subsection (A) of this section.

C. Any dog so impounded shall be kept continuously confined for a period of 14 days from

the day the dog bit the human being, and the **[owner, possessor, or person harboring]** keeper of the dog shall be responsible for such charges as may be required for impounding, including but not limited to a fee for isolation of the dog, food for the dog, and special charges required for rabies prevention.

D. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 21. Amendment. Section 7.08.110 of the Wrangell Municipal Code is renumbered to be 7.08.130 and amended to read:

**7.08.1[1]30 Biting dog – Notification of state – Observation.**

A. Upon learning that a dog has bitten a human being, the **[police]** animal enforcement agent shall immediately notify the Alaska Department of Health and Social Services and inform the state agency of the place where the dog is impounded.

B. The **[borough]** animal enforcement agent shall contract with persons knowledgeable with care and handling of well and sick dogs for inspection of the dog for the 14 days of confinement to determine whether such dog is infected with rabies. For this purpose, **[persons so designated by]** the **[borough]** animal enforcement agent shall have access to the premises where the dog is kept at all reasonable hours, and may take possession of the dog and confine it **[in the designated dog pound of the borough]** at the animal shelter or other **[suitable place]** location acceptable to the animal enforcement agent at the keeper's expense [of the owner].

C. The **[owner or person in possession or harboring such]** keeper of the dog under observation shall immediately notify the Alaska Department of Health and Social Services [of the state] of any evidence of sickness or disease in the dog during its period of confinement and shall promptly deliver its carcass to the appropriate agency in the event of the animal's death during the period.

D. During the period of confinement, the **[owner, person in possession, or person harboring such]** keeper of the dog shall be liable for all expenses of confining such dog in isolation.

SEC. 22. Amendment. Section 7.08.120 of the Wrangell Municipal Code is renumbered to be 7.08.140 and amended to read:

**7.08.1[2]40 Proclamation to confine all dogs during epidemic.**

Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the borough manager shall issue a proclamation ordering every **[person owning or keeping]** keeper of a dog to confine **[him]**the dog securely on **[his]** the keeper's premises unless **[he]** the dog is muzzled so that **[he]** it cannot bite. No person shall violate such proclamation, and any unmuzzled dog **[running]** at large during the time affixed by the proclamation shall be killed by the **[police]** animal enforcement agent without notice to the **[owner]**keeper. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 23. Amendment. Section 7.08.130 of the Wrangell Municipal Code is renumbered to be 7.08.150 and amended to read:

**7.08.1[3]50 Interference with animal enforcement agents [officers].**

It is unlawful for any unauthorized person to break open the animal shelter [pound] or to

attempt to do so, or to take or let out any dog/cat therefrom, or to take or attempt to take from any animal enforcement agent [officer] any dog/cat taken up by the agent [him] in compliance with this chapter, or in any manner to interfere with or hinder such officer in the discharge of the agent's [his] duties under this chapter. A violation of this section shall be fined as provided in WMC 1.20.050.

SEC. 24. Amendment. Section 7.08.140 of the Wrangell Municipal Code is renumbered to be 7.08.160 and amended to read:

**7.08.1[4]60 Penalty for violation.**

**[A] Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500 if the offense is not listed in the 1.20.050 fine schedule. [Except as set forth in subsection (B) of this section, any violation of the provisions of this title shall be punishable as provided for in WMC 1.20.010.**

**B. A violation of WMC 7.08.010 and 7.08.030 and shall be a regulatory offense for which a fine of \$25.00 shall be imposed. The execution of any sentence imposed hereunder may not be suspended nor may imposition of sentence be suspended, except under the condition that the defendant pay the fine as provided in this section, nor may the punishment provided in this section be reduced.]**

SEC. 25. Repeal. Section 7.08.150 of the Wrangell Municipal Code is repealed.

**[7.08.150 Mail-in bail.**

**Commission of the offenses described in WMC 7.08.010 or 7.08.030 may be satisfied by payment of the prescribed fine without a court appearance. The person to whom such citation is issued may plead guilty to the offense by signing the appropriate blank and paying either in person or by mail the fine specified on the citation to the Wrangell police department, said payment to be made prior to the court appearance date indicated on the citation. Acceptance and payment of the prescribed fine is complete satisfaction for the offense.]**

SEC. 26. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 27. 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. 28. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: \_\_\_\_\_, 2014.

PASSED IN SECOND READING: \_\_\_\_\_, 2014.

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David L. Jack, Mayor

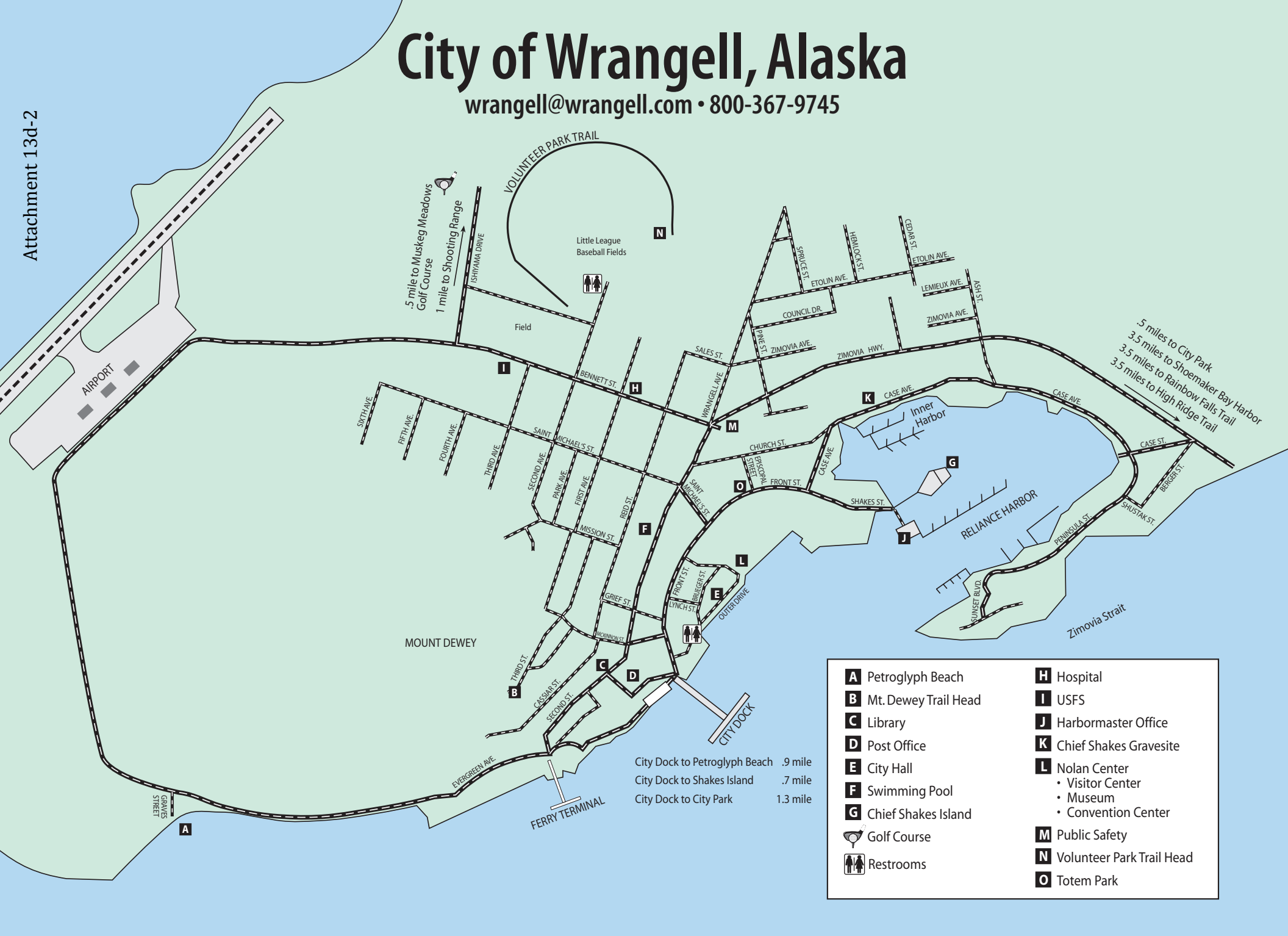
ATTEST:

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Kim Lane, Borough Clerk

# City of Wrangell, Alaska

wrangell@wrangell.com • 800-367-9745



.5 mile to Muskeg Meadows Golf Course  
1 mile to Shooting Range

.5 miles to City Park  
3.5 miles to Shoemaker Bay Harbor  
3.5 miles to Rainbow Falls Trail  
3.5 miles to High Ridge Trail

City Dock to Petroglyph Beach .9 mile  
City Dock to Shakes Island .7 mile  
City Dock to City Park 1.3 mile

- |                               |  |
|-------------------------------|--|
| <b>A</b> Petroglyph Beach     | <b>H</b> Hospital  |
| <b>B</b> Mt. Dewey Trail Head | <b>I</b> USFS  |
| <b>C</b> Library              | <b>J</b> Harbormaster Office   |
| <b>D</b> Post Office          | <b>K</b> Chief Shakes Gravesite  |
| <b>E</b> City Hall            | <b>L</b> Nolan Center<br>• Visitor Center<br>• Museum<br>• Convention Center |
| <b>F</b> Swimming Pool        | <b>M</b> Public Safety   |
| <b>G</b> Chief Shakes Island  | <b>N</b> Volunteer Park Trail Head   |
| Golf Course                   | <b>O</b> Totem Park  |
| Restrooms                     |  |

# Agenda Item 13e

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### INFORMATION:

PROPOSED ORDINANCE No. 888: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.36 OF THE WRANGELL MUNICIPAL CODE, SCHOOL BOARD *(first reading)*

#### **Background**

*The Code Review Committee received two requests from the Wrangell Public School Administrative Assistant to revise the Wrangell Municipal Code, Section 3.36 on how Vacancies are handled and also when Meetings are held.*

*These changes are being made in order to be consistent with School Board Policy.*

#### Attachments:

1. Proposed Ordinance No. 888

#### **RECOMMENDED ACTION:**

Move to approve first reading and move to a second with a Public Hearing to be held on September 9, 2014.



CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 888

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.36 OF THE WRANGELL MUNICIPAL CODE, SCHOOL BOARD

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 are 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 make amendments to Title 3, Section 3.36 School Board, and to add a new section to Title 3, Section 3.36 School Board entitled Meetings.

SEC. 2. Amendment. Section 3.36 of the Wrangell Municipal Code is amended to read:

**Chapter 3.36  
SCHOOL BOARD**

Sections:

- 3.36.010 District established.
- 3.36.020 Board functions.
- 3.36.030 Membership – Qualifications.
- 3.36.040 Vacancies.
- 3.36.050 Policy manual.
- 3.36.060 School budget
- 3.36.070 Meetings

....

**3.36.040 Vacancies.**

If a vacancy occurs on the School Board, **[the remaining members shall within 30 days fill the vacancy by such procedure as they shall among themselves agree.]** the vacancy shall be filled within 30 days by such procedure as established by school board policy. The person selected shall serve until the next regular election when a successor shall be elected to serve the balance of the term.

....

SEC. 3. New Chapter. Title 3 of the Wrangell Municipal Code is amended by the addition of a new Chapter 3.36.070 to read:

**Section 3.36.070 – Meetings**

All regular meetings of the Board shall be held on the third Monday of each month with the exception that the October meeting will be held on the first Monday following the certification of the City and Borough of Wrangell regular election if such certification has not occurred prior to the third Monday of the month. The School Board President may choose to hold the regular meeting on a day other than the third Monday of the month to accommodate the schedule of the school board members provided that there is ample advertising to the public. There will be no Regular School Board meeting in July.

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. 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. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: \_\_\_\_\_, 2014.

PASSED IN SECOND READING: \_\_\_\_\_, 2014.

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David L. Jack, Mayor

ATTEST:

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Kim Lane, Borough Clerk

# Agenda Item 13f

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### INFORMATION:

Letter of continued support for grant funding by SEAPA to AEA for the Swan Lake Reservoir Expansion Project

#### **Background**

*On March 26, 2013 the Wrangell Borough Assembly adopted Resolution No. 03-13-1272 which supports the process for the Alaska Energy Authority's Renewable Energy Fund grant application which was applied for by SEAPA.*

*This letter of support is required by the granting agency in the Round VIII process and its purpose is to affirm that the City & Borough of Wrangell still supports the Project.*

#### Attachments:

1. Proposed Letter of Support
2. E-mail correspondence from Sharon Thompson explaining need for letter
3. Resolution No. 03-13-1272

#### **RECOMMENDED ACTION:**

Move to approve the letter of support to be signed by the Mayor for the Swan Lake Reservoir Expansion Project.



CITY AND BOROUGH OF WRANGELL  
INCORPORATED MAY 30, 2008

*Office of the Borough Mayor*

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P.O. Box 531                      907-874-2381  
Wrangell, AK 99929          907-874-3952

August 26, 2014

Grants Administrator Shawn Calfa  
Alaska Energy Authority  
813 West Northern Lights Boulevard  
Anchorage, Alaska 99503

Re: Letter of Support for Renewable Energy Fund Grant (Round VIII)  
Swan Lake Reservoir Expansion Project

Dear Mr. Calfa:

I am writing to you on behalf of the City and Borough of Wrangell. It is my understanding that the Southeast Alaska Power Agency ("SEAPA") is preparing a grant application for the completion of SEAPA's Swan Lake Reservoir Expansion Project.

Attached is a copy of the City and Borough of Wrangell's Resolution No. 03-13-1272 endorsing the project during SEAPA's funding endeavors in 2013. This letter is affirmation that the City and Borough of Wrangell continues its strong support of the project and SEAPA's efforts to enhance hydro storage capacity in the region.

Sincerely,

David Jack, Mayor  
City and Borough of Wrangell

Attachment:  
City and Borough of Wrangell Resolution No. 03-13-1272

**Kim Lane**

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**From:** Sharon Thompson <sthompson@seapahydro.org>  
**Sent:** Tuesday, August 12, 2014 1:31 PM  
**To:** Kim Flores (clerk@wrangell.com)  
**Cc:** Trey Acteson  
**Subject:** SEAPA | AEA Round VIII - Swan Lake Reservoir Expansion Project Support Letter  
**Attachments:** Support Letter from City and Borough of Wrangell for SWL Reservoir Expansion Project.docx; City and Borough of Wrangell Resolution No. 03-13-1272.pdf

Hello Kim,

We are applying for grant funding from Round VIII of the Alaska Energy Authority's (AEA) Renewable Energy Fund for our Swan Lake Reservoir Expansion Project (Project). As required by the grant, we are soliciting local support for our grant request. In 2013 the City and Borough of Wrangell signed the attached Resolution No. 03-13-1272 in support of the Project. We need current affirmation that the City and Borough of Wrangell still supports the Project and have drafted the attached suggested letter the Borough may consider using for that affirmation. We need the letter prepared on City and Borough of Wrangell letterhead, signed by Mayor Jack, and returned on or before September 2, 2014, if possible.

We very much appreciate the Borough's past and continued support of our Project. If you have any questions, please let us know.

*Sharon E. Thompson, Executive Assistant*

**Southeast Alaska Power Agency**  
1900 First Avenue, Suite 318 | Ketchikan, AK 99901  
P: 907.228.2281 | F: 907.225.2287 | C: 907.617.8420  
sthompson@seapahydro.org | www.seapahydro.org



CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION NO. 03-13-1272

A RESOLUTION OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ENDORSING AND URGING STATE FUNDING FOR THE SWAN LAKE RESERVOIR EXPANSION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City & Borough of Wrangell anticipates continued growth in the sea food, timber processing, marines service repair center and health care facilities; and

WHEREAS, the City & Borough of Wrangell continues to embrace electric heat as a practical alternative to non-renewable based fuel sources; and  
WHEREAS, all local economic development opportunities require a reliable source of energy at reasonable cost; and

WHEREAS, the Southeast Alaska Integrated Resources Plan notes that there is a shortage of hydroelectric storage capacity in Southeast Alaska and that potential hydroelectric projects with storage capacity are more valuable than potential run-of-the-river hydroelectric projects; and

WHEREAS, Southeast Alaska Power Agency's (SEAPA) proposed expansion of the Swan Lake Reservoir (the Project) would directly contribute to increasing regional hydroelectric storage and maximizes the value of an existing hydroelectric project; and

WHEREAS, the Swan Lake Reservoir Expansion Project enhances the already funded Whitman Lake Hydroelectric Project; and

WHEREAS, the additional storage created by the project adds operational flexibility that benefits the entire region, and shifts summer spill from the new Whitman Lake Hydroelectric Project or the existing Lake Tyee Hydroelectric Project to much needed winter hydroelectric generation; and

WHEREAS, the Project would displace up to 12,000 MW hours of winter diesel generation, which equates to a reduction of 800,000 gallons of diesel fuel annually; and

WHEREAS, another significant advantage of the Swan Lake Reservoir Expansion project is that it needs no additional infrastructure (e.g., transmission facilities) to bring the additional power to the existing power grid; the project adds capacity at an existing dam that is currently connected to an existing power distribution grid.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

Section 1. That the City and Borough of Wrangell urges the State to provide \$12.3 million funding for the Project in its FY 2014 Capital Budget.

Section 2. A copy of this resolution shall be provided to Governor Parnell, Senator Stedman, Representative Peggy Wilson and Alaska Energy Authority Executive Director Sara Fisher-Goad.

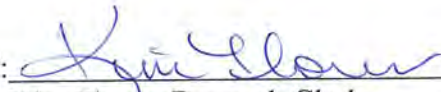
Section 3. This resolution shall become effective immediately upon adoption.

ADOPTED: March 26, 2013



David L. Jack, Mayor

ATTEST:

  
Kim Flores, Borough Clerk

# Agenda Item 13g

## CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY  
AGENDA ITEM  
August 26, 2014**

**INFORMATION:**

Approval of the design proposal for the Alaska Court Remodel

**Attachments:**

1. Memo from Borough Manager Jeff Jabusch
2. Letter of Obligation and follow-up e-mail from the court
3. Fee Proposal from the architect

**RECOMMENDED ACTION:**

Move to approve the design proposal from Bill Kontess of WHPacific for the remodel of the court in the amount of \$41,597.00 without competitive bidding as allowed under Wrangell Municipal Code 05.10.050 (E) with funding to come from the General Fund Reserve.



**MEMORANDUM**

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**SUBJECT: COURT REMODEL AND LONG TERM LEASE RENEWAL**

**DATE: August 18, 2014**

**BACKGROUND:**

The current court lease is scheduled to expire unless it is renewed by the Alaska Court System on June 30, 2015. They currently contributed about \$70,000 to the city through lease payments for the court in the city owned Public Safety Building. There are some changes they want to make in the court space that will amount to around \$350,000. Some of these changes revolve around ADA requirements and others are for security reasons and some are just because some things have just worn out.

They are not able to lay their hands on capital money to do this work, but if we upfront the money, they can include the payback in our new long term lease. The pay back would be over 15 to 20 years at 5% and this amount would be added to the current lease amount. I believe we could take the money out of our general fund reserve and then the payback would be through a 15 to 20 year lease.

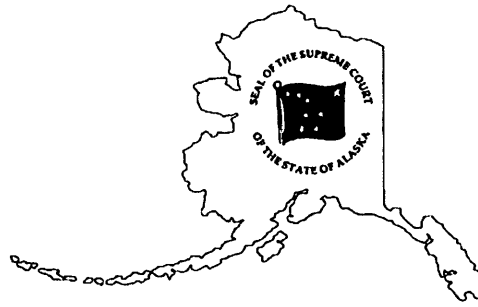
The only disadvantage is that we would have to upfront the money. The advantage would include the security of a long term lease with the court that would increase the lease payments to pay this back over 15 to 20 years at 5% interest. This is a better investment return right now then we are getting at the banks. We have used this interest rate because that would be in the ballpark of what we could borrow money for at the present time. One last advantage is that it is a job that local contractors could bid on and have some winter work as it is all indoors. Some of the money we had budgeted to do work at the court will not need to be used because it will be included in this work and paid back by the court.

**Attachments:**

1. Letter of Obligation and follow up e-mail from the court committing to the project and long term lease to pay back the capital cost.
2. Fee Proposal from the architect the court has wanted to use to final the design and get the plans to a bid ready stage.

**Recommended Motion:**

Move to approve the design proposal from Bill Kontess of WHPacific for the remodel of the court in the amount of \$41,597.00 without competitive bidding as allowed under Wrangell Municipal Code 05.10.050 (E) with funding to come from the General Fund Reserve.



**ALASKA COURT SYSTEM**  
**STATE OF ALASKA**

**Dawn Molina**  
LEASING & CONTRACTS MANAGER

SNOWDEN ADMINISTRATIVE OFFICE BUILDING  
820 W. 4<sup>TH</sup> AVENUE  
ANCHORAGE, AK 99501-2005

(907) 264-8284  
Fax (907) 264-8296  
[dmolina@courts.state.ak.us](mailto:dmolina@courts.state.ak.us)

August 15, 2014

Attn: Jeff Jabusch  
Borough Manager  
City of Wrangell  
P.O. Box 531  
Wrangell, Alaska 99929

Re: Wrangell Lease #1885 – Commitment Letter

Dear Mr. Jabusch:

The Alaska Court System ("ACS") desires to enter into a lease agreement for courtroom facilities in the City of Wrangell ("City"). The ACS has received a budget level estimate of up to \$300,000 make needed improvements to the existing courtroom facilities. In order to induce the City to move forward with the necessary design and procurement efforts, the ACS represents to the City that the ACS will agree to enter into a lease for the renovated facilities. The initial term of the lease will be for 20 years with two five-year options to renew. The rental rate for the lease will be sufficient to allow the City to recover the costs of improvements during the initial term, together with adjustments for inflation according to the ACS's usual practice. In addition, the lease will provide amounts to cover expected utilities, maintenance costs, etc., consistent with the ACS's usual lease terms.

Sincerely,

  
Dawn Molina  
Leasing & Contracts Manager

cc: Neil Nesheim, ACA 3<sup>rd</sup> District  
Location

**Jeff Jabusch, Borough Manager**

---

**From:** "Les Hall" <lhall@courts.state.ak.us>  
**To:** "Dawn Molina" <dmolina@courts.state.ak.us>; <manager@wrangell.com>  
**Cc:** "Neil Nesheim" <nnesheim@courts.state.ak.us>  
**Sent:** Friday, August 15, 2014 11:47 AM  
**Subject:** Re: Wrangell Fee Proposal

I would add the \$41K to the \$300K and round up for a finance package amount of \$350K. What is the added SF cost for that on a 15 year lease?

Sent from my iPhone

On Aug 15, 2014, at 3:24 PM, "Dawn Molina" <dmolina@courts.state.ak.us> wrote:

Les,

Does this fit within our budget?

Dawn  
264-8284

---

**From:** Jeff Jabusch, Borough Manager [<mailto:manager@wrangell.com>]  
**Sent:** Friday, August 15, 2014 11:23 AM  
**To:** Dawn Molina  
**Subject:** Fw: Wrangell Fee Proposal

Dawn,  
 The architect's fee for finishing the design for a bid ready project is \$41,600 plus travel. Look over the attached. This means that there would only be about \$254,000 for the actual work. Do you think that will fit into your \$300,000 budget?

Jeff  
 ----- Original Message -----  
**From:** [Carl Johnson](#)  
**To:** [Jeff Jabusch, Borough Manager](#)  
**Sent:** Friday, August 15, 2014 10:57 AM  
**Subject:** FW: Wrangell Fee Proposal

Jeff,

Attached is the design fee proposal on the court remodel for \$41,597. It excludes travel and per-diem. This would be kept to a minimum but I would budget \$5,000 just in case. Budget \$5,000 for Construction phase work. If you are going to bill for me and Ruby I would budget \$6,000 as we will be doing most of the construction oversight on this project. So a total for design and construction phase admin would be \$57,597 including City admin.

Thanks,  
 Carl

---

**From:** Kontess, Bill [<mailto:BKontess@whpacific.com>]  
**Sent:** Thursday, July 31, 2014 10:37 AM  
**To:** Carl Johnson



July 29, 2014

Mr. Carl Johnson  
Superintendent, Public Works  
City of Wrangell  
PO Box 531  
Wrangell, Alaska 99929

RE: CITY OF WRANGELL COURTROOM UPGRADES

Dear Mr. Johnson:

Attached is our lump sum fee proposal to provide permit level drawings for the upgrade of the Wrangell Courtroom area to include the additional scope items over and above the Alaska Court System's requirements that we recently discussed. The lump sum fees total \$41,597 and our assumptions, clarifications and exclusions are listed in the attachment.

We regret the delay in providing our fees as we moved our office to a new location during the time of your request. We hope to continue having an opportunity to deliver a quality design for the courtroom.

We appreciate your invitation to work with you and look forward to seeing this facility upgraded to provide much needed functional improvements to the courtroom and adjacent functions. If you have any questions, please call me at (907) 339-6517, or email me at [bkontess@whpacific.com](mailto:bkontess@whpacific.com).

Sincerely,

WHPacific, Inc.

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

Bill Kontess, AIA, LEED AP, PMP  
Director of Buildings Division

Enclosure

Cc:

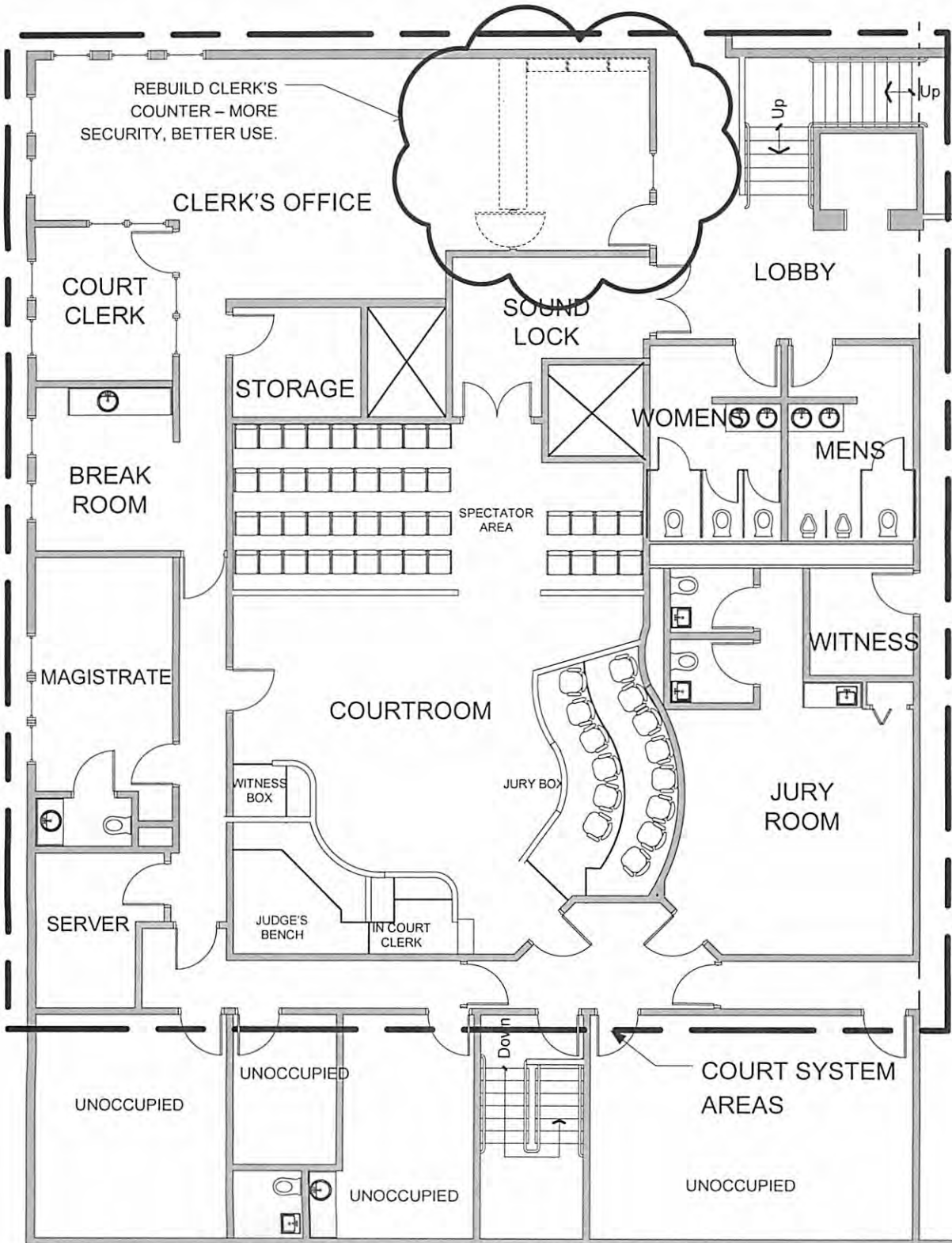
1. Fee Proposal
2. Assumptions, Clarifications and Exclusions

Attachment 2  
Assumptions, Clarifications, and Exclusions

1. The Alaska Court System or the City of Wrangell will provide Division 0 and 1 for inclusion in the specifications
2. Travel and per diem is excluded; if required, it will be reimbursed based on actual costs
3. All permit fees are excluded and will be reimbursed by the City of Wrangell
4. Reproductions expenses are excluded.
5. Mechanical and Electrical understanding of scope includes courtroom bench electrical improvements, ADA upgrades to restroom and jury room; increase restroom exhaust to current code.
6. CA services, to include submittal and shop drawing reviews, site visits, record drawings, or commissioning, will be on a T&M basis and negotiated separately; they are excluded from fees.
7. One set of PDFs will be transmitted at the end of mutually agreed upon design phases.
8. Electrical assumptions include:
  - No electrical pre-design site visit; Owner to respond to request for clarification on existing conditions
  - Electrical support for updating restroom(s) to ADA compliance to include a possible new toilet exhaust fan.
  - Electrical support for reconfigured in-court clerk bench, judge's bench, and witness stand box remains the same as previously provided at the 95% submittal to the Alaska Court System client.
  - Electrical support for reconfigured access, along with ADA access, to the jury room is required.
  - Electrical support for the clerk's counter remodel is required.
9. Mechanical assumptions include:
  - No mechanical pre-design site visit; Owner to respond to request for clarification on existing conditions
  - Fixtures (water closet and lav) in revised toilet room to be removed and replaced with ADA compliant fixtures.
  - Revising the toilet room exhaust is included in the fee. Existing E/A ducting to toilet rooms demolished and capped. New exhaust fan installed to serve toilet rooms and bring exhaust air volume up to current code requirements.
  - No additional ventilation, heating, cooling, or controls work included in scope.
    - Existing water closet mounted close to floor. From additional photos of other restrooms, water closets appear to be wall-mounted with in-wall carrier system. Will need field verification and owner that bariatric water closet not desired.
    - Existing jury room sink to be replaced with ADA compliant sink for front approach. From photos, existing faucet appears to be ADA compliant.
    - Existing water closets are flush valve operated. Therefore, it is assumed the existing piping and building water pressure is adequate to serve replacement water closet with flush valve.
  - Fire protection work, if any, to be covered by performance specification.
  - Seismic work, if any, to be covered by performance specification.

# WRANGELL COURTHOUSE

## CLERK'S COUNTER REMODEL - DEMO



# Agenda Item 13h

## CITY & BOROUGH OF WRANGELL

### BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014

#### INFORMATION:

Approval to send a letter to our Congressional Delegates opposing the construction, development, and/or operation of open pit mining activities *(item added at the request of Assembly Member Blake and Mayor Jack)*

#### Attachments:

1. News article from the Nome Nugget (August 15, 2014)
2. Letter regarding environmental consequences of multiple development (November 15, 2011)
3. KRBD Article regarding the B.C. Mine dam break (August 5, 2014)
4. Global News regarding the Mount Polley Mine (August 4, 2014)
5. Transboundary Watershed Conservation Briefing regarding the Red Chris Mine Proposal (Spring of 2013)
6. Call for action on transboundary mines, Juneau Empire

#### RECOMMENDED ACTION:

Move to approve sending a letter to our congressional delegates opposing the construction, development, and/or operation of open pit mining activities in the vicinity of the Stikine River Watershed or its tributaries.

sels *Capt. Frank Moody* and the barge *OBS* arrived for repairs.

*Alex Haley* departed and headed south.

way. On / breaker roadster on Aug

# • Strait Action

*continued from page 4*

## Canadian dam break could threaten SE Alaska fisheries

APRN reports that a tailings-dam break similar to last week's break of a British Columbia copper and gold mine could threaten Southeast Alaska salmon fisheries.

Ed Schoenfeld with Coast Alaska reports that similar dams closer to the border could be polluting Alaska waters. Last week's break happened 400 miles south of Ketchikan, at the Mount Polley gold and copper mine near Likely, BC.

Observers estimate enough water, mud and rock to fill 2,000 Olympic-sized swimming pools escaped.

Emergency officials warned downstream residents against drink-

ing from affected waterways.

That includes salmon-rich tributaries of the Fraser River, which empties into the Pacific Ocean at Vancouver, B.C.

A half-dozen similar mines are planned for northwest British Columbia, closer to the Alaska border.

Plans to store tailings, which contain acidic rock and toxic metals, behind dams are similar to the one that broke last week.

The Mount Polley break may have been caused by heavy rainfall and increased production added pressure to the dam.

The Mount Polley mine owner, Vancouver-based Imperial Metals, plans to open the Red Chris Mine, in the Stikine River watershed this fall.

Like Mount Polley and KSM, it's an open-pit copper and gold mine.

**DIGGI** week, f was con the oce been dc Nome a

Nome  
Nugget  
Aug 15, 2014





November 15, 2011

The Honourable Christy Clark  
Premier of British Columbia  
PO Box 9041  
Station Provincial Government  
Victoria, BC  
V8W 9E1

Dear Premier Christy Clark,

*RE: Environmental consequences of multiple development projects in the British Columbia – Alaska transboundary region*

We are writing to ask for your leadership to balance the rush to develop mineral and energy resources on the Canadian side of the British Columbia – Alaska transboundary region with safeguarding the unique and irreplaceable ecological values of this largely pristine area. The impending construction of an industrial transmission line into west central British Columbia is the catalyst behind a spate of new proposals for mining and power generation, yet no process is currently in place to meaningfully assess cumulative impacts. Of particular concern are the international salmon runs of the Stikine, Iskut and Unuk Rivers. If allowed to proceed haphazardly, without careful consideration and thoughtful planning, the rush to develop this extraordinary region will almost certainly result in unnecessary destruction of fish and wildlife habitat and a diminishment of water quality and overall ecosystem health.

Vast, interconnected, and largely pristine, the transboundary watersheds of northwestern British Columbia and southeast Alaska comprise spectacularly diverse and wild natural environments. The Stikine, Iskut, and Unuk river watersheds are of profound importance to First Nations on both sides of the border. The watersheds support robust populations of all five North American species of Pacific salmon, and sustain international fisheries. The coastal estuaries are essential stopover sites for migratory birds, and the varied landscapes are ideal habitat for wildlife species of concern such as wolverine and grizzly bear, along with iconic species such as mountain goat, Stone's sheep, and caribou. Owing to their location, biophysical complexity, and largely intact state, the transboundary watersheds are climate change sanctuaries of global importance.

In British Columbia, a multitude of industrial projects is planned or proposed for these watersheds. The Northwest Transmission Line (NTL) – a 287 kV industrial transmission line extending 344 km (215 miles) into the region – has received environmental approvals. Characterized by proponents as a “gateway to a completely transformed region over time,” the NTL is a government subsidized venture that's being constructed to power massive mining (11 proposed sites), energy (coal bed methane), and hydroelectric (at least 18 sites) developments. Collectively, these mean that roads, pipelines, pollution and haphazard human infrastructure will undoubtedly follow.

As this burst of development activity proceeds, no organization (government or non-government) has comprehensively addressed the huge scope of ecological and social issues that are likely to arise across the entire region. The scale and intensity of proposed development certainly will fragment the watersheds with roads, transmission lines, river diversion projects, and open pit mines. Habitat for salmon and other wildlife will be destroyed at the development sites. Cumulative impacts likely will cascade throughout the watersheds in the form of altered flow and temperature patterns, disturbance to wildlife interacting with roads, and reduced water quality

associated with sedimentation and acid mine drainage. There is much at stake, and the existing baseline inventories are entirely inadequate to assess, project, monitor, and prevent cumulative impacts anticipated from burgeoning resource development.

The Stikine, Iskut and Unuk River watersheds contain pristine salmon habitat and form some of the largest contiguous wildlife habitat in North America. A resilient future for these watersheds depends on sustainable management policies and stewardship practices that reflect a commitment to sound science, healthy environments and community wellbeing. However, as the B.C. Auditor General reported in July 2011, with regard to certified development projects in the province, "the Environmental Assessment Office cannot assure British Columbians that mitigation efforts are having the intended effects because adequate monitoring is not occurring and follow-up evaluations are not being conducted." Furthermore, "information currently being provided to the public is not sufficient to ensure accountability." Given that proposed development would be occurring in transboundary river headwaters, the downstream impacts to Alaskan interests will also likely not receive adequate consideration.

We respectfully ask for your support for a renewed focus on creating a well-structured and transparent ecosystem-based approach for assessing new development proposals in the British Columbia-Alaska transboundary watersheds. Before further development is approved, British Columbia must initiate a comprehensive assessment of potential cumulative impacts arising from the multiple development proposals in the watersheds. The cumulative impacts assessment must be rooted in a more complete baseline understanding of ecological values in the region. In addition, a formal mechanism must be established to incorporate downstream U.S. concerns about potential Canadian development projects into review processes.

Sincerely,

**Dr. Jim Pojar, Ph.D.**

Registered Professional Biologist (Association of Professional Biology of B.C.)  
Certified Senior Ecologist (Ecological Society of America)  
Smithers, British Columbia

**Dr. Jack A. Stanford, Ph.D.**

Jessie M. Bierman Professor of Ecology and Director, Flathead Lake Biological Station,  
University of Montana-Missoula

**Dr. David W. Schindler OC, AOE, DPhil, FRSC, FRS**

Killam Memorial Chair and Professor of Ecology  
University of Alberta, Edmonton

**Dr. John D. Reynolds, Ph.D.**

Tom Buell BC Leadership Chair in Salmon Conservation  
Department of Biological Sciences  
Simon Fraser University, Burnaby, BC, V5A 1S6

**Dr. T. E. Reimchen, Ph.D.**

Adjunct Professor, Department of Biology  
University of Victoria  
PO Box 3020, Victoria, B.C., V8W 3N5

**Dr. Daniel E. Schindler, Ph.D.**

H. Mason Keeler Professor, School of Aquatic and Fishery Sciences  
University of Washington  
Box 355020 Seattle, WA 98195-5020

**Dr. Michael Fay, Ph.D.**

National Geographic Explorer-in-Residence  
Biologist, Wildlife Conservation Society  
Ketchikan, Alaska

**Dr. Anne Salomon, Ph.D.**

Hakai Professor and Acting Director  
Hakai Network for Coastal People, Ecosystems and Management  
Coastal Marine Ecology and Conservation Lab  
School of Resource and Environmental Management  
Simon Fraser University, Burnaby, BC Canada V5A 1S6

**Dr. David Suzuki, Ph.D.**

Scientist, broadcaster and author  
Co-founder David Suzuki Foundation  
Vancouver, BC V6K 4S2

**Jay Ritchlin**

Director, Marine and Freshwater Conservation  
David Suzuki Foundation  
2211 W. 4<sup>th</sup> Ave., Suite 219  
Vancouver, BC V6K 4S2

**Dr. Wade Davis, Ph.D.**

Ethnobotanist  
National Geographic Explorer-in-Residence  
3411 Woodley Road, N.W.  
Washington, D.C. 20016

**Dr. John Smol, Ph.D., FRSC**

Canada Research Chair in Environmental Change  
3M Teaching Fellow  
Editor, Environmental Reviews  
Paleoecological Environmental Assessment and Research Lab (PEARL)  
Department of Biology, Queen's University, Kingston, Ontario K7L 3N6

**Dr. Jonathon W. Moore, Ph.D.**

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Liber Ero Chair  
Simon Fraser University  
Department of Biological Sciences  
Burnaby, British Columbia, V51 1S6

**Dr. Thomas P. Quinn, Ph.D.**

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University of Washington, Seattle, Washington

**Dr. John S. Richardson, Ph.D.**  
Professor, Department of Forest Sciences  
University of British Columbia  
Vancouver, BC, V6T 1Z4

**Dr. John W. Schoen, Ph.D.**  
Wildlife Biologist, Retired  
Anchorage, Alaska

**Dr. Donald G. Reid, Ph.D.**  
Conservation Zoologist  
Wildlife Conservation Society Canada  
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Whitehorse, Yukon Y1A 5T2

**Dr. Megan V. McPhee, Ph.D.**  
Assistant Professor  
University of Alaska Fairbanks  
Fisheries Division  
17101 Point Lena Loop Road  
Juneau, AK 99801 USA

**Dr. Craig Orr, Ph.D.**  
Executive Director  
Watershed Watch Salmon Society  
1037 Madore Avenue  
Coquitlam, British Columbia, V3K 3B7

**Dr. Thomas D. Sisk, Ph.D.**  
Professor of Ecology  
Northern Arizona University  
Flagstaff, Arizona, USA

**Dr. Lance Craighead, Ph.D.**  
Executive Director  
Craighead Institute  
201 South Wallace Ave., suite B2D  
Bozeman, Montana 59715

**Dr. Jeffrey V. Baumgartner, Ph.D.**  
Executive Vice President  
Wild Salmon Center  
Jean Vollum Natural Capital Center  
721 NW Ninth Ave, Suite 300  
Portland, Oregon, 97209

**Dr. Jeffrey W. Short, Ph.D.**  
JWS Consulting LLC  
Juneau, Alaska

**Dr. Gordon F. Hartman, Ph.D.**  
Retired, Department of Fisheries and Oceans  
Nanaimo, British Columbia

**Dr. Mason D. Bryant, Ph.D.**  
Certified Fisheries Scientist, American Fisheries Society  
Douglas Island Aquatic Ecology  
Douglas, Alaska

**Dr. Michel Lapointe, Ph.D.**  
Professor, Department of Geography  
McGill University  
Montreal, Canada H3A 2K6

**Dr. Gershon Cohen, Ph.D.**  
Project Director, Campaign to Safeguard America's Waters  
Earth Island Institute  
Haines, Alaska

**Matthew Kirchhoff, M.Sc.**  
Director of Bird Conservation  
Audubon Alaska  
441 West Fifth Avenue, Suite 300  
Anchorage, Alaska 99501

**Dr. Clayton Apps, Ph.D.**  
Ecologist, Aspen Wildlife Research  
Cochrane, Alberta

**Dr. Robert M. Hughes, Ph.D.**  
Senior Research Scientist  
Amnis Opes Institute  
Corvallis, Oregon 97333

**Dr. Robert H. Armstrong, Ph.D.**  
Research Supervisor, Alaska Dept. of Fish & Game (retired)  
Associate Professor of Fisheries, University of Alaska, Fairbanks (retired)  
5870 Thane Road, Juneau, AK 99801

**Greg Knox, MEM**  
Executive Director  
Skeena Wild Conservation Trust  
Terrace, British Columbia

**Dr. Mary F. Willson, Ph.D.**  
Retired Professor of Ecology  
Juneau, Alaska

**Dr. K V. Koski, Ph.D.**  
Habitat Restoration Specialist  
Juneau, AK 99801

**Dr. Mark S. Boyce, Ph.D.**

Professor of Ecology, and Alberta Conservation Association Chair in Fisheries & Wildlife  
Department of Biological Sciences  
CCIS 1-271, University of Alberta  
Edmonton, Alberta, T6G 2E9

**Dr. Joseph Cook, Ph.D.**

Director & Curator of Mammals and Genomic Resources, Museum of Southwestern Biology  
Professor of Biology  
University of New Mexico

CC:

**BRITISH COLUMBIA**

Honourable Peter Kent, Canada's Minister of the Environment  
Honourable Rich Coleman, BC Minister of Energy and Mines  
Honourable Terry Lake, BC Minister of the Environment  
Honourable Steve Thomson, BC Minister of Forests, Lands and Natural Resource Operations  
Steve Carr, Deputy Minister, Ministry of Energy and Mines  
Cairine MacDonald, Deputy Minister, Ministry of the Environment  
Doug Konkin, Deputy Minister, Ministry of Forests, Lands, and Natural Resource Operations  
Kevin Kriese, Assistant Deputy Minister Northern Region, Ministry of Forests, Lands and  
Natural Resource Operations  
Mark Zacharias, Assistant Deputy Minister, Environmental Sustainability and Strategic Policy,  
Ministry of Environment  
Jane Lloyd Smith, Director of Resource Management, Skeena Region, Ministry of Forests,  
Lands, and Natural Resources Operations  
John Mazure, Acting Executive Director, Environmental Assessment Office  
Susan Farlinger, Regional Director General, Pacific Region, Department of Fisheries and Oceans  
Doug Donaldson, MLA, Stikine  
Adrian Dix, Leader of the BC New Democratic Party, MLA, Vancouver-Kingsway  
John Horgan, House Leader Official Opposition, Critic for Energy, Mines and Petroleum, MLA,  
Juan de Fuca  
Nathan Cullen, MP, Skeena-Bulkley Valley

**ALASKA**

Governor Sean Parnell  
Senator Lisa Murkowski  
Senator Mark Begich  
Congressman Don Young  
Dr. Kerri-Ann Jones, Assistant Secretary, U.S. Department of State, Bureau of Oceans and  
International Environmental and Scientific Affairs  
David A. Balton, Deputy Assistant Secretary for Oceans and Fisheries U.S. Department of State,  
Bureau of Oceans and International Environmental and Scientific Affairs  
Steven Wiener, U.S. Environmental Protection Agency, Office of International and Tribal Affairs  
Patty McGrath, Regional Mining Coordinator, US EPA Region 10  
Kim Elton, Director of Alaska Affairs, Office of the Secretary, US Department of the Interior  
Pamela Bergmann, Regional Environmental Officer – Alaska, U.S. Department of the Interior  
Office of Environmental Policy and Compliance  
Cora Campbell, Commissioner, Alaska Department of Fish and Game  
Gordy Williams, Special Assistant to the Commissioner, Alaska Department of Fish and Game

Randy Bates, Director, Division of Habitat, Alaska Department of Fish and Game  
Charlie Swanton, Director, Sportfish Division Alaska Department of Fish and Game  
Jeff Regnart, Commercial Fisheries Division Alaska Department of Fish and Game  
Sharmon M. Stambaugh, Large Project Coordinator, Office of Project Management and  
Permitting, Alaska Department of Natural Resources

**KRBD**  105.3 107.1 90.7 101.7

**KETCHIKAN FM COMMUNITY RADIO FOR SOUTHERN SOUTHEAST ALASKA** PHOTO Hall Anderson

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LOCAL NEWS

## Is B.C. mine tailings dam break a warning for Alaska?

by Ed Schoenfeld, CoastAlaska News

August 5, 2014 5:29 PM



This aerial image shows Monday's Mount Polley Mine tailings dam break and some of the damage downstream. Fishing and environmental groups say the same could happen at new B.C. mines near the Southeast border. (Cariboo Regional District Emergency Operations Centre photo)

A tailings-dam break at a British Columbia copper and gold mine could threaten Southeast Alaska salmon fisheries.

That's according to critics, who say similar dams closer to the border could suffer the same fate, polluting Alaska waters.



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Monday morning's dam break took place at the Mount Polley Mine, about 400 miles southeast of Ketchikan.

[Scroll down or click here for a video showing the damage.](#)

Observers estimate enough water, mud and rock to fill 2,000 Olympic-sized swimming pools escaped. Emergency officials warned downstream residents against drinking from affected waterways.

That includes salmon-rich tributaries of the Fraser River, which empties into the Pacific Ocean at Vancouver, B.C.

Brian Lynch of the Petersburg Vessel Owners Association says some of those fish swim north.

"The United States has a harvest-sharing arrangement for Fraser sockeye and pink salmon through provisions of the Pacific Salmon Treaty. So any problem associated with salmon production on the Fraser will affect U.S. fishermen," he says.



Muddy water from the breached Mount Polley Mine tailings pond dam floods a downstream creek and road Monday. (Cariboo Regional District Emergency Operations Centre photo)

Imperial Metals, the Mount Polley Mine's owners, did not respond to a request for comment. That's been the case with requests on other issues too. The corporate website says the mine is not operating and they don't know how long repairs will take.

A half-dozen or so similar mines are planned for northwest British Columbia, closer to the Alaska border.

Guy Archibald of the Southeast Alaska Conservation Council says they all plan to store tailings, which contain acidic rock and toxic metals, behind dams similar to the one that broke.

"They're all basically the same systems. They have to comply with the same regulations and design criteria," he says.

Archibald and Lynch are especially concerned about the Kerr-Sulphurets-Mitchell project, under development about 20 miles from the Alaska border.

KSM will store tailings behind dams upstream from the Nass River, which ends just south of Alaska's border with British Columbia.

Environmental Affairs Vice President Brent Murphy says it's not the same as the Mount Polley dam.

"The design of the tailings management facility is such that water will not be standing up against the crest of the dam. Any ponds will be at least kilometers away from the crest of the dams," he says.

The Mount Polley break may have been caused by heavy rainfall and increased production added pressure to the dam.

The KSM also plans a water treatment storage dam upstream from the Unuk River, which enters the ocean northeast of Ketchikan. It would be part of a system treating acidic water from mine pits and tunnels.

Murphy says it's designed to spill extra water rather than hold it beyond capacity.

"That contact water would have characteristics very similar to the water that is currently flowing naturally within the Suphurets-Unuk river system," he says.

KSM's dam plans have been OK'd by Canadian provincial and federal officials. Murphy says they also passed muster with independent engineers.

Lynch of the Petersburg Vessel Owners Association says the Mount Polley dam had the same approval.

"This was not only obviously a tailings dam failure but it appears to be a regulatory oversight failure as well. And that's what we want to prevent on any mines going into the transboundary systems," he says.

Public comments on provincial environmental approval are being taken through Aug. 20.

The Mount Polley mine owner, Vancouver-based Imperial Metals, plans to open the Red Chris Mine, in the Stikine River watershed this fall. Like Mount Polley and KSM, it's an open-pit copper and gold mine.





Mount Polley Mine  
August 4, 2014 8:40 pm

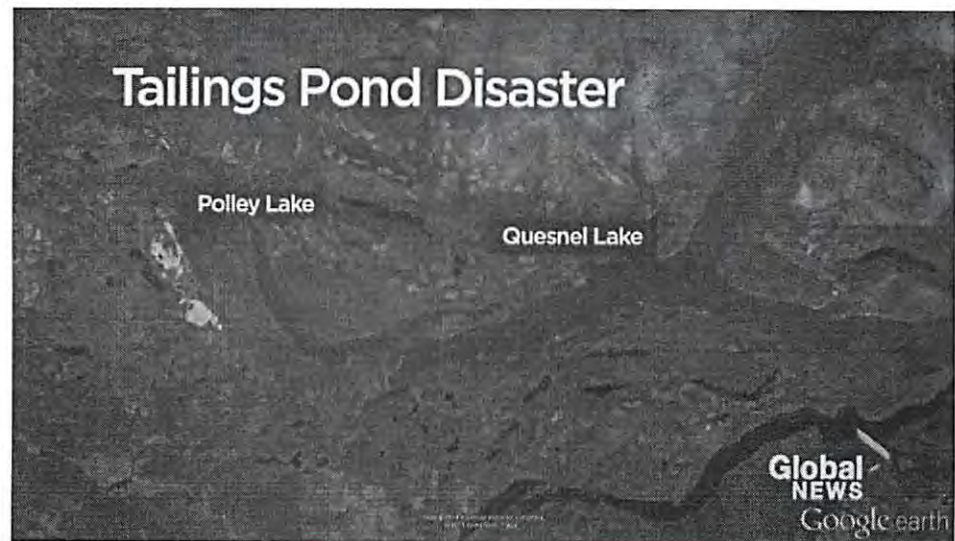
## Residents calling it an environmental disaster: tailings pond breach at Mount Polley Mine near Likely, BC

By Paula Baker, Marlis Silver Sweeney and Justin McElroy  
Global News

**WATCH:** The scale of Monday's disaster at the Mount Polley Mine is becoming more clear tonight. Reporter John Daly has more on how authorities are responding to the tailings breach

Local residents are calling it an environmental disaster.

A breach of the tailings pond on Mount Polley Mine sent five million cubic metres of toxic waste into Hazeltine Creek, Quesnel Lake and Polley Lake, with fears it could spread far and wide in the coming days.



Residents in the area, along with visitors to waterways near the Mount Polley Mine close to Likely, B.C., have been issued a complete water ban. Affecting close to 300 homes, it extends to the entire Quesnel and Cariboo River systems up to the Fraser River, including Quesnel Lake, Cariboo Creek, Hazeltine Creek and Polley Lake.

People in Quesnel are also being asked to avoid using water from the Quesnel River, and late in the day the Cariboo Regional District extended the water advisory right to the Fraser River – although they said that was a precautionary measure.

**WATCH:** Aerial view of the destruction from the Mount Polley Mine tailings pond breach

There are already concerns that the total damage will be immense. The sheer

volume of toxic slurry from the pond – equivalent to 2,000 Olympic-sized swimming pools – caused Hazeltine Creek to expand from four feet in width to 150, and some of the sludge has already made its way into Quesnel Lake and Polley Lake.

**READ MORE: Concerns about Mount Polley tailings pond were raised 3 years ago**



Phil Owens, a professor at the University of Northern British Columbia and researcher with the Quesnel River Research Centre, says it's impossible to know at this stage where the tailings will stop.

“Once something starts, it will just cascade down through the chain,” he said.

“We don't know when it will stop, and we don't know when it will move through the system.”

Al Richmond, the Cariboo Regional District Chair and Area G Director told *Global News* that clean-up is premature at this point and officials are still assessing the situation.

“Our concern mainly is first of all for life and limb and there's been no one injured in this event and for that we're thankful,” he said. “Our next concern is for the community of Likely and those folks living around Likely that their water supply is safe and potable for them to use.”

**WATCH: An environmental disaster is unfolding in the Cariboo. Catherine Urquhart reports.**

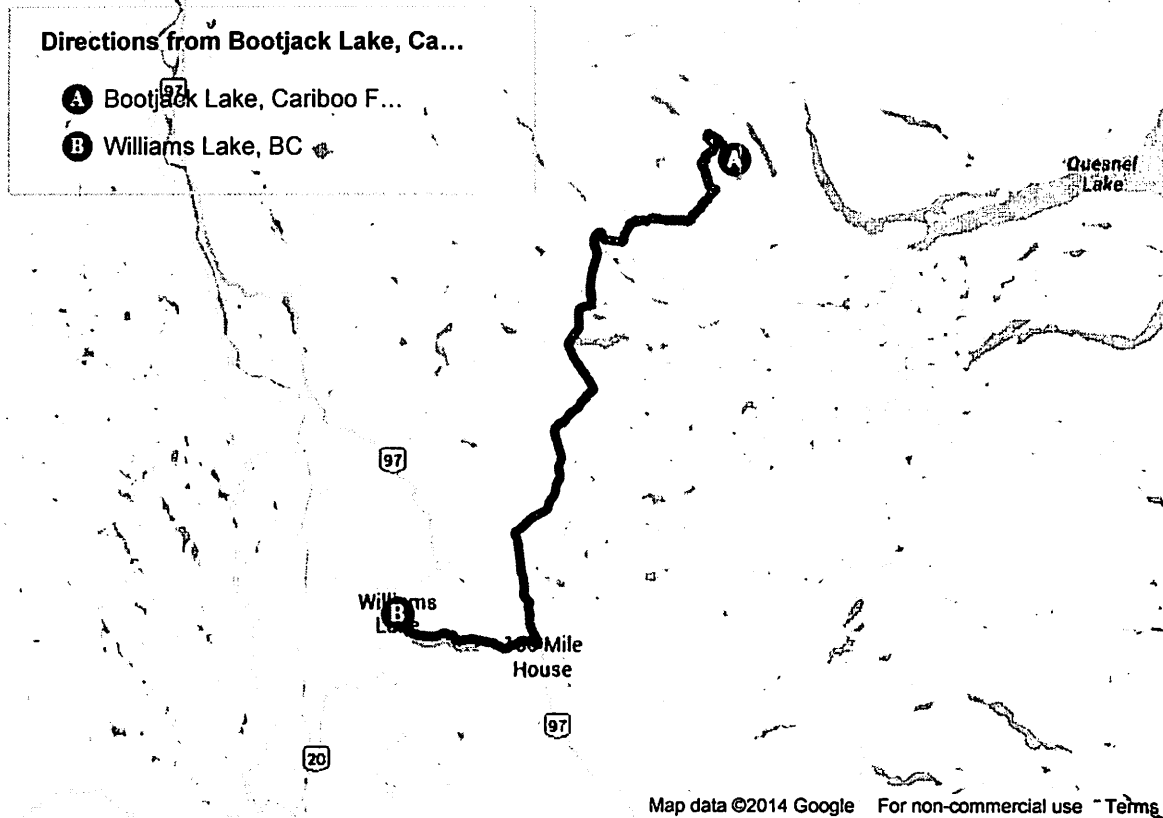
The Ministry of Environment said the breach at Mount Polley Mine happened in the middle of the night on August 4. The ministry, along with the Cariboo Regional District (CRD), RCMP, Central Cariboo Search and Rescue and emergency management crews are investigating and assessing the possible environmental impact.



Mount Polley Mine is an open pit copper and gold mine, which is operated by Imperial Metals Corporation. The dam that holds back the tailings pond is an earth-filled dam.

**MAP: Route from Mount Polley Mine to Williams Lake**

Mine



[View Larger Map](#)

The Horsefly Likely Forest Service Road has been washed out at Hazeltine Creek, but the Likely Bridge is not affected at this time.

Rob Hood, president of the Likely Chamber of Commerce, told *Global News* that the Cedar Point Provincial Park campground has also been evacuated.

There are concerns around the debris and chemicals from the tailing ponds coming down into Quesnel Lake, Hood says, where approximately 300 people get their drinking water. Others fear the billions of litres of contaminated water could pollute other water ways in the area. The alert will remain in place until test results are completed.

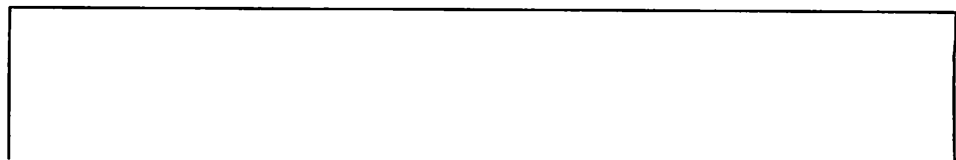
**READ MORE: Water from breached tailings pond near Likely B.C. is almost drinkable: President**

Likely resident, Larry Chambers says he was woken at 3 a.m. and could hear the sounds of rushing water. "I could hear the roar like a 747 jet," he told *Global News*.

Chambers describes Polley Lake as "milky green" and says the flood is bringing in a ton of debris. Residents described a stench in the air and dead fish washing up.

**MAP: Mount Polley Mine Infrastructure.**

**WATCH: The resource industry is BC's fastest growing economic sector and tailing pond breaches**



**don't help generate confidence among people already wary about environmental risks. Jas Johal reports.**

Several employees of the mine, who wished to remain anonymous to protect their jobs, said the same tailings pond had a minor breach three months ago.

Common minerals and elements found in tailings – which is the waste material left over from the extraction of metals – can include: arsenic, mercury, sulfur and cyanide.

A spokesperson from the Ministry of Environment told *Global News* that, “further monitoring and testing of waterways will be required before the full extent of potential environmental impacts can be determined. Steps are being taken to put those processes in place.”

Imperial Metals has issued the following statement:

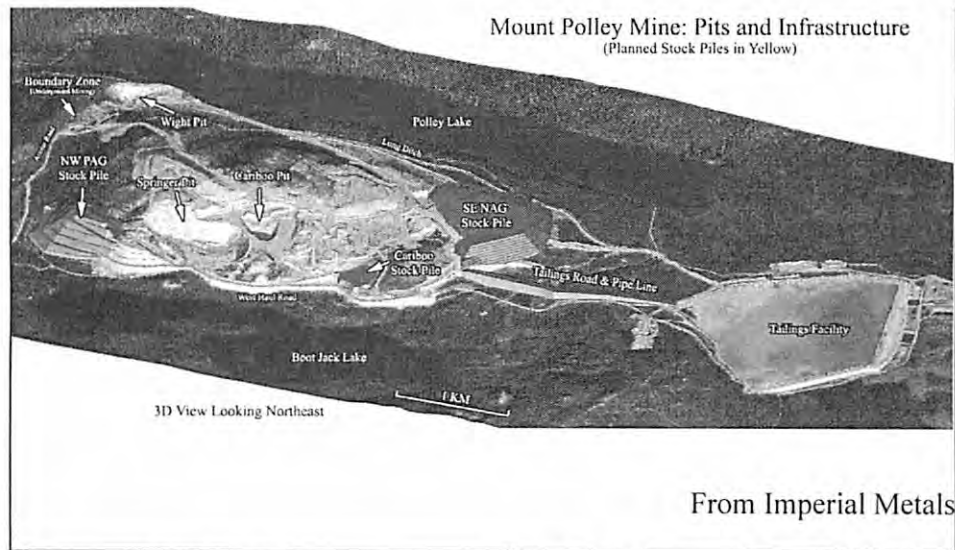
Imperial Metals Corporation reports the tailings storage facility at its Mount Polley mine was breached, releasing an undetermined amount of water and tailings in the early morning of August 4. The cause of the breach is unknown at this time.

Senior company management are at the mine site and are working with mine operating personnel, local agencies, provincial ministry officials and the engineers of record to assess the extent of the breach and the impact of the released water and tailings on the surrounding area.

The Company will provide further information when confirmed and available.

**RELATED VIDEO: Reporter Jas Johal spoke with Imperial Metals last year about BC Hydro's Northwest Transmission Line**

**PHOTO GALLERY:**





Report an error



**Paula Baker**

**Online News Producer**

A journalist for 13 years, Paula started reporting for newspapers and magazines before making the switch into online journalism.

**Marlisse Silver Sweeney**

**Online News Producer**

Marlisse is an online news producer and writer at Global BC.

**Justin McElroy**

**Writer/Web Producer**

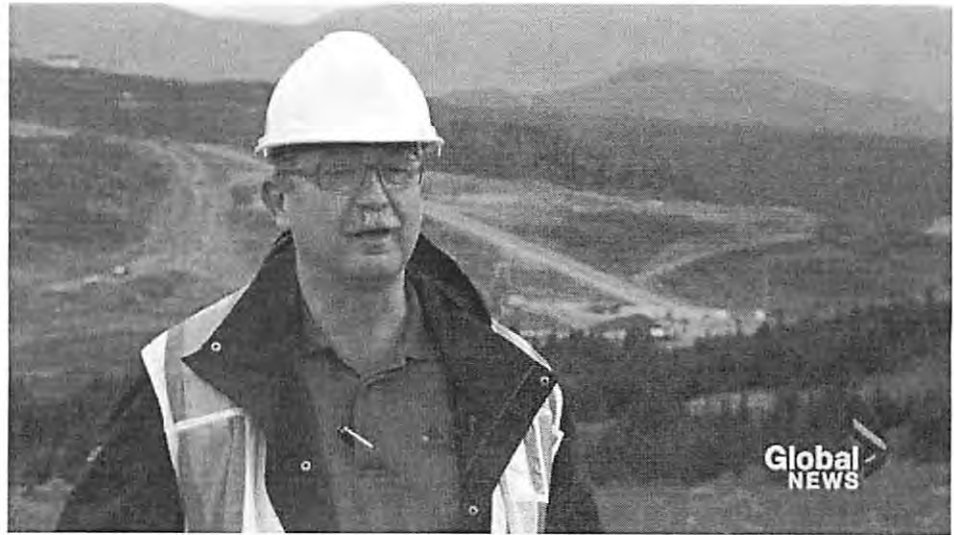
Justin is an Online News Producer at Global BC.

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**Imperial Metals Corp says breached tailings pond “stabilized”: statement**

- **Water from Quesnel Lake meets drinking water standard, but water ban remains**



Aerial photo of the lake and breach, Global News.

*Global News*

- **Mount Polley Mine operators ordered to clean up, stop further release of mine tailings**
- **Partial water ban still in place for Likely B.C. as more samples taken from Quesnel River**
- **Impact of tailings pond disaster on salmon run could be significant**
- **Before and after photos show devastation of Mount Polley Mine tailings pond breach**
- **Tailings water of drinking quality: mine president**
- **Water samples from Polley Lake close to historical levels prior to accident: ministry of environment**
- **Tailings pond breach has local eco-tour operators concerned**
- **More water restrictions lifted following Mount**



Aerial photo of the breach site, Global News.

*Global News*



**Polley tailings  
pond breach**



Polley Lake after the tailings breach. Photo by Larry Chambers



Polley Lake after the tailings breach. Photo by Larry Chambers



Polley Lake after the tailings breach. Photo by Larry Chambers



Polley Lake after the tailings breach. Photo by Larry Chambers



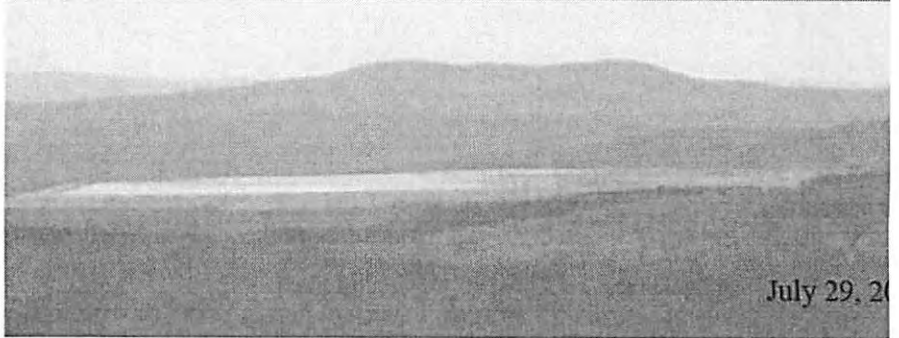
Polley Lake after the tailings breach. Photo by Larry Chambers



Polley Lake after the tailings breach. Photo by Larry Chambers



August 4,



July 29, 2014

Before and after, credit Elaine Lucas.

*Elaine Lucas*



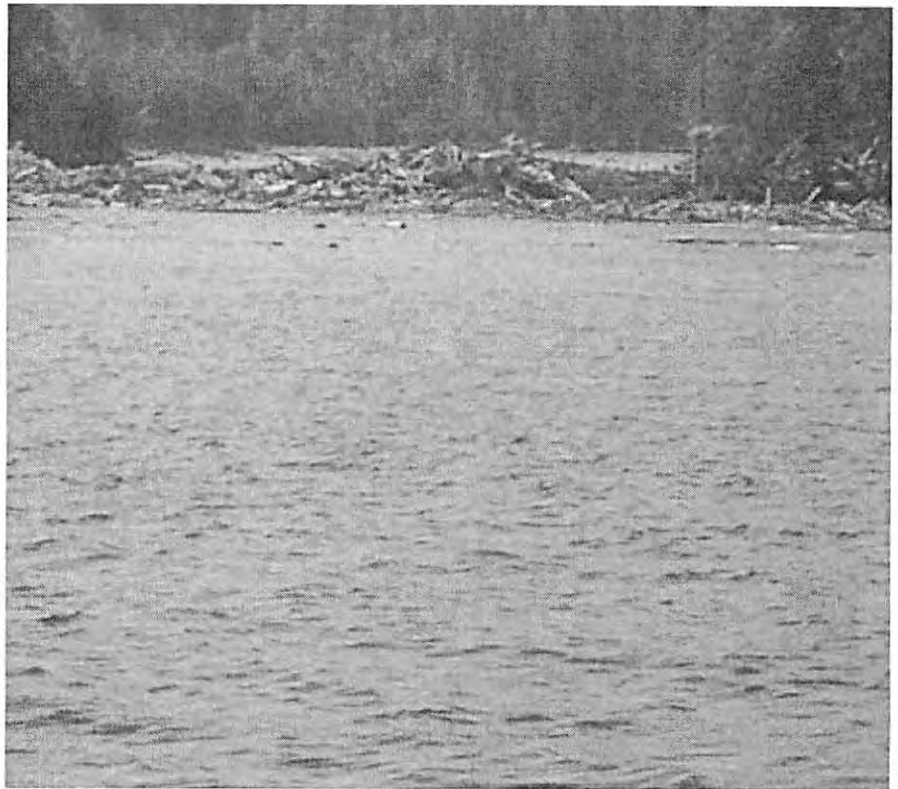
Post-breach, credit Larry Chambers.

*Larry Chambers*



Where the tailings came down, credit Larry Chambers.

*Larry Chambers*



Quesnel Lake, near the site of the breach, via Facebook.



Where Hazeltine Creek enters Quesnel Lake.





Where Hazeltine Creek enters Quesnel Lake.



Where Hazeltine Creek enters Quesnel Lake.



Where Hazeltine Creek enters Quesnel Lake.





## TRANSBOUNDARY WATERSHED CONSERVATION BRIEFING

### Red Chris Mine Proposal

Spring 2013

#### Project Basics

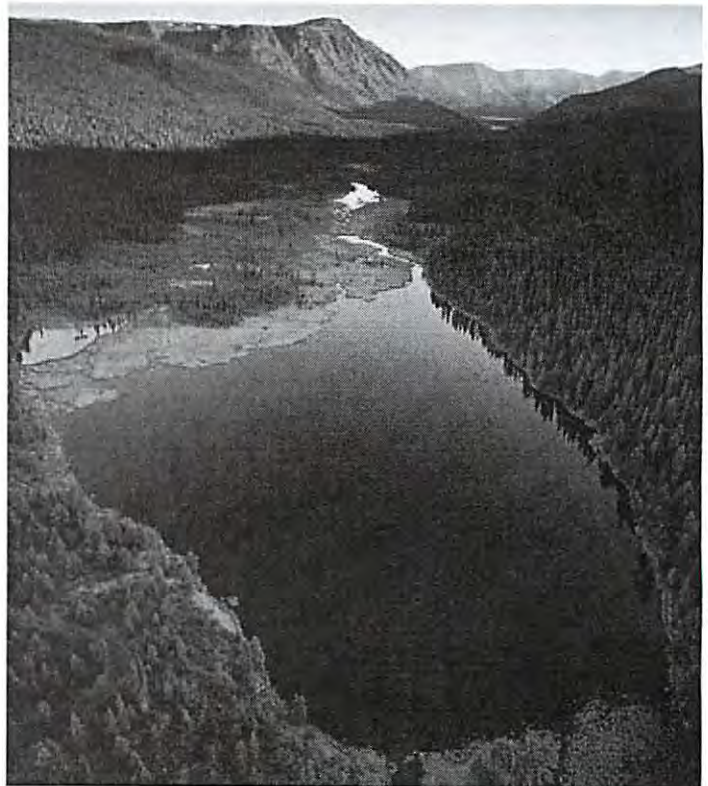
The proposed Red Chris Mine would be a conventional shovel and truck open-pit copper-gold-silver mine located 18 km southeast of the town of Iskut, in the Stikine watershed in northwestern British Columbia. The proposed mine would process 30,000 tons of ore per day over a mine life of 28 years. Red Chris Development Company Ltd., a wholly owned subsidiary of Imperial Metals Corporation, has a 100% interest in the Red Chris claims and would operate the mine.

Red Chris is the most advanced mine proposal in the southern transboundary region. The proposed mine is located in the territory of the Tahltan First Nation, in high value wildlife habitat, with a tailings storage area – approximately 4 km long and 1.2 km wide – located in fish bearing waters. Despite First Nations objections and a court challenge that went all the way to the Supreme Court of Canada, Red Chris received an Environmental Assessment Certificate and project construction permits.

Development of the Red Chris mine is contingent on completion of construction of the Northwest Transmission Line (NTL), currently scheduled to be operational in spring 2014. Imperial Metals aims to tie into the NTL by building a power transmission line from Bob Quinn to the mine site, and begin production by spring 2014. Initial mine construction cost is estimated to be \$500 million. Ore concentrate is planned to be trucked from the proposed mine to the deep-water port at Stewart, B.C., and shipped to a smelter overseas.

#### About Imperial Metals

Imperial Metals Corporation is a Canadian mining company based in Vancouver, B.C. The company is active in the acquisition, exploration, development, mining and production of base and precious metals. It has two operating open pit mines: Mount Polley in central B.C. and a 50% interest in the Huckleberry mine in northern B.C. Its development properties are Red Chris and Sterling, a previously operated underground and open pit mine in Nevada. It also has two exploration properties.



Black Lake, with Kluea and Todagin Lakes in the distance, is proposed as the site of the tailings pond for the Red Chris mine. Photo by Carr Clifton

#### TRANSBOUNDARY WATERSHED CONSERVATION

Will Patric, Executive Director, PO Box 1968, Port Townsend, WA 98368, (360) 379-2811 will@riverswithoutborders.org

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Tadzio Richards, Canadian Transboundary Conservation Campaigner, PO Box 41, Hazelton, BC V0J 1Y0, (250) 842-2272, tadzio@riverswithoutborders.org

Terry Portillo, Finance and Outreach Director, PO Box 154, Clinton, WA 98236, (360) 341-1976 admin@riverswithoutborders.org



www.riverswithoutborders.org

## Threats to Conservation

The proposed Red Chris mine poses a high level of risk to water quality and fish habitat, and threatens to devastate wildlife habitat on Todagin Mountain, a sweeping high country plateau above the headwaters lake chain of the Iskut River. The plateau is home to the largest lambing herd of Stone's sheep in the world, as well as wolves, grizzlies, caribou, black bears, wolverines, and golden eagles. The wildlife habitat at the proposed mine site is contiguous with Todagin South Slope Park, which was designated as a Class A provincial park in 2001 to protect the Stone's sheep critical wintering and lambing habitat. Wolverine, fisher and grizzly bear are blue-listed species in Todagin Park. Mountain goats are found on the precipitous slopes and cliffs, while lower slopes provide high quality moose habitat. The proposed mine would erode conservation gains made by the establishment of the park.

Draining the south side of Todagin plateau is a Y-shaped valley containing Black Lake, Todagin Lake and Kluea Lake, a spawning ground for rainbow trout, which flows downstream into the Iskut River. Under the Fisheries Act of Canada, it's illegal to put harmful substances into fish-bearing waters. However, under Schedule Two of the mining effluent regulations, lakes can be redefined as "tailings impoundment areas." Imperial Metals proposes to use Black Lake as a Tailings Impoundment Area, blocking 80% of the stream flow to Todagin and Kluea Lake, and creating long-term contamination concerns. Over the life of the mine, Red Chris could leave behind 183 million tons of toxic tailings and 307 million tons of waste rock, which would likely need to be treated for acid mine drainage in perpetuity.

## Review Process Status

Federal approval for the Red Chris project under the *Canadian Environmental Assessment Act* (CEAA) was given in May 2006. The Federal approval was subsequently challenged by Sierra Legal Defence Fund (now Ecojustice), on behalf of MiningWatch Canada, who sought an order from the federal court to stop the Red Chris mine project and involve the public in the environmental assessment process.



Proposed Red Chris mine site on the Todagin Plateau, looking south toward Kluea Lake. Photo by Mike Fay.



Exploration roads and drill pads at the proposed Red Chris mine site have already fragmented wildlife habitat on the world famous Todagin Plateau. Photo by Mike Fay.

The legal case was a test for Section 21 of the CEAA, which outlines projects that require public consultations. Under the act, a metal mine development producing 3,000 tons or more of ore per day must undergo a comprehensive assessment, which includes public participation. The Red Chris Mine could produce 10 times the targeted number. Sierra Legal alleged the Department of Fisheries and Oceans and Natural Resources Canada undertook a simple screening assessment that did not include public participation, and that under the legislation, the Red Chris mine had to be considered as a major project and therefore public consultations should have been allowed.

Sierra Legal won the initial court case. A subsequent decision by the Supreme Court of Canada, on January 21, 2010, agreed that the Red Chris mine project did not go through a comprehensive federal environmental assessment. However, the Supreme Court also said that because MiningWatch Canada does not have a financial stake in the mine, and did not challenge the findings of the EA process, the Federal approval would be upheld, allowing mine permitting and development to proceed. The decision means that future large development projects will need to undergo full environmental reviews.

A provincial Environmental Assessment Certificate was obtained in August 2005 and extended in July 2010. Permits for project construction were issued in May 2012.

## **Time Frame**

Imperial Metals proposes to begin processing ore at Red Chris by May 2014 when the NTL is scheduled to come online. Construction began at Red Chris in May 2012 and the company purchased mill equipment in fall 2012. The majority of the engineering of the processing plant has been completed. The company will need to secure further debt financing in 2013 to fund construction costs for the Red Chris project.

Red Chris cannot be developed without connecting to the NTL. To obtain power to the mine site, Imperial Metals and BC Hydro announced in March 2013 that Imperial Metals would build a 93 km extension of the NTL to Tatogga Lake and the Red Chris mine. BC Hydro agreed to buy the 287 kV NTL extension for \$52 million, and to build a smaller power line from Tatogga Lake to Iskut. The line to Red Chris will not require a new environmental assessment, and is exempt from reviews that would normally be required to determine if it was necessary or if construction costs have been properly assessed.

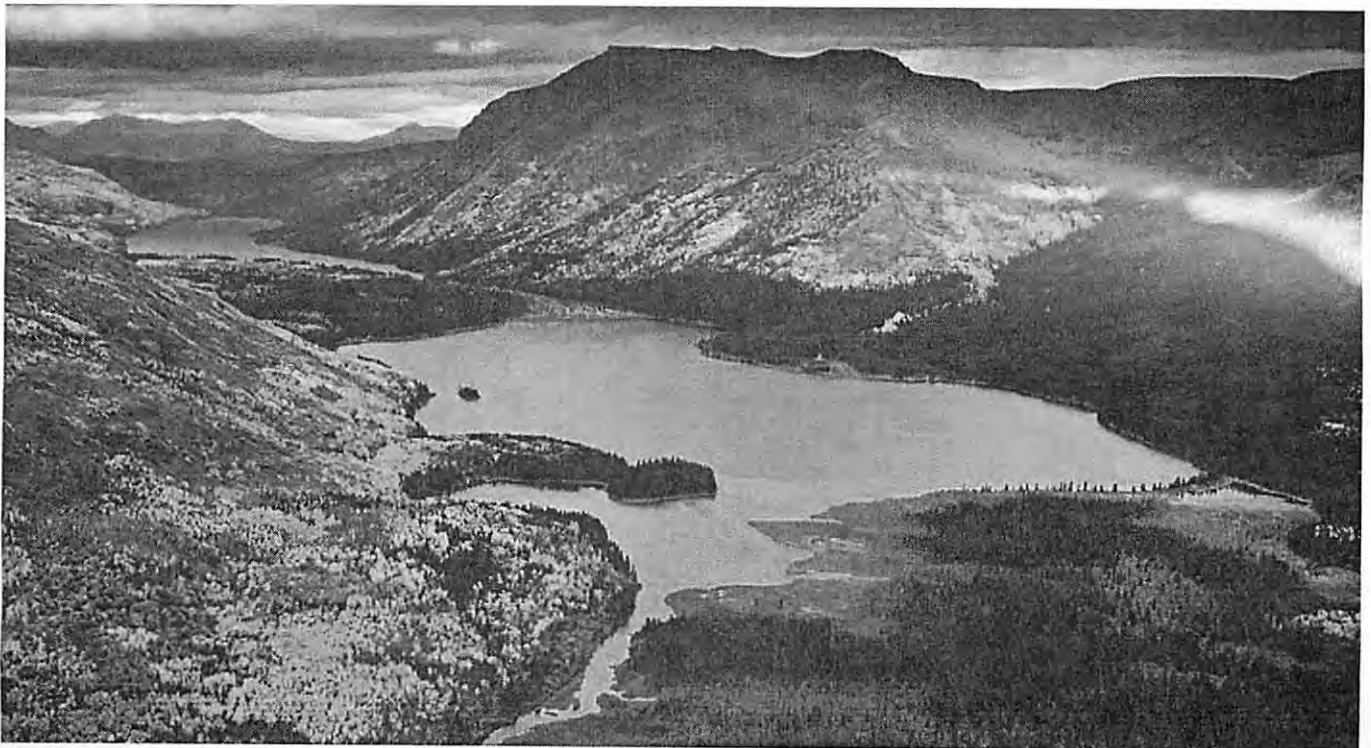
## First Nations Positions

The Tahltan Central Council (TCC), on behalf of the Tahltan Nation, has not approved the Red Chris project. In government-to-government negotiations between the TCC and the Province of British Columbia, the Province has provided a mandate for revenue sharing for the Tahltan on the Red Chris project. However, as noted in a May 2011 TCC newsletter, “the Tahltan will not agree to enter into this negotiation until the project has been approved by the Tahltan Nation.” In May 2012, the Tahltan Central Council announced its opposition to the Red Chris mine. “We have been expressing concerns about the impacts of this proposed mine to our communities, our traditional practices, our environment, our cultural values and our Aboriginal title and rights for years,” said TCC President Annita McPhee. “This mine .... poses risks for the Klappan, one of the most sensitive and important areas for the Tahltan people. Not everything has been done to address our concerns about long-term pollution to our water, and the damage to a landscape that our people have relied on to feed and support themselves since time immemorial.”

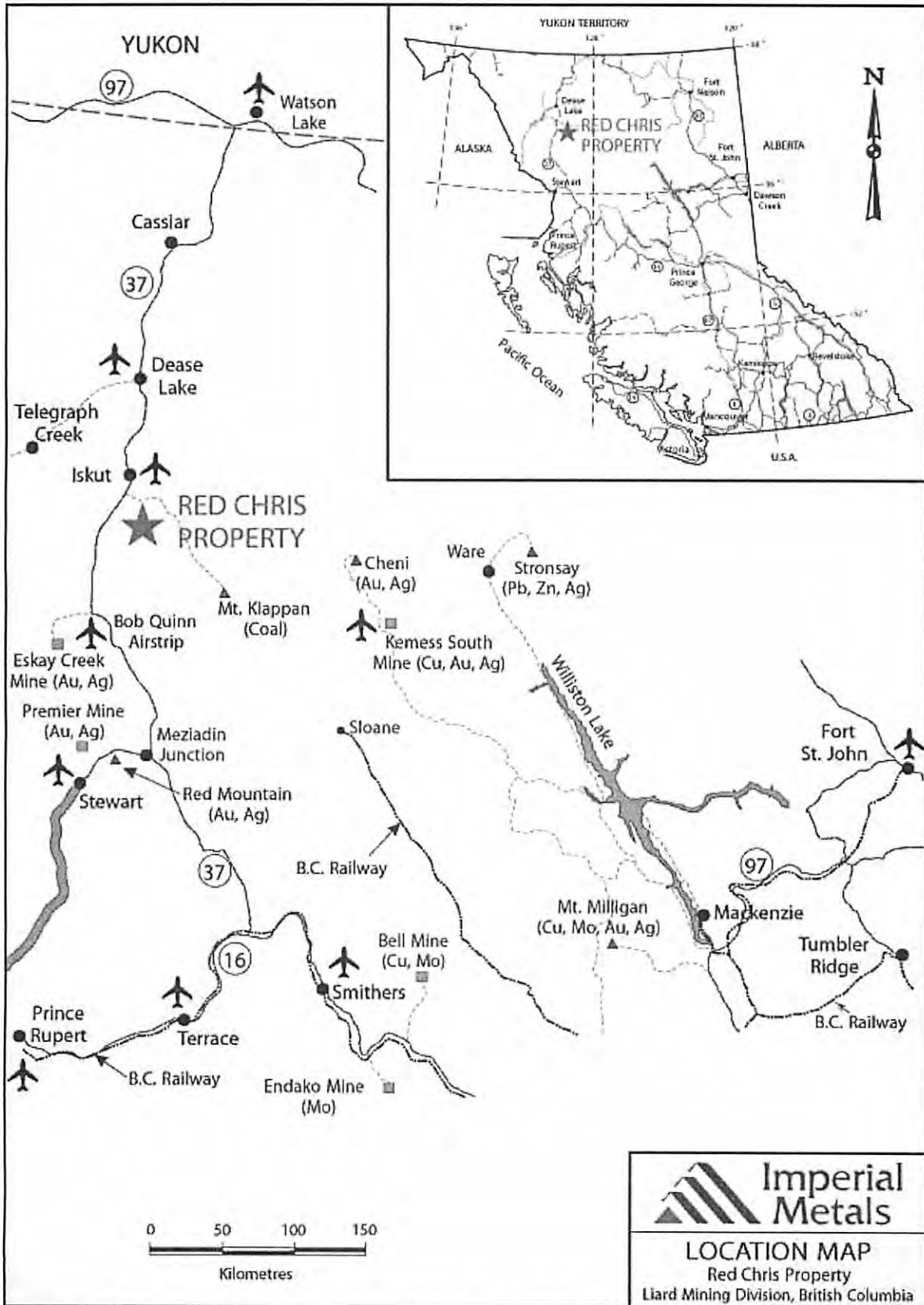
Vocal opposition to the proposed Red Chris mine has also come from the community of Iskut. In 2006, First Nations members from Iskut raised a blockade against BC Metals, which previously owned the proposed Red Chris mine, arguing that the company should not be allowed to degrade fish spawning grounds without the consent of the nearby community. “We want to stop the mine,” said James Dennis, a Tahltan elder from Iskut. “The animals will be drinking that water and they’ll all be polluted too. Once they do the mine, they’re going to leave, and we’re the people who are going to live with that. Not me, but my grandchildren, the small little kids ... That’s who’s going to live with the pollution.”

## Summary

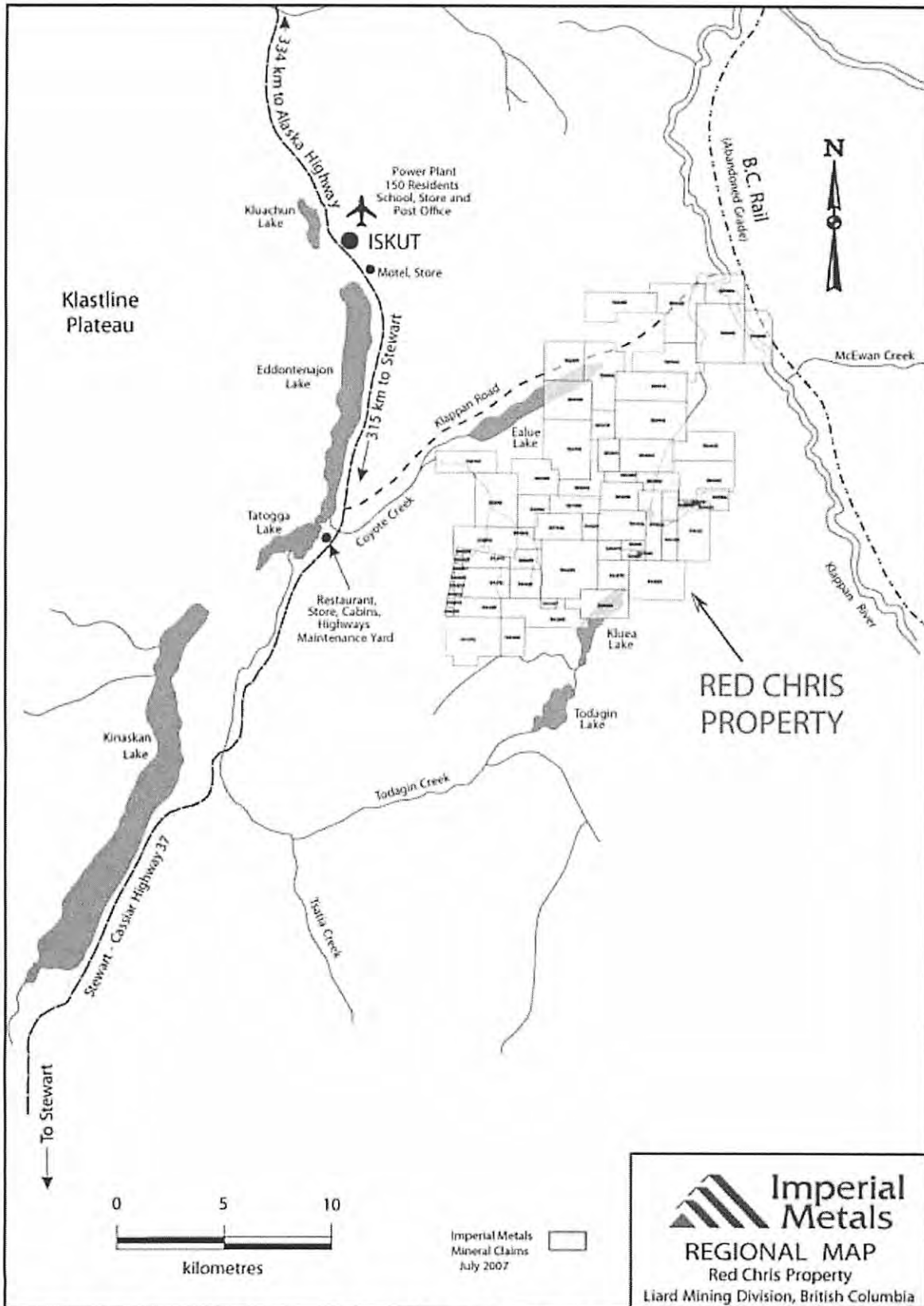
The Red Chris mine is an open pit copper-gold-silver mine being developed by Imperial Metals southeast of Iskut, B.C. in Tahltan Nation territory. Permits have been obtained and construction has started at the mine site. The project is dependent on completion of the NTL, which is scheduled to be in service by May 2014. A power line extension will be built by Imperial Metals to tie in to the NTL. The Tahltan Nation has expressed its opposition to the mine because of environmental and cultural risks. The Red Chris mine would turn a pristine valley and a lake into a tailings pond, and seriously damage wildlife habitat on the Todagin Plateau.



Todagin and Kluea Lakes, which are threatened by the proposed Red Chris mine. Photo by Carr Clifton.



Source: [http://www.imperialmetals.com/i/map/redchris/16\\_LocationMap.jpg](http://www.imperialmetals.com/i/map/redchris/16_LocationMap.jpg)



Source: [http://www.imperialmetals.com/i/map/redchris/17\\_RegionalMap.jpg](http://www.imperialmetals.com/i/map/redchris/17_RegionalMap.jpg)



## **Contacts**

### **B.C. Environmental Assessment Office**

1st Floor 836 Yates Street, PO Box 9426, Stn Prov Govt, Victoria BC V8W 9V1  
General Inquiries: (250) 356-7479  
E-mail: [eaoinfo@gov.bc.ca](mailto:eaoinfo@gov.bc.ca)

### **B.C. Environmental Assessment Office – Complete list of contacts**

[http://www.eao.gov.bc.ca/contact\\_us.html](http://www.eao.gov.bc.ca/contact_us.html)

### **Imperial Metals Corporation**

200-580 Hornby Street  
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Steve Robertson, Exploration Manager (604) 488-2669  
E-mail: [srobertson@imperialmetals.com](mailto:srobertson@imperialmetals.com)

#### **Investor Relations**

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### **Tahltan Central Council**

Box 69, Tat'l'ah (Dease Lake), British Columbia VOC 1L0  
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Fax: 250-771-3020  
E-mail: [info@tahltn.org](mailto:info@tahltn.org)

## **Resources**

Imperial Metals Corporation – <http://www.imperialmetals.com/s/Home.asp>

Imperial Metals Red Chris mine project information – [http://www.imperialmetals.com/s/Development\\_RedChris.asp](http://www.imperialmetals.com/s/Development_RedChris.asp)

Imperial Metals financial filings – <http://www.sedar.com/DisplayCompanyDocuments.do?lang=EN&issuerNo=00017753>

B.C. Environmental Assessment Office – Red Chris Project  
[http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic\\_project\\_home\\_238.html](http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_238.html)

Tahltan Central Council – <http://www.tahltn.org/>

## Sens Begich, Murkowski call for action on transboundary mines

Posted: August 20, 2014 - 12:59am

By ANNA BISARO

FOR THE JUNEAU EMPIRE

As the debate over the proposed Pebble Mine in Bristol Bay continues to rage with public hearings held by the Environmental Protection Agency, D-Sen. Mark Begich is calling for further environmental review on proposed mines in British Columbia that could negatively affect southeast Alaskan waterways and sustainable fisheries.

"We end up with the end result if something goes bad, and that's not acceptable" Sen. Begich said in a phone interview Sunday. "We take the total load, the total risk."

The Mount Polley Mine tailings dam breach two weeks ago released approximately 10 million cubic meters of tailings — toxic waste — into nearby waterways. Begich said he wants to ensure Southeast Alaska does not suffer the same fate should other mines have similar accidents.

When BC premier Christy Clark was elected in 2011 she called for eight mines to go up in four years, creating new jobs and economic development for the province. And with recent the completion of the Northwest Transmission Line, Canada is capitalizing on that promise.

One of the proposed mines, the Red Chris Project, is being constructed in the headwaters of the Stikine River watershed. According to Ed Jones, a fisheries biologist at the Alaska Department of Fish and Game, the Stikine is the largest watershed by volume in the Tongass National Forest and fourth-largest in the state.

"Our watersheds are still pristine to a large extent," Jones said. "In general, Alaska has done a really good job in protecting the habitats."

The Tongass National Forest produces about 28 percent of Alaska's salmon every year and generates more than \$1 billion in commerce. In addition, salmon is important for tourism and subsistence needs in the region.

As a first step, Begich wrote a letter urging Secretary of State John Kerry to demand a more thorough investigation into the cause of the Mount Polley tailings dam breach so future breaches may be prevented. The same company that built the Mount Polley Mine, Imperial Metals Corporation, is in charge of the Red Chris Project.

Begich, as chairman of the Senate Commerce Committee on Oceans, Atmosphere, Fisheries and the Coast Guard, plans to hold a hearing on the transboundary mines to continue the conversation and open a place for constructive dialogue, he wrote to Kerry.

"I am not convinced that the (State Department) are really engaged in these issues until they become a problem," R-Sen. Lisa Murkowski said at an event in Sitka in the days following the Mount Polley accident. "I don't want us to get into that situation where we are then responding. It's so much better if we can engage early and do it practically."

In addition, Begich, Murkowski, and other Alaskan politicians have called for the Canadians to perform a Panel Review of the proposed Kerr Sulphurets Mitchell (KSM) mine. A Panel Review would bring outside experts to the mine to assess dangers and potential impacts of the mine.

Alaskans can provide public comment on proposed BC mines, said Chris Zimmer, Alaska Campaign Director for Rivers without Borders. But, he added, the Canadian government has no obligation to listen to Alaskan concerns.

Zimmer said that in theory, the U.S. may have stricter environmental review processes, noting the extent to which the proposed Pebble Mine has been reviewed by the EPA. It all comes down to practice, he said. And all mines pose a serious risk.

"Everything would have to go perfectly," Zimmer said, to ensure that there were no accidents. "And in the real world nothing goes perfectly."

Tom Bristol, director of Trout Unlimited, also has concerns about regulatory practices in BC. "Based on recent events, we are skeptical of the province's ability to regulate the mines once they are operating."

This is not just a regulatory issue, Bristol said. Like the proposed Pebble Mine, these proposed BC mines pose serious risks because of their scale and placement in key salmon watersheds. He said there may be other places BC could put mines that would not be such a risk to Alaskans and the sustainable fisheries.

The Boundary Waters Treaty, signed in 1910, should protect Alaskan waters from pollution, Zimmer said. Begich said he will be working with the state department and Canadian embassy to ensure the treaty is upheld.

"We recognize they are the sovereign country," Begich said. Begich also called the Canadian embassy to express his concern about the transboundary mines affecting Southeast Alaska fisheries. "We have cross boundary waters that we have to ensure for our fisherman and for long-term stability," he said.

Jackie Timothy is the Southeast Regional Supervisor for the habitat division at the Alaska Department of Fish and Game. She said that without any previous tailings breaches in Southeast, there are no case studies to help the department predict just how salmon populations would be affected by a tailings pond breach. Fortunately for Southeast, the tailings dam for the proposed KSM mine would not be on the Unuk River.

"I don't think anyone built a mine with the intent of environmental destruction," Timothy said. The Alaska Department of Fish and Game has provided the Canadian government with recommendations on how to best protect salmon populations downstream from the new mines.

Begich said he wants to encourage Alaskans to contact their legislators regularly about actions they want to see and to tell friends and relatives in other states to do the same thing for their legislators.

"We have a lot of great relations with Canada," Begich said. "But, we have cross jurisdiction on these issues and we need to work together to ensure that the long-term fisheries habitats are not affected and not at risk because of other developments."

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# Agenda Item 13i

## CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY  
AGENDA ITEM  
August 26, 2014**

**INFORMATION:**

Approval to sell City owned lots

**Attachments:**

1. Memo from Manager Jeff Jabusch
2. Map of the proposed area

**RECOMMENDED ACTION:**

Move to authorize Staff to sell City owned lots described as Lots 16-20, Block 30B, Lemieux Subdivision; and Lot 1, 5, and 6, Block 38, Wrangell Townsite through a public bid process as provided in Section 16.12.040 of the Wrangell Municipal Code with funds from the sale of the lots to go into the Residential Construction Fund.

**MEMORANDUM**

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**SUBJECT: AUTHORIZATION TO SELL LAND LOCATED ON ETOLIN STREET  
THROUGH SEALED BIDS**

**DATE: August 18, 2014**

**BACKGROUND:**

Etolin Street was constructed for the purpose of providing water and sewer to both the AICS clinic and the new Hospital. A byproduct of this project was that it opened up the opportunity to sell 8 lots with a road, water and sewer. Electricity is schedule to be put in within the next few months.

We would like to sell these lots through our public sealed bids process and then put up any lots that don't sell over the counter. If the assembly approves these lots to be sold, we will immediately have our assessor do an appraisal for the minimum bid and proceed with the advertising to sell the lots. The city will finance these lots if a person chooses. The financing terms are 25% down, not more than 15 years at an interest rate of 5.25% (Prime Rate – 3.25% plus 2%) as provided for in 16.12.040 (D) of the Wrangell Municipal Code.

Advantages of the Sale:

1. Water, Sewer and Road are already there and paid for.
2. Getting land into the public's hands increases the tax base.
3. City currently has limited lands for sale.
4. The sale will replenish the funds that were borrowed from the Residential Construction Fund when the road, water and sewer were constructed.

Attachment:

Map of lots for sale, Block 30B, Lots 16,17,18,19,20 and Block 38, lots 1,5 and 6. These lots range from 6,892 to 15,809 square feet. Values will be determined by the assessor.

**Recommended Motion:**

Move to authorize Staff to sell City owned lots described as Lots 16-20, Block 30B, Lemieux Subdivision; and Lot 1, 5, and 6, Block 38, Wrangell Townsite through a public bid process as provided in Section 16.12.040 of the Wrangell Municipal Code with funds from the sale of the lots to go into the Residential Construction Fund.



1 inch = 83.333333 feet

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



# **Agenda Item 13j**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014**

#### **INFORMATION:**

Approval to proceed with processing the 2012-2013 Property Tax Foreclosures

#### **Attachments:**

1. Memo from Manager Jeff Jabusch

#### **RECOMMENDED ACTION:**

Move to authorize city staff to proceed with the property tax foreclosure for the tax years 2012 and 2013 per Wrangell Municipal Code 5.04.370.

**MEMORANDUM**

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**SUBJECT: AUTHORIZATION TO PROCEED WITH PROPERTY TAX  
FORECLOSURE**

**DATE: August 18, 2014**

**BACKGROUND:**

Both the Wrangell Municipal Code and the State Statutes allows for annual tax foreclosures for delinquent property taxes. These provisions assures that taxes will be collected so that cities counting on these revenues will not come up short when trying to provide public services such as police, fire, library, parks, pools, roads and other basic services provided.

Generally we try and do a foreclosure every other year. A foreclosure takes at a very minimum 15 months and usually longer to complete. The guidelines are governed by the State of Alaska and have many legal filings and some long waiting periods in between. Our last foreclosure for the tax years 2010 and 2011 has one more step and it will be complete. We will be asking the assembly to begin the foreclosure for the tax years 2012 and 2013.

Section 5.04.370 of the Wrangell Municipal Code requires the assembly to elect to proceed with a foreclosure based on any and all delinquent real property taxes. Once the assembly approves the foreclosure we do the following:

1. Send a courtesy letter to all delinquent property tax owners that they have 30 days to avoid being on the foreclosure list.
2. File a petition for judgment with the court
3. Publish the foreclosure list in the paper for four consecutive weeks
4. Motion for judgment after the foreclosure is in the pape
5. Then there is a one year redemption period.
6. At the end of the one year redemption period there is notice of Expiration of Redemption after the one year is completed.
7. Wait 30 days after this publication.
8. City would get deed to the property.
9. Bring to the assembly to either use the property for a public purpose or get permission to sell it.
10. When sold, the city would claim all taxes through the current year, penalties and Interest and any other foreclosure costs such as attorney fees, filing fees and publication costs. The balance of funds are returned to the foreclosed owner upon application by them.

**Recommended Motion:**

Move to authorize city staff to proceed with the property tax foreclosure for the tax years 2012 and 2013 per Wrangell Municipal Code 5.04.370.



# **Agenda Item 13k**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014**

#### **INFORMATION:**

Approval to sell City owned Foreclosed Lots through the Land Disposal Process

#### **Attachments:**

1. Memo from Jeff Jabusch, Borough Manager

#### **RECOMMENDED ACTION:**

Move to authorize Staff to sell City owned foreclosed lots number 2 and 4 of the R.A.L Subdivision through the disposal of land process in Wrangell Municipal Code 16.12.040 with funds from the sale to be distributed as required by State Statutes for foreclosed property.

**MEMORANDUM**

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

**FROM: JEFF JABUSCH  
BOROUGH MANAGER**

**SUBJECT: PREVIOUSLY FORECLOSED PROPERTY NOT SOLD**

**DATE: August 18, 2014**

**BACKGROUND:**

We foreclosed on two lots off of Etolin Street some time ago. Recently we have seen considerable interest in the lots, but the current terms have made it impossible to sell. Traditionally, foreclosed lots are sold without any city financing, so the purchaser has to come in with the entire amount. In this case, one lot is \$44,300 (73,782 square feet) and the other is \$35,500 (47,294). Both are wet and may have to set a portion of the lot aside for Army Corps of Engineer's wetlands mitigation. Lot 2 on the attached plat is accessed off of Hemlock Street and Lot 4 is accessed off of Etolin Street.

The reason that foreclosed property is normally sold for the entire amount upfront is that the money received first goes to the Borough to pay off any property taxes, penalty, interest and foreclosure costs incurred through the current year. Any remaining funds are to be returned to the previous owner through a process required by State Statute. I believe it is in the best long term interest of the city to get these sold, pay off all the foreclosure costs first and then return any remaining funds to the previous owners even if that requires funds to temporarily come out of the Borough's pocket, while the purchaser pays off the land over time.

I would recommend that we change the terms for sale, rebid the lots in a sealed bid process, and sell this land as we do other city lands by allowing purchaser to finance this up to 15 years, 5.25% interest with 25% down. Notice will be given to the bidder that will include the following stipulations:

1. The purchaser is responsible for their own Corps permit and any mitigation that may be required by them.
2. If either of these lots are subdivided, the owner will have to supply their own access easement for accessing the back (flag) lots off of either Etolin or Hemlock streets. No subdivision will occur until the loan for the land is paid in full
3. Spruce Street is not planned to be developed at this time.
4. The city will finance this property as described above.

**Recommended Motion:**

Move to authorize city staff to sell city owned foreclosed lots number 2 and 4 of the R.A.L Subdivision through the disposal of land process in Wrangell Municipal Code 16.12.040 with funds from the sale to be distributed as required by State Statutes for foreclosed property.

# **Agenda Item 131**

## **CITY & BOROUGH OF WRANGELL**

### **BOROUGH ASSEMBLY AGENDA ITEM August 26, 2014**

#### **INFORMATION:**

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO ACCEPT A LOAN IN THE AMOUNT OF UP TO \$542,249 FROM THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION

#### **Attachments:**

1. Memo from Carol Rushmore, Economic Development Director
2. Resolution No. 08-14-1299

#### **RECOMMENDED ACTION:**

Move to adopt Resolution No. 08-14-1299 that approves the loan with the State of Alaska, Department of Environmental Conservation Fund in the amount of \$542,249 for Water System Improvements with all loan payments to come from user fees of the Water Utility.

## MEMORANDUM

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

**CC: JEFF JABUSCH  
BOROUGH MANAGER**

**FROM: Carol Rushmore**

**SUBJECT: ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
LOAN FOR WATER MAIN REPLACEMENTS**

**DATE: August 20, 2014**

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### BACKGROUND:

Beginning around 1980 the City of Wrangell began using Ductile Iron pipe as the standard material for new and replacement water lines. This became the industry standard after the discontinuance of asbestos cement pipe. Many of these ductile iron water mains have been prematurely failing. Wrangell has been subject to more and more frequent water main breaks. Wrangell had three water main breaks in one week this fall. There have been three breaks in the past year on a twelve inch main installed in 2000. This year saw ruptures of mains under two additional streets. One of these mains provides water to the Wrangell's hospital, senior apartment facility, and elementary school. The other provides water to Wrangell's main commercial district. The breaks are causing disruptions in domestic water service and fire protection, providing a potential path for water contamination, and causing road and property damage. The fire department policy now is to run a water tanker to all fires in case of water main failure.

Beginning five years ago, all Wrangell water projects are specifying high density polyethylene water mains so all new mains should be fine but most ductile iron mains will need to be replaced. Unfortunately most mains are under paved roadways so repairing the road surface adds significantly to costs. These mains would be replaced starting with those that are already frequently failing and would proceed in phases.

Staff is applying for funding to begin the replacement process. In January the project was submitted to the Department of Environmental Conservation (DEC) Drinking Water Loan fund program and made it on the State's Intended Use Plan Priority Funding list, assuring us of a loan in the amount of \$542,xxx if we complete the loan paperwork in a timely matter. Staff is also applying for grant funds, and all or a portion of the loan could be used towards match for grants. Note, if the Borough Assembly accepts this loan, there is time to wait and see if most of this project can be paid for by grant funds. We will continue to work at getting this project 100% grant funded. Acceptance of the loan actually gives Wrangell more points for a grant on DEC's grading system. Again, if passed, this loan would only be used as a last choice.

Information regarding the terms of the Loan:

Principal Amount: \$542,249  
Term: 20 years  
Interest Rate: 1.5%  
Annual Payment: \$31,584

The entire amount of these payments would come from the Water Utility through user fees. It is not expected that this would cause any additional increase to the water rates above those already scheduled.

**RECOMMENDATION:**

Staff recommends Borough Assembly adopt the Resolution to approve the loan with the Alaska Department of Environmental Conservation in the amount \$542,249 for Water System Improvements with all loan payments to come from user fees of the Water Utility.

CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION NO. 08-14-1299

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO ACCEPT A LOAN IN THE AMOUNT OF UP TO \$542,249 FROM THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, the City and Borough of Wrangell has determined that several of Wrangell's water mains are corroding and starting to fail; and

WHEREAS, the costs to maintain sections of the water mains continue to escalate, and replacement of these corroding mains would result in lower operating and maintenance costs; and

WHEREAS, the City and Borough of Wrangell seeks to obtain the necessary financial assistance to replace water mains and make water system improvements; and

WHEREAS, the State of Alaska, Department of Environmental Conservation is able to offer loan funding through the Alaska Drinking Water Fund; and

WHEREAS, the City and Borough of Wrangell applied for and received priority funding in the State's FY15 Intended Use Plan to apply for loan term that would be 20 years at 1.5% interest; and

WHEREAS, the City and Borough of Wrangell is authorized under WMC Chapter 6.3 to borrow money when authorized by the Assembly for use by a utility or enterprise of the borough and that repayment of the loan including interest comes exclusively from said utility.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

The Assembly hereby authorizes and directs the Borough Manager to make, accept, and execute a loan agreement up to \$542,249 for funding in the form of a loan through the State of Alaska Department of Environmental Conservation Drinking Water Fund for the replacement of water mains and water system improvements.

ADOPTED: \_\_\_\_\_, 2014

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David Jack, Mayor

ATTEST:

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Kim Lane, Borough Clerk

# **Agenda Item 14**

## **CITY & BOROUGH OF WRANGELL**

**BOROUGH ASSEMBLY  
AGENDA ITEM  
August 26, 2014**

**INFORMATION:**

ATTORNEY'S FILE – Summary report provided to the Assembly.

# **Agenda Item 15**

## **CITY & BOROUGH OF WRANGELL**

**BOROUGH ASSEMBLY  
AGENDA ITEM  
August 26, 2014**

Executive Session – None.