



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

September 23, 2014 – 7:00 p.m.

Location: Assembly Chambers, City Hall

- 1. CALL TO ORDER**
 - a. PLEDGE OF ALLEGIANCE led by Assembly Member Maxi Wiederspohn
 - b. INVOCATION to be given by Don McConachie
 - c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
- 2. ROLL CALL**
- 3. AMENDMENTS TO THE AGENDA**
- 4. CONFLICT OF INTEREST**
- 5. CONSENT AGENDA**
 - a. Items (*) 6a, 7a, & 7b
- 6. APPROVAL OF MINUTES**
 - *a. Minutes of the Public Hearing and Regular Assembly meetings held on September 9, 2014
- 7. COMMUNICATIONS**
 - *a. Minutes of the TBPC Regular meeting held on July 24, 2014
 - *b. Travel Summary for the Month of May, June, & August, 2014
- 8. BOROUGH MANAGER'S REPORT**
- 9. BOROUGH CLERK'S FILE**
- 10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS**
 - a. Reports by Assembly Members
- 11. PERSONS TO BE HEARD**
- 12. UNFINISHED BUSINESS**
 - a. PROPOSED ORDINANCE No. 887 (am): 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-amended*)

13. NEW BUSINESS

- a. PROPOSED ORDINANCE No. 889: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE (*first reading*)
- b. Approval to dispose of City Surplus Property
- c. Approval to purchase a Grader through NC Machinery at Government Standard Pricing
- d. Approval of a Change Order to Rock-n-Road Construction for the Wrangell Marine Service Center Concrete Paving, Phase 3 project

14. ATTORNEY'S FILE

15. EXECUTIVE SESSION

16. ADJOURNMENT

Agenda Items 1 - 6

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY

AGENDA ITEM

September 23, 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 Maxi Wiederspohn
- b. Invocation to be given by Don McConachie
- c. Ceremonial Matters – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

ITEM NO. 2 ROLL CALL - BOROUGH CLERK:

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

RECOMMENDED ACTION:

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

ITEM NO. 3 AMENDMENTS TO THE AGENDA:

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

RECOMMENDED ACTION:

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

ITEM NO. 4 CONFLICT OF INTEREST:

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

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

ITEM NO. 5 CONSENT AGENDA:

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

RECOMMENDED ACTION:

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

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

ITEM NO. 6 APPROVAL OF MINUTES:

INFORMATION:

6a Minutes of the Public Hearing and Regular Assembly meetings held on September 9, 2014

**Minutes of Public Hearing
Held September 9, 2014**

Mayor David L. Jack called the Public Hearing to order at 6:30 p.m., September 9, 2014, in the Borough Assembly Chambers. Assembly Members Mitchell, Decker, Blake, Wiederspohn, Rooney, and McCloskey were present. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Public Hearing Items

- 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
(second 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
(second 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 *(second 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
(second 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 *(second reading)*

WRITTEN TESTIMONY

There was no written testimony.

ORAL TESTIMONY

Christina Florschutz, 11.2 Mile Zimovia Hwy. made the following comments on Proposed Ordinance No. 887:

1. Wanted to see if there was any way that there could be a warning issued before a fine was imposed for dogs at large.
2. Requested that a separate definition for a “hobby establishment” be added.
3. Secure travel in the back of a pick-up.

4. Suggested a dog park in Wrangell.
5. Dogs running loose; coming into her yard; her having to shoot other dogs; she has a flock guard. She is concerned about the dogs at large portion of the Ordinance preventing her from letting her dog(s) performing their “flock dog” duties.
6. Wondered if there could be a “three strike” provision.

Mayor Jack stated that the dog secured in the back of a pick-up truck being tied down is addressed in the proposed Ordinance.

Public Hearing adjourned at: 6:52 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, CMC, Borough Clerk

Unapproved

**Minutes of Regular Assembly Meeting
Held on September 9, 2014**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., September 9, 2014, in the Borough Assembly Chambers. Assembly Members Decker, McCloskey, Mitchell, Wiederspohn, Rooney, and Blake were present. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Pamella McCloskey.

Invocation was given by Nettie Covalt with the Presbyterian Church.

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

AMENDMENTS TO THE AGENDA – None.

CONFLICT OF INTEREST

Assembly Member McCloskey stated that she had a perceived conflict of interest to Agenda Item 13d. She further stated that the entity that she worked for was listed in the plan.

It was the consensus of the Assembly that she did not have a conflict of interest.

CONSENT AGENDA

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

APPROVAL OF MINUTES

The minutes of the August 26, 2014 Regular Assembly meeting was approved, as presented.

COMMUNICATIONS – None.

BOROUGH MANAGER'S REPORT

Borough Manager Jabusch provided a verbal report.

BOROUGH CLERK'S FILE

Borough Clerk Lane's report was provided.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members – None.

PERSONS TO BE HEARD – None.

UNFINISHED BUSINESS

12a 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 (*second reading*)

M/S: Blake/Wiederspohn, to approve Ordinance No. 884. Motion approved unanimously by polled vote.

12b 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 *(second reading)*

M/S: McCloskey/Blake, to approve Ordinance No. 885. Motion approved unanimously by polled vote.

12c 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 *(second reading)*

M/S: Wiederspohn/Rooney, to approve Ordinance No. 886. Motion approved unanimously by polled vote.

12d 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 *(second reading)*

M/S: Blake/Mitchell, to send this back to the Code Review Committee to look at the proposed changes and then to bring back to the Assembly.

Assembly Member Decker stated that the Harbor code section and the proposed Ordinance were in conflict and needed to be corrected. She also said that the off leash area rules that talked about sports fields stated that you would need to have the dog on leash until they got to the field.

It was decided that the words "sports field" could be removed.

Police Chief McCloskey stated that the section for entering an animal commercial establishment (previously Entering public or private property) should stay in the Ordinance because it defines the expectations in the Borough but does not give the Police any more authority than they already have.

Motion approved unanimously by polled vote.

12e 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 *(second reading)*

M/S: McCloskey/Wiederspohn, to approve Ordinance No. 888. Motion approved unanimously by polled vote.

NEW BUSINESS

13a PROPOSED RESOLUTION No. 09-14-1300: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE PARTICIPATION AGREEMENT WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) OF ALASKA BY EXEMPTING THOMAS BAY POWER AUTHORITY EMPLOYEES

M/S: Blake/McCloskey, to adopt Resolution No. 09-14-1300 that amends PERS by exempting the Thomas Bay Power Authority employees. Motion approved unanimously by polled vote.

13b PROPOSED RESOLUTION No. 09-14-1301: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, DESIGNATING CANVASS BOARD DUTIES TO THREE ASSEMBLY MEMBERS FOR CANVASSING THE RESULTS OF THE REGULAR ELECTION TO BE HELD OCTOBER 7, 2014

M/S: Blake/Rooney, to adopt Resolution No. 09-14-1301. Motion approved unanimously by polled vote.

13c Approval to hold a Special Assembly Meeting on Monday, October 13, 2014, at 12:00 p.m. (noon) to Certify the Election Results from the Regular Election

M/S: McCloskey/Blake, to approve a Special Assembly Meeting to be held on Monday, October 13, 2014, at 12:00 p.m. (noon) to certify the Election Results from the Regular Election to be held on October 7, 2014. Motion approved unanimously by polled vote.

13d PROPOSED RESOLUTION No. 09-14-1302: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, SUPPORTING THE ALASKA MARITIME WORKFORCE DEVELOPMENT PLAN

M/S: Decker/Rooney, to adopt Resolution No. 09-14-1302, supporting the Alaska Maritime Workforce Development Plan.

Assembly Member Decker provided extensive information on the Alaska Maritime Workforce Development Plan.

In response to Assembly Member Mitchell, Decker stated that this plan would not cost the community any funds.

Motion approved unanimously by polled vote.

13e PROPOSED RESOLUTION No. 09-14-1303: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT OF JOB DESCRIPTION FOR LIBRARY DIRECTOR

M/S: McCloskey/Wiederspohn, to adopt Resolution No. 09-14-1303.

Assembly Member Decker had questions about the wording of the Education and Experience section in the proposed amendment.

Manager Jabusch explained that if someone had extensive experience over a degree, this job description would allow us to hire the person who is most suitable for the job.

Motion approved unanimously by polled vote.

ATTORNEY'S FILE – None.

EXECUTIVE SESSION – None.

Meeting adjourned at: 7:56 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, CMC, Borough Clerk

Unapproved

Agenda Item 7

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
September 23, 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.

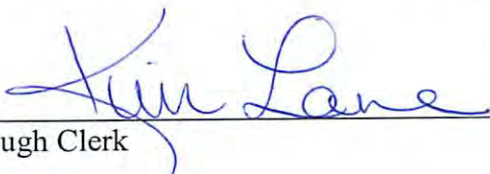
All items appearing under Communications on the Agenda have been approved under the Consent Agenda unless removed by an Assembly Member or the Mayor and placed on the regular agenda under Unfinished Business.

- *a Minutes of the TBPC Regular meeting held on July 24, 2014
- *b Travel Summary for the Months of May, June & August 2014

**MINUTES OF THE THOMAS BAY POWER COMMISSION, REGULAR SESSION,
HELD THURSDAY, JULY 24, 2014 AT 10:00 A.M. IN THE ASSEMBLY CHAMBERS
OF THE MUNICIPAL BUILDING IN PETERSBURG, AK**

1. **CALL TO ORDER** Vice President Larson called the meeting to order at 10:02 a.m. in the Petersburg Borough Assembly Chambers.
2. **ROLL CALL TO ESTABLISH QUORUM** Present: Commission Members Ashton, Prunella, Hammer (via phone), Nelson, Jensen and Larson. Absent: None.
3. **APPROVAL OF AGENDA** The agenda was amended to include discussion on correspondence regarding fuel charges. The Agenda, as amended, was unanimously approved.
4. **CONFLICT OF INTEREST** No conflicts expressed.
5. **RECOGNITION OF GUESTS** There were various visitors attending the meeting via telephone and in person at both the Wrangell and Petersburg Assembly chambers and at the SEAPA headquarters in Ketchikan.
6. **PERSONS TO BE HEARD** None.
7. **MEETING MINUTES APPROVAL**
 - a. **Special Meeting Minutes - July 9, 2014** The minutes were approved, as submitted.
8. **COMMUNICATION/CORRESPONDENCE** The Commission discussed at length a report of accounting for fuel expenses for the Thomas Bay Power Authority Secretary and Manager dating back to 2006. The expenses were reviewed as part of SEAPA's accounting inquiries made prior to finalizing the transfer of O&M of Tyee Hydro to SEAPA. The records appeared to indicate the employees may have been compensated twice for fuel expenses on a regular basis and may also have received fuel for personal use through TBPA accounts. During discussion, it was noted that in the spring of 2013 the Commission had instructed the practice of fuel reimbursement be stopped and that employees use TBPA provided vehicles. It was questioned why the discrepancies, if accurate, were not picked up during the annual TBPA audits. By a Roll Call Vote of 5-1 (Commissioner Nelson opposed) the Commission authorized an inquiry letter be sent to the past two TBPA Managers and the Secretary asking them to explain the discrepancies in the fuel expense accounting. Commissioner Nelson preferred an independent auditor be obtained to perform a thorough audit of the expenses and reimbursements for fuel. Vice President Larson will prepare the letter.
9. **FINANCIALS** None.

10. **SEAPA UPDATE** No report.
11. **WRANGELL AND PETERSBURG MUNICIPAL POWER UPDATES** Petersburg Power & Light Superintendent Nelson reported recent outages in Petersburg were due to a bird strike and an automobile accident. He also reported the cannery loads are down from last year.
12. **MANAGER'S/FOREMAN'S REPORT - STEVE BEERS** Foreman Beers had presented the Commission with a written report.
13. **CONTINUING BUSINESS**
- a. **Election of Officers (due to the resignations of Board Members Stough and Galla, there are vacancies in the President and Secretary Board positions)** The Commission elected new officers as follows: President, Robert Larson; Vice President, Robert Prunella; and Secretary, John Jensen.
14. **NEW BUSINESS**
- a. **Approval of the SEAPA Transition Document** By unanimous Roll Call Vote, the Commission authorized President Larson to sign the document on behalf of the Commission. All members believed SEAPA would be able to provide for the efficient O&M of Tyee well into the future. The final signatory, SEAPA, will be signing the document soon. Full transition and implementation of the transfer of O&M to SEAPA is expected sometime during the month of August. Currently, SEAPA is working with IBEW union representatives to address and finalize employee matters. In addition, insurance matters are also being addressed.
- b. **Future role of TBPA** Commission members believed there may be an important role for the commission to play in the future regarding the power needs for both communities. The Commission would like to begin a dialog with the Wrangell and Petersburg communities to determine a scope of duties the commission could provide. Consensus was President Larson should make contact with the two assembly bodies to determine what role the assemblies will want the commission to play in the future.
15. **SCHEDULE NEXT REGULAR MEETING** The next Regular Meeting was scheduled for Tuesday, September 9 at 10:00 a.m. The meeting will be via teleconference from both Wrangell and Petersburg Assembly Chambers.
16. **ADJOURNMENT** The meeting adjourned at 11:10 a.m.


Borough Clerk

September 9, 2014
Date Approved

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

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

RE: BOROUGH MANAGER'S REPORT

DATED: September 23, 2014

Washington DC Lobbyist

We have received our letter back from our lobbyist and have asked for comments. We have received a couple and we will send those back to Sebastian and see if he can work them into the letter. Once that is done, we will distribute it amount the assembly one last time before it is signed by the Mayor and sent out.

There was a good segment at Southeast Conference about the role the State plays in Canadian Mining applications when the mines have waterways that flow into Alaska. It appears that the state actively reviews and comments on these applications.

TBPA/SEAPA Transfer:

The transfer process continues and we have been working on closing out the TBPA books. We are working closely with both SEAPA and Petersburg finance folks to get this done. There will continue to be things that need to be done over the next 3 or 4 months. Once the transition is complete, the ongoing requirements will be minimal.

Union Negotiations:

I have briefly discussed some of the union negotiation issues with our attorney and plan to talk more with him the week of September 22nd. It may be important to update the Assembly to let them know where we are where the problem areas are.

Plan for Hospital and laptop update on the October 14th meeting. Marla Sanger, the hospital CEO, has only recently returned to Wrangell after taking time off and I believe it is important that she is here to address the Assembly on both of these issues. For the new hospital, I believe we can update the Assembly on the progress that has been made by the building committee and other related information. Both Marla and I believe there needs to be a discussion about the cost related to getting the information from the laptop and then the process of going through the thousands of documents that will be released to us.

Projects:

- **Cassiar** is getting closer to where they can begin to get the road prepared to start pouring concrete. They are done with most of the water and sewer and are working on the storm drains. Once that is done, they will be able to begin on the road surfacing. We have faced some problems, but are getting through those. Many of the issues on the road result in the fact that the right of way is simply very narrow. The inconvenience that the residents

are going through hopefully will only be another month or two and then the road will be complete and it will all be worth it.

- **Evergreen** is being done by the State of Alaska. Currently our attorney is working with the state's attorney on the document the State wants us to sign. We have some concerns and we hope to resolve most of those before bringing the document to the Assembly for approval and for approval to dedicate our portion of the funding.
- **Marine Center** is nearing completion with the final pour expected to be complete by the time you receive this report - pending weather. We have a change order for the paving portion of the road that enters from the Museum side of the project. At the same time we plan to resolve several drainage issues that exist for businesses in that area. One other aspect of the project currently being worked on is the building needed so that the oil separator system does not freeze in the winter which makes it not work properly. Finally, we plan to put some signing up that will limit access to the facility. This is being done for both safety and security reasons.

Swimming Pool:

We have been experiencing a variety problems at the swimming pool. This is a 30 year old pool and we have not had to do any major repairs to this facility. We are trying to work through the problems while keeping the pool open. We have a grant to do an assessment on the condition of the pool and this report will come up with a plan or list of things that need repaired in a priority order. Some of the issues are as follows:

- The domestic hot water tank used for showers and other such hot water around the facility has failed. We were able to have this patched together, but it was recommended that it be replaced with a small unit. The problem is the building was build around the tank and a replacement the same size will not fit through the doors. The solution is to have several smaller tanks. We are getting some help on this from Bill Goodale who is associated with Schmolck Mechanical.
- The heat exchanger which is a \$5,000 to \$10,000 item keeps failing prematurely. This unit heats the pool water and fails way before its life expectancy. We believe this may have to do with something else going on such as electrolysis or some other element causing this issue. There are specialized people out there that we are looking into for some help.
- We also have experience some leaking in the bottom of the pool. We have done some patching that currently seems to be holding, but when we do the assessment study we can do a more thorough job of looking at this.
- We also know there are some roof problems and other mechanical issues in the pool.

Again, this is a 30 year old pool. We are band-aiding the pool so we can continue to use it until the assessment report is completed to see what the extent of the issues are and the cost to fix them. Once that is completed, we need to lobby for some grant funds even if it is done in a phased process with the biggest issue first, in order to keep the pool open. Also, expect for us to come before the Assembly to ask for money for some of these small fixes.

Capital Project List:

It is that time of year again to start putting together a capital projects list for the legislature. Staff will start with last year's list and update that, and then add new things such as the pool or other items that have become a high priority. Please let me know if you have anything that you would like to see on the list. We have a little while but we want to start working on this early.

Agenda Item 9

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM

CLERK'S REPORT September 23, 2014

Mark Your Calendar:

- 9/22 - 10/6 **Absentee in-person, by-fax, and by-mail for the Regular Borough Election continues in the Borough Clerk's Office**
- 9/29 Let's Talk Trails!... Meeting in the Assembly Chambers from 6:30 pm to 8:30 pm
- 10/1 Parks & Recreation Mtg. to be held @ 7pm in the Assembly Chambers
- 10/2 Port Commission Mtg. to be held @ 7pm in the Assembly Chambers
- 10/7 Election Day for the Regular Borough Election to be held all day (8 am to 8 pm) at the Nolan Civic Center**
- 10/9 Canvass Board meets @ 1pm in the Assembly Chambers
- 10/9 Planning & Zoning Mtg. to be held @ 7pm in the Assembly Chambers
- 10/13 Special Assembly Mtg. to be held at noon to certify the Election results from the Regular Borough Election
- 10/14 Regular Borough Assembly meeting to be held at 7pm (possible PH to be held prior at 6:30 pm)
- 11/6 TBP Commission mtg. to be held telephonically in the Petersburg & Wrangell Assembly Chambers @ 10am
- 10/22-23 SEAPA Board Mtg. to be held in Petersburg on November 13 & 14, 2014

Regular Borough Election – Tuesday, October 7, 2014

The deadline to file your **Letter of Intent** as a Write-In Candidate is Friday, October 3rd at 5:00 p.m., for any of the following elected offices:

Mayor	1 (one) - 2 year term
Assembly Member	2 (two) - 3 year terms
Assembly Member	1 (one) - 1 year unexpired term
Port Commission	1 (one) - 3 year term
School Board	1 (one) - 3 year term
Hospital Board	2 (two) - 4 year terms

City Boards and Commissions Appointments

The deadline for interested persons to file a Letter of Interest for the City Boards and Commissions is October 6th, 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)

Agenda Item 10 a

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
September 23, 2014**

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS:

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

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

Agenda Item 12a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM September 23, 2014

INFORMATION:

PROPOSED ORDINANCE No. 887 (am): 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-amended*)

Attachments:

1. Memo from Clerk Lane
2. Proposed Ordinance No. 887 (am) *Amended*

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 887 (am) as amended, and move to a second with a Public Hearing to be held on October 14, 2014.

MEMORANDUM

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

**FROM: KIM LANE, CMC
BOROUGH CLERK**

SUBJECT: ORDINANCE No. 887 (am) AMENDED

DATE: September 17, 2014

BACKGROUND:

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

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

**** Assembly Member Rooney brought to my attention that the proposed ordinance does not address cleaning up after your dog while on a leash. Therefore, it has been added to section 7.08.040 (D)**

After the Assembly Meeting of September 23, 2014, the Code Review Committee met and approved the changes in the *amended* Proposed Ordinance. Those changes are:

1. Moving 7.08.060 (D) Impoundment, to 7.08.150 Interference with animal enforcement agents;
2. Changing the definition for Commercial animal establishment and adding a definition for Hobby animal establishment;
3. Adding a violation for 7.08.010 (C) Licensing and 7.08.020 Dog vaccination required

Recommended Action:

Move to approve first reading and move to a second with a Public Hearing to be held on October 14, 2014.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 887(am)

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;
2. Any property used to house or board any horse, mule, donkey, or other livestock for compensation;
3. For animals other than livestock, fish or fowl, any property used to house more than 20 adult animals for commercial purposes; or
4. Any property used to house more than 10 adult fowl for commercial purposes.

5. Any person who possesses animals for personal, noncommercial purposes as defined in subsection (T) of this section would be considered to have an “hobby animal establishment” not a “commercial animal establishment.”

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. Hobby animal establishment

Any property on which a person possesses, houses, or boards any horse, mule, donkey, or other livestock; or more than 20 adult animals other than livestock, fish, or fowl; or more than 10 adult fowl; when such animals are used for personal, noncommercial purposes.

U. Improperly confined

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

V. 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.

W. 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.

X. 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.

Y. Nuisance animal

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

Z. Objectionable animal

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

AA. Pet Shop

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

BB. Physical injury

Physical pain or an impairment of physical condition.

CC. 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 REGULATIONS¹**

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 an 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.

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

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

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] any domestic animal** 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] domestic animal** 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 domestic animals **[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 must be on leash or confined to a vessel at all times while in any Wrangell harbor, as provided in WMC 14.09.050.

C. 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.

D. 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.

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

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

7.08.045 Off-leash areas.

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. In addition, the Wrangell harbors are not off-leash areas.

B. The “business district” is described as follows: Water-ward starting from the Ferry Terminal down 2nd 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. Dogs must be on leash or confined to a vessel at all times while in any Wrangell harbor, as provided in WMC 14.09.050.

D. Dogs may be off-leash on land more than one-quarter mile from the Wrangell road system.

E. 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 area that is 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.~~108~~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].

A. 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.

B. 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.

C. 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: September 23, 2014.

PASSED IN SECOND READING: _____, 2014.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM September 23, 2014

INFORMATION:

PROPOSED ORDINANCE No. 889: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE (*first reading*)

Background:

During the Code Review Committee meeting, it was determined that Title 1 needed to include violations for Licensing and vaccinations.

Attachments:

1. Proposed Ordinance No. 889

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 889 and move to a second with a Public Hearing to be held on October 14, 2014.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 889

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE

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 the Minor Offense Fine Schedule in Section 1.20.050 of Chapter 1.20, General Penalty, of the Wrangell Municipal Code to add two Animals Code offenses to the fine schedule.

SEC. 2. Amendment. Section 1.20.050 of the Wrangell Municipal Code is amended to read:

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.

Section	Offense	Penalty/Fine
7.04.010	Cruelty – Abandonment	\$200
7.04.020	Animals at large prohibited	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>7.08.010</u>	<u>Licensing</u>	<u>\$25.00 fine for each offense.</u>

7.08.020	<u>Dog Vaccination required</u>	<u>\$50.00 fine for each offense.</u>
7.08.030	At large – Prohibited – Nuisance declared	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.
7.08.035	Objectionable animals	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.
7.08.040	Restraint requirements	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.
7.08.045 & 7.08.050	Off-leash areas & Off –leash area rules	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.
7.08.115	Potentially dangerous and dangerous dogs: violation of restrictions, confinement requirements, and sign requirements	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum \$500.00.
7.08.120	Biting dog – Confinement	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.
7.08.140	Proclamation to confine all dogs during epidemic	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.
7.08.150	Interference with animal enforcement agents	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.

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.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM September 23, 2014

INFORMATION:

Approval to dispose of City Surplus Property

Attachments:

1. Memo from Borough Manager, Jeff Jabusch
2. List of items to surplus

RECOMMENDED ACTION:

Move to approve the items listed as surplus, that these items be advertised for bid as required under Wrangell Municipal Code 5.10.060, and authorize the Borough Manager to dispose of any items not bid on, in a manner that is in the best interest of the City.

MEMORANDUM

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

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

SUBJECT: SURPLUS PROPERTY

DATE: September 12, 2014

INFORMATION:

The City has a list of property that is no longer used or needed for city use and it is recommended that these items be surplus.

Although these items are no longer needed by the city, they may be useful by others. The city plans, if approved by the assembly, to advertise these items for sealed bid. It is recommended that any items over \$25 that do not receive bids will go out as over the counter on a first come first service. All other items will be offered on a free basis for 30 days and then disposed.

Attachments:

List of surplus items

Recommended Action:

Move to approve the items listed as surplus, that these items be advertised for bid as required under Wrangell Municipal Code 5.10.060, and authorize the Borough Manager to dispose of any items not bid on, in a manner that is in the best interest of the City.

City & Borough of Wrangell
City Surplus List
October 15, 2014 @ 2:00 p.m.

Item #	Department	Item	Description	Serial Number - Other Information	Cond.	Location for Public Inspection	Minimum Bid Amount
1	Nolan Ctr	Dell Monitor	Never used CRV style monitor	CN-09M556-6418-348-32CV	new	Nolan Ctr	\$5
2	Nolan Ctr	Dell Monitor	Used Crv style Monitor	MY-080157-47603-423-B8XU	used	Nolan Ctr	\$5
3	Nolan Ctr	Dell Optiplex Computer	GX270 series - needs hard drive	SN# FDJKN41	ok	Nolan Ctr	\$5
4	Nolan Ctr	Kensington Keyboard	slim model K64365	A0728002281	ok	Nolan Ctr	\$1
5	Nolan Ctr	Sharp 161 Copier	Needs toner and may need other work	n/a	?	Nolan Ctr	\$5
6	Nolan Ctr	Glass Display table	30" High 32" diameter has 3 shelves	n/a	?	Nolan Ctr	\$10
7	Nolan Ctr	Fireproof File cabinets	Sears 4 Drawer leagal size, No key-unlocked	n/a	?	Nolan Ctr	\$10
8	Nolan Ctr	Fireproof File cabinets	Sears 4 Drawer leagal size, has broken handle on one drawer	n/a	?	Nolan Ctr	\$10
9	Nolan Ctr	Packing case	Orange hard size 4'2" x 3'4" x 6"	n/a	?	Nolan Ctr	\$5
10	City Hall	Blue Stadium Seats	From the Assembly Chambers	1 Row/4 seats to a Row	ok	Storage	\$10
11	City Hall	Blue Stadium Seats	From the Assembly Chambers	1 Row/4 seats to a Row	ok	Storage	\$10
12	City Hall	Blue Stadium Seats	From the Assembly Chambers	1 Row/4 seats to a Row	ok	Storage	\$10
13	City Hall	Blue Stadium Seats	From the Assembly Chambers	1 Row/4 seats to a Row	ok	Storage	\$10
14	City Hall	Blue Stadium Seats	From the Assembly Chambers	1 Row/4 seats to a Row	ok	Storage	\$10
15	City Hall	Blue Stadium Seats	From the Assembly Chambers	1 Row/4 seats to a Row	ok	Storage	\$10
16	City Hall	Blue Stadium Seats	From the Assembly Chambers	1 Row/4 seats to a Row	ok	Storage	\$10
17	P & R	HP Printer	Model 1010		fair	Community Ctr	\$5
18	P & R	HP Fax	Model: d125xi		fair	Community Ctr	\$5
19	P & R	HP Officejet Coper/Scanner/Printer	Model: 6122		fair	Community Ctr	\$5
20	P & R	HP Deskjet Printer			fair	Community Ctr	\$5
21	P & R	HP Officejet, All-in-One			fair	Community Ctr	\$5
22	P & R	Smith Cornoa Memory Typewriter			fair	Community Ctr	\$5
23	P & R	Metal stool - no seat			fair	Community Ctr	\$10
24	P & R	Round, plastic game table			good	Community Ctr	\$20
25	P & R	Square plastic game table			good	Community Ctr	\$20

26	P & R	Three Plastic chairs			good	Community Ctr	\$15
27	P & R	Sharp, Cinema Select Television with Table/Stand			good	Community Ctr	\$25
28	P & R	Sharp, Cinema Select Television with Table/Stand			good	Community Ctr	\$25
29	P & R	1 Pair Trak Oslo 3-pin cross country skis			good	Community Ctr	\$10
30	P & R	1 Pair Trak Rallye-jr (no Wax) 3-pin cross country skis			good	Community Ctr	\$10
31	P & R	1 Pair Leki, aluminum, 16mm dia., F 40 cross country ski poles (missing one basket)			good	Community Ctr	\$5
32	City Hall	2 drawer filing cabinet			fair	City Hall	\$5

Agenda Item 13c

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
September 23, 2014**

INFORMATION:

Approval to purchase a Grader through NC Machinery at Government Standard Pricing

Attachments:

1. Memo from Public Works Director, Carol Johnson
2. NC Machinery price and specification sheet
3. WMC Section 5.10.050 (B)

RECOMMENDED ACTION:

Move to approve the sole-source purchase of a Caterpillar Model 140M Excavator from NC Machinery for the GSA price (plus quoted options) of \$323,728.00 to be paid with funds allocated in the 2014-2015 budget.

City & Borough of Wrangell
Public Works Dept.

Memo

To: Honorable Borough Mayor and Borough Assembly

From: Carl Johnson

CC: Jeff Jabusch, Borough Manager
Kim Lane, Borough Clerk

Date: September 18, 2014

Re: Purchase of Caterpillar 140M Grader

BACKGROUND:

For many years now the City has been purchasing heavy equipment exclusively from Caterpillar. Each manufacturer of equipment now uses computer diagnostics, custom lubricants, manufacturer specific parts and tools, and programs where fluid samples are sent in for analysis to discover small problems before they become large problems. Until some pressing reason comes up to change, we prefer to stick to a single heavy equipment manufacturer.

The 2014-15 budget includes \$325,000 to purchase a Caterpillar model 140M grader. This grader will replace an existing 1989 Caterpillar model 120G grader which will be surplusd when the new grader arrives in December/January.

Federal GSA bids include a \$295,784.00 contract for the Model 140M grader with no options. Any optional equipment is added to the base price. The largest optional add-on is a mid-mount scarifier for \$14,868.00. The total cost of the grader, options, on-site training, and shipping comes to \$323,728.00.

5.10.050-I of the Municipal Code allows purchases of goods and services without bidding if the same terms are used as another Federal, State, or Alaskan municipality bid. In this case we are using a Federal GSA bid. 5.10.050-B of the Municipal code addresses the purchase without bidding of goods and services that can only be obtained from one source. In this case the optional equipment can only be purchased from Caterpillar and must be installed when the grader is manufactured.

NC Machinery is the exclusive regional Caterpillar representative who will handles all new Caterpillar sales in Alaska.

ATTACHMENTS:

1. NC Machinery price and specification sheet.

RECOMMENDED ACTION:

Approve sole-source purchase of Caterpillar Model 140M Excavator from NC Machinery for the GSA price plus quoted options of \$323,728.00 to be paid with funds allocated in the 2014-2015 budget.

Thank You,
Carl Johnson
Director of Public Works



City of Wrangell
 PO Box 531
 Wrangell, AK 99929

August 29, 2014

Attention: Carl Johnson

CATERPILLAR 2015 Model: 140M3 AWD Motor Grader

MACHINE SPECIFICATIONS

Description	Reference No
HEATER, ENGINE COOLANT, 120V	249-5516
RIM, 14" X 25" MP (SPARE)	252-0112
RIM, 14" X 25" AWD MP (SPARE)	252-0113
TIRES, 17.5R25 MX XSNO+ 1* MP	252-0779
LIGHTS, FRONT HEADLIGHTS, HIGH	309-9881
HITCH, TOWING	337-7510
MIRRORS, OUTSIDE HEATED	344-0984
MOLDBOARD, 14' PLUS	349-3048
BASE + 1 (MMS)	354-4113
ACCUMULATORS, BLADE LIFT	358-9338
MID MOUNT SCARIFIER PACKAGE	358-9341
MOUNTING, WARNING LIGHT	361-3137
NO ACCUGRADE	362-5222
GUARD, TRANSMISSION	366-2459
ARTICULATION GUARD	368-6239
PRODUCT LINK, SATELLITE PL321	373-6739
LIGHTS, SERVICE, INTERNAL	380-3070
PRECLEANER, NON SY-KLONE	380-6774
GLOBAL ARRANGEMENT,LOW AMBIENT	385-9297
CAB, PLUS (STANDARD GLASS)	385-9554
SEAT BELT	394-1492
COLD WEATHER PLUS PACKAGE AWD	394-4524
LIGHTS, WORKING, PLUS	395-1967
STARTER, ELEC, EXTREME DUTY	395-3547
TRANSMISSION, AUTOSHIFT	396-3515
CAMERA, REAR VISION	396-3921
CAB, PLUS (INTERIOR)	397-7457
PROVIDE PAPER PARTS MANUAL AND SERVICE SHOP MANUAL	
INSTALL 30 AMP 24/12 VOLT CONVERTOR	

Description**Reference No**

INSTALL LED ROTATING BEACON
INSTALL SLOW MOVING SIGN
PROVIDE ONE DAY ON SITE OPERATOR & MAINTENANCE TRAINING

GSA 2014 Base Price: \$295,784.00

Add on items: Articulation Guard: \$1,149.00
 Scarifier Package: \$14,868.00
 Auto-shift Trans: \$2,925.00
 Service Lights: \$175.00
 Rear view Camera: \$2,317.00
 Heated Mirrors: \$607.00
 Transmission Guard: \$3,105.00
 Spare Front Rim: \$1,442.00
 Spare Rear Rim: \$1310.00

Price Fob Wrangell AML dock: \$323,728.00

WARRANTY

Standard Warranty: 12 months/unlimited hours
Extended Warranty: 60 months/5,000 hours Power-train + Hydraulics

There is currently a December build slot available which we have reserved until September 15th. Estimated Seattle ship in January 2015.

Thank you,

Erik Clark

NC Machinery
Juneau, AK 99801

907-321-2665

5.10.050 When competitive bidding or quotations are not required.

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

B. Supplies, materials, equipment, or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;

Agenda Item 13d

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
September 23, 2014**

INFORMATION:

Approval of a Change Order to Rock-n-Road Construction for the Wrangell Marine Service Center Concrete Paving, Phase 3 project

Attachments:

1. Memo from Wrg. Projects Manager, Ruby McMurren
2. Rock-N-Road's lump sum bid proposal (change order)
3. RFP prepared by PND Engineers (Sept. 5, 2014)
4. Plan Set – 2 pages

RECOMMENDED ACTION:

Move to approve the change order with Rock-N-Road, Construction, Inc., for the construction of the North Entrance Repair Project, for contract amount of \$68,580.00 to be paid with DCCED grant funds.

MEMORANDUM

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

**FROM: RUBY MCMURREN
PROJECTS MANAGER**

**SUBJECT: WRANGELL MARINE SERVICE CENTER PAVING PH III –
APPROVAL OF CHANGE ORDER #2**

DATE: September 17, 2014

BACKGROUND

The City and Borough of Wrangell is currently under contract with Rock and Road Construction for the construction of the Wrangell Marine Service Center Concrete Phase III.

Grant funds for this project is provided by the Department of Commerce, Community and Economic Development (DCCED) and the Alaska Department of Environmental Conservation (ADEC). There are remaining funds to include the construction of the North Entrance Repair.

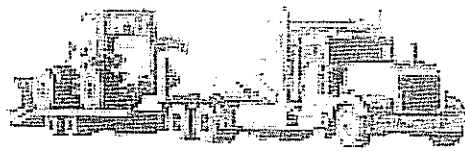
This change order will extend Silvernail Road to the Marine Service Center and provide a storm drain inlet to City Market and the Bay Company.

RECOMMENDATION

Staff recommends that the Assembly authorize the Borough Manager to approve the change order with Rock-N-Road, Construction, Inc., for the construction of the North Entrance Repair Project, in a contract amount of \$68,580.00 to be paid from grant funds designated for this project.

ATTACHMENTS:

1. Rock-N-Road's lump sum bid proposal dated September 10, 2104
2. RFP prepared by PND Engineers dated September 5, 2014
3. Plan set, 2 pgs



Rock-N-Road Construction, Inc.

September 10, 2014

City & Borough of Wrangell
PO BOX 531
Wrangell, Alaska 99929

Wrangell Marine Service Center Phase III
RFP No 1

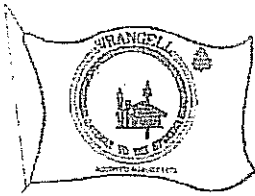
Provide an entrance slab adjacent to Area 1B

Lump Sum Price to demolish existing ACP and concrete sidewalks, grade and place concrete for an entrance slab at the north boat yard entrance.

Total Price: **\$68,580.00**

Sincerely,

Sig Burrell



CONTRACT CHANGE ORDER

NO: 2

Sheet 2 of 3

Contract No./Title: **Wrangell Marine Service Center Concrete Paving Phase 3**

Days added/subtracted by previous change order: 10 days to Base Bid

Days added/subtracted for this change order: Add 30 days to complete RFP #1 Work

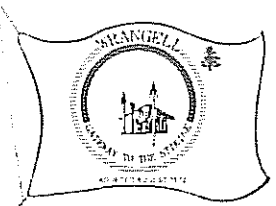
Revised Final Contract Completion Date: For RFP#1 is October 23, 2014

This document is an amendment to the above referenced contract and all provisions of the original contract shall apply hereto:

Name: Andy Bussell Contractor's Title: VP Date: 9-17-14

Description	Signature	Date
Consultant Firm Representative	<u>[Signature]</u>	<u>9/17/14</u>

Approved by Borough Manager _____
Jeff Jabuch _____ Date _____



Contract No./Title: Wrangell Marine Service Center Concrete Paving Phase 3		
CHANGE ORDER COST SUMMARY		
	Amount	Change in Contract Days
Original Contract Bid Amount	\$617,350.00	N/A
Change Order No. 1	(\$4,790.00)	10
Change Order No. 2	\$68,580.00	30
Change Order No. 3		
Change Order No. 4		
Change Order No. 5		
Change Order No. 6		
Change Order No. 7		
Change Order No. 8		
Change Order No. 9		
Change Order No. 10		
Change Order No. 11		
Change Order No. 12		
Change Order No. 13		
Change Order No. 14		
Change Order No. 15		
Change Order No. 16		
Change Order No. 17		
Change Order No. 18		
Change Order No. 19		
Change Order No. 20		
Total of All Change Orders	\$63,790.00	40
Percentage of Original Contract bid Cost	10.33%	
New Construction contract Total Amount	\$681,140.00	

REQUEST FOR PROPOSAL**North Entrance Repair**

Project Name: Wrangell Marine Service Center Phase 3

Contractor: Rock and Road Construction

Project No.:

Owner Project: CBW

Issuing Authority:
Mark Sams

RFP No.: 01

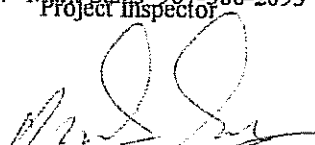
A proposal is requested for making the hereinafter described change in accordance with the specifications and drawing revisions cited herein or listed in attachment hereto. Submit your proposal in space provided below, including detailed breakdown of prime and subcontract costs. DO NOT start work under this Request For Proposal until you receive a copy of the signed Change Order by CBW Public Works, or a notice to proceed.

Description of Change:

Provide an entrance slab adjacent to Area 1B.

Provide a lump sum price to demolish existing ACP and concrete sidewalks, grade and place concrete for an entrance slab at the north boat yard entrance. Please see the attached sketch for limits of work. There is approximately 2400 square feet of 6" reinforced concrete slab with No.5 bars at 12" o.c. each way. There is also 119 LF of curb and gutter, 176 square feet of sidewalk slab, installation of a CBJ standard type IV catch basin and 63 LF of 12" diameter storm drain. Please see the attached sketch for grading, layout of curb and gutter and storm drain location.

Answer requested by: 9-10-14

Date: 9/5/14 Mark Sams 907-586-2093
Project InspectorCarl Johnson 907-305-0932
Public Works SuperintendentSignature: 

Date: _____

Signature: 

Date: 9-15-14

Contractor's Proposal - Change in Contract Price

Detailed breakdown. (Attach additional sheets as necessary.)

Net Increase	Net Decrease	Calendar Days Increase/Decrease
\$68,580.00	\$	30 days

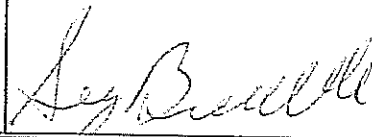
Date:

9/11/2014

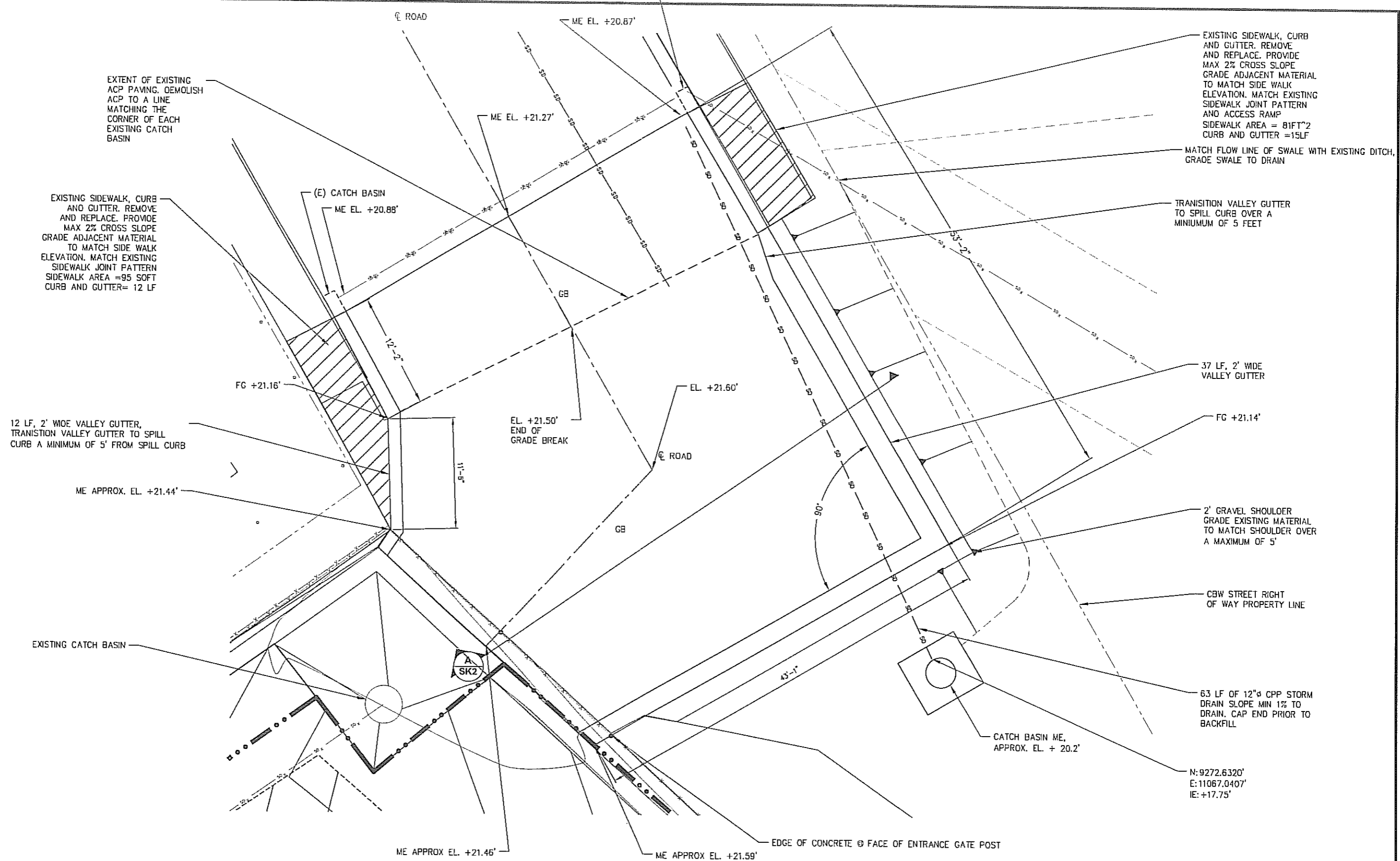
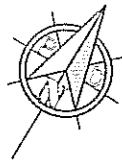
Typed or Printed Name and Title:

Sigmund Burrell, Vice President

Signature:



cc:



EXTENT OF EXISTING ACP PAVING. DEMOLISH ACP TO A LINE MATCHING THE CORNER OF EACH EXISTING CATCH BASIN

EXISTING SIDEWALK, CURB AND GUTTER. REMOVE AND REPLACE. PROVIDE MAX 2% CROSS SLOPE GRADE ADJACENT MATERIAL TO MATCH SIDE WALK ELEVATION. MATCH EXISTING SIDEWALK JOINT PATTERN SIDEWALK AREA = 95 SQ FT CURB AND GUTTER = 12 LF

12 LF, 2' WIDE VALLEY GUTTER, TRANSITION VALLEY GUTTER TO SPILL CURB A MINIMUM OF 5' FROM SPILL CURB

EXISTING CATCH BASIN

EXISTING SIDEWALK, CURB AND GUTTER. REMOVE AND REPLACE. PROVIDE MAX 2% CROSS SLOPE GRADE ADJACENT MATERIAL TO MATCH SIDE WALK ELEVATION. MATCH EXISTING SIDEWALK JOINT PATTERN AND ACCESS RAMP SIDEWALK AREA = 81 FT² CURB AND GUTTER = 15 LF

MATCH FLOW LINE OF SWALE WITH EXISTING DITCH, GRADE SWALE TO DRAIN

TRANSITION VALLEY GUTTER TO SPILL CURB OVER A MINIMUM OF 5 FEET

37 LF, 2' WIDE VALLEY GUTTER

FG +21.14'

2' GRAVEL SHOULDER GRADE EXISTING MATERIAL TO MATCH SHOULDER OVER A MAXIMUM OF 5'

CBW STREET RIGHT OF WAY PROPERTY LINE

63 LF OF 12" Ø CPP STORM DRAIN SLOPE MIN 1% TO DRAIN. CAP END PRIOR TO BACKFILL

N: 9272.6320'
E: 11067.0407'
IE: +17.75'

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.



9360 Glacier Highway, Ste. 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pndengineers.com

DESIGN: MOS CHECKED: PLR
DRAWN: MDS APPROVED: _____

SCALE: NTS

CITY AND BOROUGH OF WRANGELL, ALASKA
WRANGELL MARINE SERVICE CENTER
CONCRETE PAVING- PHASE III

SHEET TITLE:
NORTH ENTRANCE SLAB

SK 1

DATE: 9/4/14

PND PROJECT NO.: 112D71.04 DWG. FILE: 2.01_DWG

SHEET 1 OF 2

Agenda Item 14

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
September 23, 2014**

INFORMATION:

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

Agenda Item 15

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
September 23, 2014**

Executive Session – None.