



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

June 24, 2014 – 7:00 p.m.

Location: Assembly Chambers, City Hall

1. CALL TO ORDER

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Julie Decker
- b. INVOCATION to be given by Lynne Ogren with the Island of Faith Lutheran Church
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
 - i. Certificate of Service for David Galla – TBPC
 - ii. Certificate of Service for Stanly Schnell – Planning & Zoning Commission
 - iii. Certificate of Service for James Stough - TBPC

2. ROLL CALL

3. AMENDMENTS TO THE AGENDA

4. CONFLICT OF INTEREST

5. CONSENT AGENDA

- a. Items (*) 6a and 7a

6. APPROVAL OF MINUTES

- *a. Minutes of the Board of Adjustment meeting held on June 9, 2014; Minutes of the Budget Public Hearing and Regular Assembly meetings held June 10, 2014

7. COMMUNICATIONS

- *a. Minutes of the Regular School Board meeting of April 21, 2014

8. BOROUGH MANAGER'S REPORT

9. BOROUGH CLERK'S FILE

10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

- a. Reports by Assembly Members
- b. Appointment of an Assembly Member to the Code Review Committee
- c. Appointment of an Assembly Member as the Hospital Board Liaison
- d. Appointment to fill the vacancy on the Economic Development Committee
- e. Appointment to fill the vacancies on the Thomas Bay Power Commission
- f. Appointment to fill the vacancy on the Planning & Zoning Commission

11. PERSONS TO BE HEARD

12. UNFINISHED BUSINESS

- a. PROPOSED ORDINANCE No. 880: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.045, CREATING PARK TREES REGULATIONS (*second reading*)
- b. PROPOSED ORDINANCE No. 881: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.04 OF TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO THE GENERAL PROVISIONS FOR THE ASSEMBLY (*second reading*)
- c. PROPOSED ORDINANCE No. 882: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING A NEW CHAPTER 3.05 TO TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO RULES OF PROCEDURE FOR THE ASSEMBLY (*second reading*)
- d. PROPOSED ORDINANCE No. 883: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 15.12.200, 15.12.210, 15.12.215, 15.12.222, AND 15.12.223, AND 15.12.240 OF CHAPTER 15.12, ELECTRICITY, OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ELECTRICAL RATES, AND ESTABLISHING AN EFFECTIVE DATE (*second reading*)

13. NEW BUSINESS

- a. PROPOSED RESOLUTION No. 06-14-1298: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REPEALING RESOLUTION NO. 09-09-1167, CITY RULES OF PROCEDURE, BECAUSE THE RULES OF PROCEDURE HAVE BEEN REVISED AND CODIFIED IN TITLE 3 OF THE WRANGELL MUNICIPAL CODE
- b. Approval of Classification of Tidelands for Lease, Lot3, USS 3534, requested by Mark Mitchell
- c. Approval of the submittal to the State of Alaska for Municipal Entitlement of Lands
- d. Acceptance of the resignation from James Stough from the Borough Assembly
- e. Approval of the Conceptual Wrangell Trail Link Design Layout

14. ATTORNEY'S FILE

15. EXECUTIVE SESSION

- a. Discussion of Union Negotiations

16. ADJOURNMENT

Agenda Items 1 - 6

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY

AGENDA ITEM

June 24, 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 Julie Decker
- b. Invocation to be given by Lynne Ogren with the Island of Faith Lutheran Church
- c. Ceremonial Matters – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
 - i. Certificate of Service for David Galla – TBPC
 - ii. Certificate of Service for Stanly Schnell – Planning & Zoning Commission
 - iii. Certificate of Service for James Stough - TBPC

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**

ITEM NO. 6 APPROVAL OF MINUTES:

INFORMATION:

6a *Minutes of the Board of Adjustment meeting held on June 9, 2014; Minutes of the Budget Public Hearing and Regular Assembly meetings held June 10, 2014*


CERTIFICATE OF SERVICE

The City & Borough of Wrangell, Alaska
Presents this Certificate of Service to:

David Galla

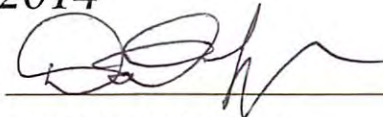
for his service and dedication on the Thomas Bay Power Commission
from:

October 1999 – June 2014



ATTEST: Kim Lane, CMC, Borough Clerk

Dated this 24th day of June, 2014



David L. Jack, Mayor



CERTIFICATE OF SERVICE

The City & Borough of Wrangell, Alaska
Presents this Certificate of Service to:

Stanley Schnell

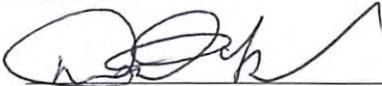
for his service and dedication on the Planning & Zoning Commission
from:

November 2005 – June 2014

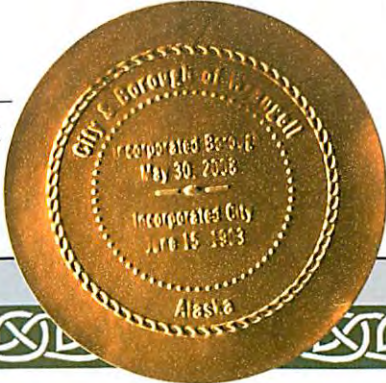


ATTEST: Kim Lane, CMC, Borough Clerk

Dated this 24th day of June, 2014



David L. Jack, Mayor



CERTIFICATE OF SERVICE

The City & Borough of Wrangell, Alaska
Presents this Certificate of Service to:

James Stough

for his service and dedication on the Thomas Bay Power Commission
from:

October 2013 – June 2014



ATTEST: Kim Lane, CMC, Borough Clerk

Dated this 24th day of June, 2014



David L. Jack, Mayor



**Minutes for the Board of Adjustment
Held on June 9, 2014**

Vice Mayor Julie Decker called the Board of Adjustment meeting to order at 6:20 p.m., June 9, 2014, in the Borough Assembly Chambers. Assembly Members Stough, Wiederspohn, and Blake were present. Assembly Member McCloskey and Mayor Jack were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

PUBLIC HEARING ITEM

Appeal filed by James Brenner, appealing the decision made by the Planning and Zoning Commission, on a three foot variance to the height requirement on Lot 7B, McCay Subdivision, zoned Single Family Residential, requested by James Brenner, owned by Bert and Tammy McCay.

WRITTEN TESTIMONY

- Correspondence from Mr. Tim Murray in opposition to the variance was received.
- Correspondence from Mr. James Brenner supporting his appeal was received.

ORAL TESTIMONY

James Brenner, P.O. Box 78, Wrangell, provided opposing testimony on the claim by Mr. Tim Murray that there would be a loss of sunlight; according to a measurement that was done by Public Works Director Johnson, Mr. Murray's house is 28 feet tall.

Mr. Brenner stated that if he had to back-fill on one side, the measurement of the house (ridge line) would be in compliance with code but the house would not change in height; placing more back-fill could create water intrusion issues. Mr. Brenner also said that he had made some changes to the house design to decrease the height of the house by a couple of feet.

Tim Murray, 1275 Riverside Dr., Aspen, Co, stated that Mr. Brenner wants to build a very large house; if the house were narrower, it would be more acceptable; will lose sunlight.

Mr. Brenner said that there were no complaints from the other neighbors. Mr. Brenner stated that the view would be lost regardless; that was a buildable lot; lot was subdivided in 1997; Mr. Murray purchased his lot in 2000; Mr. Murray could have purchased the lot if he was worried about a view being obstructed.

Carol Rushmore, Economic Director, explained the way that the height measurements are determined.

DISCUSSION AND DECISION OF THE BOARD OF ADJUSTMENT

Assembly Member Stough stated that the question was just how much back-fill would be placed; should maintain a crawlspace so that there wouldn't be water intrusion; height of the house would stay the same.

Assembly Member Blake agreed that there could be water intrusion problems if Mr. Brenner were to back-fill to the foundation; would be good to have a crawl space to do maintenance.

In response to Blake, Mr. Brenner stated that at this time, there would be a mother-in-law unit on the lot.

In response to Blake, Jabusch stated that in Single Family Residential zoned areas, duplexes were allowed.

Mr. Brenner stated that he would be taking up 1800 square feet of the lot which is roughly 20% of the lot.

Assembly Member Wiederspohn agreed that he should be allowed to have the crawl space for maintenance.

Mr. Murray stated that the house could have a bigger crawl space if the house were to be narrower; reason why the zoning ordinance is there is to make the houses conform; everyone else has had to make changes to build to 25 feet.

Vice Mayor Decker stated that there was a way to comply with the code if Mr. Brenner were to add fill; does not make sense to add fill if it will not change Mr. Murray's situation.

Mr. Murray commented that if the Board were to allow Mr. Brenner to build a house that has a basement above grade; we don't have basements in Wrangell because the ground is wet; you're not paying attention to the codes; rules are there, they are good ones.

M/S: Stough/Blake, that the Board of Adjustment grant an appeal hearing variance to James Mr. Murray and allow a three (3) foot variance to the height requirement on Lot 7b, McCay Subdivision, zoned Single Family Residential.

In response to Vice Mayor Decker, Mr. Brenner stated that he was requesting three (3) feet however; he would not be building the house any taller than he had discussed. He further stated that three (3) feet would allow for some wiggle-room.

Motion approved unanimously by polled vote. (4/0)

Adjourned at 6:52 p.m.

Julie Decker, Vice Mayor

ATTEST: _____
Kim Lane, Borough Clerk

**Minutes of Public Hearing
Held June 10, 2014**

Vice Mayor Julie Decker called the Public Hearing to order at 6:30 p.m., June 10, 2014 in the Borough Assembly Chambers. Assembly Members Blake, Wiederspohn, Stokes, and McCloskey were present. Assembly Member Stough arrived at 6:40 p.m. Mayor Jack was absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Public Hearing Item

The purpose of the hearing is to give citizens an opportunity to make comments on the City & Borough of Wrangell's Budget for FY 2014/2015 prior to a final decision to be made by the Borough Assembly.

WRITTEN TESTIMONY – None.

ORAL TESTIMONY

Brennon Eagle, 5.5 Mile Zimovia Hwy., requested that the Senior Ball Field be funded at \$25,000 at not reduced to \$10,000 as proposed in the amended budget.

Recessed at: 6:34 p.m.

Reconvened at: 6:50 p.m.

WRITTEN TESTIMONY

There was no written testimony.

ORAL TESTIMONY

Manager Jabusch reviewed the suggested amendments to the budget.

Adjourned at: 7:00 p.m.

Julie Decker, Vice Mayor

ATTEST: _____
Kim Lane, Borough Clerk

**Minutes of Regular Assembly Meeting
Held on June 10, 2014**

Vice Mayor Julie Decker called the Regular Assembly meeting to order at 7:00 p.m., June 10, 2014, in the Borough Assembly Chambers. Assembly Members Stough, Wiederspohn, Blake, and McCloskey were present. Mayor Jack was absent. 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 Donald McConachie Sr.

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

AMENDMENTS TO THE AGENDA – None.

CONFLICT OF INTEREST – None.

CONSENT AGENDA

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

APPROVAL OF MINUTES

The minutes of the Regular Assembly meeting held May 13, 2014 were approved as presented.

COMMUNICATIONS

- *a. Travel Summary for the month of April, 2014

BOROUGH MANAGER'S REPORT

Borough Manager Jabusch's report was provided.

BOROUGH CLERK'S FILE

Borough Clerk Lane's Report was provided.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members – None.

10b Appointment to fill the vacancy on the Economic Development Committee

As there were no letters of interest received for the vacancy on the Economic Development Committee, Mayor Jack directed the Borough Clerk to continue advertising.

10c Appointment to fill the vacancy on the Borough Assembly

M/S: Stough/Blake, to appoint Mark Mitchell to fill the vacancy on the Borough Assembly for the unexpired term ending October, 2014. Motion approved unanimously by polled vote.

PERSONS TO BE HEARD

Michael Brewster, Evergreen Trailer Court, requested that the Assembly consider implementing a section in the code to enforce the burning of debris that causes massive amounts of smoke in residential neighborhoods.

The consensus of the Assembly was to direct the Code Review Committee to look into this.

Megan Clark, Museum Director, 204 First Ave., updated the Assembly on the progress of the Wrangell Museum.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

13a PROPOSED ORDINANCE No. 880: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.045, CREATING PARK TREES REGULATIONS (*first reading*)

M/S: Wiederspohn/Stough, to approve first reading and move to a second with a Public Hearing to be held on June 24, 2014. Motion approved unanimously by polled vote.

13b PROPOSED RESOLUTION No. 06-14-1295: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE HEALTH REIMBURSEMENT ARRANGEMENT FOR EMPLOYEES OF THE CITY AND BOROUGH

M/S: Blake/McCloskey, to adopt Resolution No. 06-14-1295. Motion approved unanimously by polled vote.

13c PROPOSED RESOLUTION No. 06-14-1296: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, LEVYING A GENERAL TAX FOR SCHOOL AND MUNICIPAL PURPOSES UPON ALL TAXABLE PROPERTY WITHIN THE BOROUGH FOR THE TAX YEAR 2014 PURSUANT TO WRANGELL MUNICIPAL CODE SECTION 5.04.010; PROVIDING FOR THE COLLECTION OF TAXES DUE IN 2014 AND PRESCRIBING PENALTIES AND INTEREST FOR DELINQUENT TAXES

M/S: McCloskey/Wiederspohn, to adopt Resolution no. 06-14-1296. Motion approved unanimously by polled vote.

13d PROPOSED RESOLUTION No. 06-14-1297: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING THE BUDGET FOR ALL FUNDS OF THE CITY OF WRANGELL, ALASKA, FOR THE FISCAL YEAR 2014-2015

M/S: Wiederspohn/Blake, to adopt Resolution no. 06-14-1297.

At the request of Assembly Member McCloskey, Manager Jabusch clarified that on the amendment to reduce the funding for the Senior Ball Field, the reduction would be \$15,000.

The Assembly expressed concern on if \$10,000 to fund the Senior Ball Field would be sufficient.

Manager Jabusch stated that if the funding were to be \$25,000 for the Senior Ball Field, the funding would have to come from somewhere; funding typically goes towards items that have high usage.

Amber Al-Haddad, P&R Director, stated that with some imagination, it should be sufficient.

Manager Jabusch explained that if the Light Fund were to continue to collect the current fees, and there were to be no rebate, the City would be losing approximately \$300,000 in the budget.

Vice Mayor Decker suggested that the Assembly add an item to the budget for a State Lobbyist. Assembly Members Stough and Blake agreed.

Direction was given to the Borough Manager to review the budget and try to bring back an amendment to add a State Lobbyist with the amount to be between \$32,000 to \$38,000.

Kay Jabusch, Library Director, reported that there were 200 student enrolled in the Summer Reading Program; she thanked the community for their donations to the program; will be receiving \$500 for the Summer Reading Program from the State Granting program in lieu of her being paid an honorarium for teaching classes with the State Library.

13e PROPOSED ORDINANCE No. 881: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.04 OF TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO THE GENERAL PROVISIONS FOR THE ASSEMBLY *(first reading)*

M/S: Blake/Wiederspohn, to approve first reading and move to a second with a Public Hearing to be held on June 24, 2014. Motion approved unanimously by polled vote.

13f PROPOSED ORDINANCE No. 882: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING A NEW CHAPTER 3.05 TO TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO RULES OF PROCEDURE FOR THE ASSEMBLY *(first reading)*

M/S: McCloskey/Wiederspohn, to approve first reading and move to a second with a Public Hearing to be held on June 24, 2014.

It was the consensus of the Assembly that the section on Public Participation be revised to say: "... prior to the call for persons to be heard..." in regards to the Mayor prescribing time limits.

Vice Mayor Decker requested that the Assembly consider allowing member voting when calling into a meeting.

It was the consensus of the Assembly not to allow voting when calling into a meeting.

Motion approved unanimously by polled vote.

13g PROPOSED ORDINANCE No. 883: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 15.12.200, 15.12.210, 15.12.215, 15.12.222, AND 15.12.223, AND 15.12.240 OF CHAPTER 15.12, ELECTRICITY, OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ELECTRICAL RATES, AND ESTABLISHING AN EFFECTIVE DATE (*first reading*)

M/S: Stough/McCloskey, to approve first reading and move to a second with a Public Hearing to be held on June 24, 2014.

After discussion, the consensus of the Assembly was to enact a 7% rate increase beginning July 1, 2014. Manager Jabusch said that for the next Fiscal Year budget, the he and the Finance Director would review if there should be another rate increase.

Motion approved unanimously by polled vote.

13h Discussion and possible action regarding roosters in single and multi-family zoned properties (*item added by Assembly Member Decker*)

There was no action taken on this issue as ***Terri Henson, Planning & Zoning Commission Chairperson***, stated that the Commission was currently looking at this issue.

13i Approval of an agreement between DOT and CBW to take over operations of the Meyers Chuck float

M/S: Stough/McCloskey, to approve the agreement with the State of Alaska Department of Transportation and Public Facilities for the transfer of the Meyers Chuck Float System in the amount of \$1,400,000 with the money to be used as follows:

- ***\$700,000 to be used to match state funds to rebuild the Meyers Chuck Float when a fee based moorage system is agreed to by the Meyers Chuck residents.***
- ***And the remaining \$700,000 will be used on the Wrangell float system.***

In response to Assembly Member Blake, ***Greg Meissner, Harbormaster*** stated that the residents of Meyers Chuck were aware of the fact that the City would be charging moorage fees.

Motion approved unanimously by polled vote.

13j Approval of Change Order No. 1 & 2 for the Cassiar Street Roadway and Utilities Improvement Project

M/S: Stough/Blake, to approve Change Order #1 in the amount of \$102,470.00 and to approve Change Order #2 in the amount of \$187,430.00 (total \$289,900.00) with funding

to come from Grants for the Cassiar Street Project. Motion approved unanimously by polled vote.

ATTORNEY'S FILE – A summary report was provided to the Assembly.

EXECUTIVE SESSION –

15a Borough Clerk's Evaluation

M/S: Blake/McCloskey, pursuant to 44.62.320 (c) (2), that we recess into executive session to discuss matters that may tend to prejudice the reputation and character of any person, specifically the Borough Clerk's Evaluation. Motion approved unanimously by polled vote.

15b Discussion of Union grievance arbitration proceeding

M/S: McCloskey/Wiederspohn, to go into executive session to discuss a union grievance arbitration proceeding, which the immediate knowledge of would clearly have an adverse effect upon the finances of the Borough. Motion approved unanimously by polled vote.

Recessed into Executive Session @ 8:40 p.m.

Reconvened back into the Regular Meeting @ 9:45 p.m.

15a Borough Clerk's Evaluation

M/S: Stough/Wiederspohn, to move approve a step increase for the City Clerk from 27-4 to a 27-5 from due to a good report and evaluation. Motion approved unanimously by polled vote.

15b Discussion of Union grievance arbitration proceeding

M/S: Stough/Blake, to authorize the Borough Manager and the Mayor to finalize the agreement with the Union, resolving the Union grievance arbitration proceeding. Motion approved unanimously by polled vote.

Meeting adjourned at: 9:48 p.m.

Julie Decker, Vice Mayor

ATTEST: _____
Kim Lane, CMC, Borough Clerk

Agenda Item 7

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM June 24, 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 Regular School Board meeting of April 21, 2014

Item *7a

PROCEEDINGS

**MINUTES
WRANGELL SCHOOL BOARD
REGULAR MEETING**

**April 21, 2014; 6:30 PM
Evergreen Elementary School Room 101-Intermediate**

**CITY CLERK
JUN 17 2014
RECEIVED**

President Susan Eagle called the regular meeting of the Wrangell Public School Board to order at 6:31 P.M. on April 21, 2014.

CALL TO ORDER

A quorum was determined with the following school board members present: Susan Eagle, Tammy Groshong, Rinda Howell, Krissy Smith and Cyni Waddington. Also present was Superintendent Rich Rhodes, Secondary Principal Monty Bunes and Recording Secretary Kimberly Powell.

DETERMINE QUORUM

The Pledge of Allegiance was recited, led by Susan Eagle.

PLEDGE OF ALLEGIANCE

Student Body President Robbie Marshall left on the jet today to attend Art Festival. Matthew Covalt reported to the board in his place. Matthew told the board that we currently have 82 students at the high school; this time last year, we had 98 students. March Student of the Months are Teresa Flores and Blake Stokes. Mr. Bunes will be meeting with students this week to begin course selection for next year. Wednesday, April 23, Mr. Bunes will be meeting with the 8th graders to create 4-year plans and go over the HSGQE. Mrs. Luetkemyer is taking students to Art Festival this week. We have a full softball team and are planning home and away games with Petersburg. Mathew also reviewed upcoming dates with the board. He handed out a list of student council.

STUDENT REPRESENTATIVE REPORT

Parent Kelly Decker told the board that she's here because she's having problems with bullying at the school. She explained that she's coming at this from a "reverse side". Mrs. Decker said that she's been working a lot through the tax season. Her son has been named by another parent in the community as part of the problem. This past weekend, her son was threatened by a bunch of older boys for picking on another child. Mrs. Decker is disturbed because the allegations that are being made have absolutely no backup. She feels that it was very irresponsible of the paper to run the article on bullying without contacting both sides of the alleged problem. Mrs. Decker said that she has been picking up her child from school and keeping him home in order to give him an alibi. People are pointing fingers at students who have nothing to do with any of this.

GUESTS TO BE HEARD

Celsee Churchill shared Mrs. Decker's concerns and said that parents have to be strategically planted in order to keep their children from being accused of being bullies. These are sweet children who would not even think of doing the things they are being accused of.

Glen Decker and Randy Churchill, Jr. did not speak individually but said they were present to support Mrs. Decker's input and said that she summed up the problem well.

The agenda was approved as presented.

APPROVAL OF AGENDA

Motion to approve the minutes of the March 17, 2014 Regular School Board Meeting, the March 22, 2014 Special Board Meeting, the April 14, 2014 Special Board Meeting and the April 16, 2014 Special Board Meeting as presented by Rinda Howell, seconded by Tammy Groshong. Poll vote: Krissy Smith: Yes; Cyni Waddington: Yes; Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved unanimously.

APPROVAL OF MINUTES

Information & Reports were accepted by unanimous consent.

ACCEPTED INFORMATION & REPORTS

Motion to accept the recommendation from Wrangell Teachers Association on the 2014-2015 and submit it to the Department of Education for approval by Tammy Groshong, seconded by Rinda Howell. Poll vote: Cyni Waddington: Yes; Tammy Groshong: No; Rinda Howell: Yes; Krissy Smith: Yes; Susan Eagle: No. Motion approved.

APPROVED THE 2014-2015 SCHOOL CALENDAR

Motion to recess into a public hearing to collect community input on the fiscal year 2015 budget by Krissy Smith, seconded by Cyni Waddington. Recessed by unanimous consent.

RECESSED INTO A PUBLIC HEARING AT 8:53 PM

WTA President Ryan Howe asked the board if it is true that the health premiums froze. Superintendent Rhodes acknowledged that this correct. Mr. Howe also asked what caused the \$37,000.00 reduction in staffing. Mr. Rhodes said it was the hire of Mrs. Howe in place of a retiring staff member.

PUBLIC HEARING RE:
FY'15 BUDGET

Reconvened into Regular Session at 6:54 PM

RECONVENED INTO
REGULAR SESSION AT
6:54 PM
ADOPTED THE FY'2015
BUDGET

Motion to adopt the fiscal year 2015 budget as presented for submittal to the City and Borough of Wrangell by May 1, 2014 by Rinda Howell, seconded by Krissy Smith. Poll vote: Rinda Howell: Yes; Krissy Smith: Yes; Cyni Waddington: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved unanimously.

Motion to accept the grant award of \$1,000.00 from Alaska Public Entity Insurance for human resources training and support of school safety measures including renumbering classrooms by Krissy Smith, seconded by Cyni Waddington. Poll vote: Krissy Smith: Yes; Cyni Waddington: Yes; Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved unanimously.

ACCEPTED THE APEI
LOSS CONTROL GRANT
AWARD

Motion to accept the Carl Perkins Grant Award in the amount of \$17,895.00 to provide career and technical education to our secondary students by Cyni Waddington, seconded by Krissy Smith. Poll vote: Cyni Waddington: Yes; Tammy Groshong: Yes; Rinda Howell: Yes; Krissy Smith: Yes; Susan Eagle: Yes. Motion approved unanimously.

ACCEPTED THE CARL
PERKINS GRANT AWARD

Motion to offer Dave Silva a contract to conduct speech services for the 2014-2015 school year, as presented by Tammy Groshong; seconded by Rinda Howell. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Krissy Smith: Yes; Cyni Waddington: Yes; Susan Eagle: Yes. Motion approved unanimously.

OFFERED DAVE SILVA A
CONTRACT TO CONDUCT
SPEECH SERVICES FOR
THE 2014-15 SCHOOL
YEAR

Superintendent Rhodes introduced Mr. Bruce Turner from Nana Management Services (NMS). Mr. Rhodes told the board that Mr. Turner has had a long career in school food service management; he is here to review our food service program. Mr. Turner told the board that one of the discussions today centered on equipment that, although in place, is not really in place. He said there is an oven that needs to be installed. There is no need to purchase a vehicle because NMS has one in Juneau that could be sent down. The staff is doing a great job in a hard situation. They are currently cooking in an antiquated home economics room. There is a need for some organization and to set in place some of the equipment that the school already owns. The convection oven is currently sitting in a closet; it needs to be put into place in the kitchen and vented appropriately. There is some electrical and venting work that needs to be done in order to enhance the quality of the food served. Currently the staff is shuffling food through one household oven. They have to cook food far in advance in order to get the quantity need through one oven. There is a grill down in the concession kitchen that could be used for batch cooking for griddled cheese or patty melts, etc. Mrs. Howell asked if he had any idea of a dollar amount for the needed upgrades. Mr. Turner could not give an actual amount but said it would depend on the cost of the electrician. He named a possible figure of \$10 - \$15,000.00. He said he also looked at the possibility of using the concession kitchen although the current plan is to remain in the home economics room. Superintendent Rhodes said that there would have to be an architect brought in to go over the scope of work and then it would have to go out to a Request for Proposal. He said he and Mr. Turner are meeting again at 8:00 a.m. to go over the structure. Mrs. Howell asked if there are set recipes that they have quality control on. Mr. Turner replied that yes, they do. He feels that comes down to training and working with the staff. He said that the ongoing support would do a lot. He likes to think that he makes a difference in a student's life. NMS would hire people from the community. One of the biggest problems we have now is the staff turnover. Some of this is caused by reduced hours due to the Affordable Care Act. NMS will offer health benefits, a 401 K, etc. This should reduce the amount of turnover we currently see. He would like to see a nice, hot breakfast served at least three times a week. He said he personally wouldn't eat our breakfast on Mondays because cereal is served. It is important to find options that students like to eat. Mr. Turner sees a need to expand the salad bar. He doesn't want to be so dependent on the commodities because the quality is not always what they're looking for. The school will continue to provide the milk since we can get it cheaper than NMS can purchase it. Mrs. Eagle would like to have a teleconference prior to the next meeting in case the board has further questions.

DISCUSSED THE FOOD
SERVICE CONTRACT

<p>Motion to approve the contract with Patrick Mayer for the position of Superintendent beginning July 1, 2014 as presented by Rinda Howell, seconded by Tammy Groshong. Poll vote: Rinda Howell: Yes; Krissy Smith: Yes; Cyni Waddington: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>APPROVED THE CONTRACT WITH PATRICK MAYER FOR THE POSITION OF SUPERINTENDENT</p>
<p>Motion to offer Laurie Brown and Michelle Jenkins teaching contracts for the 2014-2015 school year with appropriate placement on the salary schedule by Tammy Groshong; seconded by Cyni Waddington. Poll vote: Krissy Smith: Yes; Cyni Waddington: Yes; Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>OFFERED LAURIE BROWN AND MICHELLE JENKINS TEACHING CONTRACTS FOR THE 2014-2015 SCHOOL YEAR</p>
<p>Reviewed the In-house Transfers of Certificated Personnel:</p> <ul style="list-style-type: none"> * Heather Howe, High School Science * Donna Massin, High School Math 	<p>REVIEWED IN-HOUSE TRANSFERS</p>
<p>Motion to offer contracts to the non-tenured teachers for the 2014-2015 school year as presented by Cyni Waddington, seconded by Krissy Smith. Poll vote: Cyni Waddington: Yes; Tammy Groshong: Yes; Rinda Howell: Yes; Krissy Smith: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>OFFERED CONTRACTS TO NON-TENURED TEACHERS</p>
<p>Reviewed the Resignations of Personnel:</p> <ul style="list-style-type: none"> * Marilyn Burgess, Secondary Science Teacher * Toni Marie Guggenbickler, Paraprofessional * Deanna Homer, Dish Washer * Kathleena Younce, Paraprofessional 	<p>REVIEWED EMPLOYEE RESIGNATIONS</p>
<p>Motion to accept the first reading of Board Policy #3513.3, Tobacco Free Schools to further define the definition of "tobacco" by Rinda Howell; seconded by Tammy Groshong. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Krissy Smith: Yes; Cyni Waddington: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>ACCEPTED THE FIRST READING OF BOARD POLICY #3513.3, TOBACCO FREE SCHOOLS</p>
<p>Reviewed Board Policy #4020, Drug, Tobacco and Alcohol-Free Workplace</p>	<p>REVIEWED BOARD POLICY #4020, DRUG, TOBACCO AND ALCOHOL FREE WORKPLACE</p>
<p>Motion to accept the second reading of Board Policy 4030 for inclusion in the policy manual by Tammy Groshong; seconded by Rinda Howell. Poll vote: Rinda Howell: Yes; Krissy Smith: Yes; Cyni Waddington: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>ACCEPTED THE SECOND READING OF BOARD POLICY #4030, NONDISCRIMINATION IN EMPLOYMENT</p>
<p>Reviewed Board Policy #5131.62, Tobacco.</p>	<p>REVIEWED BOARD POLICY #5131.62, TOBACCO</p>
<p>Reviewed Board Policy #5141.3, Health Examinations</p>	<p>REVIEWED BOARD POLICY #5141.3, HEALTH EXAMINATIONS</p>
<p>Motion to accept the first reading of Board Policy #5141.31, Immunizations to bring it in line with state statute by Rinda Howell; seconded by Tammy Groshong. Poll vote: Krissy Smith: Yes; Cyni Waddington: Yes; Tammy Groshong: Yes; Rinda Howell: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>ACCEPTED THE FIRST READING OF BOARD POLICY #5141.31, IMMUNIZATIONS</p>
<p>Motion to approve entering into a contract with the South East Regional Resource Center in the amount of \$32,510.75 to provide psychology and occupational therapy services during FY'2015 by Rinda Howell, seconded by Krissy Smith. Poll vote: Cyni Waddington: Yes; Tammy Groshong: Yes; Rinda Howell: Yes; Krissy Smith: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>APPROVED ENTERING INTO A CONTRACT WITH SERRC TO PROVIDE PSYCHOLOGY AND OCCUPATIONAL THERAPY SERVICE FOR FY'15</p>
<p>Motion to accept the 2014-2017 Technology and Telecommunications Plan as presented by Krissy Smith; seconded by Rinda Howell. Poll vote: Tammy Groshong: Yes; Rinda Howell: Yes; Krissy Smith: Yes; Cyni Waddington: Yes; Susan Eagle: Yes. Motion approved unanimously.</p>	<p>ACCEPTED THE 2014-2017 TECHNOLOGY AND TELECOMMUNICATIONS PLAN</p>
<p>Motion to recess into executive session to discuss a matter that may prejudice the reputation and character of any person more specifically to conduct the evaluation of the Superintendent. Superintendent Rhodes has been previously notified of the executive session and has waived his right to a public discussion by Rinda Howell, seconded by Krissy Smith. Recessed into executive session per unanimous consent.</p>	<p>RECESSED INTO EXECUTIVE SESSION AT 7:36 PM</p>
<p>Reconvened into Regular Session at 7:36 P.M. to review the Upcoming Dates and Meeting Announcements and Future Agenda Items while the public is present at the meeting.</p>	<p>RECONVENED INTO REGULAR SESSION</p>

Reviewed the Upcoming Dates and Meeting Announcements

Reviewed Future Agenda Items

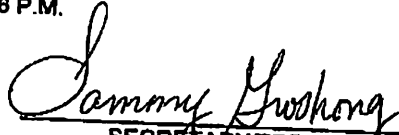
Recessed into Executive Session to conduct the Superintendent's Evaluation

Reconvened into regular session at 8:45 P.M. and made the following statement, "Superintendent Rhodes was given an acceptable evaluation."

Meeting Adjourned at 8:46 P.M.

REVIEWED THE
UPCOMING DATES
REVIEWED FUTURE
AGENDA ITEMS
RECESSED INTO
EXECUTIVE SESSION AT
7:40 PM
RECONVENED INTO REGULAR
SESSION AT 8:45 PM

ADJOURNED AT 8:46 PM


SECRETARY/TREASURER

There will not be a written
Borough Manager's Report for this
Agenda. There will be a verbal
report given by Manager Jabusch
at the Assembly meeting.


Agenda Item 9

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM

CLERK'S REPORT June 24, 2014

Mark Your Calendar:

- 7/1 WMSC Concrete Paving - Phase III Bid opening @ 2pm in the Assembly Chambers
7/3 Port Commission mtg. @ 7pm in the Assembly Chambers
- 7/4 Fourth of July observed, City Hall closed 
- 7/10 Planning & Zoning Commission mtg. @ 7pm in the Assembly Chambers
7/16 Hospital Board mtg. @ 5:30 pm at the Nolan Center
7/22 Regular Borough Assembly mtg. @ 7 pm in the Assembly Chambers
- 6/27 TBP Commission Mtg. to be held in the Petersburg Borough Assembly Chambers @ 10 am
8/28 SEAPA Board Mtg. to be held in Ketchikan, with times TBD

Upcoming Elections

Primary Election - Tuesday, August 19, 2014

Local City Election - Tuesday, October 7, 2014 (proposed Election Calendar attached)

General Election - November 4, 2014

Steps in Handling a Motion

- 1. A member makes a motion**
- 2. Another member seconds the motion**
- 3. The Chair states the question**
- 4. Members debate (if the motion is debatable)**
- 5. The Chair takes the vote**
- 6. The Chair announces the result of the vote**

TENTATIVE REGULAR ELECTION CALENDAR FOR
OCTOBER 7, 2014

<u>Date</u>	<u>Task to be completed</u>
___ June 23	Reserve Nolan Center for Election Day
___	Introduce and Ballot Propositions in the form of an <u>Ordinance</u> or Resolution (<u>Approve First Reading</u> or Adoption)
___ July 18	<u>Publish Declaration of Candidacy Notice</u> - <i>Declaration dates: 8/1-8/29/14 as per WMC 2.16.010</i> Publish dates: 7/24, 7/31, 8/7, 8/14, 8/21, & 8/28/2014
___ July 22	Create one master file for Election
___	Hold Public Hearing for any Ballot Propositions (Approve Second Reading)
___	Notify ballot programmer (Dominion Voting, Tami), and ballot printing company (Print Works, Kevin Fraley) - deadline for receiving ballots: September 9th or 10th at the latest
___	Select and contact four (4) Election Workers
___	Contact Division of Elections and ask for Accu-vote unit to be shipped Gold Streak to arrive no later than September 9th or 10th at the latest
___ July 25	<u>Publish Notice to City Voters</u> – Qualifications Publish dates: 7/31, 8/7, 8/14, 8/21, 8/28, & 9/04/2014
___	Write letters to those whose terms expire, i.e. Mayor, Assembly, Port Commission, WMC Board, and School Board
___ July 29	Prepare Declaration of Candidacy forms for filing to be ready to distribute on 8/1/2014
___ Aug 1	Declaration of Candidacy Filing Begins.
___	Write letters to those whose terms expire on the City Boards and Commissions
___	<u>Publish Public Notice</u> for <u>City Boards and Commissions vacancies</u> Publish dates: 8/7, 8/14, 8/21, & 8/28/2014

- ___ Aug 11 **Send memory cards (2) to Dominion Voting** to be reprogrammed
- ___ Aug 15 **Publish Public Notice for Absentee Voting**
Publish dates: 8/28, 9/4, 9/11, 9/18, 9/25 & 10/2/2014
- ___ Aug 22 **Publish Public Notice of Regular Election/ Ballot Proposition(s) *up***
***until* Election Day**
Publish dates: 8/28, 9/4, 9/11, 9/18, 9/25 & 10/2/2014
- ___ Aug 29 **Last Day to file Declaration of Candidacy**
- ___ **Publish Public Notice for Write-in Candidates & Votes**
Publish 9/4, 9/11, 9/18, 9/25 & 10/2/2014
- ___ **Prepare and send Official Ballot, Sample Ballot, and Election**
Setup Paperwork to Dominion Voting
- ___ Contact PrintWorks regarding quantity of sample, test and official
ballots
- ___ Sept 1 Labor Day – City Hall Closed
- ___ Sept 5 Contact KSTK and give them my number to advertise Clerks
number for voter registration
- ___ Sept 7 **Deadline to Register to Vote** for 10/7/2014 for the Regular
Election
- ___ Sept 8 Request Master Voter Register Listing and Voter List (for
absentee) from the Division of Elections (to be used on Election
Day)
- ___ Send letter to Nolan Center confirming use of precinct
- ___ Send letters to Election workers regarding election workshop date
- ___ Sept 9 At Assy. Mtg., **adopt Resolution** designating Canvass Board
- ___ At Assy. Mtg., **approve Special Meeting** to Certify Election for
Oct. 13th @ 5:30 p.m.
- ___ Send letters to bars/liquor stores regarding closure on 10/7/2014
- ___ **Receipt of memory cards (2) from Dominion Voting**

- ___ **Possession of sample, test, and official ballots. Test ballots first before using!! Sept 9th or 10th**
- ___ Sept 12 **Publish Sample Ballot in newspaper and other conspicuous places. Publish 9/18, 9/25, 10/2/2014**
- ___ Prepare Absentee voting by fax register, and all other absentee voting in person materials
- ___ Sept 19 **Publish Public Notice for Canvass Board Publish 09/25 & 10/2/2014**
- ___ **Sept 22 First Day to Absentee Vote in Person, by mail, or by fax**
- ___ Sept 26 **Publish Public Notice for Special Meeting to be held on Oct. 9th @ 5:30 pm to Certify Election Publish 10/2/2014**
- ___ Oct 3 Train Election Workers @ 1:00 pm
- ___ Last Day to file for Write-In Candidates
- ___ Oct 6 Last Day to Absentee Vote in Person
- ___ **Oct 7 ELECTION DAY 8:00 AM TO 8:00 PM at Nolan Center**
- ___ Oct 9 **Canvass Board meets** and tallies absentee, questioned, and possible challenged ballots in council chambers (1:00 pm)
- ___ Oct 13 **Certify Election results and Administer Oath of Office** at 12:00 pm at Special Assembly meeting
- ___ Oct 14 Send letters to those voters whose ballots were not counted

(within two weeks following election, mail out all copies of registers, floppies, registrations, etc., to the Division of Elections)

Agenda Items 10 a, b, c, d, e, & f

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY
AGENDA ITEM
June 24, 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**

- **Item 10b** **Appointment of an Assembly Member to the Code Review Committee**

~ Mayor appoints with the consent of the Assembly

- **Item 10c** **Appointment of an Assembly Member as the Hospital Board Liaison**

~ Mayor appoints with the consent of the Assembly

➤ **Item 10d** **Appointment to fill the vacancies on the Thomas Bay Power Commission**

One vacancy (*unexpired term until **October 2015***)

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

****As of Friday, June 20th there were no letters received for these vacancies.**

➤ **Item 10e** **Appointment to fill the vacancy on the Planning & Zoning Commission**

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

****As of Friday, June 20th there were no letters received for this vacancy.**

➤ **Item 10f** **Appointment to fill the vacancy on the Economic Development Committee**

One vacancy (*unexpired term until **October 2015***)

****As of Friday, June 20th there were no letters received for this vacancy.**

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

Move to appoint _____ to fill the vacancy on the _____ for the unexpired term ending _____.

Move to appoint _____ to fill the vacancy on the _____ for the unexpired term ending _____.

Agenda Item 12a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM June 24, 2014

INFORMATION:

PROPOSED ORDINANCE No. 880: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.045, CREATING PARK TREES REGULATIONS (*second reading*)

Attachments:

1. Memorandum from P&R Director, Amber Al-Haddad
2. Proposed Ordinance No. 880

RECOMMENDED ACTION:

Move to approve Ordinance No. 880.

MEMORANDUM

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

**FROM: AMBER AL-HADDAD
PARKS & RECREATION DIRECTOR**

SUBJECT: DRAFT, NEW ORDINANCE ESTABLISHING TITLE

DATE: May 5, 2014

BACKGROUND:

In December 2013, two trees of approximately 30' in height were topped for Christmas trees. The two subject trees were roughly ten to fifteen feet from the edge of the trail's tread along the Volunteer Loop Trail. The tree trucks were left standing to approximately three feet high and debris from the cuttings was left on the ground.

Following news of the trees' cutting along the "nature trail," the Parks & Recreation Advisory Board has been working on a draft ordinance to establish illegal cutting of trees within the City & Borough of Wrangell's park boundaries. With 110,000 acres of federal lands on Wrangell Island, and the US Forest Service's allowance of up to 10,000 board feet of free saw timber, 25 cords of free fire wood and free Christmas trees, the goal of this ordinance is to ensure that tree cutting, for personal use, does not occur on Borough park property.

During the development of the draft ordinance, of which a copy is provided, several versions of the ordinance were viewed by the advisory board. The City & Borough of Wrangell's legal counsel reviewed the ordinance language prior to its submission herewith.

The minutes of the April 9 2014 Parks & Recreation Advisory Board meeting records the board's motion to recommend to the Borough Assembly the creation of a new ordinance, regulating illegible tree cutting within the Borough's parks.

RECOMMENDATION:

Staff recommends approving the first reading of the draft, new ordinance adding Park Trees Regulations, and move to a second reading and public hearing.

ATTACHMENTS:

Draft Ordinance 880 establishing Wrangell Municipal Code, Chapter 13.12.045, Park Trees Regulations.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 880

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING WRANGELL MUNICIPAL CODE CHAPTER 13.12, PARKS, SPECIFICALLY SECTION 13.12.045, CREATING PARK TREES REGULATIONS.

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

SEC. 1. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 2. Amendments. WMC Section 13.12.045 entitled Park Trees is hereby added as follows:

Chapter 13.12
PARKS

13.12.045 Park Trees Regulations

A. Illegal Tree Cutting. No unauthorized person shall cut, top, remove or otherwise damage any tree or shrub, whether dead or alive, standing or downed, within any public park, recreation area, trail, conservation area, park reserve, or other public greenway area. Any person who violates this ordinance shall be guilty of a civil violation and shall be liable on conviction to a fine not exceeding \$300.00.

Illegal cutting on City & Borough of Wrangell public property should be reported to the Wrangell Police Department.

SEC. 3. 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. 4. Effective Date. This ordinance shall become effective upon approval of final passage.

PASSED IN FIRST READING: June 10, 2014.

PASSED IN SECOND READING: _____, 2014.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, CMC, Borough Clerk

Agenda Item 12b

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
June 24, 2014**

INFORMATION:

PROPOSED ORDINANCE No. 881: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.04 TO TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO THE GENERAL PROVISIONS FOR THE ASSEMBLY (*second reading*)

Attachments:

1. Memorandum from Clerk Lane
2. Proposed Ordinance No. 881

RECOMMENDED ACTION:

Move to approve Ordinance No. 881.

MEMORANDUM

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

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

SUBJECT: Ordinance No. 881 & 882 (Chapters 3.04 & 3.05)

DATE: May 15, 2014

BACKGROUND:

The Code Review Committee has met and agreed on the proposed changes to Chapter 3.04 and on the creation of Chapter 3.05. The Borough Attorney's office (Barbara Ritchie) has thoroughly reviewed both Proposed Ordinances and has made changes, additions, and deletions.

In Chapter 3.04, Section 3.04.130 – Authority to contact borough attorney; The Borough Attorney – at the request of me – came up with some suggested language for that section. At the Assembly meeting that was held on May 13, 2014 the Assembly gave direction to amend the suggested language that was being proposed. Further, the Assembly was in favor of the language that Kodiak had used with regards to contacting the attorney. Therefore, I revised code section 3.04.130 to outline and thoroughly expound on contacting the attorney.

The Borough Attorney is *not* recommending Section 3.04.130 (2) be a part of Ordinance No. 881. His opinion is that the language that had been suggested originally was understandable, works fine, and is consistent with how other municipalities engage the municipal attorney. That language stated the following:

The mayor, the borough manager, and the borough clerk are authorized to contact and make requests of the borough attorney directly. The assembly, by a majority vote, may authorize the borough manager to consult with the borough attorney regarding matters outside the scope of normal business.

In Chapter 3.05, Barbara Ritchie from the Borough Attorney's office has made the suggested changes to the proposed new code section under 3.05.010. She said that it is not advisable to say that the Assembly "may govern...."

She stated that the ordinance needs to be clear as to what rules govern the conduct of meetings, and use of "may" in this situation would be ambiguous. She has reviewed the rules of procedure for many local governments and has yet to find one that provides that Robert's Rules "may govern..." Most all of them use "shall govern..." and some use the type of language such as I have written in the revised section 3.05.010.

Also, note that in section 3.05.110 on basic concepts of parliamentary procedure, the following was included to ensure it is clear that a procedural snafu does not invalidate an action taken and procedural rules are procedural only (i.e., not substantive):

- B. Rules of parliamentary procedure are intended to expedite the transaction of business of the assembly in an orderly and fair fashion, and are deemed to be procedural only.
- C. Failure to strictly observe rules of parliamentary procedure shall not affect the jurisdiction of the assembly or invalidate any action taken at a meeting that otherwise conforms to law.

All of the proposed changes were reviewed and approved by Borough Attorney, Bob Blasco.

Recommended Action:

Move to approve Ordinance No. 881.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 881

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 3.04 OF TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO THE GENERAL PROVISIONS FOR THE ASSEMBLY

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

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

SEC. 1. Action. The purpose of this ordinance is to amend Chapter 3.04 of Title 3 of the Wrangell Municipal Code, Administration and Personnel, relating to General Provisions for the Assembly.

SEC. 2. Amendment. The title and the table of sections of Chapter 3.04 of the Wrangell Municipal Code are amended to read:

Chapter 3.04

ASSEMBLY – GENERAL PROVISIONS

Sections:

- 3.04.010 Oath of office.
- 3.04.012 Qualifications.
- 3.04.020 Failure to take oath of office.
- 3.04.030 Start of term.
- 3.04.035 Absence from meetings.
- 3.04.040 Vacancies.
- 3.04.050 **[Relationship to mayor]** Mayor, vice-mayor, and chair.
- 3.04.060 Special committees.
- 3.04.070 Quorum.
- 3.04.080 Regular meetings.
- 3.04.090 Special meetings.
- 3.04.100 **[Agenda]** Reserved.
- 3.04.110 **[Meeting procedure]** Reserved.
- 3.04.112 Conflict of interest.
- 3.04.113 Prohibitions.
- 3.04.114 Nepotism.

3.04.120 Executive sessions.

[3.04.130 Public participation.]

3.04.130 Authority to contact borough attorney.

3.04.140 **[Minutes and tape recording]** Reserved.

SEC. 3. New Section. Chapter 3.04 of the Wrangell Municipal Code is amended by the addition of a new Section 3.04.035 to read:

3.04.035 Absence from meetings.

- A. If an elected or appointed assembly member is absent and not excused from more than one-half of all regular meetings of the assembly held within any period of four consecutive calendar months, the member shall cease to hold office and the assembly shall declare the office vacant.
- B. If an elected or appointed assembly member is absent from a regular meeting of the assembly on borough business, the absence shall be deemed to be excused.

SEC. 4. Amendment. Section 3.04.050 of the Wrangell Municipal Code is amended to read:

3.04.050 **[Relationship to mayor]** Mayor, vice-mayor, and chair.

- A. The mayor shall preside at all meetings of the assembly and shall certify the passage of all ordinances and resolutions passed by it. **[As an ex officio assembly member, he]** The mayor shall have all of the powers, rights, privileges, duties and responsibilities of assembly members. The mayor acts as the ceremonial head of government, executes official documents on authorization by the assembly, and is responsible for additional duties and powers prescribed by law. The mayor may vote. The mayor may not initiate motions. The mayor has no veto power.
- B. At the first meeting following certification of the regular election, or as soon thereafter as practicable, the assembly shall elect one of its members as vice-mayor, who shall serve as such until the next such first meeting. The vice-mayor shall preside at all meetings of the assembly for which the mayor is unable to be present.
- C. If both the mayor and vice-mayor are not present, an assembly member shall be selected by those members present to preside at the meeting. When a member is acting as chair, the member retains all privileges otherwise held as a member of the assembly.

SEC. 5. Amendment. Section 3.04.060 of the Wrangell Municipal Code is amended to read:

3.04.060 Special committees.

Special committees for the purpose of considering any special matter may be appointed by the mayor with the consent of the assembly. Upon completion of the special committee's assignment, a special committee may be dissolved by majority vote of the assembly.

SEC. 6. Amendment. Section 3.04.070 of the Wrangell Municipal Code is amended to read:

3.04.070 Quorum.

At all meetings of the assembly, four members or three members and the mayor shall constitute a quorum for the transaction of business[, **but a smaller number may adjourn from day to day or from time to time**]. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

SEC. 7. Amendment. Section 3.04.090 of the Wrangell Municipal Code is amended to read:

3.04.090 Special meetings.

- A. Unless otherwise designated in the notice, special meetings of the assembly shall be held at the regular meeting place of the assembly.
- B. Special meetings shall be called by the borough clerk on the written request of the mayor, or of the borough manager, or of any two members of the assembly.
- C. At least 48 hours of written notice shall be given designating the time and purpose of a special meeting. Each member of the assembly shall be notified of the special meeting. [A duplicate copy of such notice shall be served personally on each member of the assembly, or left at his usual place of residence or business by the borough clerk, and the assembly member shall acknowledge receipt of the notice on the original copy thereof and the original shall be returned to the clerk and made a part of the journal of a special meeting. If the assembly member cannot be served personally, a copy of the notice of special assembly meeting shall be left at his usual place of residence or business by the borough clerk or by someone designated by him, and that fact noted on the original notice to be filed for record.]
- D. A copy of the notice of special meeting shall [**also**] be delivered at the place of business of the local newspaper published and circulated in the borough, but this requirement shall not be jurisdictional to the holding of any such

meeting.

E. Public notice of the special meeting shall be given by posting notice at [four] the following places in the borough [, **one of which shall be**]: City Hall, the borough website, and [**one of which shall be**] the post office. [**Until resolution is passed to the contrary, the other two places shall be the bulletin boards of the Wrangell Sentinel and Wrangell Lumber Company.**]

[If practicable, notice of the special meeting shall also be given by the borough clerk, causing such notice and an abbreviated description of the subject matters to be considered thereat, on the local television mini scanner, but such additional requirement shall not be jurisdictional to the holding of a special meeting.]

F. [**G.**] The assembly members may subsequently sign a waiver of notice of a special meeting, which [**such**] notice shall be [**attached to and**] made a part of the journal of the meeting.

G. [**H.**] No business shall be transacted at any special meeting of the assembly, except that stated in the notice of the meeting.

H. [**I.**] As with regular meetings, special assembly meetings shall be public meetings and the public shall have a reasonable opportunity to be heard.

SEC. 8. Repeal. Section 3.04.100 of the Wrangell Municipal Code is repealed; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE; the section number is reserved:

3.04.100 **[Agenda]** Reserved.

[An agenda is not required for special assembly meetings; the list of topics contained in the notice given for such special meeting shall instead suffice. An agenda shall be prepared before all regular assembly meetings and shall be posted at City Hall by noon of the Monday preceding the meeting. All items and subject matters for agenda consideration shall be submitted by the public by 12:00 p.m. on the Thursday preceding the meeting. 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.]

SEC. 9. Repeal. Section 3.04.110 of the Wrangell Municipal Code is repealed; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE; the section number is reserved:

3.04.110 **[Meeting procedure]** Reserved.

[At the established hour on the day of each regular meeting the assembly members, the borough manager and such department heads as may have requested to be present shall take their regular station in the assembly chambers, and the business of the assembly shall be taken up for consideration and disposition in general accord with the agenda. The mayor may, unless opposed by a majority of the assembly, alter the sequence of matters to be considered from the agenda. With the former regard, flexibility is desired to achieve a logical sequence in the consideration of topics. Strict adherence to the formalized procedures recited in Robert’s Rules of Order, Revised, Forward Copyright 1971 shall not be required; instead, the mayor shall, as presiding officer of the meeting, have the discretionary power to conduct procedural matters of the assembly as he deems prudent, balancing considerations of expediency with fairness and opportunity for complete hearing.]

SEC. 10. Amendment. Subsection 3.04.112(C)(6) is amended to read:

3.04.112 Conflict of interest.

...

C. Elected borough officials.

...

6. The mayor and assembly members may serve on boards, commissions, or on **[the] boards of nonprofit organizations [only as ex officio members if the board, commission or nonprofit organization receives funding from the borough].**

SEC. 11. New Section. Chapter 3.04 of the Wrangell Municipal Code is amended by the addition of a new Section 3.04.113 to read:

3.04.113 Prohibitions.

A. No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his or her political opinions or affiliations.

B. No state employee or school district employee may be denied the right to serve as an elected municipal official because of their employment by the state or school district; provided however, no school district employee may serve on a school district board in the school district where he or she is employed.

C. No borough employee may hold a position on the borough assembly or as borough mayor. A borough employee may be a candidate for the borough

assembly or mayor, but if elected, must resign from borough employment before taking office.

D. For purposes of this section a school district employee is not a borough employee.

SEC. 12. Repeal and Reenactment. Section 3.04.120 is repealed and reenacted to read:

3.04.120 Executive sessions.

[The assembly may, after its agenda is otherwise completed, recess for the purpose of discussing, in a closed or executive session, any questions permitted by law (Alaska Statute Section 44.62.310, as amended) which is expressed in the motion calling for the executive session. The public may be excluded from the session, but final action shall not be taken by the assembly on any matter discussed in executive session until brought back into the regular session. In all cases, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that come within the authorized exceptions to public agency meetings shall be determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question.]

A. Executive sessions are authorized by AS 44.62.310(b).

B. If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed below shall be determined by a majority vote of the assembly. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

C. The following subjects may be considered in an executive session:

1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

3. Matters which by law, municipal charter, or ordinance are required to be confidential;
4. Matters involving consideration of government records that by law are not subject to public disclosure.

D. No recordings shall be permitted for any executive session.

SEC. 13. Repeal. Section 3.04.130 of the Wrangell Municipal Code is repealed; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE; section number 3.04.130 is assigned to the new section in SEC. 14 below.

[3.04.130 Public participation.

- A. Any person desiring to address the assembly shall first be recognized by the presiding officer; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified and interested persons shall have the right to address the assembly upon obtaining recognition by the presiding officer:**
 - 1. Public Hearings. Interested persons or authorized representatives may address the assembly in regard to matters then under consideration, this in particular regard to ordinances and resolutions.**
 - 2. Oral Communications. Interested persons or their authorized legal representatives may address the assembly by oral communication at the appropriate time on the agenda concerning an agenda item designating such person or representative to appear and speak, or any topic under the subject matter of “citizens forum” on the agenda.**
- B. Each person addressing the assembly shall give his name and address in an audible tone of voice for the record and, unless further time is granted by the presiding officer or the assembly, shall limit his address to five minutes. All remarks shall be addressed to the assembly as a body and not to any member thereof. No person other than a assembly member or mayor or the person having the floor shall be permitted to enter into any discussion without the permission of the presiding officer.**
- C. When any group persons wishes to address the assembly on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the assembly and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the assembly, so as to avoid unnecessary repetition before the assembly.**

D. With respect to discussion after a motion, after a public hearing has been closed and after a motion is made by the assembly, no person shall address the assembly without first securing the permission of the presiding officer to do so.]

SEC. 14. New Section. A new Section 3.04.130 is added to the Wrangell Municipal Code to read:

3.04.130 Authority to contact borough attorney.

1. The mayor, the borough manager, and the borough clerk, are authorized to contact and make requests of the borough attorney directly. Any member of the assembly may request the manager or clerk to request clarification of WMC code section or charter section from the attorney. Assembly members shall not contact the borough attorney directly unless the assembly by a majority vote authorizes it.
2. Request for Ordinances or Legal Opinions from the Borough Attorney – Any member of the assembly may request the manager or clerk to have prepared proposed ordinances with such ordinances to be placed on the agenda of the next regular assembly meeting, provided the ordinance can be prepared, publicly noticed, and distributed to the assembly in accordance with time schedules. During an assembly meeting or work session, any two or more members of the assembly may request written legal opinions, relating to borough business, from the attorney through the manager’s or the clerk’s office. Upon receipt of an assembly-requested proposed ordinance or written legal opinion, the clerk shall distribute the ordinance or written legal opinion to all assembly members so that all members may be fully informed of the status of borough affairs.

SEC. 15. Repeal. Section 3.04.140 of the Wrangell Municipal Code is repealed and the section number is reserved; content of this section is moved to new Chapter 3.05 ASSEMBLY – RULES OF PROCEDURE.

3.04.140 [Minutes and tape recording] Reserved.

[A. The clerk shall take and prepare minutes of assembly meetings and proceedings which shall be subsequently approved and/or amended by the assembly. After approval, such minutes shall be placed in a chronological record, maintained by the clerk.

B. Tape recordings of all meetings and official assembly proceedings shall also be maintained. Preparation of a transcript from the taped proceedings shall not be necessary, but the tape shall be retained for a period of six and one-half years following the subject meeting or proceeding. The failure of a recording device or tape to operate properly shall not be jurisdictional to a meeting. The purpose of maintaining tapes is to supplement the minutes, in recognition of the fact that the minutes cannot be sufficiently specific to give

comprehensive detail and assembly intent. Upon request and for good cause shown, any person may request that a transcript of the relevant portions of the tape recording be prepared to supplement the formal approved minutes and become a part thereof.]

SEC. 16. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 17. 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. 18. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 10, 2014.

PASSED IN SECOND READING: _____, 2014.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 12c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM June 24, 2014

INFORMATION:

PROPOSED ORDINANCE No. 882: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING A NEW CHAPTER 3.05 TO TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO RULES OF PROCEDURE FOR THE ASSEMBLY (*second reading*)

Attachments:

1. Memorandum from Clerk Lane
2. Proposed Ordinance No. 882

RECOMMENDED ACTION:

Move to approve Ordinance No. 882.

MEMORANDUM

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

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

SUBJECT: Ordinance No. 881 & 882 (Chapters 3.04 & 3.05)

DATE: May 15, 2014

BACKGROUND:

The Code Review Committee has met and agreed on the proposed changes to Chapter 3.04 and on the creation of Chapter 3.05. The Borough Attorney's office (Barbara Ritchie) has thoroughly reviewed both Proposed Ordinances and has made changes, additions, and deletions.

In Chapter 3.04, Section 3.04.130 – Authority to contact borough attorney; The Borough Attorney – at the request of me – came up with some suggested language for that section. At the Assembly meeting that was held on May 13, 2014 the Assembly gave direction to amend the suggested language that was being proposed. Further, the Assembly was in favor of the language that Kodiak had used with regards to contacting the attorney. Therefore, I revised code section 3.04.130 to outline and thoroughly expound on contacting the attorney.

The Borough Attorney is *not* recommending Section 3.04.130 (2) be a part of Ordinance No. 881. His opinion is that the language that had been suggested originally was understandable, works fine, and is consistent with how other municipalities engage the municipal attorney. That language stated the following:

The mayor, the borough manager, and the borough clerk are authorized to contact and make requests of the borough attorney directly. The assembly, by a majority vote, may authorize the borough manager to consult with the borough attorney regarding matters outside the scope of normal business.

In Chapter 3.05, Barbara Ritchie from the Borough Attorney's office has made the suggested changes to the proposed new code section under 3.05.010. She said that it is not advisable to say that the Assembly "may govern...."

She stated that the ordinance needs to be clear as to what rules govern the conduct of meetings, and use of "may" in this situation would be ambiguous. She has reviewed the rules of procedure for many local governments and has yet to find one that provides that Robert's Rules "may govern..." Most all of them use "shall govern..." and some use the type of language such as I have written in the revised section 3.05.010.

Also, note that in section 3.05.110 on basic concepts of parliamentary procedure, the following was included to ensure it is clear that a procedural snafu does not invalidate an action taken and procedural rules are procedural only (i.e., not substantive):

- B. Rules of parliamentary procedure are intended to expedite the transaction of business of the assembly in an orderly and fair fashion, and are deemed to be procedural only.
- C. Failure to strictly observe rules of parliamentary procedure shall not affect the jurisdiction of the assembly or invalidate any action taken at a meeting that otherwise conforms to law.

All of the proposed changes were reviewed and approved by Borough Attorney, Bob Blasco.

Recommended Action:

Move to approve Ordinance No. 882.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 882

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING A NEW CHAPTER 3.05 TO TITLE 3 OF THE WRANGELL MUNICIPAL CODE, ADMINISTRATION AND PERSONNEL, RELATING TO RULES OF PROCEDURE FOR THE ASSEMBLY

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

SEC. 1. Action. The purpose of this ordinance is to adopt a new Chapter 3.05 to Title 3 of the Wrangell Municipal Code, Administration and Personnel, to establish Rules of Procedure for the Assembly.

SEC. 2. New Chapter. A new Chapter 3.05 is added to Title 3 of the Wrangell Municipal Code, Administration and Personnel, to be entitled “ASSEMBLY – RULES OF PROCEDURE” and read:

Chapter 3.05
ASSEMBLY – RULES OF PROCEDURE

Sections:

- 3.05.010 Rules of Order.
- 3.05.020 Order of business.
- 3.05.030 Assembly agenda; amendment of agenda.
- 3.05.040 Public participation.
- 3.05.050 Teleconferencing.
- 3.05.060 Motions, debate, and discussion.
- 3.05.070 Decorum in debate.
- 3.05.080 Point of order and appeal.
- 3.05.090 Suspension of the rules.
- 3.05.100 Reconsideration of motions.
- 3.05.110 Basic concepts of parliamentary procedure.
- 3.05.120 Quorum, actions, and votes.
- 3.05.130 Minutes and recordings of proceedings.

3.05.010 Rules of Order.

The most recent edition of Robert’s Rules of Order Newly Revised is adopted and

made part of these Rules of Procedure and governs the conduct of meetings of the assembly except as otherwise provided by the Charter of the City and Borough of Wrangell, the Wrangell Municipal Code, these Rules of Procedure, or the Alaska Statutes.

3.05.020 Order of business.

At all regular meetings of the assembly, the order of business shall be:

- A. Call to order. The mayor shall call the meeting to order at 7:00 p.m. in the Borough Assembly Chambers.
 - 1. Pledge of Allegiance.
 - 2. Invocation.
 - 3. Ceremonial matters – community presentations, proclamations, awards, certificates of service, guest introductions.
- B. Roll call. The borough clerk shall conduct a roll call of each elected and duly qualified member of the assembly. The roll call will result in a record entry of those present or absent from the meeting. The roll call is primarily used to determine if sufficient members are present to conduct a meeting.
- C. Amendments to the agenda. The assembly may amend the agenda as provided in WMC 3.05.030(D). The manager also may request agenda changes.
- D. Conflict of interest. The purpose of this agenda item is to provide a time for any conflict of interest disclosures and determinations on such disclosures by the mayor, as may be necessary and appropriate under WMC 3.04.112.
- E. Consent agenda. Items listed on the consent agenda or marked with an asterisk (*) are considered routine and will be passed in one motion unless the item has been removed from the consent agenda by the manager, the mayor, or an assembly member.
 - 1. Approval of minutes.
 - 2. Communications.
- F. Borough manager's report.
- G. Borough clerk's file.
- H. Mayor and assembly reports and appointments. This agenda item is reserved for special reports by the mayor and assembly members. Information such as municipal league activities, reports from committee's on which members sit, and conference reports are examples of items included here.
- I. Persons to be heard. This agenda item is reserved to provide an opportunity for persons to address the assembly on non-agenda items. The rules of public

participation for “persons to be heard” are set out in WMC 3.05.040(A).

- J. Unfinished business. This agenda item includes matters transferred from the consent agenda and other items of unfinished business.
 - 1. Administrative or committee reports
 - 2. Public hearing
 - 3. Assembly action

- K. New business.
 - 1. Administrative or committee reports
 - 2. Public hearing
 - 3. Assembly action

- L. Attorney’s file.

- M. Executive session. The procedure for executive session is set out in WMC 3.04.120.

- N. Adjournment.

3.05.030 Assembly agenda; amendment of agenda.

- A. The agenda shall be prepared by the clerk subject to review and revision by the manager and the mayor. An agenda shall be prepared before every regular meeting of the assembly and the agenda shall be posted at City Hall by noon (12:00 p.m.) on the Friday preceding the meeting.

- B. Borough staff submission of items for agenda. All reports, ordinances, resolutions, contracts, and other matters proposed by borough staff to be included on the assembly agenda at a regular meeting must be submitted to the borough manager or borough clerk no later than noon (12:00 p.m.) on the Thursday preceding the next regular meeting.

- C. Requests by members of the public for placement of items on agenda.
 - 1. Persons other than borough staff or a member of the assembly requesting that an item be placed on the assembly agenda at a regular meeting are urged to meet with borough staff first, in an effort to come to a resolution on the item before the item may be placed on the agenda. If resolution cannot be reached, the person must submit a written request either:
 - a. In the form of a letter stating that this is a request for an item to be placed on the borough assembly agenda, and explaining in detail what is requested; or
 - b. By completing an “Agenda Item Request Form” provided by the borough clerk’s office.

2. Deadline for written request. A written request from a member of the public to place an item on the agenda must be received by the borough clerk no later than noon (12:00 p.m.) on the Thursday preceding the next regular meeting. Any request received after deadline will be considered for the next succeeding regular meeting agenda.
- D. An agenda is not required for special meetings of the assembly; the list of topics contained in the notice given for a special meeting shall instead suffice.
- E. Amendment of agenda. The assembly may by majority vote approve a motion to amend the agenda to add or delete items from the published agenda during the course of a meeting, subject to the limitations in this section.
1. No action item may be added to the agenda by a motion to amend the agenda. An action item is an item which:
 - a. Introduces an ordinance;
 - b. Is a resolution;
 - c. Awards a contract;
 - d. Expends non-budgeted funds;
 - e. Expends budgeted funds or authorizes expenditure of budgeted funds in excess of twenty-five thousand dollars (\$25,000); or
 - f. Is a matter which, due to its significant or complex nature, requires more extensive public notice.
 2. This amendment of agenda provision is intended to allow the addition of agenda items that are in the nature of:
 - a. Requests or directives that the manager, borough clerk, or borough attorney investigate and report on an issue, or prepare a document, report, or other item for future consideration by the assembly;
 - b. Naming mayoral appointees selected, or the low bidder for a contract, when the fact of the appointment or contract award has appeared on the published agenda, and the name(s) of the appointee(s) or recommended choice(s) have been made available at the start of the meeting;
 - c. A call for an executive session concerning an item that appears on the published agenda; or
 - d. Is for purposes of receiving information only without making a decision.

3.05.040 Public Participation.

- A. Persons to be heard. There shall be an opportunity for public participation on non-agenda items at each regular meeting of the assembly, which shall be listed on the agenda as “Persons to be heard” and conducted according to the

following rules, which shall be posted in the assembly chambers:

1. Any person desiring to address the assembly under “persons to be heard” shall first sign up on the sheet provided at the meeting and be recognized by the presiding officer prior to speaking.
2. The speaker will precede their remarks by stating their names and, unless otherwise allowed by the mayor, their place of residence.
3. The mayor or an assembly member may ask questions of the speaker, but shall not deliberate at that time on matters raised, or answer questions directed by the speaker to the members.
4. Speakers shall address their remarks to the assembly as a body and not to any individual member of the assembly.
5. The mayor may, prior to the call for persons to be heard, prescribe time limits, request designated speakers for groups, determine redundancy, and other effective meeting procedures.

B. Public hearings. Public participation during public hearings on ordinances, resolutions, and other matters, other than appeals, will be conducted according to the following rules, which shall be posted in the assembly chambers:

1. The hearing will be conducted by the mayor as chair.
2. The mayor will open the hearing by summarizing its purpose and reemphasizing the rules of procedure.
3. The mayor may set a time limit for public testimony, for individual speakers, or both if it appears necessary to gain maximum participation and conserve time. The time limit may be extended by a majority vote of the assembly. The time limit shall be uniform for all speakers, provided the mayor may grant additional time to a person speaking on behalf of a group present in the chambers.
4. The mayor may request designated speakers be chosen for groups of persons wishing to address the assembly on the same subject.
5. Citizens will be encouraged to submit written presentations and exhibits.
6. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the mayor, their place of residence.

7. All speakers, members of the public, and members of the assembly, must be recognized by the chair before speaking.
 8. All speakers, members of the public, and members of the assembly, will be recognized by the chair by name.
 9. The mayor will set forth the item or subject to be discussed and will rule inappropriate comments, or comments that are not germane to the subject, out of order.
 10. Members of the assembly will not direct questions to each other or to the chair during public participation except as to the conduct of the hearing.
 11. Members of the assembly may direct questions to members of the public only to obtain clarification of material presented. The questions may not be argumentative.
 12. Speakers may direct questions to the assembly or the borough administration. The questions may not be argumentative. Speakers shall address their remarks to the assembly as a body and not to any individual member of the assembly.
 13. Speakers may direct questions to the chair only as it pertains to the conduct of the hearing.
 14. The assembly and members of the public will refrain from argument and debate as between them.
 15. The manager may participate in the same manner as the members of the assembly.
 16. After public hearing has been closed and a motion made by the assembly, no person shall address the assembly without first obtaining permission from the chair.
- C. Disorderly conduct at meetings prohibited. The chair may call to order any person who is breaching the peace or being disorderly by speaking without recognition, engaging in booing or catcalls, speaking vulgarities, name calling, personal attacks, or engaging in other conduct which is determined by the chair to be disruptive of the meeting. Any person so disrupting a meeting of the assembly may be removed and barred from further attendance at the meeting unless permission to return or remain is granted by a majority vote of the assembly.

3.05.050 Teleconferencing.

- A. An assembly member who will be absent from a meeting, including public hearings and work sessions of the assembly, may participate in the meeting by telephone or other electronic means under the following circumstances:
1. The meeting is held with a quorum of members physically present;
 2. Reasonable technical capabilities are available at the meeting location to allow the member to participate by teleconference, including being able to hear and engage in discussion, and being audible to all persons participating in the meeting;
 3. Prior to the meeting reasonable efforts will be made to ensure that the member participating by teleconference is provided with the meeting agenda and other pertinent documents to be discussed and acted upon; access to the agenda and documents from the borough's website will be considered sufficient access.
- B. Assembly members may not use teleconferencing as a regular form of participating in meetings of the assembly. Participation in a regular assembly meeting by teleconference will be considered an unexcused absence for purposes of WMC 3.04.035 unless the member is absent from the meeting as a result of attending to official business on behalf of the borough.
- C. All votes taken at the meeting are by roll call of the members physically present at the meeting; members participating in the meeting by teleconference may not vote.
- D. Assembly members shall provide the clerk's office with at least twenty-four (24) hours' notice of their intent to participate in a meeting by teleconference and provide sufficient contact information for purposes of setting up the teleconference.
- E. Assembly members are responsible for any telephone long distance charges incurred due to their participation in a meeting by teleconference unless they are absent from the meeting on borough business. An assembly member is not considered to be on official borough business merely by attendance at an assembly meeting by teleconference.
- F. The mayor may participate in assembly meetings as set forth in subsections (A) through (E) of this section, and may participate in debate, but may not act as presiding officer of the meeting.

3.15.060 Motions, debate, and discussion.

- A. Until a matter has been brought before the assembly in the form of a motion proposing a specific action, it cannot be debated. A motion must be made by a member of the assembly. The mayor may not make a motion of any kind.
- B. Reduce motion to writing: a motion must be reduced to writing when required by the chair or when any assembly member so demands.
- C. Request to divide the question: when a motion relating to a single subject contains several parts, each of which is capable of standing as a complete proposition on its own, the parts may be separated or divided and voted on as if they were distinct questions. This is done when one or more members requests that the question be divided or split. The division of the question is arranged by unanimous consent of the assembly.
- D. The term “debate” applies to the discussion on the merits of a pending question. Every member of the assembly and the mayor has the right to speak to every debatable motion before it is finally acted upon. The manager or other staff person upon the manager’s request, the borough attorney, or the borough clerk may give information or advice pertinent to the pending question.

3.05.070 Decorum in debate.

- A. Members of the assembly may not address one another directly, but must address all remarks through the chair. As much as possible, the use of names should be avoided in debate. Before making a motion or speaking in debate, a person must address the chair and be recognized. Any member who seeks the floor while entitled to it must be recognized.
- B. In debate a person’s remarks must have bearing on whether the pending motion should be adopted and should be germane to the question before the assembly.
- C. Every person while speaking shall avoid personalities, and under no circumstances may a person attack or question the motives of another person. Every person shall refer to any other person in a respectful manner. Every person shall avoid the use of profanities at all times. The chair must act immediately and decisively to correct a member violating decorum in debate and prevent its repetition.

03.05.080 Point of order and appeal.

- A. When a member of the assembly thinks the rules of the assembly are being

violated, the person may make a “point of order” calling upon the chair for a ruling and an enforcement of the regular rules. A “point of order” takes precedence over any pending question and is in order when another member has the floor. It must be raised promptly at the time the breach occurs. It does not require a second and, unless the point is submitted to the assembly for a vote, it is not debatable.

- B. The point of order is normally ruled on by the chair. No vote is taken unless the chair is in doubt and submits the point to the assembly for a vote or unless the ruling is appealed. Any two assembly members can appeal by one member making the appeal and the other seconding it, but the appeal must be made at the time of the ruling. If any debate or business has intervened, it is too late to appeal. The question shall be: “Shall the decision of the chair be upheld?” A majority or tie vote sustains the decision of the chair on the principle that the decision stands until reversed by a majority.

3.05.090 Suspension of the rules.

The rules of order and the order of business shall be observed in all cases unless temporarily suspended for a special purpose by a two-thirds vote of the authorized membership of the assembly.

3.05.100 Reconsideration.

- A. The purpose of reconsideration of a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.
- B. The motion for reconsideration must be made by a member of the assembly who voted on the prevailing side of the motion under consideration. Any member may second it, and the motion must be seconded at the time it is made. If no other question is pending, the debate and vote on a motion to reconsider may be taken up immediately or postponed.
- C. The motion for reconsideration must be made and seconded during the meeting at which the action to be reconsidered was taken, or by written notification to the clerk within seven (7) days of the adjournment of the meeting signed by both the moving member and the member seconding the motion.
- D. A motion for reconsideration may be applied to the vote on any motion except:
 - 1. A motion which can be renewed within a reasonable time;

2. An affirmative vote whose provisions have been partly carried out;
 3. An affirmative vote in the nature of a contract when a party to the contract has been notified of the outcome;
 4. Any vote that has caused something to be done that is impossible to undo.
- E. Any member of the assembly may call up a motion for reconsideration which has been duly made and seconded at any time during the meeting at which it was made, or at the next regular meeting of the assembly; a motion to reconsider and enter on the minutes may be called up only at the next regular meeting of the assembly. A motion to reconsider may be called up during a special meeting occurring before the next regular meeting provided notice of such reconsideration is stated in the notice of the special meeting.
- F. A proper motion for reconsideration which complies with subsection (C) of this section suspends implementation and effect of the vote on the question for which reconsideration is sought until the next regular meeting adjourns or until the assembly takes action on that motion, whichever occurs first.
- G. A motion for reconsideration is debatable in all cases in which the motion proposed to be reconsidered is debatable, and when debatable, opens to debate the merits of the question whose reconsideration is proposed. It is not amendable. It requires only a majority vote.
- H. There may be only one reconsideration even though the action of the assembly after reconsideration is opposite from the action of the assembly before reconsideration. No question may be reconsidered twice.

3.05.110 Basic concepts of parliamentary procedure.

- A. The borough attorney shall act as parliamentarian when present, with the borough clerk as acting parliamentarian during the attorney's absence.
- B. Rules of parliamentary procedure are intended to expedite the transaction of business of the assembly in an orderly and fair fashion, and are deemed to be procedural only.
- C. Failure to strictly observe rules of parliamentary procedure shall not affect the jurisdiction of the assembly or invalidate any action taken at a meeting that otherwise conforms to law.
- D. Business is brought before the assembly by motion made by an assembly member. The basic procedure for a motion is:
1. An assembly member makes a motion.

2. Another member seconds the motion.
 3. The presiding officer states the motion, thereby formally placing it before the assembly.
 4. The assembly members debate and discuss the motion. During this time the motion is considered pending and it can have secondary motions applied to it.
 5. The presiding officer puts the question to a vote. This should include restating the motion to be voted on or requesting the borough clerk to do so.
 6. The presiding officer or borough clerk makes a complete announcement of the results of the vote.
- E. Types of motions and order of precedence. The following are common motions listed in order of precedence. When a given motion on the list is immediately pending, any motion above it on the list is in order and any motion below it on the list is out of order.
1. Fix time to adjourn
 2. Adjourn
 3. Recess
 4. Raise a question of privilege
 5. Call for orders of the day
 6. Lay on the table
 7. Previous question
 8. Limit or extend debate
 9. Postpone to a certain time (or postpone definitely)
 10. Commit (or refer)
 11. Amend
 12. Postpone indefinitely
 13. Main motion

3.05.120 Quorum, actions, and votes.

- A. At all meetings of the assembly, four assembly members or three members and the mayor shall constitute a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.
- B. As provided by Section 2-8 of the Charter, actions of the assembly are adopted by a majority of the membership present when the vote is taken. The term “assembly member” or “membership” includes the mayor for purposes of quorum, actions, and votes. (Charter Section 2-1)
- C. Each assembly member present shall vote on every question unless required to abstain from voting on a question by law or authorized to abstain by the assembly. If an assembly member is required or authorized to abstain from the vote on any question, the member shall not participate in the debate on the

question.

- D. The vote on all matters considered by the assembly shall be taken by “yes” or “no” votes, which shall be entered in the record, except that if the vote is unanimous it may be recorded as “unanimous.”
- E. When the mayor or the chair calls for a vote by roll call, the borough clerk shall alternate the order in which the roll is called; provided that the mayor, or a member serving as chair, shall be called last.

3.05.150 Minutes and recordings of proceedings.

- A. The borough clerk shall take and prepare minutes of assembly meetings and proceedings, which shall be subsequently approved, or amended and approved, by the assembly. After approval, the minutes shall be placed in a chronological record, maintained by the borough clerk.
- B. Audio recordings of all assembly meetings and proceedings open to the public will also be maintained. The borough clerk will maintain the audio recordings for a period of ten (10) years after the meeting for which the recording is made.
- C. No recordings shall be permitted for any executive session.

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: June 10, 2014.

PASSED IN SECOND READING: _____, 2014.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 12d

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM June 24, 2014

INFORMATION:

PROPOSED ORDINANCE No. 883: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 15.12.200, 15.12.210, 15.12.215, 15.12.222, AND 15.12.223, AND 15.12.240 OF CHAPTER 15.12, ELECTRICITY, OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ELECTRICAL RATES, AND ESTABLISHING AN EFFECTIVE DATE (*second reading*)

Attachments:

1. Memorandum from Manager Jabusch
2. Proposed Ordinance No. 883

RECOMMENDED ACTION:

Move to approve Ordinance No. 883, which will increase electricity rates by 7%, effective July 1, 2014.

MEMORANDUM

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

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

SUBJECT: INCREASE IN ELECTRICAL RATES 7% EFFECTIVE JULY 1, 2014

DATE: JUNE 11, 2014

BACKGROUND:

During the budget process it became evident that the Light Fund would lose a substantial amount of money without an increase to electrical rates across the board. More exactly, the loss would be approximately \$336,000. Several options have been looked at and the option the assembly has endorsed is to raise the rates 7% on July 1, 2014 and then look at the budget next spring and audited financial statements for the year ending June 30, 2014 before any more increases are considered. If it is necessary to raise rates again, it would not be until July 1, 2015. At the current time, reserves for the electric utility are not adequate and without an increase in rates will continue to reserves to balance the budget until the reserves are gone.

We can speculate a little over the cause of this, but the three major contributors are no SEAPA rebate as we have been told, heat rate infrastructure and employee costs. It can cost up to \$1,000 to upgrade a service so that the customers can heat with electricity. The payback for the city to break even may take as much as 7 to 10 years depending on the usage of power. The rate study done several years ago calculated into the rate that we would receive the annual rebate. If that goes away, it represents about 5% of revenues. The last contributor is employee costs. Each year employees get either a 2 or 3 percent step increase. In addition, we have given the employees a onetime increase equal to about 1 % over the last couple of years. Add on to that, employee health care costs continue to rise in double digits. July 1, 2013 showed a 14% increase and July 1, 2014 will be another 12.5% in health care premiums. The combination of all of this has put us into the position we are in and without action, we will not be able to maintain the electric utility in a responsible manner.

Recommended Motion:

Move to approve the ordinance with changes which will increase electric rates by 7% which will become effective July 1, 2014.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 883

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 15.12.200, 15.12.210, 15.12.215, 15.12.222, AND 15.12.223, AND 15.12.240 OF CHAPTER 15.12, ELECTRICITY, OF THE WRANGELL MUNICIPAL CODE TO CHANGE THE ELECTRICAL RATES, AND ESTABLISHING AN EFFECTIVE DATE

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 certain sections of Chapter 15.12 of the Wrangell Municipal Code, Electricity, relating to electricity rates.

SEC. 2. Amendment. Section 15.12.200 of the Wrangell Municipal Code is amended to read:

15.12.200 Meter rates – Residential service (Schedule A).

A. Availability. Residential service under this schedule shall be limited to single phase, two or three wire 120/140 service. All installations shall be subject to the approval of the electric utility.

B. Rate.

Customer charge: \$8.00 per month

Energy charge:

0 – 300 KWH \$0.~~[126]~~ 1348 per KWH

301 – 1,200 KWH \$0.~~[102]~~ 1091 per KWH

Over 1,200 KWH \$0.~~[08]~~ 0856 per KWH

SEC. 3. Amendment. Section 15.12.210 of the Wrangell Municipal Code is amended to read:

15.12.210 Meter rates – Small commercial service (Schedule B).

A. Classification. Small commercial service includes lighting, cooking, appliances, and motors in professional mercantile, commercial, and other establishments not classed in Schedule A. This rate shall be for commercial users that use less than an average of 30,000 KWH per month, based upon the previous 12-month average consumption, and are served at secondary distribution voltage level.

B. Availability. Small commercial service under this schedule shall be limited to single phase 120/240 volts service. All installations shall be subject to the approval of the electric utility.

B. Rate. Schedule B.

Customer charge:	\$9.00 per month
Energy charge:	\$0.[116] <u>1241</u> per KWH

SEC. 4. Amendment. Section 15.12.215 of the Wrangell Municipal Code is amended to read:

15.12.215 Meter rates – Large commercial service (Schedule C).

A. Classification. Large commercial service includes lighting, cooking, appliances, and motors in professional mercantile, commercial, and other establishments not classed in Schedule A. This rate shall be for commercial users that use an average of 30,000 KWH per month, or more, based upon the previous 12-month average consumption, and are served at secondary distribution level.

B. Availability. Large commercial service under this schedule shall be limited to single- or three-phase 115 and/or 230 volt service. All installations shall be subject to the approval of the electric utility.

C. Demand Charge. The rate in this section does not include a demand charge. The borough reserves the right to adopt a demand charge after installation of KW demand meters and adoption of rates as required by law.

D. Rate. Schedule C.

Customer charge:	\$13.50 per month
Energy charge:	
0 – 70,000 KWH	\$0.[107] <u>1145</u> per KWH
Over 70,000 KWH	\$0.[103] <u>1102</u> per KWH

SEC. 5. Amendment. Section 15.12.222 of the Wrangell Municipal Code is amended to read:

15.12.222 Rate for separately metered heat and hot water.

- A. Classification. Separately metered electricity used for electric furnaces/boilers and electric water heaters.
- B. Availability. For the rates set forth in this section to apply, the electric furnace/boiler or electric water heater or both must be metered on a meter separate from the meter for other electric service. Such separate meters will be supplied by the borough. The rate set forth in this section is only available for devices that have the primary purpose of providing building heat or hot water to the building's plumbing system. It is not available for other devices that may involve providing heat or heating water such as hot tubs, saunas, stoves or other appliances.

C. Rate.

Customer charge: One-half the applicable monthly customer charge for the class of service

Energy charge: \$0.[08] 0856 per KWH

- D. Transformers. For service under this section, the borough will provide any transformer upgrades for residential service and commercial service transformers under 75 Kva at no cost to the customer. Any other transformer upgrades must be paid for by the customer.
- E. Exclusive Use. No other electric usage shall be connected to the separate meter for electric furnaces/boilers and electric water heaters.
- F. Other Terms and Conditions. Except as otherwise expressly provided for in this section, all the provisions of this chapter shall apply to service under this section including, but not limited to, WMC 15.12.055, Electrical connection fees, WMC 15.12.060, concerning terms of service, WMC 15.12.190, Fuel adjustment charge, and WMC 15.12.192, Hydroelectric wholesale power rate adjustment.
- G. Ineligibility. If an electric usage other than that permitted by this section is connected to the separate meter required by this section, both the customer and any property owned by the customer shall be ineligible for service at the rate provided for in this section for a period of three years for the first such instance and shall be permanently ineligible for such rate upon the second such instance.
- H. Penalties. Any violation of this section is punishable as provided for in WMC 1.20.010, as that section may be amended, revised or replaced, and each day the violation continues shall constitute a separate offense.

SEC. 6. Amendment. Section 15.12.223 of the Wrangell Municipal Code is amended to read:

15.12.223 Electrical rate incentive.

Notwithstanding KWH fee Schedules B, C, and D of this chapter, the assembly may upon a finding of beneficial public interest by resolution offer an electrical rate incentive to new or expanded commercial or industrial users who comply with all of the following stipulations:

A. The incentive rate shall be no less than \$0.~~07~~0856 per KWH.

B. The rate shall apply only to electricity consumed in the new or expanded portion of the business and shall be measurable by installation of a separate electrical meter.

C. The term of this incentive shall not exceed five years from date of meter hookup nor continue longer than seven days after any billing for electrical service becomes delinquent.

D. All other customer charges related to the delivery of electric service shall be charged as per provisions of this chapter.

SEC. 7. Amendment. Section 15.12.240 of the Wrangell Municipal Code is amended to read:

15.12.240 Use of poles.

A. Power poles and service poles belonging to the electric utility or for which the electric utility has jurisdiction may not be used for any purpose other than electrical power transmission and distribution, unless per a written pole attachment agreement.

B. The annual rate for each attachment to any pole by any user, the rate to include right-of-way maintenance by the borough at the base of the pole only, shall be as follows:

1. \$~~14.~~ 20.00 per attachment effective [**January 1, 2001**] July 1, 2014.

C. All poles used in the transmission and distribution of electrical power will be approved by the electric utility and be treated with an approved preservative.

SEC. 8. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 9. 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. 10. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: June 10 _____, 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
June 24, 2014**

INFORMATION:

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REPEALING RESOLUTION NO. 09-09-1167, CITY RULES OF PROCEDURE, BECAUSE THE RULES OF PROCEDURE HAVE BEEN REVISED AND CODIFIED IN TITLE 3 OF THE WRANGELL MUNICIPAL CODE

Attachments:

1. Memo from Clerk Lane dated May 13, 2014
2. Proposed Resolution No. 06-14-1298

RECOMMENDED ACTION:

Move to adopt Resolution No. 06-14-1298 that repeals previously adopted Resolution No. 09-09-1167.

MEMORANDUM

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

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

SUBJECT: RESOLUTION No. 06-14-1298

DATE: May 13, 2014

BACKGROUND:

The City Rules of Procedure have been revised, updated, and codified by the adoption of Ordinance no 882 adding a new Chapter 3.05 to Title 3 of the Wrangell Municipal Code entitled Assembly – General Provisions.

Therefore, with the adoption of Ordinance No. 881 and 882, Resolution No. 09-09-1167 is no longer necessary.

Recommended Action:

Move to adopt Resolution No. 06-14-1298 that repeals the previously adopted Resolution No. 09-09-1167.

CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION NO. 06-14-1298

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, REPEALING RESOLUTION NO. 09-09-1167, CITY RULES OF PROCEDURE, BECAUSE THE RULES OF PROCEDURE HAVE BEEN REVISED AND CODIFIED IN TITLE 3 OF THE WRANGELL MUNICIPAL CODE

WHEREAS, the City Rules of Procedure adopted by Resolution No. 09-09-1167 have been revised, updated, and codified by the adoption of Ordinance No. 882 adding a new Chapter 3.05 to Title 3 of the Wrangell Municipal Code entitled Assembly – Rules of Procedure,” and Ordinance No. 881 amending WMC Chapter 3.04 entitled Assembly – General Provisions; and

WHEREAS, with the Assembly’s enactment of Ordinance Nos. 881 and 882 on June 10, 2014, Resolution No. 09-09-1167 is no longer necessary and should be repealed.

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

Section 1. Repeal. Resolution No. 09-09-1167 is repealed.

Section 2. This resolution shall take effect immediately upon adoption.

ADOPTED: _____, 2014

David L. Jack, Mayor

ATTEST: _____
Kim Lane, CMC, Borough Clerk

Agenda Item 13b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM June 24, 2014

INFORMATION:

See attached application to lease City Tidelands, and recommendations from the Port and Planning & Zoning Commissions. Per WMC 16.08.050, the area involved shall have first been classified for leasing. No lease shall be granted except for the particular use for which the tract is classified. The associated (uplands/low lands) is waterfront development.

Attachments:

1. Application for Tidelands Lease from Mark Mitchell
2. Letter from EDD Rushmore to the US Army Corps of Engineers
3. Memo from Port and Planning & Zoning Commissions
4. Map of the proposed area

RECOMMENDED ACTION:

Move to approve classifying tidelands for lease, for lot 3, USS 3534, as requested by Mark Mitchell and to direct the Borough Clerk to order a Survey and Appraisal, fees to be paid by the applicant.

CITY CLERK
MAY 01 2014
RECEIVED

May 1, 2014

Ms. Carol Rushmore
City and Borough of Wrangell
PO Box 531
Wrangell, AK 99929

Dear Carol:

Please consider my request to lease a portion of the tidelands West of the tide lands owned by Mark and Margaret Mitchell at Six Mile Zimovia Highway (formerly known as the Krepps property) for the purpose of constructing a causeway and boat dock. The legal description is Section 24, T 63 S, R 84 E, Survey # _____. A diagram will be enclosed along with the Corp. of Engineer application.

Please forward this to the Port Commission and the Planning and Zoning Commission. Thank you.

Sincerely,



Mark Mitchell
PO Box 80
Wrangell, AK 99929
Cell Phone # 907-470-4221

**U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-CO-R.**

OMB APPROVAL NO. 0710-0003
EXPIRES: 28 FEBRUARY 2013

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Mark Middle - Last - Mitchell Company - Big Bites Fishing E-mail Address -			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - George Middle - Last - Woodbury Company - Woodbury Enterprise E-mail Address - woodbury@aptalaska.net		
6. APPLICANT'S ADDRESS: Address- P.O. Box 80 City - Wrangell State - AK Zip - 99929 Country - USA			9. AGENT'S ADDRESS: Address- Box 1934 City - Wrangell State - AK Zip - 99929 Country - USA		
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax 907-874-4080 907-470-4221			10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax 907-874-4140 907-305-0998 907-874-4142		

STATEMENT OF AUTHORIZATION

11. I hereby authorize, George Woodbury to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Causeway ramp and floats			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Zimovia Strait		14. PROJECT STREET ADDRESS (if applicable) Address Mile 5.5 Zimovia HWY	
15. LOCATION OF PROJECT Latitude: -N 56 25 15 Longitude: -W 132 20 21		City - Wrangell State- AK Zip- 99929	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Wrangell Borough Section - 24 Township - 63 S Range - 84 E			

17. DIRECTIONS TO THE SITE

From Wrangell A/P Bennett St. to Zimovia HWY to 5.5 mile Mitchell property

18. Nature of Activity (Description of project, include all features)

The project will consist of a causeway that will provide access to a basin to be dredged at the end of the causeway on which will be constructed a ramp leading to floats that will be used for mooring fishing boats and aircraft. The causeway will be constructed with shot rock the core of the wide portion at the end of the of the causeway will be used to deposit the dredge material from the construction of the basin. The ramp will be constructed of aluminum, the floats are concrete, steel piling will be used to stabilize the floats and ramp. The basin will be dredged to -6 tide.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

This project is to construct a causeway with dock and ramp and dredge a basin so that there is sufficient water to moor boats and aircraft on the water for a commercial fishing operation. The plan and profile (Sheet 1 and 2 attached) Shows the location on the Mitchell property of the proposed facility.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

As stated above this will make it possible for Mr. Mitchell to conduct his commercial fishing operation, have gear and pot storage on his property, a place to work on fishing gear and boats and a place to park his aircraft used in the fishing operation.. There are no aircraft slips available in Wrangell so this proposed facility is needed for him to have a place to park his aircraft.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Shot rock 11,348	Dredge material 3500	

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres 0.93
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

This property that is owned by Mr. Mitchell will work as a location for conducting his business. Other alternatives for the fishing operation are less efficient for taking care of the fishing gear and boats and there are no alternatives for parking his aircraft. The proposed facility is the minimum necessary to do what he must to conduct his business and moor the boats and aircraft. Mitigation will be handled through working with SE Land Trust and the Corps determinations..

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Silver Bay logging Inc Dick Buhler

City - 6 mile Zimovia HWY State - Alaska Zip - 99929

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

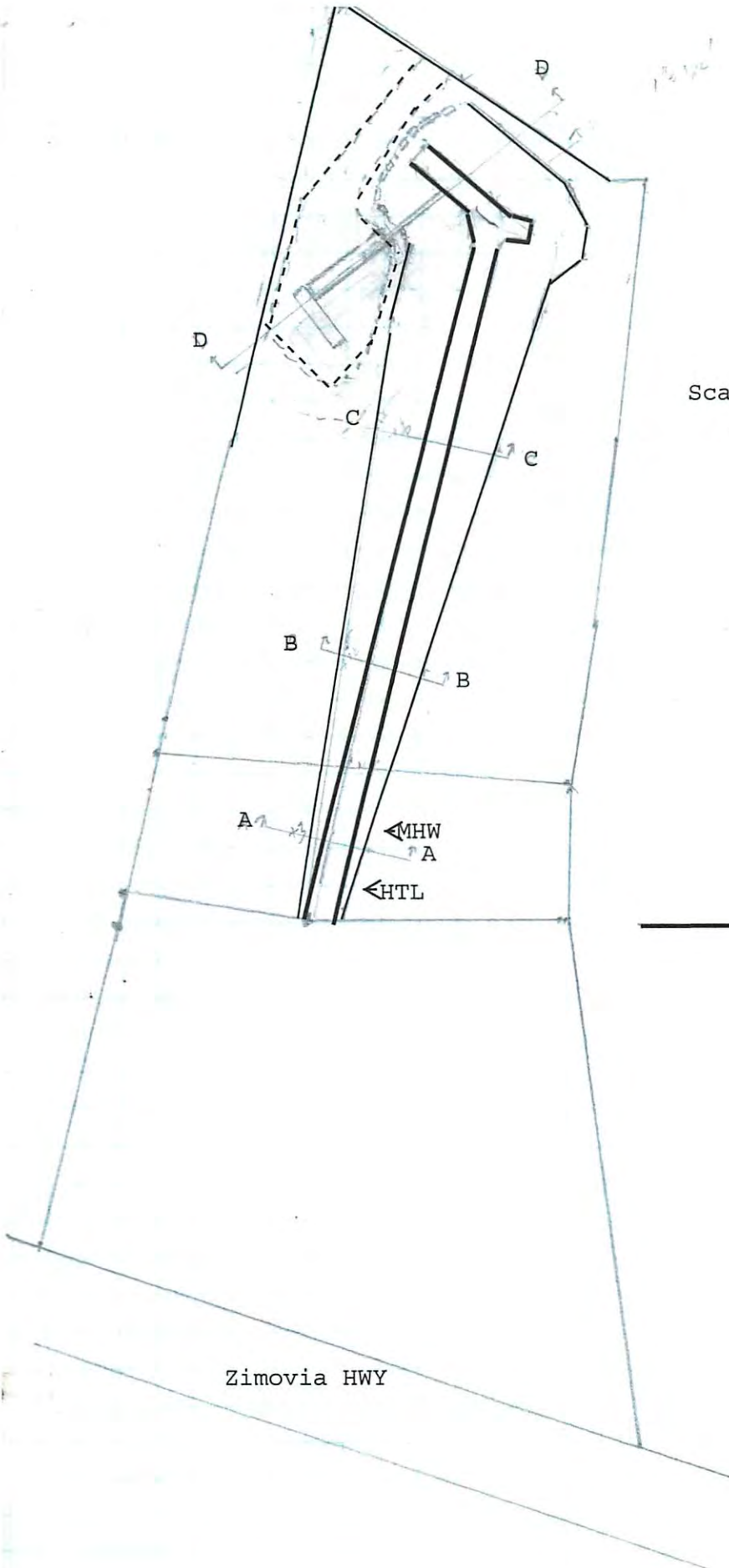
DATE

SIGNATURE OF AGENT

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



Scale 1"=100'

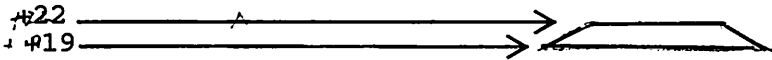
Project →



Zimovia HWY

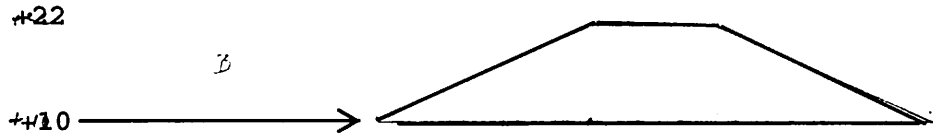
Causeway Float Project
 Wrangell AK
 USS 3534 Lot 12
 Zimovia Strait
 2 5 2014
 Sheet 1 of 2

Tide



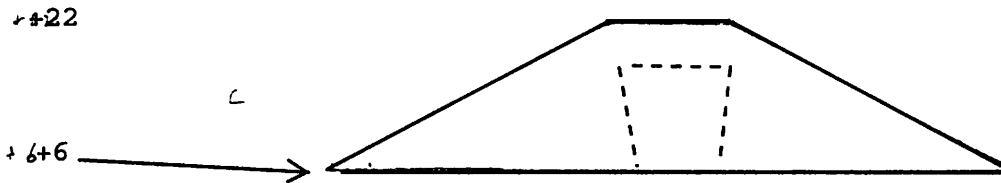
Section A

1"=20'



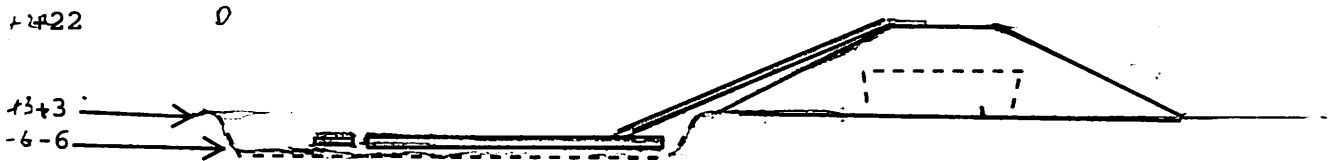
Section B

1"=20'



Section C

1"=20'



Section D

1"=40'



CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008

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

May 5, 2014

Marcia Heer
US Army Corps of Engineers
Regulatory Division (1145)
ECPOA-RD
PO Box 6898
JBER, Alaska 99506-0898

Re: POA-2014-109 Zimovia Strait, Applicant Mark Mitchell

Dear Ms. Heer:

The City and Borough of Wrangell by this letter is responding with comments to the Public Notice of Application for Permit, No. POA-2014-109.

Currently, a portion of the tidelands that Mr. Mitchell is seeking to fill and develop belongs to the City and Borough of Wrangell. The Borough is the owner of Lot 3, USS 3534, the tidelands on the outside of ATS 604 (see attached plat map, modified to show correct ownership). Mr. Mitchell has made an application to the Borough for a tidelands lease and the Borough is working through the process.

The Borough does not object to Mr. Mitchell starting the process to obtain the Corps of Engineer's permit, because we realize the time involved. Should the Corps issue a Permit for fill, however, the Borough requests that it be on condition that Mr. Mitchell successfully leases the requested tidelands from the City and Borough of Wrangell. The Borough will keep the Corps of Engineers informed as to the status of the lease process.

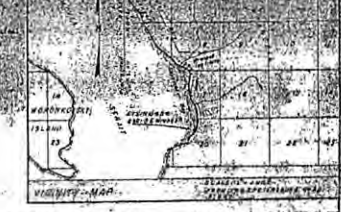
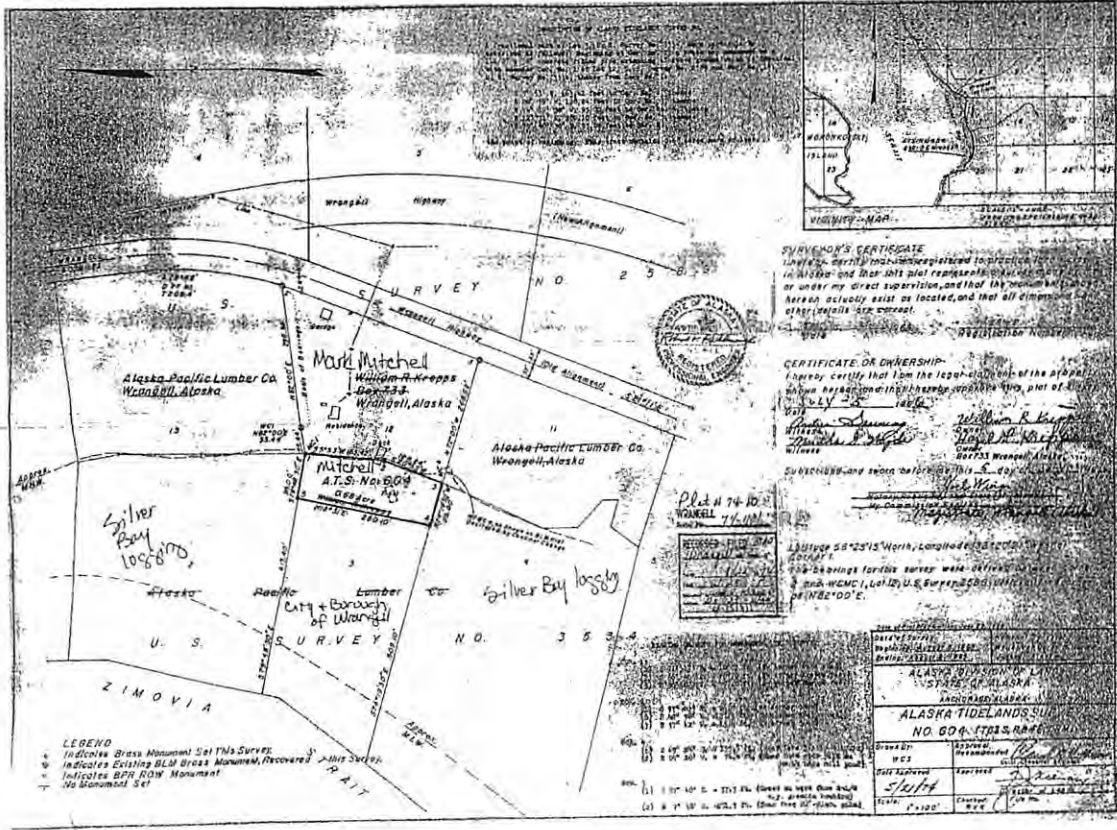
Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Carol Rushmore". The signature is written in black ink and is positioned above the printed name and title.

Carol Rushmore
Economic Development Director

Cc: Mark Mitchell
Planning and Zoning Commission
Greg Meissner, Harbor Master
Kim Lane, Borough Clerk



SURVEYOR'S CERTIFICATE
 I hereby certify that the foregoing plat was prepared under my direct supervision and that all dimensions hereon actually exist as located, and that all omissions and other details are correct.

CERTIFICATE OF OWNERSHIP
 I hereby certify that I am the legal owner of the above shown hereunto described parcel of land, part of...
 William R. Kripps
 Mark Mitchell
 Alaska Pacific Lumber Co.
 Wrangell, Alaska

Plat No. 74-10-3
 WRANGELL
 No. 60-1-23-8-4

ALASKA TIDELANDS SURVEY NO. 60-1-23-8-4	
PLAT NO.	74-10-3
SECTION	10
TOWNSHIP	74N
RANGE	10W
DATE	...
BY	...
FOR	...

Kim Lane

From: Carol Rushmore <ecodev@wrangell.com>
Sent: Tuesday, May 06, 2014 4:51 PM
To: 'Heer, Marcia L POA'
Cc: Mark Mitchell; Greg Meissner; 'Kim Lane'
Subject: POA-2014-109, Zimovia Straits, Wrangell - applicant Mitchell
Attachments: Mitchell COE letter-map.pdf

Dear Marcia

Attached please find comments on the above permit application. Please do not hesitate to call if you have any questions.

An original letter is being mailed today.

Sincerely,

Carol Rushmore
Economic Development Director
City and Borough of Wrangell
P.O. Box 531
Wrangell, AK 99929
907-874-2381
fx 907-874-3952
ecodev@wrangell.com

Please check out our website at www.wrangell.com
Follow us on Twitter: [WrangellCVB](#) or [CityofWrangell](#)
Like "WrangellCVB" or "City and Borough of Wrangell" on Facebook

City and Borough of Wrangell, Alaska

Date: May 9, 2014

To: Jeff Jabusch, Borough Manager

From: Carol Rushmore, Economic Development Director

Re: Request from Mark Mitchell to lease city tidelands, Lot 3, USS 3534

The Planning and Zoning Commission at their regular meeting of May 8, 2014 recommended to the Assembly to move forward with the necessary steps to lease the requested tidelands.

Wrangell Port Commission

MEMO

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

FROM: SHERRI COWAN, PORT RECORDING SECRETARY

SUBJECT: Request for Consideration of Tidelands Lease as requested by Mark Mitchell

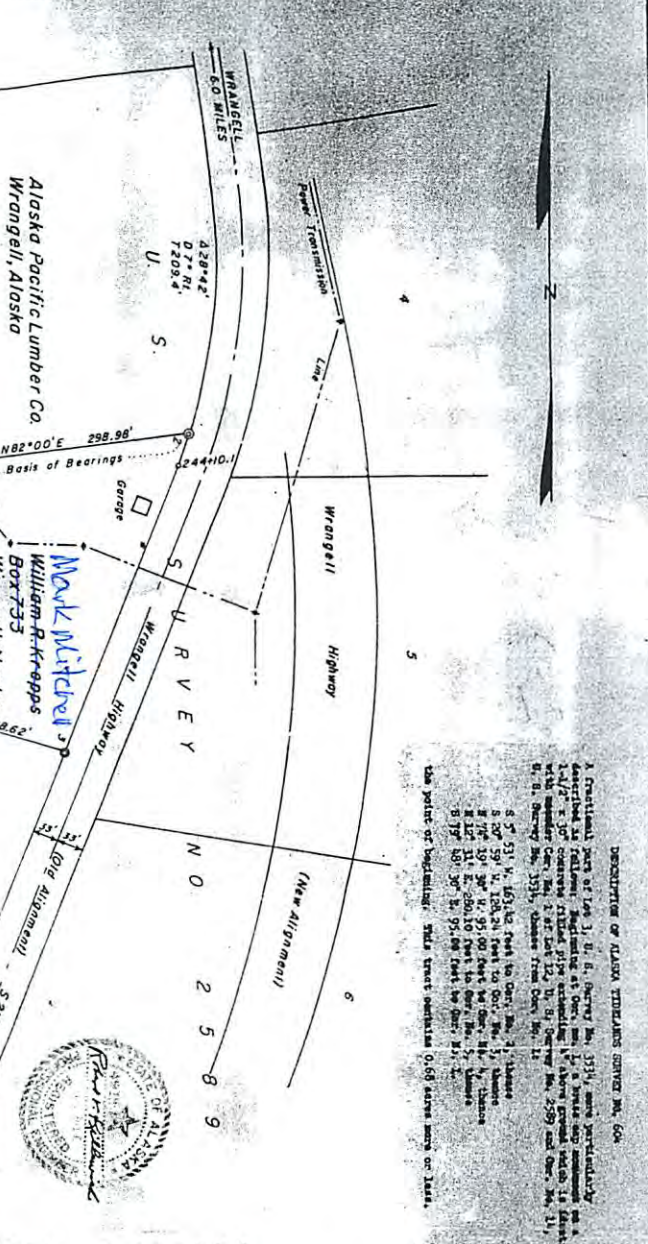
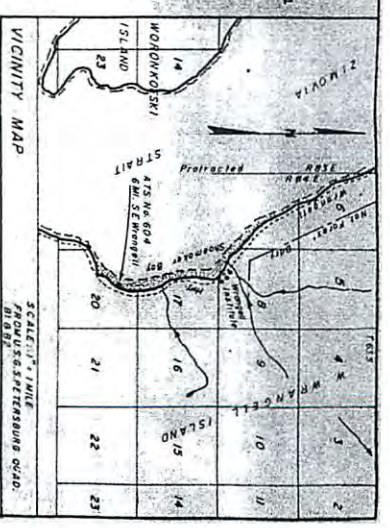
DATE: June 6, 2014

At their June 5, 2014 Regular Meeting, the Port Commission approved the Application for Consideration of Tidelands Lease as requested from Mark Mitchell.

DESCRIPTION OF ALASKA TIDELANDS SURVEY NO. 604

1. Contained hereon is a plan of the 5.00 acre parcel situated in the 24th Range, 13rd Principal Meridian, Alaska, as shown on the plan hereon, which is a part of the Alaska Tidelands Survey No. 604. The survey was made by William R. Krueger, Registered Professional Surveyor, Alaska, and the plan is subject to the provisions of the Alaska Tidelands Act, Chapter 28, Alaska Statutes, and the regulations thereunder.

2. The 5.00 acre parcel is situated in the 24th Range, 13th Principal Meridian, Alaska, and is bounded on the north by the 24th Range line, on the east by the 13th Principal Meridian, on the south by the 13th Principal Meridian, and on the west by the 24th Range line. The parcel is situated in the 24th Range, 13th Principal Meridian, Alaska, and is bounded on the north by the 24th Range line, on the east by the 13th Principal Meridian, on the south by the 13th Principal Meridian, and on the west by the 24th Range line. The parcel is situated in the 24th Range, 13th Principal Meridian, Alaska, and is bounded on the north by the 24th Range line, on the east by the 13th Principal Meridian, on the south by the 13th Principal Meridian, and on the west by the 24th Range line.



SURVEYOR'S CERTIFICATE

I hereby certify that I am registered to practice land surveying in Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown hereon actually exist as located, and that all dimensional and other details are correct.

Signed: _____ 1965
Date: _____
Registration Number: _____

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the legal claimant of the property shown hereon and that I hereby approve this plat of survey.

Dated: _____ 1966
Signature: _____
Owner: _____
Address: _____

Witness: _____

Subscribed and sworn before me this _____ day of _____, 1966.

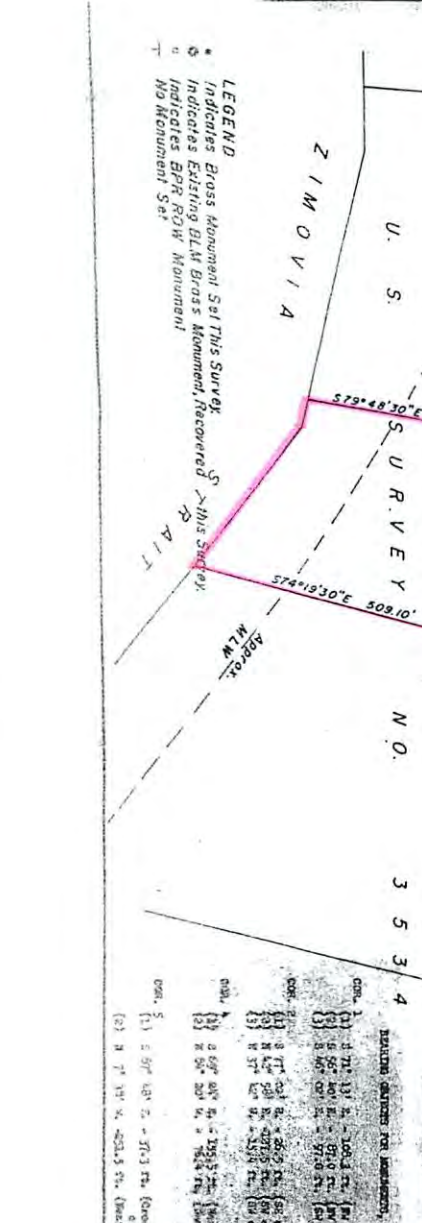
My Commission Expires _____
Notary Public for the State of Alaska
My Name: _____
Address: _____

Latitude 56°25'15" North, Longitude 132°20'21" West of Corner 1.
The bearings for this survey were derived between corner 2 and WCNC I, Lot 12, U.S. Survey 2589, officially recorded as N82°00'00"E.

RECORDED - FILED 3-10

ALASKA

PLAT NO. 74-10
WARRANT NO. 74-1011



Date of Publication: June 22, 1966			
Date of Survey	Name of Surveyor	Beginning	Ending
August 5, 1965	William R. Krueger	Anchor Point	North
August 5, 1965	William R. Krueger	Anchor Point	North

ALASKA TIDELANDS SURVEY	
NO. 604 (T24S, R13W, 13th Range, 24th Township)	
Drawn By:	Approved:
WCS	WCS
Checked:	Checked:
Scale: 1" = 100'	Scale: 1" = 100'

Agenda Item 13c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM June 24, 2014

INFORMATION:

Approval of the submittal to the State of Alaska for Municipal Entitlement of Lands

Attachments:

1. Memo from Carol Rushmore, Economic Development Director
2. Memo from P&Z Commission and the EDC
3. Maps of the Proposed Selected Area
4. Final Findings & Decision of the initial Selections - Approved Sept. 2013

**** Note: Carol Rushmore will be at the meeting to provide information to assist you in the recommended action.**

RECOMMENDED ACTION:

Move to approve Option _____

City and Borough of Wrangell, Alaska

Date: June 19, 2014

To: Jeff Jabusch, Borough Manager

From: Carol Rushmore, Economic Development Director

Re: Municipal Entitlement Selection

Propose Land Selection Descriptions and Issues

The City and Borough of Wrangell have 849 acres left to select. Lands that can be selected must be classified General Use or Settlement in the State's Central Southern Southeast Area Plan 2000. The State reviews our selection and determines any conflicting issues, if the selections meet the intent of the Municipal Entitlement Act and if the Boroughs interest in obtaining the land would outweigh any interests of the State.

Some of the maps used for review of the documents include the Division of Forestry's Southeast State Forest maps and the State's 5 Year Timber Plan for Southern Southeast FY2013-2017, and the Department of Natural Resources Central Southern Southeast Area Plan 2000 which provided the Unit Identification numbers, land classifications and descriptions.

The Economic Development Committee reviewed various options for the land selection and identified priority areas for selection. The Planning and Zoning Commission spent only one meeting on the land areas but recommended different areas. Attached are maps of the areas identified by both Boards with the estimated acreages for consideration by the Assembly.

W-12 Earl West Cove:

Attached aerial map shows 240 acres proposed for selection. Planning and Zoning Commission was interested in this area because of the road access to the recreational area. This additional land could provide more recreational opportunities. The proposed acreage is part of the Southeast Alaska State Forest, but has already been harvested (see attached map of 5 year schedule).

The Borough has already received approximately 895 acres from the previous selection process.

In the previous selection process, available forest lands and anadromous streams were of concern to Division of State Forestry and Alaska Fish and Game. The proposed 240 acres has been harvested and does not include anadromous streams, although if the selection were to extend to the section line for an additional 160 acres, an anadromous stream would be included.

In the upper right corner, there is additional state lands of approximately 120+ acres that could be selected along the shoreline. Previous available mapping showed severe slopes in this area which is why the previous selection stopped where it did. However, the 5 year plan map and some photos taken from the water this spring indicate less severe slopes than originally thought.

On the northern side of the Earl West Cove selection, is an approximately 240+ acre parcel plus 160-acre area that was not originally selected. The land along the shoreline is muskeg and flat, the 160 acre area is up on the road and overlooks the lower shoreline area and includes a USFS retained quarry area.

W-02 St. John's Harbor, Zarembo Island:

Attached is a map, State's 5 year timber schedule map and google aerial of the St. John's harbor area. The entire parcel is 1,679 acres, of which Wrangell has already selected approximately 500 acres, including a 1000 foot swath on the shoreline of Section 33. The State contacted me this Spring and has indicated that they would like to see Wrangell select the entire parcel (along with portions of Wrangell East). However there is more acreage in this parcel than the Borough has left to select. Basically, the timber harvesting is almost complete and there is no short term timber value for the State and they see future conflicts between proposed borough uses and their future timber harvest uses. The Economic Development Committee identified land within Section 34 for additional selection primarily because the Forest Road goes through this area providing some access. Land in this section could be used for commercial recreational and residential type uses. The USFS or State likely retain a forest road easement through the property for continued access. The State land within Section 34 on the south portion of the St. John's tract consists of an estimated 360 acres. A lesser amount of approximately 90 acres, continuing the 1000 foot swath could be selected along the shoreline, but based on historic conversations, the State could claim that the Borough is "cherry picking" the best land along the shoreline. ADF&G has commented as to the value of the the habitat on the shoreline area.

W-08 Wrangell East:

The Borough has already selected and received approximately 875 acres. State contacted me this Spring and has indicated that they would like to see Wrangell select the remaining state land in Section 2 and 11 adjacent to what we have already received in order to eliminate future conflicts and to eliminate what they consider a remnant parcel. This would consist of an estimated total of 200 acres (160 acres in Section 2 and 40 acres in Section 11) . The Economic Development Committee and the Planning and Zoning Committee recommended selecting this area because the current road travels through a portion of the property.

W-14 Thoms Place:

The landownership maps in the Southern Southeast Area Plan for Thoms Place are not correct. Some of the lands in 2000 were selected by the State but certain lands were retained by the US Forest Service. Based on the Plan, there is a small quarter section of Section 31 that is still classified as Settlement that we did not select previously that equals 160 acres. A forest road that accesses Thoms Creek and timber lands past traverses a portion of the property. The Economic Development Committee was interested in this parcel for recreational potential, commercial recreation, access to Thoms Place and for settlement purposes. The USFS would retain an easement for the road to access their lands beyond the selection.

	Option 1	Option 2	Option 3	Option 4
Earl West Cove	240	240	360	360
St. Johns	360	120	90	360
Wrangell East	200	200	200	0
Thoms Place	160	160	160	160
TOTAL	960	720	810	880

City of Wrangell, Alaska

Date: May 12, 2014

To: Jeff Jabusch, Borough Manager

From: Carol Rushmore, Economic Development Director

Re: Discussion regarding final selection of municipal entitlement lands

The Planning and Zoning Commission at their meeting of May 8, 2014 recommends to the Assembly to select the final 849 acres remaining of our municipal entitlement land selection land from at least the following areas:

Earl West Cove – because of possible timber available and because RV and recreational uses, and accessible by the road.

St. John's area on Zarembo – road access to portions of the land

City of Wrangell, Alaska

Date: April 17, 2014

To: Jeff Jabusch, Borough Manager

From: Carol Rushmore, Economic Development Director

Re: Discussion regarding final selection of municipal entitlement lands

The Economic Development Committee at their meeting of April 16, 2014 recommends to the Assembly to select the final 849 acres remaining of our municipal entitlement land selection land from the following areas by priority:

Thoms Place Section 31 (if allowable, staff needs to confirm mapping with the State)

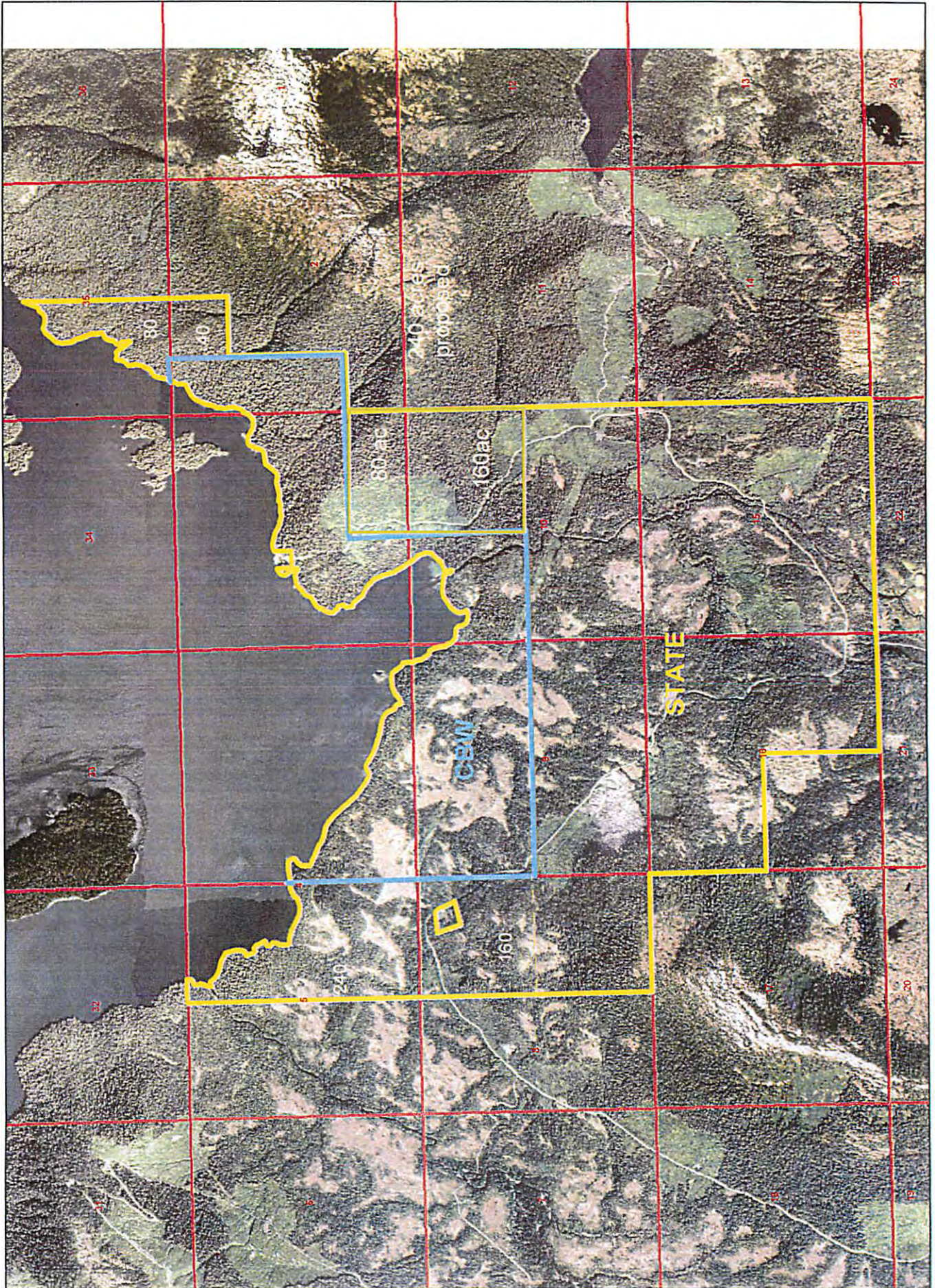
St. John's area on Zarembo in Section 34

Wrangell East on the road system (as suggested by the State of Alaska)

Earl West Cove

Final acreages in each area are still to be determined based on additional discussions with the State of Alaska.

CITY AND BOROUGH OF WRANGELL, ALASKA



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

Proposed Selection

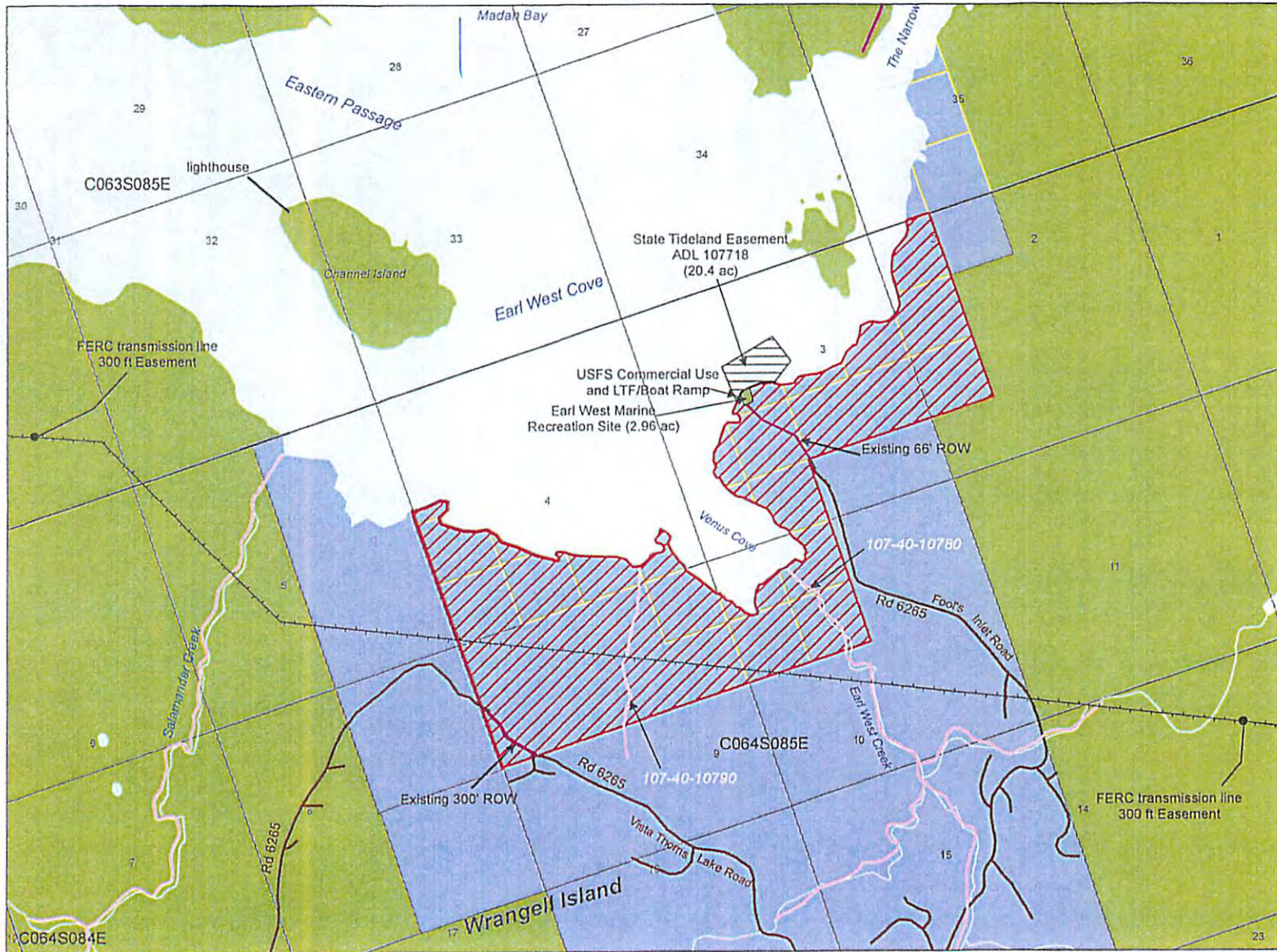


1 inch = 3,000 feet



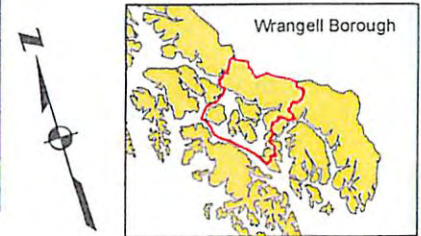
Map 5
 City & Borough of Wrangell Selections
 ADL 108133

Earl West Cove

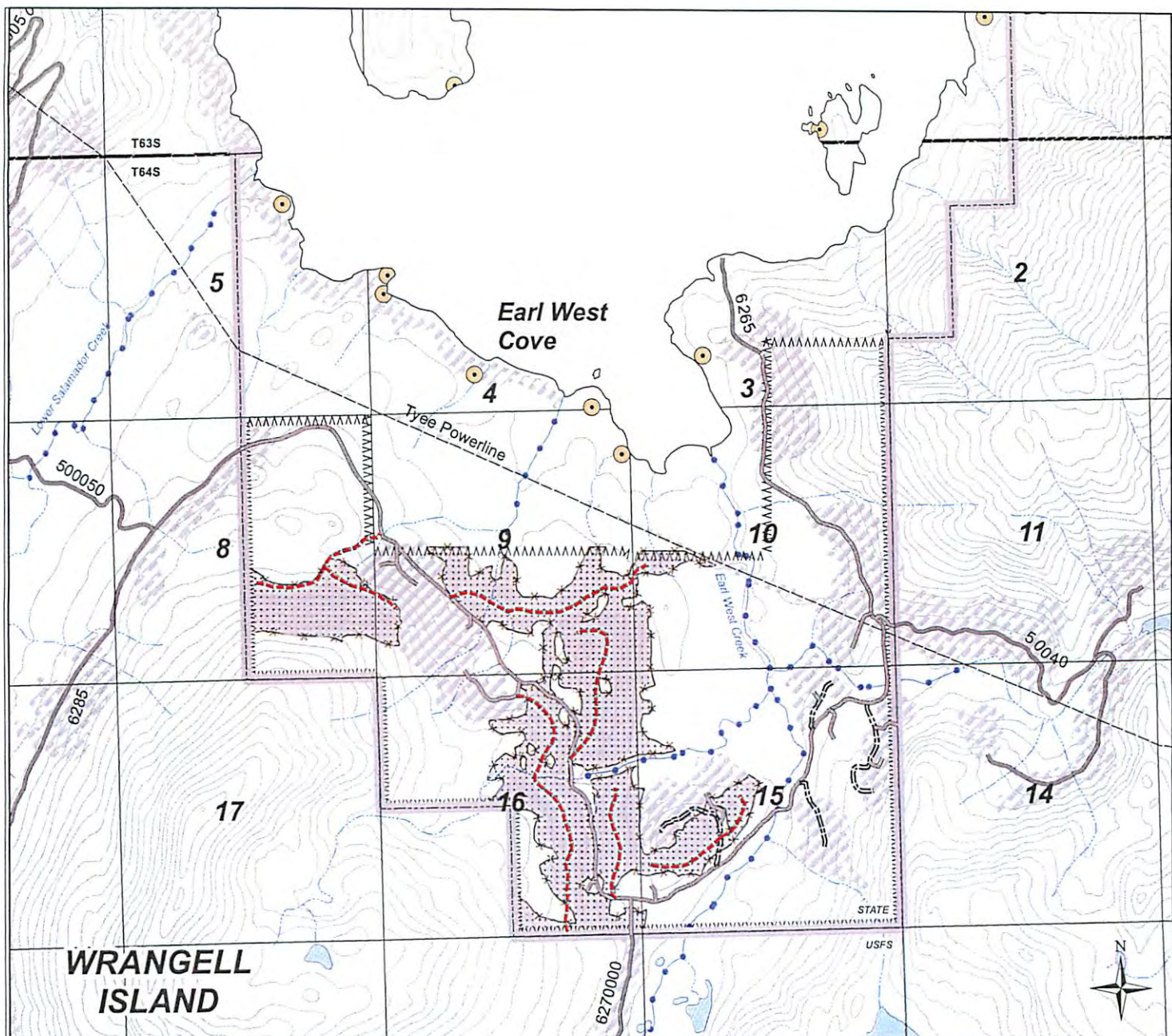


Legend

- Forestry Roads
- Anadromous stream
- Wrangell M.E. Selection**
 - Selected
- State Land**
 - TA or Patent
- Other Land**
 - US Forest Service
 - Surveyed Parcels



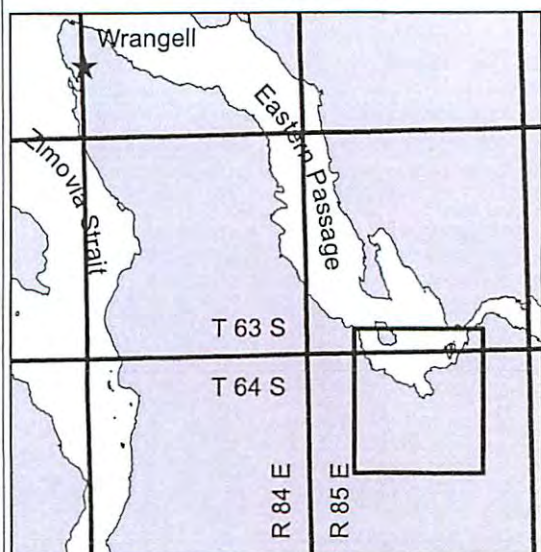
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



0 1,000 2,000 4,000 6,000 Feet

1 inch = 3,000 feet

Contour Interval = 100 Feet



1 in = 5 miles

Vicinity Map

(C.R.M.)

Legend

- Proposed Harvest
- Previously Harvested
- Lakes
- Southeast State Forest
- Property Line
- Existing Road
- Closed Road
- Proposed Road
- Cataloged Anadromous Stream
- Streams
- Power Line
- Eagle Nests

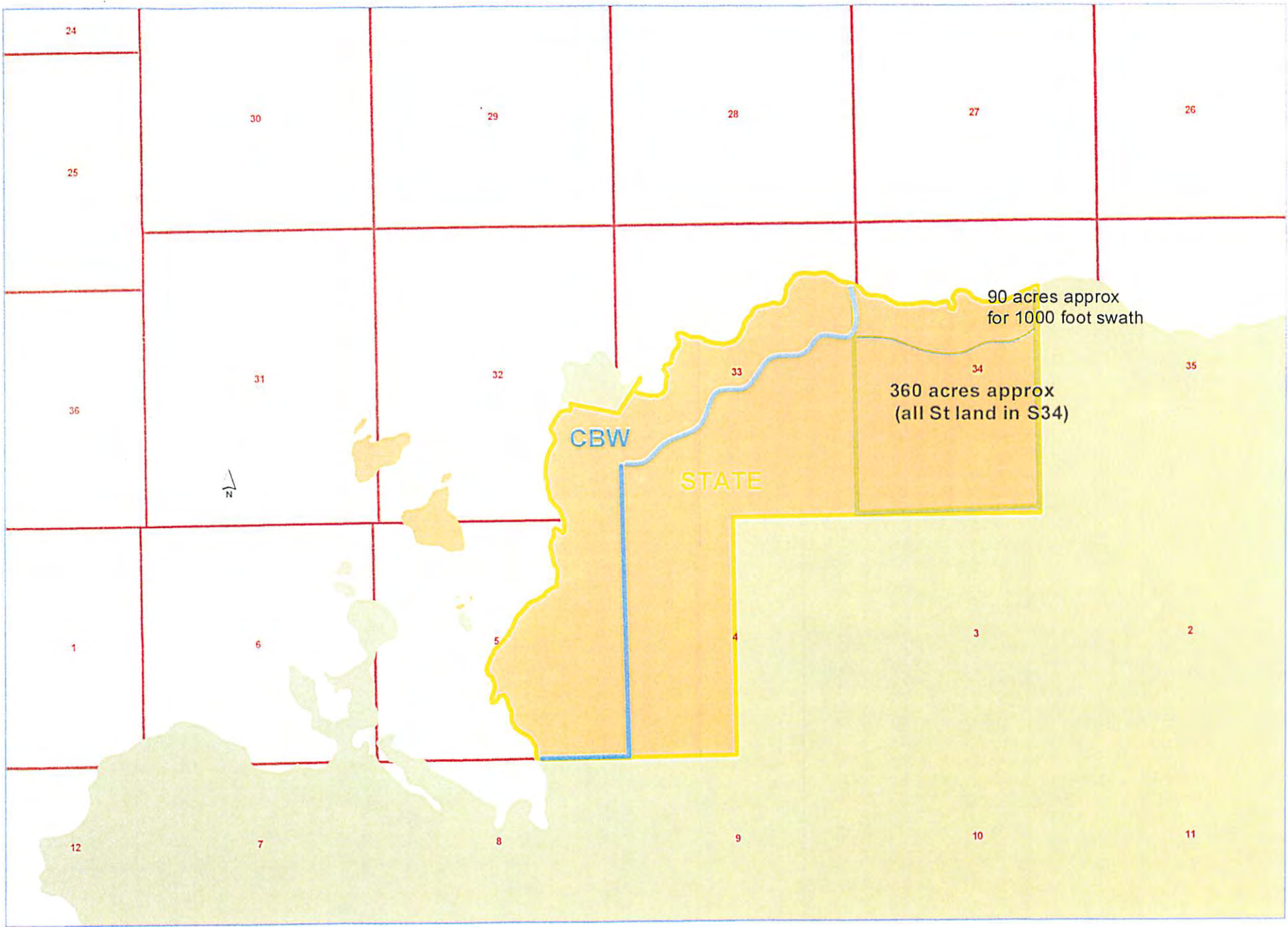
**EARL WEST AREA
FIVE YEAR SCHEDULE
OF
TIMBER SALES
CALENDER YEARS 2013-2017**



Division of Forestry

St. John's Zarembo

CITY AND BOROUGH OF WRANGELL, ALASKA



 **Proposed Selection**

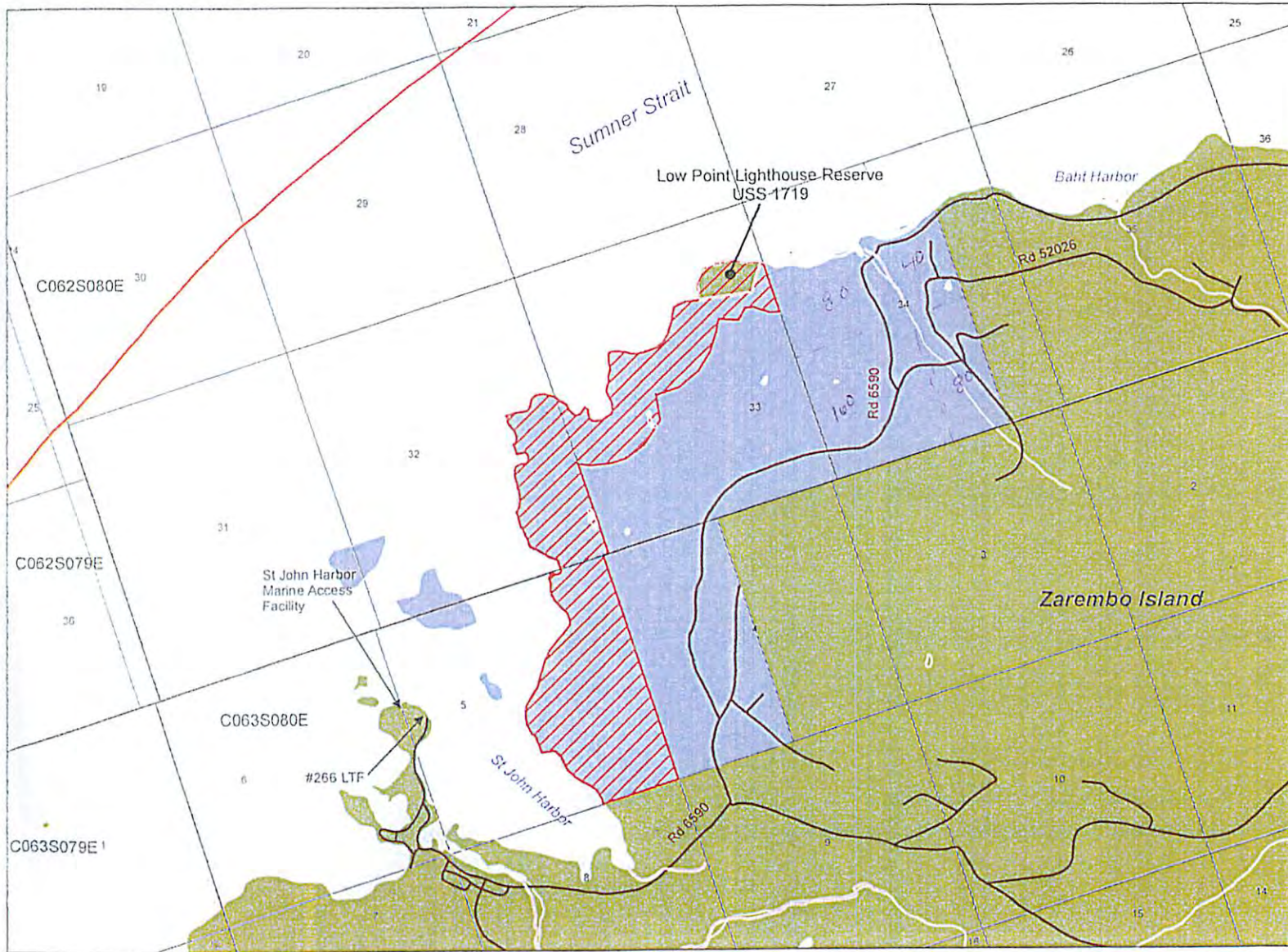
DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2013.
AERIAL PHOTO 2002.

1 inch = 2,916.666667 feet



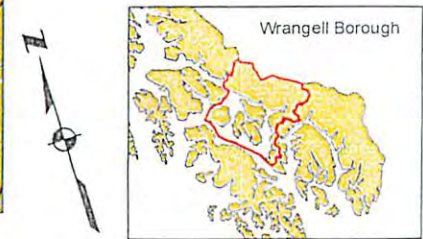
Map 9
 City & Borough of
 Wrangell Selections
 ADL 108133

St John Harbor

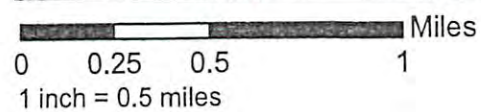
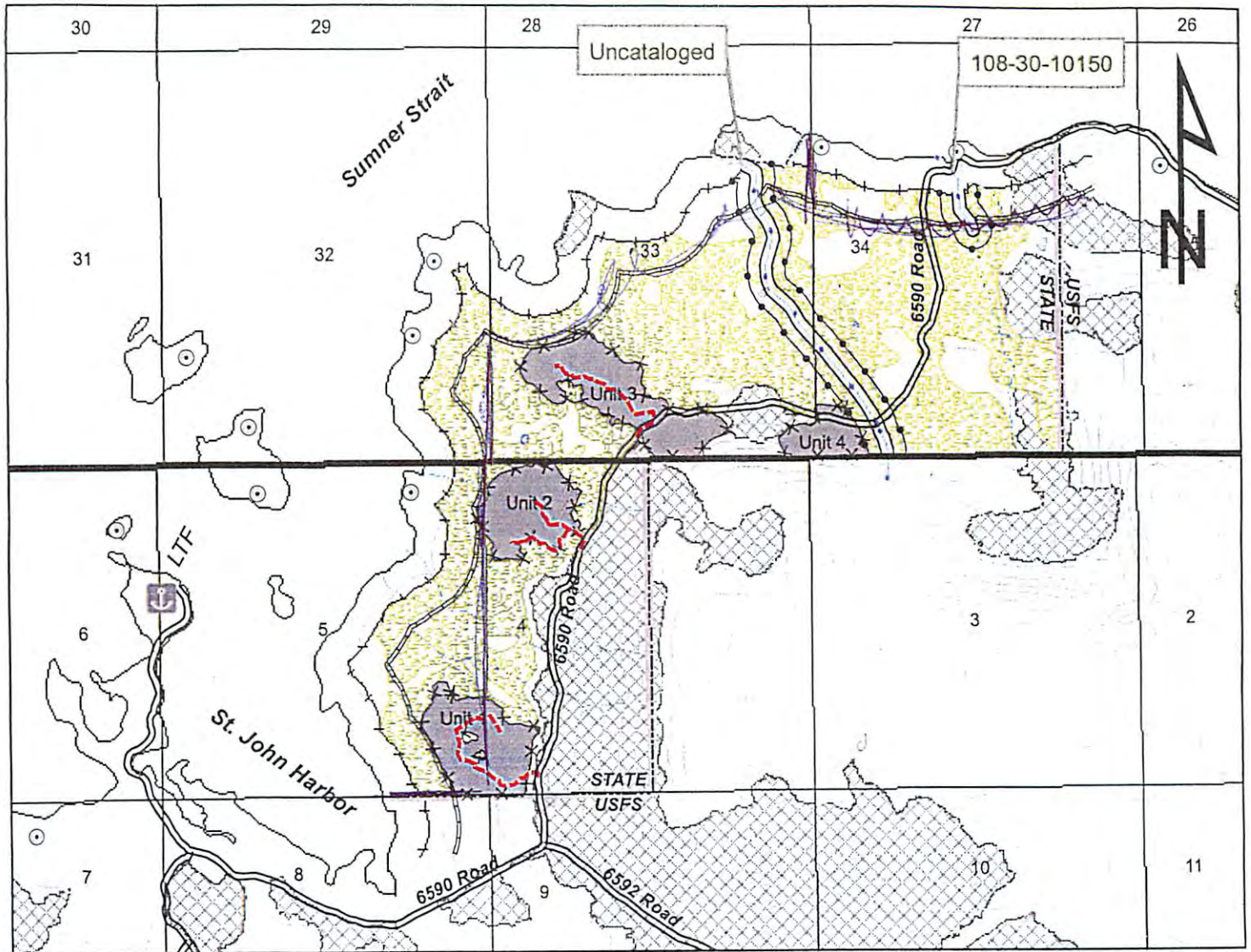


Legend

- Borough Boundary
- Forestry Roads
- Wrangell M.E. Selection**
- Selected
- State Land**
- TA or Patent
- Other Land**
- US Forest Service
- Retained by USFS

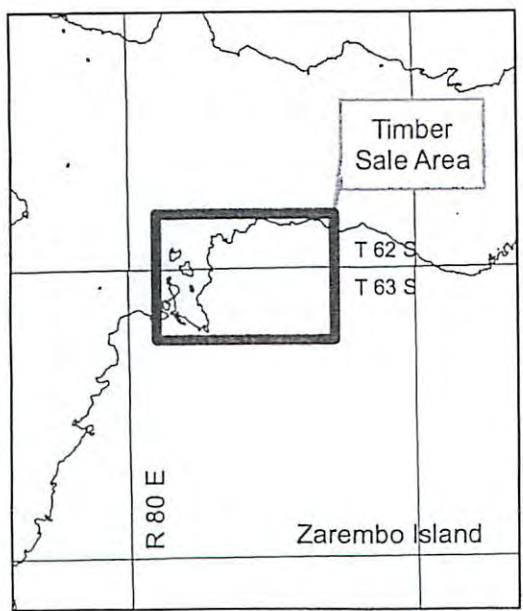


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T63S R80E C.R.M.
T62S R80E C.R.M.

Contour Interval = 100 feet



Vicinity Map (C.R.M.)
1 inch = 4 miles



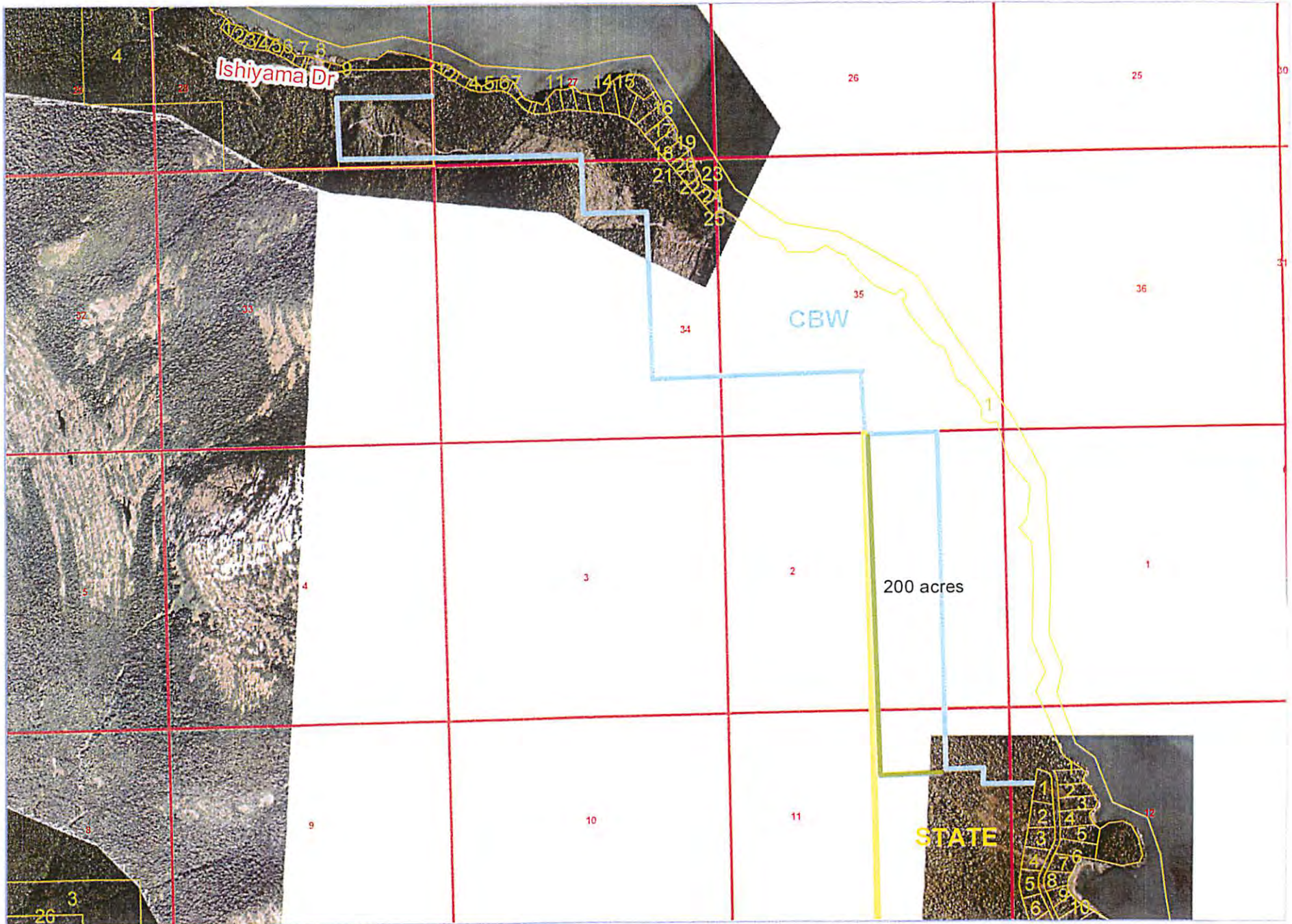
ATTACHMENT 1

ZAREMBO ISLAND TIMBER SALE



DIVISION OF FORESTRY

CITY AND BOROUGH OF WRANGELL, ALASKA



— Proposed Selection

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

1 inch = 2,500 feet

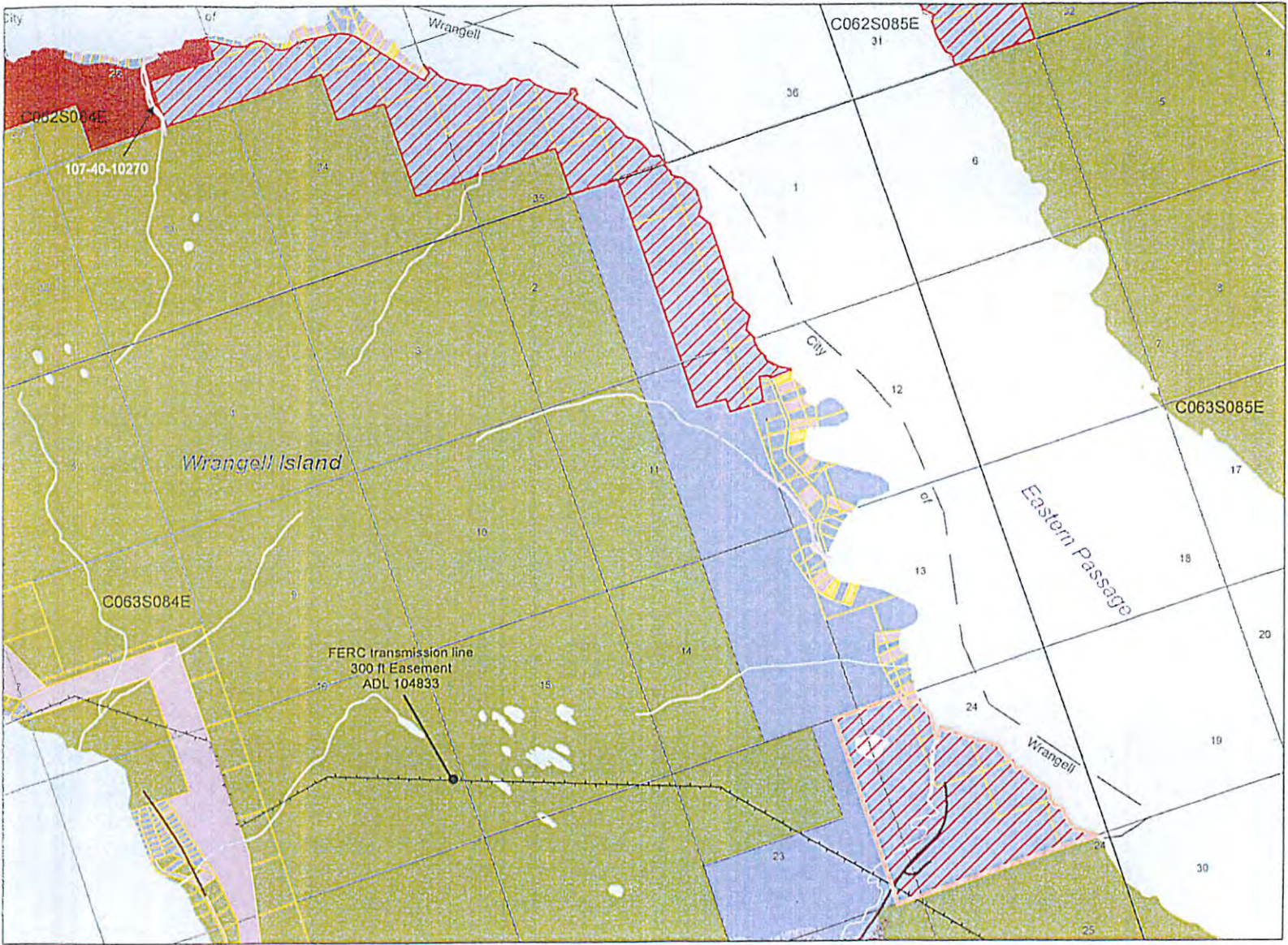


Map 6











City & Borough of Wrangell Selections

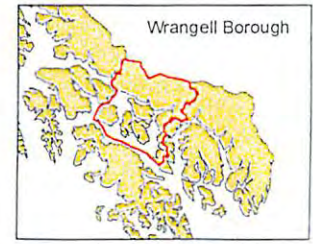
ADL 108133

Wrangell Island East



Legend

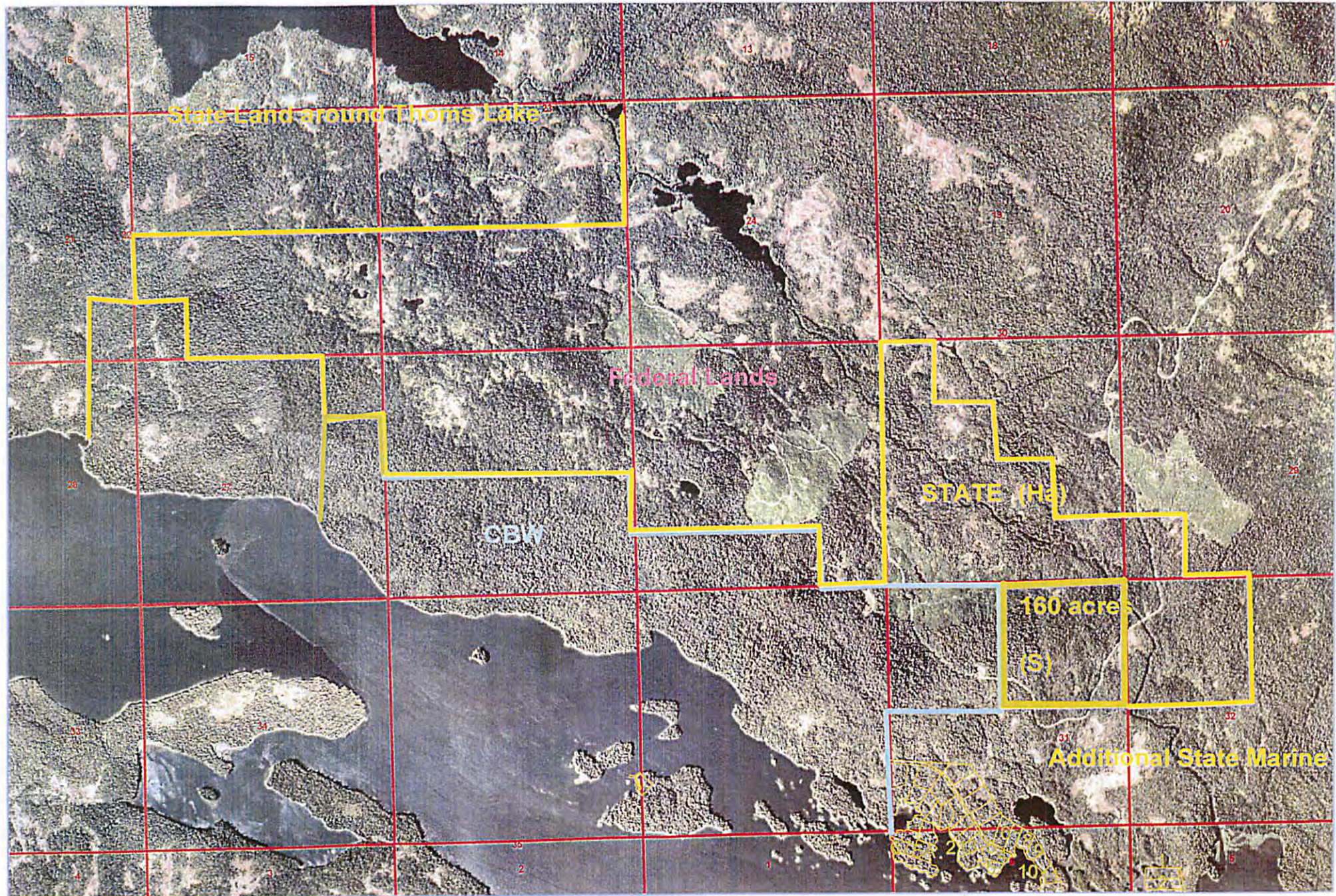
-  Forestry Roads
-  Anadromous stream
- Wrangell M.E. Selection**
-  Selected
- City & Borough**
-  Conveyed (262 ac)
- State Land**
-  TA or Patent
-  Retain by State
- Other Land**
-  US Forest Service
-  Mental Health
-  Surveyed parcels
-  Agreement Settlement



This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Thomas

CITY AND BOROUGH OF WRANGELL, ALASKA



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

1 inch = 2,750 feet

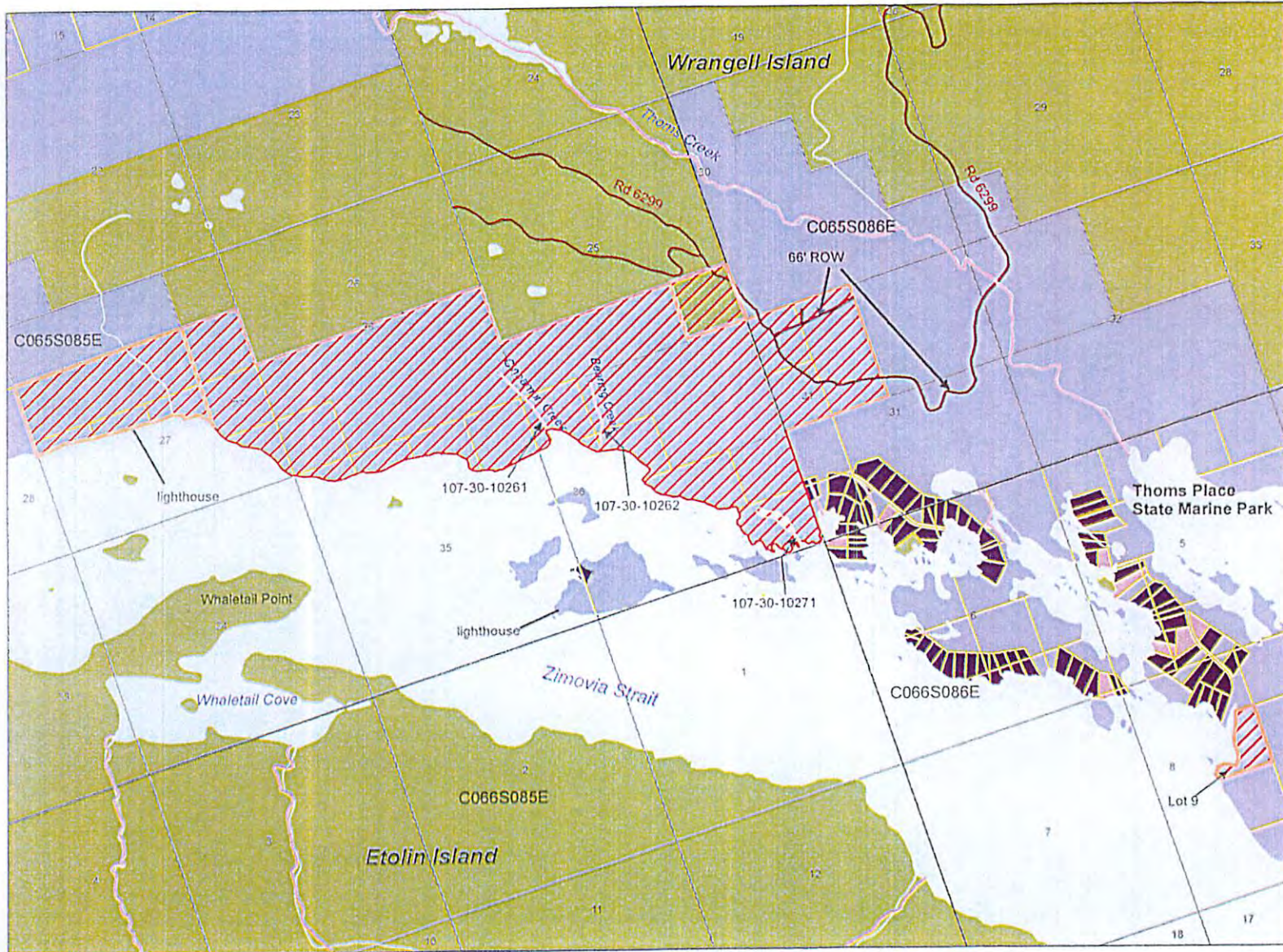


Map 3


City & Borough of Wrangell
 Selections

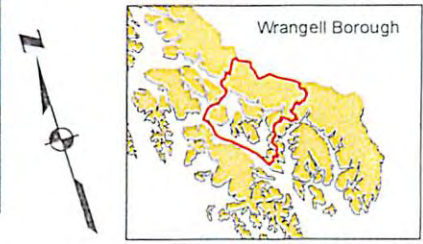
ADL 108133

Thoms Place & Thoms Place South



Legend

-  Forestry Roads
-  Anadromous stream
- Wrangell M.E. Selection**
-  Selected
- State Land**
-  TA or Patent
-  Retain by State
- Other Land**
-  US Forest Service
-  Retained by USFS
-  Mental Health
-  Private (Land Disposals)
-  Surveyed Parcels



This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



Vicinity Map

City & Borough of
Wrangell Selections

ADL 108133

Legend

-  Borough Boundary
-  Forestry roads

Wrangell M.E. Selections

-  Selected

City & Borough

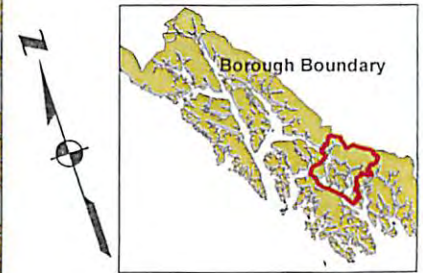
-  Conveyed

State Land

-  TA or Patent

Other Land

-  Federal Land



This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

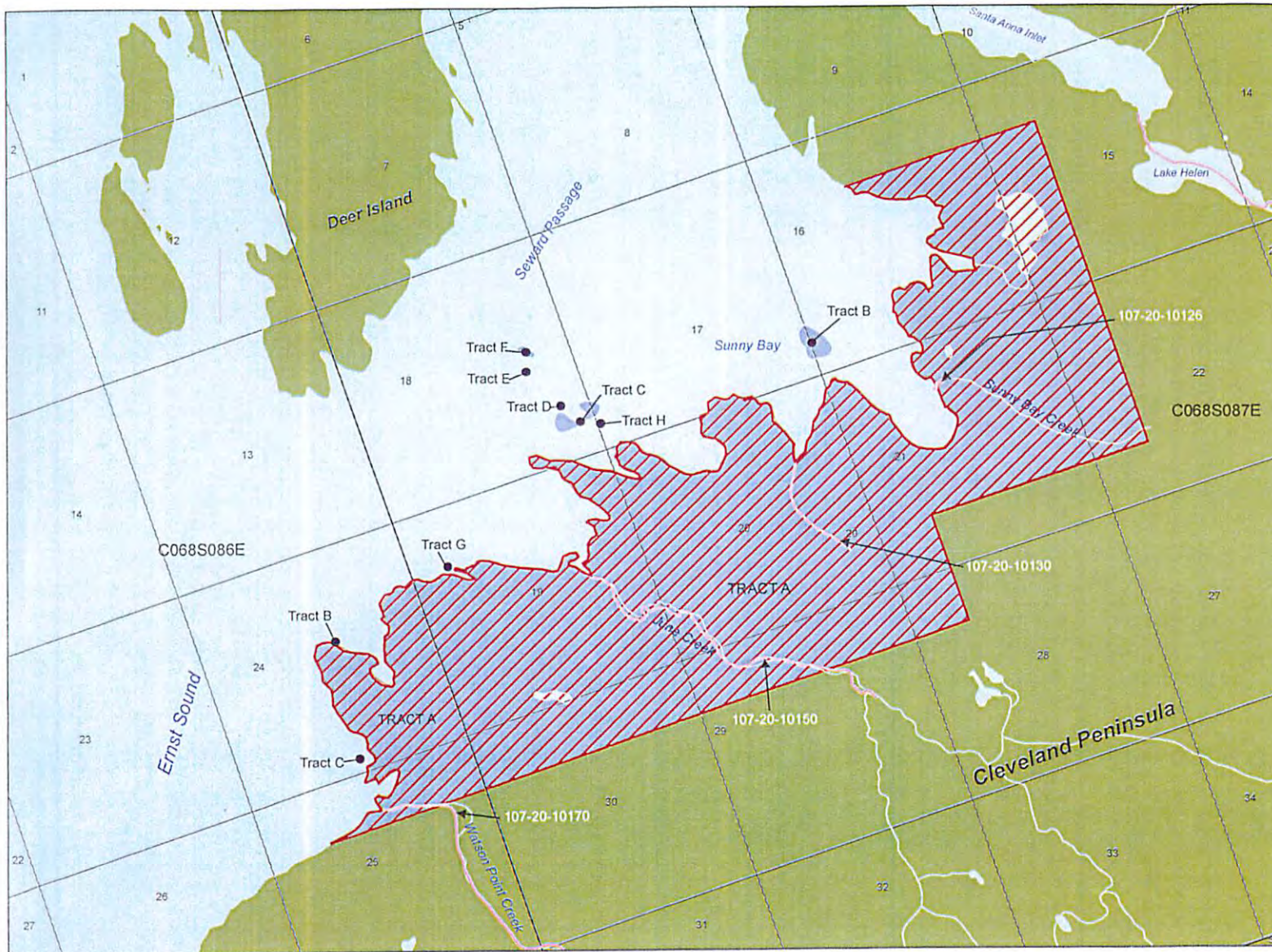
Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Final Finding and Decision

July 1, 2013

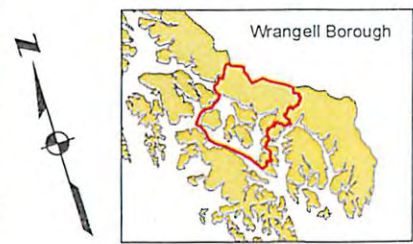
Map 1
 City & Borough of Wrangell Selections
 ADL 108133

Sunny Bay



Legend

- Anadromous stream
- Wrangell M.E. Selection**
- Selected
- State Land**
- TA or Patent
- Other Land**
- US Forest Service



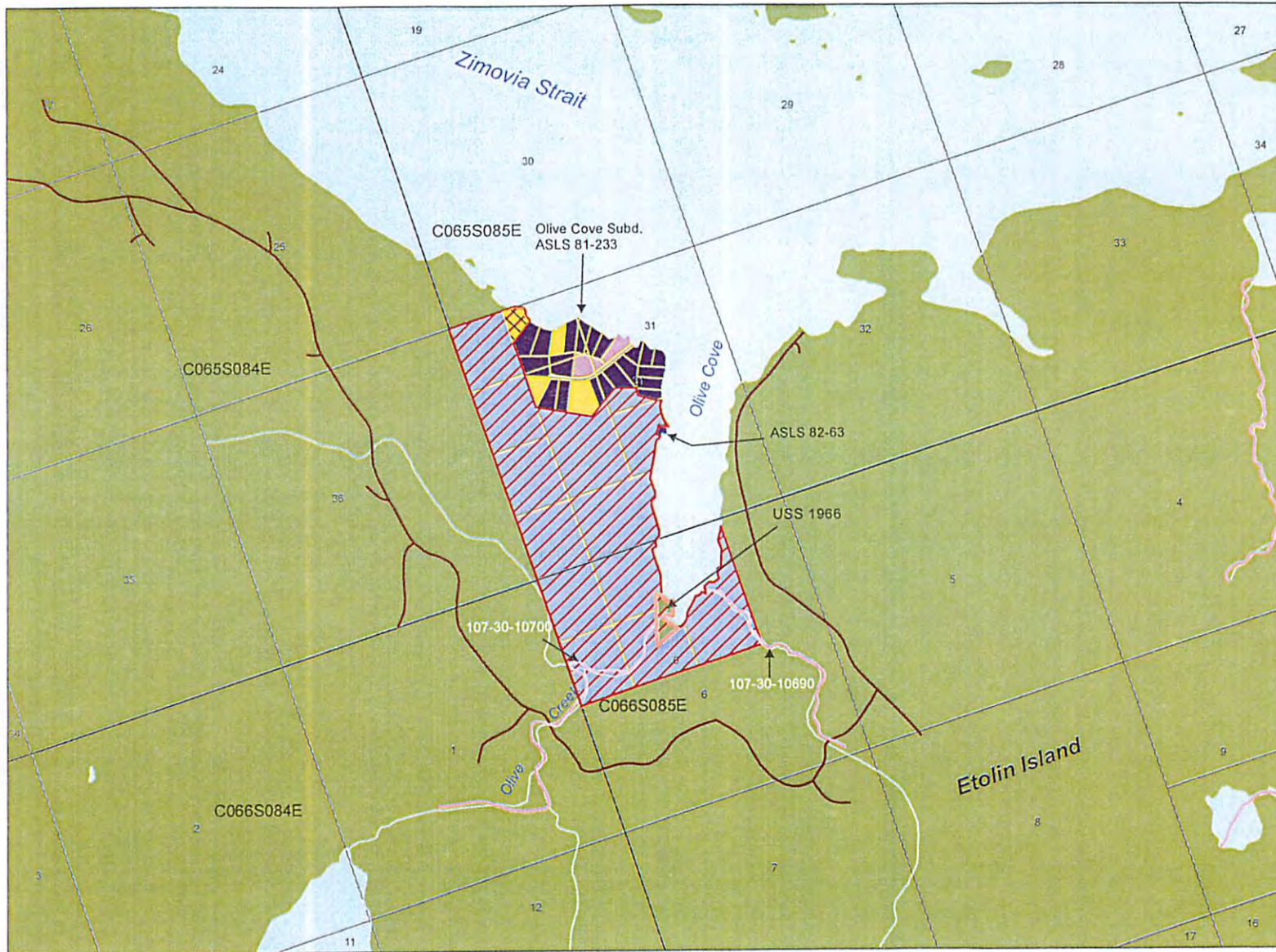
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Map 2

City & Borough of Wrangell Selections

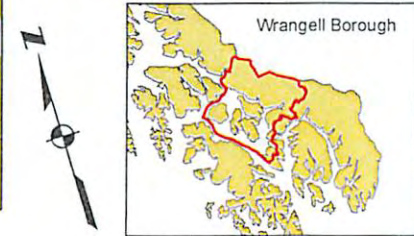
ADL 108133

Olive Cove



Legend

- Forestry Roads
- Anadromous stream
- Wrangell M.E. Selection**
 - Selected
- State Land**
 - TA or Patent
- Other Land**
 - US Forest Service
 - Retained by USFS
 - Mental Health
 - Private (Land Disposals)
 - Surveyed Parcels
 - Agreement Settlement
 - Not State land



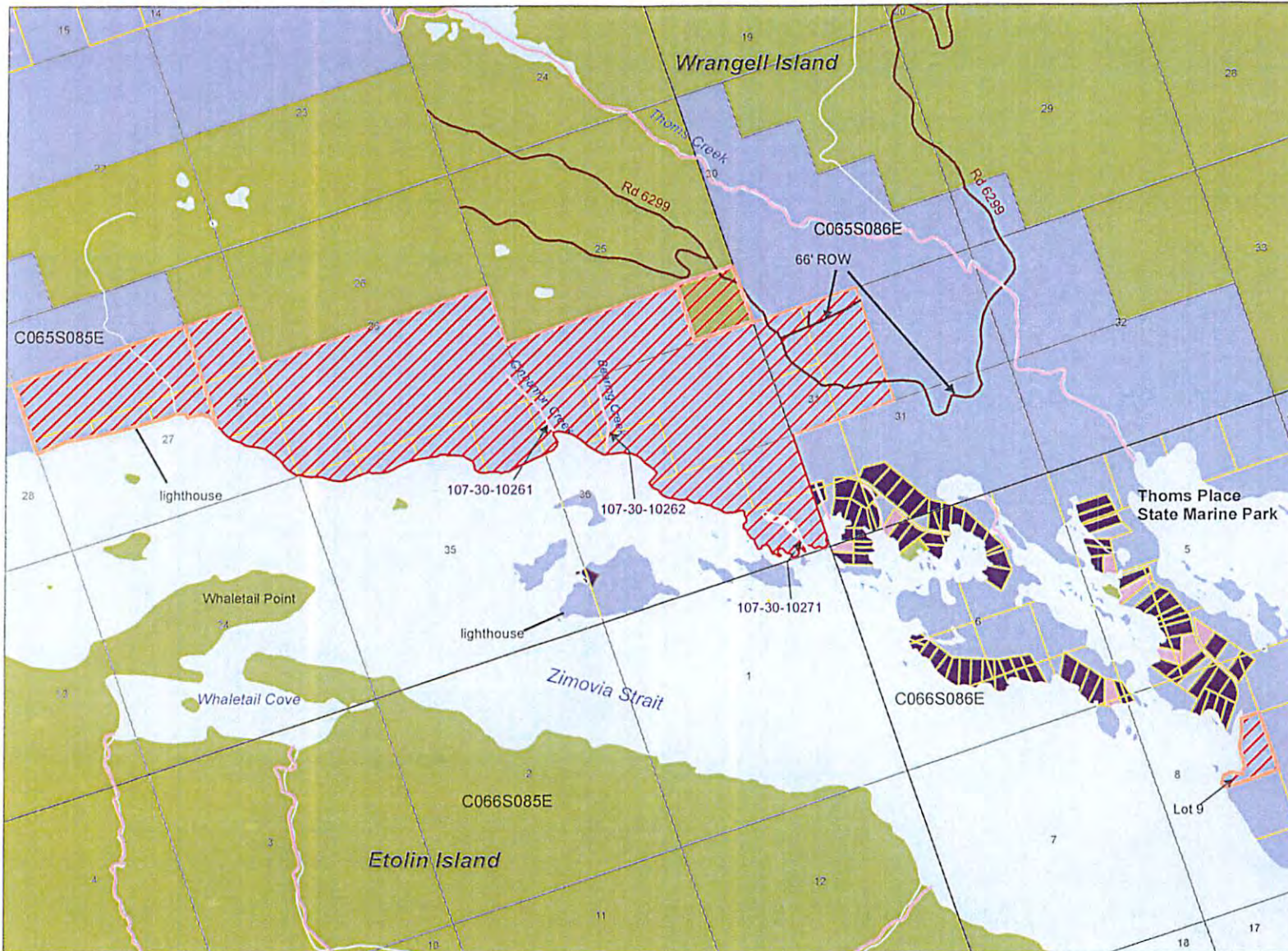
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Map 3

City & Borough of
Wrangell Selections

ADL 108133

Thoms Place & Thoms Place South



Legend

- Forestry Roads
- Anadromous stream

Wrangell M.E. Selection

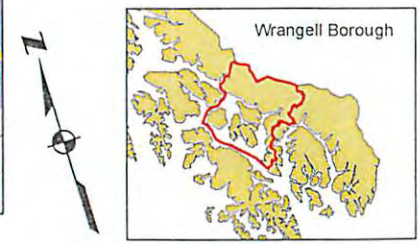
- Selected

State Land

- TA or Patent
- Retain by State

Other Land

- US Forest Service
- Retained by USFS
- Mental Health
- Private (Land Disposals)
- Surveyed Parcels



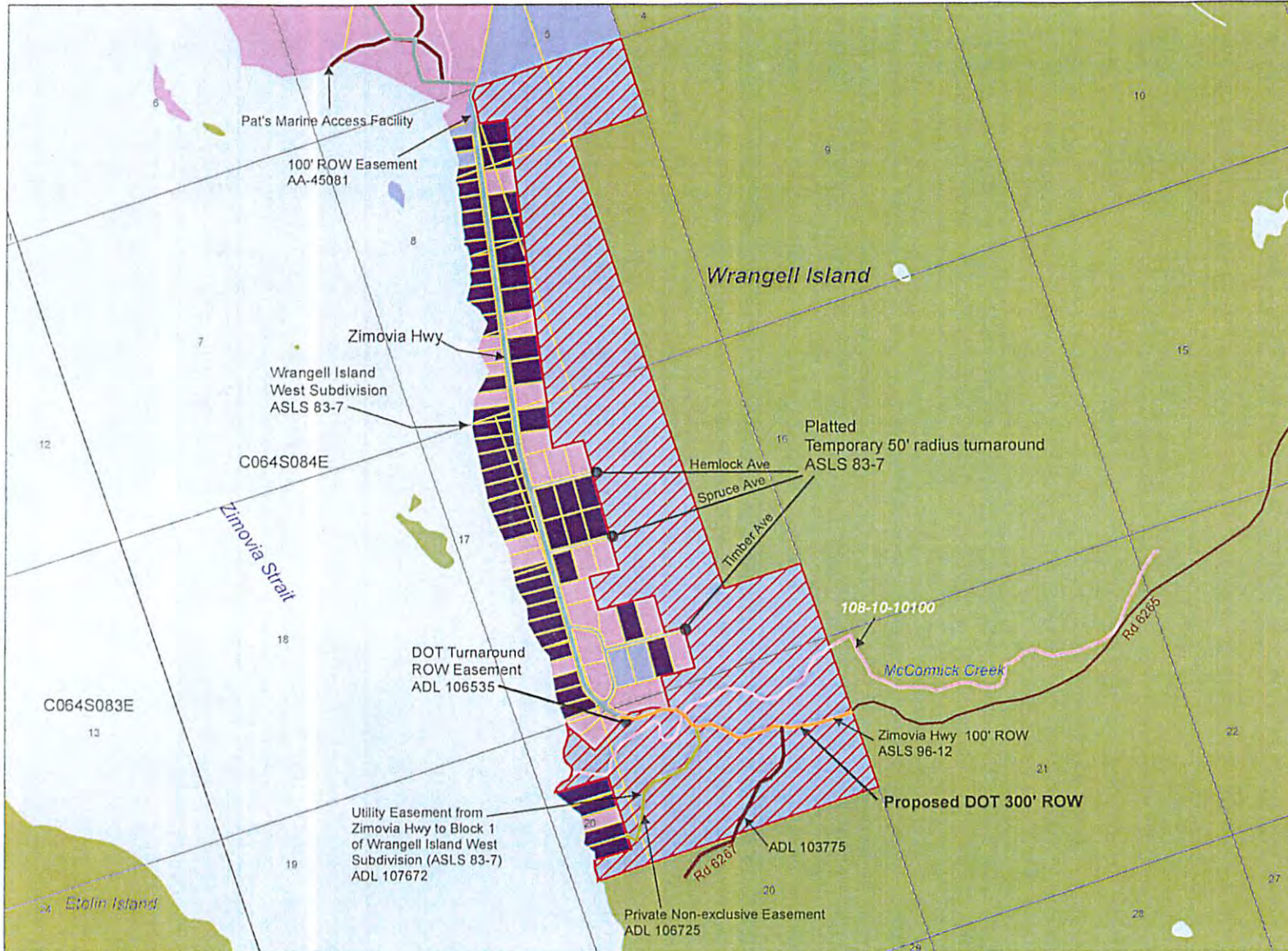
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Map 4

City & Borough of Wrangell Selections

ADL 108133

Wrangell Island West



Legend

-  USDA Forest Service Rd
-  Anadromous stream
-  Private & Utility Easement
-  Zimovia Hwy (100' ROW)

Wrangell M.E. Selection

-  Selected

State Land

-  TA or Patent

Other Land

-  US Forest Service
-  Mental Health
-  Private (Land Disposals)
-  Surveyed Parcels



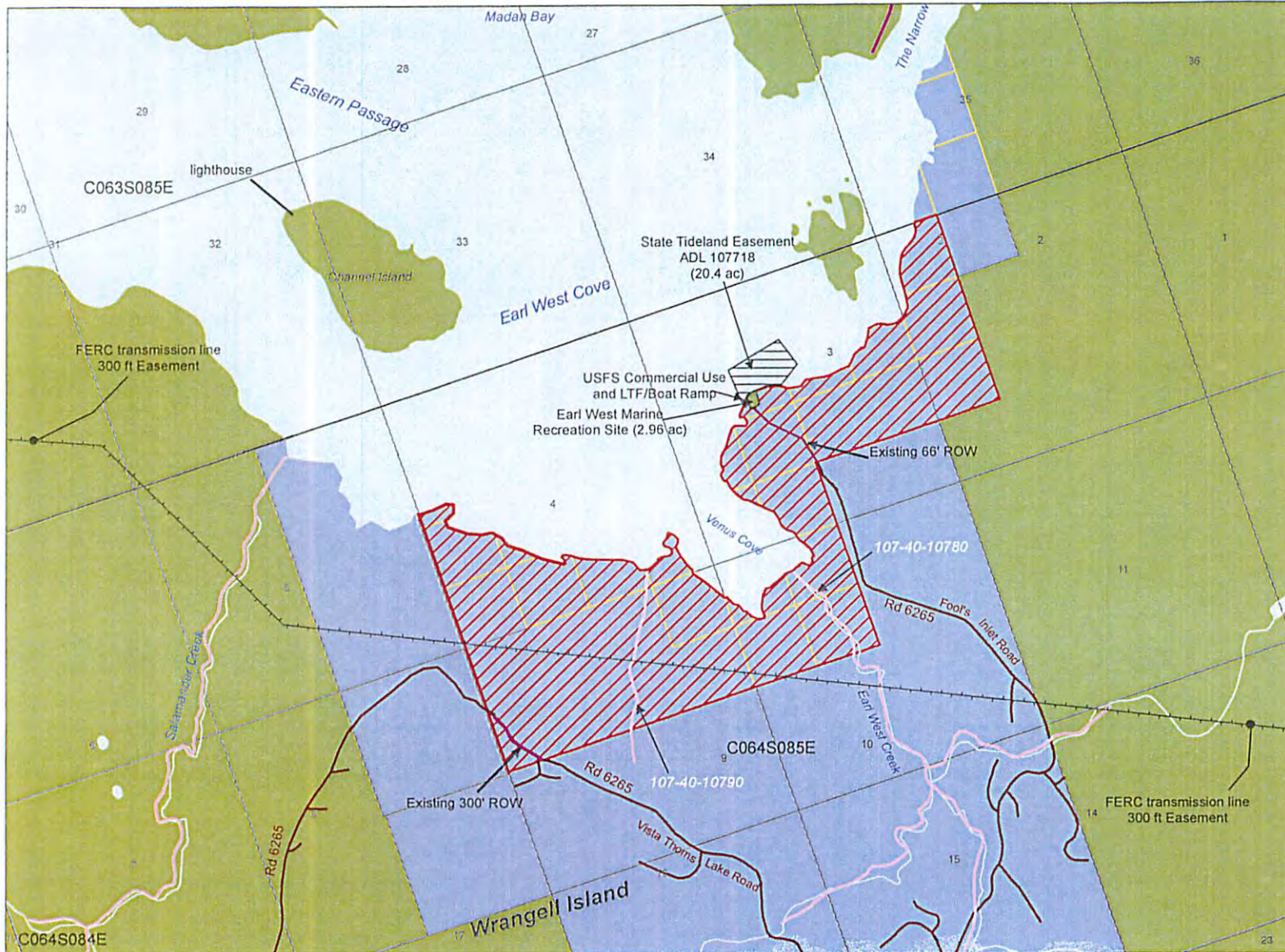
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Final Finding and Decision July 1, 2013

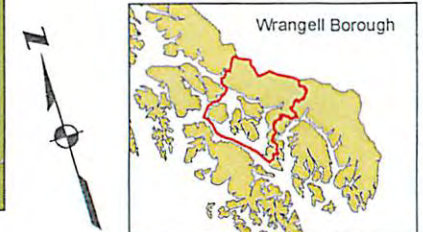
Map 5
City & Borough of Wrangell Selections
 ADL 108133

Earl West Cove



Legend

-  Forestry Roads
-  Anadromous stream
- Wrangell M.E. Selection**
-  Selected
- State Land**
-  TA or Patent
- Other Land**
-  US Forest Service
-  Surveyed Parcels



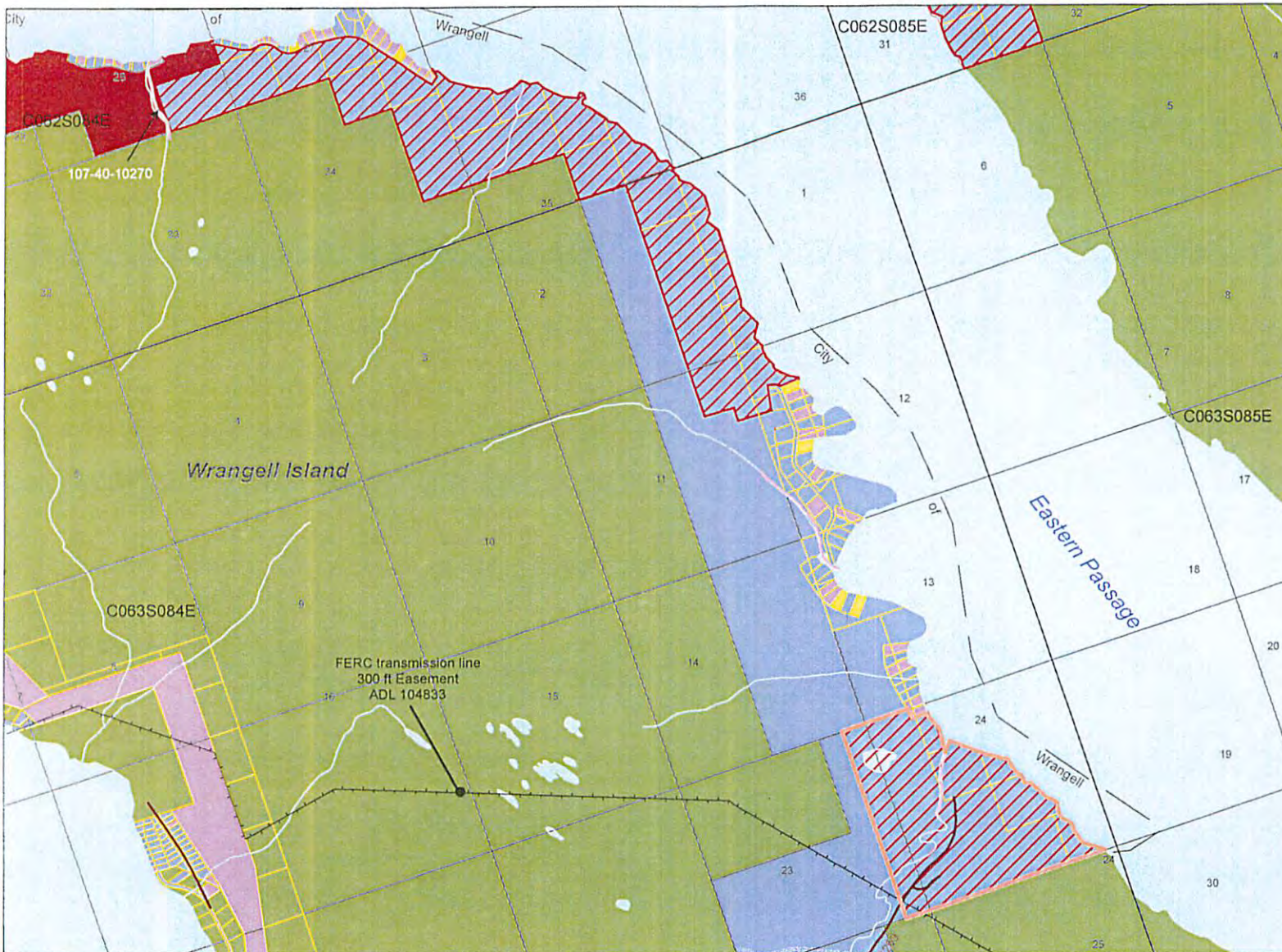
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Map 6

City & Borough of Wrangell Selections

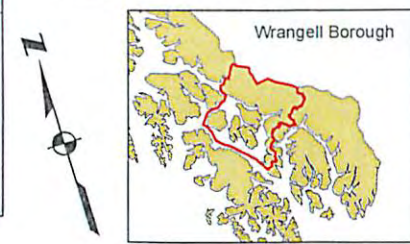
ADL 108133

Wrangell Island East



Legend

- Forestry Roads
- Anadromous stream
- Wrangell M.E. Selection**
- Selected
- City & Borough**
- Conveyed (262 ac)
- State Land**
- TA or Patent
- Retain by State
- Other Land**
- US Forest Service
- Mental Health
- Surveyed parcels
- Agreement Settlement



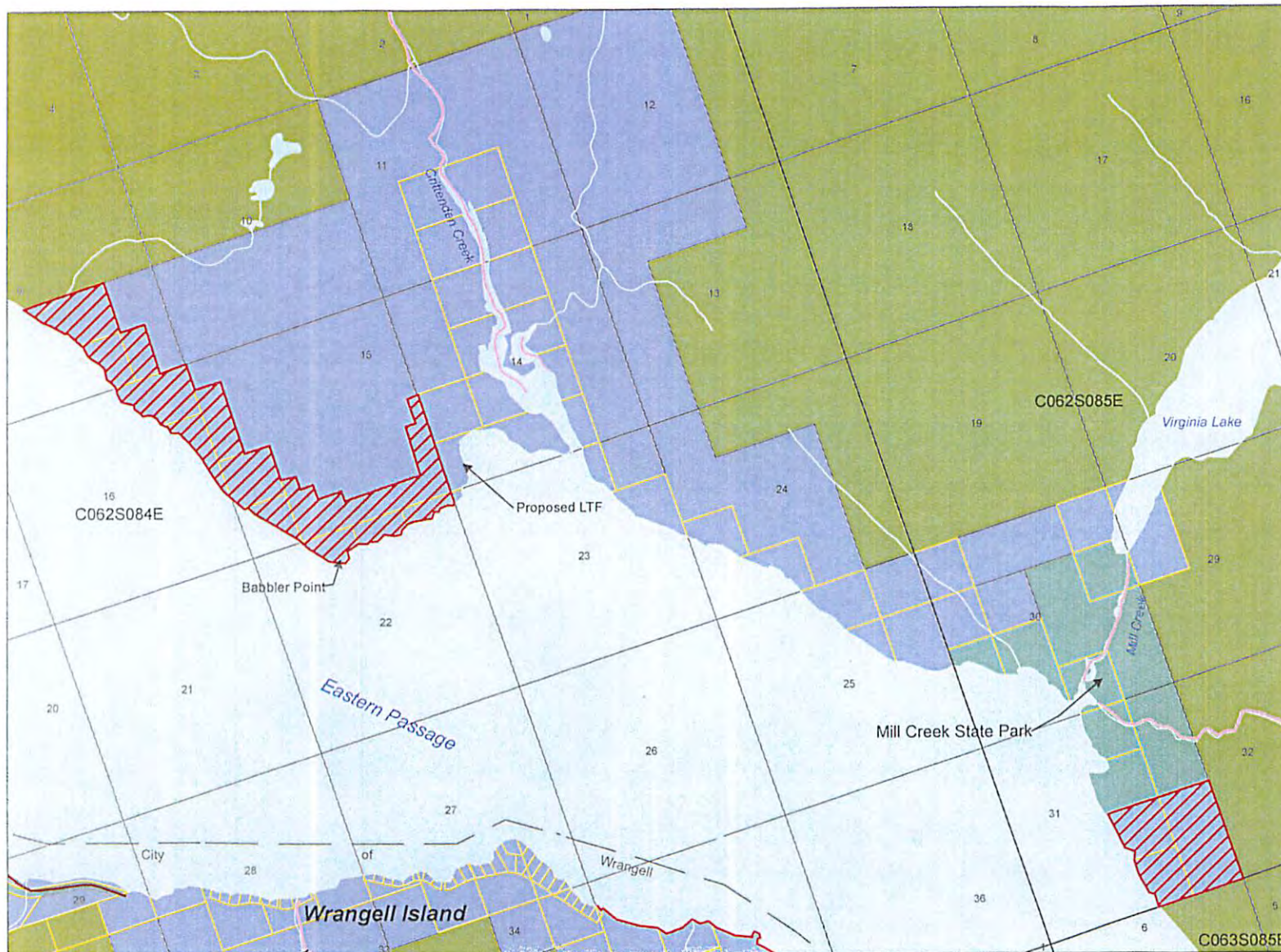
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Map 7

City & Borough of Wrangell Selections

ADL 108133

Crittenden Creek & Mill Creek South



Legend

Anadromous stream

Wrangell M.E. Selection

Selected

State Land

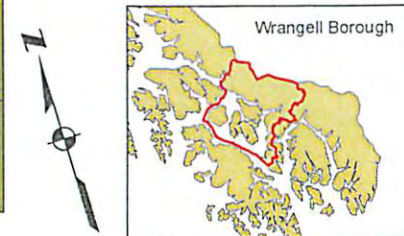
TA or Patent

Other Land

US Forest Service

Manage Agreement

Surveyed Parcels



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Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

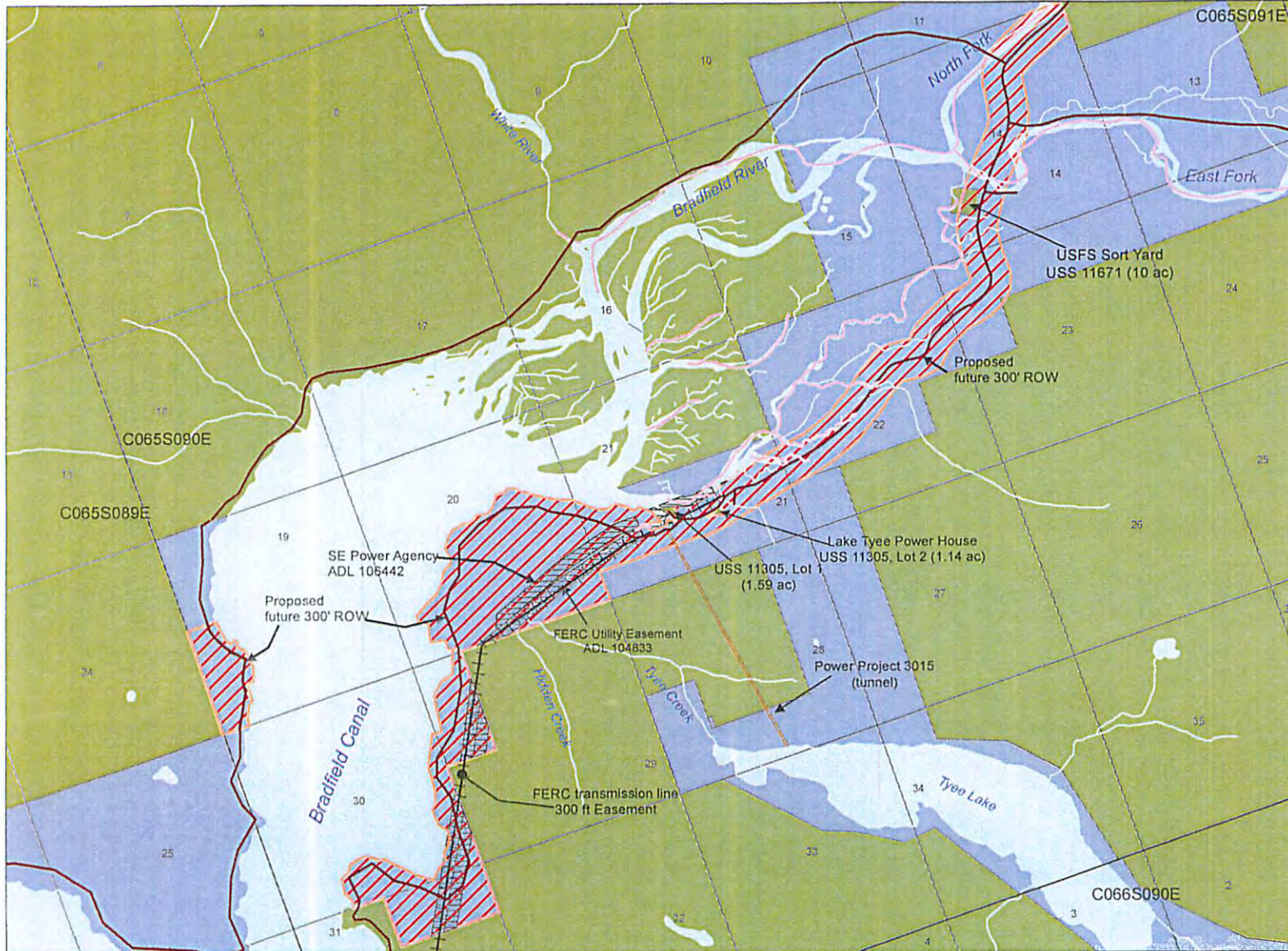
Final Finding and Decision July 1, 2013

Map 8

City & Borough of
Wrangell Selections

ADL 108133

Bradfield Canal, North Shore & South Shore



Legend

- Forestry Roads
- Anadromous stream
- 300' Public Utility Easement

Wrangell M.E. Selection

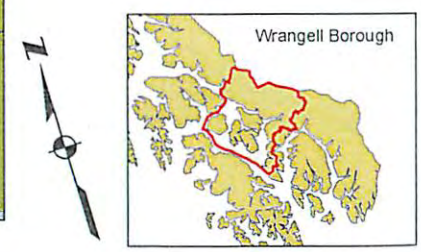
- Selected

State Land

- TA or Patent
- Retain by State

Other Land

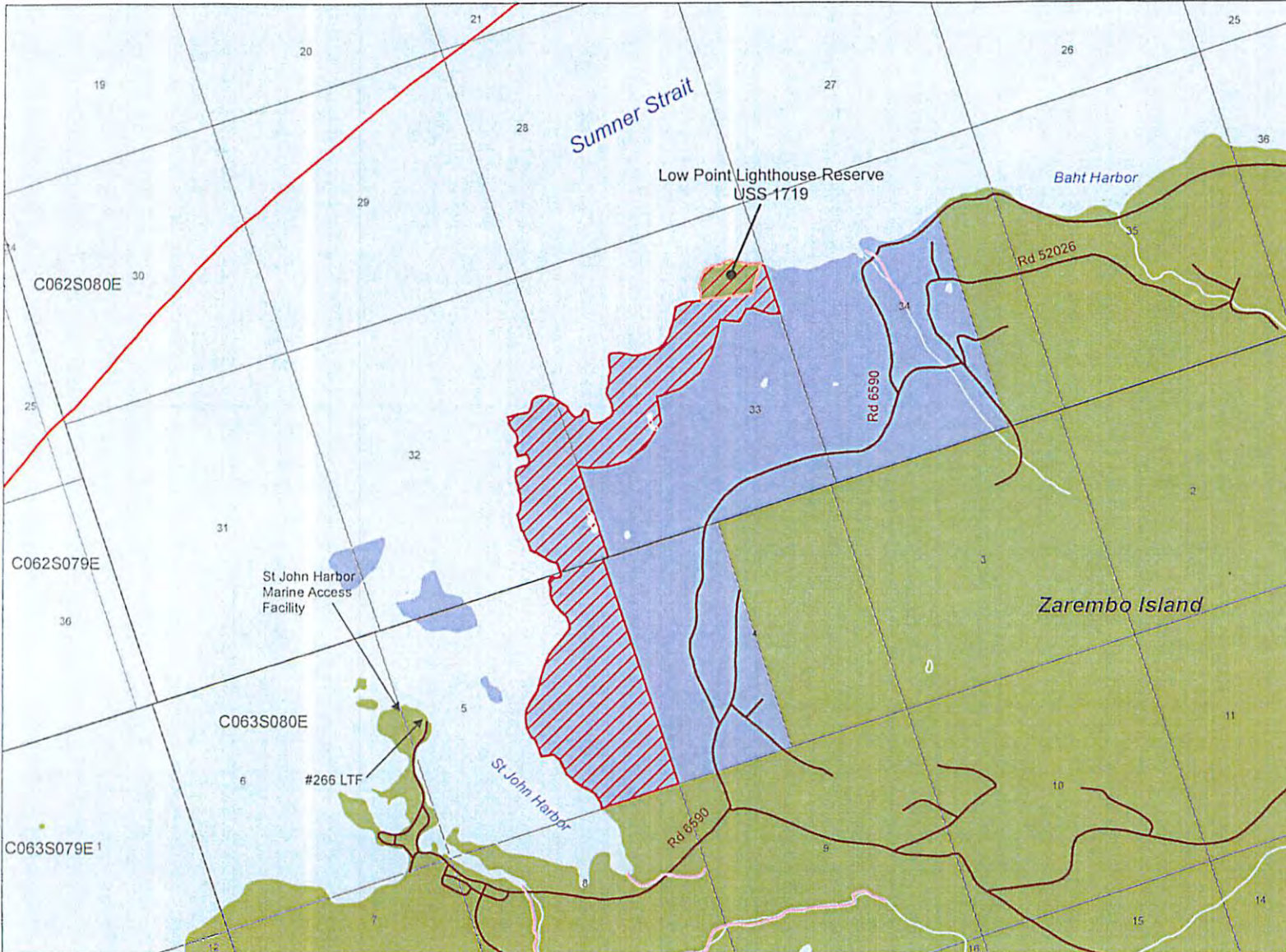
- US Forest Service









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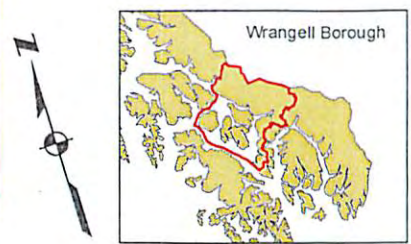
Map 9
 City & Borough of
 Wrangell Selections
 ADL 108133

St John Harbor



Legend

-  Borough Boundary
-  Forestry Roads
- Wrangell M.E. Selection**
-  Selected
- State Land**
-  TA or Patent
- Other Land**
-  US Forest Service
-  Retained by USFS



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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Resource Assessment & Development Section

550 West 7th Avenue, Suite 1050
Anchorage, Alaska 99501-3579
Main: 907.269.8534
TDD: 907.269.8411
Fax: 907.269.8915

July 9, 2013

Attachment 13c-4

Ms. Carol Rushmore
Economic Development Director
City and Borough of Wrangell
P. O. Box 531
Wrangell, AK 99929

Initial Findings

Re: Final Finding and Decision for ADL 108133

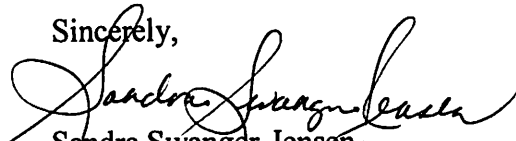
Dear Ms. Rushmore,

Enclosed is the Final Finding and Decision approved by the Alaska Department of Natural Resources on July 8, 2013. This is the State's best interest finding under AS 38.05.035(e).

This decision is subject to the appeal provisions that any person who meaningfully participated in comment on this decision and who is affected by the decision may appeal the decision to the Commissioner of Natural Resources. Please refer to the appeal paragraph in the decision for appeal procedure information. If no appeal is filed by the 31st day after issuance, the decision then goes into effect.

If you have any questions concerning this action, please contact myself @ (907)269-8526, or by email: sandra.swanger@alaska.gov or Bruce Phelps @ (907) 269-8592, or by email bruce.phelps@alaska.gov.

Sincerely,


Sandra Swanger-Jensen
Municipal Entitlement, Manager

Attachments:

Final Finding and Decision
Maps 1-9 & Vicinity Map

Cc: CBW, Timothy Rooney, Manager
CBW, Honorable David L. Jack, Mayor

Carol Rushmore

From: Swanger-Jensen, Sandra C (DNR) <sandra.swanger-jensen@alaska.gov>
Sent: Thursday, July 18, 2013 10:22 AM
To: Carol Rushmore (ecodev@wrangell.com)
Cc: Tim Rooney (tdrooney@wrangell.com); Phelps, Bruce G (DNR)
Subject: RE: CBW Final Finding and Decision and Maps
Attachments: Map 1_FFD_SunnyBay_07012013.pdf

Good morning Carol,

In my duties of updating our state record system of the approved lands for conveyance to the CBW, I noticed that an acreage figure for Sunny Bay (Map 1) was missing in the summary of TABLE 'A' in the FFD, which is not included in the total acreage to be conveyed to the CBW.

To explain in detail, the FFD, in TABLE 'A' lists the approved CBW municipal land entitlement, including Sunny Bay (Map 1). The Sunny Bay land estate is identified as Tract A located in two different Townships and Ranges (T. 68S., R86E., and T. 68S., R87E). Both of these Townships and Ranges were listed in TABLE 'A' approved for conveyance, but only one acreage amount was listed for both areas. The 2,254.00 acres listed in TABLE 'A' is for the larger portion of Tract A in T. 68S., R87E., and the smaller portion of Tract A in T. 68S., R86E, should have shown 253.62 acres in the acreage summary.

With this said, the CBW total approved municipal entitlement acreage for conveyance is 7,638.01 by adding the missing acreage amount ($7,384.39 + 253.62 = 7,638.01$).

Additionally, the CBW total municipal entitlement land selections is affected as well, therefore, the CBW total land selections is 9,560.97 acres ($9,307.35 + 253.62 = 9,560.97$).

Please let Bruce or me know if you have any questions.

Thank you,
Sandy



Sandra Swanger-Jensen, Manager
Municipal Entitlement Program
Resource Assessment & Development Section
550 West 7th Avenue, Suite 1050
Anchorage, AK 99501-3579
Phone: (907) 269-8526
Fax: (907) 269-8915
Email address: sandra.swanger-jensen@alaska.gov
Visit our website at: <http://dnr.alaska.gov/mlw/>

ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENT

FINAL, FINDING AND DECISION
CONVEYANCE OF LAND UNDER AS 29.36.010

CITY AND BOROUGH OF WRANGELL
MUNICIPAL LAND ENTITLEMENT SELECTIONS
ADL 108133

I. SUPPLEMENT STATEMENT

This Final Finding and Decision (FFD) supplements the Preliminary Decision issued on March 29, 2013 for the proposed actions, which is incorporated herein, except as modified by this decision.

II. RECOMMENDED ACTION

The Department of Natural Resources (DNR) has determined in this decision that Alternative 3 described in the Preliminary Decision (PD) is the preferred action since it best fits the intent of and requirements of the Municipal Entitlement Act. The PD recommended actions were to convey and reject certain lands selected as municipal entitlement selections by the City and Borough of Wrangell (CBW). This decision generally follows the recommendations of the PD, both conveying and rejecting selections, but also modifies the PD slightly. The FFD approves conveying the majority of these selections totaling approximately 7,384.39 acres as identified in TABLE 'A', and rejects a total of 1,922.96 acres in those areas identified in TABLE 'B'. The CBW total municipal entitlement is 9,006 acres.

LANDS TO BE CONVEYED

TABLE 'A' lists those lands totaling 7,384.39 acres for conveyance by this decision, and the acreage will be determined at time of survey. The determined acreage amount is a net chargeable acreage that will be credited towards the partial fulfillment of the CBW municipal land entitlement. The state will retain the beds including all the islands and gravel bars within any navigable waters and anadromous streams. The estimated acreages for conveyance does not account for any exclusions from navigable waters.

For these parcels this decision determines that the interests of the CBW in obtaining this land outweigh the interests of the state in retaining it. Note: this decision modifies the PD determining that the municipal land selection at Saint John Harbor is appropriate for conveyance to the CBW. The PD had recommended that this parcel be retained by the state, but a more thorough review of this selection resulted in the DNR determination that the interests of the CBW outweigh those of the state, and that this area is appropriate for conveyance.

TABLE 'A'

Map # Parcel Name	CRM Township, Range	Section	Acres
1 Sunny Bay	T. 68 S., R. 87 E.	Sec. 15: that portion of Tract A Sec. 16: that portion of Tract A Sec. 17: that portion of Tract A Sec. 18: that portion of Tract A Sec. 19: that portion of Tract A Sec. 20: that portion of Tract A Sec. 21: that portion of Tract A Sec. 22: that portion of Tract A Sec. 28: that portion of Tract A Sec. 29: that portion of Tract A Sec. 30: that portion of Tract A	2,254.00
	T. 68 S., R. 86 E.	Sec. 24: that portion of Tract A Sec. 25: that portion of Tract A	
2 Olive Cove	T. 65 S., R. 85 E.	Sec. 31: Lot 2 (33.24 acres) Lot 3 (33.34 acres) Lot 4, excluding Olive Cove Subdivision ASLS 810233 (7.25 acres) Lot 5, excluding Olive Cove Subd. ASLS 810233 and ASLS 820063 (24.16 acres) Lot 6 (33.42 acres) Lot 7 (33.52 acres) Lot 8 (47.22 acres) SE1/4NW1/4, excluding ASLS 810233 Olive Cove Subdivision (30.00 acres). SW1/4NW1/4 (40.00 acres).	33.24 33.34 7.25 24.16 33.42 33.52 47.22 30.00
	T. 66 S., R. 85 E.	Sec. 6: Lot 1 (35.17 acres) excluding USS 1966 Lot 2 (33.60 acres) Lot 3 (33.68 acres) Lot 4 (33.98 acres) excluding USS 1966 Lot 5 (45.34 acres)	40.00 181.77
3 Thoms Place	T. 65 S., R. 85 E.	Sec. 25: S½ SW¼ (80 acres), SW¼SE¼ (40 acres)	120.00
		Sec. 26: SE1/4 (160 acres), N1/2SW1/4 (80 acres), SE1/4SW1/4 (40 acres), and Lot 1 (39.93 acres).	319.93
		Sec. 27: Lot 4 (39.98 acres), Lot 5 (17.60 acres), and SE1/4NE1/4 (40 acres). Sec. 35: Lot 6 (39.04 acres),	97.58

		Subdivision ASLS 83-7 (69.61 acres).	69.61
5 Earl West Cove	T. 64 S., R. 85 E.	Sec. 2: Lot 1 (29.54 acres), Lot 2 (39.30 acres), and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres).	108.84
		Sec. 3: Lot 1 (23.47 acres), Lot 2 (8.13 acres), Lot 3 (5.64 acres), Lot 4 (10.94 acres), Lot 5 (39.26 acres), Lot 6 (34.09 acres), Lot 7 (3.68 acres), and N $\frac{1}{2}$ SE $\frac{1}{4}$ (80 acres).	205.21
		Sec. 4: Lot 1 (3.50 acres), Lot 2 (30.69 acres), Lot 3 (4.35 acres), Lot 4 (8.37 acres), Lot 5 (21.53 acres), Lot 6 (37.23 acres), and SW $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres)	145.67
		Sec. 9: Lot 1 (34.39 acres), NW $\frac{1}{4}$ NE $\frac{1}{4}$ (40 acres), S $\frac{1}{2}$ NE $\frac{1}{4}$ (80 acres), NW $\frac{1}{4}$ (160 acres),	314.39
		Sec. 10: Lot 1 (31.29 acres) Lot 2 (7.37 acres) Lot 3 (2.57 acres), Lot 4 (39.95 acres), and SE $\frac{1}{4}$ NW $\frac{1}{4}$ (40 acres).	121.18

6 Wrangell Island East	T. 62 S., R. 84 E.	Sec. 27: Lot 1 (12.08 acres) Lot 2 (42.15 acres) Lot 3 (45.12 acres) Lot 4 (16.75 acres), and SW1/4NW1/4 (40.00 acres).	156.10
		Sec. 28: Tract B (54.78 acres)	54.78
		Sec. 34: NW1/4NE1/4 (40 acres), Lot 2 (35.71 acres), SE1/4NE1/4 (40 acres), NE1/4SE1/4 (40.00 acres).	155.71
		Sec. 35: Lot 1 (39.92 acres), Lot 2 (24.51 acres), N1/2SW1/4 (40 acres), Lot 3 (37.60 acres) Lot 4 (26.01 acres), and SW1/4 SE1/4 (40 acres)	208.04
	T. 63 S., R. 84 E.	Sec. 1: Lot 1 (7.52 acres), Lot 2 (13.54 acres) Lot 3 (14.86 acres) Lot 4 (17.21 acres)	53.13
		Sec. 2: Lot 1 (39.85 acres) SE1/4NE1/4 (40.00 acres) E1/2SE1/4 (80.00 acres)	159.85
		Sec. 11: E1/2NE1/4NE1/4 (20 acres) NE1/4SE1/4NE1/4 (10 acres)	30.00
		Sec. 12: Lot 1 (28.32 acres) N1/2 of Lot 2 (28.98 acres)	57.30
7 Mill Creek South	T. 62 S., R. 85 E.	Sec. 31: Lot 3 (37.57) Lot 4 (31.00) E1/2SE1/4 (80.00)	148.57
7 Crittenden Creek	T. 62 S., R. 84 E.	Sec. 9: Lot 1 (46.30 acres), Lot 2 (23.85 acres) W1/2SE1/4SE1/4 (20.00 acres)	90.15
		Sec. 15: Lot 1 (39.19 acres), Lot 2 (15.96 acres), W1/2SW1/4NW1/4 (20.00 acres), SW1/4NW1/4NW1/4 (10.00 acres), W1/2SE1/4SW1/4 (20.00 acres), SE1/4SE1/4SW1/4 (10.00 acres), S1/2NE1/4SE1/4SW1/4 (10.00 acres), SW1/4SW1/4NE1/4SW1/4 (5.00 acres), S1/2SE1/4 (40.00 acres), NE1/4SE1/4SE1/4 (10.00 acres), SE1/4NE1/4SE1/4 (10.00 acres), E1/2NE1/4NE1/4SE1/4 (5.00 acres)	205.15

7 Crittenden Creek		Sec. 16: Lot 1 (46.41 acres) Lot 2 (23.10 acres)	69.51
		Sec. 22: Lot 1 (10.36 acres) Lot 2 (15.11 acres) Lot 3 (15.51 acres)	40.98
9 St. Johns Harbor	T. 62 S., R. 80 E.	Sec. 32: Lot 1 (115.42 acres) Sec. 33: All uplands following along the Mean High Water Mark, as determined by survey, upland a 1,000 feet in width.	115.42 142.85
	T. 63 S., R. 80 E.	Sec. 5: Lot 1	240.63
TOTAL ACREAGE			7,384.39

LANDS TO BE REJECTED

TABLE 'B' lists those lands totaling 1,922.96 that will be rejected by this decision that are either retained in state ownership, because the interests of the state outweigh those of the CBW and where the state has no ownership rights to the land. Those affected areas to be retained in state ownership and the rationale for this action are described below. These lands are depicted on Maps 3, 6 & 8: Bradfield Canal, Thoms Place, and Wrangell Island East.

Thoms Place Parcels (Map 3):

The area of the selection in Section 8, Lot 9 consisting of 22.65 acres is rejected; the Central/Southern Southeast Alaska Area Plan (C/SSEAP) requires for this area be retained by the state. This area is to function as a buffer between different uses, especially between the Thoms Place Subdivision and Thoms Place State Marine Park.

The area of the selection in Section 27, consisting of 199.59 acres is also rejected; is necessary for the effective maintenance of the state land sale disposal program. The utility of this area was re-evaluated as a result of comments received from the CBW. The state maintains that this area represents an important component of the overall state disposal program in Southeast Alaska. Additionally, the remainder of the state land that abuts this parcel situated to the north and east may also be suitable for development. These lands were not selected by the CBW; the development by the CBW of the waterfront portion in Section 27 would make development of these lands difficult, because of the conflicting ownerships, and absence of access, resulting in the inability to develop valuable state lands and the creation of isolated remnant parcels of state land.

Wrangell Island East (Map 6):

The area of the selection in Section 24, consisting of 461.30 acres is also rejected. This area is necessary for the effective maintenance of the state land sale program and for the state forestry program. The utility of this area was re-evaluated as a result of comments from the CBW, and further examination reveals that this area has nearby on-going timber sale activity that is linked by roads to the land that is being rejected and to other components of the Southeast Alaska State Forest. This area also connects to state land to the north (again, not selected by the CBW) that would otherwise lack road access and access to water, which both are vital to the land disposal

program. Without this access, this land would be landlocked and become an isolated remnant parcel of state land. A valuable parcel of state land might become undevelopable.

Bradfield Canal, Bradfield North Shore & Bradfield South Shore (Map 8):

The area of the selections consisting of 1,165 acres in this area is also rejected. These parcels are essential to be retained by the state in order to accommodate roads, other planned transportation facilities and electrical transmission easements. The CBW municipal land selections conflict with the planned transportation routes and facilities (ferry terminal), as identified in the Southeast Alaska Transportation Plan and other Alaska Department of Transportation & Public Facilities (ADOT/PF) documents. The ADOT/PF has existing rights across both state and federal lands to plan and construct rights-of-way and utility corridors in the Bradfield Corridor under the authority of Section 404 of Public Law 109-59. (See comments of ADOT/PF in PD for details.)

Lands not owned by the state:

The CBW land selections that pertain to land that is not owned (or selected) by the state is rejected totaling 74.42 acres for reasons of ownership. These include areas in: Olive Cove (9.31 acres), Thoms Place (40 acres), Earl West Cove (2.96 acres), and Saint John Harbor (22.65 acres).

TABLE 'B'

Map # Parcel Name	MTR	Section	Acres
2 Olive Cove	T. 65 S., R. 85 E.	Sec. 31: Lot 1, Block 1, Olive Cove Subdivision of ASLS 810233 (3.435 acres)	3.44
	T. 66 S., R. 85 E.	Sec. 6: USS 1966/US Forestry Land (5.87 cres)	5.87
3 Thoms Place	T. 65 S., R. 85 E.	Sec. 25: SE¼ SE¼ (40 acres) Sec. 27: S½NW¼ (80 acres) SW¼NE¼ (40 aces) Lot 1 (9.92 acres) Lot 2 (11.74 acres) Lot 3 (17.93 acres)	40.00 199.59
3 Thoms Place South	T. 66 S., R. 86 E.	Sec. 8: Lot 9 (22.65 acres)	22.65
5 Earl West Cove	T. 64 S., R. 85 E.	Sec. 3: USFS Commercial Use/ Earl West Marine /LTF/USFS Earl West Rec. Site	2.96
6 Wrangell Island East	T. 63 S., R. 84 E.	Sec. 23: E½E½E½ (80 acres) Sec. 24: Lot 1 (12.70 acres) Lot 2 (35.91 acres) W1/2NW1/4 (80 acres) SW1/4 (160 acres)	80.00 381.30

		Lot 3 (7.70 acres) Lot 4 (33.67 acres) Lot 5 (11.32 acres) SW1/4 SE1/4 (40 acres)	
8 Bradfield Canal	T. 65 S., R. 90 E.	Sec. 14: (156 acres) Sec. 23: (46 acres) Sec. 22: (132 acres) Sec. 21: (140 acres) Sec. 20: (294 acres)	768.00
8 Bradfield North Shore	T. 65 S., R. 90 E.	Sec. 19: (63 acres)	167.00
8 Bradfield South Shore	T. 65 S., R. 90 E.	Sec. 29: (66 acres) Sec. 30: (85 acres) Sec. 31: (79 acres)	230.00
9 St John Harbor	T. 62 S., R. 80 E.	Sec. 33: Low Pt. Lighthouse Reserve/US 1719	22.15
		TOTAL ACRES	1,922.96

III. AUTHORITY

The proposed actions for this Final Finding and Decision is authorized pursuant to the Alaska State Statutes (AS) together with the Alaska Administration Code (AAC), particularly AS 29.65, AS 38.05.035(e), AS 38.05.125, AS 38.05.127, AS 19.10.010 and 11 AAC 55.

IV. PUBLIC NOTICE

Public Notice has been accomplished in accordance with AS 38.05.945.

DNR Response:

ADF&G and the CBW were the only two entities who submitted comments in response to the PD.

V. COMMENTS ON THE PRELIMINARY DECISION AND DNR RESPONSES

1. Comments from Department of Fish and Game (ADF&G), Div. of Sport Fish-HQ

ADF&G reviewed the PD and stated in its review of the Agency Review draft they provided resource information and recommendations on the selections. Their main concerns addressed riparian buffers along anadromous fish streams and public access easements. ADF&G also recommended Thoms Place South and Bradfield Canal parcels to be retained in state ownership for public recreation and the protection of fish and wildlife resources. ADF&G noted that, in according to the PD, public access easements, section line easements, and riparian buffers will be

reserved. DNR also determined that it is in the best interest of the state to retain the Thoms Place South parcel and the Bradfield Canal, Bradfield North Shore, and Bradfield Shore parcels, as recommended by ADF&G.

ADF&G has no objection to the conveyance of the recommended for conveyance to CBW in the PD or with the conditions and reservations to be included in the conveyance documents.

DNR Response to ADF&G:

DNR acknowledges ADF&G comments, which supports the recommendations in the PD.

2. Comments from Public Access Assertion & Defense Unit (PAAD)

PAAD states that all of their concerns have been met.

DNR Response to PAAD

DNR acknowledges PAAD statement.

3. Comments from the City and Borough of Wrangell (CBW)

The CBW stated they reviewed the PD and have the following comments:

Thoms Place South, W-28, (Map 3):

The City and Borough of Wrangell objects to the complete rejection of the proposed 22.65 acres in Thoms Place South, W-28, Section 8 as shown on Map 3. The State has indicated the rejection was based on needing that area to remain as a greenbelt and buffer between Thoms Place development and Thoms Place State Marine Park. The Borough has requested selection in this area as a result of and at the request of the Thoms Place residents. Discussions with landowners during our Comprehensive Plan process in 2010 identified a potential need for a community moorage and a possible community center for Thoms Place communication equipment, emergency cache, and other community economic needs. This area was determined to be a fairly protected and easily accessible moorage area for a community dock. It is the Borough's position that consolidating community resources in one area would provide more effective and efficient service and therefore sought to select adjacent uplands to provide on shore community services. The Borough would be comfortable with one or two acres in order to be able to provide for the Thoms Place community needs. No large scale development is proposed that would impact the Marine Park, but rather necessary service area to meet the needs of the area landowners in an easily accessible area with necessary protected moorage.

Thoms Place, W-18, (Map 3):

The City and Borough of Wrangell objects to the rejections of the 199.59 acres, in Section 27 of W-18, Map 3 for the State of Alaska to retain for support of their own land disposal program. DNR acknowledges that there is little land in Southeast Alaska for this purpose so

DNR is retaining a total of approximately 900 acres in the Wrangell area (Thoms, PatCreek/Eastern Passage and St. Johns), of prime development land.

Why is the State's interest in providing disposal opportunities a better interest than of the Borough? The Borough would argue that our ability to have quality land available for development purposes based on the needs and requirements of the public and Borough residents outweighs that of the State.

The Borough of Wrangell (or previously the City of Wrangell) was unaware that the State was ever considering land disposal in the Thoms Place area in addition to the previously completed land sales at that location. If the City (and Borough) of Wrangell was previously notified of this intent by the State of Alaska, please provide a copy of that notification.

St. John Harbor (Map 9):

The City and Borough of Wrangell objects to the rejection of 2,400.63 acres in St. John Harbor as depicted on Map 9. Again, why is the State's interest in providing land disposal opportunities a better public interest than that of the local Borough? St. John Harbor is a very important safe harbor. Commercial and recreational boaters use the harbor frequently for a variety of economic and recreational uses. The harbor provides safe moorage during bad weather, offer great access to the Zarembo Island road system for hunting and other recreational or subsistence uses by not only residents of the Wrangell Borough, but also the residents of the newly formed Petersburg Borough. Additionally, this area provides access for timber harvesting, shipping, and nearby mining interests. The Borough believes that the land that DNR is rejecting could provide beneficial economic uses to the Wrangell Borough. DNR has rejected all of the land that is within the Harbor area and some of the most protected and desirable land available in that unit. Potential uses ranging from residential, recreational, or industry support areas are now no longer an option for the Borough.

DNR noticed the City and Borough of Wrangell in 2009 of a proposed subdivision development and the Borough responded at that time that the area was of interest for selection by a newly formed Wrangell Borough (see attached letter). The area notified for subdivision development in 2009 included Sections 32, 33, and 34 whereas the State's proposed land development in 2013 is now Section 5.....different from what was notified previously. If the State is having difficulty zeroing in on an area it deems it wants to keep for subdivision development, we begin to question why the State's interest outweighs that of the City and Borough of Wrangell.

Pats Creek Parcel on Eastern Passage/Wrangell Island East (Map 6):

The City and Borough of Wrangell objects to the rejection of 461.30 acres on Pats Creek drainage on the Eastern Passage, W-10, as depicted on Map 6. The land area is some of the most desirable land on the Eastern Passage because of the topography and amount of sun that the northern and eastern shoreline receives. The parcel also was the only land area on the Eastern Passage considered for potential commercial economic development use in the Borough's 2010 Comprehensive Plan. In January of 2013, this parcel was zoned Industrial in keeping with the Comprehensive Plan's proposed future growth maps and economic development opportunities. Most of the land on the Wrangell Island East/Eastern Passage area is timber land of which the

state has already harvested the vast majority of the resource. The parcel is still considered valuable for economic growth by the Borough. The Borough would certainly support any harvesting activities already under contract and supports continued access and use by the State on the state forestry road.

Bradfield Canal, North and South Shores (Map 8):

The City and Borough of Wrangell object to the complete rejection of the proposed 1,165 acres in the Bradfield Canal area on Map 8. The City and Borough of Wrangell has selected land with the primary purpose of providing future economic development opportunities to Borough residents should the Bradfield Road and/or electric connection ever be constructed. The terrain can be very steep and difficult or flat through floodplain areas. The Borough is seeking some developable land along the shoreline or adjacent to the rights-of-ways reserved by the Department of Transportation in order to provide commercial support services for the transportation corridor. DNR should be able to grant to the Borough for potential future development opportunities small chunks of developable land in the range of 20 to 40 acres on both the north shore and south shore. Any right-of-way easements are supported, but adjacent land could still be useful for commercial support activities.

Additionally, member communities of the Southeast Alaska Power Agency (SEAPA) are currently in the process of reviewing the management agreement for the Tyee Hydro facility. It is possible – in the future – the member communities will vote to modify the existing agreement and ownership of the facility could change. If these changes result in the City and Borough of Wrangell owning the Tyee Hydro facility, it would make sense that the land on which it is located also be owned by the City and Borough of Wrangell, as well as land adjacent to it.

DNR Response to the CBW:

Thoms Place South (Map 3):

The CBW land selection identified as Thoms Place South located in unit W-28 is to be retained in state ownership and managed under the Undeveloped Recreation designation and in accordance with the C/SSEAP management guideline that affects this selection. This parcel of land is reserved in this plan (management guideline) to act as a greenbelt and buffer between development and Thoms Place State Marine Park; the guideline specifically requires that this unit be retained in state ownership. The interest of the state outweighs the interest of the CBW by protecting this area from future development.

Thoms Place (Map 3):

DNR re-evaluated this selection due to the adverse CBW response to the PD, but we have determined that this parcel is important to the state land disposal program and that this area should be retained in state ownership. There is substantial state land to the north and east of this CBW selection, but this land can only be developed if water and land access are retained. The selection by the borough of (only) the waterfront property essentially land locks the abutting state land, making its development difficult at best. Were the state to agree to convey this selection, DNR would end up with a parcel of state land of considerable size that could not be developed, resulting in the creation of an isolated remnant of inaccessible state land. DNR has

always maintained that the 'high grading' of state land (by selecting only the waterfront) is inappropriate and has avoided such actions in the past in its disposal actions. Moreover, the borough will receive considerable state land within Thoms Place that is classified Settlement and the amount of land being retained by the state is small in comparison. The state's interest outweighs that of the CBW in this instance and this land will be retained by the state.

Wrangell Island East (Map 6):

DNR re-evaluated this parcel, and concluded this land should remain in state ownership. The DNR Forestry Division has on-going timber sales in this area, and is building of new roads that affect the Wrangell East area and specifically this selection. Moreover, this selection adjoins portions of the Southeast Alaska State Forest, and it is important that the links to the State Forest from nearby state land be retained. This selection is also important because of the water and road access it provides to both land disposal and forestry activities. It is also appropriate to retain this parcel since, if it were to be conveyed to the borough, it would land lock state land situated to the north. Without continuous state land ownership in this area, this northern parcel would be inaccessible, resulting in the creation of an isolated parcel of state land. DNR's practice is to avoid the creation of such remnant parcels. DNR therefore concludes that the interest of the state outweighs the interest of the CBW and this parcel is to be retained in state ownership.

St. Johns Harbor (Map 9):

DNR has re-evaluated the state's opposition to the entitlement selection in St. John Harbor. We have determined that the state's interest does not outweigh that of the borough and that this action will not result in the creation of isolated remnants of state land, as it does in the other two selections at Thoms Place and Wrangell Island East. DNR finds it appropriate to convey all CBW land selections in St. Johns Harbor, excluding the Low Point Lighthouse Reserve as the state holds no ownership to the land.

Bradfield Canal, Bradfield North Shore & Bradfield South Shore (Map 8):

DNR has determined that the interests of the state outweigh the interest of the CBW on these land selections and that they need to remain in state ownership. Discussions with ADOT&PF, as well as the extensive comments submitted by that agency, which maintained that these state lands need to be retained, have indicated that it would be inappropriate to convey any of these lands as the state needs to preserve the lands for future roads and facilities. The CBW land selections conflict with planned transportation routes, as identified in part by the Southeast Alaska Transportation Plan. ADF&G has existing rights across federal lands to plan and construct rights-of-way and utility corridors in the Bradfield Corridor under Section 404 of Public Law 109-59. See the comments of that agency in the PD for additional details.

In regards to the area of the Tye Hydro facility, since there have not been any land selections made by the CBW in this area; it is premature to evaluate this issue in depth. It appears that the CBW will fall slightly short of their granted municipal entitlement; subsequent to this decision and a determination that the CBW entitlement is not fulfilled. The CBW can submit an application for new land selections of state owned land in this area and DNR will adjudicate their selections at that time.

VI. DISCUSSION AND FINAL FINDING AND DECISION

This decision affects the CBW municipal entitlement land selections totaling 9,307.35 acres. The majority of these selections (totaling 7,384.39 acres) were determined to meet the requirement of AS 29.65.050(c), with the decision determining that the interest of the CBW outweigh those of the state and are to be conveyed to the CBW, although some (totaling 1,848.54 acres) were found to be inconsistent with the requirement and are to be retained by the state.

The reasons for rejection of the selections vary, but are related to the need to protect areas along the Bradfield Canal that are important for state roads, transportation facilities, and electrical transmission easements, or to the need to maintain a certain amount of land for the state land disposal program in Southeast Alaska. Lands to be conveyed to the CBW are identified in TABLE 'A'; these lands will be credited towards the partial fulfillment of the CBW entitlement and are subject to the requirements and stipulations identified in the PD. The parcels identified in TABLE 'B' are rejected as they are to be retained by the state.

Additionally, DNR is rejecting 74.42 acres where the state has no ownership to the lands.

The following are specific findings in this decision that:

It is appropriate to convey 7,384.39 acres of state owned land to CBW. The interest of the state to retain these lands does not outweigh the interest of the CBW to obtain them.

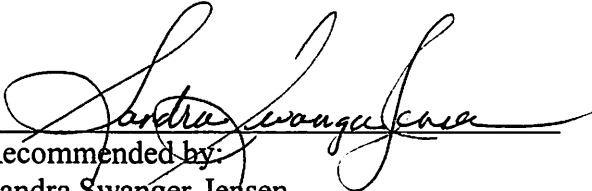
It is appropriate to reject a total of 1,922.96 acres of CBW land selections as the interest of the state outweighs the interest of the CBW, which entail rejecting 1,165 acres in Bradfield Canal, Bradfield North Shore, and Bradfield South Shore to preserve state lands for future roads and facilities; these selections conflict with the planned transportation routes as identified in part by the Southeast Alaska Transportation Plan.

It is appropriate to reject 22.65 acres in Thoms Place South requirement in the C/SSEAP to retain an area to function as a greenbelt and act as a buffer between residential and park areas, and reject 199.59 acres for the purpose of providing some lands for the state land disposal program in the Wrangell and to avoid the creation of inaccessible undeveloped land and the creation of isolated remnant parcels of state land.

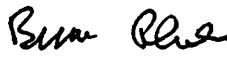
It is appropriate to reject 461.30 acres in Wrangell Island East in order to accommodate on-going state timber sales, provide an area for the construction of roads that will provide access to both forest and land disposal functions, avoid the creation of inaccessible and isolated remnants of state land, as well as to provide an area for state land disposals.

It is appropriate to reject 74.42 acres of the CBW land selections as these are not state owned.

The findings presented above has been reviewed and considered. Public Notice has been accomplished in accordance with AS 38.05.945. The case file has been found to be complete and the requirements of all applicable statues have been satisfied. I find that it is in the best interest of the state to proceed with the conveyance of those lands recommended for conveyance in this decision totaling 7,384.39 acres, subject to the requirements and stipulations of this decision and the PD and reject 1,922.96 acres of those lands recommended to be retained by the state and those lands the state has no ownership. TABLE 'A' identifies those lands to be conveyed and TABLE 'B', of those that are rejected.


Recommended by:
Sandra Swanger-Jensen
Municipal Entitlement, Manager

7/8/2013
Date


Approved by:
Bruce Phelps, Section Chief
Resource Assessments & Development

7/8/13
Date

ATTACHMENTS
FFD Vicinity Map
FFD Maps 1-9

APPEAL PROVISION

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received in writing within 20 calendar days after the date of the issuance of this decision, as defined in 11 AAC 02.040(c) and (d), and may be mailed or delivered to Daniel S. Sullivan, Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov.

If no appeal is filed by the appeal deadline, this decision goes into effect as a final administrative order and decision of the department on the 31st day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court (11 AAC 02.020(a) and (b)). A copy of 11 AAC 02 may be obtained from any regional office of the Department of Natural Resources.

CITY AND BOROUGH OF WRANGELL

INCORPORATED MAY 30, 2008



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

August 7, 2013

Sandra Swanger-Jensen
Municipal Entitlement Manager
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1050
Anchorage, AK 99501-32579

Dear Ms. Swanger-Jensen:

The Borough Assembly at their July 23, 2013 meeting accepted the Final Decision of the Alaska Department of Natural Resources per the recommendation of the Borough Manager Tim Rooney. A copy of the minutes from that meeting of the relevant agenda item is attached for your records.

If you have any questions or need more information, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink that reads "Carol Rushmore". The signature is written in a cursive style.

Carol Rushmore
Economic Development Director

Cc: Jeff Jabusch, Acting City Manager CBW
Bruce Phelps, DNR

**Minute excerpts from the Regular Borough Assembly Meeting held
Tuesday, July 23, 2013**

13f Consideration and possible action regarding the Final Finding and Decision from Alaska Department of Natural Resources on the Borough Land Selection

Moved by Jamieson, seconded by McCloskey, to accept the final finding and decision by the Alaska Department of Natural Resources dated July 8, 2013.

Manager Rooney stated that the final finding and decision from ADNR was 7,384.39 acres; they rejected about 1700 acres that the Borough had asked for. He further stated that the Assembly can appeal now and not receive any land until the appeal process was completed or approve the final finding and decision and then try and obtain the remaining acreage to total the 9,006.

Assembly Member Jamieson noted that if the Assembly were to appeal, there would be a risk.

Manager Rooney said that Staff did not see that ADNR would ever overturn their decision to give the City the Bradfield land. He also said that ADNR had explained in their findings to the City that they had potential plans for building roads and structures on that land.

Motion approved unanimously by polled vote.

Agenda Item 13d

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
June 24, 2014**

INFORMATION:

Acceptance of the resignation from James Stough from the Borough Assembly

RECOMMENDED ACTION:

Move to accept the resignation from James Stough from the Borough Assembly.

Agenda Item 13e

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM June 24, 2014

INFORMATION:

Approval of the Conceptual Wrangell Trail Link Design Layout

Attachments:

1. Memo from Amber Al-Haddad, P&R Director
2. Map of the proposed area

RECOMMENDED ACTION:

Move to approve the Conceptual Wrangell Trail Link Design Layout and to move forward with the Survey and Layout work for a portion of the Proposed Wrangell Trails.

MEMORANDUM

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

FROM: AMBER AL-HADDAD, PARKS & RECREATION DIRECTOR and
CAROL RUSHMORE, ECONOMIC DEVELOPMENT DIRECTOR

SUBJECT: CONCEPTUAL WRANGELL TRAIL LINK DESIGN LAYOUT

DATE: June 19, 2014

BACKGROUND

Community Priorities

In 2011, an interagency steering committee worked cooperatively to address fundamental health, life and safety needs associated with outdoor recreation. The City & Borough of Wrangell, with USFS assistance, worked within a larger community committee to prioritize outdoor recreation opportunities. The committee consisted of representatives from the City and Borough of Wrangell, the Borough Assembly, The US Forest Service, Southeast Alaska Conservation Council, Wrangell Cooperative Association, Wrangell Chamber of Commerce, Alaska Island Community Services / Alaska Crossings, Stikine River Jet Boat Association, Wrangell Public School District, and the Wrangell Medical Center.

The Wrangell Sustainable Outdoor Recreation Plan was the result of the committee's efforts. The recreation planning process involved numerous stakeholder and public meetings to identify the community's priorities for recreation. The project is supported by the public and no less than the nine committee agencies, all who have approved the plan, including the Wrangell Borough Assembly. Public support for the plan has been positive.

Community member input identified priority recreation amenities for future improvements and new development. During development of the plan, the creation of a trail link system, as one of the top two projects for the recreation plan, was identified in the public meetings. The development of a trail link system that would connect neighborhoods with schools and parks has received broad community support. The school board, teachers and parents have endorsed a non-motorized trail system that would provide students with a safer and quicker route to schools, downtown, the hospital and clinic, parks and ballfields.

Following development of the plan, City staff applied for and received a National Park Service Rivers Trails and Conservation (NPS-RTCP) program technical assistance grant. We are currently in the second and final year of that program. NPS-RTCP staff has assisted us with trail inventory, trail development concepts, trail construction methods, conflicting uses and grant writing assistance. They are also providing, in-kind, project scoping for Trail Management Object's (TMO) development.

Carol Rushmore and Amber Al-Haddad have applied for several grants for trail design development funds to implement priority projects of the Sustainable Outdoor Recreation Plan. We have found that there is more state and federal funding for construction of trails, but funds for design and layout of trails is more difficult to acquire.

NPS-RTCP staff has organized a trail design and layout class to take place in Wrangell in August 2014. Currently City staff and USFS staff from both the Wrangell District and the Admiralty District will be participating in the week-long class. There will be two days of classroom instruction, followed by practical field experience, actually laying-out a portion of the Wrangell trail link system, which has been conceptualized linking our two existing trails, Volunteer Loop Trail and Mt Dewey Trail, and extending those trails to the Etohin Street residential area on the south end and to Evergreen Street (in close proximity to Petroglyph Beach) on the north end. The class instructors are Mike Shields, a nationally-recognized trail design expert, and Tim George, the Chugach National Forest's lead trail planner. This week-long instruction and trail design/layout, a value of about \$20,000, is being provided to Wrangell at no cost. The result will be a surveyed, staked and flagged trail layout, identifying trail design issues and construction methodologies. Having this work already in place will be a critical tool for staff to have when applying for future trail design and construction grants.

Conceptual Trail Layout

Portions of the original conceptual trail link system, connecting the Etohin Street residential area to Volunteer Park Trail to Mt. Dewey Trail and further to Evergreen Street/Petroglyph Beach, are shown on the attached map. These portions of the "Proposed" links are identified as trail link numbers 1, 3, 4, and 5. Because these "Proposed" trails traverse Borough lands, staff is bringing this conceptual plan to the Assembly again for support of the upcoming design layout effort. The Planning and Zoning Commission and the Parks and Recreation Advisory Board have periodically been kept informed of future trail activities and issues, but because the training and layout class scheduled for the first week of August 2014 is slated to provide a very detailed trail layout, staff is seeking support from the Assembly for the proposed trail plan.

Trail Planning Matters

The trail connector behind the Industrial Park Subdivision, linking Bennett Street / Volunteer Loop Trail to Mt. Dewey and further to Evergreen Street / Petroglyph Beach, would transit through platted but unsurveyed Borough lands currently zoned Single Family Residential. Because the lands are platted by blocks only, prior to any future land sale, they would likely need to be surveyed and subdivisions created. Given this land condition and the future need for development, it allows more flexibility for trail development through a residential development.

Land use conflicts include trail uses vs other zoned uses. The trail is currently proposed to skirt the northeast side of Industrial Park Subdivision because industrial and recreational uses are not usually compatible. It is possible that one link could be made to the Mission Street / Second Street intersection on the northwest boundary.

Near Etolin Street, some survey work needs to be conducted prior to the training and layout class in order to identify Right-of-Way (ROW) and property boundaries, from which the trail corridor's centerline could be established. The trail link proposed in this area should be located in the ROW, or on edges of platted blocks/lots (currently owned by the Borough), such that a trail easement could be easily obtained and loss of land for future development would be minimized.

Trails that route through or near residential areas are proving to be valuable benefits to residents. Studies and surveys performed in various parts of the country have shown that walking and bike paths are viewed as amenities to neighborhoods and can contribute to areas where they are established by providing recreation, transportation, a sense of community, and increased property values.

While trail links through residential-zoned property can be a positive benefit, future development design and needs are not known at this time. Potential access, utility, and development conflicts will be identified as best possible. The NPS-RTCP staff has provided excellent assistance thus far in helping staff identify options and alternatives to address potential environmental, social and land use conflicts.

The proposed trail plan is wholly on Borough-owned lands. Attempts will be made to contain the trails within the ROW or on edges of the platted blocks; however, terrain may force or promote a different layout. Easements will be needed for the trails' pathway in order to protect the financial investment of the infrastructure.

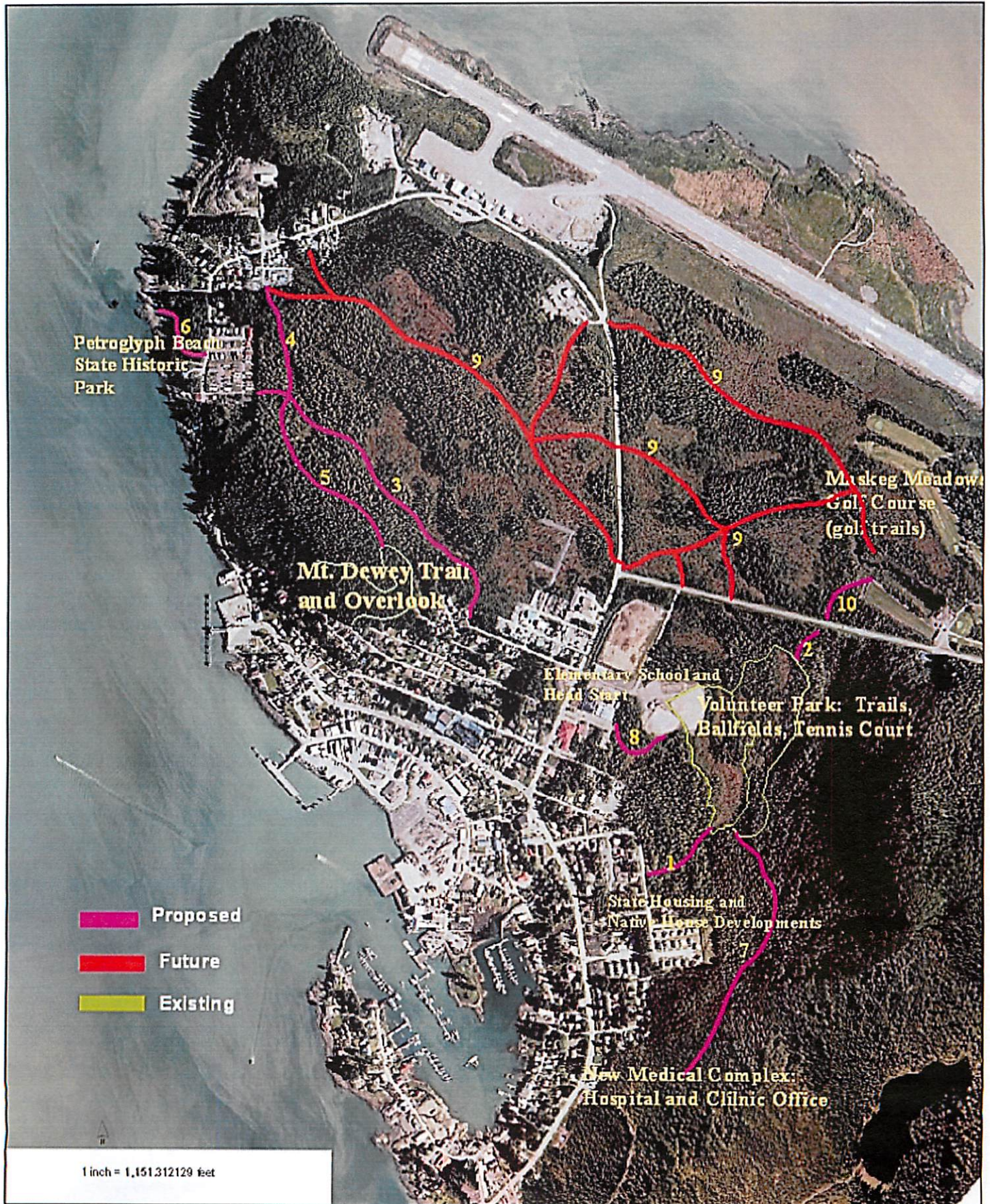
RECOMMENDATION

Staff recommends that the Assembly move to approve the Conceptual Wrangell Trail Link Design Layout and to move forward with the Survey and Layout work for a portion of the Proposed Wrangell Trails. There is no monetary request, outside of the approved budget, required at this time.

ATTACHMENTS:

Conceptual Map entitled *Proposed Wrangell Trail Plan*.

PROPOSED WRANGELL TRAIL PLAN



Agenda Item 14

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
June 24, 2014**

INFORMATION:

ATTORNEY'S FILE – None.

Agenda Item 15

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
June 24, 2014**

INFORMATION:

Executive Session: Discussion of Union Negotiations

RECOMMENDED ACTION:

I move to go into executive session to discuss the ongoing Union Negotiations, which the immediate knowledge of would clearly have an adverse effect upon the finances of the Borough