

**Minutes of Regular Assembly Meeting
Held on February 26, 2019**

Mayor Stephen Prysunka called the Regular Assembly meeting to order at 6:30 p.m., February 26, 2019, in the Borough Assembly Chambers. Assembly Members Gilbert, DeBord, and Decker were present. Assembly Members DeLong and Powell were absent. Borough Manager Von Bargen and Borough Clerk Lane were also in attendance.

The Pledge of Allegiance was led by Assembly Member Jim DeBord.

CEREMONIAL MATTERS

A Certificate of Service was presented for Mary Campbell for her service on the Economic Development Committee.

PERSONS TO BE HEARD

An Invocation was given by Michael Bates.

Tyla Nelson, resident, read a statement in opposition to the Assembly's criticism that was given by the Assembly at the last Assembly Meeting regarding the Police Department and Officers.

James Nelson, resident, read a statement in opposition to the Assembly's criticism that was given by the Assembly at the last Assembly Meeting regarding the Police Department and Officers.

AMENDMENTS TO THE AGENDA – None.

CONFLICT OF INTEREST

DeBord declared a potential conflict of interest to Item 11d (Ordinance No. 955), since had been an employee of the Wrangell Medical Center. Prysunka stated that he did not see that DeBord had a conflict. There were no objections from the Assembly.

CONSENT AGENDA

Consent Agenda Items:

- a. Approval of Assembly Minutes – January 22, 2019 (Regular); January 24, 2019 (Special); January 31, 2019 (Special); February 7, 2019 (Special)
- b. Approve Saturday, May 4, 2019 and Saturday, October 5, 2019 as the 2019 Tax Free Days, as allowed under WMC 5.08.060 (*submitted by the Wrangell Chamber of Commerce*)
- c. APPROVAL OF FINAL PLAT OF THE CURLEYVILLE REPLAT
- d. APPROVAL OF FINAL PLAT OF THE LARSSON-BUHLER REPLAT

Correspondence Items:

- e. School Board Action – February 18, 2019 (*action only, minutes will follow*)
- f. School Board Minutes – December 17, 2018; January 7, 2019 (Special); January 15, 2019 (Special)

M/S: Gilbert/Decker to approve the Consent Agenda as submitted.

Gilbert questioned the Tax-Free days item; the approval was for May and October and the Wrangell Municipal Code stated that Tax-Free days would be in June and September.

Clerk Lane stated that the Tax-Free days had been in May and October for several years; would bring an Ordinance to the Assembly, for consideration, to change the requirement.

Motion approved unanimously by polled.

BOROUGH MANAGER'S REPORT

Manager Von Bargaen's Report was provided along with the following:

- Updated travel report will be submitted at the next meeting.
- Alaska Municipal Manager's Conference offered a scholarship for her to attend at the end of May. May try to attend.
- Two human rights claims filed from when the Wrangell Medical Center was still active; ongoing and in a discovery process right now.
- ALM Mayor's agreed to do Budget Town Hall meeting to discuss the upcoming State Budget.
- Retirements announced: Betsy McConachie (AP) at the end of April; Police Chief Doug McCloskey – flexible with his dates.
- Power/Diesel Run questions received from a public member; will be providing answers to our website soon.
- Shipping Summit: Requirement for shipping services in Alaska currently; may or may not continue this requirement; asked our local lobbyist to further investigate this issue.

BOROUGH CLERK'S FILE

Clerk Lane's report was provided.

MAYOR AND ASSEMBLY BUSINESS

Prysunka allowed ***Don McConachie, resident*** to speak (Persons to be Heard) at this time: Mr. McConachie gave a brief history of the Thomas Bay Power Authority and SEAPA.

Mr. McConachie stated prior to the hydro power coming to Wrangell, the kilowatt hour rate to the consumer had been .40 and .50 cents per kilowatt; when Thomas Bay Power Authority took over and started supplying hydro power, that rate dropped substantially; the price that the city pays per kilowatt hour hasn't changed in years; only thing that has changed is that the power need has increased; should be thankful that even if there was a surcharge for a diesel run to the consumers, it won't hit the .40 - .50 cents per kilowatt hour price; only thing that has changed is that we have had a lack of rain; no idea what extra power we are using today as compared to ; would like to say thank you to Thomas Bay Power Authority and SEAPA for supplying our power, even if there is a little bit of a slide at this particular point in time.

Prysunka allowed ***Steve Murphy, resident*** to speak (Persons to be Heard) at this time: Mr. Murphy expressed his about the importance of prayer; Prysunka explained what the process for the Invocation was now to Mr. Murphy.

Decker reported that she had attended Southeast Conference; Governor's State budget was introduced at that time; Significant cuts, especially to the Alaska Marine Highway Ferry System.

Prysunka provided an update on the Hydro Reserve/Diesel run situation; water levels and how low we are allowed to let them go, based on the Power Sales Agreement; also reported on the sale of power by SEAPA from Tyee to Ketchikan.

Prysunka stated that he, and the Borough Manager would be traveling to Ketchikan to request that SEAPA true-up the North end (both Petersburg and Wrangell) for the diesel that was displaced; will also be having a discussion on "what's the power cut-off level to sell power to the South"; how much should the water levels be at Tyee before SEAPA can look at selling off power out of Tyee; the North end power needs should be met first before power can be sold out of Tyee to Ketchikan.

Prysunka reported on the Mayor's Conference at AML; looking at heavy cuts from the State.

Gilbert reported on the SEARHC Advisory Board; everything is running smoothly; SEARHC will be working on electronic patient records.

MAYOR AND ASSEMBLY APPOINTMENTS

10a Board/Commission Appointments (*Planning & Zoning Commission*). There were no letters of interest received for this vacancy.

PUBLIC HEARING

11a PROPOSED ORDINANCE No. 952 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE ZONING MAP TO EFFECT A CHANGE TO A PORTION OF PRESBYTERIAN MISSION RESERVE, BLOCK 16, WITHIN USS 1119, FROM OPEN SPACE/PUBLIC TO SINGLE FAMILY RESIDENTIAL THAT IS PROPOSED TO BE ADDED TO LOT 1B, BLOCK 16, OGDEN/RATHKE RESUBDIVISION AS PART OF THE PROPOSED PRESBYTERIAN RESERVE REPLAT, CREATING LOTS A AND B

Mayor Prysunka declared the Public Hearing open on this item.

There were no persons to be heard on this item.

Prysunka declared the Public Hearing closed.

M/S: Gilbert/Morrison to approve Ordinance No. 952. Motion approved unanimously by polled vote.

11b PROPOSED ORDINANCE No. 953 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE ZONING MAP TO EFFECT A CHANGE TO MODIFY THE BOUNDARIES OF THE EXISTING MULTI-FAMILY RESIDENTIAL AND COMMERCIAL BOUNDARIES BASED ON THE PROPOSED CURLEYVILLE REPLAT, A REPLAT OF LOTS 6, 7, 8, 9, 10, 32, 33, 37, 3A, BLOCK 21 AND LOT B, BRIG REPLAT, ZONED MULTIFAMILY AND COMMERCIAL, REQUESTED BY ROBERT ARMSTRONG, FOR CREDIT SHELTER TRUST, SPECIFICALLY PROPOSED NEW LOT 6A WILL BE ZONED COMMERCIAL, AND THE REMAINING NEW LOTS MULTI FAMILY

Mayor Prysunka declared the Public Hearing open on this item.

There were no persons to be heard on this item.

Prysunka declared the Public Hearing closed.

M/S: Decker/Gilbert to approve Ordinance No. 953. Motion approved unanimously by polled vote.

11c PROPOSED ORDINANCE No. 954 OF THE ASSEMBLY OF THE CITY & BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 17.72.010 (A) OF THE WRANGELL MUNICIPAL CODE, IMPOUNDMENT OF VEHICLES AND/OR TRAILERS FOR VIOLATIONS

Mayor Prysunka declared the Public Hearing open on this item.

James Nelson, resident brought to the attention of Staff that the Code Section number was incorrect; he also stated that the language in Section 2 of the Ordinance that stated that the Police "shall" impound a vehicle based on the wording in the ordinance would mean that the police shall impound even if it's an infraction that is punishable by a fine and not impound.

Von Bargaen stated that she would amend the Ordinance and bring it back to the Assembly on March 12, 2019.

Prysunka declared the Public Hearing closed.

The Assembly did not consider this item since there are amendments required. This item will come before the Assembly in its third reading on March 12, 2019.

11d PROPOSED ORDINANCE No. 955 OF THE ASSEMBLY OF THE CITY & BOROUGH OF WRANGELL, ALASKA, REPEALING CHAPTER 3.32 OF THE WRANGELL MUNICIPAL CODE, MEDICAL CENTER AND LONG-TERM CARE FACILITY BOARD AND ADMINISTRATION

Mayor Prysunka declared the Public Hearing open on this item.

There were no persons to be heard on this item.

Prysunka declared the Public Hearing closed.

M/S: Decker/Morrison to approve Ordinance No. 955. Motion approved unanimously by polled vote.

Recessed at 7:53 p.m.

Reconvened at 8:03 p.m.

UNFINISHED BUSINESS – None.

NEW BUSINESS

13a PROPOSED ORDINANCE NO. 956 AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 20.52.060, NOISE, IN CHAPTER 20.52, STANDARDS, OF THE WRANGELL MUNICIPAL CODE

M/S: Gilbert/Morrison to approve first reading of Ordinance No. 956 and move to a Second Reading with a Public Hearing to be held on March 12, 2019.

Von Barga stated that the reason why this item was being removed from the Zoning code was because currently, if there was a noise complaint, the zoning administrator would need to send a letter; not practical when what would be needed was for the police department to give a warning or ticket.

Motion approved unanimously by polled vote.

13b PROPOSED ORDINANCE NO. 957 AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADDING A NEW SECTION 9.08.085, EXCESSIVE NOISE PROHIBITED, TO CHAPTER 9.08, NUISANCES, OF THE WRANGELL MUNICIPAL CODE

M/S: Gilbert/DeBord to approve first reading of Ordinance No. 957 and move to a Second Reading with a Public Hearing to be held on March 12, 2019.

Haig Demerjian, resident spoke in favor of the proposed ordinance with some additional suggested edits to the exemptions for power tools and boat maintenance; stated that he felt that they were too objecting; he read the letters that he had submitted for the packet as well as some additional correspondence.

Scott Eastaugh, resident stated that he felt like this was a personal issue from Haig to him; tools that are being questioned are in just about everyone's garage; might be hard to enforce this, from his house, said that he can hear noise from the boatyard; stated that most of the time, the noise he makes is for a short period of time; had tried to talk to Mr. Demerjian and come to a compromise.

Mayor Prysunka asked Mr. Eastaugh to stop making disparaging comments; Mr. Eastaugh apologized.

Rolland Howell, resident stated that he agreed with Scott; he as well as many residents in Wrangell have similar equipment and works on his boat, uses skill saws, etc.; hasn't received any complaints.

James Nelson, resident stated that he often drives by Scott's house and see's him working on snowmobiles and ATV's with kids; that means that the kids aren't out doing drugs and getting into trouble; would hate to limit that kind of stuff by putting in such stringent laws.

Terri Henson, Planning & Zoning Commission Chair, stated that the commission did have quite a bit of community input on this; what was being proposed was really taking the community's best interest into account; residents should have certain rights on their own properties; commission has taken both sides into consideration.

Decker questioned if we could state that commercial use of a tool in a residential area was not allowed; not sure if using tools for personal use during the day could be easily enforced.

Prysunka stated that if someone wanted to mulch trees (for instance) for a long period of time, it could impact a neighbor's quality of life; appreciates that we should be able to do what we want in our own yard however, if what we are doing leaches our to our neighbors, they have rights too.

Gilbert stated that she lives right next to the power plant and the generators can be very loud; felt that perhaps a "duration" could be added; if neighbor was making a lot of noise for a long period of time, perhaps that neighbor could ask the other neighbor to quit for a little while; would be hard pressed to restrict someone from working on their boat or building a deck.

Morrison said that it was disheartening to see this happening with two neighbors.

Gilbert stated that in its proposed form, it was a bit messy to follow; they would like to see the Ordinance come back in a clean format; really doesn't want to legislate activities of our citizens to such an extent.

Lane stated that because items 13a and 13c were related to this item, it would be advisable for the Assembly to approve the first reading; would have a "clean" version of the ordinance for the Assembly for the March 12, 2019 Assembly meeting; if changes needed to be made, could still make those changes at that meeting.

Motion approved unanimously by polled vote.

13c PROPOSED ORDINANCE NO. 958 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE

M/S: Gilbert/Morrison to approve first reading of Ordinance No. 958 and move to a Second Reading with a Public Hearing to be held on March 12, 2019. Motion approved unanimously by polled vote.

13d PROPOSED ORDINANCE NO. 959 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS IN CHAPTER 5.08, SALES TAX, OF THE WRANGELL MUNICIPAL CODE

M/S: Decker/Gilbert to approve first reading of Ordinance No. 959 and move to a Second Reading with a Public Hearing to be held on March 12, 2019.

Gilbert stated that she was not comfortable about the jump in the sales tax ceiling increase; Von Bargaen stated that the Assembly had requested this change during the last budget session.

Gilbert asked that the wording in the Ordinance be gender neutral. Lane stated that she would do that for the second reading.

Lee Burgess, Finance Director stated that one of the major reasons for bringing this forward was so that if online retailers were charging online sales tax for goods, we would have the authority to collect the tax, if remitted to us.

Gilbert questioned if the online sales included telecommunication; Burgess stated that we might want to look at clarifying the language or definitions.

Von Bargaen stated that Alaska Municipal League has a committee that is committed to dealing with this ever-evolving issue; our code might need to be amended in the future as we gain more information.

Motion approved unanimously by polled vote.

13e Approval of Professional Services Agreement with Levesque Law Group for Municipal Attorney Services

M/S: Gilbert/Morrison to approve the Professional Services Agreement between the City & Borough of Wrangell and Levesque Law Group for Municipal Attorney Services. Motion approved unanimously by polled vote.

13f Approval of Power Generation Solution Project for

M/S: Decker/Gilbert to approve Power Generation Solution Project (option #1) for Wrangell.

Rod Rhoades, Wrangell Electrical Superintendent, reported that he and Royce Cowan, Wrangell Diesel Mechanic, had flown to Nome to inspect the two generators in question; plan is to have the first EMD Generator (1.5mw/12-cylinder) flown to Anchorage where it will be 'containerized' and then barged (from Anchorage) or ferried (from Haines) to Wrangell; would act as a 'cat in the box' for additional needed power.

Rhodes went on to explain that the second EMD Generator (2.5mw/20-cylinder) would be trucked to Anchorage and barged to Wrangell; would be able to install alongside the existing generators.

Von Barga explained that the cost approval would come before the Assembly at a future meeting.

Motion approved unanimously by polled vote.

13g PROPOSED RESOLUTION No. 02-19-1443 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT OF THE JOB DESCRIPTION FOR THE ACCOUNTING CLERK

M/S: Gilbert/Decker to approve Resolution No. 02-19-1443. Motion approved unanimously by polled vote.

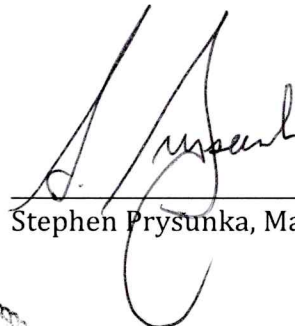
14 Prysunka stated that the Attorney's File was available for Assembly review in the Borough Clerk's Office.

There was no Executive Session.

Regular Assembly meeting adjourned at 9:40 p.m.

ATTEST:


Kim Lane, MMC, Borough Clerk


Stephen Prysunka, Mayor



