

Minutes of Regular Assembly Meeting

Held on March 12, 2019

Mayor Stephen Prysunka called the Regular Assembly meeting to order at 7:00 p.m., March 12, 2019, in the Borough Assembly Chambers. Assembly Members Gilbert, DeBord, Powell, and Morrison were present. Assembly Members DeLong and Decker were absent. Borough Manager Von Barga and Borough Clerk Lane were also in attendance.

The Pledge of Allegiance was led by Assembly Member Anne Morrison.

CEREMONIAL MATTERS – None.

PERSONS TO BE HEARD

Steve Murphy stated that he believed that doing away with the prayer as part of the Agenda, he didn't agree with it; it's part of tradition just like the Pledge of Allegiance.

AMENDMENTS TO THE AGENDA

Von Barga asked that Item 13c (Approval of Borough Goals) be removed from the Agenda since they were not quite ready to present to the Assembly for consideration. There were no objections from the Assembly.

CONFLICT OF INTEREST – None.

CONSENT AGENDA

- a. Assembly Minutes: February 26, 2019 (Regular)
- b. Port Commission meeting Minutes: December 6, 2018 (Regular)

M/S: Gilbert/Morrison to approve the Consent Agenda, as presented.

Clerk Lane stated that she had amended the minutes to include comments that had been made by a member of the public regarding the diesel fuel surcharge, under Assembly Business; also added comments from Mayor Prysunka regarding the same topic; amended minutes had been uploaded into the agenda packet online today.

Motion approved unanimously by polled vote.

BOROUGH MANAGER'S REPORT

Manager Von Barga's reported on the following items:

- City was successful in getting a Community Development Block Grant for a new Fire Pumper Truck; thanked Carol Rushmore and Dee Dee and the Fire Department for all of their hard work
- Sewer Line break over the weekend; thank you to the Public Works department for all of their efforts in getting us back online

Public Works Director Howell reported on the sewer line break that had occurred over the weekend.

- Received retirement notifications from two of the Police Department dispatchers for the end of April
- Police Chief position will be posted shortly
- Replacement Value Insurance update – if we are insured for the values recommended by APEI, then if the replacement in-kind comes back more than what their estimate is, then the insurance company will pay the difference
- Travel Reports will be provided in a timelier manner – passed out was the Manager's fall travel

- Federal Legislative Priorities – Senator Murkowski is taking applications from Alaska communities; ear-marking the approved federal legislative projects; our Lobbyist (Seb) will make sure to fill out the application for our community and submit it
- Work Session for the next Assembly Meeting on land and survey needs
- IT proposal forthcoming from the SEARHC IT team
- Power Generation – still working through the details with Nome
- SEAPA hydro lakes – Tyee: based on Wrangell running 24-7, Wrangell is at about 6 megawatts; Petersburg is at about 8 megawatts; Tyee is down to drafting about 1/10th of a foot per day and Swan is coming up very slowly
- Will be traveling (vacation) for the next 9 days

With regards to the comment made under Persons to be Heard (Mr. Murphy), Von Bargaen stated that we have taken the invocation out of the Agenda because of legal risks; still have a mechanism for giving an invocation; anyone can sign up under Persons to be Heard to give an invocation.

BOROUGH CLERK'S FILE

Clerk Lane's report was given.

MAYOR AND ASSEMBLY BUSINESS

Prysunka reported that he and Manager Von Bargaen had a meeting with SEAPA in Ketchikan; presented to SEAPA that they wanted SEAPA to pay back the community for the water that was sold to Ketchikan over the summer; received a great deal of support from Ketchikan; the plan is in place now to have SEAPA pay back the North end for the diesel used and also for the overtime; hopeful that by the end of March, there will be enough inflows that Swan will be able to switch back over to hydro; still have about 2 gigawatts that is dedicated to us, to use from the Swan project; Ketchikan is almost at 100% diesel right now.

Prysunka stated that the next meeting with SEAPA will focus on the Board trying to set limits on when so that this will never happen again; each year the SEAPA Board sets a bottom-limit; that means that SEAPA cannot sell if the water goes below that limit; somewhere there was a disconnect on where the water should be and where the water actually was; it was an operational decision; they thought that the inflows would come and they did not; will be coming up with some real tangible ways where the Board is more involved in the decision when those water levels get low.

In response to Gilbert on if he anticipates going to April 1st on diesels, Prysunka stated that the snow pack has him worried (in flows); we might have to look at alternate generation sources; may be moving into a drought cycle; may want to start a small increase to create a rate stabilization fund.

MAYOR AND ASSEMBLY APPOINTMENTS

Prysunka appointed Kate Hein to fill the vacancy on the Economic Development Committee with the term expiring October 2019. There were no objections from the Assembly.

As there were no letters of interest for the vacancy on the Planning & Zoning Commission, Prysunka directed the Clerk to continue advertising for the vacancy.

PUBLIC HEARING

11a ORDINANCE NO. 954 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 11.72.010 (A) OF THE WRANGELL MUNICIPAL CODE, IMPOUNDMENT OF VEHICLES AND/OR TRAILERS FOR VIOLATIONS

M/S: Gilbert/Powell to adopt Ordinance No. 954. Motion approved unanimously by polled vote.

11b ORDINANCE NO. 957 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, TITLE 9, HEALTH AND SAFETY, OF THE WRANGELL MUNICIPAL CODE

Rosemary Ruoff stated that young lads are frequently found tinkering on the Eastaugh property; learn vital skills, independence, survival, and many other important things; believes that the issue between Mr. Demerjian and Mr. Eastaugh has been totally blown out of proportion; doesn't believe that it effects the entire town.

Haig Demerjian (on the phone) read his submitted correspondence for the public; Bonnie (wife) and him supports the ordinance in general; however, believes that exemptions 7 and 8 would be better law if they were less subjective; should explain who decides what is "normal".

Scott Glaze agreed with Ms. Ruoff; by forcing people to abide by an Ordinance, it will drive a bigger wedge between community members; not the right way to address a dispute between neighbors.

Loretto Jones stated that her concern was that this was between two neighbors; Assembly has a lot more on their plate; would like to see the Assembly focus on other issues like water and the meth problem in Wrangell so that you (Assembly) can work towards the greater good for the community.

Todd White stated that he believes that it's a common since issue; see's the 10:00 am early start as maybe too late; believes you should get more votes if you own more land; not picked on when you have more land; this particular squabble has been going on for years; I will back Scott Eastaugh, whatever he says.

Scott Eastaugh read the correspondence to the Assembly that he had provided to the packet; doesn't run a business out of his shop; works on his own stuff; varies from boats, to trucks, to snowmobiles and four-wheelers; restricting the type of tools that you can have and use seems too restrictive; doesn't seem to be a town-wide problem.

Keith Appleman stated that the most important thing is to have consideration and think of your neighbors; regarding recurring power tools and the timeframe, he asked the Assembly to consider maintaining a reasonable timeframe: like 7:00 am to 8:00 pm.; think about the implications to what you are doing and what those may be on your neighbor.

Von Bargaen stated that the hours in the proposed Ordinance were the same hours that have been in the existing Wrangell Municipal Code; start and end times are not changing.

Zach Taylor stated that his concern in the ordinance was the decibel; his normal talking is around 85 decibels; also concerned that under Vessels, as it's written, he wouldn't be able to work on his charter vessels on his property, where he has his shop, equipment, space and tools to work on them; just like Scott, he works on most of his stuff because he can.

Carleen Delong stated that she is a single person and at times she must do work in her yard; built her own shed; respects her neighbors; still believes that some of the changes being proposed are a bit outlandish; does not agree with the changes that are being proposed.

Dale Parkinson stated that he had a decibel meter and that the meeting had been running at about 79 decibels; believes that 50 decibels is unreasonable; unreasonable ordinance; noise levels are unreasonable.

David Svendsen stated that he was against the proposed Ordinance; would expect that if he was making too much noise or if he was too loud that someone would come and talk to him.

Brooke Leslie stated that she was not in support of the Ordinance, as written; doesn't see that the current law has a system in place to protect either neighbor; needs to be addressed but doesn't see that the way it's written, addresses that; doesn't consider the businesses in town either.

M/S: Gilbert/Powell to adopt Ordinance No. 957.

Gilbert stated that she was reading the Ordinance differently; Section A sets up the times and decibel levels; then in Section B, it sets up all of the exceptions; exceptions are conditional on the time span.

Carol Rushmore, Economic Development Director stated that the Planning & Zoning Commission (based on complaints), looked at trying to identify things that may not be appropriate; existing code is not clear; looked at trying to include (in the proposed Ordinance) to allow people to still be able to do things on their property but limit some things in certain districts; exceptions were added to allow people the flexibility to do things on their property during the day.

Powell stated that this Ordinance is already in place; the Ordinance, as proposed is giving people more rights; just gives the police the ability to enforce the complaint.

Powell stated that a normal conversation decibel level is 60 decibels; will be looking at amending the upper level to 95 decibels and the lower decibel to 85; and the hours changed from 6:00 am to 8:00 pm, Monday through Saturday; Saturday is a working day for some people in the community; and to state Sundays and only major holidays; not all holidays apply to everyone.

Morrison said that interfering between two neighbors is not the way we should do things; if we can amend this Ordinance so that there is more broad terminology regarding the decibels, that would be good; how will the decibel levels be enforced?

Gilbert stated that she was concerned that there might be people who work late and want to come home and work in their yard; in agreement with Powell that the Assembly should look at the times again.

Prysunka stated that he appreciated that it is a property owners' right to do what they want on their property; however, if that right infringes on the adjacent property owner, that person also has rights; believes that if what he is doing, infringes on someone else, that is wrong; example was what happened with the Byford Junk Yard; that ended up costing the tax payers \$13 million dollars to clean up; we have noise ordinances because if say his neighbor is having a raging party at 3:00am and its disruptive, I have that right to say "no" that isn't right; open to making changes based on the public comments.

Von Bargaen stated that to make the changes to the Ordinance based on the Assembly's recommendations, it would be best if Staff took those recommendations into account and brought them back to the Assembly at the next Regular meeting for consideration.

Lane sated stated that she believed that the best way to go about this was for each assembly member who had a recommended change, to state that change and for the Assembly to approve by majority consent. The Assembly had no objections to this procedure.

M/S: Gilbert/Morrison to postpone this item until the next regular Assembly meeting. Motion approved unanimously by polled vote.

Prysunka stated that the Assembly would be postponing 11c and 11d, pending 11a and they would be brought back at the next Regular Assembly meeting.

Clerk Lane stated that all three Ordinance would come back under the Public Hearing section at the March 26th Assembly meeting.

Prysunka called a recess at 8:35 p.m.

Prysunka called the meeting back into session at 8:45 p.m.

11c ORDINANCE NO. 956 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

This item was not considered; will be under Public Hearing for the March 26, 2016 Assembly meeting.

11d 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

This item was not considered; will be under Public Hearing for the March 26, 2016 Assembly meeting.

11e 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: Powell/Morrison to adopt Ordinance No. 959.

Powell stated that he wanted Staff to do a better job with policing who is paying taxes, and who is supposed to be paying taxes and are not; believes that there are flaws in how our taxes are being collected; there are some people in the city who are confused about how to pay taxes and on the amount that they are supposed to be collecting.

Von Bargaen stated that she believed that we had money set aside in the budget to do a Sales Tax Audit; would check with the Finance Director about this.

Prysunka brought up the issue that if a business in town runs a B&B, they pay tax; if you run a Air B&B in town, you are invisible and don't pay bed or sales tax; Von Bargaen stated that this is an issue around our country.

Motion approved unanimously by polled vote.

UNFINISHED BUSINESS

NEW BUSINESS

13a ORDINANCE No. 960 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.08.050, EXEMPTIONS FROM TAX, AND SECTION 5.08.060, TAX-FREE DAYS, IN CHAPTER 5.08, SALES TAX, OF THE WRANGELL MUNICIPAL CODE

M/S: Powell/Gilbert to approve first reading of Ordinance No. 960 and move to a Second reading with a Public Hearing to be held on March 26, 2019. Motion approved unanimously by polled vote.

13b RESOLUTION NO. 03-19-1444 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AUTHORIZING TERMS OF THE SALE OF ETOLIN AVENUE REPLAT BOROUGH OWNED LOTS

M/S: Gilbert/Morrison to approve Resolution No. 03-19-1444. Motion approved unanimously by polled vote.

13c Approval of 2019 Borough Goals

(Removed from the Agenda under Amendments to the Agenda)

13d Approval of Supplemental Compensation for the Borough Manager

M/S: Gilbert/Morrison to approve the Supplemental Compensation for the Borough Manager.

Von Bargaen stated the compensation items up for approval were discussed during her evaluation; one of the items on the compensation list was a bonus; given that she just helped lead a community discussion on the State budget, she stated it might be a good idea to postpone the bonus item and discuss that when her contract is set to be reviewed in July, when the Assembly and the community has a better idea of where we are with regard to the budget.

Prysunka stated that he was willing to do that however, that bonus was presented to her due to the astronomical amount of work that she did with securing the hospital with SEARHC; saved this community thousands of dollars in legal fees; pains me to not seeing this going forward because she deserves this.

Powell stated that he believed that this was a small compensation as compared to the amount of work she did; has saved this community hundreds of thousands of dollars.

At the direction of the Clerk, Prysunka asked the Assembly to, by a raise of hands and stating "eye", if they were in favor of keeping the bonus in the recommended motion.

By unanimous consent, the Assembly all voted in favor of keeping the bonus in the recommended motion.

Motion approved unanimously by polled vote.

13e Approval of 2019 Federal Legislative Priorities

M/S: Morrison/Powell to approve the Federal Legislative Priorities, as presented. Motion approved unanimously by polled vote.

ATTORNEY'S FILE – Available for Assembly review in the Borough Clerk's office

EXECUTIVE SESSION - Discuss litigation tactics and strategies regarding Valvoda v. Jack et al, Case No. 1WR-19-0008CI with Borough Attorney

Recessed at 9:06 p.m. so that Clerk Lane could get the Borough Attorney on the phone.
Reconvened back into the Regular Assembly meeting at 9:07 p.m.

M/S: Gilbert/Powell moved, pursuant to AS 44.62.310(c)(3), that we recess and move into executive session inviting the Borough Manager, Clerk and Attorney to discuss litigation tactics and strategies regarding the Valvoda case.

Borough Attorney Joe Levesque reported to the Assembly and the general public that there was a complaint filed by a Kipha Valvoda on March 5th, he will be representing himself. The complaint had been served on a number of Borough officials and staff; claims discriminatory and equal opportunity violations.

Motion approved unanimously by polled vote.

Recessed into executive session at 9:10 p.m.

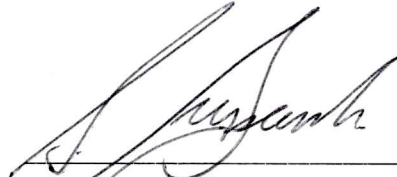
Reconvened back into Regular Session at 9:47 p.m.

Regular Assembly meeting adjourned at 9:47 p.m.

ATTEST:



Kim Lane, MMC, Borough Clerk



Stephen Prysunka, Mayor

