

**Minutes of Regular Assembly Meeting
Held on September 8, 2015**

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., September 8, 2015, in the Borough Assembly Chambers. Assembly Members Mitchell, Powell Blake, and Decker were present. Assembly Members Rooney and Prysunka were absent. Borough Manager Jeff Jabusch and Borough Clerk Lane were also in attendance.

Pledge of Allegiance was led by Assembly Member Daniel Blake.

Invocation was given by Kris Reed of the Baha'i Faith.

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

AMENDMENTS TO THE AGENDA

Manager Jabusch requested that an item be added to the agenda for discussion and possible action to consider having Mike Allen cut down additional timber next to Mr. Harold Bailey's house.

CONFLICT OF INTEREST - None

CONSENT AGENDA

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

APPROVAL OF MINUTES

The minutes of the Public Hearing and Regular Assembly meetings held August 25, 2015 were approved, as presented.

COMMUNICATIONS - None

BOROUGH MANAGER'S REPORT

Manager Jabusch's report was provided.

Marla Sanger, Wrangell Medical Center, CEO, 223 First Street, provided the Assembly with an update of the Wrangell Medical Center; problem with Medicaid payout system (only in Alaska); large amount of normal revenue; should start to get payments again within the week; cash on hand as of today is \$571,169.

Robert Rang, the new Wrangell Medical Center, CEO will be starting on October 12, 2015.

BOROUGH CLERK'S FILE

The Borough Clerk's Report was provided.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members - None

10b Appointment to fill the Vacancy on the Planning & Zoning Commission

As there were no letters of interest received for this vacancy, the Mayor directed the Borough Clerk to continue advertising for the vacancy.

10c Appointment to fill the Vacancy on the Hospital Board

There were no letters of interest filed for this vacancy. Mayor Jack appointed Hospital Board candidate, Maxlyn Wiederspohn to fill the vacancy on the Hospital Board. There were no objections from the Assembly.

Clerk Lane stated that she would contact Ms. Wiederspohn to come in and take her Oath of Office.

PERSONS TO BE HEARD - None

UNFINISHED BUSINESS

12a PROPOSED ORDINANCE No. 906: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 10.46(C), PROHIBITION OF CONSUMPTION OF MARIJUANA IN A PUBLIC PLACE, AMENDING THE VIOLATION OF SUCH OFFENCE (*second reading*)

M/S: Powell/Mitchell, to adopt Ordinance No. 906. Motion approved unanimously by polled vote.

12b PROPOSED ORDINANCE No. 907: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE (*second reading*)

M/S: Mitchell/Decker, to adopt Ordinance No. 907. Motion approved unanimously by polled vote.

12c Discussion and possible action to change the Property Tax payment due date, previously adopted by Ordinance No. 901 on May 26, 2015

Manager Jabusch explained the way the ordinance currently reads; starting in 2016, the property tax payment due date is September 15; if the ordinance was changed to October, there is no guarantee that there will be a PFD in the near future.

Assembly Member Mitchell stated that he had received public comments, saying that they would like there to be two payments.

Assembly Member Blake stated that with the way the ordinance reads, the taxpayer can still make two payments, they would just need to have it paid in full by the due date.

Jabusch added that if a taxpayer pays ahead of time, that would be a pre-tax payment; makes more sense to have a single payment due date.

Assembly Member Powell questioned if it were more cost effective to have a single payment due date.

Jabusch said that yes, it is more cost effective.

Powell stated that he would like to see the due date changed to October because it would help tax payers make their payment.

M/S: Blake/Decker, to keep it to one payment and to change the ordinance so that the one-time payment due date would be on October 15th each year.

Clerk Lane stated that if this motion passed, she would draft an ordinance with the assistance of the Borough Attorney and bring it back to the Assembly for consideration.

Mayor Jack requested that the ordinance address the provision for those who want to make multiple payments before the due date.

Motion approved unanimously by polled vote.

NEW BUSINESS

13a PROPOSED RESOLUTION No. 09-15-1329: RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, DESIGNATING CANVASS BOARD DUTIES TO THREE ASSEMBLY MEMBERS FOR CANVASSING THE RESULTS OF THE REGULAR ELECTION TO BE HELD OCTOBER 6, 2015

M/S: Blake/Powell, to adopt Resolution No. 09-15-1329, designating three Assembly Members to Canvass the results of the Regular Borough Election. Motion approved unanimously by polled vote.

13b PROPOSED RESOLUTION No. 09-15-1330: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, URGING THE STATE OF ALASKA TO FILE A PETITION FOR CERTIORARI IN THE US SUPREME COURT IN RESPONSE TO THE NINTH CIRCUIT EN BANC PANEL'S REVERSAL OF THE NINTH CIRCUIT REGULAR THREE-JUDGE PANEL'S DECISION ON THE TONGASS EXEMPTION FROM THE ROADLESS RULE

M/S: Decker/Blake to adopt Resolution No. 09-15-1330.

Assembly Member Decker explained the purpose for the Resolution. She said that this resolution would be to ask Governor Walker to petition the U.S. Supreme Court to review this issue and to make a ruling on if the Tongass National Forest was exempt from the Roadless Rule.

Motion approved unanimously by polled vote.

13c Approval to hold a Special Assembly Meeting on Monday, October 12, 2015, at 12:00 p.m. (noon) to Certify the Election Results from the Regular Election

M/S: Decker/Mitchell, to approve a Special Assembly Meeting to be held on Monday, October 12, 2015, at 12:00 p.m. (noon) to certify the Election Results from the Regular Election to be held on October 6, 2015.

M/S: Blake/Powell, to amend the main motion to change the time from 12:00 p.m. (noon) to 12:30 p.m. Amendment was approved unanimously by polled vote.

Main Motion, as amended was approved unanimously by polled vote.

13d Authorization to have Mike Allen cut down additional timber next to Mr. Harold Bailey's house.

Manager Jabusch stated that Mike Allen had finished with the timber sale that he had with the City; Harold Bailey, who is an adjacent property owner, approached both Jabusch and Mike Allen and asked if Mike Allen could cut down the trees that were left next to his property; Mr. Bailey is concerned with blow-down and afraid that some of the trees might blow down onto his house.

Jabusch said that he had Clay Hammer go out and assess the property and take photos; there are power poles right up against some of the trees that he would like to see removed.

Jabusch said that he spoke with our insurance agent and they had told him that if there were healthy, sturdy trees that were in no danger of falling due to blow-down, there was not need to cut them down. However if we noticed that there were some weak or leaning trees, it is our responsibility to take care of that.

Jabusch also said that another citizen had complained that we were cutting too close to a creek and were possibly in violation of federal cutting practices; Jabusch went out and assessed the area and noticed that Mental Health had cut all along the creek and that they had stated that there was no violation since it's not a fish stream or a drinking water stream.

Jabusch said that there were a few harvestable trees that Mr. Allen could use; could exchange the labor of cutting for the harvestable trees; should break even.

M/S: Powell/Mitchell, to authorize the Borough Manager to contract with Mike Allen to remove the trees that need to be cut down next to Mr. Bailey's house.

Assembly Member Decker asked that the parameters that Manager Jabusch had outlined in the email be part of the agreement.

Assembly Member Mitchell stated that when he drove out to look at the area, he noticed a small belt of trees along the highway. Mitchell asked if those trees could possibly be left.

Mr. Allen stated that he didn't see a problem with leaving those trees.

ATTORNEY'S FILE – None

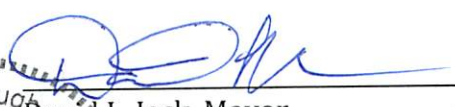
EXECUTIVE SESSION – None

Regular Assembly Meeting adjourned at 7:51 p.m.

ATTEST:


Kim Lane, MMC, Borough Clerk




David L. Jack, Mayor