



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

October 13, 2015 – 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 Don McConachie
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
 - i. Proclamation – Extra Mile Day (November 1, 2015)

2. ROLL CALL

3. AMENDMENTS TO THE AGENDA

4. CONFLICT OF INTEREST

5. CONSENT AGENDA

- a. Item (*) 6a, 7a, 7b, 13c and 13d

6. APPROVAL OF MINUTES

- *a. Minutes of the Public Hearing and Regular Assembly meetings held September 22, 2015

7. COMMUNICATIONS

- a. Quarterly expenditure report for SE Senior Services covering April 1 thru June 30, 2015
- b. Travel Summary for the Months of July 2015 thru October 2015

*13c. Approval of the Final Plat of the R&J Rusaw Subdivision

*13d. Approval of the Final Plat of the V.E. Resubdivision

8. BOROUGH MANAGER'S REPORT

9. BOROUGH CLERK'S FILE

10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

- a. Reports by Assembly Members
- b. City Board and Committee Appointments
- c. Appointment to fill the vacancy on the Planning & Zoning Commission (until October 2017)
- d. Elect Vice-Mayor

11. PERSONS TO BE HEARD

12. UNFINISHED BUSINESS

- a. **PROPOSED ORDINANCE No. 908:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.04.350 OF CHAPTER 5.04, PROPERTY TAX, OF THE WRANGELL MUNICIPAL CODE TO AMEND THE DUE DATE FOR PAYMENT OF PROPERTY TAXES BEGINNING WITH THE 2016 ASSESSMENT YEAR (*second reading*)

13. NEW BUSINESS

- a. Approval to cancel the November 24, 2015 Regular Assembly meeting
- b. Approval to renew the Audit Services for FY 2016 through 2019
- *c. Approval of the Final Plat of the R&J Rusaw Subdivision ~**Consent Agenda Item**
- *d. Approval of the Final Plat of the V.E. Resubdivision ~**Consent Agenda Item**
- e. **PROPOSED ORDINANCE No. 909:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 9.08, NUISANCES, AND CHAPTER 9.16, LITTERING, OF TITLE 9, HEALTH AND SAFETY, OF THE WRANGELL MUNICIPAL CODE, TO ADD SECTIONS ON PENALTY FOR VIOLATION AND REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050 (*first reading*)
- f. **PROPOSED ORDINANCE No. 910:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY CERTAIN SECTIONS IN CHAPTERS 11.04, 11.08, 11.12, 11.30, 11.36, 11.64, 11.68 AND 11.76, TO ADD PROVISIONS ON PENALTY FOR VIOLATION, MAKE CORRECTIONS, AND REPEAL CERTAIN SECTIONS OF CHAPTER 11.28 AND CHAPTER 11.32 IN ITS ENTIRETY (*first reading*)
- g. **PROPOSED ORDINANCE No. 911:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.18, GARBAGE, OF THE WRANGELL MUNICIPAL CODE, RELATING TO MAINTENANCE OF REFUSE CONTAINERS AND OUTSIDE BURNING OF RUBBISH, AND AMENDING THE SECTION ON PENALTY FOR VIOLATION TO REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050 (*first reading*)
- h. **PROPOSED ORDINANCE No. 912:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE (*first reading*)

- i. **PROPOSED RESOLUTION No. 10-15-1331:** A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SEWER PUMP STATIONS REPLACEMENT
- j. **PROPOSED RESOLUTION No. 10-15-1332:** A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ESTABLISHING ENVIRONMENTAL MITIGATION MEASURES FOR THE SEWER PUMPS REPLACEMENT PROJECT, DURING THE PROJECTS CONSTRUCTION AND UPON THE SUCCESSFUL COMPLETION OF THE PROJECT, AS SET FORTH BY THE U.S. DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT
- k. **PROPOSED RESOLUTION No. 10-15-1333:** A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, URGING THE STATE OF ALASKA TO AMEND THE STATUTORY REQUIREMENTS FOR THE MARICULTURE REVOLVING LOAN FUND

14. ATTORNEY'S FILE

15. EXECUTIVE SESSION

16. ADJOURNMENT

Agenda Items 1 - 6

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY

AGENDA ITEM

October 13, 2015

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 Don McConachie
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
 - i. Proclamation – Extra Mile Day (November 1, 2015)

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 (*) Item:

****6a, 7a, 7b, *13c & *13d***

ITEM NO. 6 APPROVAL OF MINUTES:

INFORMATION:

6a *Minutes of the Public Hearing and Regular Assembly meetings held September 22, 2015*

Extra Mile Day PROCLAMATION November 1, 2015

WHEREAS, the City & Borough of Wrangell is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, the City & Borough of Wrangell is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, the City & Borough of Wrangell is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City & Borough of Wrangell acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2015.

NOW THEREFORE, I, Mayor David L. Jack of the City & Borough of Wrangell do hereby proclaim November 1, 2015, to be

Extra Mile Day

and I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

 , Mayor

Attest:


Kim Lane, MMC, Borough Clerk



**Minutes of Public Hearing
Held September 22, 2015**

Mayor David L. Jack called the Public Hearing to order at 6:30 p.m., September 22, 2015, in the Borough Assembly Chambers. Assembly Members Prysunka, Blake, Decker, and Powell were present. Assembly Members Rooney and Mitchell were absent. Borough Manager Jeff Jabusch and Borough Clerk Lane were also in attendance.

Public Hearing Item:

- a. Approval of a request to Vacate a Storage Easement, on Lot 3, Block A, Sortyard Subdivision, zoned Waterfront Development, requested by Charles Jenkins Jr., owned by Christine Jenkins

WRITTEN TESTIMONY - None

ORAL TESTIMONY - None

Public Hearing recessed at 6:31 p.m.
Public Hearing reconvened at 6:55 p.m.

Public Hearing Adjourned at 6:55 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

Minutes of Regular Assembly Meeting Held on September 22, 2015

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., September 22, 2015, in the Borough Assembly Chambers. Assembly Members Prysunka, Powell, Blake, and Decker were present. Assembly Members Rooney and Mitchell were absent. Borough Manager Jeff Jabusch and Borough Clerk Lane were also in attendance.

The Pledge of Allegiance was led by Assembly Member David Powell.

The Invocation was given by Clay Hammer.

CEREMONIAL MATTERS – None

AMENDMENTS TO THE AGENDA

Assembly Member Decker requested that there be an item added to the agenda to discuss the Rainforest Ferry. There were no objections from the Assembly. Mayor Jack stated that this item would be item 13e under New Business.

CONFLICT OF INTEREST - None

CONSENT AGENDA

M/S: Decker/Blake, to approve Consent Agenda Items marked with an () asterisk; Item 6a, 7a, 7b, 7c & 7d. Motion approved unanimously by polled vote.*

APPROVAL OF MINUTES

The minutes of the Public Hearing and Regular Assembly meetings held September 8, 2015 were approved, as presented.

COMMUNICATIONS

- a. Gaming permit renewal from WHS
- b. School Board Minutes from the August 3, 2015 Regular meeting
- c. School Board Action from the September 9, 2015 Regular meeting
- d. Wrangell Medical Center Board minutes from the August 19, 2015 Regular meeting

BOROUGH MANAGER'S REPORT

Manager Jabusch's report was provided.

Manager Jabusch requested that Carol Rushmore address the Assembly with some important news.

Carol Rushmore, Economic Development Director, stated that she had received news today that Alaska DEC Commissioner Larry Hartig, announcing that \$3.9 million dollars would be coming from the Response Account of the Oil and Hazardous Substance Release Prevention and Response fund to be used for the emergency clean up at the former Wrangell Junkyard. She expressed her appreciation to the state for responding to the recent discovery of extremely high concentrations of lead and other contaminants in the soil and surface water that could pose a substantial exposure risk to human health and the environment. She also stated that the site would be brought up to residential standards.

BOROUGH CLERK'S FILE

In addition to the Clerks report, Clerk Lane reported that Christie Jamieson had submitted a letter of intent to as a write-in candidate for Assembly Member for the October 6, 2015 regular Borough election.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members

Assembly Member Decker reported on her trip to Southeast Conference last week:

- Southeast Alaska by the Numbers – economic snapshot of Southeast industries
- Projected decrease in the State budget
- Lt. Governor spoke to the Transboundary Mining Issue
- Transboundary Mining Issue – will provide a handout from the State of Alaska, Trans Dialogue, White Paper on Transboundary Mines
- Marine Highway System – Revenues currently are 33%, down from 60% from many years ago; State currently subsidizes the remaining amount
- State is working on an Economic Plan for 2020 – Five year plan

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.

PERSONS TO BE HEARD - None

UNFINISHED BUSINESS

12a PROPOSED ORDINANCE No. 908: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.04.350 OF CHAPTER 5.04, PROPERTY TAX, OF THE WRANGELL MUNICIPAL CODE TO AMEND THE DUE DATE FOR PAYMENT OF PROPERTY TAXES BEGINNING WITH THE 2016 ASSESSMENT YEAR (*first reading*)

M/S: Prysunka/Powell, to approve the first reading of Ordinance No. 908, and move to a second reading with a Public Hearing to be held on October 13, 2015. 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: Powell/Blake, to approve a request to vacate a storage easement on Lot 3, Block A, Sortyard Subdivision, zoned Waterfront Development, requested by Charles Jenkins Jr., owned by Christine Jenkins. Motion approved unanimously by polled vote.

13b Approval of draft RFP for the land development of the former Wrangell Institute Property

M/S: Blake/Decker, to approve the Draft RFP for the land development of the former Wrangell Institute Property.

Assembly Member Decker stated that the Economic Development Committee's had been working on this for a quite a while; if some of the development plans continue on the path that they have been on, residential property will continue to be a bottle neck; residential property might be a good plan for the site.

Decker stated that Carol Rushmore, Economic Development Director had asked for input at the beginning of the draft RFP. One of the questions was "what would we name this effort". Decker said that her opinion would be to stick with the Wrangell Institute Master Plan Subdivision and for the long term, maybe look to get input from some other groups like the Wrangell Cooperative Association; incorporate the history at the site. Decker also stated that adding light commercial possibilities might be a good idea.

Assembly Member Powell inquired if the RFP took into account the dump site that he stated was right behind the main complex. Powell suggested checking with community members who might remember exactly where it was.

Carol Rushmore, said that she would check into that and add it to the RFP under environmental issues, if need be.

Motion approved unanimously by polled vote.

13c Approval to move forward with an RFP for the Waterfront Industrial Property Assessment and Feasibility Study

Manager Jabusch requested that this item be moved and considered after the Executive Session item. There were no objections from the Assembly

13d Approval of a revision to the Wrangell Medical Center Personnel Policy

M/S: Blake/Powell, to approve a change to the Wrangell Medical Center Personnel Policy manual in the sections called "Recruitment". Motion approved unanimously by polled vote.

13e Discussion of the Rainforest Ferry

Assembly Member Decker stated the docking issues that the Rainforest Ferry has faced in Wrangell; should look into some options. Decker requested that the Assembly approve sending this item to the Port Commission so that they could address the issue and try and come up with some constructive ideas or suggestions. Decker stated that Wrangell was best suited to benefit economically from the ferry service.

Manager Jabusch stated that the barge ramp would have to be retrofitted to accommodate the ferry, so that was not really an option. He stated that the City had received a Fish & Game sport division grant several years back to construct the Heritage Harbor public use dock; one of the provisions was that it was to be used for sport recreation and not commercial; the State did look at the schedule and said that it cannot be used for commercial use; the money was set

aside and used for sport recreation and not commercial. Jabusch stated that it might be an option to use it only when the inner harbor ramp was not accessible due to a low tide. He stated that the Inner Harbor could only be used when the tide was right.

He stated that the Shoemaker Harbor ramp would not work because when the tide was low, the area was too narrow; when the tide was high, the wind was a factor.

Assembly Member Powell asked Clay Hammer if the Airport Seaplane ramp would work. Hammer stated that yes, it might work. Hammer also said that the ideal ramp would be a concrete ramp, not a ramp with a gravel surface.

Assembly Member Prysunka said that in reading the letter Fish & Game, if it would be possible to ask them if the Heritage Harbor ramp could only be used when the tide wasn't right in the Inner Harbor.

After more discussion, the Assembly agreed to forward this item to the Port Commission so that they could try and come up with some ideas for docking.

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

EXECUTIVE SESSION

15a Options for the possible purchase of the Mill Site property

Assembly Member Decker requested that Carol Rushmore be allowed to go into executive session since she could provide valuable information. There were no objections from the Assembly.

Manager Jabusch requested that Clay Hammer be allowed to come into the executive session if needed since there might be questions that he could answer. There were no objections from the Assembly.

M/S: Powell/Prysunka, pursuant to AS 44.62.310 (c) (1), that we recess into executive session to discuss matters the immediate knowledge of which would clearly have an adverse effect upon the finances of this public entity, specifically to discuss the options for the Possible Purchase of the Mill Site property by the City & Borough of Wrangell. Motion approved unanimously by polled vote.

Recessed into Executive Session at 7:46 p.m.

Reconvened back into the Regular Assembly meeting at 8:25 p.m.

Item 13c received the approval by the Assembly to move this item from its place on the agenda to be considered after executive session.

13c Approval to move forward with an RFP for the Waterfront Industrial Property Assessment and Feasibility Study

M/S: Blake/Powell, to proceed with an RFP for a feasibility study for the Mill Property. Motion approved unanimously by polled vote.

Regular Assembly Meeting adjourned at 8:26 p.m.

David L. Jack, Mayor

ATTEST:

Kim Lane, MMC, Borough Clerk

Unapproved

Agenda Item 7

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

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.

7a. Quarterly expenditure report for SE Senior Services covering April 1 thru June 30, 2015

7b. Travel Summary for the Months of July 2015 thru October 2015

*13c. Approval of the Final Plat of the R&J Rusaw Subdivision

*13d. Approval of the Final Plat of the V.E. Resubdivision



Dignity • Care • Compassion

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July 27, 2015

Mr. Jeff Jabusch, Borough Manager
City and Borough of Wrangell
P O Box 531
Wrangell, AK 99929

Dear Mr. Jabusch:

A copy of the Quarterly Expenditure Reports for Southeast Senior Services' Wrangell program is enclosed. These reports cover the fourth quarter period from April 1, 2015 through June 30, 2015.

The following services were provided during the fourth quarter of Fiscal Year (FY) 2015:

- * 40 individuals received 1,090 home-delivered meals.
- * 58 individuals received 824 congregate meals.
- * 27 individuals received 700 assisted rides.
- * 1 disabled individual, under the age of 60, received 1 assisted ride.

** Services for the disabled individuals, under the age of 60, were funded by other fund sources.

Figures this quarter reflect 5 days of service all months of this quarter.

On behalf of Wrangell seniors, I would like to thank you for your continued support of the Wrangell Senior Program.

Sincerely,

Erin Walker-Tolles
Executive Director

EWT/ab

Enclosures



Description	1st Quarter Actual	2nd Quarter Actual	3rd Quarter Actual	4th Quarter Actual	Year to date Actual
4001 T3 NSIP	\$ 519.35	\$ 329.97	\$ 487.74	\$ 661.44	\$ 1,998.50
4033 T3 Nutrition & Transportation	\$ 14,247.19	\$ 14,250.54	\$ 14,250.54	\$ 15,135.24	\$ 57,883.51
4106 City of Wrangell	\$ 2,750.01	\$ 2,750.01	\$ 2,750.01	\$ 1,833.30	\$ 10,083.33
4364 Title VI-Care Giver Support	\$ 5,740.01	\$ 700.18	\$ 5,684.52	\$ 7,800.21	\$ 19,924.92
4365 Title VI-NTS	\$ 20,582.51	\$ 20,582.50	\$ 20,582.50	\$ 21,191.12	\$ 82,938.63
4369 Title VI-NSIP	\$ 520.01	\$ 520.00	\$ 397.17	\$ (72.65)	\$ 1,364.53
4410 Congregate Meal Contr-Over 60	\$ 897.00	\$ 2,656.00	\$ 2,016.00	\$ 2,215.00	\$ 7,784.00
4411 Congregate Meal Contr-Under 60	\$ 80.00	\$ 476.00	\$ 20.00	\$ 197.00	\$ 773.00
4412 Home Deliv Meal Contr-Over 60	\$ 342.00	\$ 636.00	\$ 508.00	\$ 649.00	\$ 2,135.00
4414 Transportation Contr-Over 60	\$ 526.00	\$ 656.00	\$ 756.00	\$ 753.00	\$ 2,691.00
4415 Transportation Contr-Under 60	\$ -	\$ 150.00	\$ -	\$ -	\$ 150.00
4553 Medicaid	\$ 7,797.10	\$ 2,989.98	\$ 2,918.79	\$ 1,920.12	\$ 15,625.99
4600 In-Kind Revenue	\$ 3,592.50	\$ 3,592.50	\$ 3,592.50	\$ 3,592.50	\$ 14,370.00
4920 Fund Raising	\$ -	\$ 3,141.00	\$ 265.00	\$ 29.00	\$ 3,435.00
4950 Individual Donations	\$ 163.00	\$ 81.00	\$ 3,105.00	\$ 1,140.00	\$ 4,489.00
4990 Miscellaneous Revenue	\$ 1,278.00	\$ 40.00	\$ 20.80	\$ -	\$ 1,338.80
Total Revenue	\$ 59,034.68	\$ 53,551.68	\$ 57,354.57	\$ 57,044.28	\$ 226,985.21
6110 Salaries & Wages Expense	\$ 24,664.49	\$ 20,265.10	\$ 21,310.99	\$ 23,284.22	\$ 89,524.80
6115 Substitute Wages Expense	\$ 2,928.20	\$ 5,297.76	\$ 3,282.72	\$ 4,308.40	\$ 15,817.08
6120 Payroll Taxes & Benefits	\$ 6,622.85	\$ 6,908.80	\$ 7,772.33	\$ 7,369.77	\$ 28,673.75
6220 Staff Travel & Training	\$ -	\$ -	\$ 619.48	\$ 2,030.71	\$ 2,650.19
6310 Facility Rent	\$ 223.35	\$ 223.35	\$ 223.35	\$ 223.35	\$ 893.40
6311 In-Kind Rent	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00	\$ 9,840.00
6320 Phone Service Charges	\$ 455.31	\$ 452.55	\$ 450.67	\$ 537.70	\$ 1,896.23
6330 Facility Utilities	\$ 1,197.35	\$ 1,497.07	\$ 1,122.85	\$ 1,906.87	\$ 5,724.14
6410 Office Supplies	\$ 23.02	\$ 5.96	\$ 9.29	\$ 1.83	\$ 40.10
6420 Postage	\$ 38.13	\$ 46.78	\$ 45.85	\$ 141.41	\$ 272.17
6440 Vehicle Supplies	\$ -	\$ -	\$ -	\$ 60.50	\$ 60.50
6450 Program Supplies	\$ -	\$ 214.24	\$ 51.98	\$ 555.32	\$ 821.54
6470 Household Supplies	\$ 37.39	\$ 192.05	\$ 61.75	\$ 7.27	\$ 298.46
6475 Home Delivery Containers	\$ 168.83	\$ 70.80	\$ 11.48	\$ -	\$ 251.11
6480 Raw Food	\$ 3,294.85	\$ 8,133.06	\$ 4,375.75	\$ 6,433.81	\$ 22,237.47
6491 In-Kind Gas & Oil	\$ 316.26	\$ 316.26	\$ 316.26	\$ 316.26	\$ 1,265.04
6511 In-Kind Vehicle Repair	\$ 816.24	\$ 816.24	\$ 816.24	\$ 816.24	\$ 3,264.96
6520 Non-Vehicle Repair	\$ -	\$ -	\$ 69.55	\$ -	\$ 69.55
6540 Equip Purch (under \$5,000)	\$ -	\$ -	\$ -	\$ 1,080.76	\$ 1,080.76
6550 Service Contracts	\$ -	\$ -	\$ -	\$ 166.00	\$ 166.00
6610 Professional Services	\$ 276.20	\$ 309.80	\$ -	\$ 95.00	\$ 681.00
6620 Vehicle Insurance	\$ 173.10	\$ 171.45	\$ 171.45	\$ 171.45	\$ 687.45
6630 Property & Liability Insurance	\$ 77.40	\$ 77.04	\$ 77.04	\$ 77.04	\$ 308.52
6640 Dues & Subscriptions	\$ 125.00	\$ -	\$ -	\$ -	\$ 125.00
6650 Printing	\$ -	\$ -	\$ -	\$ -	\$ -
6685 Bad Debt Expense	\$ -	\$ -	\$ -	\$ 1,440.10	\$ 1,440.10
6700 Administrative Expenses	\$ 8,148.99	\$ 7,300.66	\$ 7,776.98	\$ 8,565.26	\$ 31,791.89
Total Expenditure	\$ 52,046.96	\$ 54,758.97	\$ 51,026.01	\$ 62,049.27	\$ 219,881.21
Excess Revenues over (under) Expenses	\$ 6,987.72	\$ (1,207.29)	\$ 6,328.56	\$ (5,004.99)	\$ 7,104.00

CITY OF WRANGELL
TRAVEL SUMMARY FOR MONTH OF JULY 2015 - OCTOBER 2015

DATE	EMPLOYEE/OTHER	DEPT.	PURPOSE OF TRAVEL	DESTINATION	TRAVEL COST
7/20-24/15	CLAY HAMMER	LIGHT & POWER	TRAFFIC CONTROLL TRAINING	KETCHIKAN	1949.52
8/10-15/2015	AMBER AL-HADDAD	PW DIRECTOR	BUILDING OFFICIAL TRAINING	SOUTH CAROLINA	1385.45
8/23-29/2015	ANDREW SCAMBLER	LIGHT & POWER	METER SCHOOL	SEATTLE	2339.38
8/23-29/2015	DWIGHT YANCEY	LIGHT & POWER	METER SCHOOL	SEATTLE	2339.38
9/17-21/2015	KATE THOMAS	PARKS & RECREATION	LIFEGUARD INSTRUCTOR	CALIFORNIA	1488.00
9/19-20/2015	BECKY ROONEY	ASSEMBLY TRAVEL	ALASKA MUNICIPAL LEAGUE	KETCHIKAN	607.50
9/14-18/2015	JULIE DECKER	ASSEMBLY TRAVEL	SE CONFERENCE	PRINCE RUPERT	1523.10
9/13-18/2015	CAROL RUSHMORE	ECONOMIC DEV.	SE CONFERENCE	PRINCE RUPERT	1205.91
10/6-10/2015	KATE THOMAS	PARKS & RECREATION	ANNUAL CONFERENCE	ANCHORAGE	1090.00
					13928.24

CITY CLERK
OCT 07 2015
RECEIVED

MEMORANDUM

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

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

SUBJECT: MANAGER'S REPORT

DATE: OCTOBER 13, 2015

Hospital Line of Credit Report

To date, the hospital has not asked or received any funds through the Line of Credit set up by the assembly.

Contractor Program:

We have started to use the system with modest success. We are getting better at educating both our department heads and the contractors. We also are gathering a list of things that don't work very well and will come to the assembly to fix them after we have some time with the policy. Lastly, we still don't have very many contractors signed up which is unfortunate.

Projects being worked on:

- **Cassiar Street Improvements-**
BW Enterprises is mostly complete with the Cassiar Phase II project. This project included some drainage work, installing some retaining walls and a sewer line from Cassiar to the lower road. This project was done quickly and on time and we did not experience any issues at this time.
- **Evergreen Road Improvements**
DOT/PF is scheduling a meeting for the public to see the current plans. Our staff will work closely with the DOT/PF folks to be sure those that have property on Evergreen are informed of the meeting and that we do whatever we can to assist the property owners come away happy about the improvements. With the addition of a sidewalk the entire project will become wider than it is now and I am sure will inconvenience some because of parking or other reasons although much of this is in the existing right of way.
- **Sewer Pump Station-** We are scheduled to go out to bid on October 16th. We are working with both granting agencies to make this happen. USDA has been the biggest holdup because their requirements are extensive compared to most granting agencies. Their grant is the smallest portion also. They have agreed to allow us to go to bid prior to all of the grant requirements being completed. They have told us as long as all of these requirements are completed by the time the award of a contractor, then we will be OK. If push comes to shove, we will proceed without their grant because of the timeline needed to finish this project and not lose out on the other larger grant sources. We believe we can accomplish all of this and take advantage of both grants, but we just want to be sure everyone knows that accomplishing the project on time is of paramount importance.
- **Court Room Remodel-** The bids are out on the court room remodel. This should be a good winter project for a contractor. We will work with the court on scheduling which may include temporarily relocating to other space in the court building.

- **RFP for Mill** - This RFP went out last week. Once we get the list of those that submit an RFP, a selection committee will grade each application and then bring the preferred firm to the assembly for approval. During this process, we will keep in touch with Mr. Buhler so that he knows our process is on track.
- **RFP for Institute Property**- the RFP for the Institute Property (roughly 5 mile Zimovia) also went out last week. We will go through the same process as the Mill RFP. The committee's recommendation will be brought to the assembly for approval.

Washington DC Lobbyist:

Sebastian O'Kelly of Robertson, Monagle & Eastaugh continually provides information on those things going on in congress that may have either interest or impact on Wrangell. Mr. O'Kelly just provided some testimony present by Leo Barlow, formally of Wrangell in favor of legislation sponsored by Senator Murkowski to confer ANCSA status for the unrecognized Native villages of Southeast. The attached web site has a copy of the testimony. You can copy this on to your web address, hit return and the testimony should appear.

http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=d93067e0-89ae-43c3-9178-56a6231f65a9

Presentation by the Governor's Office about the State's Budget:

On Wednesday, October 21st at 6:30 in the Nolan Center, the Governor's Office will do a presentation to help the community understand the impacts and effects the low oil prices have had on the State Budget. The presentation also will walk all of us through the issues and challenges that face the state in the future and how this will affect communities in Alaska. Every Alaskan will be affected by the budget crisis and the better understanding we have about the inner workings of the budget will help us be more informed when the difficult topics are debated and a final budget is adopted.

Agenda Item 9

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM

CLERK'S REPORT October 13, 2015

Mark Your Calendar:

10/13 Regular Assembly mtg. @ 7 pm in the Assembly Chambers

10/26 Economic Development Committee mtg. @ 6:30 pm in the Assembly Chambers

10/27 Workshop between the WMC Staff and Board Members and the Wrangell Borough Assembly @ 5:30 pm

In the Assembly Chambers. Public Hearing (possible) and Regular Assembly meeting to follow

12/9-10 SEAPA Board Mtg. to be held in Ketchikan, with times TBD

Regular Borough Election of October 6, 2015



I would like to extend a big

and to the following City Departments:

to the Election Workers for their time and dedication,

The Employees of Public Works

The Nolan Civic Center Staff

The preparations for the Election went very well. As of September 7th, Wrangell had **1,639** Registered Voters. The total number of ballots cast for the October 7th Regular Election was **372**. The voter turnout was **23%**. Last years election had a 23% voter turnout.

Kim Lane, Borough Clerk

AML (AcoM, NEO & Conference)

Alaska Municipal League Conference schedule is as follows:

Pre-Conference (NEO-Newly Elected Officials Training)	- Nov. 16 & 17, 2015
Regular Conference	- Nov. 18 & 19, 2015
ACoM (Alaska Conference of Mayors)	- Nov. 17, 2015

I have received confirmation from the Mayor that he would like to attend ACoM & the Regular Conference. Assembly Member Rooney will be attending the Newly Elected Officials training & the Regular Conference.

Anyone else interested in attending?

Agenda Items 10 a - d

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY

AGENDA ITEM

October 13, 2015

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** City Boards and Committee Appointments

Letters for City Boards & Committee Appointments received from:

- | | |
|------------------|---------------------------------|
| • | Planning & Zoning Commission |
| • | Planning & Zoning Commission |
| • Haig Demerjian | Parks & Recreation Board |
| • Alice Rooney | Parks & Recreation Board |
| • Marian Glenz | WCVB |
| • | Economic Development Committee |
| • | Economic Development Committee |
| • | Economic Development Committee |
| • Dan Roope | Nolan Museum/Civic Center Board |
| • | Nolan Museum/Civic Center Board |
| • | Nolan Museum/Civic Center Board |

Recommended Action:

Mayor: If there are no objections to the above appointments to the City Boards and Committees, I will declare them appointed for terms ending October, 2018.

If there are seats that are left vacant (no letters received), direct the Borough Clerk to advertise for the vacancies.

Planning & Zoning Commission - (2 vacancies – 3 year terms)

Parks & Recreation Board - (2 vacancies – 3 year term)

1. *Haig Demerjian*
2. *Alice Rooney*

WCVB - (1 vacancy – 3 year terms)

1. *Marian Glenz*

Economic Development Committee - (3 vacancies – 3 year terms)

Nolan Museum/Civic Center Board - (3 vacancies – 3 year terms)

1. *Dan Roope*

Appointments to be filled by the Mayor with the consent of the assembly for the various seats with.

Recommended Action if not approved with the consent of the Assembly:

Motion: Move to appoint _____ to fill the vacancy on the _____ for the term up until October _____.

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

There were no letters of interest received for this vacancy.

Appointment to be made by the Mayor, with the consensus of the Borough Assembly.

If there is not a consensus from the Assembly, an Assembly Member can make a motion to appoint..... :

Move to appoint _____ to fill the vacancy on the Planning & Zoning Commission for the unexpired term ending October 2017.

➤ **Item 10d** Elect Vice-Mayor

RECOMMENDED ACTION

Move to nominate: ????? for Vice-Mayor.

(There needs to be a second to the motion)

Agenda Item 12a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED ORDINANCE No: 908: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.04.350 OF CHAPTER 5.04, PROPERTY TAX, OF THE WRANGELL MUNICIPAL CODE TO AMEND THE DUE DATE FOR PAYMENT OF PROPERTY TAXES BEGINNING WITH THE 2016 ASSESSMENT YEAR *(second reading)*

Attachments:

- 1. Proposed Ordinance No. 908**

RECOMMENDED ACTION:

Move to adopt Ordinance No. 908.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 908

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.04.350 OF CHAPTER 5.04, PROPERTY TAX, OF THE WRANGELL MUNICIPAL CODE TO AMEND THE DUE DATE FOR PAYMENT OF PROPERTY TAXES BEGINNING WITH THE 2016 ASSESSMENT YEAR

WHEREAS, the Assembly adopted Ordinance No. 901 on May 26, 2015; and

WHEREAS, Ordinance No. 901 amended Section 5.04.350 of Chapter 5.04, Property Tax, of the Wrangell Municipal Code to change the due date for the payment of property taxes from a two payment date system, under which the taxpayer could choose to pay the taxes in two equal installments with due dates of August 15 and December 15 of the assessment year, to a new single payment system with one due date of September 15 of the assessment year, and Section 5.04.360 to change the penalty and interest on late payments to remove reference to installment payments and change the interest rate; and

WHEREAS, on August 25, 2015, the Assembly adopted Ordinance No. 905 as non-code transitional measure to establish a due date for the payment of 2015 property taxes of September 15, provided the taxpayer may opt to pay the 2015 property taxes in two equal installments with due dates of September 15, 2015 and December 15, 2015; and

WHEREAS, Section 3 of Ordinance No. 905 further provided that beginning with the 2016 assessment year, all property taxes would be due on September 15 as provided in Section 5.04.350 as amended by Ordinance No. 901; and

WHEREAS, numerous citizens have expressed concerns about the September 15th due date; and

WHEREAS, this Ordinance No. 908 changes the due date for the payment of property taxes from September 15th to October 15th beginning with the 2016 assessment year, and supersedes Section 3 of Ordinance No. 905; and

WHEREAS, in enacting this ordinance, it is the desire of the Assembly to emphasize that the property tax due date of October 15 does not prohibit or in any way restrict taxpayers from making one or more payments of all or any part of property taxes owed for the current assessment year before the October 15 due date.

NOW, THEREFORE, 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 Section 5.04.350 of the Wrangell Municipal Code relating to the delinquent date for payment of property taxes and the penalty and interest for late payments of property taxes beginning with the 2016 assessment year. This ordinance supersedes Section 3 of Ordinance No. 905 adopted on August 25, 2015.

SEC. 2. Amendment. Section 5.04.350 of the Wrangell Municipal Code is amended to read:

5.04.350 Delinquent date for payment of taxes.

All taxes levied in accordance with this chapter shall be due and payable on or before **[September 15]** October 15 of the assessment year and shall become delinquent if not paid before 5:00 p.m. on said date, or, if payment is received through the mail after said date, when the mailed payment is postmarked after said date. One or more payments of all or any part of the property taxes owed for the current assessment year can be made on or before the October 15 due date.

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: September 22, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

Approval to cancel the November 24, 2015 Regular Assembly meeting

Attachments:

1. Memo from Manager Jabusch

RECOMMENDED ACTION:

Move to approve canceling the Regular Assembly meeting of November 24, 2015 and have only one Regular Assembly meeting on November 10, 2015.

MEMORANDUM

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

FROM: JEFF JABUSCH, BOROUGH MANAGER

SUBJECT: CANCELATION OF NOVEMBER 24, 2015 MEETING

DATE: October 7, 2015

BACKGROUND:

For the past 6 years, the Borough Assembly has only had one meeting in November. Either the first or the second meeting in November was canceled due to the amount of Assembly members that would be out of town on Thanksgiving week or due to conflicts with the AML Annual Meetings.

This year, the Alaska Municipal League, the Alaska Association of Municipal Clerks, and the Alaska Municipal Managers Association are having their annual conferences from November 16th thru the 20th, 2015 in Anchorage. Due to the amount of both staff and assembly members that will be attending this conference, it would be staff's preference to cancel the November 24, 2015 meeting and conduct only one meeting on November 10, 2015.

RECOMMENDATION:

Move to approve canceling the Regular Assembly Meeting of November 24, 2015 have only one Regular Assembly meeting on November 10, 2015.

Agenda Item 13b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

Approval to renew the Audit Services for FY 2016 through 2019

Attachments:

1. Letter from Michelle Drew, BDO USA, LLP
2. Memo from Manager Jabusch

RECOMMENDED ACTION:

Move to approve proposal from BDO to conduct the Borough's annual audit for the fiscal years 2016, 2017, 2018 and 2019 without competitive bidding as allowed under Wrangell Municipal Code 5.10.050 (E).



Tel: 907-278-8878
Fax: 907-278-5779
www.bdo.com

3601 C Street, Suite 600
Anchorage, AK 99503

September 26, 2015

Mr. Jeff Jabusch, Borough Manager
City and Borough of Wrangell
P.O. Box 531
Wrangell, AK 99929

Dear Jeff:

This letter is to document our estimated audit fees for the next four years. Based on my review of the billing files and the existing auditing standards, we estimate the audit fees as follows:

FY 16	\$44,361 plus out of pocket costs					
FY 17	\$47,023	"	"	"	"	"
FY 18	\$48,904	"	"	"	"	"
FY 19	\$50,860	"	"	"	"	"

These fees are based on the latest auditing standards which took effect this year (GASB 68) as well as the new "supercircular" changes and which will increase the audit hours going forward. In addition, there are currently 9 new standards coming online over the next 4 years. We have tried to incorporate these upcoming changes into the fee estimates above; however, we are not yet certain of the additional time requirement that may be involved.

These fees do not include any additional time that may become necessary in the future should there be other new auditing standards or regulations implemented by the Governmental Accounting Standards Board or the American Institute of Certified Public Accountants. These fees are also based on the approximate number of federal and State grants that the City has received over the past couple of years. Should there be a significant increase in the volume of grant activity, it may require a few more hours to comply with the federal and State single audit requirements.

We anticipate conducting the audit about the same time as we have in the past and will continue to coordinate as much as possible with the Petersburg Borough to minimize the travel costs.

If you or the Assembly has any questions regarding the above information, please give me a call. We have enjoyed our working relationship with the Borough and look forward to continuing that relationship into the future.

Sincerely,

Michelle Drew
Partner

MEMORANDUM

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

Cc: LEE BURGESS, FINANCE DIRECTOR

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

SUBJECT: Renewal of Audit Services

DATE: October 5, 2015

The City and Borough of Wrangell has had the current auditors for at least the last 15 years and probably 30 out of the last 40 years. BDO (formally Mikunda, Cottrell and Company) I believe is the largest CPA firm in the state. They do many other cities, school districts and hospitals. When they come each year in August they do the City, Wrangell Medical Center, Wrangell School District and Alaska Island Community Services. They have experienced staff and have always done a great job for us.

Prices for their services have gone up in the proposal as explained by Michelle Drew of BDO in the attached letter. Much of this increase is for the new standards that keep getting added which adds to the work load of both our staff and theirs. I know this year there were changes where the unfunded liability that exists with the State of Alaska's Retirement System now has to be reflected in our books for our share of that unfunded liability. They are working with the state to do the calculations and will incorporate that information into our financial statements. All of these additional items are required, but that does drive up the price. And because this is a legal requirement, we don't have much choice.

We have been more than happy with the work they have done for us and recommend that we keep them for continuity, especially through all of these changes. We also rely on them to keep us up to speed on new requirements. The cost of the audit is spread out between the General Fund and all of the enterprise funds (water, sewer, light, sanitation and port).

Lastly, it is very handy when they are also doing the hospital and school as both are required to be shown as a component in our financial statements. In the past, we have had different auditors and this has led to confusion and issue with getting the financial statements issued in a timely manner.

Our Wrangell Municipal Code allows for hiring professional services without competitive bidding. This section of the code reads as follows: Contractual Services of a professional nature, such as legal, engineering, architectural, and medical services. A CPA auditing firm is of a professional nature and qualifies for this provision.

Recommended Action:

Move to approve proposal from BDO to conduct the Borough's annual audit for the fiscal years 2016, 2017, 2018 and 2019 without competitive bidding as allowed under Wrangell Municipal Code 5.10.050 (E).

Agenda Item *13c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

Approval of the Final Plat of the R&J Rusaw Subdivision

Attachments:

1. Memo from Lavonne Klinke, P&Z Secretary
2. Final Plat Map (on display in the Assembly Chambers)

RECOMMENDED ACTION:

~Approved under the Consent Agenda~

Memo

To: Kim Lane, Borough Clerk
From: Lavonne Klinke, P & Z Secretary
CC: Borough Assembly Members
Date: 9/24/2015
RE: Final Plat approval of the R&J Rusaw Subdivision, a subdivision of Lot 1 Block 4 ASLS 83-7 Wrangell Island West Subdivision creating Lots 1A and 1B, zoned Rural Residential

The Planning and Zoning Commission at their regular meeting of September 11, 2015 approved the Final Plat of the R&J Rusaw Subdivision, a subdivision of Lot 1 Block 4 ASLS 83-7 Wrangell Island West Subdivision creating Lots 1A and 1B, zoned Rural Residential.

Motion passed unanimously by polled vote.

Agenda Item *13d

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

Approval of the Final Plat of the V.E. Resubdivision

Attachments:

1. Memo from Lavonne Klinke, P&Z Secretary
2. Final Plat Map (on display in the Assembly Chambers)

RECOMMENDED ACTION:

~Approved under the Consent Agenda~

Memo

To: Kim Lane, Borough Clerk
From: Lavonne Klinke, P & Z Secretary
CC: Borough Assembly Members
Date: 9/24/2015
RE: Final Plat approval of the V.E. Resubdivision, a resubdivision of Lots 6 & 7 Block 2 ASLS 83-7 Wrangell Island West Subdivision, creation Lots 6A and 7A.

The Planning and Zoning Commission at their regular meeting of September 11, 2015 approved the Final Plat of the V.E. Resubdivision, a resubdivision of Lots 6 & 7 Block 2 ASLS 83-7 Wrangell Island West Subdivision, creation Lots 6A and 7A.

Motion passed unanimously by polled vote.

Agenda Item 13e

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED ORDINANCE No. 909: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 9.08, NUISANCES, AND CHAPTER 9.16, LITTERING, OF TITLE 9, HEALTH AND SAFETY, OF THE WRANGELL MUNICIPAL CODE, TO ADD SECTIONS ON PENALTY FOR VIOLATION AND REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050
(first reading)

Background

The proposed Ordinance is being brought forward in order to address the violations in Chapter 9 by placing them in the minor offence fine schedule in title 1. This is a requirement of the State of Alaska's Court System. Essentially, if we do not list the fines and/or penalties in the fine schedule in Title 1, the violation is a mandatory court appearance.

Having the fines and/or penalties listed out in Title 1 will help law enforcement and the residents of Wrangell to be clear on what the penalty/fee is for each violation.

*Also as stated above, this is a **requirement** of the State of Alaska's Court System.*

Attachments:

1. Proposed Ordinance No. 909

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 909, and move to a second with a Public Hearing to be held on October 27, 2015.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 909

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 9.08, NUISANCES, AND CHAPTER 9.16, LITTERING, OF TITLE 9, HEALTH AND SAFETY, OF THE WRANGELL MUNICIPAL CODE, TO ADD SECTIONS ON PENALTY FOR VIOLATION AND REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050

[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 Title 9, Health and Safety, of the Wrangell Municipal Code, specifically certain sections in Chapter 9.08, Nuisances, and Chapter 9.16, Littering.

SEC. 2. Amendment. Section 9.08.120 of the Wrangell Municipal Code is amended to read:

9.08.120 Penalty for violation.

In addition to the remedies provided by this chapter against any such building or other structure, any person, firm, association or corporation who willfully violates any provision of this chapter, or who willfully fails or refuses to comply with final order, determination, decision or judgment of the board of adjustment made in accordance with the provisions of this chapter, or any final intermediate order made in accordance with the provisions of this chapter by the borough manager, fire chief, chief of police, building inspector, or health officer, or other authorized officer or employee of the borough shall be punishable as provided for in WMC 1.20.010. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 3. Amendment. The list of sections in Chapter 9.16, Littering, of the Wrangell Municipal Code is amended to read:

Chapter 9.16 LITTERING

Sections:

- 9.16.010 Defined.
- 9.16.020 Deposit in public places.
- 9.16.030 Maintaining sidewalks free of litter.
- 9.16.040 Deposit from vehicles prohibited.
- 9.16.050 Operating litter-generating vehicles prohibited.
- 9.16.060 Deposit on private property prohibited.
- 9.16.070 Property owner's responsibility to maintain premises.
- 9.16.080 Handbills – Restrictions generally.
- 9.16.090 Handbills – Distribution on private property.
- 9.16.100 Posting notices prohibited.
- 9.16.110 Notice to abate – Removal by borough.
- 9.16.120 Penalty for violation.

SEC. 4. New Section. A new Section 9.16.120 is added to Chapter 9.16 of the Wrangell Municipal Code to read:

9.16.120 Penalty for violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 5. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 6. 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. 7. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13f

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED ORDINANCE No. 910: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY CERTAIN SECTIONS IN CHAPTERS 11.04, 11.08, 11.12, 11.30, 11.36, 11.64, 11.68 AND 11.76, TO ADD PROVISIONS ON PENALTY FOR VIOLATION, MAKE CORRECTIONS, AND REPEAL CERTAIN SECTIONS OF CHAPTER 11.28 AND CHAPTER 11.32 IN ITS ENTIRETY *(first reading)*

Background

The proposed Ordinance is being brought forward in order to address the violations in Chapter 11 by placing them in the minor offence fine schedule in title 1. This is a requirement of the State of Alaska's Court System. Essentially, if we do not list the fines and/or penalties in the fine schedule in Title 1, the violation is a mandatory court appearance.

Having the fines and/or penalties listed out in Title 1 will help law enforcement and the residents of Wrangell to be clear on what the penalty/fee is for each violation.

*Also as stated above, this is a **requirement** of the State of Alaska's Court System.*

Attachments:

1. Proposed Ordinance No. 910

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 910, and move to a second with a Public Hearing to be held on October 27, 2015.

ORDINANCE NO. 910

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE WRANGELL MUNICIPAL CODE, SPECIFICALLY CERTAIN SECTIONS IN CHAPTERS 11.04, 11.08, 11.12, 11.30, 11.36, 11.64, 11.68 AND 11.76, TO ADD PROVISIONS ON PENALTY FOR VIOLATION, MAKE CORRECTIONS, AND REPEAL CERTAIN SECTIONS OF CHAPTER 11.28 AND CHAPTER 11.32 IN ITS ENTIRETY

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 Title 11, Vehicles and Traffic, of the Wrangell Municipal Code, specifically certain sections in Chapters 11.04, 11.28, 11.30, 11.32, 11.36, 11.64, 11.68, and 11.76, and to repeal certain sections in Chapter 11.28 and Chapter 11.32 in its entirety. The section and chapter numbers of repealed sections and chapters are reserved for future use.

SEC 2. Amendment. The list of sections in Chapter 11.04, General Provisions, of the Wrangell Municipal Code is amended to read:

Chapter 11.04 GENERAL PROVISIONS

Sections:

11.04.010 Adoption of State Uniform Traffic Laws by Reference.

11.04.020 **[State surcharges]**Traffic Fine Schedule – Adoption of State Bail Forfeiture Schedules by Reference.

11.04.030 **[Violation – Penalty]**Chief of Police Regulation Authority.

SEC. 3. Amendment. Sections of 11.04.010, 11.04.020 and 11.04.030 of the Wrangell Municipal Code are amended to read:

11.04.010 Adoption of State Uniform Traffic Laws by Reference.

[There is hereby incorporated by reference into this code, except as otherwise provided by the Charter, Title 13 of the Administrative Code, and all noncriminal Title 28 Traffic Statutes, to the extent that such provisions are in effect on or following the date of the ordinance codified in this section.] In addition to the traffic ordinances of this Title 11, the borough adopts by reference all vehicle and traffic statutes and regulations of the State of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the borough, except for felonies and misdemeanors not listed on Alaska Supreme Court bail forfeiture schedules.

11.04.020 [State surcharges] Traffic Fine Schedule – Adoption of State Bail Forfeiture Schedules by Reference.

[The borough police may notify persons charged with motor vehicle violations that the state has imposed surcharges on traffic fines as stated in AS 12.55.039 and 28.05.151(c).]

The borough adopts as its traffic fine schedule the “Traffic Bail Forfeiture Schedule” and the “Oversize Vehicle Bail Forfeiture Schedule” in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the borough adopts all amendments of those schedules that become effective after the effective date of this ordinance. Citations for offenses listed on these schedules may be disposed of as provided in AS 12.25.195 - .230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the Police Department. If a traffic offense is not listed on this fine schedule or another fine schedule ordinance, the defendant must appear in court to answer to the charges. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. The fines established in these fine schedules may not be reduced.

11.04.030 [Violation – Penalty] Chief of police regulation authority.

[Penalties for violation of any provisions of this chapter shall be by a fine/penalty of not more than \$300.00. The imposition of demerit points, revocation or suspension of licenses or restrictions thereof, as may be imposed by the state pursuant to its rules, regulations and statutes, are independent of any penalty under this chapter.]

The chief of police is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the borough and to make and enforce temporary or experimental regulations to cover parking control or emergencies or special conditions. Except for parking regulations, no such temporary or experimental regulations shall remain in effect for more than 90 days. Every such temporary or experimental regulation shall be submitted to the borough assembly at the assembly's regular meeting prior to the enforcement of such regulation, and, in the event the assembly disapproves its enforcement, the police department shall not thereafter enforce such regulation.

SEC. 4. Repeal. Chapter 11.08, Definitions, of the Wrangell Municipal Code is repealed:

Chapter 11.08
[DEFINITIONS] Repealed

[Sections:

11.08.010 Chief of police regulation authority.]

[The chief of police is empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the borough and to make and enforce temporary or experimental regulations to cover parking control or emergencies or special conditions. Except for parking regulations, no such temporary or experimental regulations shall remain in effect for more than 90 days. Every such temporary or experimental regulation shall be submitted to the borough assembly at the assembly's regular meeting prior to the enforcement of such regulation, and, in the event the assembly disapproves its enforcement, the police department shall not thereafter enforce such regulation.]

SEC. 5. Repeal. Chapter 11.12, Administration, of the Wrangell Municipal Code is repealed:

Chapter 11.12
[ADMINISTRATION] Repealed

[Sections:

11.12.010 Adoption of State Uniform Traffic Bail Schedule.]

[The "State Uniform Traffic Bail Schedule" enacted January 1, 1987, as amended up to February 9, 1988, is adopted as the traffic bail schedule for the borough. In addition, the borough adopts all changes made in said schedule from time to time.]

SEC. 6. Amendment. The list of sections in Chapter 11.28, Stopping, Standing, and Parking, of the Wrangell Municipal Code is amended to read:

Chapter 11.28
STOPPING, STANDING, AND PARKING

Sections:

- 11.28.010 **[Prohibited parking areas specified]** Repealed.
- 11.28.020 Prohibited parking places **[generally]**.
- 11.28.030 Red-painted curbs and signs – No parking.
- 11.28.040 Time-limit parking - Impounding.
- 11.28.050 **[Prohibited 24-hour parking – Impounding]** Repealed.
- 11.28.060 **[Prohibited parking on sidewalk]** Repealed.
- 11.28.070 **[Prohibited parking in licensed vehicle stand]** Repealed.
- 11.28.080 Blocking roadway prohibited.
- 11.28.090 **[Loading and unloading passengers]**Bus Stop and Passenger Zone – Parking prohibited.
- 11.28.100 Loading and unloading materials.
- 11.28.110 Authority to determine passenger and loading zones.
- 11.28.120 **[Use of parking meter zones by taxicabs]**Repealed.
- 11.28.130 Method of parking – Loading permits.
- 11.28.140 Penalty for **[overtime parking]**violation.

SEC. 7. Repeal. Section 11.28.010 of the Wrangell Municipal Code is repealed:

11.28.010 [Prohibited parking areas specified] Repealed.

[It is unlawful at any time for the owner or operator of any motor or other vehicle to leave, place or park the same, whether the same is or is not attended or occupied by any person, on or upon any of the following prohibited parking areas in the borough which prohibited parking areas shall be marked by appropriate prohibited parking signs:

A. In any area, on any street, immediately fronting the curb, between fixed signs, or where the curb is marked with red paint and a sign is either erected along the curb or painted in red or white on the street fronting the curb, indicating the area between the fixed signs, or fronting the red curblane, to be a bus stop, loading zone, driveway, or licensed vehicle stand;

B. Within any area entirely enclosed by red lines painted on the curb and street, or painted on the street, and designated by the words “no parking” painted within the enclosed area in red and white, or otherwise marked by an appropriate sign, or by a combination of placed and painted signs, indicating no parking permitted;

C. Within any area where a parking meter is installed, excepting as provided by such parking meter and the traffic code of the borough.]

SEC. 8. Amendment. Sections 11.28.020, 030, and 040 of the Wrangell Municipal Code are amended to read:

11.28.020 Prohibited parking places [generally].

It is unlawful for the owner or operator of any **[motor or other]** vehicle to stop, stand or park the same in any of the following places, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or a traffic control sign or signal. No sign shall be required to designate this prohibition.

A. Within an intersection;

B. On a crosswalk;

[C. At a bus stop;]

[D]C. Within **[15] 20** feet of the driveway entrance to any fire station or directly across the street from such entrance;

[E]D. On a sidewalk;

[F]E. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would impede or obstruct traffic.

11.28.030 Red-painted curbs and signs - No parking.

A. All curbing painted red shall mean no parking at any time. Other restrictions shall be shown by standard parking signs. No person shall park or stand a vehicle in violation of any parking sign or in violation of a parking prohibition indicated by curbing which is painted red.

B. No person shall park or stand a vehicle in any area entirely enclosed by red lines painted on the curb and street, or painted on the street, and designated by the words “no parking” painted within the enclosed area in red and/or white, or otherwise marked by an appropriate sign, or by a combination of placed and painted signs, indicating no parking permitted.

11.28.040 Time-limit parking – Impounding.

A. It is unlawful for the owner or operator of any **[motor or other]** vehicle to leave, place, stand, or park the ~~same~~ vehicle on any street, highway, alley, walk, or other public thoroughfare within the borough on or within any area and/or zone designated as a time-limit parking area and/or zone for a period of time greater than as specified by a posted appropriate sign. **[Such vehicles found to be in violation are subject to impound at the owner or operator’s expense.]**

B. In addition to the penalty provided for a violation of this title, any vehicle found parked as prohibited in this section may be removed and impounded by any police officer of the borough and the removal and impounding costs shall be charged against the offending vehicle and paid before release of such vehicle.

SEC. 9. Repeal. Sections 11.28.050, 11.28.060, and 11.28.070 of the Wrangell Municipal Code are repealed:

11.28.050 [Prohibited 24-hour parking – Impounding] Repealed.

[A. It is unlawful for the owner or operator of any motor or other vehicle to leave, place or park the same for 24 hours continuously on any street, highway, alley, walk, or other public thoroughfare within the borough that is posted or otherwise marked by an appropriate sign, or by a combination of placed and painted signs, that indicate 24-hour parking is prohibited. Signs shall be required for enforcement of this section.

B. In addition to the penalty provided for violation of this title, any vehicle found parked for 24 hours continuously as prohibited in this section shall be removed and impounded by any police officer of the borough and the removal and impounding costs shall be charged against the offending vehicle and paid before release of such vehicle.]

11.28.060 [Prohibited parking on sidewalk] Repealed.

[It is unlawful for the owner or operator of any motor or other vehicle at any time to leave, place or park the same on any sidewalk or part thereof. No sign shall be required to designate this prohibition.]

11.28.070 [Prohibited parking in licensed vehicle stand]Repealed.

[It is unlawful for the owner or operator of any motor or other vehicle, other than the licensee or permittees of the licensee, at any time to leave, place or park the same within the boundary or area or any part thereof of any licensed taxi, bus or other licensed vehicle stand.]

SEC. 10. Amendment. Sections 11.28.080, 11.28.090 and 11.28.100 of the Wrangell Municipal Code are amended to read:

11.28.080 Blocking roadway prohibited.

It is unlawful for the owner or operator of any **[motor or other]** vehicle, whether the same is or is not attended or occupied by any person, to stop, stand, leave or park the same in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, except momentarily during the actual loading or unloading of passengers or merchandise and such stopping does not actually impede or obstruct such vehicular traffic, or unless in obedience to traffic regulations or traffic signs or signals, or to a police officer.

**11.28.090 [Loading and unloading passengers]Bus Stop and Passenger Zone–
Parking prohibited.**

It is unlawful for the operator [**or driver**] of any [**motor or other**] vehicle to stop the same for a period of time longer than is actually necessary for the actual loading or unloading of passengers at any bus stop, or other place marked as a passenger zone, and the stop cannot interfere with a bus waiting to enter or about to enter the zone.

11.28.100 Loading and unloading materials.

It is unlawful for the owner or operator of any [**motor or other**] vehicle to stop, stand or park the same for a period of time longer than is actually necessary for the actual unloading and delivery or pickup and loading of material or merchandise in any place marked as a loading zone.

SEC.11. Repeal. Section 11.28.120 of the Wrangell Municipal Code is repealed:

11.28.120 [Use of parking meter zones by taxicabs]Repealed.

[It is unlawful for the driver or operator of a vehicle used as a taxicab to place, stand or park the same in front of any parking meter or in any parking meter area or zone unless such taxicab is occupied by a paying passenger, or unless waiting for the return of a paying passenger to reenter the taxicab, or unless waiting for a paying passenger who has called such taxicab.]

SEC. 12. Amendment. Sections 11.28.130 and 11.28.140 of the Wrangell Municipal Code are amended to read:

11.28.130 Method of parking – Loading permits.

Except when necessary in obedience to traffic regulations or traffic signs or signals, it shall be unlawful for the owner or operator of any [**motor or other**] vehicle, whether [**same**] it is or is not attended or occupied by any person, to stop, stand, leave or park the same in a roadway other than parallel with the curb or edge of the roadway, headed in the direction of traffic, with the curb side or edge of the roadway wheels more than 12 inches from the curb or edge of the roadway, or closer than three feet to any [**motor or other**] vehicle stopped or parked immediately in front thereof, excepting as provided in the following subsections:

...

11.28.140 Penalty for [overtime parking]violation.

[Any person, firm or corporation violating overtime parking provisions of this chapter or WMC 11.32.050, in addition to specific penalties therein prescribed, shall pay such fine not exceeding \$50.00 as the court shall, in its discretion, impose. The time for payment and method of payment of the penalty shall be prescribed by the court.] Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 13. Amendment. The list of sections in Chapter 11.30, Parking Lot Regulations, of the Wrangell Municipal Code is amended to read:

**Chapter 11.30
PARKING LOT REGULATIONS**

Sections:

- 11.30.010 Off-street parking lots established.
- 11.30.020 Off-street parking lot use control.
- 11.30.030 Parking in excess of posted time limit – Parking lots.
- 11.30.040 Proper parking required – Parking lots.
- 11.30.050 Vehicles and objects prohibited – Parking lots.
- 11.30.060 **[Enforcement]** Penalty for violation.

SEC. 14. Amendment. Section 11.30.010 of the Wrangell Municipal Code is amended by changes to subsection A and the addition of a new subsection G to read:

11.30.010 Off-street parking lots established.

A. In that block bounded by Front Street, **[Outer]**Campbell Drive, Brueger Street and Lynch Street said parking lots more particularly described as Lot 17 and Lot 18, Block 1-A, Wrangell Tidelands Addition;

...

G. Heritage Harbor: Lot 2, Sealevel Subdivision II, Plat # 2015-2.

SEC. 15. Amendment. Sections 11.30.030, 11.30.040, 11.30.050, and 11.30.060 of the Wrangell Municipal Code are amended to read:

11.30.030 Parking in excess of posted time limit – Parking lots.

Any ~~[driver or person in charge]~~owner or operator of a vehicle who parks or leaves such vehicle in a parking space in the herein established parking lots in excess of the time permitted is guilty of an infraction ~~[a misdemeanor]~~. No person in charge of a vehicle shall park or leave such vehicle in a parking space in the herein established parking lots in excess of the posted time limit.

11.30.040 Proper parking required – Parking lots.

Every vehicle parked or left in a parking space shall be parked or left at the approximate angle indicated by the signs, lines, or other marking identifying said space, and within the space marked by the lines or other identification. Any person parking or leaving a vehicle in such a parking space in any manner contrary to this section is guilty of ~~[a misdemeanor]~~an infraction.

11.30.050 Vehicles and objects prohibited – Parking Lots.

No person shall drive, pull, roll, push, or otherwise cause to be located on the public facilities any of the following vehicles or objects: ~~[snowmobiles,]~~skateboards, roller skates, all terrain vehicles, tricycles, wagons, sleds, non-operating vehicles or container storage vans.

11.30.060 [Enforcement] Penalty for Violation.

[The police department shall enforce the provisions of this chapter and violators thereof shall be punished as provided in Chapter 1.20 WMC] Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 16. Repeal. Chapter 11.32, Loading Zones, of the Wrangell Municipal Code is repealed.

**Chapter 11.32
[LOADING ZONES]
Repealed**

Sections:

11.32.010 [Authority to establish zones] Repealed.

11.32.020 [License – Required] Repealed.

11.32.030 [License – Issuance and conditions – Designation of space] Repealed.

- 11.32.040 [License – Fees] Repealed.
11.32.050 [Prohibited parking in licensed stand by others than licensee] Repealed.
11.32.060 [Unlawful standing of vehicles in licensed stand by licensee] Repealed.
11.32.070 [Unlawful use of sidewalks for vehicle stand] Repealed.
11.32.080 [Crossing sidewalks for ingress and egress to stand] Repealed.
11.32.010 [Authority to establish zones] Repealed.

[Upon recommendation by the manager, the assembly, by resolution, may establish bus stops, taxicab stands, truck loading zones and passenger loading zones in such number and places as it shall determine to be of the greatest benefit and convenience to the public.]

11.32.020 [License – Required] Repealed.

[It is unlawful for any person, firm or corporation to occupy or use any public street, highway, alley, walk, or other public thoroughfare, or any part thereof, within the borough for any taxi, bus, truck or other vehicle stand without first applying for and obtaining a license so to do from the assembly as provided by this chapter.]

11.32.030 [License – Issuance and conditions – Designation of space] Repealed.

[A. Upon application to the assembly for a licensed vehicle stand as provided in this chapter, and tender of the appropriate license fee in advance for the period of time the license is desired, which shall not be for less than six months in advance, such license may be granted or refused in the discretion of the assembly; and, if granted, the borough clerk shall issue to the licensee a special revocable license, which shall not be transferable, authorizing the exclusive use by the licensee and his permittees of the licensed area for the period of time authorized by the assembly; provided, that no such stand shall be authorized unless the written consent of the owner or lessee of the abutting property is first filed with the borough clerk; and provided, further, that any such stand may be abolished upon the written request of the owner or lessee of the abutting property, or at any time in the discretion of the assembly. Upon abolishment of any such stand, the unearned portion of the license fee, if any, shall be refunded to the licensee.

B. The chief of police of the borough, or any deputy, shall designate, or cause to be designated, by a suitable sign or by marks, the boundaries of such licensed stand, and so as to indicate that same is a licensed stand entitling the licensee to the exclusive use thereof.]

11.32.040 [License – Fees] Repealed.

[The license fees for licensed vehicle and business stands shall be as follows:

A. Taxi stands, \$5.00 per month or fraction of a month, for each 22 feet or fraction thereof, of the street used for a taxi stand;

B. Bus stands, \$8.00 per month or fraction of a month, for each 35 feet or fraction thereof, of the street used for a bus stand;

C. Other vehicle and business stands, \$5.00 per month or fraction of a month, for each 22 feet or fraction thereof, of the street used for such other vehicle stand.]

11.32.050 [Prohibited parking in licensed stand by others than licensee] Repealed.

[It is unlawful for the owner or operator of any motor or other vehicle, without the consent of the licensee, to leave, park, place or stop the same within the area, or any part thereof, of any licensed stand.]

11.32.060 [Unlawful standing of vehicles in licensed stand by licensee] Repealed.

[It is unlawful for the licensee of any licensed vehicle stand to stand, leave, place or park any motor or other vehicle at any licensed stand more than 12 inches away from the curb, or so as to extend beyond the boundaries of such stand; or to use or occupy such stand after expiration or revocation of such license; or at any other time when a valid license for such stand is not in effect.]

11.32.070 [Unlawful use of sidewalks for vehicle stand] Repealed.

[It is unlawful for the owner, proprietor or operator of any place within the borough occupied or used as a taxi, bus, truck, or other vehicle stand, whether or not such place is situated on any public street, highway, alley, or other public thoroughfare, to leave, place or park any automobile, bus, truck, or other vehicle thereon so that same or any part thereof extends onto or over any public sidewalk, street, alley, or other public thoroughfare, or any part thereof.]

11.32.080 [Crossing sidewalks for ingress and egress to stand] Repealed.

[It is unlawful for the owner, proprietor or operator of any place within the borough occupied or used as a taxi, bus, truck, or other vehicle stand, to use or occupy more than 10 feet of any public sidewalk as a driveway for ingress thereto or egress therefrom without

first applying for and obtaining a license so to do as provided in this chapter, and paying therefor a license fee of \$5.00 per month, or fraction of a month, in advance, for each 22 feet, or fraction thereof, of the sidewalk so used or occupied in excess of 10 feet.]

SEC. 17. Amendment. The list of sections in Chapter 11.36, Miscellaneous Traffic Rules, of the Wrangell Municipal Code is amended to read:

Chapter 11.36 MISCELLANEOUS TRAFFIC RULES

Sections:

- 11.36.010** [State provisions adopted by reference] Repealed.
- 11.36.020 Action by borough for damages.
- 11.36.030** [Interference at scene of accident prohibited] Repealed.
- 11.36.040** [Compliance with state law] Repealed.
- 11.36.050** [Public employees to obey traffic regulations] Repealed.
- 11.36.060 Stop when traffic obstructed.
- 11.36.070** [Driving on sidewalks – Bicycles] Bicycle Restrictions on Sidewalks.
- 11.36.080 U-turns prohibited.
- 11.36.090** [Projections on wheels or tracks prohibited] Repealed.
- 11.36.100 Dragging objects prohibited.
- 11.36.110 Projecting loads on passenger vehicles.
- 11.36.120** [Driving through funeral or other processions] Repealed.
- 11.36.130** [Passenger conduct and riding] Repealed.
- 11.36.140** [Carrying animals on outside of vehicles] Repealed.
- 11.36.150** [Injurious materials on highway prohibited] Repealed.
- 11.36.160 Use of coaster, rollerskates, skateboards, sleds and skis.
- 11.36.170** [Starting parked vehicle] Excessive Acceleration.
- 11.36.180 Penalty for Violation.

SEC. 18. Repeal. Sections 11.36.010, 11.36.030, 11.36.040 and 11.36.050 of the Wrangell Municipal Code are repealed:

11.36.010 [State provisions adopted by reference] Repealed.

[Open Container AK: AS 28.35.029

Driving While Under the Influence of Intoxicating Liquor or Drugs AK: AS
28.35.030

Implied Consent AK: AS 28.35.031
Refusal to Submit to Chemical Test AK: AS 28.35.032
Chemical Analysis of Blood AK: AS 28.35.033
Period of Revocation AK: AS 28.35.034
Reckless Driving AK: AS 28.35.400
Negligent Driving AK: AS 28.35.410
Vehicle Theft AK: AS 11.46.360 – 11.46.365
Failure to Return Rental Vehicle AK: AS 28.35.320
Action of Operator Immediately After Accident AK: AS 28.35.050
Duty of Operator to Give Information and Render Assistance AK: AS 28.35.060,
excepting subsection (c)
Examination or Impounding Before Repair AK: AS 28.35.070
Immediate Notice of Accident AK: AS 28.35.080
Rendering of Report by Others AK: AS 28.35.090
Form of Reports AK: AS 28.35.100
Penalty for False Information; Failure to Report AK: AS 28.35.110
Use of Accident Reports in Evidence AK: AS 28.35.120
False Report or Destruction of Evidence AK: AS 28.35.130
Unlawful Obstruction or Blocking of Traffic AK: AS 28.35.140
Overtaking and Passing School Bus AK: AS 28.35.145
Disobedience to Signals of Officer Regulating Traffic Unlawful AK: AS 28.35.180
Failure to Stop at Direction of Peace Officer AK: AS 28.35.182
Overtaking and Passing Certain Stationary Vehicles AK: AS 28.35.185
Disregard of a Highway Obstruction AK: AS 11.46.460
Obstruction of Highways AK: AS 11.61.150]

11.36.030 [Interference at scene of accident prohibited] Repealed.

[No person shall proceed to the scene of an accident or other emergency or stop and park a vehicle or congregate in the vicinity thereof so as to interfere with police officers or other persons performing their duties at the scene of such accident or other emergency or for the purpose of advertising or offering any service.]

11.36.040 [Compliance with state law] Repealed.

[No person shall operate any vehicle, or permit the same to be operated, on any street or highway unless such operation complies with the laws of the state.]

11.36.050 [Public employees to obey traffic regulations] Repealed.

[The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, the state or the borough, and it is unlawful for any driver to violate any of the provisions of this title except as otherwise permitted in this title or by state statute.]

SEC. 19. Amendment. Section 11.36.070 of the Wrangell Municipal Code is amended to read:

11.36.070 [Driving on sidewalks – Bicycles]Bicycle Restrictions on Sidewalks.

[A. The driver of any vehicle except a bicycle shall not drive within any sidewalk area except at a permanent or temporary driveway.]

[B]A. No person shall ride a bicycle upon a sidewalk within the central business traffic district or any business district.

[C]B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

SEC. 20. Repeal. Sections 11.36.090, 11.36.120, 11.36.130, 11.36.140, and 11.36.150 of the Wrangell Municipal Code are repealed.

11.36.090 [Projections on wheels or tracks prohibited] Repealed.

[No person shall drive or propel any vehicle or object upon any street or highway in the borough which has any wheel, tire or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains. Studded tires which fall within the exclusion from the definition of “metal tires” are not prohibited.]

11.36.120 [Driving through funeral or other processions] Repealed.

[No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this title. This provision shall not apply at the intersections where traffic is controlled by traffic-control signals or police officers.]

11.36.130 [Passenger conduct and riding] Repealed.

[A. No person shall board or alight from any vehicle while such vehicle is in motion.

B. No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.]

11.36.140 [Carrying animals on outside of vehicles] Repealed.

[It is unlawful for any person to transport any living animal on the running board, fenders, hood or other outside part of any vehicle, unless suitable harness, cage, or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom.]

11.36.150 [Injurious materials on highway prohibited] Repealed.

[A. No person shall throw or deposit upon any highway any glass, nails, tacks, wire, cans or other substance likely to injure any person, animal or vehicle upon such street or highway.

B. Any person who drops, or permits to be dropped, or thrown upon any street or highway any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed.]

SEC. 21. Amendment. Sections 11.36.160 and 11.36.170 of the Wrangell Municipal Code are amended to read:

11.36.160 Use of coaster, rollerskates, skateboards, sleds and skis.

No person upon rollerskates, skis, skateboard, or riding in or by means of any coaster, sled, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be

subject to all the duties applicable to pedestrians.

11.36.170 [Starting parked vehicle]Excessive Acceleration.

[A. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

B. A person may not accelerate a vehicle which is stopped, standing or parked on or along the highway, street or roadway, or which is entering a highway, street or roadway so rapidly as to unnecessarily cause the tires to squeal or spin on the highway, street or roadway or on the surface on which the vehicle is standing immediately before it enters the highway, street or roadway.]

A person may not accelerate a vehicle in a manner that unnecessarily causes the tires to squeal or spin on any roadway.

SEC. 22. New Section. Chapter 11.36 of the Wrangell Municipal Code is amended by the addition of a new Section 11.36.180 to read:

11.36.180 Penalty for Violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 23. Amendment. The list of sections in Chapter 11.64, Sound Trucks, of the Wrangell Municipal Code is amended to read:

Chapter 11.64
SOUND TRUCKS

Sections:

- 11.64.010 Permit – Required.
- 11.64.020 Permit – Application.
- 11.64.030 Permit – Issuance.
- 11.64.040 Regulation of noncommercial use.
- 11.64.050 Cancellation of permit for violations.
- 11.64.060 Commercial advertising prohibited.
- 11.64.070 Penalty for violation.

SEC. 24. New Section. Chapter 11.64, Sound Trucks, of the Wrangell Municipal Code is amended by the addition of a new Section 11.64.070 to read:

11.64.070 Penalty for Violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 25. Amendment. The list of sections in Chapter 11.68, Snowmobiles, of the Wrangell Municipal Code is amended to read:

Chapter 11.68
SNOWMOBILES

Sections:

- 11.68.010 Defined.
- 11.68.020 **[Compliance with state regulations]**Registration required.
- 11.68.030 Required equipment.
- 11.68.040 **[Operation]**Snowmobile operation restricted.
- 11.68.050 Designated right-of-way.
- 11.68.060 Penalty for Violation.

SEC. 26. Amendment. Sections 11.68.020, 11.68.030 and 11.68.040 of the Wrangell Municipal Code are amended to read:

11.68.020 [Compliance with state regulations]Registration Required.

All snow machines and operators must comply with **[all]** state **[regulations]** and borough registration. Borough registration is required and will be valid for three years or until change of ownership. Registration fee will be \$5.00 to cover cost of the decals. The registered owner is responsible for the following provisions:

A. Must obtain the registration decals provided by the City and Borough of Wrangell that are of a light reflective material and large enough to be seen at a distance of at least 100 feet.

B. Numbered decals must be affixed on both sides of the cowling of the machine, or to a

reflective flag prior to use.

11.68.030 Required equipment.

A. The borough adopts and incorporates into its traffic code the following snow vehicle basic equipment requirements:

1. Brakes adequate to control the movement of and to stop and hold the vehicle under normal conditions of operation;
2. At least one headlamp so aimed and of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions;

3. A working taillight and brake light;

[3]4. A throttle which, when released by the hand, will return the engine speed to idle;

[4]5. An exhaust muffler in good working order.

B. Additional requirements may be adopted in the rules and regulations.

11.68.040 [Operation]Snowmobile Operation Restricted.

In addition to restricted areas of operation which may be prescribed from time to time by the state pertaining to snowmobile usage:

A. Snow machines shall not be operated:

1. Anywhere in the borough without adequate snow cover;
2. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person;
3. While under the influence of intoxicating liquor, narcotics or drugs;
4. To intentionally drive, chase, run over or kill any animal;
5. Within 100 feet of any school or hospital, unless traveling directly to or from it;

6. On or within 100 feet of any skating area or ice rink;
7. On the outdoor shooting range, borough playground, Volunteer Park ball fields, or Little League ball fields;
8. Within 75 feet of designated sledding areas. "Designated sledding area" is the entire south end of the multi-purpose field/running track. Snow machines shall not be operated 75 feet from top of the slope or 75 feet from bottom of the slope. Access for snow machines to the non-designated sledding area of the multi-purpose field/running track is provided on Second Street and Sales Street.

B. Snow machines may be operated upon the streets and alleys of the borough, except areas from, and including, Front Street to the waterfront (Zimovia Straits), and if so operated:

1. Are limited to traveling from one place to another on the most reasonable direct route possible and no person shall use the streets for recreational purposes;
2. Shall be driven on the extreme right, in single file, and in accordance with all motor vehicle regulations;
3. Shall not pass any other moving vehicle while going in the same direction upon borough streets;
4. Shall yield right-of-way to all other motor vehicles.

SEC. 27. New Section. Chapter 11.68 of the Wrangell Municipal Code is amended to by the addition of a new Section 11.68.060 to read:

11.68.060 Penalty for Violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 28. Amendment. Sections 11.76.020 and 11.76.030 of the Wrangell Municipal Code are amended to read:

11.76.020 Junk vehicles unlawful.

A. It is unlawful for the registered owner or other person with legal right to possession of a junk vehicle to place or allow such vehicle to remain in public view on any property, public or private, within the borough for more than 10 days, the same being declared a public nuisance. It is also unlawful for the owner, tenant or other person in possession or control of any property to cause or allow a junk vehicle to be placed or remain in public view on such property for more than 10 days.

B. Notwithstanding the provisions of subsection (A) of this section, if the borough manager has reasonable grounds to believe that repairs can be made to render a junk vehicle operable, that the registered owner or other person entitled to possession of the vehicle is willing to undertake or have performed such repairs, that the vehicle does not pose any health or safety hazard, and that there is no reasonable means for removing the vehicle from public view while repairs are being performed, the borough manager may authorize a period of no more than 30 days for the performance of such repairs. In no case, however, may this section be construed as authorizing the operation of a junkyard or other salvage or repair business where other requirements of the law have not been met.

C. Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

11.76.030 Disposition of junk vehicles.

A. Upon observation of what appears to be a junk vehicle, the **[borough manager]**Wrangell Police Department shall give written notice by personal service or certified mail to:

1. Any or all offenders described in WMC 11.76.020(A); and
2. Any or all lienholders of record, as well as notice affixed to the vehicle. Notice affixed to the vehicle shall suffice for subsequent action if none of the offenders described in WMC 11.76.020(A) can be located and served within the 10-day period. This notice shall contain:
 - a. The street address and other information sufficient to identify the location of the vehicle;
 - b. A statement that the vehicle constitutes a public nuisance and a copy or summary of the relevant code sections;

c. A statement that if the vehicle is not removed from public view within 10 days from issuance of the notice, the borough may impound and sell or destroy the vehicle at the offender's expense; and

d. A statement that if the offender can show ability and willingness to make the repairs necessary to convert the junk vehicle into an operable vehicle, application may be made at any time before the 10 days have expired for a 30-day waiver to make the necessary repairs.

SEC. 29. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 30. 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. 31. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13g

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED ORDINANCE No. 911: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.18, GARBAGE, OF THE WRANGELL MUNICIPAL CODE, RELATING TO MAINTENANCE OF REFUSE CONTAINERS AND OUTSIDE BURNING OF RUBBISH, AND AMENDING THE SECTION ON PENALTY FOR VIOLATION TO REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050
(first reading)

Background

The proposed Ordinance is being brought forward in order to address the violations in Chapter 15 by placing them in the minor offence fine schedule in title 1. This is a requirement of the State of Alaska's Court System. Essentially, if we do not list the fines and/or penalties in the fine schedule in Title 1, the violation is a mandatory court appearance.

Having the fines and/or penalties listed out in Title 1 will help law enforcement and the residents of Wrangell to be clear on what the penalty/fee is for each violation.

*Also as stated above, this is a **requirement** of the State of Alaska's Court System.*

Attachments:

1. Proposed Ordinance No. 911

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 911, and move to a second with a Public Hearing to be held on October 27, 2015.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 911

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.18, GARBAGE, OF THE WRANGELL MUNICIPAL CODE, RELATING TO MAINTENANCE OF REFUSE CONTAINERS AND OUTSIDE BURNING OF RUBBISH, AND AMENDING THE SECTION ON PENALTY FOR VIOLATION TO REFERENCE THE MINOR OFFENSE FINE SCHEDULE IN WMC 1.20.050

[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 15.18, Garbage, of the Wrangell Municipal Code.

SEC. 2. Amendment. The list of sections in Chapter 15.18, Garbage, of the Wrangell Municipal Code is amended to read:

Chapter 15.18
GARBAGE

Sections:

- 15.18.010 Definitions.
- 15.18.020 Refuse containers – Specifications.
- 15.18.025 Refuse containers – Borough-owned.
- 15.18.030 Refuse containers – **[Maintenance]** Required.
- 15.18.032 Refuse containers – Maintained.
- 15.18.040 Refuse containers – Location.
- 15.18.050 **[Disposal – Restricting generally]**Disposal of offensive refuse - prohibited.
- 15.18.052 Burning of rubbish – permit required.
- 15.18.060 Sanitation department.
- 15.18.061 Funds – Accounting system.
- 15.18.062 Use of moneys.
- 15.18.070 Collection or disposal fees.
- 15.18.075 Monofill disposal permit and fees.
- 15.18.080 Collection times and frequency.

- 15.18.090 Notification of collection need.
- 15.18.100 Disposal at and maintenance of municipal solid waste handling facility.
- 15.18.110 Penalty for violation.

SEC. 3. Amendment. Section 15.18.025 of the Wrangell Municipal Code is amended to read:

15.18.025 Refuse containers – Borough-owned.

A. All bulk storage containers shall be provided and owned by the borough sanitation department. An additional lease fee, as set forth in Table 15.18.070, shall be assessed in addition to collection charges on all borough-owned bulk storage containers.

B. Customer-owned bulk storage containers previously approved by the borough sanitation department shall be allowed to remain in service until the end of their usable life, at which time they will be replaced by borough-owned bulk storage containers.

C. All borough-owned bulk storage containers shall be maintained and repaired by the borough.

SEC. 4. Amendment. Section 15.18.030 of the Wrangell Municipal Code is amended to read:

15.18.030 Refuse containers – [Maintenance]Required.

A. Every person in possession, charge or control of any place where refuse is created or accumulated shall provide sufficient number of containers to accommodate all refuse accumulated between successive collections.

B. The owner of a multiple dwelling less than three units shall furnish or require his tenants to furnish proper garbage containers. Refuse containers furnished by the tenants located at multiple dwellings shall be marked so as to indicate the apartment to which they belong.

[C. Each container shall be kept closed except when it becomes necessary to deposit or to remove refuse. Each container shall be kept clean and upright so as not to create an odor nuisance or endanger public health or safety.]

[D. All borough-owned bulk storage containers shall be maintained and repaired by the borough.]

SEC. 5. New Section. Chapter 15.18 of the Wrangell Municipal Code is amended

by the addition of a new Section 15.18.032 to read:

15.18.032 Refuse containers – Maintained.

Each refuse container shall be kept closed except when it becomes necessary to deposit or to remove refuse. Containers shall not be overfilled as to allow animals or wildlife to access its contents. Each container shall be kept clean and upright so as not to create an odor nuisance or endanger public health or safety.

SEC. 6. Amendment. Section 15.18.050 of the Wrangell Municipal Code is amended to read:

15.18.050 [Disposal – Restricting generally] Disposal of offensive refuse - prohibited.

A. It is unlawful for any person to deposit refuse which may be offensive, noxious, or dangerous to the public health on any private property, public ground, alley, street, area, way, or on other public place within the borough limits where it may become dangerous or offensive to the public health.

[B. Outside burning of rubbish or other combustible materials shall be restricted to authorization or special permit of the fire chief.]

[C]B. Nothing contained in this chapter shall be construed to prevent a person from removing rubbish from his private property and transporting it to any approved disposal area; provided, that all borough regulations relating to the use of the disposal area are complied with; and provided further, that the private hauling shall not excuse said person from paying a refuse collection or disposal fee

SEC. 7. New Section. Chapter 15.18 of the Wrangell Municipal Code is amended by the addition of a new Section 15.18.052 to read:

15.18.052 [Disposal – Restricting generally]Burning of rubbish – permit required.

Outside burning of rubbish or other combustible materials is prohibited unless by authorization or special permit from the fire chief.

SEC. 8. Amendment. Section 15.18.110 of the Wrangell Municipal Code is amended to read:

15.18.110 Penalty for violation.

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule. [Any person keeping refuse in containers other than authorized by this chapter, or who keeps upon any premises in the borough refuse which is offensive, or who fails to perform any act required by this chapter, shall have committed a violation which, upon conviction, is punishable by a fine not exceeding \$150.00 per violation.] A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues after the violator has been given actual or constructive notice of violation.

SEC. 9. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 10. 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. 11. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13h

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED ORDINANCE No. 912: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE *(first reading)*

Background

The proposed Ordinance is being brought forward in order to add the prior ordinance fines/penalties to the fine schedule in Title 1. This is a requirement of the State of Alaska's Court System. Essentially, if we do not list the fines and/or penalties in the fine schedule in Title 1, the violation is a mandatory court appearance.

Having the fines and/or penalties listed out in Title 1 will help law enforcement and the residents of Wrangell to be clear on what the penalty/fee is for each violation.

*Also as stated above, this is a **requirement** of the State of Alaska's Court System.*

Attachments:

1. Proposed Ordinance No. 912

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 912, and move to a second with a Public Hearing to be held on October 27, 2015.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 912

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

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

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

SEC. 1. Action. The purpose of this ordinance is to amend the Minor Offense Fine Schedule in Section 1.20.050 of Chapter 1.20, General Penalty, of the Wrangell Municipal Code to add to the fine schedule offenses relating to Chapter 9.16, Littering, Chapter 11.28, Stopping, Standing, and Parking, Chapter 11.30, Parking Lot Regulations, Chapter 11.36, Miscellaneous Traffic Rules, Chapter 11.64, Sound Trucks, Chapter 11.68, Snowmobiles, Chapter 11.76, Junk Vehicles, and Chapter 15.18, Garbage.

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

1.20.050 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the police department. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Section	Offense	Penalty/Fine
7.04.010	Cruelty – Abandonment	\$200
7.04.020	Animals at large prohibited	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.010	Licensing	\$25.00 fine for each offense.
7.08.020	Dog Vaccination required	\$50.00 fine for each offense.
7.08.030	At large – Prohibited – Nuisance declared	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.035	Objectionable animals	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.040	Restraint requirements	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.045 & 7.08.050	Off-leash areas & Off –leash area rules	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.115	Potentially dangerous and dangerous dogs: violation of restrictions, confinement requirements, and sign requirements	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.120	Biting dog – Confinement	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.140	Proclamation to confine all dogs during epidemic	First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a

		maximum fine of \$500.00.
7.08.150	Interference with animal enforcement agents	First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
<u>9.08.080</u>	<u>Accumulations of rubbish & materials prohibited</u>	<u>\$100.00 fine for each offense.</u>
9.12.020, 9.12.030, & 9.12.040	Fireworks where prohibited; sale where prohibited; display violations	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
<u>9.16.020</u>	<u>Deposit in public places</u>	<u>0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine.</u>
<u>9.16.030</u>	<u>Maintaining sidewalks free of litter.</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.040</u>	<u>Deposit from vehicles prohibited</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.050</u>	<u>Operating litter-generating vehicles prohibited</u>	<u>0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine.</u>
<u>9.16.060</u>	<u>Deposit on private property prohibited</u>	<u>0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine.</u>
<u>9.16.070</u>	<u>Property owner's responsibility to maintain premises</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.080</u>	<u>Handbills – Restrictions generally</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.090</u>	<u>Handbills – Distribution on private property</u>	<u>\$75.00 fine for each offense.</u>
<u>9.16.100</u>	<u>Posting notices prohibited</u>	<u>\$50.00 fine for each offense.</u>
10.18.010	Abuse of 911 system	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
10.36.010	Discharge of firearms and other weapons prohibited within certain areas	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.

10.46.010(A)(1)	Consumption of marijuana in a public place prohibited	\$100.00 fine for each offense.
10.46.010(A)(2)	Consume marijuana outdoors adjacent public place without consent of property owner	\$100.00 fine for each offense.
<u>11.28.020</u>	<u>Prohibited parking places</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.030</u>	<u>Red-painted curbs and signs – No parking</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.040</u>	<u>Time-limit parking</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.080</u>	<u>Blocking roadway prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.090</u>	<u>Bus stop and passenger zone – Parking prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.100</u>	<u>Loading and unloading materials</u>	<u>\$50.00 fine for each offense.</u>
<u>11.28.130</u>	<u>Method of parking – Loading permits</u>	<u>\$50.00 fine for each offense.</u>
<u>11.30.030</u>	<u>Parking in excess of posted time limit – Parking lots</u>	<u>\$50.00 fine for each offense.</u>
<u>11.30.040</u>	<u>Proper parking required – Parking lots</u>	<u>\$50.00 fine for each offense.</u>
<u>11.30.050</u>	<u>Vehicles and objects prohibited – Parking lots</u>	<u>\$75.00 fine for each offense.</u>
<u>11.36.060</u>	<u>Stop when traffic obstructed</u>	<u>\$75.00 fine for each offense.</u>
<u>11.36.070</u>	<u>Bicycle restrictions on sidewalks</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.080</u>	<u>U-turns prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.100</u>	<u>Dragging objects prohibited</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.110</u>	<u>Projecting loads on passenger vehicles</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.160</u>	<u>Use of coaster, rollerskates, skateboards, sleds and skis</u>	<u>\$50.00 fine for each offense.</u>
<u>11.36.170</u>	<u>Excessive acceleration</u>	<u>\$50.00 fine for each offense.</u>
<u>11.64.010</u>	<u>Sound trucks – permit required</u>	<u>\$100.00 fine for each offense.</u>
<u>11.68.020</u>	<u>Registration required</u>	<u>\$50.00 fine for each offense.</u>
<u>11.68.030</u>	<u>Required equipment</u>	<u>\$50.00 fine for each offense.</u>
<u>11.68.040</u>	<u>Snowmobile operation restricted</u>	<u>\$50.00 fine for each offense.</u>
<u>11.68.050</u>	<u>Designated right-of-way</u>	<u>\$50.00 fine for each offense.</u>
<u>11.76.020</u>	<u>Junk vehicles unlawful</u>	<u>\$50.00 fine for each offense. Each 10 days shall constitute a separate violation.</u>
<u>15.18.030</u>	<u>Refuse containers – Required.</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.032</u>	<u>Refuse containers – Maintained</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.050</u>	<u>Disposal of offensive refuse prohibited</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.052</u>	<u>Burning of rubbish – permit required</u>	<u>\$150.00 fine for each offense.</u>
<u>15.18.075</u>	<u>Monofill disposal permit and</u>	<u>\$150.00 fine for each offense.</u>

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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: _____, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13i

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED RESOLUTION No. 10-15-1331/FORM RD1780-27: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SEWER PUMP STATIONS REPLACEMENT PROJECT

Attachments:

- 1. Proposed Resolution No. 10-15-1331**
2. Memo from Carol Rushmore, Economic Director

RECOMMENDED ACTION:

Move to approve Resolution No. 10-15-1331/FORM RD1780-27, a Rural Development Loan Resolution, accepting a \$91,000 loan for the Sewer Pump Stations Replacement Project.

LOAN RESOLUTION (10-15-1331)
(Public Bodies)A RESOLUTION OF THE Borough AssemblyOF THE City and Borough of Wrangell

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Sewer Pump Stations Replacement

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City and Borough of Wrangell

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Ninety-One Thousand & 00/100pursuant to the provisions of Charter and Ordinances of the Wrangell Municipal Code; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour 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.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 68,120.00

under the terms offered by the Government; that the Borough Mayor

and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the Borough Assembly _____ of the

City and Borough of Wrangell _____ has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 13th _____, _____ day of October, 2015

(SEAL)

By _____

Attest:

Title Borough Mayor

Title Borough Clerk

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the _____
hereby certify that the _____ of such Association is composed of
_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and
held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting
by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____

MEMORANDUM

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

FROM: CAROL RUSHMORE, ECONOMIC DEVELOPMENT DIRECTOR

**SUBJECT: USDA RURAL DEVELOPMENT LOAN RESOLUTION FORM 1780-27
ACCEPTING THE \$91,000 LOAN FOR SEWER PUMP STATIONS
REPLACEMENT PROJECT**

DATE: OCTOBER 1, 2015

BACKGROUND:

In July 2015, the Assembly approved Resolution 7-15-1326 authorizing the Borough Manager to accept a loan in the amount of \$91,000 and additional grant funds (determined now to be \$68,000) from Rural Development water and waster water program. Staff has been working diligently on the massive amounts of information RD development requires for the loan. Part of this, is the acceptance of the attached Loan Resolution on their standardized form 1780-27.

RECOMMENDATION:

The Assembly hereby approves Form RD1780-27 and authorizes the Borough Manager to make, accept and execute a loan agreement not to exceed \$91,000.00 for funding in the form of a loan and to accept additional grant funds through the United States Department of Agriculture, Rural Development for the Rehabilitation of two Sewer Pump Stations Rehabilitation project.

ATTACHMENTS:

Resolution 07-15-1326

Form RD 1780-27

Resolution No. 10-15-1331

**CITY AND BOROUGH OF WRANGELL, ALASKA
RESOLUTION No. 07-15-1326**

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO ACCEPT A LOAN IN AN AMOUNT NOT TO EXCEED \$91,000 AND TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT

WHEREAS, the City and Borough of Wrangell has determined that Wrangell's two original sewer pump stations are failing and at the end of their useful life; and

WHEREAS, the current equipment is obsolete, costs to keep the pump stations operating continue to escalate and rehabilitation of these pump stations would result in lower operating and maintenance costs; and

WHEREAS, the City and Borough of Wrangell seeks to obtain the necessary financial assistance to have these pump stations rehabilitated; and

WHEREAS, the United States Department of Agriculture, Rural Development has offered the City and Borough of Wrangell a partial funding package which includes approximately 50% of their funding in the form of a grant and the balance in the form of a loan at 2.875 interest; and

WHEREAS, the City and Borough of Wrangell would use the loan and grant from the United States Department of Agriculture, Rural Development to match existing grant funds for the Sewer Pump Project; and

WHEREAS, the City and Borough of Wrangell is authorized under Wrangell Charter 6-3 to borrow money when authorized by the assembly for use by a utility or enterprise of the borough and that repayment of the loan including interest comes exclusively from the said utility; and

WHEREAS, it is estimated that the repayment of the loan will be paid from existing revenues, and there is no planned rate increase due to the repayment of the loan.

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

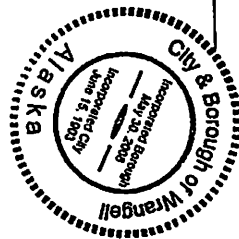
The Assembly hereby approves Resolution 07-15-1326 and authorizes the Borough Manager to make, accept and execute a loan agreement not to exceed \$91,000.00 for funding in the form of a loan and to accept funding in the form of a grant through the United States Department of Agriculture, Rural Development for the Rehabilitation of two Sewer Pump Stations Rehabilitation project.

ADOPTED: July 28, 2015

ATTEST:

Kim Lane
Kim Lane, Borough Clerk

David L. Jack
David L. Jack, Mayor



Agenda Item 13j

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED RESOLUTION No. 10-15-1332: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ESTABLISHING ENVIRONMENTAL MITIGATION MEASURES FOR THE SEWER PUMPS REPLACEMENT PROJECT, DURING THE PROJECTS CONSTRUCTION AND UPON THE SUCCESSFUL COMPLETION OF THE PROJECT, AS SET FORTH BY THE U.S. DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT

Attachments:

1. **Proposed Resolution No. 10-15-1332**
2. Memo from Carol Rushmore, Economic Director

RECOMMENDED ACTION:

Move to approve Resolution No. 10-15-1332 and to authorize the Borough Manager to establish the necessary procedures to ensure that all mitigation measures in the resolution are adhered to and forward a copy of the resolution to Rural Development prior to the distribution of funds.

CITY AND BOROUGH OF WRANGELL

RESOLUTION No. 10-15-1332

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ESTABLISHING ENVIRONMENTAL MITIGATION MEASURES FOR THE SEWER PUMPS REPLACEMENT PROJECT, DURING THE PROJECTS CONSTRUCTION AND UPON THE SUCCESSFUL COMPLETION OF THE PROJECT, AS SET FORTH BY THE U.S. DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT

WHEREAS, the Environmental Requirements are set forth, as required:

a. Mitigation – At the conclusion of the proposal’s environmental review process, specific actions are determined necessary to avoid or minimize adverse environmental impacts. The following list of actions is required for successful completion of the project and must be adhered to during project design and construction.

- If soils are temporarily disturbed, re-vegetation will occur to stabilize them.
- Best Management Practices must be utilized during construction to minimize or avoid potential impacts to water quality of other resources.
- Emissions from vehicles and equipment must be maintained below applicable state and local emission control plans.
- Fugitive dust from construction activities must be reduced during construction by use of water or other dust control measures.
- Construction must be limited to waking hours to reduce noise impacts (10 hours).
- If necessary, a construction waste burial permit will be obtained or the waste may be hauled back to an approved facility.
- Proper sedimentation and erosion control construction techniques will be used.
- In the event historic artifacts are discovered, all work must be stopped immediately and appropriate agencies must be contacted; and

WHEREAS: The City and Borough of Wrangell will be responsible to ensure that all mitigation measures above are adhered to. It is required by Rural Development that the city adopt the mitigation measures listed above for the project by resolution. A copy of the resolution must be forwarded to Rural Development prior to disbursement of funds.

b. Project Modifications – The project as proposed has been evaluated to be consistent with all applicable environmental requirements. If the project or any project element deviates from or is modified from the original approved project, additional environmental review may be required.

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

Section 1. The City and Borough of Wrangell will be responsible to ensure that all mitigation measures above are adhered to.

Section 2. The City and Borough of Wrangell adopts the mitigation measures listed above.

Section 3. A copy of this resolution will be forwarded to Rural Development prior to the disbursement of funds.

Section 4. Effective Date. This resolution shall be effective immediately.

ADOPTED: _____, 2015

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

MEMORANDUM

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

FROM: CAROL RUSHMORE, ECONOMIC DEVELOPMENT DIRECTOR

**SUBJECT: RESOLUTION ESTABLISHING ENVIRONMENTAL MITIGATION
MEASURES FOR THE SEWER PUMPS REPLACEMENT PROJECT**

DATE: OCTOBER 1, 2015

BACKGROUND:

Staff has been working diligently on the massive amounts of information Rural Development requires for the loan. Part of the requirements is a resolution approving environmental mitigation measures to be followed during and after construction.

RECOMMENDATION:

The Assembly hereby approves Resolution 19-13-1332 and authorizes the Borough Manager to establish the necessary procedures to ensure that all mitigation measures above are adhered to and forward a copy of this resolution Rural Development prior to disbursement of funds.

Agenda Item 13k

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 13, 2015

INFORMATION:

PROPOSED RESOLUTION No. 10-15-1333: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, URGING THE STATE OF ALASKA TO AMEND THE STATUTORY REQUIREMENTS FOR THE MARICULTURE REVOLVING LOAN FUND

Additional Information:

The Mariculture Revolving Loan Fund was established by AS 16.10.900-945 and 3 AAC 80.410-480 to make loans for the purpose of planning, construction, and operation of a mariculture business. AS 16.10.915 limits the loan amount to \$100,000 a year, not to exceed a total loan of \$300,000. Eligible applicants for a loan must have a permitted mariculture farm within the State of Alaska.

Attachments:

1. **Proposed Resolution No. 10-15-1333**
2. Draft AML Resolution
3. Ketchikan Gateway Borough Resolution No. 2621

RECOMMENDED ACTION:

Move to adopt Resolution No. 10-15-1333, and submit a resolution for adoption by the Alaska Municipal League (AML) urging the State of Alaska to amend the requirements of the Mariculture Revolving Loan Fund.

CITY AND BOROUGH OF WRANGELL

RESOLUTION No. 10-15-1333

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, URGING THE STATE OF ALASKA TO AMEND THE STATUTORY REQUIREMENTS FOR THE MARICULTURE REVOLVING LOAN FUND

- A. **WHEREAS**, the Mariculture Revolving Loan Fund was established by AS 16.10.900-945 and 3 AAC 80.410-480 to make loans for the purpose of planning, construction , and operation of a mariculture business; and
- B. **WHEREAS**, under AS 16.10.910 eligible applicants for a loan must have a permitted mariculture farm located within the State of Alaska; and
- C. **WHEREAS**, AS 16.10.915 limits the loan amount to \$100,000 a year, not to exceed a total loan of \$300,000; and
- D. **WHEREAS**, shellfish and aquatic plant seed (i.e. oyster and geoduck) are needed for mariculture farms to succeed and therefore, hatcheries are vital component for the industry to succeed within the State of Alaska; and
- E. **WHEREAS**, per Alaska Department of Fish and Game, all species of native shellfish and aquatic plant seed are required to be produced within the State of Alaska (oyster is the only exception to this requirement); and
- F. **WHEREAS**, the Assembly believes that the State of Alaska Mariculture Revolving Loan Fund is an appropriate mechanism for funding mariculture hatcheries as well as farms within the state; and
- G. **WHEREAS**, the current revolving loan fund needs to be amended to allow non-profit shellfish hatcheries to apply for loans with the state following a similar administrative model as Alaska's salmon hatcheries which utilize the Fisheries Enhancement Revolving Loan Fund; and
- H. **WHEREAS**, the Assembly believes that it is in the best interest of the State of Alaska and the mariculture industry that non-profit shellfish hatcheries be eligible to utilize the fund in an amount not to exceed up to \$2 million of the principle of the fund as an efficient and effective way to encourage economic development in communities.

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

Section 1. The Assembly supports, and urges AML to support, a change to Alaska law that would statutorily amend the existing Mariculture Revolving Loan Fund to allow for non-profit shellfish hatcheries to also utilize the fund in an amount not to exceed up to \$2 million of the principle of the fund.

Section 2. The Borough Clerk is directed to forward this resolution to the AML with the request that the draft AML Resolution which is included, to be considered at the 2015 AML Annual Local Government Conference.

Effective Date. This resolution shall be effective upon adoption.

ADOPTED: _____, 2015

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

ALASKA MUNICIPAL LEAGUE
RESOLUTION #2016-_____

**A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE, URGING THE
STATE OF ALASKA TO STATUTORILY AMEND THE EXISTING
MARICULTURE REVOLVING LOAN FUND TO ALLOW FOR NON-
PROFIT SHELLFISH HATCHERIES TO ALSO UTILIZE THE FUND IN AN
AMOUNT NOT TO EXCEED UP TO \$2 MILLION OF THE PRINCIPLE OF
THE FUND**

WHEREAS, the Mariculture Revolving Loan Fund was established by AS 16.10.900-945 and 3 AAC 80.410-480 to make loans for the purpose of planning, construction , and operation of a mariculture business; and

WHEREAS, under AS 16.10.910 eligible applicants for a loan must have a permitted mariculture farm located within the State of Alaska; and

WHEREAS, AS 16.10.915 limits the loan amount to \$100,000 a year, not to exceed a total loan of \$300,000; and

WHEREAS, shellfish and aquatic plant seed (i.e. oyster and geoduck) are needed for mariculture farms to succeed and therefore, hatcheries are vital component for the industry to succeed within the State of Alaska; and

WHEREAS, per Alaska Department of Fish and Game, all species of native shellfish and aquatic plant seed are required to be produced within the State of Alaska (oyster is the only exception to this requirement); and

WHEREAS, certain local governments, such as the Ketchikan Gateway Borough, understand the need for hatcheries and have provided a loan to a local non-profit agency for the purpose of a shellfish hatchery to fill this void; and

WHEREAS, Alaska municipalities find that the State of Alaska Mariculture Revolving Loan Fund is the appropriate mechanism for funding mariculture hatcheries as well as farms within the state; and

WHEREAS, the Alaska municipalities find that the current revolving loan fund needs to be amended to allow non-profit shellfish hatcheries to apply for loans with the state following a similar administrative model as Alaska's salmon hatcheries which utilize the

Fisheries Enhancement Revolving Loan Fund; and

WHEREAS, it is in the best interest of Alaska municipalities and the communities they serve that non-profit shellfish hatcheries be eligible to utilize the fund in an amount not to exceed up to \$2 million of the principle of the fund as an efficient and effective way to encourage economic development in communities.

NOW, THEREFORE BE IT RESOLVED THAT the Alaska Municipal League urges the Governor and the Legislature to statutorily amend the existing Mariculture Revolving Loan Fund to allow for non-profit shellfish hatcheries to also utilize the fund in an amount not to exceed up to \$2 million of the principle of the fund.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE ____ DAY OF _____, 2015.

Signed: _____
President, Alaska Municipal League

Attest: _____
Executive Director, Alaska Municipal League

Submitted By:
Contact Name:
Implementation Recommended:
Agencies to Contact:
Funding Required:
Staff/Board Member Action:

Date Submitted:
Contact Phone #:

KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2621

A Resolution of the Assembly of the Ketchikan Gateway Borough, Urging the State of Alaska to Amend the Statutory Requirements for the Mariculture Revolving Loan Fund and Submitting a Resolution for Adoption by the Alaska Municipal League (AML)

RECITALS

- A. WHEREAS**, the Mariculture Revolving Loan Fund was established by AS 16.10.900-945 and 3 AAC 80.410-480 to make loans for the purpose of planning, construction, and operation of a mariculture business; and,
- B. WHEREAS**, under AS 16.10.910 eligible applicants for a loan must have a permitted mariculture farm located within the State of Alaska; and
- C. WHEREAS**, AS 16.10.915 limits the loan amount to \$100,000 a year, not to exceed a total loan of \$300,000; and
- D. WHEREAS**, shellfish and aquatic plant seed (i.e. oyster and geoduck) are needed for mariculture farms to succeed and therefore, hatcheries are vital component for the industry to succeed within the State of Alaska; and
- E. WHEREAS**, per Alaska Department of Fish and Game, all species of native shellfish and aquatic plant seed are required to be produced within the State of Alaska (oyster is the only exception to this requirement); and
- F. WHEREAS**, the Ketchikan Gateway Borough understands the need for hatcheries and has provided a loan to OceansAlaska for the purpose of a shellfish hatchery to fill this void; and
- G. WHEREAS**, the Assembly believes that the State of Alaska Mariculture Revolving Loan Fund is an appropriate mechanism for funding mariculture hatcheries as well as farms within the state; and
- H. WHEREAS**, the current revolving loan fund needs to be amended to allow non-profit shellfish hatcheries to apply for loans with the state following a similar administrative model as Alaska's salmon hatcheries which utilize the Fisheries Enhancement Revolving Loan Fund; and
- I. WHEREAS**, the Assembly believes that it is in the best interest of the State of Alaska and the mariculture industry that non-profit shellfish hatcheries be eligible to utilize the fund in an amount not to exceed up to \$2 million of the principle of the fund as an efficient and effective way to encourage economic

development in communities.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1. The Assembly supports, and urges AML to support, a change to Alaska law that would statutorily amend the existing Mariculture Revolving Loan Fund to allow for non-profit shellfish hatcheries to also utilize the fund in an amount not to exceed up to \$2 million of the principle of the fund.

Section 2. The Borough Clerk is directed to forward this resolution to the AML with the request that the draft AML Resolution included as Exhibit A be considered at the 2015 AML Annual Local Government Conference.

Effective Date. This resolution shall be effective upon adoption.

ADOPTED this 5th day of October, 2015.



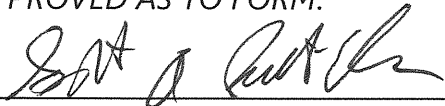
David Landis, Borough Mayor

ATTEST:



Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:



Scott A. Brandt-Erichsen, Borough Attorney

Agenda Item 14

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
October 13, 2015**

INFORMATION:

ATTORNEY'S FILE – None

Agenda Item 15

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
October 13, 2015**

Executive Session - None