



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

October 27, 2015 – 7:00 p.m.

Location: Assembly Chambers, City Hall

1. CALL TO ORDER

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Becky Rooney
- b. INVOCATION to be given by a member of the Baha'i Faith
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

i. Certificates of Service:

- | | |
|------------------------------|---|
| • <i>Betty Keegan</i> | <i>Planning & Zoning Commission</i> |
| • <i>Rudy Briskar</i> | <i>Planning & Zoning Commission</i> |
| • <i>Dan Rudy</i> | <i>Parks & Recreation Board</i> |
| • <i>Daniel Blake</i> | <i>Economic Development Committee</i> |
| • <i>Marlene Clarke</i> | <i>Economic Development Committee</i> |
| • <i>Mark Mitchell</i> | <i>Economic Development Committee</i> |
| • <i>Keene Kohrt</i> | <i>Nolan Museum/Civic Center Board</i> |
| • <i>Valerie Ni Heideain</i> | <i>Nolan Museum/Civic Center Board</i> |

2. ROLL CALL

3. AMENDMENTS TO THE AGENDA

4. CONFLICT OF INTEREST

5. CONSENT AGENDA

- a. Item (*) 6a, 7a, 7b, & 7c

6. APPROVAL OF MINUTES

- *a. Minutes of the Special Assembly meeting held October 12, 2015; Minutes of the Public Hearing and Regular Assembly meetings held October 13, 2015

7. COMMUNICATIONS

- a. Port Commission minutes from the Regular meeting held October 1, 2015
- b. School Board action from the Regular meeting held October 19, 2015
- c. Hospital Board minutes from the Regular meeting held September 16, 2015

8. BOROUGH MANAGER'S REPORT

9. BOROUGH CLERK'S FILE

10. MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

- a. Reports by Assembly Members

- b. Appointment to fill the vacancies on various City Boards and Commissions:

11. PERSONS TO BE HEARD

12. UNFINISHED BUSINESS

- a. **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 (*second reading*)
- b. **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 (*second reading*)
- c. **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 - Postponed from the October 13, 2015 meeting (*revised - second reading*)
- d. **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 (*second reading*)

13. NEW BUSINESS

- a. **PROPOSED RESOLUTION No. 10-15-1334:** A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT OF THE JOB DESCRIPTION FOR THE LIBRARY ASSISTANT I POSITION

14. ATTORNEY'S FILE

15. EXECUTIVE SESSION

- a. Borough Manager's Evaluation

16. ADJOURNMENT

Agenda Items 1 - 6

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY

AGENDA ITEM

October 27, 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 Becky Rooney
- b. Invocation to be given by a member of the Baha'i Faith
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*
 - i. Certificates of Service:

• Betty Keegan	<i>Planning & Zoning Commission</i>
• Rudy Briskar	<i>Planning & Zoning Commission</i>
• Dan Rudy	<i>Parks & Recreation Board</i>
• Daniel Blake	<i>Economic Development Committee</i>
• Marlene Clarke	<i>Economic Development Committee</i>
• Mark Mitchell	<i>Economic Development Committee</i>
• Keene Kohrt	<i>Nolan Museum/Civic Center Board</i>
• Valerie Ni Heideain	<i>Nolan Museum/Civic Center Board</i>

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 & 7c***

ITEM NO. 6 APPROVAL OF MINUTES:

INFORMATION:

6a Minutes of the Special Assembly meeting held October 12, 2015; Minutes of the Public Hearing and Regular Assembly meetings held October 13, 2015

CERTIFICATE OF SERVICE

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

Betty Keegan

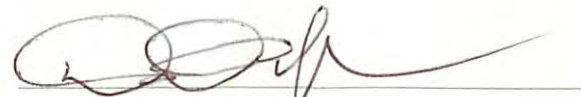
for her service and dedication as a member on the Planning & Zoning Commission from:

November 1994 to October 2015



ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015



David L. Jack, Mayor



CERTIFICATE OF SERVICE

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

Rudy Briskar

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

November 2011 to October 2015



ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015



David L. Jack, Mayor



CERTIFICATE OF SERVICE

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

Dan Rudy

for his service and dedication as a member on the Parks & Recreation Board from:

June 2015 to October 2015

Kim Lane

ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015

David L. Jack

David L. Jack, Mayor



CERTIFICATE OF SERVICE

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

Daniel Blake

for his service and dedication as a member on the Economic Development Committee from:

April 2014 to October 2015

Kim Lane

ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015

David L. Jack

David L. Jack, Mayor



CERTIFICATE OF SERVICE

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

Marlene Clarke

for her service and dedication as a member on the Economic Development Committee
from:

June 2014 to October 2015



ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015



David L. Jack, Mayor



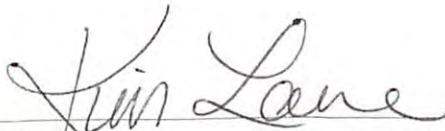
CERTIFICATE OF SERVICE

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


Mark Mitchell

for his service and dedication as a member on the Nolan Museum/Civic Center Board from:

June 2014 to October 2015


ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015


David L. Jack, Mayor



CERTIFICATE OF SERVICE

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

Keene Kohrt

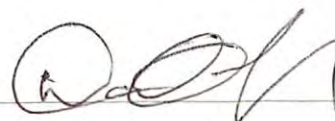
for his service and dedication as a member on the Nolan Museum/Civic Center Board from:

October 2009 to October 2015



ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015



David L. Jack, Mayor



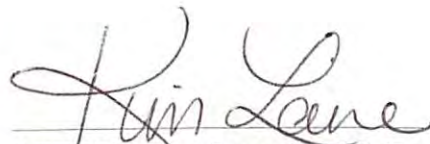
CERTIFICATE OF SERVICE

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

Valerie Ni Heideain

for her service and dedication as a member on the Nolan Museum/Civic Center Board
from:

December 2013 to October 2015



ATTEST: Kim Lane, MMC, Borough Clerk

Dated this 27th day of October, 2015



David L. Jack, Mayor

**Minutes of Special Assembly Meeting
Held October 12, 2015**

Mayor David Jack called the Special Assembly meeting to order at 12:30 p.m., October 12, 2015, in the Borough Assembly Chambers. Assembly Members Blake, Rooney, and Decker, and Prysunka were present. Assembly Members Mitchell and Powell were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

CONFLICT OF INTEREST – None

PERSONS TO BE HEARD – None

ITEMS OF BUSINESS

5a Certification of Election Results for the October 6, 2015 Regular Election

M/S: Blake/Decker, that the Borough Assembly of the City and Borough of Wrangell, Alaska, hereby certifies the results of the Regular Election held October 6, 2015, as prepared by the Canvass Board, and that the following persons were elected into office by a majority of votes cast, and that Proposition 1 passed by a majority of votes, and Proposition 2 passed by a majority of votes:

<i>David Powell</i>	<i>Borough Assembly</i>	<i>Two Year Term</i>
<i>Becky Rooney</i>	<i>Borough Assembly</i>	<i>Three Year Term</i>
<i>Clay Hammer</i>	<i>Port Commission</i>	<i>Three Year Term</i>
<i>John M. Martin</i>	<i>Port Commission</i>	<i>Three Year Term</i>
<i>Tamara J. Groshong</i>	<i>School Board</i>	<i>Three Year Term</i>
<i>Aleisha Mollen</i>	<i>School Board</i>	<i>Three Year Term</i>
<i>Pamella McCloskey</i>	<i>School Board</i>	<i>One Year (Unexpired Term)</i>
<i>Maxlyn J. Wiederspohn</i>	<i>Hospital Board</i>	<i>Four Year Term</i>
<i>Woody Wilson</i>	<i>Hospital Board</i>	<i>Four Year Term</i>

That Proposition No. 1: Shall the Home Rule Charter of the City and Borough of Wrangell be amended to repeal Section 11-2, Thomas Bay Power Authority, as set forth in Ordinance No. 900, passed by a majority of votes; and that

Proposition No. 2: Shall the municipal officers and candidates for elective office of the City and Borough of Wrangell be exempt from the requirements of the State of Alaska Public Official Financial Disclosure Law, AS 39.50, passed by a majority of votes.

5b Certificates of Service – None

5c Administer Oath of Office

Borough Clerk Lane administered Oath of Office to Rebecca Rooney. All other elected officials were absent.

Special meeting adjourned at 12:34 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, Borough Clerk

**Minutes of Public Hearing
Held October 13, 2015**

Mayor David L. Jack called the Public Hearing to order at 6:30 p.m., October 13, 2015, in the Borough Assembly Chambers. Assembly Members Prysunka, Decker, and Mitchell were present. Assembly Members Rooney and Powell, and Blake were absent. Borough Manager Jeff Jabusch and Borough Clerk Lane were also in attendance.

Public Hearing Item:

- 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)*

WRITTEN TESTIMONY - None

ORAL TESTIMONY - None

Public Hearing recessed at 6:32 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 October 13, 2015

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., October 13 2015, in the Borough Assembly Chambers. Assembly Members Prysunka, Mitchell, and Decker were present. Assembly Members Rooney, Powell and Blake were absent. Borough Manager Jeff Jabusch and Borough Clerk Lane were also in attendance.

The Pledge of Allegiance was led by Assembly Member Julie Decker.

The Invocation was given by Don McConachie.

CEREMONIAL MATTERS

A Proclamation was presented for Extra Mile Day (November 1, 2015).

AMENDMENTS TO THE AGENDA

CONFLICT OF INTEREST - None

CONSENT AGENDA

M/S: Decker/Mitchell, to approve Consent Agenda Items marked with an () asterisk; Item 6a, 7a, 7b, *13c & *13d. Motion approved unanimously by polled vote.*

APPROVAL OF MINUTES

The minutes of the Public Hearing and Regular Assembly meetings held September 22, 2015 were approved, as presented.

COMMUNICATIONS

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

BOROUGH MANAGER'S REPORT

Manager Jabusch's report was provided at the meeting.

BOROUGH CLERK'S FILE

Clerk Lane's report was provided.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members

Assembly Member Decker announced that the Wrangell High School Wrestling Team has a meet this weekend in Wrangell.

Decker also spoke on the presentation that the Governors office would be doing on the 21st at the Nolan Center; she stated that it would give the public a better understanding of our State's financial situation and show some options for fixing it and getting public input as well.

Mayor Jack mentioned the 100 year anniversary ANS conference that was in Wrangell last week.

10b City Boards and Committee Appointments

Mayor Jack appointed the following people to the following boards/committees:

- Haig Demerjian to the Parks & Recreation Board
- Alice Rooney to the Parks & Recreation Board
- Marian Glenz to the Wrangell Convention & Visitors Bureau
- Dan Roope to the Nolan Museum/Civic Center Board

As there were still boards and committees left with vacant seats, the Mayor directed Clerk Lane to advertise for the vacancies.

There were no objections from the Assembly.

10c 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.

10d Elect Vice-Mayor

M/S: Decker/Mitchell, to appoint Steve Prysunka for Vice-Mayor. Motion approved unanimously by polled vote.

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 *(second reading)*

M/S: Prysunka/Decker, to approve adopt Ordinance No. 908. Motion approved unanimously by polled vote.

NEW BUSINESS

13a Approval to cancel the November 24, 2015 Regular Assembly meeting

M/S: Decker/Prysunka, to approve canceling the Regular Assembly meeting of November 24, 2015 and have only one Regular Assembly meeting on November 10, 2015. Motion approved unanimously by polled vote.

13b Approval to renew the Audit Services for FY 2016 through 2019

M/S: Prysunka/Mitchell, 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). Motion approved unanimously by polled vote.

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

~Approved under the Consent Agenda~

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

~Approved under the Consent Agenda~

13e 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)*

M/S: Mitchell/Prysunka, to approve first reading of Ordinance No. 909, and move to a second with a Public Hearing to be held on October 27, 2015. Motion approved unanimously by polled vote.

13f 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)*

M/S: Decker/Mitchell, to approve first reading of Ordinance No. 910, and move to a second with a Public Hearing to be held on October 27, 2015. Motion approved unanimously by polled vote.

13g 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)*

M/S: Prysunka/Decker, to approve first reading of Ordinance No. 911, and move to a second with a Public Hearing to be held on October 27, 2015.

Mayor Jack requested clarification on section 15.18.052; questioned if someone burning trash in a burn barrel would be in violation of this new section.

Bruce Smith, Wrangell Police Sergeant, stated that this new section was previously in section 15.18.050 and had been removed because it did not fit into that section.

Jack stated that he couldn't see having people call the fire hall to get a permit every time they wanted to burn some boxes.

Assembly Member Prysunka stated that it was not a bad idea to call and at least notify the fire department when you are going to be burning; that way people will not assume that there is an uncontrolled fire and call for the fire department to respond; a phone call to the fire department just to let them know is typically all that has been done. Prysunka also stated that alerting the Fire Department when you are going to be burning would eliminate people burning when there is a fire ban in effect.

Assembly Member Mitchell said that there probably needs to be more work on this ordinance.

Manager Jabusch stated that at the city dump, they are allowed to burn only certain materials.

M/S: Decker/Mitchell, to postpone this ordinance until the next assembly meeting. Motion approved unanimously by polled vote.

13h 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)*

M/S: Prysunka/Decker, to approve first reading of Ordinance No. 912, and move to a second with a Public Hearing to be held on October 27, 2015. Motion approved unanimously by polled vote.

13i 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

M/S: Mitchell/Prysunka, 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.

Manager Jabusch explained that the Assembly did pass a resolution for this earlier in the year; this resolution is requirement to get the loan.

Motion approved unanimously by polled vote.

13j 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

M/S: Decker/Prysunka, 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.

Manager Jabusch explained that USDA requires the city to pass a resolution that says that we will follow the required guidelines.

Motion approved unanimously by polled vote.

13k 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

M/S: Prysunka/Decker, 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.

Assembly Member Decker spoke in favor of this resolution.

Motion approved unanimously by polled vote.

ATTORNEY'S FILE –None

EXECUTIVE SESSION – None

Regular Assembly Meeting adjourned at 7:48 p.m.

ATTEST: _____
Kim Lane, MMC, Borough Clerk

David L. Jack, Mayor

Agenda Item 7

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 27, 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.

- a. Port Commission minutes from the Regular meeting held October 1, 2015
- b. School Board action from the Regular meeting held October 19, 2015
- c. Hospital Board minutes from the Regular meeting held September 16, 2015

**WRANGELL PORT COMMISSION
REGULAR MEETING MINUTES
Thursday October 1, 2015 at 7:00 p.m.
Wrangell Borough Assembly Chambers**

1. CALL TO ORDER 7:00 PM

2. ROLL CALL

Martin-Y

Sylvia-Y

Morehead-N

Hammer-Y

Yeager-Y

3. APPROVAL OF MINUTES

- a. August 06, 2015 Regular Meeting Minutes
Unanimous-approved as presented.

4. AMENDMENTS TO THE AGENDA

None

5. CORRESPONDENCE

- a. Rainforest Islands Ferry
- b. Memorandum from Borough Assembly, Greg and Borough Manager regarding docking options for the Rainforest Ferry.

6. PERSONS TO BE HEARD

During this section of the agenda, the Port Commission will invite and listen to topics not on the agenda. The Commission will note the topics and will not take any official action on any of the topics presented, but will refer items to the administration to be researched. Members of the public will be given the opportunity to speak on agenda items at the time the item is introduced for action and/or discussion.

Kent Miller-Manager of Northend Ferry Authority PO Box 10871, Coffman Cove 99918.

The Rainforest Island Ferry is intended to operate year around service, 4 days a week- Sunday, Tuesday, Wednesday, and Friday between Coffman Cove, Wrangell and Banana Point on South Mitkof. It is also planned for less frequent service to Roosevelt harbor on Zarembo Island and possible extensions of service to ST John's harbor and other locations in the vicinity. The intent is to have two stops and two trips a day. This is to provide services for medical, dental and shopping.

It is a core feature of the service plan for the Rainforest Island Ferry. It can only be accomplished only by good access to a terminal, a launch ramp in this case that works both north bound and south bound. We did negotiate an agreement with Shoe Maker Bay. The approach for the SMB wasn't feasible. We reverted to the old city launch ramp. With the schedule that gets into Wrangell, twice a day with a four hour interval, basically we could only catch either the northbound arrival or the southbound arrival and departure at Wrangell. It stands to reason that if you need half tide to get in, the order of eight feet of water it's not going to happen twice with a four hour interval. General speaking, we miss that potentially second trip. The reason it is important, people can come to Wrangell as walk on

passengers, we can't develop the ability to move those people and their vehicles with the load that we expect them to want to buy in Wrangell.

He understands the funding for Heritage Harbor launch ramp is a potentially ideal place for the Ferry to call twice a day with good access. He also understands that the funding is intended for recreational use, but apart from other features it is an excellent opportunity to expand. He is focusing on Heritage due to their competing uses and the location.

Northend Ferry Authority is willing to make every effort to find a terminal that's not similarly competitive. Clay and Greg have introduced us to the seaplane haul out ramp at the airport. They have applied to the State to use it as a terminal. We know that the DOT and other interested parties are going to take time, a minimal amount of time a month or two. It is a huge disadvantage.

- After much discussion the Port Commissioners decided, based on the correspondence, they are not able to grant approval. Per agreement with the State, we would be in breach of the contract. It is there hope that they can find another alternative to work for the Rainforest Island Ferry.

Don Sorric-Superior Marine Service Center, MSC-Lots 1&2 Wrangell, AK.

The last meeting he had discussed the fire that they had before everyone left for the summer. There was some confusion on where the fire extinguisher were. They think it ought to be labeled.

They haven't got there water yet and they were written up by OSHA for no water. He has talked to Amber about the water and she says it's close. He has bought another extinguisher to appease OSHA.

On the new building he is not sure how he is supposed to submit it for approval. He submitted it as a metal fab shop. He put a 12x12 office and 12x12 meeting room in there. He also has built 12x16 bunk upstairs. He says that he has spent the night down there. The reason is there are things that can't be left alone. He states that it also falls into unattended purposes for the lease. He was told to come and let the commissioners know what he is doing.

- After much discussion the Commissioners decided Sorric needs to draft up a short letter stating what it is and what the intended purposes are for the metal fabrication shop. The Port will go through the steps of getting it approved or not.

7. REPORTS

a. Harbormaster
Meissner

- **SMB Float project**-The AK Harbormaster's conference is Oct. 14th in Anchorage. If we rank high we would receive funding in July 2016. The city has to sell revenue bonds to help cover our share of the project so there are still lots to do prior to the project.
- **City Dock**-we have 450,000.00 left in that grant. The first project will be to replace the electrical system. Conduit and feeders to the dock, street lights, and turning dolphin summer float and gangway on the sought side of the approach. This would be followed with hand rails like the north side of the approach.
- **Meyer's Chuck**-Harbor staff built and installed a kiosk on the float. We included all of the necessary forms and instruction for filling out the forms. He walked Kasey thru it. They installed reserved signs for the individuals who took permanent moorage.
- **Marine Service Center**-Someone stole the compressed air foam firefighting equipment from the boat yard. They have reported it to the police and have emailed other harbor departments around Southeast. They are going to get more 10 to 20lb ones to put out in the yard.

- b. Commissioners

Hammer-Assembly asked the Port to look into the Rainforest Island Ferry. He wants to kick this thing around with the Greg and talk to the State to see if there is a short term possibly to use Heritage.

Yeager-Mr. Miller do you feel like the sea plane ramp is sufficient for landing and for walk-on's?

Miller-These are questions that have to come up in the application and permitting process. If the State is willing to work on it with them, it has a lot of potential.

Hammer-Camera's in the work area it seems to be coming up a lot. He would like to revisit it to get some funding for the cameras.
- c. Port and harbor safety concerns

Hammer-He wants to work with High School Shop building larger life jacket coat racks.

Meissner-He is working on it.

8. UNFINISHED BUSINESS

- a. Mariner's Memorial

Meissner- Getting closer to turning it over to John. They light was holding it up. We are at the point of getting the phases of the documents. He to contact Chris Mertle.

Martin-The next phase we need a small committee, a core group to get it going and keep it going. Organizing raising monies, plaques. Line out options. Etc....
- b. Rate Change to save for the future

Martin-Make sure we have an updated list of pricing and make sure we have the funding for the future.

Meissner-He will start collecting the data.

9. NEW BUSINESS

- a. Pending Ordinance 911 & 912 changes

The proposed Ordinance is being brought forward in order to move the PENALTIES section Chapter 14.11 and place it in the minor offence fine schedule in Chapter 1.20.050. This is a Requirement of the State of Alaska's Court System. Essentially, if we do not list 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.

Meissner-The assembly is trying to keep things up to date and the enforcement of things. Instead of being in court. Look at the number and things to see what you think and if you.

Yeager- Make the motion to approve Ordinance 911 as amended along with the two adjustments 14.09.070 changed to \$25 fine per offense and 14.09.095 changed to \$100 per offense and excepting the rest as presented.

Silva-Motion Seconded

Poll Vote-Unanimous

Martin-Make the motion to approve Ordinance 912 as amended along with the three adjustments 14.09.070 changed to \$25 fine per offense and 14.09.095 changed to \$100 per offense. Move 14.09.005 Speeding under section B to A and 14.09.095 Failure to comply with rules, regulations and procedures under section B to A and excepting the rest as presented.

Yeager-Motion Seconded

Poll Vote-Unanimous

10. CLOSING

- a. Next Agenda Items
 - Don Sorric-Intended purposes are for the metal fabrication shop-regards to lease.
 - Mariner's Memorial
 - Rate Change to save for the future
 - Next meeting Nov.5th, 2015
 - Rainforest Ferry
 - Adjourn meeting 9:02PM

Port Chairman-Clay Hammer

Recording Secretary-Sherri D. Cowan

BOARD ACTION

FOR DETAILS, CONTACT:
PATRICK MAYER
SUPERINTENDENT
DIRECT PHONE: 907-874-2347

WRANGELL PUBLIC SCHOOL BOARD REGULAR MEETING OCTOBER 19, 2015

- Appointed Susan Eagle as School Board President
- Appointed Rinda Howell as School Board Vice-president
- Appointed Tammy Groshong as School Board Secretary
- Approved the Agenda as Presented
- Accepted the Minutes of the September 9, 2015 Regular Board Meeting
- Accepted the Minutes of the October 5, 2015 Special School Board Meeting
- Appointed Jessica Rooney to the Secondary Advisory Committee
- Offered Butch Schmidt a Contract to Provide Teacher Mentoring
- Offered Therese Pempek a Contract as Upward Bound Coordinator
- Approved the Hire of Scott Seddon, Paraprofessional
- Offered extracurricular contracts to Megan Clark, Anna Hagelman, Heather Howe, Lucas Messmer, Odile Meister, Sierra Reil, Scott Seddon, Stephanie Smith and Jenna Turner as presented for the 2015-16 school year
- Reviewed the resignation of Brandon Ellsworth, Custodian, Dacee Gillen and Courtney McCay, Paraprofessionals and the retirement of Michele Galla, Teacher as an item of information
- Reviewed Board Policy #1330, Use of School Facilities
- Accepted the Second Reading of Board Policy #6145.3, Concussion Policy
- Accepted the First Reading of Board Policy #6152, Assignment of Students
- Reviewed Board Policy:
 - Board Policy 6175, Migrant Children Program
 - Board Policy 7000, Board Powers and Duties
 - Board Policy 7010, Addressing the Board
 - Board Policy 7020, Board Standards
- Revised the Strategic Plan as presented
- Adjourned



WRANGELL MEDICAL CENTER
BOARD OF DIRECTORS MEETING MINUTES
September 16, 2015 - 5:30 p.m.
Location: Nolan Center

CALL TO ORDER:

Meeting was called to order at 5:30 pm by President Terri Henson

ROLL CALL:

Present: Bernie Massin, Barb Conine, Terri Henson, Judy Allen, Marlene Messmer, and Maxi Wiederspohn

Absent: Cori Robinson, Woody Wilson and Beth Spaulding

Quorum established

Assembly representative Stephen Prysunka was absent

AMENDMENTS TO THE AGENDA: Remove 'July & August 2015' Statistics from Consent Item 5.

CONFLICT OF INTEREST: None

CONSENT ITEMS:

Motion made by Barb Conine to approve consent item 5.a minutes of the regular meeting held August 19, 2015; and item 5.b statistics: June 2015, passed unanimously.

PERSONS TO BE HEARD: None

CORRESPONDENCE: None

REPORTS AND COMMUNICATIONS FROM WMC STAFF:

- a. CEO's Report: Quickly recapped the report from the packet
 - Introduced Pam Prescott – the new Quality Manager – and welcomed her to Wrangell and WMC.
- b. Doran Hammett, CFO
 - In presenting the financial report, clarified that under "employee compensation" that included 1) accrued payroll (those days leftover at the end of the month for which payroll will be due) and 2) accrued PTO, which is a liability to the hospital in that it would be paid out if used or a staff member leaves their job.
 - According to the income statement it was a positive month – though it was more of a 'break even' due to adjustments made in the insurance payments – but a better trend overall,
 - Look for a significant amount of 'write off' taking place over the next 3 months as it becomes clear what TruBridge will be able to get payment on and what will have become too old.
 - We're moving to a lockbox system for electronic payments – they will go into the lockbox account directly, saving a lot of extra paperwork for staff at this end. The only payments they'd have to process then would be those that arrive in the mail or are paid in person.
 - The 2014 cost report is still under review – will be close to a 'break even' – might be a bit in our favor or a bit we need to pay, in the meantime the 2015 cost report is being worked on and will be submitted before too long.

OUR MISSION: To Enhance The Quality of Life For All We Serve!

WRANGELL MEDICAL CENTER
BOARD OF DIRECTORS MEETING:
September 16, 2015 - 5:30 p.m.

MEDICAL STAFF REPORT: None

ACTION ITEMS:

- 10.a. Judy Allen moved to approve changes to the Wrangell Medical Center Personnel Policies in the RECRUITMENT section, motion seconded by Barb Conine, passed unanimously.

DISCUSSION ITEMS: None

INFORMATION ITEMS:

- a. New Hospital Project update: Still no word back on the application to the Foraker group but Marla will be calling them soon with updates as to our new CEO and our progress with financial matters.

BOARD COMMENTS:

Bernie Massin – Asked for a status update on the Director of Nursing search, Marla replied that there had been a few candidates apply but for various reasons didn't have the qualifications so the search continues.
Also commented that the Fire Department has received complaints from the WMC laundry that too many sheets are making their way into the WMC laundry, Marla replied that she will look into it.

EXECUTIVE SESSION:

Barb Conine moved to recess into executive session for the purpose of discussing matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; specifically to update the Hospital Board on a pending lawsuit, seconded by Judy Allen, passed unanimously.

Meeting recessed into executive session at 6:03 pm,
Executive session reconvened into regular session at 6:20 pm

ADJOURN: With no further business, the meeting adjourned at 6:21 pm.

Cori Robinson

Kris Reed,
Date Certified:

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 27, 2015

Presentation on the State's Sustainable Future

This was an eye opener for everyone in attendance. To give you some idea of the magnitude, you could lay off all state employees, including the University of Alaska and that would only make a dent in the deficit. The simple financial model that was development and was used at the presentation allows people to play with options to both increase revenues and reduce expenses. It appeared that the only item that was big enough to make any difference was to use a portion of the dividend. Even options to have a state income tax or sales tax did not get us to a balanced budget.

We will all feel the pain before it is over; either through reduced services, income tax or less money from the state to the borough. We already know that we are going to be challenged by these reductions. If anyone has the opportunity to get on the state's home page and then click on the button that says **Building a Sustainable Future- Join the Conversation**. Once you are in there you can read the instructions and select the level of the financial model. I would select the simple version initially because that will give you the general picture and how it works and how much change is going to be necessary to balance the budget. If you have questions, Carol Rushmore or I can help.

Projects being worked on:

- **Cassiar Street Improvements-**
Cassiar Street Phase II is complete. We will do a final walk through to be sure everything is complete and then the overall project is complete. I think this project was a long time coming and I believe the citizens that waited for years now have a paved road. Also, being able to have paved with concrete vs. asphalt will last years longer and it is a road that should not need any work done to it for the next 30 years or more.
- **Evergreen Road Improvements**
DOT/PF is scheduling a meeting for the public to see the current plans in November. We have provided the names to DOT/PF of everyone that lives along that road so they can be sent notification of the meeting.
- **Sewer Pump Station-** We're out to bid on this project with bids to be opened in early November. We are still working with USDA on the mounds of paperwork they require. They have told us that we are not allowed to award the bid until all of their requirements

are met. We are going to do everything we can to accomplish this. The last item is that we need to show clear title to the land that we are going to have the project on. We are working with the attorney and the title company, but it is an area that there are title issues with the surrounding parcels that may end up affecting us as well. If we can't satisfy them, we will move forward without their assistance. We would give up a \$68,000 grant and a \$91,000 loan at 2.875% and replace the funding with a DEC loan for \$190,000 at 1.5% interest. We just don't want to delay and lose the \$728,000 grant with the state for not finishing the project by next June 30th.

- **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 and opened on October 28th, 2015. 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 on November 10th. 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 and will be opened on October 28, 2015. We will go through the same process as the Mill RFP. The committee's recommendation will be brought to the assembly for approval on November 10th.

Finance Department:

Lee Burgess and I plan to make a trip to Craig so that we can set down and thoroughly go through the accounting software that they use. We need to replace our 20 year old software because they will no longer support it in the next couple of years. The urgency is that it takes about 9 months to a year to get scheduled for the changeover and then a couple of months to run parallel to be sure the new system is getting the same answers as the old one. This is a little bit of an urgent item because of the moved up timeline with the existing software.

The new part time position of collection clerk has been paying off. We have collected about \$30,000 of previously uncollected funds owed to the city. We are going to expand some of the areas she has been working on and hopefully that will pay off as well.

Light Department:

The light department will be hiring 3 or 4 temporary employees to work on the annual brush clearing addressing overgrowth that affects our power right of way and service drops. Although homeowners are responsible for keeping their own service drops clear, the line department will assist them if it cannot be done safely by the owner.

The department has worked with the forest service to get a tree for Christmas and the holidays. I have been told that we have the bragging rights of having the tallest Christmas tree in Southeast Alaska and we don't plan on that changing this year as well.

Recently, we loaned our large bucket truck to Petersburg for some work they needed to do that they could not do with their existing equipment. We have a good working relationship with all their departments and have exchange information, equipment and other things in the spirit of cooperation. This has gone both ways over the years and is a good relationship to have. It has allowed both of us in some cases not to have to buy the same piece of equipment.

It is anticipated that staff will bring to the assembly a request to have an electric rate study done on the November 10th meeting. This is being prompted from the system study that was finished recently. The system study identified some major concerns and currently there are not enough reserves to resolve them over a long period of time. We are hoping that the rate study will provide a look at ways to increase the funding to do these improvements.

Library Department:

The library held an Elder Law Clinic that was made available through the OWL (On Line with Libraries) program funded by the state. It was very well received. We had more attendees than we could accommodate.

We have begun our Fall Storytime. It began on October 1 and will continue through December 17th. It is every Thursday morning from 10-11 am. It includes stories, snack and a craft. We have had a great turnout so far.

The Friends of the Library brought a genealogist to town to do a workshop on beginning genealogy and a more advanced workshop for those who are already familiar with the resources. It was a huge success with patrons asking if we could bring her back again to do another one.

The Friends of the Library have also just recently subscribed to Lynda.com. It is an online education company offering thousands of video courses in software, creative, and business skills. Patrons will be able to access tutorials from their own homes using their library cards. We are getting prepared to do a launch to introduce this to the community.

We also hosted a videoconference called Game On. Learn to design your own video game; taught by Josh Hughes from an entertainment company in Montana. It is aimed at pre-teens, teens and young adults. We had a good turnout, but there was a misunderstanding on the time difference in Alaska and it has been rescheduled for this weekend.

Theater Department:

On December 16th of this year, the theater will have been in operation for 10 years. The staff plans to have a special 10-year anniversary celebration.

The Nolan Center Theater/Castle Mt. Entertainment is happy to welcome Greg Acuna as the new assistant manager. Greg began training the week of October 12th and has already proven to be a willing and enthusiastic addition to the team.

Agenda Item 9

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM

CLERK'S REPORT October 27, 2015

Mark Your Calendar:

- 10/28 RFP's due for the Mill Site property feasibility study & the WRG Institute Master Plan property
- 10/30 Bid opening for the Courtroom Remodel project at 2 pm in the Assembly Chambers
- 11/4 Parks & Recreation mtg. @ 7 pm in the Assembly Chambers
- 11/5 Bid open in for the Sewer Pumps replacement project at 2 pm in the Assembly Chambers
- 11/5 Port Commission mtg. @ 7 pm in the Assembly Chambers
- 11/10 Regular Assembly mtg. @ 7 pm in the Assembly Chambers
- 11/12 Planning & Zoning Commission mtg. @ 7 pm in the Assembly Chambers

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

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?

Clerk's training (AAMC)

I will be traveling to Anchorage from November 14th thru the 17th for the Annual Alaska Association of Municipal Clerk's training.

Kim Lane, Borough Clerk

Agenda Items 10 a - b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 27, 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 (unexp. until 10-2018)
- Planning & Zoning Commission (unexp. until 10-2018)
- Planning & Zoning Commission (unexp. until 10-2017)
- Economic Development Committee (unexp. until 10-2018)
- Economic Development Committee (unexp. until 10-2018)
- Economic Development Committee (unexp. until 10-2018)
- Nolan Museum/Civic Center Board (unexp. until 10-2018)
- Nolan Museum/Civic Center Board (unexp. until 10-2018)

Recommended Action:

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 _____.

Agenda Item 12a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 27, 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
(second 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 adopt Ordinance No. 909.

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: October 13, 2015.

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 12b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 27, 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 (*second 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 adopt Ordinance No. 910.

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 cowl 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: October 13, 2015.

PASSED IN SECOND READING: , 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 12c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 27, 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 – Postponed from the October 13, 2015 meeting (*revised - second 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 revised second reading of Ordinance No. 911, and move to a third reading with a Public Hearing to be held on November 10, 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 certain materials prohibited.
- 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 certain materials prohibited.

A. No person may cause or allow burning of materials which creates a danger to public health or safety or a public or private nuisance. No person may cause or allow the burning of rubber, plastic, tar, petroleum products, automobile parts, putrescible garbage, petroleum-treated products, oily waste, contaminated oil cleanup materials, or other materials in a way that produces black smoke or offensive smoke.

B. Except as prohibited in this section, the outside burning of paper, cardboard, wood, and yard trimming materials is allowed in a burn barrel, homemade burn box, wood stove, outdoor boiler, or open pit.

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.

POSTPONED IN FIRST READING: October 13, 2015.

PASSED IN SECOND READING: _____, 2015

PASSED IN SECOND READING: _____, 2015.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 12d

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM October 27, 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 *(second 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 postpone Ordinance No. 912 until November 10, 2015, since this ordinance contains violations for Ordinance No. 911, which is not being adopted at this meeting.

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 certain materials prohibited.</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 SECOND READING: October 13, 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 27, 2015

INFORMATION:

PROPOSED RESOLUTION No. 10-15-1334: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT OF THE JOB DESCRIPTION FOR THE LIBRARY ASSISTANT I POSITION

Attachments:

- 1. Proposed Resolution No. 10-15-1334**
2. Amended Job Description

RECOMMENDED ACTION:

Move to adopt Resolution No. 10-15-1334, that amends the job description for the Library Assistant I Position.

CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION NO. 10-15-1334

A RESOLUTION OF THE ASSEMBLY OF THE CITY
AND BOROUGH OF WRANGELL, ALASKA,
PROVIDING FOR THE AMENDMENT OF THE JOB
DESCRIPTION FOR THE LIBRARY ASSISTANT I
POSITION

WHEREAS, the amendment of this position description allows the City and Borough of Wrangell's Administration Department the ability to appropriately update the duties and responsibilities of the Library Assistant I position; and

WHEREAS, the pay scale for the Library Assistant I position is currently listed on the non-union Pay Scale at Grade 9 (\$12.44 to \$17.77); and

WHEREAS, it is the desire of the City and Borough of Wrangell to bring all job descriptions in compliance with current standards.

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

Section 1. The attached Exhibit "A" is the job description which describes the duties, responsibilities and qualifications for the position of the Library Assistant I.

Section 2. The new job description for the Library Assistant I becomes effective November 1, 2015.

ADOPTED: _____, 2015

David L. Jack, Mayor

ATTEST: _____
Kim Lane, Borough Clerk

City & Borough of Wrangell

Position Description

Position: Library Assistant I	Position Number:
Department/Site: Library	FLSA: Non-exempt
Evaluated by: Library Services Director	Salary Grade: 9

Summary

Performs routine and recurring clerical duties specific to Library operations and the provision of patron services. Duties may relate to processing, and circulation of library materials, and responding to routine requests for information and assistance.

Distinguishing Career Features

The Library Assistant I is the first in a multi-level career path for Library media services. The Library Assistant I provides circulation and customer service support. Advancement to Library Assistant II is possible by additional responsibility for team leadership, and competency in customer service for circulation, reference, and inter-library lending.

Essential Duties and Responsibilities

- Assists patrons with finding library materials. Helps patrons use resource searches and library materials to locate information of interest.
- Charges out and checks in library materials. Collects service charges on overdue, lost, or damaged materials. Types overdue notices and similar short forms.
- Sorts and files books and uses the automation system. Maintains routine files related to library operations. Accepts applications for library cards.
- Prepares books and other materials for circulation. Applies labels, ~~pockets~~ bar codes, and plastic covers to books; and audiovisual materials ~~and bar codes~~.
- Shelves and re-shelves books into proper alpha or numeric category.
- Checks in periodicals received by the Library. Discards periodicals according to instructions. Displays or files periodicals as appropriate.
- May ~~e~~ Catalogs pre-classified books and other library materials by obtaining the correct bibliographic record on-line from a computer database.
- Performs clerical tasks such as data entry into to pre-established databases using data entry screens, and processing reports on items such as books that are missing, replaced, transferred, or discarded.
- Processes interlibrary loan requests through the OCLC database.
- Mail duties; prepares books and other items to mail back to other loaning libraries.
- Assists other staff with preparation for and presentation of children's programming. Assists students during the summer reading program.

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- Participates in library beautification efforts such as but not limited to displays, placing and aligning materials on shelves, furniture arrangements and cleanliness, and appearance of entry ways.
- Performs other duties as assigned that support the overall objective of the position.

Qualifications

▪ Knowledge and Skills

Requires basic knowledge of library clerical procedures and basic familiarity with reference tools and sources including use of automated library card catalogs. Requires a basic understanding of the Dewey Decimal System of classification and the American Library Association rules for filing. Requires sufficient human relations skill to exercise patience and deal courteously with patrons of all ages. Requires sufficient math skill to compute sums, products, quotients, and percents. Requires sufficient writing skills to compose routine memos and announcements.

▪ Abilities

Requires ability to perform all the duties of the position and to follow detailed procedures such as library filing rules. Requires the ability to work with a diverse customer population of all ages. Requires the ability to work as contributing member of a team, work productively and cooperatively with other teams and external customers, and convey a positive image of the City and its services. Requires the ability to learn library filing systems. Must be able to learn to perform transactions within an automated library system.
Required to work Saturdays and one evening per week. May be required to work evenings and weekends.

▪ Physical Abilities

Incumbent must be able to function indoors in an office and/or library circulation desk environment engaged in work primarily of a moderately active nature. Requires ability to converse with patrons, provide accurate information, and communicate effectively with small groups. —Requires hearing and speech ability for ordinary conversation and to project voice to a small group. —Requires ability to operate a computer, mobile devices, and other office equipment. —sufficient manual and/or finger dexterity to type/keyboard and otherwise operate microcomputers and other office equipment. —This position Requires the employee to move about inside the office to access filing cabinets, bookshelves, computers, and check-out desk. Will occasionally ascend/descend stairs and move equipment weighing up to 50 pounds. —ambulatory ability to sit, walk, to move about office environs, and to lift and carry light to medium weight materials on an intermittent basis.

▪ Education and Experience

The position requires a High school diploma plus one year of experience in a library, educational support setting, or equivalent in customer service. College-level courses and/or a certificate in library science is preferred and may substitute for some experience. Competency in a second language is desired.

▪ Licenses and Certificates

May require a valid driver's license.

- **Working Conditions**

Work is performed indoors with minimal exposure to health and safety hazards.

This job/class description, describes the general nature of the work performed, representative duties as well as the typical qualifications needed for acceptable performance. It is not intended to be a complete list of all responsibilities, duties, work steps, and skills required of the job.

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Agenda Item 14

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
October 27, 2015**

INFORMATION:

ATTORNEY'S FILE – Summary report provided to the Assembly

Agenda Item 15

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
October 27, 2015**

Executive Session – Borough Manager’s Evaluation.

RECOMMENDED ACTION:

I move, pursuant to 44.62.320 (c) (2), that we recess into executive session to discuss matters that may tend to prejudice the reputation and character of any person, specifically the Borough Manager’s Evaluation.