



**City and Borough of Wrangell
Borough Assembly Meeting
Revised AGENDA to add item 13j & 13k (7-22-16 @ 2:10 p.m.)**

July 26, 2016 – 7:00 p.m.

Location: Assembly Chambers, City Hall

1. CALL TO ORDER

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Daniel Blake
- b. INVOCATION to be given by Don McConachie
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

2. ROLL CALL

3. AMENDMENTS TO THE AGENDA

4. CONFLICT OF INTEREST

5. CONSENT AGENDA

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

6. APPROVAL OF MINUTES

- *a. Minutes of the Special Assembly meeting held June 27, 2016; the Board of Equalization meeting; the Public Hearing and Regular Assembly meetings held June 28, 2016; the minutes of the Special Assembly meeting held July 15, 2016; the minutes of the Special Assembly meeting held July 19, 2016; and the minutes of the Emergency Assembly meeting held July 19, 2016.

7. COMMUNICATIONS

- a. Gaming Permit Application for Team Wrangell (AAU Basketball Girls)
- b. School Board minutes from May 16, 2016
- c. Minutes of the Wrangell Medical Centers meeting held June 15, 2016

*13g Final Plat approval for the Torgamsen-Glasner plat

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, Committees, and Commissions
- c. Appointment to fill the vacancy on the Wrangell Medical Center Hospital Board, Unexpired term until October 2016

11. PERSONS TO BE HEARD

12. UNFINISHED BUSINESS

- a. **PROPOSED ORDINANCE No. 919: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROPOSING AN AMENDMENT TO THE HOME RULE CHARTER, REPEALING SECTION 3-10, NOLAN MUSEUM AND CIVIC CENTER (*second reading*)**

13. NEW BUSINESS

- a. **PROPOSED ORDINANCE No. 920:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 18.04.080, SECTION 107.2 AMENDED – PERMIT FEES, OF THE WRANGELL MUNICIPAL CODE RELATING TO BUILDING PERMIT FEES *(first reading)*
- b. **PROPOSED ORDINANCE No. 921:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.08.060, TAX-FREE DAYS, OF THE WRANGELL MUNICIPAL CODE, TO PROVIDE THAT THE ASSEMBLY MAY APPROVE ONE SALES TAX-FREE DAY EACH FISCAL YEAR *(first reading)*
- c. **PROPOSED ORDINANCE No. 922:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.16, CEMETERY, OF THE WRANGELL MUNICIPAL CODE, RELATING TO CEMETERY FEES *(first reading)*
- d. Review of the Local Contractor's List
- e. Approval to form a Special ANSEP Committee
- f. Approval of a Bid received for the Asphalt Paving Project
- *g. Final Plat approval for the Torgramsen-Glasner plat
- h. Discussion and possible action regarding a new Water Treatment Facility *(Added at the request of Mayor Jack from the Emergency Assembly Meeting held July 19, 2016)*
- i. Approval of Easement for Lot 14, Block 13, Campbell Resubdivision and Approval to file Disclaimer of Interest in Quiet Title Action
- j. **PROPOSED RESOLUTION No. 07-16-1346:** A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR NEW JOB DESCRIPTION FOR THE NEW POSITION OF A PUBLIC WORKS ADMINISTRATIVE ASSISTANT
- k. **PROPOSED RESOLUTION No. 07-16-1347:** A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, FORMALLY SUBMITTING A MUNICIPAL HARBOR FACILITY GRANT APPLICATION TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF) IN THE AMOUNT OF \$5 MILLION DOLLARS FOR THE SHOEMAKER BAY HARBOR PROJECT

14. ATTORNEY'S FILE – Summary Report was provided to the Assembly

15. EXECUTIVE SESSION

- a. Options for disposing of the Belt Freezer Facility

16. ADJOURNMENT

Agenda Items 1 - 6

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY

AGENDA ITEM

July 26, 2016

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 Daniel Blake
- b. Invocation to be given by Don McConachie
- c. CEREMONIAL MATTERS – *Community Presentations, Proclamations, Certificates of Service, Guest Introductions*

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 (*) Items:

****6a, 7a, 7b, 7c and *13g***

ITEM NO. 6 APPROVAL OF MINUTES:

INFORMATION:

- a. Minutes of the Special Assembly meeting held June 27, 2016; the Board of Equalization meeting; the Public Hearing and Regular Assembly meetings held June 28, 2016; the minutes of the Special Assembly meeting held July 15, 2016; the minutes of the Special Assembly meeting held July 19, 2016; and the minutes of the Emergency Assembly meeting held July 19, 2016.

**Minutes of Special Assembly Meeting
Held June 27, 2016**

Mayor David L. Jack called the Special Assembly meeting to order at 7:00 p.m., June 27, 2016, in the Assembly Chambers. Assembly Members Powell, Prysunka, Rooney, Blake, and Decker and were present. Assembly Member Mitchell was absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane also attended.

CONFLICT OF INTEREST

There were no conflicts of interest declared.

PERSONS TO BE HEARD

There were no persons to be heard.

ITEM OF BUSINESS

5a PROPOSED RESOLUTION No. 06-16-1343: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADOPTING THE BUDGET FOR ALL FUNDS OF THE CITY OF WRANGELL, ALASKA, FOR THE FISCAL YEAR 2016-2017

M/S: Prysunka/Blake, to adopt resolution number 06-16-1343, adopting the 2016-2017 Fiscal Year Budget, which includes the draft budget and all recommended changes, as presented.

M/S: Decker/Prysunka, to amend the budget to include \$15,000 to come from the Economic Development Recovery Fund in order to paint one of the Marine Service Center buildings for advertising our Website.

In response to Assembly Member Powell, *Harbormaster Greg Meissner* stated that the building where the advertising would be painted, would be on the old totem poll building, next to the Bay Company.

The amendment was approved unanimously by polled vote.

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

Special meeting adjourned at 7:05 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

Minutes of Board of Equalization Meeting
Held June 28, 2016

Mayor David L. Jack called the Board of Equalization meeting to order at 6:45 p.m., June 28, 2016, in the Borough Assembly Chambers. Assembly Members Blake, Prysunka, Rooney, Decker, and Powell were present. Assembly Member Mitchell was absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Appeals – Real Property – There were no Property Tax Appeals to be considered.

PROPERTY TAX EXEMPTIONS – There were no exemptions for the Assembly to consider.

The Board of Equalization meeting adjourned at 6:46 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

Minutes of Public Hearing
Held June 28, 2016

Mayor David L. Jack called the Budget Public Hearing to order at 6:30 p.m., June 28, 2016, in the Borough Assembly Chambers. Assembly Members Rooney, Prysunka, Decker, Blake, and Powell were present. Assembly Member Mitchell was absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

Public Hearing Item:

- a. PROPOSED ORDINANCE No. 918:** AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 13.05.010, PERMITTED ENCROACHMENTS, OF THE WRANGELL MUNICIPAL CODE **(second reading)**

WRITTEN TESTIMONY – None.

ORAL TESTIMONY – None.

Public Hearing Meeting adjourned at 6:32 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

Minutes of Regular Assembly Meeting Held on June 28, 2016

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., June 28, 2016, in the Borough Assembly Chambers. Assembly Members Decker, Prysunka, Rooney, Powell, and Blake were present. Assembly Member Mitchell was absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

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

The Invocation was given by Karen Morse of the Baha'i Faith.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

CONFLICT OF INTEREST

There were no Conflicts of Interest.

CONSENT AGENDA

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

APPROVAL OF MINUTES

The minutes of the Public Hearing and Regular Assembly meetings held June 14, 2016, were approved as presented.

COMMUNICATIONS

- a. Permit Application for 4th of July Outdoor Social Area event from BPO Elks Lodge #1595, received from the Alcoholic Beverage Control Board.
- b. Approval of the Wrangell Medical Center Board minutes from May 18, 2016
- c. School Board minutes: Regular - April 18, 2016 and Special – April 26, 2016

BOROUGH MANAGER'S REPORT

Manager Jabusch's report was provided.

BOROUGH CLERK'S FILE

Clerk Lane's report was provided.

MAYOR/ASSEMBLY REPORTS AND APPOINTMENTS

10a Reports by Assembly Members

Assembly Member Blake reported that he spoke to Patrick Mayer, School Superintendent on the benefits of the ANSEP concept High School that may be proposed in Wrangell.

Assembly Member Rooney reported on the Wrangell Medical Center Board meeting; cash flow was a little slow; working on a plan to pay back the \$150,000 that was borrowed from the City.

Mayor Jack voiced his concern on the garbage container that had been stored at the waterfront barge yard.

Manager Jabusch stated that he was aware of the garbage container issue and that there was a short term and long term plan to correct this.

10b Appointment to fill the vacancies on various City Boards, Committees, and Commissions

As there were no letters of interest received for the remaining vacant seats, the Mayor directed the Clerk to continue advertising.

10c Appointment to fill the vacancy on the Wrangell Medical Center Hospital Board, Unexpired term ending October 2016

As there were no letters of interest received for the vacant seat, the Mayor directed the Clerk to continue advertising.

PERSONS TO BE HEARD

UNFINISHED BUSINESS

12a PROPOSED ORDINANCE No. 918: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 13.05.010, PERMITTED ENCROACHMENTS, OF THE WRANGELL MUNICIPAL CODE *(second reading)*

M/S: Prysunka/Rooney, to adopt Ordinance No. 918. Motion approved unanimously by polled vote.

12b PROPOSED ORDINANCE No. 919: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROPOSING AN AMENDMENT TO THE HOME RULE CHARTER, REPEALING SECTION 3-10, NOLAN MUSEUM AND CIVIC CENTER *(first reading)*

M/S: Rooney/Blake, to approve first reading of Ordinance No. 919 and move to Second, with a Public hearing on July 26, 2016. Motion approved unanimously by polled vote.

NEW BUSINESS

13a PROPOSED RESOLUTION No. 06-16-1344: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, SUPPORTING THE ALASKA NATIVE SCIENCE & ENGINEERING PROGRAM IN THEIR EFFORTS TO BUILD AND OPERATE AN ACCELERATED HIGH SCHOOL THROUGH AND AS PART OF THE WRANGELL PUBLIC SCHOOL DISTRICT IN WRANGELL, ALASKA

M/S: Powell/Decker, to adopt Resolution No. 06-16-1344.

The Assembly spoke in favor of the concept for this program but agreed that there are still many concerns. The Assembly agreed that the City would still need to maintain control and be involved for each step of the process; there are still a lot of questions before moving forward.

Manager Jabusch stated that in order for there to even be a possibility to have this program in Wrangell, approving this Resolution would be a first step. Dr. Schroeder can (with this Resolution) start raising funds for the program.

Assembly Member Rooney suggested an amendment to the Resolution to add the word “residential” to the first bullet in the resolution so that it would be clear that this would be a residential school.

Assembly Member Decker voiced that she spoke with Dr. Schroeder about the programs concept and structure and how he gets the positive results; can start to see why the program is a success; still remains skeptical on the annual operating costs; could structure the program so that it's a positive for the existing Wrangell School.

M/S: Blake/Powell, to amend the resolution to add the words “ANSEP style Residential accelerated high school” where appropriate in the Resolution.

Amendment to the motion was approved unanimously by polled vote.

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

13b PROPOSED RESOLUTION No. 06-16-1345: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING PERSONNEL POLICY SECTION 312, HEALTH INSURANCE

M/S: Blake/Prysunka, to adopt Resolution No. 06-16-1345. Motion approved unanimously by polled vote.

13c Approval of the changes to the Wrangell Medical Center’s Bylaws

M/S: Prysunka/Powell, to approve the revised Wrangell Medical Center Bylaws, as amended. Motion approved unanimously by polled vote.

13d Approval of Amendment No. 2 for R&M Engineering – Ketchikan, for the Cassiar Street project

M/S: Powell/Blake to approve the additional funding with R&M Engineering – Ketchikan based on Time and Expense in the amount not to exceed \$6807.13 to restore property corners and monuments at the Cassiar Street project area, which is scheduled to be paid from the City and Borough of Wrangell’s grant funds and the sales tax street fund. Motion approved unanimously by polled vote.

13e Discussion of the assessment report received from Maul Foster and Alongi, Inc. for the Wrangell Waterfront Assessment and Feasibility Study findings

Mayor Jack requested a recess and recessed the Regular meeting at 7:41 p.m. Assembly meeting reconvened at 7:45 p.m.

Manager Jabusch stated that the report had just been received by the City. He suggested that the Assembly review the report and then allow for this item to come back for approval at a later meeting.

ATTORNEY'S FILE – There was no attorney's file.

EXECUTIVE SESSION

15a Borough Clerk's Evaluation

M/S: Prysunka/Decker, to 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 Clerk's Evaluation. Motion approved unanimously by polled vote.

Assembly Meeting recessed into executive session at 7:49 p.m.

Assembly Meeting reconvened back into regular session at 8:17 p.m.

M/S: Prysunka/Powell, to approve the step increase for the Borough Clerk from 27-7 to 27-8 based on performance.

15b Information and options for the City and Borough of Wrangell from Maul Foster and Alongi, Inc for the Wrangell Waterfront Assessment and Feasibility Study

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

Mayor Jack invited the Borough Manager into the Executive Session. There were no objections from the Assembly.

Assembly Meeting recessed into executive session at 8:18 p.m.

Assembly Meeting reconvened back into regular session at 8:47 p.m.

Regular Assembly Meeting adjourned at 8:47 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

**Minutes of Special Assembly Meeting
Held July 15, 2016**

Mayor David L. Jack called the Special Assembly meeting to order at 12:00 p.m., July 15, 2016, in the Assembly Chambers. Assembly Members Mitchell, Powell, Prysunka, Rooney, Blake, and Decker and were present. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane also attended.

CONFLICT OF INTEREST

Assembly Member Decker declared a potential conflict to Agenda Item 5c (**Executive Session:** Options for disposing of the Belt Freezer Facility) since she delivered fish to Trident and because one of her Board of Directors was an employee of Trident. Mayor Jack stated that he did not see that as a conflict of interest as it would not affect her financially directly. There were no objections from the Assembly.

PERSONS TO BE HEARD

There were no persons to be heard.

ITEMS OF BUSINESS

5a Approval of a letter to the U.S. Forest Service

M/S: Powell/Decker, to approve the proposed letter to be sent to the U.S. Forest Service regarding City's interest in the Wrangell Island Project.

In response to Assembly Member Decker, **Carol Rushmore, Economic Development Director** reviewed key points of the proposed letter.

Assembly Member Prysunka voiced that what he was hoping the Forest Service would get out of this letter was that we were looking for long-term sustainable logging that supported businesses in our community.

Assembly Member Powell stated that Mike Allen had talked with him and said that he is also in support of the big sales too because he made money off of them.

Assembly Member Prysunka stated that what he did not want to see is that they go in there, log all of the logs, and leave us with no more timber to harvest; need to maximize the harvesting of logs for the longest amount of time possible.

Motion approved unanimously by polled vote.

5b Discussion and possible action regarding changing the \$1,000,000 value for the sale or lease of borough property as defined in Charter section 5-14, Contracts and Sales

M/S: Rooney/Decker, to approve an Ordinance to be brought back to the Assembly for consideration July 26, 2016 in its first reading and then for a second reading to occur for passage at a Special meeting in August so that the question can be added to the ballot for the voters to decide in October.

Assembly Member Decker stated that she could see where this issue could arise. Decker gave her reasoning for why the cap should be higher, maybe \$2 million.

Assembly Member Mitchell spoke in opposition of changing the threshold; he believed that the voters should have the say if we are going to sell something over \$1 million.

Assembly Member Rooney stated that a possible option could be that if a Special Election were called, the buyer would have to pay the Special Election fees.

In response to Assembly Member Powell, Manager Jabusch stated that the \$1 million dollar threshold had been set a long time ago.

Before the vote, Clerk Lane clarified that this vote, if approved, would direct her to draft an ordinance for the Assembly to consider at the July 26th Regular Assembly meeting. She also stated that if that were to happen, she would need to know what amount the Assembly would want that to be.

M/S: Prysunka/Decker, to amend the main motion to say that the threshold on a proposed ordinance would be \$2 million dollars.

Assembly Member Powell spoke in opposition to raising the threshold.

The amendment failed with Decker and Prysunka voting yes; Rooney, Mitchell, Blake, Powell and Mayor Jack voted no.

Main Motion failed with Decker, Blake and Prysunka voting yes; Mitchell, Powell, Rooney and Mayor Jack voted no.

5c Executive Session: Options for disposing of the Belt Freezer Facility

M/S: Prysunka/Powell, pursuant to AS 44.62.310 (c), (1), that we recess into executive session to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the Borough, specifically the options for disposing of the Belt Freezer facility. Motion approved unanimously by polled vote.

Clerk Lane asked if the Assembly wanted to invite Manager Jabusch into Executive Session, the Assembly said yes.

Special Assembly meeting recessed @ 12:27 p.m.
Special Assembly meeting reconvened @ 1:12 p.m.

Special meeting recessed at 1:13 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

**Minutes of Special Assembly Meeting
Held July 19, 2016**

Mayor David L. Jack called the Special Assembly meeting to order at 12:00 p.m., July 19, 2016, in the Assembly Chambers. Assembly Members Powell, Prysunka, Rooney, Blake, and Decker and were present. Assembly Member Mitchell was absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane also attended.

CONFLICT OF INTEREST

There were no conflicts of interest.

PERSONS TO BE HEARD

There were no persons to be heard.

ITEM OF BUSINESS

5a Approval of a Bid received for the Barge Ramp Concrete Paving Project

M/S: Prysunka/Blake, to approve a bid award to BW Enterprises for construction of the Wrangell Barge Ramp Concrete Paving project in the amount of \$122,091.06, funded from the Ports and Harbors FY17 Reserves.

Assembly Member Prysunka questioned why the other bidder's bid was considerably higher than BW Enterprises.

Greg Meissner, Wrangell Harbormaster, stated that he was not exactly sure; possibly, because of the large amount that the other bidder stated for mobilization among some other items.

Prysunka and Mayor Jack requested that in the future, all of the bid schedules be included in the packet.

Motion approved unanimously by polled vote.

Special meeting adjourned at 1:08 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

**Minutes of Emergency Assembly Meeting
Held July 19, 2016**

Mayor David L. Jack called the Emergency Assembly meeting to order at 5:00 p.m., July 19, 2016, in the Assembly Chambers. Assembly Members Powell, Prysunka, Rooney, and Decker and were present. Assembly Members Blake and Mitchell were absent. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane also attended.

CONFLICT OF INTEREST

Assembly Member Decker declared a potential Conflict of Interest to the item on the Agenda because she delivered fish to Trident and because one of her Board of Directors is an employee of Trident. Mayor Jack stated that he did not see that as a conflict of interest as it would not affect her financially directly. There were no objections from the Assembly.

ITEM OF BUSINESS

5a Discussion and possible action regarding the treated water shortage which affects the community of Wrangell and the local Fish Processing plants

PERSONS TO BE HEARD

Manager Jabusch provided a summary of the things that the City was doing to help the water shortage issue.

- City Departments taking conservation measures (pool, showers, docks, public restroom faucets)
- Looking and responding to water leaks
- Sending informational and conservation letters to all Wrangell Box Holders to save 30% to 50%; water saving tips
- Looking at ideas that Wayne, WTP operator has
- Long term plan – pilot study for a new plant in the future; type of water makes a difference

Wayne Kaer, 218 Berger Street: Voice his concern about the study that had been done with no outcome; he also voiced his concern about the upcoming plan to build the ANSEP High School. Where would the water come from to support the school? Where would you get the electricity come from?

Assembly Member Prysunka stated that nothing had been given to anyone at the Institute property; letter sent was to say that we support the idea.

Mayor Jack stated that the question was not on the subject on the Agenda.

Manager Jabusch stated that the past study had been on the reservoir; the problem today is the water that we treat coming from the Plant.

Gary Allen, 619 Evergreen Avenue: recommended that the Assembly look at extracting water from Sunrise Creek.

Amber Al-Haddad, Public Works Director and Wayne McHolland, Water Treatment Plant operator provided extensive detail on the treatment plant and the challenges that they are facing.

- Capacity to build water at the Water Treatment Plant
- We have water in the reservoir however the level is low
- Asking people to conserve water
- Dirtier Water; as banks become exposed the water coming into the reservoir is dirtier
- Not able to keep up with the amount of water going to the town
- Not a new problem, especially in the summer
- Having a problem with the filters keeping up with the water leaving the plant

Wayne McHolland, Water Treatment Plant operator provided extensive detail on the treatment plant:

- We have 2 water tanks that have a holding capacity of 424 thousand gallons; we do not have the ability to hold the total allowable capacity (approximately 50 thousand gallons less)
- Water coming into the Plant is atrociously dirty
- Sand filters that we have installed were never meant to process surface water; were meant to process ground water
- Had been a problem from the beginning
- Comes into the Plant, inefficiencies in the Roughing filtration system; clogs the main filters which then need to be cleaned every few days
- The plant was designed for the filters to last 3 months and be cleaned once a quarter
- Because the sediment settles in the sand, the bio mat does not form and therefore we have to go in every few days with a 4 wheeler w/plow and break up the sediment
- We then have to back flush the sediment out of the tanks
- When we back flush, we lose about 200 thousand gallons of water each time we clean a filter
- This time of the year (normally) we would get about a week out of the filter; hasn't been the case this year; cleaning every few days now

- When filters need to be cleaned, they overflow which causes a loss of production

Assembly Member Decker asked why this was a problem this year and not last year.

John Webby, 720 Stedman Street, Ketchikan, Trident Seafoods, asked Mr. McHolland if it was possible to install a portable sand filter.

Mr. McHolland replied that we are required by DEC to filter for multiple germs and viruses, we would have to get approval from DEC; we currently get this by ozone pre-treatment, filtration, and chlorination of the water.

Mr. McHolland said that we have one new generator that is designed to side inject ozone directly, and one old generator that does not; the old one must operate to match the new one so it is not working as it was designed to.

Assembly Member Prysunka questioned what measures the community can take; what immediate solutions are there.

Prysunka stated that it should be a policy that we do not sell water to cruise ships in the future.

Mr. McHolland stated that it would help to locate leaks and fix them. He also said that if we were to turn off the water, there is what they call inflow and exflow; everything that you put in the ground leaks; if you turn off the water; the negative pressure will cause the ground water to leak into the lines, which would cause a health risk.

Ms. Al-Haddad stated that they have taken steps to locate and fix leaks.

Assembly Member Powell asked if there was anything that we could get within the next two weeks (on a barge), that could help produce water that the fish processing plants could use.

Ms. Al-Haddad brought up an idea that Mr. McHolland had thought of to modify the Roughing Filter since it was not working very well; could possibly promote cleaner water; not a sure thing but might be worth a try.

In response to Assembly Member Decker, Mr. McHolland said that the water usage between the public and the fish processing plants was about 50/50.

Greg McCormack, Shoemaker Loop Road, asked is we could bypass the treatment plant and temporarily use unfiltered water.

Mr. McHolland said that would be a bad idea because the public would have to boil their water and because of EPA/DEC requirements (once the water was brought back online) we would have to test every single water line.

Zack Taylor, 630 Council Drive, asked if there was an ordinance or some sort of law enforcement for those who were wasting water.

Ms. Al-Haddad stated that there was no ordinance in our code at this time.

There was some discussion regarding the equality of the water consumption between the fish processing plants.

Mr. Webby stated that whatever the volume was, he was looking for a more equitable divide.

Ms. Al-Haddad stated that both of the fish processing plants were taking measures to effectively conserve water and use saltwater for their processing of fish.

Mr. Webby stated that they had to divert vessels to Ketchikan to process fish; costs a lot of money and lower quality fish. He stated that there was no way that they could stay in business this way; needs the Assembly to do something.

Vern Phillips, 114 4th Street, Sealevel Seafoods, stated that we need to come up with a solution to this problem; changes being made tonight where Sealevel would use 60% less fresh water.

Assembly Member Decker stated that Sealevel Seafoods does not have another fish processing plant where they could divert fish to; must come up with some sort of solution.

After more extensive discussion; Prysunka made the following motion:

M/S: Prysunka/Rooney, to authorize the Borough Manager to procure materials and supplies and labor to make improvements to the water processing system, as he sees fit.

M/S: Decker/Rooney, to amend the motion to add: to authorize the City Manager to reduce the flow of water to the Wrangell public, to offer reduced water rates to users

who reduce their water usage by 30%, explore options for solutions discussed tonight which include, but are not limited to: the catch basin filtration at the early stages and purchasing water, and to sit down with City Staff and the processors to establish daily or weekly water limitations.

Ms. Al-Haddad stated that if we reduced the flow to the public, we would be reducing the flow to everyone; reducing the flow of water to the processors would mean that we would have to close their water valve at the water main to stop the flow.

There was discussion that if we adjusted the rates, there would need to be an ordinance drawn up and taken through the process of adoption.

Emergency meeting recessed at 6:53 p.m.

Emergency meeting reconvened at 7:03 p.m.

Doug McCloskey, Wrangell Police Chief, reported that after looking in our Disaster Manual for the City, if the Assembly chose to, we could start the Incident Command System.

Chief McCloskey explained that by declaring a Water Crisis, this would allow the Borough Manager to access State resources. He read in our policy that loss of water does constitute a declaration of a local emergency.

Prysunka stated that by declaring an emergency, it would elevate awareness and promote the seriousness of the situation.

Rooney stated that we need to tread lightly because if we declare an emergency, the State could come in and take over; could require things that we may not want.

Chief McCloskey replied that we could always say no and withdraw our declaration.

After more discussion, the Assembly agreed that it would be a good idea to declare a water crisis.

Decker spoke in regards to her amendment to the pending motion; asked Manager Jabusch if he felt comfortable making the tough decisions if they came up. Manager Jabusch stated that he did feel comfortable with that responsibility.

Assembly Member Decker withdrew her amendment to the main motion, the seconder (Assembly Member Rooney) agreed with the withdrawal of the amendment.

Main motion approved unanimously by polled vote.

The Assembly requested that if we declare an emergency that the letter that was going out to the public, to be amended to add that verbiage.

Decker requested that we start to talk about a long-term fix; Seafood processors to come up with a long term fix and what their contribution to that fix could be.

Mayor Jack requested that there be an item added to the next agenda to discuss a new water treatment facility.

Manager Jabusch reported on the efforts to look at replacing the water treatment facility; may be an opportunity to get a USDA Loan/grant.

M/S: Prysunka/Powell, to authorize the Borough Manager to sign a declaration of a disaster in Wrangell, on behalf of the Assembly. Motion approved unanimously by polled vote.

Emergency meeting adjourned at 7:35 p.m.

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

Agenda Item 7

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

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. Gaming Permit Application for Team Wrangell (AAU Basketball Girls)
- b. School Board minutes from May 16, 2016
- c. Minutes of the Wrangell Medical Centers meeting held June 15, 2016

*13g Final Plat approval for the Torgramsen-Glasner plat

Form **826****Gaming Permittee Application**For Year Ending: 2016**Organization Information**☐ Check this box if amending your gaming permit application.

Federal Employer Id XX-XXX0240	If renewing, enter gaming permit #	Phone Number 907-305-0910	Website address teamwrangell.weebly.com	
Organization Name TEAM WRANGELL		Email address PALLEN@AHFC.US		
Mailing Address PO BOX 1941		City WRANGELL	State AK	Zip Code 99929-0000
Entity Type Corporation		Organization Type Nonprofit trade association		
Does the organization have 25 or more members, as defined in your articles of incorporation or bylaws, who are Alaska residents? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				

Legal Questions These questions must be answered.☐ Yes ☒ No

Does any employee with a managerial or supervisory capacity, or any person who is responsible for gaming activities, have a prohibited conflict of interest as defined by 15 AAC 160.954?

☐ Yes ☒ No

Has any employee with a managerial or supervisory capacity, or any person who is responsible for gaming activities, ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?

We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below, we agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.

Confirmation Number 1-765-965-824	Date July 7, 2016
--------------------------------------	----------------------

Permit Fee The permit fee is based on the 2016 estimated gross receipts. Check the appropriate box.

<input checked="" type="checkbox"/> New applicant	\$20	<input type="checkbox"/> \$0 - \$20,000	\$20
<input type="checkbox"/> \$20,001 - \$100,000	\$50	<input type="checkbox"/> \$100,001 or more	\$100

Members in Charge of Games

Members in charge of Games must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in Charge of Games may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization.

Primary First Name PENNY	M.I.	Primary Last Name ALLEN	Social Security Number	Daytime Phone (907)305-0910
City WRANGELL	State AK	Zip Code 99929-0000	Email Address pallen@ahfc.us	Cell Phone

Form **826****Gaming Permittee Application**

Gaming Permit #	Organization Name TEAM WRANGELL			
Alternate First Name JAMIE	M.I.	Alternate Last Name ROBERTS	Social Security Number	Daytime Phone (907)470-4844
City WRANGELL	State AK	Zip Code 99929-0000	Email Address jreimer@aptalaska.net	Cell Phone

Facility-Based Games (self-directed)

Facility Name	Physical Address	City	State	Zip Code
Facility Type	Game Type			

Manager of Gaming

Required only for self-directed pull-tabs and bingo.

Manager First Name	MI	Manager Last Name	Social Security Number XXX-XX--XX-	
Home Mailing Address		City	State AK	Zip Code -----
Email Address	Cell Phone		Daytime Phone	

Area-Based Games

Area Wrangell	Game Type Raffle or Lottery
------------------	--------------------------------

Dedication of Net Proceeds (Required)

Describe in detail how the organization will use net proceeds from gaming activities.

funds will be used to purchase equipment for our basketball club, uniforms, gear, fundraising items, and office/advertising supplies, it will pay for travel to tournaments, hold our own tournament, pay for gym rental, AAU fees, van rentals/gas, lodging/meals, healthy activities for athletes, costs for clinics, costs to hold workshops and clinics, and any other activity/supply that has to do with basketball for our youth.

PROCEEDINGS

MINUTES WRANGELL SCHOOL BOARD REGULAR MEETING May 16, 2016 6:30 PM Evergreen Elementary School Room 101

School Board President Susan Eagle called the regular meeting of the Wrangell Public School Board to order at 6:33 P.M. on May 16, 2016.

CALL TO ORDER

A quorum was determined with the following school board members present: Susan Eagle, Tammy Groshong, Pam McCloskey and Aleisha Mollen. Rinda Howell was absent, excused. Also present was Superintendent Patrick Mayer and Recording Secretary Kimberly Powell.

DETERMINE QUORUM

The Pledge of Allegiance was recited, led by Pam McCloskey.

PLEDGE OF ALLEGIANCE

2nd Grade Student, Roma Allen recited a poem that she wrote, entitled "We are Diamonds." Her poem was accepted into the 2015-2016 Young Poet's Collection. Principal Deidre Jensen presented Roma with a framed presentation of her poem.

STUDENT PRESENTATION

There was not a student representative present to report. A written report was included in the board packet.

STUDENT REPRESENTATIVE REPORT

Mark Armstrong, parent, told the School Board that he wanted to share something with the Board that was sexual and graphic in nature. (He passed out a graphic showing penis models to the board). He shared the letter he received as a parent that talked about sex ed. He appreciates the policy of the School that allows him to opt out as a parent. He is concerned that there is no curriculum that he could review to know whether or not he would like to opt out. He had no idea that this was going to be shared with his child. He feels that the system let him down. He spoke to Mrs. Howe and Mr. Benson. Mrs. Howe indicated to Mr. Armstrong that the students knew what was going to be presented. Mr. Armstrong said that if his daughter knew what was going on during the presentation, she would not have attended the presentation. If he knew what was going to be presented, his daughter would not have attended the presentation. Mr. Armstrong said that in the past, parents had the ability to review the curriculum prior to Mr. Gerald teaching the students. While he is not opposed to sex education being taught in the classroom, he would appreciate the opportunity to preview the curriculum prior to it being taught.

GUESTS TO BE HEARD

Odile Meister, former life science teacher and parent, expressed appreciation for the Public Health Nurse spending two days in health class teaching the sex education class to 9th graders. She felt this was a good compliment to the abstinence program.

Diane O'Brien, parent expressed her appreciation for Mr. Benson and told the Board that she enjoyed attending the advisory committee meetings that he facilitated. Mrs. O'Brien said that she enjoyed the spring concert and the parent meetings. She really appreciates having Ms. Szczatko from UAS available. Mrs. O'Brien told the advisory committee members would like a copy of the exit interviews conducted by the school board. She quoted a couple of items from the previous year's senior exit interview regarding the need for a lockdown drill and the added requirement of two-years of a foreign language. The advisory committee members would like to receive training on their duties as advisory members. Mrs. O'Brien was concerned that public hearings and special school board meetings are not advertised. She said that there would have been more people at the public hearing if they had known about it prior to it coming out in the bulletin today. Mrs. O'Brien also expressed appreciation for Ms. Galla and Mr. Davis.

The School recognized retiring teacher, Michele Galla and congratulated her on earning her Master's degree. Ms. Galla was presented with a bouquet of flowers.

**RECOGNIZED MICHELE GALLA,
RETIRING TEACHER**

The agenda was approved as presented by unanimous consent.

APPROVAL OF AGENDA

Reviewed Correspondence as presented.

**REVIEWED
CORRESPONDENCE**

- Motion to approve action items on the consent agenda as presented by Aleisha Mollen, seconded by Tammy Groshong. Poll vote: Tammy Groshong: Yes; Pam McCloskey: Yes; Aleisha Mollen: Yes; Susan Eagle: Yes. Motion approved.
- Accepted the minutes of the April 18, 2016 Regular Board Meeting and the April 28, 2016 Special Board Meeting as presented
 - Approved removal of surplus, obsolete and broken inventory from the database as presented

APPROVAL OF CONSENT AGENDA

Motion to accept the 2015-2016 APEI Safety Equipment and Training Grant award in the amount of \$1,000.00 as presented by Aleisha Mollen, seconded by Tammy Groshong. Poll vote: Pam McCloskey: Yes; Aleisha Mollen: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved.

ACCEPTED THE APEI SAFETY GRANT AWARD

Motion to approve the application of the Migrant Education Literacy Grant to provide funding for books for our migrant education students by Tammy Groshong; seconded by Aleisha Mollen. Poll vote: Pam McCloskey: Yes; Aleisha Mollen: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved.

APPROVED THE MIGRANT EDUCATION LITERACY GRANT APPLICATION

Motion to approve the application of the First Bank Community Development Grant to provide funding for new musical instruments by Pam McCloskey, seconded by Aleisha Mollen. Poll vote: Tammy Groshong: Yes; Aleisha Mollen: Yes; Pam McCloskey: Yes; Susan Eagle: Yes. Motion approved.

APPROVED THE FIRST BANK COMMUNITY DEVELOPMENT GRANT

Motion to approve the application of the Wells Fargo Grant to provide funding for new musical instruments by Tammy Groshong; seconded by Pam McCloskey. Poll vote: Pam McCloskey: Yes; Aleisha Mollen: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved.

APPROVED THE WELLS FARGO GRANT APPLICATION

Motion to offer extracurricular contracts for the 2016-2017 school year as presented by Aleisha Mollen, seconded by Tammy Groshong. Poll vote: Aleisha Mollen: Yes; Tammy Groshong: Yes; Pam McCloskey: Yes; Susan Eagle: Yes. Motion approved.

OFFERED EXTRACURRICULAR CONTRACTS

The resignation of Edna Abella, High School Basketball Coach was presented as an item of information.

REVIEWED RESIGNATION OF EDNA ABELLA, COACH

Motion to accept the first reading of (Board Policy #7230) Board Member Orientation as presented by Aleisha Mollen, seconded by Tammy Groshong. Poll vote: Pam McCloskey: Yes; Aleisha Mollen: Yes; Tammy Groshong: Yes; Susan Eagle: Yes. Motion approved. The School Board directed the administration to change "should" to "shall" and add "within three months following the election."

ACCEPTED THE FIRST READING OF BOARD POLICY 7230, BOARD MEMBER ORIENTATION**Reviewed Board Policy:**

- Board Policy #7260, Board and Staff Members Indemnification
- Board Policy #7261, The Legal Advisory Service
- Board Policy #7270, Conflict of Interest
- Board Policy #7271, Board Members Code of Ethics

REVIEWED BOARD POLICY

Motion to recess into executive session to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the district, more specifically the possible purchase of real estate property by Aleisha Mollen; seconded by Pam McCloskey. All in favor; none opposed. President Eagle invited Superintendent Mayer to attend the executive session.

RECESSED INTO EXECUTIVE SESSION AT 7:12 PM**Reconvened into Regular Session at 7:30 PM****RECONVENED INTO REGULAR SESSION AT 7:30 PM**

Motion to request permission from the Wrangell Borough Assembly to move forward with the investigation and negotiation of real estate property as presented by Aleisha Mollen, seconded by Tammy Groshong. Poll vote: Aleisha Mollen: Yes; Tammy Groshong: Yes; Pam McCloskey: Yes; Susan Eagle: Yes. Motion approved.

APPROVED REQUESTING PERMISSION FROM THE BOROUGH ASSEMBLY TO MOVE FORWARD WITH THE INVESTIGATION AND NEGOTIATION OF REAL ESTATE PROPERTY ACCEPTED INFORMATION & REPORTS

Information & Reports were accepted by unanimous consent.

Reviewed the upcoming dates and meeting announcements.

REVIEWED DATES & MTG ANNOUNCEMENTS

Aleisha Mollen is impressed with the community award that our basketball teams received at Region V. She told the other board members that she is excited for graduation.

PRESIDENT'S REMARKS AND COMMENTS FROM BOARD MEMBERS

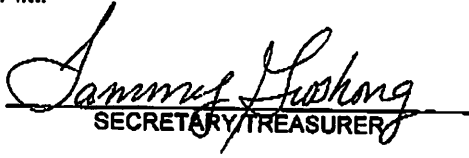
Tammy Groshong said that she likes the new web site. She is sad to see Mr. Benson leave.

Pam McCloskey; congratulated the graduating seniors. She told the other board members that forgot that as a board member she would be part of the graduation. Susan Eagle thanked the audience for attending the meeting and giving input, especially in the public hearing.

PRESIDENT'S REMARKS AND
COMMENTS FROM BOARD
MEMBERS

Meeting Adjourned at 7:42 P.M.

ADJOURNED AT 7:42 P.M.


SECRETARY/TREASURER



WRANGELL MEDICAL CENTER
BOARD OF DIRECTORS MEETING MINUTES
June 15, 2016 - 5:30 p.m.
Location: Nolan Center

CALL TO ORDER: Meeting was called to order at 5:30 by President, Terri Henson

ROLL CALL:

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

Attending by teleconference: Woody Wilson

Absent: Olinda White

(one open seat)

Quorum established

Assembly representative Becky Rooney was present

AMENDMENTS TO THE AGENDA:

Added item 7.a Correspondence: email from City Clerk re: acceptance of Personnel Policy changes

CONFLICT OF INTEREST: None

CONSENT ITEMS:

Motion made by Barb Conine to approve consent item 5.a minutes of the regular meeting held May 18, 2016; and item 5.b statistics: May 2016, Maxi Wiederspohn seconded, passed unanimously.

PERSONS TO BE HEARD: None

CORRESPONDENCE:

Email from City Clerk notifying the WMC Board that changes to the WMC Personnel Policies were accepted at the June 14, 2016 Assembly meeting.

REPORTS AND COMMUNICATIONS FROM WMC STAFF:

a. **Quality Report:**

- Cathy Gross presented a written report and added that Shelly Smith says CMS is updating the CAH regulations to say that if a CAH participates in MBQUIP, then they are in compliance with the quality regs.

b. **CFO Report:**

- In addition to the written report, Doran Hammett, CFO, added that the "days cash on hand" remains strong at 31 days.
- WMC has made a monthly payment of \$10,000 to the city against the amount borrowed on the line of credit for the lab equipment. The goal is to make a \$10k payment each month until the debt is paid off.
- Medicaid is current – having caught up on their payments in arrears.
- The numbers are still running really close to the budget in all areas – income is slightly above, expenses are slightly below budgeted amounts.
- The Medicare rate letter has been received noting a total increase of \$640,000 this year.
- Expect that July will be a bit rougher with insurance and other payments due at the beginning of the fiscal year

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

BOARD OF DIRECTORS MEETING

June 15, 2016 - 5:30 p.m.

REPORTS AND COMMUNICATIONS FROM WMC STAFF: (continued)

- c. CEO Report: the CEO was at training this week so a written report was submitted.

MEDICAL STAFF REPORT: None

ACTION ITEMS:

- a. Board Bylaws revisions: passed after a short discussion and some changes were made.

Motion: Barb Conine moved to discuss amendments to the WMC Board of Director Bylaws, Maxi Wiederspohn seconded and discussion took place, following discussion Barb withdrew this motion and Maxi seconded.

Motion: Judy Allen moved to approve the amendments to the WMC Board of Directors Bylaws as presented and changed. Barb seconded, motion passed unanimously. The revised Bylaws will now go to the City Assembly for approval.

- b. "Financial Assistance" Policy: passed after Doran Hammett, CFO clarified that this policy brings us into compliance with the Affordable Care Act. Discussion took place around how to get the word out about the policy; it can be advertised in the paper, on the website and on FaceBook.

Motion: Judy Allen moved to approve the "Financial Assistance" Policy as presented, Barb Conine seconded, motion passed unanimously.

DISCUSSION ITEMS: None

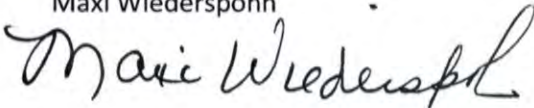
INFORMATION ITEMS:

- a. New Building project: an update will be available next month – CEO is traveling this month.

BOARD COMMENTS: None

ADJOURN: With no further business, the meeting adjourned at 6:00 p.m.

Maxi Wiederspohn



Kris Reed,

Date Certified: 7/20/16



MEMORANDUM

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

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

SUBJECT: MANAGER'S REPORT

DATE: July 26, 2016

Water Crisis:

The water crisis has dominated the community this summer and it will continue to the end of the processing period in late August. Steps that have occurred and will be in place until the processors are complete with their season:

1. The community has and will continue to be in a declared disaster for water conservation.
2. The above action gives the borough and staff the ability to take any necessary action necessary to increase production at the plant or to enforce water waste by the public.
3. We have reached out to our water engineer, State of Alaska Disaster Department and others in the field. Help from the State and others is limited because this was not a disaster caused by a natural event such as a land slide, earth quake or other such events.
4. We will be providing daily updates to the public and press about any new developments.
5. We have sent out a letter to all box holders about the problem and have stressed to the public the importance of conservation of this valuable resource.
6. The declaration of this disaster has triggered our emergency response plan and staff was been assigned duties under this plan. Kim Lane, our Borough Clerk, has been assigned the Information Officer and will handle all correspondence to and from both the public and the press.
7. We are working with the processors on a variety of levels and they have been very cooperative in their efforts to make changes that are showing huge reductions in water use.
8. We have been actively seeking a treatment plant replacement. The borough received a grant over a year ago to study what kind of plant will work best for the type of water that we have. A Request for Proposals was developed and sent out and an engineering firm was selected. The firm has been working on studying various plants and issued an interim report on the type of plants available and has tentatively recommended a treatment plant. They currently have a small pilot plant in Wrangell and will begin the field test to be sure that this plant will do the job. If it shows it will, the borough will seek funding to design and build the plant. At this time, we do not have a time table.

Other Municipal Activity:

- **Wood Street Construction-** Wood Street construction has started and is going well. This project includes replacing some water mains, widening and paving the road and some electrical work.
- **Street Paving** -We will have bid results on this meeting for some summer paving we would like to do. Depending on the bid results we will pave the following streets:
 - Base Bid: 350 feet of Third Street.
 - Alternate A: 75 feet of Sunset Blvd.

- Alternate A: 170 feet of Ocean View Drive
 - Alternate B: 100 feet of Cedar Circle
 - Alternate C: 210 feet of St. Michaels Street
 - Alternate D: 175 feet of First Avenue
- **The Institute Property-** The overall plan for the old Institute Property includes a section for education. The assembly approved a resolution supporting the concept of the ANSEP School. The next step in that process is the formation of a temporary committee that would include a member from the Assembly, School Board, Wrangell Cooperative and others. The purpose of the committee is to field questions from the group and others and to try and get answers to all questions. There are going to be a lot of unknowns and it is important that the questions and the answers are coming from a single source supported by facts.
- **Mill Property-** We continue to perform our due diligence on the mill property. There is a lot to consider and we believe we are getting closer to coming to a decision that staff can bring to the assembly. Mr. Buhler continues to be updated on our progress.
- **Evergreen-** We have been working with Senator Stedman's office to get to the bottom of why the project has been delayed. It does seem to again be moving forward to go to bid before the end of the year with construction in 2017.
- **City Dock Work-** The new float and ramp at the city dock is complete and installed. The last project on the dock is the electrical upgrade. That is expected to be bid out soon. As the grant expires next June and all work on the grant needs to be completed by that date.
- **Barge Ramp Yard Work-** A bid was awarded to BW Enterprises for new concrete work in the Barge Ramp Yard. This work will begin immediately and is expected to be completed in 30 days.
- **Alaska Court Lease at the Public Safety Building-** The negotiations have been ongoing since January. If a couple of final changes can be made by the court, I think we can come to an agreement. The document will need the approval of the assembly and legal review.
- **SEAPA Interruptible Agreement-** SEAPA has approved a plan to offer an interruptible rate to the School and likely the Nolan Center and Public Safety Building once we can get them again using heating fuel. The idea is that SEAPA has excess power that could be sold if it was equal to or less than the cost of heating with heating fuel. Since heating fuel is now less expensive than electric heat, SEAPA is offering an interruptible rate to encourage to heat with electric heat instead of heating fuel. Staff will review the proposed agreement and respond as soon as possible. The water issues have temporarily put this on the back burners, but it is important to both us and SEAPA. The rebates our electric department has received from SEAPA assist greatly our electric department, but the rebates don't happen without power sales. I will try and get this done as soon as possible.
- **Airport Security Contract-** The contract to do the security at the airport expired June 30, 2016. The Department of Transportation and Public Facilities (DOT/PF) is trying to cut costs and had asked us if we would do this service for much less. We discussed this with them and have renewed the agreement for the next fiscal year at the same amount as last years. We did agree to discuss this with them for future years.

Agenda Item 9

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM

CLERK'S REPORT July 26, 2016

Mark Your Calendar:

7/30	Community Market at the Nolan Center @ 10am
8/1 thru 8/31	Declaration for Candidacy OPENS for Elected Seats for the Regular Borough Election
8/4	Port Commission meeting @ 7pm in the Assembly Chambers
8/11	Planning & Zoning Commission meeting @7 pm in the Assembly Chambers
8/17	Hospital Board meeting @ 5:30pm at the Nolan Center
8/20	Community Market at the Nolan Center @ 10am
8/23	Borough Assembly meeting @ 7pm in the Assembly Chambers

AML Summer Legislative Conference

To be held in Wasilla from August 16-19, 2016.

Assembly Member Rooney will be attending.

Southeast Conference - Petersburg, AK

September 20-22, 2016

Assembly Member Decker is planning on attending.

Upcoming vacancies that will appear on the Ballot in October:

Mayor: One - (2 year term) (Jack)

Assembly: Two – (3 year terms) (Decker & Blake)

Port Commission: Two – (3 year terms) (Yeager & Silva)

School Board: Two – (3 year terms) (Howell & McCloskey)

Hospital Board: One – (4 year term) (Messmer/Conine)

Hospital Board: Two - (2 year unexpired terms) (Vacant & White)

Agenda Items 10 a - c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

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 10-2017)
- 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)
- Nolan Museum/Civic Center Board (unexp. until 10-2016)

There were no letters received for these vacancies.

Recommended Action:

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

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

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

- **Item 10c** Appointment to fill the vacancy on the Wrangell Medical Center, Hospital Board, unexpired term until October 2016.

There were no letters received for these vacancies.

Recommended Action:

Appointment is to be filled by the Mayor with the consent of the assembly for the vacant seat.

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

Motion: Move to appoint _____ to fill the vacancy on the Hospital Board for the unexpired term ending October 2016.

Agenda Item 12a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

PROPOSED ORDINANCE No. 919: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROPOSING AN AMENDMENT TO THE HOME RULE CHARTER, REPEALING SECTION 3-10, NOLAN MUSEUM AND CIVIC CENTER
(second reading)

Attachments:

1. Memo from Terri Henson, Nolan Museum Director
2. **Proposed Ordinance No. 919**
3. Wrangell Charter Section 3-10 and WMC Section 3.54

Additional Information: On June 14, 2016, the Assembly voted to have the Clerk draft an ordinance that repealed WMC Section 3.54. Since there is a provision in our Charter that state that there “shall” be a board established to operate the museum, the next step would be to adopt an ordinance that would be added to the October ballot to amend the Charter. If this ordinance (proposition) passes by a majority of votes in October, the Assembly will then consider at a meeting to repeal WMC Section 3.54.

RECOMMENDED ACTION:

Move to adopt Ordinance No. 919 that would place the question on the October 4, 2016 regular Borough Election Ballot to repeal Charter Section 3-10, Nolan Museum and Civic Center.



May 25, 2016

Honorable Mayor & members of the Borough Assembly,

Over the past few years it has been increasingly hard to get a quorum to hold the quarterly Nolan Board meetings. About 7 years ago we reduced the number of board members to 7 so it would make it easier to establish the number needed. As with all boards we've had a continuing problem getting enough people to fill the seats and have had to cancel / postpone meetings on a regular basis due to the lack quorum. At this time 4 of the 7 seats are vacant. One member is working a job out of town, one member isn't available in the summer months. There is a cost associated with planning meetings, advertising, paying for the secretary and setting up. Most of the time the meeting cannot take place. And a couple of years ago we went almost a year with no meeting.

The Nolan board is an advisory board and as such the meetings have consisted of giving the same report submitted to the City Manager and the Friends. We've had more involvement with the friends this past couple of years and we have the ability to ask them to form special committees if needed.

Because of the information above, I would request that the Borough Assembly consider passing an Ordinance that would repeal WMC Section 3.54 James and Elsie Nolan Museum and Civic Center Board.

Thank you,

Terri Henson, Civic Center Director

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 919

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROPOSING AN AMENDMENT TO THE HOME RULE CHARTER, REPEALING SECTION 3-10, NOLAN MUSEUM AND CIVIC CENTER

WHEREAS, Section 3-10 of the Home Rule Charter of the City and Borough of Wrangell provides that the Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the Assembly; and

WHEREAS, Chapter 3.54 of the Wrangell Municipal Code established the James and Elsie Nolan Museum and Civic Center Board (Nolan Board) to advise the Assembly and Borough staff on the use and development of the museum and civic center; and

WHEREAS, in 2009 the Assembly adopted Ordinance No. 840 to reduce the membership of the Nolan Board from eleven to seven in order to make establishing a quorum easier; and

WHEREAS, the Nolan Board is an advisory board that provides the same functions for the Nolan Center as the Friends of the Wrangell Museum, Inc., a charitable and educational nonprofit corporation formed under the laws of the State of Alaska and operated by a seven member board of directors; and

WHEREAS, the Nolan Center staff has the ability to ask the Friends of the Wrangell Museum to form a special committee to consider and advise on particular issues concerning operation and use of the Nolan Center, if necessary; and

WHEREAS, there have been three vacant seats on the Nolan Board since October 2015; and

WHEREAS, the expense to the Borough of scheduling the meetings and paying for a secretary for the Nolan Board is not cost effective; and

WHEREAS, after reviewing this matter, the Assembly voted on June 14, 2016, to repeal Chapter 3.54 of the Wrangell Municipal Code, James and Elsie Nolan Museum and Civic Center Board; and

WHEREAS, in order to implement that action, the Assembly is proposing this amendment to the Charter repealing Section 3-10;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND

BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing Home Rule Charter 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. Classification. This ordinance is of a permanent nature and, if approved by a majority of the qualified voters voting on the proposition set forth in Section 4, shall become a part of the Home Rule Charter of the City and Borough of Wrangell, Alaska.

SEC. 2. Charter Amendment. The purpose of this ordinance is to repeal Section 3-10, Nolan Museum and Civic Center, of the Wrangell Home Rule Charter, as follows:

Section 3-10 Repealed [Nolan Museum and Civic Center.]

[The borough-operated James and Elsie Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the assembly.]

SEC. 3. Submission of Question to the Voters. An amendment to repeal Section 3-10 of the Home Rule Charter of the City and Borough of Wrangell, Alaska, shall be submitted to the voters of the City and Borough of Wrangell at the next regular borough election. The Borough Clerk shall prepare the proposition and perform all necessary steps in accordance with law to submit this proposition to the qualified voters of the Borough for approval or rejection at the next regular borough election, to be held October 4, 2016.

SEC. 4. Proposition. The proposition shall read substantially as follows:

PROPOSITION 1

Explanation

Section 3-10 of the Home Rule Charter provides that the Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the Assembly. The Assembly has determined that the Nolan Board, established by ordinance as an advisory board, is no longer necessary or cost effective as its function is provided by the Friends of the Wrangell Museum. The Assembly therefore adopted Ordinance No. 919 proposing an amendment to the Charter to repeal Section 3-10.

CHARTER AMENDMENT

Shall the Home Rule Charter of the City and Borough of Wrangell be amended to repeal Section 3-10, Nolan Museum and Civic Center, as set forth in Ordinance No. 919?

YES (oval)

NO (oval)

SEC. 5. Effective Date. (a) The Charter amendment proposed in Section 2 of this ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held on October 4, 2016, if approved by a majority of the qualified voters voting on the proposition set forth in Section 4.

(b) Sections 3 and 4 of this ordinance authorizing the submission of the proposition to the qualified voters of the City and Borough shall become effective upon adoption.

PASSED IN FIRST READING: June 28, 2016.

PASSED IN SECOND READING: _____, 2016.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Wrangell Charter Section 3-10

Section 3-10 Nolan Museum and Civic Center.

The borough-operated James and Elsie Nolan Museum and Civic Center shall be operated by a board established by ordinance and appointed by the assembly.

Chapter 3.54

JAMES AND ELSIE NOLAN MUSEUM AND CIVIC CENTER BOARD

Sections:

- 3.54.010 Established – Membership – Organization.
3.54.020 Powers and duties.

3.54.010 Established – Membership – Organization.

A. There shall be a James and Elsie Nolan Museum and Civic Center board which shall consist of seven members appointed by the mayor with the approval of the assembly for overlapping three-year terms. All members of the board shall be residents of the city and borough. The members shall be appointed as set forth below:

1. The present membership of the board is hereby confirmed. The terms of the members shall begin on October 1st, with three members to be appointed in the first year, and two members in each of two successive years and in like manner thereafter. A member may be removed by the mayor with approval of the assembly for the good of the service. Vacancies shall be filled for the unexpired terms. Members shall serve without compensation.

B. The board shall hold regular meetings at least once each calendar quarter at such times as its chair may determine. The chair shall give each member at least 48 hours' prior written or oral notice of the date, time and place of each meeting.

C. The board shall give reasonable public notice of its meetings, its meetings shall be open to the public, and reasonable opportunity shall be provided for the public to be heard at each meeting.

D. Four members of the board shall constitute a quorum for the transaction of business. Actions of the board are taken by the vote of a majority of the members duly present at a meeting of the board duly held at which a quorum is present. The board shall keep minutes of its proceedings and records of its official actions.

E. Any member who misses more than two regular meetings in a consecutive 12-month period without being excused by the board shall automatically forfeit membership on the board.

F. The board shall annually elect from among its members a chair, vice chair and secretary-treasurer.

G. Board members shall conduct their activities in such a way that no conflict of interest arises between their other interests and the policies, interests and operation of the museum and civic center.

H. The board may establish its own rules, regulations and policies consistent with this chapter and subject to the approval of the assembly. [Ord. 840 §§ 1, 2, 2009; Ord. 835 § 1, 2009; Ord. 759 § 1, 2004.]

3.54.020 Powers and duties.

The powers and duties of the board shall be as follows:

A. Receive, consider and evaluate public opinions and recommendations regarding the staffing, equipping and managing of the museum and civic center and regarding the care and maintenance of the museum collection;

B. Advise the curator, civic center manager, borough manager and borough assembly on planning and implementation of programs dealing with the use and development of the museum and civic center and the museum collection;

C. Review and make recommendations to the assembly regarding the museum and civic center budget;

D. Strive to create public interest in and public support for the programs and activities of the museum and civic center. [Ord. 759 § 1, 2004.]

Agenda Item 13a

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

PROPOSED ORDINANCE No. 920: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 18.04.080, SECTION 107.2 AMENDED – PERMIT FEES, OF THE WRANGELL MUNICIPAL CODE RELATING TO BUILDING PERMIT FEES *(first reading)*

Attachments:

- 1. Proposed Ordinance No. 920**

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 920, and move to a second with a Public Hearing to be held on August 23, 2016.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 920

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 18.04.080, SECTION 107.2 AMENDED – PERMIT FEES, OF THE WRANGELL MUNICIPAL CODE RELATING TO BUILDING PERMIT FEES

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

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

SEC. 1. Action. The purpose of this ordinance is to amend Section 18.04.080, Section 107.2 amended – Permit Fees, of the Wrangell Municipal Code relating to building permit fees.

SEC. 2. Amendment of Section. Section 18.04.080 of the Wrangell Municipal Code is amended to read:

Section 18.04.080 Section 107.2 amended – Permit fees.

Section 107.2 of the Uniform Building Code is amended to read as follows:

A. No building permit fees shall be charged for improvements or construction of less than two thousand dollars valuation.

B. All building permit fees for permits for construction of valuation of two thousand dollars or more shall be as follows:

1. All residential construction, **[ten]** one hundred dollars;
2. Commercial construction, **[fifteen]** one hundred-fifty dollars;
3. Remodeling and miscellaneous construction, **[five]** fifty dollars.

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to

other persons or circumstances shall not be affected thereby.

SEC. 5. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2016.

PASSED IN SECOND READING: _____, 2016.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13b

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

PROPOSED ORDINANCE No. 921: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.08.060, TAX-FREE DAYS, OF THE WRANGELL MUNICIPAL CODE, TO PROVIDE THAT THE ASSEMBLY MAY APPROVE ONE SALES TAX-FREE DAY EACH FISCAL YEAR *(first reading)*

Attachments:

1. **Proposed Ordinance No. 921**

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 921, and move to a second with a Public Hearing to be held on August 23, 2016.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 921

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE TABLE IN CHAPTER 5.08 AND AMENDING SECTION 5.08.060, TAX-FREE DAYS

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 table in Chapter 5.08 and to make an amendment to Section 5.08.060 of the Wrangell Municipal Code relating to Tax-free days.

SEC. 2. Amendment. The Table in Chapter 5.08 of the Wrangell Municipal Code is amended to read:

**Chapter 5.08
SALES TAX**

Sections:

- 5.08.005 Definitions.
- 5.08.010 Levy of tax.
- 5.08.020 Rate of tax.
- 5.08.040 Tax levy on aggregate sales amount.
- 5.08.050 Exemptions from tax.
- 5.08.060 Tax-free day[s].
- 5.08.070 Limitations of use of tax proceeds.
- 5.08.080 Duty to collect and make return.
- 5.08.090 Quarterly returns.
- 5.08.095 Confidential information.
- 5.08.100 Penalty and interest.
- 5.08.105 Collection procedures.
- 5.08.110 Lien for unpaid taxes.
- 5.08.120 Payment to director of finance.
- 5.08.130 Sales tax inspector – Duties.
- 5.08.140 Discrepancies in returns – Investigation – Collection procedure.

5.08.160 Severability.

5.08.170 Ratification.

SEC. 3. Amendment of Section. Section 5.08.060 of the Wrangell Municipal

A. Declaration of a Tax-Free Day[s]. One day per fiscal year may be requested by the Wrangell Chamber of Commerce to the Borough Assembly and shall **[in June and one day in September for each year are]** hereby be declared “Tax-Free Day[s].”

B. **[In June for] One Day [and September for One Day] [E]**each Fiscal Year Sales Tax exemptions.

1. Subject to the other provisions of this section and at the option of the seller, retail sales of goods and services for goods or services purchased and received by the buyer, one day each fiscal year as requested by the Wrangell Chamber of Commerce and approved by the Borough Assembly **[for one day in June and for one day in September each year]** are exempt from the borough’s retail sales tax imposed by this chapter.

2. The exemption set forth in subsection (B)(1) of this section does not apply to rentals for any period greater than one day. Sales tax on rents for any period greater than one day shall not be prorated or adjusted in any manner to include a sales tax exemption for one day as requested by the Wrangell Chamber of Commerce and approved by the Borough Assembly each fiscal year. **[in June and for one day in September of each year].**

3. The exemption provided for in subsection (B)(1) of this section shall not apply to taxable sales made by the borough.

4. All sales made under the exemption provided for in subsection (B)(1) of this section shall be reported to the borough as exempt sales using “TFD” as the exemption code for the sale.

SEC. 4. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 5. 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. 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2016.

PASSED IN SECOND READING: _____, 2016.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13c

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

PROPOSED ORDINANCE No. 922: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.16, CEMETERY, OF THE WRANGELL MUNICIPAL CODE, RELATING TO CEMETERY FEES *(first reading)*

Attachments:

1. **Proposed Ordinance No. 922**

RECOMMENDED ACTION:

Move to approve first reading of Ordinance No. 922, and move to a second with a Public Hearing to be held on August 23, 2016.

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 922

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CERTAIN SECTIONS OF CHAPTER 15.16, CEMETERY, OF THE WRANGELL MUNICIPAL CODE, RELATING TO CEMETERY FEES

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 certain sections of Chapter 15.16, Cemetery, of the Wrangell Municipal Code relating to cemetery fees.

SEC. 2. Amendment of Section. Section 15.16.055 of the Wrangell Municipal Code is amended to read:

15.16.055 Columbarium.

...

B. Fee. The fee per niche shall be \$**[235]**330.00. The fee per opening and closing for each niche shall be \$**[50]**70.00.

SEC. 3. Amendment of Section. Section 15.16.070 of the Wrangell Municipal Code is amended to read:

15.16.070 Opening and closing graves.

A. No person shall be permitted to open and close graves within a borough cemetery, except upon application to the borough clerk. Permission may be given for a person to bury cremated remains under supervision of the borough. Except for disinterment, the borough shall open and close all graves. A fee shall be collected from the persons requesting the opening and closing of all graves, including burial and disinterment. The borough shall have no obligation to perform the disinterment, and may contract said service to private enterprise. All disinterments shall be done under the supervision of the borough.

B. The fee for each opening and closing of a burial grave shall be \$[650]780.00, except the fee for the burial of a child six years of age or younger shall be \$300]360.00. If the opening and closing of a burial grave is done on a holiday, Saturday or Sunday, the charge shall be \$[775]930.00 or \$[400]520.00 for the grave of a child six years of age or younger. Cremated remains will be buried by the borough for a charge of \$[30]50.00.

...

SEC. 4. Amendment of Section. Section 15.16.080 of the Wrangell Municipal Code is amended to read:

15.16.080 Uniformity of grounds and markers.

A. It is highly desirable that uniformity be maintained and, in order to maintain such uniformity, the borough reserves the right to standardize the design and material used for markers, to prohibit the planting of trees and shrubs, and to prohibit the erection of fences or other structures of any kind to carry out such uniformity. Maximum size for the base of markers shall be 36 inches by 20 inches and 18 inches high. The maximum weight of markers shall be 250 pounds. Crosses or any other religious symbol shall not exceed three feet in height and width.

B. No temporary decoration, marker or monument may be placed upon or near a grave which extends above the surface of the ground except on the day of burial, on Memorial Day, Fourth of July and Veterans' Day, and these shall be removed within seven days thereafter. All permanent markers shall be set on foundations constructed and installed to the specifications of the borough except those markers that have built-in foundations. No marker shall extend beyond border of grave (three and one-half feet by nine feet). Upon request, the borough will install the markers for a fee of \$[50]65.00.

...

SEC. 5. Amendment of Section. Section 15.16.090 of the Wrangell Municipal Code is amended to read:

15.16.090 Price of graves – Perpetual care required.

A. The sale price of graves, including the perpetual care of same, shall be \$[200]300.00 for a single grave. There may be reserved certain areas, or fractional graves, for the burial of infants under six years of age at a cost of \$[100]150.00 per grave, including perpetual care.

Cremains plots in Block 28 shall be \$75.00. Effective October 1, 1988, where physically possible, and notification is given to the borough prior to the first burial, more than one but not more than two burials may occur in one grave site plot, at no additional cost. Cremated remains may be buried in the same grave site as long as space is available and consent of the owner is given.

...

SEC. 6. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 7. 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. 8. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2016.

PASSED IN SECOND READING: _____, 2016.

David L. Jack, Mayor

ATTEST:

Kim Lane, Borough Clerk

Agenda Item 13d

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

Review of the Local Contractor's List

Attachments:

1. Memo from Manager Jabusch and Clerk Lane
2. Adopted Policy
3. Contractor's List
4. Basic Work Agreement
5. Deficiency Report

RECOMMENDED ACTION:

Assembly Action and/or discussion.

MEMORANDUM

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

FROM: JEFF JABUSCH, BOROUGH MANAGER
KIM LANE, BOROUGH CLERK

SUBJECT: CONTRACTOR'S LIST

DATE: July 15, 2016

BACKGROUND

Staff had a meeting with the Department Heads to get updates on how they felt the Local Contractor's List was progressing. Below are some of the concerns:

- Cost's more money to get jobs done
 - Clerk's time to maintain the list
 - Contractor can prolong the job since there is no quote, just the hourly rate
 - General Contractor can be hired for a job and turn around and hire a sub-contractor which causes an inflation of rates
- Specialty Contractors are required to pay \$100 per year to have the City as additional insured when they may not even be called to perform work for the City

Recommended Motion:

Assembly Discussion.

City and Borough of Wrangell

Policy to hire contractors when a formal bid is not required

The City and Borough of Wrangell will create a pool of qualified local contractors which can be hired by the city when needed. The purpose of the pool is to be sure contractors hired qualify and to be sure that all contractors that qualify are given an equal opportunity to participate in work that the city hires out. The Borough Clerk will annually advertise in the paper for interested contractors to sign up and provide the necessary paperwork to be put on the list.

1. To qualify, a contractor must provide the following no less than annually:
 - A. Proof on Liability Insurance in the amount of \$500,000 for their business in which the borough work will be conducted. The borough will be required to be named as an additional insured.
 - B. Proof of Workers Compensation if there are employees doing any of the work or as required by state law.
 - C. Current Contractors license listing areas of expertise that the contractor is licensed to do work in.
 - D. Current State of Alaska Business License.
 - E. Must be current with City and Borough of Wrangell Sales Tax Returns.
 - F. If the State or City require some other license or specific training to do particular types of work, those documents must also be provided.
 - G. Contractor will submit rates for the various services they provide. If this involves rental rates for equipment or other items, rates need to be included for each item rented. Rates need to be on file at the time the city asks for work to be done or if a quote is request at the time the quote is submitted.
 - H. The required documentation can be submitted at any time to be put on the list.
 - I. Contractors are welcome to update information at any time.

The Borough Clerk will create a master list of qualified contractors:

- All documentation will be delivered to the Borough Clerk.
- The Borough Clerk will also require at this time for the contractor to sign a basic work agreement for any work that may be done by the contractor in the future.
- The clerk will manage the master list which will be sorted by the type of work each contractor does. The list will have all of the contact information and there will have the priority list on which contractor will be called first. The initial priority list will be selected by a random drawing.
- Rules to apply in the selection process:
 1. The clerk will manage the list as it will need to be in a centralized location
 2. A department head would turn in a request for a certain job to be done, the time period it needs to be done in and the type of contractor that would qualify to do the job.
 3. The clerk would go to the list and provide the name of the next person on the list with the skill set to do the job to the department head.
 4. If the contractor accepts the job, a purchase order would be issued that would have the job description, an estimate of the cost of the job and the time period in which the job would be required to be completed. The contractor would then go to the bottom of the list.

adopted January 13, 2015

5. If a contractor is contacted for work and is unable to do the work for any reason, the contractor would go to the bottom of the list.
6. Department Heads will be required to fill out an assessment form if the contractor does one of the following:
 - Work is not completed in the time period required.
 - Quality of Work was done in an unacceptable manner and the contractor was not willing to correct deficiencies within the original cost and within a reasonable period of time.
 - The cost of the job ends up substantially more without justification that additional work had to be done or some other explanation why the price was different than originally agreed upon.
 - Other deficiencies with the project.
7. If a contractor gets two deficiency assessments on three different jobs, they may be removed from the list during the current year unless circumstances beyond their control contributed to the issues and those circumstances can be documented.
8. If a contractor has not finished a project that is beyond the accepted date, no further work will be assigned until that project is finished. This can be waived if it is an emergency situation as described below under special circumstances.

Special Circumstances where a department heads does not have to use the next person on the list:

- In the case of an emergency where time is of the essence and a delay would result in loss of life, damage to property, public health or some other reason where it is urgent, a department head may call anyone on the list. A list will be e-mailed each Friday to the department heads showing the next contractor on the list which they will use if there is any emergency work on a weekend.
- If the list is to be managed by the clerk, there are times during hours that someone may need to be hired in off hours and the department head will hire who he believes is next on the list. He will check in with the clerk after the fact and the person who was hired will go to the bottom of the list.
- There may be a situation that the department head feels that there is an area that extensive experience or training is necessary and the importance of the task warrants choosing the most qualified even though others are listed for that service. The department head needs to have very sound reasoning before this is allowed and the Borough Manager shall be required to approve the request.

Monetary Thresholds for hiring contractors:

Currently, the Wrangell Municipal Code allows amounts below \$10,000 to be purchased without bidding, quotes or other means of some selection process. Work required that is over \$10,000 and less than \$25,000 require at least 3 written quotes. Work over \$25,000 requires the city to advertise and receive sealed bids.

The purpose of this policy is to further restrict the ordinance for work less than \$10,000. The ordinance for work over \$10,000 will continue to work as is. The only exception would be that quotes would be solicited from any contractor on the list.

Policy to be adopted:

1. The list will be used to solicit written quotes between \$10,000 and \$25,000 where everyone on the list will receive an offer to submit a quote with a reasonable length of time to respond. Late responses will not be considered. The low bidder will not be penalized on the on-call list by moving by them down the list.
2. Department Heads will be required to solicit quotes from everyone on the list for items between \$5,000 and \$10,000. If quotes are solicited, the low bidder will not be penalized on the on call list by moving them down the list.
3. Any items where the price is expected to be less than \$5,000 are not required to solicit quotes. Those items will automatically go into the process of providing it to the next contractor listed assuming they can do the job in the time required and meet all other requirements.
4. If it is in the best interest of the city to phase a project in, each phase of the project will be treated as a separate project and the selection of a contractor will be chosen as if each phase was a new project.
5. When quotes are requested, the clerk will receive the quotes and notify the department head who to contact for the job. The clerk will scan and e-mail the quotes to all of those that submitted quotes.

General Statement:

It is the intent of the above process to provide a system where all contractors or renters of equipment be given an equal opportunity to participate in work for the borough. It is also the intent of the above policy to provide a list of contractors that are licensed, insured and qualified to do the various work required by the city. We understand that this system will not be perfect and probably will need some tweaking as time moves along and if portions of the policy are ineffective or inefficient, we will recommend the necessary changes as they happen. In addition, the Borough Clerk, Borough Manager and the Department Heads will review the policy annually. Any changes to the policy will require Borough Assembly approval.

The Borough reserves the right to make changes to this document with Assembly Approval when it believes it is in the best interest of the city to do so.

Updated: 6/27/2016

[illegible]

CITY AND BOROUGH OF WRANGELL

AN AGREEMENT BETWEEN (CONTRACTOR NAME) AND THE CITY AND BOROUGH OF WRANGELL

This agreement is entered into between:

(hereinafter referred to as CONTRACTOR) and the CITY AND BOROUGH of WRANGELL (hereinafter referred to as CITY) for the purpose of City projects. By signature on this agreement the parties agree to the following terms and conditions:

I. SCOPE OF WORK:

- A) CONTRACTOR shall perform services as directed by the CITY of Wrangell for any project assigned under the adopted Policy. CONTRACTOR shall follow the Bid Documents and Plans that were part of the project assigned under the policy and all general conditions, special conditions, and addendum, including all questions by bidders and responses when quotations are involved.
- B) When work is assigned without the bid process (Attachment A), CONTRACTOR will be supplied the job instructions for each assignment.
- C) Contractor has read the CITY's Policy to Hire Contractors (hereafter the Policy) and agrees to its provisions, both those incorporated explicitly herein and those incorporated by reference.

1. By signing this contract, Contractor agrees to:

- i. The CONTRACTOR qualification requirements in the Policy
- ii. The selection process outlined in the Policy.
- iii. The rules governing failure to perform as outlined in the Policy.

- D) CONTRACTOR shall verify all site measurements and locations and follow the conditions and requirement of each project assigned.

- 1) CONTRACTOR, for and in consideration of the payment or payments herein specified and agreed to by the City and Borough of Wrangell, hereby covenants and agrees to furnish labor and materials as required for each job and required to complete the project at Wrangell, Alaska in accordance with the terms and conditions of each job assigned through the policy.

II. COMPENSATION AND DURATION:

- A. CONTRACTOR, when the amount is less than \$5,000 will perform the work as defined by the CITY on a time and materials basis according to CONTRACTORS rates, as submitted by CONTRACTOR. The contractor will submit an invoice to the city for work performed.
- B. Amounts between \$5,000 and \$25,000 will require quotes. Work to be performed will be based on the scope of work as defined in the solicitation document provide to all qualified contractors. The CITY agrees to pay CONTRACTOR an amount not to exceed that as specified and accepted in the proposal upon the completion of each project. The CONTRACTOR can submit an invoice for materials that have been ordered and are on site at the job location or can be verified by the CITY as being purchased and are available.

- C. The parties expressly agree that CONTRACTOR shall be and is an independent contractor and is not an employee or agent of CITY, and is, therefore, entitled to no insurance coverage, whether workers' compensation or otherwise and no other benefits accorded to CITY. No withholding, FICA, or other taxes (whether income, sales or otherwise) or other amounts will be withheld from the payments due to CONTRACTOR, it being understood that CONTRACTOR is solely responsible therefore, provided CITY shall be entitled to withhold certain amounts from any payments as have been provided for elsewhere in this Agreement.
- D. The CONTRACTOR agrees to receive the total amount as set forth in the solicitation as full compensation for furnishing all the equipment, materials and labor which may be required in the performance and completion of the whole work to be done., and in all respects to complete the Contract to the satisfaction of CITY.
- E. CONTRACTOR shall have all work completed as defined for each job.

III. CITY AND BOROUGH'S RESPONSIBILITY:

CITY shall designate a person to act as the CITY'S representative with respect to the services to be rendered under this agreement. This representative shall have complete authority to transmit instructions, receive information, interpret and define the CITY'S policies and decisions with respect to the CONTRACTOR'S services. Designation of a CITY representative shall not change any of the CONTRACTOR'S obligations and responsibilities under this Contract. CONTRACTOR shall remain responsible and liable for all acts and omissions related to the CONTRACTOR's means and methods of performing the work.

IV. CONTRACTOR'S RESPONSIBILITIES:

- A. CONTRACTOR shall provide a representative for the project who shall have complete authority to transmit instructions, receive information, interpret and define the CONTRACTOR'S policies and decisions with respect to each project. This provision is a material provision of the contract and the failure of the CONTRACTOR to have an available representative may result in the CITY terminating the contract for this breach, stopping all or part of the project until the CONTRACTOR fully complies with this provision, or any other remedy or action the CITY determines to be in the best interests of the project and CITY.
- B. CONTRACTOR agrees that all work will meet all federal state and local laws, and will be of the highest quality workmanship. CONTRACTOR agrees that all material and labor shall be in strict and entire conformity with the terms, specifications and conditions of the work assigned, if applicable, and will abide by and perform all stipulations, covenants and agreements specified for each job.
- C. If any equipment, material or labor shall be rejected by CITY as defective or unsuitable, the equipment, labor or materials shall be removed or replaced with other equipment, labor or materials specified by CITY, at the sole cost and expense of the CONTRACTOR. CONTRACTOR understands that, per the Policy, use of defective or unsuitable equipment, material, or labor may subject CONTRACTOR to a deficiency assessment by the responsible Department head. CONTRACTOR understands that two deficiency assessments on three different jobs may subject CONTRACTOR to being removed from the Master List, per the Policy.
- D. CONTRACTOR shall not begin work on any additional services, which are not included in the Agreement as provided for the instruction for each job until the CITY has authorized performance of such services in writing specifying the work to be performed and the time for performance. CONTRACTOR shall provide the CITY with a bid estimate of the costs of the additional work and it is agreed both the CONTRACTOR and the CITY shall sign an addendum prior to any additional work for the amount to be paid to the CONTRACTOR for the additional work. CONTRACTOR agrees and acknowledges that no oral authorization for additional work will be honored or paid.

- E. CONTRACTOR shall be responsible for performing all services as described in this Agreement for each job assigned or quoted in the accepted proposal.
- F. CONTRACTOR is to submit rates for the various services that may be covered for work required under this agreement. CONTRACTOR agrees when renting equipment or other items to include rates for each item rented. CONTRACTOR agrees to keep rates on file at the time a quote is submitted to CITY.
- G. CONTRACTOR covenants, warrants and represents that CONTRACTOR has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the subject matter or the performance of this Agreement. CONTRACTOR further covenants, warrants and represents that in the performance of this Agreement, no person having any such interest shall be employed.
- H. CONTRACTOR covenants, warrants, and represents that CONTRACTOR is current with the City and Borough of Wrangell's Sales Tax Returns.
- I. CONTRACTOR covenants, warrants, and represents that CONTRACTOR has Current Contractor's license listing areas of expertise that the CONTRACTOR is licensed to do work in.
- J. CONTRACTOR covenants, warrants, and represents that CONTRACTOR has current State of Alaska Business License.
- K. CONTRACTOR covenants, warrants, and represents that CONTRACTOR has documentation to prove any specific license or training required for work.
- L. CONTRACTOR is required to submit a W9 with this Basic Work Agreement for each calendar year.

V: INSURANCE AND INDEMNIFICATION:

CONTRACTOR shall present to the CITY a certificate of insurance showing that the CONTRACTOR has obtained at least one million dollars (\$1,000,000) general liability insurance, which certificate of insurance shall name the City of Wrangell as an additional insured. Proof of such insurance shall be provided to the CITY as a condition of entering the contract. Failure to provide the certificate of insurance as required by this provision at the time of signing the contract shall constitute a material breach by the CONTRACTOR and the CITY may choose not to proceed with the CONTRACTOR in its sole discretion. Failure to maintain such insurance shall constitute a material breach of contract and entitle the CITY to terminate the CONTRACTOR and this Agreement at its sole discretion. The certificate of insurance must establish that the CITY is named as an additional insured on such policy, and that the insurer thereof shall notify the CITY twenty (20) days before the policy is canceled or terminated. The CONTRACTOR shall indemnify, defend and hold harmless the City of Wrangell from any and all claims for injury or damage to persons or property, including death, as a result of the CONTRACTOR'S acts or omission. CONTRACTOR'S insurance coverage shall apply to any coverage carried by the CITY which may cover the work specified in this Agreement. CONTRACTOR'S insurance carrier must be an admitted carrier in the State of Alaska or must be Best Rated or better.

- A. Worker's Compensation Insurance is required in compliance with the laws of the State of Alaska, AS 23.30 et seq., and federal jurisdiction where the work is being performed.

VI: TERMINATION AND SUSPENSION:

- A. The CITY reserves the right to terminate the services of the CONTRACTOR at any time when the CITY determines that termination is in the best interests of the CITY. If the CITY terminates the contract pursuant to this section, the CITY shall notify the CONTRACTOR in writing as of the effective date to stop work and the CONTRACTOR shall immediately stop all work, including providing direction to subcontractors to stop and to cease from ordering any materials or supplies for the Project. Upon termination pursuant to this section,

CONTRACTOR shall have sixty (60) days to submit any and all claims to the CITY for any unpaid work actually performed by the CONTRACTOR before the date of termination and for which the CONTRACTOR has not been paid, together with all back-up documentation in support of the claim. The failure of the CONTRACTOR to submit a claim within 60 days forever waives any claim by the CONTRACTOR based upon the CITY'S termination for any payment for work claimed by the CONTRACTOR to have not been paid as of the date of termination. CONTRACTOR and the CITY agree to make a good faith effort to resolve any claim submitted by the CONTRACTOR pursuant to this section within thirty days (30) of receipt by the CITY, unless that time is otherwise extended by the parties in writing. If the parties fail to reach an agreement on payment to the CONTRACTOR within the 30 days, the CITY shall pay the amount determined by the CITY to be fair and reasonable, based on the back-up documents provided by the CONTRACTOR and the CITY'S records. In the event the parties do not reach agreement, the CONTRACTOR may pursue its remedies pursuant to Section VIII A below, unless the CONTRACTOR failed to submit the claim within 60 days of termination.

- B. Suspension of work caused by Acts of God, which are beyond the control of the CONTRACTOR, shall not be cause for termination. If such Acts suspend work on the project, any delay caused will be negotiated and an addendum to this contract will be issued, which will be signed by both the CITY and the CONTRACTOR, outlining the time schedule and costs associated with any delay in substantially completing the project.

VII: LIQUIDATED DAMAGE:

- A. The CONTRACTOR agrees that if the project is not completed in accordance with the Proposal specification as defined in the work assigned, the CONTRACTOR understands that they may be removed from the Contractors List for future work consideration for remainder of the calendar year.

VIII: EQUAL EMPLOYMENT OPPORTUNITY:

- A. The CONTRACTOR will not discriminate against any employee or applicant for employment in violation of law, to include without limitation, because of race, color, religion, sex, national origin, physical handicap, age, or status as a disabled veteran. The CONTRACTOR shall take affirmative action to ensure that applicants are employed and the employees are treated during employment without regard to their race, color, religion, sect, national origin, physical handicap, age, or status as a disabled veteran. Such actions shall include, but not be limited to the following: Employment, upgrading, demotions, or transfers; recruitment or recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, including apprenticeship; and participation in recreational and educational activities. The CONTRACTOR agrees to post in conspicuous places in his/her places of work available for employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, physical handicap, age, status as a disabled veteran. The CONTRACTOR will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement.

IX: MISCELLANEOUS:

- A. The laws of the State of Alaska shall govern the construction and interpretation of the Agreement. The Superior Court for the State of Alaska, First Judicial District at Wrangell, Alaska, shall be the exclusive court for jurisdiction and venue of any and all actions of any kind and any nature arising out of or related to the Agreement.
- B. **Written notice shall be provided to the parties, by certified mail, return receipt requested, at the following addresses:**

City City and Borough of Wrangell
 Attn: Borough Clerk
 Box 531
 Wrangell, Alaska 99929

Contractor Name: _____

 Address: _____
 Wrangell, Alaska 99929

 email: _____
 Phone: _____

IMPORTANT: Contractor MUST provide an email address. Contractor will be notified by email ONLY of any requests for quotes. (Acknowledgement: please initial_____)

- C. CONTRACTOR agrees that the CITY shall have the right to inspect any or all of the project and any books, papers, records, and/or accounts of records of the CONTRACTOR at any reasonable time. All original books, papers, records and accounts related to this project shall be maintained for a minimum of three years after the completion of the project.
- D. This Agreement is binding upon the heirs, successors and assign of the parties.
- E. This Agreement cannot be assigned without prior written consent of the other party. **This provision is a material provision of the contract and the assignment by the CONTRACTOR without prior written approval of the CITY may result in the CITY terminating the contract for this breach, stopping all or part of the project until the CONTRACTOR fully complies with this provision, or any other remedy or action the CITY determines to be in the best interests of the project and CITY, all in the sole discretion of the CITY.**
- F. This Agreement represents the entire Agreement of the parties for all work as per the Policy to Hire Contractors, and no other Agreement whether oral or written which is not specifically set forth in this Agreement or an addendum to this Agreement will have any force or effect upon the other party.
- G. This Agreement can be modified if agreed to by both parties in writing. Any modification will address any changes in cost and will be agreed to in writing prior by both parties. Any modification to the bid proposal or price done without the written consent of the CITY by the CONTRACTOR shall be void for which the CITY shall have no liability or obligation to pay.
- H. CONTRACTOR'S or the CITY'S waiver of any term or condition in this Agreement shall not constitute a waiver of any other term or condition in this Agreement.
- I. If any term of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall be valid and binding upon the parties.
- J. The CONTRACTOR agrees to abide by all federal, state and local laws, ordinances and regulations in the performance of any job assigned.
- K. Titles and headings to sections are inserted for convenience of reference only and are not intended to be a part of or to affect the meaning or interpretation of this Agreement.

- L. The Superior Court for the State of Alaska, First Judicial District at Wrangell, Alaska shall be the exclusive jurisdiction for any action of any kind and any nature arising out of or related to this Agreement. The laws of the State of Alaska shall govern the rights and obligations of the parties. The CONTRACTOR specifically waives any right to opportunity to request a change of venue for trial pursuant to A.S. 22.10.040.

CONTRACTOR acknowledges that CONTRACTOR has read and understands the terms of this Agreement and has had the opportunity to review the Agreement with counsel of his/her choice, and is executing this Agreement of his/her own free will. CONTRACTOR acknowledges and agrees that CONTRACTOR is not relying on any representations by any City employee, the Mayor, an assembly member, the borough attorney, the borough manager or any consultant of the CITY in deciding to enter this Agreement and perform any job assigned.

The term of the agreement is based on a Calendar Year from January 1st to December 31st of each Calendar year and is made and entered into, to the time at which CONTRACTOR fulfills its obligations under this Agreement. CONTRACTOR warrants and represents that the person who executes and signs this Agreement on behalf of the CONTRACTOR is lawfully authorized to execute and sign the Agreement, and to bind CONTRACTOR to the terms and conditions of the Agreement and the RFB or any job assigned.

CONTRACTOR is required to renew this Agreement with the CITY each Calendar Year.

Borough Manager
For the City and Borough of Wrangell

Contractor
For: _____

Date: _____

Date: _____

ATTEST:

Kim Lane, MMC, Borough Clerk
(SEAL)

CONTRACTORS, before submitting this Basic Work Agreement, be sure that you have complied with all of the following requirements:

- _____ Proof of Liability Insurance (no less than 1 million dollars)
- _____ Proof of Workers Compensation Insurance per State Statutes
- _____ Current Contractors License
- _____ Current State of Alaska Business License
- _____ Bonding as required by the State of Alaska
- _____ Current with City Sales Tax
- _____ any other specialty license
- _____ your rates for services that you will provide (including rental rates for equipment – be specific and list the equipment out)
- _____ Completed W9

Rates and Equipment:

- _____ your rate for services
- _____ Equipment rental rate
List equipment _____
- _____ Equipment rental rate
List equipment _____
- _____ Equipment rental rate
List equipment _____
- _____ Equipment rental rate
List equipment _____
- _____ Equipment rental rate
List equipment _____

Please include: any other licenses or rates that are specific to your trade and are not included above.

If any of your licenses or insurance is due to expire, it is your responsibility to renew and submit the documentation to the Borough Clerk.

City Contractors Deficiency Form

- Policy:
1. *Department Heads will be required to fill out an assessment form if the contractor does one of the following:*
 - *Work is not completed in the time period required.*
 - *Quality of Work was done in an unacceptable manner and the contractor was not willing to correct deficiencies within the original cost and within a reasonable period of time.*
 - *The cost of the job ends up substantially more without justification that additional work had to be done or some other explanation why the price was different than originally agreed upon.*
 - *Other deficiencies with the project.*
 2. *If a contractor gets two deficiency assessments on three different jobs, they may be removed from the list during the current year unless circumstances beyond their control contributed to the issues and those circumstances can be documented.*
 3. *If a contractor has not finished a project that is beyond the accepted date, no further work will be assigned until that project is finished. This can be waived if it is an emergency situation as described below under special circumstances.*

Contractor who was assigned the job: _____

Date work was accepted: _____ Required Completion Date: _____

Explain the work that was to be completed:

Please explain the deficiency (i.e.: project not completed on time, work unsatisfactory, etc.):

The Borough Clerk will keep track of the deficiencies

Agenda Item 13e

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

Approval to form a Special ANSEP Committee

Attachments:

1. Adopted Resolution No. 06-16-1344
2. Wrangell Public School Board Resolution No. 17-01

Additional Information:

WMC Section 3.04.060 Special committees.

Special committees for the purpose of considering any special matter may be appointed by the mayor with the consent of the assembly. Upon completion of the special committee's assignment, a special committee may be dissolved by majority vote of the assembly

RECOMMENDED ACTION:

Move to approve the formation of a Special ANSEP Committee of at least three and up to eight, consisting of the Borough Manager, the School Superintendent, a member of the Wrangell Cooperative Association and the option to include one member from each of the following: Borough Assembly, Borough Staff, a member of the Business Community or the Wrangell Chamber of Commerce, a member of the School Board and/or School Staff to meet at least quarterly to track progress, and address concerns and questions on the AMSEP style residential high school in Wrangell.

CITY AND BOROUGH OF WRANGELL

RESOLUTION No. 06-16-1344

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, SUPPORTING THE ALASKA NATIVE SCIENCE & ENGINEERING PROGRAM IN THEIR EFFORTS TO BUILD AND OPERATE AN ACCELERATED HIGH SCHOOL THROUGH AND AS PART OF THE WRANGELL PUBLIC SCHOOL DISTRICT IN WRANGELL, ALASKA

Whereas, The Alaska Native Science & Engineering Program (ANSEP) is currently a successful academic program founded by Dr. Herb Schroeder, and

Whereas, Dr. Schroeder would like to build and operate an accelerated high school in Wrangell that would house approximately 400 students plus faculty and other staff, and

Whereas, Students in under-served areas of rural Alaska would benefit from access to a rigorous education program with a focus on college and career readiness, and

Whereas, The goal of Dr. Schroeder is to provide educational opportunities for mainly rural Alaskan youth through an accelerated high school that will prepare them academically for a successful college experience, and

Whereas, The City and Borough of Wrangell has set aside land for this project as part of the development plan for the old Wrangell Institute Site, and

Whereas, The City and Borough of Wrangell understands that there are many hurdles and questions that still remain as this process moves forward to a successful conclusion, and


Whereas, The construction and operation of the ANSEP style Residential accelerated high school in Wrangell would provide diversity and growth to the Wrangell economy, and

Whereas, The City and Borough of Wrangell believes that there should be a local committee that shall meet at least quarterly to track progress, address concerns and questions and would include at a minimum, the Borough Manager, the School Superintendent, and a member of the Wrangell Cooperative Association (WCA), with the option to include one member from each of the following: Borough Assembly, borough staff, a member of the business community or the Wrangell Chamber of Commerce, School Board, and/or school staff., and

NOW, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA that the following actions take place concerning the ANSEP program proposed;

- Support Dr. Herb Schroeder and ANSEP in moving forward with the idea of building and operating a four hundred bed Residential accelerated high school in Wrangell to be located at the old Wrangell Institute Site.
- Form a small committee that shall meet at least quarterly and also as needed with members that would include at a minimum the borough manager, school superintendent and a member of WCA with options to include someone from the Business Community, the Chamber of Commerce, School Board, school staff and the Borough Assembly or borough staff.
- The School Superintendent would be the committee chairman and the point person for the committee and the borough manager the co-chairman, working closely with the School Superintendent.
- That the Borough Assembly receive periodic reports from the committee on the progress and events concerning ANSEP and be notified when key actions and decisions are being made during the process.
- That the Borough Assembly reserves the right to be involved in all major decisions concerning those actions that could have impacts on the City and Borough of Wrangell.

ADOPTED: June 28, 2016, 2016



David L. Jack, Mayor

ATTEST: 

Kim Lane, MMC, Borough Clerk



WRANGELL PUBLIC SCHOOLS

RESOLUTION No. 17-01

A RESOLUTION OF THE WRANGELL PUBLIC SCHOOLS SUPPORTING THE ALASKA NATIVE SCIENCE & ENGINEERING PROGRAM IN THEIR EFFORTS TO BUILD AND OPERATE AN ACCELERATED HIGH SCHOOL THROUGH AND AS PART OF THE WRANGELL PUBLIC SCHOOL DISTRICT IN WRANGELL, ALASKA

Whereas, The Alaska Native Science & Engineering Program (ANSEP) at the University of Alaska is currently a successful academic program, and

Whereas, ANSEP would like to build and operate an accelerated high school in Wrangell that would house approximately 400 students plus faculty and other staff, and

Whereas, Students in under-served areas of rural Alaska would benefit from access to a rigorous education program with a focus on college and career readiness, and

Whereas, The goal of ANSEP is to provide educational opportunities for mainly rural Alaskan youth through an accelerated high school that will prepare them academically for a successful college experience, and

Whereas, the students at Stikine Middle School and Wrangell High School would benefit from having an accelerated high school located in Wrangell, and

Whereas, The construction and operation of the ANSEP school in Wrangell would provide diversity and growth to education in Wrangell, and

Whereas, Wrangell Public School Board understands that there are many hurdles and questions that still remain as this process moves forward to a successful conclusion, and

Whereas, Wrangell Public School District believes that there should be a local committee to track progress and address concerns and questions. The committee would include at a minimum, the Borough Manager, the School Superintendent, and a member of the Wrangell Cooperative Association (WCA)., and

NOW, BE IT RESOLVED BY THE WRANGELL PUBLIC SCHOOL BOARD
that the following actions take place concerning ANSEP's proposed program:

- Support ANSEP in moving forward with the idea of building and operating a four hundred bed accelerated high school in Wrangell to be located at the old Wrangell Institute Site.
- Form the local committee as set forth above.
- The School Superintendent and the borough manager shall be co-chairs of the committee.
- That the School Board receives periodic reports from the committee on the progress and events concerning ANSEP and is notified when key actions and decisions are required during the process.
- That the School Board be involved in all major decisions concerning those actions that could have impacts on the Wrangell Public School District and its students.

ADOPTED: July 6, 2016


Susan Eagle, School Board President

ATTEST: 
Kimberly Powell, Administrative Assistant

Agenda Item 13f

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

Approval of a Bid received for the Asphalt Paving Project

Attachments:

1. Memo from Amber Al-Haddad, PW Director
2. Bid received from Colaska Inc, dba SEACON
3. *Preliminary* Bid Tab

REVISED RECOMMENDED ACTION:

Move to approve a contract to Colaska Inc (dba Secon) for the Asphalt Road Paving project in the amount of \$189,747.00 which will come from the budgeted line item (Street Paving) in the Sales Tax Street Fund.

MEMORANDUM

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

FROM: AMBER AL-HADDAD, PUBLIC WORKS DIRECTOR

**SUBJECT: APPROVAL OF CONTRACT AWARD TO COLASKA (dba SECON) FOR
ASPHALT ROAD PAVING**

DATE: July 22, 2016

BACKGROUND

Many of Wrangell's residential roads have deteriorated to the point where preventive maintenance is no longer a viable option. In an effort to deliver cost-effective treatments to existing paved roads, the Streets Department plans to repave portions of roadways with the poorest of conditions, in an effort to preserve and extend the functional condition of the roads.

This project provides for full-depth asphalt patching, whereby the material in the repair area is removed to the depth necessary for reaching firm support. This oftentimes means removing some of the sub-grade. As well, certain areas may require drainage repairs and/or modifications.

As part of this paving project, Public Works will provide for the removal of existing asphalt paving and haul to the disposal area. The road will then be graded and compacted with a vibratory roller with temporary rock ramps constructed, as necessary, to allow for vehicle traffic until new paving is laid. The Contractor will then follow by providing and layer a 2" asphalt pavement surface.

In response to the Borough's Invitation to Bid the Asphalt Road Paving project, one bid, from Colaska (dba Secon) was received and opened on July 22, 2016. The solicitation contained a Base Bid and Additive Alternates A, B, C and D, with each bid item representing one of the five streets identified for paving under this project. Bid results were as follows:

	Bidder:
Bid Item	Secon
Base Bid - Third Street	\$ 109,232.00
Additive Alternate A - Sunset Boulevard and Ocean View Drive	\$ 25,616.00
Additive Alternate B - Cedar Circle	\$ 14,665.00
Additive Alternate C - St. Michaels Street	\$ 21,950.00
Additive Alternate D - First Avenue	\$ 18,284.00
Total	\$ 189,747.00

Costs for the work scheduled to be performed ahead of and in preparation for the Contractor's asphalt work are planned to come from the Street Department's street repair and maintenance funds, while the contracted asphalt work is planned to come from the FY17 budget's Sales Tax Fund Reserves for major street pavement projects.

As for our remaining asphalt roads throughout the community, they will continue to receive cold patch in potholes and spot-patching areas where excessive settlement is occurring, until such time as we obtain funding for additional resurfacing.

RECOMMENDATION

Move to approve a contract to Colaska Inc (dba Secon) for the Asphalt Road Paving project in the amount of \$189,747.00 which will be funded through the FY17 Adopted Budget's Sales Tax Street Fund Reserves.

ATTACHMENTS

1. Bid Tab Summary
2. Bid from Colaska (dba Secon) dated July 22, 2016

SECTION 00300 - BID

BID TO: CITY & BOROUGH OF WRANGELL

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the OWNER on the form included in the Contract Documents (as defined in Article 7 of Section 00500 - Agreement) to perform the WORK as specified or indicated in said Contract Documents entitled:

ASPHALT ROAD PAVING

2. Bidder accepts all of the terms and conditions of the Contract Documents, including without limitation those in the "Notice Inviting Bids" and "Instructions to Bidders."
3. This Bid will remain open for the period stated in the "Notice Inviting Bids" unless otherwise required by law. Bidder will enter into an Agreement within the time and in the manner required in the "Notice Inviting Bids" and the "Instructions to Bidders," and will furnish insurance certificates, Performance Bond, and any other documents as may be required by the Contract Documents.
4. Bidder has familiarized itself with the nature and extent of the Contract Documents, WORK, site, locality where the WORK is to be performed, the legal requirements (federal, state and local laws, ordinances, rules, and regulations), and the conditions affecting cost, progress or performance of the WORK and has made such independent investigations as Bidder deems necessary.
5. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over OWNER.
6. To all the foregoing, and including all Bid Schedule and information required of Bidder contained in this Bid Form, said Bidder further agrees to complete the WORK required under the Contract Documents within the Contract Time stipulated in said Contract Documents, and to accept in full payment therefor the Contract Price based on the total bid price(s) named in the aforementioned Bid Schedule.
7. Bidder has examined copies of all the Contract Documents including the following Addenda (receipt of all of which is hereby acknowledged by the Undersigned):

Addenda No.	Date Issued
01	7/12/2016
02	7/17/2016

Addenda No.	Date Issued

Give number and date of each Addendum above. Failure to acknowledge receipt of all Addenda will cause the Bid to be non-responsive and shall cause its rejection.

SECTION 00300 - BID

8. The Bidder has read this Bid and agrees to the conditions as stated herein by signing its signature in the space provided below.

Dated:	<u>7/22/2016</u>	Bidder:	<u>COLASKA INC dba SECON</u> (Company Name)
Contractor's License No.:	<u>27498</u>	By:	<u>David Heeter</u> (Signature in Ink)
Telephone No.:	<u>206-850-0445</u>	Printed Name:	<u>DAVID HEETER</u>
Facsimile No.:	<u>N/A</u>	Title:	<u>ASSIST. SEC</u>
		Address:	<u>P.O. Box 32159</u> (Street or P.O. Box)
			<u>JUNEAU, AK 99803</u> (City, State, Zip)

9. TO BE CONSIDERED, ALL BIDDERS MUST COMPLETE AND INCLUDE THE FOLLOWING AT THE TIME OF THE BID OPENING:
- Signed Bid, Section 00300 (includes Addenda receipt statement)
 - Completed Bid Schedule, Section 00310
10. The successful Bidder will be required to submit, within ten Days after the date stated in the "Notice of Intent to Award" letter, the following executed documents:
- Alaska Business License
 - Agreement Forms, Section 00500
 - Performance Bond, Section 00610
 - Certificates of Contractor Insurance Section 00700 and Section 00800
11. The successful Bidder will be required to submit, within ten Days after the date stated in the "Notice to Proceed" the following executed documents:
- Certificates of Subcontractor Insurance Section 00700 and Section 00800

END OF SECTION

SECTION 00310 - BID SCHEDULE

ASPHALT ROAD PAVING BASE BID – THIRD STREET

Pay Item No.	Pay Item Description	Pay Unit	Approximate Quantity	Unit Price		Amount	
				Dollars	Cents	Dollars	Cents
01505.1	Mobilization	LS	All Req'd	60,000	—	60,000	—
01550.1	Traffic Control	LS	All Req'd	5,000	—	5,000	—
02743.1	Asphalt Paving – Third Street	SY	856	47	—	40,232	—

TOTAL ASPHALT ROAD PAVING BASE BID AMOUNT IN FIGURES:

\$ 105,232⁰⁰

TOTAL ASPHALT ROAD PAVING BASE BID AMOUNT IN WORDS:

ONE HUNDRED FIVE THOUSAND TWO HUNDRED THIRTY TWO AND ⁰⁰/100

ASPHALT ROAD PAVING ADDITIVE ALTERNATE A – SUNSET BLVD AND OCEAN VIEW DRIVE

Pay Item No.	Pay Item Description	Pay Unit	Approximate Quantity	Unit Price		Amount	
				Dollars	Cents	Dollars	Cents
01550.1 - A	Traffic Control	LS	All Req'd	1	—	1	—
02743.1 - A	Asphalt Paving – Sunset Blvd	SY	167	47	—	7,849	—
02743.1 - A	Asphalt Paving – Ocean View Drive	SY	378	47	—	17,766	—

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE A AMOUNT IN FIGURES:

\$ 25,616⁰⁰

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE A AMOUNT IN WORDS:

TWENTY FIVE THOUSAND SIX HUNDRED SIXTEEN AND ⁰⁰/100

COMPANY NAME: COLASKA INC dba SECON

SECTION 00310 - BID SCHEDULE

ASPHALT ROAD PAVING ADDITIVE ALTERNATE B – CEDAR CIRCLE

Pay Item No.	Pay Item Description	Pay Unit	Approximate Quantity	Unit Price		Amount	
				Dollars	Cents	Dollars	Cents
01550.1 - B	Traffic Control	LS	All Req'd	1	-	1	-
02743.1 - B	Asphalt Paving – Cedar Circle	SY	312	47	-	14,664	-

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE B AMOUNT IN FIGURES:

\$ 14,665⁰⁰

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE B AMOUNT IN WORDS:

FOURTEEN THOUSAND SIX HUNDRED SIXTYFOUR AND ⁰⁰/100

ASPHALT ROAD PAVING ADDITIVE ALTERNATE C – ST. MICHAELS STREET

Pay Item No.	Pay Item Description	Pay Unit	Approximate Quantity	Unit Price		Amount	
				Dollars	Cents	Dollars	Cents
01550.1 - C	Traffic Control	LS	All Req'd	1	-	1	-
02743.1 - C	Asphalt Paving – St. Michaels Street	SY	467	47	-	21,949	-

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE C AMOUNT IN FIGURES:

\$ 21,950⁰⁰

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE C AMOUNT IN WORDS:

TWENTYONE THOUSAND NINE HUNDRED FIFTY AND ⁰⁰/100

COMPANY NAME: COLASKA INC dba SECON

SECTION 00310 - BID SCHEDULE

ASPHALT ROAD PAVING ADDITIVE ALTERNATE D – FIRST AVENUE

Pay Item No.	Pay Item Description	Pay Unit	Approximate Quantity	Unit Price		Amount	
				Dollars	Cents	Dollars	Cents
01550.1 - D	Traffic Control	LS	All Req'd	1	-	1	-
02743.1 - D	Asphalt Paving – First Avenue	SY	389	47	-	18,283	-

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE D AMOUNT IN FIGURES:

\$ 18,284⁰⁰

TOTAL ASPHALT ROAD PAVING ADDITIVE ALTERNATE D AMOUNT IN WORDS:

EIGHTEENTHousand TWO HUNDREDEIGHTYFOUR AND ⁰⁰/100

COMPANY NAME: COLASKA INC dba SECON

END OF SECTION

RECEIVED
JUL 22 2016
WRANGELL CITY HALL

BID MODIFICATION FORM

WRG - ASPHALT ROAD PAVING

Modification Number: 01

Note: All modifications shall be made to the original bid amount(s). If more than one Modification form is submitted by any one bidder, changes from all Modification forms submitted will be combined and applied to the original bid. Changes to the modified Bid amounts will be calculated by the Owner.

PAY ITEM NO.	PAY ITEM DESCRIPTION	MODIFICATIONS TO UNIT PRICE OR LUMP SUM (Indicate +/-)
01505.1	MOBILIZATION	4,000 ⁰⁰

Base Bid Total Increase or Decrease: \$ (ADD) 4,000⁰⁰

COLASKA INC dba SECON
Name of Bidder

David Heeter
Responsible Party Signature

DAVID HEETER
Printed Name (must be an authorized signatory for Bidder)

ACKNOWLEDGE ADDENDUM #3 dated 7/21/2016

City and Borough of Wrangell, Alaska

Asphalt Road Paving

Bid Opening Checklist and Tabulations

Bid Opening Date: July 22, 2016 @ 10:00 a.m. - Council Chambers

Bidder's Name	Signed Bid	Bid Schedule	AK Business License	AK Contractors	Addenda Acknowledge			Base Bid	Add Alt A	Add Alt B	Add Alt C	Add Alt D Base Bid Modification	Base	Total Project
					#1	#2	#3							
Colaska Inc dba Seacon	✓	✓	✓	✓	✓	✓	✓	105,232.00	25,616.00	14,665.00	21,950.00	18,284	+4,000	\$ 189,747.00

Verified By:

[Signature]

Witnessed By:

[Signature]

Preliminary

Agenda Item *13g

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

Final Plat approval of the Torgramsen-Glasner Subdivision plat
(Consent Agenda Item)

Attachments:

1. Memo from Carol Rushmore
2. P&Z Agenda Item from July 11th, 2016
3. Proposed Plat

RECOMMENDED ACTION:

~~ Approved Under the Consent Agenda ~~

MEMORANDUM

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

**FROM: MS. CAROL RUSHMORE
ECONOMIC DEVELOPMENT DIRECTOR**

**SUBJECT: Final Plat review of the Torgramsen-Glasner Subdivision within USS 3823,
a subdivision of the remainder of Lot A-2, Torgramsen-Smith Subdivision,
creating Lot C within the remainder of lot A-2, Zoned Single Family
Residential, requested by Don Glasner, owned by Lisa Torgramsen.**

DATE: July 18, 2016

RECOMMENDATION:

The Planning and Zoning Commission approved the final plat at their Special meeting of July 19, 2016.

ATTACHMENTS:

Copy of Final Plat

Memo to Planning and Zoning Commission

City and Borough of Wrangell, Alaska

Agenda G1

Date: July 11, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Final Plat review of the Torgramsen-Glasner Subdivision within USS 3823, a subdivision of the remainder of Lot A-2, Torgramsen-Smith Subdivision, creating Lot C within the remainder of lot A-2, Zoned Single Family Residential, requested by Don Glasner, owned by Lisa Torgramsen.

In September of 2015 this plat was coming forward for final approval when a USFS trail easement as well as a City water and road easement were discovered by the surveyor. In December of 2015 the City approved vacation of the city's road easement but retained the waterline easement. The applicants began the process to request a vacation of the USFS Trail easement.

Since that time there has been considerable communication and discovery by the applicant with the USFS and Bureau of Land Management (BLM) to determine what, when and how to go about vacating the trail easement, only to find out finally from the BLM that the easement was actually abandoned at the time the parcel became a Native Allotment in 1966. A note to this is provided on the Final Plat.

The plat is now ready for final approval.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____
LISA ANNE TORGRAMSEN

NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA
STATE OF ALASKA
CITY AND BOROUGH OF WRANGELL

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN _____ AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED _____ TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND _____ ACKNOWLEDGED TO ME THAT _____ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES _____

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)ss

I THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF WRANGELL, HEREBY CERTIFY, THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF WRANGELL, IN THE NAME OF _____

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 20____ WILL BE DUE ON OR BEFORE AUGUST 15, 20____ DATED THIS _____ DAY OF _____

ASSESSOR CITY AND BOROUGH OF WRANGELL

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY PLAT RESOLUTION NO. _____ DATED _____, 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, WRANGELL, ALASKA.

DATE _____ CHAIRMAN, PLANNING COMMISSION

SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL ASSEMBLY AS RECORDED IN MINUTE BOOK _____ PAGE _____ DATED _____, 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, WRANGELL, ALASKA.

DATE _____ MAYOR, CITY AND BOROUGH OF WRANGELL

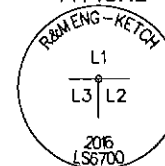
CITY CLERK

RECORD CURVE DATA

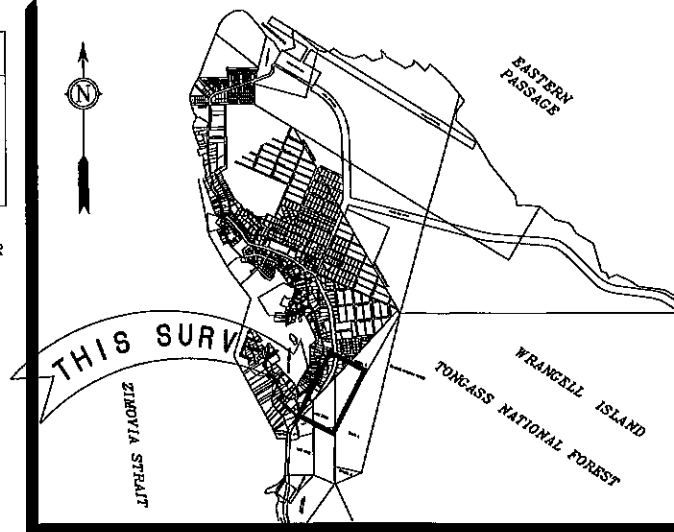
①	Δ = 11°43'54"	②	Δ = 01°46'41"
	R = 1004.93'		R = 1004.93'
	L = 205.764'		L = 31.188'
	C = 205.404'		C = 31.19'
CHD. BRG. = N37°08'34"E		CHD. BRG. = N43°53'51.95"E	

MR. GREG SCHEFF (LS 6700) WAS THE CORPORATE SURVEYOR FOR R&M DURING THIS SURVEY AND NOW MR. PIBURN (LS 107552) IS THE CORPORATE SURVEYOR FOR R&M, AS SUCH, I AM ACCEPTING THE MONUMENTS AS SHOWN AND PLACED THIS SURVEY.

TYPICAL

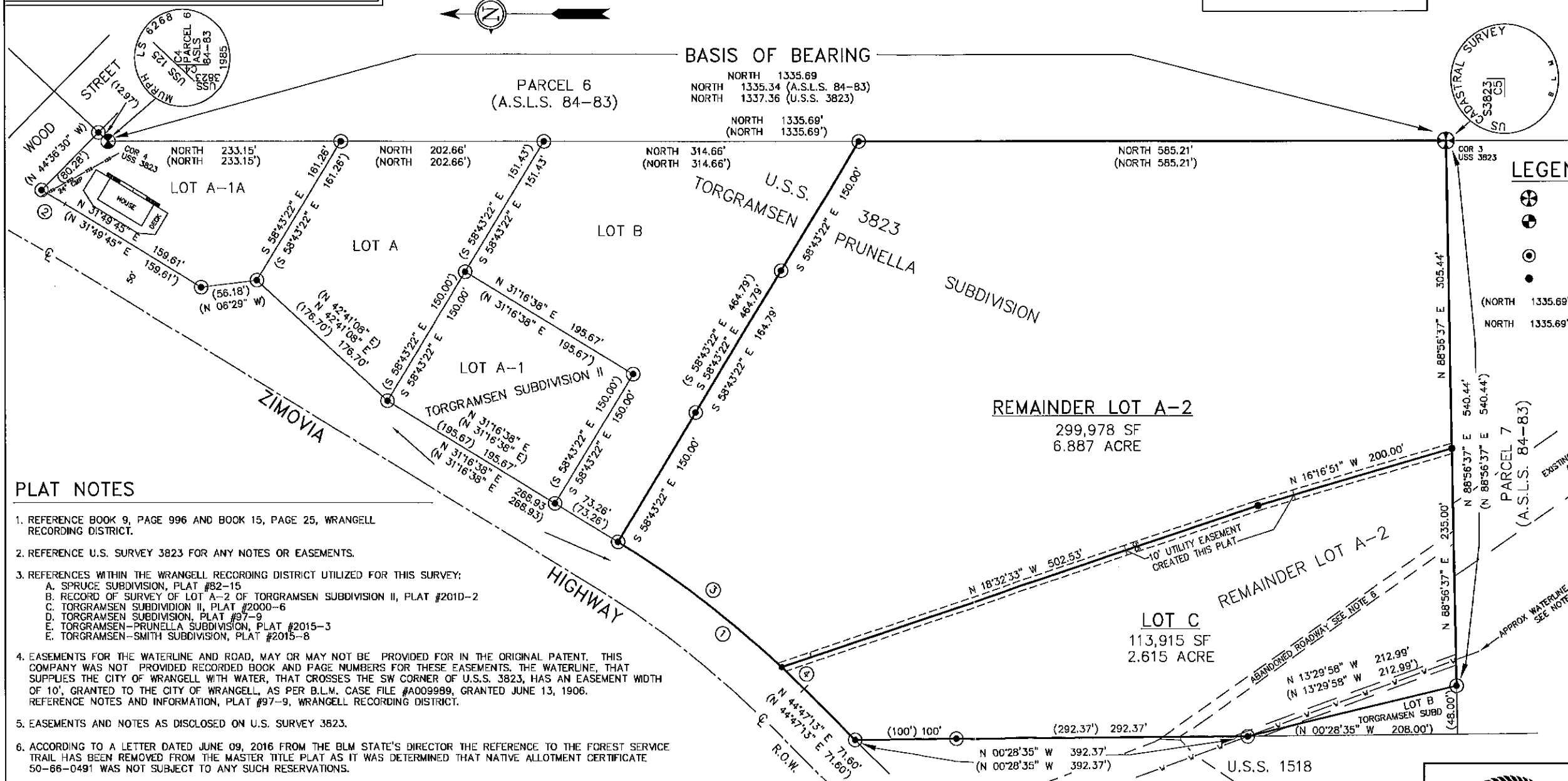
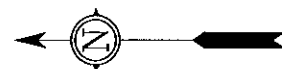


5/8"X 30" LONG REBAR AND 2" ALUMINUM CAP WITH PLASTIC INSERT SET THIS SURVEY.



VICINITY MAP

NOT TO SCALE



LEGEND

- ⊗ BLM/GLO BRASS CAP MONUMENT RECOVERED THIS SURVEY
- ⊙ PRIMARY ALUM. CAP PIPE MONUMENT MURPH LS 6268 RECOVERED THIS SURVEY
- ⊙ SECONDARY MONUMENT RECOVERED THIS SURVEY
- REBAR AND ALUM. CAP SET THIS SURVEY, LS 6700
- (NORTH 1335.69') DATA OF RECORD
- (NORTH 1335.69') DATA MEASURED OR CALCULATED

PLAT NOTES

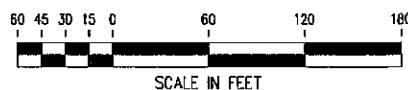
- REFERENCE BOOK 9, PAGE 996 AND BOOK 15, PAGE 25, WRANGELL RECORDING DISTRICT.
- REFERENCE U.S. SURVEY 3823 FOR ANY NOTES OR EASEMENTS.
- REFERENCES WITHIN THE WRANGELL RECORDING DISTRICT UTILIZED FOR THIS SURVEY:
 - SPRUCE SUBDIVISION, PLAT #82-15
 - RECORD OF SURVEY OF LOT A-2 OF TORGRAMSEN SUBDIVISION II, PLAT #2010-6
 - TORGRAMSEN SUBDIVISION II, PLAT #2000-6
 - TORGRAMSEN SUBDIVISION, PLAT #97-9
 - TORGRAMSEN-PRUNELLA SUBDIVISION, PLAT #2015-3
 - TORGRAMSEN-SMITH SUBDIVISION, PLAT #2015-8
- EASEMENTS FOR THE WATERLINE AND ROAD, MAY OR MAY NOT BE PROVIDED FOR IN THE ORIGINAL PATENT. THIS COMPANY WAS NOT PROVIDED RECORDED BOOK AND PAGE NUMBERS FOR THESE EASEMENTS. THE WATERLINE, THAT SUPPLIES THE CITY OF WRANGELL WITH WATER, THAT CROSSES THE SW CORNER OF U.S.S. 3823, HAS AN EASEMENT WIDTH OF 10', GRANTED TO THE CITY OF WRANGELL, AS PER B.L.M. CASE FILE #A009989, GRANTED JUNE 13, 1906. REFERENCE NOTES AND INFORMATION, PLAT #97-9, WRANGELL RECORDING DISTRICT.
- EASEMENTS AND NOTES AS DISCLOSED ON U.S. SURVEY 3823.
- ACCORDING TO A LETTER DATED JUNE 09, 2016 FROM THE BLM STATE'S DIRECTOR THE REFERENCE TO THE FOREST SERVICE TRAIL HAS BEEN REMOVED FROM THE MASTER TITLE PLAT AS IT WAS DETERMINED THAT NATIVE ALLOTMENT CERTIFICATE 50-66-0491 WAS NOT SUBJECT TO ANY SUCH RESERVATIONS.

DRAWN BY: MCH
CHECKED BY: CCB
DATE PLATTED: 07/30/2015
DATE SURVEYED: JUL-OCT 2015
SCALE: 1"=60'
SURVEYED BY: GREGORY G. SCHEFF
PROJ NO.: 152726

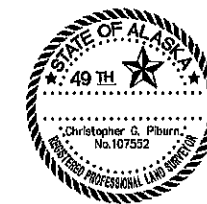
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN _____ A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED BY R&M ENGINEERING-KETCHIKAN, INC. AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE _____ CHRISTOPHER G. PIBURN LS 107552



CLIENT: DON GLASNER
BOX 192
HILLSDALE, NEW JERSEY 07642



WRANGELL RECORDING DISTRICT

Revisions		
No.	Date	Description
R&M R&M ENGINEERING-KETCHIKAN, INC. 355 Cordana Lake Road Ketchikan, AK 99901 Phone: (907) 225-7917 Fax: (907) 225-3441		
WRANGELL OFFICE P.O. BOX 1331 Wrangell, AK 99929 Phone: (907) 874-2177 Fax: (907) 874-2187		

PROJECT:
TORGRAMSEN-GLASNER SUBDIVISION
A SUBDIVISION OF REMAINDER LOT A-2, TORGRAMSEN-SMITH SUBDIVISION, CREATING LOT C OF REMAINDER LOT A-2 TORGRAMSEN-GLASNER SUBDIVISION WITHIN U.S. SURVEY 3823, WRANGELL RECORDING DISTRICT

Agenda Item 13h

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

Discussion and possible action regarding a new Water Treatment Facility *(Added at the request of Mayor Jack from the Emergency Assembly Meeting held July 19, 2016)*

RECOMMENDED ACTION:

Assembly Discussion.

Agenda Item 13i

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

INFORMATION:

Approval of Easement for Lot 14, Block 13, Campbell Resubdivision
and Approval to file Disclaimer of Interest in Quiet Title Action

Attachments:

1. Memo from Jeff Jabusch, Borough Manager
2. Proposed Easement
3. Disclaimer of Interest
4. Quiet Title Complaint

RECOMMENDED ACTION:

Move to approve filing an Easement Lot 14, Block 13, Campbell Resubdivision, owned by Walter L. Moorhead, and to authorize the Borough Attorney to file a Disclaimer of Interest on said property.

MEMORANDUM

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

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

SUBJECT: CITY EASEMENT ON MOORHEAD PROPERTY

DATE: JULY 21, 2016

Background:

Mr. Moorhead, in an effort to update his deed, discovered that the title company showed the City of Wrangell had an interest in the property because at some point the chain of title was broken and likely a deed was not recorded. I am aware of three separate people that have bought and sold this land in the last 50 plus years and also have paid property taxes on the land in that time. The city does not have any interest in the property and would like to assist Mr. Moorhead in his efforts to resolve this.

What was discovered as we looked into this issue was that the borough had a sewer line on Mr. Moorhead's property and we can't find where an easement was ever done. We have requested from Mr. Moorhead and Mr. Moorhead has agreed to issue the borough an easement for this sewer line.

Our attorney has drawn up both the easement for our sewer line and a disclaimer of interest in the property and summarized below:

1. The easement for our sewer line runs on the side of his property on the road side. We need an easement of 17 feet along the face of his property. The borough would be allowed to access the property for the purposes of repair, maintenance and replacement and would be responsible for all costs to put property back to original status when work was done.
2. We need to file with the court what is called a disclaimer of interest. The disclaimer of interest assists him with his efforts to clear up his title and says that the borough does not have any interest and supports his efforts in cleaning up his title.

Attachments:

- A. Easement
- B. Disclaimer of Interest

Recommended Motion:

Move to approve the city easement on Lot 14, Block 13, Campbell Resubdivision, owned by Walter L. Moorhead and to authorize the borough attorney to file a disclaimer of interest on said property.

PUBLIC USE EASEMENT

The Grantor, Walter L. Moorhead, (hereafter "Grantor") whose mailing address is P.O. Box 1140, Wrangell, Alaska 99929, conveys to the Grantee, the City and Borough of Wrangell, a municipality whose address is P.O. Box 531, Wrangell, Alaska, 99929, its successors and assignees, a utility easement, over and across the following described tract of land located in the City & Borough of Wrangell, Alaska,

The property subject to the easement ("Lot 14") is described as:

Lot 14, Block 13, Campbell Resubdivision, U.S. Survey 1119, according to Plat 77-6 and Plat 79-1, Wrangell Recording District, First Judicial District, State of Alaska.

The Grantor hereby conveys:

A 17-foot-wide sewer line utility easement, abutting Mt. Dewey Lane right-of-way (ROW), running from the northeast corner of Lot 14, along Mt. Dewey Lane ROW, to the northwest corner of Lot 14, and extending 17 feet from Mt. Dewey Lane ROW inside the property, as depicted on Exhibit 1 attached hereto.

The Grantor grants the Grantee the right to enter upon and use the above-described tract within Lot 14 at any time for the purpose of maintenance and continued use of an existing sewer main and future replacements and repairs as needed. All costs incurred to maintain, repair, or replace the existing sewer main will be at the Grantee's expense. The Grantee also agrees to pay all costs associated with the preparation and recording of this easement. The Grantor will not interfere with the easement or interfere with access to the easement for maintenance, inspection, or repair.

IT IS ALSO UNDERSTOOD that the Easement herein granted does not convey any right or interest in the above-described property, except as stated herein, nor does it prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights granted to the Grantee as described above. In addition, the Grantee, its successors, assigns, agents, contractors, and employees agree to the following conditions of entry:

1. DAMAGE TO PROPERTY: Grantee will exercise care to avoid damaging the property in any manner not consistent with the purpose for which this agreement is issued.
2. COOPERATION WITH GRANTOR: Grantee shall, at all times, cooperate with Grantor and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued.
3. ACCEPTANCE: All parts of the easement site used by the Grantee shall be left in acceptable condition.

4. INDEMNITY: Grantee shall indemnify and hold Grantor harmless from all damages arising out of any claim for injury or loss to any persons or property, directly related to or directly arising from the Grantee's use of the property or Grantee's activities on the property described above.
5. RESTORATION. After Grantee's entry or use under this easement, Grantee, at its own expense, shall restore the Grantor's real property to better condition or as nearly as possible to the same condition as prior to the Grantee's entry or use

NOW THEREFORE, in consideration of the City forgoing a claim to the remaining property and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, said Grantor hereby grants to Grantee the above-described sewer easement.

Executed this _____ day of _____, 2016 in Wrangell, Alaska.

GRANTOR: _____ Date: _____
Walter L. Moorhead

GRANTEE: _____ Date: _____
Jeff Jabusch, Borough Manager
City & Borough of Wrangell, Alaska

ACKNOWLEDGMENT OF GRANTOR

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Walter L. Moorhead, known to me to be the identical individual(s) who executed the foregoing instrument, and they acknowledged to me that they executed the same as the free and voluntary act of said company, with full authority to do so and with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

[NOTARY SEAL]

Notary Public in and for the State of Alaska

My Commission Expires: _____

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the CITY and BOROUGH OF WRANGELL, ALASKA Grantee herein, acting by and through its Manager, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2016.

CITY and BOROUGH OF WRANGELL

By: _____
Jeff Jabusch
Borough Manager

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT WRANGELL**

WALTER L. MOORHEAD,

Plaintiffs,

V.

SUZANNE LEVERETT, successor to the
interests of Lillian R. Grant and Neil E.
Grant, the CITY AND BOROUGH OF
WRANGELL, and also all other unknown
parties claiming any right, title, or interest
in the property: Lot Fourteen (14),
Campbell Resubdivision, according to the
plat thereof filed September 12, 1977 as
Plat No. 77-6, Wrangell Recording District,
First Judicial District, State of Alaska,

Case No.: 1WR-16-42CI

Defendants.

DISCLAIMER OF INTEREST BY CITY AND BOROUGH OF WRANGELL

The City and Borough of Wrangell (hereafter CBW), by and through attorney Robert P. Blasco, hereby disclaims ownership interest in the property that is the subject of the Complaint for Quiet Title. CBW has an interest in accessing the property to maintain a current sewer main. CBW and the Plaintiff have agreed to and signed a 17 foot wide sewer line utility easement granting CBW the right to maintain and repair and replace the sewer main existing in this location. (See Exhibit A). CBW will record this easement after the Court's decision on the ownership of the property. Therefore, CBW consents to the entry of judgment for the relief sought by Plaintiff in the Complaint for Quiet Title, provided that no other relief be entered against them, including but not limited to a judgment for attorneys fees and court costs, for the property defined within the City and Borough of Wrangell as:

Lot 14, Block 13, Campbell Resubdivision, according to the plat thereof filed September 12, 1977 as No. Plat 77-6, Wrangell Recording District, First Judicial District, State of Alaska,

Subject to a 17-foot-wide sewer line utility easement, to be recorded after this action, abutting Mt. Dewey Lane right-of-way (ROW), running from the northeast corner of Lot 14, along Mt. Dewey Lane ROW, to the northwest corner of Lot 14, and extending 17 feet from Mt. Dewey Lane ROW inside the property, as depicted in Exhibit A attached hereto.

Dated: July ___, 2016

HOFFMAN & BLASCO, LLC

By: _____
Robert P. Blasco, AK. Bar # 7710098
Attorneys for City and Borough of Wrangell

CERTIFICATE OF SERVICE

This is to certify that on the July ___, 2016, a true and correct copy of the foregoing **DISCLAIMER OF INTEREST BY CITY AND BOROUGH OF WRANGELL** was mailed to the following parties of record as indicated below:

Christopher Walker
Faulkner Banfield, P.C.
8420 Airport Blvd., Suite 101
Juneau, AK 99801
cwalker@faulknerbanfield.com

☐ US First Class Mail
☐ Facsimile
☐ Hand Delivery
☒ E-Mail

Shannon K. Costello

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT WRANGELL

WALTER L. MOORHEAD,

Plaintiff,

v.

SUZANNE LEVERETT, successor to the
interests of Lillian R. Grant and Neil E.
Grant, the CITY AND BOROUGH OF
WRANGELL, and also all other unknown
parties claiming any right, title, or interest in
the property: Lot Fourteen (14), Campbell
Resubdivision, according to the plat thereof
filed September 12, 1977 as Plat No. 77-6,
Wrangell Recording District, First Judicial
District, State of Alaska,

Defendants.

1WR-16- 42 CI

To Defendant: Jeff Jabusch
City & Borough of Wrangell
205 Brueger Street
Wrangell, Alaska

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at (address): **Public Safety Bldg., 2nd Floor, 431 Zimovia Highway, P.O. Box 869, Wrangell, Alaska 99829** within twenty (20) days* after the day you receive this summons.

*The state or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

In addition, a copy of your answer must be sent to:

Plaintiff's attorney: **Christopher J. Walker, Faulkner Banfield, P.C.**
Address: **8420 Airport Blvd., Suite 101, Juneau, Alaska 99801**

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and
Summons
Moorhead v. Leverett, et al.

1WR-16-____ CI
Page 1 of 2

telephone number. You may use court form Notice of Change of Address/Telephone Number (TF-955), available at the clerk's office or on the court system's website at www.state.ak.us/court/forms.htm, to inform the court.

-OR-

If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

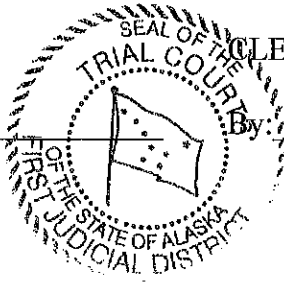
To: Plaintiff and Defendant

You are hereby given notice that this case has been assigned to Judge KENTON G MILLER

(SEAL)

6/24/16

Date



By: _____
CLERK OF COURT

Kearna Nash
Deputy Clerk

Faulkner Banfield, P.C.
8420 Airport Blvd., Ste 101 ♦ Juneau, Alaska 99801
Phone: (907) 586-2210 ♦ Fax: (907) 586-8090

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT WRANGELL

WALTER L. MOORHEAD,

Plaintiff,

v.

SUZANNE LEVERETT, successor to the
interests of Lillian R. Grant and Neil E.
Grant, the CITY AND BOROUGH OF
WRANGELL, and also all other unknown
parties claiming any right, title, or interest in
the property: Lot Fourteen (14), Campbell
Resubdivision, according to the plat thereof
filed September 12, 1977 as Plat No. 77-6,
Wrangell Recording District, First Judicial
District, State of Alaska,

Defendants.

FILED in the Trial Courts
State of Alaska First District
at Wrangell

JUN 24 2013

Clerk of the Trial Courts

By _____ Deputy

1WR-16- 42 CI

COMPLAINT TO QUIET TITLE
(AS 09.45.010)

1. The plaintiff, Walter L. Moorhead owns and is currently in possession of the
following real property located in Wrangell, Alaska (the "Property"):

Lot Fourteen (14), Campbell Resubdivision, according to the plat thereof filed
September 12, 1977 as Plat No. 77-6, Wrangell Recording District, First
Judicial District, State of Alaska.

2. The Property has been Mr. Moorhead's primary residence and he has been in
continuous possession of it since January 1988.

3. Mr. Moorhead obtained a title report which in paragraphs 12-14 notes
interests of defendants City and Borough of Wrangell, Lillian R. Grant, and Neil E. Grant

as exceptions.¹ These exceptions cloud Mr. Moorhead's title.

4. The exception for the City and Borough of Wrangell is based upon an indenture dated December 16, 1919.² Despite this indenture, Wrangell has no interest in the Property.

5. The exceptions for Neil E. Grant and Lillian R. Grant are based upon a quitclaim deed dated July 25, 1960 that conveyed an interest to Lillian R. Grant and a quitclaim deed dated November 6, 1969 that conveyed an interest to the Neil E. Grant and Lillian R. Grant as tenants by the entirety.³

6. Neil E. Grant died January 12, 1975. The interest conveyed to him by the quitclaim deed dated November 6, 1969 passed to Lillian R. Grant by right of survivorship.⁴

7. If Mr. Grant's interest did not pass by survivorship, it became a part of his estate, which was probated in Alaska in case number 1JU-75-00027 PR.

8. Lillian R. Grant died April 2, 1975. Her estate was probated in Alaska in case number 1JU-75-00067 PR.

9. Suzanne Leverett, daughter of Neil E. Grant and Lillian R. Grant, was appointed personal representative of both of their estates.

¹ The title report is attached as Exhibit 1; see ¶12-14 at 4.

² *Id.* at 6

³ *Id.* at 7-8

⁴ *Smith v. Kofstad*, 206 P.3d 441, 445 (Alaska 2009)

10. The court directed Ms. Leverett to distribute the estate of Neil E. Grant to the estate of Lillian R. Grant.⁵

11. The court directed Ms. Leverett to distribute the remainder of the estate of Lillian R. Grant to herself, Suzanne Maryella Leverett.⁶

12. No deed conveying the interest of Lillian R. Grant in the Property from the estate of Lillian R. Grant to Suzanne Leverett has been recorded.

13. Suzanne Leverett and her husband John Leverett conveyed title to the Property by warranty deed to Leonard T. Campbell and Lynne Campbell, who conveyed title to the Property by warranty deed to Gerald D. Montgomery and Eadie K. Montgomery, who conveyed title to the Property by warranty deed to Walter L. Moorhead and Carol L. Ross as husband and wife.⁷

14. Carol L. Ross died September 7, 2015. Her interest in the Property passed by operation of law to her husband, plaintiff Walter L. Moorhead, pursuant to their ownership as tenants by the entirety.⁸

15. Any interest of Neil E. Grant and Lillian R. Grant in the Property passed to Suzanne Leverett.

⁵ *Order Approving Final Account and Decree of Distribution dated December 9, 1977 attached as Exhibit 2*

⁶ *Order Approving Final Account and Decree of Distribution dated December 9, 1977 attached as Exhibit 3*

⁷ Copies of deeds are attached as Exhibit 4

⁸ AS 34.15.110(b) & AS 34.15.140

16. Because all of the parties in the chain of title described above, including Suzanne Leverett, conveyed title by warranty deed, any subsequently acquired title or interest passes by operation of law to the grantee at the end of the chain, Walter L. Moorhead.⁹

17. The court has jurisdiction to hear this claim under AS 22.10.020, because the Property is located in this judicial district.

18. Venue is proper under AS 22.10.030 because the Property and the plaintiff are located in Wrangell, Alaska.

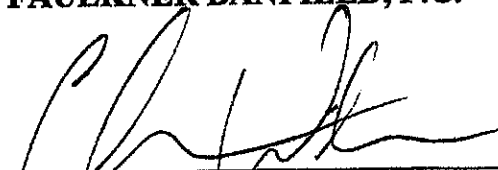
Plaintiff requests the following relief:

A. Declaration and judgment that the Property described in paragraph 1 is owned in fee simple by the plaintiff and that Suzanne Leverett, Neil E. Grant, Lillian R. Grant, the City and Borough of Wrangell and all unknown parties have no right, title, or interest in the Property.

B. Such other relief as the court deems proper.

DATED: June 22, 2016

FAULKNER BANFIELD, P.C.



Christopher J. Walker
AK Bar No. 0811095
Attorneys for Plaintiff

⁹ AS 09.15.075(a)

Agenda Item 13j

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

PROPOSED RESOLUTION No. 07-16-1346: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR NEW JOB DESCRIPTION FOR THE NEW POSITION OF A PUBLIC WORKS ADMINISTRATIVE ASSISTANT

Attachments:

1. **PROPOSED RESOLUTION No. 07-16-1346**
2. Memo from Manager Jabusch and PW Director Al-Haddad
3. Proposed Job Description

RECOMMENDED ACTION:

Move to adopt Resolution No. 07-16-1346 for a new position of Public Works Administrative Assistant.

CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION NO. 07-16-1346

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR NEW JOB DESCRIPTION FOR THE NEW POSITION OF A PUBLIC WORKS ADMINISTRATIVE ASSISTANT

WHEREAS, the addition of this position allows the City and Borough of Wrangell's Public Works Director the needed assistance in the office so that the public works director can effectively and efficiently manage the duties of the job ; and

WHEREAS, the pay scale for the Public Works Administrative Assistant position will be placed on the current non-union Pay Scale Grade 15 (\$16.82 to \$23.31); and

WHEREAS, the position is included in the 2016-2017 approved budget for the City and Borough of Wrangell; and

WHEREAS, it is the desire of the City and Borough of Wrangell to provide positions that will provide departments to operate in the most cost effective and efficient manner; and

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 Public Works Administrative Assistant position.

Section 2. The new job description for the Public Works Administrative Assistant position becomes effective upon adoption of this resolution

ADOPTED: _____, 2016

David L. Jack, Mayor

ATTEST: _____
Kim Lane, Borough Clerk

MEMORANDUM

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

**FROM: JEFF JABUSCH
BOROUGH MANAGER**

**SUBJECT: NEW JOB POSITION- PUBLIC WORKS ADMINISTRATIVE
ASSISTANT**

DATE: JULY 21, 2016

Background:

For approximately the last 5 or 6 years the public works director has had an employee working with them under the label of Project Manager. Although we do have some projects going on, the amount of projects is less and will continue to get less as the State of Alaska gives us less for capital projects. We felt there is still a need for help in the office for the public works director, but in a different format. The new position can assist in doing a lot of the clerical tasks and free up the director on the larger items. Also this position will be paid less per hour and will only be 20 hours a week instead of 40.

This position was budgeted and approved in the current year budget. If approved, we will advertise for the position and hopefully have it filled by the first part of September.

Recommended Motion:

Move to approve the resolution adopting the new job description Public Works Administrative Assistant.

MEMORANDUM

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

FROM: AMBER AL-HADDAD, PUBLIC WORKS DIRECTOR

SUBJECT: JOB DESCRIPTION FOR NEW POSITION OF PUBLIC WORKS
ADMINISTRATIVE ASSISTANT

DATE: July 21, 2016

BACKGROUND

Over the last several years, it has become apparent that the Public Works Department is in need of additional administrative support.

Through approval of the City and Borough of Wrangell's FY17 Budget for the Public Works department, the Borough Assembly approved funding for the implementation of a new position, Administrative Assistant, currently budgeted as a part time position. The Administrative Assistant would be responsible for providing administrative work in all sub-departments under the Public Works Department.

The new position of Administrative Assistant would be placed on the City and Borough of Wrangell's regular employee pay plan at a Grade 15. The job description is attached.

RECOMMENDATION

Move to approve the job description for the new position of Public Works' Administrative Assistant.

ATTACHMENTS

1. Proposed Job Description entitled Administrative Assistant

City & Borough of Wrangell

Position Description

Position: Administrative Assistant	Position Number:
Department/Site: Public Works	FLSA: Non-Exempt
Evaluated by: Director of Public Works	Salary Grade: 15

Summary

Performs computer software processing and data entry, record keeping, bookkeeping, office management, administrative support, organizational and clerical tasks in the Public Works Department. Works under the supervision of the Director of Public Works. This is a part-time position (approximately 20 hours per work week).

Essential Duties and Responsibilities

- Perform a variety of clerical, office support, report generation and record keeping assignments.
- Provide proper invoice coding for bill payment and invoice generation.
- Respond to requests for information from residents as well as Borough employees and make proper referrals.
- Establish, prepare, revise and monitor department files, records, maps and reports.
- Provide email correspondence and meeting setup as required.
- Manage, operate and maintain office equipment.
- Establish, organize and manage filing system – both hard copy and electronic files.
- Type, edit and proofread documents.
- Order departmental supplies and manage office supplies inventory.
- Answer telephone and email contacts and relay messages to employees in a timely manner.
- Provide data input and word processing as needed.
- Assist in the preparation of any required reporting documents.
- Prepare letters, correspondence, minutes, memos and reports for mailing and distribution.
- Create and track work orders and purchase orders.
- Assist in managing contracts and billings.
- Obtain data or information in the field as assigned.
- Ability to make minor decisions that are in compliance with department and Borough policies and apply them to work matters.
- Assist Public Works Department employees as well as all other Borough departments as needed.
- Perform additional projects or administrative support duties as assigned.

Qualifications

▪ Knowledge and Skills

- Minimum of a high school degree with secondary business education or training being highly desirable.
- Must be familiar with computer word processing and data processing software including the Microsoft Office suite of applications and have excellent typing skills.

- Experience with operation and care of office equipment (multi-function copiers, fax machine, computer, phone system).
- Possess excellent written and verbal communication skills.
- Possess a valid Alaska motor vehicle operator's license.
- Past successful experience in the administrative support and clerical field.

▪ **Professional Abilities**

- Ability to juggle multiple projects with accuracy.
- Possess strong administrative and organizational skills.
- Possess exceptional customer service skills with customers, outside agencies and Borough employees, both over the phone and in person.
- Ability to effectively deal with upset customers.
- Ability to maintain confidentiality.
- Possess strong sense of urgency and problem solving skills.
- Maintain knowledge and skills in bookkeeping and accounting, use of computer system and software, telephone system, office equipment, records management, data compilation and report generation.
- Have positive work attitude.
- Willingness to become proficient in basic GIS software use.
- Possess thorough knowledge of business English, spelling and vocabulary.
- Willingness to learn department rules, regulations, policies, procedures and functions.
- Ability to understand and carry out complex oral and written instructions.
- Ability to perform quality work under pressure.
- Ability to work a regularly scheduled work week approximately 20 hours of scheduled/assigned work.
- Willingness to work overtime or extra hours as assigned and to modify work hours.
- Ability to maintain regular punctual attendance.

▪ **Physical Abilities**

- Frequent sitting; sometimes walking, stooping, bending, kneeling, standing, and squatting.
- Frequently reaching in front of body and occasionally overhead.
- Continuous handling of objects and equipment using hand, wrist, arms, and fingers simultaneously; frequent finger manipulations; use of keyboard, use of calculator, writing.
- Talking and hearing ordinary conversation, primarily in a moderately quiet environment; use of telephone and computer on an ongoing basis.
- Specific vision abilities required by this job include close vision, distance vision, color vision, and depth perception.
- Lifting to hip height and frequently carrying items 30 pounds or less.

▪ **Minimum Qualifications and Experience**

- Must be at least 18 years old and hold a valid Alaska Driver's License.
- Applicants must be able to work a minimum of twenty hours a week, as set by the job requirements.

▪ **Working Conditions**

Work is performed primarily indoors.

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.

Agenda Item 13k

CITY & BOROUGH OF WRANGELL

BOROUGH ASSEMBLY AGENDA ITEM July 26, 2016

PROPOSED RESOLUTION No. 07-16-1347: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, FORMALLY SUBMITTING A MUNICIPAL HARBOR FACILITY GRANT APPLICATION TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF) IN THE AMOUNT OF \$5 MILLION DOLLARS FOR THE SHOEMAKER BAY HARBOR PROJECT

Attachments:

1. **PROPOSED RESOLUTION No. 07-16-1347**
2. Memo from Carol Rushmore

RECOMMENDED ACTION:

Move to adopt Resolution No. 07-16-1347.

CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION NO. 07-16-1346

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, FORMALLY SUBMITTING A MUNICIPAL HARBOR FACILITY GRANT APPLICATION TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF) IN THE AMOUNT OF \$5 MILLION DOLLARS FOR THE SHOEMAKER BAY HARBOR PROJECT

WHEREAS, the State of Alaska, Department of Transportation and Public Facilities administers the Municipal Harbor Facility Grant program; and

WHEREAS, the City and Borough of Wrangell owns and maintains the Shoemaker Bay Harbor and the Shoemaker Bay Harbor project is eligible for a Municipal Harbor Facility Grant; and

WHEREAS, the City and Borough of Wrangell has the required 50% in local matching funds for the construction of the Shoemaker Bay Harbor per the Municipal Harbor Facility Grant program; and

WHEREAS, the City and Borough of Wrangell is capable of completing the Shoemaker Bay Harbor project within eighteen (18) months after award of a Municipal Harbor Facility Grant, and

WHEREAS, the Shoemaker Bay Harbor is critical to the City and Borough of Wrangell;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, that the City and Borough of Wrangell supports the project entitled Shoemaker Bay Harbor and agrees, subject to available Alaska Legislative funding and selection by DOT&PF, to enter into a grant agreement with the State of Alaska, Department of Transportation and Public Facilities for a Municipal Harbor Facility Grant.

Section 2. This resolution shall become effective upon its passage and adoption.

ADOPTED: _____, 2016

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

MEMORANDUM

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

**FROM: MS. CAROL RUSHMORE
ECONOMIC DEVELOPMENT DIRECTOR**

SUBJECT: Shoemaker Bay Harbor Construction Grant

DATE: July 22, 2016

BACKGROUND:

Annually, Department of Transportation and Public Facilities, through their Harbor Facility Grant Program solicits applications for construction funding.

http://www.dot.alaska.gov/stwddes/desports/harbor_grant.shtml

Design on the harbor is complete and was funded by a legislative grant.

The grant applications are due August 1, 2016. Staff is working on the application now. Total estimated construction cost is \$10,969,926. The Assembly has previously approved seeking bond financing of \$2.5 million for this project which is in addition to the grant of \$5 million and harbor reserves for the remaining funds.

RECOMMENDATION:

Staff recommends approval of the Resolution committing match to the Harbor Facility Grant Program for reconstruction of Shoemaker Bay Harbor

Agenda Item 14

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
July 26, 2016**

INFORMATION:

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

Agenda Item 15

CITY & BOROUGH OF WRANGELL

**BOROUGH ASSEMBLY
AGENDA ITEM
July 26, 2016**

INFORMATION:

EXECUTIVE SESSION: Options for disposing of the Belt Freezer Facility

RECOMMENDED ACTION:

I move, pursuant to AS 44.62.310 (c), (1), that we recess into executive session to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the Borough, specifically the options for disposing of the Belt Freezer facility.