

Minutes of Regular Assembly Meeting
Held on November 29, 2016 (rescheduled from the November 22, 2016 Regular meeting)

Mayor David L. Jack called the Regular Assembly meeting to order at 7:00 p.m., November 29, 2016, in the Borough Assembly Chambers. Assembly Members Mitchell, Decker, Gilbert, Powell, and Rooney were present. Borough Manager Jeff Jabusch and Borough Clerk Kim Lane were also in attendance.

The Pledge of Allegiance was led by Assembly Member Mark Mitchell.

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

AMENDMENTS TO THE AGENDA

Assembly member Decker requested that an item be added under new business to discuss the possibility of signing onto a letter for the Tongass Transition Plan Amendment. There were no objections from the Assembly.

Manager Jabusch requested that an item be added to the agenda under new business to consider scheduling a Special Meeting to consider an Ordinance that had been previously adopted but required modifications for the USDA Closing Documents for the Sewer Pump Stations and to move Agenda Item 13d (City Dock Lighting project approval) from this evening and also add it to the Special meeting.

CONFLICT OF INTEREST – None

CONSENT AGENDA

M/S: Mitchell/Decker, to approve Consent Agenda Items marked with an () asterisk; Items 6a, 7a through 7g. Motion approved unanimously by polled vote.*

APPROVAL OF MINUTES

The Minutes of the Public Hearing & Regular Assembly meetings held November 8, 2016, were approved as presented.

COMMUNICATIONS

- *a. Catholic Community Services, Inc Quarterly Expenditure rept. for 7-1 thru 9-30-2016
- *b. Harbor Matching Letter & adopted Res. No. 11-16-1353 sent to delegates
- *c. Regular School Board minutes from 9-19-16
- *d. Wrangell Medical Center Board minutes from 9-21-16
- *e. Correspondence from State re: Earthquake Simulator Tour
- *f. Gaming Permit renewal application from the Benevolent & Protective Order of Elks Lodge #1595
- *g. Line of Credit update for the Wrangell Medical Center

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 Rooney and Mayor Jack reported on their trip to Anchorage for the AML Conference.

10b City Boards and Committees Appointments

Mayor Jack appointed Bob Lippert to fill the vacancy on the Parks & Recreation Board with the term ending October 2019. As there were vacancies on other various boards and committees, Mayor Jack directed the Borough Clerk to advertise. There were no objections from the Assembly.

10c Wrangell Medical Center Board Appointment

Mayor Jack appointed Barbara Conine to fill the vacancy on the Wrangell Medical Center Board with the term ending October 2019.

PERSONS TO BE HEARD - None

UNFINISHED BUSINESS – None

NEW BUSINESS

13a PROPOSED ORDINANCE No. 928: AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING CHAPTER 11.76, JUNK VEHICLES, OF THE WRANGELL MUNICIPAL CODE, RELATING TO THE PROCEDURES FOR THE DISPOSITION AND DISPOSAL OF JUNK VEHICLES *(first reading)*

M/S: Rooney/Mitchell, to approve first reading of Ordinance No. 928 and move to a second reading with a Public Hearing to be held on December 13, 2016.

Assembly Member Gilbert expressed that the State Statutes says that the ownership of vehicle left on a person's property without consent will revert to the current owner; also states that if a vehicle is on private property, there is no presumption that it's a junk vehicle; need to address private property.

Assembly Member Mitchell stated that what we may think is junk, may be a future project for someone; may be easier to go and talk to the land owner instead of penalizing someone for what the city perceives as junk.

Assembly Members Gilbert and Rooney were in support of a community clean-up where possibly a barge could be brought in to clean up junk and scrap from properties around the community.

Clerk Lane stated that if the Assembly wanted to not approve the Ordinance and have another workshop to discuss what they would want to add to this Ordinance, they could do

that. She also stated that she was confident in the Ordinance before the Assembly and that this Ordinance addressed Junk Vehicles only; other code sections could be looked at for other concerns if need be.

Assembly Member Powell questioned if there was a provision in the Zoning section of the Code that addressed the zoning issues with junk compiling on a piece of private property that was zoned residential.

Mayor Jack questioned if the City had a provision in our code that addressed junk on property that created a nuisance.

Clerk Lane looked up and found that the City did have a provision that addressed this under WMC 9.08.080:

9.08.080 Accumulations of rubbish and materials prohibited.

No owner, lessee, agent, tenant, or occupant shall allow or permit any junk vehicles, junk, debris, or indiscriminate storage of machinery, equipment parts, lumber, or other material, or any accumulation of garbage, manure, offal, rubbish, stagnant water, or any filthy liquid or substance, or anything that is or may become putrid or offensive to be or remain upon his yard, lot or premises, or upon any yard, lot or premises controlled by him.

Lane also stated that this violation was in the fine schedule as a \$100 fine for each offense; it's a matter of who will enforce it though.

Rooney stated that we need to move forward on this Ordinance and if we wanted to do something with nuisances in the future we could do it with a separate Ordinance. Clerk Lane agreed.

Motion approved unanimously by polled vote.

13b PROPOSED RESOLUTION No. 11-16-1354: A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, SUPPORTING THE PORT COMMISSION'S EFFORTS TO PLAN AND BUILD THE MARINER'S MEMORIAL AT HERITAGE HARBOR

M/S: Gilbert/Decker, to adopt Resolution No. 11-16-1354 that creates a Special Mariner's Memorial Committee. Motion approved unanimously by polled vote.

13c Appointment to fill the vacancy on the Borough Assembly

M/S: Decker/Powell, to appoint Steve Prysunka to fill the unexpired term as an Assembly Member on the Borough Assembly until October 2017.

Assembly Member Decker stated that the Assembly had two good candidates in front of them for consideration; the Assembly had a discussion of Nepotism at their last meeting; there is a grey area here; weighing the public's interest; position that Steve's daughter had applied for is an entry level low-end position; Steve has proven himself to be very thorough; brings a good perspective to the Assembly.

At the request of Mayor Jack, Mr. Prysunka explained why he had resigned and the steps that he took along the way.

Manager Jabusch stated that the position that Mr. Prysunka's daughter had applied for was not highly sought after.

Mayor Jack stated that Christie Jamieson had also turned in a letter of interest; believes that they both have given a lot to the community; Mr. Prysunka has been sitting on the Assembly and has confidential knowledge about current issues.

Motion approved unanimously by polled vote.

Mr. Prysunka took his Oath of Office and took his seat at the dais.

13d Approval of the Bid received for the Wrangell City Dock Lighting project - ***Removed***

13e Approval of the Wrangell Courtroom Lease with the Alaska Court System

M/S: Gilbert/Rooney, to approve Move to approve lease with the Alaska Court System to be effective January 1, 2017 through December 31, 2022 with options to extend the lease through (5) one year options. Motion approved unanimously by polled vote.

Items 13f and 13g were added under Amendments to the Agenda

13f Discussion regarding signing on to a letter of support for the Tongass Transition Plan Amendment

Assembly Member Decker explained that even though Manager Jabusch had been given a very short deadline to sign on to the letter of support, Mr. Clark had stated that there was still time to do so. Decker requested that this item be added to the Special Assembly meeting agenda for Friday, if that item was approved.

There was no objection from the Assembly.

13g Approval to schedule a Special Assembly meeting for Friday, December 2, 2016 at noon

M/S: Rooney/Powell, to approve holding a Special Assembly meeting on Friday, December 2, 2016, at noon, with the following items to be considered at that meeting:

- 1. USDA Ordinance for the Pump Stations**
- 2. Approval of the bid for the City Dock Lighting project**
- 3. Action on the Tongass Transition Plan Amendment letter**

Assembly Member Prysunka asked if we would have a response back from the Borough Attorney on the issue of local preference by then.

Manager Jabusch stated that we would.

Motion approved unanimously by polled vote.

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

EXECUTIVE SESSION

15a Executive Session: Options regarding the Corrective Statutory Warranty Deed for Lot A, dated May 25, 2012, according to Plat 2010-6 between the City and Alaska Island Community Services (AICS)

M/S: Powell/Decker, to move, pursuant to AS 44.62.310 (c), (1), that we recess into executive session with the Borough Manager and the Borough Attorney to discuss matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the Borough, specifically the City's options regarding the Corrective Statutory Warranty Deed for Lot A, dated May 25, 2012, according to Plat 2010-6 between the City and Alaska Island Community Services (AICS).

Assembly Member Prysunka stated that he had a conflict of interest on this item; he hadn't been appointed to the Assembly at the beginning of the meeting so he wasn't able to state a conflict then. Prysunka stated that since his wife is employed with AICS and has a conflict, he didn't feel comfortable in being involved in any discussion regarding AICS.

Mayor Jack agreed and there were no objections from the Assembly.

Motion approved unanimously by polled vote.

Regular Assembly Meeting recessed at 7:47 p.m.

Regular Assembly Meeting reconvened back into regular session at 8:26 p.m.

Mayor Jack stated that the Borough Manager had been given direction by the Borough Assembly to write a letter.

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

David L. Jack, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk