

Minutes of Regular Assembly Meeting Held on October 23, 2018

Mayor Stephen Prysunka called the Regular Assembly meeting to order at 7:00 p.m., October 23, 2018, in the Borough Assembly Chambers. Assembly Members Decker, DeLong, and Gilbert were present. Assembly Member Powell was absent. Borough Manager Von Bargen participated by phone and Borough Clerk Kim Lane was in attendance.

The Pledge of Allegiance was led by Assembly Member Patty Gilbert.

CEREMONIAL MATTERS

A Proclamation for Extra Mile Day (November 1, 2018) was presented by Mayor Prysunka. Certificates of Service were presented for:

- Rolland Howell – Borough Assembly
- Duke Mitchell – Planning & Zoning Commission
- Charles Haubrich – Planning & Zoning Commission
- Alice Rooney – Parks & Recreation Board
- Bob Lippert – Parks & Recreation Board
- Heidi Armstrong – Wrangell Convention & Visitors Bureaus
- Mark Mitchell – Economic Development Committee

PERSONS TO BE HEARD

Don McConachie, resident stated that regarding the hire of an assembly member as a City employee, he thought that it was very unrealistic to do something to benefit yourself; not a benefit to the City; circumvented the code; McConachie also stated that he was in opposition to removing the Invocation from the Agenda.

Nettie Covalt, resident, spoke in opposition to removing the Invocation from the Agenda (Item 13g.)

Rudy Briskar, resident, spoke in opposition to removing the Invocation from the Agenda (Item 13g.)

Clay Hammer, resident, spoke in opposition to removing the Invocation from the Agenda (Item 13g.)

Heidi Armstrong, resident spoke a letter from Steve Murphy that appeared to be in opposition of Agenda Item 13g.

Mark Armstrong, resident, spoke in opposition to removing the Invocation from the Agenda (Item 13g.)

Jim Leslie, resident, wanted to point out that no matter what the Supreme Court handed down, that does not preclude anyone from praying privately.

Prysunka explained to the listening public that if the Ordinance (Item 13g) passed this evening, it would go to a Second Reading with a Public Hearing on November 27, 2018; that would give the public an opportunity to come in again and speak to it.

AMENDMENTS TO THE AGENDA

M/S: DeLong/Gilbert to remove Item 13b, by the request of the Borough Manager.

Manager Von Bargen reported that the reason why this item was being removed was because the Assembly does not need to take action on this item; the document was going to request that SEARHC

had an additional 30 days beyond the effective date of the Asset Purchase Agreement to object to Title; SEARHC provided us with documentation, stating that they no longer need that additional time.

Motion approved unanimously by polled vote.

M/S: Gilbert/DeLong to move Item 7c (Quarterly Permanent Fund Report) up in the Agenda to be before the Consent Agenda. Motion approved unanimously by Polled Vote.

CONFLICT OF INTEREST – None.

Item 7a: Quarterly Permanent Fund Report, Tom Konop, Morgan Stanley Advisor provided a verbal report to the Assembly on the Permanent Fund. In addition to the report, Mr. Konop stated that Morgan Stanley is exiting a large portion of the Government Entity business. Mr. Konop provided some insight into some options for the Borough.

Recessed at 7:55 p.m.

Reconvened at 8:05 p.m.

CONSENT AGENDA

Consent Agenda Items:

- a. Approval of Assembly Minutes – October 9, 2018 (Regular)

Correspondence Items:

- b. School Board Action – October 8, 2018 (action only, minutes will follow)
- c. School Board Minutes – None
- d. Wrangell Medical Center Minutes – September 19, 2018 (Regular)
- e. Federal Lobbyist Quarterly Report

Correspondence Items:

M/S: Gilbert/DeLong to approve the Consent Agenda as submitted. Motion approved unanimously by polled vote.

BOROUGH MANAGER'S REPORT

Manager Von Bargaen's Report was provided along with the additional reports:

- Water Report (Including Upper Reservoir Geo-Tech Analysis – Attached Last)
- Public Works/Capital Report

Von Bargaen also stated that she was actively working on the Attorney RFP and would send that out to the Assembly for viewing in the next few days.

Von Bargaen also stated that there would be a Table Top drill on November 2nd that would include the Principal, Staff, and the Police Department.

Von Bargaen stated that because our water reservoir levels are low, we are asking the community to start conserving water; asked the Assembly if we could hold a Work Session on November 5th, 2018.

Prysunka stated that the issue is compounded; having generator issues as well; Swan reservoir is low as well; Ketchikan is on generators right now; taking our que's from SEAPA.

In response to Prysunka, Amber Al-Haddad, Public Works Director/Capital Facilities Director stated that she had the water quality testing report for the Spur Road Fill Site and would get that to the Assembly.

BOROUGH CLERK'S FILE

Clerk Lane's report was provided.

MAYOR AND ASSEMBLY BUSINESS

Decker reported that she had been asked from a community member if only Seiner's could apply; looks like Gillnetter's are also eligible to apply.

Decker reported that she was in Petersburg for a meeting about Sea Otters; new group meeting to focus on efforts that could be taken now:

- Marketing
- Tanning
- Allowable use by Alaska Natives

DeLong reported that KSTK did a great job with the live music event this weekend; thanked the organizers and volunteers.

Prysunka reported that he met with Representative Ortiz; raised concerns with Petersburg making a request for a second social worker; we are the second largest community in our region; we need a social worker here; lost our social worker about 10-12 years ago when the social worker retired; is becoming a trend in our community; we lost our social worker, our community health care worker, and now our magistrate; if the police department wants to issue a search warrant, they now have to go through Petersburg to do it.

MAYOR AND ASSEMBLY APPOINTMENTS

10a City Boards and Committee Vacancy Appointments

Parks & Recreation Board – Hearing no objections, Prysunka appointed Annaya Ritchie with the term expiring October 2019.

10b Appointment of an Assembly member as the SEARHC/AICS Advisory Board Liaison

Hearing no objections, Prysunka appointed Gilbert to serve as the liaison on the SEARHC/AICS Advisory Board.

PUBLIC HEARING – None.

UNFINISHED BUSINESS – None.

NEW BUSINESS

13a Approval of a Sole-Source Contract in Conformance with WMC Section 5.10.050(G) with Seattle Radiator in the Amount of \$27,702

M/S: Decker/Gilbert to Approve a Sole-Source Contract in Conformance with WMC Section 5.10.050(G) with Seattle Radiator in the Amount of \$27,702. Motion approved unanimously by polled vote.

~~13b Approval of Authorization for the Mayor to Enter into a Letter of Agreement with Southeast Alaska Regional Health Consortium (SEARHC) to Confirm the Deadline for Real Property Title Objections in Conjunction with the Asset Purchase Agreement with SEARHC Approved by the Assembly in Ordinance No. 948 and Approved by the Voters at the October 2, 2018 Regular Election~~

13c PROPOSED RESOLUTION NO. 10-18-1430 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA PROVIDING FOR A LIMITED WAIVER OF DISCRETIONARY IMMUNITY RELATING TO THE ENFORCEMENT OF THE ASSET PURCHASE AGREEMENT AND RELATED HOSPITAL LEASE WITH SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM APPROVED BY THE ASSEMBLY IN ORDINANCE NO. 948 AND APPROVED BY THE VOTERS AT THE OCTOBER 2, 2018 REGULAR ELECTION

M/S Gilbert/Decker to adopt Resolution No. 10-18-1430 of the Assembly of the City and Borough of Wrangell, Alaska providing for a limited waiver of discretionary immunity relating to the enforcement of the Asset Purchase Agreement and related hospital lease with Southeast Alaska Regional Health Consortium approved by the Assembly in Ordinance No. 948 and approved by the voters at the October 2, 2018 Regular Election.

Von Bargaen stated that Gilbert has some concerns that we might be in violation of Section 1.5 of our Wrangell Municipal Charter that gives the City & Borough all the powers, rights, privileges, and immunity under law and are not expressly prohibited; Gilbert was concerned that those immunities were not waived as part of the Proposition language on the ballot; in speaking to the attorney, Von Bargaen was able to receive clarification that Section 1.5 of the Charter gives us the power to waive the powers that we have; Section 1.5 of the Charter is what enables us to waive those powers in this instance.

Von Bargaen also said that Gilbert had asked if a Resolution was the correct way to approve the limited waiver of immunity or if an Ordinance was required. In response to Gilbert, Von Bargaen stated that our attorney checked in State Statues and confirmed that the limited waiver of immunity could be approved by a Resolution.

Gilbert clarified that this Resolution would stand in place of the Certificate that was required in the Asset Purchase Agreement.

Decker stated for the public that in the discussions for the transition, that this item was something that we had wanted, so it's a good thing.

Motion approved unanimously by polled vote.

13d PROPOSED RESOLUTION NO. 10-18-1431 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA PROVIDING FOR THE TERMINATION OF EMPLOYEE BENEFIT PLANS SPONSORED BY WRANGELL MEDICAL CENTER

M/S: DeLong/Decker to adopt Resolution No. 10-18-1431 of the Assembly of the City and Borough of Wrangell, Alaska providing for the termination of employee benefit plans sponsored by Wrangell Medical Center.

Von Bargaen stated that this was a housekeeping item that we needed to do to legally end the benefit plans that are at the Wrangell Medical Center.

Decker clarified that SEARHC would transition the employees to their medical plans.

Motion approved unanimously by polled vote.

13e PROPOSED RESOLUTION NO. 10-18-1432 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA AMENDING THE FY 19 GENERAL FUND BUDGET BY TRANSFERRING \$41,000 FOR THE PURCHASE OF TURN-OUT GEAR FROM GENERAL FUND RESERVES TO THE FIRE DEPARTMENT TURN-OUT GEAR ACCOUNT

M/S: Gilbert/DeLong to adopt Resolution No. 10-18-1432 that amends the FY 19 General Fund Budget by transferring \$41,000 for the purchase of Turn-out Gear from General Fund Reserves to the Fire Department Turn-out gear Account.

Von Bargaen explained that the Assembly had approved the purchase of Turn-out Gear for the Fire Department in May; since the approval was so close to the end of the Fiscal Year, the ordering and receipt of the Turn-out gear was received after the Fiscal Year; was not rolled over into the FY 2019 budget; need to re-allocate the \$41,000 in the FY 2019 budget so that the invoice can be paid.

Motion approved unanimously by polled vote.

13f PROPOSED ORDINANCE No. 950 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 2.16.030, WRITE-IN CANDIDATES AND WRITE-IN VOTES, SECTION 2.28.030, RULES FOR DETERMINING MARK ON BALLOTS, AND SECTION 2.28.050, CANVASS BOARD, OF THE WRANGELL MUNICIPAL CODE

M/S: DeLong/Decker to approve Proposed Ordinance No. 950 of the Assembly of the City and Borough of Wrangell, Alaska, amending section 2.16.030, Write-in Candidates and Write-in Votes, Section 2.28.030, Rules for Determining Mark on Ballots, and Section 2.28.050, Canvass Board, of the Wrangell Municipal Code Amended by Gilbert/Second to include "and move to a Second Reading with a Public Hearing to be held on November 27, 2018".

Prysunka explained that this Ordinance would bring us into conformance with State Law regarding Write-in Candidates.

Clerk Lane stated that this Ordinance would also allow the Assembly to appoint a member of the public if there were not three members of the Assembly available to serve on the Canvass Board.

Motion approved unanimously by polled vote.

13g PROPOSED ORDINANCE No. 951 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 3.05.020, ORDER OF BUSINESS, OF THE WRANGELL MUNICIPAL CODE

M/S: Gilbert/Decker to approve first reading of Ordinance No. 951 and move to a Second Reading with a Public Hearing to be held on November 27, 2018.

Von Bargen stated that the Superior State of Alaska had found that the Invocation Policy for the Kenai Peninsula Borough was unconstitutional; although Wrangell does not have a policy, the invocation is set in our Code; reached out to our Attorney and they had stated that we are at risk to having this as a standing item on the Agenda; also, the Clerk has to set aside time to find people to give the invocation; sent letters out to all congregations in the community and had only received three responses; setting ourselves up since we are only contacting those three people; don't want to put the Borough at risk; just because we are looking at removing the invocation from the Agenda in our Code, that does not preclude someone coming and saying a prayer under Persons to be Heard.

Decker questioned why the Agenda is in the Ordinance; Clerk Lane stated that it was not common in other communities to have the Agenda outlined in the Code.

Gilbert stated that perhaps we could set aside a moment of silence maybe 5 minutes before each meeting; puts me in the proper mood to do this job; should be a work-around for this; perhaps a recess or Persons to be Heard.

DeLong stated that Persons to be Heard might be a good place for it since it was still at the top of the Agenda.

Motion approved unanimously by polled vote.

13h Approval of Professional Services Agreement for Jenson Yorba Lott for Design Services for the Public Safety Building Exterior Renovations in the Amount of \$23,595

M/S: Decker/DeLong to approve a Professional Services Agreement for Jenson Yorba Lott for Design Services for the Public Safety Building Exterior Renovations in the Amount of \$23,595.

Amber Al-Haddad, Public Works Director/Capital Facilities Manager explained to the Assembly, what sections of the Public Safety Building would be addressed.

Motion approved unanimously by polled vote.

13i Approval to Cancel the Regular Assembly Meeting of November 13, 2018

M/S: DeLong/Gilbert to approve canceling the Regular Assembly meeting of November 13, 2018. Motion approved unanimously by polled vote.

13j Appointment of an Assembly Member to the Borough Assembly with the term expiring October 2019

M/S: DeLong/Gilbert to appoint Anne Morrison to the Borough Assembly with the term expiring October 2019. Motion approved unanimously by polled vote.

13k Appointment of an Assembly Member to the Borough Assembly with the term expiring October 2019

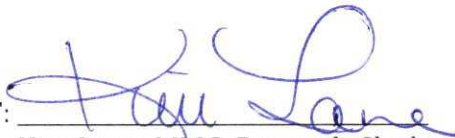
M/S: Gilbert/Decker to appoint James DeBord to the Borough Assembly with the term expiring October 2019. Motion approved unanimously by polled vote.

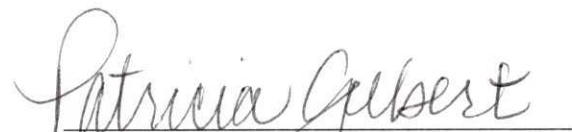
14 Attorney's File is available for the Assembly to view in the Clerk's Office.

15 There was no Executive Session.

Regular Assembly meeting adjourned at 9:08 p.m.

ATTEST:


Kim Lane, MMC, Borough Clerk


Stephen Prysunka, Mayor
Patricia Gilbert, vice-Mayor

