

**Minutes of Regular Assembly Meeting
Held on March 26, 2019**

Mayor Stephen Prysunka called the Regular Assembly meeting to order at 7:00 p.m., March 26, 2019 and immediately called a recess at 7:01 p.m.; reconvened at 7:04 p.m., in the Borough Assembly Chambers. The pledge was led by Assembly Member Powell and the roll was called.

PRESENT: GILBERT, DEBORD, DELONG, POWELL, MORRISON, DECKER (by phone)

ABSENT: NONE

Borough Manager Von Bargaen and Borough Clerk Lane were also in attendance.

Pastor Kem Haggard gave an invocation at the Work Session prior to the Regular Assembly meeting.

CEREMONIAL MATTERS

Mayor Prysunka presented a Proclamation to Bob Dalrymple, congratulating him on his retirement and thanking him for his service as Wrangell's District Ranger.

PERSONS TO BE HEARD

Steve Murphy spoke about the invocation, separation and court suits against cities and different types of governments.

AMENDMENTS TO THE AGENDA – None.

CONFLICT OF INTEREST – None.

CONSENT AGENDA

- a. Assembly Minutes - 3/12/19 (Regular)
- b. APPROVAL OF THE PRESBYTERIAN RESERVE REPLAT FINAL PLAT
- c. APPROVAL OF THE 5 STAR FISH SUBDIVISION FINAL PLAT
- d. Application for Liquor License Renewal (BPO Elks #1595)
- e. CORRESPONDENCE: School Board Minutes - 1/21/19 (Regular)
- f. CORRESPONDENCE: Port Commission Minutes - 1/3/19 & 2/7/19 (Regular)
- g. CORRESPONDENCE: School Board Action - 3/18/19

M/S: Gilbert/Powell to approve the Consent Agenda, as presented. Motion approved unanimously by polled vote.

BOROUGH MANAGER'S REPORT

Manager Von Bargaen's reported on the following items:

- Transboundary draft letter; would like feedback from the Assembly.
- Finance Director, Lee Burgess is in town and will be meeting with Department Heads on their budgets.
- Concerns expressed from Assembly Members that we might consider a hiring freeze until we know what is going on at the State Budget level; looking to see what the Assembly's tolerance level is at proceeding with business as usual in hiring; if Assembly would like Staff to take a more conservative approach, rather than a hiring freeze, would like to have the option of internally looking at other operational considerations.

Prysunka stated that he was concerned with moving forward without knowing what is going to happen at the State; would like to see that we are trimming or curtailing as much as possible; attrition is far better than laying off people; if we have a position that can remain vacant until we know more from the State on the budget.

In response to Morrison on what would happen with the accounting position if it's not filled, Von Bargaen stated that we would have to have other people in the Finance Department absorb the work; would probably mean some overtime or changing the hours in that department; if the hours changed, that department wouldn't be fully staffed at times; concern or needed discussion that if we don't fill a position that opened up through attrition and that position was not filled, within that department, that job might not be the one that is cut; looking for the latitude to be able to look at other operational considerations.

Prysunka stated that he didn't want to close doors before we know what the State budget is; by hiring for certain positions, we are closing doors.

Powell suggested that because the city budget has not yet been provided; would like to look at the budget before they give direction to restructure anything.

Decker asked if the Manager was saying that the position in the Finance department was essential and doesn't want to see it restructured. Von Bargaen confirmed that yes, that is accurate and that there are other options that staff would rather look at as being cost saving measures instead of holding off on hiring for this position.

Von Bargaen stated that she was looking for the maximum flexibility with regards to retaining staff; would like some flexibility from the Assembly rather than imposing a hiring freeze.

Prysunka stated that if Von Bargaen was confident, if faced with a budget crisis, that if she can make it work then he was okay with that.

There were no objections from the Assembly.

Prysunka asked that the Water Report (in the future) have a year-over-year analysis to show where we were at; concerned that we are being a bit reactive to our Water situation, versus proactive; would like to see staff reevaluate the water stages; when looking at our 5-year average at this time, we need to look at conservation measures now (a month before we get to that level).

Von Bargaen stated that Wayne, our Water Treatment Operator was very good at evaluating our water situation and going up to look at the snow pack levels, etc.

Rolland Howell, Public Works Director stated that they were being more proactive as to get ahead of the water usage; may need to reevaluate the Stage 1, 2 & 3 criteria; when looking at the construction company that will be in town and two fish plants running, we need to look at that.

BOROUGH CLERK'S FILE

Clerk Lane's report was provided.

MAYOR AND ASSEMBLY BUSINESS

Gilbert reported that at the SEARHC Advisory committee, they announced the new SEARHC CEO; her name is Leatha Mercurieff and her first day will be April 12, 2019.

Prysunka congratulated the Wrangell Girls' Basketball team for winning Regionals; first time in 25 years; will have a Proclamation at the next Assembly meeting.

Prysunka provided an update on the SEAPA water level:

- Water level at Tyee as of this morning was 1265 ft. due to snow melt
- Turned generators off on Sunday; 100% hydro currently
- Watching the water level very closely
- SEAPA Board meeting this Thursday
- Still have 2 gigawatts due to us out of Swan

Prysunka stated that he would like the SEAPA lawyer and Trey Acteson, CEO attend one of our Assembly meetings so that they could explain how they are envisioning the Power Sales Agreement.

MAYOR AND ASSEMBLY APPOINTMENTS

Mayor Prysunka appointed Kate Hein to fill the vacancy on the Planning & Zoning Commission with the term ending October 2021. There were no objections from the Assembly.

PUBLIC HEARING

11a ORDINANCE NO. 957 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADDING A NEW SECTION 9.08.085, EXCESSIVE NOISE PROHIBITED, TO CHAPTER 9.08, NUISANCES, TITLE 9, HEALTH AND SAFETY, OF THE WRANGELL MUNICIPAL CODE

Mayor Prysunka declared the Public Hearing open on this item.

Von Barga reported that there had been a request for consideration from Assembly Member Powell (who initially asked for the time in the Ordinance to state 6:00 a.m.), to consider changing it back to 7:00 a.m.; didn't want to make the change without the Assembly's approval since the majority had approved the 6:00 a.m. time at the last Assembly meeting.

Haig Demergian stated that in the proposed Ordinance, exemptions 7, 8, and 10 are too subjective as to the types of allowable activities in residential and commercial zones; leaving the judgement call as to what are normal or reasonable up to the responding officer; would make for a cleaner and more enforceable law.

Scott Eastaugh stated that at the last meeting, there were comments that this issue had to do with two neighbors; have never called the police and have never had an issue; hurtful that he keeps hearing that it's two neighbors fighting; young man who lived across the street who had received the same type of harassment from his neighbor; asked that the assembly consider a earlier start time in the summer; thanked the assembly for being impartial.

Prysunka stated once again that this ordinance was brought forward to Planning & Zoning as a regular review and maintenance item; Mr. Demergian didn't bring this forward; went through the regular Planning & Zoning process; nothing to do with two neighbors having issues; one of the people in question came to the meetings and voiced their issues and concerns.

Prysunka declared the Public Hearing closed.

M/S: Gilbert/Morrison to approve Ordinance No. 957.

M/S: Powell/Gilbert to change the 6:00 a.m. start time back to 7:00 a.m., as previously stated, throughout the ordinance on the weekday hours (Monday through Saturday) with no other changes to the other times. Motion approved unanimously by polled vote.

DeBord asked for clarification because in the Agenda Statement, it stated that the changes to the noise code was initiated by a complaint from a residential land owner against his neighbor.

Carol Rushmore, Economic Development Director explained that it's a mixture, there was a complaint by a land owner; prior to that, a draft Nuisance Ordinance had been presented to the Planning & Zoning Commission; Planning & Zoning Commission chose to look at the Noise section of the proposed Ordinance and made recommendations to that section.

Von Bargaen further clarified that the noise portion of the proposed Nuisance Ordinance was the only section that was in the Zoning Code.

DeBord stated that he was concerned about the unintended consequences of the Ordinance; asked the Police Officers to look at more important concerns; not sure if this is enforceable with regard to decibels.

Prysunka stated that in the previous Ordinance, there are decibels listed; enforcement will always be somewhat subjectable.

Main Motion, as amended, was approved with Morrison, DeLong, Decker, Powell, Gilbert and Prysunka voting yes; DeBord voted no.

11b ORDINANCE NO. 956 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 20.52.060, NOISE, IN CHAPTER 20.52, STANDARDS, OF THE WRANGELL MUNICIPAL CODE

Mayor Prysunka declared the Public Hearing open on this item.

Von Bargaen explained that in Section 20.52.060, the noise section would be replaced with the reference to the new Noise section 09.08.085.

There were no comments from the Public.

Prysunka declared the Public Hearing closed.

M/S: Gilbert/Morrison to approve Ordinance No. 956. Motion approved unanimously by polled vote.

11c ORDINANCE NO. 958 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE

Mayor Prysunka declared the Public Hearing open on this item.

Von Barged stated that this Ordinance adds the infraction for section 09.08.085 to the fine schedule.

There were no comments from the Public.

Prysunka declared the Public Hearing closed.

M/S: Powell/Gilbert to approve Ordinance No. 958. Motion approved unanimously by polled vote.

11d ORDINANCE No. 960 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 5.08.050, EXEMPTIONS FROM TAX, AND SECTION 5.08.060, TAX-FREE DAYS, IN CHAPTER 5.08, SALES TAX, OF THE WRANGELL MUNICIPAL CODE

Mayor Prysunka declared the Public Hearing open on this item.

There were no comments from the Public.

Prysunka declared the Public Hearing closed.

M/S: Powell/DeLong to approve Ordinance No. 960. Motion approved unanimously by polled vote.

UNFINISHED BUSINESS – None.

NEW BUSINESS

13a RESOLUTION No. 03-19-1445 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA AUTHORIZING THE CITY & BOROUGH OF WRANGELL TO PROVIDE AND CERTIFY CERTAIN INFORMATION THAT WILL PERMIT THE SOUTHEAST ALASKA POWER AGENCY TO REFUND FOR SAVINGS ITS OUTSTANDING 2009 BONDS; AND ESTABLISHING AN EFFECTIVE DATE

M/S: Gilbert/Powell to approve Resolution No. 03-19-1445.

Von Bargaen stated that SEAPA has Bonds that they had sold in 2009 and they are looking at refinancing those Bonds for a lower interest rate, providing savings to the organization; Communities must pass a Resolution that allows SEAPA to refinance the Bonds.

Gilbert questioned what the dollar amounts were for the Bonds; seems like we are signing an incomplete document.

Prysunka stated that SEAPA has a legal team that produces these documents; final number will come when the final placement of the Bond is done.

Gilbert asked to know what the total Bond for SEAPA was as well as their budget; in the document, it states that SEAPA must be 120% above their annual debt responsibilities.

Prysunka stated that SEAPA has certain reserves in place to cover that.

Von Bargaen stated that she would get the financial information to the Assembly in the next day or two.

Decker stated that after reading the document, she is comfortable with moving forward with this since it appears that SEAPA has hundreds of millions of dollars in assets.

Motion approved unanimously by polled vote.

13b RESOLUTION NO. 03-19-1446 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE PARTICIPATION AGREEMENT WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF ALASKA (PERS) BY UPDATING PREVIOUS AMENDMENT NUMBER EIGHT, BY ADDING THE BOROUGH MANAGER TO SAID AGREEMENT

M/S: Powell/DeBord to approve Resolution No. 03-19-1446, that amends the PERS Agreement with the State of Alaska by adding the Borough Manager to said Agreement.

Prysunka explained that this was part of the Borough Manager's evaluation process; position will become a PERS position as of March 1st.

Von Bargaen confirmed for Gilbert that the ICMA contributions would cease.

Motion approved unanimously by polled vote.

13c RESOLUTION No. 03-19-1447 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT OF THE JOB DESCRIPTION FOR THE NOLAN CENTER FACILITY MANAGER

M/S: Gilbert/DeLong to approve Resolution No. 03-19-1447 providing for the amendment of the job description for the Nolan Center Facility Manager. Motion approved unanimously by polled vote.

ATTORNEY'S FILE – Available for Assembly review in the Borough Clerk's office

EXECUTIVE SESSION – None.

Regular Assembly meeting adjourned at 8:21 p.m.

Stephen Prysunka, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk