



City and Borough of Wrangell
2022-09-13 Regular Borough Assembly Meeting
AGENDA

Tuesday, September 13, 2022
6:00 PM

Location: Borough Assembly Chambers

1. CALL TO ORDER

- a. PLEDGE OF ALLEGIANCE led by Assembly Member Bob Dalrymple
- b. CEREMONIAL MATTERS - None.

2. ROLL CALL

3. PERSONS TO BE HEARD - *Section WMC 3.05.040 (C) states that: The chair may call to order any person who is breaching the peace or being disorderly by speaking without recognition, engaging in booing or catcalls, speaking vulgarities, name calling, personal attacks, or engaging in other conduct which is determined by the chair to be disruptive of the meeting. Any person so disrupting a meeting of the assembly may be removed and barred from further attendance at the meeting unless permission to return or remain is granted by a majority vote of the assembly.*

- a. CORRESPONDENCE - Emailed from Bruce McQueen

4. AMENDMENTS TO THE AGENDA

5. CONFLICT OF INTEREST

6. CONSENT AGENDA - *Matters listed under the consent agenda are considered to be routine and will be enacted by one motion and one vote. there will be no separate discussion of these items. If the borough mayor, assembly member, manager, or clerk requests discussion on any item, that item will be removed from the consent agenda and will be considered under unfinished business (no motion is necessary to move an item from the consent agenda).*

STAFF RECOMMENDS REMOVING THE FOLLOWING ITEM(S) FROM THE CONSENT AGENDA AND MOVING THEM TO "UNFINISHED BUSINESS".

ITEM 6a - ORD 1032 WMC 3.04 & 3.05 Amendment

ITEM 6b - RES 09-22-1715 Wimberley/Curtis Tidelands Conveyance

MOTION ONLY: *Move to Approve the Consent Agenda, as submitted.*

- a. **ORDINANCE No. 1032** OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 3.05.020, ORDER OF BUSINESS AND 3.05.050, TELECONFERENCING, OF THE WRANGELL MUNICIPAL CODE
- b. **RESOLUTION No. 09-22-1715** OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AUTHORIZING THE CONVEYANCE OF PUBLIC TIDELANDS, LOT 6, BLOCK 84B, TIDELANDS SUBDIVISION, ATS 83, PARCEL NO. 02-013-107, TO BENN CURTIS AND SHIRLEY WIMBERLEY FOR THE APPRAISED VALUE OF \$52,000
- c. **RESOLUTION No. 09-22-1717** OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, DESIGNATING CANVASS BOARD DUTIES TO TWO ASSEMBLY MEMBERS AND ONE QUALIFIED VOTING MEMBER OF THE COMMUNITY FOR CANVASSING THE RESULTS OF THE REGULAR ELECTION TO BE HELD OCTOBER 4, 2022
- d. Minutes from the August 18, 2022 Special Assembly Meeting
- e. Minutes from the August 23, 2022 Regular Assembly Meeting

7. BOROUGH MANAGER'S REPORT

- [a.](#) Borough Manager's Report

8. BOROUGH CLERK'S FILE

- [a.](#) Borough Clerk's Report

9. MAYOR AND ASSEMBLY BUSINESS

10. MAYOR AND ASSEMBLY APPOINTMENTS

11. PUBLIC HEARING

- [a.](#) **RESOLUTION No. 09-22-1716** OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE FEE AND RATE SCHEDULE FOR THE WRANGELL WATER DEPARTMENT BY ADDING THE VACATION RATE FOR NON-METERED RESIDENTIAL CUSTOMERS

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- [a.](#) Approval of Professional Services Agreement with Jermain Dunnagan & Owens for Municipal Legal Services
- [b.](#) Approval of Amendment No. 2 to the Professional Services Agreement with Shannon & Wilson for the Reservoir Bypass Project in the amount of \$44,611

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

15. EXECUTIVE SESSION – None.

16. ADJOURNMENT

Kim,

I just wanted to provide my voter input to the assembly on the issue of repair bonds. I prefer this method over attending public meetings. I have followed the issue in the Sentinel and think I appreciate the complexity of the issue and, while I imagine I don't have any new ideas to add, I would like to pose a few questions/comments before getting to my main input.

Firstly, I was encouraged to read in the most recent Sentinel article that the assembly has been working to try to reduce the overall cost and scope of the projects. I think any movement we can make toward less overall cost is a good thing, and encourage all concerned to continue to work to reduce the cost and the scope. While I can understand some reasons to approach this as one (or two) large projects, I also wonder if it would be possible to plan the work in phases over the next decade or more. Do windows need to be replaced the same year the roof is fixed? Wouldn't fixing the roof be a project that could buy us a couple years before having to replace the gym floor? Could we tackle one school at a time instead of talking about what sounds like taking on all the work needed at all three schools in one or two years? Should we separate the Public Safety Building needs completely from the schools? The assembly has probably discussed all those issues, but I would just close this thought by saying I favor smaller projects over many years, and splitting the four buildings up into four discrete packages. That is how I approach my large projects that arise because of my poor stewardship. I think it is a mistake to try to correct decades of underfunded maintenance in a short time.

Second, it seems clear that federal and state funds are not as available as they were in times past. It also seems that the rise in the overall cost of living is putting many property owners in a position where we are less and less able to meet the rising cost of government in addition to the rising cost of living. If we do complete these projects, how do I know that we will be maintenance conscious after the repairs? If we didn't fund maintenance during the decades when money was more available, what can the assembly do to convince me that my kids won't be facing the same issue 50 years from now? It is easy to recognize years of underfunding maintenance, but a whole other issue to change the way we allocate borough funds. I think that is an issue the assembly should proactively address.

Lastly, I want to make my position on the vote as clear as possible. I want to thank Assemblymember Gilbert for advocating for nailing down property tax increases as part of the ordinance. It sounds like she got schooled for that silly suggestion! I understand that some costs will not be determined until all is said and done, but my wife and I are fully committed to vote no on any issue that does not include the full and precise impact to property taxes over the life of the project. I believe an open and representative government owes it to the community to make a full and accurate statement of the effect these projects will have on property taxes as part of the package we will vote on. Protecting the integrity of government is much more important than protecting the integrity of government property. If that isn't part of the package put to vote in October, you can pre count at least 2 no votes.

Thank you for the opportunity to express my concerns, and thank each of you for all your consideration of this important issue. Good luck.

Bruce McQueen

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	September 13, 2022
	<u>Agenda Section</u>	6

ORDINANCE No. 1032 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTIONS 3.05.020, ORDER OF BUSINESS AND 3.05.050, TELECONFERENCING, OF THE WRANGELL MUNICIPAL CODE

<p><u>SUBMITTED BY:</u></p> <p>Kim Lane, Borough Clerk</p>	<p><u>FISCAL NOTE:</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">Expenditure Required:</td> </tr> <tr> <td style="width: 33%;">FY 20: \$</td> <td style="width: 33%;">FY 21:</td> <td style="width: 33%;">FY22:</td> </tr> <tr> <td colspan="3" style="height: 15px;"></td> </tr> <tr> <td colspan="3">Amount Budgeted:</td> </tr> <tr> <td colspan="3" style="text-align: center;">FY22 \$0</td> </tr> <tr> <td colspan="3">Account Number(s):</td> </tr> <tr> <td colspan="3" style="height: 15px;"></td> </tr> <tr> <td colspan="3">Account Name(s):</td> </tr> <tr> <td colspan="3" style="height: 15px;"></td> </tr> <tr> <td colspan="3">Unencumbered Balance(s) (prior to expenditure): See Agenda Statement</td> </tr> <tr> <td colspan="3" style="height: 15px;"></td> </tr> </table>	Expenditure Required:			FY 20: \$	FY 21:	FY22:				Amount Budgeted:			FY22 \$0			Account Number(s):						Account Name(s):						Unencumbered Balance(s) (prior to expenditure): See Agenda Statement					
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<u>Reviews/Approvals/Recommendations</u>	
<input type="checkbox"/>	
Name(s)	
Name(s)	
<input type="checkbox"/>	Attorney
<input type="checkbox"/>	Insurance

ATTACHMENTS: 1.) ORD 1032

This item is being considered under the Consent Agenda. Matters listed under the consent agenda are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion on these items. If the Mayor, and Assembly Member, the Manager or Clerk requests discussion and/or consideration on an item under the Consent Agenda, that item will be removed from the Consent Agenda and will be considered under Unfinished Business.

RECOMMENDATION MOTION (*Consent Agenda Item*):

Move to approve first reading of Ordinance No. 1032 and move to a second reading with a Public Hearing to be held on September 27, 2022.

SUMMARY STATEMENT:

At the Regular Assembly meeting of August 23, 2022, the Borough Assembly requested that an Ordinance be brought back to the Assembly for consideration in it's first reading to:

1. Cause Resolutions that are of a monetary value of \$25,000 or more to be placed under New Business when created, on the Agenda.
2. Remove the wording that Ordinances in their first reading be added to the Consent Agenda (instead, all first readings of Ordinances will be placed under New Business).

In addition to those changes, I am asking the Assembly to approve WMC 03.05.050 – Teleconferencing to state that a physical quorum is not necessary for Work Sessions and for Special Assembly meetings. This is allowed in the Open Meetings Act. Also, for Work Sessions, no business is actually conducted and therefore, I believe it would be appropriate to allow this. As for Special Assembly meetings, a Special Assembly meeting would be called for the Assembly to act on business that cannot wait until the next regular meeting. Therefore, I believe it would be appropriate to allow the Special meeting to take place in-person and/or via teleconference.

CITY AND BOROUGH OF WRANGELL, ALASKA
ORDINANCE NO. 1032

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND
BOROUGH OF WRANGELL, ALASKA, AMENDING
SECTIONS 3.05.020, ORDER OF BUSINESS AND 3.05.050,
TELECONFERENCING, OF THE WRANGELL MUNICIPAL
CODE

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

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

SEC. 1. Action. The purpose of this ordinance is to amend Sections 3.05.020, Order of Business and 3.05.050, Teleconferencing, in the Wrangell Municipal Code.

SEC. 2. Amendment, Section 3.05.020 of the Wrangell Municipal Code is hereby amended as follows:

3.05.020 Order of Business.

...

F. Consent Agenda. Matters listed under the consent agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If the borough mayor, assembly member, manager, or clerk requests discussion on any particular item, that item will be removed from the consent calendar and will be considered under unfinished business.

1. Approval of minutes.

2. Communications.

[3. Ordinances (and resolutions) for introduction.]

[4]3. Resolutions for adoption.

[5]4. Acknowledgment of information and reports.

Exceptions shall be made for the following:

[An exception shall be made for r]a. Resolutions that require a public hearing, such as fee schedules in the WMC. **[In those cases, the resolution]**Such resolutions shall be placed under public hearing for consideration.

b. Resolutions that are of a monetary value of \$25,000 or more. Such Resolutions shall be placed under New Business for consideration.

SEC. 3. Amendment, Section 3.05.050 of the Wrangell Municipal Code is hereby amended as follows:

3.05.050 Teleconferencing

A. The mayor or an assembly member who will be absent from a meeting, including public hearings and work sessions of the assembly, including an executive session, may participate in the meeting by telephone or other electronic means as provided in this section and provided the following circumstances are met:

1. The meeting is held with a quorum of members physically present, except for work sessions and Special Assembly meetings. Work sessions and Special Assembly meetings can be either held with a physical quorum, by teleconference, or a combination of teleconference and in person.

...

B. Participation of Mayor and Assembly Members by Teleconference.

...

3. The mayor and any assembly member participating by teleconference shall be deemed to be present at the assembly meeting for [all] the purpose[s, including for quorum and] of voting; provided, that:

The mayor, or the presiding officer in the absence of the mayor, shall not preside over the assembly meeting when participating by teleconference.

...

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

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

PASSED IN FIRST READING: _____, 2022

PASSED IN SECOND READING: _____, 2022

Stephen Prysunka, Borough Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	September 13, 2022
	<u>Agenda Section</u>	6

RESOLUTION No. 09-22-1715 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AUTHORIZING THE CONVEYANCE OF PUBLIC TIDELANDS, LOT 6, BLOCK 84B, TIDELANDS SUBDIVISION, ATS 83, PARCEL NO. 02-013-107, TO BENN CURTIS AND SHIRLEY WIMBERLEY FOR THE APPRAISED VALUE OF \$52,000

<u>SUBMITTED BY:</u>
Kim Lane, Borough Clerk

<u>Reviews/Approvals/Recommendations</u>	
<input type="checkbox"/>	
Name(s)	
Name(s)	
<input type="checkbox"/>	Attorney
<input type="checkbox"/>	Insurance

<u>FISCAL NOTE:</u>		
Expenditure Required:		
FY 20: \$	FY 21:	FY22:
Amount Budgeted:		
FY22 \$0		
Account Number(s):		
Account Name(s):		
Unencumbered Balance(s) (prior to expenditure): See Agenda Statement		

ATTACHMENTS: 1.) Resolution No. 09-22-1715 2) Appraisal 3) Wimberley/Curtis Request with map of area 4) memos from Port and P&Z Commissions

This item is being considered under the Consent Agenda. Matters listed under the consent agenda are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion on these items. **If the Mayor, and Assembly Member, the Manager or Clerk requests discussion and/or consideration on an item under the Consent Agenda, that item will be removed from the Consent Agenda and will be considered under Unfinished Business.**

RECOMMENDATION MOTION (*Consent Agenda Item*):

Move to approve Resolution No. 09-22-1715.

SUMMARY STATEMENT:

At the Regular Assembly meeting of July 26, 2022, the Borough Assembly approved moving forward with the sale of city-tidelands, as requested by Benn Curtis and Shirley Wimberley.

Following the Regular Assembly meeting of July 26, 2022, the requestor was notified of the appraisal costs and paid those immediately. The appraisal was then ordered and the Public Notice, as required by WMC 16.12.040 was posted. This public notice invited those who wished to protest the sale, to do so no later than August 30, 2022. There were no protests received.

Therefore, we are recommending that the sale of city-tidelands be approved by the Borough Assembly and sold to Benn Curtis and Shirley Wimberley for the appraised value of \$52,000.

The following did not changed since the July 26, 2022 Assembly Meeting:

We received a request from Ben Curtis and Shirley Wimberley to purchase the City-Owned Tidelands that they are currently leasing.

Please note that City does not favor selling tidelands as PER WMC 16.12.030 - Sale of tidelands.

A. The policy of outright disposal by sale of tide and submerged lands is not favored; the orderly development of the borough with due consideration toward ocean resource harvesting, municipal revenue and public recreation would indicate a strong preference toward tidelands leasing. However, when it is in the public interest, the assembly may, by resolution, authorize the sale of tracts of tide and submerged lands in the manner provided for the sale of other real property owned by the borough. Tidelands, which may be sold pursuant to this section, as that term is used herein, refers only to those tide and submerged lands conveyed by the state of Alaska to the then-City of Wrangell pursuant to AS [38.05.820](#).

The reasoning behind the Wimberley/Curtis request is because they are having some rock work done around the house and filling in the tidelands. They have obtained the Corps Permit to do this. They are also adding some pilings and a dock. They have until 2-28-2026 to complete this work so they will be doing this work soon.

Further, because of the amount of work (listed above) that they have scheduled, they would prefer to own the tidelands, rather than least them.

The Port Commission and Planning & Zoning Commission have both written memos on this request and those memos are attached.

Planning & Zoning and Port Commission's Condition(s): All fill, piling, float & boat moorage need to be inside the property lines of the purchased tidelands.

These conditions will be added to the Resolution that approves the sale at a future meeting.

Following WMC 16.12.040, after the Commission memos were received, this item was placed on the next Agenda (July 26th) for a Public Hearing. Property owners who are within 300 feet of the proposed tidelands were notified of this Public Hearing.

If the Assembly approves moving forward with the sale of these tidelands, the next step will be to obtain an appraisal and post the public notice, inviting those who want to protest the sale, to do so. This will be done 30-days prior to the approval of the tidelands comes to the Assembly for approval. Although the tidelands are currently leased to the applicant, the last assessment was done back in 2019.

WMC 16.12.040(9) - Additionally, no sale of tidelands shall occur except upon a public hearing as per WMC 16.12.040(2). At the public hearing, the applicant must clearly demonstrate the benefits of sale of the subject tidelands tract that could not be realized by the borough through leasing; a determination by the assembly adverse to the applicant may not be appealed unless clearly erroneous. An applicant for purchase of tidelands must conclusively demonstrate the outright sale of the nominated tidelands tract, as contrasted with the lease of such tract, is in the borough's best interest. The borough reserves the right to refuse sale of any tidelands tracts, regardless of sufficiency of proof.

CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION NO: 09-22-1715

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AUTHORIZING THE CONVEYANCE OF PUBLIC TIDELANDS, LOT 6, BLOCK 84B, TIDELANDS SUBDIVISION, ATS 83, PARCEL NO. 02-013-107, TO BENN CURTIS AND SHIRLEY WIMBERLEY FOR THE APPRAISED VALUE OF \$52,000

WHEREAS, the Borough Assembly, at their meeting held July 26, 2022, approved moving forward with the sale of city-owned tidelands, Lot 6, Block 84B, Wrangell Tidelands Addition; and

WHEREAS, said tidelands are currently leased by Benn Curtis; and

WHEREAS, all requirements as per WMC 16.12.030 – Sale of tidelands have been followed; and

WHEREAS, all property owners within 300-feet of the proposed tidelands were notified of the public hearing on July 26, 2022; and

WHEREAS, a Public Hearing was held (as per WMC 16.12.030 – Sale of tidelands) to hear public testimony and for the Assembly to vote to move forward with the sale of said tidelands; and

WHEREAS, Shirley Wimberley and Rolland Curtis were at the July 26, 2022 meeting and provided testimony under Persons to be Heard as to why they wished to purchase said tidelands instead of leasing; and

WHEREAS, the Wrangell Planning & Zoning and Port Commissions both provided written memos with conditions of the sale and are hereby enacted in this Resolution and shall be adhered to by the purchaser as follows:

All fill, piling, float & boat moorage needs to be inside the property lines of the purchased tidelands; and

WHEREAS, as per WMC 16.12.040, following the public hearing on July 26, 2022, a public notice was published three times in the newspaper, inviting those who wished to protest the sale, to do so by August 30, 2022; and

WHEREAS, there were no protests for the sale of said tidelands received; and

WHEREAS, the Borough Assembly is approving the sale of the above described tidelands to Benn Curtis and Shirley Wimberley, P.O. Box 806, Wrangell, Alaska 99929, for the amount of \$52,000.

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

Section 1. The Assembly of the City & Borough of Wrangell, Alaska authorizes the sale of the Borough-owned tidelands more particularly known as: Lot 6, Block 84B, Wrangell Tidelands Addition.

Section 2. The Borough Mayor and Clerk are authorized to execute a quit claim deed to Benn Curtis and Shirley Wimberley, to convey the public tidelands, when full price of \$52,000 is paid.

Section 3. As mentioned above, the purchaser shall adhere to the following conditions of the sale: **All fill, piling, float & boat moorage needs to be inside the property lines of the purchased tidelands**

Section 4. This resolution takes effect upon approval.

PASSED AND APPROVED BY THE ASSEMBLY OF THE CITY & BOROUGH OF WRANGELL, ALASKA THIS 13th DAY OF SEPTEMBER 2022.

CITY & BOROUGH OF WRANGELL

Stephen Prysunka, Borough Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

A RESTRICTED USE APPRAISAL OF
Lot 6 Block 84B ATS 83
WRANGELL, ALASKA 99929

FOR
Kim Lane
Borough Clerk
CITY AND BOROUGH OF WRANGELL
P. O. BOX 531
WRANGELL, ALASKA 99929

VALUATION DATE
August 15, 2022

FILE 22-3424

BY
MICHAEL C. RENFRO
Assessor
City and Borough of Wrangell, Alaska

APPRAISAL COMPANY OF ALASKA, LLC
341 W. TUDOR ROAD SUITE 202
ANCHORAGE, ALASKA 99503

August 15, 2022

Kim Lane, Borough Clerk
City and Borough of Wrangell
P. O. Box 531
Wrangell, AK 99929

Re: Lot 6 Block 84B ATS 83
Wrangell, Alaska 99929

Dear Ms. Lane,

As requested, I have prepared a Restricted Use Appraisal Report on the fair market value Lot 6 Block 84B ATS 83. The appraisal date is August 15, 2022. The purpose of the report is to determine the fair market value for sale purposes. A description and valuation follows.

As a result of the investigation and analysis, subject to the assumptions and limiting conditions, it is my opinion the market value of the property as of August 15, 2022 is:

\$52,000

This Restricted Use Report is intended to meet the current Uniform Standards of Professional Appraisal Practice as formulated by the Appraisal Foundation

A description of the site and the analysis which lead to the fair market value conclusion follows. A complete description of the comparable data is included in a separate report which is retained in the appraiser's work file.

If you have any questions regarding this Restricted Use Appraisal Report please do not hesitate to call me.

Sincerely,

APPRAISAL COMPANY OF ALASKA



Michael C. Renfro
Assessor
City and Borough of Wrangell, Alaska



RESTRICTED USE APPRAISAL

This is a Restricted Use Appraisal Report. As such, it presents only a Restricted Use discussion of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's work file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. The appraiser is not responsible for unauthorized use of this report.

CLIENT: Kim Lane, Borough Clerk
City and Borough of Wrangell
P.O. Box 531
Wrangell, Alaska 99929

APPRAISER : Michael C. Renfro, Assessor
City and Borough of Wrangell
341 W Tudor Rd. Suite 202
Anchorage, Alaska 99503

SUBJECT: Fee Simple Estate
Land Only – Lot 6 Block 84B ATS 83
Wrangell, Alaska 99929

OWNER: City and Borough of Wrangell

PURPOSE OF THE APPRAISAL: The purpose of this appraisal is to estimate the fair market value of the subject property. **Market value** is defined by the federal financial institutions regulatory agencies as follows:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in the definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:



- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) a reasonable time is allowed for exposure in the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

INTENDED USE OF REPORT:

This appraisal is intended to assist the client in determining the subject's market value for Sale Purposes.

INTEREST VALUED: Fee Simple estate which is defined as "Absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power, and taxation."

EFFECTIVE DATE OF VALUE: August 15, 2022

DATE OF REPORT: August 15, 2022

SALES HISTORY: There are no reported sales of the property over the last three years. The lot is currently leased by the Borough to Ben Carter.

APPRAISAL DEVELOPMENT AND REPORTING PROCESS: In preparing this appraisal, the appraiser:

- Inspected the subject property prior to August 15, 2022
- Reviewed available records.
- Applied the market approach to arrive at an indication of value.

The appraiser believes the primary approach to value is the sales comparison approach. The appraisal process therefore involved no departures from Standards Rule 1-4(b) i, ii, iv, v and vi.



Wrangell Public Map



st 1, 2022

This Restricted Use Appraisal Report is a brief recapitulation of the available data, analyses and conclusions.

SUMMARY OF PROPERTY APPRAISED: The property that is the subject of this report is situated to the north end of Peninsula Street, north of the intersection with Sunset Blvd in The Downtown Harbor. Adjacent use is residential.

Legal Description: Lot 6 Block 84B ATS 83

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Address: 1448 Peninsula St. Wrangell, Alaska, 99929

Land: The reader is referred to the Plat Map on the previous page. The subject is a submerged lot located north of a developed residential lot on the west side of the Reliance Harbor.

Utilities: All utilities are available adjacent to the site.

Improvements: No improvements are included in this report. This lot is vacant.

Environmental Condition: No warranties as to environmental issues have been addressed by the appraiser. A visual inspection showed no evidence of contamination. If this is a concern of the seller or purchaser, it should be inspected by a qualified inspector. (See DEC Report).

Zoning: The subject is zoned Single Family Residential development.

HIGHEST AND BEST USE: In common appraisal practice, the concept of highest and best use represents the premise upon which the value estimated is based.

As if vacant, the subject's highest and best use would be for development consistent with the current zoning requirements. Single family residential development or, uses associated with single family residential use.



Land Value: There have been limited sales of similar undeveloped lots. The sales provided are considered to be representative of the market for undeveloped land.

COMPARABLE LAND SALES

NO.	Legal	Date	Sale Price	Area/SF	Price/SF	Remarks
1	Lot A P.C Resub	12/20	Est \$72,000 D/T \$60,000	7,493	\$9.61 To \$8.01	Seller would not disclose sale price. Est 20% down Bank Finance
2	Lot 4 Blk 83 USS119 & Lot 14 Blk 83A WTA	10/20	\$150,000	1524 SF upland 16,131SF T.L.	\$8.86 \$8.46	Inter Harbor Waterfront Lot Sale North Tidelands
3	Lot 10 Block 2 City Subdivision	10/7	\$30,000	8,083	\$3.71	Non - Waterfront Residential lot with utilities



Analysis of Comparable Land Sales:

Time: With a limited amount of sales it is difficult to obtain paired sales for analysis to arrive at the adjustments needed to bring the available sales into conformity with the subject. However, in general, values are increasing in Wrangell. The CPI indicates an increase around 2% per year. Prior to mid 2021 when the market increased approximately one-half percent each month.

Terms:

None of the sales used in the analysis is believed to require consideration for special financing or other sale conditions.

Size

Smaller parcels tend to sell for more per unit of comparison than larger parcels, all other factors being equal. In relation to the subject comparable sale 2 is larger and requires an upward adjustment.

Location and Access:

Location and access is somewhat subjective on the part of the appraiser in relation to the comparable data utilized. However, analysis of other sales contained in our separate report on Wrangell sales and lease transactions indicates that location and access can account for up to 20% difference between superior and inferior locations. The subject's location and access is felt to be superior to comparable 3.

Utilities:

All of the comparables have similar utilities.

Topography and View:

Again, topography and view are somewhat subjective on the part of the appraiser. Comparable 3 is considered to have inferior topography, away from the waterfront and is adjusted upward.



Adjustment Grid: The following grid shows the estimated adjustment for each sale, bringing it into conformity with the subject:

Sale No.	#1	#2	#3
Price/SF	\$8.00 to \$9.60	\$8.86 to \$8.46	\$3.71
Time	+8%	+8%	+31%
Net After Time	\$8.64 to \$10.37	\$9.57 to \$9.14	\$4.86
Terms	0	0	0
Size	0	-10%	0
Location/Access	0	0	+20%
Utilities	0	0	0
Topography	0	0	+20%
Net Adjustment	0	+10%	+40%
Indicated Value/Acre	\$8.64 to \$10.37	\$10.53 to \$10.05	\$6.80



Conclusion:

Comparable one is the sale of a vacant upland lot very close to the subject. This sale provides an indication of upland value of \$8.64 to \$10.37 per square foot.

Comparable two is the sale of two lots, one upland the other adjoining tideland. This sale is located in a very similar location in The Downtown Harbor similar to the subject. Separating the uplands from the tideland yields \$10.53 per square foot for the uplands and \$10.05 for the tidelands. Considering the total area without separating uplands and tidelands equals \$8.50 per square foot.

Comparable three is an older sale of a typical residential lot and is given the least weight in the final analysis.

Sales one and two are considered to be the most representative of the market for properties near or with access to The Downtown Harbor. In the past tidelands have been valued as a percentage to the adjoining uplands. Sales have shown this percentage to be in the range of 30%. Using sale one as an indication of upland value yields the following:

\$10.37 per square foot x 30% = \$3.11 PSF or \$29,408 for the subject. The sale is weakened since it does not have Harbor access. And sets the lower end of the valuation range.

Comparable two is the combined sale of two lots with Harbor access and tidelands. Depending on the valuation split between the uplands and the tidelands the indicated range is \$10.53 for uplands and \$10.05 for tidelands.

\$10.05 per sq. ft. for tidelands x 9456 sq ft. = \$95,032 for the subject.

30% of the uplands value equals \$29,871.

The average of all four valuation methods is \$6.21 per square foot for the tidelands or \$58,674.

All of the valuation methods have their strengths and weaknesses. Sale one is not a waterfront sale, but very close to the subject. Sale two is the combined sale of two lots, waterfront, the other tidelands. The values can vary depending on how the sale price is allocated between the two lots.

In conclusion all four evaluation methods are given equal weight. No weight is given to sale three.

The estimated market value is:
9456 sq. ft. x \$5.50 PSF = \$52,000



ASUMPTIONS AND LIMITING CONDITIONS:

1. As agreed upon with the client prior to the preparation of this appraisal, this is a Limited Appraisal because it invokes the Departure Provision of the Uniform Standards of Professional Appraisal Practice. As such, information pertinent to the valuation has not been considered and/or the full valuation process has not been applied. Depending on the type and degree of limitations, the reliability of the value conclusion provided herein may be reduced.
2. This is a Restricted Use appraisal report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Restricted Use Appraisal Report. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
3. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
4. The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
5. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
6. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
7. All engineering is assumed to be correct. Any maps, sketches, plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.



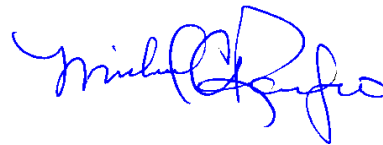
9. It is assumed that there is full compliance with all applicable federal, state, and local regulations and laws unless otherwise stated in this report.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there are no encroachments or trespass unless otherwise stated in this report.
11. The valuation assumes the appraised property (site and improvements) is free and clear of hazardous contaminants, unless specifically noted. If the appraised property is suspected of contamination, then the client is urged to retain an engineer's report. The appraiser(s) reserve the right to review value conclusions if documentation, including cost-to-cure estimates, is provided.
12. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety.
13. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.



CERTIFICATION

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is my personal, unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
5. This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
6. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
7. I made a personal inspection of the property that is the subject of this report, prior to the date of this report.
8. No one provided significant professional assistance to the person signing this report.
9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.



Michael C. Renfro

City and Borough of Wrangell

Date: June 10, 2022

To: Jeff Good, Borough Manager and Assembly

From: Carol Rushmore, Economic Development Director

Re: Request to purchase Borough tidelands, Lot 6, Block 84B, Tidelands Subdivision ATS 83, Parcel No. 02-013-107, requested by Benn Curtis and Shirley Wimberley

Applicant currently leases tidelands adjacent to their residence and is now seeking to purchase those tidelands due to a proposed development investment. They are proposing to replace piling of the floating dock and add fill surrounding the property.

The Planning and Zoning Commission at their meeting of June 9, 2022 moved to recommend to the Assembly to sell the requested tidelands to Benn Curtis and Shirley Wimberley with the following condition:

- 1) All fill, piling, float and boat moorage need to be inside the property lines of the purchased tidelands.

Request from Shirley Wimberley (June 6, 2022)

Carol, Steve and Kim -

Benn (Rolland B Curtis) and I would like to purchase the tidelands that we are currently leasing at our primary residence at 1448 Peninsula St., Wrangell.

I have attached the P&Z map showing the parcel # 02-013-107. It has been previously surveyed and Mikey Howell has recently marked the property lines, including the tideland borders.

Brett Woodbury is scheduled to do some rock work for us around the house and he will be doing a lot of cleaning up and filling in of the tidelands. We already have the Corps Permit, also attached, for the work and also to add some pilings and a dock. We have until 2/28/2026 to complete the work, and are getting it going soon.

Because of the amount of work and improvements we are planning, we would really prefer to own the tidelands rather than just lease them.

Thank you for your consideration. If you would like more information, please do not hesitate to contact me.

Sincerely,
Shirley B. Wimberley

CITY AND BOROUGH OF WRANGELL, ALASKA

Item b.



1 inch = 125 feet
Scale: 6/17/2022

Public Map



**DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.
PROPERTY LINES ARE APPROXIMATE. AERIAL 2002.**

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADAPT 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: 4-28-94

MAYOR CITY OF WRANGELL

PRINTER NAME

NOTARY'S ACKNOWLEDGEMENT

US OF AMERICA
STATE OF ALASKA
CITY OF WRANGELL

THIS IS TO CERTIFY THAT ON THIS 18th DAY OF April, 1994, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared, Ray M. York, known to me to be the identical individual mentioned and who executed the within plat and he acknowledged to me that he 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: 10-28-94

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY OF WRANGELL, HEREBY CERTIFY THAT THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS OF THE CITY OF WRANGELL IN THE NAME OF City of Wrangell, Alaska, 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 1994 WILL BE DUE ON OR BEFORE JULY 31, 1994, DATED THIS 18th DAY OF April 1994.

Christie A. Johnson, Property Assessor
ASSESSOR CITY 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 OF WRANGELL PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY PLAT RESOLUTION NO. 19, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, WRANGELL, ALASKA.

DATE: 4-15-94

CHAIRMAN, PLANNING COMMISSION

SECRETARY

CERTIFICATE OF APPROVAL BY THE COUNCIL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY OF WRANGELL COUNCIL, AS RECORDED IN MINUTE BOOK 17, PAGE 14, DATED April 26, 1994, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, WRANGELL, ALASKA.

DATE: 4-28-94

MAYOR, CITY OF WRANGELL

ATTEST:

CITY CLERK

CERTIFICATE OF APPROVAL BY THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

APPROVAL OF THIS SUBDIVISION IS BASED ON THE REPRESENTATION THAT NO WASTEWATER WILL BE GENERATED OR DISPOSED OF ON ANY LOT, CONDITIONS MIGHT NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. ANY ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SUBJECT TO ANY NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

Ray M. York, ENV. ENG. 3-22-94
NAME AND TITLE OF APPROVING OFFICIAL
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
APPROVING OFFICIAL

PORTION LOT 28

PORTION LOT 27

USS

84

LOT 28B

LOT 3M

LOT 3L

SEWERLINE EASEMENT

ROAD (TYP)

LOT 3

LOT 4 (EXISTING)

84B

LOT 6
9,458 SF

HOUSE

POOL BUILDING

DECK

DECK

DECK

DECK

DECK

DECK

DECK

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UNSUBDIVIDED TIDELANDS

WRANGELL HARBOR

PENINSULA STREET

SUNSET BLVD

N

THIS PLAT

SOURCE: PETERSBURG (H-2) QUADRANGLE

VICINITY MAP
SCALE 1"=1 MILE

LEGEND

- SECONDARY MONUMENT (RECOVERED POOL)
BRASS CAP IN PIPE
- SECONDARY MONUMENT (E.M.P.S.)
BRASS DISC IN BEDROCK
- SECONDARY MONUMENT (RECOVERED EMP'S)
REBAR AND PLASTIC CAP
- SECONDARY MONUMENT (SET LS 6700)
5/8" REBAR AND ALUMINUM CAP
- SECONDARY MONUMENT (RECOVERED)
3/4" IRON PIPE "TODIT"
- SECONDARY MONUMENT (E.M.P.S.)
REBAR AND ALUMINUM CAP
- RECORDED DATA
- COMPUTED DATA
- MEASURED DATA

PLAT NOTES

- RECORD DATA REFERS TO PLAT NO. 85-7, WRANGELL RECORDING DISTRICT
- LOT 4, BLOCK 84B, WRANGELL TIDELANDS ADDITION IS AN EXISTING LOT AS SHOWN ON HUBBELL & WALLER'S TIDELANDS ADDITION PLAT, DATED OCT. 15, 1982
- OFFSET DISTANCES FROM THE PROPERTY LINE TO THE IMPROVEMENT, ARE SHOWN TO THE NEAREST FOOT
- THIS PLAT IS NOT TO BE SCALED FROM; USE DIMENSIONS SHOWN FOR THE APPROXIMATE LOCATIONS

94-6
WRANGELL
PLAN 20-84B
CITY OF WRANGELL
ROBERT S. B.
WRANGELL, ALASKA

SCALE IN FEET

GREG SCHEFF & ASSOCIATES
LAND SURVEYORS & ENGINEERS

BOX 1849 SITKA, ALASKA 99835
(907) 747-6700

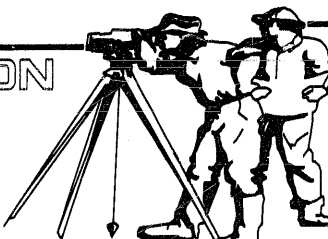
31 WRANGELL, ALASKA 99929
2177

WRANGELL RECORDING DISTRICT

PROJECT: TIDELANDS SUBDIVISION

SUBDIVISION OF UNSUBDIVIDED TIDELANDS ATB #83
ADJACENT TO LOTS 3L, 3M, AND 28C, BLOCK 84
WRANGELL TOWNSHIP, U88 1118, U88 1815
CREATING LOT 6, BLOCK 84B, ATB #83, WRANGELL TIDELANDS ADDITION

CLIENT: BENN CURTIS, BOX 140, WRANGELL, ALASKA 99929



CURTIS JAN 07, 1994 14:04:28

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN JANUARY/MARCH 1984, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION 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

GREGORY G SCHEFF LS 6700

DESIGNED: BZA
DRAWN: QDS/ACAD
CHECKED: GREGORY G SCHEFF
DATE OF SURVEY: 1-7-84
DATE OF PLAT: 3-16-94
SCALE: 1"=20'
SURVEYOR: GREGORY G SCHEFF
PROJECT NO. 51091-05-00

WRANGELL 94-6



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, AK 99506-0898

March 5, 2021

Regulatory Division
POA-2020-00447

Mr. Rolland B. Curtis
Post Office Box 140
Wrangell, Alaska 99929

Dear Mr. Curtis,

Enclosed is the signed Department of the Army (DA) permit, file number POA-2020-00447, Zimovia Strait, which authorizes the construction of a stacked rock wall and backfill, as well as the construction of a dock and level pad. The project site is located at Latitude 56.4652° N., Longitude 132.3849° W.; 1448 Peninsula Boulevard, in Wrangell, Alaska. Also enclosed is a Notice of Authorization which should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at: Roberta.K.Budnik@usace.army.mil, by mail at the address above, by phone at (907) 753-2785, or toll free from within Alaska at (800) 478-2712, if you have questions or to request a hard copy of this letter and enclosures. For more information about the Regulatory Program, please visit our website at: www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

Roberta K. Budnik
Project Manager

Enclosures

cc:
Mr. Brett Woodbury, Agent
Mr. Rolland Curtis, Applicant
ADEC

brettwoodbury@gmail.com
benncurtis@ymail.com
dec-401cert@alaska.gov

DEPARTMENT OF THE ARMY PERMIT**Permittee:** Mr. Rolland B. Curtis**Permit No.:** POA-2020-00447, Zimovia Strait**Issuing Office:** U.S. Army Engineer District, Alaska

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Discharge up to 4,520 cubic yards (CY) of fill material into 0.04-acre below the High Tide Line (HTL) of Zimovia Strait in order to create a stacked rock wall (237 CY) and fill behind the wall to level the ground with the top of the wall, as well as create a level pad in front of the wall (4,247 CY). Additionally, six 13-inch diameter galvanized steel pile will be installed along the face of the rock wall to support a 10-foot wide by 130-foot long dock. The pad in front of the rock wall will provide a level area for the dock to rest at low tides. Piles will be driving from the constructed fill pad at low tide when the area is completely dewatered.

All work will be performed in accordance with the attached plan, sheets [1-3], dated [November 24, 2020].

Project Location: Latitude 56.4652° N., Longitude 132.3849° W.; 1448 Peninsula Boulevard, in Wrangell, Alaska.

Permit Conditions:**General Conditions:**

1. The time limit for completing the work authorized ends on **February 28, 2026**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States (U.S).
2. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (dpw), 17th Coast Guard District, Post Office Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2272.
3. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S.. No claim shall be made against the U.S. on account of any such removal or alteration.
4. All work, including fill placement and dock construction, must be completed during low tidal stages while the work area is dewatered.
5. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form (attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.

Further Information:

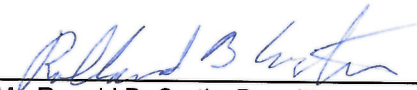
1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.


6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


 Mr. Ronald B. Curtis, Permittee

62-16-2021
 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


 FOR (DISTRICT COMMANDER)
 Colonel Damon A. Delarosa
 Roberta K. Budnik, Project Manager
 South Branch, Regulatory Division

03/05/2021
 (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions have the transferee sign and date below.

(TRANSFeree)

(DATE)



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental Conservation

DIVISION OF WATER
Wastewater Discharge Authorization Program

555 Cordova Street
Anchorage, Alaska 99501-2617
Main: 907.269.6285
Fax: 907.334.2415
www.dec.alaska.gov/water/wastewater

December 28, 2020

Mr. Benn Curtis
1448 Peninsula Blvd
Wrangell, Alaska 99929

Re: Curtis Floating Dock
POA-2020-00447, Zimovia Strait

Dear Mr. Curtis:

In accordance with Section 401 of the Federal Clean Water Act of 1977 and provisions of the Alaska Water Quality Standards, the Department of Environmental Conservation (DEC) is issuing the enclosed Certificate of Reasonable Assurance for placement of dredged and/or fill material in waters of the U.S., including wetlands and streams, associated with the restoration of a pile supported floating and associated residential development in Wrangell, Alaska.

DEC regulations provide that any person who disagrees with this decision may request an informal review by the Division Director in accordance with 18 AAC 15.185 or an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340. An informal review request must be delivered to the Director, Division of Water, 555 Cordova Street, Anchorage, AK 99501, within 20 days of the permit decision. Visit <http://dec.alaska.gov/commish/review-guidance/> for information on Administrative Appeals of Department decisions.

An adjudicatory hearing request must be delivered to the Commissioner of the Department of Environmental Conservation, PO Box 111800, Juneau, AK 99811-1800; Location: 410 Willoughby Avenue, Suite 303, Juneau within 30 days of the permit decision. If a hearing is not requested within 30 days, the right to appeal is waived.

By copy of this letter we are advising the U.S. Army Corps of Engineers of our actions and enclosing a copy of the certification for their use.

Sincerely,

James Rypkema
Program Manager, Storm Water and Wetlands

Enclosure: 401 Certificate of Reasonable Assurance

cc: (with encl.)
Roberta Budnik, USACE, Anchorage
George Woodbury, Woodbury Enterprise

Kate Kanouse, ADF&G/Habitat, Anchorage
Juneau USFWS Field Office
Region 10 EPA, AK Operations

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Water Quality Certification

In accordance with Section 401 of the Federal Clean Water Act (CWA) and the Alaska Water Quality Standards (18 AAC 70), a water quality certification is issued to Mr. Been Curtis at 1448 Peninsula Blvd, Wrangell, Alaska 99929 for placement of dredged and/or fill material in waters of the U.S. including wetlands and streams in association with the restoration of a pile supported floating and associated residential development in Wrangell, Alaska.

A state issued water quality certification is required under Section 401 because the proposed activity will be authorized by a U.S. Army Corps of Engineers permit (POA-2020-00447) and a discharge of pollutants to waters of the U.S. located in the State of Alaska may result from the proposed activity. Public notice of the application for this certification was given as required by 18 AAC 15.180 in the Department's Public Notice POA-2020-00447 posted from December 1 to December 16, 2020.

Project Description and Location

The applicant's stated purpose is to restore a piling supported floating dock and contain the property with a rock fill contained by a stacked rock wall. This will make it possible to secure the upland and manage the property. The applicant proposes placement of approximately 4,500 cubic yards (CY) of material into 0.4 acres of intertidal WOUS, including 0.01 acre of wetlands, to construct the rock wall and restore the dock. The dock will be 10 feet wide by 130 feet long. The dock is supported by six 13-inch galvanized steel pilings that are spaced approximately 20 feet apart. The pilings would be driven into the dry toe of the existing fill or driven during low tide. The rock will be hauled to the sight in end dump trucks and spread with an excavator and compacted with a roller.

The proposed activity is located within Section 25, T. 62 S., R. 83 E., Copper River Meridian; Latitude 56.4652° N., Longitude -132.3849° W., in Wrangell, Alaska.

Antidegradation Analysis Finding

Pursuant to the Department's Antidegradation Policy and Implementation Methods at 18 AAC 70.015-.016, DEC finds that the project would comply with the requirements for Tiers 1 and 2 regarding water quality impacts to receiving water immediately surrounding the dredge or fill material. The use of appropriate best management practices and erosion and sediment control measures would adequately protect the existing water uses and the level of water quality necessary to protect existing uses. Any potential water quality degradation is expected to be temporary and limited and necessary to accommodate important social and/or economic development in the area.

Conditions Necessary to Ensure Compliance with Water Quality Standards or other Appropriate Water Quality Requirements of State Law

The Department of Environmental Conservation (DEC) reviewed the application and certifies that there is reasonable assurance that the proposed activity, as well as any discharge which may result will comply with water quality requirements of the applicable provisions of Section 401 of the CWA and the Alaska Water Quality Standards, 18 AAC 70, provided that the following additional measures are adhered to.

Pursuant to 18 AAC 70.020(a) and the Toxics and Other Deleterious Organic and Inorganic Substances in 18 AAC 70.020(b), the following conditions are designed to reduce pollutants from construction activity to ensure compliance with the applicable water quality standards.

Pollutants/Toxics

1. Fuel storage and handling activities for equipment must be sited and conducted so there is no petroleum contamination of the ground, subsurface, or surface waterbodies.

2. During construction, spill response equipment and supplies such as sorbent pads shall be available and used immediately to contain and cleanup oil, fuel, hydraulic fluid, antifreeze, or other pollutant spills. Any spill amount must be reported in accordance with Discharge Notification and Reporting Requirements (AS 46.03.755 and 18 AAC 75 Article 3). The applicant must contact by telephone the DEC Area Response Team for Southeast Alaska (907) 465-5340 during work hours or 1-800-478-9300 after hours. Also, the applicant must contact by telephone the National Response Center at 1-800-424-8802.
3. Construction equipment shall not be operated below the ordinary high-water mark if equipment is leaking fuel, oil, hydraulic fluid, or any other hazardous material. Equipment shall be inspected and recorded in a log daily for leaks. If leaks are found, the equipment shall not be used and pulled from service until the leak is repaired.
4. Fill material (including dredge material) must be clean sand, gravel or rock, free from petroleum products and toxic contaminants in toxic amounts.

Turbidity

5. Runoff discharged to surface water (including wetlands) from a construction site disturbing one or more acres must be covered under Alaska's General Permit for Storm Water Discharges from Large and Small Construction Activities in Alaska (AKR100000). This permit requires a Storm Water Pollution Prevention Plan (SWPPP). For projects that disturb more than five acres, this SWPPP must also be submitted to DEC (Teri Buck, 907-334-2281, Teri.Buck@alaska.gov) prior to construction.

Erosion and Sediment Control

6. Excavated or fill material, including overburden, shall be placed so that it is stable, meaning after placement the material does not show signs of excessive erosion. Indicators of excess erosion include gullyng, head cutting, caving, block slippage, material sloughing, etc. The material must be contained with siltation best management practices (BMPs) to preclude reentry into any waters of the U.S., which includes wetlands.
7. Include the following BMPs to handle storm water and total storm water volume discharges as they apply to the site:
 - a. Divert storm water from off-site around the site so that it does not flow onto the project site and cause erosion of exposed soils;
 - b. Slow down or contain storm water that may collect and concentrate within a site and cause erosion of exposed soils.
 - c. Place velocity dissipation devices (e.g., check dams, sediment traps, or riprap) along the length of any conveyance channel to provide a non-erosive flow velocity. Also place velocity dissipation devices where discharges from the conveyance channel or structure join a water course to prevent erosion and to protect the channel embankment, outlet, adjacent stream bank slopes, and downstream waters.
8. All work areas, material access routes, and surrounding wetlands involved in the construction project shall be clearly delineated and marked in such a way that equipment operators do no operate outside of the market areas.
9. Natural drainage pattern shall be maintained, to the extent practicable, without introducing ponding or drying.

Date: December 28, 2020



James Kypkema, Program Manager
Storm Water and Wetlands

SELF-CERTIFICATION STATEMENT OF COMPLIANCE**Permit Number: POA-2020-00447**Permittee's Name & Address (please print or type): Mr. Rolland B. Curtis, P.O. Box 140, Wrangell, AK 99929Telephone Number: 907-306-0339Location of the Work: 1448 Peninsula Blvd., Wrangell, AK

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO _____
TO SCHEDULE AN INSPECTION PLEASE CONTACT _____
AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee_____
Full Name of Permittee (printed or typed)_____
Date

POA-2020-00447

Project Location

Legend

POA-2020-00447

POA-2020-00447, Zimovia Strait, Mr. Ronald Curtis
Rock wall, fill, and dock
Lat. 56.4652 N., Long. 132.3849 W.
Sheet 1 of 3, November 24, 2020

POA-2020-00447

Sunset Blvd

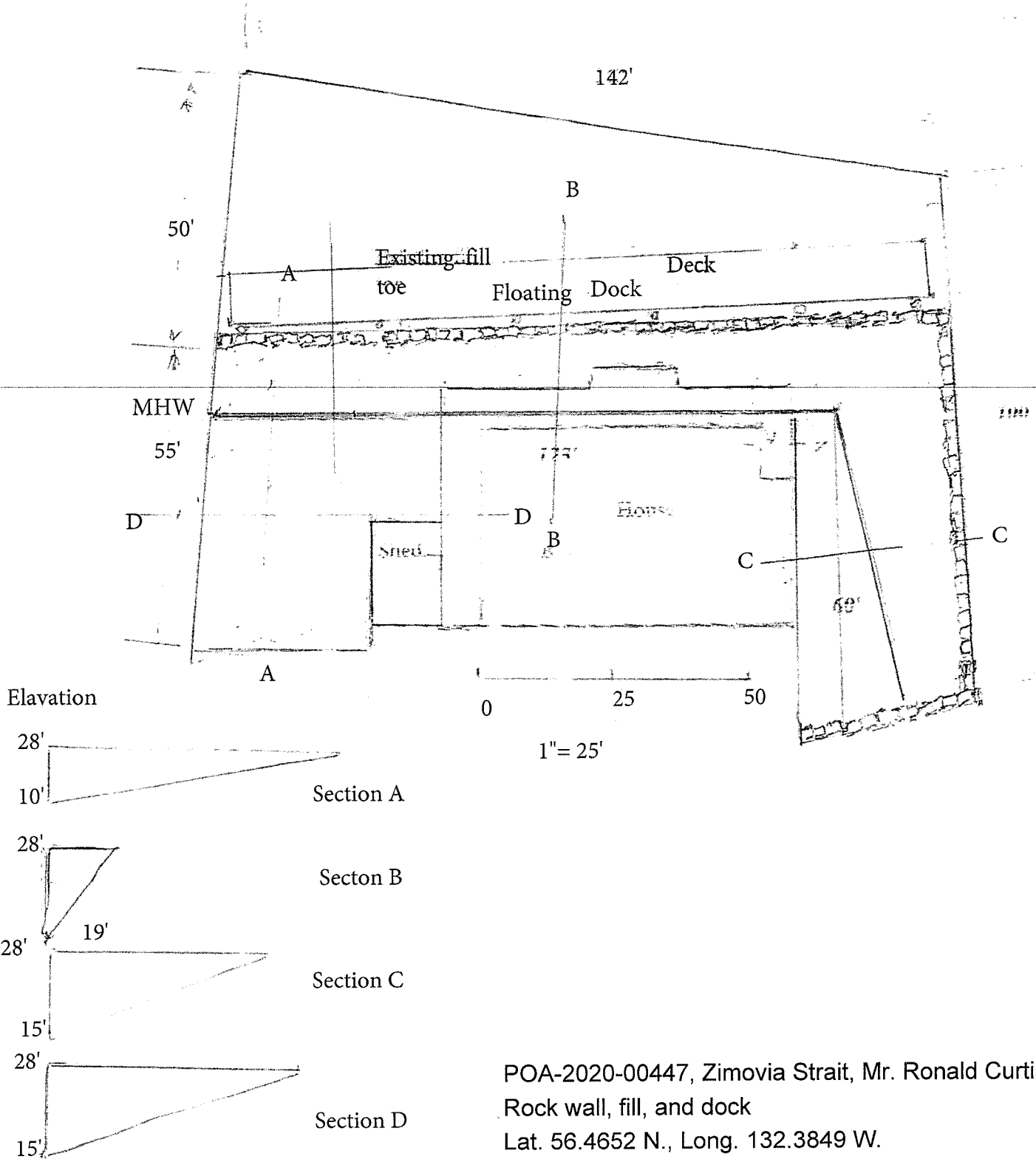
Peninsula St

Ocean View Dr

Google Earth

© 2020 Google
Image © 2020 CNES / Airbus

300 ft



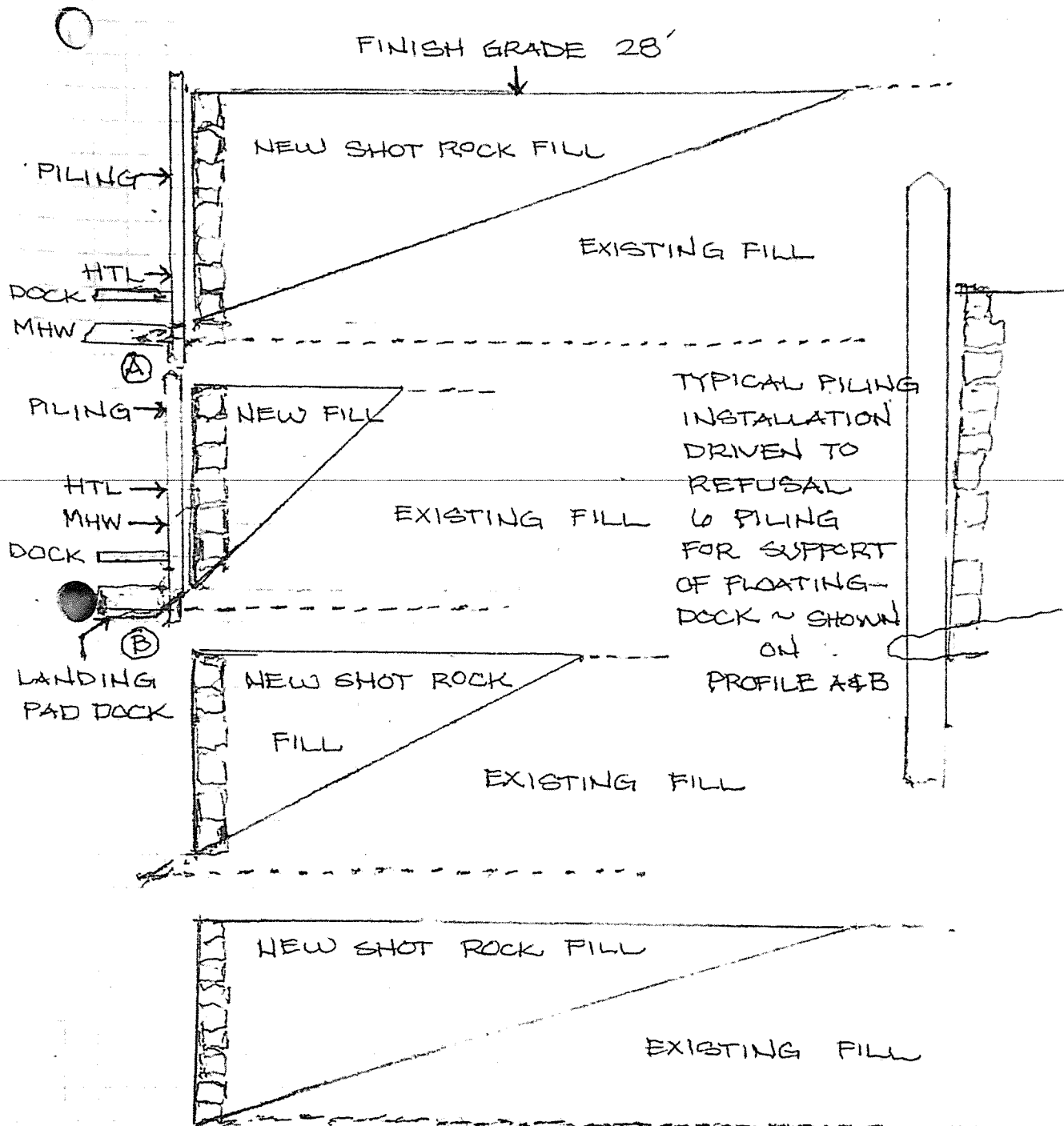
POA-2020-00447, Zimovia Strait, Mr. Ronald Curtis
 Rock wall, fill, and dock
 Lat. 56.4652 N., Long. 132.3849 W.
 Sheet 2 of 3, November 24, 2020

POA-2020-00447, Zimovia Strait, Mr. Ronald Curtis

Rock wall, fill, and dock

Lat. 56.4652 N., Long. 132.3849 W.

Sheet 3 of 3, November 24, 2020



PROFILES FOR BENH CURTIS FILL
 POA - 2020 - 00447 - ZIMOVIA ST.
 AGENT GEORGE WOODBURY
 11 / 24 / 2020



**This notice of authorization must be
conspicuously displayed at the site of work.**

**United States Army Corps of Engineers
ZIMOVIA STRAIT**

A permit to: Place 4520 CY fill in 0.04-ac below HTL of Zimovia Strait for a rock wall & level the ground with the top of the wall, & create a pad in front of the wall. 6, 13" steel piles will be installed along the wall to support a 10' x 130' dock.

at: Latitude 56.4652° N., Longitude 132.3849° W.

has been issued to: Mr. Rolland B. Curtis

on: March 5, 2021 **and expires:** February 28, 2026

Address of Permittee: Post Office Box 140, Wrangell, Alaska 99929

Permit Number:

POA-2020-00447

Roberta K. Budnik
FOR: District Commander
Roberta K. Budnik
Project Manager
REGULATORY DIVISION

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

(Proponent: CECW-O)

Memo

June 3rd 2022

The Port commission on June 2nd 2022, approved a motion for sale of tidelands. Motion to approve Ben Curtis and Shirley Wimberly request to purchase tidelands parcel #02-013-107 as stated in submittal letter.

There were only a few comments.

1. The piling and float need to be inside the property lines of the purchased tidelands.
2. How are tideland property prices assessed.
3. They would like to know what this tideland sells for in the end.
4. No objections

Steve Miller

Port Director

Steps for purchasing City-Owned Land (Tidelands) as per WMC 16.12

As Per WMC 16.12.030 (A-B)

The policy of outright disposal by sale of tide and submerged lands is not favored; the orderly development of the borough with due consideration toward ocean resource harvesting, municipal revenue and public recreation would indicate a strong preference toward tidelands leasing. However, when it is in the public interest, the assembly may, by resolution, authorize the sale of tracts of tide and submerged lands in the manner provided for the sale of other real property owned by the borough. Tidelands, which may be sold pursuant to this section, as that term is used herein, refers only to those tide and submerged lands conveyed by the state of Alaska to the then-City of Wrangell pursuant to AS 38.05.820.

All sales of tide and submerged lands shall be public sales and shall be governed by the provisions of this chapter, insofar as applicable.

As Per WMC 16.12.040

1. The person wishing to purchase the borough-owned real property or borough-owned tidelands shall submit a request in writing, to the borough clerk. The borough clerk shall submit the application to the planning and zoning commission and if borough-owned tidelands, to the port commission for comments in favor or against the sale at their next commission meeting.

The request shall state the purpose and proposed use of the requested borough-owned property or tidelands in detail including, but not limited to maps and complete written narrative.

2. After the report(s) have been received by the borough clerk from the planning and zoning commission or the port commission (if borough-owned tidelands), the borough clerk shall place the request for purchase on an upcoming regular borough assembly agenda, as a Public Hearing item, for the assembly to approve moving forward with the sale. All property owners within 300 feet shall be notified by mail regarding the Public Hearing.
3. If the assembly approves moving forward with the sale, the clerk shall notify the applicant of the costs associated with the sale which include but are not limited to the survey (if required), appraisal, all public notices, and recording fees.
4. Once the applicant agrees to the costs associated with the sale, the clerk shall cause an appraisal of the interest to be disposed of to be made by a licensed appraiser, who shall submit a report, which will include his or her estimate of the market value of the interest.
5. If the borough-owned property or borough-owned tidelands require a survey, the applicant shall be responsible for obtaining that survey. If a survey is required, the

appraisal shall take place after the survey. Both the survey and the appraisal costs shall be the responsibility of the applicant.

6. Once the appraisal report has submitted, if the subject interest has a value of \$1,000,000 or less, the borough clerk will cause a notice of the proposed land or tidelands sale to be published for three consecutive weeks before final action of the borough assembly to approve or reject the sale, by resolution. The publication shall be published in the newspaper at least three times, with the final publication at least one week prior to the final action on the application. The notice shall identify the applicant and the location of the proposed sale. The notice shall state that anyone wishing to protest the sale must file a written protest with the borough clerk not later than a date identified in the notice. Such protest shall be in writing and shall state all reasons for the protest. Failure to timely protest as required by this subsection shall constitute a waiver of any right to purchase or use the location and shall waive any right to contest the awarding of the sale.
7. No sooner than one week after the date set for receipt of protests, the borough manager shall submit to the borough assembly a report and recommendation on each timely protest received by the borough. Following the required public notice period for the sale of land or tidelands, the assembly shall approve or reject the sale by resolution. Any protests received and the final report from the Borough Manager shall be included in the agenda item for the assembly, along with the appraisal report.
8. Terms. Upon final approval by the borough assembly by resolution, payment in full must be paid within 20 days in the form of a certified or cashier's check, cash or by electronic funds transfer (EFT). Payment due includes the appraised fair market value plus the survey cost, assessment, all public notices, and recording fees.
9. Additionally, no sale of tidelands shall occur except upon a public hearing as per WMC 16.12.040(2). At the public hearing, the applicant must clearly demonstrate the benefits of sale of the subject tidelands tract that could not be realized by the borough through leasing; a determination by the assembly adverse to the applicant may not be appealed unless clearly erroneous. An applicant for purchase of tidelands must conclusively demonstrate the outright sale of the nominated tidelands tract, as contrasted with the lease of such tract, is in the borough's best interest. The borough reserves the right to refuse sale of any tidelands tracts, regardless of sufficiency of proof.

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	September 13, 2022
	<u>Agenda Section</u>	6

RESOLUTION No 09-22-1717 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, DESIGNATING CANVASS BOARD DUTIES TO TWO ASSEMBLY MEMBERS AND ONE QUALIFIED VOTING MEMBER OF THE COMMUNITY FOR CANVASSING THE RESULTS OF THE REGULAR ELECTION TO BE HELD OCTOBER 4, 2022

SUBMITTED BY:

Kim Lane, Borough Clerk

FISCAL NOTE:

Expenditure Required: \$XXX Total

FY 19: \$	FY 20: \$	FY21: \$
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Amount Budgeted:

	FY19 \$XXX
--	------------

Account Number(s):

	XXXXX XXX XXXX
--	----------------

Account Name(s):

	Enter Text Here
--	-----------------

Unencumbered Balance(s) (prior to expenditure):

	\$XXX
--	-------

Reviews/Approvals/Recommendations

<input type="checkbox"/>	Commission, Board or Committee
Name(s)	
Name(s)	
<input type="checkbox"/>	Attorney
<input type="checkbox"/>	Insurance

ATTACHMENTS: Resolution No. 09-22-1717

This item is being considered under the Consent Agenda. Matters listed under the consent agenda are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion on these items. If the Mayor, and Assembly Member, the Manager or Clerk requests discussion and/or consideration on an item under the Consent Agenda, that item will be removed from the Consent Agenda and will be considered under Unfinished Business.

RECOMMENDATION MOTION (*Consent Agenda Item*):

Move to approve Resolution No. 09-22-1717

Summary Statement:

Wrangell Municipal Code Sec. 2.28.050 Canvass Board, provides that the Borough Assembly shall, prior to the date of the election, designate three assembly members to serve on the Canvass Board.

There are four members of the Assembly whose terms are not expiring this year however, only two of those four are able to serve on the Canvass Board. Therefore, the option to appoint a qualified voter to serve on the Canvass Board in the place of an assembly member is allowed.

The Clerk has made the request that Robert (Robbie) Marshall be appointed to fill the third seat on the Canvass Board. She believes that Robbie is an appropriate alternative.

This Resolution is before the Borough Assembly to comply with Borough Code.

CITY AND BOROUGH OF WRANGELL

RESOLUTION NO. 09-22-1717

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, DESIGNATING CANVASS BOARD DUTIES TO TWO ASSEMBLY MEMBERS AND ONE QUALIFIED VOTING MEMBER OF THE COMMUNITY FOR CANVASSING THE RESULTS OF THE REGULAR ELECTION TO BE HELD OCTOBER 4, 2022

WHEREAS, Wrangell Municipal Code Sec. 2.28.050 Canvass Board, provides that the Borough Assembly shall, prior to the date of the election, designate three assembly members to serve on the Canvass Board; and

WHEREAS, If three members of the assembly cannot serve on the canvass board, the mayor shall appoint one or more qualified voters to serve on the board in place of the member or members of the assembly; to be appointed to the canvass board, a qualified voter may not be a member of the election board.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, that Assembly Members **Anne Morrison, Bob Dalrymple, and Robert Marshall** be designated to serve on the Canvass Board and to attend the election, pursuant to Wrangell Municipal Code Sec. 2.28.050 to be held within six days after the election, pursuant to Wrangell Municipal Code Sec. 2.28.060 Canvass of Returns-Procedures Generally.

ADOPTED: September 13, 2022

Stephen Prysunka, Borough Mayor

ATTEST:_____
Kim Lane, MMC, Borough Clerk

**Minutes of Special Assembly Meeting
Held on August 18, 2022**

Vice-Mayor Patricia Gilbert called the Special Assembly meeting to order at 5:30 p.m., August 18, 2022, in the Borough Assembly Chambers.

PRESENT: MORRISON, HOWE, GILBERT, POWELL, DALRYMPLE, DEBORD

ABSENT: PRYSUNKA

PERSONS TO BE HEARD - None.

CONFLICT OF INTEREST - None.

ITEM(S) OF BUSINESS

5a Municipal Legal Services Interviews

The Assembly conducted the Municipal Attorney Services Interview for Keene & Currall, P.P.C., attorney Scott Erickson, in person.

At the conclusion of the first interview, the Assembly conducted the interview for Jermain Dunnagan & Owens, P.C.C., attorneys Max Holmquist, Michael Gatti, in person.

6a Executive Session: Municipal Legal Services Deliberations

M/S: Morrison/Powell, pursuant to AS 44.62.310 (2), that we enter Executive Session and invite the Borough Manager into the Session to discuss matters that may tend to prejudice the reputation and character of any person, specifically to discuss the Municipal Attorney Services Interviews. Motion approved unanimously by polled vote.

Meeting recessed into Executive Session at 6:55 p.m.

Meeting reconvened back into Special Session at 7:45 p.m.

M/S: Howe/Morrison to authorize Borough Manager Good to offer a contract for Legal Services to JDO. Motion approved unanimously by polled vote.

Special Assembly meeting adjourned at 7:46 p.m.

Stephen Prysunka, Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

**Minutes of Regular Assembly Meeting
Held on August 23, 2022**

Vice-Mayor Patricia Gilbert called the Regular Assembly meeting to order at 6:00 p.m., August 23, 2022, in the Borough Assembly Chambers. Assembly Member Morrison led the pledge of allegiance, and the roll was called.

PRESENT: DALRYMPLE, HOWE, POWELL, GILBERT, POWELL, DEBORD

ABSENT: PRYSUNKA

Borough Manager Jeff Good and Clerk Lane were also present.

Manager Good asked that the Executive Session item be pulled from the Agenda because the issue had been settled. There were no objections from the Assembly..

PERSONS TO BE HEARD

Larry Persily, Sentinel, introduced the new Sentinel Reporter, Caroleine James.

AMENDMENTS TO THE AGENDA

Dalrymple requested that Items 6a through 6e be removed from the Consent Agenda and placed under Unfinished Business.

Manager Good asked that the Executive Session item be removed from the Agenda since the matter had been resolved. There were no objections to remove the Executive Session item.

CONFLICT OF INTEREST - None.

CONSENT AGENDA

6a RESOLUTION No. 08-22-1708 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT TO THE JOB DESCRIPTION FOR THE PUBLIC WORKS FOREMAN POSITION *(moved to Unfinished Business)*

6b RESOLUTION No. 08-22-1709 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT TO THE JOB DESCRIPTION FOR THE SANITATION WORKER POSITION *(moved to Unfinished Business)*

6c RESOLUTION No. 08-22-1710 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE ADDITION OF THE JOB DESCRIPTION FOR THE SANITATION OPERATOR POSITION *(moved to Unfinished Business)*

6d RESOLUTION No. 08-22-1711 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE ADDITION OF THE JOB DESCRIPTION FOR THE SANITATION LEAD POSITION *(moved to Unfinished Business)*

6e RESOLUTION No. 08-22-1712 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT TO THE UNION WAGE AND GRADE TABLE BY AMENDING THE SANITATION WORKER POSITION AND ADDING BOTH THE SANITATION OPERATOR AND SANITATION LEAD POSITIONS *(moved to Unfinished Business)*

6f RESOLUTION No. 08-22-1713 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA AMENDING THE FY22 BUDGET IN THE MUNICIPAL LIGHT & POWER FUND

BY TRANSFERRING \$9,000 FROM THE FUND RESERVES TO THE CAPITAL EXPENDITURES ACCOUNT AND AUTHORIZING ITS EXPENDITURES FOR THE DIESEL GENERATOR #5 ENGINE REHABILITATION CAPITAL PROJECT

6g RESOLUTION No. 08-22-1714 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, CREATING A SPECIAL GENERAL OBLIGATION BOND COMMITTEE, AS ALLOWED IN WMC 3.04.060, SPECIAL COMMITTEES, TO WORK THROUGH THE PROCESS FOR THE GENERAL OBLIGATION BONDS FOR THE RENOVATION OF THE PUBLIC SAFETY BUILDING AND CAPITAL IMPROVEMENTS FOR THE WRANGELL PUBLIC SCHOOLS

6h Minutes from the July 26, 2022 Regular Assembly Meeting

6i Minutes from the August 8, 2022 Special Assembly Meeting

6j Minutes from the August 17, 2022 Special Assembly Meeting

6k CORRESPONDENCE: School Board Action from the August 15, 2022 Meeting

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

BOROUGH MANAGER'S REPORT

Manager Good provided a verbal Manager's Report.

BOROUGH CLERK'S REPORT

Clerk Lane's report was provided.

Lane asked that the Vice-Mayor appoint two members of the Assembly to sit on the GO Bond Special Committee since Resolution No. 08-22-1704 to approve the Special Committee was approved under the Consent Agenda.

Assembly Member Gilbert and Assembly Member Morrison were appointed. There were no objections from the Assembly.

MAYOR AND ASSEMBLY BUSINESS

Gilbert requested that an Ordinance be brought forward that would require that Resolution's that have a monetary value of \$25,000 or more be placed under New Business, instead of under the Consent Agenda.

Gilbert also asked that the Ordinance also state that the first reading's of Ordinances not be placed under the Consent Agenda and instead be placed under New Business.

There were no objections from the Assembly to bring this Ordinance forward for consideration at the next Assembly Meeting.

MAYOR AND ASSEMBLY APPOINTMENTS - None.

PUBLIC HEARING

11a ORDINANCE No. 1029 OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AUTHORIZING THE BOROUGH TO ISSUE GENERAL OBLIGATION BONDS TO FINANCE THE MAJOR RENOVATION OF THE MIDDLE SCHOOL, AND HIGH SCHOOL, AND ELEMENTARY SCHOOL AND OTHER RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF ISSUING THE

BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE REGULAR ELECTION TO BE HELD ON OCTOBER 4, 2022

Vice-Mayor Gilbert called to order, the Public Hearing on this item and asked for an administrative report.

Manager Good explained that the bond was for siding and roofing; bond is the best way to pay for that maintenance.

Gilbert asked if there was anyone who wanted to speak on this item. Hearing none, Gilbert closed the Public Hearing and asked for a motion on this item.

M/S: Powell/Morrison to approve Ordinance No. 1029.

There was extensive discussion on this item. After discussion, the roll was taken.

Motion approved unanimously by polled vote.

11b ORDINANCE No. 1030 OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AUTHORIZING THE BOROUGH TO ISSUE GENERAL OBLIGATION BONDS TO FINANCE THE MAJOR RENOVATION OF THE PUBLIC SAFETY BUILDING AND OTHER RELATED CAPITAL IMPROVEMENTS, AND TO SUBMIT THE QUESTION OF ISSUING THE BONDS TO THE QUALIFIED VOTERS OF THE BOROUGH AT THE REGULAR ELECTION TO BE HELD ON OCTOBER 4, 2022

Vice-Mayor Gilbert called to order the Public Hearing on this item and asked for an administrative report.

Manager Good explained that this would be for siding and roofing replacement and other renovations.

Gilbert asked if there was anyone who wanted to speak on this item.

Hearing none, Gilbert closed the Public Hearing and asked for a motion on this item.

M/S: Powell/Howe to approve Ordinance No. 1030.

Dalrymple acknowledged Mr. McQueen's letter and stated that he believed that the Bond Committee could probably address some of his concerns.

Motion approved unanimously by polled vote.

11c ORDINANCE No. 1031 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ASKING THE VOTERS OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, TO RATIFY ORDINANCE NO. 1031 THAT ALLOWS THE CITY AND BOROUGH OF WRANGELL TO DISPOSE BY MEANS OF SELLING AND/OR LEASING THE 6-MILE-DEEP WATER INDUSTRIAL SITE (FORMER MILL SITE PROPERTY)

Vice-Mayor Gilbert called to order the Public Hearing on this item and asked for an administrative report.

Manager Good explained that if we wanted to sell and/or lease the property.

Gilbert asked if there was anyone who wanted to speak on this item.

Hearing none, Gilbert closed the Public Hearing and asked for a motion on this item.

M/S: Morrison/Powell to approve Ordinance No. 1031. Motion approved unanimously by polled vote.

UNFINISHED BUSINESS

12a (was 6a) RESOLUTION No. 08-22-1708 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT TO THE JOB DESCRIPTION FOR THE PUBLIC WORKS FOREMAN POSITION (*moved to Unfinished Business*)

M/S: Powell/Morrison to approve Resolution No. 08-22-1708.

Good explained that this would remove the oversight of the Sanitation Department from the job description for the Public Works Foreman.

Powell questioned if the hours of the landfill would increase.

Good stated that the landfill would be open on Monday's; would look at extending the hours.

Motion approved unanimously by polled vote.

12c (was 6b) RESOLUTION No. 08-22-1709 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT TO THE JOB DESCRIPTION FOR THE SANITATION WORKER POSITION (*moved to Unfinished Business*)

M/S: Powell/Morrison to approve Resolution No. 08-22-1709. Motion approved unanimously by polled vote.

12c (was 6c) RESOLUTION No. 08-22-1710 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE ADDITION OF THE JOB DESCRIPTION FOR THE SANITATION OPERATOR POSITION (*moved to Unfinished Business*)

M/S: Powell/Howe to approve Resolution No. 08-22-1710. Motion approved unanimously by polled vote.

12d (was 6d) RESOLUTION No. 08-22-1711 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE ADDITION OF THE JOB DESCRIPTION FOR THE SANITATION LEAD POSITION (*moved to Unfinished Business*)

M/S: Morrison/Powell to approve Resolution No. 08-22-1711. Motion approved unanimously by polled vote.

12e (was 6e) RESOLUTION No. 08-22-1712 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, PROVIDING FOR THE AMENDMENT TO THE UNION WAGE AND GRADE TABLE BY AMENDING THE SANITATION WORKER POSITION AND ADDING BOTH THE SANITATION OPERATOR AND SANITATION LEAD POSITIONS (*moved to Unfinished Business*)

M/S: Powell/Morrison to approve Resolution No. 08-22-1712. Motion approved unanimously by polled vote.

NEW BUSINESS

13a Approval of a Professional Services Agreement with Appraisal Company of Alaska, LLC in the Amount of \$48,000 for city assessments

M/S: Howe/Powell to approve a Professional Services Agreement with Appraisal Company of Alaska, LLC in the Amount of \$48,000 for city assessments.

Powell questioned if the timeline would allow us to view the assessments ahead of time.

Good stated that yes, they would start sooner than they have in the past.

Dalrymple questioned on how the last Board of Equalization was done and asked that the documentation be more clear for the Board.

M/S: Powell/Howe to amend the main motion to include the \$8,600 scanning fee. Amendment approved unanimously by polled vote.

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

13b Approval of a sole source procurement in the Wastewater Department with Alaska Pump and Supply for Flyght Lift Station Pumps totaling \$33,394

M/S: Howe/Powell to approve a sole source procurement in conformance with WMC 5.10.050 (F) for the Wastewater Department with Alaska Pump and Supply for Flyght Lift Station Pumps totaling \$33,394.

M/S: Morrison/Howe amended the motion by changing the total from 33,394 to \$35,769. Amendment approved unanimously by polled vote.

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

13c Approval of a sole source procurement in the Wastewater Department with Northwest Pump for E One Extreme Grinder Station Pumps totaling \$19,316.79

M/S: Powell/Morrison to approve a sole source procurement in conformance with WMC 5.10.050 (F) for the Wastewater Department with Northwest Pump for E One Extreme Grinder Station Pumps totaling \$19,316.79. Motion approved unanimously by polled vote.

13d Approval of an Amendment to the Professional Services Agreement with DOWL for the Water Treatment Plant Improvements Design in the amount of \$29,215

M/S: Morrison/Powell to approve an Amendment to the Professional Services Agreement with DOWL for the Water Treatment Plant Improvements Design in the amount of \$29,215. Motion approved unanimously by polled vote.

EXECUTIVE SESSION

~~15a—Executive Session: Update on Formal Grievance Procedure with the IBEW~~

This item was pulled from the Agenda under Amendments to the Agenda.

Meeting adjourned at 7:38 p.m.

Stephen Prysunka, Borough Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

MEMORANDUM

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

**FROM: JEFF GOOD
BOROUGH MANAGER**

SUBJECT: MANAGER'S REPORT

DATE: September 13, 2022

INFORMATION:

- I am attending the grant symposium by Senator Murkowski and the federal agencies in charge of managing the grants for the Infrastructure Investment Jobs Act.
- I will be at Southeast Conference for the next Assembly meeting
- I met with Catholic Services to discuss the Senior Service Center. There are foundation issues with the building. We have some money budgeted for maintenance but not enough to cover the repair costs. We discussed having an engineer inspect the building and develop a cost estimate that will enable Catholic Services to apply for grant money.
- We met internally to discuss Community Transportation Program and Transportation Alternative Program grant applications. The programs are to preserve, upgrade, or create new roads, bridges, and trails. We are working on prioritizing the roads that are in the worst condition and would compete for the grant funding.
 - Roads Grants. We can only apply for 2 in each category of the following:
 - CTP (roads):
 - Residential Streets include Mission Street, 3rd, and 1st
 - Downtown streets include McKinnon, St. Michaels and Campbell Dr.
 - Possibly Stikine Ave, but we are not ready to tackle that project because of the ownership easement issue we need to address.
 - Perhaps substitute one for the Institute Property development.
 - TAPS (sidewalks and trails):
 - Case Avenue and McKinnons street sidewalks
 - Mt. Dewey Extension.

**Finance Department
September 13, 2022**

Audit Report:

- The FY21 Audit report will be issued by September 30th, 2022
- The first week of the FY22 Audit began on August 29th, 2022 (back to a normal timeline)

- The Finance Director and City Manager had many conversations with Joy Merriner, our Engagement Partner, about how to improve our accounting information system as well as how to improve the City's fiscal performance in FY23.
- **A couple of takeaways:**
 - BDO was excited about our move to Caselle. They believe it is necessary to switch out of AccuFund and that Caselle will provide a better framework for segregation of duties and demonstrating the review and approval process.
 - BDO spoke to the City Manager and the Finance Director about the need for a Senior Staff Accountant, a Controller, or an outsourced accounting professional that can book journal entries and/or review the Finance Director's work. It is not good practice to have one individual do all the accounting and not have another accountant review the work. This has been a finding for multiple years; however it is important to correct this deficiency as soon as possible.
 - Joy and Mason went over dissolving funds and cleaning up our framework before implementing. Assembly action will be required to make these adjustments in the system.
 - BDO also discussed Sales Tax Audit procedures. The Borough will not contract out a Sales Tax Audit, however they will perform an in-house audit each year. Formal guidance and changes to the sales tax code will be presented to the Assembly in October.
 - Overall, the FY21 and FY22 audits have demonstrated a tremendous improvement in the Borough's accounting system and processes. To get to the next level, we will have to seamlessly implement Caselle and set it up right. **Important:** We need to conform our processes to the software...not the software to the process.
 - The useful lives of our assets are reaching maturity. As a result, our depreciation expense is decreasing in many of the funds. This indicates the Borough needs to make consistent strides forward in completing projects and performing routine maintenance.

Caselle

- On August 29th and August 31st, Caselle representatives, Wade Walker and Ammie Gamble did a live tutorial of Caselle with department heads and members of the finance department.
- In two weeks, the Caselle project managers will be in touch about our set-up timeline and what we need to do to effectively implement the software

Sales Tax

- The Borough has calculated preliminary sales tax revenue for FY2022. The Borough brought in an estimated \$3.531M compared to a budgeted \$2.607M

Other Revenue Sources:

- FY23 Community Assistance came in higher than anticipated: \$424,620 vs. \$365,000
- FY23 Jail Contract revenue is anticipated to be \$567,833 vs \$465,000 budgeted as a result of a new regional contract allocation and contract.

City and Borough of Wrangell Wrangell Municipal Light and Power Department Report September 6, 2022

WML&P Status

Accomplishments –

- 3 Orange card Work Orders (WOs) – These WOs consist of customer complaints and other field noted problems.
- Primary line brushing.
- 2 Disconnect/Reconnects were requested this month.
- 2 Temporary Construction Power service installations
- Beginning to clear land behind Pole Yard
- 1 Locate at Airport
- Verizon Vertical Bridge Meter installation at SMB
- 5 Mile loop Rd, Inspection for meter base installation
- Inspection 8 Mile Zimovia Hwy.

Work Orders

WMLP had a total of 54 work orders in the month of June – consisting of Reads, Disconnects, Installs, and requests for meter tests and meter swap outs.

Financials:

- In the month of **August** 2022 WML&P sold 1,890,935 KW Hours of Electricity, generating \$248,544.18 of Revenue. This can be compared to 2020 and 2021 as follows:
 - 2020 - WML&P sold 1,807,957 KW Hours of Electricity, generating \$225,099.05 of Revenue.
 - 2021 - WML&P sold 1,985,663 KW Hours of Electricity, generating \$243,224.59 of Revenue.

City and Borough of Wrangell Irene Ingle Public Library Report Director: Margaret Villarma 2022

Summer Reading Program

- The Summer Reading Program ended on July 30th. We had 91 kids finish this year's program. There was a pool/pizza party on August 6th. All the kids received a sport gym sack that was paid for by a grant from First Bank.

Mushroom Presentation

- Noah Siegel gave a talk at the public library on Friday evening, August 26th. He talked about the wide diversity of mushrooms, from delectable to deadly. He spoke

on the tricks to finding them and making sure you are eating the right ones. The next day he met with members of the community to head up Rainbow Fall's Trail to collect mushrooms, followed by identification and Q/A back at the shelter. He also did a walk around the nature trail later in the afternoon.

- There were over 50 people who attended the event on Friday evening and 54 who did the walk on Saturday. This was paid for by The Friends of the Library.

IMLS Grant

- The library received a grant through the WCA for \$9,978.00. This grant will pay for Alaska Digital Library (\$1750.00) and four new computers for public use.

Fall Storytime

- The library will begin Fall Storytime in October. There will be stories and crafts along with a snack. This will be the first in-person story time since the pandemic. We are looking forward to getting back to normal.

Estate Planning Workshop

- There will be an Estate Planning Workshop at the library on Wednesday, September 14th from 5-6 p.m. Liz Smith Law will be here to speak about estate planning and answer questions. This is a free event.



City and Borough of Wrangell Parks and Recreation

- **Weight Room:**
 - Over the years Parks & Recreation has received a slew of requests and recommendations regarding weight room improvements. As the requests became more frequent and the specifics became common, staff began to take the requests more seriously.
 - Earlier this spring the Department launched an official survey to glean a little more information from users and find the commonalities between them, to carve a path

forward. Many participants asked for improvements such as more floor space, squat racks, increased free weights and a lateral pull down machine.

- After the survey results came in staff began researching different fitness equipment manufacturers. Rogue Fitness, based out of the Midwest had favorable pricing along with options that allowed the Department to pick and play a variety of different accessories. Rogue provided expertise and helped staff identify the best plan that would allow the facility to maintain much of its fixed weight equipment, while gaining ample floor space and equipment suitable for dynamic movement.
- Equipment was purchased in June of this year. The order included two rig/rack units which are the standing structures (photographed below) that allow users to properly execute squats and bench presses with increased safety and efficiency. Accessories were purchased to accompany the rig including a landmine, slinger with triceps strap and lateral pull down bar, seated row attachment, matador hanger and a pull up cross member.
- Duke Mitchell from Capital Facilities worked alongside Lane Fitzjarrald of Parks & Recreation to install the equipment. Both Kate Thomas and Lucy Robinson provided direction on the floor plan and equipment layout with the intention of maintaining as much of what already existed within the facility, along with the new dynamic equipment.
- The improvements to the weight room were revealed to the public on September 2nd. Staff were on site providing an orientation to patrons on the use of the new equipment. Continued efforts are in place to educate users and drive membership.



MEMORANDUM

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

**FROM: JEFF GOOD
BOROUGH MANAGER**

SUBJECT: MANAGER'S REPORT

DATE: August 23, 2022

INFORMATION:

- We received \$250,000 in grant funding for the loading dock at the transfer station from the Denali Commission. Unfortunately we did not get any funding for the harbor design funding we requested.
- City Hall will be closed on Monday August 23rd for a day of training on Caselle.
- I travelled to Sunny Bay on July 28th to walk the site.
- I attended the Alaska Municipal League summer session in Sitka August 10th through the 12th. Managers from throughout Alaska were in attendance and one of the primary topics was the difficulty in hiring qualified people given the worker shortage. Also discussed was the housing shortage and the lack of daycare that was contributing to the problem.
- I am working on the contract with JDO for the legal support for the City.
- I will be at Southeast Conference for the next Assembly meeting

Public Works June 28, 2022

Public Works**Public Works/Streets**Corrective ActionPreventative Action

- **Another residential grinder station was installed.** Approximately 150' of forced sewer main pipe needed to be installed from the nearest manhole cover to the edge of the property. Additionally, while this location was open staff addressed some drainage issues by installing pipe to help drain in front of several problem areas along the roadway.



- Several utility locates/turn ons were done for property owners planning to build (case Ave, Hospital, Shoemaker loop, Zimovia Hwy, Peninsula St, Cassiar St, Panhandle trailer park, Evergreen St, etc)
- A utility hook up was complete for a development at Shoemaker Harbor.



- One Ashes internment was done.
- Several crosswalk patches were touched up in preparation for school to start.
- **Roads Update:** With the sewer station needs that had to be addressed in the last month and a half, several roads/sidewalk concrete patches will not be completed by the end of the summer. Public Works had planned on doing the excavation work in house to save on costs. Additionally, there has been interruptions in the availability of concrete to complete these projects further complicating completion. The updated plan is to get all ducks in a row and do a more comprehensive project in the early spring. The proposal/plan would encompass 10 of the worst road/sidewalk areas around town and is expected to cost between \$75,000-\$100,000. This will require a budget amendment and approval from the assembly.

- Jeffrey Davidson has begun working with Public Works filling the Maintenance Specialist Position.



Water

Corrective Action

- The chlorine tank at the WTP sprang a small leak in the sidewall of the tank. A repair was unable to be made while chlorine was leaking. A new, smaller tank was purchased in town and installed. So far, the smaller tank has been able to keep up with current demands. However, flows are not at peak demand but organics in the source water are up. Staff are currently working on trying to repair the old tank and monitoring the new tank to make any necessary adjustments to manage the change in the system.



Preventative Action

- August Sampling was completed for disinfection by products. There has been a spike in color and turbidity (organics in the source water) in the last 2 weeks which is normal for this

time of the year. However, there is still concern that we could be out of compliance with the numbers we were seeing going into this sampling. Color and turbidity numbers are on par with what they were at this time in 2020. There also appears to be an issue with ozone generator equipment going into fault which compounds these issues. The reason for these faults could be power related or related to cooling. Staff have done everything possible to ensure the best water quality we can provide with these conditions, the current water treatment plant and without doing anything outside of standard practice with regards to the regulatory agency's protocols for sampling. Staff will report the results as soon as they are available which is expected to be in 4-6 weeks.

- Additional fans have been added to the ozone room to try and cool down generators.
- Mini septs and reactors have been swapped out in the generators with new equipment. All O rings and gaskets that can be replaced without a technician have been changed. Buildup in air and water passageways was removed.
- Flows through the plant have been reduced to give as much contact time with the ozone as is possible. Flows are being kept under 650gpm, basically a 35% reduction of what the plant should be capable of.
- Tank levels have been lowered as far as they can go to reduce contact time with chlorine. Going any lower would put us in a difficult position in the event of a main break.
- Chlorine dosing has been backed off as far as it can go to still maintain a residual in the system. At the time of testing our chlorine residual was around .5. Any lower and there is risk that there wont be a residual at the end of the line especially considering color and turbidity levels. Maintaining chlorine residual is mandatory.
- Some flushing of lines was done this week to turn over water in the system.
- Outside of an Ozone system overhaul or draining the bottom of the reservoirs there are limited options on what else can be done at this time. Draining the bottom of the reservoirs is not possible for us and an ozone system overhaul would cost close to \$500,000. An ozone system overhaul was presented to the assembly in the fall of 2021. A technician visit for Primozone has been scheduled to do an inspection and



service visit on the Ozone Generators.





Wastewater
Corrective Action

- A node 4 lift station pump needed to be removed and replaced. The broken pump was installed new in January of 2022. Node 4 pumps are some of the biggest in the system and they handle the waste from the entire north end of town. There are 3 pumps in the station, the broken pump was replaced with a rebuilt spare from shelf inventory. The rebuild used in this repair has been rebuilt 4 times, most recently with parts fabricated by a local contractor in the Marine Service Center yard since parts are not able to be purchased for this model pump anymore as it is outdated.
 - Node 4 was running 2 pumps which is unusual for the nicer weather during the time of the breakdown. The breaker to the 3rd pump had tripped, staff were able to reset the breaker. At this time staff noticed the pump was running at 49 amps when they normally run at around 11 amps under a load.
 - When the rebuilt pump was dropped in the same electrical issues were present. At this time a local contractor with experience working on these specific pumps was brought in to try and trouble shoot these issues.
 - Being a 3 phase pump there are 3 contactors for the electrical, it was determined that 2 contacts had broken from continuously cycling, this was forcing the pump to run in a single phase startup as opposed to 3 phase.
 - This did not trip any alarms or faults to show up in the SCADA system.
 - Staff worked with a contractor to put new contactors in and a new starter for the pumps. The pump that was taken out of the station was run on bench power and appeared to be operating correctly.
 - Grease on the probes that tell the station when to start pumping appears to be the primary culprit as to the root cause of the contactors breaking so soon. When the probe gets covered in grease it causes the contactors and electric motors to keep cycling because the probe is faulting and telling the station to run. We are able to see the amount of pump cycles in a day, normally there are 40 cycles in a day, however at the time of this breakdown the pump was cycling about 400 times in 24 hours. With so many cycles the components are not able to cool down adequately.
 - New contactors, a new starter and another rebuild kit have been ordered.
 - Wastewater staff visually inspect the main lift stations and panels every Monday, Wednesday and Friday. Public Works assists the Wastewater Department in clearing lift stations from grease about every 3 months. The vacuum truck is the only piece of equipment in the City fleet capable of performing this work. This is a several day process to clear the major stations, especially when considering the dewatering process with a lack of a septage receiving station at the wastewater plant.
 - Public Works will work towards increasing the frequency of clearing stations as work load and time permit. Bio blocks were implanted last year as a way to try and cut down on the grease build up in the stations. This helps but cannot solve this issue alone. Another option to get a better handle on the grease in the system will be community outreach to inform the public that grease and oils should not be washed down the drain. Additionally, municipal code enforcement needs to be utilized to ensure places like restaurants have the appropriate grease traps in place and in working condition.
- A grinder pump at the Petroglyph Beach station burned up and needed to be removed and replaced with a new pump and panel.

Preventative Action

- **Duckweed was removed from the polishing pond at** the wastewater treatment plant. Removing duckweed is a 4 person job, 2 staff are on each side of the pond trying to consolidate the duckweed into one corner, while another 2 staff are operating the vac truck to remove the duckweed. The dewatering process takes at least a day depending on how much solids are removed. If we did not remove the duckweed it would have a significant impact on our compliance sampling as organic material is being added to the system after the influent. Influent and effluent samples are taken to gauge how much removal we are getting. Adding organics in between these samples would cause the effluent number to be higher than the influent which would put us out of compliance. Duckweed has not always been a problem in Wrangell however it is a common problem in wastewater treatment plants. Duckweed has been progressively getting worse in Wrangell for about 5 years. Without chemicals or a mechanical arm, man power is the best way to remove duckweed.





- 301 H Waiver Update: Staff reached out to the EPA regarding our 301H waiver. EPA sent our permit to the state almost 2 months ago. Gene McCabe with the DEC approved EPA sharing some preliminary information with us regarding our permit. Below are some updates/changes we will see in our permit that we were able to get from our permit writer over the phone.
 - DEC is NOT requiring 2m and 2G forms to be filled out (This would have required Wrangell to hire engineering services to complete these documents).
 - Bacterial dilution ratio will be 112 to 1
 - Fecal coliform numbers will be a max daily of 5,000 with an average monthly of 1,500 (This is where disinfection will be required for us to get these numbers)
 - There will be a new limitation on ammonia of 25 micrograms per liter for the average monthly and a max daily of 51 micrograms per liter
 - Dilution ratio of 29 to 1 for chronic
 - Dilution ratio of 3 to 1 for acute
 - Enterococcus will be a new requirement from the State with a max daily of 14,500 and a monthly average of 4,000
 - Chlorine will also have a new monthly requirement of .07 milligrams per liter. We use to only have a daily limit for chlorine.
 - BOD and TSS sampling will now have weekly and monthly requirements as opposed to how it is now which is daily and monthly. This should allow for some breathing room with sampling.
 - Sampling and compliance testing will need to be increased to being done weekly and bi weekly depending on the test.

- There will be a 5 year compliance window once the permit is issued. Wrangell is one of the first communities whose permit will be issued along with Sitka, Haines and Skagway. When I asked the EPA about why this might be we were told a lot of it has to do with Wrangell already having pretty good solids removal which makes us more low hanging fruit for getting a permit issued.
- DEC will likely take a few more weeks to review our permit. Public notice is expected in late September or early October. At which time there will be a 60 day comment period. The State is already behind on preliminary reviews. Once the permit goes public the State needs to certify the permit. Another 30 day review of the comments will be required. The last step is the EPA is required to respond to comments in writing and then the permit is issued. The effective date is typically a month after the permit is issued. Likely we should expect to have our official permit sometime around December of 2022.
- We plan to order an enterococcus sample to get an idea of where we may be on this since it is something we have never tested for. Additionally, staff are going to review what ammonia data we have on file to try and get a baseline for where we might be at with regards to any new regulation.
- A likely next step would be for us to begin working with an engineering firm on how best to manage these new restrictions. It is unclear at this time whether systems will need to be piloted and how much this project will cost. There are few options for disinfection including chlorine and UV. At the very least a system will need to be selected, a new system will need to be designed, built, and implemented.

Sanitation

Corrective Action

There has been a troublesome electric issue in one of the garbage trucks. The automated arm that picks up the trash cans is not functioning correctly. Staff have changed out several components and continue to have the same issues. This led staff to believe there is an issue with a bad wire which proved difficult to locate. The wiring harness on the garbage trucks are very big as there are many moving parts on these trucks. The wiring harness is also longer than it needs to be since the manufacturer uses the same harness for a single axle vs dual axle truck (our trucks are single axle). There is also a power conditioner inside the truck to manage the appropriate voltage going to each component (some components only require 5 volts, some require 12 volts). Considering the age and environment of operation for this equipment, most of the numbers on the wires have worn off. Unfortunately, the wiring diagram only gives numbers and not colors. Staff have been going through each wire one at a time with a volt meter to try and locate. Additionally, staff have been working with a technician over the phone to try and resolve this problem. After 3 days of trying to locate and resolve this issue staff were able to determine some of the relays in the computer board were not working correctly. A new computer board was ordered.



Preventative Action

- There have been several requests for smaller garbage cans in light of the recent rate increases. Several residents have made this request as they live alone and do not use the

full 48 gallon container. The Department is currently pricing out and checking compatibility with our equipment for the potential to add 32 gallon containers.

- We have been awarded \$250,000 to go towards a sanitation loading dock project through the Denali Commission program and hope to begin work on that project in the near future.
- Below is a picture of the forklift getting stuck after breaking through the floor while loading garbage bales into a container. This has happened several times since baling began in Wrangell and is difficult for one staff to manage on their own and often requires support from the streets or garage department to have a second person to operate the excavator to pull the forklift out.



Garage

Corrective Action

Preventative Action

The garage is working with the Fire Department on a training for the new mechanic position to get some experience with the fire trucks.

- PW has several large projects we are working on and hoping to get done this summer including extending the sewer main on Wrangell Ave to tie in another property to the collection system, a grinder pump station installation on Evergreen Ave, fixing a catch basin and drainage issue by the High School and some more concrete work around town.

Waste Water

- Duckweed and sewer stations were cleared in the last month. Duckweed already needs to be cleared again as it seems to be the height of the growing season right

now. What's unusual is the duckweed seems to be growing slower this year than it did last year.

Water

- Water treatment staff have been keeping an eye on reservoir levels, weed eating brush on the reservoirs, and participating in discussions with engineers for the water treatment plant and dam bypass projects.

Sanitation

- The Sanitation Department Staff Restructure Proposal has been sent to the Union for their input. Upon their approval the restructure proposal will be presented to the Assembly with hopes of filling a new position as soon as possible if the Assembly approves the proposal.
- A student has been doing ride alongs with the Sanitation Department for a vocational program and is expected to complete their assignment

City and Borough of Wrangell Ports and Harbors

- For the week of July 24th – 30th, 2022.
 1. New signs were put up at Shoemaker Bay boat launch and loading zone signs throughout our facilities.
 2. New net float installed at Shoemaker Bay and decking finished.
 3. Harbor Skiff pulled, pressure washed, new zincs and greased.
 4. Oil Pumped from all waste oil containers at all Harbor facilities.
 5. Staged mesh for Heritage Harbor boat ramp repairs.
 6. Pressure washed North gangway at summer float.
 7. Started replacing hand railing at Reliance approach dock.
 8. Pressure washing Heritage Harbor. This is ongoing and never ends.
 9. Picking up garbage.
- Future maintenance includes:
 1. Continuing to replace hand railing at Reliance Dock.
 2. Label all municipal dock mounted cranes.
 3. Grease dock mounted cranes/preventative type maintenance.
 4. Replace wear decking as needed at reliance/fish and game dock approach.
 5. Ongoing pressure washing.
 6. Replace decking and bull rails as needed throughout harbor facilities.
 7. Parking lot and Marine service center striping. When weather permits.
 8. Replace nonskid on ramps and grids.
 9. Weed whacking and tree removal all harbor and port facilities.
- This crew is also responsible for all radio calls and meeting transient boats throughout the day.



City & Borough of Wrangell, Alaska

The following Propositions are being presented to the voters of Wrangell on the October 4, 2022, Local Election Ballot. If approved, Propositions 1 and 2 will allow the Borough to secure General Obligation Bonds to perform major renovations on the Middle School, the High School, the Elementary School, and the Public Safety Building. We have identified that the schools and the Public Safety Building are in desperate need of repair and structural renovation. Despite the inflow of the Infrastructure Investment and Jobs Act funding into the broader economy, there are very few opportunities to achieve funding to address the structural integrity of the schools and the Public Safety Building. The Borough's most viable option to preserve these buildings and extend their useful lives is through a municipal debt issuance. At this time, the interest rates for municipal debt are historically low. This coupled with the Borough being underleveraged makes it a most opportune time to issue municipal debt and address the deferred maintenance of the schools and the Public Safety Building.

The following question will appear on the October 4, 2022, municipal election ballot:

PROPOSITION NO. 1 – Approval a General Obligation Bond for major renovation of the Middle School, the High School, and the Elementary School

Shall the City and Borough of Wrangell, Alaska, incur debt and issue general obligation bonds in an amount not to exceed Three Million Five Hundred Thousand dollars (\$3,500,000) for the purpose of paying the costs of construction of major renovation of the middle school, high school, and elementary school, and related capital improvements? The bonds shall be secured by a pledge of the full faith and credit of the Borough (Ordinance No. 1029).

The following information is provided to inform voters of factual information that is directly related to
Proposition No. 1

The Wrangell Public School Buildings range from 35-53 years of age. The following indicates each facilities current age:

- Wrangell High School Phase II – 35 Years.
- Wrangell High School building – 37 years.
- Middle School & Vocational Education Building – 43 years.
- Elementary School building – 43 years.
- Primary building – 53 years.

Between the age of the buildings and several years of deferred maintenance, many structural and mechanical components of the building have decayed. The \$3,500,000 general obligation bonds for major renovation of the High School, the Middle School, and the Elementary School are to specifically replace or rehabilitate those components that will extend the lives of the buildings for the next 20 years (e.g., roofs, siding, windows, etc.).

To increase the scale of the project, the Borough and Wrangell Public Schools will work together to submit a Department of Education and Early Childhood Development (DEED) CIP Major Maintenance grant application in August of 2023 for a comprehensive renovation project. If successful in achieving the grant funding, then the bond proceeds could serve as the 35% match for a DEED funded major maintenance project for approximately \$10,000,000. Said differently, a successful application would provide \$6,500,000 in grant funding from DEED. Executing one large school project will allow for the Borough and school district to take advantage of economies of scale and perform marginally more maintenance for every dollar spent.

The \$3,500,000 general obligation bonds will be issued with a 20-year term and are projected to be issued at 4.046%. The following is the estimated cost of the bonds:

Bond Cost:	\$3,500,000
Interest Cost:	\$1,671,725
Total	\$5,171,725

The estimates above are based on current market conditions. Actual costs will not be known until the bonds are actually sold on the primary market. The annual debt service of the bonds is estimated to be \$258,586. The Borough can absorb this level of debt service and it will not require an increase to calendar year 2023 property taxes.

The following question will appear on the October 4, 2022, municipal election ballot:

PROPOSITION NO. 2 – Approving a General Obligation Bonds for major renovation of Public Safety Building

Shall the City and Borough of Wrangell, Alaska, incur debt and issue general obligation bonds in an amount not to exceed Eight Million Five Hundred Thousand dollars (\$8,500,000) for the purpose of paying the costs of construction of major renovation of the public safety building and related capital improvements? The bonds shall be secured by a pledge of the full faith and credit of the Borough (Ordinance No. 1030).

The following information is provided to inform voters of factual information that is directly related to Proposition No. 2

The Borough is seeking approval from voters for a \$8,500,000 general obligation bond to perform major rehabilitation to both the core structural and mechanical components of the Public Safety Building (e.g., sloped roof conversion, siding and affected interior, roof drains, structural framing, DDC temperature controls, etc.). The Public Safety Building was constructed in 1988 and is nearly 35-years old. A major maintenance project of this scale will preserve the structural integrity of the building for the next 20 years. While debt issuance is typically a last resort measure, Borough Administration has deemed it as the only viable option to preserve the building at this time. Failure

to overhaul structural and mechanical components in a timely manner will result in further of the building at which point the building may not be repairable.

Item a.

The \$8,500,000 general obligation bonds will be issued with a 20-year term and are projected to be issued at 4.046%. The following is the estimated cost of the bonds:

Bond Cost:	\$8,500,000
Interest Cost:	\$4,059,903
Total	\$12,559,903

The annual debt service for this bond is estimated to be \$627,995. This bond will require an estimated 1.12 mill increase to make the annual debt service payment. Only 24% of the debt service will be absorbed by a mill rate increase. The Borough will leverage other general revenue sources to make the entire debt service payment and reduce the impact to the tax base.

The approximate amount of taxes that would be levied annually on \$100,000 in assessed value to retire this debt over a 20-year period are as follows:

Estimated Annual Tax Amount on \$100,000 of Assessment is: \$112.32

Mill Rate in 2022:	12.75
Estimated Mill Rate with PSB Bond:	13.87

The estimates above are based on current market conditions. Actual costs will not be known until bonds are actually sold and annual assessments certified each year.

The following question will appear on the October 1, 2022, municipal election ballot:

PROPOSITION NO. 3 – To allow the City and Borough of Wrangell to dispose by means of selling and/or leasing the 6-mile Zimovia Highway deep water industrial property (former mill property)

Section 5-14 of the Borough Charter and Section 5.10.035(A) of the Wrangell Municipal Code requires that any ordinance which provides for “the sale or lease of any Borough property, real or personal, or the sale or lease or other disposal of any interest therein, the value of which property, lease or interest is more than \$1 Million,” be ratified by a majority of voters who vote on the question. Ordinance 1031, enacted by the Assembly on August 23, 2022, provides authority to the Borough Manager to be responsible for the administration of the 6-Mile-Deep Water Industrial Site (former Mill Site Property) Economic Development Project which shall include the disposition of the property, to be sold and/or leased according to an approved Economic Development Project plan. The value of the 6-Mile-Deep Water Industrial Site is approximately \$2.5 Million Dollars. Shall Ordinance 1031 be ratified?

The following information is provided to inform voters of factual information that is directly related to

Proposition No. 3

- The 6-Mile site was purchased on June 30, 2022, for a total amount of \$2,500,000.
- Both the Borough Charter Section 5-14 of the Borough Charter and Section 5.10.035(A) of the Wrangell Municipal Code requires that any ordinance which provides for “the sale or lease of any Borough property, real or personal, or the sale or lease or other disposal of any interest therein, the value of which property, lease or interest is more than \$1 Million,” be ratified by a majority of voters who vote on the question.
- Ordinance 1031, enacted by the Assembly on August 23, 2022, provides authority to the Borough Manager to be responsible for the administration of the 6-Mile Zimovia Highway Deep Water Industrial Site (former Mill Site Property) Economic Development Project.
- The City and Borough of Wrangell is authorized under WMC Title 4 to exercise the power to provide economic development within the Borough.
- The Borough’s authority includes the disposal of real property owned by the Borough.
- The 6-Mile Site constitutes uplands and tidelands land available for economic development opportunities.
- The Assembly will hold a public forum to discuss the economic development opportunities of the 6-Mill site prior to the sale or lease (over \$1M) of the property to develop an Economic Development Project plan.

**City & Borough of Wrangell
P.O. Box 531
Wrangell, AK 99929**

FIRST-CLASS MAIL
PRESORTED
U.S. POSTAGE PAID
WRANGELL, AK
PERMIT NO. 5

Election Flyer

BOX HOLDER
WRANGELL, ALASKA 99929

CITY & BOROUGH OF WRANGELL, ALASKA

BOROUGH CLERK'S REPORT

SUBMITTED BY:

Kim Lane, Borough Clerk

Upcoming Meetings & Other Informational dates:

Community Events & Other City Boards/Commissions:

September 1 - Port Commission mtg. at 6:00 pm in the Assembly Chambers

September 8 - Planning & Zoning Commission mtg. at 1:00 pm in the Assembly Chambers

September 14 - Parks & Recreation Board mtg. at 5:30 pm in the Assembly Chambers

Community Events:

September 19th through October 3rd - Absentee Voting in the Clerk's Office

October 15th - Tax Free Day!



October 4th - Regular Borough Election, from 8am to 8pm at the Nolan Center

Meetings and Other events of the Borough Assembly:

September 27 - Regular Borough Assembly Meeting at 6:00 PM in the Assembly Chambers

October 6 - Canvass Board meets to count the Absentee / Questioned Ballots at 1:00 PM in the Assembly Chambers (Dalrymple, Morrison, and Robbie Marshall (need 3) have agreed to be on the Canvass Board). The Resolution to approve the Canvass Board is on this Agenda.

October 7 - Special Assembly Meeting to Certify the Borough Election at 6:00 PM in the Assembly Chambers

October 11 - Regular Borough Assembly Meeting at 6:00 PM in the Assembly Chambers

October 25 - Regular Borough Assembly Meeting at 6:00 PM in the Assembly Chambers



Election Information -

Absentee Voting will be in the Clerk's office Monday through Friday from 8am to 4pm beginning on September 19th and ending on October 3rd at 4pm.

The Canvass Board Resolution is on this Agenda for Assembly Approval.

To file as a Write-In Candidate for any of the seats on the Ballot, the qualified person must submit a letter of intent to me no later than the Friday preceding the Election (September 30th) at 4pm. If a letter of intent is not filed with the Clerk's office, the write-ins will not count.

A sample of the ballot is attached!



Information on the Upcoming AML Winter Conference:

Newly Elected Officials Training – Wednesday, November 30th (*will be held virtually*)

Newly Elected Officials Training – Monday, December 5th (in-person)

ACoM – Tuesday, December 6th (in-person)

AML General Conference – Wednesday, December 7th – 9th (in-person)

I have reserved 3 rooms at the Marriott Anchorage Downtown hotel, in anticipation of the Mayor and two Assembly Members attending.

SAMPLE BALLOT

CITY AND BOROUGH OF WRANGELL
SAMPLE BALLOT
REGULAR ELECTION
OCTOBER 4, 2022

Instructions:

To vote, completely fill in the oval next to your choice like this: ●

Use a blue or black ink pen to mark your ballot. NO RED INK. If you make a mistake, ask for a new ballot.

To vote for a person whose name is not printed on the ballot, fill in the oval and print the person's name on the blank line provided for a write-in candidate.

<div><div>BOROUGH MAYOR TWO YEAR TERM</div><div>VOTE FOR NO MORE THAN ONE</div><div><div><input type="radio"/> TERRY COURSON</div><div><input type="radio"/> PATRICIA GILBERT</div><div><input type="radio"/> WRITE-IN</div></div></div>	<div><div>ASSEMBLY MEMBER THREE YEAR TERMS</div><div>VOTE FOR NO MORE THAN TWO</div><div><div><input type="radio"/> ALEX ANGERMAN</div><div><input type="radio"/> DAVID POWELL</div><div><input type="radio"/> BRITTANI ROBBINS</div><div><input type="radio"/> WRITE-IN</div><div><input type="radio"/> WRITE-IN</div></div></div>
<div><div>SCHOOL BOARD THREE YEAR TERMS</div><div>VOTE FOR NO MORE THAN TWO</div><div><div><input type="radio"/> ELIZABETH ROUNDTREE</div><div><input type="radio"/> DAVID G. WILSON</div><div><input type="radio"/> WRITE-IN</div><div><input type="radio"/> WRITE-IN</div></div></div>	<div><div>SCHOOL BOARD UNEXPIRED ONE YEAR TERM UNTIL OCTOBER 2023</div><div>VOTE FOR NO MORE THAN ONE</div><div><div><input type="radio"/> ESTHER ASHTON</div><div><input type="radio"/> WRITE-IN</div></div></div>
<div><div>PORT COMMISSION THREE YEAR TERMS</div><div>VOTE FOR NO MORE THAN TWO</div><div><div><input type="radio"/> WINSTON J. DAVIES</div><div><input type="radio"/> JOHN A. YEAGER</div><div><input type="radio"/> WRITE-IN</div><div><input type="radio"/> WRITE-IN</div></div></div>	

TURN BALLOT OVER - VOTE BOTH SIDES

PROPOSITION NO. 1
Ratification of Ordinance 1029

GENERAL OBLIGATION BONDS FOR MAJOR RENOVATION OF MIDDLE SCHOOL, HIGH SCHOOL, AND ELEMENTARY SCHOOL

Shall the City and Borough of Wrangell, Alaska, incur debt and issue general obligation bonds in an amount not to exceed Three Million Five Hundred Thousand dollars (\$3,500,000) for the purpose of paying the costs of construction of major renovation of the middle school, high school, and elementary school, and related capital improvements? The bonds shall be secured by a pledge of the full faith and credit of the Borough (Ordinance No. 1029).

The \$3,500,000 general obligation bonds for major renovation of the high school, middle school and elementary school will **not** require an increase to calendar year 2023 property taxes.

- ☐ Yes A "YES" vote approves the issuance of bonds.
- ☐ No A "NO" vote opposes the issuance of bonds.

PROPOSITION NO. 2
Ratification of Ordinance 1030

GENERAL OBLIGATION BONDS FOR
MAJOR RENOVATION OF PUBLIC SAFETY BUILDING

Shall the City and Borough of Wrangell, Alaska, incur debt and issue general obligation bonds in an amount not to exceed Eight Million Five Hundred Thousand dollars (\$8,500,000) for the purpose of paying the costs of construction of major renovation of the public safety building and related capital improvements? The bonds shall be secured by a pledge of the full faith and credit of the Borough (Ordinance No. 1030).

This bond will require an estimated 1.12 mill increase to make the annual debt service payment. The approximate amount of taxes that would be levied annually on \$100,000 in assessed value to retire this debt over a 20-year period are as follows:

Estimated Annual Tax Amount on \$100,000 of Assessment: \$112.32

Mill Rate in 2022: 12.75 mills
Estimated Mill Rate with Public Safety Building Bond: 13.87 mills

The estimates above are based on current market conditions. Actual costs will not be known until bonds are actually sold and annual assessments certified each year.

- ☐ Yes A "YES" vote approves the issuance of bonds.
- ☐ No A "NO" vote opposes the issuance of bonds.

PROPOSITION NO. 3
Ratification of Ordinance 1031

Section 5-14 of the Borough Charter and Section 5.10.035(A) of the Wrangell Municipal Code requires that any ordinance which provides for "the sale or lease of any Borough property, real or personal, or the sale or lease or other disposal of any interest therein, the value of which property, lease or interest is more than \$1 Million," be ratified by a majority of voters who vote on the question. Ordinance 1031, enacted by the Assembly on August 23, 2022, provides authority to the Borough Manager to be responsible for the administration of the 6-Mile-Deep Water Industrial Site (former Mill Site Property) Economic Development Project which shall include the disposition of the property, to be sold and/or leased according to an approved Economic Development Project plan. The value of the 6-Mile-Deep Water Industrial Site is approximately \$2.5 Million Dollars. Shall Ordinance 1031 be ratified?

A "YES" vote approves selling and/or leasing the 6-Mile Zimovia Highway Industrial Site (former Mill Site Property).

A "NO" vote opposes selling and/or leasing the 6-Mile Zimovia Highway Industrial Site (former Mill Site Property).

- ☐ YES
- ☐ NO

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	September 13, 2022
	<u>Agenda Section</u>	11

RESOLUTION No. 09-22-1716 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE FEE AND RATE SCHEDULE FOR THE WRANGELL WATER DEPARTMENT BY ADDING THE VACATION RATE FOR NON-METERED RESIDENTIAL CUSTOMERS

<p><u>SUBMITTED BY:</u></p> <p>Mason Villarma, Finance Director</p>	<p><u>FISCAL NOTE:</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">Expenditure Required:</td> </tr> <tr> <td style="width: 33%;">FY 20: \$</td> <td style="width: 33%;">FY 21:</td> <td style="width: 33%;">FY22:</td> </tr> <tr> <td colspan="3" style="height: 20px;"></td> </tr> <tr> <td colspan="3">Amount Budgeted:</td> </tr> <tr> <td colspan="3" style="text-align: center;">FY22 \$0</td> </tr> <tr> <td colspan="3">Account Number(s):</td> </tr> <tr> <td colspan="3" style="height: 20px;"></td> </tr> <tr> <td colspan="3">Account Name(s):</td> </tr> <tr> <td colspan="3" style="height: 20px;"></td> </tr> <tr> <td colspan="3">Unencumbered Balance(s) (prior to expenditure): See Agenda Statement</td> </tr> <tr> <td colspan="3" style="height: 20px;"></td> </tr> </table>	Expenditure Required:			FY 20: \$	FY 21:	FY22:				Amount Budgeted:			FY22 \$0			Account Number(s):						Account Name(s):						Unencumbered Balance(s) (prior to expenditure): See Agenda Statement					
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Unencumbered Balance(s) (prior to expenditure): See Agenda Statement																																		

<u>Reviews/Approvals/Recommendations</u>	
<input type="checkbox"/>	
Name(s)	
Name(s)	
<input type="checkbox"/>	Attorney
<input type="checkbox"/>	Insurance

ATTACHMENTS: 1) Resolution No. 09-22-1716 2) Fee and Rate Schedule

MAYOR PROCEDURE: Declare the Public Hearing open. The Mayor shall ask if there is any administrative report on the Public Hearing Item. Persons who signed up to talk on this item shall be called to the podium.

Once all persons have been heard, declare the Public Hearing closed and entertain a motion.

RECOMMENDATION MOTION:
Move to Approve Resolution No. 09-22-1716.

SUMMARY STATEMENT:

Ordinance 935 established the Fee and Rate Schedule for the Water Department. We realized that the vacation rates were not carried over to the Fee and Rate Schedule for the Water Department.

This Resolution amends the Fee and Rate Schedule for the Water Department by adding the vacation rates for non-metered residential customers.

CITY AND BOROUGH OF WRANGELL, ALASKA

RESOLUTION No. 09-22-1716

A RESOLUTION OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE FEE AND RATE SCHEDULE FOR THE WRANGELL WATER DEPARTMENT BY ADDING THE VACATION RATE FOR NON-METERED RESIDENTIAL CUSTOMERS

WHEREAS, the rates and fees for Wrangell Water services are established by resolution with a Public Hearing and proper Public Notice before adoption; and

WHEREAS, the vacation rates for non-metered residential customers were removed from the Wrangell Municipal Code with the adoption of Ordinance 935; and

WHEREAS, Ordinance 935 established the Fee and Rate Schedule for the Water Department; and

WHEREAS, the vacation rates were not carried over to the Fee and Rate Schedule for the Water Department; and

WHEREAS, this Resolution amends the Fee and Rate Schedule for the Water Department by adding the vacation rates for non-metered residential customers.

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

Section 1. The attached schedule of fees and rates shall govern the rate and fee schedule for the Wrangell Water Department.

Section 2. This resolution shall become effective upon approval.

PASSED AND APPROVED BY THE ASSEMBLY OF THE CITY & BOROUGH OF WRANGELL, ALASKA THIS 13th day of September 2022.

CITY & BOROUGH OF WRANGELL

Stephen Prysunka, Borough Mayor

ATTEST: _____
Kim Lane, MMC, Borough Clerk

CBW Water Fee & Rate Schedule		
RES 09-22-1716		
Metered Rates		Rate
Residential Metered	Monthly base charge first 4,000 gallons	\$40.25
	Charge additional 1,000 gallons	\$3.77
Commercial Metered	Monthly base charge first 4,000 gallons	\$40.25
	Charge per additional 1,000 gallons	\$3.77
Large Commercial Metered	Monthly base charge first 5,000 gallons	\$604.01
	Per additional 1,000 gallons	\$2.46
Unmetered Rates		Rate
Residential Commercial/Industrial		\$61.30
Bakeries		\$232.10
Bars		\$232.10
Barbershop – one chair		\$57.98
Barbershop – per each additional chair		\$46.42
Beauty Shop – one basin		\$57.98
Beauty Shop – per additional basin		\$46.42
Bed and Breakfast within Single-Family Residential – per rental unit		\$12.26
Churches		\$57.98
Cleaners and Cleaning Plant		\$115.79
Clubs, Lodges – w/o Bar or Restaurant Facilities		\$57.98
Clubs, Lodges – w/Bar or Restaurant Facilities		\$115.97
Cold Storage Plants		\$1,237.47
Convenience Stores		\$33.51
Vehicle and Marine Service Stations, Car Lots – w/o Wash Racks		\$115.79
Grocery Stores – w/o Meat Market		\$86.75
Grocery Stores – w/Meat Market		\$179.61
Hospital		\$461.23
Hydrants, Fire – each		\$36.76
Hotels and Motels – 10 Rooms or Less		\$174.04
Hotels and Motels – Over 10 Rooms, per additional room		\$12.91
Laundromats, Self Service – Under 30-lb. Capacity, per machine		\$70.84
Laundromats, Self Service – 30 lbs. or Over Capacity, per machine		\$123.58
Multifamily per unit (4 units and above)		\$46.97
Office Building – base rate first plumbed space		\$61.31
Office Building – each additional plumbed space		\$38.32
Offices w/Additional Laboratory and/or X-Ray Unit		\$122.62
Dental Offices w/o Laboratory and/or X-Ray Unit		\$61.31
Plane Floats		\$115.79
Public Showers – first two stalls		\$61.97

Unmetered Rates		Rate
Public Showers – per additional stall		\$15.11
Ranger District		\$594.52
Restaurant, Lunch Counters, Etc. – Up to and Including 30 Seats		\$174.04
Restaurant, Lunch Counters, Etc. – Over 30 Seats		\$232.12
Fountain only		\$57.98
Schools, per classroom		\$38.32
Shops and Stores		\$57.98
Everything Else		\$61.31
Standby Fire Protection		\$36.76
<u>Vacation Rates</u> (customer may apply for vacation rate if there is no one living in the household in excess of 30 consecutive days. Customer is only eligible if they apply in advance in writing showing when they are leaving and when they will return.)		<u>\$11.70</u>
		Fees
Deposit required		\$25.00
Meter deposit required		\$100.00
Service turnoff for delinquent accounts - Charges		\$50.00 Disconnect Service Charge
		\$50.00 Reconnection Service Charge
Meter accuracy - Testing upon customer request		\$50.00 For meters one inch and smaller. For meters larger than one inch, shall be an estimate of the cost of testing the meter as
Service connection charges	Size of Service (in inches)	
	3/4	
	1	
	2	
	3 and over	

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	September 13, 2022
	<u>Agenda Section</u>	13

Approval of Professional Services Agreement with Jermain Dunnagan & Owens for Municipal Legal Services

SUBMITTED BY:

Jeff Good, Borough Manager

FISCAL NOTE:

Expenditure Required: \$XXX Total

FY 22: \$	FY 23: \$	FY24: \$
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Amount Budgeted:

	FY23 \$XXX
--	------------

Account Number(s):

	XXXXXX XXX XXXX
--	-----------------

Account Name(s):

	Enter Text Here
--	-----------------

Unencumbered Balance(s) (prior to expenditure):

	\$XXX
--	-------

Reviews/Approvals/Recommendations

<input type="checkbox"/>	Commission, Board or Committee
Name(s)	
Name(s)	
<input type="checkbox"/>	Attorney
<input type="checkbox"/>	Insurance

ATTACHMENTS: PSA

RECOMMENDATION MOTION:

Move to approve a Professional Services Agreement with Jermain Dunnagan & Owens for Municipal Legal Services

Summary Statement:

The Assembly recently went through the process to choose a new municipal attorney firm. Attached is the Professional Services Agreement with Jermain Dunnagan & Owens for Municipal Legal Services. The monthly retainer fee for standard legal services is a flat \$3000 per month, for

the first 15 hours and then at the hourly rates enumerated as follows: Primary Attorney \$200 per hour; Shareholders/Counsel \$250 per hour; Associates \$200 per hour; Paralegals \$100 per hour.

The term for the Professional Services Agreement is from September 13, 2022, and shall continue for one (1) year from the date it was executed. The agreement may be extended for three (3) additional one-year extensions at the Borough's option. Of course, the agreement may be terminated by the Borough at any time.

CITY AND BOROUGH OF WRANGELL, ALASKA

Professional Services Agreement for Municipal Legal Services

In consideration of the mutual promises herein, the CITY AND BOROUGH OF WRANGELL ("Borough") and the law offices of JERMAIN, DUNNAGAN, & OWENS, P.C. ("Firm" or "Borough Attorney") agree as follows:

- A. Part I, consisting of 14 sections of Special Provisions;
- B. Part II, consisting of 11 sections of General Provisions.

Part I Special Provisions

Section 1. Definitions.

In this Agreement:

- A. "Mayor" means the Mayor of the City and Borough of Wrangell.
- B. "Manager" means the Manager of the City and Borough of Wrangell.
- C. "Borough" means the City and Borough of Wrangell.
- D. "Assembly" means the City and Borough of Wrangell Assembly.

Section 2. Scope of Services.

- A. The Borough Attorney shall act as legal advisor to the Borough Assembly, administration, and other officials of the Borough to include without limitation the following:
 - (1) To duly advise the Assembly, administration, and other officials at meetings of the Assembly and at other functions as may be designated;
 - (2) To draft opinion letters regarding, among other subjects, the interpretation of the Borough codes, state and federal laws, and policies;
 - (3) To draft municipal ordinances involving all municipal matters;
 - (4) To review and provide opinions on codes, contracts, resolutions, and other written instructions which are submitted to the Firm by the Borough;
 - (5) To call attention of the Assembly and/or Manager, as may be appropriate, to changes or developments in legal matters that affect the Borough; and
 - (6) To perform other such duties as may be prescribed for the Borough Attorney by ordinance or by direction of the Assembly and/or Manager;
 - (7) To assist with negotiations on the Borough's behalf and address other legal matters as they may arise.
- B. The Borough Attorney shall represent the Borough as attorney in civil and criminal proceedings affecting the Borough; however, the Borough Assembly may hire independent counsel when in its judgment independent counsel is needed. The attorney will represent the Borough in litigation involving prosecution of municipal code violations when needed. The Borough Attorney must at all times be qualified to represent the Borough in all State of Alaska Courts, U.S. District Court, and before the Ninth Circuit Court of Appeals.

- C. The Borough Attorney must work effectively with the Borough Assembly, administration, boards and commissions, and also with other public agencies with which the Borough has legal relations.
- D. The Borough Attorney must be experienced and proficient in legal matters affecting the Borough, to include without limitation, federal and state constitutional law, federal and state non-constitutional law, Alaska Statutes, specifically Title 29, and Borough Charter and Code.
- E. All representation of the Borough shall continue until the matters or cases assigned are either closed out by mutual consent or are recalled by the Borough Assembly.
- F. The Firm shall not engage any consultant, expert, or service without the prior approval of the Manager or Assembly.
- G. The Firm shall keep the Borough informed regarding pending legal matters.
- H. The Firm shall obtain the Manager's approval of all expenses exceeding \$2,000.

Section 3. Access to Municipal Personnel.

The Manager shall secure the cooperation of the Borough personnel as necessary to assist the Firm's performance hereunder.

Section 4. Contract Manager.

- A. The Firm shall provide to the Manager all information and notices the Firm is required to communicate to the Borough pursuant to this Agreement.
- B. The Manager shall administer this Professional Services Agreement on behalf of the Borough.

Section 5. Term.

- A. For purposes of case assignments, this Agreement becomes effective when signed on behalf of the Borough, as of September 13, 2022, and shall continue for one (1) year from date executed. The Agreement may be extended for three (3) additional one-year extensions at the Borough's option. This agreement may be terminated by the Borough at any time with or without cause.
- B. For purpose of assigned case completion this Agreement may be extended upon mutual consent.

Section 6. Compensation

- A. The Firm shall be compensated the flat monthly retainer rate of \$3,000 for the first fifteen hours and then at the hourly rates enumerated in Attachment A for any additional hours worked. The Borough Attorney's fee schedule is to remain fixed for one (1) year from date executed. The Agreement may be extended for three (3) additional one-year extensions. If the Assembly opts to extend the Agreement, the fee schedule may be negotiated. The Firm will also be reimbursed for other appropriate costs incurred to perform under this Agreement.
- B. The Firm shall be entitled to no compensation under this Agreement beyond the scope of the Borough's express obligations under subsection

A. The Borough understands that instances may arise that require additional services. The Firm will give the Manager an estimate of the cost of additional services requested.

Section 7. Payment and Reporting.

- A. The Firm shall submit itemized monthly billings to the Borough Manager for payment of all fees and costs for which the Firm seeks reimbursement under Section 6. Said monthly billings shall identify the subject of the work performed and the time, to the nearest one-tenth of an hour, spent on each subject. Costs shall be itemized and described separately on each monthly invoice.
- B. Upon approved billing, payment will be remitted to the Firm within 30 days

Section 8. Termination of the Firm's Services

The Firm's services under Section 2 may be terminated:

- A. For convenience by the Borough Assembly.
- B. By mutual consent of the parties.
- C. For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to cure the default within fifteen (15) days after receiving the notice.

Section 9. Duties Upon Termination.

- A. If the Firm's services are terminated for the convenience of the Borough or by mutual consent of the parties, the Firm will be paid as provided for under Section 6. Total compensation will not exceed the amount stated in Section 6. All finished and unfinished documents, work product, and materials prepared by the Firm remain the property of the Borough.
- B. If the Firm's services are terminated for cause, the Borough shall pay the Firm the reasonable value of the services satisfactorily rendered prior to termination, less any damages suffered by the Borough because of the Firm's failure to perform satisfactorily. The reasonable value of the services rendered shall not exceed the contract rate for such services. Any finished or unfinished documents, work product, or materials prepared by the Firm under this Agreement shall become the property of the Borough.
- C. The Firm shall not be entitled to any compensation under this Section until the Firm has delivered to the Manager all documents, records, work product, and materials relating to this Agreement that have been requested by the Manager.
- D. If the Firm's services are terminated, for whatever reason, the Firm shall not claim any compensation under this Agreement, other than that allowed under this Section.

- E. Except as provided in this Section, termination of the Firm's services under Section 8 does not affect any other right or obligation of a party under this Agreement.

Section 10. Case Management.

- A. Execution of the Agreement by the Borough shall act as full authority for the Firm to proceed with the representation of the Borough as provided hereunder, beginning September 1, 2022.
- B. The Borough will have complete and total access to all material, information and files worked on by the Firm pursuant to this Agreement.
- C. Copies of all legal opinions shall be provided to the Borough Clerk's office.

Section 11. Assignments.

Unless otherwise allowed by the Manager or as directed by the Borough Assembly, any assignment by the Firm of its interest in any part of this Agreement or any delegation of duties under this Agreement shall be void, and any attempt by the Firm to assign any part of its interest or delegate duties under this Agreement shall give the Borough the right to immediately terminate this Agreement without any liability for work performed.

Section 12. Confidentiality and Use of Material.

The Firm agrees to discuss matters and reveal documents relating to this Agreement only with the Borough Assembly, Manager, Borough Clerk, or any person authorized by the aforementioned, as required by court order, or as otherwise reasonably necessary for the provision of legal services.

Section 13. Notices.

Any notice required by this Agreement shall be either personally delivered or mailed by prepaid first class registered or certified mail, return receipt requested, and by electronic mail, to the following addresses:

Borough: City and Borough of Wrangell
 Attention: Borough Manager's Office
 P.O. Box 531
 Wrangell AK 99929
 Email: jgood@wrangell.com

Firm: Jermain, Dunnagan & Owens, P.C.
 Attention: Max D. Holmquist
 3000 A Street, Suite 300
 Anchorage, AK 99503
 (907) 563-8844 (phone)
 (907) 563-7322 (fax)
 Email: mholmquist@jdolaw.com

Section 14. Conflict of Interest.

The Firm may not represent or assist private or public clients in connection with other claims, litigation, or other legal matters where such representation would constitute or appear to constitute a conflict of interest. Further, the Firm shall comply with all relevant provisions of the Alaska Bar Rules and the Alaska Rules of Professional Conduct concerning the prohibition of conflicts of interest among clients.

Part II General Agreement Provisions

Section 1. Relationship of Parties.

The Firm shall perform its obligations hereunder as a contractor of the Borough. The Borough may administer the Agreement and monitor the Firm's compliance with its obligations hereunder.

Section 2. Nondiscrimination

- A. The Firm will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status, or mental or physical disability. The Firm will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical disability. Such action shall include, without limitation, employment, upgrading, demotion, or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- B. The Firm shall state, in all solicitations or advertisements for employees to work on contract jobs, that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex, or marital status, or mental or physical disability.
- C. The Firm shall comply with any and all reporting requirements that may apply to it which the City and Borough of Wrangell may establish.
- D. The Firm shall include the provisions of subsections A through C of this Section in every subcontract or purchase order under this Agreement, so as to be binding upon every such independent counsel or firm of the firm under this Agreement.

Section 3. Permits, Laws and Taxes.

The Firm shall acquire and maintain in good standing all permits, licenses, and other entitlements necessary to its performance under this Agreement. All actions taken by the Firm under this Agreement shall comply with all applicable law to include without limitation, statutes, ordinances, rules, and regulations.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provision, nor in any way effect the validity of this Agreement or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

- A. This Agreement may be amended, modified, or changed only in writing as approved by the Borough Assembly and executed by the Borough Manager and an authorized representative of the Firm.
- B. For the purpose of any amendment, modification, or change to the terms and conditions of this Agreement, the only authorized representatives of the parties are:
 - a. Jeff Good, Borough of Wrangell Manager
 - b. Jermain, Dunnagan & Owens, P.C.
- C. Any attempt to amend, modify, or change this Agreement by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action rising from this Agreement shall be brought in the Superior Court for the First Judicial District of the State of Alaska, at Juneau. The laws of the State of Alaska shall govern the rights and obligations of the parties under this Agreement.

Section 7. Severability.

Any provision of this Agreement decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the Agreement.

Section 8. Integration.

This instrument and Attachment A hereto embody the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either oral or written, between the parties hereto.

Section 9. Insurance.

- A. The Firm shall maintain in good standing the insurance described in Subsection B of this Section. Before rendering any services under this Agreement, the Firm shall furnish the Borough Manager with proof of insurance in accordance with Subsection B of this Section.
- B. The Firm shall provide the following types of insurance. The City and Borough of Wrangell shall be insured as additional insured on all insurance policies except Professional Liability and Worker's Compensation policies.

(1) General Liability

\$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability or other form with

a general aggregate is used, either the general aggregate limit shall apply separately to this location or the general aggregate limit shall be twice the required occurrence limit.

(2) *Workers' Compensation*

\$100,000 Employer's Liability and Workers' Compensation as required by Alaska State Workers' Compensation Statutes.

(3) *Professional Liability*

Agree to provide lawyer's professional liability insurance for all periods under the Agreement and provide an extended reporting period endorsement after the end of the Agreement for three years. Without request by the Borough, the Firm shall provide proof of such insurance during the Agreement period and proof of such endorsement after the end of the Agreement. The insurance shall provide coverage for claims up to a minimum amount of \$1,000,000 per claim.

Section 10. Inspection and Retention of Records.

The Firm shall at any time during normal business hours and as often as the Manager or Assembly may deem necessary, make available to the Borough for examination all records with respect to all matters covered by this Agreement for a period ending three years after the date of the Firm is to complete performance in accordance with Section 2 of the Special Provisions. Upon request, and within a reasonable time, the Firm shall submit such other information and reports relating to its activities under this Agreement to the Borough in such a form and at such times as the Borough Assembly may reasonably require. The Firm shall permit the Borough Assembly or their designee to audit, examine, and make copies of such records, and to make audits of all research, materials, pleadings, records of personnel, and other data relating to all matters covered by this Agreement. The Borough may, at its option, permit the Firm to submit its records to the Borough in lieu of the retention requirements of this section.

Section 11. Availability of Funds.

This Agreement is subject to the availability of funds lawfully appropriated for its performance.

IN WITNESS WHEREOF, the parties have executed this Agreement:

CITY AND BOROUGH OF WRANGELL

By: _____
 Jeff Good, Borough Manager Date

By: _____
 Steve Prysunka, Mayor Date

ATTEST:

 Kim Lane, Borough Clerk Date

JERMAIN DUNNAGAN & OWENS, P.C.

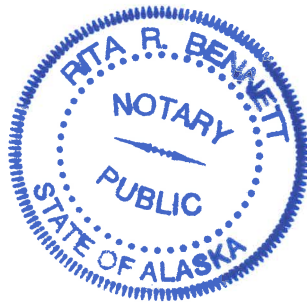
By: _____
 Date

IRS Taxpayer Identification No: 92-0116216

State of Alaska)
)ss.
Third Judicial District)

Subscribed and sworn to before me at Anchorage, Alaska this 30th day of August 2022.

Rita R. Bennett
 Notary Public in & for Alaska
 My Commission Expires: 01/01/2025



Jermain Dunnagan & Owens, P.C. (JDO Law)

3000 A Street, Suite 300
Anchorage, Alaska 99503

Phone: (907) 563-8844
Fax: (907) 563-7322
Website: www.jdolaw.com

Attachment A Professional Services Agreement for Municipal Legal Services

City and Borough of Wrangell

General Counsel services are retained for 15 hours a month flat services rate, monthly retainer, calculated to \$3,000 per month. The professional hourly fees apply after the retained monthly fee hour limit has been exceeded.

<i>Task Description</i>	<i>Hourly Fee,</i>
<i>Max Holmquist, Primary Attorney</i>	<i>\$200.00/hr.</i>
<i>Shareholders/Of Counsel</i>	<i>\$250.00/hr.</i>
<i>Associates</i>	<i>\$200.00/hr.</i>
<i>Paralegals</i>	<i>\$100.00/ hr.</i>
<i>Expenses</i>	<i>Cost</i>
<i>Travel costs, if additional to actual expenses: Actual expenses plus ½ of traveling attorney's hourly billing for travel time.</i>	<i>Variable depending on travel time and actual expenses</i>

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	May 11, 2021
	<u>Agenda Section</u>	13

Approval of Amendment No. 2 to the Professional Services Agreement with Shannon & Wilson for the Reservoir Bypass Project in the amount of \$44,611

SUBMITTED BY:

Amber Al-Haddad, Capital Facilities Director

FISCAL NOTE:

Expenditure Required: \$44,611

	FY 21: \$644,611
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Amount Budgeted:

Account Number(s):

	72300-302-9999-11-72002
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Account Name(s):

	Reservoir Bypass Project, Water CIP Fund
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Unencumbered Balance(s) (prior to expenditure):

Reviews/Approvals/Recommendations

<input type="checkbox"/>	Commission, Board or Committee
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Name(s)	
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Name(s)	
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<input type="checkbox"/>	Attorney
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<input type="checkbox"/>	Insurance
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ATTACHMENTS:

RECOMMENDATION MOTION:

Move to approve Amendment No. 2 to the Professional Services Agreement with Shannon & Wilson for the Reservoir Bypass Project in the amount of \$44,611.

SUMMARY STATEMENT:

The design for the Reservoir Bypass project is 95% complete and staff have met with the engineers and the State of Alaska, DNR, Dam Safety office to review the design and accepted comments for further response.

At the same time, the Water Treatment Plant Improvements project engineering team is working toward 65% design completion on that project. In an effort to reduce costs there, we have identified an opportunity to include the option for raw water pumping within the Reservoir Bypass project, instead of a costly underground raw water pumping vault with pump(s) at the new treatment facility. This alternative pumping option is expected to be a need only during periods of very low reservoir water (both in the upper reservoir and the lower reservoir) which causes low flow through the plant.

The alternative pumping scenario involves the addition of a new valve configuration and associated appurtenances in line with the raw water conveyance line from the reservoirs to the water plant.

The two design teams will cooperate to exchange information for design to be included in the Reservoir Bypass design, which will meet the needs of the Water Treatment Plant Improvements project. The cost for this additional design work by the engineers for the Reservoir Bypass project is \$27,740.

An additional amount of \$16,871 has been requested by the engineers of the Reservoir Bypass project for an additional effort put forth on the original scope of work design based on design evolution with pipe alignment and bury and with pipe cross section details, and also for an unanticipated effort for the additive alternate work to design replacement of the entire existing pipe line which was added under Amendment No 1.

Staff recommend approving Amendment No. 2 to the PSA with Shannon & Wilson for the Reservoir Bypass Project in the amount of \$44,611. Funding is scheduled to come from the State of Alaska DCCED Grant for this design project.