NOTICE OF ADDITIONS
SPECIAL MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS,
CITY HALL
TUESDAY
August 23, 2016
6:30 p.m.

The meeting will be preceded by a workshop beginning at 6:00 p.m.
The public is invited and encouraged to attend

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. CITY ADMINISTRATOR'S REPORT:
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
   MINUTES:
   1. Minutes for the July 19, 2016, Regular City Council Meeting, discussion and action item:

10. NEW BUSINESS:
    A. Charles Jennings discussion of construction occurring on lot adjacent to Mr. Jennings property, construction is on Lot 8, 2016, Scenic View Subdivision, discussion and possible action item:
    B. Resolution 16-08-23-01, continuing to retain the consulting services of DOWL for assisting the City on any and all projects with planning, permitting, engineering, surveying, project administration, and grant administration on an as needed basis, discussion and action item:
    C. Resolution 16-08-23-02, adopting Amendment #3 for the PERS Participation Agreement between the City of Thorne Bay and PERS, discussion and action item:

11. ORDINANCE FOR INTRODUCTION:
    A. Ordinance 16-09-06-01, an ordinance amending Title 2-Administration and Personnel, Section 2.24.090-Compensation, discussion and action item: (changing the way overtime is paid – no longer pay overtime for work over 8 hours per day to only paying overtime on hours worked in excess of 40 in one week)

12. EXPENDITURES EXCEEDING $2,000.00:
    A. Expenditure of approximately $2,680.00 plus shipping, to Cascade Columbia Distribution, purchase of chemicals for the Water and Waste Water department, discussion and action item:

13. EXECUTIVE SESSION: The Council may adjourn to executive session for the purpose of discussing pending or threatened lawsuits in which the city has an interest, which are matters, the immediate knowledge of which would clearly have adverse effect upon the finances of the city.
    A. Adjourn to executive session to discuss pending or threatened lawsuits:

14. CONTINUATION OF PUBLIC COMMENT:
15. CONTINUATION OF COUNCIL COMMENT:
16. ADJOURNMENT:

Amendment Posted: August 17, 2016
City Hall (2), A&P, SISD, USFS, The Port, Tackle Shack Thorne Bay School, KRBD, www.thornebay-ak.gov

MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS, CITY HALL
TUESDAY
July 19, 2016
6:30 p.m.

The meeting was preceded by a workshop beginning at 6:00 p.m.

1. CALL TO ORDER:
Vice Mayor McDonald called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:
The audience and council stood for the pledge to the flag.

3. ROLL CALL:
Carlson, McDonald, Burger, Edenfield and Hartwell were present. Gould attended by phone. Slayton was excused.

4. APPROVAL OF AGENDA:
McDonald moved to approve the agenda. Hartwell seconded the motion. There was no further discussion.

MOTION:	Move to approve the agenda
F/S:	McDonald/Hartwell
YEAS:	Burger, Gould, McDonald, Carlson, Edenfield and Hartwell
NAYS:	None
STATUS:	Motion Passed.

5. MAYOR'S REPORT:
Vice Mayor McDonald reported on the following:

- Upcoming 34th Anniversary for the City of Thorne Bay. McDonald stated there would be a parade around town lead by Amy McDonald. McDonald stated motorcycles would be included in the parade in memory of Swede Ecklund.
- City is in the process of trying to acquire the Sort Yard Lands from the USFS, currently asking for help with the funding from Senator Murkowski. The City currently has a call into the USFS to find out what they are asking for the Sort Yard.
- Update on Judge George's Orders for the current lawsuit between the City of Thorne Bay and Guy Lane.

6. CITY ADMINISTRATOR'S REPORT:
The City Clerk gave the Administrator Report in the absence of City Administrator Wayne Benner.

ADMINISTRATOR'S REPORT for 7-19-16 read by Teri Feibel

Report:

Mayor Gould sent a letter to congressional delegations requesting the FS transfer all of the Sort Yard over to the City of Thorne Bay as part of the land exchange legislation that is being proposed. –Chuck Kleeschulte, a staffer at the Senate Energy and Natural Resources Committee in Washington, responded to the letter upon request of Senator Murkowski, and spoke with Vice Mayor McDonald. Mr. Kleeschulte requested information on the amount of acres the city was hoping to buy and estimate of likely appraised value of the property. Vice Mayor McDonald met with Scott Leslie with the USFS to further discuss the Sort Yard acreage and price. Mr. Leslie contacted Hillary Woods of the USFS to gather the information Vice Mayor McDonald requested, and was informed she was out of the office. Mr. Leslie stated he would be unable to get the information on the Sort Yard until Ms. Woods return to work in August.

City Clerk Notes:

- HUGE THANK YOU to Sky Orbendorfer who has taken it upon herself to fill in the potholes in the Subdivision. She has been out with a shovel the last few days working hard.
- Elections October 4, 2016. Two council seats – Ray Slayton Seat (A) and Risa Carlson Seat (B) – Application for candidacy period is August 15 through September 2nd. Mon-Thurs 9-4 and Friday 9-12, applications are not accepted on weekends or holidays. One ballot question: **"shall Resolution number 15-09-01-01, which amended Resolutions 13-07-02-02, 09-11-30-03 and 09-01-20-01, titled Fee Schedule for Fire and EMS Departments be repealed?"**

FYI:

The Alaska House of Representatives on Friday adjourned the fifth special session without taking any action on the Governors new tax measures which included: implementing income, sales, motor fuel, mining, alcohol, tobacco and fisheries taxes; and Permanent Fund restructuring legislation.

New Business:

Lavenia Sylvia contacted councilmember Hartwell by email to ask if one or more councilmembers could sponsor a zone change in her area to remove industrial use. The area is zoned Residential/Commercial III. 17.04.026 Mixed residential/commercial III. The purpose of this zone is to be as open and unrestrictive as possible by allowing many different, compatible uses, yet still provide protection to all property owners in the subdivision. Section 15.04.020 stipulates that "Development Plans" are required of all building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.

A. The code outlines the process for rezoning or amending zoning title.
   Three ways to initiate rezone:
   1. City Council on its own motion with planning commission recommendation
   2. Planning Commission on its own motion with city council approval
   3. By petition signed by 60% of the property owners within the zoning area of proposed change or rezone

After review of the Thorne Bay Municipal Code, it appears that the appropriate action to take would be to have Mrs. Sylvia or any other interested property owner sponsor a petition that will need to be signed by 60% of the property owners within the zoning area of proposed change or rezone since the request was from a property owner and not a member of PZ or Council.

B. Resolution 16-19-07-01 expressing urgency for Alaska State Legislature to pass all necessary fiscal legislation required to provide fair, balanced and sustainable State Budget. This was received from AML upon request of the Governor's office. AML advised the municipalities that each community could chose to ignore the resolution if they chose to and AML did not send because they supported it. It is on the agenda for you to review and decide if you support it or not.

Harbors: Summer is in full swing and we have many transient visitors occupying the harbor.

Streets and Roads: Max is back from vacation and working on fixing the broken city equipment. Excavator loss of power in hydraulic system, tailgate on small garbage truck had been ripped off. The guys were able to fix the equipment with exception of the excavator, they need mechanic to fix that.

Water and Sewer: Jason and Sam working on daily water/sewer operations

Solid Waste: The yearly inspection of the solid waste site is scheduled for this month, Max and Josh have been making sure everything is in order for the inspection. Figure tomorrow or next Wednesday for that.

Law Enforcement: Buck Bazinet is back from training and working.

Parks and Recreation: Johnathon Jennings submitted his resignation. Last day of work is July 21, 2016. At this time I do not see a need to advertise this position, and will distribute duties in house. If there is a need to advertise and hire another employee, Wayne will do so when he returns.

Library: Summer Reading Program is currently running, Mark or Lana may speak more on that if they chose under public comment.

7. PUBLIC COMMENTS:

Mark Lisowski commented on the following:

- Summer Teen and Children's Reading Program going on at the Library, will end on August 27th
- Working on CCR Grant for Career College Readiness, the grant will bring in professionals to help the middle school children with college readiness

8. COUNCIL COMMENTS:

Bob Hartwell stated the Fishing Derby would be holding a dinner at the High school on July 30th at 6 pm. The grand prize will be a motor, and you must be present to win.

9. CONSENT AGENDA:

MINUTES:

1. <u>Minutes for the June 21, 2016, Regular City Council Meeting, discussion and action item</u>:

McDonald moved to approve the consent agenda consisting of the June 21, 2016 Regular City Council Meeting Minutes. Edenfield seconded the motion. There was no further discussion.

MOTION:	Move to approve the consent agenda consisting of the June 21, 2016 Regular City Council Meeting Minutes
F/S:	McDonald/Edenfield
YEAS:	Edenfield, Carlson, Gould, Hartwell, McDonald and Burger
NAYS:	None
STATUS:	Motion Passed.

10. NEW BUSINESS:

A. Request for the City Council to sponsor a Zone Change to remove Industrial Uses from the Residential/Commercial III Zone, discussion and possible action item:

McDonald moved to discuss the request for the City Council to sponsor a zone change or rezone of Residential/Commercial III Zoning, and review the procedure for title amendments including rezone under Thorne Bay Municipal Code 17.04.045. Carlson seconded the motion. Gould stated he felt the appropriate action would be for the property owners to submit a petition for the zone amendment or rezone. Hartwell stated he was concerned that if the council sponsored the change, it could lead to legal problems for the City from property owners who may have purchased their property strictly because of the zoning. There was further discussion. Gould instructed the City Clerk to notify the property owner who requested the change in zoning, to follow the petition process outlined in the Thorne Bay Municipal Code if they wish to proceed with the amendment or rezone.

MOTION: Move to discuss the request for the City Council to sponsor a zone change or rezone of Residential/Commercial III Zoning, and review the procedure for title amendments including rezone under Thorne Bay Municipal Code 17.04.045
F/S: McDonald/Carlson
YEAS: Hartwell, Gould, Burger, Edenfield, McDonald, and Carlson
NAYS: None
STATUS: Motion Failed.

B. Resolution 16-19-07-01, a resolution expressing urgency for Alaska State Legislature to pass all necessary fiscal legislation required to provide a fair, balanced and sustainable State Budget, discussion and action item:

Gould moved to approve Resolution 16-19-07-01. McDonald seconded the motion. Gould stated the proposed sustainable act of the State was not favorable to the small communities. Gould stated that AML was also working on a resolution regarding the State Budget. McDonald stated the resolution may be considered later if the Legislature calls for another special session, but since the Legislature had adjourned the 5th special session in July without action, there was no need to proceed right now.

MOTION: Move to approve Resolution 16-19-07-01
F/S: Gould/McDonald
YEAS: None
NAYS: McDonald, Burger, Carlson, Gould, Edenfield and Hartwell
STATUS: Motion Failed

11. EXPENDITURES EXCEEDING $2,000.00:

There were no expenditures.

12. EXECUTIVE SESSION: The Council may adjourn to executive session for the purpose of discussing pending or threatened lawsuits in which the city has an interest, which are matters, the immediate knowledge of which would clearly have adverse effect upon the finances of the city.

No executive session.

13. CONTINUATION OF PUBLIC COMMENT:

There were no public comments.

14. CONTINUATION OF COUNCIL COMMENT:
Edenfield stated she had received an email from Melissa Cook thanking the City for allowing her to attend the EMT Courses, and that the training she had received allowed her to save a life that was tagged as black in a major vehicle accident down south.

15. ADJOURNMENT:
Vice Mayor McDonald adjourned the meeting at 6:59 p.m.

_____
James Gould, Mayor

ATTEST:

_____
Teri Feibel, CMC

CITY OF THORNE BAY
RESOLUTION 16-08-23-01

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, RETAINING THE CONUSLTING SERVICES OF DOWL FOR ASSISTING THE CITY ON ANY AND ALL PROJECTS WITH PLANNING, PERMITTING, ENGINEERING, SURVEYING, PROJECT ADMINISTRATION. AND GRANT PREPARATION AND ADMINISTRATION ON AN AS NEEDED BASIS

WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and

WHEREAS, the City hired DOWL to assist with consulting, permitting, engineering and contact administration in 2011 for the Davidson Landing Harbor Facilities; and

WHEREAS, the City solicited for Engineering/Planning Requests for Qualifications (RFQ) in the spring of 2012; and

WHEREAS, the City Administrator, after review of the RFQs submitted, recommended to the City Council the consulting firm of DOWL be hired to assist with specific projects; and

WHEREAS, at the August 21, 2012 City Council meeting, the Council selected "DOWL for their engineering consultant for future projects"; and

WHEREAS, DOWL has assisted the City of Thorne Bay with planning, engineering, grants and project administration since February 2011 in good standing; and

WHEREAS, DOWL has provide assistance with, including grant submittal, to include nearly 3 million in grant funds that have been awarded to the City; and

WHEREAS, DOWL has prepared the Design Study Report (2016) and the Preliminary Engineering Report (2015), that reflect the Reduction of Disinfection Byproducts and Wastewater Treatment Facility Effluent Disinfection projects that have been awarded by Village Safe Water; and

WHEREAS, DOWL is very familiar with the City's infrastructure and utility operations and has an excellent working relationship with local, state and federal agencies;

NOW, THEREFORE, BE IT RESOLVED the City of Thorne Bay hereby continues to retain the consulting services of DOWL for assisting the City on any and all projects with planning, permitting, engineering, surveying, project administration, and grant administration on an as needed basis.

PASSED AND APPROVED August 23, 2016

_____
James Gould, Mayor

ATTEST:

_____
Teri Feibel, City Clerk

CITY OF THORNE BAY
ORDINANCE 16-09-06-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 2-ADMINISTRATION AND PERSONNEL, CHAPTER 2.24-OFFICERS AND EMPLOYEES, SECTION 2.24.090-COMPENSATION

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Chapter. Amending Chapter 2.24-Officers and Employees, Section 2.24.090-Compensation, is hereby added

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 6, 2016

_____
James Gould, Mayor

ATTEST:

_____
Teri Feibel, City Clerk

[Introduction: August 16, 2016]
[Public Hearing: September 6, 2016]

Additions are in bold
Deleted items are ~~stricken~~

Chapter 2.24
OFFICERS AND EMPLOYEES

2.24.090 Compensation.

C. Overtime.

~~1. Employees who work over forty hours per week or eight hours per day shall be compensated at the rate of one and one-half their hourly rate.~~

1. Employees who work over forty hours per week shall be compensated at the rate of one and one-half their hourly rate unless otherwise exempt under the Federal Labor Standards Act.

Comments to City Council:
From: Teri Feibel, City Clerk

Alaska Minimum Wage and Overtime Exemptions - the following are not required to receive minimum wage or overtime under the Alaska Wage and Hour Act:

7. Any individual employed by the United States, State or local government (i.e. Political Subdivision)

Although individuals employed by the United States, State or Local Governments, are exempt from Alaska State Minimum Wage and Overtime Laws, they are NOT exempt from Federal Labor Standards Act.

The federal **overtime** provisions are contained in the **Fair Labor Standards Act** (**FLSA**). Unless exempt, employees covered by the Act must receive **overtime** pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay.

Exemptions from the Overtime Requirement in the FLSA that apply to the City of Thorne Bay at this time:

Exemptions from Both Minimum Wage and Overtime Pay

1. Executive, administrative, and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations (as defined in DOL regulations);

This exemption only applies to two employees of the City at this time.

All other employees will be compensated at 1.5 times their hourly rate for any time worked over 40 hours in one week.

CITY OF THORNE BAY

P.O. Box 19110
THORNE BAY, ALASKA 99919

PH. (907) 828-3380 FAX (907) 828-3374

Purchase Order

Show this Purchase Order Number on all correspondence, invoices, shipping papers and packages. 19868

DATE	REQUISITION NO.

SHIP TO: City of Thorne Bay

TO: Cascade Columbia Distribution Com.
Office 206-282-6331
Direct 425-578-4440

REQUISITIONED BY	WHEN SHIP	SHIP VIA	F.O.B. POINT	TERMS

QTY. ORDERED	QTY. RECEIVED	STOCK NO. / DESCRIPTION	UNIT PRICE	TOTAL
12 pails		Coreshell 71300 (sewer)	180 00	2160 00
40 bags		Soda Ash Dense (water)	.26	520 00
		Energy / invoice		25 00
		Shipping through Samson Tug & Barge		

1. Please send _____ copies of your invoice.
2. Order is to be entered in accordance with prices, delivery and specifications shown above.
3. Notify us immediately if you are unable to ship as specified.

Thank You!

Wayne Benner
AUTHORIZED BY