

AGENDA
REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY:
CITY HALL COUNCIL CHAMBERS
TUESDAY July 18, 2017, 6:30 p.m.

There will be a Planning & Zoning Meeting beginning at 5:00 p.m.,
There will be a workshop of the City Council 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. ADMINISTRATIVE REPORTS: (City Administrator & City Clerk)
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
 - A. Minutes for the June 6 and June 20th, 2017, Regular City Council Meeting, discussion and action item:
 - B. Minutes for the May 16, 2017, Regular City Council Meeting, discussion and action item:
10. NEW BUSINESS:
 - A. Resolution 17-07-18-01, approving Subdivision Application of Lot 2, Block 6, South Thorne Bay Subdivision, Creating Lots 2-A and 2-B, Block 6, Willburn Subdivision located within the South Thorne Bay Subdivision, discussion and action item:
11. ORDINANCES FOR INTRODUCTION:
12. ORDINANCE FOR PUBLIC HEARING:
 - A. Ordinance 17-07-18-01: amending Title 2-Administration and Personnel, Chapter 2.24 – Officers and Employees, Section 2.24.060 – Annual leave, Subsection - 2.24.060 (E) – Leave Without Pay, discussion and action item:
 - B. Ordinance 17-07-18-02: Non-Code Ordinance, authorizing the sale of approximately 800 sq. ft. of City Property located along the property line of Lot 7-A, Scenic view Subdivision, Plat No. 2000-45 Charles and Laura Jennings Replat, discussion and action item:
 - C. Ordinance 17-07-18-03: amending Title 3-Revenue and Finance, Adding Section 3.04.060-Disposition of Gaming Proceeds upon dissolution of Organization, discussion and action item:
13. EXPENDITURES EXCEEDING \$2,000.00:
14. EXECUTIVE SESSION:
15. CONTINUATION OF PUBLIC COMMENT:
16. CONTINUATION OF COUNCIL COMMENT:
17. ADJOURNMENT:

Posted: July 7, 2017–City Hall (2) & City Website @ www.thornebay-ak.gov; Posted by fax and in person: June 16, 2017 - City Hall (2), A&P, SISD, USFS, The Port, Thorne Bay School

July 18, 2017 – Regular City Council Meeting Agenda

MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY:
CITY HALL COUNCIL CHAMBERS
TUESDAY May 16, 2017, 6:30 p.m.

1. CALL TO ORDER:

Gould called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

The council and audience stood for the pledge to the flag.

3. ROLL CALL:

Gould, Carlson, Slayton, Edenfield, Hartwell, McDonald and Burger were present.

4. APPROVAL OF AGENDA:

Gould moved to approve the agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Gould/Hartwell

YEAS: Burger, Gould, McDonald, Carlson, Slayton, Edenfield, Hartwell

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor Gould reported on the upcoming POWLAT and POWCAC meetings.

6. ADMINISTRATIVE REPORTS: (City Administrator & City Clerk)

Wayne Benner, City Administrator's Report:

- Met with the Administrators from Craig and Klawock to discuss taxes, see email sent to counsel.
- Discount dump day was busy with just about the same number of loads but not as big of loads equating to about \$75 dollars less than last year which at this point hardly covers wages. We did have one moment of excitement provided by Mike Steele (excused if this offends anyone) when Mike shared his limited 5-word vocabulary yelling at me and grabbing his crouch yelling F you like he was trying to pull his pants down for all at the site.

- This coupled with the same day having a sail boat on its side on the grid and having the windshield and another window broken out of the backhoes along with some roof damage. Not a good week as can be verified by staff.
- POWLAT meeting at VOTEC center in Klawock Thursday the 18th and possible some time on the 19th. Last meeting until fall.
- POWCAC meeting at VOTEC center in Klawock Tue the 23rd.
- Do not know as of yet, but I may be in Ketchikan first of next week as I have been subpoenaed for a court case that is scheduled to start on the 22nd.
- And on a sad note, Sadie who so pleasantly greets you at city hall when you walk in the door, will be leaving the city May 26th to start a new adventure down south. We all wish Sadie the best of luck and will thoroughly miss her and Payton. Lisa Roseland will be trying to fill Sadie's shoes.
- WM will be on POW the last week of May to visit communities and look at scrap metal sites and put together the specifics for the exhibit in the signed agreement. Will know more after this Thursday's SEASWA meeting.
- The re-write of the zoning ordinances is complete and waiting until budget is done to walk through the re-write with Teri plus need to make sure that the correct working is included from the zoning requirements for communication / telecommunication facilities
- The shelter at the park has become an issue. The city is trying to help but the aggressive schedule being imposed by the church does not work with city operations. We do not have staff or equipment to dedicate to the project. Especially now after having had the windows in the backhoe broken while it was being used as a skidder. Not appropriate use of backhoe. On top of that using the excavator just after we put \$5000 repairing the machine. We were trying to be nice but the damaged backhoe has us in a real bind with projects that were scheduled this month. From this point forward no city equipment will be operated by other than city employees and equipment will only be available when city projects are done and not on city time. And no crushed rock or fill material taken without approval at time that it is needed.
- Steve Seley's Tongass building proposal came in with an estimate of \$125,000 for a building delivered to the site. With infrastructure work that will make the project around \$150,000. Way too much since Tongass can only afford payments on a \$50,000 loan. So back to square one with this project.

New Business:

- A. July 4th is on Tue this year so if you are going to have a council meeting end it before dark.

Ordinances for Introduction:

- A. Ordinance 17-06-06-01 is the introduction of the Marijuana ordinance that pertains to Zoning where definitions and special uses are established. Both this and the next ordinance on laws for marijuana are being reviewed by legal counsel.
- B. Ordinance 17-06-06-02 is the introduction of the Marijuana ordinance that pertains to the laws which relates all aspects back to the State of Alaska laws.
- C. Ordinance 17-06-06-03 is the introduction to the FY 18 budget. See Teri for any questions.

Ordinances for Public Hearing:

- A. Ordinance 17-05-16-01, Amending Title 17, Chapter 17.04.040 adds language for communications-telecommunications facilities to be inserted in the code.
- B. Ordinance 17-05-16-02, Amending Title 17, Chapters 17-04 Zoning to allow for communications-telecommunications facilities outright or through the conditional use process in the various zones.
- C. Ordinance 17-05-16-03, Amending Title 16 Subdivisions, Chapter 16.12.020 Waiver Provisions which clarifies Waivers for lots over 5 acres which are regulated by state law and waivers from the full subdivision process for lots under 5 acres which specific criteria.
- D. Ordinance 17-05-16-04, Amending title 3-revenue and finance, Section 3.17.110 raises the fee for sales tax exemption from \$10 to \$15 for Sales tax and eliminate Sales tax exemptions for all types of Alcoholic Beverages and all types of Tobacco products.

Expenditures over \$2000: The expenditures of \$4035 were to Kasaan for assistance with work on the Kasaan Road and in Southside Subdivision. This help had been request back in early April.

Harbors and Parks: It appears that the contractor selected for the work at Davidson Landing is no longer interested in the project as he will not respond to e-mails. As a result, I am soliciting for new contractors.

Streets and Roads: Been busy on other projects and working on the trucks

Water and Sewer: Sam is back so now Jason can have a weekend off, cutting back on the overtime. DOWL is scheduling a site visit toward end of month to discuss the final design with the regulatory agencies. Work on the water leaks is on hold due to backhoe damage.

Solid Waste: Josh has reconstructed some parts for the baler. This year's dump day sorting process was much better. However, need to educate people Styrofoam and plastic are not burnable items.

Law Enforcement: Buck is out and about.

FIRE/EMS: The Emergency Services needs to start working at reinstating their gaming permit so they can start doing raffles in conjunction with the events they do for fundraising.

Library: Meeting Fri with Lana and Ashley to discuss Ashley's role in some projects.

7. PUBLIC COMMENTS:

There were no public comments.

8. COUNCIL COMMENTS:

Vice Mayor McDonald stated he was glad to be home.

9. CONSENT AGENDA:

- A. Minutes from the April 4TH & 18TH , 2017, Regular City Council Meeting, discussion and action item:
- B. Minutes for the May 2, 2017, Regular City Council Meeting, discussion and action item:

Gould moved to approve the consent agenda. McDonald seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda

F/S: Gould/McDonald

YEAS: Burger, Gould, McDonald, Carlson, Slayton, Edenfield, and Hartwell

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

- A. July 4th, Regular City Council meeting reschedule date, discussion and action item:

Gould moved to cancel the Regular July 4, 2017, City Council meeting. Burger seconded the motion. Gould explained if a need arose for a special meeting the City Council could schedule one. There was no further discussion.

MOTION: Move to cancel the Regular July 4, 2017, City Council meeting

F/S: Gould/Burger

YEAS: Slayton, McDonald, Edenfield, Gould, Hartwell, Burger and Carlson

NAYS: None

STATUS: Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

- A. Ordinance 17-06-06-01, Amending Title 17-Zoning, Chapter 17.04-Planning Zoning, Adding Sections 17.04.015-Definitions "M-Marijuana" discussion and action item:

Gould moved to approve Ordinance 17-06-06-01. Edenfield seconded the motion. Hartwell expressed his strong opposition to approving a Marijuana Ordinance. There was further discussion.

MOTION: Move to approve Ordinance 17-06-06-01

F/S: Gould/Edenfield

YEAS: Carlson, Burger, Slayton, McDonald, Edenfield and Gould

NAYS: Hartwell

STATUS: Motion Passed.

- B. Ordinance 17-06-06-02, Amending Title 9-Public Peace Morals & Welfare, Adding Chapter 9.30-Marijuana, discussion and action item:

Gould moved to approve Ordinance 17-06-06-02. McDonald seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-06-06-02

F/S: Gould/McDonald

YEAS: McDonald, Burger, Carlson, Gould, Slayton, and Edenfield

NAYS: Hartwell

STATUS: Motion Passed.

- C. Ordinance 17-06-06-03, establishing the authorized income and expenditures for the City of Thorne Bay Operating Budget for Fiscal Year 2018 beginning July 1, 2017 ending June 30, 2018, discussion and action item:

Gould moved to approve Ordinance 17-06-06-03, establishing FY18 Budget. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-06-06-03, establishing FY18 Budget

F/S: Gould/Hartwell

YEAS: McDonald, Burger, Edenfield, Carlson, Gould, Slayton and Hartwell

NAYS: None

STATUS: Motion Passed.

12. ORDINANCE FOR PUBLIC HEARING:

- A. Ordinance 17-05-16-01, Amending Title 17-Zoning, Chapter 17.04-Planning and Zoning, Adding Section 17.04.040-Communications-Telecommunications Facilities, discussion and action item:

Gould moved to approve Ordinance 17-05-16-01. Carlson seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-05-16-01

F/S: Gould/Carlson

YEAS: Burger, McDonald, Edenfield, Gould, Hartwell, Slayton and Carlson

NAYS: None

STATUS: Motion Passed.

- B. Ordinance 17-05-16-02, Amending Title 17-Zoning, Chapter 17.04-Planning and Zoning, Sections 17.04.022-Residential, 17.04.05-Mixed Residential/Commercial II and 17.04.027-Commercial Zone, adding Communications-Telecommunications as Permitted or Conditionally Permitted Uses within the zone, discussion and action item:

Gould moved to approve Ordinance 17-05-16-02. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-05-16-02

F/S: Gould/Slayton

YEAS: Slayton, Carlson, Burger, Edenfield, McDonald, Hartwell, and Gould

NAYS: None

STATUS: Motion Passed.

- C. Ordinance 17-05-16-03, Amending Title 16-Subdivisions, chapter 16.12-Platting Requirements, Sections 16.12.020-Waiver Provisions for lots over 5 acres; 16.12.025-Waiver Provisions for lots under 5 acres, and 16.12.030-Procedure for lots under 5 acres, discussion and action item:

Gould moved to approve Ordinance 17-05-16-03. Carlson seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-05-16-03

F/S: Gould/Carlson

YEAS: McDonald, Burger, Carlson, Gould, Hartwell, Slayton and Edenfield

NAYS: None

STATUS: Motion Passed.

D. Ordinance 17-05-16-04, Amending Title 3-Revenue and Finance, Section 3.17.110-Sales Tax Exemption for the elderly, discussion and action item:

Gould moved to approve Ordinance 17-05-16-04. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-05-16-04

F/S: Gould/Edenfield

YEAS: McDonald, Burger, Carlson Gould, Hartwell, Slayton and Edenfield

NAYS: None

STATUS: Motion Passed.

13. EXPENDITURES EXCEEDING \$2,000.00:

A. Expenditure of \$4,035.00, to Organized Village of Kasaan for Kasaan Road Repairs and Upgrades and Southside Subdivision Grading, discussion and action item:

Gould moved to approve the expenditure of \$4,035.00 to OVK for Kasaan Road Repairs. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$4,035.00 to OVK for Kasaan Road Repairs

F/S: Gould/Hartwell

YEAS: McDonald, Carlson, Gould, Burger, Hartwell, Edenfield and Slayton

NAYS: None

STATUS: Motion Passed.

14. EXECUTIVE SESSION:

No executive session was called.

15. CONTINUATION OF PUBLIC COMMENT:

There were no further public comments.

16. CONTINUATION OF COUNCIL COMMENT:

Slayton commented on POWLAT and encouraged people to attend the meetings to know what is being proposed in the assessment. Slayton commented that Forest Service was proposing clearing 30 billion board feet each year of timber and in doing so, they would work on other projects on the island such as recreation, watershed and more during the process. Slayton stated he was against the Forest Service proposal to clear 30 billion board feet of timber per year because of the negative affect it would have on the deer population and harvesting on the island. Slayton continued to comment on how important it was for the deer to have old growth around so they have a place to bed in the winters.

Benner stated the small mill operators wanted to prolong the logging of old growth, but the larger companies wanted to log it all at once. Discussion continued that the companies logging over the last 5 years were not hiring local. There were no further comments.

17. ADJOURNMENT:

Mayor Gould adjourned the meeting at 7:26 p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

MINUTES FOR THE REGULAR MEETING
OF THE CITY COUNCIL - CITY OF THORNE BAY:
CITY HALL COUNCIL CHAMBERS
TUESDAY June 6, 2017, 6:30 p.m.

The meeting was preceded by a workshop of the City Council @ 6:00 p.m.

1. CALL TO ORDER:

Mayor Gould called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

The council and audience stood for the pledge to the flag.

3. ROLL CALL:

Gould, Carlson, Slayton, Edenfield, Hartwell, McDonald and Burger were present.

4. APPROVAL OF AGENDA:

Gould moved to approve the agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Gould/Hartwell

YEAS: Burger, McDonald, Gould, Carlson, Slayton, Edenfield, and Hartwell

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

There was no Mayor report given.

6. ADMINISTRATIVE REPORTS: (City Administrator & City Clerk)

Meetings Attended and Updates:

1. Sam has passed his Class I water operator test and Class I water distribution test.
2. Jason and Sam gave a tour of the water operations to David Egelston's Practical Engineering class. David sent an email praising both Jason and Sam for their explanation of how the system works and to let them know their work was and is appreciated. Jason and Sam also got praise from VSW for their operations.
3. July 4th is on Tue a solid waste collection day so the collection day has been moved to Wed July 5th.

Tasks and Projects:

1. Met with WM to review Solid Waste Site for collection and storage of scrap metal. Will discuss more later.
2. Met with DOWL on the draft plan for wastewater and water treatment improvements and have settled on the best plans for improvements. Will discuss more later.

3. Looking into the possibility of charging a user fee for street lights which would help offset a little of the electric cost.
4. Shane and I are working on harbor rate structure (including seaplane fees) which will be presented at a later council meeting. The changes would go into effect Jan 2018. Teri is working on compiling a list of all user fees so we can review plus has come across several services we should be charging for. These also will be presented at a future council meeting. One rate that has not increased for years is the seaplane landing fee/slip rental fee.

Resolution 17-06-06-01 is to show the city's support for the alternative solution for modifications to the water treatment process for reduction of disinfection byproducts that DOWL is proposing. This alternative solution has had support of VSW as they feel this is the best long-term solution to add some additional filtration and modify the existing treatment process allowing the city to continue using water from water lake. This is necessary as the recommended solution is close to 1 million dollars and VSW needs the resolution of support to go back to the feds.

Ordinances for Introduction:

- A. Ordinance approving rezone of certain city property, zoned the same as adjacent property zones. Un-zoned property also zoned the same as the adjacent property zones.

Ordinances for Public Hearing:

- A. Ordinance 17-06-06-01 is the 3rd public review of the Marijuana ordinance that pertains to Zoning where definitions and special uses are established. Both ordinances that you just received are the versions that have evolved between us and legal counsel.
- B. Ordinance 17-06-06-02 is the 3rd public review of the Marijuana ordinance that pertains to the laws which relates all aspects back to the State of Alaska laws.
- C. Ordinance 17-06-06-03 is the 2nd reading of the FY 18 budget. And to spare everyone from me reading my FY 17/ FY 18 budget narrative twice, I waited until the 2nd reading. I did try and consolidate to keep it under 15 minutes but if I over run you can deduct the time from McFarland. But to save everyone from me bragging about staff there are copies available for evening reading.

Expenditures over \$2000: For once not all the expenditures are mine. The \$73,000 is Teri's insurance. The \$3000 for tree removal is for the trees cut by the Sewage Treatment and Water Treatment facilities. The initial estimate was under \$2000. The additional cost was to cut the cedar trees for the pavilion so that money can come out of the parks fund or economic development fund. Next meeting will have about \$3000 for a 20-foot container to replace the old container used for city admin storage and may use some of it for library storage also and the old container will go to the shop or solid waste site for storage.

Harbors and Parks: Two boats visiting from Seattle commented on the well-maintained harbor, clean fish cleaning station and town hospitality. Plus said we should raise our guest fees.

Streets and Roads: Removed one old trailer and addition from the RV Park and now have another one that has been abandoned. Cheap way to get rid of old trailers and cars----leave them at the RV Park.

Water and Sewer: Jason and I reviewed with DOWL and VSW, DOWL's draft engineering report and the alternatives recommended for both water treatment upgrades and sewage treat disinfection. I have a copy of the report if you would like to wade through the engineering and recommendations. The sewage disinfection is fully funded but the water improvements will need about 1 million more although that project can be done in phases. Both projects show substantial operational cost increases but both operational cost increase estimates are based on maximum plant operations. With the sewer plant operating at 15 to 20 percent capacity and the water plant at 15 to 20 percent capacity on average the estimated operational costs will be approximately these percentages of the estimates. Both DOWL and VSW feel good about the improvements bringing both sewage treatment and water treatment into compliance with current regulations.

Solid Waste: Waste Management was on POW visiting SEASWA communities to review their scrap metal. The next step will be a proposal for how they plan to do the collection.

Law Enforcement: Buck has been out of town but is back hopefully for a long time.

FIRE/EMS: Staff has taken the test for a gaming license, all passed and now to finalize the application and send in to the state. Also have a new application for an EMT 1 from a new resident to Thorne Bay.

Library: Have not been able to meet up with friends of the library to discuss proposed improvements to the library.

7. PUBLIC COMMENTS:

Thom Cunningham commented on the following:

- Growing problem with trash all over South Thorne Bay. Request possible ordinance of a blight law.
- Inquired about the cost of disposal for vehicles and metal when Waste Management does their collection.

Wayne stated the prices had not been determined, but would find out.

8. COUNCIL COMMENTS:

McDonald commented on the IFA Ferry Ridership for 2017, stating the ridership was up this year. McDonald commented on the IFA having a new route they take around Kasaan every occasionally. Nice change in scenery.

9. NEW BUSINESS:

A. Resolution 17-06-06-01, supporting DOWL recommended alternative for water treatment plant improvements, discussion and action item:

Gould moved to approve Resolution 17-06-16-01. McDonald seconded the motion. There was no further discussion.

MOTION: Move to approve Resolution 17-06-16-01

F/S: Gould/McDonald

YEAS: Edenfield, Carlson, Slayton, Gould, Hartwell, McDonald and Burger

NAYS: None

STATUS: Motion passed.

10. ORDINANCES FOR INTRODUCTION:

A. Ordinance 17-06-20-01, zoning of Old skid road subdivision, and South Thorne Bay Addition 1, to be zoned Residential/Commercial III, Tract AP and Tract AQ, to be zoned Deer Creek Residential, Tract NT, to be zoned Residential Commercial III, Tract BP-4, to be zoned as Public, Tract BP-2A amended from Commercial to Deer Creek Residential, Tract BP-3, amended from Industrial to Residential Commercial III, discussion and action item:

Gould moved to approve Ordinance 17-06-20-01. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-06-20-01

F/S: Gould/Hartwell

YEAS: Slayton, McDonald, Edenfield, Gould, Hartwell, Burger, and Carlson

NAYS: None

STATUS: Motion Passed.

11. ORDINANCE FOR PUBLIC HEARING:

A. Ordinance 17-06-06-01, Amending Title 17-Zoning, Chapter 17.04-Planning Zoning, Adding Sections 17.04.015-Definitions "M-Marijuana" discussion and action item:

Gould moved to approve Ordinance 17-06-06-01. Carlson seconded the motion. Hartwell stated he would vote against the Marijuana Ordinance because Marijuana remained to be federally illegal. Hartwell stated he was a Navy Veteran and collected a Federal Pension, therefore would not vote against the Federal Laws. There was no further discussion.

MOTION: Move to approve Ordinance 17-06-06-01

F/S: Gould/Carlson

YEAS: Gould, McDonald, Slayton, Edenfield, Burger and Carlson

NAYS: Hartwell

STATUS: Motion Passed.

B. Ordinance 17-06-06-02, Amending Title 9-Public Peace Morals & Welfare, Adding Chapter 9.30-Marijuana, discussion and action item:
Gould moved to approve Ordinance 17-06-06-02. McDonald seconded the motion. Gould explained the ordinance was adopting the State of Alaska Marijuana Laws, with few amendments recommended by the City Attorney. There was no further discussion.

MOTION: Move to approve Ordinance 17-06-06-02
F/S: Gould/McDonald
YEAS: McDonald, Burger, Carlson, Gould, Slayton and Edenfield
NAYS: Hartwell
STATUS: Motion Passed.

C. Ordinance 17-06-06-03, establishing the authorized income and expenditures for the City of Thorne Bay Operating Budget for Fiscal Year 2018 beginning July 1, 2017 ending June 30, 2018, discussion and action item:
Gould moved to approve Ordinance 17-06-06-03. McDonald seconded the motion. Gould thanked Wayne and Teri for their hard work preparing a budget that has kept the City operating in the black for the last 7 years. There was no further discussion.

MOTION: Move to approve Ordinance 17-06-06-03
F/S: Gould/McDonald
YEAS: McDonald, Burger, Edenfield, Carlson, Gould, Slayton and Hartwell
NAYS: None
STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:

A. Expenditure of \$76,635.00, to Alaska Municipal League Joint Insurance Association, discussion and action item:

Gould moved to approve the expenditure of \$76,635.00, to AML/JIA Insurance. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$76,635.00, to AML/JIA Insurance
F/S: Gould/Hartwell
YEAS: Burger, McDonald, Edenfield, Gould, Hartwell, Slayton and Carlson
NAYS: None
STATUS: Motion Passed.

B. Expenditure of \$3,000.00, to Killian's Tree Cutting for, clearing trees around sewage and water treatment plant, discussion and action item:

Gould moved to approve the expenditure of \$3,500.00 to Killian's Tree Cutting. Hartwell seconded the motion. There was further discussion.

MOTION: Move to approve the expenditure of \$3,500.00 to Killian's Tree Cutting

F/S: Gould/Hartwell

YEAS: Slayton, Carlson, Burger, Edenfield, McDonald, Hartwell and Gould

NAYS: None

STATUS: Motion Passed.

13. EXECUTIVE SESSION:

No executive session was held.

14. CONTINUATION OF PUBLIC COMMENT:

Thom Cunningham commented on the following:

- Advocate for legalization of Marijuana
- Respects Councilman Hartwell's position against the legalization of Marijuana and expressed appreciation for his service
- Request for grading of South Thorne Bay Road including the subdivision past Davidson Landing and Boardwalk Lodge. Commented that it had been over one year since last blade.
- Volunteered his services to help with the Thorne Bay Pearl Nelson Park improvements.

Patrick Tierney commented on the following:

- Expressed great concern of the USFS plans of possibly dismantling the Thorne Bay Ranger District.
- Urged City Council to send a letter to the USFS Government requesting that they continue to support the small communities in Southeast Alaska, of which they helped build.

15. CONTINUATION OF COUNCIL COMMENT:

McDonald thanked the volunteers from the Church of Thorne Bay that have been building the pavilion at the Pearl Nelson Park.

16. ADJOURNMENT:

Gould adjourned the meeting at 7:17 p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

MINUTES
REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY:
CITY HALL COUNCIL CHAMBERS
TUESDAY June 20, 2017, 6:30 p.m.

There was a workshop of the City Council beginning at 6:00 p.m.

1. CALL TO ORDER:

Mayor Gould called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

The council and audience stood for the pledge to the flag.

3. ROLL CALL:

Gould, Carlson, Slayton, Edenfield, Hartwell, McDonald and Burger were present.

4. APPROVAL OF AGENDA:

Gould moved to approve the agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Gould/Hartwell

YEAS: Burger, McDonald, Gould, Carlson, Slayton, Edenfield, and Hartwell

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Gould reported that Jon Bolling requested that someone from Thorne Bay attend the POWLAT meeting in Juneau this July.

6. ADMINISTRATIVE REPORTS:

City Clerk report in the absence of Administrator:

- July will have one Regular City Council meeting, unless a Special Meeting is called sooner.

Depending on the council decision for sale of real property, there may be a need to schedule special meeting for 2nd reading of Non-Code Ordinance

- Met with Terry Willburn concerning his Subdivision Request of Lot 2, Block 6, Creating Lots 2-A and 2-B, Block 6.

This item will be on the next agenda for approval. The council will approve the preliminary plat that meets all requirements of the Municipal Code for Subdivisions, authorizing the Mayor to sign Mylar upon receipt. Confusion between what was required for Terry to provide on the plat prior to the Council approving it.

Resolution 17-06-20-01 – Harbor Rate Schedule Amendment.

- Increase of 5% in fee charged per foot. Last increase was October 2015. Resolution reflects the dollar increase per contract, month, 6-month or annual.

Ordinance 17-07-18-01 – amends the Leave Without Pay section of the Code.

- The leave of absence is cleaning up another vague section of code. Currently the code allows for an employee to request up to 2 years of leave without pay. This would cause an extreme hardship to the City regarding benefits Code requires the City to pay for 80% of employee's health insurance.

NON-Code Ordinance 17-07-18-02 – Authorizing the sale of municipal real property to Charles and Laura Jennings.

- The request is for approximately 805 square feet of land adjoining their property for placement of retaining wall and allow for parking on the property.
- The neighbor submitted a letter of no objection.
- Will require a second reading
- City entered sale agreement with Nick Higson in 2010 at \$1.50 per square foot for 609 sq. ft.

Ordinance 17-06-20-01 – zoning of un-zoned lands and rezone of certain municipal lands

- Zone -Old skid road subdivision, and South Thorne Bay Addition 1, to be zoned Residential/Commercial III,
- Tract AP and Tract AQ, to be zoned Deer Creek Residential, Tract NT, to be zoned Residential Commercial III, Tract BP-4, to be zoned as Public, Tract BP-2A amended from Commercial to Deer Creek Residential, Tract BP-3, amended from Industrial to Residential Commercial III, discussion and action item:

Expenditures over \$2000:

Expenditure of \$2,806.00, to Greg and Sheryl Kerkof for purchase of 20 ft. container The container is to replace the administration storage shed and can be used for library's storage to help with room in the library.

Harbors and Parks: Shane is still on vacation, returning tomorrow, Sam had been filling performing maintenance checks and Lisa has been checking on the launch fees, and transient receipts.

Streets and Roads: Requested that Max grade the Kasaan Road when able to, road has not been graded in quite some time. Maybe over a month or more.

Water and Sewer: Jason and Sam are doing routine maintenance and water treatment. Checked on concern of water usage at SISD float house, possible leak or broken meter. Have not gotten response on outcome.

Solid Waste: Routine.

FIRE/EMS: I have submitted the completed Gaming License Application to the State for approval. I will manage, Dana and Lisa are alternate managers. Proceeds from all gaming activity will be used to fund future fishing derby's and remaining proceeds not used for the derby will be used to fund Emergency Services. Bruce Maldonado submitted two applications for New EMS Volunteers, and will schedule interviews with applicants upon Wayne's return.

Library: Met with Lana Clark, the Librarian, to develop a system that will help City Hall keep track of all income receipted into the library through late fees, copies, fax, donations, etc. We had discussed the possibility of requesting the Friends of the Library hold an event during our Annual City Anniversary Event in August, to sell old library books, or anything else they may want to do for fundraising. Of course, all proceeds they receive would be directly to the library through the "friends". Just another way to get extra donations. Scheduled monthly reports to be prepared for Council Meetings, that will include all activities for that month, user stats for prior month, and any maintenance or other requests they may have.

7. PUBLIC COMMENTS:

Tom Cunningham commented on the following:

- Requested the City grade the South Side Road, specifically in the Subdivision past Davidson Landing and beyond Seaford's Pit
- Commented it had been over a year since the grader was last in the subdivision
- Inquired if the City notifies people of the requirement to apply for a building permit when building within Thorne Bay.

Jim Wagemann commented on the following:

- Expressed thanks to Harvey McDonald and Raymond Slayton for coming out to South Thorne Bay to investigate the conditions.
- Inquired if there was a requirement for the maximum number of trailers allowed on one parcel, and if anyone could decide to have a trailer park on their property

8. COUNCIL COMMENTS:

McDonald stated there would be a meeting of the IFA Board on June 21st.

McDonald encouraged people interested in the IFA to attend the meeting.

McDonald commented that it was hard for Thorne Bay to get 5 people to sit on one particular committee or commission, such as Planning and Zoning, Harbor Commission, Streets Commission, etc. McDonald suggested that one councilmember be in charge of these committees and be the one to investigate complaints filed, note activity within the community relating to that department, and present ideas for improvement or code changes for that department to the City Council for review. McDonald stated the any councilmember could step up and be in charge of whichever committee they were passionate about.

9. NEW BUSINESS:

- A. Resolution 17-06-20-01, amending the Harbor Rate Schedule, discussion and action item:

Gould moved to approve Resolution 17-06-20-01. Hartwell seconded the motion. Gould explained that the City Council voted to increase harbor rates every two years at a 5% increase rather than raising once every 3 or 4 years at a 15 or 20% increase. Gould continued that it was important for the departments within the City pay for themselves. There was further discussion.

MOTION: Move to approve Resolution 17-06-20-01

F/S: Gould/Hartwell

YEAS: Edenfield, Carlson, Slayton, Gould, Hartwell, McDonald and Burger

NAYS: None

STATUS: Motion Passed.

10. ORDINANCES FOR INTRODUCTION:

- A. Ordinance 17-07-18-01: amending Title 2-Administration and Personnel, Chapter 2.24 – Officers and Employees, Section 2.24.060 – Annual leave, Subsection - 2.24.060 (E) – Leave Without Pay, discussion and action item:

Gould moved to approve Ordinance 17-07-18-01. McDonald seconded the motion. Gould explained the current Code on LWOP was vague and this amendment helps to clarify the policy and actions that may be taken. There was no further discussion.

MOTION: Move to approve Ordinance 17-07-18-01

F/S: Gould/McDonald

YEAS: Hartwell, Carlson, Burger, Slayton, McDonald, Edenfield and Gould

NAYS: None

STATUS: Motion Passed.

- B. Ordinance 17-07-18-02: Non-Code Ordinance, authorizing the sale of approximately 800 sq. ft. of City Property located along the property line of Lot 7-A, Scenic view Subdivision, Plat No. 2000-45 Charles and Laura Jennings Replat, discussion and action item:

Gould moved to approve Ordinance 17-07-18-02, striking Section 2-Purpose as written and insert Section 2- “The purpose of this ordinance is to Provide for the sale of Municipal Real Property located adjacent to Lot 7 A, Scenic view Subdivision, to Charles and Laura Jennings for the amount of \$1.50 per square foot. Transaction of this land sale will be considered completed upon receipt of a survey completed by a licensed surveyor within the State of Alaska; and receipt of payment made to the City of Thorne Bay by Charles and Laura Jennings at the agreed price of \$1.50 per square foot”. Hartwell seconded the motion. Discussions included requirement that the Purchaser would be responsible for the costs associated with this land sale including survey and recording. There was further discussion.

MOTION: Move to approve Ordinance 17-07-18-02, striking Section 2-Purpose as written and insert Section 2- "The purpose of this ordinance is to Provide for the sale of Municipal Real Property located adjacent to Lot 7 A, Scenic view Subdivision, to Charles and Laura Jennings for the amount of \$1.50 per square foot. Transaction of this land sale will be considered completed upon receipt of a survey completed by a licensed surveyor within the State of Alaska; and receipt of payment made to the City of Thorne Bay by Charles and Laura Jennings at the agreed price of \$1.50 per square foot"

F/S: Gould/Hartwell

YEAS: McDonald, Burger, Carlson, Gould, Hartwell, Slayton and Edenfield

NAYS: None

STATUS: Motion Passed.

11. ORDINANCE FOR PUBLIC HEARING:

- A. Ordinance 17-06-20-01, zoning of Old skid road subdivision, and South Thorne Bay Addition 1, to be zoned Residential/Commercial III, Tract AP and Tract AQ, to be zoned Deer Creek Residential, Tract NT, to be zoned Residential Commercial III, Tract BP-4, to be zoned as Public, Tract BP-2A amended from Commercial to Deer Creek Residential, Tract BP-3, amended from Industrial to Residential Commercial III, discussion and action item:

Gould moved to approve Ordinance 17-06-20-01. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 17-06-20-01

F/S: Gould/Hartwell

YEAS: Slayton, McDonald, Edenfield, Gould, Hartwell, Burger, and Carlson

NAYS: None

STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:

- A. Expenditure of \$2,806.00, to Greg & Sheryl Kerkof, purchase of 20 foot container, discussion and action item:

Gould moved to approve the expenditure of \$2,806.00, to Greg & Sheryl Kerkof, purchase of 20-foot container. McDonald seconded the motion.

MOTION: Move to approve the expenditure of \$2,806.00, to Greg & Sheryl Kerkof, purchase of 20-foot container

F/S: Gould/McDonald

YEAS: Burger, McDonald, Edenfield, Gould, Hartwell, Slayton and Carlson

NAYS: None

STATUS: Motion Passed.

13. EXECUTIVE SESSION:

There was no executive session called.

14. CONTINUATION OF PUBLIC COMMENT:

Tom Cunningham commented on the following:

- Commented on the requirement of submitting a building permit application to the City Planning Official prior to building, failure to do so may result in penalties.
- Cunningham stated the code allowed for anyone who sees a code violation regarding construction can bring it to the City for investigations.
- Cunningham inquired who in the City was in charge with following up and investigating the complaints.

15. CONTINUATION OF COUNCIL COMMENT:

Hartwell informed the council and audience of Flo Long's upcoming Birthday.

16. ADJOURNMENT:

Mayor Gould adjourned the meeting at 7:20 p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

**CITY OF THORNE BAY
RESOLUTION 17-07-18-01**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
APPROVING THE FINAL PLAT FOR THE SUBDIVISION OF LOT 2, BLOCK 6, CREATING
LOTS 2A AND 2B OF BLOCK 6, PLAT #89-29 WILBURN SUBDIVISION, ASLS 80-121**

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

WHEREAS, the Planning Official reviewed the original subdivision application submitted by Terry Willburn (hereinafter Applicant) in November of 2015; and

WHEREAS, the Planning Official advised the applicant that prior to approval, the Plat Content Requirements as outlined in Title 16.16.010 (C) (5-7) of the Thorne Bay Municipal Code must be added to the Subdivision Plat; and

WHEREAS, the Applicant has amended his Subdivision Plat to reflect the criteria for approval as advised by the Planning Official; and

WHEREAS, the City Council has reviewed the Municipal Code and finds that the Preliminary Plat #89-29, a Subdivision of Lot 2, Block 6, creating lots 2A and 2B of Block 6, Wilburn Subdivision, complies with all requirements of the Municipal Code 16.16.010, Short Plats, Sections 16.16.010 (C) (Numbers 1-7) Plat Map Content Requirements, including the Certificate of Dedication.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Thorne Bay, Alaska, hereby Approves Plat #89-29, a Subdivision of Lot 2, Block 6, creating lots 2A and 2B of Block 6, Wilburn Subdivision, located within the South Thorne Bay Subdivision, and authorizes the Mayor or Mayor Designee to sign the Original Mylar Plat upon receipt.

PASSED AND APPROVED this _____, day of July 2017

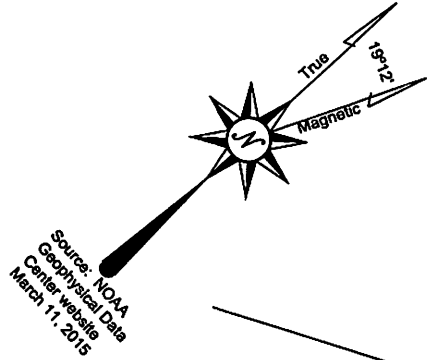
James Gould, Mayor

ATTEST:

Teri Feibel, CMC

NOTES:

1. The error of closure of this survey does not exceed 1:5,000.
2. All bearings are true bearings as oriented to the basis of bearings and the distances are reduced to horizontal field distances.
3. This plat is subject to all conditions, restrictions and easements shown on Plat No. 89-29 Ketchikan Recording District.
4. This plat is subject to reservations and exceptions in the U.S. Patent.

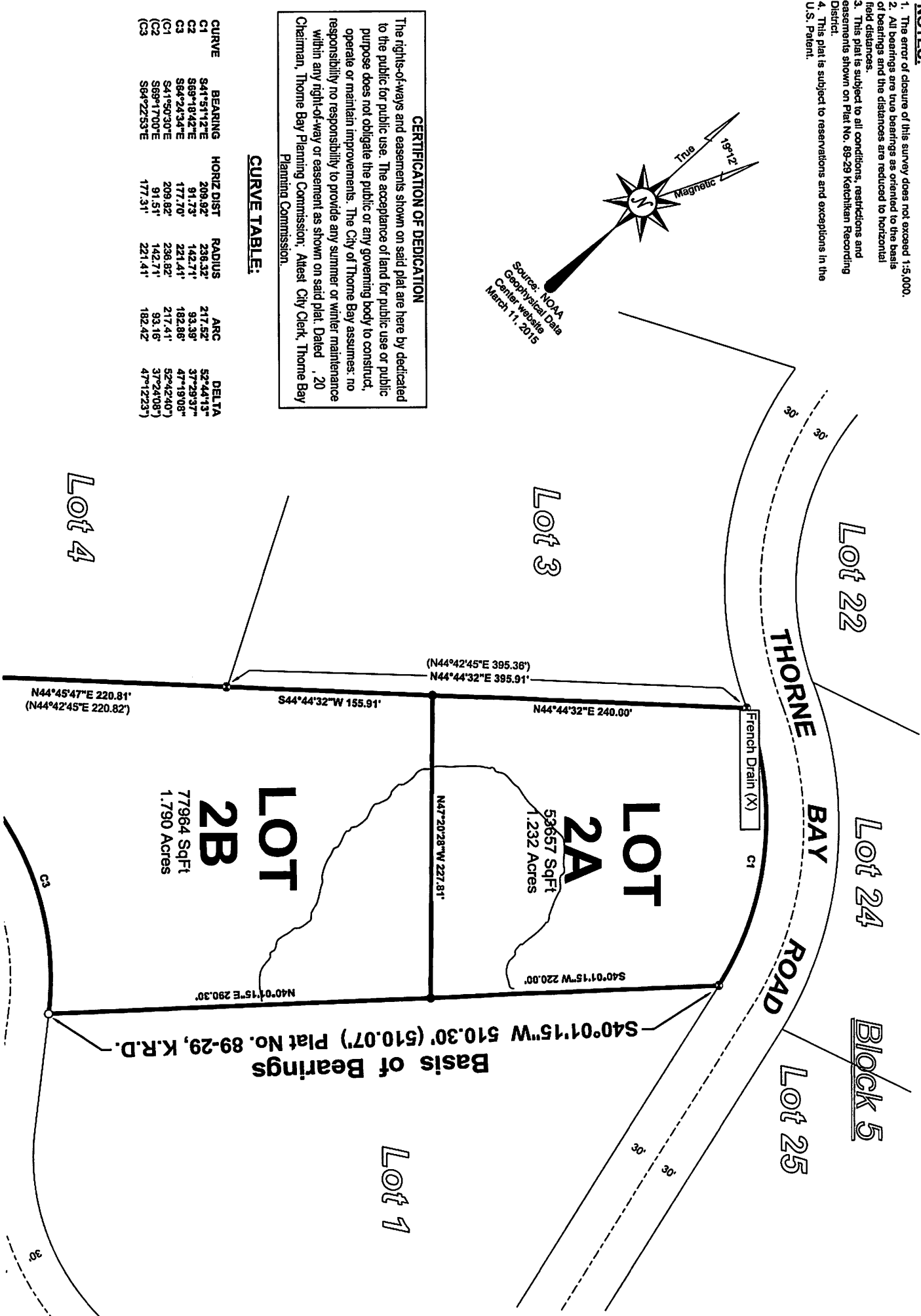


CERTIFICATION OF DEDICATION

The rights-of-ways and easements shown on said plat are here by dedicated to the public for public use. The acceptance of land for public use or public purpose does not obligate the public or any governing body to construct, operate or maintain improvements. The City of Thorne Bay assumes no responsibility no responsibility to provide any summer or winter maintenance within any right-of-way or easement as shown on said plat. Dated . 20 Chairman, Thorne Bay Planning Commission. Attest City Clerk, Thorne Bay Planning Commission.

CURVE TABLE:

| CURVE | BEARING | HORIZ DIST | RADIUS | ARC | DELTA |
|-------|-------------|------------|---------|---------|-----------|
| C1 | S41°51'12"E | 209.82' | 236.32' | 217.52' | 52°44'13" |
| C2 | S69°18'42"E | 91.73' | 142.71' | 93.39' | 37°29'37" |
| C3 | S64°24'34"E | 177.70' | 221.41' | 182.88' | 47°19'08" |
| (C1) | S41°50'30"E | 209.82' | 236.82' | 217.41' | 52°42'40" |
| (C2) | S69°17'00"E | 91.51' | 142.71' | 93.16' | 37°24'08" |
| (C3) | S64°22'53"E | 177.31' | 221.41' | 182.42' | 47°12'23" |



Basis of Bearings
S40°01'15"W 510.30' (510.07') Plat No. 89-29, K.R.D.

CITY OF THORNE BAY
ORDINANCE 17-07-18-01

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 2.24.060-ANNUAL LEAVE

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 section. The title and chapter of Title 2-Administration and Personnel, Chapter 2.24-Officers and employees Section 2.24.060-Annual leave is hereby added to the Thorne Bay Municipal Code.

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

PASSED AND APPROVED July 18, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

Additions are in bold and underlined

**Title 2 - Administration and personnel
Chapter 2.24 - Officers and employees**

2.24.060 Annual leave.

~~E. Leave Without Pay Status. The mayor, or his/her designee, may grant leave without pay status to an employee at his/her request. Such leave request must be made in writing and must be made two weeks in advance unless precluded by extenuating circumstances. Such leave shall be limited to one month for each full month of service, to a maximum of twenty four months.~~

E. Leave-Without-Pay-Status. The mayor, or his/her designee, may grant leave-without-pay status to an employee at his/her request **PROVIDED THE MAYOR, OR HIS/HER DESIGNEE DETERMINE THE LEAVE DOES NOT CAUSE A HARDSHIP TO THE CITY.** Such leave request must be made in writing and must be made **AT LEAST FOUR** ~~two~~ weeks in advance unless precluded by extenuating circumstances. **AN EMPLOYEE MAY NOT TAKE LEAVE WITHOUT PAY IF THE EMPLOYEE HAS ACCRUED LEAVE AVAILABLE FOR USE.**

LEAVE WITHOUT PAY SHALL BE CLASSIFIED IN TWO CATAGORIES:

- 1. SHORT TERM UP TO 3 MONTHS THAT DOES NOT REQUIRE THE FILLING OF THAT POSITION. UNDER SHORT TERM LEAVE THE EMPLOYEE MAY CONTINUE TO RECEIVE BENEFITS IF GRANTED AS PART OF LEAVE REQUEST.**
- 2. LONG TERM LEAVE OVER 3 MONTHS OR REQUIRING THE FILLING OF THAT POSITION WILL BE CONSIDERED A TERMINATION WHICH WILL INCLUDE THE TERMINATION OF ALL BENEFITS. AN EMPLOYEE MUST EXHAUST ALL THEIR EARNED VACATION AND SICK LEAVE BEFORE LEAVE WITHOUT PAY IS CONSIDERED. EMPLOYEES RETURNING AFTER LONG TERM LEAVE WILL BE GIVEN PRIORITY FOR ANY EMPLOYMENT OPPORTUNITIES THE CITY MAY HAVE ASSUMING THE EMPLOYEE LEFT IN GOOD STANDING.** ~~Such leave shall be limited to one month for each full month of service, to a maximum of twenty four months.~~

2.24.030 Employment. A. Permanent Employees. Permanent appointments are made to positions which are considered to be part of the regular complement work force needed to perform municipal services.

1. Full-time. Where the work week is forty hours on a regular basis;
2. Part-time. Where the work is done during a portion of a work day, ~~or~~ work week, **OR WORK YEAR** and totals at least twenty hours but less than forty hours a week on a regular basis;

**CITY OF THORNE BAY
ORDINANCE 17-07-18-02**

**A SPECIAL NON-CODE ORDINANCE OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA, ALLOWING FOR THE SALE
OF CITY OWNED LAND TO CHARLES AND LAURA JENNINGS**

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

- Section 1. Classification. This is a non-code ordinance.
- Section 2. Purpose. The purpose of this ordinance is to
Provide for the sale of Municipal Real Property located
adjacent to Lot 7 A, Scenic view Subdivision, to Charles and
Laura Jennings for the amount of \$1.50 per square foot.
Transaction of this land sale will be considered completed
upon completion of a survey done by a licensed surveyor
within the State of Alaska; and receipt of payment made to
the City of Thorne Bay by Charles and Laura Jennings at the
agreed price of \$1.50 per square foot.
- Section 3. Effective Date. This ordinance shall become
effective upon adoption.

PASSED AND APPROVED: July 18, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: June 20, 2017]
[Public Hearing: July 18, 2017]
[Land Purchase request submitted by Charles Jennings for approximately 605
square feet]

CITY OF THORNE BAY
ORDINANCE 17-08-01-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 3-REVENUE AND FINANCE, CHAPTER 3.04-FISCAL POLICIES,
ADDING SECTION 3.04.060 - GAMING ACCOUNT, DISPOSITION OF NET PROCEEDS
UPON DISSOLUTION OF ORGANIZATION

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 Section. The title and chapter of Title 3- Revenue and Finance, Chapter 3.04-Fiscal Policies, adding Section 3.04.060 - Gaming Account, Disposition of net proceeds upon dissolution of organization; is hereby amended and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED this ____, day of _____, 2017

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

Introduction July 18, 2017
Public Hearing August 1, 2017

Additions are in bold

Title 3 – Revenue and Finance
Chapter 3.04 – Fiscal Policies

Section: 3.04.060 – Gaming Account, Disposition of net proceeds upon dissolution of Organization. Upon dissolution, any remaining net proceeds from gaming activity under AS 05.15 will be distributed to one or more existing permittees, other than a multiple-beneficiary permittee, in accordance with 15 AAC 160.020(a)(5).