

**AGENDA  
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 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 June 21, 2016, Regular City Council Meeting, discussion and action item:
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:
  - 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:
13. EXPENDITURES EXCEEDING \$2,000.00:
14. 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.
15. CONTINUATION OF PUBLIC COMMENT:
16. CONTINUATION OF COUNCIL COMMENT:
17. ADJOURNMENT:

Posted: July 12, 2016

**Amendment posted June 17, 2016**

City Hall (2), A&P, SISD, USFS, The Port, Tackle Shack Thorne Bay School, KRBD  
[www.thornebay-ak.gov](http://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, June 21, 2016  
6:30 p.m.**

**The meeting was preceded by a workshop 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, Slayton, McDonald, Burger, Edenfield and Hartwell were present. Carlson attended by phone.

**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 and Hartwell

**NAYS:** None

**STATUS:** Motion Passed.

**5. MAYOR'S REPORT:**

Mayor Gould reported on the ways the State Legislation is looking at balancing their budget, one of which is implementing a State Sales Tax. Gould reported that the next POW Landscape Assessment Meeting would be held in Thorne Bay City Hall Council Chambers on June 30<sup>th</sup> at 1:00 p.m.

**6. CITY ADMINISTRATOR'S REPORT:**

The City Administrator read his report. (Report attached)

Mayor Gould commented that he and the Administrator had met with Matt Anderson the USFS Ranger for POW, and discussed the possibility of a land transfer for the Sort Yard. Gould stated that the USFS would want to retain access to the Sort Yard and LTF, but is in favor of transferring the Sort Yard to the City. Gould stated the City had tried in the past to acquire the Sort Yard from the USFS through a resolution, but the City could not afford any of the options available for transferring the land at that time.

McDonald commented on the CDL requirement in the Administrator's report and stated he knew of the CDL requirement was for operating equipment exceeding 26,000 pounds, from his time with the USFS.

The City Clerk reported the changes in Health Insurance for City Employees. The Change would be from Premera Blue Cross to Medova Healthcare (upon approval of the City Council during this meeting). Change in Insurance Providers would create a large cost savings to the City and Employee in their monthly premium costs. The switch in providers would also create changes in the employee's annual deductible, coinsurance cost, and out of pocket maximum for the year. The City Clerk stated the City Administration requested that the savings to the City in premiums be placed into a savings account to help offset future health insurance changes or increases in cost.

**Current Insurance Premera Blue Cross:**

**Individual Plan:**

Deductible: \$1,500.00

Coinsurance: 20% of all medical and prescription cost to employee after deductible is met  
Out-of-Pocket Maximum: \$5,000.00 annually – Employee would only pay the coinsurance after deductible is met and only until they have paid \$5,000 out of their pocket in that calendar year.

*City contributes \$100.00 per pay period to employee Health Savings Account to help offset deductible cost to employee*

**Family Plan:**

Deductible: \$3,000.00

Coinsurance: 20% of all medical and prescription cost to employee after deductible is met  
Out-of-Pocket Maximum: \$10,000.00 annually – Employee would only pay the coinsurance after deductible is met and only until they have paid \$10,000 out of their pocket in that calendar year.

*City contributes \$100.00 per pay period to employee Health Savings Account to help offset deductible cost to employee, totaling \$2,600 annual contribution.*

**New Insurance Medova Healthcare:**

**Individual Plan:**

Deductible: \$3,000.00

Coinsurance: None

Out-of-Pocket Maximum: \$3,000.00 (which is only the deductible)

*After deductible has been met the individual will pay a co-pay of \$30 per physician visit and \$50 per specialist visit.*

*City contributes \$115.39 Bi-Weekly to Employee Health Savings Account to help offset deductible cost to employee, totaling \$3,000 annual contribution*

**Family Plan:**

Deductible: \$6,000.00

Coinsurance: None

Out-of-Pocket Maximum: \$6,000.00 (which is only the deductible)

*After deductible has been met the individual will pay a co-pay of \$30 per physician visit and \$50 per specialist visit.*

*City contributes \$230.77 Bi-Weekly to Employee Health Savings Account to help offset deductible cost to employee, totaling \$6,000 annual contribution*

**7. PUBLIC COMMENTS:**

Mary Youderian commented on the following:

- Requested clarification on Employee Insurance

**8. COUNCIL COMMENTS:**

Gould commented in favor of the change of insurance companies for City Health Insurance.

McDonald made the following comments regarding the IFA:

- Anthony Christianson, who is also the Mayor of Hydaburg, was recently appointed to IFA Board, taking the place of Jolene Edenshaw who recently passed away
- The IFA is looking into the possibility of the ferry stopping in Kasaan on their way to Ketchikan, to pick up foot traffic. McDonald stated Dennis Watson would be visiting Kasaan to look further into the possibility as well as looking into the landing spot and depth soundings. A traffic study would also need to be done to see who comes from where to ferry from Hollis to Ketchikan. Dennis Watson will also talk with Kasaan for their thoughts on the idea. One disadvantage would be one less hour to spend in Ketchikan for that daily route. Other alternatives have also been discussed such as having a smaller boat pick up foot traffic in Kasaan and boat them to Hollis. McDonald stated this was only something the board was researching at this time and was not a guarantee to happen.
- The IFA also donated funds to help Alaska Marine Highway System Reform Project move forward. McDonald stated the Alaska Marine Highway System has been good to the IFA and they want to show their support in return. McDonald stated the Alaska Marine Highway was important to Southeast Alaska.

Hartwell inquired how much the IFA donated to the Alaska Marine Highway Reform Project. McDonald replied that they had donated \$1,000.00.

**9. CONSENT AGENDA:**

1. Minutes for the June 7, 2016, Regular City Council Meeting, discussion and action item:
2. Minutes for the June 13, 2016, Special City Council Meeting, discussion and action item:

Gould moved to approve the consent agenda which includes the minutes from the June 7, 2016 Regular City Council Meeting and June 13, 2016, Special City Council Meeting. Hartwell seconded the motion. There was no further discussion.

**MOTION:** Move to approve the consent agenda which includes the minutes from the June 7, 2016, Regular City Council Meeting and June 13, 2016, Special City Council Meeting

**F/S:** Gould/Hartwell

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

**NAYS:** None

**STATUS:** Motion Passed.

10. NEW BUSINESS:

- A. Approval of Agreement between the City of Craig and the City of Thorne Bay, for South Thorne Bay/Kasaan Road Maintenance and Upgrades, discussion and action item:

Gould moved to approve the agreement between the City of Craig and City of Thorne Bay, for South Thorne Bay/Kasaan Road Maintenance and Upgrades. Hartwell seconded the motion. Gould explained this agreement was the first part to the expenditure of \$15,000.00, to the City of Craig for Kasaan Road Maintenance and Upgrades. There was no further discussion.

MOTION: Move to approve the agreement between the City of Craig and City of Thorne Bay, for South Thorne Bay/Kasaan Road Maintenance and Upgrades  
F/S: Gould/Hartwell  
YEAS: Slayton, Hartwell, Gould, Burger, Edenfield, McDonald and Carlson  
NAYS: None  
STATUS: Motion Passed.

- B. Resolution 16-06-21-01, establishing security and cleaning deposit rate schedule for the City owned RV Park, discussion and action item:

McDonald moved to approve Resolution 16-06-21-01. Hartwell seconded the motion. Gould explained this would establish a deposit rate to new customers consistent with how the City established other deposits for city services. There was no further discussion.

MOTION: Move to approve Resolution 16-06-21-01  
F/S: McDonald/Hartwell  
YEAS: McDonald, Burger, Carlson, Gould, Edenfield, Hartwell and Slayton  
NAYS: None  
STATUS: Motion Passed.

- C. Resolution 16-06-21-02, establishing a deposit rate for Live-aboard Agreements issued by the City, discussion and action item:

Gould moved to approve Resolution 16-06-21-02. Burger seconded the motion. Gould stated this established a deposit for live-aboard's in the same manner as other deposits the city charges. There was no further discussion.

MOTION: Move to approve Resolution 16-06-21-02  
F/S: Gould/Burger  
YEAS: Edenfield, Burger, Hartwell, Carlson, Gould, Slayton and McDonald  
NAYS: None  
STATUS: Motion Passed.

D. Resolution 16-06-21-03, adopting to participate in the AML/JIA Loss Control Incentive Program, discussion and action item:

Gould moved to approve Resolution 16-06-21-03. Edenfield seconded the motion. Gould explained the City participates in the Loss Control Incentive Program every year and in return receives a discount through Alaska Municipal League Joint Insurance. There was no further discussion.

MOTION: Move to approve Resolution 16-06-21-03  
F/S: Gould/Edenfield  
YEAS: McDonald, Burger, Edenfield, Carlson, Gould, Slayton and Hartwell  
NAYS: None  
STATUS: Motion Passed.

E. City of Thorne Bay Contribution and Support to help move the Alaska Marine Highway System Reform Project forward, discussion and possible action item:

Gould moved to contribute \$1,000.00 to support and help move the Alaska Marine Highway System Reform Project forward. McDonald seconded the motion. Hartwell inquired how the contribution would affect the city's budget. Gould replied that the expenditure would be from the FY17 Budget, and money was available. There was no further discussion.

MOTION: Move to contribute \$1,000.00 to support and help move the Alaska Marine Highway System Reform Project forward  
F/S: Gould/McDonald  
YEAS: Burger, McDonald, Edenfield, Gould, Hartwell, Slayton and Carlson  
NAYS: None  
STATUS: Motion Passed.

F. Close of pathway/walkway from Rainy Lane to Shoreline Drive, discussion and action item:

Gould moved to agree to close the gravel pathway from Rainy Lane to Shoreline Drive, located adjacent to the steps. Hartwell seconded the motion. Gould explained the closure would be for the gravel pathway next to the stairs to keep 4-wheelers and bicycles from speeding down it and causing a safety concern due to oncoming traffic. Gould stated the bikes and other ATV's are not stopping at the bottom of the pathway and darting out into the road. Gould stated it was a liability to the City and the other property owner. Gould explained that part of the path was easement owned by the City and the other part was owned by Mr. Hartwell. Slayton stated before the council voted on closing the pathway, they needed to decide how it would be done. Gould stated he would like to see boulders, rocks or logs blocking the path to wheeled traffic. McDonald suggested zigzagging big boulders, or planting trees to keep it less desirable for people to want to bike or drive down. McDonald also suggested a sign that says "pedestrian traffic only". Hartwell stated he was concerned because if someone was to get hurt on the pathway, 2 feet of it was on his property, and he along with the City would be sued. Clarification to the motion was made. There was no further discussion.

MOTION: Move to agree to close the gravel pathway from Rainy Lane to Shoreline Drive, located adjacent to the steps  
F/S: Gould/Hartwell  
YEAS: Hartwell, Carlson, Burger, Edenfield, McDonald, Slayton and Gould  
NAYS: None  
STATUS: Motion Passed.

G. Authorizing the Mayor or Mayor's Designee to enter into an agreement with Medova National Insurance Providers for Health Insurance Coverage for eligible City Employees, and cancelling current Health Insurance from Premera Blue Cross of Alaska, discussion and action item:

Gould moved to enter into an agreement with Medova National Insurance Providers for Health Insurance Coverage and cancel current Premera Health Insurance. Edenfield seconded the motion. The City Clerk explained the savings to the City of approximately \$60,000 annually. City Clerk requested the City put that savings into a savings account to be used in the future to help offset insurance premium increases or other insurance needs. There was further discussion.

MOTION: Move to enter into an agreement with Medova National Insurance Providers for Health Insurance and cancel current Premera Health Insurance  
F/S: Gould/Edenfield  
YEAS: McDonald, Burger, Carlson, Gould, Hartwell, Slayton and Edenfield  
NAYS: None  
STATUS: Motion Passed.

11. ORDINANCES FOR PUBLIC HEARING:

A. Ordinance 16-06-21-01, amending Title 18-Harbor, Chapter 18.10-General Provisions, Section 18.10.020-Definitions (I) "Residence", and Chapter 18.30-Rules for Use of Harbor Facility, Section 18.30.010-Live-Aboard Policy, discussion and action item:

Gould moved to approve Ordinance 16-06-21-01. Hartwell seconded the motion. Gould explained that by clarifying the definition of "Residence" it eliminated the confusion of being charged for living aboard your vessel if you or family need to camp overnight on the boat. There was no further discussion.

MOTION: Move to approve Ordinance 16-06-21-01  
F/S: Gould/Hartwell  
YEAS: Edenfield, Burger, Hartwell, Carlson, Gould, Slayton and McDonald  
NAYS: None  
STATUS: Motion Passed.

- B. Ordinance 16-06-21-02, providing for the establishment of the Budget for the City of Thorne Bay, for Fiscal Year 2017, anticipated revenues and expenditures, discussion and action item:

Gould moved to approve Ordinance 16-06-21-01, establishing the FY17 budget for the City of Thorne Bay. Burger seconded the motion. Gould thanked the staff for keeping costs to the City down. There was no further discussion.

MOTION: Move to approve Ordinance 16-06-21-01, establishing the FY17 budget for the City of Thorne Bay

F/S: Gould/Burger

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

NAYS: None

STATUS: Motion Passed.

13. EXPENDITURES EXCEEDING \$2,000.00:

- A. Expenditure of approximately \$50,000.00, in grant funding for Landscape Assessment Collaborative Team, discussion and action item:

Gould moved to approve the expenditure of \$50,000.00, for Landscape Assessment Collaborative Team. Burger seconded the motion. Gould explained the funds would be expended from Grant Funding that the City would manage for the Landscape Assessment Group, because the grant required that a public entity distribute the funding. There was further discussion.

MOTION: Move to approve the expenditure of \$50,000.00, for Landscape Assessment Collaborative Team

F/S: Gould/Burger

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

NAYS: None

STATUS: Motion Passed.

- B. Expenditure of approximately \$15,000.00 to the City of Craig for RAC Grant Projects, discussion and action item:

Gould moved to approve the expenditure of approximately \$15,000.00 to the City of Craig for RAC Grant Project. Edenfield seconded the motion. Gould explained the funds would be used for work on the Kasaan Road in conjunction with the agreement approved between the City of Thorne Bay and the City of Craig for South Thorne Bay/Kasaan Maintenance and Road Upgrades. There was no further discussion.

MOTION: Move to approve the expenditure of approximately \$15,000.00 to the City of Craig for RAC Grant Project

F/S: Gould/Edenfield

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

NAYS: None

STATUS: Motion Passed.

C. Expenditure of approximately \$10,000.00, to the USFS for Sandy Beach Road Project, funds will be spent from Sandy Beach Road Improvement Grant, discussion and action item:

Gould moved to approve the expenditure of \$10,000.00 to the USFS for Sandy Beach Road Project. McDonald seconded the motion. Wayne explained the City received a bill from the USFS a year ago with no explanation to what the bill was for, the City requested itemized billing and finally received the new bill with explanation. There was no further discussion.

MOTION: Move to approve the expenditure of \$10,000.00 to USFS for Sandy Beach Road Project

F/S: Gould/McDonald

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

NAYS: None

STATUS: Motion Passed.

14. EXECUTIVE SESSION:

No executive session was called.

15. CONTINUATION OF PUBLIC COMMENT:

Mary Youderian commented on the following:

- Request council consider making improvements in the City that do not cost a lot, but give great satisfaction to the community members. Suggested improvements to the City Park and Library computers, and printers, as the printers are not working correctly at this time
- Suggested the City designate funding in their budget for improvements to the park and get people together to apply it
- Understands that the Council cannot do it all and needs help from the community members.

16. CONTINUATION OF COUNCIL COMMENT:

Gould expressed appreciation for the people who attend council meetings and speak up about their concerns. Gould commented on Ron Youderian's comments during Workshop regarding the South Thorne Bay Subdivision Roads, and stated that he wished there was a way to do away with the "North Side/South Side" name because they are both part of the City of Thorne Bay. Gould stated he understands that each side of the bay require different services from the City. Gould stated it had once been suggested that the South Thorne Bay create a Homeowners Association to help address concerns in that area, in conjunction with the City. Gould stated the City had many different commissions and committees that are not operating because there is a lack of volunteers or interest in serving on the commission and committees. Gould stated one of the commissions was the Roads Commission and another was the Planning and Zoning Commission.

Gould stated many of the issues that come to the council could first be ironed out by the commissions, it would then be up to the commission to bring a plan to the City Council for final review and approval. Gould encouraged community members to volunteer for some of the committees and commissions to enable more projects and concerns of the town to be fully addressed.

Wayne Benner stated that Mary Youderian had not been present at the prior City Council meeting where she was publicly thanked for her volunteer work in the flower beds at the City Park, so he wanted to thank her again.

Slayton informed the council and public that Kids Fishing Day would be on Saturday, June 25<sup>th</sup> from 9:00 a.m. to 2:00 p.m. Slayton stated that he appreciated the concern for things that needed to be done in town, and concurred that more things would get accomplished faster if more people would volunteer to help.

17. ADJOURNMENT:

Gould adjourned the meeting at 7:35 p.m.

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

## ADMINISTRATOR'S REPORT 6-21-16 Wayne Benner

### Meetings Attended and Updates:

1. The RAC meeting Monday was very rewarding to Thorne Bay as we received additional money for work on the Kasaan road (\$67,500) and money for a path alongside the road from the Port to the Grapple (\$27,000). Both will require a 50 percent match of materials, in kind services and cash. Another project close by is the refurbishing of the Sandy Beach facilities. Matching funds will be coming out of Streets and Roads and development funds.
2. Also of interest is the Governor calling back the legislature to address funding options for the State. One of which is a State sales and use tax. The past attempt at a sales tax called for capping the amount allowed to be taxed with the State taking their share. If the State capped the tax at 6% and wanted 3% then the City would be limited to only 3%. They will also be talking about personal income tax, fuel tax, excise tax on alcohol and tobacco, mining, fisheries, and refunds to local governments. The worst part about the approach being taken is that taxes are a purchase of services and investment in community, not for balancing short falls in overall government.

Cities are not Commercial Corporation, nor are they businesses, no matter how much people think we should operate as such. We are here to foster the economic, social and environmental well-being of the community. Our goal should always be to identify community priorities and turn them into services, balancing efficiency with the values of the citizens. For Thorne Bay that is somewhat of a challenge give there are three very distinct and unique neighborhoods, different priorities and different values. All, who, in one form or another, use and appreciate the services provided by the City directly or in-directly. You all can count at least half dozen direct services but what about some in-direct services. Renting or leasing property to help business, chasing outside funding to help with capital projects, providing jobs for those requiring public service, providing donations to many organizations, helping the Market, Barge Lines, Port, FS, School, being the local Chamber for Marketing.

### Tasks and Projects:

1. RAC and TAC grants with DOWL
2. Health Insurance
3. ATV Codes
4. Sent a letter off to our 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.

### Old Business:

### New Business:

- A. Agreement between the City of Craig and the City of Thorne Bay for work on the Kasaan Road. These were RAC funds left from a previous project that Craig administered hence the agreement with Craig.
- B. Resolution 16-06-21-01 establishes deposits for the RV Park.
- C. Resolution 16-06-21-02 establishes deposits for Harbor live aboard. Both of these are follow up on the Code Amendments just approved.
- D. Resolution 16-06-21-03 adopting participation in the AML/JIA insurance program. This is a yearly process at budget time.

- E. Contribution to AMH system reform project that SE Conference is putting in place to address financial sustainability of the system. They are also looking for members to participate on the committee.
- F. Closing or limiting the use of the walkway next to the stairs that go from Rainy Lane to Shoreline Drive by the Market. Over half of this pathway is on private property and is getting heavy use by ATV, motor bikes and cyclist that race up and down onto the public streets creating a real liability issue for both the city and private property owner.
- G. Authorizing the Mayor to sign the agreement changing health insurance from Premera to Medova Nation Insurance. As previously discussed this will be creating a substantial savings this year which I recommend be put into a special account for future health insurance needs.

**Ordinances for Introduction:**

**Ordinance for Public Hearing**

- A. Ordinance 16-06-21-01 is to amend the Harbor code clarifying the definition of Residence for use as live aboard. This amendment changes the definition of Residence to mean the dwelling where on actually resides; ones home. This is the same definition that is found in the Zoning Code. The live aboard section is amended stating that a live aboard is one using their boat as a "residence" as defined in the code.
- B. Ordinance 16-06-21-02 is to provide for the establishment of the Budget for FY 17. Any questions I will defer to Teri as you have seen my budget narrative.

**Expenditures Exceeding \$2000**

- A. \$50,000 in grant funding for the Landscape Assessment Collaborative Team. These are grant funds need to be distributed through a public entity and are just pass through funds to the Team for a facilitator.
- B. \$15,000 to the City of Craig is the City cash contribution for the \$30,000 in RAC funds for work on the Kasaan Road.
- C. \$10,000 to the FS was actually the initial billing of the Sandy Beach Road Improvement project. The City had not paid this bill waiting for an itemization of work which we finally received showing this was for mobilization. These also are grant funds.

**Harbors:** Now that graduation and wedding are complete Shane is back at the Harbor full time.

**Streets and Roads:** Max is on vacation for a couple weeks.

**Water and Sewer:** Sam has been doing a good job keeping water and sewer operation function while Jason is gone on vacation.

**Solid Waste:** The yearly inspection of the solid waste site is scheduled for July. The annual scale certification has been completed. As soon as we can find a ramp to load containers (or build one) we will be set up to start loading waste to ship south.

**Law Enforcement:** The controversy over CDL requirement has been settled by the Troopers. City employees do not need a CDL to drive any vehicle 26,000 pounds or under. Hence the garbage truck and small dump truck are ok.

**FIRE/EMS:** Buck is at Fire and EMS training. Sitka and Ketchikan are both getting rid of Fire Engines and Buck has put the City in the drawings. The pump has a seal out on the town truck and Tracy is trying to track down new seals.

**Library:** Another volunteer in on board to older children reading program for the summer.

Attachment to Minutes – City Council Meeting June 21, 2016 - Administrator Report

**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 permitted use is an expressly permitted use in the zone and does not require further review.

**A. Permitted Uses-Residential.**

1. Single-family residences;
2. Duplex;
3. Multifamily housing;
4. Mobile homes;
5. Home occupation or business;
6. Office in home;
7. Accessory buildings for private/residential uses such as garage, shed, smokehouse, greenhouse, private storage of a recreational vehicle, travel trailer, recreational boat, truck;
8. Travel trailer or motor home;
9. Basic services (services or facilities that are necessary for development. They include but are not limited to power poles, power lines, sewer lines and other low impact facilities of the same character to provide for utilities). This may not be applicable for many years.
10. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but not used in association with permitted or conditionally approved commercial uses.

**B. Permitted Uses-Commercial and Industrial.** Any commercial or industrial use may be permitted in this zone as long as the proposed use will not adversely affect the surrounding property owners. **A public hearing will be held to determine whether or not a conditional use permit should be issued for a proposed use when:**

1. The size of a business requires five or more employees;
2. The nature of the business or project has a significant negative impact on property values or

significantly harms the public health, safety and welfare of the adjacent property;

3. Three property owners within a ten lot radius from the proposed use location calls for a public hearing by submitting an objection statement. A public hearing may be held because of a potential degradation of the surrounding property including subdivisions 1 and 2 of this subsection. Degradation of property includes but is not limited to impact from noise, dust, smoke, vibration, odor, increased traffic and parking.

C. Notice of Intent. Any person proposing a commercial or industrial use must file a notice of intent with the city. This notice will specifically describe the proposed use in detail. The notice of intent will be posted in five places throughout the city for thirty days. If there is no objection to the proposed use, no permits other than a development permit will be required by the city. If criteria listed in Section 17.04.026(B) (1) through (3) is found, the aspirant of the proposed use will be required to apply for a conditional use permit.

1. Application for Notice of Intent. All applications shall contain:

- a. Name and address of the property owner;
- b. Name and address of the applicant, if different from the property owner;
- c. Legal description of the property, vicinity map and site plan. The site plan will include:
  - i. Scale, north arrow and date,
  - ii. Property boundaries and dimensions,
  - iii. All existing and proposed structures and their dimensions,
  - iv. Rights-of-way and easements adjacent to the property,
  - v. Off-street parking spaces and their dimensions,
  - vi. Access and driveways,
  - vii. Any topographical features that may affect the development of the property,
  - viii. Proposed use of the new structures and current use of any existing structures;
- d. A detailed description of the proposed use, including but not limited to:

- i. Number of employees,
- ii. Nature of the proposed use,
- iii. Describe any dust, odor, vibration, smoke, noise, increased traffic or parking the proposed use will generate and how it will affect the surrounding property owners,
- iv. Times and days the proposed use will be in operation.

D. Procedure for Objection to Proposed Use. An objection statement to a proposed use must be signed by no fewer than three property owners within a ten lot radius of the proposed use. The objection must be filed on forms provided by the city within the thirty-day period in which the notice of intent is posted. The objection statement shall contain a detailed description of all potential significant impacts the proposed use may have on the area. The statement shall also contain other specific reasons as to why the proposed use should be brought to public hearing. The planning commission shall not entertain objections that are feudal in nature between two neighbors.

E. Conditional Use Permit. The purpose of a conditional use permit is to provide for uses that may be suitable in certain locations within a zone but the use may not be suitable for all locations. Conditional uses must meet certain criteria before obtaining approval by the planning commission. When it has been concluded that a particular proposed use would be potentially harmful or not compatible with the nature of the surrounding area, the aspirant must apply for a conditional use permit. See Section 17.04.043 for procedure.

F. Property Development Standards.

1. Minimum lot size: one acre.
2. Minimum lot width: two hundred feet.
3. Setbacks: ten feet from property lines and road rights-of-ways when no easement is present. When applicable, state-designated setbacks and easements will take precedent over the ten-foot setback requirement.
4. Building heights: thirty-five feet.
5. Parking: all parking will be off-street and on the premises as required in Section 17.04.041.
6. Density:

- a. For separate single-family dwellings:
    - i. One acre for each single-family dwelling structure.
    - ii. No more than one separate single-family dwelling or principal structure permitted per lot or parcel without the submission of a site plan conforming to the applicable standards of Section 16.20.010, Preliminary plats.
    - iii. For uses other than residential, no more than one principal structure.
  - b. For multi-family structures:
    - i. One acre for each multifamily structure and seven thousand five hundred square feet for an additional single-family dwelling structure.
    - ii. One acre for each additional multifamily structure.
    - iii. No more than one single or multifamily dwelling or principal structure permitted per lot without the submission of a plot plan conforming to the applicable standards of Section 16.20.010, Preliminary plats.
  - c. Maximum lot coverage: fifty percent of the lot area.
  - d. Temporary structures are not subject to Section 17.04.026(F)(6)(c).
7. Signs: no signs shall cause glare on a public right-of-way or surrounding public property. Otherwise, no restrictions.
8. All new housing, commercial/industrial development and subdivision is subject to Alaska Department of Environmental Conservation review and approval. (Ord. 99-26 § 6(part), 1999; Ord. 93-23 § 6(part), 1993)

17.04.045 Amendments to the zoning title including rezoning.

A. Purpose. At some point in time the city may want to amend this title or change the zoning of a particular area. To provide for changes as a result of changing economic arrangements and factors, and for changing public need, this title may need to be amended and/or a change of land use designation or rezone may be appropriate.

B. Procedure.

1. Initiation of Rezone or Title Amendment. Changes in the zoning may be initiated by:

a. The city council on its own motion with planning commission recommendation;

b. The planning commission on its own motion with city council approval;

c. By petition signed by sixty percent of the property owners within the area of the proposed rezone. In addition to the necessary signatures the petition shall contain:

i. A legal description of the property involved,

ii. The reasons for the proposed change,

iii. A fee to cover property owner

notification.

2. Notification.

a. Notice of the hearing shall be made by first class mail to property owners within three hundred feet of the exterior property boundary (one thousand feet in the South Thorne Bay Subdivision) and shall be posted in five public places no less than ten calendar days prior to the hearing date.

b. Notice shall contain:

i. Time, date and place of hearing, name of applicant;

ii. The legal description of the property and a descriptive location of the property;

iii. A description of the intent and nature of the proposed change;

iv. The location where further information about the proposed change can be examined;

v. An explanation of the appeal process.

c. Notices shall be sent to the most recent address on the city's utility listing or city records, and if needed the most current property owner listed in the State Recording Office. Failure of a property owner to receive a notice shall not void a planning commission or city council decision if a good faith attempt was made to contact the property owner.

d. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that notification letters were sent.

e. A copy of the resolution approving or denying the application shall be sent to the applicant and to any other affected person who requests a resolution in writing.

3. Planning Commission Recommendation.

a. The planning commission shall review the proposed change at a scheduled public hearing and make a formal recommendation to the city council.

b. All formal actions of the planning commission shall be made by a resolution conforming to Section 2.48.080.

c. The planning commission must ascertain the effect the rezone or title amendment will have on the comprehensive plan and property values in the surrounding area or neighborhood.

d. The planning commission must determine the necessity and justification for the title change or rezone.

e. The planning commission must decide whether the proposed change in title or rezone would be in the public interest that a change in zone would not rezone an area not included in the proposal, and the rezone shall not be less restrictive than the zone applied for.

4. City Council Action.

a. The planning commission shall submit their findings after a public hearing in the form of a resolution to the city council.

b. The city council will schedule a public hearing to consider the planning commission recommendation. The public hearing will be scheduled at the first regularly scheduled meeting of the city council that will allow for proper notification. Notification shall be as written in subdivision 2 of this subsection.

c. For the public hearing, the city clerk shall prepare an ordinance that will state the proposed amendment to the title. The proposed ordinance will be available for introduction at the public hearing.

d. A title change that results in a zoning map change shall be identified by legal description. The change in the official zoning map or maps will be made by the city zoning official. (Ord. 93-23 § 6(part), 1993)

CITY OF THORNE BAY  
Resolution 16-07-19-01

A RESOLUTION OF THE CITY OF THORNE BAY, EXPRESSING A DEEP SENSE OF URGENCY FOR THE ALASKA STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE FIFTH SPECIAL SESSION OF THE 29<sup>TH</sup> LEGISLATURE TO PASS ALL NECESSARY FISCAL LEGISLATION REQUIRED TO PROVIDE FOR A FAIR, BALANCED, AND SUSTAINABLE STATE BUDGET

WHEREAS, Alaska has relied predominantly on the development of its vast oil reserves to fund the majority of state government expenditures over the past 35 years, yet production of Alaskan North Slope crude oil has steadily decreased over the past 25 years; and

WHEREAS, global oil prices have dropped significantly over the past two years and are projected to remain relatively low for the foreseeable future; and

WHEREAS, the combination of reduced oil production, reduced oil prices, and an overreliance on oil revenue as state government's primary source of funding has resulted in a massive state fiscal deficit; and

WHEREAS, the State of Alaska's credit rating has dropped due to the current fiscal imbalance, and will continue to be downgraded, if the Legislature fails to take appropriate action in 2016; and

WHEREAS, major business leaders in the state have warned they would be unlikely to continue making significant commercial investments in Alaska if the Legislature fails to address the fiscal deficit in 2016; and

WHEREAS, Governor Walker has introduced a complete fiscal plan to provide for a sustainable and predictable balanced budget, using the strength of our existing financial assets, a balanced blend of spending reductions, and additional new revenues; and

WHEREAS, following adjournment of the 2016 regular session and fourth special session of the 29<sup>th</sup> Legislature, the Legislature failed to enact any component of any fiscal plan, and instead continued past practice of funding the FY2017 budget from dwindling cash reserves; and

WHEREAS, cash reserves typically used to cover budget deficits are now depleted such that they are insufficient to cover next year's budget, threatening the state's annual dividend program and potentially the state's Permanent Fund itself; and

WHEREAS, every dollar of cash reserves spent on one-time budget shortfalls, is then unavailable to continue working for the state as an ongoing income-producing asset in the future; and

WHEREAS, since spending down cash reserves reduces the amount of sustainable revenue we can generate from our financial assets in the future, increases in other sources of revenue (taxes) will become necessary to compensate; and

WHEREAS, without immediate enactment of a balanced fiscal plan, the Permanent Fund Dividend program will end in approximately four years, and the inevitable dramatic state cost shifts to municipalities will require significant local tax increases, endangering the viability of many Alaskan communities.

WHEREAS, now more than ever is the time for statesmanship, not provincial politics or electioneering rhetoric. Politically difficult, but financially sound decisions are required immediately.

NOW, THEREFORE, BE IT RESOLVED BY THE City of Thorne Bay, that:

Section 1. The City Council of the City of Thorne Bay calls upon the Alaska State Legislature to take affirmative and immediate action during the fifth special session of the 29<sup>th</sup> Legislature to enact a comprehensive package of initiatives that will provide for a sustainable, balanced state budget for the foreseeable future.

Section 2. The City Council of the City of Thorne Bay appreciates the difficult work of the Administration to put forth one possible comprehensive fiscal solution; and while the City of Thorne Bay may not support every aspect of this plan, does recognize it as the appropriate foundation for legislative deliberation.

Section 3. The City Council of the City of Thorne Bay insists that the Alaska State Legislature engage in meaningful discussions of all fiscal options without regard to perceived negative political fallout.

Section 4. The City of Thorne Bay Clerk is instructed to transmit a copy of this resolution to every member of the Alaska State Legislature, the Governor, and all local media outlets.

PASSED AND APPROVED BY THE City of Thorne Bay, this 19 day of July, 2016.

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC