

AGENDA
FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS
CITY HALL
TUESDAY
March 17, 2015
6:30p.m.

The meeting will be preceded by a workshop beginning at 6:00p.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:
 - A. Minutes for the March 3, 2015, City Council Meeting, discussion and action item:
10. NEW BUSINESS:
 - A. Authorizing a second boat stall for Alan Ross, discussion and action item:
(Mr. Ross is requesting a boat stall rental for Davidson Landing and currently pays for an annual boat stall in the main harbor. Thorne Bay Municipal Code requires authorization from the City Council for one household to have two boat stalls)
 - B. Approval of lease agreement between Crown Alaska and the City of Thorne Bay, for leasing land in the sort yard to store equipment, discussion and action item:
11. ORDINANCES FOR PUBLIC HEARING:
 - A. Ordinance 15-03-17-01, amending Title 17-zoning, Chapter 17.04-planning and zoning, section 17.04.015-defenitions, discussion and action item:
 - B. Ordinance 15-03-17-02, amending Title 13-utilities, Chapters 13.70-solid waste, 13.52-water and 13.48-Sewer, discussion and action item:
 - C. Ordinance 15-03-17-03, amending Title 15-buildings and construction, adding Chapter 15.10-site control, discussion and action item:
 - D. Ordinance 15-03-17-04, amending Title 16-subdivisions, Chapter 16.08-definitions, Section 16.08.090-subdivision, discussion and action item:
12. EXPENDITURES EXCEEDING \$2,000.00:
13. EXECUTIVE SESSION:
14. CONTINUATION OF PUBLIC COMMENT:
15. CONTINUATION OF COUNCIL COMMENT:
16. ADJOURNMENT:

MINUTES
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OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS
CITY HALL
TUESDAY
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6:30p.m.

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

1. CALL TO ORDER:

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

2. PLEDGE TO FLAG:

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

3. ROLL CALL:

Slayton, Minnillo and Edenfield were present. Hartwell, McDonald and Gould attended by phone. Carlson was excused.

4 APPROVAL OF AGENDA:

Minnillo moved to approve the agenda. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Minnillo/Slayton

YEAS: Minnillo, Gould, McDonald, Slayton, Edenfield and Hartwell

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor Gould stated he hoped to be back in Thorne Bay shortly after the 13th of March.

6. CITY ADMINISTRATOR'S REPORT:

Wayne Benner, City Administrator read his report. (Report Attached)

7. PUBLIC COMMENTS:

Jim McFarland commented on the following:

- He attended the VoTech meeting, meetings will be held quarterly
- Wale House rededication set for September 3rd 2016
- Dinner out in Thorne Bay March 10th 5pm

Doug MacAllister commented on the following:

- Construction of driveways
- Pool Engineering Barge will be in Thorne Bay when price of aluminum rises
- Commented on getting Seaford's cars ready to go on the barge

Guy Lane commented on the following:

- The culvert as your entering town failing
- Fill on City Property
- Council meeting advertising not being done properly

8. COUNCIL COMMENTS:

Slayton inquired if the City had talked to Max about the driveways that are washing out the roads?

McDonald stated the Seaford's Conditional Use permit will be up on August 4, 2015. Last inspection of the property was on October 6, 2014. McDonald stated he would do another inspection when he returns to make sure the Seaford's are up to date on what is required for the Conditional Use Permit and what needs to be done prior to August 4, 2015, in order to avoid penalties for violating Conditional Use Permit. McDonald stated he wanted to help Shane get this done on time. Gould asked Wayne to put a letter together in regards to the Seaford's permit.

Minnillo stated John Hudson asked that the City put together a grant proposal for North Road. Minnillo read a note submitted by the City Clerk stating that the City Council meeting was posted on the City Website on February 25th and posted around town on February 26th. Pictures of the postings are taken and emailed the same day to show proof of time and day of meeting notice postings.

9. CONSENT AGENDA:

- A. Minutes for the February 17, 2015, City Council Meeting, discussion and action item:

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

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

10. NEW BUSINESS:

- A. City contribution to the Prince of Wales Island Lions Club Salmon Derby 2015, discussion and action item:

Minnillo moved to donate to the POW Lions Club for the 2015 Salmon Derby. Hartwell seconded the motion. There was discussion.

Minnillo moved to amend his motion to insert \$500.00 as the donation amount. Hartwell amended his second.

Slayton inquired where the weigh in station would be located. Jim McFarland stated the McFarland's Floatel.

MOTION: Move to amend the motion inserting \$500.00 as the donation amount
F/S: Minnillo/Hartwell
YEAS: Slayton, Hartwell, Gould, Minnillo, Edenfield, and McDonald
NAYS: None
STATUS: Motion Passed.

MOTION: Move to donate \$500.00 to the POW Lions Club for the 2015 Salmon Derby
F/S: Minnillo/Hartwell
YEAS: McDonald, Edenfield, Minnillo, Gould, Hartwell and Slayton
NAYS: None
STATUS: Motion Passed.

11. ORDINANCES FOR INTRODUCTION:

A. Ordinance 15-03-17-01, amending Title 17-zoning, Chapter 17.04-planning and zoning, section 17.04.015-defenitions, discussion and action item:

Minnillo moved to approve Ordinance 15-03-17-01. Slayton seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance 15-03-17-01
F/S: Minnillo/Slayton
YEAS: McDonald, Minnillo, Gould, Edenfield, Hartwell and Slayton
NAYS: None
STATUS: Motion Passed.

B. Ordinance 15-03-17-02, amending Title 13-utilities, Chapters 13.70-solid waste, 13.52-water and 13.48-Sewer, discussion and action item:

Minnillo moved to approve Ordinance 15-03-17-02. Edenfield seconded the motion. Gould stated this ordinance did not establish the rate for long term discontinued utility services, only allows for the City to establish a rate by resolution in the future. There was further discussion.

MOTION: Move to approve Ordinance 15-03-17-02
F/S: Minnillo/Edenfield
YEAS: Edenfield, Slayton, Gould, Hartwell, Minnillo and McDonald
NAYS: None
STATUS: Motion Passed.

C. Ordinance 15-03-17-03, amending Title 15-buildings and construction, adding Chapter 15.10-site control, discussion and action item:

McDonald moved to approve Ordinance 15-03-17-03. Minnillo seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance 15-03-17-03
F/S: McDonald/Minnillo
YEAS: McDonald, Minnillo, Edenfield, Gould, Slayton and Hartwell
NAYS: None
STATUS: Motion Passed.

D. Ordinance 15-03-17-04, amending Title 16-subdivisions, Chapter 16.08-definitions, Section 16.08.090-subdivision, discussion and action item:
Minnillo moved to approve Ordinance 15-03-17-04. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 15-03-17-04
F/S: Minnillo/Slayton
YEAS: McDonald, Minnillo, Gould, Hartwell, Slayton and Edenfield
NAYS: None
STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:
There were no expenditures exceeding \$2,000.00.

13. EXECUTIVE SESSION:
No executive session was held.

14. CONTINUATION OF PUBLIC COMMENT:
Doug MacAllister commented on the following:

- North Road culvert replacement
- North Road bridge

15. CONTINUATION OF COUNCIL COMMENT:
Minnillo stated he hoped the grant would pay for locating the road in the correct spot on North Road and installing the bridge on North Road.
McDonald thanked the staff for refining the Thorne Bay ordinances. McDonald stated he heard a comment from the Local Government Specialist that Thorne Bay's Code is good compared to other communities.

16. ADJOURNMENT:
Minnillo adjourned the meeting at 7:14p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

ADMINISTRATOR'S REPORT 3-3-15 Wayne Benner

Meetings Attended and Updates:

1. POWCAC meeting will be March 31st in Thorne Bay.
2. Southeast Conference March 17-18 in Juneau.
3. Next SEASWA conference call Wed March 18 during the SE Conference.
4. On the City website and posted around town is a survey being conducted by DOWL for gathering information in connection with the study they are doing which will provide recommendations for the harbor and uses along the harbor. The study includes the lands from the Sort Yard past the Sewage Treatment Plant.

Tasks and Projects:

1. Working on Municipal Code updates and revisions in the planning and zoning codes that are in conjunction with the DOWL study.
2. Working on several recommendations for Utilities, Parking and Sales Tax code changes that will help generate revenues.
3. The lease to the school district for property that the old restaurant building sits on does include other buildings or additions associated with the restaurant or to allow the school to display and sell items.
4. February must have been business month as I had a meeting with two prospective new businesses that are researching communities on the island to see which might be the best fit. Both which could have a very positive impact on Thorne Bay.

New Business:

1. City contribution to the Prince of Wales Island Lions Club Salmon Derby. The Lions Club is trying to resurrect a long standing program for Thorne Bay. A program that has a positive economic impact for businesses in the community.
2. Ordinance 15-03-17-01 clarifies and simplifies how building height is determined. Uses an existing point rather than allowing a site to be modified to create an artificial point. This was a recommendation after a view was blocked on Scenic View Court.
3. Ordinance 15-03-17-02 clarifies and adds that a person requesting a Temporary Disconnect will be charged a monthly inactive fee. This is to address the issue that the city still must treat and supply water even when the service is temporarily shut off.
4. Ordinance 15-03-17-03 adds a new section into the code to address site work on properties that could create issues that may be detrimental to other properties and or public lands such as road right-of-ways. This was a recommendation after the undermining of the road right-of-way in Greentree Heights.
5. Ordinance 15-03-17-04 clarifies the definition of Subdivision wherein tideland surveys and other surveys that create separate parcels that are not intended for resale, are excluded for the platting process. Tide land leases must be surveyed for the State to convey a lease but the ownership still remains with the State or the city may lease a portion of property but the ownership still remains the same.

Harbor and Parks: DOWL is working with a builder in creating a design build project for the Davidson Landing restrooms, water catchment and infrastructure for a caretaker facility.

Streets and Roads: MOU with Kasaan for assistance with road maintenance is signed and in place.

Water and Sewer: The City is advertising for a Utility Operator. The position is to assist in the utility department and other departments as needed.

Solid Waste: I met with City Administrators from Craig, Klawock and Coffman Cove to discuss recycling and the possibilities of an Island program since the recyclable material is all being sent to the same company. I will be meeting with Pool Engineering at SE Conference to discuss a scrap metal contract and the same idea of having an Island wide program.

Law Enforcement: For those that do not know VPSO O'Malley is no longer working for the Tlingit Haida Central Council. The Kasaan and Hydaburg VPSO are sharing time in Thorne Bay as are the Troopers while the Central Council goes through the steps to place a new VPSO in Thorne Bay.

FIRE/EMS: The City EMS has been shorthanded for a while due to the loss of two first responders that left Thorne Bay last year and now respond for Klawock. Not totally a loss as they now respond to Thorne Bay under the City's MOU with Klawock for EMS service. Cindy, who has acted as a temporary Fire Chief, has offer to volunteer until the department can elect a new Chief to replace O'Malley.

Library: The library

My Comment,

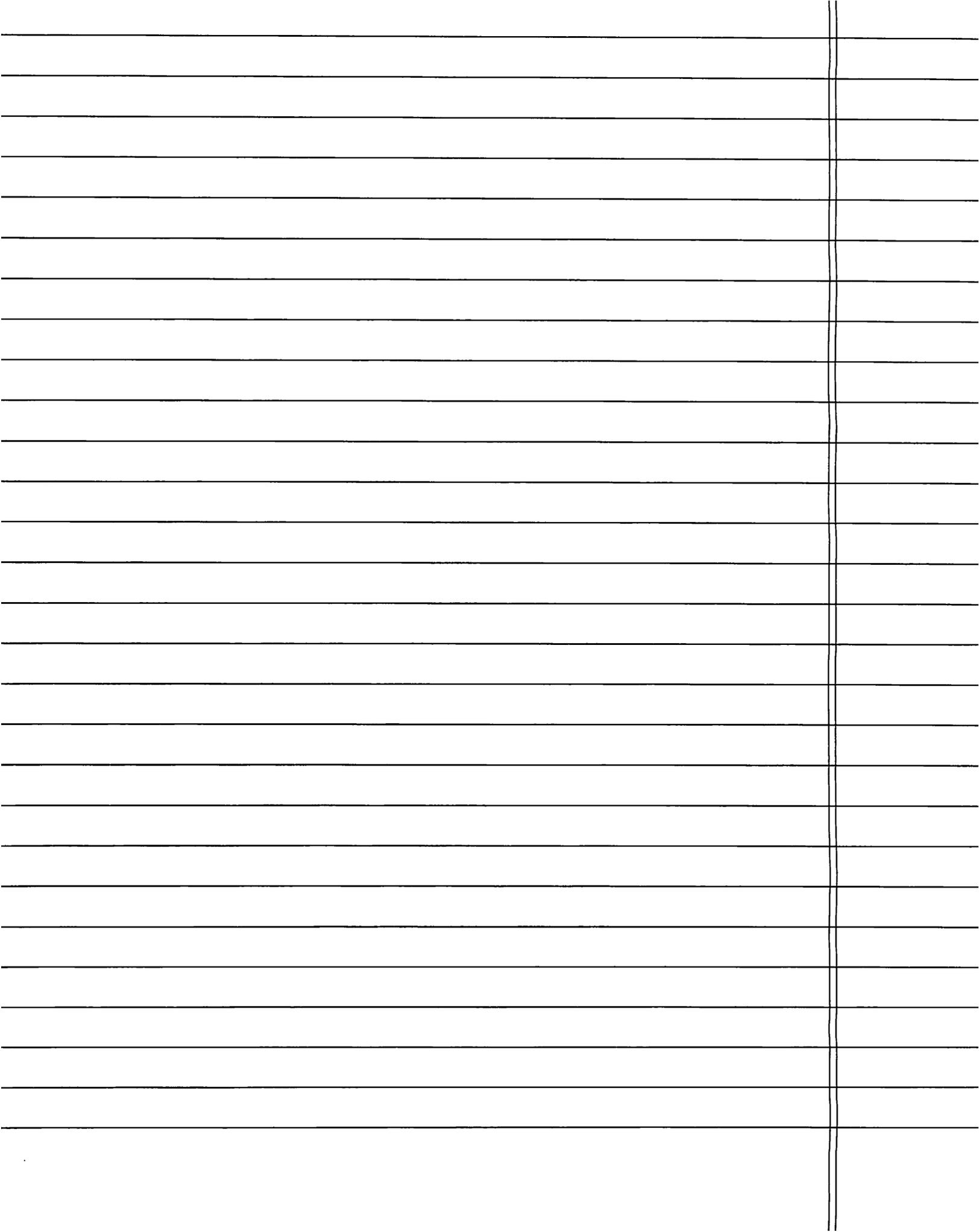
In January -

- Attend The Vote - Board of Directors initial Meeting
- Not all appointed members were present so officers were not elected -
- Meetings will be Quarterly - May

In February - Celebration

- Whale House Rededication planning has begun
- 8 separate committees have been established & have started meeting -
- Sept 3rd 2016 has been selected
- Volunteers will be needed from around the Island
- Planning on 1000 people, 30 native Canoes, a meal for everyone at \approx 4PM.
- Celebration at the whale house will be between 1pm and 3pm

- Dinner out in Home Day - March 10th 5PM
- Fundraiser Dinner for H.S. Volleyball.
- Desert Auction will follow -
- ASC Meeting will start at 6pm



CITY OF THORNE BAY
ORDINANCE 15-03-17-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 17-ZONING, CHAPTERS 17.04-PLANNING AND ZONING, 17.04.015-
DEFINITIONS (B) BUILDING HEIGHT

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 17-zoning, 17.04-planning and zoning, section 17.04.015-definitions (b), is hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED March 17, 2015

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: March 3, 2015]
[Public Hearing: March 17, 2015]

Ordinance 15-03-17-01

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ADDITIONS ARE IN BOLD

Deletions have a strikethrough

TITLE 17
ZONING
CHAPTER 17.04
PLANNING AND ZONING

Section 17.04.015 Definitions - Interpretation of words not listed: when a word or term is not specifically stated, the city shall have authority to interpret the meaning based on the most appropriate dictionary definition.

"B"

~~"Building height" Building height shall be measured from the lowest point of above ground foundation to the roof peak, excluding chimneys and aerial antennas. Severe slope may be grounds to seek a variance from building height limitations.~~

Replace with

"Building height" Building height shall be measured from the mid-point along the lot line from which the lot and building site are accessed.

CITY OF THORNE BAY
ORDINANCE 15-03-17-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 13-UTILITIES, CHAPTERS 13.14-SEWER, 13.52-WATER, AND 13.70-
SOLID WASTE; SECTIONS 13.14.080-TEMPORARY DISCONNECTION OF SERVICES,
13.52.010-DISCONTINUANCE OF WATER SERVICE, 13.70.300-TEMPORARY
DISCONNECTION OF SERVICE

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 13-Utilities, Chapters 13.70.300, 13.14.080, and 13.52.010, are hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED March 17, 2015

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: March 3, 2015]
[Public Hearing: March 17, 2015]

Additions are in bold

Deletions have a strikethrough

TITLE 13-UTILITIES
CHAPTER 13.52-WATER

~~Section 13.52.010 Temporary discontinuance of service. A customer may request a temporary discontinuance of water service upon advance written notice to the City. All temporary disconnections will be no less than thirty days. Customer will be charged a ten dollar service charge (plus tax) to have such service restored. (Ord. 12-11-20-01)~~

Change to:

13.52.010 Temporary Discontinuance of service. A customer may request a temporary discontinuance of water service upon advance written notice to the City. All disconnections will be no less than thirty days and no more than 120 days without written approval for the City Council. Temporary Discontinuance of service will be charged a monthly inactive fee, according to the current rate schedule established by Resolution and incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's water service. Customer will be charged a ten dollar service charge (plus tax) to have such service restored.

TITLE 13-UTILITIES
CHAPTER 13.14 – SEWER

~~Section 13.14.080 Temporary discontinuance of service. A customer may request a temporary discontinuance of sewer service upon advance written notice to the City. All temporary disconnections will be no less than thirty days. Customer will be charged a ten dollar service charge (plus tax) to have such service restored. (Ord. 12-11-20-01)~~

Change to:

13.14.080 Temporary Discontinuance of service. A customer may request a temporary discontinuance of sewer service upon advance written notice to the City. All disconnections will be no less than thirty days and no more than 120 days without written approval for the City Council. Temporary Discontinuance of service will be charged a monthly inactive fee, according to the current rate schedule established by Resolution and incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's sewer service. Customer will be charged a ten dollar service charge (plus tax) to have such service restored.

TITLE 13-UTILITIES
CHAPTER 13.70-SOLID WASTE

~~13.70.300 Temporary discontinuance of service Customer request. customer may request a temporary discontinuance of Solid Waste service upon advance written notice to the City. All temporary disconnections will be no less than thirty days. Customer will be charged a ten dollar service charge (plus tax) to have such service restored.. (Ord. 88-48 § 5(part), 1988) (Ord. 12-11-20-01)~~

Change to:

13.70.300 Temporary Discontinuance of service. A customer may request a temporary discontinuance of garbage service upon advance written notice to the City. All disconnections will be no less than thirty days and no more than 120 days without written approval for the City Council. Temporary Discontinuance of service will be charged a monthly inactive fee, according to the current rate schedule established by Resolution and incorporated in this chapter by reference. Any reconnection within thirty days of discontinuance will be charged the rate established for a full month's garbage service. Customer will be charged a ten dollar service charge (plus tax) to have such service restored. Garbage service may not be discontinued while water and sewer services are being delivered and used in the home.

CITY OF THORNE BAY

ORDINANCE 15-03-17-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 15-BUILDINGS AND CONSTRUCTION ADDING CHAPTER 15.10-SITE
CONTROL, SECTIONS 15.10.010, 15.10.020 AND 15.10.030.

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. Title of Thorne Bay Municipal Code 15-Buildings and Construction will be amended to add Chapter 15.10-Site Control and sections 15.10.010, 15.10.020 and 15.10.030, upon adoption this title is hereby amended to add the above referenced chapter and sections.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED March 17, 2015

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: March 3, 2015]

[Public Hearing: March 17, 2015]

**TITLE 15
BUILDINGS AND CONSTRUCTION
ADDING CHAPTER 15.10 SITE CONTROL
ADDING SECTIONS
15.10.010-HAZARDS, 15.10.020-SLOPE, AND 15.10.030-SITE WORK**

Addition of Chapter 15.10-Site Control, to Title 15 of the Thorne Bay Municipal Code

15.10.010 Hazards. Whenever the Chief executive officer or his delegate determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Chief executive officer or his delegate, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

15.10.020 Slope. The slope of cut and fill surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless a soils engineering or an engineering geology report, or both, stating that the site has been investigated and given an opinion and stabilization recommendation, that a cut at a steeper slope will be stable and not create a hazard to public or private property.

15.10.030 Site Work. All grading, excavation and removal or destruction of natural topsoil, trees or other natural vegetation shall follow Best Management Practices. Excavation should be fitted to the topography and soil conditions to create the least impact. Exposed soils should be re-vegetated as soon as practical.

CITY OF THORNE BAY
ORDINANCE 15-03-17-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 16-SUBDIVISIONS, CHAPTER 16.08-DEFINITIONS, SECTION
16.08.090-SUBDIVISION

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 16-Subdivisions, Chapter 16.08-definition, Section 16.08.090-subdivision, hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED March 17, 2015

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: March 3, 2015]
[Public Hearing: March 17, 2015]

Ordinance 15-03-17-04

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Additions are in bold

Deletions have a strikethrough

TITLE 16
SUBDIVISION
CHAPTER 16.08
DEFINITIONS
SECTION 16.08.090

~~16.08.090 Subdivision. "Subdivision" means a division of land into two or more lots, tracts or parcels. (Ord. 87-01 § 14(part), 1987)~~

16.08.090 Subdivision. "Subdivision" means a division of land into two or more lots, tracts or parcels. Surveying and recording, either by plat or record of survey, of tide lands, submerged lands, or other lands does not constitute a subdivision of land if no ownership is transferred.