

AGENDA  
FOR THE REGULAR MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY  
ALASKA,  
COUNCIL CHAMBERS  
CITY HALL  
TUESDAY  
September 1, 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 July 21, 2015, City Council Meeting, discussion and action item:
  - B. Minutes for the August 4, 2015, City Council Meeting, discussion and action item:
  - C. Minutes for the August 18, 2015, City Council Meeting, discussion and action item:
10. OLD BUSINESS:
  - A. Resolution 15-09-01-01, amending Resolution 13-07-02-02, establishing a fee structure for Fire and EMS services, discussion and action item:
11. NEW BUSINESS:
12. ORDINANCES FOR PUBLIC HEARING:
  - A. Ordinance 18-09-01-01, amending Title 10 – Vehicles and Traffic, Chapter 10.20-Parking Standing and Stopping, Section 10.20.060-Off street parking place and removal of unauthorized vehicles, discussion and action item:
13. EXPENDITURES EXCEEDING \$2,000.00:
  - A. Expenditure of \$4,971.72 too Alaska Pump and Supply for repair of lift station, discussion and action item:
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:

**Faxed August 26, 2015 - A&P, SISD, USFS, The Port, Thorne Bay School**  
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MINUTES  
FOR THE REGULAR MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY  
ALASKA,  
COUNCIL CHAMBERS  
CITY HALL  
TUESDAY  
July 21, 2015  
6:30p.m.

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

1. CALL TO ORDER:

Mayor Gould 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:

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

(Edenfield left on an emergency call before the consent agenda item and did not return to the meeting)

4 APPROVAL OF AGENDA:

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

MOTION: Move to approve the agenda

F/S: Gould/McDonald

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

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor Gould reported on the following:

- Will be attending AML in Ketchikan in August
- And attending Southeast conference in Prince Rupert in September

6. CITY ADMINISTRATOR'S REPORT:

There was no Administrator report given.

7. PUBLIC COMMENTS:

Thom Cunningham read a letter submitted by Lavenia Sylvia. (Letter attached to the minutes)

Lana Clark commented on the following:

- Requested the council consider allowing for WIFI service at the library

Thom Cunningham commented on the following:

- Seafords Conditional Use Permit deadline, not opposed to additional month, but encouraged a letter of abonishment for not meeting the deadline.

8. COUNCIL COMMENTS:

Gould stated the City had sent a letter to Seafords in the past for not meeting a requirement of the Conditional Use Permit.

9. CONSENT AGENDA:

- A. Minutes of the June 23, 2015, Special City Council Meeting, Discussion and action item:
- B. Minutes of the July 6, 2015, Regular Planning and Zoning Commission Meeting, discussion and action item: (this meeting was the City Council “acting” as the Planning Commission)
- C. Minutes for the July 7, 2015, City Council Meeting, discussion and action item:

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

MOTION: Move to approve the consent agenda

F/S: Gould/Hartwell

YEAS: Carlson, Gould, Hartwell, McDonald and Minnillo

NAYS: None

STATUS: Motion Passed.

10. OLD BUSINESS:

- A. Update on Seaford Conditional Use Permit, discussion item:

McDonald stated the Seaford Conditional Use Permit (CUP) was expiring on August 4, 2015. McDonald stated he wanted to inform the council of what has been happening on the property. McDonald handed the council his comment and review packet on the property (attached to the minutes). McDonald stated there had been some activity on the property, but still had approximately 11 vehicles that needed to be moved. McDonald stated the Municipal Code allowed for the council to assess penalties of up to \$100 per day for not meeting the deadline of the CUP. Hartwell inquired if people were still living on the property. McDonald stated he had not seen any activity. Mr. Thom Cunningham stated there were still people living on the property. Minnillo inquired if McDonald would be making another inspection of the property before the 4<sup>th</sup>. McDonald stated he would go out and inspect the 3<sup>rd</sup> or 4<sup>th</sup> of August.

11. NEW BUSINESS:

- A. Resolution 15-07-21-01, a resolution of the city council supporting POWCAC recommendation for formation of an Island Wide Borough, discussion and action item:

Gould moved to approve Resolution 15-07-21-01. McDonald seconded the motion. Gould informed the audience and council that this resolution did not make the island a borough. Gould stated the draft borough charter would have to be voted on by all the communities and if it passed would be put on the “shelf” until such time it was needed. Gould stated the citizens of the island would all vote on whether or not to become a borough.

MOTION: Move to approve Resolution 15-07-21-01

F/S: Gould/McDonald

YEAS: Minnillo, Hartwell, Carlson, Gould and McDonald

NAYS: None

STATUS: Motion Passed.

- B. Resolution 15-07-21-04, Entering into a compliance order by consent with the DEC, discussion and action item:

Gould moved to approve Resolution 15-07-21-04. Hartwell seconded the motion. Gould read the resolution for the record (resolution attached to the minutes).

MOTION: Move to approve Resolution 15-07-21-04  
F/S: Gould/Hartwell  
YEAS: McDonald, Minnillo, Carlson, Gould, and Hartwell  
NAYS: None  
STATUS: Motion Passed.

- C. Resolution 15-07-21-02, amending Resolution 13-07-02-01, and establishing new harbor rates for Davidson Landing and Main Harbor, discussion and action item:

Gould moved to approve Resolution 15-07-21-02. McDonald seconded the motion. Gould explained the resolution would increase the harbor rates. Gould read the resolution for the record.

MOTION: Move to approve Resolution 15-07-21-02  
F/S: Gould/McDonald  
YEAS: McDonald, Minnillo, Carlson, Gould and Hartwell  
NAYS: None  
STATUS: Motion Passed.

- D. Resolution 15-07-21-03, amending Resolution 13-03-05-02, and establishing new water and sewer rates for the City of Thorne Bay, discussion and action item:

Gould moved to approve Resolution 15-07-21-03. Hartwell seconded the motion. Gould explained the resolution increased the water rates by \$5, and the sewer rates by \$7. There was further discussion.

MOTION: Move to approve Resolution 15-07-21-03  
F/S: Gould/Hartwell  
YEAS: McDonald, Minnillo, Carlson, Gould and Hartwell  
NAYS: None  
STATUS: Motion Passed.

- E. Appointing Jim Silverthorn as Fire Chief for the City of Thorne Bay Volunteer Fire Department, discussion and action item:

Gould moved to appoint Jim Silverthorn as Fire Chief for the City of Thorne Bay Volunteer Fire Department. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to appoint Jim Silverthorn as Fire Chief for the City of Thorne Bay Volunteer Fire Department  
F/S: Gould/Hartwell  
YEAS: Hartwell, Gould, Carlson, Minnillo and McDonald  
NAYS: None  
STATUS: Motion Passed.

- F. Appointing Cindy Edenfield EMS Captain for the City of Thorne Bay Volunteer EMS Department, discussion and action item:

Gould moved to appoint Cindy Edenfield as EMS Captain for the City of Thorne Bay EMS Department. Minnillo seconded the motion. There was no further discussion.

MOTION: Move to appoint Cindy Edenfield as EMS Captain for the City of Thorne Bay EMS Department  
F/S: Gould/Minnillo  
YEAS: Carlson, Minnillo, McDonald, Gould and Hartwell  
NAYS: None  
STATUS: Motion Passed.

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

13. EXECUTIVE SESSION:

A. **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**

Gould moved to 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. Hartwell seconded the motion.

MOTION: Move to 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

F/S: Gould/Hartwell  
YEAS: McDonald, Minnillo, Carlson, Gould and Hartwell  
NAYS: None  
STATUS: Motion Passed.

14. CONTINUATION OF PUBLIC COMMENT:

Glenn Lorton commented on the following:

- Inquired if the city would receive enough points needed for the funding requirement with only increasing the rates in increments rather than increase the full amount needed for the departments to fund themselves.
- No time for public to comment on agenda items before they are passed. Mr. Lorton stated there are times the council will make comments about an item on the agenda that the public may want to comment on, but they do not have the opportunity to comment before the council votes.

Thom Cunningham commented on the following:

- Seaford Conditional Use Permit – violation of permit by renters accumulating vehicles on the property.

15. CONTINUATION OF COUNCIL COMMENT:

Gould stated the council will consider setting up a comment period for the public during the agenda item. Gould stated allowing comments from the public during the agenda item would not be a time for question and answers from the council, but only a time for public

to comment on the item. Gould stated he has always valued the public's comments on agenda items.

Hartwell stated the council used to allow public comment during agenda items and did not know why they stopped.

Gould replied it was at the direction of the City Attorney.

16. ADJOURNMENT:

Gould adjourned the meeting at 7:34pm.

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

July 21, 2015

To: Council members Risa Carlson, Cindi Edenfeld, Jim Gould, Harvey McDonald, Bob Hartwell, Mark Minnillo, Ray Slayton

We were not notified that the City Council would be having an Update on the Seaford Conditional Use on July 21, 2015, I found out on July 19, 2015 when I dropped the '95 at Tracy's. I will be unable to change my scheduling at this late date to attend the meeting.

However, I would like to make a statement.

At the time of my last correspondence to Council, Mr. Seaford told me that he would make the deadline and that he would like to get this all over, as do we. Indeed, there is no reason why he could, or can, not do so. Sunday, July 19, 2015 at The Port, Mr. Seaford stated that he is requesting a month extension to the Conditional Use.

The City per their March 11, 2015 letter to the Seafords stated that they "will be" penalized at the rate of up to \$100.00 per day if they fail to meet the deadline.

The city administrator, Mr. Benner, stated to me on March 23, 2015, that a penalty "may be" levied, but this is incorrect per the language and intent of the March 11, 2015 letter .

I am asking the council to levy a fine of **\$1.00 to \$15.00 per day for each day in the first 30 days following the end of the conditional use**, and a penalty of between **\$50.00 to \$99.00 per day for the next 30 days, with the maximum penalty of \$100.00 for each day beyond 60 days.**

**During August 2013 we brought this issue to the attention of the City Mayor. It has been ongoing for almost two years .**

Attached is a letter Mr. Shane Seaford and his mother sent to Mr. Sonny Martin who had vehicles on the Seaford lot without Mr. Seaford's permission. In the letter, Mr. Martin was told that a penalty \$15.00 per day per 365 days is owed if his (Mr. Martins) vehicles were not cleared in a defined period and that the vehicles would belong to the Seafords. ~~I loved reading that letter, as I could hear Yvonne singing out that any of his stuff left on the pit "is MINE" (emphasis added).~~ It is what I would have written, too.)

As Mr. Martin testified in his accompanying letter ( included in the attachment 1) he essentially immediately trotted out and removed all but one of his vehicles.

There are three lesson in the Seaford to Martin Letter ;

- 1.) If the City does not, at least the Seafords understand the power of an enforcement order (vs. a conditional use) – a timeline with an action (milestone) to be completed, followed with a penalty for failure to comply (loss of property plus \$15.00 per day ).
- 2.) Mr. Martins prompt compliance with the letter tells me that the **knowledge that a penalty WILL BE levied vs a penalty MAY BE levied is the best method of ensuring compliance.**
- 3.) The letter tells me that Mr. Seaford employed one effective method to stop dumping, or force parties to act responsibly and retrieve their vehicle. Mr. Seaford can employ this means of getting the guilty parties, such as Mr. McAllister and his renters (@ seven vehicles)to act as responsible residents. I witnessed Mr. Seaford and his father-in-law present when five (5) of the 35 vehicles Mr. Doug McAllister’s planned on bringing to “ Seafords Pit” arrived; so there was knowledge of who some of the perpetrators were. A version of the Sonny Martin Letter to Mr. McAllister and other violators of his private property can help in the removal especially since they are in violation of State, and I hope City dumping regulations. And as City Clerk Teri Feibel stated to me, she would have called the State Troopers if any one dumped on her property, as most property owners, including myself would and should do.

To put the task of cleaning up fifty vehicles in proper perspective I want the council and public to know of my nephew Allan.

Allan, a medevac Blackhawk pilot spent six (6) tours of duty in the Mideast since 9/11; two (2) in Iraq and four (4) in Afghanistan and prior to 9/11 two (2) years at the Korean DMZ. He has missed holidays, family dinners, his wife and four children’s birthdays, anniversaries, soccer and gymnastic meets, school activities, Sunday dinners, kissing his wife and children good night for those eight (8) years. During those eight years, Allan did not sleep in his own bed in his own home every night.

During pitched battles that lasted for days on end , Allan flew continuous medevac flights into hot zones, medevacuating civilian as well as Taliban and US wounded and dead.

A couple of days ago, I asked my brother how Allan was doing in adjusting to civilian life, and David told me he is doing well, but he has recurring nightmares about an 18 year old soldier. David told me about the young man who had IED burns on 95% of his body, hearing the unhuman screams of this young soldier above the sound of silence induced by his ear protectors turned to mute. The medics told Allan that it was merciful that the boy died as his organs were cooked.

I am telling you about Allan and this young soldier because they are not extraordinary. They did what men (and women) have done the world over throughout history in all walks of life, meet their responsibilities without complaint (well, caveat as soldiers are known for grouching) and reasons "why not".

While listening to Mr. Seaford at the Port, and remembering Allan and this 18 year old soldier, I thought, "There is no reason why Shane cannot complete this task in a timely manner." Mr. Seaford is a capable and amiable young man. He is more than capable of being successful in completing the task of meeting the deadline.

So I ask the Council to not extend the conditional use, but levy a penalty on a graduated scale on a per 30 day basis: **\$1.00 to \$15.00 per day for the first 30 days, \$50.00 to \$99.00 per day for the second 30 days**, and the full penalty of \$100.00 per day until the lot is cleaned.

Regards,

^  
after 60 days



Lavenia R. Sylvia

11-25-11

sc/s

Dear Sonny,

You have two weeks to get anything that belongs to you off our property or ~~it's~~ mine!

You owe \$15,000 per item per day for 365 days.

Please do not tell people they can take what they want from our property. That's against the law. You have been told many times to quit putting stuff on our property. For some reason you think that is OKay.

You owe us money you've never paid way back to when Brandi was in high school!

Martin  
Sonny

ALWAYS PAY FOR DELIVERY TO THE RIGHT ADDRESS. POSTAGE WILL BE PAID BY ADDRESSEE.  
CERTIFIED MAIL



0146 0922 1000 0202 6002

all do you think  
that's okay?

Please pay up to  
Yvonne Seaford  
Seaford

1-12-14

To Whom It May Concern,

I William B. Martin as of this Date 1-12-14 Only have one Vehicle a Cherokee Jeep that has been striped By people wnt rownto me. I did recieve a certified letter From the Seafords on 11-25-11,

Which was very confusing to me. See attached letter. I did not at any time tell anyone that they could take anything off Seafords Property.

As for the Money's he thinks I own, I was paid in full with his Father.

I did remove one 8x12 building, 2ea 20FT Vans, 1ea 40 FT Log Trailer. ALL of which belonged to the Estate of Don Tryon & Lyle Krume.

William B. Martin

1/12/14

Thorne Bay Public Library  
Wi-Fi Q&A

As you might have heard, the Library hopes to make Wi-Fi available for all patrons. After speaking with the City Administration, they've have decided to bring the decision before the City Council. In order to clarify topics surrounding this service, we at the Library have created this Q&A to answer some questions people may have.

Q: Will Wi-Fi increase Library costs?

A: No, we are already paying for the service and making it accessible to the community will incur no extra costs.

Q: Will the increased usage cost more?

A: No, we do not pay based on data usage

Q: Will I be able to access anything?

A: No, there are several filters that will block viewing explicit or inappropriate content. With that said, we will do our best to make sure you have access to as many websites as possible while keeping the Library a safe, family friendly space.

Q: Will Wi-Fi slow down the Library Internet connection?

A: Yes, but only if many people use it at once. As we all know, the more people use a broadband connection the slower it gets. However, compared to the fluctuation in overall connectivity and given current Library Internet usage, the effects should be minimal.

Q: Will there be a limit on the number of users?

A: If the Library director deems it necessary, there is the ability to limit the number of Wi-Fi users.

Q: Will Wi-Fi be available when the Library is not open?

A: Not necessarily. We can set the number of hours the router stays active. The Library Director will decide when Wi-Fi will be available.

Q: Will Wi-Fi be available outside the Library?

A: When available, yes. Given the building, the Library has no way to limit Wi-Fi access to only inside patrons.

Q: Will the Wi-Fi connection be secure?

A: Wireless connections are not secure; use caution when transmitting information. The Library is not responsible for damage to software, hardware or files on equipment connected to the wireless network.

Q: Will I be able to stream over Wi-Fi?

A: No. Due to the low connectivity we cannot allow steaming or other high usage activities over the Library broadband. We want the Library Internet to be available to as

many people as possible. Therefore, every patron must limit their internet activities to exclude streaming or downloading large files.

**Q: When will the Wi-Fi become available?**

**A: If the Thorne Bay City Council approves it should be available in the following weeks. This time will be necessary to train Library Volunteers on the new service.**

**Q: How can I contribute to the City Council decision?**

**A: The next Council Meeting is July 21. From 6:00-6:30pm there will be a workshop period in which community members can voice their opinion, ask questions, and make requests off the record. The official meeting will start at 6:30 and the Council will provide a time for community members to make comments on the record if they so choose.**

## **Documentation by Harvey McDonald**

Shane Seaford

Box 19613, Thorne Bay, Alaska 99919

powakislander@yahoo.com

### **SEAFORD CONDITIONAL USE PERMIT** for Lot 20B, Block 4, South Thorne Bay

Subdivision. Terms of the Conditional Use Permit are as follows:

1. The property will be cleaned up enough to not classify as a “junkyard” within 18 months from February 4, 2014 (Aug 4, 2015).
2. No more vehicles or metal will be brought to the property.
3. No living quarters on the property unless the proper septic system is installed and meets DEC standards.
4. Seaford’s will give the current renters 30 days to comply with DEC Septic Laws, or vacate the property.

#### **May 9, 2014:**

Visited the Seaford lot to see the area. Took photos while there. I was told the septic system problem has been completed.

#### **May 11, 2014:**

Mid-day, Shane Seaford came by, I asked him to come see me. I told him I was going to help Shane stay on line with the conditional use permit he has with the City. Told him I wanted a plan of action from him on how he was going to complete the requirements in the conditional use permit before termination date (Aug 4, 2015). Shane said he would get with his wife and make a plan of action to complete the requirements of the conditional use permit.

#### **June 1, 2014:**

Received a phone call from Shane to meet at his mom’s house. I have been trying to get this meeting since mid-May. We plan on meeting tomorrow at 1900hrs at Shane’s mom’s house to put a written plan together to meet the Aug 4, 2015 date for completing of the cleaning up of their lot.

**June 2, 2014;**

Met at the Seaford home at 1900hrs. Talked with Shane to start setting up a plan of action to clean up the many vehicles that are on his lot. At this point Shane had shipped a (half container) of scrap metal. Shane said it was shipped last week.

**The following is work that Shane plans to start:**

This coming week-end Shane and Kim McNish will be draining the fluids out of the vehicles that are on the lot

He is going to get the use of a back hoe from Ralph Porter to smash and stack the vehicles on the lot to get them ready for removal

Shane is trying to get a container to put vehicles in for transport (he wants to have an alternate method for vehicle removal if the barge service 'Channel' does not come thru)

Shane will be attempting to contact Channel barge service to commit to an arrival date in Thorne Bay

Shane will work on getting a date when Ralph Porter will have the back hoe available

He is going to get me an updated number of vehicles, trailers, and other types of equipment that is on the lot.

**June 15, 2014;**

I stopped by the property yesterday to see what is going on. I could not see any evidence of work at the area closest to the road, but there may have been some at the back. Shane Seaford called about 1500hrs today to give me an update on the activity going on the cleanup of his lot. He gave me an inventory of the material that is on the property:

47 vehicles (8 of them belong to the person living on the property Frank Kriner[sp])

7 large trucks

3 vans

1 trailer

1 compressor

1 yarder

1 pile of misc. metal

Shane has been draining the fluids from the vehicles. At this time about one third have been drained. It is going slower than expected. He has been calling Channel Constr. To see when they would have a barge coming to Thorne Bay but they have not returned his phone calls. I told Shane to continue attempting to contact them. Next week he may have a large container delivered to the property for metal removal. That has not been firmed up yet. Shane is continuing to talk with Ralph Porter about use of a back hoe to crush vehicles.

**July 1, 2014**

**13 months remaining to complete cleanup**

Talked with Kerri Seaford to get an update on the progress of the cleanup. Kerri told me the fluids have been removed from all the vehicles. Shane got the results of the half container he shipped south and it looks like it is not a losing situation, so will look at doing more of this. Has moved a few of the vehicles that were next to the road to the back of the lot. Went to the site and took some photos. It is apparent vehicles have been moved around.

**Abt July 10, 2014**

Got a chance to talk with Shane. I wanted to know how Shane was dealing with titles for the vehicles. He said if they are cut up you do not need to have titles. I will call DMV to check this out. Shane is working on getting another half container to put misc. metal scrape for shipping. Has not been able to get a whole container yet. It looks like Ralph Porter's backhoe will not be available, it is broke down. Shane next plan is to get and put a motor in the backhoe on the lot. Asked him what he was doing with the oil from the vehicles. He is collecting it in barrels and plans to use it to burn for heat in the future. Seaford's progress has slowed down and he needs to get back on with the cleanup of the lot.

**July 18, 2014**

Called DMV in Ketchikan, talked with Linda. I asked about abandoned vehicles that are to be sold to a salvager and the requirement for titles for the vehicle. She told me a title has to be surrendered to DMV before it can be scrapped. Called Shane Seaford about what I heard from DMV, so he is aware of the requirements. Shane informed me that some of the vehicles had been wrecked and the titles for them have been surrendered. I passed on information that Channel Construction is going through bankruptcy. So Shane will need to look for a new salvage company to use. Shane told me he plans to move most of the metal with containers.

**July 27, 2014**

Visited Seaford lot and took photos of the progress. Some of the vehicles were moved from their original location and piled in one location. About 10 to 12 vehicles were moved and piled. The original

plan was to smash the vehicles flat and then pile up for future removal from the lot. The vehicles were not smashed before piling. Took photos while there. Will need to talk with Shane why this did not happen.

#### **July 28, 2014**

1030hrs called Pool Engineering in Ketchikan (225-6684), talked with Chuck Pool. Chuck said the only economical way for them to pick up vehicles is if they are stored at the sort yard in Thorne Bay. He cannot set a date when a pickup will happen; he will stop by when he is working in the area.

1040hrs called Channel Construction (789-0200) talked with Dillon. There was a Jim Shoemaker there also. Has no firm date but would like to set up something in a week or two, but not sure. They asked about bring a barge into Davidson Landing. They also asked if Shane would have a way to load vehicles on a truck.

#### **August 11, 2014**

Called Shane Seaford, he told me all of his vehicles are piled up. He was unable to smash the vehicles before stacking because did not have access to a piece of machinery to smash them. Shane is getting ready to evict the person (Frank Kriner) staying on the Seaford lot. They have 8 vehicles that belong to Frank that will have to be removed also. Asked Shane what is happening to the anti-freeze from the vehicles? He is going to keep it for his own use. Shane is trying to get a trailer to haul a container to move some metal. It is still in the planning process.

#### **August 12, 2014**

I visited the site to see if any progress has happened. Took photos for comparison to see what progress has happened. Last photos were taken on July 27<sup>th</sup>, if there was any progress it was very little. Met the person living on the site. He told me his name was Greg also there is a Frank Kreiner.

#### **September 10, 2014**

Lavinia had asked Bob Fultz from the division of spill prevention and response to come out and look over the Seaford lot. There was Bob, Lavinia, Shane, Evon, and myself. He did an inspection of the property and gave Shane some things that need to be done for clean-up. Bob will send Shane and myself a copy of the report he will put together.

While I was there I learned that the vehicles that are piled up may not have the rear ends drained! Shane will have to see that is done. Had Teri in City Hall check on the ownership of the lot. It does belong to Shane.

**October 6, 2014**

**10 months remaining to complete cleanup**

Talked with Shane's mother to get an update. She told me there has not been much change on the lot but has information about Channel Construction. Evon was able to talk with Channel (the son of the owner) and was told that Channel was not going to come to Thorne Bay because they had heard that Poole Engineering had already been to Thorne Bay and collected most of the abandon/trashed vehicles. I told Evon I was not aware of Poole being to Thorne Bay but will check around town. In the conversation with Channel the following information was received from them:

The rear ends do not need to be drained

The VIN numbers on the vehicles do not have to be cleared thru DMV

There are two people that are living on the Seaford lot. Shane had said he was going to work on getting them and their stuff off his property. Evon told me no change yet. She said one of them is in jail right now and does not know what can be done with his stuff that is on the lot while in jail.

**March 11, 2015**

A letter was sent to Shane Seaford updating the actions of the Conditional Use Permit. It made some suggestions to meet the requirements of the Permit as well as reminding him of the time remaining on the Permit.

**April 17, 2015**

**3.5 months remaining to complete cleanup**

Shane asked for a meeting with the City staff, present was Wayne, Teri, Shane and I (Harvey). Shane informed us that he finally contacted DMV about need for Titles for the abandon vehicles on his property. He was told he needed to find the VIN numbers for each of the vehicles and send the list to the State with \$10 per VIN. The State will find the last owner of each vehicle and give the list to Shane. Shane will have to contact each previous owner to find out the status of ownership. The previous owners have 30 days to respond. Those declared abandon can be sent to DMV to be declared abandoned by the State and issue a certificate of abandonment so they can be disposed properly. The owners of other vehicles (like Mike Steele and Doug Macalister) will require Shane to have the owner remove from his property.

Shane said he have been calling around to find someone that would take these vehicles (Poole Engineering). Shane said there have been some vehicles removed over the winter. He will be getting

me a list of those vehicles. We reminded him the City has a way to take the vehicles but will cost him about \$50 each with all fluids and tires removed.

**June 25, 2015**

**40 days remaining to complete cleanup**

Previously Shane said he would get me a list of vehicles removed over last winter. I have not received that list yet.

Visited the site (1100hrs) and noticed some of the vehicles (about 10) have been taken out of the pile and placed up next to the road. Took photos while there. Need to contact Shane to see what is happening.

**June 26, 2015**

**39 days remaining to complete cleanup**

Met up with Shane, he has moved vehicles out of the pile to dispose of them. He says he is planning on meeting the August 4<sup>th</sup> date of the Conditional Use Permit for vehicle removal. I explained to him the need to complete this work by August 4<sup>th</sup>.

**July 13, 2015**

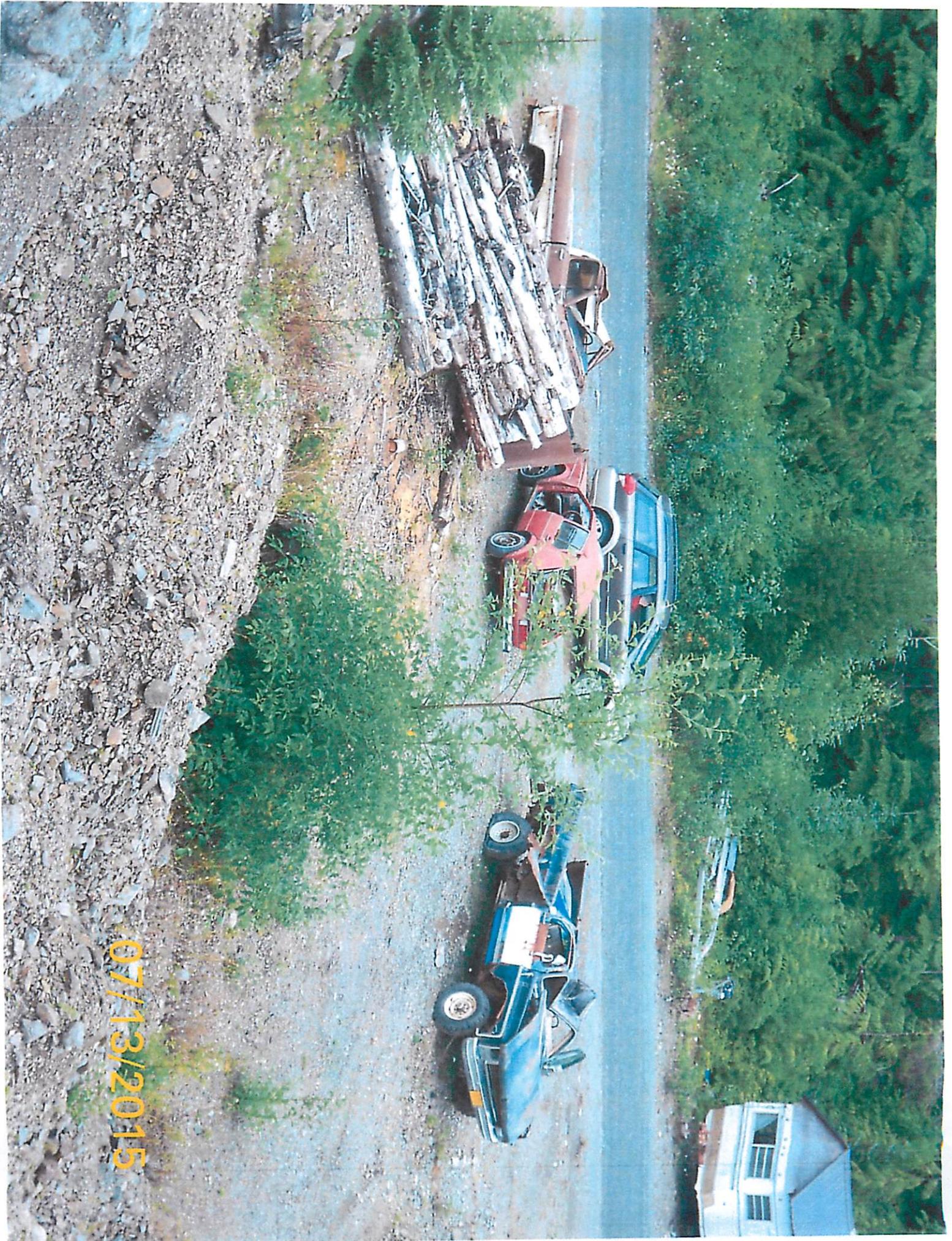
**22 days remaining to complete cleanup**

Visited the site (mid-day) do not notice any activity since the June 26<sup>th</sup> visit. Took photos and counted the vehicles there. In the area where the vehicles were piled there are eleven still piled up. The count of vehicles out by the road was ten.

**July 20, 2015**

**15 days remaining to complete cleanup**

Visited the site and see that some cleanup was completed this past weekend. Took photos of the progress. Some of the vehicles that were out by the side of the road have been removed. Now there are four vehicles along the road.



07/13/2015

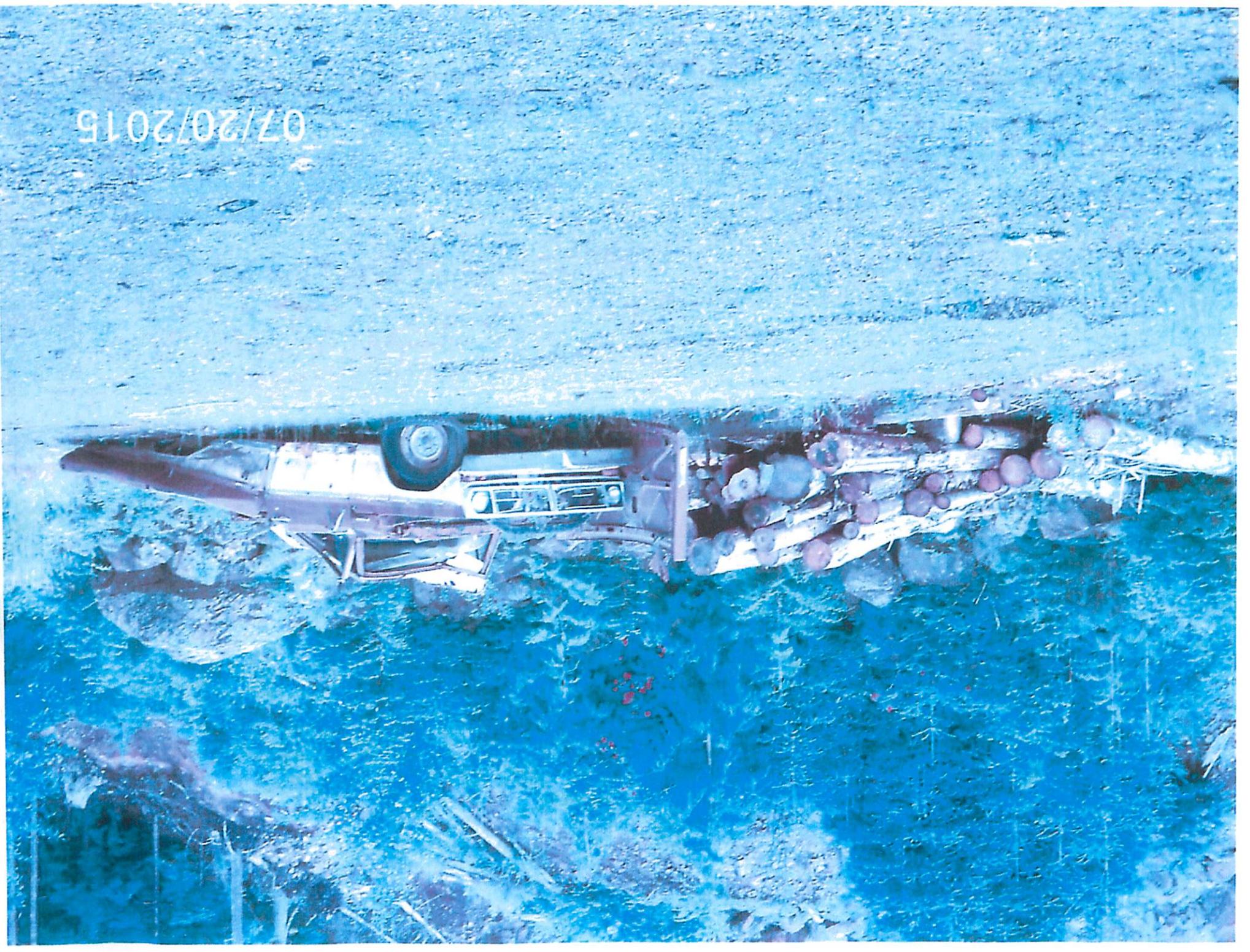


07/13/2015



07/13/2015

07/20/2015





07/20/2015

CITY OF THORNE BAY  
RESOLUTION 15-07-21-04

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, TO SUPPORT ENTERING  
INTO A COMPLIANCE ORDER BY CONSENT

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

WHEREAS, the City of Thorne Bay treats, stores and distributes potable water; and

WHEREAS, disinfection by-products are a by-product of the treatment process; and

WHEREAS, the City of Thorne Bay has been working since 2010 to reduce the disinfection by-products by improving on the treatment and distribution system using in-house funding; and

WHEREAS, the City of Thorne Bay has been applied to the State since 2011 for funding to assist with capital projects that extend beyond in-house funding capabilities; and

WHEREAS; the City of Thorne Bay has been working with DOWL, the State of Alaska Department of Environment Conservation (DEC) and Village Safe Water (VSW) since 2012 to secure State and Federal funding; and

WHEREAS, the City has done a Utility Rate Analysis and meets the RUBA requirements to strengthen the City's position for funding; and

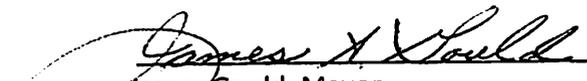
WHEREAS, DOWL, DEC and VSW suggested the City enter in to a compliance order with DEC to help strengthen the City's position for State and Federal funding; and

WHEREAS, entering into a Compliance Order by Consent sets milestones for designing and implementing improvements contingent upon State and Federal funding; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Thorne Bay enter into a Compliance Order by Consent with the State Department of Environmental Quality to help support the need to fund water treatment improvements.

PASSED AND APPROVED July 21, 2015

ATTEST:  
  
Teri Feibel, City Clerk/Treasurer

  
James Gould, Mayor



- B. The PWS is located within the ADEC Drinking Water Program, Kenai and Southeast Office Area.
- C. As the owner and operator of the PWS, the COTB is required to be in compliance with the State of Alaska Drinking Water Regulations, 18 AAC 80, and Federal Drinking Water Regulations, 40 CFR 141-143.
- D. Requested Action:

COTB has requested time to address exceedances of the maximum contaminant levels (MCLs) set for disinfection byproducts. The deadline for the treatment installation to address the MCL exceedance for disinfection by-products is June 30, 2019 for their permanent water source serving the COTB.

3. Settlement of Requested Action

Provided the Respondent complies with each and every term of this COBC to the satisfaction of the Department, the Department shall not institute any administrative, civil or criminal action against the Respondent for violating the deadlines outlined in Section 4.

4. Schedule of Actions

In order to comply with the disinfection byproduct MCL as described in 40 CFR 141.64 and the Stage 2 Disinfection Byproducts Requirements as described in 40 CFR 141.620, the Respondent agrees to have an ADEC approved, fully operational drinking water system, that provides water in compliance with the MCLs for disinfection byproducts (total trihalomethanes (TTHM) and haloacetic acids (HAA5) by the treatment implementation deadline of June 30, 2019. The MCL for TTHM is 0.080 mg/L and 0.060 for HAA5.

- A. Prepare Design Study Report (DSR): COTB will work with their engineering term contractor to prepare a DSR for prioritizing Water Treatment Plant (WTP) improvements. The improvements will be split into immediate and long term improvements. (The immediate improvements are those that have the maximum amount of benefit for a value that COTB can afford without outside assistance.) The DSR will be a concise pre-design document with a detailed value engineering analysis. Completion date: May 1, 2016.
- B. Approach Municipal Grants & Loans Program (MG&L): The DSR will contain enough information to apply for grants and loans from the State's MG&L program for the long term improvements. Completion date: February 1, 2017.
- C. Design of Immediate Improvements: The DSR will identify the immediate improvements. The design phase will produce signed construction documents (CDs). Completion date: August 31, 2016.

- D. **Plan Review and Approval to Construct Immediate Improvements:** The CDs will be used to obtain approval to construct from ADEC. Completion date: November 30, 2016.
- E. **Approval to Operate Immediate Improvements:** Following implementation of immediate improvements, COTB will work with their contractor to issue record drawings, for submittal to ADEC for approval to operate. Completion date: August 31, 2017.
- F. **Design and Implementation of Long term improvements:** Depending on the availability of grants and loans, the long term improvements will be designed and installed. Completion date: June 30, 2019.

5. **Stipulated Penalties**

- A. Subject to the provisions of Force Majeure, or other reasonable or valid reasons for non-compliance, The COTB shall timely comply with the deadlines set forth in this COBC. The COTB shall pay, at ADEC's discretion, to ADEC a maximum stipulated penalty of \$100 per calendar day, in the event that the Respondent fails to meet the deadlines given in sections 4(E) and 4(F) herein established. The penalties imposed under this section shall be cumulative.
- B. The penalties set forth in this section shall apply only to the short-term violations of the deadline. A short-term violation may not exceed 30 days.
- C. Subject to the provisions of Force Majeure, or other reasonable or valid reasons for non-compliance, a violation of the deadlines which is not a short term violation may, at ADEC's option, and after discussion with COTB, constitute a breach of this COBC. The stipulated penalties set forth in this section do not preclude ADEC from electing to pursue any remedies or sanctions which may be available to ADEC as a result of any breach by the COTB of this COBC, or the COTB's failure to comply with state statutes and regulations.

6. **Existing or Future Obligations**

Nothing in this COBC shall be construed as (A) altering the COTB's existing or future obligations to monitor, record, or report information required under applicable environmental laws, statutes, regulations, or permits, or to allow ADEC's access to such information; (B) ADEC's authority to request and receive any relevant information under applicable environmental laws or in administrative or judicial proceedings; (C) limiting the COTB's rights to administrative or judicial review of the applicability or enforcement of the State of Alaska Drinking Water Regulations.

7. **Deadline Extensions**

- A. If any event occurs which causes delay and effectively precludes compliance with the terms of this COBC, the COTB shall promptly notify ADEC orally and shall, within seven days of oral notification to ADEC, notify ADEC in writing of: (A) the anticipated length and cause of the delay, to the extent reasonably possible; (B) the measures taken and to be taken by the Respondent to prevent or minimize the delay, if known and reasonably available to COTB without additional funding and (C) the timetable by which the Respondent intends to implement these measures, if reasonably possible and without additional funding.
- B. If ADEC determines, in its discretion, that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control and despite the due diligence of the Respondent, the time for performance hereunder shall be extended for a period equal to the delay resulting from such circumstances.
- C. ADEC may, in its discretion, extend deadlines for reasons other than Force Majeure, without penalty, or impose the stipulated penalties in Section 5 until the COTB PWS comes into compliance with the requirements of this order.
- D. Force Majeure shall not include increased costs of performance of the terms and conditions of the COBC, or changed economic circumstances.

8. **Breach**

Time is of the essence in this COBC. The COTB understands that any deviation from or noncompliance with the terms or deadlines set forth herein, other than short term violations or violations caused by Force Majeure, may at ADEC's option be deemed a breach of this COBC and may result in prompt legal action to (A) enforce the terms and deadlines of this COBC as well as all other applicable legal and regulatory requirements; and (B) institute any administrative, civil or criminal action against the Respondent for violating the deadlines outlined in Section 4. ADEC is required to act in good faith and shall not withhold technical or other assistance for COTB if requested by COTB.

9. **Modifications**

ADEC may, with the COTB's consent, modify the requirements contained in this COBC and all the documents incorporated into it. If ADEC finds that a modification is necessary to achieve the goals of this COBC, but the Respondent is not willing to agree to that modification, ADEC will request the modification in writing, stating the reasons therefore. If the parties are unable to reach an agreement, the modification will take effect and the provisions of Section 20 will apply.

10. **State not a Party**

The State of Alaska shall not be held as a party to any contract entered into by the COTB PWS related to activities conducted pursuant to this COBC.

11. Other Legal Obligations

The requirements, duties, and obligations set forth in this COBC are in addition to any requirements, duties, or obligations contained in any permit which ADEC has issued or may issue to the COTB. This COBC does not relieve the Respondent from the duty to comply with requirements contained in any such permit or with otherwise applicable state and federal laws, including federal time limitations or handling requirements.

12. Reservation of Rights

- A. The execution of this COBC is not an admission of liability by the COTB on any issue dealt with in this COBC. In signing this COBC, the COTB and ADEC do not admit, and reserve the right to controvert in any subsequent proceedings, the validity of, or responsibility for, any of the factual or legal determinations made herein; provided, however, that the COTB shall not controvert or challenge, in any subsequent proceedings initiated by the State of Alaska, the validity of this COBC or the authority of ADEC to issue and enforce this COBC, except where COTB alleges enforcement to be in violation of the implied covenant of good faith and fair dealing by ADEC.
- B. ADEC expressly reserve the right to initiate administrative or legal proceedings: (A) related to any violation not described in this COBC; (B) related to violations described in this COBC if the COTB breaches this COBC; and (C) related to violations described in this COBC if, in ADEC's opinion, subsequently discovered events or conditions constitute an immediate threat to public health, public safety, or the environment whether or not ADEC may have been able to discover the event or condition prior to entering into the COBC.

13. Covenant Not to Sue

Subject to the provisions of Sections 7, 10 and 11, and provided the COTB complies with the terms of this COBC to the satisfaction of ADEC, the ADEC shall not institute any action against the COTB, whether civil, criminal, administrative, penalty, or cost recovery, for violating the deadlines outlined in Section 4.

14. Property Transfer

If the COTB transfers, sells, or leases the PWS described in Section 2 to another party prior to the Respondent's fulfillment of the provisions of this COBC, the COTB shall incorporate a copy of this COBC into the documents of transfer or lease, and shall provide in those documents that the new owners or lessees shall take or lease subject to the provisions of this COBC.

15. State Order

The COTB acknowledges and agrees that this COBC constitutes an order of the ADEC for the purposes of AS 46.03.760, AS 46.03.761, AS 46.03.765, AS 46.03.790, AS 46.03.850 and for all other purposes.

16. Periodic Reports & Briefings

At the request of ADEC, and after discussion with the COTB, the COTB shall schedule and conduct additional periodic briefings at a location and in a manner approved by ADEC concerning the status of activities conducted pursuant to this COBC.

17. Parties Bound

This COBC shall apply and be binding upon ADEC and the COTB, their agents, successors, and assigns and upon all persons, contractors, and consultants acting on behalf of ADEC or the COTB.

18. Copies

Upon retention, the COTB shall provide a copy of this COBC to all contractors, subcontractors, and consultants retained to conduct any portion of the work performed pursuant to this COBC.

19. Representative

The COTB shall designate a representative who shall be empowered on behalf of the COTB to communicate with, and to receive and comply with, all communications and orders of ADEC.

20. Dispute Resolution

- A. If the COTB objects to an ADEC rejection or modification made pursuant to this COBC, the Respondent shall notify ADEC in writing within ten calendar days of receipt of the rejection or modification. ADEC and the Respondent shall then have an additional thirty calendar days from the date of receipt by ADEC of the notification of objection to reach agreement. That period can be extended by mutual agreement of the COTB and ADEC.
- B. If ADEC and the COTB cannot reach agreement on the disputed matter within thirty days after receipt by ADEC of the Notice of Objection, or within any agreed extension of that period, ADEC shall provide a written statement of its decision to the Respondent. ADEC's written decision shall constitute a final agency action for purposes of the informal review provisions in 18 AAC 15.185. Respondent may not invoke the informal review provisions under 18 AAC 15.185 for disputes governed under this section until ADEC has provided a written decision.

- C. ADEC and the COTB agree that this dispute resolution process shall only be invoked for those disputes which the COTB can demonstrate involve acts or omissions which, if performed, involve direct monetary expenditures by the Respondent of \$1,000 or more. The dispute resolution process shall not be invoked by the Respondent for purposes of delay.
- D. All rejections or modifications made by ADEC that are not covered by this section are considered final agency actions immediately, allowing the Respondent to invoke the informal review provisions under 18 AAC 15.185.
- E. This section does not limit Respondent's right to appeal final decisions of 18 AAC 15.185 through the appeal procedures in 18 AAC 15.195-15.340. This section also does not limit Respondent's right to appeal final agency decisions of 18 AAC 15.300 to the Alaska Superior Court for purposes of judicial review pursuant to AS 44.62.560-570 and the Alaska Rules of Appellate Procedure 602(a). This COBC does not restrict the right of the court to conduct a trial de novo in whole or in part.

21. Effective Dates

The effective date of this Compliance Order by Consent shall be the date the Compliance Order by Consent is executed by both Respondent and the ADEC. This Compliance Order by Consent shall terminate on June 30, 2019 unless the deadlines and conditions in Section 4 have been extended by ADEC beyond that date in accordance with the terms of this agreement.

22. Severability

It is the intent of the parties hereto that the clauses of this COBC are severable and should any part of it be declared by a court of law to be invalid and unenforceable, the other clauses shall remain in full force and effect.

23. Waiver

A failure to enforce any provision of this COBC in no way implies a waiver of ADEC's right to insist upon strict performance of the same or other provisions in the future.

Department of Environmental Conservation

By: Cindy Christian  
Acting Program Manager  
Drinking Water Program

Date: \_\_\_\_\_

ASSENT OF COUNSEL

Chris Peloso  
Assistant Attorney General

By: \_\_\_\_\_

Date: \_\_\_\_\_

City of Thorne Bay

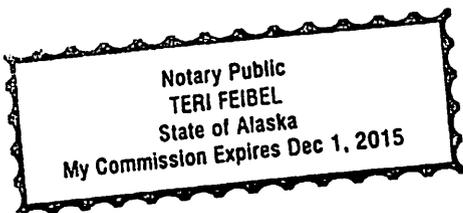
By: James A. Gould  
James Gould, City of Thorne Bay – Mayor

Date: 7/29/15

I, JAMES A. GOULD, hereby certify that I am the MAYOR  
of the COTB PWS and that I have the  
authority to enter into agreements on behalf of the COTB and to otherwise legally bind the COTB. I  
hereby acknowledge that I have freely and voluntarily entered into this agreement with the State of  
Alaska on behalf of the COTB after obtaining advice of counsel.

James A. Gould  
James Gould, City of Thorne Bay – Mayor

SUBSCRIBED AND SWORN TO before me this 29 day of July, 2015.



Teri Feibel

Notary Public in and for Alaska  
My commission expires: 12/1/2015

**MINUTES  
FOR THE REGULAR MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY  
ALASKA,  
COUNCIL CHAMBERS  
CITY HALL  
TUESDAY  
August 4, 2015  
6:30p.m.**

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

**1. CALL TO ORDER:**

Mayor Gould 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:**

Gould, Carlson, McDonald, Edenfield and Hartwell were present. Slayton and Minnillo were absent.

**4 APPROVAL OF AGENDA:**

Gould moved to approve the agenda moving item B from old business to after item 11 in new business. Hartwell seconded the motion. There was no further discussion.

**MOTION:** Move to approve the agenda moving item B from old business to after item 11 in new business

**F/S:** Gould/Hartwell

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

**NAYS:** None

**STATUS:** Motion Passed.

**5. MAYOR'S REPORT:**

Mayor Gould gave a report.

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

The City Administrator gave a report.

**7. PUBLIC COMMENTS:**

Karen Peterson commented on the following:

- Support of public WIFI at the Library
- Thanked Greg and Sheryl Kerkof for hosting a friend
- Informed City of boiler inspector on the island
- Thanked the council for the bypass road getting graded

Thom Cunningham commented on the following:

- Seaford Conditional Use Permit (CUP)

Lavenia Sylvia commented on the following:

- Seaford Conditional Use Permit (CUP)
- Proposed penalties for Seaford CUP non-compliance

Shane Seaford commented on the following:

- Seaford Conditional Use Permit (CUP)
- Working full time job, little time to work on cleaning up pit

Lisa Roseland commented on the following:

- Support for public WIFI at the library

Pat Rochester commented on the following:

- Thanked the council for all their time and effort put into the City

Guy Lane commented on the following:

- Discussed not having VPSO position in Thorne Bay

Thom Cunningham commented on the following:

- Need for a VPSO in Thorne Bay

Lavenia Sylvia commented on the following:

- Upcoming action on Seaford CUP, requested that councilmember Edenfield refrain from voting on the issue.

#### 8. COUNCIL COMMENTS:

Gould addressed the Seaford CUP issue. Edenfield thanked Kim Redmond for support during the EMS/Fire dinner. Edenfield thanked the Thorne Bay Church for their participation in the EMS/Fire dinner.

#### 9. OLD BUSINESS:

A. Seaford Conditional Use Permit, discussion and action item:

(Seaford Conditional Use Permit for clean up of property located at Block 4, Lot 20B, South Thorne Bay Subdivision, expires August 4, 2015)

Gould moved to impose a penalty on Shane Seaford for not meeting the Conditional Use Permit deadline. Hartwell seconded the motion. There was further discussion. McDonald moved to impose a penalty of \$5.00 per day until cars and trucks are removed. Gould seconded the motion.

**MOTION:** Move to impose a penalty on Shane Seaford for not meeting conditional use permit deadline

**F/S:** Gould/Hartwell

**YEAS:** Carlson, Gould, Hartwell, McDonald

**NAYS:** None

**ABSTAIN:** Edenfield

**STATUS:** Motion Passed.

MOTION: Move to impose a penalty of \$5.00 per day until cars and trucks are removed  
F/S: McDonald/Hartwell  
YEAS: Edenfield, Hartwell, Gould, McDonald and Carlson  
NAYS: None  
STATUS: Motion Passed.

B. DOWL Community Visit Presentation, discussion and possible action item:  
DOWL gave a presentation on the Waterfront Masterplan Project.

10. NEW BUSINESS:

A. Approval for public access to free WIFI at the Thorne Bay Library, discussion and action item:

McDonald moved to approve public access to free WIFI at the Thorne Bay Library. Carlson seconded the motion. There was further discussion.

MOTION: Move to approve public access to free WIFI at the Thorne Bay Library  
F/S: McDonald/Carlson  
YEAS: Carlson, McDonald, Edenfield, Hartwell and Gould  
NAYS: None  
STATUS: Motion Passed.

B. Approval of an additional boat stall for Frank Kreiner, discussion and possible action item:

Gould moved to approve an additional boat stall for Frank Kreiner. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve an additional boat stall for Frank Kreiner  
F/S: Gould/Hartwell  
YEAS: Edenfield, Hartwell, Carlson, Gould and McDonald  
NAYS: None  
STATUS: Motion Passed.

11. EXPENDITURES EXCEEDING \$2,000.00:

A. Expenditure of approximately \$8,000.00 to Northern Communications for new EMS radios and Base Stations, discussion and action item:

Gould moved to approve the expenditure to Northern Communications for new EMS radios and Base Station. Hartwell seconded the motion. There was further discussion.

MOTION: Move to approve the expenditure to Northern Communications for new EMS radios and Base Station  
F/S: Gould/Hartwell  
YEAS: McDonald, Edenfield, Carlson, Gould and Hartwell  
NAYS: None  
STATUS: Motion Passed.

12. EXECUTIVE SESSION: The Council May adjourn to executive session for the purpose of discussing pending or threatened lawsuits in which the city has an interest, which are matters, the immediate knowledge of which would clearly have adverse effect upon the finances of the City  
No executive session was called for.

13. CONTINUATION OF PUBLIC COMMENT:

Karen Peterson commented on the following:

- Thanked the council for approving free access to WIFI at the Library

Thom Cunningham commented on the following:

- Seaford CUP penalty

Guy Lane commented on the following:

- Museum for logging stuff

Lana Clark commented on the following:

- Thanked the council for approving free public access to WIFI at the Library

14. CONTINUATION OF COUNCIL COMMENT:

Gould commented on the Seaford's Conditional Use Permit expectations that others have. Hartwell stated there was another "eyesore" across from Shane Seaford.

15. ADJOURNMENT:

Gould adjourned the meeting at 8:04p.m.

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

## ADMINISTRATOR'S REPORT 8-4 -15 Wayne Benner

### Meetings Attended and Updates:

1. Wedding was great success and I gained a great son-in-law and great in-laws.
2. Have a meeting in Craig with Senator Murkowski on August 10<sup>th</sup> to talk about mail service, roadless rule and internet.
3. Thorne Bay Days was again a great success thanks to Sadie and Dana who did all the work to make the Friday night dinner (EMS fundraiser) and the Saturday kids events great successes.

### Tasks and Projects:

#### New Business:

- A. Approval for public access to free WIFI at the Thorne Bay Library. When the library internet system was upgraded by GCI and new computers installed the WIFI options was integrated into the system. At that time it was suggested we hold off implementing the WIFI until the system was thoroughly tested and security and operational measures are in place for the system and there would be no cost to the City. As long as the security measures are sufficient and no cost to the City turning on the WIFI would be a great public benefit.
- B. An Additional boat stall is available for Frank Kreiner.

#### Old Business:

- A. Seaford Conditional Use Permit has expired and the City Council needs to determine if he has made sufficient progress to satisfy the terms and conditions of the CUP. Councilman McDonald visited the site today to provide a last minute report to the status of vehicle removal.
- B. DOWL has been in town for the last few days refining some details for the Harbor Master Plan work that they have been doing for the last 9 months. If the council approves this concept plan the next steps will be to look at some land use regulations for the Water Front Zone, permitting and some Comprehensive Plan updates as that plan is based off the logging camp days.

**Harbor and Parks:** Painting of the harbor ramp is complete. We also have an unexpected guest at the harbor.

**Streets and Roads:** Crews have been brushing areas on South Thorne Bay roads, working on repairs to screen for sand production and grading between rains. Curb and gutter is being installed on the Sandy Beach Road project.

**Water and Sewer:** Looking again for a utility operator as Jon has moved on. Tyler Rental dumping outhouse waste at the sewage treatment plant plugged up operations for a time.

**Solid Waste:** Cleaning up and working on placing a soil cover over the buried bales to get water to drain off.

**Law Enforcement:** The latest from the VPSO program is the City of Thorne Bay will be sharing a VPSO with Kasaan. The City will be meeting with Kasaan to work out joint operation.

**FIRE/EMS:** The expenditure for approximately \$8000 dollars is for new batteries for existing radios, new radios and new base station. The funds will be coming out of the portion of bed tax dedicated to emergency services. We are looking at purchasing batteries and radios for \$5370.75 now and \$2554 for the base station when additional funds are available so we do not deplete the account.

**Library:** Library is looking at installing wifi which is doable once all the security and operational measures are in place .

# FRIENDS OF THE THORNE BAY LIBRARY

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June 16, 2015

City of Thorne Bay  
P.O. Box 19110  
Thorne Bay, AK 99919

Dear Wayne Benner:

The Friends of the Thorne Bay Library recently learned that it is possible for open WiFi to be available at the Thorne Bay Public Library. We are pleased that this is finally a possibility since we are currently the only library on Prince of Wales island that does not offer this service.

Currently we have many customers that bring their own devices to the library in hopes of accessing the internet. These customers include the Forest Service Seasonal workers who want to Skype with their mom's and cannot do so from the Forest Service computers, travelers who want to check in with home (many from the small tour boat that stops in Thorne Bay) as well as locals who want to download books from "Listen Alaska" the State Library program that has on line books.

The Friends understand that the City Council needs to make the decision to allow the WiFi to be available, so we respectfully request that the City of Thorne Bay make open WiFi available to the public at large at the Thorne Bay Library.

Sincerely,



Karen Petersen  
Chair of the Friends of the Thorne Bay Library

Friends of the Thorne Bay Library  
P.O. Box 19273, Thorne Bay, Alaska 99919-0273

FRRIENDS OF THE THORNE BAY LIBRARY

June 16, 2012

City of Thorne Bay  
P.O. Box 19110  
Thorne Bay AK 99719

Dear Wayne Hansen:

The Friends of the Thorne Bay Library recently learned that it is possible for open WiFi to be available at the Thorne Bay Public Library. We are pleased that this is finally a possibility since we are currently the only library on the island of Wales that does not offer this service.

Currently we have many customers that bring their own devices to the library in hopes of accessing the internet. These customers include the Forest Service seasonal workers who want to Skype with their moms and cannot do so from the Forest Service computers, travelers who want to check in with home (many from the small town boat that stops in Thorne Bay) as well as locals who want to download books from "Listen Alaska", the state library program that has on line books.

The Friends understand that the City Council needs to make the decision as to whether WiFi will be available, so we respectfully request that the City of Thorne Bay make open WiFi available to the public in large at the Thorne Bay Library.

Sincerely,

Wayne Hansen  
Chairman of the Friends of the Thorne Bay Library

Friends of the Thorne Bay Library  
P.O. Box 19110, Thorne Bay, Alaska 99719

## **Documentation by Harvey McDonald**

Shane Seaford

Box 19613, Thorne Bay, Alaska 99919

powakislander@yahoo.com

### **SEAFORD CONDITIONAL USE PERMIT** for Lot 20B, Block 4, South Thorne Bay

Subdivision. Terms of the Conditional Use Permit are as follows:

1. The property will be cleaned up enough to not classify as a "junkyard" within 18 months from February 4, 2014 (Aug 4, 2015).
2. No more vehicles or metal will be brought to the property.
3. No living quarters on the property unless the proper septic system is installed and meets DEC standards.
4. Seaford's will give the current renters 30 days to comply with DEC Septic Laws, or vacate the property.

#### **May 9, 2014;**

Visited the Seaford lot to see the area. Took photos while there. I was told the septic system problem has been completed.

#### **May 11, 2014;**

Mid-day, Shane Seaford came by, I asked him to come see me. I told him I was going to help Shane stay on line with the conditional use permit he has with the City. Told him I wanted a plan of action from him on how he was going to complete the requirements in the conditional use permit before termination date (Aug 4, 2015). Shane said he would get with his wife and make a plan of action to complete the requirements of the conditional use permit.

#### **June 1, 2014;**

Received a phone call from Shane to meet at his mom's house. I have been trying to get this meeting since mid-May. We plan on meeting tomorrow at 1900hrs at Shane's mom's house to put a written plan together to meet the Aug 4, 2015 date for completing of the cleaning up of their lot.

**June 2, 2014;**

Met at the Seaford home at 1900hrs. Talked with Shane to start setting up a plan of action to clean up the many vehicles that are on his lot. At this point Shane had shipped a (half container) of scrap metal. Shane said it was shipped last week.

**The following is work that Shane plans to start:**

This coming week-end Shane and Kim McNish will be draining the fluids out of the vehicles that are on the lot

He is going to get the use of a back hoe from Ralph Porter to smash and stack the vehicles on the lot to get them ready for removal

Shane is trying to get a container to put vehicles in for transport (he wants to have an alternate method for vehicle removal if the barge service 'Channel' does not come thru)

Shane will be attempting to contact Channel barge service to commit to an arrival date in Thorne Bay

Shane will work on getting a date when Ralph Porter will have the back hoe available

He is going to get me an updated number of vehicles, trailers, and other types of equipment that is on the lot.

**June 15, 2014;**

I stopped by the property yesterday to see what is going on. I could not see any evidence of work at the area closest to the road, but there may have been some at the back. Shane Seaford called about 1500hrs today to give me an update on the activity going on the cleanup of his lot. He gave me an inventory of the material that is on the property:

47 vehicles (8 of them belong to the person living on the property Frank Kriner[sp])

7 large trucks

3 vans

1 trailer

1 compressor

1 yarder

1 pile of misc. metal

Shane has been draining the fluids from the vehicles. At this time about one third have been drained. It is going slower than expected. He has been calling Channel Constr. To see when they would have a barge coming to Thorne Bay but they have not returned his phone calls. I told Shane to continue attempting to contact them. Next week he may have a large container delivered to the property for metal removal. That has not been firmed up yet. Shane is continuing to talk with Ralph Porter about use of a back hoe to crush vehicles.

**July 1, 2014**                      **13 months remaining to complete cleanup**

Talked with Kerri Seaford to get an update on the progress of the cleanup. Kerri told me the fluids have been removed from all the vehicles. Shane got the results of the half container he shipped south and it looks like it is not a losing situation, so will look at doing more of this. Has moved a few of the vehicles that were next to the road to the back of the lot. Went to the site and took some photos. It is apparent vehicles have been moved around.

**Abt July 10, 2014**

Got a chance to talk with Shane. I wanted to know how Shane was dealing with titles for the vehicles. He said if they are cut up you do not need to have titles. I will call DMV to check this out. Shane is working on getting another half container to put misc. metal scrape for shipping. Has not been able to get a whole container yet. It looks like Ralph Porter's backhoe will not be available, it is broke down. Shane next plan is to get and put a motor in the backhoe on the lot. Asked him what he was doing with the oil from the vehicles. He is collecting it in barrels and plans to use it to burn for heat in the future. Seaford's progress has slowed down and he needs to get back on with the cleanup of the lot.

**July 18, 2014**

Called DMV in Ketchikan, talked with Linda. I asked about abandoned vehicles that are to be sold to a salvager and the requirement for titles for the vehicle. She told me a title has to be surrendered to DMV before it can be scrapped. Called Shane Seaford about what I heard from DMV, so he is aware of the requirements. Shane informed me that some of the vehicles had been wrecked and the titles for them have been surrendered. I passed on information that Channel Construction is going through bankruptcy. So Shane will need to look for a new salvage company to use. Shane told me he plans to move most of the metal with containers.

**July 27, 2014**

Visited Seaford lot and took photos of the progress. Some of the vehicles were moved from their original location and piled in one location. About 10 to 12 vehicles were moved and piled. The original

plan was to smash the vehicles flat and then pile up for future removal from the lot. The vehicles were not smashed before piling. Took photos while there. Will need to talk with Shane why this did not happen.

#### **July 28, 2014**

1030hrs called Pool Engineering in Ketchikan (225-6684), talked with Chuck Pool. Chuck said the only economical way for them to pick up vehicles is if they are stored at the sort yard in Thorne Bay. He cannot set a date when a pickup will happen; he will stop by when he is working in the area.

1040hrs called Channel Construction (789-0200) talked with Dillon. There was a Jim Shoemaker there also. Has no firm date but would like to set up something in a week or two, but not sure. They asked about bring a barge into Davidson Landing. They also asked if Shane would have a way to load vehicles on a truck.

#### **August 11, 2014**

Called Shane Seaford, he told me all of his vehicles are piled up. He was unable to smash the vehicles before stacking because did not have access to a piece of machinery to smash them. Shane is getting ready to evict the person (Frank Kriner) staying on the Seaford lot. They have 8 vehicles that belong to Frank that will have to be removed also. Asked Shane what is happening to the anti-freeze from the vehicles? He is going to keep it for his own use. Shane is trying to get a trailer to haul a container to move some metal. It is still in the planning process.

#### **August 12, 2014**

I visited the site to see if any progress has happened. Took photos for comparison to see what progress has happened. Last photos were taken on July 27<sup>th</sup>, if there was any progress it was very little. Met the person living on the site. He told me his name was Greg also there is a Frank Kreiner.

#### **September 10, 2014**

Lavinia had asked Bob Fultz from the division of spill prevention and response to come out and look over the Seaford lot. There was Bob, Lavinia, Shane, Evon, and myself. He did an inspection of the property and gave Shane some things that need to be done for clean-up. Bob will send Shane and myself a copy of the report he will put together.

While I was there I learned that the vehicles that are piled up may not have the rear ends drained! Shane will have to see that is done. Had Teri in City Hall check on the ownership of the lot. It does belong to Shane.

**October 6, 2014**

**10 months remaining to complete cleanup**

Talked with Shane's mother to get an update. She told me there has not been much change on the lot but has information about Channel Construction. Evon was able to talk with Channel (the son of the owner) and was told that Channel was not going to come to Thorne Bay because they had heard that Poole Engineering had already been to Thorne Bay and collected most of the abandon/trashed vehicles. I told Evon I was not aware of Poole being to Thorne Bay but will check around town. In the conversation with Channel the following information was received from them:

The rear ends do not need to be drained

The VIN numbers on the vehicles do not have to be cleared thru DMV

There are two people that are living on the Seaford lot. Shane had said he was going to work on getting them and their stuff off his property. Evon told me no change yet. She said one of them is in jail right now and does not know what can be done with his stuff that is on the lot while in jail.

**March 11, 2015**

A letter was sent to Shane Seaford updating the actions of the Conditional Use Permit. It made some suggestions to meet the requirements of the Permit as well as reminding him of the time remaining on the Permit.

**April 17, 2015**

**3.5 months remaining to complete cleanup**

Shane asked for a meeting with the City staff, present was Wayne, Teri, Shane and I (Harvey). Shane informed us that he finally contacted DMV about need for Titles for the abandon vehicles on his property. He was told he needed to find the VIN numbers for each of the vehicles and send the list to the State with \$10 per VIN. The State will find the last owner of each vehicle and give the list to Shane. Shane will have to contact each previous owner to find out the status of ownership. The previous owners have 30 days to respond. Those declared abandon can be sent to DMV to be declared abandoned by the State and issue a certificate of abandonment so they can be disposed properly. The owners of other vehicles (like Mike Steele and Doug Macalister) will require Shane to have the owner remove from his property.

Shane said he have been calling around to find someone that would take these vehicles (Poole Engineering). Shane said there have been some vehicles removed over the winter. He will be getting

me a list of those vehicles. We reminded him the City has a way to take the vehicles but will cost him about \$50 each with all fluids and tires removed.

**June 25, 2015**

**40 days remaining to complete cleanup**

Previously Shane said he would get me a list of vehicles removed over last winter. I have not received that list yet.

Visited the site (1100hrs) and noticed some of the vehicles (about 10) have been taken out of the pile and placed up next to the road. Took photos while there. Need to contact Shane to see what is happening.

**June 26, 2015**

**39 days remaining to complete cleanup**

Met up with Shane, he has moved vehicles out of the pile to dispose of them. He says he is planning on meeting the August 4<sup>th</sup> date of the Conditional Use Permit for vehicle removal. I explained to him the need to complete this work by August 4<sup>th</sup>.

**July 13, 2015**

**22 days remaining to complete cleanup**

Visited the site (mid-day) do not notice any activity since the June 26<sup>th</sup> visit. Took photos and counted the vehicles there. In the area where the vehicles were piled there are eleven still piled up. The count of vehicles out by the road was ten.

**July 20, 2015**

**15 days remaining to complete cleanup**

Visited the site and see that some cleanup was completed this past weekend. Took photos of the progress. Some of the vehicles that were out by the side of the road have been removed. Now there are four vehicles along the road.

**MINUTES  
FOR THE REGULAR MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY  
ALASKA,  
COUNCIL CHAMBERS  
CITY HALL  
TUESDAY  
August 18, 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:**

Vice Mayor McDonald called the meeting to order at 6:30pm

**2. PLEDGE TO FLAG:**

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

**3. ROLL CALL:**

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

**4 APPROVAL OF AGENDA:**

McDonald moved to approve the agenda.

**5. MAYOR'S REPORT:**

Mayor Gould reported on the following:

- VPSO Funding for Thorne Bay returned. Will be interviewing prospective VPSO's

Vice Mayor McDonald reported on the following on the Inter Island Ferry Authority:

- IFA will do one trip a month out of the new terminal in Hollis for state funding
- Rainforest Ferry begging on the 23<sup>rd</sup> of August
- IFA appointment of officers postponed to their next regular meeting
- Drive goes free discount on the IFA – January through April
- Prince of Wales Vessel out of dry dock

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

City Administrator gave a report (attached)

**7. CITY CLERK FINANCIAL REPORT:**

The City Clerk gave a budget vs. actual report (attached)

**8. PUBLIC COMMENTS:**

**Jim McFarland commented on the following:**

- Support for Administrator Wayne Benner (letter attached to minutes)

**Thom Cunningham commented on the following:**

- Thanks to Kasaan for South Thorne Bay Road Work
- Southside Subdivision not been graded in over a year

**Pat Rochester commented on the following:**

- Support for Administrator Wayne Benner

**Wendy Gefre commented on the following:**

- Support for Administrator Wayne Benner
- Encouraged the community to come together in a positive way
- Thanks to Administrator for hard work

**Rachelle Huddleston commented on the following:**

- Big Thorne project winding down for the season
- Working on waterfront project
- Kosciusko vegetation management and watershed project
- Petersburg Ranger position available in the future

**Lauren Burch commented on the following:**

- Kids archery team did great. Quin Slayton in 4<sup>th</sup> for America and Taylee Nyquest in 1<sup>st</sup>.
- Thank the City and the USFS for road work in front of the school
- Thank the Council and Administrator for making his job smoother and taking care of the school's needs

**Guy Lane read a letter and submitted for the record. (letter attached to the minutes)**

**Lavenia Sylvia commented on the following:**

- Support for Guy Lane
- State handbook for Mayors not allow for councilmembers to challenge other members or the public

**Rachelle Huddleston commented on the following:**

- Kids fishing day was success
- Thanked council for Resolution supporting name change for Kids Fishing Day

**Nick Gefre commented on the following:**

- Longtime member of the community
- Once a city council member
- Being a councilmember is a thankless job

Lavenia Sylvia commented on the following:

- Need volunteers to be “lost” for dog scent training
- 2 grants at Davidson Landing expiring within next 1 to 2 years, inquired on progress with the grants

Thom Cunningham commented on the following:

- Neutral in Wayne as Administrator
- Agree that the community needs to come together
- Posting agendas at Davidson Landing, a suggestion that the Harbor Master could post at Davidson during his checks

9. COUNCIL COMMENTS:

Hartwell commented on the following:

- Inquired on what effect the Petersburg/Coffman Cove run will effect the Hollis Run in the IFA

McDonald commented on the following:

- IFA Petersburg/Coffman Cove run will not increase the IFA Hollis run

10. OLD BUSINESS:

No old business.

11. NEW BUSINESS:

- A. Kosciusko Vegetation Management and Watershed Improvement Project  
Comment request, USFS, Discussion only item:

Rachelle Huddleston gave a presentation on the Kosciusko Vegetation Management and Watershed Improvement Project. Requested comment from the public on the project.

- B. Resolution 15-08-18-01, amending Resolution 13-07-02-02, establishing a fee structure for Fire and EMS services, discussion and action item:

Gould moved to approve Resolution 15-08-18-01. Hartwell seconded the motion. Discussion about the current fire rates ensued. Gould requested the City Clerk ask Ketchikan and Klawock what they charge for their fire department responses. There was further discussion.

MOTION: Move to approve Resolution 15-08-18-01

F/S: Gould/Hartwell

YEAS: Minnillo and Carlson

NAYS: Slayton, Hartwell, Gould, Edenfield, and McDonald

STATUS: Motion Failed.

- C. Resolution 15-08-18-02, supporting current long term parking rate increase, discussion and action item:

Gould moved to approve Resolution 15-08-18-02. McDonald seconded the motion. Gould stated he agreed with the rate structure for the parking that was proposed. McDonald inquired why the change in parking rate structure. Wayne Benner stated the current parking fee was a flat rate. The need for the change is there are all different lengths of vehicles and trailers and containers paying the same rate. Slayton inquired if this rate structure was comparable with how the harbor boats are charged. Minnillo inquired if a charge by the foot like the boats in the harbor area would be a good way to charge? Minnillo stated he did not have a problem with the rate structure as proposed.

MOTION: Move to approve Resolution 15-08-18-02  
F/S: Gould/McDonald  
YEAS: McDonald, Minnillo, Carlson, Gould, Edenfield and Slayton  
NAYS: Hartwell  
STATUS: Motion Passed.

12. ORDINANCES FOR INTRODUCTION:

- A. Ordinance 15-09-01-01, amending Title 10 – Vehicles and Traffic, Chapter 10.20-Parking Standing and Stopping, Section 10.20.060-Off street parking place and removal of unauthorized vehicles, discussion and action item:

McDonald moved to approve Ordinance 15-09-01-01. Minnillo seconded the motion. Wayne Benner explained the reasoning for the ordinance change was to be in line with the resolution changing parking permit rates. There was further discussion.

MOTION: Move to approve Ordinance 15-09-01-01  
F/S: McDonald/Minnillo  
YEAS: Edenfield, Minnillo, Hartwell, Carlson, Gould, Slayton and McDonald  
NAYS: None  
STATUS: Motion Passed.

13. EXECUTIVE SESSION: The Council May adjourn to executive session for the purpose of discussing matters that tend to prejudice the reputation and character of any person. The matter for discussion is the complaint against the City Administrator submitted by Guy Lane:

McDonald moved to adjourn to executive session for the purpose of discussing matters that tend to prejudice the reputation and character of any person. The matter for discussion is the complaint against the City Administrator submitted by Guy Lane. Hartwell seconded the motion. Adjourned to executive session at 7:50p.m.

MOTION: Move to adjourn to executive session for the purpose of discussing matters that tend to prejudice the reputation and character of any person. The matter for discussion is the complaint against the City Administrator submitted by Guy Lane  
F/S: McDonald/Hartwell  
YEAS: McDonald, Minnillo, Edenfield, Carlson, Gould, Slayton and Hartwell  
NAYS: None  
STATUS: Motion Passed.

Reconvened to the meeting at 8:10p.m. McDonald stated no action would be taken against the City Administrator.

14. CONTINUATION OF PUBLIC COMMENT:

Thom Cunningham commented on the following:

- Fire department response rate structure for house fire and owing \$1,000 after home burning down

Pat Rochester commented on the following:

- Supports the City Council, may not always agree, but still supports them

15. CONTINUATION OF COUNCIL COMMENT:

Gould commented on the following:

- Thanked Wayne Benner for work he does
- Being Administrator is the toughest job

McDonald commented on the following:

- Concurred with what the Mayor said

16. ADJOURNMENT:

Vice Mayor McDonald adjourned the meeting at 8:15pm

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

## ADMINISTRATOR'S REPORT 8-18-15 Wayne Benner

### Meetings Attended and Updates:

1. Mayor, Vice Mayor and myself attended the meeting with Senator Murkowski in Craig on August 10<sup>th</sup>.
2. Next week will be the last two tour boats of the season.
3. Met with Kasaan on Kasaan Road Improvement Grants.

### Tasks and Projects:

**Old Business:** No old business

### New Business:

1. Kosciusko Vegetation Management and Watershed Improvement Project will be presented by the FS
2. Resolution 15-08-18-01 amending resolution 13-07-02-02
3. Resolution 15-08-18-02 long term parking rate increase. This is a proposal to increase the long term parking rates and also adjust how the fees are determined. Long term parking at this time includes any vehicle, trailer, container or other object place on city property for longer than 72 hours. The proposed fee structure will set fees in 20 foot increments with the first 20 feet being \$35 and the next 20 feet an additional \$25. Over 40 feet will be determined on a case by case basis.
4. Ordinance 18-09-01-01 additions and deletions are to remove the parking fees from the ordinance and establish them through the resolution format as is done with other user fees.

**Harbor and Parks:** There will be some recommendations to the parking ordinance talking about specific locations and time forthcoming based on the new harbor plan. Preparing plans with DOWL to submit to DEC for restrooms at Davidson Landing.

**Streets and Roads:** Crews have been around town and on the south side cutting brush. Sandy Beach Road Improvement now has curbs and sidewalks complete from the existing to the School entrance.

**Water and Sewer:** The Council will see some expenditure's over \$2000 in the coming meetings as we replace and rebuild some equipment plus get more critical parts on the shelf for inventory.

**Solid Waste:** Clean up continues along with removing trees and adding soil cover over bales.

**Law Enforcement:** Patience and working within the VPSO system has paid off. The VPSO program has found funds to support the hiring of a full time VPSO for the City of Thorne Bay, despite the city not being a native community. Mr. Wilson will be on POW the end of August/first of September at which time the interview process will continue with the remaining 3 applicants that had previously applied prior to the VPSO budget restraints.

**FIRE/EMS:** Have talked briefly with two new employees of Peace Health that are living in Thorne Bay about joining EMS.

**Library:** WiFi is up and running at the library and the password is available from staff. There are hours for use, that correspond to the hours of the library, the password is changed weekly and signal outside the library is weak and fades fast as you walk away.

Thorne Bay City council meeting 08-18-2015

**I rise in SUPPORT of our City Administrator Wayne Benner !!!!!**

**I have been a resident of Thorne Bay for over 33 years now and have seen a lot of City Administrators come and go. Wayne has been one of the best – in fact I remember only one other Administrator that came close to the bar that Wayne has set.**

**Wayne has done a lot for this town in the few years that he has been here. Many things have changed and many improvements have been made under his direction. Wayne came to us with a very strong background in community government and experience in the things that needed to be accomplished here.**

**Being the City Administrator is a very tough job that requires the balancing of “wants” and “needs” with a few unplanned events and breakdowns thrown in while dealing with ever tightening budgets. I doubt that Wayne has worked only a 40 hour week since he arrived.**

**I’m sure you know that it is impossible to please everyone all the time and even more impossible to respond with the outcome to each and every request the way the individual would like. I personally know that Wayne always has “what’s best for the community” in mind when he works thru his long lists of things that need to be done here.**

**Again – I support Wayne in most everything he has done for this community (we have had our differing opinions too).**

**I really appreciate all the LONG hours and hard work that he does for ALL of us and hope that YOU feel the same way also !!!!!!!!!!!**

**Thank You, Jim McFarland**

To Thorne Bay City Council, and who it may concern,

I spoke during Public Comment period several City Council meetings ago regarding Wayne Benners harassment towards me when attempting to pay my bills with the City, I recently informed the City Council that I have been refused due process consistently for two years "as documented" , Wayne Benner has a history stretching for two years now of intentionally causing unnecessary strife, his intentional actions have not benefited the City in any Way.

I think Wayne Benner harbors personal hard feelings towards me because I have made public complaints regarding drugs being promoted at City Hall in front of my family including our 11 year old daughter during business meetings overseen by Wayne Benner, Wayne Benner was discovered making false statements regarding our business and I did end up with his text messages between Jim McFarland and Becca Wagaman, Jim McFarland was openly leading a conspiracy to hide Wayne Benners slanderous statements by "telling Wayne Benner and Mrs Wagaman to stay elusive as you are now, and don't let them corner you into answering anything, let's see what happens at the City Council meeting first", Jim McFarland then wanted to change the corporate minutes while Mrs Wagaman did state that the right thing to do was apologize to Kim and I because the minutes were correct, I brought up these facts in later "recorded" Meetings and Wayne refused to admit his false statements until a lawsuit was filed and Wayne finally admitted to the statements he earlier denied for an extended period of time. Wayne Benner's close Associate Jim McFarland has harassed my family (including our children) and I ever since.

Wayne Benner has admitted to me during a "recorded" meeting that, (the less the City Council Knows the easier his Job is as they just make everything difficult), Wayne Benner has failed to Keep the City Council informed when he intentionally did (not) relay letters e-mails directed to all city Council Members, "as admitted by Council member Hartwell during a recent City Council Meeting when he stated he did not get emails I sent to the City Administrator and City Clerk for (all) Council Members".

At the last City Council meeting on August 4,2015, I spoke during the public comment period and stated that I have made a fair and just offer to end all litigation (with no financial payment to either side) so that there may be peace between my family and the City, I also politely requested that Wayne Benner stop using me as a hammer to punish the entire Community such as using me as a reason to not have the outdoor market for the Cruise boats that visit the City, in Wayne's administrative reports he used me as a reason for why the City can't look for a fresh water source, and I especially asked Wayne Benner to stop using me as the reason why Thorne Bay does (not) have a VPSO, "Very Recently I have been informed by James Smith (ex VPSO of Thorne Bay) that the Wayne Benner told James Smith that it would be best for the City, if he didn't apply for a transfer back to Thorne Bay as the VPSO because it would (supposedly) bolster my litigation against the City" , I explained that James Smith was now a victim of the litigation and apologized to him as he has nothing to do with any litigation. Actually a better way to describe this situation is that the residents of Thorne Bay are a victim of the City Administers personal "warfare" issues against me because the entire towns safety could have been better supported by the opportunity of having a VPSO again.

The following morning after the Aug. 5, 2015 Council Meeting I received a letter from the City attorney stating that he would (not) recommend a settlement with the City (if) I don't agree to the City's demands, "I do allege that this settlement outline email is unethical to extreme levels because the publicly elected government of Thorne Bay has no authority and or rights to drive anyone from their home or face future litigation, they have no right to demand that I give up my (constitutional) rights to file a grievance or complaint of any kind against the government especially when demanding I not make (any) complaints in the future regarding circumstances that have yet to occur", "the elected city administration has (no) right to demand that I (never) file any grievances with the state of Alaska APOC (who investigate elected public figures) or I will face continued litigation", "the City Administration especially has (no) right to demand I stay silent and make (no) public statement regarding a City employee threatening to bury anyone associated with my public records requests and this person (did) try and get my son in his vehicle, (a stalking order was granted against this city employee)", "the Public City Government of Thorne Bay has gone far beyond their authority when attempting to settle litigation and are harassing my family"." The Thorne Bay City Administration does need to reconsider and correct their harassing, unethical and or unconstitutional actions". (see email below)

Settlement Recommendation

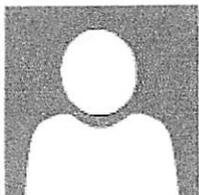
Settlement Recommendation

Clay Keene

[Add to contacts](#)

8/05/15

To: 'Guy Lane'



Mr. Lane,

This email contains settlement discussions that are protected under Evidence Rule 408.

I am prepared to recommend the following outline of a settlement to the City Council, if you find it acceptable. If approved by the City Council, the settlement will require the preparation of three essential documents: (i) stipulation of Lane and the City, (ii) Court Order approving the stipulation, and (iii) a comprehensive settlement agreement to be signed by the parties and entered with the court once the conditions precedent have been met.

The nuts-and-bolts of the recommended settlement contemplate the parties (Lane/City) entering into a stipulation that would be submitted to the court for approval. The stipulation would implement a "stay" of the proceedings for a period of six months, or until Lane sold his property and was ready to leave Thorne Bay, whichever first occurred. During the stay nothing would occur in the lawsuit, and you would agree during the stay not to bring further complaints, claims, either in court or administrative claims, against the City, council members, administrator, employees or the City's attorney(s); or, bring complaints before the City Council during meetings or otherwise, on any topic concerning the City, including the Council or the Administrator's management of the City, etc. If you are not able to sell his property within the six month period of the stay, the stay would be extended another six months. If you violated the terms of the stay, the City would inform the court of the violation and proceed with litigation of the lawsuit. Upon sale of your real property in Thorne Bay, you execute the comprehensive settlement agreement releasing the City, Billy Jo Phillips, council members, etc., from any and all claims; and, the City would dismiss its counterclaim against you, with prejudice. If this outline is acceptable, I will draft the settlement agreement prior to the parties entering into the stipulation, which would be made an exhibit to the stipulation, with agreement of its execution by both parties once the Lane property was sold.

Here is a summary outline of the proposed settlement I am willing to recommend to the City of Thorne Bay if acceptable to you. Your acceptance will be required to be in writing to me:

- We hold the lawsuit in "abeyance" or under "stay" pending the sale of Lane's home and departure from Thorne Bay;
- This means nothing occurs in the lawsuit, we would have a status hearing in six months, unless you sooner sold your house/property and permanently moved from Thorne Bay;

- During the stay, Lane will not bring other claims or complaints against the City members of the city council, Billy Jo Phillips, council members, APOC complaints etc; and, would not make complaints during council meetings about the City, etc.
- Lane releases his claims relating to moorage fees, and any other claims he has threatened against the City;
- Once Lane sells his home, and leaves Thorne Bay, the lawsuit, including the City's counterclaim would be dismissed with prejudice, each party to be responsible for their own attorney fees;
- The comprehensive release the City, etc., from any and all claims, known or unknown.
- I will prepare the comprehensive release, which you will agree to at this time. Once prepared and agreement reached as to its terms, it would be attached to and made part of the stipulation submitted to the court for approval of the stay and other terms provided above.
- Once the Lane property was sold and the comprehensive release signed, the lawsuit would be dismissed, with prejudice.

**Conceptually, the stipulation would require that you "stand down" from further complaints, allegations, etc., about the**

**City, Council Members, or anything related to the City, its agencies, employees, etc. Essentially, you would be giving up your right to publicly complain about anything having to do with anything regarding the City during the stay or after. If the outline of this proposed settlement is acceptable to you, I will advise the City's Administrator, and proceed with the drafting of the documents once approval is given by the City to proceed. If the proposed terms towards settlement are not acceptable to you as outlined in this email, the City of Thorne Bay will continue litigating the lawsuit.**

**The outline of a proposed settlement as outlined in this email is contingent on your approval, approval by the City of Thorne Bay, and approval of the stipulation by the Court. Nothing contained herein shall be deemed binding on the City of Thorne Bay, its officials, administrator, attorney or employees, until the conditions set forth herein have been met, and an order issued by the court approving the reference stipulation of the parties. Until such time, the terms and conditions stated herein constitute preliminary, unenforceable settlement discussions, and nothing more. I reserve the right to amend, change, or delete any proposed term stated herein until such time as the parties stipulation is approved by the court.**

Regards,

Clay Keene

**END OF EMAIL**

---

**In Closing;**

1. **It will be a struggle to set aside our civil disputes until the harassment and or personal warfare originating from the City Administration against me ends, I want the City to understand that I am willing to peacefully settle my litigation with the City of Thorne Bay, but I am (not) willing to give you any of my constitutional rights, "unless you can bring back our Son In Law Tyler Walshe, who died in Afghanistan fighting with the US Army for the very constitutional rights this City Administration is so willing to remove from me as a retaliation for filing a grievance against the publicly elected government of the City of Thorne Bay".**
2. **I will not (ever) capitulate to your demands that I stay silent regarding the City employee who threatened to bury anyone who is associated with my Public Records Requests regarding the City Water, "as was testified to under oath in Craig District Court", especially when a stalking restraining order was granted to protect my family, "this City employee also admitted to trying to get my son in his truck"! I will not give up any right to protect my family from the City Government of Thorne Bay or its employee's, for any reason.**
3. **The City Administration (is) waging personal "warfare" against Guy Lane and simultaneously depriving the rest of the Community of the possibility of certain public needs such as health and public safety (VPSO), these actions are (not) in the best interest of the Community.**
4. **The City Administrations and or City Councils "documented" harassment "such as vulgar name calling and slanderous statements (alleging Guy Lane made up the story about the City's sub standard water quality for his personal financial gain) against Guy Lane for making complaints to the Alaska DEC regarding the unhealthy water quality and the City (not) following proper state policies, needs to end permanently, "especially since the state of Alaska DEC has taken legal action against the City of Thorne Bay because of the water (not) meeting State standards for many years, and is a documented health concern".**
5. **For the better good of the greater community and my family, I have made it known (since before Aug. 4 Council Meeting) that I am willing to settle (all) of our civil disputes in good faith at no future cost to the city, provided the City Administration and or City Council ends their harassment and protects my constitutional rights that you (did) take an oath to uphold when you accepted your publicly elected position.**

Guy Lane

Thorne Bay Resident 8/18/2015



United States  
Department of  
Agriculture

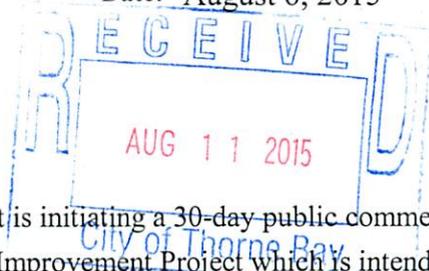
Forest  
Service

Alaska Region  
Tongass National Forest  
Thorne Bay Ranger District

P.O. Box 19001  
Thorne Bay, AK 99919-0001  
Phone: (907) 828-3304  
Fax: (907) 828-3309

File Code: 1950

Date: August 6, 2015



Dear Interested Individuals, Organizations, and Agencies:

The Thorne Bay Ranger District of Tongass National Forest is initiating a 30-day public comment period for the Kosciusko Vegetation Management and Watershed Improvement Project which is intended to 1) help move the Forest forward in transitioning to young-growth management while enhancing wildlife habitat, improving riparian areas, and maintaining function of high-vulnerability karst areas; 2) supply a small component of old growth to meet the needs of the local community; 3) restore riparian management areas and improve fish habitat; 4) manage water flow and blockages to improve karst hydrologic systems; and 5) treat invasive plant infestations. Enclosed is a Draft Environmental Assessment describing the project, issues, alternatives, and anticipated effects. Public meetings for this project are planned as follows: at Naukati School – presenting at the Naukati City Council Meeting August 12<sup>th</sup>, which starts at 6:30 pm; at Thorne Bay City Council Chambers – presenting at the Thorne Bay City Council Meeting August 18<sup>th</sup>, which starts at 6:30 pm; and at Edna Bay School August 25<sup>th</sup> at 3:00 pm; Specific written comments on this project will be accepted at these meetings. Subsistence hearings will be held directly after these meetings.

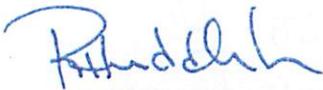
This project is subject to 36 CFR 218.7 parts (a) and (b). Instead of an appeal period, there will be an objection process before the final decision is made. In order to be eligible to file an objection, specific written comments related to the project must be submitted during scoping or any other periods public comment is specifically requested on this EA (218.5). For more information on how the objection process works for projects and the requirements, you may read the regulations under 36 CFR 218 Subparts A and B on the National Forest Service web site at: <http://www.gpo.gov/fdsys/pkg/FR-2013-03-27/pdf/2013-06857.pdf> or reference the attached “218 Objection Guide”. The final environmental assessment will be mailed out to those who respond to this request for comments, to those who have requested the document, or those who are eligible to file an objection in accordance with Sec. 218.5(a).

Participation of interested persons, organizations, state and local governments, and Indian tribes is encouraged throughout the process. I request your input as it relates to the proposed project and the Draft Environmental Assessment. **Please respond in writing by September 8, 2015.** Written comments may be submitted to: Rachele Huddleston-Lorton, District Ranger, Thorne Bay Ranger District, P.O. Box 19001, Thorne Bay AK 99919; at the Thorne Bay District Office, at 1312 Federal Way, Thorne Bay, during normal business hours, Monday through Friday 8am to 4:30pm; by FAX at 907-828-3309; or submitted electronically to: <https://cara.ecosystem-management.org/Public/CommentInput?Project=45037>.



If you have any questions about the project or the planned public meetings, please contact Delilah Brigham, Interdisciplinary Team Leader and Project Lead, by phone at (907) 828-3232 or by email at [dbrigham@fs.fed.us](mailto:dbrigham@fs.fed.us). Thank you and we look forward to your participation in the planning process.

Sincerely,



RACHELLE HUDDLESTON-LORTON  
District Ranger

Enclosure: Kosciusko Project Draft  
Environmental Assessment

Operating Budget	FY16 Budget	FY16 - July 1 to August 11, 2015
Income	1,360,120.90	333,419.66
Expense	1,352,502.15	181,353.12
transfer reserve	0	
Net	104,425.25	223,369.33

**City of Thorne Bay 2014**  
**Profit & Loss Budget vs. Actual**  
July 1 through August 11, 2015  
Admin & Finance

	Budget	Jul 1 - Aug 11, 15
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**Ordinary Income/Expense**

**Income**

Animal Fees	700.00	80.00
ATV Fees	250.00	45.00
Community Revenue Sharing	62,000.00	67,545.80
Copier/Fax	0.00	8.45
Fees & Permits	20,000.00	3,841.00
Land Payment Interest	5,000.00	795.95
Land Sales	2,000.00	894.77
Landing Fees	4,000.00	0.00
Live-aboard Fees	1,200.00	0.00
Miscellaneous Income	5,000.00	1,841.92
Notary/Lamination	550.00	201.00
Occupancy Tax	12,000.00	4,313.57
Passport Services	800.00	56.61
Payment in Lieu of Taxes	130,000.00	0.00
Refundable Deposits	2,000.00	377.00
Rental	25,000.00	5,260.00
Sales Tax	430,000.00	104,806.78
<b>Total Income</b>	<b>700,500.00</b>	<b>190,067.85</b>

**Expense**

Advertising and Promotion	1,600.00	289.52
Bank Service Charges	400.00	0.00
Bldg/Grnd Maint Repair	16,000.00	0.00
Computer/Software	1,500.00	0.00
Contract Labor	25,000.00	0.00
Credit Card Merchant Fees	1,500.00	0.00
Dues and Subscriptions	2,000.00	851.00
Electricity	3,000.00	468.07
Equipment Maint & Repair	600.00	0.00
Equipment Purchase	5,000.00	0.00
Health Insurance	37,110.53	4,709.34
Health Travel Reimburseme	7,000.00	0.00
Heating Fuel	5,000.00	0.00
AML/Insurance	8,000.00	-1,420.12
Worker's Compensation	1,500.00	1,699.75
Insurance Expense - Other	0.00	26,115.88
Interest Expense	200.00	0.00
Internet Use	2,500.00	183.00
Legal Services	50,000.00	1,977.00
Materials and Supplies	6,000.00	1,254.76

City of Thorne Bay 2014  
**Profit & Loss Budget vs. Actual**  
July 1 through August 11, 2015  
Admin & Finance

	Budget	Jul 1 - Aug 11, 15
Miscellaneous Expense	250.00	0.00
Payroll Taxes	6,500.00	314.45
PERS	34,000.00	0.00
Payroll Expenses - Other	207,060.00	24,327.02
Postage and Freight	3,500.00	231.23
Record Maintenance	100.00	0.00
Telephone	2,500.00	214.54
Training	800.00	0.00
Travel Expense	5,000.00	420.00
<b>Total Expense</b>	<b>433,620.53</b>	<b>61,635.44</b>
<b>Net Ordinary Income</b>	<b>266,879.47</b>	<b>128,432.41</b>

**City of Thorne Bay 2014**  
**Profit & Loss Budget vs. Actual**  
 July 1 through August 11, 2015

**City Council**

	<b>Budget</b>	<b>Jul 1 - Aug 11, 15</b>
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**Ordinary Income/Expense**

**Income**

<b>Community Revenue Sharing</b>	3,000.00	3,000.00
<b>Fees &amp; Permits</b>	150.00	0.00
<b>Total Income</b>	3,150.00	3,000.00

**Expense**

<b>Donations</b>	3,000.00	1,500.00
<b>Dues and Subscriptions</b>	1,350.00	255.00
<b>Materials and Supplies</b>	300.00	0.00
<b>Payroll Taxes</b>	500.00	30.45
<b>Payroll Expenses - Other</b>	18,000.00	2,230.20
<b>Postage and Freight</b>	100.00	0.00
<b>Telephone</b>	600.00	0.00
<b>Training</b>	250.00	150.00
<b>Travel Expense</b>	2,500.00	420.00
<b>Total Expense</b>	26,600.00	4,585.65

**Net Ordinary Income**

**-23,450.00**

**-1,585.65**

City of Thorne Bay 2014  
Profit & Loss Budget vs. Actual  
July 1 through August 11, 2015

EMS

	Budget	Jul 1 - Aug 11, 15
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
Community Revenue Sharing	15,000.00	15,000.00
Fees & Permits	0.00	0.00
Miscellaneous Income	0.00	783.50
<b>Total Income</b>	<b>15,000.00</b>	<b>15,783.50</b>
<b>Expense</b>		
Contract Labor	0.00	50.00
Dues and Subscriptions	20.00	0.00
Electricity	1,050.00	72.56
Equipment Maint & Repair	150.00	0.00
Heating Fuel	700.00	0.00
AML/Insurance	2,500.00	1,236.00
Worker's Compensation	2,200.00	596.80
Internet Use	210.00	0.00
Materials and Supplies	1,500.00	149.03
Miscellaneous Expense	250.00	0.00
Payroll Taxes	350.00	13.78
Payroll Expenses - Other	10,000.00	1,027.81
Postage and Freight	200.00	0.00
Telephone	1,350.00	52.37
Training	600.00	0.00
Travel Expense	200.00	0.00
Vehicle Fuel	300.00	0.00
Vehicle Maintenance	350.00	0.00
<b>Total Expense</b>	<b>21,930.00</b>	<b>3,198.35</b>
<b>Net Ordinary Income</b>	<b>-6,930.00</b>	<b>12,585.15</b>

**City of Thorne Bay 2014**  
**Profit & Loss Budget vs. Actual**  
 July 1 through August 11, 2015

	<b>Fire</b>	
	<b>Budget</b>	<b>Jul 1 - Aug 11, 15</b>
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
<b>Community Revenue Sharing</b>	15,000.00	15,000.00
<b>Miscellaneous Income</b>	0.00	803.50
<b>Total Income</b>	<b>15,000.00</b>	<b>15,803.50</b>
<b>Expense</b>		
<b>Electricity</b>	1,500.00	125.09
<b>Equipment Maint &amp; Repair</b>	600.00	0.00
<b>Equipment Purchase</b>	4,000.00	0.00
<b>Heating Fuel</b>	800.00	0.00
<b>AML/Insurance</b>	2,000.00	1,905.00
<b>Worker's Compensation</b>	2,200.00	347.53
<b>Internet Use</b>	210.00	0.00
<b>Materials and Supplies</b>	1,000.00	248.00
<b>Payroll Expenses - Other</b>	1,200.00	0.00
<b>Payroll Taxes</b>	150.00	
<b>Postage and Freight</b>	125.00	0.00
<b>Telephone</b>	1,000.00	88.04
<b>Training</b>	600.00	0.00
<b>Vehicle Fuel</b>	500.00	0.00
<b>Vehicle Maintenance</b>	500.00	0.00
<b>Total Expense</b>	<b>16,385.00</b>	<b>2,713.66</b>
<b>Net Ordinary Income</b>	<b>-1,385.00</b>	<b>13,089.84</b>

**City of Thorne Bay 2014**  
**Profit & Loss Budget vs. Actual**  
July 1 through August 11, 2015

**Law Enforcement**

**Budget                      Jul 1 - Aug 11, 15**

**Ordinary Income/Expense**

**Income**

<b>Animal Fees</b>	350.00	0.00
<b>ATV Fees</b>	200.00	0.00
<b>Community Revenue Sharing</b>	15,000.00	15,000.00
<b>Fees &amp; Permits</b>	250.00	0.00
<b>Total Income</b>	<b>15,800.00</b>	<b>15,000.00</b>

**Expense**

<b>Electricity</b>	600.00	42.51
<b>Equipment Maint &amp; Repair</b>	250.00	0.00
<b>Equipment Purchase</b>	500.00	0.00
<b>Heating Fuel</b>	750.00	0.00
<b>AML/Insurance</b>	2,000.00	1,019.00
<b>Materials and Supplies</b>	500.00	5.00
<b>Miscellaneous Expense</b>	1,500.00	0.00
<b>Payroll Taxes</b>	150.00	0.00
<b>Payroll Expenses - Other</b>	6,000.00	0.00
<b>Postage and Freight</b>	50.00	0.00
<b>Telephone</b>	1,500.00	95.89
<b>Travel Expense</b>	1,500.00	0.00
<b>Vehicle Fuel</b>	1,200.00	122.60
<b>Vehicle Maintenance</b>	1,300.00	0.00
<b>Total Expense</b>	<b>17,800.00</b>	<b>266.00</b>

**Net Ordinary Income    -2,000.00                      14,734.00**

City of Thorne Bay 2014  
**Profit & Loss Budget vs. Actual**

July 1 through August 11, 2015

Library

	Budget	Jul 1 - Aug 11, 15
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**Ordinary Income/Expense**

**Income**

Community Revenue Sharing	5,000.00	5,000.00
Copier/Fax	150.00	0.00
Fees & Permits	120.00	0.00
Mini Library Grant	0.00	
Miscellaneous Income	75.00	
Sales Tax	5.00	0.00
<b>Total Income</b>	<b>5,350.00</b>	<b>5,000.00</b>

**Expense**

Bldg/Grnd Maint Repair	175.00	0.00
Books	200.00	17.31
Computer/Software	100.00	0.00
Contract Labor	0.00	300.00
Dues and Subscriptions	100.00	0.00
Electricity	750.00	174.40
Furniture, Equip & Computers	75.00	0.00
Heating Fuel	600.00	0.00
AML/Insurance	120.00	116.00
Internet Use	250.00	49.95
Mini Library Grant		125.34
Materials and Supplies	500.00	0.00
Miscellaneous Expense	300.00	85.81
Payroll Taxes	125.00	9.55
Payroll Expenses - Other	4,000.00	713.11
Postage and Freight	200.00	0.00
Telephone	350.00	25.27
<b>Total Expense</b>	<b>7,845.00</b>	<b>1,616.74</b>

<b>Net Ordinary Income</b>	<b>-2,495.00</b>	<b>3,383.26</b>
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City of Thorne Bay 2014  
Profit & Loss Budget vs. Actual

July 1 through August 11, 2015

Harbor

Ordinary Income/Expense

Income

	Budget	Jul 1 - Aug 11, 15
Davidson Landing Fees	15,000.00	1,242.74
Fees & Permits	50.00	100.00
Fishery Tax Receipts	7,704.90	0.00
Grid Fees	450.00	63.75
Harbor Fees	43,000.00	12,584.94
Harbor Replacement	6,500.00	0.00
Harbor Showers	1,500.00	288.00
Live-aboard Fees	2,000.00	1,662.00
Miscellaneous Income	5,000.00	1,207.20
Sales Tax	4,000.00	720.66
<b>Total Income</b>	<b>85,204.90</b>	<b>17,869.29</b>

Expense

Bldg/Grnd Maint Repair	150.00	0.00
Contract Labor	2,500.00	0.00
Dues and Subscriptions	200.00	0.00
Electricity	7,000.00	807.78
Equipment Maint & Repair	2,000.00	0.00
Equipment Purchase	1,000.00	82.06
Harbor Replacement expense	6,500.00	0.00
Health Insurance	7,000.00	784.02
AML/Insurance	2,500.00	2,908.00
Worker's Compensation	11,000.00	5,294.34
Internet Use	450.00	79.95
Materials and Supplies	4,500.00	293.44
Miscellaneous Expense	150.00	0.00
Payroll Taxes	614.00	79.94
PERS	9,952.00	0.00
Payroll Expenses - Other	45,145.62	5,965.95
Postage and Freight	350.00	0.00
Telephone	700.00	0.00
Training	1,200.00	0.00
Travel Expense	1,000.00	0.00
Vehicle Fuel	750.00	91.36
Vehicle Maintenance	500.00	0.00
<b>Total Expense</b>	<b>105,161.62</b>	<b>16,386.84</b>

Net Ordinary Income

-19,956.72

1,482.45

**City of Thorne Bay 2014  
 Profit & Loss Budget vs. Actual  
 July 1 through August 11, 2015**

**Water**

Budget	Jul 1 - Aug 11, 15
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**Ordinary Income/Expense**

**Income**

<b>Fees &amp; Permits</b>	200.00	0.00
<b>Miscellaneous Income</b>	250.00	0.00
<b>Sales Tax</b>	7,200.00	969.05
<b>Water Fees</b>	120,000.00	21,754.40
<b>Total Income</b>	<b>127,650.00</b>	<b>22,723.45</b>

**Expense**

<b>Bldg/Grnd Maint Repair</b>	1,000.00	0.00
<b>Chemicals</b>	12,000.00	0.00
<b>Contract Labor</b>	15,000.00	0.00
<b>Dues and Subscriptions</b>	1,000.00	0.00
<b>Electricity</b>	9,500.00	1,632.97
<b>Equipment Maint &amp; Repair</b>	1,500.00	0.00
<b>Equipment Purchase</b>	2,500.00	0.00
<b>Health Insurance</b>	19,500.00	784.02
<b>Heating Fuel</b>	7,500.00	0.00
<b>AML/Insurance</b>	4,000.00	3,690.00
<b>Worker's Compensation</b>	3,000.00	2,149.23
<b>Materials and Supplies</b>	7,500.00	149.92
<b>Miscellaneous Expense</b>	100.00	0.00
<b>Payroll Taxes</b>	1,000.00	47.49
<b>PERS</b>	9,400.00	0.00
<b>Payroll Expenses - Other</b>	50,960.00	4,186.32
<b>Postage and Freight</b>	3,500.00	58.00
<b>Telephone</b>	360.00	0.00
<b>Testing</b>	9,000.00	84.50
<b>Training</b>	800.00	0.00
<b>Travel Expense</b>	750.00	0.00
<b>Vehicle Fuel</b>	2,500.00	194.81
<b>Vehicle Maintenance</b>	1,000.00	0.00
<b>Total Expense</b>	<b>163,370.00</b>	<b>12,977.26</b>

**Net Ordinary Income**

**-35,720.00**

**9,746.19**

**City of Thorne Bay 2014**  
**Profit & Loss Budget vs. Actual**  
July 1 through August 11, 2015

	<b>Solid Waste</b>	
	<b>Budget</b>	<b>Jul 1 - Aug 11, 15</b>
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
Equipment Rentals	200.00	0.00
Miscellaneous Income	500.00	0.00
Refundable Deposits	0.00	41.00
Sales Tax	6,000.00	847.53
Solid Waste Fees	140,000.00	23,251.27
<b>Total Income</b>	<b>146,700.00</b>	<b>24,139.80</b>
<b>Expense</b>		
Bldg/Grnd Maint Repair	500.00	0.00
Chemicals	2,000.00	0.00
Contract Labor	1,500.00	237.39
Dues and Subscriptions	150.00	0.00
Electricity	9,000.00	1,341.40
Equipment Maint & Repair	7,500.00	0.00
Equipment Purchase	10,000.00	0.00
Equipment Rental	250.00	10.00
Heating Fuel	11,000.00	0.00
AML/Insurance	1,500.00	1,298.00
Worker's Compensation	1,400.00	1,590.92
Materials and Supplies	2,000.00	545.96
Miscellaneous Expense	6,000.00	0.00
Payroll Taxes	4,800.00	57.15
Payroll Expenses - Other	40,560.00	4,278.87
Postage and Freight	1,000.00	0.00
Repairs and Maintenance	1,000.00	0.00
Testing	3,000.00	0.00
Training	500.00	0.00
Vehicle Fuel	1,250.00	60.01
Vehicle Maintenance	2,500.00	0.00
<b>Total Expense</b>	<b>107,410.00</b>	<b>9,419.70</b>
<b>Net Ordinary Income</b>	<b>39,290.00</b>	<b>14,720.10</b>

**City of Thorne Bay 2014**  
**Profit & Loss Budget vs. Actual**  
 July 1 through August 11, 2015

Sewer

**Ordinary Income/Expense**

**Income**

	Budget	Jul 1 - Aug 11, 15
Miscellaneous Income	300.00	0.00
Sales Tax	5,791.00	820.16
Sewer Fees	95,000.00	17,816.85
<b>Total Income</b>	<b>101,091.00</b>	<b>18,637.01</b>

**Expense**

Bldg/Grnd Maint Repair	500.00	77.02
Chemicals	5,000.00	0.00
Contract Labor	5,000.00	4,367.50
Dues and Subscriptions	1,300.00	0.00
Electricity	24,000.00	3,471.19
Equipment Maint & Repair	2,000.00	0.00
Equipment Purchase	2,500.00	1,350.00
Health Insurance	8,000.00	2,299.98
Heating Fuel	8,000.00	0.00
AML/Insurance	6,000.00	5,986.00
Worker's Compensation	3,000.00	3,106.04
Internet Use	600.00	49.95
Materials and Supplies	2,000.00	224.05
Miscellaneous Expense	100.00	0.00
Payroll Taxes	1,200.00	152.74
PERS	7,000.00	0.00
Payroll Expenses - Other	56,240.00	11,659.93
Postage and Freight	1,500.00	52.00
Telephone	360.00	0.00
Testing	8,500.00	635.81
Training	1,200.00	0.00
Vehicle Fuel	500.00	0.00
Vehicle Maintenance	500.00	0.00
<b>Total Expense</b>	<b>145,000.00</b>	<b>33,432.21</b>

**Net Ordinary Income** **-43,909.00** **-14,795.20**

City of Thorne Bay 2014  
Profit & Loss Budget vs. Actual

July 1 through August 11, 2015

Parks & Rec

Budget	Jul 1 - Aug 11, 15
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Ordinary Income/Expense

Income

Cemetery community dev funds	30,000.00	
Fees & Permits	300.00	0.00
Rental	500.00	0.00
Sales Tax	30,000.00	0.00
<b>Total Income</b>	<b>60,800.00</b>	<b>0.00</b>

Expense

Cemetery community dev. funds	30,000.00	
Contract Labor	2,000.00	0.00
Electricity	1,150.00	179.02
Equipment Maint & Repair	1,000.00	0.00
Equipment Purchase	1,000.00	33.90
Equipment Rental	200.00	0.00
Health Insurance	7,000.00	0.00
Heating Fuel	2,000.00	0.00
AML/Insurance	200.00	478.00
Worker's Compensation	0.00	1,416.47
Materials and Supplies	1,000.00	137.61
Payroll Taxes	550.00	37.12
PERS	3,500.00	0.00
Payroll Expenses - Other	33,280.00	2,778.37
Postage and Freight	100.00	0.00
Repairs and Maintenance	250.00	0.00
Vehicle Fuel	1,500.00	189.47
<b>Total Expense</b>	<b>84,730.00</b>	<b>5,249.96</b>

<b>Net Ordinary Income</b>	<b>-23,930.00</b>	<b>-5,249.96</b>
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**City of Thorne Bay 2014  
 Profit & Loss Budget vs. Actual  
 July 1 through August 11, 2015**

**Streets and Roads**

**Ordinary Income/Expense**

<b>Budget</b>	<b>Jul 1 - Aug 11, 15</b>
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**Income**

<b>Fees &amp; Permits</b>	250.00	34.00
<b>Sales Tax</b>	65,000.00	2.64
<b>Total Income</b>	<b>65,250.00</b>	<b>36.64</b>

**Expense**

<b>Bldg/Grnd Maint Repair</b>	1,000.00	0.00
<b>Contract Labor</b>	25,000.00	300.00
<b>Dues and Subscriptions</b>	100.00	0.00
<b>Electricity</b>	5,500.00	687.49
<b>Equipment Maint &amp; Repair</b>	7,000.00	0.00
<b>Equipment Purchase</b>	7,000.00	0.00
<b>Equipment Rental</b>	500.00	0.00
<b>Health Insurance</b>	25,000.00	3,084.00
<b>Heating Fuel</b>	2,000.00	0.00
<b>AML/Insurance</b>	4,000.00	3,633.00
<b>Worker's Compensation</b>	7,100.00	8,851.93
<b>Materials and Supplies</b>	10,000.00	2,088.82
<b>Miscellaneous Expense</b>	200.00	0.00
<b>Payroll Taxes</b>	3,000.00	129.66
<b>PERS</b>	15,000.00	0.00
<b>Payroll Expenses - Other</b>	90,600.00	10,535.36
<b>Postage and Freight</b>	2,500.00	0.00
<b>Training</b>	750.00	0.00
<b>Travel Expense</b>	800.00	0.00
<b>Vehicle Fuel</b>	6,000.00	189.88
<b>Vehicle Maintenance</b>	6,500.00	0.00
<b>Total Expense</b>	<b>219,550.00</b>	<b>29,500.14</b>

**Net Ordinary Income**

**-154,300.00**

**-29,463.50**

**City of Thorne Bay 2014**  
**Profit & Loss Budget vs. Actual**  
 July 1 through August 11, 2015

**RV Park**

	<b>Budget</b>	<b>Jul 1 - Aug 11, 15</b>
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
<b>Refundable Deposits</b>	0.00	125.00
<b>RV Park Fees</b>	17,500.00	4,950.00
<b>Sales Tax</b>	1,125.00	283.62
<b>Total Income</b>	<b>18,625.00</b>	<b>5,358.62</b>
<b>Expense</b>		
<b>Bldg/Grnd Maint Repair</b>	2,000.00	0.00
<b>Dues and Subscriptions</b>	50.00	0.00
<b>Electricity</b>	500.00	71.17
<b>Equipment Maint &amp; Repair</b>	150.00	0.00
<b>Insurance Expense</b>		
<b>AML/Insurance</b>	0.00	150.00
<b>Total Insurance Expense</b>	0.00	150.00
<b>Materials and Supplies</b>	250.00	0.00
<b>Postage and Freight</b>	150.00	0.00
<b>Total Expense</b>	<b>3,100.00</b>	<b>371.17</b>
<b>Net Ordinary Income</b>	<b>15,525.00</b>	<b>4,987.45</b>

RESOLUTION 15-09-01-01  
CITY OF THORNE BAY

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,  
ALASKA, AMENDING RESOLUTION 13-07-02-02  
FEE SCHEDULE FOR FIRE AND EMS DEPARTMENT SERVICES

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

WHEREAS, Thorne Bay Fire Department has a fee schedule for responding to fires and  
there is not a fee for responding for structural fires; and

WHEREAS, Thorne Bay EMS is responsible to answering and responding to all EMS  
Calls and currently there is no fee for continuous misuse of the 911 call center; and

WHEREAS, the Thorne Bay Municipal Code 2.32.042 states that service fees to be  
charged for fire department services shall be determined by the fire department chief; and

WHEREAS, the Thorne Bay Municipal Code 2.38.042 states EMS Fees are to be set by  
resolution adopted by the City Council, and

NOW, THEREFORE BE IT RESOLVED that the City Council for the City of Thorne  
Bay, Alaska adopts the fee schedule for Fire and EMS Department services.

PASSED AND APPROVED August 18, 2015

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

Resolution 15-09-01-01

Page 2

**Additions in bold**

Fire fees shall be as follows:

- A. Careless regard for open burning resulting in fire dept being called out \$500.00
- B. Careless smoking resulting in fire \$200.00
- C. Failure to control or report a dangerous fire \$200.00
- D. Fires where alcohol or drugs were a factor requires fire marshal report \$1000.00
- E. Out of control burning requiring fire engine response \$1000.00
- F. Control burn with fire dept standby \$500.00
- G. Chimney sweep \$100.00
- H. Structure fire \$1000.00
- I. Car fire \$200.00
- K. Boat fire \$500.00
- L. There will be no charge for home inspections/ consultations
- M. False reporting requiring dispatch of Fire and or EMS\$1,000.00**

EMS fees shall be as follows:

A. Non-emergent 911 calls will result in a \$50.00 fine. The first offence will be issued a warning and any further offences will be fined.

(911 is an emergency call center. This is often misused by people calling with non-emergent situations, resulting in EMS Responders preparing for a response that is not needed)

CITY OF THORNE BAY  
ORDINANCE 15-09-01-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 10-VEHICLES AND TRAFFIC, CHAPTER 10.20-PARKING  
STANDING AND STOPPING, SECTION 10.20.060- OFF STREET PARKING PLACE-  
REMOVAL OF UNAUTHORIZED VEHICLES

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 10-Vehicles and Traffic, Chapter 10.20-Parking, Standing and Stopping, Section 10.20.060, is hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 1, 2015

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction: August 18, 2015]  
[Public Hearing: September 1, 2015]

TITLE 10  
VEHICLES AND TRAFFIC  
CHAPTER 10.20  
PARKING STANDING AND STOPPING  
SECTION 10.20.060  
OFF STREET PARKING PLACE REMOVAL OF UNAUTHORIZED VEHICLES

10.20.060 Off-street parking place--Removal of unauthorized vehicles.

D. Harbor Parking--Permit Required for Over Seventy-Two Hours. The parking of any vehicle, boat and/or trailer, motorcycle, RV or other at the Main Harbor and Davidson Landing areas shall be for no longer than seventy-two hours, unless a monthly parking permit is obtained at city hall. The Main Harbor area designated for seventy-two hour or permit parking shall be on both sides of Shoreline Drive between the boat grid and the stairwell. The entire area of Tract D of the South Thorne Bay Subdivision shall be designated for seventy-two-hour or permit parking. The permit shall be placed in such a position that it is easily viewed through the windshield, or attached in a secure manner to trailers, etc., as long as the permit is easily viewable by city personnel. The billing cycle for permit parking in these areas shall be from the first of each month to the first of the following month, to correspond to the city's billing cycle. The first month's permit fee shall be paid in advance at the time of application **plus applicable deposit**, ~~pro-rated at one dollar a day (not to exceed twenty dollars) to the beginning of the next billing cycle, and invoiced by the city thereafter.~~ If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks. (Ord. 03-06-05-02 \$3, 2003: Ord. 84-03-22-01 \$13, 1984 Ord. 09-01-06-01 ~2009)

E. Park and Sell - Permit Required. Permits are sold on a thirty day period extendable for one additional thirty day period. Park and Sell is designated to Shoreline Drive across from the Port. The permit shall be placed in such a position that it is easily viewed through the windshield. All vehicles

with no visible way to identify the owner will be marked and impounded after two weeks.

F. Long Term Parking and storage - parking over 14 days and storage will apply to all vehicles, boats and trailers. Long term parking and storage will be assigned by permit in the vicinity of city hall. The first month's permit fee shall be paid in advance at the time of application **plus applicable deposit.** ~~pro-rated at one dollar a day (not to exceed twenty dollars) to the beginning of the next billing cycle, and invoiced by the city thereafter.~~ If the subsequent invoice is not paid by the due date of the invoice it shall be considered revoked, and the vehicle shall be subject to any applicable provision of the municipal code. All vehicles with no visible way to identify the owner will be marked and impounded after two weeks.

G. **Parking Permit Billings - All fee structures for Parking Permits will be set by resolution. Parking Permits will continue to be billed to the customer until the permit has been returned and written notification of removal is submitted to the City of Thorne Bay.**

# QUOTATION



261 East 56th Avenue  
 Building A  
 Anchorage, AK 99518  
 Phone: 907-563-3424  
 Fax: 907-562-5449

Order Number	
	7440014
Order Date	Page
8/25/2015 13:28:28	1 of 1

Quote Expires On 10/9/2015

**Bill To:**

CITY OF THORNE BAY  
 PO BOX 19110  
 THORNE BAY, AK 99919

**Ship To:**

CITY OF THORNE BAY  
 THORNE BAY, AK 99919  
 3012

907-828-3380

Customer ID: 322064

PO Number		Ship Route	Taker	SalesRep
			CMORRISON	House Alaska
Quantities				
Ordered	Allocated	Remaining	UOM Unit Size	D
Item ID Item Description				
Pricing UOM				
Unit Price				
Extended Price				

**Order Note:** WO# 15-0418

FLYGT 3127.090-0670080

INSPECTION NOTES:

CORD CUT OFF UNIT. PECK HEAD WET  
 INSIDE. MOTOR WET - MEGGED BAD.

Ordered	Allocated	Remaining	UOM Unit Size	D	Item ID Item Description	Pricing UOM Unit Size	Unit Price	Extended Price
1.000	0.000	1.000	KT		(001) SVC REPAIR KIT	KT	3,846.7229	3,846.72
			1.0		REPAIR KIT	1.0		
					BASIC REPAIR KIT			
					ROTOR			
					STATOR			
					FLS			
					FLS CABLE			
					KEY STOCK			
					IMPELLER WASHER			
					IMPELLER BOLT			
					SHOP SUPPLIES			
					25' 10/7 CABLE			

Total Lines: 1

<b>SUB-TOTAL:</b>	3,846.72
<b>TAX:</b>	0.00
<b>PACKAGING/HANDLING/DELIVERY, IN :</b>	0.00
<b>SVC LABOR SHOP :</b>	1,125.00
<b>AMOUNT DUE:</b>	<b>4,971.72</b>