

MINUTES
FOR THE
REGULAR MEETING
OF THE CITY COUNCIL
CITY OF THORNE BAY,
COUNCIL CHAMBERS,
TUESDAY, January 2, 2018
6:30 P.M.

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

1. CALL TO ORDER:

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

2. PLEDGE TO FLAG:

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

3. ROLL CALL:

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

4. APPROVAL OF AGENDA:

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

MOTION: Move to approve the agenda

F/S: Carlson/Hartwell

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

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor Gould reported he had hoped to be home soon.

6. CITY ADMINISTRATOR & CLERK REPORT:

Wayne Benner, City Administrator January 2, 2018, Report:

Meetings Attended and Updates:

- The January 23rd POWCAC meeting Thorne Bay should be able to hand the chair position off to the vice chair who I believe is Klawock.
- Due to slick roads and shortage of personnel trash collection was done on a limited basis today and will be finished tomorrow for those that did not get collected today. Hopefully people will understand.

Tasks and Projects:

- Been busy trying to get 1017 wrapped up and lay the foundation for moving forward in 2018.
- Working on the SEASWA scrap metal program, trying to get the communities that have not signed the agreement on board plus getting out an RFP for Hazardous Waste collection.

Administrator's Report Continued:

New Business:

- Resolution 18-01-02-01 approving the November 1, 2017 DOWL Business Plan for water and sewer is a request from VSW as part of the paper trail for funding of water and sewer improvements.
- Resolution 18-01-02-02 supporting the RCA to hold hearing on POW to gather input on lack of phone and data service on POW.

Ordinances for Introduction:

- Ordinance 18-01-16-01 amending Title 3, Revenue and Finance that will allow a process for forgiving penalties and interest on delinquent taxes. The section on unforgiven taxes is also amended to remove city council from the approval process as the city council is the appeal process and should not be making the decision and then acting as the body for an appeal.

Ordinances for Public Hearing:

- Ordinance 18-01-02-01, this is the ordinance addressing the fine schedules. Teri can elaborate on this and what needs to be determined tonight.

Expenditures over \$2000:

- \$50,000 for crushed rock is the finishing of the Sandy Beach Road project where SE shot the rock but never finished crushing to replace the rock they used during construction.
- Expenditure of \$3,830.5 to Lowes is for new doors at the fire hall. This includes the city doing the installation and we are still looking to see if there would be a company that will provide doors and do installation.
- Tongass electric was asked to give a rate to prepare an estimate for what it would cost to repair and upgrade the electrical at the RV Park for RVs. This estimate could also be used if the city chooses to relocate the RV Park and convert the existing park to a more permanent RV facility. My question to the council how much do you want to spend? Most firms if they want business do this for nothing or little to nothing. I would say not to exceed \$1000.

Harbors and Parks: The add is out for a fulltime harbormaster and applications are due Feb 2, 2018 with the hopes of having someone hired by April.

Streets and Roads: Made it through the holidays with not too many issues until New Year's Eve, when the snow and warm weather made the roads skating rinks. Had an ad out for an on-call grader operator/truck driver to help out while Max is out in January and February with shoulder surgery.

Water and Sewer: Started out the new year with a major water leak at Adventure Alaska water shut off. Also, the UV equipment is here for the disinfection process at the sewage treatment facility.

Solid Waste: Scrap metal collection is still going on. No word on help with the baler from the firm in Georgia. We cancelled trash collection today due to slick roads and shortage of personnel. Did get a year extension on the manhole and sewer line repair work should allow enough time to address the worst issues.

Law Enforcement: Buck has been around.

FIRE/EMS: have been working up dating the MOU the city has with Klawock wherein they are available to assist Thorne Bay EMS. I hope to have a draft to send out sometime in January. There are a couple homeland security grant programs that I am looking into to see if Thorne Bay could benefit if approved. One would be a great opportunity if all of POW would go together and apply as it is for multiple entities. Also looking into the code allowing communities to hire a Village Police Officer which is a program totally separate from the VPSO.

Library: Library has been doing good and managed to not have any frozen pipes or the heater out over the cold spell.

7. PUBLIC COMMENTS:

There were no public comments.

8. COUNCIL COMMENTS:

There were no public comments.

9. CONSENT AGENDA:

A. minutes for the November 21, 2017, Regular Council Meeting, discussion and action item:

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

MOTION: Move to approve the consent agenda

F/S: Hartwell/Edenfield

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

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

A. Resolution 18-01-02-01, approving the November 1, 2017, DOWL Business Plan for Water and Sewer Utilities, discussion and action item:

Edenfield moved to approve Resolution 18-01-02-01. Burger seconded the motion. There was further discussion.

MOTION: Move to approve Resolution 18-01-02-01

F/S: Edenfield/Burger

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

NAYS: None

STATUS: Motion Passed.

B. Resolution 18-01-02-02, supporting RCA Public Hearings being held on POW Island for gathering information on lack of or limited wireless communication and data service, discussion and action item:

Gould to approve Resolution 18-01-02-02. Hartwell seconded the motion. There was further discussion.

MOTION: Move to approve Resolution 18-01-02-02

F/S: Gould/Hartwell

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

NAYS: None

STATUS: Motion Passed.

11. ORDINANCES FOR INTRODUCTION:

- A. Ordinance 18-01-16-01, amending Title 3, Revenue and Finance, Chapter 3.17 Sales Tax, adding Section 3.17.085, Forgiveness of penalties and interest on delinquent taxes, amending Section 3.17.190, Forgiveness of uncollected taxes, penalties and interest, discussion and action item:

McDonald moved to approve Ordinance 18-01-16-01. Burger seconded the motion. Hartwell expressed concern regarding not requiring council approval for the forgiveness. There was further discussion.

MOTION: Move to approve Ordinance 18-01-16-01
F/S: McDonald/Burger
YEAS: Carlson, Gould, Burger, McDonald and Edenfield
NAYS: Hartwell
STATUS: Motion Passed

12. ORDINANCES FOR PUBLIC HEARING:

- A. Ordinance 18-01-02-01, amending introduction Ordinance No. 17-11-21-01, Amendment of Thorne Bay Municipal Code General Penalties, adding Sections 1.16.031-Surcharges, and 1.16.035-Minor Offence Fine Schedule, discussion and action item:

Hartwell moved to approve Ordinance 18-01-02-01. McDonald seconded the motion. The City Clerk informed the Council that the decisions needed to be made regarding the fine schedule were:

- **Fine amounts for Optional Court Appearance Offenses**
- **Graduated Fine Schedule or Per Offense Fines.**
 - **Fine Schedule:** A municipality may allow disposition of a violation without court appearance and establish a schedule of fine amounts for each offense. A fine schedule is a table or list of offenses, which includes the code section where the offense is defined, the offense description and the fine amount for that offense. It must state that the offenses listed can be disposed of without a court appearance by payment of the fine and must describe the procedure for disposing of the charges.
- **City wanted to be a Payee City or Non-Payee City**
 - **Non-Payee City.** A municipality that files all citations (mandatory and optional court appearance) with the court.
 - **Payee City.** Municipalities in which citations for municipal optional court appearance offenses are filed with the municipality and defendants send their responses to the citation to the municipality.

DEFINITIONS

- **Minor Offense.** See definition in Minor Offense Rule 2.
- **Correctable Offense.** An offense that may be dismissed if the defendant shows a law enforcement agency proof of correction (for equipment defects) or proof of compliance (for driver's license and insurance offenses).¹ Ordinarily, correctable offenses are listed in municipal fine schedules or state bail forfeiture schedules so the defendant has the option of mailing in a fine amount instead of showing proof of compliance. If the offense is listed in such a schedule, the correctable offense is treated like an optional court appearance offense.
- **Fine Schedule.** A "fine schedule" is a municipal ordinance that lists offenses that can be disposed of without a court appearance. A fine schedule includes the name and ordinance number of each offense, the fine for each offense, and the

procedure for disposing of the charges by submitting a “no contest” plea along with payment of the fine and any applicable surcharge required by state statute.

- **Mandatory Court Appearance Offense.** An offense not listed in a municipal fine schedule or state bail forfeiture schedule. The defendant is required to appear in court to answer to the charge.
- **Municipality.** A political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality.
- **Optional Court Appearance Offense.** An offense listed in a municipal fine schedule or state bail forfeiture schedule. The defendant may (a) plead no contest and submit payment of the citation, (b) plead not guilty and request a trial, or (c) request to appear for arraignment.

Hartwell amended his motion to approve Ordinance 18-01-02-01, adopting a fine schedule of one fine “Per Offense”, and electing not to be a Payee City. McDonald amended his second. Hartwell and Edenfield commented that the fine amount should be set at the average fine for each offense currently adopted in the Thorne Bay Code. There was no further discussion.

MOTION: Move to approve Ordinance 18-01-02-01, adopting a fine schedule of one fine “Per Offense”, and electing not to be a Payee City
F/S: Hartwell/McDonald
YEAS: Hartwell, Carlson, Burger, McDonald, Edenfield and Gould
NAYS: None
STATUS: Motion Passed.

13. EXPENDITURES EXCEEDING \$2,000.00:

- A. Approval of expenditure of \$50,000.00, to Southeast Roadbuilders for the purchase of crushed rock, discussion and action item:

Hartwell moved to approve the expenditure of \$50,000.00, to Southeast Roadbuilders for the purchase of crushed rock. Burger seconded the motion. There was further discussion.

MOTION: Move to approve the expenditure of \$50,000.00, to Southeast Roadbuilders for the purchase of crushed rock
F/S: Hartwell/Burger
YEAS: McDonald, Burger, Carlson, Edenfield, Hartwell and Gould
NAYS: None
STATUS: Motion Passed.

- B. Approval of expenditure of \$3,830.50, to LOWES, for replacement and repairs to the Emergency Services Building Garage Doors, discussion and action item:

Burger moved to approve the expenditure of \$3,830.50, to LOWES, for replacement and repairs to the Emergency Services Building Garage Doors. Hartwell seconded the motion.

MOTION: Move to approve the expenditure of \$3,830.50, to LOWES, for replacement and repairs to the Emergency Services Building Garage Doors
F/S: Burger/Hartwell
YEAS: McDonald, Burger, Carlson, Edenfield, Hartwell and Gould
NAYS: None
STATUS: Motion Passed.

C. Review of quote from Tongass Electric for the electrical repair and upgrade at the Thorne Bay RV Park, discussion and action item:

Burger moved to accept the quote from Tongass Electric for cost estimate for repairs to Thorne Bay RV Park Electrical, not to exceed \$1,000.00. Carlson seconded the motion.

MOTION: Move to accept the quote from Tongass Electric for cost estimate for repairs to Thorne Bay RV Park Electrical, not to exceed \$1,000.00
F/S: Burger/Carlson
YEAS: McDonald, Burger, Carlson, Edenfield, Hartwell and Gould
NAYS: None
STATUS: Motion Passed.

14. EXECUTIVE SESSION:

There was no Executive session was called.

15. CONTINUATION OF PUBLIC COMMENT:


There were no public comments.

16. CONTINUATION OF COUNCIL COMMENT:

There were no council comments.

17. ADJOURNMENT:

Carlson adjourned the meeting at 7:39


for James Gould, Mayor

ATTEST:


Teri Feibel, CMC