

MINUTES  
REGULAR MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY:  
CITY HALL COUNCIL CHAMBERS  
**TUESDAY February 21, 2017, 6:30 p.m.**  
There was a workshop at 6:00 p.m.

---

1. CALL TO ORDER:

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

2. PLEDGE TO FLAG:

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

3. ROLL CALL:

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

4. APPROVAL OF AGENDA:

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

MOTION: Move to approve the agenda

F/S: Gould/Hartwell

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

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor Gould informed the council and audience of dates he would be out of town.

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

City Administrator gave a report. (Report Attached)

City Clerk reported on the City Account Balances:

<b>FY17 Operating Budget</b>	<b>JULY 1, 2016 - February 15, 2017</b>
<b>Income:</b>	<b>\$ 900,930.09</b>
<b>Expense:</b>	<b>\$ 811,680.52</b>
<b>Net Operating Income FY17:</b>	<b>\$ 89,249.57</b>

<b>TOTAL-CITY &amp; Non Profit Accounts:</b>	<b>\$ 1,609,274.85</b>
--	------------------------

7. PUBLIC COMMENTS:

Jason Clower commented on the following:

- Opposed to Ordinance change regarding the Harbor and ATV use, as well as exclusion of bulk fuel on harbor. Explained that his business needs to be able to fuel their boats when return to harbor. Added that he encourages his guests and employees to use the Port for fueling, but when they return after hours they need to be able to top off the fuel in the boat.
- Informed council that he contacted other communities and asked about liability or issues with boats fueling on the harbor, no other communities had issues. Urged the City Council strike the fuel amendment in the harbor code before approving the full amendment.

Jim McFarland commented on the following:

- POWCAC meeting will be on March 28<sup>th</sup> in Thorne Bay.

8. COUNCIL COMMENTS:

Carlson inquired how the city would go about purchasing a equipment if the need arose. Gould stated that the City would shop around for the best pricing and bring to the council for final approval.

9. CONSENT AGENDA:

- A. Minutes for the February 7, 2017, Regular City Council Meeting, discussion and action item:

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

MOTION: Move to approve the consent agenda

F/S: Gould/Edenfield

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

NAYS: None

STATUS: Motion passed.

10. NEW BUSINESS:

- A. Resolution 17-02-21-01, adopting an alternative allocation method for the FY17 Shared Fisheries Business Tax Program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in FMA 19, Southern Southeast, discussion, and action item:

Gould moved to approve Resolution 17-02-21-01, Shared Fisheries Receipts Application. Edenfield seconded the motion. There was further discussion.

MOTION: Move to approve Resolution 17-02-21-01

F/S: Gould/Edenfield

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

NAYS: None

STATUS: Motion Passed.

- B. Authorizing the Mayor or Mayor Designee to enter into an agreement with Waste Management Sustainability Services and Industrial Waste Services, discussion and action item:

Gould moved to authorize the City to enter into an agreement with Waste Management Sustainability Services and Industrial Waste Services. Edenfield seconded the motion. Slayton inquired if the agreement was specific to junk vehicles only. Gould replied that it was also for household hazardous waste. There was further discussion.

MOTION: Move to authorize the City to enter into an agreement with Waste Management Sustainability Services and Industrial Waste Services

F/S: Gould/Edenfield

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

NAYS: None

STATUS: Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

- A. Ordinance 17-03-07-01, amending Title 3-Revenue and Finance, discussion and action item:

Gould moved to approve Ordinance 17-03-07-01. Carlson seconded the motion. Gould stated that this ordinance may take more than two readings for it to pass due to concerns that had been raised with some of the changes such as excluding the tax exemption from fuel, alcohol, and tobacco sales. Gould stated he did feel that alcohol and tobacco should not get the tax exemption, and sales tax should be collected. McDonald concurred with the alcohol and tobacco not being included in exemptions. Carlson stated the changes would not allow for any tax exemptions to seniors except for food. Carlson stated there are some seniors that live on fixed income and some of the changes may drive customers away. Slayton concurred with Carlson's comments. McDonald stated the council needed more time to review the changes and discuss them before moving forward. Hartwell suggested sending a flyer out to people by mail explaining the changes in the tax code and allow for comment and input. Gould requested that Wayne or Teri do research on the economic impact the changes to tax exemptions could make. Such as, how many seniors have tax cards, how much money is exempted from alcohol and tobacco sales, etc.. Hartwell and Burger concurred with the need for more information before moving forward. There was further discussion.

Gould withdrew his motion to approve Ordinance 17-03-07-01. Carlson withdraw her second to the motion. There was no further discussion.

C. Ordinance 17-03-07-02, amending Title 18-Harbor, Chapter 18.30- Rules for use of the Harbor Facilities, discussion and action item:

Gould moved to approve Ordinance 17-03-07-02. Hartwell seconded the motion. Gould thanked Clowar for bringing his concerns to the City Council. There was discussion about the need to allow fuel to be pumped from the Harbor and not exclude it. Carlson requested the City find out what the cost would be to have liability insurance covering fuel on the harbor.

Gould withdrew his motion to approve Ordinance 17-03-07-02. Hartwell withdrew his second to the motion. There was no further discussion.

12. EXECUTIVE SESSION:

There was no executive session.

13. CONTINUATION OF PUBLIC COMMENT:

Jason Clowar commented on the following:

- Expressed appreciation to the City Council for the work they do, understands that they cannot please everyone.

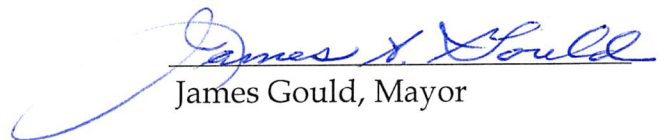
14. CONTINUATION OF COUNCIL COMMENT:

Edenfield thanked Clowar for bringing his concerns to the Council prior to approval of any code amendments and not waiting until after they had been approved.

Hartwell stated the City needed to define "Bulk Fuel" prior to any changes in the code relating to it. Slayton replied that DNR had defined bulk fuel in previous years as anything over 20 gallons.

15. ADJOURNMENT:

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

  
James Gould, Mayor

ATTEST:

  
Teri Feibel, CMC

Attachments:

1. Administrator Report

## ADMINISTRATOR'S REPORT 2-21-17 Wayne Benner

### Meetings Attended and Updates:

1. Next March 28 POWCAC meeting will be in Thorne Bay. Bay Chalet but the mayor has not set the menu.
2. The next POWLAT meeting is Feb 22<sup>nd</sup> starting at 9:00 am at the VOTEC building in Klawock to talk about tourism. The regular meeting is Thur. Feb 23 starting at 8:30.
3. Will be in Juneau for Southeast Conference March 14<sup>th</sup> & 15<sup>th</sup>. I hope to meet with Senator Stedman, Representative Tomkins, DNR and DOWL.

### Tasks and Projects:

1. Looks like we may be getting closer to having some numbers for the Tongass Credit Union Building. I will be interested to see what the cost is for the latest layout. Seems the project keeps getting fancier with each rendition. However, Steve Seley said that it could be built and delivered by mid-May.
2. Working on finance codes and have a printout of who has paid sales tax that I want to finish reviewing and then will send out to the council.
3. Working on public hearings for zone changes and zoning guideline updates.

### New Business:

- A. Resolution 17-02-21-01 Adopting an alternative allocation method for the FY17 Shared Fisheries Business Tax Program. I will let Teri talk about this as she has been instrumental in getting the paper work in order.
- B. Authorizing the Mayor to enter an agreement with WM for scrap metal. The is two part, this section with is generic for all communities and part two a site-specific agreement with is an addendum to part A. The agreement presented by WM has been reviewed by Thorne Bay legal counsel and Petersburg legal counsel and comments have been forwarded to WM. The legal counsel comments do not change the agreement, but modify a couple of sections to comply with Alaska law. Hopefully by the First part of April we will have the site-specific agreement approved. With Scrap metal prices going up SEASWA is trying to get agreements in place.

### Ordinances for Introduction:

- A. Ordinance 17-03-07-01, amending Title 3-Revenue and Finance. This ordinance was introduced in 2015 and has had some changes added since the first discussion.
- B. Ordinance 17-02-07-02, amending Title 18 Harbor, Chapter 18.3-Rules for the use of the Harbor Facility adds clarification to current state and federal identifications. Although the code already states compliance with all state and federal laws, this just puts that requirement in the rules section and

emphasizes “current”. Also for clarification is the idea of seaworthiness to include being able to move under their own power. In the section for prohibited uses adding no parking of ATV on floats along with no fueling of boats from bulk tanks. The fueling is of real concern as if allowed the insurance company will require the city purchase pollution insurance and they highly recommend against such insurance. I recommend adding **UNLESS DONE BY A LICENSED DISTRIBUTOR** since they have all the pollution insurance. This would still allow Petro to do fueling at the boat ramp. The insurance company said that if you take fuel in a sealed container, put it on your boat and then pour it in the fuel tank that is OK as now the person and boat owner assume full responsibility.

**Harbors:** Coast Guard was in town looking at the boat which sank and is now under a float house. I can see why the State wants to start eliminating float houses. Was hoping to get started on Davidson Landing work but looks like winter will return for the next 15 days.

**Streets and Roads:** Max tried grading but the ground is still frozen. Two pieces of equipment we are looking for are a backhoe, as the current one is just wearing out and an excavator as we have yet been able to get it operating properly and no one is willing to work on it. We are using the loader to do work it is not equipped to do.

**Water and Sewer:** Water operations are somewhat back to normal and been cleaning up around the treatment plant with the hopes of making some improvements this summer. Have not heard anything from VSW as to results of their trip to TB.

**Solid Waste:** As discussed, we are getting closer to the possibility of having scrap metal removed from the Solid Waste Site. WM has sent out a revised scrap metal agreement for SEASWA to review. Also, reviewing the possibility of opening the Solid Waste Site on Thursdays again for the summer months.

**Law Enforcement:** I have not heard if Buck is a new dad yet. In his absence, the Troopers and VPSO West are monitoring activity in Thorne Bay.

**FIRE/EMS:** City will be getting insurance for Special Event Fundraiser “St. Patrick’s Day Dinner and Auction”