

AGENDA

FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY, ALASKA
COUNCIL CHAMBERS
CITY HALL
Tuesday
April 16, 2019
6:30 p.m.

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

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. ADMINISTRATIVE REPORTS:
 - a. City Clerk Report:
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
 - a. MINUTES:
 - i. Minutes of the March 19, 2019, Regular City Council Meeting
 - ii. Minutes of the April 2, 2019, Regular City Council Meeting
10. NEW BUSINESS:
 - a. Approving request for 12 additional harbor stalls from Jason Clowar, Adventure Alaska, discussion and action item:
 - b. Resolution 19-04-16-01, amending Resolution18-09-18-01, Rate Schedule for City Services; amending the rate
 - c. Appointment of Municipal Ordinance Enforcement Officer, discussion and possible action item:

11. ORDINANCE FOR INTRODUCTION:

- a. Ordinance 19-04-16-01, amending Title 16-Subdivisions, of the Thorne Bay Municipal Code, allowing for the enforcement of fines for code violations, discussion and action item:
- b. Ordinance 19-04-16-02, amending Title 1.16.035 of the Thorne Bay Municipal Code, adding the Fine Schedule for Titles 16 and Title 17 of the Thorne Bay Municipal Code, discussion and action item:

12. ORDINANCE FOR PUBLIC HEARING:

- a) Ordinance 19-05-07-01, amending Title 13 - Utilities, of the Municipal Code is adding Chapter 13.03 – Delinquent Accounts & Securing Collection of Debts,

13. EXPENDITURES EXCEEDING \$2,000.00:

- a) Authorizing the expenditure of \$4,000.00, to DOWL for design and DEC approval of drain field for Davidson Landing Caretaker Facility, 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:

POSTED: April 12, 2019

City Hall, AP Market, The Port, USFS , SISD & Thorne Bay School, Riptide Liquor

City Website: www.thornebay-ak.gov

MINUTES

FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY, ALASKA
COUNCIL CHAMBERS
CITY HALL
March 19, 2019
6:30 p.m.

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

1. CALL TO ORDER:

Hartwell 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:

Those present were: [Hartwell, Edenfield, Carlson and Slayton](#)

Those attending by phone were: [McDonald](#)

Those excused were: [Burger & Williams](#)

Quorum Present

4. APPROVAL OF AGENDA:

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

MOTION: Move to approve the agenda

F/S: Hartwell/Slayton

YEAS: McDonald, Slayton, Hartwell, Carlson & McDonald

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Update on Kasaan Road Cleanup and Rumors of Closure of Road for 3-Weeks.

- A. Spoke with Sara Yockey, OVK Incident Commander for the Emergency Landslide, and the Tribal Transportation Director for OVK. Mrs. Yockey has assured us that there will be no long-term road closures. As the road repairs continue in the next few weeks you can expect delays during the day & flaggers will be on site. If the road will be closed for longer than 20 minutes, there will be notices posted and people will be notified prior. The times that are estimated to be closed longer than 20 minutes range between 2 hours to 5 hours.

Meetings & Agenda's:

- A. Next POWCAC meeting in Craig at 1:00 p.m., on March 26th at the Tribal Center. Lee Burger will be attending as Vice Mayor.
- B. Legislative Session Priority Surveys were received. We received 9 survey's back and have mailed them to Representative Ortiz.

UPDATES ON CONTINUING BUSINESS:

- A. The issue with the vehicles being parked on the City Road Right-of-Way on Rainy Lane has been addressed and vehicles moved.
We sent a certified letter instructing them to clear the right of way and the line of site at the intersection. The owner moved the vehicles by March 18th.
- B. The issues with the family living within the cul-de-sac on Alder Road
The owner contacted the city clerk on March 14th and informed her that they would be moving into their friend's property while they construct the pad for their trailer and belongings to go on. The date provided by the owner to have the cul-de-sac cleared was March 31st. Hartwell reported that he visited the property where the family was residing in the road ROW and found some of the items have been cleaned up, but they are still in the cul-de-Sac and are required to vacate. We will continue to check on the property.

6. ADMINISTRATIVE REPORTS:

a. City Clerk Report:

FINANCE REPORT:

TONGASS FEDERAL CREDIT UNION:	
HEALTH PREMIUM	\$ 34,998.06
OCCUPANCY TAX	\$ 41,658.78
CHECKING	\$ 173,279.66
SALES TAX SAVINGS	\$ 311,363.54
HARBOR	\$ 69,393.34
FISHERIES	\$ 19,226.12
FIRST BANK CHECKING	\$ 50,003.20
WELLS FARGO INVESTMENTS	
MONEY MARKET	\$ 602,646.54
BONDS	\$ 500,015.90
QUICKBOOKS INCOME/EXPENSE	
INCOME	\$ 1,295,635.67
EXPENSE	\$ (1,160,870.27)
TOTAL NET WORTH:	\$ 1,937,350.54

Tasks and Projects:

- A. RFP for the construction repairs and remodel work on the Bay Chalet and the Clinic. Bids are in and on the agenda for approval tonight. Received one bidder. I suggest the City Council vote on each project separately:
 - a. Bay Chalet Bid
 - b. Clinic Remodel
- B. The wire tie parts for the baler arrived and the technician Bobby, with Accent Wire came up March 11-14th to help install the machine so we are up and running the baler and tie machine again.

This saves the City \$70,000 per year.

New Business:

- A. We now have the capability for people to pay their bills online. Visit our Payments Page on our website at www.thornebay-ak.gov

B. Resolution 19-03-19-01,

1. Requests the City Clerk bring forth an Ordinance that would allow us to place a lien on real or personal property for delinquent account. (SEE CLERKS COMMENTS ATTACHED TO RESOLUTION)

C. Lease of City Property.

1. **Lot 5 of the Downtown Business District** is available to lease, and Jo Wendel has approached us on a few different occasions inquiring about lands available to operate a business on. The rental agreement terms are consistent with other rented lots in the Downtown Business District. Jo Wendel has requested the approved rental agreement include her ability to have rental space in addition to her studio business.
 - i. I recommend that we do what we can to encourage new business in Thorne Bay and Economic Growth. The Downtown Business District currently looks a lot like the Sort Yard, and very much industrial and not Commercial. I believe that we should be charging more for the lease of good property to store equipment and less for business's who will be generating revenue through sales tax and paying utilities.
2. Sort Yard Space Rental for Sean Kaer storage of equipment

Ordinances for Introduction:

1. Ordinance 19-04-02-01, amending Title 18-Stall and Reg. Assignment to include length definition stern to stem.

Clarifies how vessels are measured and billed. Currently all vessels are billed by the foot. This amendment states that the measurement would be from stern to stem, including the motor, or any fixtures on the boat.

2. Ordinance 19-04-02-02, ordinance amending title 13-utilities, adding Fines for UMOT Fine Schedule

This ordinance amends the language of violations and offenses in the Utilities Code.

3. Ordinance 19-04-02-03, ordinance adding the Fines from title 13-to the Chapter 1.16.035 of the City Code.

This goes along with the City Adopting a fine schedule for all offenses within the City Code. By adopting a fine schedule and placing the violations and fees into Title 1.16.035 of the City Code, we can issue citations and collect the fines through the Courts.

Remaining titles to be amended for this Fine Schedule are:

- Title 15, Buildings
- Title 16, Subdivisions
- Title 17, Zoning.

Harbors and Parks: Ron is here...

Streets and Roads:

Assisting OVK with the cleanup of the Landslide. Materials are being stored at the Solid Waste Facility. Excavator is down and we have a call into CMI for someone to come out and fix it.

Water and Sewer:

Sewer plant power outage fried motor & Magnetic Starter. The Magnetic Starter was fried first, which then allowed the motor amps to go above what they should have, then fried the motor. First City Electric Tommy flew over on March 14th to fix the issue and the City has ordered another backup motor since we had to use the backup we had on hand.

Water Operator Compliance Schedule was updated and we have submitted an Alternative Method of Supervision (AMOSS) for the Water/Sewer operations.

We will continue to contract with David Nelson of Craig until Sam gets his Level II certifications. Sam will start his Level II Course Training via online courses on March 22nd. After he has completed the course, he will take his Level II Operator Exam and once he passes, Thorne Bay should be compliant with our operator requirements.

David Duffield has taken the Water Operator Level I classes online and has applied to take the Level I Water Treatment and Water Distribution Tests.

Solid Waste:

A. The wire tie machine was fixed and new parts installed by Accent Wire Employee the week of March 11-14th .

The Baler is operational now and we have baled our trash this week saving the City \$2000 in one week alone, and will save us \$70,000 per year.

B. The Excavator is down. We have a call into CMI Machinery to come and look at it to see what is needed to fix it.

C. Josh Musser received his Class D CDL and will move forward with obtaining the Class A CDL, which will allow him to haul our equipment.

Law Enforcement:

No Update... Still waiting for interviews on new VPSO. Last information was we had a prospect, but nothing confirmed.

Library: None

Ron Wendel – Parking Signs

1. After reading the flyer from OVK, if anyone has questions, please see the signs I have placed around the harbor or call someone here at City Hall or OVK
2. We have been working on getting Parking Signs ordered and a parking plan in place for town. The signs have arrived and the City will be putting them up and begin enforcing the parking ordinances.

As season starts up, we will be changing the way parking is assigned.

Examples:

<u>Current Parking</u>	<u>New Parking:</u>
a. 4-hour parking zone	Loading/Unloading only
b. The bank across from Harbormaster office	12-hour parking.
c. Waterfront parking area Behind the harbormaster Office will be	12-hour parking
d. City Parking Lot & Boat Ramp area	72-hour parking

Everywhere else will be long term parking which a permit will be required. Areas near the port will also be long term parking. I am planning to put in 5 parking spaces for the live-aboard. These are designated for the live-aboard. My problem is people have come to me and said that since they have an annual stall they should be able to park a vehicle next to the harbor office..... There will be push back.

1. I want to voice out now..... Who do we give parking allowances for? Who do we make exceptions and provide a designated space?.
2. Concerns regarding where the handicap parking will be. Some handicap that are capable of walking, and others are not.
3. Parking tickets are \$50, and surcharge cost of \$75.00.
 - When the Council re-wrote the code, they gave the Harbormaster authority to assign parking and enforce it .
 - Romey stated the Handicapped is a Law.... And needed for some.

Harbormaster , so the difficulties I am now having is how to designate these areas for certain seasons, then we can reconsider the structure for different seasons. Depending on the needs.

7. PUBLIC COMMENTS:

Greg Kerkof

- Suggested trying to determine the need for handicap parking spaces, then designate them closest to the harbor ramp.

Harvey McDonald

- Suggested work with City of Craig and see what they do.

Brad Clark

- Suggested the council review the handicap parking laws.
- Encouraged Ad-Hoc or Planning Commission because they would work on these kind of issues
- Thank Kasaan, thank the road flaggers.
- Expressed gratitude to everyone that has attended the city council meetings.

8. COUNCIL COMMENTS:

No council comments.

9. CONSENT AGENDA:

- a. MINUTES: Approval of the Minutes for the Regular March 5, 2019, discussion and action item:

MOTION: Move to approve the consent agenda March 5, 2019

F/S: Hartwell/ Edenfield

YEAS: McDonald, Hartwell, Carlson, Slayton & Edenfield

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

- a. Authorizing the City to enter into a rental agreement with Jo Wendel for the rental of Lot 5, Downtown Business District, discussion and action item:

Hartwell moved to approve the lease agreement between the City of Thorne Bay and Jo Wendel. Edenfield seconded the motion.

Discussion included the following comments:

Opening statement from Jo Wendel.

I would like to enter into a lease agreement with the City of Thorne Bay on lot 5 of the Thorne Bay Business District Subdivision. My intention is to build an art studio with a small retail space, store equipment, and eventually build a living space. All of these uses are within the code for the commercial zoning of the subdivision.

My plan for Lot 5 is to grow a business that will enhance the Downtown Business Subdivision, provide services that are in demand, and, of course, to make enough profit to be a viable enterprise.

A 2014 study prepared for Southeast Conference by Raincoast Data showed that the impact of the arts sector on the Southeast Alaska economy is substantial. 57.8 million dollars was spent by artists, arts organizations, and audiences in 2013 alone. Art is a practical business, and it will be great for Thorne Bay to have a larger presence in the art sector.

I have been self-employed in the art field, as well as other business categories, for decades. In addition to currently being a working artist, I created, owned and operated a successful art supply store in Juneau for 11 years. I sold that business in the year 2000.

I make jewelry, lapidary items, dyed silk wearable art, and wall art, and need to expand my workspace. There is a local and online demand for the type of work that I do. My focus on local themes has connected well with residents and visitors. This is a business that has good potential and would enhance commercial diversity in Thorne Bay.

Thank you for your consideration of my lease proposal.

Jo Wendel

Harvey McDonald

1. How did you come upon selecting Lot 5
 - a. Mrs. Wendel responded it was because lot 8 has a road through it, Lot 6-7 rented, Lot 5 available. This is a destination business. I am aware and plan to overcome any difficulties.
 - b. The perimeter road has never been developed

Ray Slayton:

Slayton inquired about what building would be on the property and whether or not she had considered other properties.

Mrs. Wendel responded that the building would be a 30' x 50', two-story building. Use would be mixed use with living quarters upstairs and primary business downstairs.

Wendel explained that she wanted to have the ability to add onto the business – office spaces, and more

Slayton stated the City had considered that area for a deep-water port at one time, and he did not want to lease that lot knowing that it would interfere with the deep-water port plans.

That is the only area that has a deep-water port.

Mrs. Wendel stated on record that if she was to lease that lot, I will work you to better utilize that lot in the best way.

Ray-I think you have the best current Idea.....

Harvey McDonald

1. The added increase of 10% mandated in the lease is not something I want to move forward with. That would be dictating how future council moves on lease actions. On the same note, I am in favor of your business.. I cannot approve a ceiling on what the rental agreement would be 5 years from now.
 - a. Jo – I came up with that rate by looking at inflation and how other properties were done.. The rate was estimated at 2%, I took that over 5 years and came up with 10%.

Hartwell

1. Agreed with the lease amendments on items 25-26 regarding hazard and soil testing.
2. Disagreed with calling the future rental rate increases at 10%. Explained that he believed that would be handcuffing future councilmembers.
3. Not opposed to the use of the property but does not support dictating future rent rates.

Jo Wendel -

1. Explained that what she wanted to do was a very substantial investment. Reiterated that she was willing to work with the Council in the future on the terms but did not want to invest \$200,000 into a business, then be told she has to move it in 5 years.

Edenfield

1. Stated she was in favor of the rental agreement.

Carlson

1. Stated she too was in favor of Mrs. Wendel's proposal.

Slayton:

1. Stated he still had reservations because he wanted to keep that lot open for a deep-water port.

Harvey:

1. Responded to Slayton's comment on the deep-water port that nothing has happened there in regards to a deep water port, and the property is sitting vacant.

MOTION: Move to approve the lease agreement between the City of Thorne Bay and Jo Wendel
F/S: Hartwell /Edenfield
YEAS: McDonald, Carlson, Edenfield
NAYS: Hartwell, Slayton
STATUS: Motion Failed

b. Authorizing the City to enter into a rental agreement with Sean Kaer for 1 acre of land at the Sort Yard, discussion and action item:

Hartwell moved to approve the lease. Slayton seconded the motion. Hartwell would like to see added on there a septic waste site. City Clerk commented that she believed that was already addressed within the rental agreement.

MOTION: Move to approve the lease for Sean Kaer
F/S: Hartwell/Slayton
YEAS: McDonald, Hartwell, Carlson, Slayton, Edenfield
NAYS: None
STATUS: Passed

c. Awarding Bid for Clinic Remodel, discussion and action item:

Hartwell moved to approve the Bid for Clinic Remodel o\$32,760.00. Slayton seconded the motion. Edenfield stated she was concerned regarding the proposal for the Clinic Remodel only being \$100 more than the Bay Chalet. The amount of work to be done is quite a difference.

MOTION: Move to approve the Bid for Clinic Remodel o\$32,760.00
F/S: Hartwell/Slayton
YEAS: McDonald, Hartwell, Carlson, Slayton, Edenfield
NAYS: None
STATUS: Passed

d. Awarding Bid for Bay Chalet Remodel, discussion and action item:

Hartwell moved to approve the bid for the Bay Chalet remodel of \$32,660.00. McDonald seconded the motion. Hartwell stated that the amount of money it will take to fix the Bay Chalet. Edenfield would like to see look into the modular. Carlson not a fan of current

building because of the mold. Bu also, we should take into consideration what revenue we are losing for not having a building to rent for the community events. Edenfield since October, we had one event in Fire Department, but since then Hartwell moved to postpone approval of the bid to a later date while explore other option. Slayton amended motion.

MOTION: Move to postpone the approval of the bid to a later date while exploring other options.
F/S: Hartwell/McDonald
YEAS: McDonald, Hartwell, Carlson, Slayton, Edenfield
NAYS: None
STATUS: Passed

- e. Resolution 19-03-19-01, supporting the amendment to Thorne Bay City Code, adding the ability to place liens on property for delinquent accounts, discussion and action item:

Hartwell moved to approve Resolution 19-03-19-01. Carlson seconded the motion. Hartwell read the resolution for the public. Hartwell explained.....

Slayton expressed concern over how the City authorized the placement of liens on accounts.

MOTION: Move to approve Resolution 19-03-19-01
F/S: Hartwell/Carlson
YEAS: McDonald, Hartwell, Carlson, Slayton & Edenfield
NAYS: None
STATUS: Passed

11. ORDINANCE FOR INTRODUCTION:

- a. Ordinance 19-04-02-01, amending Title 18-Harbor, adding Section 18.10.020-N-Vessel Length, Section 18.20.040 Payment and Use Fees, discussion and action item:

Hartwell moved to approve Ordinance 19-04-02-01. Edenfield seconded the motion. Explained stern to stem including all motors or anything sticking out.

Carlson some people feel they pay for that space and should be able to put another boat in the stall additionally. How would you address that?

Jo Wendel commented that the ordinance did not address beam width. Clerk explained can amend in another ordinance to address the width.

MOTION: Move to approve Ordinance 19-04-02-01
F/S: Hartwell / Edenfield
YEAS: McDonald, Hartwell, Carlson, Slayton & Edenfield
NAYS: None
STATUS: Passed

- b. Ordinance 19-04-02-02, amending Title 13-Utilities, amending language to allow for the Courts to enforce Utility Violations, discussion and action item:

Hartwell moved to approve Ordinance 19-04-02-02, amending Title 13-Utilities, amending language to allow for the Courts to enforce Utility Violations. Carlson seconded the motion. Slayton 13.44.070 (Cation Dedication) Clerk clarified "Location Dedication".

MOTION: Move to approve Ordinance 19-04-02-02, amending Title 13-Utilities, amending language to allow for the Courts to enforce Utility Violations
F/S: Hartwell/Carlson
YEAS: Carlson, Slayton, McDonald, Hartwell & Edenfield
NAYS: None
STATUS: Passed

- c. Ordinance 19-04-02-03, amending Title 1-General Provisions, Section 1.16.035-Minor Offense Fine Schedule, Adding Violations for Title 13-Utilities, discussion and action item:

Hartwell moved to approve Ordinance 19-04-02-03. Edenfield seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance 19-04-02-03
F/S: Hartwell/Edenfield
YEAS: McDonald, Hartwell, Carlson, Slayton, & Edenfield
NAYS: None
STATUS: Passed

12. ORDINANCE FOR PUBLIC HEARING: **NONE**

13. EXPENDITURES EXCEEDING \$2,000.00: **NONE**

14. CONTINUATION OF PUBLIC COMMENT:

Dan Romey

1. Stated the he was involved in the engineering of the road going to Kasaan when he worked for the City. Romey stated at that time there was a plan for Deep Water Port there.

Libby Neiland

1. Encouraged the Council to reassess their plans for the Downtown area.
2. Expressed disbelief that the City Council voted down a well thought business plan due to poor planning of the current land layout.

Jim McFarland

1. Commented in favor of the City Council entering into a rental agreement with Mrs. Wendel, especially since it was such a great business plan. McFarland urged the Council to reconsider their vote and bring the agreement back to the council when they have a full board present.

Laura Clark

1. Responded to the comments from the council that they do not want to tie the hands of future councilmembers. Ms. Clark stated that as a councilmember you can only sit up there and do the best you can for the community at that time.
2. Clark commented that the answer should not be no to someone who has a vision and a plan, it should be yes.

Jo Wendel

1. What I want to make really clear is I feel strongly that Thorne Bay is rich in industrial property. Right now, Downtown is primarily used for industrial I have a vision of a business district with a beehive of activity.

Ron Wendel

1. We are talking about Lot 5 out there. Who was leasing it before. There was heavy equipment parked on it for years. And you have someone here who wants to lease and develop, we need to look forward. If you want someone to come in and drop money as far a business, you need to come to them and say what is your plan, what is your business and make a plan. You need to have some kind of security. If you

want a deep-water port then there should be a line on this map that says that. I don't see effort. What is the proposal for that area, what was written up? We need a guide of some kind.

Rodger Longbothom

1. Commented that the income from the rental would not just be the rental amount, it would be income from utilities and sales tax.

Eric Rhodes:

1. Stated that the Council had some legit concerns but added that currently there was no income coming from that lot.
2. Appreciated the reservations but does support Jo's business plan.
3. Encouraged the council bring the agreement back for reconsideration.

Brad Clark

1. Commented that the rental agreement concerns could have been vetted through the Planning Commission had one been in place.
2. The best way to get deep water in, is to support business that is brought like tonight that you failed to bring forward.

15. CONTINUATION OF COUNCIL COMMENT:

McDonald

1. When I first looked at the plan I was not in favor and not going to vote. Until she explained how she came up with her 10%. I strongly suggest that you come back to the Council and present your plan again. What I am hearing from audience moved me and I think you are right.

Slayton

1. I encourage you to come and look at another piece of land.

Hartwell

1. Would like to have you renegotiate with the City when everyone is here.
2. One of the concerns I have is Tackle Shack paying 350 and you pay 165. How do I answer that?

Jo Wendel:

1. Why is Southeast Roadbuilders paying \$75 for lot 6 & 7 to store heavy equipment?

Cindy:

1. We need to relook at this.

16.ADJOURNMENT:

Hartwell adjourned the meeting at 7:48 p.m.

Robert Hartwell, Mayor Pro-Tem

ATTEST:

Teri Feibel, CMC

MINUTES

FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY, ALASKA
COUNCIL CHAMBERS
CITY HALL
Tuesday
April 2, 2019
6:30 p.m.

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

1. CALL TO ORDER:

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

2. PLEDGE TO FLAG:

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

3. ROLL CALL:

Those present were [Edenfield, Carlson, Slayton, Burger & Hartwell](#)

Those that attended by phone: [McDonald & Williams](#)

Absent/Excused: [N/A](#)

4. APPROVAL OF AGENDA:

Burger moved to approve the agenda removing item 10(a) New Business.

Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda removing item 10(a) New Business

F/S: Burger/Hartwell

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

NAYS: None

STATUS: Motion Passed

5. MAYOR'S REPORT:

Update on removal of residential trailer and miscellaneous items from the road right-of-way on Alder Court. The individuals have not moved as directed to three months ago. The City has requested the assistance of the Kasaan VPSO issue a citation for parking within the road right of way for longer than 48-hours, but we have not heard confirmation of this happening yet. We hope to have this resolved soon.

Attended POWCAC March 26th in Craig at 1p.m. Most of the meeting was spent trying to get a quorum.

Southside Road is in great condition. Hearing positive comments from the public about this.

There will be an Easter Egg Hunt at Davidson Landing on Saturday April 20th. Eric Rhodes can comment on the event details.

Eric Rhodes commented the Easter Egg Hunt would begin at 3:00 p.m., Davidson Landing.

We do have an Executive Session on the agenda for tonight.

6. ADMINISTRATIVE REPORTS:

a. City Clerk Report:

- i. Reported on the procedure of the Harbormaster issuing citations. The City Council appoints the enforcement officer and when doing so, they are given an ID that is recorded with the states court system to identify the issuing authority.

7. PUBLIC COMMENTS:

Jo Wendel commented on the following topics:

- a. Thanked the audience and council members who supported her lease proposal at the March 19th council meeting.
- b. Stated she agreed with the concerns that Councilman Hartwell had in regards to the language and conflicting statements.
- c. Pleased to see there will be a Planning Commission appointed to address issues with zoning, lands and leases.

Sean Kaer:

- a. Suggested a Neighborhood Watch Program be formed in the Southside of Thorne Bay due to recent home invasions.

Brad Clark

- a. Appreciate efforts towards getting a Planning Commission and a plan to enforce the City's ordinances
- b. Requested the City Website include emergency preparedness and access plans for the community. With the nice weather and little rain, there is concern for fires.

8. COUNCIL COMMENTS:

Hartwell commented on the following topics:

- Roads won't stay in good shape if people driving so fast.

McDonald

- Glad to hear the talk about Law Enforcement. I will be back on Friday and will call Jason Wilson and get a fire on him to get things going.

Slayton:

- In prior years there were a number of vehicles that had out of state registrations.

Burger:

- I have offered to move any cars that need it.

9. CONSENT AGENDA: NONE

10. NEW BUSINESS:

- a. Water and Waste Water Plant Improvement Grant Updates, discussion only item:
This item was removed from the agenda.

11. ORDINANCE FOR INTRODUCTION:

- a. Ordinance 19-04-16-01, amending Title 16-Subdivisions, of the Thorne Bay Municipal Code, allowing for the enforcement of fines for code violations, discussion and action item:

Burger moved to approve Ordinance 19-04-16-01, amending Title 16-Subdivisions, of the Thorne Bay Municipal Code, allowing for the enforcement of fines for code violations.

Hartwell seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance 19-04-16-01, amending Title 16-Subdivisions, of the Thorne Bay Municipal Code, allowing for the enforcement of fines for code violations

F/S: Burger / Hartwell

YEAS: McDonald, Hartwell, Slayton, Williams, Edenfield, Carlson & Burger

NAYS: None

STATUS: Motion Passed

- b. Ordinance 19-04-16-02, amending Title 1.16.035 of the Thorne Bay Municipal Code, adding the Fine Schedule for Titles 16 and Title 17 of the Thorne Bay Municipal Code, discussion and action item:

Burger moved to approve Ordinance 19-04-16-02, amending Title 1.16.035 of the Thorne Bay Municipal Code, adding the Fine Schedule for Title 16-Subdivisions and Title 17 - Zoning to the Minor Offense Fine Schedule. Edenfield seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance 19-04-16-01, amending Title 1.16.035 of the Thorne Bay Municipal Code, adding the Fine Schedule for Title 16-Subdivisions and Title 17 - Zoning to the Minor Offense Fine Schedule
F/S: Burger/Edenfield
YEAS: McDonald, Hartwell, Slayton, Williams, Edenfield, Carlson & Burger
NAYS: None
STATUS: Motion Passed

12. ORDINANCE FOR PUBLIC HEARING:

- a. Ordinance 19-04-02-01, amending Title 18-Harbor, adding Section 18.10.020-N-Vessel Length, Section 18.20.040 Payment and Use Fees, discussion and action item:

Burger moved to approve Ordinance 19-04-02-01, amending Title 18-Harbor, adding Section 18.10.020-N-Vessel Length, Section 18.20.040 Payment and Use Fees. Hartwell seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance 19-04-02-01, amending Title 18-Harbor, adding Section 18.10.020-N-Vessel Length, Section 18.20.040 Payment and Use Fees
F/S: Burger/Hartwell
YEAS: McDonald, Hartwell, Slayton, Williams, Edenfield, Carlson & Burger
NAYS: None
STATUS: Motion Passed

- b. Ordinance 19-04-02-02, amending Title 13-Utilities, amending language to allow for the Courts to enforce Utility Violations, discussion and action item:

Burger moved to approve Ordinance 19-04-02-02, amending Title 13-Utilities, adding language to allow the Courts to enforce Utility Violations. Carlson seconded the motion. No public comment. There was further discussion.

MOTION: Move to approve Ordinance 19-04-02-02, amending Title 13-Utilities, adding language to allow the Courts to enforce Utility Violations
F/S: Burger/Carlson
YEAS: McDonald, Hartwell, Slayton, Williams, Edenfield, Carlson & Burger
NAYS: None
STATUS: Motion Passed

- c. Ordinance 19-04-02-03, amending Title 1-General Provisions, Section 1.16.035-Minor Offense Fine Schedule, Adding Violations for Title 13-Utilities, discussion and action item:

Burger moved to approve Ordinance 19-04-02-03, amending Title 1-General Provisions, and adding violations for Title 13-Utilities to the Minor Offense Schedule. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 19-04-02-03, amending Title 1-General Provisions, and adding violations for Title 13-Utilities to the Minor Offense Schedule
F/S: Burger/Hartwell
YEAS: McDonald, Hartwell, Slayton, Williams, Edenfield, Carlson & Burger
NAYS: None
STATUS: Motion Passed

13. EXPENDITURES EXCEEDING \$2,000.00:

- a. Authorizing the expenditure of \$ 3,986.59, to CMI Machinery for repair of the Excavator, discussion and action item:

Burger moved to approve the expenditure of \$3,986.59, to CMI Machinery. Carlson seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$3,986.59, to CMI Machinery
F/S: Burger/Carlson
YEAS: McDonald, Hartwell, Slayton, Williams, Edenfield, Carlson & Burger
NAYS: None
STATUS: Motion Passed

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.

Burger moved to adjourn to executive session to discuss matters of the immediate knowledge would clearly have an adverse effect upon the finances of the city. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to adjourn to executive session to discuss matters of the immediate knowledge would clearly have an adverse effect upon the finances of the city
F/S: Burger/Hartwell
YEAS: McDonald, Hartwell, Slayton, Williams, Edenfield, Carlson & Burger
NAYS: None
STATUS: Motion Passed

15. CONTINUATION OF PUBLIC COMMENT:

Sean Kaer:

- a. On the illegal subdivision – this does happen and there should be a harsher punishment or enforcement.

Dan Romey:

- a. Speeding had been going on for about 10 years on that road.
- b. Expressed concern for people and animals that walk on the road getting hurt because of the speeding.

Eric Rhodes:

- a. Commented on the Easter Egg Hunt... 3-6 on Saturday April 20th at Davidson Landing.
- b. After discussions with the State Elections Office, they planned to continue Absentee Voting at Davidson Landing on Election Day.
- c. Inquired if the City would consider having Absentee Voting at Davidson Landing as well.

Rodger Longbothom:

- a. Commented on other States form of Government and how there are Counties. Suggested that POW have something like that, like a Sheriff, but not necessarily a Sheriff.

16. CONTINUATION OF COUNCIL COMMENT:

McDonald:

- a. Thanked the public for their comments and participation in the meetings. Stated he would follow up on some of the items upon his return to the Island.

Slayton:

- a. How will City enforce the speeding?

Hartwell:

- a. The City had discussed the VPSO getting a radar gun in the past and were told that it would cost too much, and it would need to be calibrated every year.

Slayton:

- a. Concurred with Mr. Longbothom's Idea of a borough or Island cop.

17. ADJOURNMENT:

Burger adjourned the meeting at 7:33 p.m.

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

RESOLUTION 18-09-18-01
CITY OF THORNE BAY
Rate Schedule for City Services

A RESOLUTION OF THE CITY COUNCIL, FOR THE CITY OF THORNE BAY, AMENDING
RESOLUTION 18-09-18-01, RATE SCHEDULE FOR CITY SERVICES

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

WHEREAS, the City Council sets rates and fee schedules through resolution for all services provided by the City of Thorne Bay; and

WHEREAS, the City of Thorne Bay has an established rate of \$0.25 per gallon for sewer pump out and treatment, and has not increased this rate since 2007, and

WHEREAS, the cost to the City for pumping and treating sewage has risen substantially over the last 12 years and the City feels it is in the best interest of the City to increase this charge to \$0.35 per gallon.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Thorne Bay amends Resolution 18-09-18-01 – Fee and Rate Schedule for City Services, and adopts the City Rate Schedule as provided in this Resolution (Exhibit – A).

PASSED AND APPROVED April 16, 2019

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Sponsor: Harvey McDonald]

RESOLUTION 19-04-16-01
CITY OF THORNE BAY
Rate Schedule for City Services

Amendments to City Rate Schedule include the addition of the following items:

➤ Increasing Sewage Pump-out Treatment Fees:

Sewage Pump-out Treatment Fee:	<u>Current:</u> \$0.25	<u>Amended:</u> \$0.35
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ORDINANCE 19-04-16-01
CITY OF THORNE BAY

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, - AMENDING
TITLE 16-SUBDIVISIONS, CHAPTERS 16.28 - DESIGN STANDARDS AND IMPROVEMENTS, AND
CHAPTER 16.40 VIOLATIONS-PENALTIES, SECTIONS 16.28.030 SEWER SYSTEM, 16.40.010
CRIMINAL PENALTIES-PURSUANT TO AS 29.40.180, 16.40.020 CIVIL REMEDIES-PURSUANT TO
AS 29.40.190, and ADDING:
16.40.030 VIOLATIONS, ENFORCEMENT AND PENALTIES

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 16-Subdivisions, Chapters 16.28 - Design Standards and Improvements, and Chapter 16.40 Violations-Penalties, Sections 16.28.030 Sewer System, 16.40.010 Criminal Penalties-Pursuant To As 29.40.180, 16.40.020 Civil Remedies-Pursuant To As 29.40.190, and adding Section 16.40.030 violations, enforcement and penalties, is hereby amended and added to the Thorne Bay Municipal Code.
- Section 4.** Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED April 16, 2019

Lee Burger, Vice Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: April 2, 2019]
[Public Hearing: April 16, 2019]

ADDITIONS ARE IN BLUE AND CAPITALIZED

~~Deletions are stricken~~

AMENDING TITLE 16 – SUBDIVISIONS
CHAPTER 16.28 DESIGN STANDARDS AND IMPROVEMENTS
& CHAPTER 16.40 – VIOLATIONS-PENALTIES

AMENDING SECTIONS:

16.28.030 SEWER SYSTEM.

16.40.010 CRIMINAL PENALTIES-PURSUANT TO AS 29.40.180.

16.40.020 CIVIL REMEDIES-PURSUANT TO AS 29.40.190.

ADDING SECTION:

16.40.030 VIOLATIONS, ENFORCEMENT AND PENALTIES

2. CHAPTER 16.28 DESIGN STANDARDS AND IMPROVEMENTS

16.28.030 SEWER SYSTEM.

- A. Where a city sewer line or sewer force main is within three hundred feet of any portion of the proposed subdivision, the applicant will be required to extend sewer service to the site and to each lot therein.
- B. If a city sewer line or sewer force main is not within three hundred feet of any portion of the subdivision, the applicant shall provide an on-site sewage disposal system design which shall be reviewed by and meet the approval of the Alaska Department of Environmental Conservation (DEC). **APPLICANT SHALL PROVIDE THE CITY PLANNING OFFICIAL WITH A COPY OF THE DEC FINDINGS FROM THEIR REVIEW AND APPROVAL.**
- C. The planning commission may require the applicant to install oversized water and/or sewer lines in order to accommodate probable and/or desirable future growth in the immediate vicinity. When such oversized lines are required, the applicant will be reimbursed for the excess cost in providing oversized utility lines above the costs of providing standard utility lines, in an amount to be approved by the planning commission and the city council. (Ord. 87-01 § 7(2), 1987)

CHAPTER 16.40 VIOLATIONS-PENALTIES

AMENDING THE SECTION BY DELETING THE CURRENT SECTIONS AS WRITTEN AND REPLACING THE LANGUAGE WITH THE ADDITIONS NOTED ON PAGE 4 OF THIS ORDINANCE.

16.40.010 ~~CRIMINAL PENALTIES PURSUANT TO AS 29.40.180.~~

- ~~A. The owner or agent of the owner of land located within a subdivision who transfers, sells, offers for sale or enters into a contract to sell land in a subdivision before a final plat of the subdivision has been prepared, approved and recorded, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than one thousand dollars, or ninety days in jail, or both, for each lot or parcel involved.~~
- ~~B. No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than one thousand dollars, or ninety days in jail, or both.~~ (Ord. 87-01 § 13(A), 1987)

AMENDING SECTION TO READ:

16.40.010 PENALTIES AND REMEDIES

- A. THE OWNER OR AGENT OF THE OWNER OF LAND WHO PUBLICLY OFFERS BY ANY MEANS TO SELL, TRANSFER, OR WHO SELLS OR ENTERS INTO A CONTRACT TO SELL LAND IN A SUBDIVISION BEFORE A PLAT OF THE SUBDIVISION HAS BEEN PREPARED, APPROVED AND FILED IN ACCORDANCE WITH THIS TITLE IS GUILTY OF AN INFRACTION, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500 FOR EACH LOT OR PARCEL OFFERED FOR SALE, TRANSFERRED, SOLD, OR INCLUDED IN A CONTRACT TO BE SOLD.
- B. NO PERSON MAY FILE OR SEEK TO HAVE A PLAT FILED UNLESS IT HAS BEEN APPROVED IN ACCORDANCE WITH THIS TITLE. A PERSON WHO KNOWINGLY VIOLATES THIS SUBSECTION IS PUNISHABLE UPON CONVICTION BY A FINE OF NOT MORE THAN \$500.
- C. EACH ACT OR CONDITION IN VIOLATION OF THIS TITLE, OR ANY TERM OR CONDITION OF ANY PLAT OR OTHER ENTITLEMENT UNDER THIS TITLE, AND EVERY DAY DURING WHICH THE ACT OR CONDITION OCCURS SHALL CONSTITUTE A SEPARATE VIOLATION OF THIS TITLE.

16.40.020 CIVIL REMEDIES-PURSUANT TO AS 29.40.190.

- A. The city or an aggrieved person may institute a civil action against a person who commits a violation under Section 16.40.010, or who violates a subdivision regulation contained in this title, or a term, condition, or limitation imposed by a platting authority. In addition to other relief, a civil penalty not to exceed one thousand dollars may be imposed for each violation.

- B. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.

ADDING SECTION:

16.40.30 SUBDIVISIONS-VIOLATIONS/ ENFORCEMENT/ PENALTIES

- A. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE DEEMED GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR IF NOT LISTED IN 1.16.035 THEN BY THE FINE PROVIDED IN 1.16.030
- B. IF A VIOLATION CONTINUES, EACH DAY'S VIOLATION SHALL BE DEEMED AS A SEPARATE VIOLATION.

END OF ORDINANCE AMENDMENTS

ORDINANCE 19-04-16-02
CITY OF THORNE BAY

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, - AMENDING
TITLE 1-GENERAL PROVISIONS; SETTING A SCHEDULE OF FINES FOR VIOLATIONS OF TITLE 16-
SUBDIVISIONS, TITLE 17-ZONING

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 chapters of Title 1 - General Provisions, Chapter 1.16 - General Penalty, Section 1.16.035-Minor Offense Fine Schedule, adding fines for offenses listed in Title 16-Subdivisions and Title 17-Zoning, hereby amended and added to the Thorne Bay Municipal Code.
- Section 4.** Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED April 16, 2019

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: April 2, 2019]
[Public Hearing: April 16, 2019]

Amending
Title 1 General Provisions
Adding Title 16-Subdivisions & Title 17-Zoning
To the City Fine Schedule of Violations

Chapter and Sections shall read as follows:

1.16.030 VIOLATIONS-SEPARATE OFFENSE.

Every act prohibited by Thorne Bay ordinances is unlawful. Failure to comply with any mandatory requirement of any ordinance is also unlawful. Unless another penalty is expressly provided by a Thorne Bay ordinance for any particular provision or section, each violation of this code is an infraction, punishable by a fine up to three hundred dollars per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense unless stated otherwise in any ordinance. (Ordinance 18-01-02-01; Prior Ord. 88-23 § 5(part), 1988)

1.16.035 MINOR OFFENSE FINE SCHEDULE.

In accordance with as 29.25.070(a), citations for the following offenses may be disposed of as provided in as 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by as 12.55.039 and as 29.25.074.

FINES MUST BE PAID TO THE COURT.

If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska court system's rules of minor offense procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of minor offense rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

**FINE SCHEDULE FOR ALL VIOLATIONS OF TITLE 16-SUBDIVISIONS & TITLE 17-ZONING, ARE HEREBY ADDED TO THE THORNE BAY MUNICIPAL CODE
MINOR OFFENSE FINE SCHEDULE AS FOLLOWS:**

Ordinance Number	Ordinance Description	Offense Appearance type: Mandatory Optional or Correctable	Fine Schedule Amount for Optional / Correctable	Maximum Fine Permitted for Mandatory
TBMC 16.40	Violations-Penalties			
TBMC 16.40.010	Subdivisions-Illegal Sales	Optional	\$500.00	
TBMC 16.40.050	Subdivisions-Illegal Filing	Optional	\$500.00	
TBMC 16.40.030	Subdivisions-Unlawfully Subdivided-Violation of Terms	Optional	\$500.00	
CHAPTER 17.04	CHAPTER 17.04 PLANNING AND ZONING	Optional		
TBMC 17.04.022	RESIDENTIAL ZONE. FAILURE TO SUBMIT DEVELOPMENT PLANS	Optional	\$500.00	
TBMC 17.04.022 (b)	RESIDENTIAL ZONE. FAILURE TO OBTAIN SPECIAL LAND USE PERMIT	Optional	\$200.00	
TBMC 17.04.022 (c)	RESIDENTIAL ZONE. PROHIBITED USES	Optional	\$ 500.00	
TBMC 17.04.022 (d)	RESIDENTIAL ZONE. DEVELOPMENT STANDARDS FAILURE TO ADHERE TO ZONING	Optional	\$500.00	
TBMC 17.04.022 (e)	RESIDENTIAL ZONE. DEVELOPMENT STANDARDS FAILURE TO ADHERE TO ZONING (Tract B)	Optional	\$500.00	
TBMC 17.04.023	DEER CREEK RESIDENTIAL. FAILURE TO SUBMIT DEVELOPMENT PLANS	Optional	\$500.00	
TBMC 17.04.023 (b)	DEER CREEK RESIDENTIAL. FAILURE TO OBTAIN SPECIAL LAND USE PERMIT	Optional	\$500.00	
TBMC 17.04.023 (c-2)	DEER CREEK RESIDENTIAL. PROHIBITED USES- PRIVATE GARBAGE PITS	Optional	\$500.00	
TBMC 17.04.023 (c-3)	DEER CREEK RESIDENTIAL. PROHIBITED USES- STORAGE OF HEAVY EQUIPMENT	Optional	\$500.00	
TBMC 17.04.023 (c-4)	DEER CREEK RESIDENTIAL. PROHIBITED USES- STORAGE OF DERELICT VEHICLES OR UNSIGHTLY ACCUMULATION OF PERSONAL PROPERTY	Optional	\$500.00	
TBMC 17.04.023 (c-5)	DEER CREEK RESIDENTIAL. PROHIBITED USES- RAISING OF ANIMALS, LIVESTOCK AND POULTRY	Optional	\$500.00	
TBMC 17.04.024	MIXED RESIDENTIAL/COMMERCIAL I. PROHIBITED ACTS	Optional	\$500.00	

**CITY OF THORNE BAY
ORDINANCE NO. 19-05-07-01**

**AN ORDINANCE AMENDING THORNE BAY MUNICIPAL CODE TITLE 13 – UTILITIES, TO
ADD A NEW CHAPTER 13.03-DELINQUENT ACCOUNTS & SECURING COLLECTION OF
DEBTS, SECTIONS 13.03.010 THROUGH 13.03.050, AUTHORIZING THE CITY TO UTILIZE THE
PLACEMENT OF LIENS TO SECURE PAYMENT OF ACCOUNT FEES INCLUDING UTILITY, HARBOR,
PARKING, AND SERVICE FEE CHARGES**

- Section 1. Classification. This ordinance is of a general and permanent nature, the new chapter and sections hereby added to Title 13 – Utilities, 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 Title. Title 13 - Utilities, of the Thorne Bay Municipal Code is amended to add a new Chapter 13.03 – Delinquent Accounts & Securing Collection of Debts, consisting of new Sections 13.03.010 through 13.03.050. In accordance with the City’s authority under AS 29.35.010 and other relevant statutes, new Chapter 13.03 provides for the creation, recording, and notice of a lien by the City on real or personal property to secure payment of past due utility fees and charges. The Chapter and Sections of 13.03.010 – 13.03.050, shall read as set forth below in Ordinance 19-05-07-01
- Section 4. Effective Date. This ordinance shall become effective upon
_____ adoption.

PASSED AND APPROVED: May 7, 2019

ATTEST:

Harvey McDonald, Mayor

Teri Feibel, CMC

[Introduction: April 16, 2019]

[Public Hearing: May 7, 2019]

ADDITIONS ARE BLUE AND CAPITALIZED

~~Deletions are red and stricken~~

AMENDMENT OF TITLE 13-UTILITIES

ADDITION OF NEW CHAPTER 13.03 – DELINQUENT ACCOUNTS & SECURING COLLECTION OF DEBTS, CONSISTING OF NEW SECTIONS 13.03.010-13.03.050

ADDING SECTIONS:

- + 13.03.010 ACCOUNTS CONSIDERED DELINQUENT.
- + 13.03.020 DELINQUENCY NOTICE.
- + 13.03.030 TERMINATION NOTICE.
- + 13.03.040 TERMINATION OF SERVICE.
- + 13.03.050 LIENS & COLLECTION. .

CHAPTER 13.03 DELINQUENT ACCOUNTS,

13.03.010 ACCOUNTS CONSIDERED DELINQUENT.

UTILITY BILLS NOT PAID BY THE TWENTIETH DAY OF THE MONTH FOLLOWING MAILING SHALL BE CONSIDERED DELINQUENT AND WILL BE ASSESSED A FINANCE CHARGE OF 0.875% (PERCENT) EACH MONTH UNTIL PAID IN FULL.

13.03.020 DELINQUENCY NOTICE.

THE CLERK'S OFFICE MAY, BUT SHALL NOT BE REQUIRED TO, SEND A NOTICE OF DELINQUENT ACCOUNT TEN DAYS AFTER THE ACCOUNT BECOMES DELINQUENT.

13.03.030 TERMINATION NOTICE.

WITHIN FIFTEEN DAYS AFTER AN ACCOUNT BECOMES DELINQUENT, A NOTICE OF TERMINATION OF SERVICE SHALL BE SENT TO THE CUSTOMER. THE NOTICE SHALL STATE A DATE ON, OR WHICH WATER WILL BE TURNED OFF IF THE DELINQUENT ACCOUNT IS NOT PAID IN FULL PRIOR THERETO. SUCH DATE SHALL NOT BE LESS THAN FIVE OR MORE THAN FIFTEEN DAYS FROM THE DATE OF NOTICE. A DELIVERY TO THE PREMISES RECEIVING UTILITY SERVICES OR MAILING TO THE ADDRESS OF RECORD OF THE CUSTOMER SHALL BE CONSIDERED A DELIVERY TO THE CUSTOMER.

13.03.040 TERMINATION OF SERVICE.

AN AGENT OF THE CITY SHALL TERMINATE SERVICES ON THE DATE SO SPECIFIED IN THE NOTICE OF TERMINATION OF SERVICE UNLESS THE ACCOUNT IS PAID IN FULL.

13.03.050 LIENS & COLLECTION.

THE CITY MAY USE ALL LEGAL MEANS AND PURSUE ALL LEGAL REMEDIES TO COLLECT UNPAID UTILITY SERVICE FEES AND CHARGES.

- a. UPON ANY DELINQUENCY, ALL RATES, FEES, CHARGES, ASSESSMENTS, PENALTIES, AND INTEREST DUE AND OWING UNDER THIS TITLE SHALL CONSTITUTE A LIEN OF THE CITY UPON THE REAL PROPERTY RECEIVING THE BENEFIT OF THE SERVICE OR UTILITY.
- b. UPON ANY DELINQUENCY, ALL RATES, FEES, CHARGES, ASSESSMENTS, PENALTIES, AND INTEREST DUE AND OWING UNDER THIS TITLE SHALL CONSTITUTE A LIEN OF THE CITY UPON THE PERSONAL PROPERTY OF PERSON WHO REQUESTED SERVICE.
- c. THE CITY MAY CREATE, RECORD, AND PROVIDE NOTICE OF A LIEN TO SECURE PAYMENT OF PAST DUE UTILITY RATES, FEES, CHARGES, ASSESSMENTS, PENALTIES, AND INTEREST AS DESCRIBED IN THIS SECTION. A LIEN MAY BE RECORDED BY THE CITY IN THE KETCHIKAN RECORDER'S DISTRICT, RECORDING DISTRICT 102, IN THE FIRST JUDICIAL DISTRICT, AND IN THE STATE RECORDER'S OFFICE UCC CENTRAL FILE SYSTEM, AS APPLICABLE; HOWEVER, FAILURE TO SO RECORD SAID INTERESTS SHALL NOT BE CONSTRUED AS A WAIVER OR ABROGATION OF ANY AND ALL PRIORITIES, RIGHTS AND INTERESTS OF THE CITY AT LAW AND IN EQUITY.
- d. UPON FULL SATISFACTION OF PAYMENT OF ALL FEES, CHARGES, INTEREST, PENALTIES, AND COSTS FOR RECORDING A NOTICE OF LIEN AND DISCHARGE OF LIEN, DUE AND OWING TO THE CITY, THE CITY SHALL RECORD A CERTIFICATE DISCHARGING THE LIEN.
- e. IN AN ACTION TO ENFORCE A LIEN, THE COURT SHALL ALLOW AS PART OF THE COSTS ALL MONEY PAID FOR DRAWING THE LIEN AND FOR FILING AND RECORDING THE LIEN CLAIM AND DISCHARGE OF LIEN, AND A REASONABLE ATTORNEY FEE FOR THE FORECLOSURE OF THE LIEN.

THE REMEDY PROVIDED IN THIS SECTION IS NOT EXCLUSIVE AND SHALL BE IN ADDITION TO ALL OTHER REMEDIES AVAILABLE TO THE CITY TO COLLECT PAST DUE UTILITIES.