NOTICE OF ADDITIONS!

AGENDA

FOR THE REGULAR MEETING OF THE CITY COUNCIL

FOR THE CITY OF THORNE BAY, ALASKA
COUNCIL CHAMBERS OF CITY HALL
120 FREEMAN DRIVE

Tuesday July 2, 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 Administrator's Report:
   b. City Clerk Report:
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
   a. MINUTES:
      i. Minutes of the June 18, 2019, Regular City Council Meeting, discussion and action item:
      ii. Minutes of the June 4, 2019, Regular City Council Meeting, discussion and action item:

10. NEW BUSINESS:

a) Review of Thorne Bay Fisheries Association Activities, discussion and possible action item:

b) Closing the Fisheries Savings Account held in the City of Thorne Bay's Tongass Account, discussion and action item:

c) RESOLUTION 19-07-02-01, APPROVING SUBDIVISION PLAT NO. 2004-27, SUBDIVISION OF LOT 3, MANIER SUBDIVISION, CREATING LOTS 3A & 3B. DISCUSSION AND ACTION ITEM:

11. ORDINANCE FOR INTRODUCTION:

a) Ordinance 19-07-16-01, Amending Title 2.48-Planning Commission, amending Section 2.48.100, Planning Commission Duties, discussion and action item:

b) Ordinance 19-07-16-02, Amending Title 12-Streets, Sidewalks and Public Places, Chapter and Section 12.09.010-Streets and Roads Commission, discussion and action item:

12. EXPENDITURES EXCEEDING $2,000.00:

a) Expenditure of $3,500.00 to CM! for VOLVO Excavator Repairs, discussion and action item:

b) Expenditure to CBC Construction for Water Plant GENERATOR Installation discussion and action item: ...

c) Expenditure to DOWL for $3,960.00, for obtaining DEC approval to construct drain field for caretaker facility, discussion and action:

d) Discussion of upcoming expenditures for repair the Solid Waste Baler, discussion and possible action item:

e) Approving the expenditure of $4,000.00 for library repairs and capital improvements, discussion and action item:

13. 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.

14. CONTINUATION OF PUBLIC COMMENT:

15. CONTINUATION OF COUNCIL COMMENT:

16. ADJOURNMENT:

AMENDMENT POSTED – JULY 1, 2019

POSTED: June 28, 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 OF CITY HALL

120 FREEMAN DRIVE

Tuesday June 18, 2019

6:30 p.m.

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

1. CALL TO ORDER:

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

2. PLEDGE TOFLAG:

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

3. ROLL CALL:

Those present were: McDonald, Burger, Edenfield, Minnillo, Carlson, Slayton and Williams

4. APPROVAL OF AGENDA:

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

MOTION:	Move to approve the agenda.
F/S :	McDonald/Minnillo
YEAS:	Burger, Williams, McDonald, Edenfield, Slayton, Minnillo & Carlson
NAYS:	None
STATUS:	Motion Passed.

5. MAYOR'S REPORT:

- McDonald stated the City Clerk posted a request in the monthly newsletter for the public to review a drafted ordinance and provide feedback. This Ordinance was only a draft, and an attempt for us to get the public's comments on this issue.
- Comments were not provided to the City Clerk, but they were spread on social media.
- Requested that in the future the public provide comments and suggestions directly to the Clerk so we know if you are for or against an item.

6. ADMINISTRATIVE REPORTS:

a. City Administrator's Report:

No report given.

b. City Clerk Report:

City Clerk commented on the following:

1. Reiterated what the Mayor stated in regard to the request for comments on the drafted ordinance. It was a draft and was put out requesting that the public provide feedback on the Ordinance so the city could bring forth an ordinance that would be acceptable to all.
2. Informed the City Council of the concerns expressed in regard to the Fisheries Association and their process for leasing Charter Halibut Permits.
3. Fisheries is a non-profit corporation that was put together to lease out Charter Halibut Permits on behalf of the City Council. The City of Thorne Bay was the eligible community quota entity, but a non-profit needed to be formed in order to apply to become a CQE and obtain IFQ and CHP.
4. The current issue is objection to the association disregarding their bylaws and leasing the permit to one applicant over another. The questions to be answered are who the oversite on this commission is.

7. PUBLIC COMMENTS:

Karen Petersen commented on the following:

a)Greentree Heights Grant Application for getting power to the Subdivision from Rural Utility Services.

1. This grant is 100% funded. No cash required to the City.
2. AP&T will match by waiving $3000 to customers for new utility connections

b) Reported there were new computers, software and equipment at the library that were purchased with a Tier I Rasmussen Grant that the library received.

c) Thank you to AML who provided free shipping for battery backups....

d) With the excitement of the new computer equipment, the Friends decided to do an overhaul on the library and remodeled the bathroom and put in new shelving.

e. Thank you to Sherri Cessnun for providing the shampooer used to clean the carpets.

e) Thank you to Councilman Ben Williams who donated the lumber used to build the new library shelves.

Sean Kaer – Commented on the following:

a. Commented on a road that had been build illegally over Tract A in the South Thorne Bay Subdivision. Explained the road was causing damage to the neighboring properties.

Eric Rhodes commented on the following:

a. Suggested that the City Clerk provide a way that people could send their comments on items rather than calling .

Deann Minnillo commented on the following:

a. Stated that she was still very upset about the way the Fisheries Association ran their meeting in May for the lease of a Charter Halibut Permit, and disappointed that it was not on the City Council's agenda to deal with.
    1. Minnillo explained her concern was how this Association was not awarding permits based on their written bylaws. Minnillo urged the Council to step up and settle how the situation was handled. Minnillo explained that during the Fisheries meeting, the City Clerk had explained that the bylaws clearly stated how a permit lease should be handled and was completely disregarded and had the chairman started yelling at her.
    2. The Association claimed that one of the applicants was not eligible because he didn't have all of the licenses required, however, the license they were claiming as a requirement was not written in their bylaws, and in fact, one of the long-time permit holders had never held this license. He leased the CHP and had an employee who held the license fish it. This is clearly not consistent.

b. Stated she was concerned about the state of the Fire Department and the condition of the fire trucks and whether or not they worked properly.

8. COUNCIL COMMENTS:

Carlson inquired who managed the Charter Halibut Permits?

Slayton suggested that NOAA Marine Fisheries (NMFS) would be the ones to oversee the management of the Fisheries Association and CHP's.

Minnillo stated he had been in contact with NMFS and when he asked them, they said they were not the ones to manage them.

Williams requested a report on the Solid Waste baler repairs and an estimated timeline for when it will be up and running again. Williams asked the Clerk to place the baler expenses on the agenda for the next council meeting.

9. CONSENT AGENDA:

No consent agenda.

10. NEW BUSINESS:

1. Appointing a Planning & Zoning Commission for the City of Thorne Bay, discussion and action item:

McDonald stated that with only having two interested parties in the Streets Commission, the City felt it was best to combine both the Planning and Streets Commission. McDonald suggested that the Planning Commission set their meeting for the second meeting of the following month beginning at 6:30 p.m.

MOTION: Move to appoint the following to the Planning Commission.

1. *Brad Clark*
2. *Laura Clark*
3. *Gary Anderson*
4. *Sean McRae*
5. *Jim Baichtal*
6. *Bob Hartwell*
7. *Stan McCoy*

F/S: Burger/Carlson
YEAS: Burger, Williams, McDonald, Edenfield, Slayton, Minnillo & Carlson
NAYS: None
STATUS: Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

THERE ARE NO ORDINANCES FOR INTRODUCTION

12. ORDINANCE FOR PUBLIC HEARING:

a) Ordinance 19-06-18-01, approving the City of Thorne Bay Budget for the Fiscal Year 2020, discussion and action item:

McDonald moved to approve Ordinance 19-06-18-01. Burger seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 19-06-18-01
F/S: McDonald/Burger
YEAS: Burger, Williams, McDonald, Edenfield, Slayton, Minnillo & Carlson
NAYS: None
STATUS: Motion Passed.

13. EXPENDITURES EXCEED ING $2,000.00:

THERE WERE NO EXPENDITURES EXCEEDING $2,000.00

14. EXECUTIVE SESSION: The Councill 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:

None

16. CONTINUATION OF COUNCIL COMMENT:

Williams stated he felt strongly for the need to have Emergency Services here in Thorne Bay full time. Creating a position for Police Officer/EMS coordinator would be an added expense to the City, but the residents needed to have reliable services.

17. ADJOURNMENT:

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

_____

Harvey McDonald, Mayor

ATTEST:

_____

Teri Feibel, CMC

CITY OF THORNE BAY
ORDINANCE 19-07-16-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 2-ADMINISTRATION AND PERSONNEL, CHAPTER 2.48-PLANNING COMMISSION,

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 Chapter. The Title and Chapter of the TBMC Title 2-Administration and Personnel, Chapter 2.48-Planning Commission, 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 July 16, 2019

_____
Harvey McDonald, Mayor

ATTEST:

_____
Teri Feibel, City Clerk

[Introduction: July 2, 2019]

[Public Hearing: July 16, 2019]

ADDITIONS ARE IN BOLD AND CAPITALIZED

Deleted items are ~~stricken~~

Thorne Bay Municipal Code

CHAPTER 2.48

PLANNING COMMISSION

SECTION 2.48 2.48.100 PLANNING COMMISSION DUTIES.

2.48.100 PLANNING COMMISSION DUTIES.

The planning commission shall:

a. Subject to Title 17 of this code, prepare and submit to the city council a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the city. Annually the commission shall review the comprehensive plan and shall recommend appropriate amendments, if any, to the city council.
b. Subject to the Alaska Coastal Management Act (AS 46.40) and Alaska Administrative Code; 6AAC50, 6AAC80, and 6AAC85, prepare and submit to the city council a proposed coastal management plan. Annually, the commission shall review the coastal management plan and shall recommend appropriate amendments, if any, to the city council.
c. Prepare, review, recommend and administer measures necessary to implement the coastal management plan and comprehensive plan, including measures provided under AS 29.40.040 and such other land use control measures as the planning commission deems necessary to supplement zoning regulations, land use permit requirements and measures to further the goals and objectives of the coastal management and comprehensive plans.
d. Prepare and recommend to the city council a subdivision ordinance and the official map of the city and any recommended modifications to these documents.
e. Publish notice of and hold at least one public hearing before submitting the commission's recommendations under subsections A, B and C of this section to the city council.
f. Upon adequate notice which shall be provided by the chief executive officer, review annually the capital improvements program of the city and submit the

commission's recommendations thereon to the chief executive officer on or before the due date specified in the notice.

g. Investigate and prepare, upon city council or chief executive officer request, reports and recommendations on city land acquisitions, disposals and development. The report and recommendation shall be based upon the provisions of this chapter, the coastal management plan, the comprehensive plan and the capital improvements program.

h. Subject to and in accordance with the provisions of Titles 15, 16 and 17 of this code, act as the platting board, act upon requests for variances and act upon requests for conditional uses. No platting request, variance or conditional use may be granted which violates the provisions of AS Section 29.40.040 or Sections 16.36.010 and 16.36.020 of this code.

i. IN THE ABSENCE OF A STREETS AND ROADS COMMISSION, THE PLANNING COMMISSION SHALL PERFORM ALL OF THE DUTIES OF THE STREETS AND ROADS COMMISSION AS SET FORTH IN TBMC CHAPTER 12.09-STREETS AND ROADS COMMISSION. (ORDINANCE 19-07-16-01)

Act as an advisory commission to the chief executive officer and city council regarding planning, platting and zoning. (Ord. 92-18 § 4(part), 1992: Ord. 90-19 §§ 4(part), 5(part), 1990)

CITY OF THORNE BAY
ORDINANCE 19-07-16-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 12-STREETS, SIDEWALKS AND PUBLIC PLACES, CHAPTER 12.09, SECTION 12.09.010-STREETS AND ROADS COMMISSION

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 Chapter. Amending Title 12-Streets, Sidewalks and Public Places, Chapter 12.09, Section 12.09.010-Streets and Roads Commission, 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 July 16, 2019

_____
Harvey McDonald, Mayor

ATTEST:

_____
Teri Feibel, City Clerk

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

ADDITIONS ARE IN BOLD AND CAPITALIZED

Deleted items are ~~stricken~~

Thorne Bay Municipal Code

CHAPTER 12.09 STREETS AND ROADS COMMISSION

SECTION 12.09.010-STREETS AND ROADS COMMISSION

Is hereby amended and shall read as follows:

12.09.010 STREETS AND ROADS COMMISSION.

There is established the Streets and Roads Commission for the city to assist and advise the city with respect to streets and roads maintenance and improvement projects. Chapter 2.42, "Committees, Boards, and Commissions" provides for the establishment and operation of Committees, Boards, and Commissions. Unless stated otherwise in Section 12.09.010 the establishment and operation of the Streets and Roads Commission shall comply with Chapter 2.42. The streets and roads commission shall consist of members from the community and the number of commission members shall be:

1. . two (2) from the South Thorne Bay Subdivision,
2. . two (2) from North Thorne Bay,
3. . one (1) from the Goose Creek Subdivision,
4. . one (1) from Greentree Heights Subdivision, and one
5. . (1) at large,

all of who shall be property owners within their respective areas. Members shall be appointed by the chief administrative officer and confirmed by the council.

Commission members shall elect a chairperson from members, subject to confirmation by the council, to conduct the affairs of the commission.

In the event that a streets and roads commission is not appointed, the **PLANNING COMMISSION, OR city council (IN THE ABSENCE OF PLANNING COMMISSION)** will perform the duties of the Streets and Roads Commission.

12.09.020 DUTIES AND RESPONSIBILITIES.

Duties and responsibilities of the streets and roads commission are to develop and prepare a priority program for the maintenance, repair, construction and funding of roadways within the City of Thorne Bay. The priority program shall address but not be limited to vehicle and pedestrian safety, present and future uses, road classification, right of way and roadway ownership, parking and economic impacts to the local business, residents and city in general. Recommendations should be based on sound engineering practices using local, state and federal guidelines for streets and roads.

CITY OF THORNE BAY
RESOLUTION 19-07-02-01

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, APPROVING THE FINAL PLAT FOR THE SUBDIVISION OF LOT 3, OF THE MANIER SUBDIVISION, CREATING LOTS 3A AND 3B MANIER SUBDIVISION, PLAT #2004-27, KETCHIKAN RECORDING DISTRICT,

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

WHEREAS, the Planning Official has reviewed the Subdivision application submitted by Ben Williams (hereinafter Applicant) on June 26, 2019; and

WHEREAS, the City Council has reviewed the Municipal Code and finds that the Preliminary Plat #2004-27, a Subdivision of Lot 3, of the Manier Subdivision, creating lots 3A and 3B, complies with all requirements of the Municipal Code 16.16.010, Short Plats, Sections 16.16.010 (C) (Numbers 1-7) Plat Map Content Requirements, including the Certificate of Dedication.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Thorne Bay, Alaska, hereby approves Plat #2004-27, a Subdivision of Lot 3, of the Manier Subdivision, creating lots 3A and 3B, located within Section 27, Township 71 South, Range 84 East, Copper River Meridian, and authorizes the Mayor or Mayor Designee to sign the Original Mylar Plat upon receipt.

PASSED AND APPROVED this 2nd, day of July 2019

_____
Harvey McDonald, Mayor

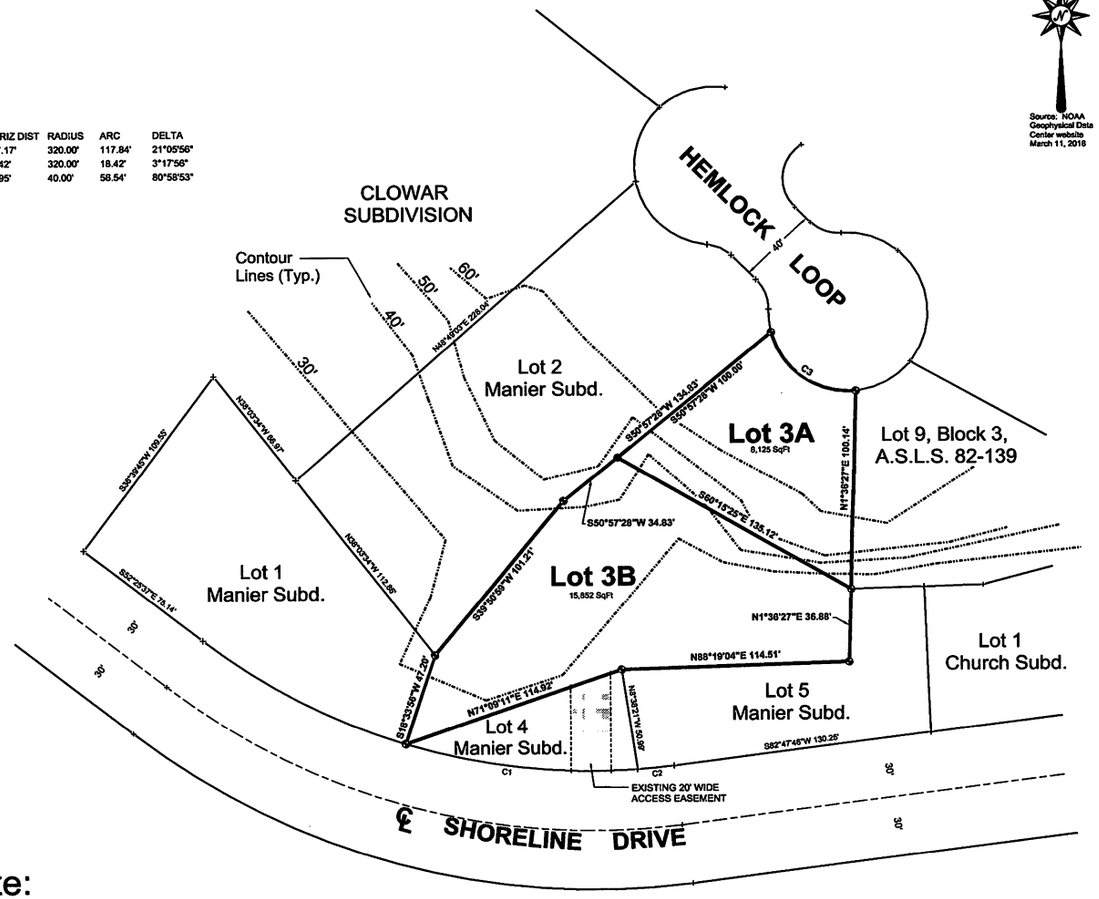
ATTEST:

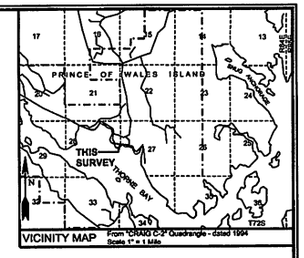
_____
Teri Feibel, CMC

NOTES:

1. The error of closure for this survey is not greater than 1:5000.
2. All bearings shown are true bearings as orientated to the Basis of Bearings and distances shown are reduced to horizontal field distances.

CURVE	BEARING	HORIZ DIST	RADIUS	ARC	DELTA
C1	N83°29'19"W	117.17'	320.00'	117.84'	21°05'56"
C2	S84°26'28"W	18.42'	320.00'	18.42'	3°17'56"
C3	N54°49'34"W	51.95'	40.00'	58.54'	80°58'53"





CERTIFICATE OF DEDICATION

The rights-of-ways and easements shown on said plat are hereby dedicated to the public use. The acceptance of land for public use or public purposes does not obligate the public or any governing body to construct, operate or maintain improvements. The City of Thorne Bay assumes; no responsibility to provide any summer or winter maintenance within any right-of-way or easement as shown on said plat.
Dated_____. 2017

_____ _____
Chairman, Thorne Bay Planning Commission Date

Attest: _____ _____
City Clerk, Thorne Bay Planning Commission Date

CERTIFCATE OF APPROVAL BY THE BOARD

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City of Thorne Bay, Alaska, and that said plat has been approved by the Platting Board by Resolution No. _____, Dated _____ and that the plat shown hereon has been approved for recording at the District Recording Office, Ketchikan, Alaska.

_____ _____
Chairman, Thorne Bay Planning Commission Date

Attest: _____ _____
Clerk, Thorne Bay Planning Commission Date

TAX CERTIFICATE

This subdivision lies within the tax authority of the City of Thorne Bay. As of the date of this plat, the City of Thorne Bay has no property tax levy.

LEGEND

- RECOVERED PROPERTY CORNERS - AS NOTED
- SET 5/8" X 30" REBAR WITH 2" ALCAP LS #13013 - THIS SURVEY
- \+ UNSURVEYED PROPERTY CORNER
- SURVEYED PROPERTY LINE
- UNSURVEYED PROPERTY LINE
- CENTERLINE ROADS
- EXISTING ACCESS EASEMENT
- CONTOUR LINES

Note:
This is a Preliminry Draft Plat for Agency Review, all bearings and distances are "Record" per the Manier Subdivision (#2004-27). The field survey will be done after preliminary approval of this proposed subdivision.

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described and that all dimensions and other details are correct.

Gary L. Tams, RLS 13013 Date:_____

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of Lot 3, MANIER SUBDIVISION as shown hereon and that I approve this subdivision and plat and dedicate or reserve for public or private use, as noted, all easements, public utility areas, and rights-of-way as shown and described on this plat.

_____
Ben F. Williams, Sr. Date

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this ____ day of _____, 20____.
For _____.
(notary to print signers name)

_____
Notary Public for the State of Alaska
My Commission expires_____.

BAR SCALE: 30' 0 30' 60'

WILLIAMS SUBDIVISION 2019

CREATING LOTS 3A AND 3B

A SUBDIVISION OF LOT 3, MANIER SUBDIVISION PLAT NO. 2004-27, K.R.D.

KETCHIKAN RECORDING DISTRICT

Surveyed by:	Surveyed for:
GT LAND SURVEYING LLC 757 Forest Avenue Ketchikan, AK 99901 (907) 821-8764	BEN F. WILLIAMS, SR. P.O. BOX 19583 THORNE BAY, AK 99919

Date of Survey:	Scale:	Drawing Date:	Drawn by:	File:
06/11/2019	1"=30'	08/15/2019	GLT	

Traverse PC