

**MINUTES
FOR THE SPECIAL MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA, COUNCIL CHAMBERS
CITY HALL, MONDAY
October 10, 2016
6:30 p.m.**

The meeting was preceded by a Planning Commission Meeting at 5:30 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 council stood for the pledge to the flag.

3. ROLL CALL:

Gould, Slayton, Edenfield, Hartwell and Burger were present. Carlson and McDonald 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 REPORT:

Mayor Gould reported that he had been in contact with a representative for Organized Village of Kasaan (OVK), regarding the FLAP Grant and work being performed on the Kasaan/Goose Creek Road. Current work is being done for the 1.3-mile to 3-mile portion of the Kasaan Road. Gould stated that the City of Thorne Bay is currently working with OVK to help with the grant's required match funding and grant opportunities.

6. ADMINISTRATION REPORTS:

A. City Administrator Report:

City Administrator, Wayne Benner, read his report. (attached)

B. City Clerk Report:

The City Clerk informed the City Council of the Newly Elected Official's Training opportunity in Anchorage in November, and requested any interested councilmembers contact her for travel arrangements and conference registrations.

7. PUBLIC COMMENTS:

Mark Gunkel commented on the following:

- Requested the City Council reconsider the current proposed amendments to the ATV Code, specifically the amendment which would eliminate the City Youth Permit, which currently allows for a child between the ages of 12-14 to operate an ATV on City Streets. His daughter had been looking forward to her 12th birthday so that she could get her permit to operate an ATV in Thorne Bay, and was heartbroken when told that the City was looking to eliminate the City Youth Permit
- Appreciates that the State gives the communities freedom by allowing them to govern ATV use within the City streets
- Encouraged the Council to review their amendment as written, the code adopts the Alaska Administrative Code by reference, but then deletes wording in the administrative code, by doing so it conflicts with the adoption by reference
- Understands concern over current ATV use violations, but strongly believes that the people violating these laws were not the children ages 12-14, and that enforcement of the current laws would help to eliminate the concerns of the ATV use violations
- As an educator he strongly encourages and supports educating all current and future drivers in the laws of the road and teaching them responsible use.

8. COUNCIL COMMENTS:

Hartwell stated the Council's reason for amending the ATV Code was for liability reasons. If the City permits a child to drive an ATV on City streets without a State driving permit, the City could be held responsible for any damages brought by the individual's ATV use. McDonald commented that the IFA General Manager was attending a conference in Anchorage, and would update the council with details and what the Manager learned once McDonald gets the report.

9. CONSENT AGENDA:

- A. Minutes for the September 20, 2016, Regular City Council Meeting, discussion and action item:
- B. Minutes for the September 20, 2016, Special Planning and Zoning Commission Meeting, discussion and action item:

Gould moved to approve the consent agenda, consisting of the minutes for the September 20th, Special Planning Commission Meeting and Regular City Council Meeting. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda, consisting of the minutes for the September 20th, Special Planning and Zoning Commission Meeting and Regular City Council Meeting

F/S: Gould/Edenfield

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

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

A. Certification of October 4, 2016, General Municipal Election, discussion and action item:

Gould moved to Certify the Election Results of the October 4, 2016, General Municipal Election. Burger seconded the motion. The City Clerk read the results of the General Election: Total Votes Cast at Polls: 128, Total Questioned ballots at Polls: 5, Total Absentee Person: 11, Total Absentee by Mail: 3, Total Question Absentee: 1. As confirmed by the Thorne Bay City Council, upon completion of the final canvass of ballots on the 7th day of October 2016, final election results are: **Council Seat A: (3-Year Term)** Raymond Slayton – 85 votes, L. Bruce Tower – 56 votes. Raymond Slayton is hereby elected to Council Seat A, with a vote of 85. **Council Seat B: (3-Year Term)** Risa J. Carlson – 88, Thom A. Cunningham – 49. Risa J. Carlson is hereby elected to Council Seat B, with a vote of 88. **Proposition 1:** Yes – 64, No – 68, Proposition to repeal Resolution number 15-09-01-01, titled Fee Schedule for Fire and EMS Departments, hereby fails with a final NO Vote of 68 and YES Vote of 64.

MOTION: Move to Certify the Election Results of the October 4, 2016, General Municipal Election

F/S: Gould/Burger

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

NAYS: None

STATUS: Motion Passed.

B. Renewal of property lease, SISD Restaurant and additional building lease from City of Thorne Bay, discussion and action item:

Gould moved to approve renewal of SISD lease of City Property. Slayton seconded the motion. Nick Higson, reported on the SISD Restaurant operations and requested a reduction in lease rate of 50% from \$1,000.00 monthly to \$500.00 monthly for the winter months. Gould amended his motion to renew SISD lease of City Property for a term of one (1) year, with a reduction in the rental rate of \$500.00, for the months of November through April, and charge full rental rate of \$1,000.00, for the months of May through October. Slayton amended his second. There was further discussion.

MOTION: Move to renew SISD lease of City Property for a term of one (1) year, with a reduction in the rental rate of \$500.00, for the months of November through April, and charge full rental rate of \$1,000.00, for the months of May through October

F/S: Gould/Slayton

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

NAYS: None

STATUS: Motion Passed.

C. Resolution 16-10-10-01, re-evaluating the Thorne Bay RV Park use and upgrades, discussion and action item:

Gould moved to approve Resolution 16-10-10-01. Edenfield seconded the motion. Discussion included the reason for the change was the needed repairs to the RV Park, and review of the current RV Park use. Comments were made regarding the 14-day limit not being long enough time for occupants to find a permanent residence. Edenfield stated the Resolution would not affect current occupants. Gould amended his motion to approve Resolution 16-10-10-01, amending 14-day limit to 21-day limit. Edenfield amended her second. There was further discussion.

MOTION: Move to approve Resolution 16-10-10-01
F/S: Gould/Edenfield
YEAS: McDonald, Burger, Edenfield, Carlson, Gould, and Slayton
NAYS: Hartwell
STATUS: Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

A. Ordinance 16-09-20-01, amending Title 10-Vehicles and Traffic, Chapter 10.04-General Provisions, discussion and action item:

Gould moved to approve Ordinance 16-09-20-01. Hartwell seconded the motion. There was discussion of the last amendments made to the definition of ATV, as Special Use Vehicle, were not in line with the Alaska Administrative Code, as adopted by reference in the Municipal Code, therefore the amendments to the definition were out of line and need to be reviewed. The council discussed the Alaska Administrative Code Laws regarding ATV Use and proposed to table the ordinance for further review and possibly implementing a committee to review the ordinance and bring back later. Gould amended his motion to table Ordinance 16-09-20-01, and bring back later. Hartwell seconded the amendment. Discussion regarding the City's liability for damages or claims brought by allowing youth to operate ATV without State license or permit. Suggestion for a "hold harmless clause" that parents could sign. Further discussions on ATV use violations and the City getting enforcement in place to eliminate future violations.

MOTION: Move to table Ordinance 16-09-20-01, and bring back later
F/S: Gould/Hartwell
YEAS: Burger, McDonald, Edenfield, Gould, Hartwell, Slayton and Carlson
NAYS: None
STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:

A. Approval of expenditure to Cornerstone Excavation Services, for Steep Road work, discussion and action item:

Gould moved to approve the expenditure of \$2,069.50, to Cornerstone Excavation Services. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$2,069.50 to Cornerstone Excavation Services, for Steep Road work
F/S: Gould/Hartwell
YEAS: Hartwell, Carlson, Burger, Edenfield, McDonald, Slayton and Gould
NAYS: None
STATUS: Motion Passed.

B. Approval of expenditure of \$10,500.00, to First Street Electric, for redoing lights at Solid Waste Building, discussion and action item:

Gould moved to approve the expenditure of \$10,500.00, to First Street Electric, for redoing lights at Solid Waste Building. Slayton seconded the motion. Wayne Benner stated the City did not currently have the money budgeted, but could find it in amendments. There was no further discussion.

MOTION: Move to approve the expenditure of \$10,500.00, to First Street Electric, for redoing lights at Solid Waste Building

F/S: Gould/Slayton

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

NAYS: None

STATUS: Motion Passed.

13. EXECUTIVE SESSION:

There was no executive session.

14. CONTINUATION OF PUBLIC COMMENT:

Mark Gunkel commented on the following:

- Supported anything that would get children outside and away from video games
- Commented that the City could only be held liable for claims on City streets if the City was found to be negligent.

Dave Egelston commented on the following:

- Suggested a committee to review ATV Ordinance and bring their suggestions to the Council.

15. CONTINUATION OF COUNCIL COMMENT:

Hartwell stated his concerns regarding ATV's was for the safety of the children and did not want anyone getting hurt.

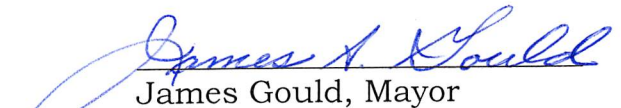
16. ADJOURNMENT:

Gould adjourned the meeting at 7:50 p.m.

ATTEST:



Teri Feibel, CMC


James Gould, Mayor

ADMINISTRATOR'S REPORT 10-10-16 Wayne Benner

Meetings Attended and Updates:

Despite the City telling the Bush People they were not welcome, they came to Thorne Bay for a weekend and did everything they said they planned to do. There were no issues and rather entertaining watching reality being made up. The Forest Service did issue them a permit the day after they left.

SE Conference was good and SE numbers show that SE Alaska's population and economy are up. Updates on MHS funding and the committee that will study future operations. Speakers and panels gave updates on education, jobs and energy programs. The Lieutenant Governor presented the argument that the State needs to move away from entitlements and develop new funding sources. There will be a timber cruising training on POW in the near future to train people for next year's FS work. Talk about how the MHS was a cruise lines until the cruise ships. Our education system has done a great job training people trades but done a poor job of training people how to be workers. I was given a great tour around Petersburg to see the city infrastructure and harbor operations. It is amazing the improvements that can be made when you have funding sources other than sales tax. Makes it very easy to leverage large grants that require large matches.

Attended both POWCAC and POWLAT meetings. POWCAC was provided an update on the Mental Health Trust Land trade with the FS which will open up timber sales to keep Viking Lumber in business. Also provide were short updates on POWLAT and on communications on POW. The POWLAT meeting selected the Nature Conservancy as the facilitator. At the October 27th meeting this will be confirmed along with some finishing work on bylaws. On Nov 4th POWLAT will turn the meeting over to the facilitator and a half day workshop will begin the actual assessment work.

Tasks and Projects:

Thought I might have some support from AP&T at the SE Conference to go after funding to upgrade cell and data service but their comments were, just connect to the fiber optic if you want good data service. That is great if you can afford it and have enough cable to go out fishing and wonder around the south side. They are not in the cell service business. So next step will be AT&T or Verizon now that they are officially in Ketchikan.

Met with the Jennings on their request to remove trees from the right-of-way by their house and we have an agreement signed, they will do the work and are liable for any damages and clean up.

The City needs to take a hard look about the use of the RV Park. It is not a RV Park but a Motor Home park that people are using as their permanent residents.

New Business:

SISD Lease-----SISD purchased the restaurant for half the value the city was seeking. SISD was going to make up the difference by paying a higher rent for the property, half of which was property rent and half for the building purchase. To date SISD has paid approximately half of the additional cost of the building.

Reducing the rent by half for the last 6 months as basically stopped payments on the building.

Ordinances for Introduction:

A. Ordinance 16-09-06-01, amending Title 10 -Vehicles and Traffic, Chapter 10.04-General Provisions. This 2nd reading, or actually 1st reading, reflects the changes suggested at the last city council meeting. Like all ordinances I do not believe we can accomplish that perfect ordinance and I am sure there will be changes in the future as the code is enforced or as more or different types of vehicles come about. The terminology used was done to be consistent with State Law and consistent with other community ordinances. Motorbikes and other two wheel vehicles were left out of the city ordinance as they are regulated and licensed by the State of Alaska DMV (no other community regulates them). Snowmobiles and ATV's have a registration process with the State and by law can be regulated by cities on city owned property. You can go on line and look at the communities that have ATV ordinances and also all the state regulations that govern their operations.

Expenditures Exceeding \$2000:

Tim Lindseth is doing some work on Steep Road while he is in the area and access to a material source per his offer at the last city council meeting.

Expenditure of \$2,060 to Tim Lindseth for work on Steep Road.

Expenditure of @10,500 plus rental of a lift is proposed for upgrades to the lights at the Solid Waste Site. Bulbs and ballast for the old light cost more than new lights and we only need half the lights. Currently there are 50 lights with over half with either the ballast of bulbs out. This is an absolute must for safety reasons.

Harbors: Look like the summer guest season is over and we have heard the FS barge may be leaving soon. Time to move the fish cleaning station and prepare for winter operations. This morning's freeze may require water to be turned off shortly.

Streets and Roads: Have sent a revised MOU to OVK to see if they are agreeable to providing South Thorne Bay Subdivision a twice yearly grading of most of the public roads. The City grader is just not heavy enough to really cut through the material that is on the roads and the city does not have any roller that can follow the grading.

Water and Sewer: The VSW grants will be administered by VSW and DOWL will be contracting directly with them. VSW agreement with the City is 88 pages and they are doing all the work.

Solid Waste: Had a very successful SEASWA meeting in Petersburg. There may be an opportunity for an island wide scrap clean up if WM scrap metal proposal is workable. May not be free but may be a way of removing a lot of old scrap plus vehicles. Petersburg may surplus a large trash truck that would make a good recycling collection truck for TB and other small communities, if not too expensive.

Law Enforcement: Kasaan VPSO and Troopers have been around TB in Bucks absence.

FIRE/EMS: Sitka is going out to bid again on their fire truck and I told them to include the City's offer of \$5000 as our bid. However, shipping from Sitka may be far cheaper than projected and I think we could add another \$2000 to our offer and stay under what I had estimated for shipping.

Library: Mark is here to share so events happening at the library.