

MINUTES

FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
LOCATION: TELECONFERENCE/VIDEO CONFERENCING LINE
WEBEX CONFERENCE LINE: 1-408-418-9388

TUESDAY, APRIL 7, 2020

TIME: 6:30 p.m.

1. CALL TO ORDER:

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

2. PLEDGE TO FLAG:

Council and audience stood for the pledge to the flag.

3. ROLL CALL:

Those present by phone: Hert, Rhodes, Edenfield, Burger, Longbotham, McDonald, Stram

4. APPROVAL OF AGENDA:

Mayor approve the agenda removing expenditure exceeding \$2,000. Hert seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda removing item "a" under Expenditures Exceeding \$2,000

F/S: Burger/Hert

YEAS: Edenfield, McDonald, Longbotham, Burger, Stram, Rhodes, Hert

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Burger commented on the following:

- Encourage everyone to do their part in keeping safe during this emergency disaster of COVID-19, and requested that all follow the following 5 steps to keep safe: Practice Social Distancing and keep a 6-ft distance from others, avoid traveling outside of town, avoid leaving your home unless necessary, practice good hand hygiene-wash your hands often, avoid touching your face.

6. ADMINISTRATIVE REPORTS:

City Clerk commented on the following:

- Thank you to everyone for their patience as the City is continuing to try and understand and work the new teleconferencing of the meetings.
- The City is doing everything they can to keep the community as healthy as possible within the parameters that we have. The City encourages people to:
 - Stay home if you do not need to get out if you are feeling ill at all, or have any of

- the symptoms of the corona virus,
- Symptoms include fever, cough and lung congestion. So call your doctor right away if you are experiencing these symptoms.
- The City applied for and was awarded the Brownfield Assessment Grant for the assessment of the old fire hall cleanup.
- City Hall is closed to the public, but we are open for business. We accept payments by phone, on our website, you can drop them through the mail slot in the front door of City Hall. We are answering the phones and any questions that people may have. Please reach out to us if you need anything by using our emails or phone numbers listed on our website.
- Again, we want to remind everybody, especially those who are coming home from wintering away, that when you do arrive in Thorne Bay you are required to be under quarantine for 14-days upon arrival. Take your neighbors up on any assistance you may need for going to the grocery stores and so on. The city has posted a flyer up on our website and around town stating this as well. And so if you have any questions, give us a call and see how we can assist you in any way.
- The Inter Island Ferry (IFA) schedule has changed. They are only running a few times a week that schedule is also up on the city's website. So please, if you have the chance to go there and check out our latest news feeds. Our website address is www.thornebay-ak.gov. They IFA is also limiting the number of travelers who can be on the Ferry (IFA) per route to ensure that they can adhere to the six-foot distance and keep travelers and crewmembers safe.

HARBOR AND PORTS:

- There is a quarantine policy on the agenda for the council to vote on that adopts a 14-day quarantine policy for boats coming into Thorne Bay. This is the same policy as Craig and Klawock have adopted. Boats coming into our Harbor, that have not been here within the last seven days they must file the declaration or travel declaration thing where they've been and find out if they must follow the 14-day quarantine or not.

LIBRARY REPORT:

- Due to the Governors Mandate the Library has been closed since 3/14/20. During this time, we have:
 - Cleaned the carpets,
 - Worked on increasing the lap bags for smaller children, and
 - Completed the application for the PLAG Grant. Ordering for the year is almost complete.
- We are preparing the Community Garden Boxes since planting is just around the corner. I have purchased an abundance of seeds, and we will have some to share.
- We are still encouraging people to learn about the Digital Library. The DL is the online version of the Alaska State Library. Thousands upon thousands of books in all categories are available for download. It's like having an absolutely free Kindle account. Folks should send an email to TBPLALASKA@Gmail.com with a request to join. I will send back the login information. It's completely free.

- Thank you to everyone that continues to support the Library through the receipt program at the Thorne Bay Market. It makes a huge difference and we so appreciate you all!
- Should our C-19 crisis end we are prepared to start a children's summer program. More to come if that is possible.

7. PUBLIC COMMENTS:

Greg Kerkof submitted the following written public comment to be read into the record:

- “With all due respect. City Councilman Rhodes issued an illegitimate suspension on February 24. To then city administrator Wayne Benner the day before Mr. Benner’s last day as city administrator prior to his retirement. It has come to my attention that while Councilman Rhodes signed the suspension papers he had coordinated with fellow councilman Longbotham and two other Councilman in violation of the State’s Open Meetings Statute.

I request the city council draft a resolution to require Councilman Rhodes and Councilman Longbotham to issue two letters. The first an apology to the city administrator Wayne Benner for having taken such a drastic and insulting measure!

The second letter from Councilman Rhodes and apology to the citizens of Thorne Bay for usurping his authority as mayor Pro Tem to circumvent municipal code 2.1 4.030, which requires the council approval to suspend or remove the city administrator.

I would also like to mention that should the city council choose to hold a vote on these actions that Councilman Rhodes and Councilman Longbotham would have to recuse themselves because of their involvement. ‘With all due respect’.”

Karen Petersen provided the following comments:

- I would like to voice my support for the resolution from Planning and Zoning regarding the Bayview Timber Sale. I would especially like to assert that if that timber gets sold, it should be through an open bid process so that all timber operators on POW have a shot at buying it.
- Regarding the USDA – Rural Utility Grant for power to Greentree Heights: While our application made it into the to 18 applications (there were hundreds) we did not qualify for funding according to the agency because we failed to prove the our community has a high poverty rate, and they were concerned that there were no houses in the subdivision. I am working with Teri and we are going to appeal this decision. Any appeal that is filed will come before the council for approval.
- For the people who were interested in looking for funding for a backup generator for South Thorne Bay – the application period is open now. Thank you

Lucette O'Hagan-Lovell provided the following written comments:

“Please add this written Public comment to the next council meeting.

Topic: Access Easements

It is important that as the local subdivision plating authority that the City of Thorne Bay follows

its city ordinance when offering advice or answering questions concerning platted property access easements. Specifically, sections 16.08.010 Dedication, 16.08.020 Easement, and section 16.08.080 Right of Way should be reviewed.

These 3 sections clearly show an average citizen that easements are defined as Right of Ways on final platted maps within Thorne Bay. The City should agree with this.

Further it would be wise (just a recommendation) if the City looked at adding a section to the ordinance that clearly listed covenants, conditions, and restrictions to platted Right of Ways. By doing so the City and citizens would be less likely to have a burden of legal expenses to settle a dispute. Restriction to Easements should be clearly listed as such on Plat notes labeling the restriction with a corresponding note number. Underlying ground restrictions cannot have an effect on platted Easements if there are no clear plat notes pointing to the specific Easement. This how other municipalities document restrictive use of Easements and would allow less legal cost burden.

Legal expenses to access a property right (platted Easement use) is a deterrent for people who wish to move to Thorne Bay.

Further the City should always act in the best course of preserving public access, if there is ever a question of defining such.”

Respectfully,

Lucette O'Hagan-Lovell

Thom Cunningham provided the following comments over the teleconference line:

- Suggested the City begin to look at how Elections will be handled in October with the current state of the Health Crisis of COVID-19
- Regarding D1 on the agenda, the City had done this in past and did not bind it causing all of the material to fall over the side of the road when graded. If the council approves they should require that there be a way to bind the material.
- Inquired what date the “low cost dump day” would be if approved.

8. COUNCIL COMMENTS:

Harvey McDonald commented on the following:

- IFA is running but at limited capacity (UNABLE TO MAKE OUR AUDIO DUE TO INTERRUPTIONS)

Eric Rhodes commented on the following:

- Regarding claims to OMA, Informal canvassing is a perfect legal function, especially if there's never more than two people in a room and is perfectly legal.
- Only apology he would provide would be to the public that we cannot relay more information about the reasons for the suspension.
- Re-Petition stated he would sign the recall petition himself if those petitioning would stop going door to door during a time of a Health Emergency.

9. CONSENT AGENDA:

- a) Approval of the Minutes from the February 6, 2020, Special City Council Meeting, discussion and action item:

Burger moved to approve the minutes of the February 6, 2020, Special City Council Meeting. Longbotham seconded the motion. There was no further discussion.

MOTION: Move to approve the minutes of the February 6, 2020, Special City Council Meeting
F/S: Burger/Longbotham
YEAS: Rhodes, Hert, Burger, Stram, Longbotham, McDonald & Edenfield
NAYS: None
STATUS: Motion Passed.

10. NEW BUSINESS:

- a) Resolution 20-04-07-01; a resolution of the Thorne Bay City Council supporting the Planning & Zoning Resolution No. 20-03-09-01-PZ regarding the City of Thorne Bay's Official Position on the proposed Bay View Timber Sale, outlining potential negative impacts the timber sale may have on the community, discussion and possible action item:

Burger moved to approve Resolution 20-04-07-01; a resolution of the Thorne Bay City Council supporting the Planning & Zoning Resolution No. 20-03-09-01-PZ regarding the City of Thorne Bay's Official Position on the proposed Bay View Timber Sale. Longbotham seconded the motion. Rhodes thanked Jim Baichtal for preparing the resolution regarding the Bayview Timber Sale. There were no further comments.

MOTION: Move to approve Resolution 20-04-07-01, supporting the Planning & Zoning Resolution No. 20-03-09-01-PZ regarding the City of Thorne Bay's Official Position on the proposed Bay View Timber Sale
F/S: Burger/Longbotham
YEAS: Rhodes, Hert, Burger, Stram, Longbotham, McDonald & Edenfield
NAYS: None
STATUS: Motion Passed.

- b) Resolution 20-04-07-02, a resolution of the City Council for the City of Thorne Bay, recognizing Cindy Edenfield for her leadership in the community, time, training, effort, and many years dedicated to the Thorne Bay EMS, discussion and action item:

Burger moved to approve Resolution 20-04-07-02, recognizing Cindy Edenfield for her leadership and dedication in the community for so many years. Rhodes seconded the motion. Longbotham thanked Cindy for all she has done for the community and the time she had put into the EMS and helping people. Rhodes, Stram, McDonald and Burger all commented expressing their appreciation and gratitude to Cindy Edenfield for her dedication to the community.

MOTION: Move to approve Resolution 20-04-07-02, recognizing Cindy Edenfield for her leadership and dedication in the community for so many years
F/S: Burger/Rhodes
YEAS: McDonald, Longbotham, Stram, Edenfield, Rhodes, Hert and Burger
NAYS: None
STATUS: Motion Passed.

c) Resolution 20-04-07-03, a resolution adopting the Harbor Quarantine Policy effective April 7th through April 21st, discussion and action item:

Burger moved to approve Resolution 20-04-07-03, adopting the Harbor Quarantine Policy effective April 7th through April 21st. Edenfield seconded the motion. Longbotham inquired if the two weeks identified for the policy would be long enough? Clerk stated that the council would review the resolution again on the 21st to determine if it needed to be extended. There was further discussion.

MOTION: Move to approve Resolution 20-04-07-03, adopting the Harbor Quarantine Policy effective April 7th through April 21^s
F/S: Burger/Edenfield
YEAS: Stram, Rhodes, Hert, Longbotham, McDonald, Burger and Edenfield
NAYS: None
STATUS: Motion Passed.

d) Closure of the City of Thorne Bay's public recreation areas (i.e. basketball court and playground area), discussion and action item:

No need for closures. No action taken.

e) Authorizing the City to host a "Low Cost Dump Day", discussion and action item:
(The council would also need to set a date for the Low-Cost Dump Day, suggested date from Solid Waste Operator is April 18th, however with COVID-19 that may need to be pushed into May or June-Possible to approve the low cost dump day with the date to be determined)

Burger moved to authorize a low cost dump day with a date to be determined. Longbotham seconded the motion. Longbotham requested the City provide the Low Cost Dump Day as a two day event instead of only one. Burger amended his motion to provide for a two day event. Longbotham amended his second.

MOTION: Move to authorize a low cost dump day for two full days with a date to be determined
F/S: Burger/Longbotham
YEAS: McDonald, Longbotham, Stram, Edenfield, Rhodes, Hert and Burger
NAYS: None
STATUS: Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

- a) **Ordinance 20-04-21-01**, amending Title 2, Chapter 2.14-City Administrator, Section 2.14.050-Administrator Powers and Duties, discussion and action item:

Burger moved to approve Ordinance 20-04-21-01. Rhodes seconded the motion. Clarification of the ordinance amendments was requested, and the Clerk stated the amendments would clear contradictory authority of the City Administrator also being the Chief Executive Officer. The Chief Executive Officer of a second-class City is the Mayor. The amendment also clarified that the Clerk's Office is separate than that of the City Administrator and is supervised under the Mayor with the Clerk supervising the finance staff. There was no further discussion.

MOTION: Move to adopt Ordinance 20-04-21-01.
F/S: Burger/Rhodes
YEAS: Rhodes, Stram, McDonald, Hert, Edenfield, Longbotham and Burger
NAYS: None
STATUS: Motion Passed.

12. ORDINANCE FOR PUBLIC HEARING:

- a) **Ordinance 20-04-07-01**, amending Title 1-General Provisions; Section 1.16.035-Minor Offense Fine Schedule, setting fine amounts for minor offense violations of Title 17-Zoning, discussion and action item:

Burger moved to approve Ordinance 20-04-07-01. McDonald seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 20-04-07-02.
F/S: Burger/McDonald
YEAS: Edenfield, Rhodes, Burger, Longbotham, Stram, McDonald & Hert
NAYS: None
STATUS: Motion Passed.

- b) **Ordinance 20-04-07-02**, amending Title 17-Zoning; Chapter 17.04-Planning & Zoning; Section 17.04.050 Enforcement, Violations and Penalties, discussion and action item:

Burger moved to approve Ordinance 20-04-07-02. McDonald seconded the motion. Rhodes commented he had this go to PZ for review and they concurred with the amounts. There was no further discussion.

MOTION: Move to approve Ordinance 20-04-07-02.
F/S: Burger/McDonald
YEAS: Edenfield, Rhodes, Burger, Longbotham, Stram, McDonald & Hert
NAYS: None
STATUS: Motion Passed.

13. EXPENDITURES EXCEEDING \$2,000.00:

- a) Discussion possible action for the expenditure of approximately \$130,000, for D1 Rock to be placed on the Goose Creek Kasaan Road, discussion and possible action item:

REMOVED FROM AGENDA.

14. EXECUTIVE SESSION:

- a) There will be an Executive Session: To discuss and possibly negotiate contract terms with a potential new city administrator *(No action will be taken during executive session—only discussions that will decide if a vote will be taken at the regular session or if further negotiations are needed.)*

Longbotham moved to adjourn into executive session to discuss subjects that tend to prejudice the reputation and character of any person, to discuss and possibly negotiate contract terms with a potential new city administrator. Burger seconded the motion. There was no further discussion.

MOTION: Move to adjourn into executive session to discuss subjects that tend to prejudice the reputation and character of any person, to discuss and possibly negotiate contract terms with a potential new city administrator.

F/S: Burger/McDonald

YEAS: Burger, Edenfield, McDonald, Longbotham, Stram, Rhodes & Hert

NAYS: None

STATUS: Motion Passed.

Adjourned for Executive Session at 7:37p.m.

- b) Appointment of City Administrator for the City of Thorne Bay, Alaska, for a three-year term, discussion and action item:

Burger moved to appoint Les Carter as the City of Thorn Bay's city administrator for a term of three years. Commencing not earlier than June 1 and not later than August 1. McDonald seconded the motion. There was no further discussion

Motion: Move to appoint Les Carter as the City of Thorn Bay's city administrator for a term of three years. Commencing not earlier than June 1 and not later than August 1.

YEAS: Hert, Rhodes, Stram, Burger, Longbotham, McDonald, Edenfield

NAYS: None

STATUS: Motion Passed.

15. CONTINUATION OF PUBLIC COMMENT:

There were no further public comments.

16. CONTINUATION OF COUNCIL COMMENT:

McDonald commented on the following:

- Thanked the council for all the work in Executive Session. The session was well put together, and stated it was nice working together in hiring a new Administrator.

Edenfield commented on the following:

- Thanked all of the community for staying safe. Commented that people are really adhering to the health mandates and that she barely see's anyone around at all.

Hert commented on the following:

- Thank you, Teri Feibel, City Clerk, for all of her hard work in absence of Administrator.

Burger commented on the following:

- Teri is absolutely is an integral part of the City's operation.

Longbotham commented on the following:

- Regarding comments that a few of the councilmembers violated the OMA, there was no meeting, no violation, only a consensus on a letter.

Stram commented on the following:

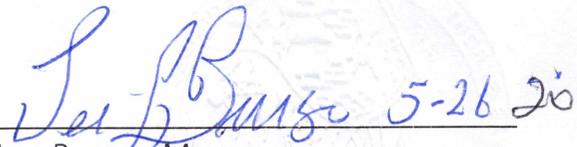
- Commented that he was looking forward to the virus being over and seeing everyone in person again.

Edenfield commented on the following:

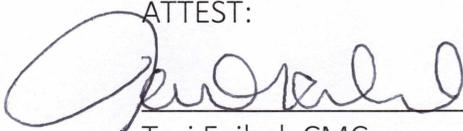
- There is Easter Sunrise Service at Sandy Beach on Easter Sunday at 7:30 a.m. Encouraged everyone to join the service. Commented that they be adhering to the 6-ft social distancing requirements.

17.ADJOURNMENT:

Burger adjourned the meeting at 9:07 p.m.


Lee Burger, Mayor

ATTEST:


Teri Feibel, CMC