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, DECEMBER 3, 2019
6:30 p.m.

There was a Workshop of the City Council held at 6:15 p.m.

1. CALL TO ORDER:

Vice Mayor 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: Burger, Edenfield, Longbotham, Rhodes, Hert and Williams
Those attending by phone: McDonald

4. APPROVAL OF AGENDA:

Burger moved to approve the agenda. Rhodes seconded the motion. There was no further discussion.

MOTION:	Move to approve the agenda
F/S:	Burger/Rhodes
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

5. MAYOR'S REPORT:

Burger provided the following report:

- The "No Shooting" signs have arrived and will be put around town where needed.
- Solid Waste baler repair is still pending. The repair company is scheduled to arrive the first part of January.
- Not in favor of using the Fire Hall at Davidson Landing for public access to teleconferencing meetings. Explained the Fire Chief shared his concerns that when the code to the Fire Hall had been given to people in the past, it was abused, things came up missing and other items left out and not taken care of.
- No new fire fighter applications since last meeting. Did not have a status of the applications Rhodes mentioned at the November 5th meeting that were submitted to the City.

6. ADMINISTRATIVE REPORTS:

a) City Clerk Report

Profit and Loss report from QuickBooks July 1, 2019 through December 3, 2019:

TOTAL		
Income	Jul 1 - Dec 3, 19	Budget
State Revenues		
Liquor Share Tax	*0.00*	*1,500.00*
Fishery Tax Receipts	*0.00*	*3,000.00*
Payment in Lieu of Taxes	*144,477.24*	*141,710.08*
National Forest Receipts	*0.00*	*20,000.00*
Community Aide Assistance	*82,420.56*	*80,651.00*
Total State Revenues	**226,897.80**	**246,861.08**
Services Availability	2,069.97	0.00
Citations	0.00	1,200.00
Surplus Property	150.00	0.00
Finance Charge Income	252.26	1,500.00
Interest Income	9,312.50	6,550.00
Donation Income	1,597.60	3,750.00
1% Sales Tax	0.00	100,000.00
Animal Fees	260.00	600.00
ATV Fees	175.00	1,025.00
Davidson Landing Fees	8,607.56	23,000.00
Election Income	0.00	1,200.00
Equipment Rentals	390.00	0.00
Fees & Permits	10,582.47	29,135.00
Grant Income	-29.00	100.00
Grid Fees	0.00	250.00
Harbor Fees	35,620.17	65,000.00
Harbor Showers	757.00	2,500.00
Income	0.00	750.00
Land Payment Interest	92.96	600.00
Land Sales	350.20	5,000.00
Landing Fees	0.00	300.00
Live-aboard Fees	4,949.10	8,400.00
Miscellaneous Income		
Copier/Fax	*135.30*	*475.00*
Miscellaneous Income - Other	*1,504.28*	*9,300.00*
Total Miscellaneous Income	**1,639.58**	**9,775.00**

Notary/Lamination	309.00	800.00
Occupancy Tax	6,746.18	0.00
Passport Services	196.61	800.00
Refundable Deposits	3,708.10	0.00
Rental	12,613.52	30,000.00
RV Park Fees	4,958.38	14,530.22
Sales Tax	243,781.18	455,681.95
Sewer Fees	64,992.30	138,000.00
Solid Waste Fees	61,131.25	131,477.91
Water Fees	66,043.12	153,157.88
Total Income	768,154.81	1,431,944.04

Expense

Advertising and Promotion	7,421.19	3,050.00
Bad Debt	146.56	835.69
Bank Service Charges	10.00	200.00
Bldg/Grnd Maint Repair	939.97	3,775.00
Books	0.00	200.00
Business Licenses and Permits	0.00	10.00
Chemicals	3,593.98	14,000.00
Computer/Software	2,493.00	2,850.00
Contract Labor	27,180.79	101,750.00
Credit Card Merchant Fees	910.27	4,200.00
Donations	250.00	3,500.00
Dues and Subscriptions	5,316.10	8,810.00
Election Expenses	0.00	150.00
Electricity	25,343.50	82,906.31
Equipment Maint & Repair	103,441.68	31,500.00
Equipment Purchase	6,022.63	32,350.00
Equipment Rental	0.00	1,000.00
Fees & Permit	-87.00	1,550.00
Furniture, Equip & Computers	88.74	75.00
Harbor Replacement expense	12.29	0.00
Heating Fuel	5,724.17	28,644.94
Insurance Expense		
AML/Insurance	*54,368.53*	*50,150.00*
Total Insurance Expense	**54,368.53**	**50,150.00**

Internet Use	832.78	4,700.00
Legal Services	9,282.00	11,000.00
Materials and Supplies	5,717.54	32,250.00
Miscellaneous Expense	29,270.58	83,450.00
Payroll Expenses		
Life Insurance	*498.05*	*964.89*
Worker's Compensation	*29,714.43*	*28,963.90*
Health Insurance	*41,723.35*	*98,320.60*
HSA Company	*17,763.74*	*33,000.00*
HSA Employee	*0.00*	*6,000.00*
Payroll Taxes	*6,741.84*	*16,270.13*
PERS	*48,192.94*	*114,575.40*
Payroll Expenses - Other	*249,726.85*	*586,292.64*
Total Payroll Expenses	**394,361.20**	**884,387.56**
Postage and Freight	2,931.18	12,975.00
Repairs and Maintenance	3,750.00	250.00
Sales tax 1%	0.00	20,000.00
Telephone	3,205.61	7,721.00
Testing	4,519.38	17,550.00
Training	904.00	7,400.00
Travel Expense	2,674.61	15,370.10
Uncategorized Expenses	22.33	0.00
Vehicle Fuel	4,426.91	16,650.00
Vehicle Maintenance	1,818.39	7,350.00
Total Expense	706,892.91	1,492,560.60
Net Income	61,261.90	-60,616.56

Wells Fargo Advisers Balance:

Account Balance: **$ 1,121,579.57**

7. PUBLIC COMMENTS:

Brad Clark commented on the following:

- Museum update-the Thorne Bay Historical Society will host an open event in March for three days at the Catholic Church here in Thorne Bay where there will be displays of pictures and artifacts. There will be competitions regarding some of the photos and will have a lot of community involvement. Next meeting of the Thorne Bay Historical Society will be December 7th at one o'clock in the Catholic Church.

Jim McFarland commented on the following:

- <u>Prince of Wales VocTec Funding Request</u>: In January of 2015 I was appointed by the Thorne Bay City Council to represent the City as a member of the Voc Tec Board. The Voc Tec Center strives to be your center for Island Wide Economic Development and is now in need of your support. McFarland suggested that as a founding entity of the Center it would be appropriate to authorize an annual donation to this facility. The center is working for the City and POW Island to be a resource for community and Island Wide Economic Development.
- McFarland commented that the facility was a very beneficial resource for all of us in many ways and is directly a resource for saving money by this and all the other Cities and Organizations on this island. The Newly Elected Officials training that some of the Thorne Bay Council attended last month is a great example. Imagine the costs of the training PLUS the cost of the travel, meals, and lodging for sending each of you to an off-island City (sometimes Anchorage, Fairbanks, or Juneau). Other beneficial examples are the proctoring of tests for our communities' water and wastewater employees for their continuing education and certification, supporting required classes such as confined space training, Haz mat training, and other classes that the employees of all our Cities and some communities need. These are All trainings and functions that save the City money by not having to pay for off island travel, meals, and lodging.
- The Center is always looking for the opportunity to hold more classes/trainings that benefit our Island residents such as the introductory computer classes that are currently being advertised for Jan. 6th thru March 11th, 2020.

Ellen Dillman commented on the following:

- Mrs. Dillman read an opinion from Lavenia Sylvia regarding teleconferencing which included the Alaska Statutes AS 44.62.310. Government Meetings Public. Dillman added that Mrs. Sylvia had stated the regulations was developed in recognition of the difficulties of Alaska residents who live under adverse weather conditions for roads extended distances and other hardships to attend public meeting. The City of Thorne Bay is one such city as it is separated by the bay resulting in two communities.
- <u>Alaska Statutes AS 44.62.310. Government Meetings Public.</u> **(a)** All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

- Dillman concluded her comments stating that she endorsed the comments of Lavenia Sylvia, as it was hard during the winter months for people to come from Southside to attend meetings.

Robert Hartwell commented on the following:

- Hartwell read a letter from Dennis Sylvia in support of the request for teleconferencing at Davidson Landing for all public city council and committee meetings. The highlights of Mr. Sylvia's letter included the following:
  - Benefits of teleconferencing include improving participation in city meetings, providing reasonable accommodation to seniors, increasing safety, and facilitating emergency communications.
  - Teleconferencing is authorized by AS 44.62.310(a) and AS 44.62.312 and Thorne Bay municipal code would complement the existing format of council meetings at City Hall and would not entail extensive modification to existing procedures nor be a financial burden upon the city.

8. COUNCIL COMMENTS:

Eric Rhodes

- Suggested to Jim McFarland the Voctec center consider holding ETT classes there that would benefit the communities. Also, Pearson VUE, which provides licensure and certification exams are done in Anchorage, Seattle and some even in Canada, so if a proctor can come over and use the Voctec facility, it could attract people from all over.
- Regarding what the Vice Mayor's reported on fire applications, three applications were turned into the City, Eric Rhodes, Brad Clark & Jon Stram, and no one has contacted us.

Burger

- I asked the clerk prior to the meeting and was told there were no applications.
  - City Clerk Feibel stated that she had informed Burger that since the last meeting, there were no applications submitted for Fire, and one application for EMS, and that the applications that Mr. Rhodes spoke of at the last meeting were not in the Clerk's office.

Williams

- Requested that the Vice Mayor request the Fire Chief for an update on what is going on with the fire department.
- Think wonderful idea that we look at having a community hall or community center built at Davidson Landing to accommodate things like if we do voting, teleconferencing or all other things that may come up. It could be used with proper fees and supervision; the public could use for certain events. Could be beneficial to residents over there. Suggest tying that into a grant to get the Bay Chalet replaced over here also. Suggest there is a secure place for any equipment for teleconferencing be locked up and only a couple people have keys to access.

Hert

- What process do we use for recruiting people on EMS?
  - Burger responded recruitment was being done by word of mouth.
- I wonder if anyone thought to go up and talk to the kids and recruiting them, talk to different entities and see what we can drum up.
- I am curious of the condition of the fire hall over there. Is it a sound building, or does it need renovations of its own?

Longbotham

- EMS will be long process, but we need to get some excitement, people involved, ETT's. Audience help us spread the word.

9. CONSENT AGENDA:

a) **November 5, 2019, Regular City Council Meeting Minutes, discussion and action item:**

Burger moved to approve the Minutes from the November 5, 2019, Regular City Council Meeting. Longbotham seconded the motion.
Edenfield noted an error in the minutes under Clerk's report from Ben Williams. The stated was entered as two hundred and seventy-five dollars, when it should have been two hundred and seventy-five thousand dollars.

MOTION:	Move to approve the minutes for the November 5th, 2019, Regular City Council meeting
F/S:	Burger/Longbotham
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

10. NEW BUSINESS:

a) **Authorizing the donation of $500, to the Alaska Peace Officers Association, discussion and actio item:**

Burger moved to donate $500 to the Peace Officers Association. McDonald seconded the motion. Hert stated she was not in favor of donating. She did not know what the Peace Officers did for the Prince of Wales Island but there were more important programs on the Island that could use the money, such as the Senior Center or Vocational School, places here that benefit those of us on the island.
Rhodes stated he is familiar with the requests like the one from the Peace Officers Association and the way the City does business he did not believe this would help us in anyway and they association will only continue to ask for money elsewhere, so he did not support the donation. There was further discussion.

NEW BUSINESS PEACE OFFICER DONATION REQUEST CONTINUED:

MOTION: Move to donate $500 to the Peace Officers Association
F/S: Burger/McDonald
YEAS: McDonald
NAYS: Edenfield, Longbotham, Burger, Williams, Rhodes & Hert
STATUS: Motion Failed

b) **Authorizing a donation to the of the Prince of Wales Vocational Technical Center to to support continued operations for the benefit of all residents on Prince of Wales Island, discussion and action item:**

Burger moved to donate $1,000 to the of the Prince of Wales Vocational Technical Center to to support continued operations. Longbotham seconded the motion. There was further discussion.

MOTION: Move to donate $1,000 to the of the Prince of Wales Vocational Technical Center to to support continued operations
F/S: Burger/Longbotham
YEAS: Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS: None
STATUS: Motion Passed.

c) **Appointing Jim Nieland to the Thorne Bay Planning Commission, discusion and action item:**

Burger moved to appoint Jim Nieland to the Thorne Bay Planning Commission. Williams seconded the motion. Hert inquired who did the interview for Mr. Nieland and suggested the entire city council should have been involved in the interview process. Teri Feibel, City Clerk, responded that the Municipal Code states that it is the Mayor interviews and appoints the commission members and the City Council confirms the appointment. Rhodes stated with the Planning Commission having only six current members and the code says the maximum is eleven, he would have a hard time denying anyone the appointment. There was further discussion.

MOTION: Move to appoint Jim Nieland to the Thorne Bay Planning Commission
F/S: Burger/Williams
YEAS: Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS: None
STATUS: Motion Passed.

d) <u>Authorizing Davidson Landing Fire Hall to be used as an audio teleconference center for City Council Meetings, discussion and action item</u>:

Rhodes requested the item be tabled until further research done and policies in place as discussed. Rhodes stated there were people living on Steep Road that drive 35 miles round trip to meetings. Rhodes stated that in speaking with the City's Local Government Specialist his comments were that teleconference capabilities for participating in city council meetings was rare, it was not unwarranted. Rhodes commented that he felt the request was doable, and suggested audio conferencing as the option over video and it would keep the costs down. Rhodes stated there would need to be a parliamentarian volunteer to manage the teleconferencing at the second location.
Williams supported tabling the item and added that he wanted to see a community center put in first to accommodate people and the request. Williams requested that the City move forward with applying for a grant to get community centers on both sides of the bay.
Hert commented that she felt the request was for teleconferencing capabilities was valid, and that it would be reasonable to use fire hall until a community center could be built there. There was further discussion.

MOTION:	Table item until further research can be done
F/S:	Burger/Rhodes
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

e) <u>Vacancies within the office of the City Council Per Thorne Bay Municipal Code 2.04.100 (c) 2.04.100 Vacancies, discussion only item:</u>

Rhodes inquired who voted on the Mayor's absence last year. The City Code states if physically absent for more than 90 days the Council has to approve it.
Longbotham stated that you don't see a CEO of any business gone for 6 months or longer.

Hert stated there were a lot of people in the community that were upset that their Mayor is not readily available. Rhodes stated at the end of the 90 days of absence he would move that the seat is vacated and appoint a new member. Rhodes stated that the issue was nothing personal, but the City needed a Mayor that would be present. There was further discussion.

f) **Authorizing the expense of $500 for the Community Christmas Dinner, discussion and action item:**

Burger moved to donate $500 towards the community Christmas Dinner. Hert seconded the motion. Discussion included the items to be purchased with the $500 were to be potatoes, stuffing, coffee, plates, cups, utensils & napkins. Hert inquired where the funds would come from? The City Clerk replied that would be up to the City Council. Williams supported the donation. There was further discussion.

MOTION:	Move to donate $500 towards the Community Christmas Dinner
F/S:	Burger/Hert
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

a) **Ordinance 19-12-17-01**, amending Title 2-Administration & Personnel, Chapters 2.08-Mayor & Chapter 2.28-Elections, adopting procedures for Mayoral Elections; discussion and action item:

Burger moved to approve Ordinance 19-12-17-01. Longbotham seconded the motion. Longbotham requested an amendment to the ordinance to remove the 1-year of experience on the City Council requirement to be Mayor. Burger amended his motion to reflect striking the 1-year council experience requirement from 2.28.150 (b). Longbotham amended his second to the motion.

Edenfield and McDonald commented in favor of keeping the experience requirement. Rhodes stated that within a first-class city, the mayor is voted from the public and there is no experience required, therefore that should not be a requirement for a second-class city. Williams commented that the public was the one to vote on the Mayor anyway, so the argument was a moot point. There was further discussion.

MOTION:	Move to approve Ordinance 19-12-17-01, striking the 1-year experience requirement from Section 2.28.150 (b)
F/S:	Burger/Longbotham
YEAS:	Longbotham, Williams, Rhodes & Hert
NAYS:	McDonald, Burger, Edenfield
STATUS:	Motion Passed.

b) **Ordinance 19-12-17-02**, amending Title 2, Chapter 2.24, Section 2.24.060 Annual Leave; & Section 2.24.070, Sick Leave, providing for transfer of leave upon extenuating circumstances, discussion and action item:

Burger moved to approve Ordinance 19-12-17-02. Hert seconded the motion.
Hert added that she wanted to amend the ordinance to read that all sick and annual leave must be exhausted, and the receiving employee must be on FMLA leave in order to accept sick leave. There was further discussion.

MOTION:	Approve Ordinance 19-12-17-02 with the amendment adding under 2.28.070, H-that Employee must have exhausted all sick and annual leave and be on FMLA before they can accept sick leave.
F/S:	Burger/Hert
YEAS:	Edenfield, Longbotham, McDonald, Burger, Williams, Rhodes & Hert
NAYS:	None
STATUS:	Motion Passed.

12. EXECUTIVE SESSION: The Council May adjourn to executive session

None

13. CONTINUATION OF PUBLIC COMMENT:

Jim McFarland commented on the following:

- Explained that when the VocTech center was created, funding was flowing down from the Legislator. Now, with change in staff we had a bump in the road. McFarland suggested that City consider utilizing the community development funds to contribute annually toward the VocTech center as the center is an economic development for the island.
- Community Christmas Dinner will be on Wednesday, December 18th at the School Gym beginning at 6pm. The school will put on the program, and a few of us gather the tree. McFarland thanked the City Council for their donation toward the Community Christmas Dinner and requested volunteers to help with cooking the hams & turkeys. McFarland thanked the A&P Market for their annual donation of food to the program.
  McFarland stated that he had been attending the Community Christmas Dinner since 1982. When the dinner died down, Cindy Edenfield was the leading force to get them going again.

Sean Kaer commented on the following:

- Commented that he felt it was a good council meeting.
- Stated that he had circulated two petitions and submitted to the City Clerk. One of the petitions seeks to amend City Code 2.04.100 to change the 90-day absence allowance to 45 days. Concluded his comments that the petitions were not a vicious attack against Harvey, the people just want to have a Mayor that is here.

Jason Clowar commented on the following:

- Inquired if calling into meetings was an option for the public?
- Encouraged that the City do whatever they could to foster unity and not to start a civil war. Clowar stated if felt like there was a big riff going on where we want to get rid of the Mayor? Clowar stated he had not heard anyone talking about the Mayor and added that he appreciated the Mayor and what he has done for the community. Clowar stated he was unaware of what shortfalls have come with the Mayor attending by phone and encouraged the council to work in unity.
- Cautioned the council on providing separate facility for public meetings and the ability for people to attend by telephone. Clowar stated that people would not always say in person what they would over the phone or in an email and the more often people can all be in the same room, trying to think of what is best for the town is best.
- Clowar stated that the distance in Thorne Bay was not unique to Alaska. Juneau having over 40 miles between, Ketchikan over 15, Fairbanks having tons. Encouraged the City Council to think thoroughly about the possibility of creating more of a division by setting up a second place for meetings. Clowar stated having a community center would be great, but the ability to have that force and this force not so much. Encouraged the council to really think about that and hopefully all be together.

Trish Clowar:

- Stated she was not against the possibility of the city providing the option of attending meeting via teleconference, but that she did have a similar viewpoint as Jason in agreeing that people needed to be together.
  Mrs. Clowar noted that over half people there at the meeting were from South Thorne Bay and for the most part, people can always make it over. There may be some older people who may have harder time, but even then, a neighbor could bring them in. Mrs. Clowar stated that whenever someone needs milk or mail, they come over and get it and a meeting is far less often then needing to get milk or mail. Mrs. Clowar referenced last winter after the slide hit. There was a gentleman who worked for the City who had a pregnant wife and a baby and never missed a day of work. They drove to the harbor, walked down the dock, got into their skiff and

came to work every day. Mrs. Clowar agreed that things do hard, but we are Alaskans and we "can do" and we can make it around the Bay for the meeting. Clowar suggested a test to see if providing a place for people to call into the meetings would bring more attendance.

Brad Clark:

- Clark stated he applauded Councilmen Williams comment regarding a community center and added that he was currently working towards becoming a grant writer and would volunteer to work with whatever nonprofit needed to be formed for a community center on the Southside because that will expand the number of grant sources and funds that we potentially have available.
- Clark stated that one of the new trends in grant funding is to help with refurbishing and continuing existing projects, as opposed to new startups without any track record and suggested that the city consider repurposing the fire hall and dividing that up.

14. CONTINUATION OF COUNCIL COMMENT:

Ben Williams commented on the following:

- Stated he was asked by the Mayor to sit in on the Fisheries Meeting and attended the last meeting. Williams read a letter provided by the Fisheries Association Secretary David Egelston and stated that he hoped the letter would address the concerns heard and that there would be no more.

  Letter from David Egelston to the Thorne Bay City Council:
  "In response to concerns by some persons in the community, I offer the following statements on behalf of the Association for your use as needed.
  The intent of the Association is to have meetings of the membership be open to the public, and the public will have the opportunity to comment on the business of the corporation in a manner similar to that of the City Council meetings.
  The Association is comprised of seven members; the same as second class cities in Alaska.
  Charter Halibut permits applications are reviewed at the spring meeting of the members. The available permits are after a vote by the membership, not just the directors." David Egelston.

- Williams stated that he has spoken with many of the 18 and 19-year old's in town and was told that the EMS would have someone at the school to assist with recruitment.

Eric Rhodes commented on the following:

- Rhodes stated that in response to the public comments regarding unity, we all need to be pointing towards unity and that's what we are here for.

15. ADJOURNMENT:

Burger adjourned the meeting at 7:59 p.m.

Lee Burger, Vice Mayor

ATTEST:

Teri Feibel, CMC