

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 September 3, 2019
6:30 p.m.

There was a Workshop of the City Council beginning at 6:00 p.m.

1. CALL TO ORDER:

Mayor McDonald called the meeting to order at 6:32 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, Burger, McDonald, Minnillo, Slayton and Williams.

4. APPROVAL OF AGENDA:

McDonald moved to approve the agenda, removing item 10(a) under New Business. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda removing item 10(e) to the next regular meeting
F/S: McDonald/Edenfield
YEAS: Edenfield, McDonald, Burger, Carlson, Williams, Minnillo and Slayton
NAYS: None
STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor McDonald provided the following report:

- The City's attorney provided his opinion that the Fisheries Association was an association that was under the City Council and that they should operate as such by adopting a Conflict of Interest Policy and adhere to the Open Meetings Act. McDonald stated he had met with the President of the Fisheries Association and provided him with a copy of the attorney's opinion. McDonald stated the President of the Fisheries Association did not agree with the opinion and stated that there was information the attorney did not have that may have changed his opinion. McDonald provided the council a copy of the Attorney's letter. on the matter of the Fisheries Association and the responsibility of the City within that committee. McDonald stated he was not moving forward with any recommendation or action until the Fisheries Association could get the information he had to the Attorney.
- Upcoming Municipal Election candidates.
 - SEAT: A 3-YEAR TERM:
 - Candidate: Roger Longbotham
 - Raymond G. Slayton (Incumbent)
 - Everett R. Cook
 - SEAT: B 3-YEAR TERM:
 - Candidate: Eric L. Rhodes
 - Risa J. Carlson (Incumbent)
 - SEAT: C 1-YEAR TERM:
 - Candidate: Abby Cook
 - Thom A. Cunningham
 - Rosalyn Hert
- There have been problems with people not following the code on the operation of ATV's within the City Limits. The city put out information to the public on what the rules were and to provide the parents of the children that had been operating them with a copy.

6. ADMINISTRATIVE REPORTS:

a. City Administrator's Report:

Administrator read his report.

Meetings Attended and Updates:

- A. The Mayor and I will be at Southeast Conference Sept 17-20. The conference is in Sitka.
- B. There will be at Prince of Wales Landscape Assessment (POWLAT) meeting either Sept 26 or 27 to discuss how to spend \$25,000 that was not used in the initial work.

Tasks and Projects:

- A. Continuing daily inspections of the work in progress at the water and sewer facilities. Last Thursday and Fri I was on site a lot documenting the installation of the underground electrical conduit. Next is the sidewalk around the building, siding, window and doors, and roofing. The materials will be delivered Thursday. This will finish the major construction work at the water plant. Next into the interior with electrical and mechanical.
- B. Teri and I will be working on a surplus property sale. We have electronics from the library, admin office and other misc. items that it's time to get rid of. Once the mayor declares the items surplus, we will start the advertising.

New Business:

- A. Review and Discussion of EMS Agreement between the City of Thorne Bay and the City of Klawock. This is only discussion at this time to see if the city would rather cancel the agreement with Klawock and re-establish the Thorne Bay EMS program.
- B. Appointing Adora Oatman as Interim-EMS Coordinator. Cindy can explain more on this item.
- C. Accepting Tlingit and Haida Central Council placement of VPSO Jonathan Bates to the City of Thorne Bay and appointing VPSO Bates as the VPSO for Thorne Bay. Finally, we have someone on site. Having spent some time with Jonathan I think he will be a good fit for TB.
- D. Renewal of Pacific Airways Harbor Use Rental Agreement. Have not heard back from PAC yet but there are rumors that PAC will be cutting back winter service.
- E. Resident request to adopt ordinance that would require all properties providing housing for more than on residence, install bear proof garbage cans. I think this should extend to everyone must have bird proof containers.

Ordinances for Public Hearing:

- A. Ordinance 19-09-03-01, amending Title 1-General Provisions by adding fines for violations of TBMC Title 15 Building and Construction-setbacks, development plans and amending fines for violation of Title 17 Zoning. This amendment reduces the fine amounts.
- B. Ordinance 19-09-03-02, amending Title 15-Buildings and Construction, Setbacks and Development plans. This amendment adds Code Enforcement Officer and where the penalties for violations are in the code.

Ordinances for Introduction:

- A. Ordinance 19-09-17-01 amending Title 17 clarifying issuing citations for minor offense.

Expenditures over \$2000:

- A. \$2500 to NexGeneration for Multicolor Scrolling Sign for use by the city to advertise events, which is planned somewhere near the current sign for city hall, library and clinic.
- B. \$2238.90 to CMI for labor expense on excavator repairs. The excavator is still operating properly so maybe it is fixed.

Executive Session: Yes, to discuss administrator employment contract.

Harbors and Parks:

- A. One more tour boat on Sept 13th. Been a good season and thanks to Allen Marine for the \$2500 donation for benches (locations yet to be determined). In response to last meeting, a float plane dock and break water are part of the master plan as are more slips. They were not built as the grant money that built Davidson Landing recent improvements did not include those items. Float planes can and have used the existing facility.

Streets and Roads:

- A. Now that the excavator is operating Max and Josh are getting ready to start screening sand for this winter. One critical item being researched is a new or good rebuilt 5 to 7 yd sander. The city has been putting together another sign order and will be including some no hunting signs.

Water and Sewer:

Sam and Dave continue to keep Operations going in the middle of all the remodel.

Solid Waste:

With the excavator Josh has been busy cleaning up around the solid waste site. The submittal time is open for a community block grant. That might be a good direction for a new baler. I am doing some research as I believe the City in the past submitted a community development block grant for a study of water, sewer and solid waste.

Law Enforcement:

The City now has a new VPSO Jonathan Bates who will be on limited duty until he completes the academy the first part of 2020.

FIRE/EMS:

For those that are interested in volunteering for Fire or EMS there is an application and interview process that you must go through before you can legally participate as a volunteer on either squad.

Library:

Ads are still out for a new librarian and Teri and I will be reviewing the applications we have as it would be great if we could have someone hired by next week.

b. City Clerk Report:

The City Clerk reported on the following:

- A Fireworks Permit issued to Alaskan Escapes allowing for them to have a display of fireworks on September 7th at 8:30p.m. in celebration of their wedding ceremony.
- Election to be held October 1, 2019 for the purpose of filling three (3) vacant seats on the Thorne Bay City Council and voting on two ballot propositions.
 - a. PROPOSITION NO. 1 SALES TAX.
 - i. Shall the City of Thorne Bay, Alaska increase its sales tax rate from six percent (6%) to seven percent (7%), if the sales tax revenue generated by the rate increase is dedicated to funding an Emergency Services Coordinator for the Emergency Services Department and sunset after 4-years (December 31, 2023)?
 - b. PROPOSITION NO. 2 ELECTION OF MAYOR.
 - i. Shall the Thorne Bay Mayor be elected by the popular vote of the people at large, from the council per AS 29.20.230 (d)?
 - c. LOCATION OF POLLS ON ELECTION DAY:
 - City Hall Council Chambers, 120 Freeman Drive, Thorne Bay, AK 99919
 - POLLS WILL OPEN: 8:00 A.M. OCTOBER 1, 2019
 - POLLS WILL CLOSE: 8:00 P.M. OCTOBER 1, 2019

b. ABSENTEE VOTING ON ELECTION DAY:

- Davidson Landing Fire Hall, Davidson Landing Harbor, Thorne Bay Road, South Thorne Bay Subdivision, Thorne Bay, AK 99919
 - POLLS WILL OPEN: 8:00 A.M. OCTOBER 1, 2019
 - POLLS WILL CLOSE: 8:00 P.M. OCTOBER 1, 2019

c. ABSENTEE VOTING IN PERSON: Anyone wishing to vote by absentee ballot may do so by requesting an absentee ballot in person or by mail from the municipality. Absentee ballots may be requested no sooner than SEPTEMBER 3RD, 2019, nor later than SEPTEMBER 30TH, 2019, BY 4:00 P.M. The application must be signed by the applicant and show his/her physical place of residence in the City of Thorne Bay.

- For the expense exceeding \$2,000, to NEXGEN is for a lit reader board that will provide notice to the public for upcoming activities and events. The reader board the City is looking to purchase has a 3-year warranty, and the expense to install the board would be less than \$500.00

7. PUBLIC COMMENTS:

Roger Longbotham:

- Suggested the council consider having a 4-wheeler safety training to teach youth how to drive and the consequences for driving too fast.

Robert Hartwell, Code Enforcement Officer reported the following:

- There have been 2 complaints filed since August 15th. Hartwell stated he was currently investigating one of them for a possible zoning use violation.
- Explained that if people have a complaint, they must come into City Hall and submit a written complaint in order to have it investigate.
- Stated he would be out from September 12th through October 3rd.
- Stated he provided to the School with the City Ordinance on what is required to operate an ATV in Thorne Bay. Hartwell stated he had been speaking with the kids when he sees them operating ATV's and has provided their parents with the regulations also.

8. COUNCIL COMMENTS:

Lee Burger commented on the following:

- ATV operation rules in Thorne Bay. Burger stated that in order to operate an ATV in Thorne Bay currently, the operator had to hold a valid learner permit or driver's license.

Risa Carlson commented on the following:

- Carlson suggested the City send out an annual reminder on ATV rules and regulations in Thorne Bay.
- Thanked Bob Hartwell for going out and talking to the Kids and the Parents.

9. CONSENT AGENDA:

- a) August 6, 2019, Regular City Council Meeting Minutes, discussion and action item:

McDonald moved to approve the minutes from the August 6th, 2019, Regular City Council Meeting. Carlson seconded the motion. Carlson stated there were a few typos found in the minutes and have been provided to the Clerk for correction. There was no further discussion.

MOTION: Move to approve the minutes from the August 6, 2019, Regular City Council Meeting.
F/S: McDonald/Carlson
YEAS: Edenfield, McDonald, Burger, Carlson, Williams, Minnillo and Slayton
NAYS: None
STATUS: Motion Passed.

10. NEW BUSINESS:

- a) Review and Discussion EMS Agreement between the City of Thorne Bay and City of Klawock, discussion and action item:

McDonald explained that the City had entered into a contract with the City of Klawock for Emergency Medical Services in Thorne Bay until Thorne Bay could get their squad built back up and running. Minnillo inquired if the City would be voting on whether to renew the EMS agreement with Klawock. Williams stated there was a committee formed to discuss the Thorne Bay Emergency Services and determine how they would move forward if the ballot proposition to increase city sales to pay for an Emergency Services Coordinator passed. Williams stated that the City should not terminate the agreement with Klawock until such time that Thorne Bay has an operating squad.

b) Appointing Adora Oatman as Interim-EMS Coordinator, discussion and action item:

McDonald appoint Adora Oatman as interim EMS Coordinator for Thorne Bay.
Williams seconded the motion. There was no further discussion.

MOTION: Move to appoint Adora Oatman as interim EMS Coordinator for Thorne Bay
F/S: McDonald/Burger
YEAS: Edenfield, McDonald, Burger, Minnillo, Slayton, Carlson and Williams
NAYS: None
STATUS: Motion Passed.

c) Accepting Tlingit & Haida Central Council placement of Village Public Safety Officer, Jonathan Bates to the City of Thorne Bay and appointing VPSO Bates as the VPSO for Thorne Bay, discussion and action item:

McDonald accept Tlingit & Haida Central Council's placement of VPSO Jonathan Bates in Thorne bay and appoints Jonathan Bates as the new VPSO for Thorne Bay. Burger seconded the motion. There was no further discussion.

MOTION: Move to accept Tlingit & Haida Central Council's placement of VPSO Jonathan Bates in Thorne bay and appoints Jonathan Bates as the new VPSO for Thorne Bay
F/S: McDonald/Burger
YEAS: Edenfield, McDonald, Burger, Minnillo, Slayton, Carlson and Williams
NAYS: None
STATUS: Motion Passed.

d) Renewal of Pacific Airways Harbor Use Rental Agreement, discussion and action item:

McDonald moved to renew the Pacific Airways Harbor Use Rental Agreement. Williams seconded the motion. Williams

MOTION: Move to renew the Pacific Airways Harbor Use Rental Agreement
F/S: McDonald/Williams
YEAS: Edenfield, McDonald, Burger, Minnillo, Slayton, Carlson and Williams
NAYS: None
STATUS: Motion Passed.

- e) Resident request to adopt ordinance that would require all properties providing housing for more than one residence, install “bear proof” garbage cans, discussion and action item:

POSTPONED UNTIL THE SEPTEMBER 17th REGULAR MEETING

11. ORDINANCE FOR PUBLIC HEARING:

- a) Ordinance 19-09-03-01, amending Title 1-General Provisions, Chapter 1.16-General Penalty Sections, Section 1.16.035-Minor Offense fine Table, adding fines for violation of TBMC Title 15-Buildings and Construction, Chapter 15.04-Setbacks, Section 15.04.020-Development Plans, and amending fines for violation of Title 17-Zoning, discussion and action item:

McDonald moved to approve Ordinance 19-09-03-01. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 19-09-03-01
F/S: McDonald/Edenfield
YEAS: Minnillo, Slayton, Carlson, Williams, Edenfield, McDonald and Burger
NAYS: None
STATUS: Motion Passed.

- b) Ordinance 19-09-03-02, amending Title 15-Buildings and Construction; Chapter 15.04-Setbacks, Section 15.04.020-Development Plans

McDonald moved to approve Ordinance 19-09-03-02. Carlson seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 19-09-03-02
F/S: McDonald/Carlson
YEAS: Edenfield, McDonald, Burger, Minnillo, Slayton, Carlson, Williams
NAYS: None
STATUS: Motion Passed.

12. ORDINANCE FOR INTRODUCTION:

- a) Ordinance 19-09-17-01, Amending Title 17-Zoning, Chapter 17.05-Authority to Enforce, Section 060-Notice of Violations And 070-Remediation Authority to Enforce, Discussion and Action Item:

McDonald moved to approve Ordinance 19-09-17-01. Burger seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 19-09-17-01
F/S: McDonald/Burger
YEAS: Edenfield, McDonald, Burger, Minnillo, Slayton, Carlson, Williams
NAYS: None
STATUS: Motion Passed.

13. EXPENDITURES EXCEEDING \$2,000.00:

- a) Authorizing the expenditure of \$2,500.00, to NexGeneration for Multicolor Scrolling LED Sign, discussion and action item:

McDonald moved to authorize the expense of \$2,500.00, to NexGeneration for Multicolor Scrolling LED Sign. Edenfield seconded the motion.

MOTION: Move to authorize the expense of \$2,500.00, to NexGeneration for Multicolor Scrolling LED Sign
F/S: McDonald/Edenfield
YEAS: Edenfield, McDonald, Burger, Minnillo, Slayton, Carlson and Williams
NAYS: None
STATUS: Motion Passed.

- b) Authorizing the expense of \$2,238.90 to CMI Machinery for labor expense on Excavator repairs discussion and action item:

McDonald moved to approve the expenditure of \$2,238.90, CMI. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$2,238.90 to CMI Machinery for labor expense on Excavator repairs
F/S: McDonald /Slayton
YEAS: Minnillo, Slayton, Carlson, Williams, Edenfield, McDonald and Burger
NAYS: None
STATUS: Motion Passed.

14. EXECUTIVE SESSION: The Council May adjourn to executive session for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person.

a) Executive Session discussion of City Administrator Contract, discussion and action item:

McDonald moved to adjourn to executive session to discuss the City Administrator Contract. Burger seconded the motion. The City Clerk and Administrator were invited to attend the executive session. There was no further discussion.

MOTION: Move to executive session for the purpose of discussing Administrator Contract
F/S: McDonald/Burger
YEAS: Burger, Minnillo, Slayton, Edenfield, McDonald, Carlson and Williams
NAYS: None
STATUS: Motion Passed.

Adjourned to Executive Session at 7:15 p.m. McDonald reconvened the meeting at 7:38 p.m.

15. CONTINUATION OF PUBLIC COMMENT:

No public comment.

16. CONTINUATION OF COUNCIL COMMENT:

Edenfield commented on the following:

- Informed the public that she was made aware the Southeast Island School District had planned to sell the café and had given the current operators 60-days to vacate the building.
- Edenfield explained that the AK49 Café was owned by Brian and Roxy Wilson of Coffman Cove, and that the restaurant building was leased from the School District.
- Edenfield requested that the public nicely approach the district and let them know how important it is for the community to keep AK49 in Thorne Bay.
- Edenfield stated that the loss of AK49 would mean losing thousands of dollars each year in fundraising for the school that the café hosted for them and would also mean that 6 people would be out of employment.

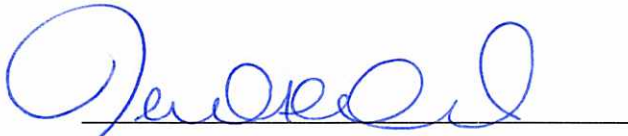
17. ADJOURNMENT:

McDonald adjourned the meeting at 7:30 p.m.



Lee Burger, Vice Mayor

ATTEST:



Teri Feibel, CMC