MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
CITY HALL COUNCIL CHAMBERS
120 FREEMAN DRIVE
Tuesday, March 3, 2020
6:30 p.m.

The meeting was preceded by a Workshop of the City Council beginning at 6:00 p.m.

1. CALL TO ORDER:

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, Rhodes, Longbotham, Edenfield, Stram & Hert
Attending by phone: McDonald

4. APPROVAL OF AGENDA:

Burger moved to approve the agenda. Rhodes seconded Rhodes moved to approve the agenda adding new business item C-TBMC 2.08.030; Ss (A). Hert seconded the motion

Rhodes quested that Mayor McDonald resign from his seat as Mayor.

MOTION:	Move to approve the agenda adding New Business item C-TBMC 2.08.030; Ss (A)
F/S:	Rhodes/Hert
YEAS:	Rhodes, Longbotham, Stram & Hert
NAYS:	McDonald, Burger, Edenfield
STATUS:	Motion Passed.

MOTION:	MOVE TO APPROVE THE AGENDA.
YEAS:	Rhodes, Long, Stram, Hert, Burger
NAYS:	McDonald, Edenfield
STATUS:	Motion Passed.

5. MAYOR'S REPORT:

Vice Mayor Burger stated he had been absent and that while he was gone there were items taken that were not in order of the City.

Mayor Pro-Tem Eric Rhodes

1. Spoke with superintendent of Klawock regarding school having ETT classes and they had but not successful. Directed to Chaundell Piburn who has been working toward an island wide billing program.

2. Jim Potdevan regarding the harbor grant from ADOTP&F which has 50% match but worth applying for.
3. Reached out to DCRA and found that this year we qualify for the Community Development Block Grant after years of not qualifying. There will be a workshop in Anchorage for HUB.
4. Spoke with Jake with APT about getting the backup generator on Southside.
5. SAM AND DAVE at the Water Department doing AMAZING JOB! With everything going on they have done great.
6. On expenditures for computers, they are for water department and will allow Sam to monitor from home instead of running into town.
7. Purchase requirement Parameters so that there is something

6. ADMINISTRATIVE REPORTS:

a) City Clerk Report:

City Clerk Report:

Current Department Activities:

1. Solid Waste – Working on getting them set up to take credit/debit card payments at the Solid Waste Facility.
2. Water Department – Sam is here to provide his report.
3. Financial overview – At this time, the City is looking at a negative for our net income this fiscal year. This is due to some unexpected expenditures with the baler repairs and other equipment needs.
4. Budget Amendments, we are over budget in many areas and need to address those with a non-code ordinance.
5. Public Financial Disclosure Statements are due not later than March 16th. I have paper copies if needed, however the APOC office prefers that all filers do so through their MyAlaska Account. If you need assistance set up a time to meet with me and I can help the best I can.

Account Name:	Available Balance
HEALTH PREMIUM	$35.033.15
OCCUPANCY GEN.	$5,018.31
40% SALES TAX	$116,854.70
OCC TAX EMS/FIR	$9,659.38
OCC TAX TOURISM	$5,986.14
OCC TAX PARKS	$8,271.21
OCC TAX HARBOR	$16,338.04
WATER UTL R&R	$285.41
SEWER UTL R&R	$143.09

Account Name:	Available Balance
SOLIDWASTE R&R	$476.57
CHECKING	$80,815.55
60% SALES TAX	$211,904.56
HARBOR	$79,941.46
ACCOUNT TOTALS	$ 570,727.57
FIRST BANK	$ 38,677.37
WELLS FARGO INVESTMENTS	$ 1,091,072.07
QUICKBOOKS INCOME	$ 991,180.84
QUICKBOOKS EXPENSE	$ 1,008,940.90
QUICKBOOKS OPERATING INCOME:	**$ -17,760.06**

Water Report

A Departmental Overview

The Water/Sewer Department is administered by Sam Sawyer, Level II Water Operator.
The Supervisor(s) and staff are responsible for the operation and maintenance of the City's four core sanitation services: Water Treatment, Water Distribution, Sewage Collection, and Sewer Treatment. Duties include maintenance, minor and major schedule and unscheduled repairs throughout all four systems, monthly reporting to the Alaska Department of Environmental Conservation as required, direct sampling as scheduled for water quality and wastewater effluent quality compliance, implementation of a preventative maintenance schedule, construction of new water distribution mains and residential /commercial service connections and wastewater collection mains and residential/commercial service connections.

Current Department Activities:

During the month of February, the water departments goal was to keep moving forward with the water plant upgrade while still providing safe potable water to the community.
The project called to replace the last remaining water valve that supplies water to town, install a new chlorinator/Ph probe, install a new master magnetic flow meter, install new turbidimeters, complete training on the new nanofiltration unit and get it operational, and to work with the electrical engineers setting up the automation of the filter valves and get the master computer communicating with all of the equipment.

Due to DEC regulations, we had to place town on a boil water notice while replacing the main water valve. For us to change this valve out, we planned on having a diver place an inflatable plug inside the water storage tank outlet to control and prevent water from leaving the tank. The plugs we received two days prior to this scheduled event, were not the correct type of plugs needed to complete the task at hand and after failed attempts with the plugs, I decided that in order for us to stay on schedule and to get the boil water rescinded as soon as possible, our only option was to

drain the storage tank, replace the valve and start making water as fast as possible to fill the storage tank again. The replacement of the valve was successful, and we started filling the storage tank as fast as the water plant would allow. Due to changes made by the project engineers, this process took longer than expected but within two days we were sending water to town again. Samples were then taken in the distribution system to ensure the water was safe to drink and the boil water notice was rescinded. All the new equipment was installed and functional, the electrical engineers were able to get all our new equipment automated with the new master computer, and we did some training on the new nanofiltration system and the new SCADA system.

During the commission of the nanofiltration, we experienced some issues and at this time we cannot run the nanofiltration system at its full potential due to a possible leak in our main water line between Water Lake and the water treatment facility. I have contacted Alaska rural water association to come help find the water leak with their leak detection equipment and they will be here March 16th. After walking the main water line, there is no visible water leak anywhere to be found which makes us believe it is underground between the water plant and the foot bridge that crosses Deer Creek.
Furthermore, I walked the entire water main and observed some areas where the ground has been washed away due to heavy rains and ground water and it is posing a serious threat to the stability of the water line and the electrical line running to the pump at the lake. Due to the age of the water line, ground erosion, and the existing wooden structure the pipe sits on in some sections, it is my belief along with the engineers, that the main water line needs to be fully replaced very soon. We can spend money and band aid some of this, but the line does need to be replaced soon as it was built in 1988 and can fail permanently if it is not addressed.

I have contacted Village Safe Water and they are looking for emergency funding to see if we can accomplish this task. I received a quote for the replacement of the water main, fully installed and it was roughly $300,000.

7. PUBLIC COMMENTS:

Brad Clark commented on the following:

- Grant training
- IRT Grants
- Historical – Saturday at 1pm and again in June "Ole timers" potluck dinner

Dave Egelston commented on the following:

- Concerns over issues with the City Administrator position and to make official complaint.

Dave Egelston Read and Submitted the following written complaint:

3/3/20

"I am here this evening to talk specifically to the city council about several issues dealing with the City Administrator position and to make an official complaint.

I was appalled to learn that our current City Administrator, Wayne Benner, was suspended by the mayor pro tempore last week. Wayne was city administrator here for almost ten years. During that time, he worked with a couple of mayors, many city council members, city employees, local businesses and the public moving this city forward. His accomplishments are many and he is respected by most of the residents of the city as well as many in other communities on this island and across the state who were informed via facts instead of

rumors or ignorant gossip. He was routinely seen walking or driving to the office on weekends to work in quiet without the interruptions that came during the week. His accomplishments were team oriented and led to improvements with LED streetlights, the establishment of the new marina and facilities at Davidson Landing, improvements of roads, solid waste facilities and many other facility improvements. This past year while the city was under a consent order with the DEC, he oversaw the continuing upgrades to the city's water and sewer plants. That was almost a full-time job. He saved the city a huge amount of money in potential fines and penalties. He did it with no raise in salary for himself, only for the other employees in the city. He kept budgets in the black every year and increased the city's savings. The suspension move was not only in poor taste, it appears to have been improper by violating the city's municipal code and/or state law.

City administrator Benner was served with suspension papers by the mayor pro tempore on Monday, February 24th, two days before he was departing the city for the last time. Either it was improperly done by mayor pro tempore acting without the council's concurrence, or if the council concurred, they held a meeting which violated the state's open meeting statutes because it was not announced and was not open to the public.

We are now on the cusp of choosing a new city administrator. It is the city council's responsibility to hire the administrator. The contract with Prothman offers certain advantages to the city if one of the top three recommended persons is selected as administrator. If the city selects a person other than one of the top three, we lose options and waste money.

The city is watching your actions. Malfeasance by councilors will not go unnoticed. If it comes to it, I will be first in line to recall city council members and donate to the hiring of an attorney to sue not the city, but individual council members who violate their oath of office, the Municipal Code and/or State Statutes. The municipal code will prevent the city from paying for an attorney to represent you.

I would like to remind all the council member of their responsibilities as defined in the Thorne Bay Municipal Code and/or the Alaska Statutes. I am official making a complaint against Mr. Rhodes and any city councilmember who were a part of the suspension of City Administrator Wayne Benner.

I am asking for a full investigation into their actions about the suspension and into the hiring of a new City Administrator if that person is not one of the top three applicants recommended by Prothman.

I am attaching pertinent sections of the city's Municipal code and Alaska Statutes for reference.

David Egelston"

Greg Kerkof commented on the following:

- Regarding the Administrators suspension. Who made the decision to take this action when departure was imminent and with nothing to gain?

Charles Jennings commented on the following:

- Old timer resident since 1985. Seen many things done by Municipal Officials etc. I have seen administrators who embezzled, misappropriation of funds. There are several ways to find out about someone with internet that there can be research done to hire.

8. COUNCIL COMMENTS:

Eric Rhodes commented on the following:

- No meeting or OMA violations. Not understanding reasons why, I understand the concerns. Need for action was immediate and warranted.

Edenfield commented on the following:

- Not all the council were aware of the events prior to the fact. It all happened prior to action.

McDonald commented on the following:

- Concurred with Cindy Edenfield

Burger commented on the following:

- As Vice Mayor, I was not notified of this either. If there was action to be taken it should have been done by the council and not arbitrarily by part of the council.

9. CONSENT AGENDA:

a) January 21st, 2020, Regular City Council Meeting Minutes, discussion and action item:

Burger moved to approve the consent agenda consisting of the Jan 21, 2020, Regular City Council Meeting Minutes. Edenfield seconded the motion. There was no further discussion.

MOTION:	Move to approve the consent agenda consisting of the January 21, 2020, Regular City Council Meeting Minutes
F/S:	Burger/Edenfield
YEAS:	Longbotham, Edenfield, Hert, Burger, Rhodes, Stram & McDonald
NAYS:	None
STATUS:	Motion Passed.

10. NEW BUSINESS:

a) Vehicle & Equipment purchase perameters discussion and possible action item:

McDonald stated this had been started a while back. Wayne and I met with staff and explained that needed parameters. Rhodes stated that he put the parameters together within one minute. Burger moved to approve parameters for equipment purchase. McDonald seconded the motion. Hert inquired if there would be different forms for each department. Would harbor have one tailored to them, solid waste, streets etc? Burger stated the parameters would be used for all departments. Rhodes stated that the items on the form would be optional. Those were ideas that James had, however the council would need to vote on the vehicle purchases. Hert stated she agreed with the form provided for parameters, but not necessarily what was provided in terms of the vehicle samples and prices.

MOTION: Move to approve parameters for equipment purchases
F/S: Burger/McDonald
YEAS: Hert, Burger, Edenfield, McDonald, Rhodes, Longbotham, & Stram
NAYS: None
STATUS: Motion Passed.

b) Resolution 20-03-03-01, a resolution recognizing Thorne Bay's Local Government Specialist Iura Leahu, for his dedication, expertise and assistance with the needs of the City of Thorne Bay, discussion and action item:

Burger moved to approve Resolution 20-03-03-01, recognizing the Thorne Bay's Local Government Specialist, Iura Leahu, for his dedication, expertise, and assistance with the needs of the City of Thorne Bay. Longbotham seconded the motion. Rhodes explained that Iura has assisted many communities and never been thanked.

MOTION: Move to approve Resolution 20-03-03-01, recognizing the Thorne Bay's Local Government Specialist, Iura Leahu, for his dedication, expertise, and assistance with the needs of the City of Thorne Bay.
F/S: Burger/Longbotham
YEAS: Rhodes, McDonald, Burger, Longbotham, Hert, Edenfield & Stram
NAYS: None
STATUS: Motion Passed.

c) Thorne Bay City Code 2.08.030 Vacancy in Office of Mayor, discussion and action item:

Rhodes explained that he brought this item to the table after spending a couple of days in the office and completed many tasks that had not been taken care of. Stated that the Mayor was not in Thorne Bay and the city code states the council Shall by 2/3 concurring vote declare the seat of Mayor vacant because he no longer physically resides in the City. Rhodes stated he provided Mayor McDonald many opportunities to step down and failed to. McDonald stated he was in constant contact with the City Clerk and others in the office. That he was very active in what was happening in the City when he was away.

Further discussion ensued between the city council regarding the interpretation of the city code requirements for declaring the Mayor seat vacant and the legality of adding the item to the agenda at the last minute without notice to the public.

Rhodes moved to vote that the council declare the office of Mayor vacant. There was no second. Edenfield moved to table the item for further research. Burger seconded the motion.

McDonald stated he would request to step down as Mayor and remain as a councilmember for City Council Seat G.

Burger moved to accept as resignation to office of Mayor. Rhodes seconded the motion. There was no further discussion.

MOTION: Move to accept Harvey McDonald's resignation as the Mayor and retaining City

council office Seat G
F/S: Burger/Rhodes
YEAS: Burger, Rhodes, Longbotham, Stram & Hert
NAYS: Edenfield
STATUS: Motion Passed.

Burger moved to appoint Cindy Edenfield as Vice Mayor. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to appoint Cindy Edenfield as Vice Mayor
F/S: Burger/McDonald
YEAS: McDonald, Burger, Edenfield,
NAYS: Rhodes, Longbotham, Stram & Hert
STATUS: Motion Failed.

Rhodes moved to nominate Roger Longbotham as Vice Mayor. Hert seconded the motion. There was no further discussion.

MOTION: Move to appoint Roger Longbotham as Vice Mayor
F/S: Rhodes/Hert
YEAS: Burger, Rhodes, Longbotham, Stram & Hert
NAYS: McDonald, Edenfield
STATUS: Motion Passed.

11. EXPENDITURES EXCEEDING $2,000.00:

A. Authorizing an expenditure not to exceed $2,400.00, for the purchase of one Lenovo Laptop and one desktop computer from PC Nation, discussion and action item: *(Computer and Laptop will belong to the Water and Sewer Department and are required for the new treatment system)*

Burger moved to approve the expenditure of $2,400.00 for the purchase of one Lenovo Laptop and one desktop computer from PC Nation for Sewer & Water department. Longbotham seconded the motion.

MOTION: Move to approve the expenditure of $2,400.00 for the purchase of one Lenovo Laptop and one desktop computer from PC Nation
F/S: Burger/Longbotham
YEAS: McDonald, Burger, Rhodes, Longbotham, Edenfield, Stram & Hert
NAYS: None
STATUS: Motion Passed.

12. EXECUTIVE SESSION: None

13. CONTINUATION OF PUBLIC COMMENT:

Robert Hartwell commented on the following:

- Suspension of Mr. Benner was vindictive and childish act. Actions could open lawsuit that could cost the city hundreds of thousands of dollars.

DeAnn Minnillo commented on the following:

- Inquired if the computer purchase fall under the grant?

Sam Sawyer commented on the following:

- Explained the computer is needed for running the new system, but the State did not cover costs due to tight budgets. The engineers where who chose which was needed.

Charles Jennings commented on the following:

- Inquired who decided what was to be fixed and replaced with this grant? Stated he had been to the water plant recently and seen that there were still items that were not upgraded that had been installed in 1986 and designed only to last 15 years.
- Stated he had agreed with a lot of things said by council tonight but believe things should be discussed in executive session before done in public like tonight.

Sam Sawyer commented on the following:

- Responded that Mr. Jennings was correct, the filters were the ones put in in 1986. This had been brought this up to the State on many occasions. Explained that he pleaded to get in the Grant, but it was not included. Village Safe Water was the one who designed the upgrades. DOWL Engineering also submitted an estimate to the state which was to replace the entire water plant and VSW won. Now the grant has exceeded what the cost would have been for replacing the entire plant. Sam Sawyer confirmed that indeed the filters were the same as ones put in over 30 years ago. This was a 1.2-million-dollar project and was brought on due to the City failing the standard for trihalomethanes. The state did not account for a lot of stuff that needed to be fixed. He had brought up the existing filters with Doug Pogue with VSW and he did not feel they were an issue.

Amy McDonald commented on the following:

- Commented that out of all who were present at the council meeting, she was the longest resident. Explained that her father raised his family here, and she raised her family here. Commented that the way the city council handled things with the Mayor was unprofessional and the way the council handled the suspension of the City Administrator Wayne Benner was not appropriate.

Jim Silverthorn stated he concurred with Ms. McDonald's statement.

Greg Kerkof commented on the following:

- There is a divide among the city council, and he would encourage the council to do better for city.
- Kerkof stated he would support whatever recall petition came forward.

Laura Clark commented on the following:

- Commented that she wished the council had more professionalism, that what happened with Mayor McDonald not gone down the way it did and that employees were not wondering if they were going to have a job next week.

Mark Minnillo commented on the following:

- Regarding water plant upgrades, it was an eye opener to hear Charlie Jennings talk about some of the items at the water plant there were not upgraded.
- Clarification on the minutes from the 21st say 6 of 6. Motion on ordinance confusing where unanimous vote yes, but motion failed.

Sam Sawyer commented on the following:

- I am a resident here and talked with a lot of people and what is going on with City. People are leaving. Nothing here for families. No EMS, nothing looking good for staying here. Wanted to raise family here because of safe environment but they are missing out on a lot, with education being one. With Alaska being the richest state, why are we all so poor.
- Inquired if the Council had plans to help the economy grow. Explained that his family was everything to him and would not raise his family here without jobs or opportunities and make them go through what he did growing up and not have any opportunities. The City is losing a lot of families here especially with what is going on with the school board.

Brad Clark commented on the following:

- Thank Harvey for time as Mayor.
- Administrator position is coming up soon and that he was an applicant. Explained there would be an opportunity for the community to interview and he would ask that they participate.

14.CONTINUATION OF COUNCIL COMMENT:

Rhodes commented on the following:

- Apologized that what he said hurt anyone's feelings.

Longbotham commented on the following:

- Addressing Sam's concerns for boosting economy and that is something that has been on my mind. Economic growth is important for a community.

Edenfield commented on the following:

- In the past the city was approached by someone wanting to start a business and the City turned them down.

15.ADJOURNMENT:

Burger adjourned the meeting at 8:14 p.m.

Lee B Burger

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC