

AGENDA
FOR THE REGULAR
MEETING OF THE CITY COUNCIL
TUESDAY, AUGUST 4, 2020
PARTICIPATE VIA WEBEX USING
THE INFORMATION BELOW:
6:30 PM Tuesday, August 4, 2020

Meeting Information

WEBEX - TELEPHONE:

1-408-418-9388

MEETING LINK:

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m7775005113a7ad4b9f1b797d034ac2b3>

MEETING NUMBER:

126 035 2456

PASSWORD:

CFjx77nPsg4 (23597767 from phones and video systems)

- 1) **CALL TO ORDER:**
- 2) **PLEDGE TO THE FLAG:**
- 3) **ROLL CALL:**
- 4) **APPROVAL OF AGENDA:**
- 5) **MAYOR REPORT:**
- 6) **ADMINISTRATIVE REPORTS:**
 - a) **City Administrator**
 - b) **City Clerk**
- 7) **PUBLIC COMMENTS:**
- 8) **COUNCIL COMMENTS:**
- 9) **CONSENT AGENDA:**
 - a) **MINUTES: Coming Soon**
- 10) **NEW BUSINESS:**
 - a) **Awarding the bid for the Construction of a new multi-use facility, discussion and action item:**
 - b) **Resolution 20-08-04-01, recognizing Jim and Libby Nieland for their contributions to the Thorne Bay Public Library, discussion and action item:**

11) **ORDINANCE FOR INTRODUCTION:**

- a) **Ordinance 20-08-18-01**: amending Title 18-Harbor, Chapter 18.40 Control of Nuisance and Derelict Boats, discussion and action item:
- b) **Ordinance 20-08-18-02**, amending Title 6-Animals, Chapter 6.04-Animals Generally, Section 6.04.020 - Licensing, discussion and action item:

12) **EXPENDITURES EXCEEDING \$2,000.00:**

13) **EXECUTIVE SESSION:**

14) **CONTINUATION OF PUBLIC COMMENTS:**

15) **CONTINUATION OF COUNCIL COMMENTS:**

16) **ADJOURNMENT:**

POSTED: July 31, 2020



**CITY OF THORNE BAY
ORDINANCE 20-08-18-01**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -
AMENDING TITLE 18 HARBOR, CHAPTER 18.40 CONTROL OF NUISANCE AND DERELICT
BOATS, AMENDING SECTIONS, TO THE THORNE BAY MUNICIPAL CODE

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. The title and chapters of Title 18 Harbor, Chapter 18.40 Control of Nuisance and Derelict Boats, Amending sections 18.40.020 Abatement of Nuisance-Impoundment-Removal and Sale, Subsection C; and Section 18.40.030 Procedure for Destruction, Sale or Other Disposition of Boat. Subsection B, C; are hereby amended and added to the Thorne Bay Municipal Code.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 18, 2020

Lee Q. Burger, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 4, 2020]
[Public Hearing: August 18, 2020]

ADDITIONS ARE BOLD AND BLUE

~~DELETIONS ARE STRICKEN~~

THE FOLLOWING CHAPTER AND SECTIONS OF THE THORNE BAY MUNICIPAL CODE ARE HERE BY AMENDED TO READ AS FOLLOWS:

18.40.020 ABATEMENT OF NUISANCE-IMPOUNDMENT-REMOVAL AND SALE.

- A. In the event any boat constitutes a nuisance or is a derelict, as defined, liable to sinking, sunk, or in a hazardous condition, notice thereof shall be given to the owner, master, or agent of the boat as shown on the registration statement filed with the harbormaster, stating that unless said boat is removed, repaired, or that other action is taken to remedy such nuisance, the boat will be subject to destruction or sale, in the discretion of the harbor commission, upon the expiration of a period of fourteen days from the receipt of such notice. (Ord. 12-05-01-01)
- B. In the event any mooring fees are not paid within approximately thirty days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within thirty days after the service of the notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbor commission because the boat has been declared to be a nuisance.
- C. Notices provided for in chapter 18 shall be given by the **CITY ADMINISTRATOR OR** city clerk by a method which assures a signed receipt therefore (certified mail return receipt requested, or personal delivery with a signed receipt obtained for the city's records); notice shall be given to such owner, master or agent, as well as (for documented vessels) each recorded holder of a mortgage interest in the vessel. The notice shall be in writing, signed by the **CITY ADMINISTRATOR** or the City Clerk and dated, and shall inform the recipient of his right to a hearing before the harbor commission no later than fourteen days from receipt of the notice, as well as informing the notice recipient of the potential consequences (set forth in subsections A and B of this section) for failure to appear. (Ord. 90-28 § 4(part), 1990; Ord. 89-30 § 5(part), 1989)

18.40.030 PROCEDURE FOR DESTRUCTION, SALE OR OTHER DISPOSITION OF BOAT.

- A. Any boat which is declared a nuisance may, after the expiration of the time stated in the notice delivered to the owner, master or agent, either be impounded in the waters of the Thorne Bay Boat Harbor or removed there from to a place of safe storage in the vicinity thereof and impounded at such location. A notice of impoundment signed by the harbormaster to be posted on or in said boat at a place where likely to be seen by anyone inspecting said boat. During the period of impoundment or storage by the harbormaster, the boat, its owner, master or agent shall be liable for a monthly storage charge and costs incurred by reason of the impounding or removal of the boat. An impoundment fee shall also be charged. Storage and impoundment fees shall be in accordance with pre-established amounts set by resolution of the city council.
- B. After any boat is so impounded or removed, the **CITY ADMINISTRATOR** or the City Clerk shall again give written notice (by a method assuring return receipt) that the boat has been impounded, that the notice recipient has opportunity for a hearing before the harbor commission no later than fourteen days following receipt of notice, and that after the expiration of that period the boat may be destroyed, sold or disposed of as the harbor commission shall determine unless the fees have been paid in full. Such notice shall go to such owner, master or agent and (for documented vessels) to any holder of a recorded mortgage on the boat at such an address as is shown on the last registration statement for the boat.
- C. Any boat so impounded or removed shall, after the expiration of the period stated in the notice delivered to the owner, master, or agent, be destroyed, sold or disposed of as the harbor commission shall determine unless sooner repaired so as to no longer be a nuisance or unless the fees have then been paid in full. In the event of a disposition by sale of the boat, a notice of sale shall be mailed to the owner, master, or agent of the boat and then posted in three public places for a period of ten days prior to the date of sale and shall be signed and posted by the **CITY ADMINISTRATOR** or the City Clerk. Said notice shall state the identification of the boat; that it is being sold after having been declared a nuisance under the provisions of this title; and that all of the rights, title, and interest of the owners and lien holders of said boat will be sold to the highest and best bidder for cash at public auction at such time and place as stated in the notice. The proceeds from the sale shall be

applied first to the cost of conducting the sale, impounding and removal of the boat, and the payment of all fees assessed and payable by said boat, its owner, master, and agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city. (Ord. 90-28 § 4(part), 1990; Ord. 89-30 § 5 (part), 1989)



**CITY OF THORNE BAY
ORDINANCE 20-08-18-02**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -
AMENDING TITLE 6 - ANIMALS, CHAPTER 6.04 – ANIMALS GENERALLY; SECTIONS
TO THE THORNE BAY MUNICIPAL CODE

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. The title and chapters of Title 6-Animals, Chapter 6.04 Animals Generally, Section 6.04.020-Licensing, is hereby amended and added to the Thorne Bay Municipal Code.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 18, 2020

Lee Q. Burger, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 4, 2020]
[Public Hearing: August 18, 2020]

ADDITIONS ARE BOLD AND BLUE

~~DELETIONS ARE STRICKEN~~

THE FOLLOWING CHAPTER AND SECTIONS OF THE THORNE BAY MUNICIPAL CODE ARE HERE BY AMENDED TO READ AS FOLLOWS:

CHAPTER 6.04 - ANIMALS GENERALLY SECTIONS

6.04.010 DEFINITIONS.

As used in this chapter the following terms are defined below:

"Animal" means every nonhuman species of animal, both domestic and wild but does not include fish.

"Animal-at-large" means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

"Animal control officer" means any person designated by the state of Alaska as a law enforcement officer or by the chief executive officer of the city as an animal control officer.

"Animal shelter" means any facility operated by a municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

"Dangerous animal" means any animal which has ever bitten or attacked a human being.

"Domestic animal" means every kind of animal that is domesticated (not wildlife), including but not limited to livestock of all kinds, dogs (including wolf if dog is hybrid), cats, monkeys, birds and reptiles.

"Household" means all the persons who live in one dwelling, float house, boat, motorhome, trailer, yurt, tent or similar structure.

"Livestock" means every kind of domestic animal that is four (4) footed and ordinarily larger than a dog; and includes but is not limited to cattle, horses, swine, goats, sheep and llamas. It also included poultry such as chickens, ducks, turkeys, ostriches, emus and similar fowl.

"Pet" means any animal kept for pleasure rather than utility and that is ordinarily dependent upon people for food and shelter.

"Public nuisance" means any animal or animals that unreasonably annoy humans, or substantially interfere with the rights of any citizens to enjoyment of life or property.

"Public nuisance animal" means and includes, but is not limited to, any animal that:

- 1)** Is repeatedly found at large;

- 2) Damages the property of anyone other than its owner;
- 3) Chases vehicles;
- 4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, crowing or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in proximity to the premises where the animal is kept or harbored;
- 5) Causes fouling of the air by odor and thereby creates unreasonable discomfort to neighbors or others in proximity to the premises where the animal is kept or harbored;
- 6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

"Public Place" means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, harbor facilities, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

"Restraint" means under the control of a responsible person, secured by a leash, lead, cage, restrained within the real property of its owner, , or is obedient to and under the direct control of a person's commands.

"Veterinary care" means care administered to an animal by a veterinarian licensed in the state of Alaska.

"Wild animal" means any living member of the animal kingdom, including those born and/or raised in captivity, except domestic animals.

"Working Animal" means any animal raised and kept for the purpose of providing a service, such as herding, sled pulling, search and rescue, handicap assistance or law enforcement. (Ord. 93-12 §4(part), 1993: Ord. 87-07 §1, 1987)(Ord. 13-11-19-01)

6.04.020 LICENSING.

- A. Any person owning, keeping, harboring or having custody of any **CAT OR** dog over six months of age within this municipality must obtain a license as therein provided.
- B. Written application for licenses, which shall include name and address of applicant, description of the animal, and the appropriate fee shall be made to the city clerk or designee. Persons applying for a license shall be required to show proof of rabies vaccination before a license is issued.
- C. Application for a license must be made within thirty days after obtaining, or bringing into the city, an animal over six months of age.
- D. Owners of impounded animals, regardless of Residential status of the owner, shall be required to license the animal with the city before regaining custody of the animal.
- E. Licenses shall be required for all animals, except those exempted, even if the animal is kenneled on the owner's property.

- F. The licensing period shall begin when the licensing application is received by the City and will be renewed annually, or January 1st.. License fees shall be paid in full no matter what portion of the year purchased.
- G. Any persons who fail to obtain a license as required within the timeframe specified in this section will be in violations of this chapter and shall be deemed guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or if not listed in 1.16.035 then by the fine provided in 1.16.030.
- H. The following license fees will apply:
 - 1. Un-neutered male **CAT OR** dog, twenty dollars;
 - 2. Un-spayed female **CAT OR** dog, twenty dollars;
 - 3. Neutered male **CAT OR** dog, ten dollars;
 - 4. Spayed female **CAT OR** dog, ten dollars;
- B. Upon acceptance of the license application and payment of all license fees and late fees, the city clerk or designee shall issue a durable license tag stamped with an identifying number.
- C. A duplicate license may be obtained upon payment of a five-dollar replacement fee.
- D. The city clerk or designee shall maintain a record of the identifying numbers of all tags issued.
- E. Licensed animals must wear identification tags at all times when off the premises of the owner.
- F. No person may use any license for any animal other than the animal for which it was issued.
- G. Whenever the ownership of an animal changes, the new owner shall notify the city clerk's office, whereupon the records for the animal will be changed. Failure to notify the city clerk or designee of change of ownership is a violation of this section and shall be punishable by the fine established in 1.16.035.
- H. Persons or households owning, keeping or harboring more than three animals requiring a license under this chapter are required to obtain a kennel permit. The kennel permit shall be applied for through the city special permit process and may or may not be issued by the city council pending the outcome of permitting process. The fee for kennel permit shall be fifty dollars plus the appropriate license fee for each animal kenneled.

(Ord. 18-01-02-01; Prior Ord. 04-06-17-02 §4, 2004; Ord. 93-12 §4(part), 1993; Ord. 87-07 §2, 1987)