

AGENDA

FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
TUESDAY, JULY 7, 2020
TIME: 6:30 p.m.

LOCATION: [TELECONFERENCE/VIDEO CONFERENCING LINE](#)

Meeting number (access code): 126 053 7643

Meeting password: DPwAGQnw832 (37924769 from phones and video systems)

THERE IS NO WORKSHOP SCHEDULED

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. ADMINISTRATIVE REPORTS:
 - a.) City Clerk Report:
City Clerk reported on the following:
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. CONSENT AGENDA:
 - a) MINUTES:
 1. Minutes for the May 5, 2020, Regular City Council Meeting, discussion and action item:
 2. Minutes for the June 2, 2020, Regular City Council Meeting, discussion and action item:
 3. Minutes for the June 16, 2020, Regular City Council Meeting, discussion and action item:
10. NEW BUSINESS:
 - a) Resolution 20-07-07-01, authorizing the City of Thorne Bay to join the Alaska Remote Seller Sales Tax Commission for the purpose of developing, implementing, and enforcing a remote sellers sale tax code, discussion and action item:
 - b) Authorizing the City of Thorne Bay to enter into an agreement with the Alaska Intergovernmental Remote Seller Sales Tax Agreement, discussion and action item:
 - c) Resolution 20-07-07-02, approving the projects list of expenses to be performed and paid for from the CARES Grant Funding, discussion and action item:
 - d) Review and award of Proposals for Repair and Reconstruction of the South Thorne

Bay Road; discussion and action item:

11. ORDINANCE FOR INTRODUCTION:

- a) Ordinance 20-07-21-01 amending Title 3-Revenue and Finance, Chapter 3.17-Sales Tax, Adding Sections to provide for Remote Seller Sales Tax collection, discussion and action item:

12. EXPENDITURES EXCEEDING \$2,000.00:

- a) Authorizing the expenditure up to \$5,000.00, for the replacement of Fire Extinguishers for the City of Thorne Bay Municipal Buildings, discussion and action item:
- b) Authorizing the expenditure of \$5,295.00, plus shipping, for the purchase of Sewer Inspection Camera, discussion and action item:

13. CONTINUATION OF PUBLIC COMMENT:

14. CONTINUATION OF COUNCIL COMMENT:

15. ADJOURNMENT:

Meeting number (access code): 126 053 7643

Meeting password: DPwAGQnw832 (37924769 from phones and video systems)

Tuesday, July 7, 2020

6:30 pm | (UTC-08:00) Alaska | 1 hr 45 mins

[Start meeting](#)

Tap to join from a mobile device (attendees only)

[+1-408-418-9388,,1260537643#37924769#](tel:+1-408-418-9388,,1260537643#37924769#) United States Toll

Some mobile devices may ask attendees to enter a numeric meeting password.

Join by phone

+1-408-418-9388 United States Toll

[Global call-in numbers](#)

Join by video system, application or Skype for business

Dial [1260537643@webex.com](tel:1260537643@webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

MINUTES

FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA

TUESDAY, MAY 5, 2020

TIME: 6:30 p.m.

LOCATION: [TELECONFERENCE/VIDEO CONFERENCING LINE](#)

1. CALL TO ORDER:

Burger called the meeting to order at 6:30 pm.

2. PLEDGE TO FLAG:

Council and audience stood for the pledge to the flag.

3. ROLL CALL:

Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald and Stram

4. APPROVAL OF AGENDA:

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

MOTION: Move to approve the agenda.

F/S: Burger/Longbotham

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

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor Burger reported the following:

- Commented on Governor Dunleavy's Reopening Alaska Phase 1 –
 - Restrictions on intrastate travel have been relaxed.
 - The critical needs requirement of travel outside of the state is still in place and there is a required 14-day quarantine for out of state travelers.
- Everyone should continue to maintain all of your social distancing
- Monitor for symptoms and if you are not feeling well, please stay home.

6. ADMINISTRATIVE REPORTS:

City Clerk Report:

TONGASS FEDERAL CREDIT UNION		
Account Name	Actual Balance	Subtotal
OCCUPANCY GEN.	\$ 6,296.75	Total Occupancy
OCC TAX HARBOR	\$ 20,173.55	
OCC TAX EMS/FIR	\$ 13,493.78	
OCC TAX TOURISM	\$ 8,524.33	
OCC TAX PARKS	\$ 9,550.19	
		\$58,038.60
HARBOR	\$ 79,954.78	Total R & R
WATER UTL R&R	\$ 16,285.45	
SEWER UTL R&R	\$ 14,643.11	
SOLIDWASTE R&R	\$ 13,976.65	
		\$ 124,859.99
40% SALES TAX	\$ 123,425.18	Total 1% ST Savings
60% SALES TAX	\$ 238,789.57	\$ 362,214.75
HEALTH PREMIUM	\$ 35,043.99	\$35,043.99
CHECKING	\$ 115,085.45	\$115,085.45
TFCU ACCOUNT TOTALS	\$ 695,242.78	\$ 150,129.44
FIRST BANK CHECKING	\$13,553.95	\$13,553.95
WELLS FARGO RESERVES	\$1,034,355.00	\$1,034,355.00

TOTAL CASH BALANCES: \$ 1,743,151.73

7. PUBLIC COMMENTS:

Trisha Lindseth provided the following written comments:
 Support for tourism and lessened mandates
 "I would like to ask that the council make decisions that support small business and tourism in our community.
 Obviously we desire that our community remains healthy and safe, and we are grateful that the mandates are beginning to lift and we hope that it will allow flexibility with support to tourism, this coming season.
 My brother works in the cruise lines in Ketchikan and says that the cruise schedule is still "a go", despite many local rumors.
 It is my hope that the council will be PRO-ACTIVE in the support of the 2020 tour season in Thorne Bay.
 Thank you very much."

8. COUNCIL COMMENTS:

Eric Rhodes commented on the following
 ➤ Wished all the best for upcoming charter and tourism season

Jon Stram

- Concurred with Rhodes.
- Requested the City keep on top of health mandates and COVID-19, through the changes and if there is a need for a special meeting, then do it and not waste time.

9. CONSENT AGENDA:

- a) **Approval of the Minutes of the February 18, 2020, Regular City Council Meeting, discussion, and action item:**

Burger moved to approve Minutes of the February 18, 2020, Regular City Council Meeting. Rhodes seconded the motion. There was no further discussion.

MOTION: Move to approve Minutes of the February 18, 2020, Regular City Council Meeting
F/S: Burger/Rhodes
YEAS: Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald, Stram
NAYS: None
STATUS: Motion Passed.

10. NEW BUSINESS:

- a) **Resolution 20-05-05-01**, a resolution of the City Council for the City of Thorne Bay, noticing the intent to publish a Request for Proposal (RFP) for the removal of hazards within specified roads including sink holes, potholes and any other possible issues being a hazard, discussion and action item:

Burger moved to approve Resolution 20-05-05-01. Longbotham seconded the motion.

Burger commented that the City has a contract with OVK for road maintenance and they are not able to do competitive bidding due to their organization requirements. Max Blair is also the City's Streets & Roads Maintenance operator and supervisor. Max has been working on bringing fill in that would take care of those potholes etc.

Hert commented on the following:

- The roads are terrible in here. They are so bad, it will take a crew to alleviate these problems, not just what one man can do.

McDonald stated we wouldn't know the extent of the repairs needed unless the City put out to bid, so he was in favor.

Longbotham commented on the following:

- Roads are in dire need. Parts of the roads are fluffing off and we need estimates on what it would take to fix the roads.

Burger commented on the following:

- Max Blair is the City's Streets and Roads Operator and has been stockpiling material to help with road maintenance. Right now, there is road construction going on with OVK repairing the Kasaan Road, and it would not be cost effective for the City to haul material to South Thorne Bay during this time since they would be held up by flaggers to and from the delivery site.

Hert commented on the following:

- Inquired if the agreement the City has with OVK was only for grading?

Rhodes commented on the following:

- The material that Max has is not the grade needed to repair the roads.

McDonald commented on the following:

- Commented that he was in favor of approving the resolution to see if there is anyone out there that could do the repairs.

Stram commented on the following:

- Driving the road in 25 years. In that time, depending upon the operator and their skills, one year it was great, next maybe not so much, etc. Last weekend there was good grading done, but overall needs a lot of care.

Rhodes commented on the following:

- Good point on Burgers comment of the crown of the road.
- Also, agree with McDonald's comment

Rhodes moved to amend the 6 months guarantee on road repairs, to a 3-month guarantee. Hert inquired why to change? Rhodes explained from contractor spec that it is easier to guarantee go day. Longbotham seconded the amendment. There was further discussion.

MOTION: Reduce 6 month guarantee to a three month or 90-day guarantee.
F/S: Rhodes/Longbotham
YEAS: Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald, Stram
NAYS: None
STATUS: Motion Passed.

MOTION: Move to approve Resolution 20-05-05-01 as amended
F/S: Burger/Longbotham
YEAS: Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald, Stram
NAYS: None
STATUS: Motion Passed.

b) Authorizing the renewal of a two year lease agreement for 1-acre of land at the Sort Yard between the City and PAPAC LOGGING, discussion and action item:

Burger moved to approve the renewal of the two-year lease agreement. Rhodes seconded the motion. Hert inquired when the City voted on the rate for leases. City Clerk explained that it had been done years ago. The Clerk explained that the Council could amend the rates charged for future lease agreements.

MOTION: Move to approve the renewal of the two-year lease agreement
F/S: Burger/Rhodes
YEAS: Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald, Stram
NAYS: None
STATUS: Motion Passed.

c) Authorizing additional five (5) skiff stalls, One 32 ft stall, and five (5) boat stalls for Adventure Alaska

Burger moved to approve the additional harbor stalls for Adventure Alaska. Longbotham seconded the motion. Discussion included confirmation that the additional stall approval where contingent upon the availability of the stalls.

MOTION: Move to approve additional harbor stalls for Adventure Alaska
F/S: Burger/Longbotham
YEAS: Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald, Stram
NAYS: None
STATUS: Motion Passed.

11. ORDINANCE FOR INTRODUCTION:

- a) Ordinance 20-05-19-01, authorizing a special election to be held on June 30, 2020, on the question of recall of certain members of the city council, setting out the form of the recall ballot, and establishing procedures for the election, discussion and action item:

Burger moved to approve Ordinance 20-05-19-01. Edenfield seconded the motion. Longbotham requested to recuse from voting since the ordinance affected him. The City Clerk explained that the conflict of interest would only apply in matters where a direct financial gain would occur. Rhodes stated that there would be a financial impact with possible gain/loss for stipend per meeting. Rhodes stated that there was no violation of the OMA, but did support the democratic process, so he would vote for the motion. Longbotham agreed to vote. Rhodes stated that the signatures obtained for the recall petition were done by going door to door during the self-quarantine requirement due to COVID.

MOTION: Move to approve Ordinance 20-05-19-01
F/S: Burger/Edenfield
YEAS: Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald, Stram
NAYS: None
STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:

- a) Authorizing the expenditure of \$5,200.00, to Organized Village of Kasaan for Grading Subdivision of Goose Creek and South Thorne Bay Subdivision, discussion and action item:

Burger moved to approve the expenditure of \$5,200.00, to OVK. Rhodes seconded the motion. Rhodes stated that OVK was out there on a 2.198-million-dollar growth project. Rhodes stated that each time he drives the road it continues to get wider and wider. Rhodes concluded that OVK was doing an amazing job and he was grateful for all of their hard work. Stram stated the last grading job done was excellent work.

MOTION: Move to approve the expenditure of \$5,200.00, to OVK
F/S: Burger/Rhodes
YEAS: Hert, Edenfield, Longbotham, Rhodes, Burger, McDonald, Stram
NAYS: None
STATUS: Motion Passed.

13. EXECUTIVE SESSION:

None

14. CONTINUATION OF PUBLIC COMMENT:

Thom Cunningham commented on the following:

- Three years ago, someone came along and laid about 3" of D1 on the road that was dry and was all brushed off. It also covered all the culverts. There needs to be more work done than one guy driving to fill in holes.
- Regarding recall-Reiterate that do not understand the accusations. There doesn't seem to be any proof.

Less Carter commented on the following:

- Be in Thorne Bay on the 19th of July.

15. CONTINUATION OF COUNCIL COMMENT:

Stram commented on the following:

- Glad to hear from Les and wish a happy and safe trip.

Rhodes commented on the following:

- Welcome Les Carter to Thorne Bay.
- Inquired if the attorney provided his official opinion on recall.

16. ADJOURNMENT:

Burger adjourned the meeting at 7:27p.m.

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC

MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
TUESDAY, JUNE 2, 2020
TIME: 6:30 p.m.

LOCATION HELD: TELECONFERENCE/VIDEO CONFERENCING LINE WEBEX

1. CALL TO ORDER:

Burger called the meeting to order at 6:32 p.m.

2. PLEDGE TO FLAG:

Council and audience stood for the pledge to the flag.

3. ROLL CALL:

Those in attendance were:

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

4. APPROVAL OF AGENDA:

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

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

5. MAYOR'S REPORT:

Mayor Burger reported on the following:

- Thorne Bay is blessed no active Corona Virus or looters which is a problem across the rest of the country.
- Waiting for Friday for the Governor final changes in the Quarantines outside of the state. Right now, quarantine lifted in state.
- Even with the loosening of the mandates, individuals should continue to use our social distancing, make sure to wash hands and when you are out, where a face mask.

6. ADMINISTRATIVE REPORTS:

a) City Clerk Report:

➤ GENERAL ANNOUNCEMENTS:

- ❖ **Thank you to Tribal Emergency Operations Center!**
 - Our VPSO Shannon Bosdell provided us with an application for supplies that were being offered to communities. We filled it out and submitted it right away. Since we were one of the first communities to respond, we will be getting all that we asked for. THANK YOU TO VPSO Bosdell for providing us that information and helping Thorne Bay get these supplies.
- ❖ **Low Cost Dump Day!** We will hold a 2-day event for the Low-Cost Dump Day, which is scheduled for Friday, June 19th and Saturday, June 20th. 9am-4pm.

COST PER EACH SORTED LOAD DELIVERED TO SOLID WASTE SITE

- \$5 FOR SMALL PICKUP
- \$10 FOR LARGE PICKUP
- \$5 FOR SMALL TRAILER
- \$10 FOR LARGE TRAILER
- \$15 FOR 1 TON VEHICLE & \$5 FOR EACH ADDITIONAL TON
- UNSORTED LOADS WILL BE CHARGED \$0.18 PER POUND

ALL VEHICLES MUST WEIGH IN AND OUT SO THE CITY CAN TRACK VOLUME OF MATERIAL DELIVERED TO SOLID WASTE SITE

ALL WASTE MUST BE SORTED INTO THE FOLLOWING:

- **WHITE GOODS AND SCRAP METAL** (Washers, Dryers, Ranges, etc.)
- **CLEAN BURNABLE MATERIAL** (Wood, Paper, etc.)
- **NON-BURNABLE MATERIAL** (Plastics, Styrofoam, Sheetrock, Rope, etc.)
- **HOUSEHOLD WASTE** (Garbage that is normally picked up in garbage can)

RESTRICTED ITEMS:

- NO VEHICLES OF ANY TYPE
- NO COMMERCIAL TIRES (4 RESIDENTIAL TIRES ONLY)
- NO HAZARDOUS MATERIALS
- NO COMMERCIAL BUSINESSES, CONTRACTORS, ETC.
- NO OTHER COMMUNITIES TRASH COLLECTION PROGRAM

➤ EMPLOYEE TRAININGS:

We have two employees currently taking a 40-hour HazWoper Certification Class online through Zoom June 1-5, 2020

This course ensures each student has a thorough understanding of the potential hazards to health and safety associated with site cleanup and emergency response. Class materials including handbooks, pocket guides and PPE will be sent to students prior to class for their use.

➤ CARES FUNDING UPDATE:

The City has contracted with Priscilla Goulding to manage the CARES funding grant for Thorne Bay. At this time, we have not dedicated funds and have not submitted our CARES Agreement

to the State as we are waiting for the City's Attorney to give the final ok. Emergency Response and Operations Centers and setting up a Quarantine Facility. We have not yet decided what percentage of the grant to make available to small businesses that have been impacted by the pandemic. It may be around 10% though that has not yet been discussed by our city council. We hope to use the sample application that was made available by the Alaska Municipal League. Their direction seems to be to make it a non-competitive process so we may base the allocations on amount of sales tax over the last two years. Again, these are ideas we have right now but nothing is set in stone.

➤ **FINANCIAL BALANCES:**

ACCOUNT NAME	ACTUAL BALANCE
HEALTH PREMIUM	\$35,046.96
OCCUPANCY GEN.	\$6,297.28
40% SALES TAX	\$123,435.56
OCC TAX EMS/FIR	\$13,494.90
OCC TAX TOURISM	\$8,525.04
OCC TAX PARKS	\$9,550.99
OCC TAX HARBOR	\$20,175.24
WATER UTL R&R	\$16,286.13
SEWER UTL R&R	\$14,643.72
SOLID WASTE R&R	\$13,977.24
CHECKING	\$56,885.58
60% SALES TAX	\$211,308.69
HARBOR	\$79,961.55
TFCU ACCOUNT TOTALS	\$609,588.88
FIRST BANK CHECKING	\$34,389.19
WELLS FARGO ADVISORS	ACTUAL BALANCE
<u>Mutual Funds</u>	\$620,329.83

ACCOUNT NAME	ACTUAL BALANCE
<u>Fixed Income</u>	\$306,652.00
TOTAL INVESTMENT BALANCE:	\$1,034,312.00

QUICKBOOKS	ACTUALS JULY 1, 2019-JUNE 30, 2020
Income:	\$ 1,410,826.32
Expense:	\$ 1,303,511.98
NET INCOME:	\$ 107,314.34
CITY FINANCE BALANCES:	\$ 1,785,604.41

➤ **LIBRARY SCHEDULE:**

The Library is in great need of a few good volunteers.

Here's the new schedule for the time being.

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
CLOSED	12-3	12-3	5-7	12-3	5-7	10-2

In an abundance of caution, we ask that folks use the ramp door. We will allow 1 person at a time to enter, or 2 from the same family unit. There are tables set up to set the required minimum social distancing. Computers are for adult use at this time. We will be wiping down and sanitizing between uses around the Library. We have missed our Patrons, and we are so glad to be back open. Just wait until you see our new remodel!

Note: There are parts of the Children's section that is still a work in progress. There is limited space in the children's section, but children's movies are open and available!

It's great to get back to normal living again! We are open!

7. PUBLIC COMMENTS:

Jasmine Bates provided the following comments:

- Introduced herself as candidate for VPSO position
- Lived in small communities most of her life and appreciates the opportunity to be considered as VPSO for Thorne Bay.

8. COUNCIL COMMENTS:

None

9. NEW BUSINESS:

- e) Accepting Tlingit and Haida recommendation for the appointment of Jasmine Clyburn, as the VPSO for Thorne Bay, discussion and action item:

Burger moved to accept Tlingit & Haida's recommendation for the appointment of Jasmine Clyburn as the VPSO for Thorne Bay. Edenfield seconded the motion. McDonald inquired what the other councilmembers thought of having the second VPSO position. Rhodes stated he had spoken with Jason Wilson about the position and Jason had done a lot of work to get a grant to fund this position for Thorne Bay. Rhodes stated he supported the recommendation. Longbotham apprehensive on Jasmine at this point, a lot of drug issues and hope that she is up to the challenge. Stram and Hert commented on the fact they wanted to know more about Ms. Clyburn. Hert stated she wanted to see the council hold off on appointing Ms. Clyburn until the council has the opportunity to speak with the community on their thoughts for appointing a second VPSO. Burger withdrew his motion to accept Tlingit & Haida's recommendation for the appointment of Jasmine Clyburn as the VPSO for Thorne Bay. Edenfield withdrew her second.

Longbotham moved to postpone the council's approval of Tlingit & Haida's recommendation for the appointment of Jasmine Clyburn as the VPSO for Thorne Bay until the next meeting. Stram seconded the motion. There was further discussion.

MOTION: Move to postpone the council's approval of Tlingit & Haida's recommendation for the appointment of Jasmine Clyburn as the VPSO for Thorne Bay until the next meeting
F/S: Longbotham/Stram
YEAS: Longbotham, McDonald, Edenfield, Burger, Rhodes, Stram & Hert
NAYS: None
STATUS: Motion Passed.

10. ORDINANCE FOR PUBLIC HEARING:

- a) Ordinance 20-06-02-01, establishing the budget for the City of Thorne Bay, Fiscal year 2021 (FY21), July 1, 2020 - June 30, 2021, of anticipated revenues and expenditures, discussion and action item:

Burger moved to approve Ordinance 20-06-02-01, establishing the budget for the City of Thorne Bay, Fiscal year 2021 (FY21), July 1, 2020 - June 30, 2021. Rhodes seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 20-06-02-01, establishing the budget for the City of Thorne Bay, Fiscal year 2021 (FY21), July 1, 2020 - June 30, 2021
F/S: Burger/Rhodes
YEAS: Burger, Rhodes, Stram, Hert, Longbotham, McDonald & Edenfield
NAYS: None
STATUS: Motion Passed.

- b) **Ordinance 20-06-02-02**, amending Title 2-Administration and Personnel, Chapter 2.38-Emergency Medical Services Department; adding EMS Coordinator Position for Thorne Bay, discussion and action item:

Burger moved to approve Ordinance 20-06-02-02. Rhodes seconded the motion.

Longbotham inquired about a resolution made by the City Council last summer to fund the EMS position. With the City now getting the CARES funding to cover the position, will the City be moving their money back to general fund? City Clerk explained that the Council had made a motion to fund the position, but the ordinance to allocate those funds was never brought forward. Therefore, the council did not need to vote on the matter. There was further discussion.

MOTION: Move to approve Ordinance 20-06-02-02, amending Title 2-Administration and Personnel, Chapter 2.38-Emergency Medical Services Department; adding EMS Coordinator Position for Thorne Bay
F/S: Burger/Rhodes
YEAS: Longbotham, McDonald, Stram, Hert, Burger, Rhodes, Edenfield
NAYS: None
STATUS: Motion Passed.

11. EXPENDITURES EXCEEDING \$2,000.00:

There were no expenditures over \$2,000.00.

12. CONTINUATION OF PUBLIC COMMENT:

Thom Cunningham commented on the following:

- Hard time hearing what the Mayor is saying.
- Inquired if we have fire chief in place, and if so, can they submit a report monthly on how many volunteers we have and what the status is for that department. It would be nice to hear that report.
- Appreciated the phone connection for council and would like to see it continue.

Teri Feibel commented on the following:

- Island wide EMS. It is the hope for Thorne Bay to join the Island Wide EMS program which would then do the billing for the Thorne Bay EMS on calls once the EMS is active.

13. CONTINUATION OF COUNCIL COMMENT:

Longbotham would only comment on interview not what was said

Rhodes stated that there has been change in the Island Wide EMS, and it likely will not be able to pay for itself.

Burger, stated he understood that the billing of services for EMS would not pay for itself, but it would help and not put all of the burden on the City for billing and supplies and all that goes along with that. Burger stated that Thorne Bay needed at least a dozen to eighteen potential responders.

Stram commented that he is more than willing to come in and meet with Jasmine Clyburn before next meeting. I could get her my number to get that set up.

14. ADJOURNMENT:

Burger adjourned the meeting at 7:20 p.m.

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC

MINUTES

FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
TUESDAY, JUNE 16, 2020
TIME: 6:30 p.m.

LOCATION: **TELECONFERENCE/VIDEO CONFERENCING LINE**

THERE WAS NO WORKSHOP

1. CALL TO ORDER:

Burger called the meeting to order at 6:34 p.m.

2. PLEDGE TO FLAG:

The audience and council pledge to the flag.

3. ROLL CALL:

Those in attendance were:

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

(Rhodes had technical difficulties joining the online meeting and joined at 6:52pm)

4. APPROVAL OF AGENDA:

Burger moved to approve the agenda as written. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda as written

F/S: Burger/Edenfield

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

NAYS: None

STATUS: Motion Passed.

(Rhodes was not present on the line for this motion)

5. MAYOR'S REPORT:

Mayor Burger reported on the following:

- COVID-19 Virus on the Island. There have been conflicting reports regarding the coronavirus being in Thorne Bay. There are no known active cases of the Coronavirus in Thorne Bay.
- Encouraged everyone to continue social distancing.
- If people are traveling to Thorne Bay from out of town, make sure they get the COVID-19 testing done upon arrival, self-isolate until results are received. If travelers do not get the testing done when arrive to Thorne Bay, they are required to quarantine for 14-days.

6. ADMINISTRATIVE REPORTS:

a.) City Clerk Report:

City Clerk reported on the following:

➤ RESOLUTION FOR ACTION:

- This resolution brings our rate for dumping solid waste down to match what Klawock charges per pound. We are also going to be open every Saturday. We hope to increase revenues. It is also our hope that if we can increase revenues this way at the SW facility, we could then look at the residential rates charged and amend those at a later date.
- I want to note an error in the resolution and ask that the line item for the Harbor Dumpster at the rate of \$22 per month be stricken. That was in error and has not been active for many years.

➤ COVID-19 CASES IN THORNE BAY

- There are tons of rumors flying around right now, so I would caution everyone about panicking and feel free to contact City Hall if you have questions regarding positive cases of COVID-19 in the area.
- Right now, there are 3-active known cases of COVID-19 on Prince of Wales, 1 in Craig and 2 in the POW Hyder Census Area. Those individuals and all contacts are being monitored daily and doing what they are supposed to be doing.
- When Department of Health and Social Services is notified of a positive COVID-19 case, they immediately reach out to the community and let them know. It is up to the community on whether or not they publish that information.
- Thorne Bay has chosen to be notified and will publish a Press Release in the event there are any positive COVID-19 cases (resident or nonresident) within the City Limits.

City Clerk invited Priscilla Goulding to present on what the City has planned for the CARES Act Funding that the City will receive in the amount of \$573,859.72.

Priscilla Goulding provided the following report:

The City sent out a draft of how they are going to spend the supplemental funding that they will be getting from the State of Alaska and received some good replies from a few of the council members.

We are still be open to your feedback into the future. If the council or public has anything that they want considered in spending of the CARES Funding, please email me and Teri. Email is the easiest way to receive your comments.

We welcome and would appreciate more input, and hopefully we can move forward with what we have developed so far.

We also wanted to point out that the communities did not receive much guidance or rules how to spend the CARES Funding. There have been meetings set up such as this one, that have provided some insight into how the other communities plan to expend their CARES funding. The plan that the council received for Thorne Bay's priorities and plans for spending the CARES funding, is very similar to the concerns of other small communities, which helped validate that we were right in line on how to spend these funds.

The City proposed spending the CARES funding in four areas which was:

1. Updating the Emergency Services Department,
2. Upgrade the Davidson Landing Firehall,
3. Build a Quarantine Facility that could be used for multipurpose when not needed for quarantining, and
4. Provide grants to small businesses in the community

The City did not get negative feedback from the council on how to spend the CARES funding, but a couple of councilmembers did provide a couple of additional options for spending the funding. One was building a Washeteria and another was provide a Generator for South Thorne Bay. All were good options.

Lastly, we wanted to add that if we don't have enough money with the CARES funding to do everything we want to, some of these things can be done through other grant funding opportunities.

7. PUBLIC COMMENTS:

Karen Petersen provided the following written comments:

"I would like to remind the Council and the Community that the comment period is still open for the Bay View Timber Sale. The comment period closes on the 22nd of June. Comments can be sent via email to Greg Staunton at greg.staunton@alaska.gov. I am asking that the State of Alaska step back and work with the City on making this a timber sale that can be of value for BOTH the State and the City. IN this time of COVID Pandemic, we do not need a logging camp in Thorne Bay.

I would like to request that the State work with the City on the final planning of this Timber Sale. I request that the road through the Sewer Treatment plant be reconsidered. I request that any timber sold from this proposal be offered in an open bid process and as small sales to benefit all mills on Prince of Wales Island.

In reviewing the "Final Land Use Plan" or FLUP for the Bay View Timber Sale there are items that need to be addressed. One of my concerns is that there is still an access road showing through the municipal sewer treatment plant. It seems that a land sale is proposed as part of this timber sale, and I am told the land sale is what makes this timber

profitable. There is no consideration given for the impact on the community of Thorne Bay regarding the addition of more residential property.

The proposed timber sale will build new roads as puncheon covered with gravel and these are not built to municipal standards. They will then turn these roads over to the City after the timber sale. The City of Thorne Bay already has more miles of road to maintain than they have funding for, and we do not need to inherit more poorly constructed road with this process. I do not think this is cost effective, and by working with the City perhaps a better plan could be developed.

Finally – we need an open bid process for this timber sale. There are many small sawmills in the Community of Thorne Bay, and they rely on a timber base that is close to the community. These mills are a vital part of the community by providing jobs and paying sales tax. This timber sale could provide many years of timber for these mills, bringing some stability to the industry. By offering this sale in a number of smaller sales to ALL Alaskan Timber processors is the fairest way to sell this timber. I would like to suggest that the sale be divided into smaller sales ranging from one hundred thousand board feet to one million board feet. This can be done by working in collaboration with the City of Thorne Bay, and perhaps the City could administer the sales on behalf of the State so that the State does not have to allocate limited resources to an employee to this administration.”

END OF COMMENTS

Jasmine Bates provided the following written comments:

“I want to thank everyone for considering me for the position of the second Thorne Bay VPSO. As I have said before this is now my home, and I’d love to do whatever I can to help in our community. That being said, I know that there is many other ways to help if the decision is to not accept me as a second VPSO. However, I do hope I am given this chance. A second VPSO could mean so much for our community. Quicker response times when needed, more coverage patrolling on both sides of town, or even possibly more time covered throughout the day and/or week. I think it would be beneficial with VPSO Bosdell living on the south side, and myself living in town.

Again, thank you all for your consideration, along with all that each of you do for our community!

Thank you,

Jasmine Bates”

END OF COMMENTS

Sean Kaer provided the following comments:

- Thanked the council for all of their strides in moving forward on our roads
- Spoke with Sam Sawyer about the upgrade needs to the City’s sewer and storm water treatment systems and want to see the City move forward with getting it repaired.

8. COUNCIL COMMENTS:

Rhodes commented on the following:

- The City is treating almost 250k gallons of water on a rainy day, so the city definitely needs to get the manhole repairs finished this summer.

McDonald commented on the following:

- The POW Ferry broke down this last May, and the Alaska Marine Highway (AMH) stepped up and were helping with the route. The IFA is back using their own ferry now and are very appreciative of the AMH.

Longbotham commented on the following:

- Karen Petersen's comment on the Bayview Timber Sale is very important. It is important that the City looks at the long-term potential costs to the City.
- Longbotham urged the City and public to contact the State about the Bayview Timber Sale and express any concerns.

Hert commented on the following:

- Regarding the Bayview Timber Sale, she heard the State was already moving forward with logging the area.

Rhodes commented on the following:

- Provided the contact email for Greg Staunton with the State of Alaska for submitting comments to on the Bayview Timber Sale:
 - Greg.staunton@alaska.gov

Burger commented on the following:

- The City provided objection on the Bayview Timber Sale on two occasions. The State disregarding our first objection, so we appealed their decision and had to pay \$200.00 to submit the appeal.

9. NEW BUSINESS:

- a) Accepting Tlingit and Haida recommendation for the appointment of Jasmine Clyburn, as the VPSO for Thorne Bay, discussion and action item:

Burger moved to accept Tlingit and Haida recommendation of Jasmine Clyburn as the second VPSO. Rhodes seconded the motion. McDonald wanted the council opinion. Rhodes – evaluated by Tlingit and Haida recommendation for the appointment of Jasmine Clyburn, as the VPSO for Thorne Bay Jason did a lot of extra work to get the grant for this second VPSO position and thinks that giving it a try is a good idea.

Longbotham had a good conversation with Jasmine. His only concern was prior working relationship.

Hert stated that she was also able to speak with Jasmine and felt it was a good conversation. Hert stated she had asked the community for their opinion and she had some feedback wondering why the City needed a second VPSO. Hert stated she felt it was fair to give Ms. Clyburn a chance.

MOTION: Move to accept Tlingit and Haida recommendation of Jasmine Clyburn as the second VPSO
F/S: Burger/Rhodes
YEAS: Burger, Edenfield, McDonald, Hert, Longbotham, Stram & Rhodes
NAYS: None
STATUS: Motion Passed.

b) Resolution 20-06-16-01, adopting the amended rate schedule for solid waste services; discussion and action item:

Resolution should have the harbor dumpster rate of \$22 stricken. That was a deleted item that had been pulled forward by accident.

Hert inquired whether aluminum and burnable would remain free or if they would be charged. Hert inquired what constituted as burnable. Rhodes inquired if there was a sunset on the rate change or if it would be permanent. Clerk stated it was written as permanent, but the intent is to review it in 6-months to determine if it was in the City's best interest. With the dump lowering rates and being open every Saturday, it will encourage more customers to come into Thorne Bay to dump and hopefully the income will increase..

MOTION: Move to approve Resolution 20-06-16-01, adopting amended rate schedule with the amendment of removing "Harbor Dumpster Rate \$22"
F/S: Burger/Edenfield
YEAS: Edenfield, McDonald, Longbotham, Burger, Rhodes, Hert and Stram
NAYS: None
STATUS: Motion Passed.

c) CARES Act Funding for Thorne Bay and proposed use of funding; discussion only item: (this item is for discussion among the council only and will be brought forth to the City Council as an action item at a later meeting)

Longbotham inquired if the City could use the funds to upgrade the radio operations for EMS / FIRE. Hert inquired if the funds could be used to upgrade the ambulance and restock it. Rhodes stated there were three phases of this funding. Rhodes encouraged the public to ask your councilmembers what they are doing with the funding or provide any ideas they have for the funding.

10. CONTINUATION OF PUBLIC COMMENT:

Les Carter provided the following comments:

- Would like to see upgrades to the communications across for the council.

Sean Kaer provided the following comments:

- Is there any way to get fair representation from both sides of the bay?

Burger explained that councilmembers are voted in by the public and there was no way to say if members should be from one side of the bay or the other.

11. CONTINUATION OF COUNCIL COMMENT:

There were no council comments.

12. ADJOURNMENT:

Burger adjourned the meeting at 7:25 p.m.

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC



**CITY OF THORNE BAY
RESOLUTION 20-07-07-01**

A RESOLUTION AUTHORIZING THE CITY OF THORNE BAY TO JOIN THE ALASKA REMOTE SELLER SALES TAX COMMISSION FOR THE PURPOSE OF DEVELOPING, IMPLEMENTING, AND ENFORCING A REMOTE SELLERS SALE TAX CODE

WHEREAS, the inability to effectively collect sales tax on sales of property, products or services transferred or delivered into Alaska in response to orders placed electronically by consumers with remote sellers, is seriously eroding the sales tax base of communities, causing revenue losses and imminent harm to residents through the loss of critical funding for local public services and infrastructure; and

WHEREAS, the harm from the loss of revenue is especially serious in Alaska because the state has no broad-based tax, and sales tax revenues are essential in funding the provision of services by local governments; and

WHEREAS, the failure to collect tax on remote sales creates market distortions by creating tax shelters for businesses that limit their physical presence in the state or cities and boroughs but still sell their goods and services to their consumers, something that becomes easier and more prevalent as technology continues to advance; and

WHEREAS, the structural advantages for remote sellers, including the absence of point-of-sale tax collection, along with the general growth of online retail, make clear that erosion of the sales tax base is and has been occurring and is a growing problem that is likely to only worsen in the near future; and

WHEREAS, remote sellers who make a substantial number of deliveries into or have large gross revenues from Alaska benefit extensively from the Alaska market, affecting the economy generally, as well as local infrastructure; and

WHEREAS, given modern computing and software options, it is neither unusually difficult nor burdensome for remote sellers to collect and remit sales taxes associated with sales into Alaska taxing jurisdictions; and

WHEREAS, the recent decision by the United States Supreme Court in *South Dakota v. Wayfair* allows for the amendment of the sales tax code to account for remote sellers who do not have a physical presence in either the state of Alaska or within the City of Thorne Bay, but do have a taxable connection with the state of Alaska and [the taxing jurisdiction]; and

WHEREAS, the decision in *South Dakota v. Wayfair* provided guidance that included the defensibility of a single-level statewide administration of remote sales tax collection and remittance; and

WHEREAS, in order to implement a single-level statewide sales tax administration, it is the intent of local taxing jurisdictions within Alaska to establish an intergovernmental entity known as the Alaska Remote Seller Sales Tax Commission (the “Commission”); and

WHEREAS, the function and powers of the Commission will be set forth under the Alaska Intergovernmental Remote Seller Sales Tax Agreement (the “Agreement”), a cooperative agreement between Commission members; and

WHEREAS, under the terms of the Agreement, in order to maintain membership in the Commission, the City of Thorne Bay will be required to adopt certain uniform code provisions for the collection and remittance of municipal sales tax applicable to sales made by remote seller; and

WHEREAS, the uniform remote sales tax code will be presented to the [taxing jurisdiction’s governing body] for consideration once adopted by the Commission; and

WHEREAS, once adopted, the administration of remote sales tax collection and remittance will be delegated to the Commission; and

WHEREAS, the intent of the Agreement is to enable Alaska’s taxing jurisdictions to levy their municipal sales tax to the maximum limit of federal and state constitutional doctrines; and

NOW, THEREFORE, BE IT RESOLVED BY THE THORNE BAY CITY COUNCIL:

Section 1. Authorization. The City Council authorizes the Mayor to negotiate, execute, and submit all necessary documents to obtain and maintain membership in the Alaska Remote Seller Sales Tax Commission.

Section 2. Representation. The City Council designates the City Clerk/Treasurer as the City of Thorne Bay’s representative on the Commission.

Section 3. Scope of Agreement. The Alaska Intergovernmental Remote Seller Sales Tax Agreement is included as Attachment A.

Section 4. Effective Date. This resolution shall be effective immediately after its adoption.

PASSED AND APPROVED this 7th Day of July 2020

Lee Burger, Mayor

Attest:

Teri Feibel, CMC



**CITY OF THORNE BAY
RESOLUTION 20-07-07-02**

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY AUTHORIZING THE EXPENDITURE OF GRANT FUNDS RECEIVED FROM THE STATE OF ALASKA, KNOWN AS THE CORONAVIRUS RELIEF FUNDS (HEREINAFTER "CARES FUNDING")

WHEREAS, the City Council is the governing body of the City of Thorne Bay; and

WHEREAS, the City of Thorne Bay was allocated CARES Funding in the amount of \$573,859.52, for the necessary expenditures incurred due to the public health crisis with respect to the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the City of Thorne Bay received the first payment of the CARES funding in the amount of \$355,341.02 on June 16; and

WHEREAS, the spending window for this supplemental funding is March 1, 2020 – Dec. 30, 2020, requiring that the city spend 80% of the first installment (\$284,273) before receiving the 2nd and 3rd payments; and

WHEREAS, the City of Thorne Bay Emergency Services Department is not currently equipped, or do they have the staffing necessary to properly respond to the COVID-19 pandemic, and it is the City's intent to rebuild and supply the City's Emergency Services Department with the staffing and equipment needs required for emergency response; and

WHEREAS, COVID-19 has had a devastating economic impact on many businesses and individuals all over Alaska and it is the City's desire to help with lifting some of the financial burden off of the small businesses within the community through the process providing Small Business Grant Funding from the CARES funding, to eligible businesses within the community; and

WHEREAS, it was the recommendation of the Department of Public Health that Thorne Bay consider a facility for quarantine or isolation of persons exposed to or testing positive for COVID 19.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the CARES Grant Funding received by the City of Thorne Bay, to be utilized for the following necessary expenditures:

1. **EMERGENCY SERVICES DEPARTMENT FUNDING \$169,520.00:**
Rebuild/restructure Thorne Bay EMS and restock critical supplies to ensure preparedness for any future surge of the pandemic –

EMS coordinator This position will be paid by the grant through Dec. 30, 2020.	\$22,000
EMS Coordinator Benefits	\$13,045
Dispatch & Volunteers Stipend Initially will have increased stipends – ultimately we hope these will be paid positions.	\$9,100
Travel and Training expenses for EMS staff	\$15,000
Supplies, Materials & Equipment- The expensive items are: <ul style="list-style-type: none"> • 2 Zoll AED/heart monitors @about \$33,000 each (does not include shipping) • Radios • Portable suction units • Charting software (Doesn't include gurney)	\$110,375

2. **SMALL BUSINESS & NON-PROFIT GRANT FUNDING \$86,500:**

Distribute small grants to local businesses and non-profits -

The City mailed out applications on June 19 to local small businesses and non-profits. The deadline for applications to be submitted is July 10th, at which time the Mayor, City Clerk and Finance Officer will review and allocate the money. The amount each business or non-profit receives will depend of the number of complete and eligible applicants.

3. **CONSTRUCTION OF QUARANTINE FACILITY \$250,000.00:**

Replace the Bay Chalet building to provide quarantine housing -

Public Health staff recommended early on in the CARES grant planning that Thorne Bay consider a facility for quarantine or isolation of persons exposed to or testing

positive for COVID 19. It is possible to have in a community a family in transition that does not have its own housing yet, for example, an incoming teacher, Forest Service employees or EMS workers who have been exposed and need to quarantine.

While several options have been explored, such as renting local lodge space for quarantining, the size and number of persons needing this facility is unknown. Given the nature of the current public health emergency and the many unknowns about how many times the city may need to provide a quarantine space, a building designed for this use was approved by the city council.

An RFP was posted June 22 on the city website as well as a notice for the removal of the current Bay Chalet. Ads went in the Island Post and Ketchikan Daily News.

Additional costs for the construction of this facility will be necessary but will need to be funded from the City's Community Development Funds or through other grant funding opportunities.

4. REPAIR AND EXPAND DAVIDSON LANDING FACILITY AS AN INCIDENT 'COMMAND CENTER' FOR SOUTH THORNE BAY \$70,800

Thorne Bay currently uses the City of Thorne Bay for an Emergency Command Center and if so needed, could use the fire hall.

South Thorne Bay currently has bad radio reception and no radio base station for needed emergency communications.

- Building repairs & maintenance – Estimated at **\$3,500**
- Supplies & Equipment – cleaning and office, radio base station, and 'other equipment' needs may be approximately - **\$65,300**

❖ **"Other equipment needs" may include but are not limited to:**

- Ambulance tires **\$2,000**
- EMS Boat – replacement of motors **\$35,000**

It is possible the City can get other grant funding for some of these items.

5. EMPLOYEE AND GRANT MANAGEMENT EXPENSES \$75,672

Money to cover employee expenses for work done specifically to alleviate and diminish the pandemic (thereby freeing up general fund dollars) –

- Employee wages March – June - **\$31,801.42**
- 2nd round estimate - \$14,091 with **benefits 41% increase \$19,870**
- Grant manager/coordinator - **\$24,000**
- Food Bank Delivery to Davidson Landing **\$80**
Mileage for person who delivers- .55 cents - 24 miles round-trip – estimated **\$80.**
- Cost of COVID-19 testing – Unknown at this time, but will be an added expense
- Upgrades & Maintenance to MMRS tent/trailer – Unknown but will be an added expense
- South Thorne Bay Generator upgrades/purchase – Unknown but will be an added expense.

TOTAL EXPENSES AS LISTED ABOVE ARE - \$652,572.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City of Thorne Bay will seek additional approval from the City Council for all expenses that are incurred after the CARES Grant funds in the amount of \$573,859.52, have been expended.

PASSED AND APPROVED BY a duty constituted quorum of the Thorne Bay City Council this 7th day of July 2020.

Lee Burger, Mayor of Thorne Bay

Attest:

Teri Feibel, CMC City Clerk/Treasurer

Alaska Intergovernmental Remote Seller Sales Tax Agreement

FINAL

October 11, 2019

Alaska Intergovernmental Remote Seller Sales Tax Agreement

This Agreement is made and entered into by the signatories representing Alaska's cities and boroughs to enable them to implement single-level, statewide administration of remote sales tax collection and remittance. The provisions of the Agreement do not apply to administration and collection of sales taxes for the sales of goods and services originating from within the boundaries of a member municipality nor does this Agreement restrict how a member municipality administers and collects sales tax on such sales, nor on sales made by those retailers with a physical presence in the municipality. The authority to set rates and exemptions is maintained by the member municipality.

Article I. Background Principles.

1. The signatories wish to enable local governments to benefit from opportunities for collection of existing sales tax on sales made by remote sellers. Remote sellers are sellers who sell, often through the internet, products or services in a taxing jurisdiction without having a physical presence in the taxing jurisdiction.
2. The collection of remote sales tax provides a level playing field for local businesses and strengthens the ability of local governments to provide public services and infrastructure.
3. The signatories are particularly mindful of the specific holding in, and implications of, the Supreme Court's *South Dakota v. Wayfair* decision, which provides guidance relative to nexus and the legal defensibility of a single-level statewide administration that reduces or removes potential burdens to interstate commerce.
4. Alaska's local governments have the authority to enter into intergovernmental agreements and applicable taxing authority has been delegated to organized boroughs and cities.
5. The signatories desire to establish an intergovernmental entity to enable cooperative centralized administration of sales tax collection, remittance, and enforcement on sales made by remote sellers.

Article II. Purpose.

The purpose of this Agreement is to:

1. Enable cooperative centralized administration of sales tax collection, remittance, and enforcement on sales made by remote sellers using a single statewide intergovernmental entity;
2. Provide for and promote reasonable uniformity and compatibility in significant components of local sales tax levy and collection on sales made by remote sellers and marketplace facilitators in order to facilitate streamlined joint administration; and
3. Facilitate taxpayer and tax collector convenience and compliance in the filing of tax returns, the payment of tax, and in other phases of tax administration of sales made and services provided by remote sellers and marketplace facilitators.

Article III. Definitions.

As used in this Agreement:

1. “Commission” means the Alaska Remote Seller Sales Tax Commission established pursuant to this Agreement.
2. “Local Government” means any home rule, first class, or second class borough, or any home rule, first class, or second class city, or unified municipality in Alaska.
3. “Member” means a Local Government signatory to this Agreement.
4. “Remote seller” means any corporation, partnership, firm, association, governmental unit or agency, or person acting as a business entity that sells property or products or performs services in the State of Alaska or a taxing municipality in the state, using the internet, mail order, or telephone, without having a physical presence in the state or taxing municipality.
5. “Sales tax” means a tax imposed with respect to the transfer for a consideration of ownership, possession, or custody of property or the rendering of services measured by the price of the property transferred or services provided.
6. “Marketplace facilitator” means a person that provides for sellers a platform to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the seller’s products or services (excluding lodging and rentals) through a physical or electronic marketplace operated by the person, and engages:
 - a. Directly or indirectly, through one or more affiliated persons in any of the following:
 - i. Transmitting or otherwise communicating the offer or acceptance between the buyer and seller;
 - ii. Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and sellers together;
 - iii. Providing a virtual currency that buyers are allowed or required to use to purchase products from the seller; or
 - iv. Software development or research and development activities related to any of the activities described in (b) of this subsection (6), if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person;
 - b. In any of the following activities with respect to the seller's products:
 - i. Payment processing services;

- ii. Fulfillment or storage services;
- iii. Listing products for sale;
- iv. Setting prices;
- v. Branding sales as those of the marketplace facilitator;
- vi. Order taking;
- vii. Advertising or promotion; or
- viii. Providing customer service or accepting or assisting with returns or exchanges.

Article IV. The Commission.

1. Organization and Management.

- a. The Alaska Remote Seller Sales Tax Commission (the “Commission”) is hereby established as an intergovernmental entity in the state of Alaska. It will be comprised of one designated representative from each Member, who shall have the authority to act on the Member’s behalf.
- b. Each Member will be entitled to one vote.
- c. To assist conducting business when the full Commission is not meeting, the Commission will annually elect a Board of Directors of seven members, including officers. The Board of Directors will act subject to the provisions of this Agreement and as provided in the bylaws of the Commission, as ratified by the members.
- d. No action will be binding unless approved by a majority of the Directors present at a meeting.
- e. The Commission will adopt an official logo.
- f. The Commission will hold an annual meeting rotating the location of the meeting each year, with telephonic participation provided for, in addition to scheduled regular meetings and special meetings as provided by its bylaws. Notices of special meetings must include the reasons for the meeting and the items to be considered.
- g. The Commission will elect annually, from among its members, a Chairman, a Vice Chairman, and a Secretary/Treasurer. The bylaws of the Commission shall provide for nomination and election of officers.
- h. The Commission will contract at formation for support and administrative

functions with the Alaska Municipal League (AML). The Executive Director of the AML will serve as a liaison between the Commission and AML and may appoint necessary staff support. This provision will be revisited within three years of legal formation of the Commission.

- i. The Commission may contract for supplies and professional services, and delegates to AML the same ability on its behalf.
- j. To carry out any purpose or function, the Commission may accept and utilize donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any Member or governmental entity.
- k. The Commission may establish one or more offices for the transacting of its business. Upon formation, its registered office and place of business will be the Alaska Municipal League at One Sealaska Plaza, Suite 200, Juneau, AK 99801.
- l. The Members will adopt the initial bylaws of the Commission. The Commission will make its bylaws easily accessible for Members and prospective members. The power to adopt, alter, amend or repeal bylaws is vested in the Board of Directors unless it is reserved to the Members per the bylaws. The bylaws shall contain provisions for the regulation and management of the affairs of the Commission not inconsistent with this Agreement.
- m. The Commission will provide annual reports to its members covering its activities for the preceding fiscal year. The Commission may make additional reports.

2. Committees.

- a. In furtherance of its activities, the Commission may establish advisory and technical committees by a majority vote of the membership body. Membership on a technical committee, may include private persons and public officials. Committees may consider any matter of concern to the Commission, including issues of special interest to any member and issues pertaining to collection of sales tax on behalf of members.
- b. The Commission may establish additional committees by a majority vote of the membership or Board of Directors as its bylaws may provide.
- c. Committees may not take any action but may recommend action to the Board of Directors for consideration.

3. Powers.

In addition to powers conferred elsewhere in this Agreement and in the bylaws, the Commission may:

- a. Study federal, state and local sales tax systems, and particular types of state and local taxes.

- b. Develop and recommend proposals to promote uniformity and compatibility of local sales tax laws with a view toward encouraging the simplification and improvement of local tax law and administration.
- c. Compile and publish information to support and assist members in implementing the Agreement or assist taxpayers in complying with local government sales tax laws.
- d. Do all things necessary and incidental to the administration of its functions pursuant to this Agreement, including:
 - i. Sue and be sued.
 - ii. Administer provisions of uniform sales tax ordinances pursuant to authority delegated by Members
- f. The Commission may create and adopt policies and procedures for any phase of the administration of sales tax collection and remittance in accordance with this Agreement and the Commission's bylaws, including delegated authority to administer taxation or prescribing uniform tax forms. Prior to the adoption of any policy, the Commission will:
 - 1. As provided in its bylaws, hold at least one meeting after due notice to all members and to all taxpayers and other persons who have made timely requests to the Commission for advance notice of its policy-making proceedings.
 - 2. Afford all affected members and interested persons an opportunity to submit relevant written comments, which will be considered fully by the Commission.
- g. The Commission will submit any policy adopted by it to the designated representative of all Members to which they might apply. Each such Member will in turn consider any such policy for adoption in accordance with its own laws and procedures.
- h. Amend this Agreement by majority vote of the Members.

4. Finance.

- a. At least 90 days prior to the start of a new fiscal year, the Board of Directors will adopt a budget of its estimated expenditures for the upcoming fiscal year and submit to Members.
- b. The Commission will follow a July 1 to June 30 fiscal year.
- c. The Commission's budgets must contain specific recommendations for service fees built into statewide administration. Service fees will account for direct staff and software costs, and indirect costs, as justifiable to the Board of Directors.

- d. The Commission will not pledge the credit of any member. The Commission may meet any of its obligations in whole or in part with funds available to it, provided that it takes specific action to set aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it, the Commission may not incur any obligation prior to the allocation and commitment of funds adequate to meet the same.
- e. The Commission must keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission will be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission will be audited annually by a certified public accountant and the report of the audit will be included in and become part of the annual report of the Commission to Members.
- f. The accounts of the Commission will be open at any reasonable time for inspection by duly constituted officers of the Members, the State of Alaska, and by any persons authorized by the Commission.
- g. Nothing contained in this Article may be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

Article V. Membership Requirements; Remote Seller Sales Tax Code.

1. To obtain and retain full membership, the Local Government must submit either an Ordinance or Resolution authorizing entry into the Agreement, including to:
 - a. Designate the individual at the municipality that may execute initial binding documents on behalf of the municipality and who will be the Member's representative on the Commission.
2. Once the Commission adopts its bylaws and adopts a uniform Remote Sellers Sales Tax Code, members must submit an Ordinance or Resolution that:
 - a. Delegates remote seller sales tax registration, exemption certification, collection, remittance, and audit authority to the Commission.
 - b. Within one hundred twenty (120) days, adopts, by reference or otherwise, the Remote Seller Sales Tax Code in its entirety as it pertains to collection of sales tax from remote sellers and marketplace facilitators. The Remote Seller Sales Tax Code is provided as "Addendum A".
3. To retain full membership status, changes made to the Agreement or Code should be ratified by the Member within one hundred twenty (120) days of the date the Commission adopts the change.
4. The Member must provide notice of tax or boundary changes to the Commission and must

assure the Commission of the accuracy of rates and exemptions. Rate and exemption changes will take effect within thirty (30) days of the date the Commission receives notice of the tax or boundary change.

Article VI. Sales Tax Collection and Administration.

1. Collection; Registration; Remittance.

- a. Every remote seller and marketplace facilitator meeting the Threshold Criteria of one hundred thousand (\$100,000) in annual sales or 100 annual transactions occurring in Alaska during the current or previous calendar year, shall collect sales taxes from the buyer at the time of sale or service and shall transmit the sales taxes collected to the Commission on a monthly or quarterly basis.
- b. The Commission will remit and report to Members by the last business day of the month.
- c. A remote seller or marketplace facilitator meeting the Threshold Criteria shall apply for a certificate of sales tax registration within thirty (30) calendar days of the adoption of this Remote Seller Sales Tax Code and/or within thirty (30) calendar days of meeting the threshold, whichever occurs later. Registration shall be to the Commission on forms prescribed by the Commission as set out in the remote seller sales tax code.
- d. Upon receipt of a properly executed application, the Commission shall issue the applicant a certificate of registration, stating the legal name of the seller, the primary address, and the primary sales tax contact name and corresponding title. A list of registered sellers in good standing shall be distributed to Members, made public and available on the Commission's webpage.

2. Returns; Confidentiality.

- a. The Commission will provide all sales tax return information to the taxing jurisdiction, consistent with local tax codes.
- b. All returns, reports and information required to be filed with the Commission under this Code, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:
 - i. Employees and agents of the Commission and taxing jurisdiction whose job responsibilities are directly related to such returns, reports and information;
 - ii. The person supplying such returns, reports and information; or
 - iii. Persons authorized in writing by the person supplying such returns, reports and information.

3. Title; Penalty and Interest; Overpayment.

- a. Upon collection by the seller, title to the sales tax vests in the Commission and the member on whose behalf the original tax arose. The Commission shall act as a third-party trustee and remit taxes collected on behalf of the member no later than thirty (30) days after each filing deadline.
- b. The Remote Sellers Sales Tax Code shall establish the per annum interest rate and any applicable penalties for late or non-compliant remote sellers.
- c. Upon request from a buyer or remote seller the Commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller shall process the refund and amend any returns accordingly.

4. Audit; Compliance and Enforcement.

- a. The Commission shall have sole audit authority and will make final determinations regarding: (1) whether a remote seller or marketplace facilitator meets Threshold criteria; (2) the accuracy of returns filed by a remote seller or marketplace facilitator with the Commission; and (3) whether a remote seller or marketplace facilitator filing returns with the Commission is in compliance with collection and remittance obligations.
- b. The Commission shall have authority to enforce issues relating to the Remote Sellers Sales Tax Code including, but not limited to, the collection of late fees and penalties, and filing of civil suits and injunctions.

Article VII. Entry into Force and Withdrawal.

1. This Agreement will be in force and effective when formally approved by any seven signatories and will terminate if membership falls below seven.
2. Any Member may withdraw from this Agreement through ordinance or resolution rescinding signatory action and giving notice to the Commission of the effective date of the ordinance, with a minimum of 30 days' notice. Withdrawal will not affect any liability already incurred by or chargeable to a Member prior to the effective date of such withdrawal. The obligations of the Commission to remit and report remain until no longer necessary.

Article VIII. Effect on Other Laws and Jurisdiction.

Nothing in this Agreement may be construed to:

1. Affect the power of any local government to fix rates or tax exemptions, except that all members must adopt and implement the Commission's common definitions and tax code

changes or demonstrate parity or non-applicability.

2. Withdraw or limit the authority of local government with respect to any person, corporation, or other entity or subject matter, except to the extent that such authority is expressly conferred by or pursuant to this Agreement upon another agency or body.
3. Supersede or limit the jurisdiction of any court of the State of Alaska.

Article IX. Construction and Severability.

This Agreement shall be liberally construed so as to effectuate its purposes. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision is declared or held invalid by a court of competent jurisdiction, the validity of the remainder of this Agreement and its applicability to any government, agency, person or circumstance will not be affected. If any provision of this Agreement is held contrary to the charter of any member, the Agreement will remain in full force and effect as to the remaining members and in full force and effect as to the Member affected in all other provisions not contrary to charter.

City of Thorne Bay

Lee Burger, Mayor

Attest:

Teri Feibel, CMC

Southeast Extinguisher Service Inc.

8319 Airport Blvd
 Juneau, AK 99801
 Federal Tax ID# 92-0171513
 907-790-2522

Estimate

Date	Estimate #
6/15/2020	2020-190E

Name / Address
City Of Thorne Bay PO Box 19110 Thorne Bay AK 99919

Project

Description	Qty	Cost	Total
City Hall			
Amerex 5# ABC Extinguisher W/Vehicle Bracket	5	69.00	345.00
20% Discount		-20.00%	-69.00
Amerex 10# ABC Extinguisher W/Wall Bracket	1	106.00	106.00
20% Discount		-20.00%	-21.20
Hydrotest Service	1	40.00	40.00
ADX Inspection	1	22.00	22.00
O Ring ABC Collar	1	5.00	5.00
O-Ring ABC-Valve Seat	1	2.00	2.00
200 Degree Fuse Link With Clip	1	12.75	12.75
Library			
Six Year Service	1	20.00	20.00
Hydrotest Service	1	40.00	40.00
Amerex Valve Stem	2	5.00	10.00
O Ring	2	1.00	2.00
VPSO			
Amerex 5# ABC Extinguisher W/Vehicle Bracket	1	69.00	69.00
20% Discount		-20.00%	-13.80
Harbor			
Amerex 5# ABC Extinguisher W/Vehicle Bracket	1	69.00	69.00
20% Discount		-20.00%	-13.80
Amerex 20# ABC Extinguisher W/Wall Bracket	3	187.00	561.00
20% Discount		-20.00%	-112.20
Six Year Service	2	20.00	40.00
Hydrotest Service	1	40.00	40.00
Amerex Valve Stem	3	5.00	15.00
O Ring	3	1.00	3.00
		Total	

Customer Signature

Southeast Extinguisher Service Inc.

8319 Airport Blvd
 Juneau, AK 99801
 Federal Tax ID# 92-0171513
 907-790-2522

Estimate

Date	Estimate #
6/15/2020	2020-190E

Name / Address
City Of Thorne Bay PO Box 19110 Thorne Bay AK 99919

Project

Description	Qty	Cost	Total
South Fire Hall			
Amerex 20# ABC Extinguisher W/Wall Bracket	1	187.00	187.00
20% Discount		-20.00%	-37.40
Hydrotest Cartridge Operated Extinguisher	2	60.00	120.00
Hydrotest Service	9	40.00	360.00
Amerex Valve Stem	7	5.00	35.00
Badger Brass Valve Stem	2	10.00	20.00
O Ring	9	1.00	9.00
Hose Assembly 423 .174	1	40.00	40.00
AFFF/FFFP Charge	1	32.00	32.00
Waste Water			
Amerex 5# ABC Extinguisher W/Vehicle Bracket	1	69.00	69.00
20% Discount		-20.00%	-13.80
Amerex 10# ABC Extinguisher W/Wall Bracket	1	106.00	106.00
20% Discount		-20.00%	-21.20
North Fire Hall			
Amerex 10# ABC Extinguisher W/Wall Bracket	1	106.00	106.00
20% Discount		-20.00%	-21.20
Hydrotest Cartridge Operated Extinguisher	1	60.00	60.00
Hydrotest Service	7	40.00	280.00
Amerex Valve Stem	7	5.00	35.00
O Ring	7	1.00	7.00
10# Box Bracket	1	50.00	50.00
Hose Assembly 423 .174	1	40.00	40.00
Shop and Truck			
Amerex 5# ABC Extinguisher W/Vehicle Bracket	2	69.00	138.00
		Total	

Customer Signature

Southeast Extinguisher Service Inc.

8319 Airport Blvd
 Juneau, AK 99801
 Federal Tax ID# 92-0171513
 907-790-2522

Estimate

Date	Estimate #
6/15/2020	2020-190E

Name / Address
City Of Thorne Bay PO Box 19110 Thorne Bay AK 99919

Project

Description	Qty	Cost	Total
20% Discount		-20.00%	-27.60
Amerex 10# ABC Extinguisher W/Wall Bracket	1	106.00	106.00
20% Discount		-20.00%	-21.20
Amerex 20# ABC Extinguisher W/Wall Bracket	1	187.00	187.00
20% Discount		-20.00%	-37.40
Hydrotest Service	2	40.00	80.00
Amerex Valve Stem	2	5.00	10.00
O Ring	2	1.00	2.00
Wall Hanger	1	2.50	2.50
Heavy Duty Extinguisher Cover Large	1	30.00	30.00
Waste Water			
Amerex 2.5 Gallon Non-Magnetic A/C Class Extinguisher	1	258.00	258.00
20% Discount		-20.00%	-51.60
Amerex 10# ABC Extinguisher W/Wall Bracket	3	106.00	318.00
20% Discount		-20.00%	-63.60
Solid Waste			
Amerex 5# ABC Extinguisher W/Vehicle Bracket	2	69.00	138.00
20% Discount		-20.00%	-27.60
Amerex 20# High Flow ABC Extinguisher W/ Wall Bracket	2	282.00	564.00
20% Discount		-20.00%	-112.80
Hydrotest Service	7	40.00	280.00
Amerex Valve Stem	7	5.00	35.00
O Ring	7	1.00	7.00
Red Chief 105-20 Cabinet	2	120.00	240.00
Travel TBD. Not included is additional stand around time or additional travel costs due to weather or other items beyond our control.		0.00	0.00
		Total	

Customer Signature

Southeast Extinguisher Service Inc.

8319 Airport Blvd
Juneau, AK 99801
Federal Tax ID# 92-0171513
907-790-2522

Estimate

Date	Estimate #
6/15/2020	2020-190E

Name / Address
City Of Thorne Bay PO Box 19110 Thorne Bay AK 99919

Project

Description	Qty	Cost	Total
20% discount applies if quantity of 20+ new extinguishers are purchased			
		Total	\$4,687.85

Customer Signature _____