

**SPECIAL MEETING DATE MONDAY AUGUST 17<sup>TH</sup>**

**DRAFT AGENDA  
FOR THE REGULAR  
MEETING OF THE CITY COUNCIL  
MONDAY, AUGUST 17, 2020  
PARTICIPATE VIA WEBEX USING  
THE INFORMATION BELOW:  
6:30 PM Monday, August 17, 2020**

*Meeting Information*

**WEBEX - TELEPHONE:**  
**1-408-418-9388**

**MEETING LINK:**

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m42e6379fcd51098d4b0fbea2eaf22a45>

**MEETING NUMBER:**

126 232 6418

**PASSWORD:**

PeseMmui639 (73736684 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) NEW BUSINESS:
  - a) Resolution 20-08-17-01, appointing the City Administrator, Les Carter as the City's Planning Official and providing authority to issue citations for violations of the municipal laws, discussion and action item:
  - ~~b) Resolution 20-08-17-02, approving modification of the lease term under a negotiated lease with the Thorne Bay Tackle Shack, AKA Anderson Lodge Alaska, allowing for renewal of the long term lease at a 30 year lease term with lessee's option to renew for an additional 30 years, discussion and action item:~~
  - c) Review and Discussion of the Code Enforcement Officer's authority for enforcement of City Code, discussion and possible action item:
  - d) Community Center Development and Placement at Davidson Landing, discussion and action item:

## SPECIAL MEETING DATE MONDAY AUGUST 17<sup>TH</sup>

### 10) ORDINANCE FOR PUBLIC HEARING:

- a) Ordinance 20-08-18-01: amending Title 18-Harbor, Chapter 18.40 Control of Nuisance and Derelict Boats, discussion and action item:

### 11) EXPENDITURES EXCEEDING \$2,000.00:

- a) Authorizing the purchase of a backhoe not to exceed \$125,000.00, using the vehicle purchase parameters authorized by council, discussion and action item:
- b) Authorizing the purchase of a front-end loader not to exceed \$115,000.00, using the vehicle purchase parameters authorized by council, discussion and action item:
- c) Authorizing the purchase of a 4x4 Pickup Truck for the Water Department not to exceed \$35,000.00, using the vehicle purchase parameters authorized by council, discussion and action item:
- d) Authorizing the purchase of a Pickup Truck for the Harbor Department not to exceed \$25,000.00, using the vehicle purchase parameters authorized by council, discussion and action item:

### 12) CONTINUATION OF PUBLIC COMMENTS:

### 13) CONTINUATION OF COUNCIL COMMENTS:

### 14) ADJOURNMENT:

## POSTED UPDATES: August 17, 2020

### More ways to join

Join by video system

Dial 1262326418@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-408-418-9388 United States Toll

Access code: 126 232 6418

[Global call-in numbers](#)



CITY OF THORNE BAY  
RESOLUTION 20-08-17-01

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
APPOINTING LES CARTER, CITY ADMINISTRATOR, AS THE PLANNING OFFICIAL AND  
AUTHORIZING THE CITY ADMINISTRATOR TO ISSUE CITATIONS FOR MINOR OFFENCE  
CODE VIOLATIONS

WHEREAS, the city council is the governing body for the City of Thorne Bay, and

WHEREAS, it is the city's goal to establish consistent enforcement of municipal code violations; and

WHEREAS, Thorne Bay Municipal Code 16.04.050 Administrative Provisions; Subsection A, states that it is the duty of the Planning Official to enforce the provisions of Title 16, Subdivisions

WHEREAS, the Planning Official works under the direct supervision of the Mayor and works closely with the Code Enforcement Officer and the Village Public Safety Officer; and

WHEREAS, Thorne Bay Municipal Code Chapter 17.05.010-Enforcement Authority, provides for the Code Enforcement Officer, Village Public Safety Officer or other designee to enforce Municipal Code; and

WHEREAS, it is the City of Thorne Bay's goal to ensure that the municipal laws are applied consistently and to be proactive in the prevention of zoning, parking and other minor offence code violations.

NOW, THEREFORE, BE IT RESOLVED, that the city council for the City of Thorne Bay, appoints Les Carter, City Administrator, to serve as the City Planning Official and further authorizes the City Administrator to issue citations for minor offence violations of the Thorne Bay Municipal Code..

PASSED AND APPROVED this 17<sup>th</sup> day of August 2020.

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Lee Burger, Mayor

ATTEST:

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Teri Feibel, CMC



**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**

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Lee Q. Burger, Mayor

ATTEST:

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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)

