

MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
TUESDAY, JANUARY 5, 2021
TIME: 6:30 p.m.

LOCATION: TELECONFERENCE/VIDEO CONFERENCING LINE

1) CALL TO ORDER:

Mayor Edenfield Called the meeting to order at 6:35p.m.

2) PLEDGE TO FLAG:

The council and audience pledged to the flag.

3) ROLL CALL:

Those in attendance were:

Edenfield, Cunningham, Rhodes, Burger, Stram, Craske & Kerkof

4) APPROVAL OF AGENDA:

Edenfield moved to approve the agenda. Burger Seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda.

F/S: Edenfield/Burger

YEAS: Cunningham, Edenfield, Kerkof, Rhodes, Craske, Stram & Burger

NAYS: None

STATUS: Motion Passed.

5) MAYOR'S REPORT:

Mayor Edenfield provided the following:

- All is going well
- No Snow on the ground
- Still gathering interest in Comprehensive Development Committee. Have 6 interested and would like to have three more.

6) ADMINISTRATIVE REPORTS:

a) City Administrator:

Meetings Attended and Updates:

- On December 16th the Friends of the Library met with city staff to review the MOU for ongoing Library site development for the new Library building.
- On January 4th, the monthly report was sent to the State of Alaska for mandatory Fire Department incident reporting. Our report for December 2020 indicated no fire incidents.

Tasks and Projects:

- The Stryker EMS equipment order is mostly arrived. There have been issues with items that have lithium batteries, and a few that were “oversized” for delivery to the island. They had to be re-routed via Samson / AML. The Power-Pro XL gurneys are expected soon. Their estimated delivery date was 1/4/2021, however due to weather events, they seem to have been delayed.
- Guardian Life Flight coverage: I have been working with Guardian on this task for several weeks now. The latest was that Guardian remains in negotiations with the Alaska Department of Insurance. As of 1/5/2021 per an email from the Guardian rep, the Alaska DOI has shifted their focus to the impending distribution of the COVID-19 vaccine. All of their other efforts have been put on hold until the vaccine distribution is worked out.

Departmental Reports:

➤ Harbors and Parks:

Report from Zack Cross: Currently I am working on repairing and maintaining all pedestal light fixtures but am being mindful of safety due to the weather. I have done 3 rounds of applying, as the State of Alaska Dept of Fish and Wildlife directed, the otter repellent spray and it seems to have been effective in keeping the otters out from under the Harbor Masters office deck. I am sorting and organizing the “catch all” room to establish what material we have on hand and make the most efficient use of the space. I am also working on the back end of a database for the harbor that will act as a “real-time” capacity and availability reference tool. I am hoping the end result will do away with the whiteboards and eventually allow a digital map to be hosted online with real-time interaction.

➤ Streets and Roads:

James Taylor continues to try to coordinate a testing date with the Craig PD to do the CDL test. Sandy Beach Rd. was closed to through traffic from 12/16/20 through 12/17/20 due to a state mandated removal of a bypass valve that is buried under the road. This is an EPA / Village Safe Water mandated project. This project was completed, ahead of schedule, without incident. For the past 2 weeks James, Max, Jason, and the OVK road crew have made considerable improvement on the south side subdivision and main line roads.

➤ Water and Sewer:

On December 22nd, the wastewater agitation wheel (paddlewheel) had a bearing fail. It caused the agitation wheel to be inoperable for approximately 36 hours. The City maintains a spare bearing and immediately began the removal and re-installation of the new bearing. The work was completed, and the system is back online. The Sewer department is currently working with the bearing manufacturer to get a replacement bearing for both sides of the agitation wheel to have on hand.

➤ Solid Waste: No Update

➤ **Law Enforcement:** Defer to VPSO

➤ **FIRE/EMS:**

1 EMS call for the month of December. 0 Fire Calls in the month of December. We are currently meeting once a month on a Friday. There is a current effort to get 12 people trained to ETT through the VPSO program.

b) City Clerk:

Teri Feibel reported the following:

- Public Official Financial Disclosure Statements are due by March 15th. I have packets at the City and have emailed them to the Council as well.
 - If you file using MyAlaska, please save a PDF and provide to me.
- Reviewed the Certified Financial Statement with Councilmember Stram and identified a few things that needed to be explained or amended.
- I know that the Council has expressed interest in normalizing voting at Davidson Landing on Election Day. To do this, we will need to amend out code, to allow for this, specifically TBMC 2.28.470 – Absentee Ballot-Application and Filing. I am available to work with anyone of the councilmember who wishes to sit with me and go through out Election Ordinances thoroughly and draft an Ordinance to address this.
- Currently our code reads
 - **2.28.470 ABSENTEE BALLOT-APPLICATION-FILING.** A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the city clerk.
 - An application made by mail must be received by the city clerk, no less than five days before a city election. An application made in person must be filed with the city clerk not earlier than 30 days before the city election date, and no later than the close of business on the day before a city election.

I am sure there are many other areas we need to clean up since we have also changed how the Mayor was voted into office.

7) PUBLIC COMMENTS:

Karen Peterson commented on the following:

- Available to answer any questions regarding the Library MOU

Patrick Tierney provided the following comments:

Written Response to Agenda Item 11) a) and b), City Council Meeting for January 05, 2021. Ordinances for Introduction, Ordinance 21-01-19-01 and Ordinance 21-01-19-02 Submitted by Patrick J Tierney, Co-Owner, Lot 15, Block 7

Dear City Council,

Ordinance 21-01-19-01

Amending Title 17 by adding Title 17.05.065, Emergency Orders.

This proposed ordinance change holds language that may be inappropriate.

In the body of 17.05.065, A. the text uses the language “....condition or activity which, in the judgement of”.

More appropriate wording would be “...condition or activity *that, clearly demonstrates...*”

Wording like “in the judgement of” and “in the opinion of” is nebulous and can easily be disputed.

Some additional wording changes may be necessary to further clarify the intent and purpose of the ordinance change.

Ordinance 21-01-19-02

Amending Title 10-Vehicles and Traffic, Chapter 10.20-Parking, Standing and Stopping, adding Section 10.20.045-Winter Parking Restrictions, and 10.20.010 (i)-Restrictions & Exceptions – Authority.

These proposed changes are irrational and highly objectionable. We are a very small community and blanket parking restrictions are inappropriate.

If these two changes are being considered to facilitate snow removal, say so in the text.

We have, most often, very little snow. Look outside. Permanently restricting parking in town is inappropriate. It is suggested that the City develop a method of alerting residents who, will gladly move vehicles to facilitate snow removal.

These two proposed changes will result in even more signs and problems for residents. Not all businesses shut down for the winter in Thorne Bay. We are not a resort community despite the abundance of seasonal lodges. There are businesses in town that need on street parking, year-round. If COVID isn’t bad enough, parking restrictions may serve to kill income producing business in town.

The City has already established authority to restrict parking. There is little need to deal with seasonal parking if the existing authorities are used.

If the City MUST move forward on the authority to establish these seasonal parking restrictions, there are some language changes that should be considered.

Section 10.20.010 (i)-Restrictions & Exceptions – Authority

Wording such as “...in his/her opinion...” is inappropriate. An opinion is just that, an opinion. The determination of an issue or problem needs to be made by comparison to set standards. The City has already established such standards in Title 10.20.010, C. Use the established standards as the basis of determination.

Suggested wording is "...when such parking has been determined to interfere with traffic, snow removal or create a hazardous situation based on the standards set forth under Title 10.20.010, C." The next sentence refers to signs. Will we be posting the entire town? Places where folks can't park, places where folks can't park in the winter months and places where folks can park in the winter months.

Section 10.20.045-Winter Parking Restrictions

This proposed change would set the entire town to no parking during the winter months, unless otherwise posted.

Please do not blanket the town with no parking restrictions or signs! This is not needed and inappropriate for our small town. Such winter parking restrictions will hamper business operation and day to day living. It is not needed.

Why is this being proposed? Is it to facilitate snow removal? If so, SAY SO in the text.

Please do not create blanket no parking.

Again, if the City MUST pursue establishing no parking during winter months, there is a suggested language change to make things easier on residents and less expensive for the City. It appears from the wording that the entire City will be no parking during the winter months (unless posted otherwise).

Rather than "...unless otherwise posted.", use "...where posted."

Prior actions on parking have not lent due consideration to some residents. There are some who live across the water and do not have roads nearby. These folks need a place to park and have not been afforded the consideration of leaving a vehicle parked in Thorne Bay to conduct business AND being away for lengthy periods for medical, work or vacation. 72 hours is not enough and there is no provision for permit parking or long-term parking near the boat launch ramp, nor at the dock. This is just an example of potential issues and impacts to residents not to mention potential and real impacts to businesses.

I apologize for not getting these comments to the Council sooner so that they may be reviewed, and I ask that this comment letter be read into the record. The lengthy comments to Rainy Lane parking issues were not read at the public hearing and were not entered into the minutes for the hearing. These comments presented data on measurements of useable ROW widths and may be very useful in determining where parking is an issue, at least on Rainy Lane.

Thank you for the opportunity to comment.

/s/ Patrick J Tierney, Owner
POW Silviculture and P&G Enterprises

8) COUNCIL COMMENTS:

Thom Cunningham commented on the following:

- Suggestion on when remove the existing library, it be moved to Davidson Landing
- I spoke with people regarding Townhall Meetings in future, if we do in Northside, we have chambers, if in Subdivision, we have Fire Hall.
- I have also heard comments that that building has been condemned

Wes Craske commented on the following:

- Commented against moving forward with the request of the MOU between the City and Friends of the Library and stated that there are other critical needs that the community must meet such as roadwork and completion of the Davidson landing project.
- Advised that if the City continue on the traditional path of providing sugar to the people of North Shore, while leaving critical work in the south shore industrial areas would not fix the wedge in the community.
- Stated he supported libraries; however, this community already has a library, but he would support an expansion into the Davidson Landing facilities Mini library with internet access for the people of South Shore.
- The people who voted for the South Shore candidates did not cast their votes subsidize North Shore, so that they can continue to live with bad roads.
- Stated that he would introduce an ordinance, creating the North Shore as a self-supporting Utility District. The people of North Shore want \$150,000 budgeted for the portion of utilities, they don't feel they should be billed for, then the people of the outlying districts want a magic number. In order. In order to address critical unmet needs.

9) CONSENT AGENDA

a) MINUTES:

- i. Minutes of the November 10, 2020, Special City Council Meeting, discussion and action item:
- ii. Minutes of the December 15, 2020, Regular City Council Meeting, discussion and action item:

Edenfield moved to approve the Consent Agenda, consisting of the minutes of November 10, 2020, and December 15, 2020, Regular City Council Meetings. Burger seconded the motion. There were no further comments

MOTION: Move to approve the Consent Agenda, consisting of the minutes of November 10, 2020, and December 15, 2020, Regular City Council Meetings.

F/S: Edenfield/Burger

YEAS: Burger, Cunningham, Stram, Craske, Edenfield, Rhodes & Kerkof

NAYS: None

STATUS: Motion Passed.

10) NEW BUSINESS:

- a) Resolution 21-01-05-01, Certifying the Financial Statement of Income and Expenditures for the Fiscal Year FY20, July 1, 2019 ending June 30, 2020, discussion and action item:

Edenfield Moved to approve Resolution 21-01-05-01, certifying the Financial Statement of Income and Expenditures for the Fiscal Year FY20, July 1, 2019, ending June 30, 2020.

Rhodes seconded the motion. The Clerk explained the following items of interest:

- Admin and Finance: Interest Income is not a subaccount of Land. This is the income made on our Investment Accounts.
- Admin Dues and Subscriptions – This was for the purchase of Microsoft Business 365 – 3-year subscription, GoDaddy Subscription Renewal 3 years, Email subscription renewal.
- Admin: Advertising and Promotion – This includes the fees to Prothman for recruiting a City Administrator.
- Admin: Election Income is in Council not Admin
- Planning and Zoning: Expense for Fees and Permits shows a (-)50. Incorrect, this is income of Conditional Use Permit application and is income. This zeros fees and permits expenses and increases income Fees and Permits to \$100.00
- Streets and Roads: Payroll expenses are double what we budgeted. This is because one of our employees moved from Solid Waste to Streets and Roads Budget. You will see in the Solid Waste department that Payroll is less than budgeted.
- Sewer & Water Department: These departments share a vehicle and so we split maintenance and repairs and fuel between these departments.
- Water Department: Had not budgeted for the income of Services Availability Fee. This fee is charged for properties that have water service available but are not using the system. The rate for this is \$36.28.

There was further discussion.

MOTION: Move to approve Resolution 21-01-05-01

F/S: Edenfield/Rhodes

YEAS: Cunningham, Edenfield, Kerkof, Rhodes, Craske, Stram & Burger

NAYS: None

STATUS: Motion Passed.

- b) Resolution 21-01-05-02, authorizing the Mayor to execute a Memorandum of Agreement between the City and the Friends of the Library, discussion and action item:

Edenfield moved to approve Resolution 21-01-05-02. Kerkof seconded the motion.

Craske commented against the City entering into the MOU with the Friends for a new Library. Craske stated that the City already had a library and there were other pressing items that needed to be addressed.

Karen Petersen explained that the Friends of the Library are paying for the library. The

MOU only states that the City will provide the land.

Concerns have been heard that won't a new library be more expensive and argue that this would not be the case as it would be more cost efficient.

Craske suggested come back in five years and ask. The State has no money to provide. The City needs to focus on South Shore.

Stram inquired if the MOU would not be asking for money from the City. Who would pay for the maintenance of the new building? We already pay for much of the services and work with the city.

Edenfield stated the only ask is for the land to place the library on. The newer building would be more cost efficient.

Stram inquired if we had decided where it would be? Edenfield, right next to where the current library sits. Stram confirmed that the MOU could be terminated within 60-days from either party by written notice.

Stram inquired where the Friends would get the money for building

Karen Petersen explained that the Friends have over \$160,000 in the bank and would asking for a match through a Rasmussen Tier II Grant.

Karen Petersen suggested the old library be moved to Davidson Landing and used as a Community Center.

Cunningham commented on the following:

- Would the land be given to the library, or donated?
- Regarding Maintenance and Upkeep-Have a provision that the City would not have to supplement if the library could not come up with the funds

Edenfield stated the land would be retained by the City. The library would just be located on it at no cost.

Karen Petersen stated the Library would be given to the City for the City to operate. The Friends would only be providing the funds to build the library.

Rhodes commented on the following:

- The Friends of the Library is in place because they are more responsible and effective than the Municipality in such a small place.
- And we are using the Friends, or the Friends of the Library using their money as leverage to go after private Rasmussen grants or private philanthropy. And that 16 years the snowball effect has gotten to the point where they find they can get a new building.
- Point of the Friends is that they are the responsible party in small community libraries. In 35 years when Karen is not here, then it would be good to have

something in writing that the city would not pay for increased costs.

- Re: Wes' point, the State is in Financial trouble, but the Friends are responsible, and I would support this.

Stram commented on the following:

- Inquired if the City was responsible for the maintenance and staffing of the library

Clerk Feibel stated that the City received a grant every year to pay for the books and audio and wages of the library director. The City does provide \$2,600 per year toward wages.

MOTION: Move to approve Resolution 21-01-05-02

F/S: Edenfield/Kerkof

YEAS: Edenfield, Kerkof, Rhodes, Stram & Burger

NAYS: Craske & Cunningham,

STATUS: Motion Passed.

11) ORDINANCE FOR INTRODUCTION:

- a) Ordinance 21-01-19-01, amending Thorne Bay Municipal Code Title 17-Planning and Zoning, Chapter 17.05-Enforcement, adding Section 17.05.065-Emergency Order, discussion and action item:

Edenfield moved to approve Ordinance 21-01-19-01. Cunningham seconded the motion.

Clerk explained that this ordinance was one that Mr. Tierney provided in his public comments and suggested the council to consider some of the language changes that he proposed. Changes included the language that would state "a condition, or activity that and clearly demonstrates" and "as provided in". Craske inquired if the ordinance would be discussed again before final approval? Clerk responded that the ordinance was only introduction and the next meeting would be a public hearing. Edenfield amended her motion to include the verbiage changes proposed by Mr. Tierney in Public Comment. Cunningham amended his second to include the verbiage change.

MOTION: Move to approve Ordinance 21-01-19-01 as amended to include the verbiage of "a condition, or activity that and clearly demonstrates" and "as provided in"

F/S: Edenfield/Cunningham

YEAS: Craske, Stram, Cunningham, Edenfield, Kerkof, Rhodes, & Burger

NAYS: None

STATUS: Motion Passed.

- b) Ordinance 21-01-19-02, amending Title 10-Vehicles and Traffic, Chapter 10.20-Parking, Standing and Stopping, adding Section 10.20.045-Winter Parking Restrictions, and 10.20.010 (i)-Restrictions & Exceptions - Authority, discussion and action item:

Edenfield moved to approve Ordinance 21-01-19-02. Burger seconded the motion.

Cunningham commented on the following:

- This ordinance would address all of Thorne Bay. Most of the roads in the South Thorne Bay Subdivision can barely fit a grader down them. If cars are parked in the road then a grader or even ambulance cannot get past.
- Suggested that during months of winter restrictions, the city should provide a parking area free of charge for those who would be negatively impacted by the ordinance
- This would stall some issues of people parking on the right of way. Not trying to dictate how people on Northside Park, but only address issues of grading on Southside

Rhodes commented on the following:

- We can clean up all we want but I do not feel the City needs this. I don't see a five-month program to address that is what we need to get at. We already have a way to address that and I do not think this is it.

12) CONTINUATION OF PUBLIC COMMENT:

Karen Petersen commented on the following:

- Thank all of the Council for their comments and concerns regarding the library, I would invite any of the council to sit down and meet with me to address any concerns that they may have.

Harvey McDonald

- Month of January 14th and 15th and 20th and 21st the IFA will be assisting AK Marine Highway. We are filling in for the Alaska Marine Highway

13) CONTINUATION OF COUNCIL COMMENT:

Thom Cunningham commented on the following:

- Unclear of what just happened, will this be discussed at the next meeting
- Echo what Wes said, the Lion share of the money has been spent on Northside. That is because that is where the largest group of population was at. In the last 10-15 years, the population has doubled or tripled in the subdivision. We need to start concentrating on South Thorne Bay. Concentrate on bridge on North Road, out towards lake there is section of the road where a grader cannot even get through there. We need to spend more of the money that the City gets on Southside.
- Need equal distribution of funds.

Craske commented on the following:

- Will get with Teri on the ordinance for voting at Davidson Landing
- Thanked Cunningham for his comments, appreciated his input and dedication to the City over the last few years.
- Beautiful decorations at Davidson Landing including the Christmas Tree and Star, John and Amanda Heely decorated it and it was beautiful.

14) ADJOURNMENT:

Edenfield adjourned the meeting at 8:00 p.m.


Cindy Edenfield, Mayor

ATTEST:


Teri Feibel, CMC