

MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
TUESDAY, MARCH 16, 2021
TIME: 6:30 p.m.

LOCATION: TELECONFERENCE/VIDEO CONFERENCING LINE

1) **CALL TO ORDER:**

Mayor Edenfield called the meeting to order at 6:30 p.m.

2) **PLEDGE TO FLAG:**

The council and audience pledged to the flag.

3) **ROLL CALL:**

Those in attendance were:

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

4) **APPROVAL OF AGENDA:**

Edenfield moved to approve the agenda. Kerkof seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Edenfield / Kerkof

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

NAYS: None

STATUS: Motion Passed.

5) **MAYOR'S REPORT:**

Mayor Report:

- Busy in the office
- Had online safety meetings with AML JIA

6) **ADMINISTRATIVE REPORTS:**

a) City Administrator:

➤ Meetings Attended and Updates:

- A. On March 9th SEASWA met and voted to procure a tire cutter / de-rimmer unit for use throughout the SEASWA communities.
- B. On Tuesday, March 9th ACS and AP&T completed work on the telco switch located on Sandy Beach Rd. This work required that the local switch be taken offline, and the new switch installed. This caused an interruption to local and long distance calling from 7pm to 5am. During this period I stayed at City Hall to man the local 911 line (which had a dedicated line run to City Hall for this purpose) to ensure that we

maintained 100% coverage during the outage.

Tasks and Projects:

- A. Village Safe Water (VSW) and the City are working on an update to our Intrusion and Infiltration (I&I) grant seeking additional funds to address our excessive outflow to the Wastewater Treatment Facility. The initial engineering funding request has been approved and we will have engineers on site in March.
- B. FEMA / CARES grant funding realignment is in the process of being applied for. The City has had three "Recovery Scoping Meeting follow up" meetings with FEMA.
- C. The Seaplane Base Transfer is in progress. The process to officially transfer the Seaplane Base at the harbor to City management is underway with Alaska Department of Transportation (AKDOT) and the Federal Aviation Administration (FAA). We are currently working internally to gather the required paperwork to move forward with this project.

Harbors and Parks:

Department report - continuing to compile list of outstanding maintenance issues: metal door frames in harbor restrooms, decking on the dock (nails), piling collars and light pedestals are on top of that list. Continuing with inventory to establish what resources are on hand - found dock materials (including piling collars and decking and replacement floats) at city shop. Found two additional light pedestals at Davidson's.

Streets and Roads:

With the winter weather the Streets and Roads snow removal staff have been given the direction to plow / sand anytime the snow accumulation is greater than 2" or 3". Additionally, they will be sanding anytime the roads are icy. These mandates have caused a small amount of overtime (21 +/- hours) in the current pay period. Generally, staff are directed to trim hours at the end of the week to offset any weekly overtime, however on March 13th we accumulated almost 12" of snow, and it was the last day of the pay period.

Water and Sewer:

February of 2021 wasn't too eventful as far as work is concerned. We had a bit of cold weather and that presented its own challenges, but we performed our usual daily duties and continued to stay up to date with our routine sampling and maintaining constant clean water to our community. We did have a few minor issues arise but nothing too serious. During the last few weeks of the month I was gone taking care of personal matters. I just wanted to say, Willy did an outstanding job taking care of the water/Sewer plant while I was away. I am very pleased to have him as my co-worker and I trust him, which is a huge relief. While I was gone, he kept up on everything and also attended his online water treatment class, which he completed and passed as of today. Looking forward, he will be scheduling his Water treatment level 1 test to be taken at the Prince of Wales vocational school located in Klawock. Furthermore, I will also be scheduling to take my Sewer treatment test there as well so that the City of Thorne Bay is in compliance with the state of Alaska.

Library:

Library Director Laura Clark:

We are currently open two ways.

1. By appointment only, as a 'one on one' service for people to come and use our computers. Patron areas are sanitized after each use, and at the end of each day. You will be asked to observe social distancing, wear a mask and gloves are encouraged. Call or come to the Library to schedule an appointment.
2. Volunteers will gather desired items, check the items out and hand off to the Patron that remains outside the Library.

We don't currently have the option to browse items.

Current hours of operation

Mon 12-4

Tues 2-5

Wed 4-6

Thurs 2-5

Fri 10-2 & 4-6

Sat closed

Sun 12-4

As always, we have the Digital Library as a free service thanks to the Friends of the Library. It works kind of like a Kindle, and books are free on your device. No need to visit the Library, no late items, just call to set up!

b) City Clerk:

➤ FINANCE REPORT:

- Working on a profit and loss budget vs actual for each department and will get that emailed to the council later this week and will publish on the City's website under the budgets tab.

- First Bank Balance: \$16,124.01
- Tongass Federal Credit Union

Account	Name	Available Balance	Actual Balance
000	<u>HEALTH PREMIUM</u>	<u>\$35,066.77</u>	\$35,071.77
002	<u>40% SALES TAX</u>	\$124,898.15	\$99,898.15
070	<u>60% SALES TAX</u>	<u>\$115,825.24</u>	\$95,850.24
003	<u>OCC TAX EMS/FIR</u>	\$15,830.71	\$15,830.71
004	<u>OCC TAX TOURISM</u>	\$10,082.18	\$10,082.18
005	<u>OCC TAX PARKS</u>	\$10,333.16	\$10,333.16
006	<u>OCC TAX HARBOR</u>	\$22,515.77	\$22,515.77
001	<u>OCCUPANCY GEN.</u>	\$7,076.91	\$7,076.91
071	<u>HARBOR</u>	\$90,102.98	\$90,102.98
007	<u>WATER UTL R&R</u>	\$16,297.66	\$16,297.66

008	SEWER UTL R&R	\$14,654.08	\$14,654.08
009	SOLID WASTE R&R	\$13,987.14	\$13,987.14
010	COMMUNITY CENTER	\$7,500.17	\$7,500.17
040	CHECKING	\$18,920.12	\$63,920.12
	ACCOUNT TOTALS	\$503,091.04	\$503,121.04

PUBLIC COMMENTS:

Zack Cross commented on the following:

- Regarding the moratorium, wants to hear from the people who have proposed this, he looks up to them, however, this goes against everything that southeast Alaska is. This seems counter to everything we are to want to control individual properties here
- Nothing against, recreation pharmaceuticals, there are studies that show negative impacts, would encourage people moving here for the wrong reasons

Jameson Kohn commented on the following:

- Second the fact that as private property, as long not damaging other property, allow them to blast.
- Dispensary, don't care if you do at home, but don't believe we need one in Thorne Bay

Lavenia Sylvia provided the following written comments:

"We support ORDINANCE 21-04-06-04 placing a moratorium on blasting until the issues surrounding blasting can be resolved.

The city should consider site remediation following saleable mineral extraction.

The City should really consider a permit and fee for blasting as well as an insurance, requirement especially since the City shutdown the Davidson Fire/EMS which affected those who had mortgage or home insurance that can be nullified by the absence of fire/ems coverage. Any structural, fire, landslide, damming or road flooding damage incurred by the blasting may not be covered by home/mortgage insurance now.

To mitigate damages to the road from constant abuse by industrial equipment/vehicles, it is natural for the city to consider levying a road use tax on these individuals and businesses, so the City and the residents of the community are not bearing the burden of repairing damages for which they receive no recompense in any fashion. If any road damages exceed the maintenance of the road tax the city should be able to claim the difference from the business/individual.

Likewise, the city should enact ordinances to protect our forested wetlands by requiring the business/individual clearing any land to haul away debris or garbage including branches, bushes, etc. rather than using the forested wetlands across the road as a dumping ground. We have a refuse center for a reason.

There also needs to be traffic and road control to prevent residence being heavily inconvenienced and creating safety hazards by parking in the street, blocking the roads, etc.”

Jim McFarland provided the following written comments:

Jim McFarland
Block 10 - lots 7,9,10,11, and Lot 12
South Thorne Bay Rd, Thorne Bay, AK 99919

One of the Ordinances for Introduction to be discussed during this meeting tonight is very troubling !!!

d) Ordinance 21-04-06-04, non-code ordinance placing a 180-day moratorium on blasting within the South Thorne Bay Subdivision, discussion and action item:
Implementation of this ordinance would drastically affect our rights to develop our own personal property here in the Southside subdivision.

I strongly believe that Stopping Blasting in the South Thorne Bay Subdivision for any amount of time at all will delay and could even stop development of private lots in this Subdivision.

Access to shot rock is the basis of practically every property here and having been here for over 40 years now I know that there are few lots here that have not required blasting to prepare the site for some part of the lot development for the construction of personal residences and even fewer lots that haven't benefited from blasted rock to build access roads to their private property. All property development in the Southside Subdivision requires some rock if only for access road development.

I don't believe that a "moratorium" for any amount of time is required to have a discussion about any safety concerns that anyone may have about blasting and believe that this ordinance should be voted down at this introduction.

If a person doesn't know or understand the safety measures that are part of blasting and used in every development project that requires blasting --- all you need to do is ask !!!!! All the Blasters that I have known and personally used are very professional and do the job professionally and very safely all every time !!!!!

James Stevens provided the following written comment:

“As a south Thorne bay resident this ordinance concerns me because I had plans to develop a lot I had purchased.

I believe said ordinance would open City of Thorne bay up to a legal action.

I’m very disappointed that a councilman from southside would bring up rules/laws to prevent/hinder southside residents from developing their property.

95 percent of lots on southside Thorne Bay have been developed with shot rock. Why is city trying to hinder development?
James Stevens private property
Holder and JRS construction specialty contractor”

Tim Lindseth provided the following written comments:

“Questions for the Person who introduced this Ordinance

Section 2 of this Ordinance

Safety issues??

Adjoining property owner Terry Willburn was aghast with disbelief of such an unwarranted call for this ridiculous Ordinance . By the way he is a former driller and KNOWS what the real risks are. Speaking with Sonny Martin the very closest occupied residence to the blast area, he has not the slightest concern or objection. This took all of 5 minutes, not 180 days to learn.

A few years back I did a development For Councilman John Stram.

We blasted very close to his house and a near neighbor with absolutely no problems.

Where I now live, James Taylors grandpa blasted a portion of my lot for my house foundation 35 feet from my own mobile home ---not a problem.

I have done dozens of these projects in our TNB area over the years without there ever being a problem from the blasting!

I do not claim to be a professional – I contract for the blasting to be done. Road and lot development is my profession!

I have hired a company with literally years of experience that use the most well equipped (\$750,000 .00) Rock drill with Absolute state of the art equipment. The Powder Man is also very, very experienced and is licensed insured and bonded. This co. has drills working daily and blasting regularly, yet you Was having little if any real knowledge or hands-on experience and you call for immediate action?

Hiring the very best available is part of my commitment to give myself and all of your assurance this will be DONE properly. This is not some fly by night experiment nor cheap. I bear this cost.

I also bring into Question:

WHY after the individuals so directly connected to this project have confidence in what is going to happen and have no concern whatsoever? Why are they not the ones calling for such action that you seem so desperate to shove through?

You Wes & Thom live well beyond any possible hazards yet there seems to be a SAFETY issue?? To whom?

Section 3 Of this ordinance

Let me explain what this could possibly do to affect future development.

Stopping this project has the potential of an overall increase in truck traffic throughout the subdivision. Why may you ask ??

If rock for development in the Southside Subdivision came from somewhere out along the Kasaan road or TB industrial site every load of rock coming in and empty truck going out would travel through a portion of the subdivision - maybe all of it. Bill & Roselyn & points beyond will see an increase in truck traffic.

Also, I find the increase in cost to do this will now be your inconvenience / responsibility as you have to dig deeper into your wallet and bear the added cost of haul time.

But from this location rock can go each direction. In other words only impacting half the residences as if this were real an issue at all.

Each of you has had to have rock, and this will continue to be a need. All property development in the Southside Subdivision requires some rock if only for access road development. Any moratorium at this time will delay or totally stop some landowner's development plans and is not necessary.

Referring to Section 4 in your Ordinance

This not some perpetual operation as your Example of Keith Landers Mill proposal in 1991.

This property I am working on is a very site-specific location. As you had mentioned in your resolution of a rapidly expanding population it has the least impact to road traffic, power lines and is generally an out of the way spot. It will end up being a valuable finished property thereby helping to keep your and others property values up as well.

I am a very small business based here in TNB. I am Licensed, insured & bonded.

My work generates tax each day for this city - more than likely more tax in a week or two than some of you contribute in one year. This project is important to me personally and for the community as a whole.

To address rumormongers about my project

I have hauled off numerous vehicles over the years at my own expense to help clean up this town & your neighborhood. I would do more of this if property owners could cooperate in willingness to dispose of them.

I totally agree with you folks that have to see your property values affected by this unnecessary and unwanted blight of abandoned junk. That is not my intention to add anything of the sort to my future lot.

Wes ---Who was it that cleaned up the Property 150 feet from your present cabin??? Remember that mess?

You yourself could not help but noticed an improvement in YOUR neighboring property (Mike Aflak) as I cleaned up junk cars and vans that sat there literally for some 20 years and a derelict abandoned house.

Then with the very same company that I hired to do my present project, what did we do? We blasted. Not harming you or Sam Sawyers adjoining places and developed a nice building site - This is the Doug Walker project.

Let's WORK together to make this a better place and show a little grace when needed toward eachother. Don't give place to rumors, --- just come talk to ME with questions or concerns.

If, you do not know or understand the safety measures that are SOP that are part of blasting and used in every development project that requires blasting --- all you need to do is ask !!!!!

The Blaster is a professional and does his job professionally very safely at every time!! We live on a rock, let's make the very BEST of it as we live this special place

Thank you for your time & concerns.
Tim Lindseth"

Glen Holt

- Not in favor of Ordinance

Charles Jennings commented on the following:

- Approving the ordinance would open the city to lawsuit. When hiring a contractor in Thorne Bay you have a 99% chance of hitting bead rock and needing to drill. I was involved in drilling and shooting for installing all of the water and sewer lines in Thorne Bay. There was only one incident with drilling and shooting and much of it was done right next to property.
- Dispensary not in favor, should go to the public

7) COUNCIL COMMENTS:

Mayor Edenfield commented on the following:

- After discussing the proposed ordinance with Mr. Lindseth, I am not in favor. Much of the work to be done needs to be done during a certain time of the year.
- Mr. Lindseth after completing projects, has gone back in and fixed up the roads and bettered the area around
- It is not intended as a rock quarry

Greg Kerkof commented on the following:

- The individuals who will be drilling and shooting are licensed, insured and bonded.
- Don't appreciate added government intervention, we live here for that reason
- By approving this ordinance, it would impact many people and should not be talked about at this time.
- Placing a moratorium could seriously impact

Craske commented on the following:

- Not impressed by people that have said they move into my home to violate the laws.
- In 1991 there were meetings regarding zoning, and I voted against it. What we have is law. When adopting the ordinance, we required that people having a business post notice of 30 days.

Thom Cunningham commented on the following:

- Conflicted on moratorium
- Believes that Lindseth must hire flaggers if blocking the road
- "Things are changing" this area is more residential. There are illegal salvage yards, etc. There is no follow through or enforcement.
- Mr. Lindseth needs to know that he cannot block roads. Although people could get around.
- The only time I have seen him do repair on the roads is when it effects his equipment.
- Not in favor of the moratorium, but he needs to know that he must notify if blocking roads

Stram commented on the following items:

- In the last week, a neighbor blasted, and it was done safely, no damage, well done and believe it was done by SE Roadbuilders. SE Roadbuilders have also drilled wells
- Few years ago, had property blasted and only feet away from cabin without problems
- Problem with 180-day moratorium takes up the summer season where people need that to develop property. There may be things to address, but a 180-day moratorium is not a good way to go about that.
- We just finished a year that wiped out businesses, hopes and dreams, and I don't want to wipe out dreams of being able to put in driveways and property pads.

Mayor Edenfield commented on the following:

- Mr. Lindseth stated it would be one blast for a 50' by 100' pad, not continued blasting to only sell rock. It is to develop property.

Rhodes commented on the following:

- 180-day moratorium is excessive.
- Find interesting those for freedom,

8) **CONSENT AGENDA**

None

9) **CONTINUING BUSINESS:**

- a) **Resolution 21-03-16-01**, Parking Sign placement and restrictions for South Thorne Bay
Subdivision, discussion and action item:

Edenfield moved to approve Resolution 21-03-16-01. Cunningham seconded the motion. Rhodes found this to be a well-balanced compromised from prior parking concerns brought forward. This is not only for plowing, but also safety issues and do support. Carter commented that street parking does pose a threat to EMS, Fire, Etc. Stram agreed with comments from Rhodes and Carter and also supports. Cunningham commented that he also believed this to be a good compromise.

MOTION: Move to approve Resolution 21-03-16-01
F/S: Edenfield / Cunningham
YEAS: Stram, Edenfield, Craske, Rhodes, Cunningham, Kerkof & Burger
NAYS: None
STATUS: Motion Passed.

- b) **Resolution 21-03-16-02**, allocating \$69,750.00 of the Sales Tax Savings Streets and Roads Funding, for the 2021 FLAP Grant for Repairs and Reconstruction of the Kasaan/Goose Creek Road, discussion and action item:

Edenfield moved to approve Resolution 21-03-16-02, allocating \$69,750.00 of the Sales Tax Savings Streets and Roads Funding, for the 2021 FLAP Grant for Repairs and Reconstruction of the Kasaan/Goose Creek Road. Rhodes seconded the motion. Carter explained from the "y" to the beginning of the new construction that was done last year. Clerk explained that if approved to use the \$69,750.00 from the Sales Tax Savings Account, the remaining balance will be \$46,075.24. The current balance in that account is \$115,825.24 as of March 16, 2021. Rhodes commented that it is great work for OVK and Sara Yockey getting this prepared and submitted this year. The topping here would be lactification vs. pavement, done by a company called Lift Tech, lactification. Stram commented that he had been disconnected and missed some of the communications. Mayor Edenfield summarized discussions for Councilmember Stram. Rhodes commented that the \$69,750 will results in 1.5 million dollars of road project funding.

MOTION: Move to approve Resolution 21-03-16-02
F/S: Edenfield/Rhodes
YEAS: Stram, Edenfield, Craske, Rhodes, Cunningham, Kerkof & Burger
NAYS: None
STATUS: Motion Passed.

10) **ORDINANCE FOR INTRODUCTION:**

- a) **Ordinance 21-04-06-01**, amending Title 9-Public Peace, Morals and Welfare, adding Chapter 9.06-Marijuana Establishments, discussion and action item:
- b) **Ordinance 21-04-06-02**, amending Title 9-Public Peace, Morals and Welfare, adding Chapter 9.07-Controlled substances, discussion and action item:
- c) **Ordinance 21-04-06-03**, amending Title 1-General Provisions, Chapter 1.16.0.35-Minor Offense Fine Schedule, adding fines for controlled substances, discussion and action item:

Edenfield moved to approve Ordinances 21-04-06-01, 21-04-06-02 & 2-04-06-03. Burger seconded the motion. There was further discussion. Craske commented that he wanted the voters have the say on whether a dispensary was allowed in Thorne Bay. Cunningham stated that his question had already been answered, but years ago the council approved this use of marijuana dispensary, but there were no rules or regulations laid down at that time.

MOTION: Move to approve Ordinances 21-04-06-01, 21-04-06-02 & 2-04-06-03.
F/S: Edenfield/Burger
YEAS: Stram, Edenfield, Rhodes, Cunningham, Kerkof & Burger
NAYS: Craske
STATUS: Motion Passed.

- d) **Ordinance 21-04-06-04**, non-code ordinance placing a 180-day moratorium on blasting within the South Thorne Bay Subdivision, discussion and action item:

Craske moved to remove Ordinance 21-04-06-04, as an action item. Rhodes seconded the motion. Discussion included concerns from Craske regarding Lindseth's development and intent, stating that it was not in compliance with the City's code and requirement to notify surrounding property owners. Craske commented that he would withdrawal if Lindseth will come into compliance. Cunningham requested that if someone will be blocking the road, that notices are put up or flaggers are hired. Kerkof commented that the discussion of the item was trailing off and that the ordinance for discussion is specific to prohibiting blasting within South Thorne Bay. Stram stated in the past week when Lindseth was taking down a large tree he did contact people to help flag, and that he (Councilman Stram) assisted with that. Stram commented that the road was not blocked for more than 10 minutes. There was further discussion.

MOTION: Move to remove Ordinance 21-04-06-04 as an action item
F/S: Craske/Rhodes
YEAS: Stram, Edenfield, Craske, Rhodes, Cunningham, Kerkof & Burger
NAYS: None
STATUS: Motion Passed.

- e) **Ordinance 21-04-06-05**, Amending Title 2 – Administration and Personnel, Chapter 2.04 – City Council, discussion and action item:

Edenfield moved to approve Ordinance 21-04-06-05, Amending Title 2 – Administration and Personnel, Chapter 2.04 – City Council. Cunningham seconded the motion.

Craske this is a good product, started as a draft months ago and final ordinance. There was no further discussion.

MOTION: Move to Move to approve Ordinance 21-04-06-05, Amending Title 2 – Administration and Personnel, Chapter 2.04 – City Council
F/S: Edenfield/Cunningham
YEAS: Stram, Edenfield, Craske, Rhodes, Cunningham, Kerkof & Burger
NAYS: None
STATUS: Motion Passed.

11) CONTINUATION OF PUBLIC COMMENT:

Lavenia Sylvia commented on the following:

- Thanked Clerk for reading her comments into the record
- Neighborhood currently has many rock quarries and because of the city not enforcing ordinances
- We used to be able to drive out and feel safe, and not able to do that
- What does the council plan to do to correct this?
- Those people who spoke in favor of Lindseth development are some of the same ones who voted to slumify our properties. I want to know what the council plans to do, I don't mean just south

Jason Clowar provided the following comments:

- Appreciate pulling back on this ordinance. I could see values decreasing.
- Slandering when saying that someone is breaking the law when that is not the case. Slandering Lindseth and his wife, if out of line.

Tim Lindseth commented on the following:

- Believes that Craske has been misinformed on North Road, maybe VPSO Bosdell can attest to his
- Regarding Thom, I was motioning for him to come around, but
- Love to see City Hall back up, frustrating to be a part of this agenda tonight and not able to come into City Hall for business.

12) CONTINUATION OF COUNCIL COMMENT:

Rhodes commented on the following:

- Not only Tim, but many people feel a disconnect not being able to attend meetings in person. I appreciate the Clerk reaching out and seeing what other communities are doing as they open up

Cunningham commented on the following:

- Thanked Teri for Order of Business

- Apologize to anyone I may have offended tonight, and if all can show a little consideration to one another we can make things a lot better
- Agree with Lavenia Sylvia, when I came back to Thorne Bay this was a nice area, now it is referred to the ghetto, it is ridiculous and city needs to enforce codes on the books and follow through on them

Mayor Edenfield commented on the following:

- Agree to have courtesy with neighbors, and if one has a problem, they should approach their neighbor and try to resolve between each other before bringing in the Law.
- In the past only a few properties have been picked on and if we are going to pick on one, all need to be addressed.
- Request that emails to administration be copied to the Mayor

Craske commented on the following:

- Apologized for not including the Mayor in correspondence and will include moving forward.

Rhodes commented on the following:

- Would love to hear apology from Craske to the Council and to Mr. Lindseth and wife

Craske commented on the following:

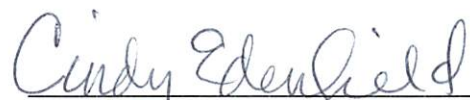
- Responded that he would not provide an apology.

13) ADJOURNMENT:

Mayor Edenfield adjourned the meeting at 8:26 p.m.

ATTEST:


Teri Feibel, CMC


Cindy Edenfield, Mayor