



MINUTES

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

TUESDAY, June 1, 2021

TIME: 6:30 p.m.

LOCATION: TELECONFERENCE/VIDEO CONFERENCING LINE & COUNCIL CHAMBERS

1) CALL TO ORDER:

Mayor Edenfield called the meeting to order at 6:30 pm

2) PLEDGE TO FLAG:

The audience and council pledged to the flag.

3) ROLL CALL:

Those present were:

Craske, Edenfield, Kerkof, Stram, Cunningham & Burger

4) APPROVAL OF AGENDA:

Edenfield moved to approve the agenda removing consent agenda 9 (a). Burger seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda as written.

F/S: Edenfield / Burger

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

NAYS: None

STATUS: Motion Passed.

5) MAYOR'S REPORT:

Mayor Edenfield reported the following:

- Received a Thank You card for the donation made by the City Council to the Klawock VOCTEC center.
- Commented that the anonymous letter everyone received in their mailboxes was all false information. Mayor referenced an email dated December 9, 2020, that she sent to the City Attorney as proof of her contact with him relating the incident referenced in the public letter.

6) ADMINISTRATIVE REPORTS:

a) City Clerk reported the following:

- Appointment to Seat B-Applications are due not later than June 10th with the Appointment scheduled for June 15th Regular Meeting.

- Budget Ordinance is for introduction. Encouraged the Council to review the ordinance and reach out if there are any questions. Commented that if the council wanted, they could set a time to meet with the Clerk at City Hall to review the budget detail.

7) **PUBLIC COMMENTS:**

Sherry Becker, Superintendent of Southeast Island School District (SISD) commented on the following:

- Summer food program will continue for kids aging 1-18. Monday through Friday between 9-10:15
- Drone program put on by SISD Summer Flying. Come fly and learn with us! Introductory Drone Program – FREE!

Middle School and High School Students

June 8 – 10 (1 – 4pm)

Lunch available

Any/All Interested Adults

June 8-10 (10am – 12)

Lunch available

Community/Family Evening

June 11th (6 – 7:30pm)

Food and Beverages Provided

Bring the whole family!

Register Now at sisd.org

Mark Minnillo commented on the following:

- Wife DeAnn intends to run for Seat B and is requesting the support of the council. Added that DeAnn sent her apology for not being able to attend the meeting in person.

8) **COUNCIL COMMENTS:**

Cunningham commented on the following:

- Commented that he spoke with Mr. Lindseth after the last meeting, and discussed how times change, things change, and he is willing to change.
- Commented that in a court of law, an accuser is responsible for providing the proof of their claims, not the defendant. The defendant is innocent until proven guilty. This should apply to Thorne Bay, Councilmembers and Staff.
- The administrator was vetted by an outside organization, interviewed by the City Council and a panel of citizens.
- Requested the city provide an ordinance that would require any accusations made against any city employee must provide some legitimate proof of set accusation, so as not to waste time of the function of the city and its employees to disrupt their day-to-day duties.
- Inquired to the City Clerk how many hours she spent disputing false accusations that have come against her.
 - Clerk responded it was approximately 12-15 hours, spent only on the accusations against her.

Craske commented on the following:

- Stated that he requested through an open records request, that all documents between the mayor and attorney regarding the complaint against the city attorney be provided to him. Those records were not provided, so either the mayor lied about contacting the attorney, or the City is in violation of the open records act by not providing the letters.
 - Mayor Edenfield responded that it was not a lie, she had proof that she contacted the attorney, and it is attorney/client privileged and exempt from the public records act
- Regarding Thom's comment on proof of complaint, Craske stated that he received a complaint, investigated that complaint, and requested documentation from the administrator to prove the complaint wrong, and the records were not provided.
- Regarding Mr. Lindseth, the zoning requirements state that if you are operating a business, you are required to publish a notice to allow all property owners to comment. I contacted the City and told them to issue a stop work order to Lindseth until he got into compliance. I contacted my attorney and had him contact the City's attorney.
- I asked Jon Stram to convey a message to Mr. Lindseth that if the road gets fixed and posts notice of his business for 30-days, then his project can move forward.

9) NEW BUSINESS:

a) Accepting the resignation of Eric Rhodes from Council Seat B, discussion and action item:

Edenfield moved to accept the resignation of Eric Rhodes from City Council Seat B. Cunningham seconded the motion. Cunningham would like to see if they would put out a certificate of appreciation. Regardless of whether the council agreed with his politics or not.

MOTION: Move to accept the resignation of Eric Rhodes from City Council Seat B
F/S: Edenfield/Cunningham
YEAS: Edenfield, Burger, Cunningham, Kerkof, Craske & Stram
NAYS: None
STATUS: Motion Passed

b) Resolution 21-06-01-01, authorizing the mayor to sign the Sales Tax Collection Service Agreement on behalf of the City of Thorne Bay ("City") with Alaska Municipal League ("AML") for the collection of sales tax revenues for the City of Thorne Bay, discussion and action item:

Edenfield moved to approve Resolution 21-06-01-01, authorizing the mayor to sign the Sales Tax Collection Service Agreement on behalf of the City of Thorne Bay ("City") with Alaska Municipal League ("AML") for the collection of sales tax revenues for the City of Thorne Bay. Burger seconded the motion. Edenfield commented that this would free up time for the finance and city clerk to continue their other daily business. City Clerk commented that this would place the responsibility for managing local sales tax collections, registering businesses, sending reminders, etc. from the local businesses. The cost to the City would be approximately \$10,000.00 per year but felt that it was worth it.

Edenfield withdrew her motion adopting the resolution to give the council more time to gather information. Burger withdrew his second.

10) **ORDINANCE FOR INTRODUCTION:**

- a) **Ordinance 21-06-15-01**, amending Title 2 – Administration and Personnel adding, Chapters 2.06-Conflict of Interest & 2.07 – Code of Ethics, discussion and action item:

Edenfield moved to approve Ordinance 21-06-15-01, amending Title 2- Administration and Personnel adding, Chapters 2.06-Conflict of Interest & 2.07 – Code of Ethics. Kerkof seconded the motion. City Clerk explained that the ordinance in front of the council included amendments to the prior introduction including the Ethics Officer, before it stated the ethics officer was the city's attorney that is amended to state that the ethics officer would be determined or appointed by the city council and that office will consist of three members of the public and the, the committee that would review the applications submitted for those that committee.

MOTION: Move to approve Ordinance 21-06-15-01, amending Title 2- Administration and Personnel adding, Chapters 2.06-Conflict of Interest & 2.07 – Code of Ethics.

F/S: Edenfield/Kerkof

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

NAYS: None

STATUS: Motion Passed

- b) **Ordinance 21-06-15-02**, Providing For The Establishment Of The Budget For The City of Thorne Bay, Fiscal Year 2022, July 1, 2021 -June 30, 2022, Anticipated Revenues And Expenditures, discussion and action item:

Edenfield moved to approve Ordinance 21-06-15-02, Providing for the establishment of the Budget for the City of Thorne Bay, Fiscal Year 2022, July 1, 2021 -June 30, 2022.

Burger seconded the motion.

Craske commented on the following:

- Subsidizing water and sewer department by \$150,000. Suggest that the City send a check to the residents of South Thorne Bay of \$1,000.00.
- The reason being that there are no facilities in South Thorne Bay. Residents of South Thorne Bay have been subsidizing residents living in the North shore.

Cunningham commented on the following:

- Agreed with Craske except for the \$1000.00. Suggested that the City spend dollar for dollar. If the City is paying \$150,000.00 for North Thorne Bay, then South Thorne Bay needs money for developing the infrastructure over there.

City Clerk explained that sewer department was subsidized by a total of \$16,143 and the water department was subsidized by a total of \$19,666.82 so, which is absolutely not 150,000. These two subsidies total approximately 38,000 to 40,000

Craske commented on the following:

- Spoke with Joe Ashcraft from HughesNet and he stated that internet can be provided to the public for \$70 per month at Davidson Landing.
- Inquired if the City would

MOTION: Move to approve Ordinance 21-06-15-02, Providing for the establishment of the Budget for the City of Thorne Bay, Fiscal Year 2022, July 1, 2021 -June 30, 2022, of anticipated revenues and expenditures

F/S: Edenfield/Burger

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

NAYS: None

STATUS: Motion Passed

11) **EXECUTIVE SESSION:** No Executive Session was held.

12) **CONTINUATION OF PUBLIC COMMENT:**

McDonald commented on the following:

- Can come in and talk with Teri regarding AML

Minnillo commented on the following:

- Does not understand the logic of paying residents of southside for a water subsidy. Commented that he pays the City \$250 per month for the services he gets.
- Regarding fixing the roads on southside, if they need fixed, the city should come up with money to fix them. But it should not be looked at that the North side gets all of the money for the roads and the Southside does not get any. If the roads in South Thorne Bay need fixed, then somehow the City needs to come up with funding for the roads on that side.
- Inquired if money was collected from residents of South Thorne Bay for roads or for utilities? When the City has to spend money to fix the southside roads and then my utility bill goes up again. There are no taxes, or anything being collected from South Thorne Bay residents for the roads, so there is a big conflict right there.
- Hates to see this division of north and south, but without property tax to pay for these things and make it equal, then we have to figure something else out.

VPSO Bosdell commented on the following:

- VPSO's wear many hats, EMS, Fire, VPSO... Recently we worked with the City on obtaining a water tank that we can use to deliver water to residents on southside on donation only base. We plan to deliver water one day a week to anybody on South Side on a donation base only.

Tim Lindseth commented on the following:

- Regarding comments from last meeting and tonight in regard to his property, work has not stopped. Commented that he had been busy with other projects but would be getting back to finish working on the property. Explained that he had taken opportunity to work with Southeast Roadbuilders drill on his property, as the drill would be leaving the island, so he took advantage of that.
- There were many accusations that came forward regarding his property and intentions. Before work even began the property there had been a number of accusations thrown around. Some were that he would be shooting a rock pit to put junked cars in. There have been accusations of him damaging neighboring properties, and has not seen any evidence of that, nor have neighbors said anything to him about it. Explained that he would be back to work on his property soon.

- Referenced what Councilmember Cunningham had stated "Anybody can make an accusation, but the facts need to come forth"
- Apologized for the road condition and stated that the road would be scaled down where it was. It might be a little rough right now, and he apologized and stated that it was certainly passable.
- Concluded that he appreciated the council's patience and apologizes if the road is a little rough, but it will get better soon.

Brad Clark commented on the following:

- Agreed with Mark Minnillo's comments that the roads should be a city-wide issue, and a discussion between all of the members of the City etc. However, in regard to the residents in South Thorne Bay not paying anything, they do pay sales tax. Explained that the issue as he understood it was that the user fees did not fully support costs for operating the water and sewer utility. Agreed that we all needed to work together as a city but concerned when say Southside does not pay anything.

13) CONTINUATION OF COUNCIL COMMENT:

Craske commented on the following:

- When city incorporated in 1982, they were loaded with money and they loaded the city with money. When that funding was available to the City, it was available to community based on boundary lines drawn by boundary commission. The city spent a majority of that money on the North side of the bay and that is why the South Thorne Bay roads were so nasty.
- Regarding Mr. Lindseth, invited Lindseth to come in and see the council before leaving and then post your actions and activities of a business.

Tim Lindseth Commented:

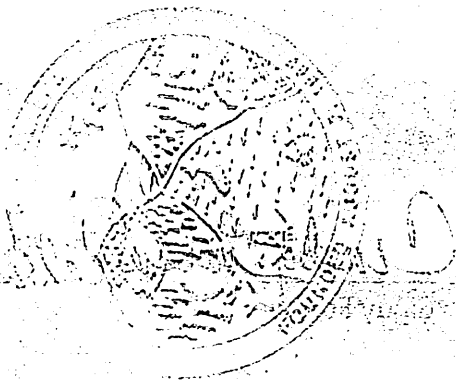
- He would do what the Council wanted him to do, not what one councilmember said he should do.
- Craske continued his comment that it was the law, and Lindseth must follow the law. If a business is being operated, it must be posted for 30-days in five places around the community.

City Clerk explained that the Council would be the one to make determinations or opinions and it could not be one councilmember.

Kerkof commented on the following

- Concern for the fact that Councilmember Craske is once again threatening a lawsuit against the City. Concluded his comment by stating that a councilmember threatening a lawsuit is a conflict of interest
- Concerned with the fact that once again, Councilmember Craske is threatening the City of Thorne bay with a lawsuit. And it is Kerkof's personal opinion that if a councilmember is threatening the city with a lawsuit, holding a position on the council, that it was a conflict of interest, and Craske should no longer be on the city council, period.

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DATE 08-12-2009 BY 60322 UCBAW/BAB



W. A. R. P.

Cunningham commented on the following:

- Reiterated his belief that those who make accusations should bear proof first
- Spoke with Lindseth and he has agreed to change with the times
- Internet cost for Davidson Landing seem reasonable
- Like to hold off on construction costs for Davidson until costs reduce, get more bang for buck.
- How will water delivery and donations work for fire department.

Clerk commented that the City did receive the CDBG grant funding in the amount of \$196k, and that is to be spent on the planning and engineering of a new fire hall. The city should have a meeting that will address where the new Fire Hall will be located and/or if the new fire hall will be located where the current building is.

14) ADJOURNMENT:

Mayor Edenfield adjourned the meeting at 7:34 p.m.

ATTEST:


Teri Feibel, CMC


Cindy Edenfield, Mayor