

AGENDA

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

TUESDAY, August 2, 2022

TIME: 6:30 p.m.

THERE WILL BE A WORKSHOP BEGINNING AT 6:00PM

LOCATION: IN PERSON AT CITY HALL or TELECONFERENCE/VIDEO CONFERENCING LINE

Phone Number: 1-650-479-3208

Meeting Link:

<https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m99f71eee7f975b71d7ee0f9f7c5e44a1>

Meeting number: 182 323 7632 Password: [MghMxgJy424 \(64469459 from phones and video systems\)](#)

- 1) CALL TO ORDER:
- 2) PLEDGE TO FLAG:
- 3) ROLL CALL:
- 4) APPROVAL OF AGENDA:
- 5) MAYOR'S REPORT:
- 6) ADMINISTRATIVE REPORTS:
 - a) City Administrator:
- 7) PUBLIC COMMENTS:
- 8) COUNCIL COMMENTS:
- 9) CONSENT AGENDA:
 - a) MINUTES
 - i. Minutes of the July 19, 2022, Regular City Council Meeting, discussion and action item:
- 10) NEW BUSINESS:
 - a) Resolution 22-08-02-01, supporting the amendment of Industrial Zone to allow Residential Uses as a Conditionally Permitted use within the zone, discussion and action item:
 - b) Authorizing a donation of \$500.00, to the Annual Thorne Bay Days Celebration, to be used for awarding Cash Prizes, discussion and action item:
- 11) ORDINANCE FOR PUBLIC HEARING: None
- 12) ORDINANCE FOR INTRODUCTION: None
- 13) CONTINUATION OF PUBLIC COMMENT:
- 14) CONTINUATION OF COUNCIL COMMENT:
- 15) ADJOURNMENT:

POSTED: July 29, 2022

MINUTES

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

TUESDAY, July 19, 2022

TIME: 6:30 p.m.

THERE WAS A WORKSHOP BEGINNING AT 6:00 PM

LOCATION: IN PERSON CITY HALL & TELECONFERENCE/VIDEO CONFERENCING LINE

1) CALL TO ORDER:

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

2) PLEDGE TO FLAG:

The audience and council stood for the pledge to the flag.

3) ROLL CALL:

Those present were Burger, Hartwell, Kerkof, Jennings & Nyquest

Excused: Oatman & Stram

4) APPROVAL OF AGENDA:

Burger moved to approve the agenda as written. Hartwell seconded the motion.

MOTION: Move to approve the agenda

F/S: Burger/Hartwell

YEAS: Kerkof, Hartwell, Burger, Nyquest & Jennings

NAYS: None

STATUS: Motion Passed.

5) MAYOR'S REPORT:

Mayor Burger reported the following:

- Memorial to be held at the Firehall on July 23, 2022, at 4:00 pm for Sue Edson. Sue was a longtime resident and will be missed. Mayor Burger personally expressed his condolences to Sam Sawyer and his family for their loss.
- Thorne Bay Days is scheduled for August 6th. A meeting was held last week and it sounded like a lot of activities, games, relays, food and vendor booths are already planned.
- EMS/Fire will be holding a PIGNic dinner on August 5th. Tickets for this event may be purchased at The Port or City Hall.
- POW Island Wide Art Extravaganza & Exhibit to be held July 23rd at the Thorne Bay Gym.

6) ADMINISTRATIVE REPORTS:

City Administrator:

John Huestis provided the following Administrative Report:

- Working on typical summertime maintenance issues and special projects as required.

- Laura Clark has given her notice of resignation from her City Position as Library Director, effective August 1st, 2022.
- Our new mini excavator should be here next week on the barge. We are still seeking to purchase a trailer for the machine.
- I have had continuing conversations with the EPA on the Salt Chuck Mine tailings. I have read through some of the past documents of work accomplished at the site and information specific to the tailings, nothing looks too scary to me. We are still waiting for the most current sampling results to continue discussions with the State DEC.
- We should be getting information soon from the DBAC Program on the removal and cleanup of the old fire hall.
- I am in regular discussions with the R&M Engineering and the Ketchikan Airport Contractor on the old floating bridge pontoon and getting it permitted and installed as a breakwater for the North Harbor. There is a possibility the Contractor may back out once the actual cost of the anchoring system becomes known.
- We hired Bud Willard as a temporary project employee to make some needed repairs on City buildings, starting with the Solid Waste facility plumbing
- I plan to be back in Thorne Bay on Friday.

EMS Report:

Victoria Anderson provided the following report:

- VPSO McGinnis has received his EMT II.
- EMS has had a copy of calls and had three responders on each.
- Supplies are slowly arriving.
- Tammy Reid has been hired as a dispatcher
- EMS will be hosting the EMS/Fire fundraising dinner on August 5th at 5:30 pm. Tickets can be purchased at City Hall or The Port and are \$25.00 per person

Harbor Report:

Simon Doyle provided the following report:

- Still working to secure the SISD walkway above the waterline, and to determine the future of that walkway.
- Removing a recently dumped vehicle from Davidson Landing.
- Repair minor damage done by Cruise ship on their last visit.(broken signs)
- Pressure wash North Side Harbor.
- Monitoring parking in the North Harbor area, evaluating how well the changes are working.
- Davidson Landing electrical project completed and paid for.
- Pedestal breaker repair on North Side Harbor.
- Yacht club visit was a success, finishing up after action with the group.
- Alaska Dream Cruises cancelled the rest of their visits, apparently due to staffing.
- Davidson Landing Firehall installation of new coded lock on front door.
- Harbor is business as usual for the busy season, lots of transient boats in and out.
- Harbor Boat repairs, vessel is waterlogged and has a hole in the hull that takes on water when front loaded. I plan on taking the boat out of the water for repairs this fall/winter.

Parks & Recreation:

Amy Jennings provided the following report:

- Events planning absorbed most of the daily schedule.
- Managed to do some grooming on the ball field in anticipation of Thorne Bay Days. Will still need to spread some wood chips and finish mucking the little creek along the ball field to aid in drainage.
- Had been waiting on parts to fix the tow behind mower. The parts arrived and the mower has been repaired and running like a champ.
- Snacks at Midnight, a touring band, recently performed in Thorne Bay. The event went well and people were very receptive and happy to attend live music. A big shout out to Gary and Victoria Anderson for allowing the event to be hosted at Anderson Lodge.
- The City hosted a “Top of the Dock” potluck on June 24th. There was a lot of positive feedback from the community as well as the visitors. Simon Doyle worked closely with me on this event and was a great help.
- This weekend is the POW Island Art Extravaganza and Exhibit event. I worked on this even with Gretchen Klein for the past six months.
- Thorne Bay Days is less than three weeks away. I secured some good sponsors for the event. I hope this event continues to grow each year.
- Once the Art Extravaganza and Thorne Bay Days are completed, I plan to build a few more plant boxes, repair the Healthy Heart Trail and work toward getting new playground equipment for the park.

Solid Waste:

Jason Jennings provided the following report:

- Repairs are being made on the water system at Solid Waste.
- Bud Willard has removed the old diesel drip heater and the diesel lines as well. The lines were about to rust through.
- We have been cleaning up the grounds at Solid Waste
- All but a few cars have been removed and taken to the scrap metal barge. The scrap metal collector will be picking up the rest of the loose metal pile in the next couple weeks.
- Regular garbage pickup and operations continue as usual.

Streets & Roads:

James Taylor provided the following report:

- Continued seasonal brushing and weed eating in town and on South Thorne Bay.
- Minor Street repairs completed
- Have assisted Solid Waste with the trash bailing operations.

7) PUBLIC COMMENTS:

Anthony Lovell commented on the following:

- EMS Dispatchers. The EMS Dispatch Volunteers are increasing and Mr. Lovell is one of those Volunteers. The department will continue to seek other volunteers in the community as well.

8) COUNCIL COMMENTS:

Burger commented on the following:

- Reminded everyone of the Memorial Service on Saturday. The Art Extravaganza on Saturday and Thorne Bay Days on August 6th.

9) CONSENT AGENDA:

a) **MINUTES**

- i. Minutes of the June 21, 2022, Regular City Council Meeting, discussion and action item:
- ii. Minutes of the July 5, 2022, Regular City Council Meeting, discussion and action item:

Burger moved to approve the consent agenda consisting of the June 21, 2022, and July 5, 2022, minutes of the City Council meeting. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda consisting of the June 21, 2022 and July 5, 2022, minutes of the City Council meeting.
F/S: Burger/Hartwell
YEAS: Kerkof, Hartwell. Burger, Nyquest & Jennings
NAYS: None
STATUS: Motion Passed.

10) NEW BUSINESS:

- a) **Resolution 22-07-19-01**, authorizing the purchase of Wausau Plow, discussion and action item:

Burger moved to approve Resolution 22-07-19-01, authorizing the purchase of Wausau Plow. Jennings seconded the motion.

Huestis gave a brief overview of the plow and his negotiations. The purchase price does include the truck mounting plates, which may not need to be purchased if it is found that it can be mounted to the City bumper without it.

MOTION: Move to approve Resolution 22-07-19-01, authorizing the purchase of Wausau Plow.
F/S: Burger/Jennings
YEAS: Kerkof, Hartwell, Burger, Nyquest & Jennings
NAYS: None
STATUS: Motion Passed.

11) ORDINANCE FOR PUBLIC HEARING: (None)

12) ORDINANCE FOR INTRODUCTION: (None)

13) CONTINUATION OF PUBLIC COMMENT: (No further public comments)

14) CONTINUATION OF COUNCIL COMMENT:

Nyquest stated that if the plow mounting plate was not needed perhaps, they could throw in some bottom wear plates in for future use instead.

15) ADJOURNMENT:

Burger adjourned at 7:17 pm

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC



**RESOLUTION 22-08-02-01
CITY OF THORNE BAY**

A RESOLUTION OF THE CITY COUNCIL SUPPORTING AN AMENDMENT TO THE INDUSTRIAL ZONE TO INCLUDE RESIDENTIAL USE AS A PERMITTED USE THROUGH THE CONDITIONAL USE PERMIT PROCESS

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

WHEREAS, it is the responsibility City Council to establish rules and procedures which govern the behavior of the City and may be enforced through fines or penalties; and

WHEREAS, it is the intent of the City Council to ensure that the laws and ordinances are enforced consistently, fairly and impartially; and

WHEREAS, the Thorne Bay Municipal Code sets out the zoning regulations for land uses within the City in TBMC Chapter 17.04 - Planning and Zoning; and

WHEREAS, TBMC 17.04.028-Industrial Zone sets out the development and use standards for lots within that zone, and expressly prohibits residential subdivision use within the Industrial zone, permitting only living quarters as an accessory use within the zone, such as a watchman's quarters, owner/operator residence; and

WHEREAS, there are properties within the Industrial Zone of Thorne Bay that are not in compliance with the zoning standards, by only using the property as a primary residence and do not operate a permitted or conditionally permitted use within the zone as set forth in TBMC 17.04.028, Subsection (A) Permitted Use, and (B) Conditional Use; and

WHEREAS, Thorne Bay suffers from a severe shortage in housing availability for both renters and homeowners looking to buy; and

WHEREAS, in efforts to allow for additional residential housing opportunities within Thorne Bay, while ensuring the continued viability and integrity of the existing land zones and uses, City Council believes it to be in the best interest to of the city to amend the current zoning regulations within the Industrial Zone by allowing residential living within the zone through the Conditional Use Permit process; and

WHEREAS, if approved, all existing lots that are not in compliance with the permitted uses,

would be required to obtain a Conditional Use Permit as described in the Thorne Bay Municipal Code 17.04.043; and

WHEREAS, if not approved, all existing lots that are not in compliance with the permitted uses, would be subject to the fine set forth in TBMC 1.16.035-Minor Offense Fine Schedule, Violation Section 17.04.028 (c); and

WHEREAS, the proposed amendment would not be detrimental to health or welfare of any person or property owner is consistent with the Comprehensive Development Plan of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council, for the City of Thorne Bay, Alaska; supports the amendment to TBMC 17.04.028-Industrial Zone, to include Residential Subdivision, as a Conditionally Permitted Use, and hereby directs the City Clerk to begin procedures of notifying the property owners of the proposed Ordinance amendments as provided in TBMC 17.04.046-Amendments to the Zoning Title Including Rezoning.

PASSED AND APPROVED: August 2, 2022

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC

Q & A

For Resolution 22-08-02-01

What is a Conditional Use Permit?

Answer: A conditional use permit is to allow for flexibility in the zoning title by providing for uses that may be suitable in certain locations and not others. It basically permits inclusion of uses that should not be permitted in every part of the zone but are reasonable in some areas of the zone with restrictions and conditions designed to fit the particular problem that the use may present.

In order to obtain a conditional use permit, one must follow the procedures outlined in the Thorne Bay Municipal Code Chapter 17.04.043-Conditional Use Permits.

There is a public hearing of the Planning Commission and property owners prior to a decision to approve or deny. The surrounding property owners will be notified of the hearing and have the opportunity to speak in favor or against granting approval for the permit.

You can find the codes referenced in this document on the City's Website at www.thornebay-ak.gov/municipal-code.

What will happen when residents begin to complain about dust, noise or traffic created from a permitted industrial use?

Answer: Nothing. A residential use property that is granted a Conditional Use Permit will have been provided with the Zoning laws and made aware of the intent of the Industrial Zone which is to provide an area that is suitable for both heavy and light industrial uses such as manufacturing, processing, repairing and assembling, and understand that most industrial uses will create loud noises and early operation hours.

When would the Ordinance Hearing be held for residents to comment on the proposed zoning change?

Answer: It will depend on when the notices are mailed to the property owners. But would be either the 6th or 20th of September.

The proposed ordinance amendment is provided on pages 4-___ of this document.

DRAFTED ORDINANCE AMENDMENT TO THE INDUSTRIAL ZONE:

ADDITIONS ARE IN BLUE AND CAPITALIZED

~~Deletions are red and stricken~~

AMENDMENT OF TITLE, CHAPTER & SECTION:

TITLE 17 – ZONING

CHAPTER 17.04 – PLANNING & ZONING

17.04.028 INDUSTRIAL ZONE.

This zoning designation is intended to provide an area that is suitable for both heavy and light industrial uses such as manufacturing, processing, repairing and assembling.

[Section 15.04.020](#) stipulates that “Development Plans” are required of all building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties. (Ordinance 17-08-15-01; prior Ord. 16-01-05-02)

A. Permitted Uses.

1. Solid waste disposal facilities;
2. The manufacturing, processing, repairing, assembling and disassembling, compounding, packaging treatment, fabrication and warehousing of materials or property;
3. The storage of fuels or propane in compliance with applicable fire codes;
4. Junkyards and salvage yards that are screened from view from when adjacent to a public right-of-way;
5. Mining and quarry operations;
6. Sand and gravel operations;
7. Vehicle, marine and equipment storage;
8. Heavy and light equipment repair and maintenance;
9. Commercial nurseries and greenhouses;
10. Commercial or private stabling of farm animals;
11. Commercial sawmills shake and shingle mills;
12. Commercial lumber mills and the retail sale of lumber;
13. Moving, trucking and transportation firms;
14. Accessory Uses.
 - a) Office that is accessory to the permitted use,
 - b) Watchman’s quarters, owner/operator residence, or bunkhouse if applicable.

B. Conditional Use.

1. Any ~~commercial~~ use that is not an expressly permitted use;
2. Storage and sale of explosives.
3. **RESIDENTIAL SUBDIVISION.**

C. Prohibited Use.

1. Uses that degrade air, water and land without effective mitigative procedures that alleviate negative impacts;

~~2. Residential subdivision.~~

D. Property Development Standards.

1. Minimum lot size: two acres with Alaska Department of Environmental Conservation review and approval.
2. Minimum lot width: one hundred fifty feet.
3. Setback Requirements.
 - a. Front yard: twenty feet.
 - b. Rear yard: twenty feet.
 - c. Side yard: twenty feet.
4. Maximum lot coverage by buildings: no limitations, setback requirement must be met.
5. Maximum height: no restrictions.
6. Within five years of purchase, improvements to the property must be equal to the value of the property at the time of purchase.

E. Parking Requirements.

All parking must be in compliance with Section 17.04.041.

F. Sewage Systems and Treatment.

All private sewerage treatment plans and subdivisions must be approved by the Alaska Department of Environmental Conservation.

G. Fences, Walls and Hedges:

Fences, Walls and Hedges may be built up to the property line and shall not obstruct vehicular visibility. (Ordinance 17-08-15-01; prior Ord. 93-23 § 6(part), 1993)