

MINUTES
FOR THE REGULAR MEETING OF THE CITY COUNCIL FOR
THE CITY OF THORNE BAY, ALASKA
TUESDAY, June 21, 2022

TIME: 6:30 p.m.

There was workshop beginning at 6:00PM

LOCATION: TELECONFERENCE/VIDEO CONFERENCING LINE

1) CALL TO ORDER:

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

2) PLEDGE TO FLAG:

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

3) ROLL CALL:

Those present were:

Burger, Jennings, Oatman, Hartwell, & Kerkof

Nyquest participated by telephone.

Stram was excused.

4) APPROVAL OF AGENDA:

Burger moved to approve the agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda.

F/S: Burger/Hartwell

YEAS: Oatman, Kerkof, Jennings, Hartwell, Burger & Nyquest

NAYS: None

STATUS: Motion Passed.

5) MAYOR'S REPORT:

Mayor Burger provided the following Mayor Report:

- Still have active COVID cases in the community, so encourage the public to continue practicing proper hygiene.
- Fishing Derby begins on the 4th of July with the Potato feed kickoff dinner at the Dock on July 2, 2022.
- This Friday, June 4th, Top of the Dock Community Potluck. There will be a yacht club here to attend as well.

6) ADMINISTRATIVE REPORTS:

a) City Administrator:

Administrator John Huestis provided the following report:

- Administration has been busy with the annual budget cycle fine tuning to prepare for public hearing and Council adoption.
- The new library is now back open to the public. The old library may be moved as early as July 2nd or as late as September depending on schedules.
- We are pursuing the opportunity to acquire a section of the old WSDOT I-90 floating bridge (265'

x 36'). I need to determine permitting requirements (USACOE). At this time, we would consider using the structure for a breakwater/storage rental.

- OVK/TNB had a kickoff meeting with proHNS to start the updating of the Kasaan Road PS&E Package, Permits and prepare for Grant opportunities into the future.
- I met with the EPA to discuss possibilities for Salt Chuck Mine tailings - they are actively developing alternatives for long term disposition of the materials.
- I am finalizing lease agreements with both SE Roadbuilders and Papac Logging and expect to bring those for Council consideration at the next meeting.
- Met with Kirsten with Alaska Municipal League who performs public building safety inspections.
- I have reached out to Channel Construction to find out if the city can take advantage of their metals barge in Tolstoi Bay to dispose of metals from dump.
- I researched and solicited quotes and information on the purchase of a mini excavator for the City departments use. CMI, Tyler Rental, Yukon Equipment

b) City Clerk:

Clerk Feibel provided the following report:

- City newsletter is back. I will be sending it out July 1st. If you know of an event that will be taking place in July or August, let me know and I can add it to our letter.
- Top of the Dock Party is June 24th at 5pm. You are invited.
- CPR/First Aide/AED Training is tomorrow, June 22nd from 10-4 at City Hall and will be for City Employees and Councilmembers. If you want to participate and have not signed up, don't worry, we can register you tonight or tomorrow morning.

c) Department Reports:

Harbor

Harbormaster, Simon Doyle, provided the following report:

- Harbor activity has increased with the nice weather and arrival of fish. Both harbors are near 90% occupied.
- Judy Sturgis, owner of the barge arrived and inspected her barge and new location and was happy with the results.
- The USFS bunkhouse has been put in place, and the liveaboards have moved in without any delays.
- We are currently addressing parking issues at the harbor by changing some of the time restricted designations and areas, in an attempt to free up more parking in the immediate vicinity of the harbor. It appears to already be working, and with finalization of the parking code changes enforcement will begin at the end of the week.
- The SISD walkway has had rigging attached and been secured to shore but will still need some adjustments to be held out of the water and be more secure for long term storage.
- Tongass electric is still working to complete Davidson Landing lighting and AP&T compliance project.
- I will be working to pressure wash and clean up the north side harbor in the coming weeks.
- I have proposed changing the moorage slip rate formula, back to being calculated by length of vessel, rather than length of stall. This should simplify things, as well as make the calculation the same for all harbor users. Davidson Landing has still been calculated this way the entire time since the fingers weren't measured out. It will also allow the harbormaster to move boats to smaller slips, when needed, without affecting billing. Overall, this proposes to go back to the way we used to calculate slip billing and I think it will be a better system as we go forward.

Library

- Thorne Bay Fun Run June 25th 10am. Signup will begin at the library at 9:30am.
- We have the summer reading program which includes, arts and crafts, reading (both reading to staff or story time with staff reading to children).
- Library Hours are M 10-2, T 2-4, Th 10-12, Fri 10-2
- Games night on Thursdays 5-8 board games for everyone!
- Please check out the NEW THORNE BAY LIBRARY Facebook page... more details there!

Parks

- The planter box project has been going well. I have 6 planter boxes in place. I can't complete any more until I find some more 1x4 trim boards.
- Brushing along the road from the bypass to the welcome sign went well. The goal was to increase visibility (especially around corners) to help keep fawns from being hit by traffic.
- The healthy Heart trail repairs were put on hold because one of the teachers wanted her class to help with them. They did get the measurements but were not able to make repairs before the school year ended.
- The tow behind mower broke down again. I've ordered the parts. Hopefully I will be able to mow the field next week.
- I will continue to clear out underbrush at the boat launch park area and develop that little area.
- I will possibly be staining more picnic tables if we get nice days ahead

Sewer/Water

- For the month of May we started de-watering at the sewer treatment facility. After not de-watering since last fall, we had some issues getting everything running smoothly again but after some trial and error we got it all running the way it was designed to do. We also took many samples from our drinking water this month. We sampled our drinking water for Volatile Organic Compounds, TTHM/HAA5, Total Coliform, and Lead and Copper. Furthermore, we completed our regular sewer samples and testing and completed the ground and surface water sample required by the State of Alaska for the solid waste site.
- We have repaired lift station #1 with the help of First City Electric. The pumps now turn on and off accordingly for the first time in over ten-years.
- We worked with Pure Aqua, the manufacturer of the nanofiltration filtration skid at the water treatment facility, to program the unit to keep running when the backup generator turns on. This has been an issue since the unit was installed but it is now working perfectly.

Solid Waste

- Solid waste is now receiving Coffman Cove's garbage every week.
- The smaller scale has been repaired.
- The water pump is working but it blew out the water line under the bathroom sink.
- The bailer started working last Friday after Joe worked on it. We will try bailing next Wednesday and see if it will continue working.
- Clean up around the dump continues.
- We are removing the tree from cell 1 to make room for more bails.

7) PUBLIC COMMENTS:

Harvey McDonald commented on the following:

- Quarterly IFA meeting was held today, June 21, 2022. Main items of interest are the board approving driver goes free for the months of January through March 2023. The board has found that to be a benefit to the IFA and the public.

- Approved the 2023 budget. We had been worried about it with the cost inflation over this past year, but we did get a budget approve.
- Both Brian Wilson and I were approved for additional term on the Board to represent our communities.
- Thanked the Council for their support appointing me as the representative for Thorne Bay. I have served on the board since inception and my heart and soul go into the IFA.
- It was brought up previously about the possibility of going into electric vessels and it turns out that the IFA has been looking into this. Findings are that it is not feasible at this time is because the costs to convert to electric, we would have to change class of vessel, requiring two more deckhands and less room for both vehicles and passengers. More expensive vessel taking less customers.

Thom Cunningham commented on the following:

- Commented on the Ordinance pushed through before the last Municipal Election in 2021, requiring a councilmember to have served one year on the Council in order to qualify for the office of Mayor. Cunningham commented that the council held two special meetings to get the ordinance passed, which was at a cost to the taxpayers of \$1,800.00, for those meetings.
- Read comments from the Minutes of September 29, 2021, city council meeting hearing the ordinance amendment.
- Commented that it was his opinion the Vice Mayor should be appointed by council after the Mayoral election.

Victoria Anderson provided the following EMS Report:

- Since becoming EMS Coordinator there have been 2 calls. The first call had four responders and the second one had two. That is a huge step up from the past.
- CPR/First Aid/AED training at City Hall tomorrow, June 22, 2022, council and city staff are encouraged to participate
- There is one ambulance in repair.

8) COUNCIL COMMENTS:

Kerkof commented on the following:

- Resent Cunningham's comment that the decision he made to pass the ordinance was immoral. Kerkof stated that his decision was based on knowledge of the people who were running for office, and experience held.

Burger commented on the following:

- Responsibilities of the Vice Mayor are different than those of the mayor. The Vice Mayor does not have the same level of authority. Code states that the Vice Mayor will run meetings and sign checks.

Hartwell commented on the following:

- Regarding Salt Chuck Mine materials, encouraged the city to be cautious of accepting that because there may be copper in the materials which have many negative effects. When they paved the Coffman Road, they used rock that had copper in it, and they had to dig it up the next year.

9) CONSENT AGENDA:

a) MINUTES

i. Minutes of the June 7, 2022, Regular City Council Meeting, discussion and action item:

Burger moved to approve the consent agenda consisting of the minutes for the June 7, 2022, Regular City Council meeting. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda, consisting of the Minutes of June 7, 2022, City Council Meeting

F/S: Burger/Hartwell

YEAS: Jennings, Hartwell, Oatman, Kerkof, Nyquest & Burger

NAYS: None

STATUS: Motion Passed

10) NEW BUSINESS:

a) Resolution 22-06-21-01, supporting the rezoning of the Goose Creek Industrial Subdivision to Residential/Commercial III Zone, discussion and action item:

Burger moved to approve Resolution 22-06-21-01. Jennings seconded the motion.

Administrator Huestis stated that the State had approached the city about two lots the state had coming back to them. The State commented that they wanted to offer the two lots for bid in their upcoming land auction one of the lots was very steep and did not lend in favor of industrial use. That is why the State was asking the City to consider rezoning those particular lots to be less stringent. I looked at the lots in question and spoke with both Teri and the Mayor about the request. It was suggested that the City look at rezoning the entire subdivision to Residential/Commercial III, which would allow for more uses including residential. Most of the properties within the Goose Creek Subdivision are being used as Residential which is inconsistent with the current zoning regulations. By rezoning, this would allow those residential homes to remain in place. Nyquest commented that he was not in favor of the rezone. The subdivision was created as Industrial and not meant for residential uses. Nyquest and Hartwell inquired what the benefit to the City would be if they rezoned to mixed Residential/Commercial III? The City Clerk explained that the Residential/Commercial III zone permitted for industrial uses, but new industrial uses would need to file a notice of intent and notify the neighbors and provide the property owners an opportunity to comment in favor or against. Huestis commented that the neighbors do not have final say whether their neighbor can have an industrial use, the ultimate decision would lie with the Planning Commission and City Council upon Planning Commission recommendation.

Further discussion included concerns that if the council were to allow for a zone change, it would not be a benefit to the industrial property owners.

MOTION: Move to approve Resolution 22-06-21-01

F/S: Burger/Jennings

YEAS: Kerkof, Jennings & Burger

NAYS: Oatman, Hartwell & Nyquest

STATUS: Motion Failed.

b) Resolution 22-06-21-02, amending the rate schedule for municipal services, discussion and action item:

Burger moved to approve resolution 22-06-21-02. Jennings seconded the motion. Hartwell commented that the increased fee for disposing a vehicle will likely encourage more vehicles being dumped in the

forest. Burger commented that people are already disposing vehicles at the \$52.00 rate. Nyquest suggested raising vehicle disposal for residents to \$100 and nonresidents \$200.

Nyquest inquired about the fee recommended for the washdown station in Downtown. Nyquest commented that he recalled previous discussions were to leave the washdown as is without charge for one year and see how much water was used. City Clerk commented that she was not a part of the discussion to keep that without a fee, so if the council wanted to remove that, they could amend the motion again to remove that fee. Administrator Huestis commented that the water department as an enterprise fund that creates a product that is sold for revenue, so just opening up the spigot for free use is not typically something we would consider. If it is to get an idea of how much use it is getting to determine the correct price to charge, then we can check the meter at any time and determine that. Oatman requested clarification that this would be a charge in addition to renting a harbor stall.

Huestis confirmed. Oatman stated he felt that harbor users should have a place for free to rinse their vessels when removing from the harbor. Jennings stated there was water at the harbor that people could use. Jennings stated that the City charges customers for their residential water use, and feels that he should not be paying for other peoples use of the water. Everyone should pay for the water they receive.

2nd MOTION: Move to approve Resolution 22-06-21-02 with amendment of \$100 for residents and \$200 for nonresidents.

F/S: Nyquest/Burger

YEAS: Oatman, Kerkof, Jennings, Hartwell, Burger & Nyquest

NAYS: None

STATUS: Motion Passed

The amended motion passed which includes a change to the rates of vehicles. Now the remaining motion of the floor is to approve the Resolution with amendments.

MAIN MOTION: Move to amend the resolution as presented by increasing vehicle fee to \$100 for residents and \$200 for nonresidents.

F/S: Burger/Jennings

YEAS: Oatman, Kerkof, Jennings, Hartwell, Burger & Nyquest

NAYS: None

STATUS: Motion Passed

- c) **Resolution 22-06-21-03**, authorizing the purchase of a 2022 Hitachi Mini Excavator from CMI Machinery, discussion and action item:

Burger moved to approve Resolution 22-06-21-03. Hartwell seconded the motion. Administrator Huestis commented that the mini excavator provides versatility to the City so it can be used for various types of work. This excavator would be ideal for use on upcoming prospect of widening the shoulder for the Claw Trail. This machine has universal application for digging, ditching, walked around town with rubber tracks, not damaging city streets, smaller blade for grading with. The staff has requested the city consider purchasing a mini excavator for smaller type of projects. We do have a second backhoe that can be sold to offset the costs of the excavator. Additionally, we have projects coming forth that will have a need for this equipment, and we can rent it to the project to offset costs. New excavators are hard to get at this time, have contacted multiple companies and all they had available were used ones that were only a few thousand dollars cheaper than a new one. A new excavator has a 4000-hour warranty. CMI can supply the machine and maintain the equipment for us in addition to financing it.

The value to the city is versatility and ease of use. With uncertainty of economy right now, the city administration feels that financing the equipment is the best option. Nyquest commented that he did like the idea that there is a person on the island able to perform maintenance. Nyquest inquired what the warranty on the machine was and asked if CMI was holding the machine for us now? Huestis stated that the warranty is 4000-hours but will get confirmation on that number. CMI is also holding the machine for the city at this time. Nyquest commented he was in favor of the purchase because historically the city has purchased used equipment and cost the city more to repair in the long run.

MOTION: Move to approve Resolution 22-06-21-03
F/S: Burger/Hartwell
YEAS: Nyquest, Jennings, Oatman, Hartwell, Kerkof & Burger
NAYS: None
STATUS: Motion Passed.

11) ORDINANCE FOR PUBLIC HEARING:

- a) **Ordinance 22-06-21-01**, adopting the Budget of Operating Income and Expenses for the Fiscal Year 2023 beginning July 1, 2022, through June 30, 2023, discussion and action item:

Burger moved to approve Ordinance 22-06-21-01, adopting the FY23 Budget. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 22-06-21-01
F/S: Burger/Hartwell
YEAS: Oatman, Kerkof, Jennings, Hartwell, Burger & Nyquest
NAYS: None
STATUS: Motion Passed.

- b) **Ordinance 22-06-21-02**, amending Title 10-Vehicles and Traffic, Chapter 10.20 – Parking, Standing & Stopping, Section 10.20.030 – Harbor Parking, discussion and action item:

Burger moved to approve Ordinance 22-06-21-02. Hartwell seconded the motion. Burger inquired if the public have been receptive to the proposed amendment? Administrator Huestis commented that the Harbormaster has provided positive feedback and people are responsive to the changes. Hartwell commented that people moving their vehicles by one or two spaces to dodge the limits should be prohibited.

MOTION: Move to approve Ordinance 22-06-21-02
F/S: Burger/Hartwell
YEAS: Oatman, Kerkof, Jennings, Hartwell, Burger & Nyquest
NAYS: None
STATUS: Motion Passed

12) ORDINANCE FOR INTRODUCTION:

- a) **Ordinance 22-07-05-01**, amending Thorne Bay Municipal Code Title 2 – Administration and Personnel, Chapter 2.08-Mayor, Sections of 2.08.020 – Vice Mayor and adding Section 2.08.025 – Mayor Pro-Tempore discussion and action item:

Burger moved to adopt Ordinance 22-07-05-01. Hartwell seconded the motion. City Clerk Feibel explained that this was in response to the request brought up at previous meetings. The ordinance would allow for a Mayoral candidate who was not elected to that seat, to put their name in as Vice Mayor.

MOTION: Move to approve Ordinance 22-07-05-01
F/S: Burger/Hartwell
YEAS: Oatman, Kerkof, Jennings, Hartwell, Burger & Nyquest
NAYS: None
STATUS: Motion Passed

13) CONTINUATION OF PUBLIC COMMENT:

Jason Clowar commented on the following:

- Glad the industrial zone change was voted down. It is hard for people to build a house in an industrial area to complain. Some industrial uses are loud and need to begin in the early hours.

Harvey McDonald commented on the following:

- Agree with Clowars statement regarding rezoning of industrial subdivision, it only makes it easier for the state and appreciate that it was voted down.

Laura Jennings commented on the following:

- Understand the comments regarding the zoning amendment, but what about the homes that are there now that are not compliant with the zone. You will be required to remove their homes because they are not consistent with zoning.

Thom Cunning commented on the following:

- Agree with McDonald and Clowar regarding the zoning. I have been trying to get the city to enforce the zoning for years. I know some that built homes there and they knew the only thing permitted was a watchman's cabin. Industrial should stay industrial.
- Regarding excavator, hope it can be used to put up the "No Parking Snow Signs" in the subdivision.
- Regarding water offered in Subdivision, when was that because I was never asked, and never received a letter. I have owned property since 1982.

Jennings commented that the survey it was done in 1985, and the city again sent survey out to property owners all over southside and over 60% of property owners did not respond. Those who did respond, they stated they did not want city water, their rain catchment was better quality than what the city could offer.

- Regarding the playground, I don't know who the individuals where that were against it.

Jennings commented that it was the residents who complained to the person selling equipment.

Clowar commented on the following:

- When commented against the zoning change, it was not regarding the enforcement, only changing.

Cunningham commented on the following:

- Also, not in favor or making people tear down their homes.

14) CONTINUATION OF COUNCIL COMMENT:

Hartwell commented on the following:

- Can the city amend the industrial zone to permit residence?

Clerk stated the council could amend the zoning to permit residents.

Jennings commented on the following:

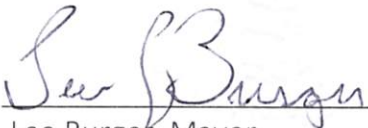
- Voted in favor of the zoning amendment because he wanted to hear from the public, not because he was in favor of rezoning.

Kerkof commented on the following:

- Reaffirmed support for Charles Jennings as Vice Mayor. Jennings has the knowledge of the community and experience, despite what he says.

15) ADJOURNMENT:

Mayor Burger adjourned the meeting at 8:17 pm



Lee Burger, Mayor

ATTEST:



Teri Feibel, CMC