

**BE SURE TO CHECK BACK ON MONDAY, OCTOBER 31<sup>ST</sup> FOR POSSIBLE ADDITIONS TO THE AGENDA**

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**AGENDA**

FOR THE REGULAR MEETING  
OF THE CITY COUNCIL FOR THE  
CITY OF THORNE BAY, ALASKA  
TUESDAY, November 1, 2022

TIME: 6:30 p.m.

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**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)

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- 1) CALL TO ORDER:
- 2) PLEDGE TO FLAG:
- 3) OATH OF OFFICE:
  - a) Robert Hartwell, Seat A
- 4) ROLL CALL:
- 5) APPROVAL OF AGENDA:
- 6) MAYOR'S REPORT:
- 7) ADMINISTRATIVE REPORTS:
  - a) City Administrator:
  - b) City Clerk/Treasurer:
- 8) PUBLIC COMMENTS:
- 9) COUNCIL COMMENTS:
- 10) CONSENT AGENDA:
  - a) MINUTES
    - i. Minutes of the October 17, 2022, Regular City Council Meeting, discussion and action item:
    - ii. Minutes of the September 20, 2022, Regular City Council Meeting
- 11) NEW BUSINESS:
- 12) CONTINUATION OF PUBLIC COMMENT:
- 13) CONTINUATION OF COUNCIL COMMENT:
- 14) ADJOURNMENT:

POSTED: October 28, 2022



## MINUTES

FOR THE REGULAR MEETING  
OF THE CITY COUNCIL FOR  
THE CITY OF THORNE BAY, ALASKA  
MONDAY, October 17, 2022  
TIME: 6:30 p.m.

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THERE WAS A WORKSHOP AT 6:00PM  
LOCATION: IN PERSON AT CITY HALL **or** TELECONFERENCE/VIDEO CONFERENCING LINE

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1) **CALL TO ORDER:**

Burger called the meeting to order at 6:30pm

2) **PLEDGE TO FLAG:**

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

3) **OATH OF OFFICERS:**

a) ~~Seat A: Robert Hartwell~~ Hartwell was on the ferry and unable to take his oath.  
Hartwell will take his oath at the November 1<sup>st</sup>, 2022, Regular City Council Meeting.

b) **Seat B: Charles Jennings**  
Jennings pledged his Oath of Office.

c) **Seat C: Tiana LaVoie**  
LaVoie pledged her Oath of Office.

4) **ROLL CALL:**

**Those present were:**

Burger, Jennings, Stram, LaVoie & Nyquest  
Oatman & Hartwell were both excused.

5) **APPROVAL OF AGENDA:**

Burger moved to approve the agenda as written. Jennings seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda  
F/S: Burger/Jennings  
YEAS: Burger, Stram, Jennings, LaVoie & Nyquest  
NAYS: None  
STATUS: Motion Passed

6) **MAYOR'S REPORT:**

No Mayor report was given.

7) **ADMINISTRATIVE REPORTS:**

a) **City Administrator:**

**John Huestis provided the following Administrator Report:**

- Met with Thom Cunningham today to discuss placement of the no parking signs along southside roads for snow plowing season, expect top put them up prior to November 1st, along with a few speed limit signs.
- I have been working on several grant possibilities for the Kasaan Access Road and will be for the foreseeable future. Some of the most promising opportunities are through the Tribal Transportation Program administered by OVK.
- AP&T Broadband submarine fiber optic cable is going to be landing in Coffman Cove around the 29th or 30th of October.
- I spoke with Bess from Community Connections today and they are very interested in purchasing property in Thorne Bay for a new building. I invited her to come make a presentation to the City Council Meeting in December.
- We will be screening sand and hauling to our Solid Waste Facility and our City Shop stockpiles for wintertime ice/snow sanding operations in the next week.
- We have a leaking roof again in City Hall - clinic side bathroom ceiling, we will be getting that repaired asap, just found out this afternoon.

b) **City Clerk:**

- Newly Elected Officials Training will be held on November 9<sup>th</sup> & 10<sup>th</sup> via Zoom. Please let me know by tomorrow if you want to participate and I will get you registered.
- Monthly Newsletter – Will get that out by this Friday, I had missed the October 1<sup>st</sup> publish date, but want to get it out before November 1<sup>st</sup> so I can get the November 1<sup>st</sup> council meeting date along with the other scheduled holidays in November.

8) **PUBLIC COMMENTS:**

**Thom Cunningham commented on the following items:**

- Requested the City purchase additional Snow signs for the cul-de-sacs.
- Requested the Mayor direct the City Administrator to address the issues within Mr. Brad Ingrham's letter that was provided to the Council during the September 6<sup>th</sup>, 2022, meeting. Requested the city begin to enforce the zoning ordinances, particularly those places in South Thorne Bay that have had complaints filed for garbage.

9) **COUNCIL COMMENTS:**

**Stram commented on the following:**

- Welcome to Tiana LaVoie to City Council and thanked Charles Jennings and Robert Hartwell for running for office again.

10) **CONSENT AGENDA:**

a) **MINUTES**

- i. **Minutes of the October 10, 2022, Regular City Council Meeting, discussion and action item:**

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

MOTION: Move to approve the consent agenda consisting of October 10, 2022, Regular City Council Meeting  
F/S: Burger/Nyquest  
YEAS: Nyquest, Jennings, Burger, Stram & LaVoie  
NAYS: None  
STATUS: Motion Passed

11) **NEW BUSINESS:**

- a) **Resolution 22-10-17-01**, appointing Robert Hartwell as Vice Mayor for a one-year term expiring October 2023, discussion and action item:

Burger moved to approve Resolution 22-10-17-01. Jennings seconded the motion. There was no further discussion.

MOTION: Move to approve Resolution 22-10-17-01  
F/S: Burger/Jennings  
YEAS: Jennings, LaVoie, Burger, Nyquest & Stram  
NAYS: None  
STATUS: Motion Passed

- b) **Resolution 22-10-17-02**, Authorizing the renewal of the SISD Lease of City owned Tidelands for the purpose of operating a Cafe, discussion and action item:

Burger moved to approve Resolution 22-10-17-02. Nyquest seconded the motion. Nyquest commented that the lease reduction was to encourage the restaurant to stay open a few days a week during the winter. With less business, it was harder for the restaurant to keep its doors open full time.

MOTION: Move to approve Resolution 22-10-17-02  
F/S: Burger/Nyquest  
YEAS: Stram, LaVoie, Jennings, Burger & Nyquest  
NAYS: None  
STATUS: Motion Passed

12) **CONTINUATION OF PUBLIC COMMENT:**

**Thom Cunningham commented on the following:**

- Not in favor of the Restaurant rate reduction. Claimed the Restaurant does not serve the entire community, only this side. The cost of everything is increases, dump fees have increased, so why allow low rate to continue.

13) **CONTINUATION OF COUNCIL COMMENT:**

**Nyquest commented** that it was nice to have the restaurant open even a few days a week in the winter where people could still go and have a cheeseburger.

14) **ADJOURNMENT:**

Mayor Burger adjourned the meeting at 7:00 p.m.

ATTEST:

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Lee Burger, Mayor

\_\_\_\_\_  
Teri Feibel, CMC



## MINUTES

FOR THE REGULAR MEETING  
OF THE CITY COUNCIL FOR  
THE CITY OF THORNE BAY, ALASKA  
TUESDAY, September 20, 2022  
TIME: 6:30 p.m.

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THERE WAS A WORKSHOP AT 6:00PM

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

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### 1) CALL TO ORDER:

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

### 2) PLEDGE TO FLAG:

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

### 3) ROLL CALL:

Burger, Oatman, Jennings, and Hartwell & Nyquest were present.  
Stram and Kerkof were excused.

### 4) APPROVAL OF AGENDA:

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

MOTION: Move to approve the agenda  
F/S: Burger/Oatman  
YEAS: Burger, Hartwell, Oatman, Nyquest & Jennings  
NAYS: None  
STATUS: Motion Passed.

### 5) MAYOR'S REPORT:

#### Mayor Burger reported the following;

- Councilmember Kerkof had surgery done on his back and while recovering suffered a stroke. Will be in a long-term care facility for the next few months while he recovers.

### 6) ADMINISTRATIVE REPORTS:

#### a) City Administrator:

#### Administrator Huestis reported the following:

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

- Claw Trail is complete, the Bay Chalet removal is complete.
- Mike Williams will be shooting the rock in cell no. 2 at the landfill
- As mentioned last meeting our current projects will use the rest of our D-1 and we need to make more to finish those projects and for future projects and general maintenance. We got a great price for crushing 3,000 cubic yards from the shot rock at the City pit and are seeking Council approval to authorize the expenditure.

- We had a State inspection of our Solid Waste Facility last Friday. In general, we are doing well with our management of baled municipal waste, although the grading of the active cell was mentioned as a need to improve area. Storm water runoff and an USFS soil remediation on site were two areas of interest.
- The Kasaan Road Intersection RAC Project - AP&T will be moving their power poles, then we will continue with the rock fill.
- Kasaan Road 3 Mile Hill - 2 weeks into that project, we budgeted for 8 weeks but got a late start so we may be able to get another 2 weeks or so on that project and maybe get more of it next year.
- Old Fire Hall Cleanup - No bidders first time out so readvertised the project - due to this delay we won't likely see any demo work until springtime.
- SISD Floating Schoolhouse property - prospective Lease for the property - holding off on the MOA to see how this plays out - Did release SISD from their Lease.

**b) Department Reports:**

**Parks & Events Department**

Amy J. Jennings provided the following report:

- I've just returned from 2 weeks of time off so I'm catching up. Before I left i was assisting in the Claw Trail project. I finished the repairs on the Healthy Heart trail and I was able to demolish a few more old plant boxes and the Pearl Nelson park. My plans for this week (unless I am needed to work with another crew) will be to mow the ball field, finish demoing the old plant boxes at the park. Build 3 more new plant boxes. I need to do an oil change on my city rig and purchase/replace battery on tow behind mower.

**7) PUBLIC COMMENTS:**

**Lester Hubbard commented on the following**

Requested the City place a boom across the culvert that runs across his property because it looked like there was oil in the water running through and he was concerned that it is poisoning his grounds.

**Thom Cunningham commented on the following:**

- Wished Greg Kerkof the best, and although he does not always see eye to eye with everyone, he would never wish harm upon them.
- Volunteered to serve as an Election Worker at Davidson Landing on Election Day
- Was not in favor of changing the zoning for the Industrial Zone and commented that the City just needed to enforce the rules they already have on the books.
- Had filed a complaint about the property across from him over a year ago and there has still been no action.
- Requested the City cut brush along southside roads. There were many areas that were difficult to see around the corner, especially at some of the intersections.

**Vicky Hayes commented on the following:**

- Public Hearing on Industrial Zone:
  - Feeling threatened, have invested a lot of time and money invested in the property and they had a business, which may not always continue to have a business. They want to give the land to their children eventually and if they don't want to have a business, what would happen.

**Tara Blair commented on the following:**

- Public Hearing on Industrial Zone: I understood that the hearing was to make the property owners that were currently using the place as a residence be able to apply for a conditional use permit saying they understood they lived in an industrial zone and could not complain about the noise or dust of the surrounding businesses, and now saying there is a two hundred dollar fine. The City has allowed properties to be subdivided out there and homes to be built, and now saying it is a violation.
- **City Clerk Feibel** explained that the current zoning regulations did not allow for residential homes on a property unless it was in addition to an approved industrial use. The properties that are not operating a business and are using their land solely for their place of residence, were not in compliance with the City Code and the City Code established a fine of \$200.00 per day for uses that were not permitted. The City understands that there are residents out there that cannot afford to move or begin an industrial business, so in an attempt to address the issue, we proposed that Residential Use be allowed under the conditional use permitting process. This would allow for the planning commission to state on the record that the property was zoned industrial and would include loud noises, heavy traffic and dust, and the personal applying for the CUP would agree to those surrounding conditions by entering into the Conditional Use Permit with the City.

The City Clerk stated that with the large turnout on the Public Hearing not being in favor of the proposed amendment, she would recommend that the Council postpone action on this item until the city has enough time to thoroughly research options for addressing the issue while not forcing people off of their property or issuing large fines.

**VPSO Mendonsa reported the following:**

- The EMS now has 21 people on the team, which is awesome
- Had a huge success this last month with a Search and Rescue in our community. We had put up missing persons signs, there were councilmembers who actually went out looking for the missing person and found them alive and well. It was an awesome experience with a great ending.
- Winter is coming, and we will be using our wood stoves more, encourage people to check their smoke detectors and if you are able, assist someone with sweeping their chimney to prevent any house fires.

**8) COUNCIL COMMENTS:**

**Oatman commented on the following:**

- Could the City just remove the fine for violation of the use in the industrial to address this issue.

Burger responded that the City could do that, but it would not solve the problem of the violation existing.

- Encouraged the city to make brush cutting along the intersections a priority. Driving a propane truck, I know there are areas that are extremely difficult to see around and makes it dangerous.

**Nyquest commented on the following:**

- Responding to Thom Cunningham's comment that the City has ignored infractions and violations, when if you think about it, the City has very limited resources. There were many comments made about what the city needs to do, put up stop signs, cut brush along the roads, fill potholes, etc. The city has to prioritize the issues and address them as they can. So, while it may seem to Mr. Cunningham that the City is not doing anything to address his requests, but they are, as issues come up, the City must prioritize them and complete them when they have the resources available to do so.



**9) CONSENT AGENDA:**

a) MINUTES

- i. Minutes of the August 2, 2022, Regular City Council Meeting, discussion and action item:

Burger moved to approve the Consent Agenda consisting of the August 2, 2022, minutes of the city council meeting. Hartwell seconded the motion.

MOTION: Move to approve the minutes of the August 2, 2022, Regular City Council Meeting  
F/S: Burger/Hartwell  
YEAS: Burger, Hartwell, Oatman, Nyquest & Jennings  
NAYS: None  
STATUS: Motion Passed.

**10) NEW BUSINESS:**

- a) Resolution 22-09-20-01, appointing 6 Election Officials to serve as Election Judges at the Thorne Bay City Hall and Davidson Landing Polls, for the October 4, 2022, Regular Municipal Election, discussion and action item:

Burger moved to approve Resolution 22-09-20-01. Hartwell seconded the motion. Thom Cunningham and Vicky Hayes volunteered to work for the Davidson Landing Polls for the October 4, 2022, Regular Municipal Election. The City Clerk explained she needed to have three election officials at each Poll and needed to get one more for Davidson and two for the City Hall polls. There was no further discussion.

MOTION: Move to approve the Resolution 22-09-20-01  
F/S: Burger/Hartwell  
YEAS: Burger, Hartwell, Oatman, Nyquest & Jennings  
NAYS: None  
STATUS: Motion Passed.

**11) ORDINANCE FOR PUBLIC HEARING:**

- a) Ordinance 22-09-20-01, amending Thorne Bay Municipal Code Title 17-Zoning, Chapter 17.04-Planning and Zoning, Section 17.04.028-Industrial Zone, Adding Residential Housing as a permitted use under the Conditional Use Permitting process, discussion and action item:

Burger moved to postpone Ordinance 22-09-20-01. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the Resolution 22-09-20-01  
F/S: Burger/Hartwell  
YEAS: Burger, Hartwell, Oatman, Nyquest & Jennings  
NAYS: None  
STATUS: Motion Passed.

**12) EXPENDITURES EXCEEDING \$5000.00:**

- a) Authorizing an expenditure of \$60,000.00 from Streets & Roads for crushing rock in the city's Sandy Beach rock pit, discussion and action item:

Burger moved to approve the expenditure of \$60,000.00, for crushing rock from the Streets & Roads Sales

Tax account. Hartwell seconded the motion. Huestis explained that he had asked Tongsgard and Southeast Roadbuilders for a quote to crush approximately 3000 cy of rock. Tongsgard provided a quote of \$14.50 per cubic yard and Southeast Roadbuilders quoted \$22.50 per cubic yard. I am asking for approval to expend up to \$60,000 to give me a little bit of wiggle room if it is a little.

Jennings inquired if the city's crushed rock was used on the RAC projects, Kasaan intersection and Claw Trail, and if the projects would be paying for the rock or if the City gave it to the project. Huestis responded that the rock was being purchased by the projects. When the project is completed and closed out, the City will submit a request for reimbursement from the RAC Grant.

MOTION: Move to approve the expenditure of \$60,000.00 from Streets & Roads for crushing rock in the city's Sandy Beach rock pit

F/S: Burger/Hartwell

YEAS: Burger, Hartwell, Oatman, Nyquest & Jennings

NAYS: None

STATUS: Motion Passed.

**13) ORDINANCE FOR INTRODUCTION:** None

**14) CONTINUATION OF PUBLIC COMMENT:**

**Thom Cunningham commented on the following:**

- The signs that Shane Nyquest commented on being non prioritized, goes back to me asking when Wayne Benner was the Administrator.
- I am more than willing to ride with the City Administrator and show him where the signs need to go in. The no parking due to snow signs were supposed to be put in by January 2022.
- There are employees that are around just cutting grass every day and some of those could be used to do work on the other areas.

**15) CONTINUATION OF COUNCIL COMMENT:**

**Jennings commented on the following:**

- Spoke with Josh Reid this last spring and asked if he would be willing to brush southside and Josh said he was busy but would get with John when he was finished.

**16) ADJOURNMENT:**

Mayor Burger adjourned the meeting at 7:23 p.m.

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Lee Q. Burger, Mayor

ATTEST:

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Teri Feibel, CMC