

AGENDA

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

MONDAY, October 10, 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:
 - b) City Clerk Report:
- 7) PUBLIC COMMENTS:
- 8) COUNCIL COMMENTS:
- 9) CONSENT AGENDA:
 - a) MINUTES
 - i. Minutes of the September 6, 2022, Regular City Council Meeting, discussion and action item:
- 10) NEW BUSINESS:
 - a) Resolution 22-10-10-01, Certifying the results of the October 4, 2022, Thorne Bay Municipal Election, discussion and action item:
 - b) Resolution 22-10-10-02, accepting the resignation of Councilmember Greg Kerkof from Seat C , a term which is set to expire October of 2023, and appointing Tiana Lavoie to serve the remainder of this term; discussion and action item:
- 11) CONTINUATION OF PUBLIC COMMENT:
- 12) CONTINUATION OF COUNCIL COMMENT:
- 13) ADJOURNMENT:

POSTED: October 7th 2022



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

THERE WAS A WORKSHOP BEGINNING AT 6:00 PM

1) CALL TO ORDER:

Mayor Burger called the meeting to order at 6:33 pm

2) PLEDGE TO FLAG:

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

3) ROLL CALL:

Those present were:

Burger, Oatman, Hartwell, Nyquest & Stram.

Jennings & Kerkof were 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, Stram, Hartwell, Burger & Nyquest

NAYS: None

STATUS: Motion Passed.

5) MAYOR'S REPORT:

Mayor Burger reported on the following:

- Greg Kerkof, surgery in Anchorage with complications and will miss the next few meetings while recovering
- COVID still going around

6) ADMINISTRATIVE REPORTS:

a) City Administrator:

Administrator John Huestis reported on the following:

- Working on typical summertime maintenance issues and special projects as required
- Hired Caitlyn Sawyer as our Library Director, started today.
- Putting the finishing touches on the Claw Trail, should be done by Thursday.
- We worked with AP&T and Denali Commission to encourage them to apply for a Broadband Reconnect 4 Grant for Thorne Bay, \$100K from Denali in support.
- Tonsgard took the recycled metals and vehicles from the solid waste facility.
- Mike Williams will be drilling and shooting the rock in cell no. 2 at the landfill now that the

metals are gone and before it fills up again. We plan to sell the shot rock to a nearby RAC project and also level the site for future operational efficiency.

- Between the Claw Trail, the Kasaan Road Intersection and the Kasaan Road Heavy Maintenance/Super ditching project we will be using the rest of our D-1 and will need to make more to finish those projects and for future projects and general maintenance. I think we could get as much as 3,000 cubic yards from the shot rock at the City pit and I plan to get quotes and bring a Resolution forward at our next meeting to authorize the expenditure.
- I have completed a draft Management and Operations Plan for the next 50 years for our Solid Waste Landfill and have received favorable comments back from DEC. I will revise the plan according to the comments and submit the final plan. After this we will be seeking to implement the plan which includes closing the active cell, opening a new cell and expanding the operational area for better efficiency.
- The Kasaan Road Intersection RAC Project - clearing and grubbing and slope staking are complete, next to remove stumps and place rock for AP&T to move their power poles, then continue excavation and rock fill. Will likely need to stabilize for winter and complete next spring.
- 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 3 weeks or so on that project and maybe get more of it next year, we have several loose ends to tie up and winter is coming.
- Reached out for information on Old Fire Hall Cleanup - no response yet.
- 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.
- I-90 Pontoon from Ketchikan Airport Project - they backed out on giving it to us.

b) **City Clerk Report:**

Teri Feibel, City Clerk Treasurer reported the following:

- I will be sending out a second newsletter this month so I can get the Sample Ballot Circulated
- Municipal Elections – Two open seats & one ballot question.
 - Seat A – 3 Year Term
 - Robert Hartwell
 - Seat B – 3 Year Term
 - Charles Jennings
 - Tiana LaVoie
 - Ballot question is placing a term limit of 6 consecutive years in office and then a required 36-month break.
- 2 Polling Locations this year –
Davidson Landing:
Voters living in South Thorne Bay Subdivision, South Arm Subdivision & Thorne Bay Addition No. 1
- Need Election Workers –
 - City Hall Polls **NEED AT LEAST TWO WORKERS**
 - Deanne Minnillo
 - —
 - —

- Davidson Landing: **NEED AT LEAST TWO – PREFERABLY THREE**
 - Kayleigh Moen
 - Monica Douglas (did not believe she would be available)
 - _____
 - _____ (Part day – assist with providing breaks to workers)

7) PUBLIC COMMENTS:

Daniel Hayes Jr.

- Commented on the Industrial Zone Amendment. Thanked the council for the explanation on the zone amendment, it was easier to understand like the way the Industrial Zone amendment was read, I was confused by the way it read, and appreciated the explanation.

Brad Ingrham:

To Thorne Bay City Council

So after my visit which started on 14th of August when I found the Hendrix's were still living and blocking our lot, VPSO Mendonsa went to serve a ticket and make the Hendrix's who have been living in cul-de-sac on Alder Court for 6 years to move on April 23. I got a text stating the Hendrix's have moved off our lot line on Friday 26. When I asked if Hendrix's and all there 5 cars, boat, 5th wheel, Garbage, out house, loose dog and various others stuff were off the cul-de-sac I got no reply. So, since I felt Deja vu over this, it's looking like they are still breaking the law of the Thorne bay city codes, codes adopted from the State of Alaska. As repetitive as this may seem we were lied to in the past by City officials about who had the responsibility for said roads. So now we can only ascertain no ticket issued, just a another move to delay to the Hendrix's whimsy. Hendrix and the City of Thorne Bay have been keeping us from enjoying our cabin fully and progressing with work at the top of our lot. I'm afraid it's going to cost the city Money no matter what action you take. Delaying from solving a problem only makes thing bigger.

From the results of just last month, the city needs to motivate them more, how about all cars and vehicles and boats that are not licensed for this year to be removed, "Abandon"?. I'm sure the outhouse has not been inspected and site needs to be cleaned up. Just letting them move

20 feet or so to other side of cul-de-sac does not give us more security when pulling up. All of you know their reputation but you expect us to live under these conditions. I will tell you it does not matter if we are full time residence or not. I would be there a lot more with family if it was not a problem.

The Hendrix are either Lazy, or has moved back to our lot line out of spitefulness over time, or taking advantage of the generosity of the helpful people to help them because there poor. Its not a crime to be poor but when you "shoot yourself in the foot" as they say, when you are in need, over and over, yes it is going to generate a pattern, Which produce resentment on the party of the receiving end. From the start they have been antagonistic, not a way to have good first impressions.

25 to 30 years no one even knew who we were, now thanks to the Hendrix's last 6 years to put it mildly has not been fun.

Also, as the city of Thorn Bay changes positions the progress of above needed action gets delayed.

Brad Inghram

Approval Jack Dunlap

8) COUNCIL COMMENTS:

Hartwell inquiries regarding Mr. Brad Inghram's letter. Confirmed this was an ongoing issue and offered to provide the city council with the photos he had taken.

9) NEW BUSINESS:

- a) Resolution 22-09-06-01, supporting Alaska Power & Telephone Subsidiary APT Wireless, Inc.'s request for USDA ReConnect Funds to build out fiber optic-based broadband in Thorne Bay, discussion and action item:

Burger moved to approve Resolution 22-09-06-01. Nyquest seconded the motion. The City Clerk commented that the City had drafted a survey that would likely be circulated to all residents in Thorne Bay in order to determine how many people would sign up and pay for the high-speed broadband service if it is made available. Those who do not want to have the services connected to their home during this project be provided to all residents regarding

MOTION: Move to approve the Resolution 22-09-06-01

F/S: Burger/Nyquest

YEAS: Stram, Burger, Oatman, Hartwell, & Nyquest

NAYS: None

STATUS: Motion Passed.

- b) Resolution 22-09-06-02, approving removal costs associated with demolition of the Bay Chalet, discussion and action item:

Burger moved to approve Resolution 22-09-06-02. Hartwell seconded the motion. Nyquest commented that he had loo

MOTION: Move to approve the Resolution 22-09-06-02

F/S: Burger/Hartwell

YEAS: Hartwell, Nyquest, Oatman, Stram & Burger

NAYS: None

STATUS: Motion Passed.

10) ORDINANCE FOR INTRODUCTION:

- 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 approve Ordinance 22-09-20-01, to public hearing. Hartwell seconded the motion. Nyquest commented he was not in favor of the ordinance because there was nothing preventing residential use taking over and eventually not even have industrial. Was also not in favor of the language in the ordinance regarding "Residential Subdivision" subdivision definition

is dividing two or more lots. Requested the Clerk look at language that could be included to either allow for grandfather

City Clerk will look at code modification to include language that prohibits new property uses other than industrial, permitting one-time conditional uses for existing residential uses.

MOTION: Move to approve the Ordinance 22-09-20-01, striking "Subdivision" and insert

F/S: Burger/Hartwell

YEAS: Oatman, Hartwell, Stram, Burger & Nyquest

NAYS: None

STATUS: Motion Passed.

11) CONTINUATION OF PUBLIC COMMENT:

There were no further public comments.

12) CONTINUATION OF COUNCIL COMMENT:

Stram requested to be excused

13) ADJOURNMENT:

Mayor Burger adjourned the meeting at 7:55 am

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC



Introduction: October 10, 2022
Approval Date: October 10, 2022
Vote: ___ Yeas, ___ Nays, ___ Absent

**RESOLUTION 22-10-10-01
CITY OF THORNE BAY**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY CERTIFYING THE
ELECTION RESULTS AND ALL PROCEEDINGS IN THE OCTOBER 4, 2022, REGULAR MUNICIPAL
ELECTION**

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

WHEREAS, the City held a Regular Municipal Election on October 4, 2022, for the purpose of filling two (2) vacant council seats and voting on one (1) ballot initiative; and

WHEREAS, notice of the City Election was duly given per the Thorne Bay Municipal Code Chapter 2.28-Elections; and

WHEREAS, the City Council received from the City Clerk, a Canvass Report and Certificate of Results of the Regular Election (“Certificate of Election”); and

WHEREAS, there were a total of one hundred and two (102) votes cast and counted during the October 4, 2022, Regular Election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THORNE BAY DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. That the minutes of the October 10th, 2022, Council Meeting, reflect that the City Council certified the Election Results, reflecting a total of 102 votes cast, counted and reflected in the Certificate of the Election.

Section 2. That all proceedings in connection with the Regular Municipal Election have been accomplished according to law and the City Clerk is, hereby authorized and directed to deliver, or arrange for delivery of, a copy of the Certificate of Election to each newly elected councilmember.

PASSED and ADOPTED this 10th day of October 2022, by a duly constituted quorum of the City Council for the City of Thorne Bay, Alaska.

ATTEST:

Lee Burger, Mayor

Teri Feibel, CMC



**CITY OF THORNE BAY, ALASKA
CERTIFICATE OF ELECTION**

THIS IS TO CERTIFY that on the 4th, day of October 2022, the City of Thorne Bay, Alaska, held a General Municipal Election for the purpose of electing a registered voter to City Council Seats A & B for a term of 3 years and vote on one Ballot Initiative that would set term limits on the office of City Council for not more than 6 consecutive years.

As confirmed by the Thorne Bay City Council, upon completion of the final canvass of ballots on the 7th day of October 2022, final election results are:

Seat A: (3-Year Term)

Robert D. Hartwell – 81 votes

With a vote of 81, Robert Hartwell is hereby elected to City Council Seat A for a term of 3-years

Seat B: (3-Year Term)

Charles Jennings – 69 votes

Tiana Lavoie – 35 votes

With a vote of 69, Charles is hereby elected to City Council Seat B for a term of 3-years

Ballot Initiative:

Shall an ordinance be adopted by the City to establish term limits for the office of City Council, limiting one person to serve no more than six consecutive years in office.

Yes – 53 votes

No – 51 votes

With a vote of 53, Ballot Initiative has passed, establishing a term limit of not more than 6 consecutive years in office.

The results of the October 4, 2022, General Municipal Election, are hereby Certified by a duly constituted quorum of the City Council for the City of Thorne Bay, Alaska

DATED this 10th day of **October 2022**, at Thorne Bay, Alaska

ATTEST:

Teri Feibel, CMC

Lee Burger, Mayor



GENERAL MUNICIPAL ELECTION OCTOBER 4, 2022

TOTAL VOTES CAST: 106

TOTAL VOTES CAST AT POLLS:	<u>77</u>
TOTAL VOTES QUESTIONED AT POLLS:	<u>8</u>
TOTAL VOTES QUESTIONED AT DAVIDSON LANDING:	<u>3</u>
TOTAL VOTES ABSENTEE IN PERSON:	<u>18</u>

TOTAL VOTES COUNTED AT THE POLLS: OCTOBER 4, 2022	<u>77</u>
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TOTAL VOTES COUNTED AT CANVASS: October 5, 2022	<u>29</u>
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TOTAL VOTES COUNTED:	<u>106</u>
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TOTAL VOTES NOT COUNTED: One Questioned Ballot Cast & Not Counted	<u>0</u>
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TOTAL VOTES CAST:	<u>106</u>
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Canvass Certificate Attested:

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC



Sponsor:	<u>Lee Burger</u>
Introduction:	<u>October 04, 2022</u>
Adopted:	<u>October 10, 2022</u>
Vote:	___ Yeas, ___ Nays, ___ Absent

**CITY OF THORNE BAY
ORDINANCE 22-10-10-01**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, ADOPTING TERM LIMITS FOR ELECTIVE CITY OFFICES, BY AMENDING TITLE 2-ADMINISTRATION & PERSONNEL; CHAPTER 2.04-CITY COUNCIL; ADDING SECTION 2.04.035 TERM LIMITS

BE IT ENACTED BY THE VOTERS FOR THE CITY OF THORNE BAY, ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code if approved by the majority of the voters at the October 4, 2022, Regular Municipal Election.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall be and remain in full force and effect.

Section 3. Amendment of Section. The title and chapter of Title 2-Administration and Personnel, Chapter 2.04-City Council; Section 2.04.035-Term Limits; is hereby amended and shall be added to the Thorne Bay City Code and read as follow:

CHAPTER 2.04 – CITY COUNCIL.

2.04.035. Term limits. A person shall serve no more than two, three-year terms, or six consecutive years in office as a City Councilmember, provided however, that such person shall be eligible to hold such office after a break in service of thirty-six months.

- a) A full term in office of the City Council is three years.
- b) If any Councilmember has served 4 consecutive years in when their term has expired, they may only apply for and be elected to a seat that has a term of 1 to 2 years, so not to exceed the maximum of 6 consecutive years in office.

Section 4. Adoption. Pursuant to the Alaska Statutes 29.26, this Ordinance shall be submitted to the voters of the City of Thorne Bay at the regularly scheduled election of October 4, 2022 and shall only become effective if a majority of

votes cast on the question of whether to adopt this ordinance favor adoption of this ordinance.

Section 5. Intent & Interpretation. The City Council and the voters intend that an individual's previous and current terms of office shall be counted for the purpose of applying the term limits adopted herein, although all persons in office on the effective date of this Ordinance shall be permitted to complete their then-current terms.

Section 4. Effective Date. This Ordinance shall become effective upon ratification by the voters of Thorne Bay. If a majority of Voters voting in the City's Election on October 4, 2022, approve the Proposition, the Mayor will sign this Ordinance and the Clerk will attest and certify the passage and adoption of this Ordinance at the Certification of Election to be held October 10, 2022

Adopted and Effective on: October 10, 2022

ATTEST:

Lee Burger, Vice-Mayor

Teri Feibel, CMC



Introduction: October 10, 2022
Approval Date: October 10, 2022
Vote: ___ Yeas, ___ Nays, ___ Absent

**RESOLUTION 22-10-10-02
CITY OF THORNE BAY**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THORNE BAY, ACCEPTING THE RESIGNATION OF COUNCILMEMBER GREG KERKOF FROM SEAT C, A TERM WHICH IS SET TO EXPIRE OCTOBER 2023; AND APPOINTING A REPLACEMENT TO SERVE AS THORNE BAY CITY COUNCIL MEMBER, IN SEAT C, UNTIL THE CERTIFICATION OF THE NEXT REGULAR MUNICIPAL ELECTION ON OCTOBER 1, 2023.

WHEREAS, on Councilmember Greg Kerkof was elected to serve on the Thorne Bay City Council Seat C, for a 3-year term beginning in October 2020, and

WHEREAS, on the 17th of September 2022, the City Clerk received notice that, Councilmember Kerkof was no longer able to serve as a Councilmember for the City of Thorne Bay due to unforeseen circumstances; and

WHEREAS, the City of Thorne Bay held their regular municipal election on October 4, 2022, where two candidates had applied for Seat B, and the City Council deems it to be in the best interest of the City to appoint Tiana Lavoie, candidate for Seat B, to City Council Seat C.

WHEREAS, in accordance with the Thorne Bay Municipal Code 2.04.110 Filling a Vacancy; the City Council by a vote of the majority of its remaining members shall designate one person to fill the vacant seat. That person shall serve until the next Regular City Election and until his successor qualifies; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNE BAY, ALASKA:

- Section 1: That the above findings are hereby true and correct and are incorporated herein in their entirety.
- Section 2: That the appointment of Tiana Lavoie to serve as Council Member, Seat C, until the Certification of the Regular Municipal Election is held in October 2023, is hereby approved.
- Section 3: That this Resolution shall become effective immediately upon approval by the City Council of the City of Thorne Bay, Alaska.

PASSED AND APPROVED by the City Council of the City of Thorne Bay, Alaska this 10th day of October 2022

Lee Burger, Mayor

ATTEST:

Teri Feibel, CMC