

AGENDA

FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR THE
CITY OF THORNE BAY, ALASKA
TUESDAY, January 3, 2023

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](https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m99f71eee7f975b71d7ee0f9f7c5e44a1) Password [MghMxgJy424 \(64469459](https://cityofthornebay.my.webex.com/cityofthornebay.my/j.php?MTID=m99f71eee7f975b71d7ee0f9f7c5e44a1) 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 December 20, 2022, Regular City Council Meeting, discussion and action item:
- 10) NEW BUSINESS:
 - a) Resolution 23-01-03-01, appointing a new City Clerk/Treasurer for the City of Thorne Bay, discussion and action item:
 - b) Resolution 23-01-03-02, authorizing authorizes the expenditure of up to \$9,500.00 for the surveying, re-subdivision and replat of the Downtown Business District Subdivision, discussion and action item:
 - c) Resolution 23-01-03-03, amending the authorized bank account signers for the City of Thorne Bay's Tongass Federal Credit Union and Wells Fargo Investment accounts, discussion and action item:
- 11) ORDINANCES FOR PUBLIC HEARING:
- 12) ORDINANCES FOR INTRODUCTION:
 - a) Ordinance 23-01-17-01, amending Title 2-Administration & Personnel, Chapter 2.28-Elections, Section 2.28.015-Polling Locations, as requested through a referendum petition received December 7, 2022, from registered voters of Thorne Bay, discussion and action item:
- 13) CONTINUATION OF PUBLIC COMMENT:
- 14) CONTINUATION OF COUNCIL COMMENT:
- 15) ADJOURNMENT:

POSTED: December 30, 2022

MINUTES

FOR THE REGULAR MEETING OF
THE CITY COUNCIL FOR THE CITY
OF THORNE BAY, ALASKA
TUESDAY, December 20, 2022

TIME: 6:30 p.m.

THERE WAS A WORKSHOP PRECEDING THE MEETING AT 6:00PM

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, Nyquest, Oatman, Jennings, LaVoie and Hartwell, Stram were present.

4) **APPROVAL OF AGENDA:**

Mayor 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: Burger, LaVoie, Nyquest, Hartwell, Jennings, Oatman & Stram

NAYS: None

STATUS: Motion Passed.

5) **MAYOR'S REPORT:**

Mayor Burger reported the following:

- One day away from the shortest day of the year. Winter is to start tomorrow, December 21st, many will be happy to see the days getting longer.

6) **ADMINISTRATIVE REPORTS:**

a) **City Administrator:**

Administrator John Huestis provided the following report:

- Working on typical winter maintenance issues and special projects as required.
- We have received 4 applications so far for the position of City Clerk. We will be looking to do a first round of interviews in the next week or two with applicants determined to be well qualified. Excited about one of the applicants, should it work out, would be great for Thorne Bay.
- I will bring a Resolution to City Council to approve a re-subdivision of the Business District Subdivision to better suit the potential waterfront uses of the property. Along with this Resolution request I will provide an explanation of the concept and vision for the future use of the property by the prospective lessee.

- We met with the Contractor for the demolition of the old fire hall last week to take a look at things and start working on logistics. The city will be applying for a one-time asbestos abatement permit to bury it in the City's Landfill and we are looking at a March timeline.
- Our EMS boat should have arrived at Superior Marine in Wrangell today for an evaluation and repair. They expect to have the repairs completed in January.
- The canopy light project for the exterior of city hall with the new LED fixtures has been delayed a bit since our electrician is out sick at the moment. Also received note from VPSO office that they were having lighting issues, so I will have the electrician take a look at that as well.
- We had a surprise inspection of our compliance involving our Wastewater Treatment Plant Discharge Permit from ADEC a couple weeks ago and they seem to be trying to find issues with our operations. In my opinion it is because we are dragging our feet on their Compliance Order by Consent process because it is not in our favor to accept this the way it is written. They keep looking for issues.
- We are very close to completion of a new operations and management plan with ADEC approval for the Solid Waste Facility. The new plan includes plans to close the current cell and open a new cell and expand the operational area of the facility and includes the removal of the rock and timber from the future operational areas. We should be ready to get started on this next spring.
- I am getting estimates for the replacement of the garage doors on the Solid Waste bailer building since they are all in a bad state of repair and are at the end of their useful life. One of them was accidentally damaged recently and has an insurance claim pending for its repair. The others have been damaged over the years but were not reported timely or no insurance or repairs were apparently sought at the time so those will be on us.
- Our Ford F550 we bought for the Solid Waste Facility that has a new plow and sander, is currently broken down again. This is the third time in a year, and it appears to be a similar issue. We will be taking it into Island Repair again tomorrow to get it fixed again. I have learned the motor in this Ford truck is problematic and has issues.
- OVK has been stepping up and helping us keep up with the Southside Subdivision and the Kasaan Road for snow and ice removal. I want to acknowledge both Tony and Sean for their efforts which will continue throughout the winter. It's a big plus to the City to have OVK Transportation Department partnering so closely with the City on common transportation issues and challenges.
- The Water Department requested that we allow people to run their water continuously to prevent frozen and broken pipes and that we do not hold account overages against them during this cold spell. I approved and it was posted on City website.
- We had a citizen talk to the VPSO about safety concerns with the sledding hill on Freeman Drive. I am seeking Council feedback during Council comments if anyone feels we should discontinue this practice due to liability issues or safety concerns.

7) PUBLIC COMMENTS:

Laura Jennings commented on the following:

- Inquired if John Huestis took a full-time job at OVK, and if so, how did the city allow it?

8) COUNCIL COMMENTS:

Nyquest commented on the following:

- John had notified the council by email, and they had approved it. John is doing a good job on the roads and is beneficial to the city with the work that is being done on the roads and seems to be a good fit.
- Regarding the sledding hill.... There was a spot behind the school that was okayed by the school in the past for sledding, but when it came time to build it, no one was around. Nyquest stated it would be nice if there could be an alternative for the kids sledding rather than the current hill.

Jennings commented on the following:

- Agreed with Laura Jennings comment with concerns of the administrator working two jobs and fears he will get burnt out.

Burger commented on the following:

- Agreed with John, where the jobs are more overlapping and not so much two separate jobs.
- Having the City and Tribal government working together provides more funding opportunities

Hartwell commented on the following:

- John is working on a 9 million dollar grant right now that will get that road paved.

Nyquest commented

- He agreed with John taking both jobs because he trusts him and believes that he would notify the city if it got to be too much

Jennings commented

- That his concerns regarding the Administrator having two jobs was his own opinion and he was not trying to force it upon others.

Oatman commented

- Understood how people have concerns with him being burnt out, but also see that a lot of work is getting done and hopes that he does not get burnt out or decide to leave Thorne Bay and work solely for OVK.

9) **CONSENT AGENDA:**

a) **MINUTES**

i. **Minutes of the December 6, 2022, Regular City Council Meeting, discussion and action item:**

Burger moved to approve the Consent Agenda consisting of the December 6, 2022, Regular City Council Meeting. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the Consent Agenda consisting of the December 6, 2022, Regular City Council Meeting
F/S: Burger/Hartwell
YEAS: Nyquest, Burger, LaVoie, Hartwell, Stram & Oatman
NAYS: Jennings
STATUS: Motion Passed.

10) **NEW BUSINESS:**

a) **Resolution 22-12-20-01**, supporting the letter initiated by the East Prince of Wales Island Advisory Committee requesting that the Wolves of Southeast Alaska should not be listed under the endangered species act, discussion and action item:

Burger moved to approve Resolution 22-12-20-01, supporting the letter initiated by the East Prince of Wales Island Advisory Committee requesting that the Wolves of Southeast Alaska should not be listed under the endangered species act. Nyquest seconded the motion. Jennings commented that he was against the wolves being on the endangered species list. Hartwell commented he wanted to see language of “threatened or endangered” to be added to the resolution.

Oatman inquired who the letters would be sent to. Burger commented that it would go to Murkowski and Senator.

Nyquest encouraged the council amend the resolution to include “threaten or endangered”.

Hartwell moved to amend the motion to include the language of “threatened or endangered” to the resolution. Burger seconded the amendment. There was no further discussion.

AMENDED MOTION:

MOTION: Move to amend Resolution 22-12-20-01, to include “threatened or endangered” to the resolution
F/S: Hartwell/Burger
YEAS: Hartwell, Jennings, Burger, LaVoie, Oatman, Nyquest & Stram
NAYS: None
STATUS: Motion Passed.

MAIN MOTION:

MOTION: Move to approve the Resolution 22-12-20-01, supporting the letter initiated by the East Prince of Wales Island Advisory Committee requesting that the Wolves of Southeast Alaska should not be listed under the endangered species act
F/S: Burger/Nyquest
YEAS: Hartwell, Jennings, Burger, LaVoie, Oatman, Nyquest & Stram
NAYS: None
STATUS: Motion Passed.

11) **CONTINUATION OF PUBLIC COMMENT:**

There were no further public comments.

12) **CONTINUATION OF COUNCIL COMMENT:**

Nyquest wished everyone a Merry Christmas. Hartwell wished everyone a happy New Year.

13) **ADJOURNMENT:**

Mayor Burger adjourned the meeting at 7:23 pm

ATTEST:

Lee Burger, Mayor

Teri Feibel



Hearing: January 3, 2023
Sponsor: Mayor Lee Burger
Vote: ___ Yeas, ___ Nays, ___ Absent

**CITY OF THORNE BAY
RESOLUTION 23-01-03-01**

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, APPOINTING CAITLYN SAWYER TO SERVE AS THE CITY CLERK & TREASURER FOR THE CITY OF THORNE BAY,

WHEREAS, the City Council is the Governing Body for the City of Thorne Bay, Alaska; and

WHEREAS, the position of the City Clerk/Treasurer was vacated effective December 1st, 2022, and the City published the notice of vacancy as per Thorne Bay Municipal Code 2.24.020; and

WHEREAS, the Thorne Bay Municipal Code Section 2.16.010 - Appointment Term, states that the city clerk shall be hired by the council and shall hold office at the pleasure of the council; and

WHEREAS, the Mayor and City Administrator interviewed Caitlyn Sawyer for the position of City Clerk/Treasurer and find that Caitlyn Sawyer has the necessary skills, knowledge and experience to perform the duties required of the position and hereby recommend the appointment of Caitlyn Sawyer as the City Clerk/Treasurer for the City of Thorne Bay; and

WHEREAS, the City Council has reviewed the application and resume for Caitlyn Sawyer and agree with the recommendation of the Mayor and City Administrator to appoint her to the position of City Clerk/Treasurer for the City of Thorne Bay.

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Thorne Bay, Alaska, that the City Council hereby appoints Caitlyn Sawyer to serve as the Clerk for the City of Thorne Bay, Alaska under such terms and conditions as have been negotiated and agreed upon by and between the Mayor of the City of Thorne Bay and Caitlyn Sawyer and are otherwise as governed by, and subject to, the personnel policies and procedures of the City of Thorne Bay.

PASSED AND APPROVED this 3rd day of January 2023, by a duly constituted quorum of the Thorne Bay City Council.

ATTEST:

Lee Burger, Mayor

Teri Feibel



Hearing: January 3, 2023
Sponsor: Mayor Lee Burger
Vote: ___ Yeas, ___ Nays, ___ Absent

CITY OF THORNE BAY
RESOLUTION 23-01-03-02

AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$9,500 FOR THE RESURVEY OF THE DOWNTOWN BUSINESS DISTRICT SUBDIVISION, PLAT 2000-68, SECTION 28, TOWNSHIP 71 SOUTH, RANGE 84 EAST, COPPER RIVER MERIDIAN, K.R.D.

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

WHEREAS, the Business District Subdivision was approved by Thorne Bay City Council on February 21, 2006, by Resolution 06-02-21-02 creating Lots 1-10 and Tract A from Lots 3 and 4 of the Shoreline Subdivision, Plat No. 2000-68; and

WHEREAS, Lots 2 and 3 were sold and are now Thorne Bay Storage but the rest of the lots have sat mostly vacant for the past 16 years except for some rental to SE Roadbuilders for storage of broken-down road construction equipment waiting to be repaired; and

WHEREAS, it was the intent of the City Council at that time to generate downtown economic development opportunities by the creating multiple lots that could be leased or sold to going business concerns, and would be desirable property especially given the proximity to the waterfront; and

WHEREAS, the surveyor at the time, Craig L. Templin, decided that the most efficient use of the land to be subdivided was to overlap the road easement with the 50-foot public beach access easement along the waterfront rather than having multiple easements encumbering the property in different locations, which resulted in one 50 foot (+/-) road easement along the entire waterfront of this property with all the lots being inside the road easements; and

WHEREAS, this makes it impossible for any prospective purchaser or lessee of the lots to use any of the waterfront property because they cannot develop on the road easement and therefore diminishes the value of the waterfront location and possible water access and has reduced the value of these lots for their intended use; and

WHEREAS, given the beach access easement is much less restrictive than the road easement it makes sense to re-subdivide the property and move the road easement away from the waterfront

to an internal configuration to be determined during the development of the re-subdivision plat;
and

WHEREAS, it is determined to be in the best interest of the City to re-subdivide this Business District Subdivision in order to increase the value of the property and its desirability for prospective developers in considering economic development opportunities for the City's limited and available properties.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the expenditure of up to \$9,500.00 for the surveying, re-subdivision and replat of the Downtown Business District Subdivision to reconfigure the road easements and the lots to create properties with waterfront access for improved uses and values.

PASSED AND APPROVED: January 3, 2023

ATTEST:

Lee Burger, Mayor

Teri Feibel



Hearing:	<u>January 3, 2023</u>
Sponsor:	<u>Mayor Lee Burger</u>
Vote:	<u> </u> Yeas, <u> </u> Nays, <u> </u> Absent

**CITY OF THORNE BAY
RESOLUTION 23-01-03-03**

A RESOLUTION OF THE CITY COUNCIL OF THORNE BAY, ALASKA, UPDATING THE AUTHORIZED SIGNERS ON THE CITY OF THORNE BAY CHECKING AND SAVINGS ACCOUNT WITH TONGASS FEDERAL CREDIT UNION AND THE WELLS FARGO INVESTMENTS MONEY MARKET AND BOND ACCOUNTS

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

WHEREAS, the City Council accepted the resignation of Teri Feibel as their City Clerk and Treasurer, on November 1, 2022; and

WHEREAS, the City Council appointed Caitlyn Sawyer as the new City Clerk/Treasurer on January 3, 2023; and

WHEREAS, the City Council hereby updates the authorized signers for the City’s Tongass Federal Credit Union & Wells Fargo Investments Account by adopting the following amendments:

TONGASS FEDERAL CHECKING ACCOUNT:

Removal of Authorized Signers:

- a. Teri Feibel
- b. Charles Jennings

2) Addition of Authorized Signer:

- a. Caitlyn Sawyer
- b. Robert Hartwell

WELLS FARGO INVESTMENTS ACCOUNT:

1) Removal of Authorized Signers:

- a. Teri Feibel

2) Addition of Authorized Signers:

- a. Caitlyn Sawyer,
- b. City Clerk/Treasurer

WHEREAS, the City Council directs the City Clerk to close the City’s First Bank Checking Account ending in 7066; and

NOW, THEREFORE BE IT RESOLVED that the City Council for the City of Thorne Bay hereby approves the following named as account signers for the City of Thorne Bay’s Tongass Federal Credit Union and Wells Fargo Investment Accounts:

TONGASS FERAL CREDIT UNION

- Lee Burger
- Robert Hartwell
- John Huestis
- Lisa Roseland
- Caitlyn Sawyer

WELLS FARGO INVESTMENTS

- Lee Burger
- John Huestis
- Lisa Roseland
- Caitlyn Sawyer

PASSED AND APPROVED on 3rd day of January 2023

ATTEST:

Lee Burger, Mayor

Teri Feibel



Introduction: January 3, 2023
Public Hearing: January 17, 2023
Sponsor: Referendum Petition
Vote: ___ Yeas, ___ Nays, ___ Absent

CITY OF THORNE BAY
ORDINANCE 23-01-17-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 2-ADMINISTRATION & PERSONNEL, CHAPTER 2.28-ELECTIONS, SECTION 2.28.015-POLLING LOCATIONS, AS REQUESTED THROUGH A REFERENDUM PETITION RECEIVED DECEMBER 7, 2022 FROM REGISTERED VOTERS OF THORNE BAY

BE IT ENACTED BY THE CITY COUNCIL 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.

Section 2. Purpose. A referendum petition to repeal Ordinance 21-02-02-01, creating Section 2.28.015-Polling Locations was filed in the City Clerks Office on December 7, 2022, and certified on December 19, 2022. The Alaska Statutes Title 29. Municipal Government, Chapter 26. Elections, Article 2. Initiative and Referendum, Sec. 29.26.180. Referendum Election sets out the procedures for processing Initiative and Referendum Petitions. The City Council must determine whether they want to adopt this ordinance to repeal section 2.28.015, Polling Locations, from the Municipal Code, or if they want the issue to go to the voters at the next Regular Elections to be held October 3, 2023, or a Special Election if ordered by ordinance of the City Council.

Alaska Statutes Title 29. Municipal Government, Chapter 26. Elections, Article 2. Initiative and Referendum, Sec. 29.26.180. Referendum Election,

- a) Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote, the clerk shall submit the matter to the voters at the next regular election or, if already scheduled, special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled to occur within 75 days after certification of a petition and the governing body determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.
- b) If a petition is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the governing body may not enact an ordinance or resolution substantially similar to the suspended measure.
- c) If the governing body repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

- d) If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective on certification of the election.

Section 3. **Severability.** If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 4. **Amendment of Section.** The title and chapter of Title 2-Administration and Personnel, Chapter 2.28-Elections, Section 2.28.015-Polling Locations, is hereby amended and shall be removed from the Thorne Bay City Code and shall read as shown on page 3 of this ordinance.

Section 5. **Effective Date.** This ordinance shall become effective upon adoption.

PASSED AND APPROVED January 17, 2023

Lee Burger, Mayor

ATTEST:

Teri Feibel

[Introduction: January 3, 2023]
[Public Hearing: January 17, 2023]
[Sponsored: Referendum Petition December 7, 2022]

Ordinance 23-01-17-01

Additions are BLUE and CAPITAL

~~Deletions are RED and Stricken~~

~~2.28.015 POLLING LOCATIONS~~

~~THERE SHALL BE TWO POLLING PLACES ESTABLISHED WITHIN THE MUNICIPAL BOUNDARIES OF THORNE BAY.~~

- ~~1. THORNE BAY CITY HALL~~
- ~~2. DAVIDSON LANDING~~