

MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR THE
CITY OF THORNE BAY, ALASKA
TUESDAY, May 16, 2023
TIME: 6:30 p.m.

THERE WAS A WORKSHOP BEGINNING AT 6:00PM

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, Hartwell, Nyquest, Jennings, LaVoie, Stram, & Oatman

4) APPROVAL OF AGENDA:

_Burger moved to approve the agenda.

Hartwell seconded, no further discussion.

MOTION: Move to approve the agenda

F/S: Burger/Hartwell

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

NAYS: None

STATUS: Motion Passed

5) MAYOR'S REPORT: Eye surgery was successful.

6) ADMINISTRATIVE REPORTS:

a) City Administrator:

- OVK has started back up on project work on the Kasaan Road this month and will be working to complete the Intersection project and the smaller project near the landfill where the logs are in the road. 1 24" pipe going in for water build up, will be done within the next couple of weeks.
- We completed and submitted the grant application for the Wastewater Collection system upgrades mentioned in the PER Tech Memo we discussed last meeting. Looking for 5 Million dollars for manhole and pump station repairs. If we don't get DEC help this year, next year we will as we move up.
- The AKDOT & PF statewide Project Evaluation Board meets on May 30th to score the CTP project forwarded to them from around the State. The first 5.3 miles of the Kasaan Road will be considered for funding in competition with all the others statewide. We are remaining hopeful that they will select our project for funding and we can get this reconstructed and paved all the way to S. TNB Subdivision. Asked for over 13 million of Federal funds, mostly coming from OVK, COTB committed \$100,000.
- We will likely get started on the Pearl Nelson Memorial Park improvement project in late June or early July. We will start on the rock walls first. I plan to reconstruct the rock wall along the parking area below city hall as well and take down the trees in the bank to widen out the road a bit and clean things up in the area.
- We applied for additional funding for the Park expansion and renovation project from the State Public Health Department from funding set aside for the promotion of healthy and equitable communities for improving everyone's opportunities for living a healthy life. A nice inviting outdoor park is good for everyone. We got an extra \$15,000 for our park project which we will need for the rock walls.

- Made an offer to Jacob Aaro for Harbormaster to start on the 29th of May. As part of an evaluation where we might need more support, instead of parks position, put out for front office position and harbormaster will pick up parks slack. Hire summer help for parks jobs (weed eating, mowing, etc.) under supervision of harbormaster. Worked well with last person because she helped in the office as well as parks. Looking into a good fit for Events planning.

1. **City Clerk:** Working on learning how to do the Budget and financial reports
2. Updating and cleaning up the city's website
3. Thank you to Chris Cook for grating the baseball field for our t-ball and school kids
4. Bank account balances will be at next meeting

7) DEPARTMENT REPORTS:

a) Water Operator Report:

- 8) Getting certifications to be complaint with DEC
- 9) Continuing work at sewer plant pressure washing, dewatering, etc.
- 10) Will be taking regular water/sewer samples

11) PUBLIC COMMENTS:

- a) Thom Cunningham commented to give credit to HA for signs. Need more parking and speed limit signs.
 - Springtime, need to clear bushes for corners. Observed Shane Seaford driving fast on the road.
 - Conditional Use Permit for Seaford's, City failed to do anything about it since 2014. *reads from CUP statement.* Bob Hartwell's finding in 2019 were violations found.
 - Since Bob's report, Civil court found that he was in violation, only 1 ticket issued in past 4/5 years. 4-5 cars added, burned out bus. Need city to take action. Codes are laws and council has done nothing since 2019 and things have gotten worse. It would be nice if the codes were backed up and people start getting ticketed.
 - Offered to pay Shane to remove the cars to the barge and he refused. Tired of hearing I'm picking on the Seaford's. Time to get tough and back up codes. Ticket and lien until he's forced to act. It's bringing down property values.
 - Dump cards: Gov't is to provide ease of service to the community. Nice to have some kind of accounting of junk coming in. Should we consider going back to the old ways. Individuals who bought brother's property came into the city to buy dump cards and were told they could not buy a card because they were not residents. This is punishing to them and they should not be penalized for this.
- Chris Cook commented the last chicken meetings was very heated. There were many personal attacks and asks city council to keep things less personal. Tensions were high and felt uncomfortable saying anything.
 - Talked about a meeting about the roosters at some point. It would be nice to have a different format to make it easier to talk to each other. Even though it was just for special use, it turned into a very personal thing. He should have been able to come and speak.
- b) Thom Cunningham commented on the chicken thing, Res/Com III can have farm animals if you get a Conditional Use Permit.
- c) Laura J commented that she really likes the dump tickets. Loads of people like them and use them. It helps the community and the workers at the dump. Personally, really like the tickets.

12) COUNCIL COMMENTS:

- a) **Nyquest:** Like the dump tickets and we've tried a lot of things and the tickets alleviate a lot of things. To Thom: each person and get one and there are ways to get tickets and can even assign to other people to use for you.
- b) **Jennings:** what Thom was saying, this guy bought a new property, and they would not give him tickets because he was "not a resident". He should have been given one.
- c) **Hartwell:** I believe to be a resident you only need to be here 30 days
- d) **Jennings:** If you own property and come here to buy dump tickets
- e) **Nyquest:** it's a safety feature so people around the island to dump
- f) **Oatman:** Bringing up rooster convo today to talk about the ordinance.
- g) **Burger:** it's to remove the restriction of the CUP
- h) **Stram:** As far as the contentious we had a list of detailed instructions for the meeting in place. It was not a normal flow of the city council. We had to follow the rules for the public meeting.

13) CONSENT AGENDA:

a) MINUTES

- i. [Minutes of the May 5, 2023, Regular City Council Meeting, discussion and action item:](#)

Burger moved to approve the consent agenda.

Hartwell seconded, no further discussion.

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

14) NEW BUSINESS:

- a) [Resolution 23-05-16-01](#), A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, CERTIFYING THE ANNUAL CERTIFIED FINANCIAL STATEMENT OF REVENUES AND AUTHORIZED EXPENDITURES FOR THE YEAR ENDING JUNE 30, 2022

Burger moved to Certify the Financial Statement.

Hartwell seconded, no further discussion.

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

- b) [Resolution 23-05-16-02](#), A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, APPROVING THE RENEWAL OF SHORT-TERM LEASE WITH PAPAC LOGGING INC. FOR LEASE OF CITY OWNED PROPERTY AT THE THORNE BAY SORTYARD FOR A TERM OF 1-YEAR, EXPIRING MAY 31, 2024.

Burger moved to approve Resolution 23-05-16-02, a Resolution to approve the renewal of a 1 year lease with Papac Logging.

Nyquest seconded,

- Huestis commented Generally we do 2 years, but Papac asked for a year lease last year. We introduced a tie into the cost of living index so that there was a way to adjust the lease price. The

lease went up \$38.40/acre for his 2 acres. He's already signed and agree. We thought he was going to be moving but he got busy and did not move off as of yet and thus resigned for another year lease.

- **Nyquest** commented, He moved and cleaned up to get within his 2 acres
- **Huestis** : City was not happy with his mess and his mechanic stuff and he did move and consolidate.

MOTION: Move to approve the agenda

F/S: Burger/Nyquest

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

NAYS: None

STATUS: Motion Passed

15) ORDINANCES FOR PUBLIC HEARING:

16) ORDINANCES FOR INTRODUCTION:

- a) [Ordinance 23-06-06-01](#), AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 17-ZONING, CHAPTER 17.04-PLANNING AND ZONING, SECTION 17.04.025-MIXED RESIDENTIAL/COMMERCIAL II ZONE, SUBSECTION (B) USES CONSIDERED IN MIXED RESIDENTIAL/COMMERCIAL II ZONE WITH CONDITIONAL USE PERMITTING.

Burger moved to approve Ordinance 23-06-06-01

Hartwell seconded the motion, discussion as follows;

- **Huestis**: Would like to talk a little bit about the ordinance change before the hearing. An ordinance that changes zoning in Res/Com II which is part of the North Side because Res/Com III adopts the same things as zone II. So by striking it from II, roosters will be allowed in Zone II as well. Mr Black commented that when issue come to council for an ordinance change _____. Read through all 3 zones to see what needs to be changed for all 3 zones. Didn't thing we needed to solve all 3 zones right now, but to only change the zone II/III. In an effort to change things quickly, that's what we put forward. So when we come back, the change would be for both II & III or change the ordinance for III and leave level 2 as is.

MOTION: Move to approve the agenda

F/S: Burger/Hartwell

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

NAYS: None

STATUS: Motion Passed

17) CONTINUATION OF PUBLIC COMMENT:

- a) **Thom Cunningham** commented on the dump tickets: put me out of business, I would advertise to do dump loads for people. Seems that it makes it easier on the staff but harder on the community because they would need to come over here and get tickets. Would city council do away with the residence requirement for getting dump cards and how long would it take.
- When I was on council, when an issue came up on the agenda, the public could comment on the agenda item.
- Rent should go up for lease agreements instead of charging close to nothing and instead charging for dump tickets. Would like to know if Mayor was on the council when the issue on public comment came up.
- b) **Burger commented**, at 6 we have a workshop to talk about anything you want to bring up.
- **Thom**: thought that the resolution was passed where public could weigh in when the agenda item was being discussed instead of waiting.
- c) **Chris cook**: Agrees public should be allowed to comment on agenda items at the time of

the item.

- Needs to be time restrictions on the comments for public hearings. Strike the rooster thing for now and make people come in, but people need to be able to come in and have their say. Ordinance or introduction needs to be more clear and there needs to be more discussion on it. I'm all for roosters.
- d) **Thom Cunningham:** Advocate for changing the zoning for Res/Comm III to R/CII. The state didn't know what was going to go on over there and it would be nice if the city rezoned it to Res/Com II. Listened to dogs barking all night, are we going to make codes against dogs barking. If it's permitted, its allowed under Com III. Are we going to start handing out permits to those. Can't believe we're talking about this but not enforcing Seaford's lot.

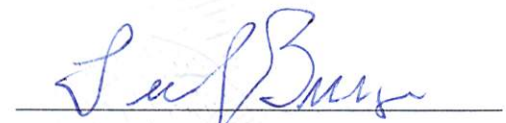
18) CONTINUATION OF COUNCIL COMMENT:

- a) **Hartwell:** Procedure- No matter what it is you either approve or disapprove. You might not like it, but you vote on the introduction. That's the way it's always been.
- b) **Burger:** Know that since I have been Mayor, there are opportunities for public to comment before the vote.
- c) **Hartwell:** There's a reason why you can't make comments, Guy Lane. We had problems when we did comments on the agenda items. After the ____ 3 minutes is all you get and there's a reason why. Read the agenda first, and when it comes up to public comment, make your comments.
- d) **LaVoie:** based off of the last meeting, how often does VPSO come because things seemed to calm when he showed?
- e) **Burger:** number of times he's been here
- f) **Lavoie:** first time I've seen his presence at a meeting.
- g) **Hartwell:** At one time, all depts did a report at the end of the meeting.
- h) **Nyquest:** We appreciate the public that is here. The only way we know the will of the people is for them to be here.
- i) **Stram:** Appreciated the large group at the last meeting. If it's something they feel strongly about, I expect them to say it with passion and I was glad to see that. We can't always control how the audience is going to show themselves, especially with the long list of things people were saying. It was not an appropriate time for me to say things always, so it was not that we didn't have input, but we were not able to comment. This issue is very long, and we cannot go through all of it tonight which is why we're talking about striking one line at this time rather than going through all of the code that had nothing to do with that one issue.

19) ADJOURNMENT: Burger Adjourned at 7:28pm

ATTEST:


Caitlyn Sawyer, City Clerk/Treasurer


Lee Burger, Mayor