

MINUTES

FOR THE REGULAR MEETING
OF THE CITY COUNCIL FOR THE
CITY OF THORNE BAY, ALASKA
TUESDAY, DECEMBER 16, 2025

TIME: 6:30 p.m.

THERE WAS A WORKSHOP BEGINNING AT 5:30PM

1) CALL TO ORDER:

Mayor called the meeting to order at 6:30pm

2) PLEDGE TO FLAG:

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

3) ROLL CALL:

Those present were:

Pesterfield, Lovell, , Cunningham, Kaer, Nyquest, Anderson

Those absent were: Killian

4) APPROVAL OF AGENDA:

Mayor moved to approve the Agenda, Seconded, discussion:

MOTION: Move to approve Agenda.

F/S: Nyquest/Lovell

YEAS: Pesterfield, Lovell, Cunningham, Kaer, Nyquest, Anderson

NAYS:

STATUS: Motion Passed

- 5) MAYOR'S REPORT: Reported on wintertime road conditions, worked on Community Center member appointing, met with Administrator to discuss City Sewer and roads. Gave a brief Christmas Dinner update, wished a Merry Christmas to all.

6) ADMINISTRATIVE REPORTS:

- a) City Administrator: attached – correction to report given: received 16 applications, not 7. 9 Applicants on Indeed.
- Mayor reached out to previous operator from years prior, \$50/hr. is what they are getting.
- POI: Pesterfield questioned if the posting was closed?
- Huestis clarified, open until filled position.
- POI: Cunningham questioned if Council is able to review applicants?
- Mayor commented Huestis will do preliminary review of applicants, Mayor, City Administrator, and current Water Operator will hold interviews.
- Public comment: Trina Pesterfield commented that the parking lot at the Harbor is straight ice. Mayor commented he addressed that earlier today.
- Cunningham suggested sanding again due to rain forecast and potential ice melt on the top of the icy roads.
- Lovell questioned if there was a way to get the firehall bay doors cleared of snow? Are citizens allowed to use sand for roads?
- Huestis responded screened sand was left for use on the roads, the sand is owned by the state and we get a permit for 200 of yards. Will apply for another 500 yards. Protocols will be governed by the State for individual use.

- Pesterfield commented that the pit looks good, repairs done to the ground and road look good. Questioned what the disposition of the old City shaker?
- Huestis responded that Solid Waste employee will be looking into repairing it. Potential to screen material at the solid waste site.
- Lovell questioned if the front end loader tire was repaired? Northside firehall water issue?
- Huestis responded Loader tire is repaired, water leak in firehall was repaired.

b) Clerk:

- **End-of-Year File Maintenance:** Organizing records, updating digital files, and preparing archives for year-end closeout.
- **Mid-Fiscal Year Review:** Reviewing current expenditures and preparing mid-year budget summary.
- **State Best Practices Reporting:** Compiling required documentation to send to the State for Best Practices requirements.
- **Council Training Packets:** Preparing training materials for new and current council members.
- **Pre-Audit Preparation:** Reviewing pre-audit steps and document requests provided by Teuscher Walpole, LLC.
- **Researching Website management hosts:** Research for new website management has been started and will be presented to the Council in January.
- **Community Christmas Dinner:** Assisted with planning, coordination, and event support. Outcome was smaller than normal, but a success none the less. All volunteers put in a lot of work and are very much appreciated. Thank you to Sonya Cook for the time put in to make it happen.
- **Dump Tickets:** This is the last month to use Solid Waste Coupons. Council will deliberate on renewal in January.
- **Water Dept Request:** The water department has requested residents to run their water, just a drip, to prevent freezing of pipes and potential leaks. There will be no overage charges for water for the month of December.

7) PUBLIC COMMENTS:

- Lucy Aragon commented on the icy road conditions, other locations supply a barrel of sand for citizens to apply sand on areas of need.
- Trina Pesterfield – Southside: Agreed on the need for more sand on the roads due to ice over sand. Commented on the Cemetery, requested plat map for cemetery. Expressed concerns on the OVK MOA and who represents OVK and who represents Thorne Bay.
- Sean McRae met with 2 contractors for the VWOS system. From a pilot's perspective, best place to put the system is the middle of the bay. Secondary spot is at the waterfront property near the old school float house. Most reliable wind information. Discussed location where cameras are currently and the boat grid. Boat grid would not provide reliable information, this location would discount safety, not ideal. It would need an area of approximately 2 parking spaces, 1 space for the portable tower, 1 space for laying down the tower down for maintenance.

8) COUNCIL COMMENTS:

- Cunningham questioned if there was a chance for multiple cameras if one side isn't sufficient?
 - ii. Pesterfield responded, No.
- Kaer commented Agreed that any instruments that supply aid to pilots flying in to Thorne Bay

would be beneficial. Roads look good, but unable to make it out of Steep road due to glaze. Agreed that VWOS is good system to approve.

- **Pesterfield** commented that the answer “No” applied to VWOS camera, there is the option to keep the current camera system that has 4 different views. VWOS is 360 degree camera with visibility measurements, cloud ceilings, multiple layers up to 30,000 ft, and a windspeed gage. Cameras we have now take a snapshot every 4 minutes and timestamps it. Cameras we have could be used in a different location. Went over the locations and review of system during workshop. Best location is at the point, and the only hangup is potential development in the future. VWOS system will supply high quality of weather data. Suggested an addition of a provision in the lease that would allow for development on waterfront property and movement of the tower if necessary. Council should consider baseline amounts for non-tax generating leases.
- **Cunninham** questioned if we can keep both FAA systems?
- **Pesterfield** commented yes, just not two VWOS systems.
- **Anderson** commented on the float plane landings in the bay and agreed VWOS would help improve pilot decision making.
- **POI Pesterfield** VWOS is not certified weather, pilot is still required to make professional determination of what is seen.
- **POI Lovell** Suggested we form a project committee for the cemetery.

9) **CONSENT AGENDA:**

- a) Minutes from the December 2nd, 2025 Regular City Council Meeting, action item;

Mayor moved to approve the Consent Agenda consisting of the Minutes from December 2nd, 2025 Regular Meeting; Seconded, no discussion held;

MOTION: Move to approve Consent Agenda.

F/S: Nyquest/ Pesterfield

YEAS: Anderson, Nyquest, Pesterfield, Lovell, Cunningham, Kaer

NAYS: None

STATUS: Motion Passed

10) **UNFINISHED BUSINESS:**

- a) **Discussion item: Independent Audit discussion, allocation of funds;**
- **Pesterfield** Potential to dedicate percentage of R&R funds, suggested a 5% collection from departments, excluding grant monies. Suggested raising funds through raffles.
 - Clerk cautioned against using R&R accounts that were created to maintain and repair aging departments and also are a requirement for RUBA's Best Practices scoring.
 - **Kaer** questioned selling timber to fund the audit, and developing property. Requested plat maps of equitable timber.
 - **Nyquest** agreed with the audit and also agreed with proceeding with caution using R&R funds
 - **Kaer** commented on the need for an audit to get grants.
 - **Lovell** suggested acquiring grants to incorporate into the budget. Questioned if we have any current development plans that show the city's ability for logging and subdividing as Councilman Kaer suggested.
 - **Pesterfield** agreed with Mayor on the R&R accounts. This discussion is a brainstorm to

- come up with monies for the initial audit, to make applying for grants in the future easier and budget in the future easier.
- Huestis commented that we have reserve funding in investment accounts.
 - Mayor clarified position on audit, for it. Not okay with the amount it costs.
 - Huestis could put in for a USDA program public assistance type grant that may cover an audit to reapply for the broadband grant. Questioned timeline Council would like to see?
 - Mayor clarified that we are not denied grants because of the lack of an independent audit. Questioned how many grants since 2007 the City has been awarded? Misinformation to say we don't qualify for grants.
 - Cunningham questioned if the gaming permit covers pull-tabs?
 - Clerk clarified use of gaming permit historically.
 - Kaer suggested bingo with the gaming permit. Suggested upset is over not enough grants. Requested pulling money out of Investment Funds and using timber sale monies to replace it.
 - Lovell suggested looking into annually rotating state grants.
 - Pesterfield commented we get grants, sewer grant is different from development grants. Commented on the potential timeline, need the audit to see where we are at, where we're going, what we're doing, and how to proceed. Having an audit may qualify us higher on some grants.
 - Cunningham commented on the FOIA request that was denied in the past.
 - Clerk clarified that that the request made did not exist based on the description given on the form.
 - Huestis clarified that the sewer grant was applied for by him as was the PE grant applied for and both were received. Clarified that the reason the broadband grant was heavy on the financials is because it is a business. Most public facing grants don't require audits.
 - POI Lovell: can the City open an account for accepting donations? Clerk responded.
 - Council discussed a gaming permit and the options for donating proceeds. Anderson pointed out that the gaming permit is a public service for the community to use and hold raffles. Anderson responded that there is a massive amount of time required for reporting legally required.

11) NEW BUSINESS:

- a) Confirmation of Mayor appointed Community Center Planning Committee members, discussion and action item:

Discussion:

Clerk read the 9 appointed members into the record.

Appointed Members by Mayor:

- 1) Libby Neiland
- 2) Lisa Roseland
- 3) Amanda Allard
- 4) Rose Mathis
- 5) Tara Blair
- 6) Lucy Aragon
- 7) Korrissa Oatman

- 8) Amy Killian
9) Trina Pesterfield

- **Pesterfield** thanked everyone who signed up for the committee, and the mayor for the resolution to move forward.

Mayor moved to approve the 9 Committee Members, Seconded

MOTION: Move to approve Consent Agenda.

F/S: Nyquest/Anderson

YEAS: Anderson, Nyquest, Pesterfield, Lovell, Cunningham, Kaer

NAYS:

STATUS: Motion Passed

b) **Goal Setting and Performance Evaluation of City Administrator, Discussion and possible action item;**

- **Lovell** clarified the intent behind the discussion item is for Council to set a standard for reviewing leadership.
- **Pesterfield** commented on the goal setting for the Administrator. In the year on Council, several instances where Administrator is working on specific projects. Council should be giving Administrator goals required. Not much to evaluate if no goals have been set. Itemize priorities for goals to be met. Suggested committees be created to do the leg work to aid the Administrator in completing goals.
- **Kaer** suggested the Administrator not have two jobs, should focus on one job here.
- **Cunningham** agreement with previous Council comments. Referenced historical code enforcement complaint. Suggested Thorne Bay needs an administrator focused on Thorne Bay only. Commented on the Southside Firehall plans.
- **Huestis** responded to the Firehall comments. Councilmember responded.
- **Pesterfield** suggested combing the code to evaluate on specific duties required of the Administrator.
- **Nyquest** agreed with goal setting. Unfair to have expectations that have not been given.
- **Anderson** commented that the evaluation process is codified.
- **Kaer** suggested evaluating based on code and not continue talking in circles.

c) **Review of MOA between the City of Thorne Bay and OVK, discussion and possible action item;**

- **Kaer** commented he has requested information on the Kasaan contract and was told for 3 years there was no agreement. Expressed concern over one person being in charge of both sides.
- **Nyquest** read item 4: Purpose from the OVK MOA. Suggested that the agreement is mutually beneficial.
- **Pesterfield** suggested the agreement is sound, dual communities sharing the road and the responsibility is great. The best recipient of this agreement is Thorne Bay as we have no grader or grader operator to fulfill the duties of this agreement. Thankfully OVK has received grants to do upgrades. Good for both, right now Thorne Bay is benefitting from the agreement, OVK DOT Director is doing a good job. Hard to tell if the agreement came from OVK or Thorne Bay with OVK Director and City Administrator being the same person. Referenced the Resolution passed in February 2023 and

minutes and there was no discussion noted on the contract. Hard to know if Thorne Bay has done their share or paid for their share if there is nothing noted in the budget, except Administrator's wages. Last paragraph of Resolution authorizes Mayor to approve of any subsequent documents mentioned in the MOA or project level agreements either specified or required for carrying out the intent in the spirit of the MOA in the maintenance and operations of the roads or projects to improve the roads covered under this. Suggested revising the Resolution to have Council review before Mayor approval of those items.

- **Nyquest** clarified that City code rules purchasing and already allows Mayor to sign documents.
- **Lovell POI:** requested clarification on procurement code specific to purchasing. Clerk clarified.

Discussion on procurement code continued.

- **Huestis** explained how the MOA works in real time, City Administrator salary is in-kind contributions for labor and collaboration.
- **Cunningham** commented that the amount of expenditures used to be \$2500, then \$5000. Suggested lowering it back down from \$7500 to \$5000.
- **Nyquest** commented that the price was increased due to the cost of living.
- **Pesterfield** showed appreciation for Huestis' in-kind message. Suggested if either party had an emergency of some sort where Huestis was not available, bills come in with no budget, it will show up on an audit. Commented on the review process quoted in the MOA. Questioned if this is something for Council to review, the DOT Director and OVK President with the Mayor? Commented on the dispute section.
- **Huestis** commented that the agreement superseded him, been in place for a years. Used to have expiration date before, City leadership on both sides would review and discuss how it's working. Intent of language at the end of the resolution was to cover last minute agreements Mayor could sign. Thorne Bay is responsible to maintain and operate the roads to the city limits, City of Kasaan is responsible for rest. Explained history of OVK DOT.
- **Pesterfield** thanked Huestis for the information given.
- **POI Lovell** MOA states it is for specific road sections, Kasaan to Goose Creek, is there anywhere else that this covers?
- **Huestis** commented that's covered by the sanding twice per year in Goose Creek
- **Kear** expressed concern over the word any in the MOA and suggested it be struck. Suggested lowering the limit of spending before Council approval to \$2500.
 - **Public Comment – Trina Pesterfield** Previous DOT Director was not City Administrator, suggested a budget line for roadwork, Thorne Bay has a responsibility to stay financially responsible, not clear who to take disputes to which is a conflict of interest.
- **Cunningham** also expressed concern over DOT Director and City administrator being the same person, which is confusing. Suggested Max Blair would be willing to grade subdivision roads that haven't been done.
- **Huestis** suggested discussion on relinquishing easements to OVK. Offered estimates for new equipment.
- **Cunningham** questioned grants available for replacing equipment?

- Lovell suggested a motion to bring the agreement to another meeting for revision.
- Huestis clarified Tribal Council would also need to approve any changes made.
- Anderson commented Article 6 is a problem – one sided. Questioned if anything is on the books for in-kind contributions? How to quantify amount? Would like to see the numbers from the past?

12) CONTINUATION OF PUBLIC COMMENT:

- a) Lucette O'Hagan-Lovell written commented read into the report. Attached.
- b) Trina Pesterfield commented on the gaming account being closed, would like to look into this. Donation account – not sure what it looks like, donation accounts, training on donations made to City. Community fund for audit, put to the community for discussion. Budget comments – questioned AML budgeted amounts for overages. Water budget not complete when report was received. OVK MOA –Expressed concern over MOA and financial reporting. Concerned not enough separation in roles, needs to be billed accurately. Suggested things to consider in review process of Administrator. Expressed concern of attorney if legal counsel approved of the MOA with OVK.

13) CONTINUATION OF COUNCIL COMMENT:

- a) Pesterfield commented on the surplus sale, would like a list of equipment on the sale, potentially the excess of the surplus could be put towards the audit. Commented that there have not been water/sewer reports since the supervisor left. Identify who is to report and make sure they are being done for the RUBA score.
- b) Anderson commented on the red light on the lift station by the boat launch has been on for almost a month and hasn't seen water samples. Commented on the donation process.
- c) Cunningham commented he also donated funds. Requested to have stipend donated to the RV Park. Suggested getting the RV Park up and running to generate income. Rental agreements, look into communities. Suggested annual increase in leased lots is not enough for lands leased. Happy Holidays to everyone.
- d) Lovell commented would like to have an update on the surplus sale. Requested an update on the EMS Coordinator status. If reports should be provided by departments and contracted Water Operator is not doing it, good to know.
- e) Nyquest commented our Thorne Bay School Wrestling team has 3 kids going to State.

14) ADJOURNMENT: 9:19pm



Shane Nyquest, Mayor

ATTEST:



Caitlyn Sawyer, City Clerk

[illegible]

Date

City Clerk's Report

December 16, 2025

Prepared by:

Caitlyn Sawyer, City Clerk

Monthly Focus:

- **End-of-Year File Maintenance:** Organizing records, updating digital files, and preparing archives for year-end closeout.
- **Mid-Fiscal Year Review:** Reviewing current expenditures and preparing mid-year budget summary.
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From: [Lucette Ohagan-Lovell](#)
To: [Caitlyn Sawyer](#)
Subject: Written comments
Date: Tuesday, December 16, 2025 4:34:27 PM

Hi Caitlyn,

I'm unable to attend tonight's council meeting but I request the following written comments be read into the public comment record:

Hello council,

My name is Lucette O'Hagan-Lovell and I apologize I am unable to attend this meeting in person. To correct the record, last meeting minutes should reference that I was quoting TBMC for a ROW definition not an easement. It's important that these meeting minutes are accurate.

Tonight's meeting I want to exercise my right for public comment on the following topic: Importance of following Thorne Bay Municipal Code

I want to stress the importance of enforcing our subdivision code and protecting citizens' property rights. For South Thorne Bay Addition #1, I was verbally told that the State never completed the required dedication process, including the grant transferring dedicated lands, rights-of-way (ROW), and easements to the City.

Because of that, my property access through a platted ROW has been effectively blocked, even though the plat clearly shows it was created under and complies with City subdivision regulations. Because of this quasi judicial determination stated above, I was forced into a state permit process—a burden Thorne Bay citizens should never have to bear when the City approved the subdivision under its code and has applied zoning over it. Nowhere in our code is a state permit required for access use. Requiring this of citizens is an undue burden and a clear example of government overreach.

Legal precedent is clear: any land-use decision affecting property rights—including quasi-judicial decisions—requires due process, with findings in writing and an opportunity to appeal at all government levels. Current and updated legal precedent since 2019 now state that decisions made without due process must now be reheard. Citizens have the right to rely on the recorded plat as the controlling land-use document according to state of Alaska case law.

Delays and omissions—like my inquiry this fall remaining unanswered by the Administrator-I have not received a response from him, a requested agenda item for code affirmation in December never being listed on the December 2 agenda, and staff requesting unnecessary signed disclosures for public records requests—create the appearance that citizen concerns are being ignored or even possibly censored.

The Council's job is to protect residents and uphold the city codes. It's time to act—enforce our city code, safeguard property rights, and compel the State to comply, even if that requires an Ombudsman request or a writ of mandamus in court. Citizens should

never bear the burden of enforcing the City's code.

Thank you for all you do representing our wonderful community, I know it's hard work and I appreciate your time and dedication.

Best regards and warm holiday greetings.

**Lucette O'Hagan-Lovell
541-366-1717**

Sent from my iPhone