

City of Edna Bay - Special Meeting

1 — Meeting Date, Place and Call to order:

This Special meeting was held on Wednesday, November 16th, 2015 at Edna Bay School. Mayor Richter called the meeting to order at 6:10 PM.

2 — Roll Call:

Heather Richter	- Mayor / Presiding Officer	(Present)
Karen Williams	- Vice Mayor / City Council	(Present)
Tyler Poelstra	- Clerk / City Council	(Present)
Myla Poelstra	- Treasurer / City Council	(Present)
Carleigh Fairchild	- City Council	(Present)
Paul Haag	- City Council	(Absent)
Doris Greif	- City Council	(Present)

2.1 — Public Participants:

Sharon Wargi	Lee Greif	Joe Wargi	Curtis Greif
Richard Stockdale	Pat Richter	Maureen Viera	Sue Crew
John Dodson	Mike Williams		

3 — Consent Agenda:

A: Approval of Meeting Agenda:

The current agenda was read by Councilor (Mr.) Poelstra.

Consensus of the public attendants was taken in favor, and no objections were noted.

Motion:

Mayor Richter moved to approve the consent agenda as read.

- *Seconded by Councilor Greif*
- **Approved by unanimous vote of the council**

3.1 — Business:

Special Business:

- a: *Public Hearing for "Title 2 - Administration" Ordinance No. 15-07CO.*
- b: *City discussion and decision regarding policy / procedure for permissive public access maintenance within municipal boundaries.*
- c: *Initial discussion regarding Alcoa Road extension for land owner access.*

4 —

Special Business

Item A – Public Hearing for "Title 2 - Administration" ...:

Mayor Richter opened the item and explained that Section 2.30.010 was sent to our municipal attorney for review. The attorney sent back a detailed conclusion on each of the items within section 2.30.010 and if the item could or could not be upheld by State and Federal law. The attorney's letter was reviewed with the Council and Public. The attorney stated that removal of the section by referendum of the people is not legal for the Council to require, but may be if the item was added to an election ballot and adopted by the people. The suggestion of having a set quorum for the public and council members jointly in attendance was declared by the attorney as not in compliance with the law. After discussion it was agreed to remove item 20.30.010 (d). It was detailed in his letter that polling of the public during meetings of the City Council is legal and supported by the law.

Sue Crew noted her feeling of taking issue with opening discussion items to public polling during meetings. She shared her feeling that it may reduce the Council's role in speaking with other members of the public who are not in attendance. Mayor Richter shared her feeling behind public polling on city business items is that opening City meetings to deeper public participation has the intent of encouraging more public involvement in the process of local self-government, not less. Richard Stockdale asked if the public can still contact Council members and provide their requests or opinions before a meetings if Title 2 is adopted as worded. Mayor Richter responded that, yes, the public is encouraged to reach out to members of the

council and be heard. Pat Richter noted his feeling that Title 2, as worded, gives more public input.

Sue Crew asked what the meaning of "...shall hold office at the pleasure of the council." meant in Sec. 2.50.010(b) and 2.55.010(b) and why it was necessary to have that wording in the code. Councilor (Mr.) Poelstra and Mayor Richter explained that serving at the pleasure of the Council means that the City Council are the "boss" of the clerk and treasurer, and were the only ones who can critique the clerk and treasurer or make extensive work-related requests of them that could cost the city materials or expenses in order to satisfy specific requests made by the Council. Councilor (Mr.) Poelstra read back the language of draft Ordinance No. 15-07CO to the Council and public in attendance.

Consensus of the public attendants was taken in favor, and no objections were noted.

Motion:

Councilor (Mrs.) Poelstra moved to adopt Ordinance No. 15-07CO "Title 2 - Administration" including the noted amendments.

- *Seconded by Councilor Greif*

- **Approved by unanimous vote of the council**

Item B – City ... policy / procedure for permissive public access maintenance...:

Mayor Richter explained that the City needs a policy that allows individuals and / or entities who want to do road or other public access work within the municipal boundaries a process to engage in with the City and to receive a written approval for. She explained that as a City there are differences in how work must be done and what the local responsibilities are now that the City is the local road authority. Mayor Richter continued to detail her desire to see a simple but effective way for people to do work within the City, likely resulting in a one page form that would identify the entity planning to do the work, a work plan, necessary drawings to convey the location of the work and its scope and an approximate work timeline to keep the City and public apprised of the process.

Mayor Richter explained that she would like to see the City make it easy for a private land owner to install a culver in their driveway within the public right of way(s), or for road grading to be done as another example of where this form would be useful. She shared that in her conversations with DNR that their office has looked into the matter of the City being the local road authority with the Dept. of Law and their findings were that the City not only is the legal road authority, but that DNR fully expects the City to handle the task. Joseph Wargi shared his feeling that the City should ensure that any work done using this method be held to an acceptable standard of quality to ensure that other residents and the City do not bear any burdens.

Councilor (Mr.) Poelstra added that he would like whatever form is approved to include a final sign-off and inspection report to ensure that the process is opened and closed responsibly with a certain level of basic documentation and accountability. Pat Richter stated that he does not want to see the process get too complicated but agrees with a permit process and getting final approval and sign-off when work is complete.

Richard Stockdale shared that in his case, his request to the City to pay for work is due to there not being any road where he needs there to be one, so there are no modifications taking place, only new basic road construction to meet his needs until the City can complete it to their standard and he shared his feeling that the results of that work are better than there being no road at all.

Mike Williams shared his feeling of concern for who locally is qualified to decide if any project is done to an acceptable level of quality or completion. Councilor (Mr.) Poelstra shared that even as a Community that has always been a question that is best handled by a group of experienced individuals coming together to make a plan in Committee, perform pre-work reviews and inspections and carry out post-work sign-offs. He shared his feeling that something simple and similar should be done in the City to how it has been done in similar scenarios in Edna Bay when working with public projects, and reiterated his feeling that the main point of the form/permit process/procedure is to have good documentation of accountability for the public and to maintain a certain level of order within the community around everyone's homes and public access.

Councilor Fairchild suggested making a form including the following items:

- 1: Who is requesting permission to perform work within the city public access / lands?
- 2: Who will perform the work?
- 3: What are the proposed work items and objectives?
- 4: Maps & Diagrams of the work being proposed.

Sue Crew asked if the requirement to use the form applied to federal roads within the City, and what amount of work would determine if the form is necessary, where are the lines in the process? Mayor Richter shared that using good judgement is the best baseline, and that any “notable” change to any public right of way, road, land or facility would necessitate a need to notify and get permission from the City. She also shared that trivial tasks like throwing a few rocks in a pot hole in front of your driveway would not be a likely candidate for needing permission, as an example.

Consensus of the public attendants was taken in favor, and no objections were noted.

Motion:

Mayor Richter moved to create an application form for proposed work by non-municipal entities within the municipal boundaries.

- *Seconded by Councilor Williams*
- **Approved by unanimous vote of the council**

Pat Richter asked if the City would be liable while work by an entity on public access was underway? Mayor Richter said she would look into liability questions with AMLJIA and report back.

Item C – Initial discussion regarding Alcoa Road extension for land owner access:

Mayor Richter opened the item and gave the floor to Pat Richter to read back the work proposal for Alcoa Lane, as requested by Richard Stockdale. The proposed extension is 130’ of new road, 12’ wide, all costs to be paid by a private individual for the improvements. The road will be designed to accommodate holding a loaded dump truck, but may not be up to the final completion standards of the City. Road grading on public roads from the rock source to Alcoa Lane and possible gravel on areas of the road as needed are included in the proposal to ensure the dump trucks can move safely and not add to damaging the other public roads in the process of construction.

Sue Crew shared that she has a problem with a private individual paying to build a road within the City. She cited the City Website development as a project she felt the City made an exception for and does not feel that paying for the work needed on Alcoa should be any different. Mayor Richter shared that the website development and upkeep is a sole-source project and the developer was “hired” to perform a service. She shared that road construction within a subdivision would be done by operating under the City’s contracting policies which are not yet ready for use. Pat Richter noted that Richard could wait for the City to adopt a budget amendment, buy rock, plan and perform the work if he is willing to wait several more months. Richard Stockdale stated that he wants to get to his lot as soon as possible and is not objecting to paying the costs himself to access his land sooner than if the City were directly involved in the process.

Sue Crew asked why the City can’t pay for the rock for the work? Pat Richter shared his concern that the City cannot allow an entity to do an undetermined amount of work and then present a bill to the City. Mayor Richter shared that the City has no control in this case of how the rock will be utilized and will need to look into any method of paying for material costs and bring the topic up for discussion at a future meeting. She stated that she will look into the item and see if there are any effective ways of covering those costs.

Sue Crew stated that if the work is carried out as proposed, she has an issue with the road grading being done to improve the road because the road is too wet and the rock will all run off. Mayor Richter shared that it is always hard to predict the weather this time of year, and that in the past grading has been done right before it froze and the road system was smooth for most of the winter, it all depends on too many variables. She asked that the contractor offer best digression when determining when and where to grade and apply rock. Pat Richter stated his concern that hauling dump trucks loaded with rock over the pot holes is far more detrimental if no work is done to the road before rock is hauled over it.

Pat Richter asked for the proposal to be put to a vote. Councilor (Mr.) Poelstra noted that the agenda only states that a discussion will take place, not a decision, and therefore no vote can take place during this meeting. The council agreed to call a Special Meeting for Wednesday, November 18th at 6:00PM to discuss and make a decision on the proposal.

5 – Persons to be Heard:

None.

Adjournment

Mayor Richter moved that the meeting be adjourned.
Motion seconded by Councilor Williams

CITY OF EDNA BAY ORIGINAL DOCUMENT