

# City of Edna Bay - Regular Meeting

## 1 — Meeting Date, Place and Call to order:

This Regular meeting was held on Monday, March 11th, 2024 at Edna Bay School and via WebEx. Mayor Poelstra called the meeting to order at 6:00 PM.

## 2 — Roll Call:

Tyler Poelstra	- Mayor / City Council	(Present)
Sandy Henson	- Vice Mayor / City Council	(Present)
Myla Poelstra	- Clerk + Treasurer / City Council	(Present - Teleconference)
Mike Williams	- City Council	(Absent)
Doris Greif	- City Council	(Present)
Jay Towne	- City Council	(Present - Teleconference)
Louise DiPaolo	- City Council	(Present)

## 2.1 — Public Participants:

Katie Buss	Sue Crew	John Dodson	Roger DiPaolo	Caleb Kitson
Mathew Yellen	Sarah Yellen			

## 3 — Consent Agenda:

### A: Approval of Meeting Agenda:

The current agenda was read by Mayor Poelstra.

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

### B: Approval of Prior Meeting Minutes:

The following minutes were presented for review:

1: Regular Meeting Minutes of February 12th, 2024 - No questions.

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

### Motion:

Mayor Poelstra moved to approve the consent agenda as presented.

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

## 3.1 — Business:

**Old Business:** None.

### **New Business:**

- a: *Final Best Interest Finding for Division of Forestry for East Edna Bay Timber Sale (SSE-1384K), Discussion and Decision.*
- b: *Public Hearing for Budget Amendment Ordinance #24-34NCO for Fire Dept. and Administration, Discussion and Decision.*

## 4 — Mayor's Report:

Mayor Poelstra recapped on several items that came to him as the Mayor, specific to the response around the East Edna Bay Timber Sale being proposed by Division of Forestry. He shared that the Commissioner of DNR personally called him to announce they would be awarding the sale as-is using their preferred alternative 2. The commissioner did not ask for comments or further items to consider.

Mayor Poelstra reiterated the consensus of concerns were around risks to the Bulk Fuel Facility and the public at the intersection to the harbor, and that there were no letters of opposition to the sale sent by locals or the City. All that was asked is that they use an alternative route to the MAF to reduce the risk to the Fuel Facility to zero. The concern was not personal or directed at Papac Timber in any fashion.

He noted that our municipal attorney has been invaluable at each step of the process. Our attorney has

been involved in vetting written correspondence, the new portion of municipal code, and kept on top of making sure each step taken to protect the public's interest is done correctly and in compliance with State law. The cost to date for all of his services has been around ~\$1000, and the Mayor felt it has been worth every penny to know that everything is being done correctly and in concert with his expertise.

He explained that the issue with the USFS easement on Koscisuko Dr. is that it is a described easement that is 66' in width, but that there is no survey data indicating where the center line of their perpetual easement exists. The City has a 100' wide easement for that roadway, and any areas where the USFS easement does not align with the existing City road and right of way fall under City authority. To clarify the the issue could involve costly litigation and surveying and the City has no intention to delay the sale.

Mayor Poelstra shared that DOT is still working with DNR on final conveyance of the harbor. DNR is asking that the DOT pay for a new survey for the transfer, and DOT has submitted that the existing survey has not changed and should not need to be redone. DOT is now looking into final cost that the City may owe to close out the project so that the \$100K of funds encumbered to it by resolution can be released for other local needs.

Discussion continued around what the Mayor learned related to Kosciusko Dr. and what kind of work DOF was planning to do to the road. Mayor Poelstra pointed out that though there are some issues remaining with safety around the Bulk Fuel Facility, there are a lot of key items DOF has addressed. They are only required to bring the grade down to 20%, and they are reducing it to 17%. They also reduced the truck traffic speed from 15mph down to 10mph on the hill. They are incorporating several 100' long pullouts for small vehicle traffic to improve safety during the sale. Papac has also offered to cover the City as additionally insured.

Mayor Poelstra noted the new Division of Forestry 5-year Schedule of Timber Sales was just released, and it includes the North Edna Bay Sale as one of the areas they're looking to harvest. He noted the area is in proximity to Carwash Springs, as was discussed in prior meetings. Questions around where the dye test study showed the water traveling through the karst areas were raised. Roger spent a lot of time looking for data on the study online, but was not able to find a complete record. He suspected the study was never completed. Further discussion will need to be had, if the public wants to pursue it, on how to protect Carwash Springs.

Mayor Poelstra shared that he has been in contact with the USFS. They are planning to hold round table meetings all over POW this spring. They were originally going to hold a discussion for Kosciusko Island at Naukati. Tyler asked if they could please consider meeting locally so everyone in town could be involved, since travel to Naukati can be costly or prohibitive due to many factors. They agreed to hold a meeting in Edna Bay in mid/late April and will be sending flyers out soon. Mayor Poelstra felt it would be good to have a discussion with them on creating a long-term public easement through FDR 1525 past Carwash Springs on to the harbor, since it will always be an essential point of access for the community to critical infrastructure.

Mayor Poelstra recapped that many of these items have been brought to him as the Mayor and he wanted full transparency to discuss them during the Mayor's report. Discussion continued on whether log trucks coming down the hill are a danger to the Fuel Facility. The City attorney has expressed that any fuel spill caused by a log truck impact with one or more of the tanks would likely bankrupt Papac Timber. Mayor Poelstra emphasized the issue is not about money or fixing the fuel facility after a cleanup, it's that a spill would permanently alter our local way of life for a very short-term timber operation and that has been the primary point of concern around planned use of the road.

Mayor Poelstra noted further conversation around the appeal window that has now opened will need to be held later on the agenda. He cautioned that once the sale has been awarded, the City must avoid being involved in any fashion that would delay activities related to the sale. To this point, all aspects of the sale have been carried out on schedule.

#### **5 — Clerk's Report:**

No report.

#### **6 — Treasurer's Report:**

No report. No questions on the Treasurer's Report.

#### **7 —**

### **Committee Reports**

### **7.1 — Dock Committee:**

Tyler Poelstra (Dock Chairman) said he will walk the harbor with the Harbormaster as soon as the weather improves and get a plan together on where the safety ladders should be installed. He also committed to continue followup with the DOT until the encumbered local funds are released.

A bill is currently moving through the legislature that would require all harbors to have safety ladders installed. The bill will also provide some funding to purchase and install ladders, if it is passed. He suggested it might be worth waiting a little bit to see if we can get funding or look into whether it would provide reimbursements for the ladders that the City may be looking to purchase for the rest of the harbor. The City currently has one ladder to install and test, and is looking at getting 11 more.

### **7.2 — Road Committee:**

Michael Williams (Road Chairman) not present. Mayor Poelstra said he is waiting on the roads to firm up a bit and then will have the grader out cleaning up pot holes again. He also noted that due to the uncertainty on when the logging will start and how long it may take to complete, it's not clear if there will be a good time this year to work on Limestone Pl. heading towards Logan, Brad and Mike. Doing road construction work while Kosciusko Dr. is being used for hauling logs is likely not compatible.

### **7.3 — EMS Committee:**

Mayor Poelstra noted that there is some interest in EMS again and there may be enough people to get an ETT trainer into town to conduct classes. It is time to start looking into what it will take to schedule a class.

### **7.4 — Search & Rescue Committee:**

Roger DiPaolo (Chairman) had no report.

### **7.5 — Fire Committee:**

Brian Mortensen (Fire Chief) not present - no report.

### **7.6 — Fish & Game Advisory:**

No report.

### **7.7 — Bulk Fuel:**

Tyler Poelstra (Plant Manager) responded to questions about fuel spill preparedness. Tyler stated that the City obtained additional plastic booms that would be used to contain as much fuel as possible in an area the gangway if a spill occurred. The City Skiff is in the water for deployment if needed.

He will look into getting some smaller nozzles for the dispenser since most users are bringing smaller 5 gallon jugs for heating oil instead of barrels. He indicated the nozzles are sized for the intended flow rate and product type, so we do not want to modify them to make filling smaller jugs easier for the operator.

Tyler is looking into the replacement breaker on the generator. Sue noted that Steve Gruenberg may be willing to look at it if needed, since he has skill in electrical work. Tyler noted it is a Kubota specific part and needs to be replaced, since the housing is cracked.

He explained that the original coat of paint on the pipes is aging out and needs to be cleaned off and replaced.

**8 —  
None.**

## **Old Business**

**9 —**

## **New Business**

### **Item A - Final Best Interest Finding for Division of Forestry for East Edna Bay Timber Sale ...:**

Mayor Poelstra opened the dialog by explaining that this final step is whether to appeal the decision reached by DNR on the timber sale. This is not a comment period. He also noted that due to the commissioner's stance on the sale and consideration of the risk vs. the gains, an appeal is unlikely to be acknowledged.

He explained that our municipal attorney emphasized that any appeal must be based on metrics and hard data showing some portion of law or safety standard is not being met or complied with, or some that violation has or will result.

Mayor Poelstra noted some key factors incorporated into the sale by DOF to mitigate local concerns, and suggested they be considered when deciding whether an appeal has merit:

- 1: Truck speed has been reduced from 15Mph to 10Mph
- 2: Road grade will be reduced from the required 20% to 17%
- 3: Improvements to Kosciusko Dr. will include the addition of several 100' long pullouts along the road
- 4: Papac has been very cordial to work with and will provide for coordination around local scheduled activity

Papac Timber has told the Mayor they will work on some way to communicate with locals by radio so safety can be further improved when traversing shared roadways during hours of operation. He suggested there are still a lot of details that are not known about how this will all work, and hopefully more will be known as we get closer to the date of the sale.

Mayor Poelstra asked those in attendance; do we appeal and on what grounds, or do we not appeal? Some items noted during discussion were that it is important to assert our rights over areas of the road where we have jurisdiction and not concede any of our community authority. It was noted that written precedent is important to ensure that our rights to protect public health and safety are not watered down somehow by choosing not to respond. Questions were raised on if we could submit these statements as a resolution or letter since an appeal means we are opposed to the final decision.

Mayor Poelstra asked, what is our intent? Do we aim to delay the sale, or to clarify things that were not addressed by any of the decision documents? He felt it is important to be consistent.

After discussion he recapped on what he was hearing as the position to take in a letter to the commissioner. He noted that though it is not a very clear plan, the slated road improvements will provide benefits to some of our neighbors. He also reiterated it has not been the City's position or of anyone commenting to obstruct the sale, and that no aspect of this is personal or directed at Papac Timber. Contents of a final letter should be strictly to preserve the City's rights and express a favorable view of the sale and a grateful tone for the additional safety factors added into the project. The intent of the letter would be to establish written precedent.

Roger DiPaolo said he would like to see it be sent as a closing comment letter, not an appeal. Mayor Poelstra agreed it would be best to send it some other way, if possible.

It was agreed to have Mayor Poelstra and the Clerk draft a letter, and have the attorney proof it and make any final adjustments to ensure it addressed the correct points without putting the City in any sort of legal challenge.

Consensus of the public attendants was taken in favor of sending an appeal letter to DNR, 8 were in favor and 4 were opposed.

**Motion:**

Mayor Poelstra moves to send a summarized favorable appeal letter to the DNR Commissioner regarding SSE-1384K, East Edna Bay Timber Sale.

- *Seconded by Councilor Henson*

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

- **Council vote:**

Tyler Poelstra:	<b>Yea</b>
Sandy Henson:	<b>Yea</b>
Myla Poelstra:	<b>Yea</b>
Mike Williams:	<b>Absent</b>
Doris Greif:	<b>Nay</b>
Jay Towne:	<b>Yea</b>
Louise DiPaolo:	<b>Yea</b>

***Item B - Public Hearing for Budget Amendment Ordinance #24-34NCO for Fire Dept. + Admin. ....:***

Mayor Poelstra read back the language of the draft ordinance to those in attendance. Paper copies were available and digital copies were posted to the City website.

The ordinance covers the cost of purchasing more fire extinguishers and the replacement City laptop.

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

**Motion:**

Mayor Poelstra moves to adopt Ordinance #24-34NCO as presented.

- *Seconded by Councilor Towne*
- **Approved Unanimously by vote of the council**

**10 —**

***Persons to Be Heard***

Sue Crew stated she had E-mailed the City from her hotmail account for a record request and the hotmail E-mail got lost. She also sent an E-mail from her gmail account and it got through. She wanted to apologize for how she responded to the E-mail exchange since she felt she was very rude.

She explained the recording was cleared from the recorder before the written minutes were approved and wanted to point out municipal code states the City shall follow the State of Alaska Local Government Model for retention and felt the voice recording should have been kept until the minutes were approved.

Roger DiPaolo said he had a thought to consider for the future of Edna Bay. He said it would be of benefit for the City to look into what it would take to purchase the land Carwash Springs sits on.

Louise DiPaolo said we have a lot of students in town, and Mayor Poelstra shared a lot of information that should go into a book, or a History of Edna Bay.

Matthew Yellen noted he supports writing a letter to the commissioner but not as an appeal. The optics of an appeal look bad, but the contents of what we agreed to send look good.

***Adjournment***

Mayor Poelstra moved that the meeting be adjourned.

Motion to adjourn seconded by Councilor DiPaolo.

Meeting adjourned at 7:49 PM.