

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 10, 2015 at 6:30pm, in the council chambers, Bethel, Alaska.

Mayor Richard Robb called the meeting to order at 6:30 pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Comprising a quorum of the Council, the following members were present:
Mayor Rick Robb, Vice-Mayor Leif Albertson (participated telephonically), Council Member Chuck Herman, Council Member Heather Pike, Council Member Zach Fansler and Council Member Mark Springer (arrived after roll call)

Members Absent are:
Council Member Byron Maczynski

Also in attendance were the following:
City Clerk Lori Strickler, City Attorney Patty Burley, City Manager Ann Capela

IV. PEOPLE TO BE HEARD

Daysha Eaton, KYUK News Director-
Encouraged the Council to consider granting the release of information provided in the appeal hearing.

Eric Middlebrook-
Spoke generally in favor of Ordinance 15-01 however suggested there be modifications to include a definition for commercial.
The wind is picking up in the community. Would like to see some records on the costs associated with the maintenance and operations of the City's wind turbine.

David Trantham Jr. –
Received a letter from administration in June 14, 2014 indicating that as an outcome of the City's 2014 internal investigation the Territorial Guard Board must follow specific procurement processes when spending grant funds.

The Board received a State audit on the grant spending and received a five star rating on their spending. Requested the Council to release the un-redacted investigative audit to the public.

V. APPROVAL OF THE CONSENT AND REGULAR AGENDA

Main Motion: To approve the Consent and Regular Agenda.

Moved by:	Pike
Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Herman, Pike, Albertson, Springer and Robb
Opposed:	None

Primary Amendment: Amend the agenda to move Special Order of Business Item B and move it under approval of the agenda.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Herman, Pike, Albertson, Springer and Robb
Opposed:	None

Consent Agenda

Removal: Resolution 15-03 and Ordinance 15-03 and 15-04.

Moved by: Robb

Primary Amendment: Move New Business Item F, Appeal to follow Special Orders of Business.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion carries by a vote of 6-0
In favor:	Fansler, Herman, Pike, Albertson, Springer and Robb
Opposed:	None

VI. APPROVAL OF THE MEETING MINUTES

Item A – Regular City Council Meeting January 27, 2015.
Passed on the consent agenda.

VII. REPORTS OF STANDING COMMITTEES

Item A – Port Commission –
 Pete Williams, Port Director –
 Review the FY15 Budget.
 Review of the Terminal Tariff.

Item B – Planning Commission –
Council Representative Heather Pike –
Public Hearing for easement vacation.
Modification to BMC Tile 16.

Item C – Public Safety and Transportation Commission –
Council Representative Chuck Herman –
A meeting has not been held due to a lack of a quorum.

Item D – Energy Committee –
Zach Fansler, Council Representative –
Alternative Energy Reports.
Gasification Project and Renewable Energy Projects around the State.
The Council should be receiving some recommendations from the Committee within
the next few meetings.
Also discussed the necessity of gathering data from the wind turbine to see what the
analysis of operational costs and savings are.

Item E – Public Works Committee –
Zef Lakhani, Public Works Director –
A meeting has not been held since the last City Council Meeting.

Item F – Finance Committee –
Leif Albertson, Council Representative –
Preview of the Financial Audit for FY 2014.

Item G – Parks and Receptions Committee –
Richard Robb, Council Representative –
A meeting was not held due to a lack of a quorum.

Item H – Non Standing Committee
No report.

VIII. SPECIAL ORDER OF BUSINESS

Item A – USA Pool Update On The YK Regional Aquatic Training and Health Center.
Raunika Ray, USA Pool Representative –
\$363,000 in revenue so far in the eighth month operating budget.

New Business

Item E – KYUK Appeal of Denial of Record Request.

Main Motion: Postpone until the next regular City Council meeting.

Moved by: Herman
Seconded by: Pike
Action: Motion carries by a vote of 5-1
In favor: Fansler, Herman, Pike, Albertson and Springer
Opposed: Robb

IX. UNFINISHED BUSINESS

Item A – Public Hearing of Ordinance 15-01: Establishing Chapter 12.10 Utility Permits.

Mayor Robb opened the Public Hearing.

Mr. Trantham – Requested the Council to not over task the Public Works Director.

Mayor Robb closed the Public Hearing.

Main Motion: Adopt Ordinance 15-01.

Moved by: Fansler
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Fansler, Herman, Pike, Albertson, Springer and Robb
Opposed: None

Item B – Public Hearing of Ordinance 15-02: Amending Bethel Municipal Code 13.12.290 Landfill Use.

Mayor Robb opened the Public Hearing.

Mr. Trantham – Believes in transparency and full disclosure, the auditor provided some important information related to this Ordinance. The Solid Waste Enterprise Fund made a net profit of over \$200,000 in FY 2014; spoke in opposition to the Council increasing the rates identified in the Ordinance.

Mayor Robb closed the Public Hearing.

Main Motion: Adopt ordinance 15-02.

Moved by: Herman
Seconded by: Fansler
Action: Motion does not carry by a vote of 2-4
In favor: Albertson and Herman
Opposed: Fansler, Pike, Springer and Robb

Subsidiary

Motion: Suspend the rules to hear from the Public Works Director.

Moved by: Pike
Seconded by: Herman
Action: Motion carries by a vote of 6-0
In favor: Fansler, Herman, Pike, Albertson, Springer and Robb
Opposed: None

Primary

Amendment: Strike "Residential and" under Subsection C.

Moved by: Springer
Seconded by: Fansler
Action: Motion carries by a vote of 6-0
In favor: Fansler, Herman, Pike, Albertson, Springer and Robb
Opposed: None

Item C –Public Hearing of Ordinance 14-14 (g): Amending The FY 2015 Budget, Police Personnel.

Mayor Robb opened the Public Hearing.

No one present to be heard.

Mayor Robb closed the Public Hearing.

Main Motion: Adopt Ordinance 14-14 (g).

Moved by: Springer
Seconded by: Fansler
Action: Motion carries by a vote of 6-0
In favor: Fansler, Herman, Pike, Albertson, Springer and Robb
Opposed: None

X. NEW BUSINESS

Item A – Resolution 15-03: Supporting the Funding of Community Revenue Sharing in the State's Fiscal Year 2016 Budget.

Main Motion: Adopt Resolution 15-03.

Moved by: Springer
Seconded by: Pike
Action: Motion carries by a vote of 5-1
In favor: Fansler, Herman, Albertson, Springer and Robb
Opposed: Pike

Item B – Resolution 15-04: A Resolution Certifying The Municipality Of Bethel Did Suffer Significant Effects During the Program Base Year From Fisheries Business Activities.

Passed on the consent agenda.

Item C – Introduction of Ordinance 15-03: Prohibiting The Consumption, Use, Possession, Transfer, Display, Transportation, Sale Or Growing Of Marijuana In A Public Place.

Main Motion: Introduce Ordinance 15-03.

Moved by:	Springer
Seconded by:	Albertson
Action:	Motion carries by a vote of 5-1
In favor:	Fansler, Herman, Albertson, Springer and Robb
Opposed:	Pike

Main Motion: Postpone until the next Regular Council Meeting.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion does not carries by a vote of 2-4
In favor:	Pike and Springer
Opposed:	Fansler, Herman, Albertson and Robb

To strike in its entirety Section 9.07 and insert under Section 9.07 B.3. "Public Place: streets, highways, alleyways, vehicles for hire and public transportation; schools and school yards, public parks and playgrounds, places of business except as permitted by ordinance, regulation, statutes or permit; private establishment unless authorized by the proprietor, places of entertainment attractive to individuals under the age of 21, and other physical locations as detailed in BMC 8.10.080 or any location with posted No Smoking signs".

Primary Amendment:

Moved by:	Springer
Seconded by:	Pike
Action:	Motion does not carry by a vote of 3-3
In favor:	Fansler, Robb and Springer
Opposed:	Pike, Herman and Albertson

Secondary Amendment:

Amend the amendment to insert "means a place to which the public or a substantial group of persons has access and includes"

Moved by:	Springer
Seconded by:	Fansler
Action:	Motion carries by a vote of 4-2
In favor:	Springer, Robb, Herman and Fansler
Opposed:	Pike and Albertson

Item D – Introduction of Ordinance 15-04: Prohibiting The Consumption, Use Possession, Transfer, Display, Transportation, Sales or Growing Of Marijuana On All City Owned Property.

Main Motion: Postpone until the next regular meeting.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion does not carry by a vote of 1-5
In favor:	Pike
Opposed:	Springer, Albertson, Robb, Herman and Fansler

Main Motion: Introduce Ordinance 15-04.

Moved by:	Albertson
Seconded by:	Herman
Action:	Motion carries by a vote of 4-2
In favor:	Springer, Fansler, Herman and Albertson
Opposed:	Pike and Robb

Amend to Strike under Section 8.11 A. "possess, transfer, and transport."

Main Motion:

Moved by:	Fansler
Seconded by:	Springer
Action:	Motion carries by a vote of 5-1
In favor:	Springer, Albertson, Robb, Herman and Fansler
Opposed:	Pike

Main Motion: Postpone until the next regular meeting.

Moved by:	Springer
Seconded by:	Pike
Action:	Motion does not carry by a vote of 2-4
In favor:	Springer and Pike
Opposed:	Albertson, Robb, Springer, Herman and Fansler

Amend Chapter 8.11 Subsection C. to strike "up to five hundred (\$500)" and insert "one hundred (\$100)."

Main Motion:

Moved by:	Pike
Seconded by:	Herman
Action:	Motion does not carry by a vote of 3-3
In favor:	Pike, Robb and Herman
Opposed:	Albertson, Springer and Fansler

XI. MAYOR'S REPORT

Suspend the rules for not longer than five minutes to hear from

Main Motion: Dave Trantham.

Moved by:	Pike
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Seconded by:	Springer
Action:	Motion carries by a vote of 6-0
In favor:	Springer, Pike, Albertson, Robb, Springer, Herman and Fansler
Opposed:	None

Council Member Springer departed the meeting at 10:45p.

XII. MANAGER'S REPORT

XIII. CLERK'S REPORT

XIV. COUNCIL MEMBER COMMENTS

Council Member Zach Fansler –

Thanked the Finance Department for their hard work during the audit process.
Thanked the City Administration for all of the information on the Ridgecrest project.
Really enjoys reading the Director Reports.
The debates between this council must be fueled by the community's voice.
Encourages the public to contact him so that he knows where the public stands on issues.
Wants to make sure the City doesn't rush into the marijuana issue, it needs to be done with caution.

Council member Heather Pike –

The marijuana debate is going to be a hard one, thanked the council for their hard discussion on the issue.

Council Member Chuck Herman –

No comment.

Vice-Mayor Albertson –

Thanked the Finance Department for their hard work on the audit.
There will continue to be long discussion on issues, appreciates all of the Council's efforts. Encourages the public to engage in the public hearing process so the Council knows where the community stands on these important issues.

Mayor Richard Robb –

The entire state is going to be facing some major adjustments with the new marijuana laws.
Looks forward to representing the City in Juneau for the lobbying efforts.

XV. ADJOURNMENT

Main Motion: Adjourn

Moved by: Fansler

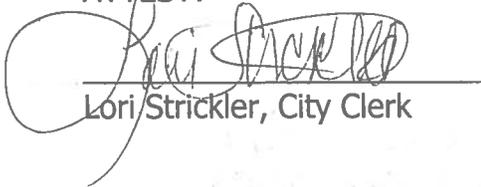
Seconded by:	Herman
Action:	Motion carries by a vote of 5-0
In favor:	Springer, Pike, Albertson, Robb, Herman and Fansler
Opposed:	None

Council adjourned at 10:51 p.m.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk