CITY COUNCIL
Tad Miller
Dario Notti
Mike O'Brien
Agnes Phillips
Ruth Richardson, Mayor
Stanley Rodgers
Thor Williams

CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Tanner

City of Bethel
Regular Council Meeting Minutes
November 26, 1996

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Notti, O'Brien, Phillips, Richardson, Rodgers, Williams
Absent: Miller (excused)

III. PEOPLE TO BE HEARD

Dave Trantham spoke to the Council about continuing to work on the bootlegging problem. He also suggested that the Council enact a bed tax in the City.

IV. APPROVAL OF MINUTES

motion M/M by Williams, 2nd by Phillips to approve the minutes of the November 12, 1996, regular meeting as presented.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

Council Member Rodgers added Resolution #96-48, Allocation of Marine Fuel Tax, as New Business Item A. Mayor Richardson removed Item D, Recreation Center Municipal Bonds.

motion M/M by O'Brien, 2nd by Rodgers to approve the agenda as amended.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Richardson read a Proclamation recognizing December 1 as World Aid's Day. Ms. Richardson spoke for a few minutes about HIV/AIDS, and urged people to learn as much as they can about prevention.

Noting that there are several openings on Committees and Commissions, Mayor Richardson made the following appointments:

Transportation Commission: David Glander and Allen Glore
Youth Services Committee: Betty Twitchell and Carol Odinzoff

motion M/M by O'Brien, 2nd by Rodgers to approve the Mayor's Committee appointments.

vote Voice vote. Motion carried unanimously.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written reports, and discussed the following:

- Water and Sewer, Phase I Design & Construction Management Bids: Bids were received from three companies. The review committee recommended award to CRW Engineering Group.

motion M/M by Notti, 2nd by Rodgers to award the Phase I Design & Construction Management contract to CRW Engineering Group for $1,158,172, and to authorize the City Manager to execute the contract.

vote Voice vote. Motion carried unanimously.

- Re-classification of Police Department position: The City Manager proposed changing the authorized position of Janitor/Custodian to an Evidence/Administrative Technician. The position is not currently filled. The pay range will remain the same.

motion M/M by O'Brien, 2nd by Williams to approve changing the position of Janitor/Custodian to an Evidence/Administrative Technician.

vote Voice vote. Motion carried unanimously.

- Staff-level Cemetery Committee: Mr. Weaver briefly reviewed the memo from the Cemetery Committee. Mayor Richardson suggested that the staff-level Committee meet with the community-based Cemetery committee.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Finance Committee: Council Member Phillips reported that the Committee's next meeting is December 5.

Planning Commission: Council Member Notti stated that the Commission did not have a quorum at their November 14 meeting. Instead they held a work session. They will discuss a land donation to the K300 at their next regular meeting, December 12.

Port Commission: Council Member Rodgers reported that the Commission did not have a quorum at their November 18 meeting. Instead they held a work session on wheelchair access at the boat harbor.

Public Works Committee: Council Member O'Brien stated that the Committee did have a quorum at their November 19. No significant issues were discussed.

Public Safety Commission: Mayor Richardson reported that Commission Chairman Gary Vanasse will not re-apply when his term expires at the end of 1996. They discussed fast-food delivery drivers at their last meeting, and determined that any ordinance governing delivery drivers would have to cover all delivery drivers, not just fast-food delivery drivers.

Transportation Commission: Council Member Williams stated that the River Taxi ordinance is ready to be introduced at the next Council Meeting, December 10. Work Sessions to revise the Vehicle for Hire Ordinances will be held on December 2, 3, and 4, at 7:00 p.m. at the City Offices.

Youth Services Committee: Council Member Miller was absent, so there was no report.

Actions on outstanding Committee/Commission Recommendations:
Mayor Richardson asked the Council for suggestions on making sure that committee and commission recommendations are acted on promptly by the Council. It was agreed that the City Clerk will continue to put a list of outstanding referrals and recommendations in the meeting packets, and the Council will address each item listed. Items addressed at this meeting were:

- Port Access: no action.
- Street light between Bruce Crow's and 116 East Ave: The City Manager was directed to add this request to the monthly list given to BUC.
- Junk/Nuisance Ordinance: referred to the Planning Commission.

IX. OLD BUSINESS

Item A: Review of Sales Tax Ordinance
Finance Director Bonnie Duke was ill, so the review was not held. Mayor Richardson requested that a separate work session be scheduled after the Christmas holidays.

Item B: Public Hearing, Ordinance #96-44, Requiring Hotels/Motels to have liability insurance
Mayor Richardson opened the public hearing. Seeing and hearing no one to speak, Mayor Richardson closed the public hearing and asked if Council had any comments. Council Member Notti asked about the reasons for the requirement. Mayor Richardson stated that the State does not require hotels to carry insurance. Council Member O'Brien asked about enforcement of the ordinance. The City Clerk noted that Section 3(f) of the ordinance states that a transient lodging business may not operate if it fails or refuses to produce the policy required. In addition, the City Code establishes a general penalty of a $500 fine or 30 days in jail for any violation of the code.

motion M/M by Notti, 2nd by O'Brien to adopt Ordinance #96-44.

vote Roll call vote. Motion carried, unanimously.

Item C: Discussion of legislative priorities set at November 25 work session
Mayor Richardson reviewed the list of priorities that was established at the work session on November 25. Discussion followed on the topic of the December 9 meeting with the City lobbyist, and it was decided that Representative Ivan and Senator Hoffman should be invited to the regular Council meeting on December 10. Further discussion followed on the Governor's budget. The operating budget is due by December 16, and the Capital projects budget is due mid-February, 1997.

Item D: Discussion, Recreation Center Municipal Bonds
This item was re-scheduled for the December 10 regular meeting.

X. NEW BUSINESS

Item A: Resolution #96-48, Allocation of Marine Fuel Tax
Council Member Rodgers, who requested the agenda item, read the Resolution.

motion M/M by O'Brien, 2nd by Notti to adopt Resolution #96-48.

vote Voice vote. Motion carried, unanimously.

Item B: Emergency Ordinance #96-46-E, Halting Issuance of Taxi-Cab Permits
Council Member Williams, who requested the agenda item, explained the reason for the emergency ordinance. Ten additional cabs have been permitted in the two weeks since the last Council meeting. The Transportation Commission is working on ways to control the number of cabs.

motion M/M by Williams, 2nd by Rodgers to adopt Emergency Ordinance #96-46-E

vote Roll call vote. Motion carried, unanimously.

Item C: Discussion, DOT STIP
Council Member O'Brien, who requested the agenda item, explained how the DOT & PF STIP (Statewide Transportation Improvement Plan) works. The City is given the opportunity to list our priorities and road improvement requests. These requests are compiled and prioritized statewide. Mr. O'Brien also explained that several gravel roads in the City are still under the State's purview, and are maintained by the State. The DOT will pay to upgrade those roads to the City's standards, if the City agrees to take on the maintenance. Then, other roads in the City will move up on the STIP list for improvements. Council Member Williams asked if the City taking over those roads would affect our Revenue Sharing. City Manager Weaver said that he would look into that issue. Council member O'Brien asked if the City had received the STIP input request from the DOT. Mr. Weaver said that it hadn't arrived yet. Mayor Richardson asked Mr. Weaver to keep the Council updated on the status of the STIP. Mr. Weaver added that he would like to have the Public Works Committee involved in the STIP input request.

Item D: Discussion, AML Conference Follow-up
Council Members Notti, O'Brien, Phillips, and Williams, who attended the AML Newly Elected Officials Training and/or the Local Government Conference, reported on their impressions and experiences. It was agreed that the meetings were very productive and the Council should continue to attend and stay involved in AML activities and conferences.

Item E: Resolution #96-46, Recommending limited taxi-cab parking at local businesses.
Council Member Rodgers, who authored the Resolution, explained the need to control taxi-cab traffic at local businesses. Complaints about the number of cabs parked, and the danger of too many cabs driving around parking lots, have been increasing. The City Police Department does not have jurisdiction to control traffic in private parking lots, so it is up to the business owners to control the problem on their premises.

motion M/M by O'Brien, 2nd by Williams to adopt Resolution #96-46.

vote Voice vote. Motion carried, unanimously.

Mayor Richardson requested that copies of the Resolution be enclosed with the annual business license renewal mailing done by the Finance Department.

Item F: Resolution #96-47, Recommending mandatory minimum sentences for bootleggers.
Council Member Rodgers, who authored the Resolution, explained that the current mandatory minimum sentence is a suspended sentence. He advocates a mandatory minimum of six months in jail. This would be a more effective deterrent to bootlegging. Mr. Rodgers pointed out a correction that needed to be made in

the "Therefore be it Resolved" clause A, to change *mandatory sentence* to *mandatory **minimum** sentence*. Council Member Notti noted that many bootleggers are victims of their own drug or alcohol addictions, and that the mandatory minimum sentence should be six months in jail OR time in a rehabilitation unit. Council Member Williams stated that addiction treatment is already a requirement for offenders on probation. Council Member O'Brien pointed out that most offenders, if given the choice, would choose the treatment instead of the jail time. Mayor Richardson said that after all the work that goes into a conviction, a sentence of treatment only would be a slap in the face to the Police and District Attorney. Council Member Williams stated that the Resolution should be sent to the District Attorney's office as well as the Court System.

motion M/M by Notti, to amend "Therefore be it Resolved" clause A to read "recommends a mandatory minimum sentence of six months jail time <u>or alcohol and drug treatment</u> to any person convicted of the sale of alcohol without a license".

failed No second.

motion M/M by Williams, 2nd by O'Brien, to amend "Therefore be it Resolved" clause D to read "that a copy of this Resolution be given to the Court System <u>and District Attorney's Office</u> to reflect the community's view of selling alcohol and our zero tolerance level...".

vote Voice vote. Motion carried, unanimously.

motion M/M by O'Brien, 2nd by Williams to adopt Resolution #96-47 as amended.

vote Voice vote. Motion carried, 5-Yes, 1-No (Notti).

XI. COUNCIL MEMBER COMMENTS

Miller - Absent, no comment.

Notti - Agreed with Council Member O'Brien's comments.

O'Brien - Noted that the Council is a good working group, and can agree to disagree.

Phillips - Thanked people who are working for sobriety. Is glad the Council is addressing important issues.

Richardson - Requested that since Council meetings are non-smoking, they should also be non-chewing and non-spitting. Reminded Council members that they work for the community. Stated that due to her position with BNC, and their recent involvement in the Rodgers oil spill litigation, she would abstain from participating in discussions of the Rodgers vs. City of Bethel legal case.

Rodgers - Expressed gratitude that the Council is working on difficult issues. Stated that he felt very strongly about the alcohol and bootlegging problems.

Williams - Expressed sympathy to the family of the cargo pilot who was killed in a recent accident. Would like to re-schedule the December 24 meeting so that the Council does conduct two meetings in December.

XIII. EXECUTIVE SESSION

motion M/M by Rodgers, 2nd by O'Brien to adjourn the regular meeting and enter Executive Session for the purpose of discussing the Mukluk vs. City of Bethel and Rodgers vs. City of Bethel claims, at 9:07 p.m..

vote Voice vote. Motion carried unanimously.

NOTE: At the conclusion of discussion of the Mukluk vs. City of Bethel claim, Mayor Richardson and Council Member Rodgers left the Executive Session. The remaining Council members discussed the Rodgers vs. City of Bethel claim.

motion M/M by Williams, 2nd by Notti to come out of Executive Session at 9:45 p.m.

vote Voice vote. Motion carried unanimously.

XIII. ADJOURNMENT

motion M/M by O'Brien, 2nd by Rodgers to adjourn the meeting at 9:46 p.m.

vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 1996.

Ruth M. Richardson, Mayor

ATTEST:

L.J. Tanner, City Clerk