



CITY of BETHEL

P. O. Box 537 • Bethel, Alaska 99559

543-2297 — Area Code 907

REGULAR COUNCIL MEETING
SEPTEMBER 27, 1976

CITY OFFICE

7:40 P.M.

Meeting was called to order by Mayor Peltola.
Present: Guinn, Pike, Elliott, Emery.
Absent: Andrew, Alexie.

INVOCATION

The invocation was given by Father John Hinsvark.

APPROVAL OF MINUTES

M/M by Guinn that the minutes of the Regular Council Meeting of September 13, 1976 be approved as presented.
Voice vote was taken and was unanimous. Motion passed.

COMMUNICATIONS - None

MANAGER'S REPORT

M/M by Elliott that the Manager's Report concerning the Special Planning Commission minutes of September 24, 1976 be placed on the agenda as Item C. under New Business.
Voice vote was taken and was unanimous. Motion passed.

MAYOR'S REPORT

I would like to thank Mr. Guinn for acting as Mayor Pro Tem. in my absence.

COMMITTEE REPORTS - None

PEOPLE TO BE HEARD

Hinsvark - The poor attendance tonight is probably due to the Presidential debates being aired tonight on television from 7 to 9.

OLD BUSINESS

Item A. Reconveyance of Public Land to Bethel Native Corporation and City of Bethel.

Bartlett - I suggest that Council defer action on this matter until Ordinance #74 has been ratified by the voters.

Item A. Con't.

M/M by Elliott to table Item A.
Voice vote was taken and was unanimous. Motion passed.

Item B. Ordinance #78 (FY 1977 Municipal Budget.)

M/M by Guinn to postpone Item B. until after the election of new Council Members on October 5, 1976.
Voice vote was taken and was unanimous. Motion passed.

Item C. Ordinance #81 (Day Care Licensing Standards and Procedures.)

Bartlett - Anchorage has adopted a Day Care ordinance, and after reviewing such an ordinance, it has been ascertained that it involves greater detail than anticipated and therefore will require analysis prior to developing a similar ordinance in Bethel. I also suggest that Ordinance #81 be reviewed prior to its adoption by professionals in the Day Care field and then submitted to Council for review and adoption.

M/M by Guinn to defer Ordinance #81 until there has been sufficient examination of its ramifications.
Voice vote was taken and was unanimous. Motion passed.

NEW BUSINESS

Item A. Ratification of New City Clerk.

Bartlett - I have selected and recommend to Council Olga C. Kinegak for the position of City Clerk. She has acted as Assistant City Clerk for one year and seems to be the most qualified applicant.

M/M by Guinn to ratify the selection of Olga C. Kinegak as the new City Clerk.
Voice vote was taken and was unanimous. Motion passed.

Item B. Public Hearing on Ordinance #74 (An Ordinance Providing for the Disposition of City Owned Real Property or an Interest in Real Property); Ordinance #75 (An Ordinance Prohibiting the Public Consumption of Alcoholic Beverages and Providing Punishment Therefore); Ordinance #79 (An Ordinance Prohibiting the Creation of a Risk of Harm Upon a Roadway and Providing Punishment Therefore); and Ordinance #80 (An Ordinance Defining Disorderly Conduct and Providing Punishment Therefore.)

Bartlett - I recommend to Council that Ordinance #74 with its proposed changes be adopted. Notice has been given in at least three (3) public places and in a newspaper of general circulation in accordance with ordinance adoption procedures.

Item B. Con't.

Peltola - The legal opinion solicited from a local attorney indicated that this action (i.e., Ordinance #74) is in accordance with A.S. 29.48.260(C), Ordinance #74 cannot be adopted without voter ratification. A.S. 29.48.260(C) refers not only to City owned property but property in which the City has an interest in relative to disposition.

Edge - I think the term "qualified assessor" should be made more exact. The organization of State Licensed Assessors should assist in appraising City owned land.

Peltola - "Qualified" should probably be replaced with "licensed".

Edge - I object to the phrasing of "terms and conditions" in the Notice of Property Sale. The ordinance is presented before the people as is, yet City Council may alter sections of the ordinance according to "terms and conditions" as the Council may decide. Therefore, I would recommend that a section be added to Ordinance #74 requiring voter ratification of any and all amendments.

Bartlett - There may be unique problems which involve solutions not delineated in this ordinance, and as a result, there is no problem in adding such a section requiring voter ratification of amendments to Ordinance #74.

Emery - Concerning the appraisal before the sale, there should be a time limitation.

Bartlett - It is inherent in an appraisal that it be valid for only a certain time period, however, Section 4(b) of Ordinance #74 will be changed to read "Such estimated value shall only be valid for a period of ninety (90) days." I recommend that Ordinance #74 be accepted as corrected.

M/M by Guinn to adopt Ordinance #74.

Roll call vote, Yes, Emery, Elliott, Peltola, Pike, Guinn. Motion passed.

Bartlett - I recommend that the Notice of the Sale of Property and Proposition No. 1 be accepted, which indicates that Ordinance #74 will require voter ratification on November 2, 1976.

M/M by Emery to adopt the Notice and Proposition as presented. Voice vote was taken and was unanimous. Motion passed.

Bartlett - I recommend that Ordinance #75 be altered and adopted. The last sentence in Section A should be added to as follows: "held open for use by the public." The reason for this change is that the City owns apartments for its employees, and there should be no law that states you cannot consume alcohol in a private residence.

Edge - I suggest that Section C be changed to not more than \$25.00.

Item B. Con't.

The ordinance per se is probably unconstitutional, and the funds provided by the Federal Government to the State have not been sufficient to develop viable alcohol treatment programs.

Bartlett - I recommend that not more than \$100.00 be imposed and not less than \$25.00 be maintained as specified in the proposed ordinance (i.e., Ordinance #75).

Emery - We could leave Section C open, and the individual could be charged according to the frequency of his arrests.

Bruce Crow - The ordinance should be extended to include public transportation such as taxi cabs.

Winjum - Passengers may drink in a taxi, but the driver cannot. There is no open bottle law and State statutes cover only the driver.

Elliott - It states in the ordinance "on or along any public street".

Bartlett - We could add the term "mode of public transportation".

Emery - What happens when a public building is leased for a private party during which alcohol is consumed, as in the case of wedding receptions?

Bartlett - Receptions should be by invitation only. If we change this ordinance we risk having it become less effective. You can consume alcohol in a public place if there is a private party being conducted by invitation only and it is not held open for use or attendance by the general public.

M/M by Elliott to adopt Ordinance #75 as presented and altered.
Roll call vote, Yes, Emery, Elliott, Peltola, Pike, Guinn. Motion passed.

Bartlett - I recommend that Ordinance #79 be altered and adopted tonight. It is necessary that it be introduced as such, as the ordinance does not apply only to those drunk in public.

Winjum - The ordinance must encompass any reckless manner by drivers or pedestrians, not just those drivers or pedestrians under the influence.

Peltola - Ordinance #79 covers roads and highways, but what about snow machine trails, slough areas and boardwalks?

Winjum - You could include slough areas and other developed, utilized thoroughfares but not the Kuskokwim River.

Bartlett - We could add the statement "over all public thoroughfares".

Porter - Snow machine trails and walking paths are public thoroughfares

Item B. Con't.

also.

Bartlett - I recommend that Ordinance #79 be altered to include: "public boardwalks, slough areas or public paths or trails within the City of Bethel's jurisdictional boundaries".

Hinsvark - Does Section A include bicycles?

Peltola - Bicycles have the same rights as a vehicle as a result of being a permissible mode of transportation.

M/M by Guinn to adopt Ordinance #79 as presented and altered.
Roll call vote, Yes, Emery, Elliott, Peltola, Pike, Guinn. Motion passed.

Bartlett - I recommend that Ordinance #80 be altered and adopted. Sections 7 and 8 of Ordinance #80 have been deleted as they infringe upon the constitutional rights of an individual.

Porter - What is the impact of Ordinance #80 on juveniles?

Bartlett - Council is in the process of preparing an ordinance relative to parental responsibility and juveniles.

Porter - When do the ordinances presented and adopted tonight become effective?

Winjum - I'd like to make a statement on when the ordinances become effective. There will be a time-lag before manpower and equipment in the Police Department is sufficient to implement these ordinances.

Hinsvark - During the winter, I play music at Honeybucket Lake for the kids who ice skate. I am afraid this might be considered too loud.

Winjum - You would have to be "informed by another" that you were causing a disturbance.

M/M by Emery to accept Ordinance #80 as altered and presented.
Roll call vote, Yes, Emery, Elliott, Peltola, Pike, Guinn. Motion passed.

Item C. Ratification of Special Planning Commission Meeting Minutes of September 24, 1976.

Bartlett - The Special Planning Commission minutes reflect two items: the A.V.C.P. Housing Authority's proposed housing development program and the site selection for the new Bethel alcohol treatment center. A motion was made by Malone that the subdivision west of Bethel Heights be named the "Ptarmigan Subdivision". A motion was made by Bartlett that the City sell up to 32 lots of Tract B in the Ptarmigan Subdivision to the A.V.C.P. Housing Authority for development. Such development will be governed by subdivision regulations imposed on the buyer by the

Item C. Con't.

City of Bethel. A.V.C.P. will be restricted to building single and/or duplex units on a staggered basis within Tract B only. In addition, as the City of Bethel does not have zoning regulations, the Planning Commission has stipulated that the houses be staggered and varied relative to design specifications. I recommend to Council that the sale of land does not take place unless proof of irrevocable financing is produced by the A.V.C.P. Housing Authority. A motion was made by Porter that if and when a new alcohol treatment center is built that it be constructed on Lot 2 of Block 5 owned by the City of Bethel.

M/M by Elliott that the Special Planning Commission Meeting Minutes of September 24, 1976 be ratified.
Roll call vote, Yes, Emery, Elliott, Peltola, Pike, Guinn. Motion passed.

M/M by Elliott to sell ground to A.V.C.P. under a 60 days option plan and that the City Manager be authorized to negotiate with A.V.C.P. regarding the sale of Tract B in the Ptarmigan Subdivision.
Voice vote was taken and was unanimous. Motion passed.

M/M by Elliott to adjourn.
Voice vote was taken and was unanimous. Motion passed.

Meeting was adjourned at 9:30 P.M.

Alga C Kuegah
City Clerk

Guinn
Mayor