

PAGE 1
CITY COUNCIL MINUTES
JUNE 8, 1993

CALL TO ORDER Mayor Feaster called the regular Council meeting of June 8, 1993, to order at 7:30 PM.

ROLL CALL Present: Feaster, Trantham, Vanasse, Warner, Wintersteen
Absent: Jones, Metcalfe

APPROVAL/MINUTES M/M by Trantham, 2nd by Warner to approve the minutes of the May 25, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA AND CONSENT AGENDA Councilman Warner requested removal of Items D (Authorization to Enter Into Negotiations Regarding the Preliminary Design Water/Sewer System Proposal for City Subdivision) and E (Resolution #93-20, A Resolution Authorizing Waiver of Site Plan and Inspection Fees to ONC) from the Consent Agenda.

motion M/M by Warner, 2nd by Vanasse to approve Items C, F and G on the Consent Agenda. Voice vote. Motion carried unanimously.

Items approved by consent follow:

C) Introduction of Ordinance #93-19: An Ordinance Amending the Vehicle for Hire Ordinance, Chapter 5.20.020, Rates.

F) Resolution #93-20: A Resolution Authorizing the City Administration to Enter into a Contract to Provide Paging Services to the Division of Family and Youth Services.

G) Resolution #93-21: A Resolution in Support of the Corps of Engineers Report on Bank Stabilization.

motion M/M by Trantham, 2nd by Warner to approve the regular agenda as amended. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster referred Council to his written report. In addition, Mayor Feaster also addressed the following issues:

PAGE 2
CITY COUNCIL MINUTES
JUNE 8, 1993

1) A request to change the date of the 4th of July celebration from July 5 to either July 4 or July 3. A lengthy discussion was held with statements presented both in favor and in opposition of holding the event on the scheduled day of the 5th by members of the public and by council members. It was determined by Council that the day of the celebration should remain on July 5 as planned.

2) By letter, Kent Harding was requesting a reduction in the speed limit in City Subdivision to 20 miles per hour. Following a brief discussion on this subject, it was recommended that Administration investigate the need to reduce the speed limit. It was also pointed out that speed limit signs needed to be posted in the subdivision.

3) Regarding excused absences from Council meetings, Mayor Feaster requested that absences be submitted in writing for the purpose of record keeping.

MANAGER'S REPORT

City Manager Hunter reviewed his written Manager's report with Council on the following items:

- Maintaining the confidentiality of Executive Sessions.
- Meetings with employees after adoption of budget to get input on how the City can improve the quality of services delivery to the community.
- Potential liability for the BIA oil spill.
- City Talk: Focus on Department of Public Works.
- Memorandum of Agreement between the City of Bethel and the Recycling Project was finalized and the agreement signed.
- Request for two-month extension of the Temporary Use Permit granted to Bethel Contractors for storage of gravel.

motion

M/M by Trantham, 2nd by Wintersteen to approve the Memorandum of Agreement between the City of Bethel and Brian Glasheen of the Recycling Project. Voice vote. Motion carried unanimously.

**PAGE 3
CITY COUNCIL MINUTES
JUNE 8, 1993**

motion

M/M by Warner, 2nd by Trantham to approve the Addendum to the Temporary Permit for Use of City Property between the City of Bethel and Bethel Contractors from June 18, 1993 to August 18, 1993. Poll vote. Motion carried. 4-yes; 1-no (Vanasse).

Councilman Vanasse stated his opposition to extending the temporary permit because, in his opinion, this was in violation of the City's land use ordinance which requires proper notice to lease property.

Following discussion the motion passed due to extenuating circumstances regarding the use of the property in question. It was made clear, however, that the extension was for two months only (to August 18, 1993), and that no extension beyond that time would be taken under consideration in the future.

Councilman Wintersteen requested Administration advise Council of the status of payments received to date from Bethel Contractors at the next Council meeting.

In response to a question, City Manager Hunter reported that two employees were working at the sewer lagoon.

In response to a request from Councilman Trantham, City Manager Hunter stated that he would provide a report on the status of the Tomaganuk property.

Responding to City Manager Hunter's desire to receive input from City employees, Councilman Wintersteen suggested installing a suggestion box for employees. City Manager Hunter stated he would explore that idea. It was also pointed out that there was a suggestion box located in the entrance of the YK Hospital. City Manager Hunter indicated he would have someone check that out, too.

**REPORTS OF STANDING
COMMITTEES**

Scheduled dates for upcoming committee/ commission meetings were announced.

PAGE 4
CITY COUNCIL MINUTES
JUNE 8, 1993

Councilman Vanasse reported that the Public Safety Committee met Wednesday, June 2, and referred Council to the minutes of that meeting.

Councilman Wintersteen reported that a work session involving the Port Commission, Planning Commission and the Public Works Department was held on June 1 to review the proposed Port Development Plan.

Mayor Feaster reported that the Solid Waste Committee met June 4 to review the Clean Up, Green Up campaign. Brian Glasheen is trying to establish a structured board to assist in the organization and operation of the Recycling Project.

PEOPLE TO BE HEARD

George Seal addressed the Council in Yup'ik for those residents of the community who do not speak English. Mr. Seal did not repeat his message to the Council in English because he had used up the three minutes which is allotted for each individual to be heard during this part of the meeting.

Ms. Joan Hamilton objected to Mr. Seal not being allowed to deliver his message in English.

Mr. J.B. Crow asked Council to look at pages 4 and 8 of the May 25, 1993, City Council minutes which refer to the City's intention to resolve the claim of ownership to Lot 4, Block 8, USS 3790. Mr. Crow asked that the Council direct Administration to investigate the BLM records with regard to the ownership.

Stan Brust of the Alaska District Corps of Engineers advised Council that he and several members of the Corps had met that day with the City Manager and other members of the staff to discuss the bank stabilization project. He further stated he was available for questions from the Council with regard to the April 1993 bank stabilization report.

Dario Notti asked that the City seed the cut-bank area that was graded by the City in front of his residence at 835 Ptarmigan at the time

Ptarmigan road was being reconstructed. Mr. Notti also suggested Council engage someone to provide a translation of the Council meetings into Yup'ik.

Mr. John Hastie distributed a prepared statement and stated that the issues contained in the statement could be addressed during the FY 94 Budget public hearing scheduled later in the meeting. A copy of the prepared statement is attached as part of these official minutes.

Mr. Nelson Davies expressed his concern about the three-minute time limit allowed for each individual to speak under the People To Be Heard portion of the meeting. Mr. Davies suggested extending the three-minute time period. Mr. Davies also stated that he was disappointed that the City had not applied for the Summer Youth Employment grant through DCRA. Mr. Davies further stated that people should be encouraged to participate in the City Council meetings. He suggested that the City install a phone line manned by someone taking questions and comments for Council response.

Ms. Desiree Humphrey, Managing Editor of the Tundra Drums, and speaking for Mr. Seal, read Mr. Seal's prepared statement in English. The contents of the statement are as follows:

"Mr. Feaster, this English version now applies to you directly and only to you. Anyone else who interrupts may make such remarks while I'm speaking will be out of order. Having read the Tundra Drums January 3rd, 1993, article by Desiree Humphrey, it had entitled Deep Throat, the last comment stated by Wally Richardson, I'd like to know if you, Mayor Feaster, made bigoted remarks about the native people that no command of the English language and have no brains. No brains where it is said in my language will not be translated to you in any way, form or manner. I hold no animosity or hate against you Feaster or any of the non-native speaking people. Say that natives with no command of the English language have no brains just sends my blood boiling point up to

110 degrees and that, Feaster, is way the heck too hot for me. You may as well pick up a pen and paper and sit yourself down on soft cushion seat and resign as Mayor and representative of the City of Bethel because I feel that you are unfit and unbecoming of a City Council Member and have stated those remarks about my people who are Yup'ik. I am demanding your resignation. If you fail to resign immediately, I will have all the people put up a petition drive demanding that you step down."

Council broke at 8:35 PM for a short recess. At 8:45 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS:
Item A: Lease Agreement

LEASE AGREEMENT BETWEEN CITY OF BETHEL AND GOLDEN AGE FISHERIES FOR LEASE OF LOT 4, BLOCK 8, USS 3790.

City Manager Hunter explained that Administration had held negotiations with Golden Age Fisheries concerning the lease agreement which was now before Council for review.

motion

M/M by Wintersteen, 2nd by Vanasse, to approve the lease agreement between the City of Bethel and Golden Age Fisheries for lease of Lot 4, Block 8, USS 3790.

In response to a question, Port Director Stuart Greydanus stated that Mr. Al Bianchi had surveyed the property and the City was not leasing reclaimed land. Further discussion was held.

motion

M/M by Warner, 2nd by Vanasse to amend the main motion by revising paragraph #23 entitled Holding Over of the lease agreement to read as follows: "The approval of the Bethel City Council is required for any hold over. In the event that the Lessee holds over at or after the term. The tenancy shall be a month-to-month tenancy commencing on the first day of the holding over." Poll vote. Motion carried unanimously.

PAGE 7
CITY COUNCIL MINUTES
JUNE 8, 1993

vote on main
motion

Poll vote. Motion carried. 4-yes; 1-no
(Trantham).

Item B: Ord.
#93-17

**PUBLIC HEARING: ORDINANCE #93-17: AN ORDINANCE
AMENDING TITLE 4, CHAPTER 4.16.020, PARAGRAPH
B, BY ADDING A NEW ITEM #18 ENTITLED SALES FOR
RESALE BEYOND CITY BOUNDARIES**

Mayor Feaster provided a brief history of the proposed ordinance amending that section of the sales tax ordinance which deals with exemptions. The amendment would exempt the collection of sales tax on items purchased in Bethel to a consumer who intends to resell those items outside of the City. Mayor Feaster opened the hearing to the public. Hearing no comments from the public, Mayor Feaster closed the public hearing. Discussion among council members followed. It was felt that the current sales tax ordinance addressed the issue of an exception under 4.16.020 paragraph B, item #3, and that adding another exception would only serve to further complicate the sales tax ordinance.

motion

M/M by Warner, 2nd by Wintersteen to approve Ordinance #93-17, an ordinance amending Title 4, Chapter 4.16.020, Paragraph B by adding a new item #18 entitled Sales for Resale Beyond City Boundaries. Poll vote. Motion failed. 0-yes; 5-no (Feaster, Trantham, Vanasse, Warner, Wintersteen).

Item C: Ord.
#93-18

**PUBLIC HEARING: ORDINANCE #93-18: AN ORDINANCE
ESTABLISHING THE FY 94 BUDGET**

Mayor Feaster introduced Ordinance #93-18, FY 94 Budget, by stating that the Council and Administration had held two work sessions to revise and modify the proposed FY 94 budget which was submitted by Interim City Manager Nancy Gross. Further refinement of the budget was then accomplished by City Manager Hunter. Mayor Feaster pointed out the changes to the recommended budget that had occurred from the last work session to the time of introduction of the ordinance. Mayor Feaster opened the hearing to the public.

Ms. Joan Hamilton and Mr. Nelson Davies spoke in opposition to the increase in laundromat rates because use of the facility helps in the prevention of disease and increases in the rates affect those who can least afford it. Ms. Hamilton offered suggestions for other sources of revenue. Mr. Davies also noted that the recommended budget did not provide for a Personnel Officer or for Teen Aid positions.

Mr. John Hastie referred Council to the memorandum he had distributed under the People To Be Heard section held earlier in the evening, specifically, to the question raised under item #10 of his memorandum.

There being no further comments from the public, Mayor Feaster closed the public hearing. Council next addressed several items in the recommended budget.

motion

M/M by Warner, 2nd by Trantham to approve Ordinance #93-18, FY 94 Budget with the following changes:

1) Administration (page 3, budget item 683 Intergovernmental Relations) reduce to \$27,500.

2) Contingency (page 6, budget item 799 Miscellaneous) reduce to \$25,000.

3) Youth Services (page 15, Personnel) delete one Program Aid position and add two Teen Aid positions.

4) Senior Center: Title III (page 26, Personnel) reduce the Program Manager to 78% allocation of time.

5) Senior Center: Adult Day Care (page 28, Personnel) reduce the Program Manager to 22% allocation of time.

Poll vote. Motion carried unanimously.

motion

M/M by Wintersteen, 2nd by Warner to continue meeting past 10:00 PM. Voice vote. Motion carried unanimously.

NEW BUSINESS:

**Item A: Reloca-
Expenses**

CONSIDERATION OF RELOCATION OF EXPENSES

City Manager Hunter stated that at Council's direction he had contacted Interim City Manager Nancy Gross requesting written documentation concerning her commitment for relocation expenses to Ron Kwiatkowski, Public Works Director. A copy of Ms. Gross' response is attached as part of these official minutes. Some discussion followed.

motion

M/M by Wintersteen, 2nd by Trantham that the City pay relocation expenses for the Public Works Director in an amount not to exceed \$5,000 upon receipt of proper documentation for relocation expenses incurred. Poll vote. Motion carried unanimously.

**Item B: Amend.
to City Manager's
Contract**

**AMENDMENT OF CITY MANAGER'S CONTRACT REGARDING
UTILITY BENEFIT**

Mayor Feaster explained that at the last City Council meeting, council members by motion approved City Manager Hunter's request to activate his participation in the utility benefit provided City employees. Council requested an addendum to Mr. Hunter's contract with the City be drawn up and presented for ratification.

motion

M/M by Warner, 2nd by Wintersteen to approve Addendum #1 to the contract between City of Bethel and William J. Hunter with the change that a signature line be inserted for Mr. Hunter's signature. Voice vote. Motion carried unanimously.

**Item D: Pre-
liminary Design
Water/Sewer City
Subdivision**

**AUTHORIZATION TO ENTER INTO NEGOTIATIONS
REGARDING THE PRELIMINARY DESIGN WATER/SEWER
SYSTEM PROPOSAL FOR CITY SUBDIVISION**

City Manager Hunter advised Council that the City received four bids which were evaluated by City staff and which were also sent to Village Safe Water requesting technical consultation. Since a report from VSW had not been received as of this date, Mr. Hunter requested postponement of the matter to the next regular Council meeting scheduled for

June 22, 1993.

motion

M/M by Warner, 2nd by Trantham to table Item D to June 22, 1993. Voice vote. Motion carried unanimously.

Item E: Resol.
#93-19

**RESOLUTION #93-19: A RESOLUTION AUTHORIZING
WAIVER OF SITE PLAN AND INSPECTION FEES TO ONC**

City Manager Hunter advised Council that the City had received a request from ONC requesting waiver of site plan application and plumbing inspection fees on construction of four new homes under ONC's Housing Improvement Program. Mr. Hunter stated that these fees had been waived several years ago by a previous City Manager, but he wanted to bring it before Council in the form of a resolution. Council discussed the pros and cons of granting waivers for these types of application fees.

motion

M/M by Wintersteen, 2nd by Vanasse to approve Resolution #93-19 as presented. Poll vote. Motion failed. 3-yes; 2-no (Warner, Wintersteen).

**COUNCIL MEMBER
COMMENTS**

Councilman Wintersteen expressed his concern about what he has been told about the City's hiring practices, specifically, that in some instances the City was not hiring people correctly. Mr. Wintersteen thanked the City Water Department for the pleasant manner in which he was notified to move his car so delivery could be made. Councilman Wintersteen suggested extending the three-minute time limit set for individuals speaking under People To Be Heard to either four or five minutes.

Councilman Trantham expressed his thanks to City employees and council members for their participation in the budget process. Mr. Trantham also thanked the residents of Bethel who participated in the Clean Up, Green Up campaign.

Councilman Warner addressed the following items:

1) J.B. Crow's request under People To Be Heard that the Council direct Administration to investigate the BLM records with regard to the claim to ownership of Lot 4, Block 8, USS 3790. Mr. Warner pointed out that an investigation of the BLM records came as a recommendation from the Planning Commission to the Council.

motion

M/M by Warner, 2nd by Wintersteen that Administration proceed with the research of the BLM records with regard to Lot 4, Block 8, USS 3790 to determine what could be found with regard to Townsite Trustee's records. Voice vote. Motion carried unanimously.

2) In response to Mr. Notti's request under People To Be Heard to seed the cut-bank area in front of his property, City Manager Hunter stated that the Public Works Director has been asked to resolve that situation. In addition, Mr. Hunter said that he and the Public Works Director had received citizen complaints about the old automobiles stored on Mr. Notti's property, and they were attempting to resolve that situation with Mr. Notti at the same time.

3) Councilman Warner advised Mr. Hunter that the warning signs at H-Marker Lake and Brown Slough with regard to not driving cars into the water have been damaged and need to be replaced. Mr. Hunter stated that he would make certain the signs were replaced.

Regarding the Bus Barn and Bojangles buildings, Councilman Vanasse recommended that the City do the following: 1) Conduct a physical examination of the two buildings and determine construction has been done and try to determine how much was spent on the construction; and 2) Determine what needs to be done to bring both buildings up to standards required for use/occupancy (include an estimate of costs). City Manager Hunter said he would follow up on the recommendation and report back to the Council on June 22, 1993.

Mayor Feaster advised Council that he had been

PAGE 12
CITY COUNCIL MINUTES
JUNE 8, 1993

approached by Dr. Bergen of the Bethel Family Clinic about standardizing the physical examination format for people who are applying for Chauffeur's Licenses. In response to Mayor Feaster's request, City Manager Hunter stated that he would direct the appropriate City employee to take this matter to the Transportation Commission to facilitate the development of a standard format.

Mayor Feaster also brought up the request from Bethel Fuel Sales to widen the road from the petro port to the tank farm to enable them to get their new tank on site. No action was taken since City Administration was handling the matter.

motion

M/M by Warner, 2nd by Wintersteen to adjourn. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 22ND DAY OF June, 1993.

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk