CALL TO ORDER

Mayor Feaster called the regular Council meeting to order at 7:30 PM.

ROLL CALL

Present: Dale, Feaster, Vanasse, Wallace, Warner, Wintersteen
Absent: Richardson

APPROVAL OF MINUTES:

M/M by Dale, 2nd by Wallace to approve the minutes of 10/08/91 regular Council meeting as presented. Voice vote, motion carried unanimously.

motion

M/M by Wintersteen, 2nd by Warner to approve the minutes of 11/12/91 regular Council meeting with the following corrections: page 6 should be page 7 and page 7 should be page 6. Voice vote, motion carried unanimously.

APPROVAL OF AGENDA

M/M Warner, 2nd Wallace to approve the agenda by adding to it the following items: Item B under Old Business, Sewer Lagoon Discussion; Item C under New Business, Executive Session to discuss sales tax obligations of Isan Enterprises and Twitchells Sporting. Voice vote, motion carried unanimously.

MAYOR'S REPORT

Mayor Feaster referred Council to his written report. He pointed out that because of an oversight he had not clarified the legal matters discussed by Council with the City Attorney; he stated that these issues will be addressed in the next report to the Council.

In response to a question from Councilman Vanasse regarding the process for evaluating the city manager, Mayor Feaster pointed out that City Manager Hohman's contract provides for an oral evaluation from Council at three months and at nine months. Because the three-month period ends December 16, the three-month evaluation has been set for December 17. Mayor Feaster stated that he would prepare and distribute a draft evaluation form at the December 10 Council meeting to assist council members in developing a standardized form which would be used on December 17. It was then suggested by Councilmen Wintersteen and Vanasse that the City Clerk contact the Alaska Municipal League and the International City Manager's Association to determine if a standardized form for evaluating city managers is available.

MANAGER'S REPORT

City Manager Hohman reviewed his written Manager's report with Council on the following items:
- Invitation for Bids for ice road maintenance will go out this week;
- Three letters from Bethel Fuel Sales: 1) indicates their interest in leasing the 10-plus acre parcel that the City recently acquired from BNC to use for housing BFS employees; 2) requests reestablishing the pipelines to the center of the dock as they were originally installed; and 3) requesting extension

of the lease agreement for the dock for an additional 5-year period and the exclusive use of the facility under a new contract as opposed to the limited set for in the present contract.
- Letter from South Western Alaska Motor Mushers asking the City to support its organization by purchasing advertising;
- Dock Program Coordinator benefit request;
- PATC holdovers from FY 88 and 89 regarding refunds due DHSS; for FY 89 grant, the City was granted an extension until December 15; for FY 88 grant, the City was denied an extension and demand for payment submitted by DHSS. City Manager Hohman stated that attempting to resolve this request through the Executive Branch instead of seeking additional audit and legal services;
- Suggested travel to Juneau by a delegation for the purpose of securing additional support from the State with the intent of meeting with the Governor and some of his commissioners to present the City's $7 million capital improvement projects package approved by the Council;
- Announcement by the DEC and the Governor that the City's water and sewer grant through the Village and Safe Water Act has been increased by $250,000.
- A policy regarding surplus property disposal needs to be clarified and possibly introduced as an ordinance proposal; the subject is being researched and material will be submitted to Council at a subsequent meeting for Council's consideration.

With regard to other items not in the Manager's Report, City Manager Hohman reported on the following items:
- The Quit Claim Deed for the BNC After-Acquired Title was recorded on November 25, 1991;
- A thank you letter from Senator Ted Stevens for acknowledging his work and support on behalf of the City for the seawall project;
- Submission of TIPSA trip report;
- Suggestion from the Port Director that the Council consider as an agenda item the takeover proposal by municipalities of ports and harbors from the State, and that the Council approve the transfer of the police boat to the Port.

In response to a question from Councilman Vanasse regarding maintenance of ice roads between Akiachuk and Akiak, City Manager indicated that that portion had been awarded to the City of Akiak. However, City Manager Hohman suggested that the City try to gain control of all of the segments of the ice road from the Tundra to Bethel to Tuluksak as the City is better equipped to maintain these roads and, in the long term, would benefit because of the commerce generated by use of these roads.

Councilman Warner next addressed the requests from Bethel Fuel Sales by stating that 1) he would not entertain leasing any of

the property in question until the situation had been resolved, 2) should the City be interested in leasing a portion of the 10 acres, the Council has to proceed according to the land disposal ordinance and, 3) the land use ordinance designates that area as an industrial area not appropriate for housing. Regarding the other two letters from BFS, Councilman Warner supported the request for replacing the pipeline to the center of the dock but felt that the request for a lease agreement for the use of the petrol port should be an agenda item for further discussion and that the Council be provided with information regarding the terms of the lease. Following discussion, Council decided to refer the requests for leasing the 10 acre parcel and for use of the petrol port to the Planning Commission, and the issue of replacing the pipeline to the Port Commission for their review with recommendations submitted to Council.

The issues of recognizing the position of Program Dock Coordinator as a permanent full-time position and receiving utility benefits while the employee in that position is on leave of absence were discussed. In addition to his written report, Administrative/Personnel Officer John Hastie presented an overview of the situation.

motion

M/M by Dale, 2nd by Wintersteen to recommend that the position of Dock Program Coordinator be entitled to receive utility services (water, sewer and garbage) for a fee of thirty-five dollars per month. Poll vote. Motion failed. 3-yes; 3-no (Dale, Feaster, Warner).

Following a lengthy discussion about providing utility benefits to seasonal employees, Administration was asked to submit a list of seasonal employees to Council.

Because the City normally does not make donations to organizations requesting support through advertising, Council was in general agreement not to approve a donation to the South Western Alaska Motor Mushers.

In response to a question from Councilman Vanasse concerning the importance of sending a delegation to Juneau within the next 10 days, City Manager Hohman explained that the Executive Branch of the government begins to put together its request for the capital and operating budgets in May and finalizes that process for presentation to the legislature toward the end of December. Because the City has established a good relationship with the Governor and his staff and, because a request for $7 million in capital improvement projects has been approved by the Council, Mr. Hohman further stated that this was the time to input into the Executive budget request rather than trying to initiate the action during the the legislative session.

motion

M/M by Dale, 2nd by Wallace that Mayor Feaster and City Manager Hohman be authorized to travel to Juneau for the purposes of meeting with the Executive Branch of the state government. Voice vote. Motion carried. 5-yes; 1-no (Warner).

Responding to a question from Mayor Feaster regarding the status of the BIA surplus fuel bid, City Manager Hohman reported that Congressman Young had sent a letter to the BIA on November 25, 1991, requesting all assets on the old BIA site be frozen; this request was the result of an AVCP resolution to put the BIA under control of YKHC made at its last convention. Mr. Hohman further advised Council that he had hand-carried a sample taken from the tank to Seattle which was subsequently mailed to Spokane for analysis. Although the sample tested good, as a result of Congressman Young's request, the fuel will not be available to the City at the present time.

Following clarification concerning the Request for Proposal for a lobbyist approved by Council at its November 12, 1991, meeting, City Manager Hohman assured the Council that the RFP would be advertised immediately. Mayor Feaster reminded Administration to include in the advertisement the wording as was approved 11/12/91. Mayor Feaster further reminded Administration that Council would make final selection of the lobbyist.

Mayor Feaster asked the status on the selection of a Police Chief. City Manager Hohman reported that Administration had advertised nationwide and had received some responses; however, the City had not advertised locally. Councilman Vanasse expressed disappointment that the position had not been advertised locally as was the established practice. Mr. Hohman indicated it was his understanding that if the City promotes from within it is not necessary to advertise and, that he had wanted to confirm that procedure with the City Attorney but was unable to reach him. Councilman Warner stated that it was his understanding that when the City promoted an existing employee, the position was advertised in the normal manner and interested employees submitted an application. Mr. Hohman pointed out that because he had planned to promote from within, it was his desire to save the City the estimated cost of $4,500 for advertising the position statewide and locally; he would, however, follow Council's direction regarding advertising. Council also discussed the need to fill the position of Accounting Manager as quickly as possible and directed Administration to advertise that position as well.

motion

M/M by Vanasse, 2nd by Wintersteen that the City Manager be directed to advertise the Police Chief and Accounting Manager positions by placing job announcements in at least one of the major newspapers in the cities of Anchorage, Fairbanks

and Juneau, as well as in either one or both of the Bethel City newspapers. Voice vote. Motion carried. 5-yes; 1 no (Wallace).

motion

M/M by Dale, 2nd by Wallace that the Council approve the transfer of the Police boat to the Port Director for availability to the Dock, Police and Fire Departments. Voice vote. Motion carried unanimously.

AT 9:10 COUNCIL BROKE FOR A SHORT RECESS AND RECONVENED AT 9:15 PM.

COUNCIL MEMBER COMMENTS

Councilman Dale pointed out that several of the City's water trucks were leaking water from the bottom causing the water spilled on the roads to freeze, thus resulting in a safety hazard to other motorists.

motion

M/M by Dale, 2nd by Wallace to remove the leaky water trucks from the road until they are repaired.

Public Works Director, Dave Martin explained that he was aware that one of the City's trucks leaked profusely and, that it was the next truck scheduled for a tank replacement. In addition, two other trucks were being repaired, with one out of service for three weeks; if the City pulled another truck off the road the Department would have to go to double and split shifts. Discussion followed.

Poll vote. Motion failed. 3-yes; 3-no (Vanasse, Warner, Wintersteen).

Council did, however, recommend to the Public Works Department that the truck in question should be used as little as possible and receive top priority for repair.

Councilman Vanasse stated that the feasibility report for the purchase of the Bethel Utilities Corporation had not been addressed at the Council level and felt that this issue should now be addressed. Councilman Dale indicated his support for the City owning the utility and asked that it be put on the December 10, 1991 agenda. Mayor Feaster stated that it would be added to the agenda for the 10th and directed Administration to distribute copies of the study to council members as needed.

REPORTS OF STANDING COMMITTEES

Councilman Wallace reported that at its last meeting the Planning Commission addressed 16 agenda items and took action on each of them.

Councilman Warner reported that the Public Works Department held its meeting on November 21, 1991. The items discussed included proposals for the construction of the sewage lagoon, the status

of the city water trucks, a motion on the Salmon Berry Road issue, the proposed auction of the Public Works surplus items and review of the advertisement of the auction, and a motion on the introduction of an ordinance to Title 13 (water service delinquencies). Regarding the ordinance, the Committee recommended that Council not take action until the Finance Committee and the Public Works Committee held a joint meeting and submitted recommendations to amend Title 13.

Councilman Vanasse reported that the Parks and Recreation Department no longer functioned at a level that it used to and therefore had not called a meeting for some time. Based on a suggestion from Acting Police Chief Liu, Councilman Vanasse requested Council to restructure the committee as the Youth Services Committee with responsibility for overseeing the operations of the Teen Center and youth recreation. Because the Committees and Commissions are established in Resolution 451, Mayor Feaster stated that he would want to review that Resolution to determine if it fits this situation. Mayor Feaster also requested an evaluation from Parks and Recreation on its efforts to save money and while continuing to provide services to the youth.

Councilman Wintersteen reported that the Port Commission last met on November 18th. The Commission discussed the procedures for writing port and harbor regulations that must be presented to Council before the ice goes out or before they are needed in the spring. The Commission also discussed the police boat issue and further agreed to publish an annual newsletter which would provide people with information in the area of the Port Authority. A work session is scheduled for January 13, 1992, at 7:00 PM to deal with writing the port and harbor regulations, and the next regular meeting is scheduled for December 13th at 7:30 PM; both meetings will be held in the Harbormaster's office; the public is invited to attend both meetings.

Mayor Feaster provided Council with minutes of the past two Finance Committee meetings. The Committee suggested changes in the sales tax ordinance with regard to the wording on the transfer of a business, discussed the twenty-five percent assessment fee, the recommendation to rescind Amendment #2 (tax exemption for bingo and games of skill and chance), and the utility billing procedures. Mayor Feaster also pointed out that the Finance Committee chairman had not yet been selected.

motion

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

OLD BUSINESS--Item A: Salmon Berry Road

SALMON BERRY ROAD

Administrative/Personnel Officer, John Hastie reviewed the status of Salmon Berry Road issue: Minutes from the Planning Commission's 6/26/91 meeting stated that the Commission approved the acceptance of Salmon Berry Road providing there was no overwhelming evidence not to accept the road; at another recently held Commission meeting, members viewed gravel samples and the video tape of the road; the Public Works Committee at its last meeting, elected to accept Salmon Berry with the provision that the topsoil near the north end of the road be removed in the spring or as soon as weather permitted.

motion

M/M by Warner that the City accept snow removal responsibilities immediately and accept the road with the condition that the topsoil be removed and replaced with gravel as soon as the weather permitted. Motion failed for lack of a second.

There being no second to the motion, Councilman Warner, explained that the condition as set forth in the motion had been recommended by both the Planning Commission and the Public Works Committee. He further stated that the Public Works Director had met with Mr. Shantz, the person who brought the original request to the City, and the provision for replacement of the topsoil and replacement with gravel was acceptable to both parties; snow removal was added so that maintenance would be available during the winter. Councilmen Dale and Vanasse expressed concern over accepting the road in anticipation of its completion and recommended acceptance at a later date.

motion

M/M by Vanasse, 2nd by Dale to table the Salmon Berry Road acceptance until a later date.

Poll vote. Motion failed. 3-yes; 3-no (Feaster, Warner, Wintersteen).

OLD BUSINESS--Item B: Sewer Lagoon

SEWER LAGOON

In response to a question raised at the 11/26/91 Council meeting concerning the bid process for selecting an engineering firm for the waste-water treatment design, Public Works Director, Dave Martin, directed Council to his written report and reviewed the process that had taken place. Following Mr. Martin's report, Mr. Steve Eng, conservation engineer with Village Safe Water provided an explanation of the pretreatment cell concept and the engineering factors used to select this design for waste-water treatment.

Councilman Warner stated that he had raised this issue because he was not aware that the Council had concurred with the decision that pretreatment design philosophy was the best option for the City. He further stated that it was his desire that Council be fully informed and involved in the process as it went along.

NEW BUSINESS--Item A: Public Service Amendment (Water & Sewer Delinquencies)

INTRODUCTION OF AMENDMENT #10 TO ORDINANCE #85--PUBLIC SERVICE (WATER AND SEWER DELINQUENCIES)

M/M by Dale, 2nd by Warner to accept the Introduction of Amendment #10 to Ordinance #85 and that a public hearing be held at the next regular Council meeting scheduled for December 17, 1991. Voice vote. Motion carried unanimously.

City Manager Hohman made the following corrections to the amendment as follows: Pages 1 and 3, paragraphs C the words "shall" should be underlined; page 2, bottom paragraph A, add a bracket before the sentence beginning "Credit will be established. . . " Mayor Feaster requested that the document distributed to the general public show these corrections.

NEW BUSINESS--Item B: Gaming Permit Apps.

GAMING PERMIT APPLICATIONS--KUSKO 300; ONC; IAPES; BETHEL LIONS CLUB; VFW AUXILIARY; VFW; BETHEL BROADCASTING, INC.

M/M by Warner, 2nd by Wallace to approve the games of skill and chance 1992 applications as presented by the following organizations: Kusko 300; ONC; Bethel Lions Club; VFW Auxiliary; VFW; Bethel Broadcasting, Inc., and to exclude the application from IAPES. Voice vote. Motion carried. 5-yes (Dale abstained).

Council chose not to take action on the application submitted by IAPES until questions concerning the validity of the request were answered. Councilman Vanasse indicated he would discuss with Mr. Joe Angiak who is listed as the contact person in Bethel to obtain more details about the application.

NEW BUSINESS--Item C: Exec. Session

EXECUTIVE SESSION--LEGAL MATTERS CONCERNING SALES TAX OBLIGATIONS FOR ISAN ENTERPRISES AND TWITCHELLS SPORTING

motion

M/M by Warner, 2nd by Dale to go into executive session at 10:30 PM to provide legal direction concerning sales tax obligations of Isan Enterprises and Twitchells Sporting. Voice vote. Motion carried unanimously.

Mayor Feaster called the regular meeting back to order at 10:43 PM.

motion M/M by Dale, 2nd by Wintersteen to adjourn the meeting at 10:45 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 17th DAY OF December, 1991.

James Feaster III

James Feaster III, Mayor

ATTEST:

Jane Elam

Jane Elam, City Clerk