CITY of BETHEL

P. O. Box 537 • Bethel, Alaska 99559

543-2297 — Area Code 907

REGULAR COUNCIL MEETING

SEPTEMBER 13, 1976

7:50 P.M.

CITY OFFICE

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

APPROVAL OF MINUTES

M/M by Elliott that the Minutes of the Regular Council Meeting of August 25, 1976 be approved as corrected.
Voice vote was taken and was unanimous.. Motion passed.

COMMUNICATIONS

Manager Bartlett reviewed the following document disseminated to Council Members: Notice of General Election. The City's general election will be held on October 5, 1976, and is being held for the purpose of electing City Council members to fill Seat #2 (two year term); Seat #3 (one year term); Seat #4 (two year term); and Seat #7 (two year term).

MANAGER'S REPORT - None

MAYOR'S REPORT - None

COMMITTEE REPORTS

Elliott - I would like to direct the City Manager to write a letter to the proper State agencies, before the ground freezes, requesting that such agencies pull up the grader blades that are used as markers to identify culverts. The blades are hazardous to snow machines and cars during the winter.

Bartlett - I will contact the District Highway Office in Nome and ask that the blades be removed.

PEOPLE TO BE HEARD

Guinn - Mr. Barker, who is head of the High School Band, has recently expressed his appreciation to the City for support given to the School Band, and apologized for not implementing the Bethel Clean-Up Campaign during the summer months. He has requested support from Council on the matter of initiating a clean-up program that would start Saturday, September 24, 1976. Mr. Barker would utilize members of the Band, the City of Bethel's dumptrucks and local citizen volunteers, and has offerred to coordinate the entire clean-up effort. The City will be responsible for providing large plastic trash bags.

Edge - I'd like to inquire as to whether or not the complete Council packets are posted with the agendas.

Guinn - It is not feasible to post all of the agenda items at all the different locations in the City. Concerned citizens may come to the City Office at any time and request specific information on agenda items.

OLD BUSINESS

Item A. Ordinance #75 (Drunk in Public Municipal Ordinance.)

Emery - I would like to call for a Council Executive Session prior to discussing publicly Item A.

M/M by Emery that the Council have an Executive Session for 10 minutes concerning Ordinance #75.
Voice vote was taken and was unanimous. Motion passed.

The Council's Executive Session convened at 7:55 P.M.

The Council Meeting reconvened at 8:05 P.M.

M/M by Emery to include Ordinances #79 and #80 as a part of Item A. under Old Business.
Voice vote was taken and was unanimous. Motion passed.

Bartlett - I recommend to City Council that they accept for publication in a paper of general circulation as well as at select sites throughout the community Ordinances #75, #79 and #80, and that a public hearing be established at the next Regular Council Meeting (September 27, 1976) for the purpose of adopting such ordinances.

Item A. Con't.

Manager Bartlett read 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).

Elliott - I suggest that the proprietor of the Wild Goose be instructed to remove any signs indiciating that liquor is sold within such a facility.

Bartlett - The fine of $100.00 as delineated in Ordinances #75, #79 and #80 is established and proposed to avoid the necessity of a jury trial and subsequent court costs.

Edge - I think the drunk in public charge should be fined by no more than $25.00. The police need to have a method by which to remove a person from the street at the time of intoxication, but if the fine cannot be suspended, what happens when the individual is unable to pay?

Guinn - The question of the fine can be discussed further at the public hearing. This meeting is only to accept or reject the ordinances for publication and establishment of a public hearing.

M/M by Elliott to accept Ordinance #75 for public hearing on September 27, 1976 and that it be posted according to defined procedures.
Voice vote was taken and was unanimous. Motion passed.

Bartlett - I recommend that Council accept Ordinance #79 for publication and that a public hearing be set for September 27, 1976.

Elliott - A section should possibly be added to Ordinance #79 concerning abandoned vehicles on the road which create an hazard to ongoing traffic. The owners are for the most part unaware that they are liable for accidents caused by such hazards.

M/M by Elliott that Ordinance #79 by accepted for publication and a public hearing set for September 27, 1976.
Voice vote was taken and was unanimous. Motion passed.

Bartlett - I recommend that Council accept Ordinance #80 for publication and the establishment of a public hearing.

Item A. Con't.

Emery - Does the City have any existing ordinances pertaining to disorderly conduct?

Bartlett - Not to my knowledge.

Edge - I concur with this ordinance with the exception of Sub-Section #7. I consider Sub-Section #7 to be an invasion of privacy and harassment. This particular Sub-Section was responsible for declaring the original disorderly conduct State Statute unconstitutional.

Guinn - I'm inclined to agree that this could be considered a means of harassment.

M/M by Emery to accept Ordinance #80 for publication and that a public hearing be set for September 27, 1976.
Voice vote was taken and was unanimous. Motion passed.

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

Bartlett - At the last Council Meeting the proposal for equal acreage exchange between the BNC and the City was, in fact, passed. The motion adopted indicated that the concept be accepted subject to legal proceedings to be researched by the City Attorney. He has recommended that the following be considered by Council: Prior to the exchange being consummated, such an exchange may need to be placed on the ballot as a proposition for voter ratification, pursuant to Ordinance #59 and the Alaska State Statutes which pertain to the sale, lease or otherwise disposal of City-owned real property or interest in real property. The State Election Commission would allow the proposition to be placed on the ballot in November if the ballots were printed separately and the City agreed to provide ballot counters. The reason that the City Attorney has not indicated a definite need to have the property exchange placed on the ballot for voter ratification is that it is contingent on the assessed Fair Market Value of the property. There is some difficulty associated with assessing the Fair Market Value of the land under consideration, therefore the Attorney has suggested that the City appraise it on a "fee simple" basis. I suggest that Joe Pike assist the City in appraising the land to be received as a result of the exchange. If the land under consideration is valued at under $25,000.00, then it would be required of Council to publish for 30 days a description of the exchange and finalize the transaction without

Item B. Con't.

voter ratification. If the value of the land is in excess of $25,000.00, then a proposition, to be placed on the ballot on November 7, 1976 for voter ratification, would be presented to Council at the September 27, 1976 meeting.

Emery - Has Mr. Esch confirmed that the City does in fact have an interest in the land?

Bartlett - Yes. The City's original Resolution read that we would waive our right to request a certain portion of land for a road easement crossing from the City Subdivision to the new power plant. The City would not have benefited from such an exchange. Because the City now has a real interest in certain property which will benefit the municipality and its residents, the Resolution has been altered through negotiations to include an equal acreage concept approved by the Council and subject to legal proceedings.

Edge - Where is the land located?

Bartlett - The exchange involves receiving land for a new dumpsite and several right-of-ways to the site and other areas within the City. In addition, the exchange would enable the City to assume the ownership of Lot 5 adjacent to the lot owned by the BUC.

Guinn - The proposed exchange would not be included as a part of the City's minimum of 1,280 acres to be reconveyed under the Alaska Native Land Claims Settlement Act.

Bartlett - Because the City now has an interest in the land to be reconveyed, then the question arises as to whether or not voter ratification is required.

Edge - I feel that voter ratification is the right of the people and would be in the best interest of the City.

Guinn - Unless there is opposition from the Council, the City Manager will proceed to obtain an appraisal of the land in question and report to Council.

Item C. Courthouse Project.

Bartlett - The loan is ready to close with the exception of a reversion-

Item C. Con't.

ary interest in the original title provided by the Federal Government to the State of Alaska which stated that at such time as the land the Courthouse is being built on ceases to be used as an airport facility, it was to revert back to the Federal Government. The State quickclaim deeded such land to the City but failed to delete the reversionary interest. It is encumbent upon the City to request that the Federal Government delete the reversionary interest clause in order for title insurance to be issued as required by the National Bank of Alaska. The title company is committed to providing title insurance and the National Bank of Alaska is committed to providing an interim and long term loan. This is the last area that needs to be rectified and Senator Steven's office is currently assisting the City.

Guinn - The City is in the process of having the reversionary clause excluded, but aside from that, the construction of the Courthouse building itself is progressing.

NEW BUSINESS

Item A. Bethel Day Care Center's Child Care License Standards.

Bartlett - As a result of Senate Bill #753 passed during the last legislature, a municipality may elect to assume licensing powers of day care facilities and homes within its jurisdictional boundaries. I have written for and received as of today, day care licensing regulations as promulgated by the Division of Social Services under the Department of Health and Social Services. If the City decides to adopt this procedure, an ordinance will be required. The advantage to adopting this type of procedure is that the City would be sensitive and closer to local day care operations as opposed to State agencies in other localities involved in the review of fire, sanitation and building codes, and child care practices followed by such facilities. The former administrator of Bethel Social Services, Sue Taylor, as well as other board members of Bethel Social Services, have recommended that the licensing procedure be placed under local control. The current license of the Bethel Day Care Center expires at the end of October. The earliest the City could have an ordinance and such regulations and licensing powers adopted would be by October 11, 1976. I have asked the State, as well as the Bethel Social Services, to proceed with their licensing procedure until such time that the City has promulgated such an ordinance.

Item A. Con't.

Guinn - A number of the Day Care Homes do not have licenses now.

Bartlett - The ordinance makes the distinction that they are no longer required to have licenses, but to be eligible for assistance, they must have a license.

Emery - What would the City's possible costs be? Can the City implement such procedures under present staffing arrangements?

Bartlett - The Fire Department and Public Works Department would be responsible for such licensing procedures and a $10.00 licensing fee would probably be requested.

Elliott - Does the State statute define which licensing standards are acceptable?

Bartlett - No. It simply says a municipality may set its own standards for licensing by either modifying or waiving regulations and standards set up by the Department of Health and Social Services.

Elliott - The ordinance would need to stipulate exactly what the requirements will be.

Bartlett - That is correct. My recommendation is that if such an ordinance were developed over the next two weeks, the regulations contained in the ordinance should be as stringent.

Guinn - What is the present procedure for acquiring a day care license?

Bartlett - A day care program must contact the appropriate State agency(s) located in Fairbanks.

M/M by Elliott that an ordinance for licensing Day Care Centers be proposed to Council at the next regularly scheduled meeting.
Voice vote was taken and was unanimous. Motion passed.

Item B. Ratification of Planning Commission Meeting Minutes of August 6, 1976.

M/M by Elliott that the Planning Commission Minutes be accepted as presented.
Voice vote was taken and was unanimous. Motion passed.

Item C. Ratification of District Attorney Office Space Bid.

Bartlett - The State Department of Administration has issued a bid invitation regarding the leasing of office space to the District Attorney based in Bethel. The special conditions of the bid are primarily that the location of the office space be within close proximity to the court building now under construction within U. S. Survey #879 adjacent to the townsite of Bethel. Secondly, that approximately 700 net usable square feet of office space, as defined in the Invitation to Bid, be made available. Thirdly, that the occupancy date be by October 15, 1976, and it indicates that space available at a later date will be considered. Fourthly, the invitation indicates that the initial term of the lease is three (3) years and that there are two additional one (1) year renewable options. The bid is set at $1.85 per square foot inclusive of janitorial services, and $1.80 per square foot, exclusive of janitorial services.

M/M by Elliott that the Council accept the District Attorney Office Space Bid as presented.
Roll call vote, Yes, Guinn, Emery, Pike and Elliott. Motion passed.

Item D. Ratification of PHS Security Guard Service Bid.

M/M by Elliott that the Council accept the FY 1977 PHS Security Guard Service Bid as presented.
Roll call vote, Yes, Guinn, Emery, Pike and Elliott. Motion passed.

Item E. Ratification of Election Board Members.

Precinct #1*
CHAIRWOMAN - Rebecca Nelson
ELECTION JUDGE - Margret Sirilo
ELECTION JUDGE - Pauline Chaney
ELECTION CLERK - Margret Guinn
ELECTION CLERK - Milred Samelson

Precinct #2*
CHAIRWOMAN - Mary Amuku
ELECTION JUDGE - Joan Yagger
ELECTION JUDGE - Gloria Hyatt
ELECTION CLERK - Joyce Freeman

*Members of the election board will also serve as ballot counters.

Item E. Con't.

M/M by Elliott that Council ratify the election board members.
Voice vote was taken and was unanimous. Motion passed.

Item F. Review and Acceptance of Proposition #1 (Voter Ratification of the Sale, Lease or Disposal of City-owned Real Property.)

M/M by Elliott that the Council accept Ordinance #24 for publication and establish a public hearing for September 27, 1976.
Voice vote was taken and was unanimous. Motion passed.

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

M/M by Elliott to table Item B. until the next regularly scheduled Council Meeting.
Voice vote was taken and was unanimous. Motion passed.

Item H. Public Hearing on Ordinance #76 (Supplemental Appropriation for Fiscal Year 1975-76) and Ordinance #77 (Interim Budget to Facilitate a Change in Fiscal Year.)

Bartlett - Ordinances #76 and #77 was accepted at the last Council Meeting for publication and the establishment of a public hearing at the meeting tonight.

Guinn - The Council has gone over both ordinances at two work sessions. Basically, we are changing the fiscal year to coincide with the fiscal year of the Federal Government, which is being changed to start October 1. In addition, the City is in essence creating a fifth quarter and revised budget for 1975-76. The Council is now open for comments and recommendations by the general public in attendance at the meeting tonight.

Edge - Under "Other" of the Revenue Summary, the original estimate of $5,000.00 should also be under the revised estimate column. There is a contract whereby United Transportation pays the City $5,000.00 for the use of the old dock.

Bartlett - To my knowledge, I have not seen the agreement.

Edge - I am sure that United Transportation owes the City $5,000.00 for Fiscal Year 1975-76.

Guinn - In prior years the Northern Commercial Company owned the water-

Item H. Con't.

front and when they conveyed the waterfront to the City, the City then signed a contract with United Transportation to use the waterfront. If there are no further comments, we will close the public hearing and return to regular session.

Bartlett - I recommend to Council that Ordinance #76 (An Ordinance Establishing A Supplemental Appropriation to the City of Bethel's Fiscal Year 1975-76) with the understanding that under the Summary of Revenues 1975-76 revised estimate, the figure of $5,000.00 for the dock contract will be reinserted pursuant to the agreement, and Ordinance #77 (An Ordinance Establishing Interim Budget To Facilitate A Change In Fiscal Year) be adopted.

M/M by Emery to adopt Ordinances #76 and #77 as presented to Council.
Roll call vote, Yes, Guinn, Emery, Pike and Elliott. Motion passed.

M/M by Emery that there be an additional agenda item to determine an alternate location for the September 27, 1976 Council Meeting and public hearing.
Voice vote was taken and was unanimous. Motion passed.

M/M by Elliott that the City Manager approach the proprietor of the KVNA building and schedule the use of the building for the next regular Council Meeting.
Voice vote was taken and was unanimous. Motion passed.

Edge - As the manager of the KVNA building, I extend an invitation to Council to use the facility on September 27, 1976.

Guinn - Before the Council adjourns, I would like the minutes to reflect a vote of confidence on a job well done on the budget by the City Manager.

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

Meeting was adjourned at 9:35 P. M.

Olga C. Kniezak
Acting City Clerk

Mayor Pro Tem