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# City of Bethel, Alaska

## City Council Minutes

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October 26 1999

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on October 26 1999, at 6:30 p.m. in the Lions Club, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:35 p.m.

### ROLL CALL

There were present:

Mayor Agnes Phillips  
Jerry Drake  
Joerene Hout

Mike O'Brien  
Karol Pobrislo  
Stanley "Tundy" Rodgers

comprising a quorum of the Council.

Absent:

Dario Notti (Unexcused)

Also in attendance were:

Bob Herron, City Manager  
Gaye Vaughan, City Clerk

### PEOPLE TO BE HEARD

*David Trantham*, stated people have looked at the leadership of the Council and have all come to the same conclusion, that it is time for a change. He said that electing the leader of our community for the next year is not an easy task. He proceeded to list the qualities he felt the mayor should have. The mayor and Council should give good clear directions to the employees they supervise. They should have zero tolerance for the "good old boy" system. The mayor should be a good consensus builder and should know what the needs of the community are. He hoped the Council would take their job seriously tonight.

### APPROVAL OF MINUTES

Corrections and typographical errors were noted by the Mayor and Council members.

<b>MOVED BY:</b>	Pobrislo	To approve the corrected minutes of the regular meeting of October 12 and special meeting of October 14, 1999.
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**APPROVAL OF AGENDA AND CONSENT AGENDA**

At the request of council members Resolution #99-27 and Ordinance #99-26 were removed from the consent agenda.

City Manager Herron requested an Executive Session be held about the laundromat. He also noted that the City Lobbyist, Paul Richards, was in attendance and asked that he be added to the agenda in order to report on the last legislative session.

Copies having been made available to the public, Mayor Phillips noted by title only the item on the consent agenda.

***Resolution #99-28: Certifying That the City did Suffer Significant Effects During the Program Base Year from Fisheries Business Activities that Occurred within the Lower Kuskokwim Fisheries Management Area (City Manager)***

<b>MOVED BY:</b>	O'Brien	To approve the agenda and consent agenda as amended.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**MAYOR'S REPORT**

Mayor Phillips announced the following:

- Several Council members will be attending Alaska Municipal League in Soldotna from November 6 to 9.
- The next regular Council meeting will be November 16 with only one meeting being held in the month of November.
- She wished Karol Pobrislo a happy upcoming birthday on November 1.
- The Mayor proclaimed November as Suicide Awareness/Prevention Month.
- The receipt of the Governor's *Talking Points* was acknowledged.
- Mayor Phillips also acknowledged receipt of news releases from AHFC regarding the issuance of \$303 million in tax-exempt bonds, lower-interest-rate loans for buyers of existing energy efficient homes; award of \$86,773 grant to Alaska Native Health Board, and the re-election of Jewel Jones as Chair of the Board.
- It was noted that Anchorage will be the site of the 2000 EDA Annual Conference.
- A questionnaire for Alaska Child Indicators Project: Draft Framework from the Dept. of Education and Early Development was received and Council members were requested to complete and return it.
- The Mayor had received a copy of *Ten Ways to Fight Hate* from the Southern Poverty Law Center and noted it was very well written.

**MANAGER'S REPORT**

City Manager Herron relayed the following information:

- Department head reports were included in the packets.
- The City received official notification on October 13 that the BCS site will be considered for the new post office. A site will be selected in early November and the

post office would like to receive comments at the City Council meeting on November 16.

- In response to questions at the last Council meeting, the City Manager had contacted the State Assessor, Steve Van Sant, who indicated he arrived at the assessed valuation by walking around Bethel. It was too late this year to appeal the valuation, but if the Council so desires, it may be appealed next year.
- A recommendation had been received from the City Engineer to not allow Bethel Recycling Center to burn paper and cardboard as its source of heat. The Manager has spoken with Brian Glasheen regarding alternative heating. He also reported that Mr. Glasheen was totally opposed to BRC being relocated to the landfill.
- Mr. Herron reported that labor negotiations are going well. The next meeting will be November 17-18.
- A letter was received from DEC regarding a possible spill at the Braund Building.
- An organizational meeting will be held for Crimestoppers on November 13.

Council Member Pobrislo noted that people have previously spoken at Council meetings about break-ins and asked if Mr. Herron had a chance to speak with the Police Chief about the subject.

Chief Pettitt noted that the break-ins were city wide and the investigations were continuing. He hoped that Crimestoppers will help solve the unsolved crimes. He also noted that the airport comes under the Bethel Police Department as the airport has no security of its own. He plans to have meetings with personnel from airport businesses in the near future. Random security checks have shown doors and cargo areas left unlocked at night.

Council Member Pobrislo further asked about the Police Department responding to victims of the break-ins.

The Chief responded that he is initiating a new procedure to close cases within 30 days. The victims will then receive a letter as to the disposition of the case.

## **REPORTS OF STANDING COMMITTEES**

Mayor Phillips noted there are vacancies on the Parks and Recreation, Transportation, Port and Public Works Commissions/Committees.

### *Transportation Commission*

Council Member Hout reported that the Commission had met and testimony was given by several cab drivers. They would like to be treated fairly and equally. Drivers have left town and given up their permits and new people to town have managed to get permits. The Commission was unable to come up with a consensus so it was sent to the Council to be heard.

### *Parks & Recreation Committee*

Council Member Pobrislo announced the Committee had met on October 20 and reviewed the proceeds from the July 4<sup>th</sup> booth rentals. She noted that \$5450 had been received. The Committee also received information from Janet Athanas, Parks & Recreation Director, about the \$50,000 from ONC for the parks. One of the newly appointed teens was present at the meeting and it appears having their participation will work out well.

### *Planning Commission*

Council Member Notti was not present to give a report.

#### *Finance Committee*

Mayor Phillips stated the Committee met and discussed training on the new sales tax ordinance. She noted the department has been busy with the audit, moving and training new employees. The next meeting will be December 9.

#### *Senior Citizens' Advisory Board*

There is currently no appointed representative to the SCAB.

#### *Port Committee*

Council Member Rodgers report on the October 18 meeting of the Port Committee. A quorum was not present so a work session was held. He noted the resolution in the packet which was recommended by the Committee encouraging the City to have at least \$200,000 from the through-put tax in the seawall maintenance fund.

A discussion ensued regarding the fund, how much is currently in it, and what the money has been used for in the past.

Council Member Rodgers continued his report by reporting a mishap with the crane. The Committee urged the City Council to purchase the crane and leaving it in Bethel. He further commented on the equipment at the port and that the pick up trucks will be put away for the winter. The cameras on the dock are working well and almost the entire dock can be observed. He also noted that someone had been on the river testing the ice and made it about three-quarters of the way across.

A discussion was held on the purchase of the crane and the possible uses for it.

#### *Public Works Committee*

Council Member O'Brien stated that the Committee did not have a quorum so they also held a work session to discuss the projects accomplished this summer. He did not believe the citizens have any idea how much the Public Works Department get accomplished.

#### *Public Safety Commission*

Council Member O'Brien reported that the Commission will meet on November 1 at the Fire Station training room.

### **OLD BUSINESS**

#### ***Ordinance #99-14: Establishing A Local Delivery Site System For Alcoholic Beverages Brought Into The City Of Bethel (City Council)***

Mayor Phillips called for public comment on Ordinance #99-14.

*Oly Olson*, stated this was a poorly written ordinance and he did not think it would pass in the courts. As a businessman, he collects and pays his sales tax but did not think the city manager or the Council should be able to tell him when and where he can obtain alcohol.

*David Trantham*, stated that he had testified on this ordinance one year ago for an hour and twenty minutes before he was cut off. He has also testified before the Council. He currently has 286 questions regarding the ordinance. It is a bad ordinance and he does not understand it. He doubted if the Council understood it either. He proceeded to question Council members on various aspects of the ordinance.

Mayor Phillips notified the Council that they did not have to answer questions of the public.

Will Updegrove, stated he is Vice President of the Lower Kuskokwim School Board. He presented each Council member with a copy of a resolution passed by the school board supporting an alcohol delivery site.

With no further testimony to come before the Council, public hearing was closed.

Council Member O'Brien stated the Finance Committee has requested a complete fiscal impact study on this ordinance. He agreed with Mr. Updegrove that the main reason for this ordinance was for public safety. He had also been requested by members of the Public Safety Commission to remand the ordinance back to them as they have received new information.

<b>MOVED BY:</b>	O'Brien	To remand Ordinance #99-14 to the Public Safety Commission and refer to Finance Committee for fiscal impact statement.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by a vote of 6 yes, 0 no.
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ANVIL Yes	HOUT Yes	NOTTI Absent	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

***Ordinance #99-16: Authorizing the Disposal of an Interest in Land No Longer Necessary for Municipal Purposes (City Manager)***

Mayor Phillips called for public comment on Ordinance #99-16. There being no one who wished to speak, she closed the public comment period.

City Manager Herron noted that Mr. Angstman was still out of town.

<b>MOVED BY:</b>	Hout	To postpone Ordinance #99-16 to the next meeting.
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion failed by a vote of 3 yes, 3 no.
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DRAKE Yes	HOUT Yes	NOTTI Absent	O'BRIEN No
PHILLIPS Yes	RODGERS No	SANCHEZ-POBRISLO No	6 YES 0 NO

City Clerk Vaughan noted the motion to adopt was on the floor.

<b>VOTE ON MOTION</b>	Motion failed by a vote of 2 yes, 4 no.
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DRAKE No	HOUT No	NOTTI Absent	O'BRIEN No
PHILLIPS No	RODGERS No	SANCHEZ-POBRISLO No	2 YES 4 NO

**NEW BUSINESS**

***Reorganization of Council***

Mayor Phillips noted that the first order of business was the election of a mayor and vice mayor. She announced that nominations for mayor were open.

Council Member Drake nominated Joerene Hout for mayor.

Council Member Rodgers nominated Mike O'Brien for mayor.

<b>MOVED BY:</b>	Drake	To close nominations.
<b>SECONDED BY:</b>	Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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City Clerk Vaughan collected and tallied the votes cast by Council members. She announced the vote was three for Ms. Hout and three for Mr. O'Brien.

<b>MOVED BY:</b>	Pobrislo	To conduct another vote.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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The City Clerk collected and tallied the votes cast by the Council members. She announced the vote was three for Mr. O'Brien, two for Ms. Hout, and one for Ms. Pobrislo.

<b>MOVED BY:</b>	Hout	To postpone election for mayor until the next meeting.
<b>SECONDED BY:</b>	Drake	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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***Appointment of Council Members to Committees and Commissions***

<b>MOVED BY:</b>	O'Brien	To postpone appointments until the next meeting.
<b>SECONDED BY:</b>	Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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***Resolution #99-27: Adopting a Credit Card Policy (Council Member O'Brien)***

<b>MOVED BY:</b>	O'Brien	To adopt Resolution #99-27.
<b>SECONDED BY:</b>	Rodgers	

Council Member Pobrislo said she was not comfortable with hotel rooms being charged to a city credit card although it would be fine for the Clerk to give the hotel the credit card information in order to hold the room. She felt Council member should be liable for their own expenses and then request reimbursement.

<b>VOTE ON MOTION</b>	Motion carried by a vote of 4 yes, 2 no.
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ANVIL Yes	HOUT Yes	NOTTI Absent	O'BRIEN Yes
PHILLIPS No	RODGERS Yes	SANCHEZ-POBRISLO No	4 YES 2 NO

**Ordinance #99-26: Amending the Adopted Annual FY1999-2000 Budget for Sexual Assault Exams and Bethel Recycling Building (City Manager Herron)**

<b>MOVED BY:</b>	O'Brien	To set Ordinance #99-26 for public hearing on November 16, 1999.
<b>SECONDED BY:</b>	Hout	

In response to Council Member Pobrislo, City Manager Herron stated he had a scheduled meeting the following day with Gene Peltola, President of YKHC, to discuss sexual assault examinations. He noted that he probably would not ask for the \$46,000 indicated in the ordinance for the Bethel Recycling Building.

A discussion ensued regarding the ventilation system in the Braund Building.

Mr. Herron stated that \$35,000 was just a guess and hopefully no money would be spent on sexual assault exams.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**Appeal by Yellow Cab to re-open Yukon Cab**

Seog Shon, presented his appeal to the City Council stating that he would like to reopen Yukon Cab. He noted that cabs have been transferred from one person to another within the city and he has been told it was illegal. He said he followed the law when he gave up the permits for Yukon and he wants to be treated equally with others.

Council Member Hout explained that the current taxi ordinance was passed three years ago with the consent of the cab owners. One cab company was owned by a couple who were divorcing and the court gave the company to the wife by means of a power-of-attorney. This was not the proper way to transfer their business. Since then several permits have been transferred by means of a power-of-attorney. She went on to state that Mr. Shon does not have a valid permit currently and wants to reopen Yukon Cab. He gave up two permits pursuant to ordinance and would like those back now. He has been told he cannot get them, yet he sees other people obtaining permits.

Police Chief Pettitt stated he would be glad to gather as much information as he can and make a presentation to the Council at the next meeting about the taxi problem.

Council Member O'Brien stated he sat through many tedious meetings of revision after revision to the taxi ordinance. He remembered a cap being placed on the number of cabs permits allowed. He agreed with Ms. Hout that this needs to be done in a fair and impartial manner. He felt this ordinance has been misconstrued as many others are. He also felt Council should take a hard look at where this is going.

Chief Pettitt stated that if a cap is placed on the number of permits allowed, the city could conceivably have sixty independent cabs and sixty independent dispatchers. Anyone could get a business license, FCC license, etc., but not have any cabs. The person could then solicit cab owners to join his company. He did not know the answers currently, and he did not there are also ancillary questions.

City Manager Herron felt the Council should follow up on the Chief's offer to come back with a presentation at the next meeting. He suggested closing the gate behind us and change the rules now.

Council Member Hout stated the Commission has talked of reviewing the ordinance but it has not yet been done.

Council Member Rodgers stated at the time the ordinances were passed there were to be no more permits issued. The permits were to be held in abeyance until the number of cabs was brought down.

<b>MOVED BY:</b>	Drake	To deny the appeal.
<b>SECONDED BY:</b>	O'Brien	

<b>VOTE ON MOTION</b>	Motion carried by a vote of 5 yes, 1 no.
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DRAKE Yes	HOUT Yes	NOTTI Absent	O'BRIEN Yes
PHILLIPS No	RODGERS Yes	SANCHEZ-POBRISLO Yes	5 YES 1 NO

Council Member O'Brien stated he would like more information to come back to the Council. He stated it was very unfortunate for Mr. Shon and the matter needs to be addressed quickly.

The City Manager recommended that Council direct the administration to come back with this at the next meeting.

***Discussion Item – Loader for Port (Council Member Rodgers)***

Council Member Rodgers said the Port really needs a loader. The committee understood when the new one was purchased that the Port would get the old one.

City Manager Herron said the Terex needs to be replaced. He will be reviewing this over the winter and hopefully come up with a way to sell the Terex and get a new one.

***Discussion Item – New Landfill Site - (Council Member Rodgers)***

Council Member Rodgers stated the City need to look for a new site or charge businesses more for their cardboard.

Council Member O'Brien stated the administration needs to come up with an incentive for the stores to recycle their cardboard.

Council Member Hout said the Bethel Recycling Center does not have room to deal with cardboard and another solution needs to be found.

A lengthy discussion ensued regarding the life span of the landfill and obtaining a compactor.

Council Member Pobrislo stated there must be some kind of grant the City could apply for dealing with recycling, garbage or solid waste.

Council Member Rodgers noted that the berm needs to be raised.

**Report from Paul Richards, City Lobbyist**

Paul Richards reported on the last legislative session. He said he tries to come to Bethel a couple times per year. This time he has noticed some difference with new big buildings and how Bethel is growing. He spoke about the state budget shortfall. He thanked those Council members, the Manager and Clerk who came to Juneau and took the time to meet with him. Those visits help him with the needs of rural Alaska and Bethel. He thanked City staff for getting information to him so quickly when it was needed.

**COUNCIL MEMBER COMMENTS**

Council Member O'Brien stated it had been an excellent summer.

Council Member Rodgers had no comments.

Council Member Drake said he has heard about City employees not acting in a professional manner. He spoke of a sign hanging in the Finance Department specifically.

City Manager Herron stated he was unaware of the sign and guaranteed that the sign would be down at 8 am the following morning.

Council Member Rodgers thanked those candidates who ran for office but did not win. He asked that the Clerk write a letter thanking them for their participation in the process.

Mayor Phillips thanked the Council for their support during her tenure as mayor. She had enjoyed attending functions and becoming more informed. She said it had been a big commitment and she had appreciated her employers' understanding in allowing her the time.

Council Member Pobrislo thanked Ms. Vaughan for making the travel arrangements for AML and also for presenting her with a Certificate of Election. She said she understood it was part of the Clerk's job but she appreciated it.

Council Member Hout

Council Member O'Brien offered his congratulations to Ms. Phillips as the newly appointed Director of the Tundra Womens' Center.

Council Member Pobrislo wished the volleyball team good luck in their tournament.

The Council took a brief recess at 10:00 p.m. prior to going into Executive Session.

**EXECUTIVE SESSION**

The Council reconvened the meeting at 10:15 p.m.

**ADJOURNMENT**

<b>MOVED BY:</b>	O'Brien	Moved to adjourn.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business to come before the Council, the meeting adjourned at 10:15 p.m.

APPROVED THIS 16<sup>th</sup> DAY OF NOVEMBER, 1999.

ATTEST:

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Agnes L. Phillips, Mayor

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Gaye J. Vaughan, City Clerk