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CITY COUNCIL MINUTES
APRIL 27, 1993

CALL TO ORDER Mayor Feaster called the regular Council meeting of April 27, 1993, to order at 7:30 PM.

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

APPROVAL/MINUTES M/M by Vanasse, 2nd by Jones to approve the minutes of the April 13, 1993, regular Council as amended on page 3, paragraph 6, by indicating that Councilman Warner voted no on the motion. Voice vote. Motion carried unanimously.

**APPROVAL/AGENDA
AND CONSENT AGENDA**

Councilman Jones requested removal of Items B & C (Introduction of Ordinances #93-12 and #93-13) from the consent agenda. Councilman Vanasse requested removal of Item I (award of gasoline bid) from the consent agenda.

motion M/M by Metcalfe, 2nd by Jones to approve Items A, D and F on the consent agenda. Voice vote. Motion carried unanimously.

Items approved by consent follow:

A) Introduction of Ordinance #93-11: Disposal/Sale of the Captain Atkins and Dredging Equipment for public hearing May 11, 1993.

D) Introduction of Ordinance #93-14: Disposal/Lease of 3.31 Acres to FAA for Housing Compound for public hearing May 25, 1993.

F) Resolution #93-14: A Resolution Authorizing an Application for Senior Center Grant.

motion M/M by Jones, 2nd by Metcalfe to approve the regular agenda by placing Items B, C and E ahead of Item K, Executive Session. Voice vote. Motion carried unanimously.

MAYOR'S REPORT

Mayor Feaster referred Council to his written report, and in addition, spoke on the following items:

--With consent of Council, a work session to

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begin review of the FY 94 Budget was scheduled for Tuesday, May 4, 1993, 7:30 PM, Log Cabin. Mayor Feaster noted that the work session will be an opportunity for Council to meet the new City Manager William Hunter, and further advised Council that the budget would be presented by Interim City Manager Nancy Gross. --Mayor Feaster said he would be unable to meet Mr. Hunter upon his arrival as he would be out of town. Councilmen Jones and Vanasse volunteered to greet Mr. Hunter along with Ms. Gross.

MANAGER'S REPORT

Interim City Manager Gross referred Council to her written Manager's report, and in addition, spoke on the following items:

--City Talk for April 29 was canceled because of KYUK's fund raiser.

--Soil Conservation Tree Planting Project needs a place to plant trees, and the Community Garden, once located on part of the land now being used to construct the Cultural Center, must be relocated. Ms. Gross asked members of the Council and the community to notify Administration or Jerry Korthis of suitable spots for these two projects.

--Ron Kwiatkowski, from Perris, California, has been hired as the Public Works Director. He will start in that position Monday, May 3, 1993.

--Report on the status of the oil spill and on managing containment and recovery of the spill. In response to questions concerning liability, Ms. Gross stated that BIA is taking responsibility for the clean-up and the costs of the clean-up, to this date. The State of Alaska has activated the 470 Fund (the fund that was established to clean-up oil spills). Under the 470 Fund, the DEC spends the money and tries to collect the money from the spiller. The Memorandum of Agreement in the Council packet was never finalized as DEC was able to make other arrangements for space.

motion

M/M by Trantham, 2nd by Jones to extend Ms. Gross contract as Interim City Manager from April 14 through May 4, 1993, terms and conditions remain the same as under the previous contract. Voice vote. Motion carried unanimously.

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In response to a question regarding the contract for dredging the Small Boat Harbor, Ms. Gross explained that the contractor would not be paid for dredging more than the stated amount in the bid and the contract.

In response to questions regarding the status of the sewer lagoon, Ms. Gross stated that the present focus of the job is to get the dike between the old cell and the new cell reinforced. Presently this project is about one-third completed. Regarding the status of the loan on the sewer lagoon, Ms. Gross stated that the City is waiting for Farmers Home Administration to provide the bank with the assurances that Farmers Home will loan the City the \$1,000,000.

**REPORTS OF STANDING
COMMITTEES**

Councilman Jones reported that the next meeting of the Finance Committee was scheduled for May 20.

Councilman Wintersteen reported that the Port Commission met on Monday, April 19, 1993, and addressed the following items: 1) Murph O'Brien, Department of Transportation and Public Facilities, spoke to the Commission on the pros and cons of the City of Bethel assuming ownership of the Port; 2) a justification for the Port of Bethel to become a Department; 3) acceptance of the Captain Atkins/dredge bid; 4) tariff package revised; will be sent to the attorney for review and back to Council for final approval.

Mayor Feaster announced that the Solid Waste Committee was scheduled to meet April 30 to discuss plans for Clean Up-Green Up.

Councilman Vanasse gave a brief report on the joint meeting held April 21 between the Public Safety Committee and the Transportation Commission, and on the Public Safety meeting which followed the joint meeting. Minutes of both meetings were provided the Council.

Councilman Trantham reported on the regular meeting of the Transportation Commission held April 21. Mr. Trantham stated the Commission

has received few comments from the public regarding the proposed changes in taxi cab rates. The Commission will again place this item on the agenda for May 19, in an attempt to hear additional testimony from the public. In addition, the Commission is encouraging people from the City and from the villages to report instances where cabs overcharge customers, or are abusive to customers. The Commission has also been advised that some cab companies are using scanners to listen for calls placed to other cab companies as a means of picking up other companies' customers.

Mr. Trantham announced that the next meeting of the Youth Services Committee was scheduled for May 3, 6:30 PM, Youth Center.

PEOPLE TO BE HEARD

On behalf of the Bethel Softball Association, Bruce Nerby requested the Council authorize use of land adjacent to the current softball field as a second ball diamond. However, it was pointed out that the land the Association was interested in belongs to Bethel Native Corporation, not the City of Bethel.

Frank Moody, Moody's Sea Lighterage, explained that his company was the highest bidder on the Captain Atkins/Dredge. He stated that he was eager to complete the procurement process, and requested that he be contacted should Council hold a special meeting to dispose of the property. Mayor Feaster advised Mr. Moody that the City Clerk would notify him if a change in the schedule for disposal occurred.

OLD BUSINESS

**Item A: Ord.
#93-02-B: Budget**

**PUBLIC HEARING--ORDINANCE #93-02-B: BUDGET
AMENDMENT**

Mayor Feaster introduced Ordinance #93-02-B, an amendment to the budget which approves transfer of funds from the Utility Fund to pay for the cost of the pre-design for water/sewer expansion of City Subdivision. Mayor Feaster opened the public hearing. There being no comments from the public, the hearing was closed.

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motion M/M by Trantham, 2nd by Jones to approve Ordinance #93-02-B, budget amendment effective April 27, 1993. Poll vote. Motion carried unanimously.

**Item B: Ord.
#93-07, Title 10** **PUBLIC HEARING: ORDINANCE #93-07--AN ORDINANCE ESTABLISHING A NEW TITLE 10, CHAPTERS 10.02, 10.04, 10.06, 10.07 ENTITLED VEHICLES AND TRAFFIC**

Mayor Feaster introduced Ordinance #93-07 by explaining that Title 10 of the Bethel Municipal Code required revision. The ordinance before the Council had been researched and prepared by the City Attorney, Brooks Chandler. Mayor Feaster opened the public hearing. There being no comments from the public, the hearing was closed.

motion M/M by Jones, 2nd by Wintersteen to approve Ordinance #93-07, establishing a new Title 10, Chapters 10.02, 10.04, 10.06, 10.07, Vehicles and Traffic, as presented with an effective date of April 27, 1993. Poll vote. Motion carried unanimously.

Council broke at 8:20 PM for a short recess. At 8:35 PM, Mayor Feaster called the meeting back to order.

NEW BUSINESS

**Item G: Invest-
ment Policy**

ACCEPTANCE OF INVESTMENT POLICY

Finance Director Larry Elam provided an explanation of the of the proposed Investment Policy submitted for Council approval, and the reason the policy had been developed. (A copy of the policy is attached as part of these official minutes). Mr. Elam stated that the policy had been reviewed by the Finance Committee, a banker, the investment arm of a bank trust department, an investment broker, and the City Manager. In response to a question regarding her recommendation, City Manager Gross stated that it was important for a municipality to have such a policy in place, and recommended Council approval of the proposed policy.

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motion M/M by Vanasse, 2nd by Metcalfe, to approve the Investment Policy as the accepted guidelines for investments of City of Bethel funds. Voice vote. Motion carried unanimously.

Item B: Ord.
#93-12

INTRODUCTION OF ORDINANCE #93-12: DISPOSAL/LEASE OF CITY PROPERTY--OFFICE SPACE LOCATED IN THE CHIEF EDDIE HOFFMAN SENIOR CENTER DESIGNATED SPACE A

motion M/M by Vanasse, 2nd by Trantham to introduce Ordinance #93-12 for public hearing to be held May 11, 1993. Poll vote. Motion carried. 5-yes; 1-abstention (Mr. Jones abstained due to conflict of interest).

Item C: Ord.
#93-13

INTRODUCTION OF ORDINANCE #93-13: DISPOSAL/LEASE OF CITY PROPERTY--OFFICE SPACE LOCATED IN THE CHIEF EDDIE HOFFMAN SENIOR CENTER DESIGNATED SPACE B

motion M/M by Vanasse, 2nd by Wintersteen to introduce Ordinance #93-13 for public hearing to be held May 11, 1993. Poll vote. Motion carried. 5-yes; 1-abstention (Mr. Jones abstained due to conflict of interest).

Item E: Gasoline
Contract

AWARD OF GASOLINE CONTRACT

City Manager Gross advised Council that the one bid received for the gasoline contract did not provide for exemption from state and federal gasoline taxes. The City researched the possibility of purchasing a tank and buying the fuel tax exempt. Ms. Gross, however, stated that she did not support the idea of the City owning a fuel tank and pumping its own fuel, at the present time, because of the liability involved. Ms. Gross recommended that the City continue with the limited purchase order system for purchases of gasoline.

motion M/M by Trantham, 2nd by Jones that Administration be directed to purchase gasoline using limited purchase orders. Voice vote. Motion carried unanimously.

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Councilmen Trantham and Vanasse asked that Council be kept posted of alternate ways of purchasing gasoline in order to keep from paying the taxes.

motion M/M by Trantham, 2nd by Metcalfe to go into Executive Session for the purpose of discussing legal strategy on: 1) Evon vs. City of Bethel; 2) Martin vs. City of Bethel; 3) Grant claim; 4) Miller vs. City of Bethel; 5) Pacifica status. Voice vote. Motion carried unanimously.

motion M/M by Wintersteen, 2nd by Metcalfe to come out of Executive Session. Voice vote. Motion carried unanimously.

motion M/M by Wintersteen, 2nd by Metcalfe to follow the attorney's advice in the case of Evon vs. the City of Bethel. Voice vote. Motion carried. 5-yes; 1-no (Jones).

motion M/M by Vanasse, 2nd by Wintersteen to follow the attorney's recommendation in the case of Martin vs. City of Bethel. Voice vote. Motion carried. 5-yes; 1-abstention (Mr. Metcalfe abstained due to a possible conflict of interest).

motion M/M by Wintersteen, 2nd by Trantham to follow the attorney's advice regarding the Michael Grant claim. Voice vote. Motion carried unanimously.

motion M/M by Metcalfe, 2nd by Trantham to follow the attorney's advice as outlined in his letter of March 31, 1993, in the case of Miller vs. City of Bethel. Voice vote. Motion carried. 5-yes; 1-no (Jones).

motion M/M by Vanasse, 2nd by Jones to direct the City Manager to send a letter to Pacifica Institute through the City Attorney notifying Pacifica that the lease ordinances for the Bojangles and the Bus Barn will be put on the agenda for May 11, 1993. Voice vote. Motion carried unanimously.

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COUNCIL MEMBER
COMMENTS

On behalf of the City Council and the City of Bethel, Councilman Vanasse acknowledged sincere appreciation to Ms. Gross for her service to the City during her tenure as Interim City Manager.

Councilman Tranthman asked that at the budget work sessions council members be prepared to discuss ideas on how to enhance revenues. Mayor Feaster advised Council that the first budget work session would deal more with the process involved in developing the FY 94 budget than examining and discussing budget line items.

motion

M/M by Jones, 2nd by Metcalfe to adjourn the meeting at 10:25 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 11th DAY OF May, 1993.

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

ATTEST:

Jane Elam
Jane Elam, City Clerk