

CALL TO ORDER

Mayor Vanasse called the meeting to order at 7:34 PM.

ROLL CALL

Present: Feaster, Richardson, Trantham, Vanasse and Wallace.

Absent: Dale (excused); Edge (excused).

APPROVAL OF MINUTES

M/M by Richardson, 2nd by Wallace to approve the minutes of 12/11/90 Council meeting as presented. Voice vote, motion carried.

APPROVAL OF AGENDA

M/M by Richardson, 2nd by Wallace to approve the agenda with the following additions: under New Business, add Item C: Personnel Matter - Earnest & Taylor; Item D: Confidential Letter.

Councilman Trantham asked if the personnel matter included anyone else besides the 2 employees mentioned; Mayor Vanasse indicated it concerned all of Council. Councilman Trantham indicated that since it was concerning him, that he would like to have it in open session. Mayor Vanasse indicated that since it was a personnel matter, that it was up to the two individual employees, which they both had requested executive session. Councilman Trantham at this time voiced his objection, since he was notified on the phone by the Mayor an hour before the meeting and that he was requested to bring back up documents; at this time, he also referred Council to Bethel Municipal Code 2.04.160 regarding executive session, and AS 44.62.312 regarding state policy regarding meetings and asked the Mayor to read out loud, which the Mayor did at this time. Mayor Vanasse reiterated that this was a personnel matter, and that it was up to the two employees whether they want to discuss this in executive session or not. City Manager Earnest at this time explained that there were some matters that needed clarification and would be more productive if it were done in executive session.

Madam Richardson disagreed with Councilman Trantham and indicated that since this was a personnel matter that it was up to the individual personnel whether they want to go into executive session or not.

Poll vote

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

Councilman Trantham indicated that he was a personnel too and citizen of this community, and that if his name was to be mentioned in executive session, that he would like it discussed in open session, since he was guaranteed that right per the Bethel Municipal Code and Alaska Statutes. Further discussed that he did not want to be referred to in any way in executive session.

Councilman Feaster suggested that part be done in open and part to hold in executive session; Mayor Vanasse indicated that this was a personnel matter which they had requested an executive session.

MAYOR'S REPORT

Mayor Vanasse indicated that he had no Mayor's report tonight, but that he would like to turn the floor over to City Attorney Brooks Chandler regarding reports on legal matters.

City Attorney Chandler indicated that most of the discussion on legal matters needed to be done in executive session, but the following cases were done while he was here: Nelson and Lela Brown case; Bethel Utilities Corporation lawsuit; dismissal case of Mr. Selimi's racial lawsuit; hearing to be held by Human Rights Commission on Charles Peters case for age discrimination, but no date set; and concluded by reporting that he participated in a trial against Charles Lonewolf for utilities collection. Also briefly reported on the BLM hearing officer's decision regarding individual homeowners in subdivision which favored them instead of Oscar Anvil; but that this was not over yet.

motion

M/M by Feaster, 2nd by Wallace to add under Executive session, Item E: Legal Matters. Voice vote, motion carried unanimously.

Councilman Trantham asked what Council should do with Planning Commission's request regarding the absence of Council representative on the Commission. Mayor Vanasse asked Councilmembers present if any of them wanted to sit in on two Committees; hearing no interest, following motion was made.

motion

M/M by Trantham, 2nd by Feaster to introduce Amendment #1 to Ordinance #188 for public hearing on January 22, 1991. Voice vote, motion carried unanimously.

Councilman Trantham further discussed the executive session matter with Council and asked the Mayor to further explain what can be discussed in executive session. Mayor Vanasse read out loud the sections referred to by Councilman Trantham, and basically indicating that items to be discussed in executive session must be identified before going into executive session. City Attorney Chandler further explained the sections read by the Mayor in detail. Also indicated it was courtesy and not a requirement to have Attorney present for a Councilmember. But also suggested that in this particular case, that maybe Council take Councilman Feaster's suggestion earlier. Councilman Trantham further indicated that he would still like to have an Attorney present if he was going to be discussed, and that he had that right. Mayor Vanasse explained to Council that he did have the right if he requested it, and that it can be added on to the next agenda at his request.

Councilman Trantham concluded by asking about the Lottery Alaska Games of Skill & Chance application. After discussion, Council concurred in sending the application back to the sender.

MANAGER'S REPORT

City Manager Earnest reviewed his written Manager's Report with Council on the following subject items:

- attached are copies of consulting engineers' scope of work, a trip report from the Alaska Energy Authority, a letter to the AEA requesting information from the consulting engineers related to the Bethel Utilities Corporation acquisition study;
- representatives from the Alaska Department of Transportation and Public Facilities scheduled to visit Bethel on January 25 to receive input from the Community in preparing a transportation system plan; plan to develop strategies for focusing future expenditures of limited state resources on priority transportation needs;
- attached is copy of laundromat operating plan for the current fiscal year and beyond, which calls for adjusting customer service rates and revising certain operations and goal to break even by the end of FY'91 and to continue adjusting operations so that within 5 years the enterprise operation is self supporting;
- attached is copy of letter sent to organizations in Bethel for establishing "Friends of Yugtarvik Museum" association; intended to enhance and promote the Museum mission;
- Coffman Engineers received both sets of recommended revisions from the City and ADEC-VSW and revised drawings and specifications expected to be done by January 11;
- only 1 staff attorney been contacted of the 3 finalists, which 1 applicant had accepted a position with the State and other applicant not been returning calls;
- attached is FY'91 calendar events; indicated that it was important to remember that this was a working document, subject to refinement, revision and improvement and input requested from Council on this.

Councilman Trantham asked the following: Chamber of Commerce contacted him regarding local vendor purchases, if they could somehow be included to turn in bids to the City; asked City Manager if he felt the Travel Policies & Procedures were outdated - further indicated that the per diem rates were low and not enough for employees who are on travel - after brief discussion on the subject, Councilman Trantham requested that this be on the next agenda; further asked what the status of the 4 acres of land was - City Manager Earnest indicated that he was getting together with Mr. Bivin tomorrow; concluded by thanking City Manager with the budget training session, with Ray Stock as the Instructor. City Manager Earnest indicated he was not aware of the training. Councilman Trantham thanked Ray Stock for training him on the budget process.

Madam Richardson requested City Manager Earnest to consider format of projects list and to follow thru with PATC's format of goals and objectives.

MANAGER'S REPORT
continued

Mayor Vanasse indicated that with the status of the Staff Attorney finalists, asked what Council wanted to do. After discussion, it was suggested try and contact the individual applicant once more and if no reply to send a letter for non-respondent and re-advertise the position possibly in municipal attorney job ads.

Councilman Wallace asked if the street lights were fixed - City Manager Earnest indicated yes they were fixed.

COUNCIL MEMBER COMMENT

Madam Richardson regarding the 2 letters of interest received for the Public Safety Committee, asked if those appointments could be made. After discussion it was asked if there would be a conflict of interest since one of the applicants was a former Police Officer, while the other was a current non-paid reserve officer. Mayor Vanasse indicated that he would like to hold off on making any appointments on the two particular applicants until he checks in on the situation.

Councilman Wallace indicated that the only comments he had were made earlier regarding the street lights status.

Further
Explanation: The
Think Tank Force to
watch City operation:
ie, watch & search
City operations, look
for positive solutions
& rumor control and
report to City Admin.
& Council.

Councilman Trantham indicated that he received over 200 calls and some are as follows: thank department heads for their reports; send letter to Mr. Fritz McCarr to commend him as he far exceeded his duties in the recent utility truck overturn accident; and a Community Think Tank Task Force been established where they watch City of Bethel operations, watch, and search for positive solutions for City; also received call from the Ad Hoc leader that the Committee went through alot and half the members had quit; also suggested deleting the 5 year requirement on the job description of the Streets & Roads Foreman; and several calls regarding concern of due process of City employee at recent grievance hearing.

motion

M/M by Trantham, 2nd by Wallace that this employee be afforded new grievance hearing with 3 to 5 days of notice, so he can have adequate time to obtain his attorney for the grievance hearing. Poll vote, motion failed. 1-yes; 4-no (Feaster, Richardson, Vanasse & Wallace).

At this time, Administrative/Personnel Officer Taylor explained the procedure as to the recent grievance hearing. Mayor Vanasse felt that the outcome of the grievance hearing could not be overturned by Council.

Councilman Trantham concluded by indicating that he received a call from Northvend owner indicating that he was upset & very disappointed in how the procedure of the Laundromat RFP's were handled; indicated that he

COUNCILMEMBER COMMENT
continued

had not been contacted that his bid was rejected.

Mayor Vanasse extended his apologies to Northvend on behalf of the review Committee, and that they should have followed through with the process.

City Manager Earnest also apologized to Northvend on behalf of the City and that this would be avoided in the future, and that all bids that have been rejected are usually sent notices.

COUNCIL BREAK 9:36 PM TO 9:46 PM.

REPORTS OF STANDING
COMMITTEES

Councilman Feaster reported for Finance Committee which was held on 12/27/90 and meeting changed from 4th to 3rd Thursday of each month and that there were 3 vacancies.

Councilman Trantham reported that there was no Public Works Committee meeting in December and next meeting scheduled for January 15th, 7:30 PM at the Public Works Conference Room.

Councilman Wallace indicated that there was no PATC Advisory Board meeting in December, and had not been notified of the next meeting.

Mayor Vanasse reported that the Parks & Recreation Committee met last night and subject of the Community Swimming pool was discussed, here are some of the subjects discussed: draft memo to Carlton Kuhns; Grant Fairbanks to provide information on solar heating; VFW with the Civic Center; Geoff Kennedy to do a 50 person informal pool; possibly form a 5019(c) non-profit status, and funding source through the City like the Library agreement situation is; possible alcohol tax-percentage towards the Swimming pool. Next meeting scheduled for January 28 7PM at the Log Cabin if available. City Clerk McGowan to check on the availability of the Log Cabin.

PEOPLE TO BE HEARD

Irvin Kreider was recognized at this time, and he reiterated the comment by Councilman Trantham regarding the local vendors. He indicated that there had been occasions where good bids could have been turned into the City; that it would be better for the local economy if local vendors would be included in bidding processes.

Former Mayor Tom Warner indicated that 3 months ago attempts were made for overdue sales taxes, asked what efforts were being done - City Attorney Chandler indicated that some to be discussed in executive session tonight. Concluded by indicating that he was struck by discussion to overturn the decision of the grievance committee - he indicated that the Council did not have the power to overturn any decision made by the grievance committee.

PEOPLE TO BE HEARD
continued

Mark Earnest at this time, on behalf of Donna Chris who had left the meeting earlier, conveyed concern regarding maintenance of the seawall pipepile bulk head, request funding for maintenance behind the pipe pile.

OLD BUSINESS:
Item A: Public
Hearing Amend 4
to Ord 195-FY'91
Budget

PUBLIC HEARING AMENDMENT 4 TO ORDINANCE 195-FY'91
BUDGET

Mayor Vanasse opened the floor for public hearing at this time; hearing none, Mayor Vanasse closed the public hearing.

Councilman Wallace indicated that in the past, Council had voted to close the Museum, same for the Bowling Alley. At this time, City Manager Earnest explained the RFP process.

motion

M/M by Wallace, 2nd by Trantham to close the Museum. Poll vote, motion failed. 3-yes; 2-no (Feaster & Vanasse).

At this time, Council discussed the result if the Musuem were to close down.

motion

M/M by Richardson, 2nd by Feaster to adopt Amendment #4 to Ordinance #195 as presented.

amended motion

M/M by Trantham, 2nd by Wallace to amend above motion to delete all of Item C; delete 3rd line under Item E.

Poll votes

Poll vote on amended motion, motion failed. 2-yes; 3-no (Feaster, Richardson & Vanasse).

Poll vote on main motion, motion failed. 3-yes; 2-no (Trantham & Wallace).

motion

M/M by Trantham, 2nd by Wallace to approve amendment #4 to Ordinance #195, Sections A & B, delete Section C, approve Section E, delete line 3 of Item E, and approve Item F.

COUNCIL BREAK 11:05 PM to 11:10 PM.

amended motion

M/M by Wallace, 2nd by Feaster that City leave \$5,000.00 in Museum Fund and artifacts be stored and all changes presented.

Poll vote

Poll vote on amended motion, motion carried unani-
mously.

Poll vote

Poll vote on main motion, motion carried unanimously

NEW BUSINESS:
Item A: Games of
Skill & Chance-BCS&
AVCP, Inc.

GAMES OF SKILL & CHANCE-BETHEL COMMUNITY SVCS AND
AVCP, INC.

M/M by Wallace, 2nd by Trantham to approve AVCP and Bethel Community Services games of Skill & Chance applications. Voice vote, motion carried unanimously

Item B: Exec. Session EXECUTIVE SESSION-CITY MANAGER'S 18 MONTH WRITTEN
City Mgr's 18 month EVALUATION
written eval.

M/M by Trantham, 2nd by Wallace that evaluation be delayed until all members are present at the 1/22/91 Council meeting.

Madam Richardson asked if Council was going to continue delaying this. Councilmembers indicated they would turn in their written evaluation form at the next meeting, whether they show up or not.

Voice vote, motion carried.

Item C: Exec. Session EXECUTIVE SESSION - PERSONNEL MATTER-TAYLOR/EARNEST
Personnel Matter

Councilman Trantham reminded Council that he does not want his name mentioned, or referred to in any way at the meeting.

motion

M/M by Feaster, 2nd by Wallace to go into executive session to discuss personnel matters, confidential letter and legal matters at 11:27 PM. Voice vote, motion passed unanimously.

Council came out of executive session at 1:20 AM.

motion

M/M by Richardson, 2nd by Wallace that City Clerk's hours be reduced and be available from 12:00 PM to 5:00 PM, effective February 1, 1991. Voice vote, motion carried unanimously.

motion

M/M by Richardson, 2nd by Wallace to reject settlement offer for Charles Peters. Voice vote, motion carried.

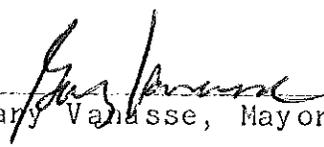
motion

M/M by Trantham, 2nd by Wallace to accept Hoffman Fuel Sales Tax settlement offer of \$34,725.80. Voice vote, motion carried unanimously.

ADJOURNMENT

M/M by Feaster, 2nd by Richardson to adjourn the meeting of 1/08/91 at 1:23 AM. Voice vote, motion carried unanimously.

PASSED AND APPROVED THIS 12 DAY OF February, 1991.


Gary Vanasse, Mayor

ATTEST:



Anna McGowan, City Clerk
1a087