

CITY COUNCIL
Kent Harding
Buford McComas
Tad Miller
Agnes Phillips
Ruth Richardson, Mayor
Stanley Rodgers
Wally Wallace



CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Tanner

City of Bethel
Regular Council Meeting Minutes
July 23, 1996

I. CALL TO ORDER

The meeting was convened at 6:35 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Harding, McComas, Miller, Phillips, Richardson, Rodgers, Wallace
Absent: none

III. PEOPLE TO BE HEARD

Thor Williams requested the City to set up an Americans with Disabilities Act (ADA) Council. He is the Chairman of the Governor's Council on ADA implementation. Bethel, and much of rural Alaska, is not in compliance.

IV. APPROVAL OF MINUTES

motion M/M by Phillips, 2nd by McComas to approve the minutes of the July 9, 1996, regular meeting as presented.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by Miller, 2nd by Harding to approve the agenda as presented.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Richardson requested Council members to give their completed Public Safety surveys to L.J. Tanner by Friday, July 26.

Next, Mayor Richardson reviewed a letter from an aunt of the late Larry McKinney. The letter expressed appreciation to the community.

Another letter in the Mayor's report advised of Tim Towarak's promotion to Rural Liaison in the Governor's office.

Lastly, Mayor Richardson reported on the Rural Provider's Conference, which she helped to organize and conduct. The conference went well and the Mayor thanked everyone involved.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written report, and discussed the following:

- Police Chief Recruitment: A schedule of interviews and receptions for the final three candidates was included in the packet.
- Removal of Thermopiles: The City is negotiating with the Corps and Red Samm for removal of the old thermopiles. They will all be tested prior to removal. Those that are still viable will be left in place.
- Prospectus for Comprehensive Plan RFP: Mr. Weaver would like input from the Council for the prospectus. He would like to issue the RFP as soon as possible, and link the project to the Water & Sewer Master Plan and the State's DOT/PF STIP.
- Repair of Water Tank at City Office: A memo in the packet, to Harry Parsi, instructed him to repair the leaning tank next to the City office. Although the tank will probably be moved during the Braund Building renovation, it is in such bad condition that it must be repaired immediately.
- Leisure Services Planning Committee: Mr. Weaver discussed the formation of an internal Leisure Services Planning Committee. It will work with the proposed Community Services Commission to develop a plan for community, recreational, and leisure services.
- OSHA Compliance at Public Works Shop: A bid opening took place on July 22 for the required renovations to the shop. Only \$200,000 was budgeted this year, the lowest bid was \$590,000. A budget modification will need to be passed in order to award the bid and begin work.

Council questions for Mr. Weaver were:

- (Miller) - When will an announcement be made on the Police Chief selection? Answer: Interviews are scheduled this week, a final decision depends on the outcome of those interviews and the recommendation of the Citizen Review Committee.
- (Miller) - What is the status of dust control? Answer: There has been a lot of rain recently, so it is hard to tell. Mr. Weaver said he would check on the status of purchasing the EMC2 product.
- (Miller) - What is the status of the YKHC subdivision roads? Answer: The last planning commission meeting was not held, due to lack of quorum. It has been rescheduled for July 25. Final plat approval for the subdivision is on the agenda. The cease and desist order from the Corps is still in place.
- (Richardson) - What is the status of the formation of a Community Services Commission? Answer: A recommended ordinance is forthcoming, after review by the Planning Commission and internal Leisure Services Planning Committee.

Mayor Richardson added that Senator Ted Stevens will be in Bethel on August 5th. A meeting with Mr. Weaver and tour of the seawall are included on his agenda. Senator Frank Murkowski's staff will be in Bethel on August 15th.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Transportation: Thor Williams reported. There are 75 cabs in Bethel, and twice that number of chauffeurs. All 75 have been inspected, although several did not make the July 1 deadline for inspection. The Commission is working on an Ordinance change with regards to transfer of permits. They may implement a fee for transfers. Also in the works is an update to the River Taxi ordinance. Their July meeting was canceled due to no quorum. The next meeting is scheduled for August 1. A discussion ensued on the enforcement of taxi cab ordinances, such as the inspection deadline and monthly fees deadline.

Planning: The next Planning Commission meeting is on Thursday, July 25.

Public Works Committee: Council Member Miller said the Committee is close to a decision on the hours of operation at the landfill.

Finance: The last scheduled Finance Committee did not have a quorum. The meeting was rescheduled for July 25.

Port: Council Member Rodgers read a memo from the Port Director regarding the north ramp at the small boat harbor. Additional rock has been added to help prevent damage to trailers during low tide.

Public Safety: No meeting was held in July. The next meeting is August 5.

Youth Services: Kate Hamilton gave a brief report to the Council. They have three recommendations for the Council. The first is to fix the ballfield at the M.E. school. The second recommendation is to upgrade the Committee to a Commission and expand the scope to include parks and recreation. Third, they would like the fence skirt at the Youth Center repaired.

motion M/M by Miller, 2nd by Wallace to authorize repairs to the M.E. ballfield.

vote Voice vote. Motion carried unanimously.

Mayor Richardson made three committee appointments:

Helena Andrew	Public Safety Commission
Duane Wible	Port Commission
Heath Cox	Finance Committee

motion M/M by Miller, 2nd by Wallace to ratify the Mayor's appointments.

vote Voice vote. Motion carried unanimously.

IX. OLD BUSINESS

Item A: Public Hearing, Ordinance #96-30, Requiring Camlocks on Sewage Holding Tanks.

Mayor Richardson opened the public hearing. Mike O'Brien requested if the Ordinance is passed, that the City make sure the new regulation is well publicized. In response to a question posed by Council Member Wallace at the July 9 Council meeting, Mr. O'Brien stated that this ordinance was not passed previously. (Verified by the City Clerk.)

Council Member Rodgers stated that Tim Oosterman had brought up some concerns about using camlocks. One is that when the contents of the tank are frozen, the vacuum of the camlock may not be enough to break the ice. Wally Wallace questioned exactly what type of camlock (male or female, size) is required to be installed. Mike O'Brien responded that a 3" female camlock is required. Ken Weaver suggested that this become a part of the ordinance language.

motion M/M by Harding, 2nd by Miller to table the Ordinance until Tim Oosterman is available to explain his concerns to the Council.

vote Voice vote. Motion carried unanimously.

Item B: Public Hearing, Ordinance #96-31, Use Tax on Alcohol

Mayor Richardson opened the public hearing. Mike O'Brien stated that he believed this Ordinance must be approved by the voters at the next election. Mayor Richardson agreed with Mr. O'Brien. There being no further people to speak, Mayor Richardson closed the public hearing.

The City Clerk noted that a memo had been received from the City Attorney with an amendment to the Ordinance, stating that the use tax will go on the ballot at the next election. If approved by the voters, the tax would go into effect January 1, 1997. Council reviewed the memo and discussed the amendment.

motion M/M by Miller, 2nd by Harding to amend Ordinance #96-30 as suggested by City Attorney Lee Sharp.

vote Roll call vote. Motion carried unanimously.

motion M/M by McComas, 2nd by Rodgers to adopt Ordinance #96-30 as amended.

vote Roll call vote. Motion carried unanimously.

Item C: Resolution #96-27, Cemetery Site and Plan

Mayor Richardson read the Resolution.

motion M/M by Phillips, 2nd by Harding to adopt Resolution #96-27.

vote Voice vote. Motion carried, 6-Yes, 1-No (Wallace)

X. NEW BUSINESS

Item A: Hoppenworth Termination Issues

Council Member Miller stated that in his evaluation, he believes Mr. Hoppenworth is due a hearing regarding his termination. He understands that Mr. Hoppenworth was a probationary employee, but he also understands the responsibilities the City Manager has for progressive discipline and compliance. Mr. Miller stated that he appreciates Mr. Weaver's understanding that he must act in a way that his conscience calls him to act.

motion M/M by Miller, 2nd by Harding to grant Mr. Hoppenworth a grievance hearing, to consider both perspectives on the matter, so that the issue can be put to rest with a little bit more grace, however it is resolved.

Council Member McComas questioned if the Council giving a hearing is against the ordinance. Mayor Richardson responded that there is nothing in the ordinance that authorizes the Council to grant a grievance hearing. Mayor Richardson stated she would vote against the motion because she does not believe in micro-managing the City Manager.

Mr. Hoppenworth read a prepared statement, and requested the Council to ask Mr. Weaver to re-instate him until just cause in his firing can be demonstrated.

vote Roll call vote. Motion carried, 4-Yes, 3-No (Richardson, Rodgers, Wallace)

Mayor Richardson directed the City Clerk to set up the hearing with the assistance of the City Attorney. City Manager Weaver requested that the hearing be scheduled so that his personal attorney can be present.

Item B: Discussion - Garbage around the dumpsters.

Council Member Miller, who placed the item on the agenda, explained the problem as he sees it. When the garbage truck lifts the dumpster to be emptied, garbage falls out around the sides onto the ground. Sometimes the wind has blown garbage out of the dumpster, or people have left garbage lying by the dumpster. His solution would be to have Tundra Center workers ride along with the garbage collector and pick up garbage around the dumpsters. The Council referred the matter to the Public Works Committee.

Item C: Discussion - Nuisance Ordinance.

Council Member Miller, who placed the item on the agenda, explained the problem as he sees it. People allow "junk" to collect in their yards, including old vehicles and snow machines. The City currently has no ordinance regarding this, with the exception of the ordinance regarding abandoned vehicles. Council Member Wallace mentioned an informal agreement the City has with the cab companies to identify abandoned vehicles. Mayor Richardson responded that the problem isn't just vehicles, but basic junk that is laying in people's yards. The Council referred the matter to the Public Works Committee.

Item D: Resolution #96-28, Sophie Shomler Investigation

Council Member Phillips read the Resolution.

motion M/M by Miller, 2nd by Rodgers to amend Resolution #96-28 by extending thanks to all police officers and private citizens who helped in the investigation.

vote Voice vote. Motion carried, unanimous.

motion M/M by Wallace, 2nd by Rodgers to adopt Resolution #96-28.

vote Voice vote. Motion carried, unanimous.

Item E: Purchase of Bethel Utilities Corporation

Council member McComas, who requested the agenda item, explained his interest in the City purchasing Bethel Utilities. If the Council voted to purchase BUC, the issue would have to go on the ballot for approval by the voters. Mayor Richardson discussed an article published in AVEC's magazine that shed some light on why their purchase of BUC was not approved by the APUC. The Council directed the City Manager to investigate a potential purchase of BUC, in coordination with the Finance and Public Works Committees.

XI. COUNCIL MEMBER COMMENTS

Harding - Thanked the Public Works Department for their recent work putting in culverts.

McComas - Stated that he sees no harm in listening to Mr. Hoppenworth.

Phillips - Thanked the Council for adopting the Shomler resolution. Stated appreciation for Mayor Richardson's work at the RPC, which was a great success.

Richardson - no comment.

Rodgers - Stated that with fall coming, people should make sure the lights on their boat trailers are working. Would like to see further crackdowns on bootleggers.

Wallace - no comment.

XIII. EXECUTIVE SESSION

motion M/M by Miller, 2nd by Rodgers to adjourn the regular meeting, and enter executive session for the purpose of discussing legal strategy in the Seal vs. City of Bethel cases, at 8:15 p.m.

vote Voice vote. Motion carried, unanimous.

motion M/M by McComas, 2nd by Wallace to come out of executive session at 8:26 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Wallace, 2nd by Rodgers to follow the attorney's recommendations.

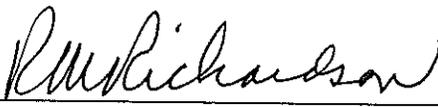
vote Voice vote. Motion carried, unanimously.

XIII. ADJOURNMENT

motion M/M by Rodgers, 2nd by Harding to adjourn the meeting at 8:27 p.m.

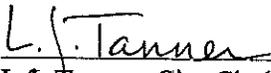
vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 1996.



Ruth M. Richardson, Mayor

ATTEST:



L.J. Tanner, City Clerk