

---

# City of Bethel, Alaska

## City Council Minutes

---

March 8, 2005

Regular Meeting

Bethel, Alaska

---

### CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on February 22, 2005, at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Dymment called the meeting to order at 6:30 p.m.

### ROLL CALL

Comprising a quorum of the Council, the following were present:

Andy McGowan	Dave Trantham
R. Thor Williams	Hugh Dymment
Stanley "Tundy" Rodgers ( <i>excused at 10 p.m.</i> )	Yolanda Jorgensen
Dan Leinberger	

Also in attendance were the following:

Robert Herron, City Manager  
Sandra Modigh, City Clerk

### PEOPLE TO BE HEARD

1. Chief Antone Anvil (City Manager introduced Mr. Anvil who was unable to attend in person; a cassette tape was sent on his behalf to be heard)
  - Mr. Anvil spoke on behalf of the bike trail project from the high school to the airport.
  - Mr. Anvil requested the City Council to move forward ASAP and not delay any further.

Council Member Trantham recommended the Mayor or City Manager contact our delegation in Juneau and DOT and report back to Mr. Anvil.

Mayor Dymment directed the City Manager to contact the delegation in Juneau as well as John MacKinnon to confirm the fund status for both the trail and the highway.

Mr. Herron also, upon Council concurrence, requested to provide copies of the Chief Anvil's comments to Senator Hoffman, Representative Kapsner, and the DOT Commissioner.

2. Gene Peltola
  - Stated YKHC was not prepared at this time to address the Council in regards to Item-E (YKHC Update Presentation on the Kasayuli Master Water & Sewer Plan), New Business.
  
3. Willie Keppel
  - Spoke on behalf of Item-D (New Business) Bethel 2025. Mr. Keppel stated he would like to see youth development for future employment.
  - Mr. Keppel stated he would like to see a better working relationship with the business community.
  
4. Star Jensen
  - Thanked the City Manager for working hard for the City of Bethel during his tenure.

**APPROVAL OF MINUTES**

<b>MOVED BY:</b>	Rodgers	To adopt 1.6.05 meeting minutes.
<b>SECONDED BY:</b>	Trantham	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

<b>MOVED BY:</b>	Leinberger	To adopt 1.11.05 meeting minutes as amended.
<b>SECONDED BY:</b>	Rodgers	

Council Member Williams requested to amend pg 5, second motion, vote on motion should be corrected to read: Motion failed by a roll call vote 3-4 (no-Leinberger, McGowan, Jorgensen, and Dymment)

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
-----------------------	---

<b>MOVED BY:</b>	Williams	To adopt 2.7.05 meeting minutes as amended.
<b>SECONDED BY:</b>	Rodgers	

Council Member Williams requested to amend pg. 16 of the Council packet, "Code Fire Plant" should read "Coal Fire Plant"; pg. 17 of the packet, "Mr. Nicholai" should be corrected to read "Mr. Nicolai".

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote.
-----------------------	--

<b>MOVED BY:</b>	Trantham	To adopt 2.8.05 meeting minutes as amended.
<b>SECONDED BY:</b>	Rodgers	

Council Member Williams requested to amend pg.25, second motion, the word "for" should be changed to "under"; on pg. 28 of the Council Member packet, the name "Sargent Konig" should be changed to "Sarge Connick"; "Attorney General Ryan Chris" changed to "Attorney General Renkes".

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote.
-----------------------	--

<b>MOVED BY:</b>	Williams	To adopt 2.11.05 meeting minutes.
<b>SECONDED BY:</b>	McGowan	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote.
-----------------------	--

<b>MOVED BY:</b>	Leinberger	To request all Council Members address in writing any grammatical, typographical, or spelling errors to the City Clerk prior to the City Council Meetings. Approval of the minutes on the Agenda follow Approval of the Agenda.
<b>SECONDED BY:</b>	Jorgensen	

<b>VOTE ON MOTION</b>	Motion passed 5-2(no-Williams & Rodgers) by roll call vote.
-----------------------	---

**APPROVAL OF THE CONSENT AGENDA AND REGUALR AGENDA**

<b>MOVED BY:</b>	Leinberger	To suspend the rules of order to address the Unfinished and New Business ahead of the Mayor's Report on the agenda.
<b>SECONDED BY:</b>	Jorgensen	

Council Member discussion regarding the order of business change on the agenda and upcoming meeting agenda's.

<b>VOTE ON MOTION</b>	Motion passed 5-2 (no-Williams & Trantham) by roll call vote.
-----------------------	---

<b>MOVED BY:</b>	Rodgers	To amend the motion to change the order of business at the next Council Meeting (3.8.05) to address the Unfinished and New Business ahead of the Mayor's Report on the Agenda.
<b>SECONDED BY:</b>	Leinberger	

<b>VOTE ON MOTION</b>	Motion passed 5-2 (no-Williams & Rodgers) by voice vote.
-----------------------	--

Council Member Trantham requested to remove Item-C (Response to the ONC Senior Center Transfer Request) from New Business. This item will be discussed at the joint meeting between ONC & COB, March 1, 2005.

<b>MOVED BY:</b>	Williams	To approve the Consent Agenda and Regular Agenda as amended removing Item-C.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion passed by unanimous voice vote.
-----------------------	--

**UNFINISHED BUSINESS**

**Item A- Public Hearing of Ordinance #04-09 (B):** An Ordinance of the Bethel City Council amending the adopted Annual FY 2004-2005 Budget.

<b>MOVED BY:</b>	Leinberger	To adopt Ordinance #04-09 (B) amending budget modifications 05-02: 1051721 (Admin: Insurance); 05-2A: 1061516 (Police: Workers' Compensation); 05-2B: 1066516 (Streets & Roads: Workers' Compensation, 1066721 (Streets & Roads: Insurance); 05-2C: 1067516 (Projects & Safety: Workers' Compensation), 1067721 (Projects 7 Safety: Insurance); 05-2D: 1070721(Property Maintenance: Insurance); 05-02E: 1071516 (P&R: Workers' Compensation), 1071721 (P&R: Insurance); 05-2X: 1053516 (Finance: Workers' Compensation), 1053721 (Finance: Insurance); 05-2Y: 1054516 (Planning: Workers' Compensation), 1054721 (Planning: Insurance); 05-2Z: 1060516 (Fire: Workers' Compensation), 1060721 (Fire: Insurance); 05-2G: 1750516 (BYRNE Grant: Workers' Compensation), 1750545 (BYRNE Grant: Training/Travel); 05-2H: 1850516 (Senior Center-NTS: Workers' Compensation), 1820721 (Senior Center-NTS: Insurance); 05-2J: 0950721 (Senior Center-ADC: Insurance); 05-2BB: 2950516 (DMV: Workers' Compensation), 2950721 (DMV: Insurance); 05-2EE: 5180516 (Utilities-Utility Billing: Workers' Compensation); 05-2K: 5181516 (Utilities-Hauled Water: Workers' Compensation), 5181721 (Utilities-Hauled Water: Insurance); 05-2L: 5182721 (Utilities-Piper Water: Insurance); 05-2M: 5183516 (Utilities-Bethel Heights Water Treatment Facility: Workers' Compensation), 5183721 (Utilities-Bethel Heights Water Treatment Facility: Insurance); 05-2N: 5184516 (Utilities-City Sub Water Treatment Facility: Workers' Compensation), 5184721 (City Sub Water
------------------	------------	--

<b>SECONDED BY:</b>	Jorgensen	Treatment Facility: Insurance); 05-2P: 5185516 (Utilities-Hauled Sewer: Workers' Compensation), 5185721 (Utilities-Hauled Sewer: Insurance); 05-2Q: 5186516 (Utilities-Piped Sewer: Workers' Compensation), 5186721 (Utilities: Piped Sewer: Insurance); 05-2R: 5187516 (Utilities-Sewer Lagoon: Workers' Compensation), 5188721 (Utilities-Sewer Lagoon: insurance); 05-2S: 5188516 (Utilities-Hauled Refuse: Workers' Compensation), 5188721 (Utilities: Hauled Refuse: Insurance); 05-2CC: 5190516 (Utilities-Recycling Operations: Workers' Compensation), 5190721 (Utilities-Recycling Operations: Insurance); 05-2U: 5191516 (Utilities-Recycling Operations: Workers' Compensation); 05-2V: 5250516 (Port: Workers' Compensation); 05-2W: 5355721 (Leased Properties-Court Complex: Insurance).
---------------------	-----------	--

Council & City Manager discussion regarding amendments to the budget modifications.

<b>MOVED BY:</b>	Williams	To amend the motion to add budget modification 05-02: 10-51-545 Training/Travel.
<b>SECONDED BY:</b>	Leinberger	

<b>VOTE ON MOTION</b>	Motion passed by Council consent.
-----------------------	-----------------------------------

<b>MOVED BY:</b>	Williams	To amend the motion to add budget modification 05-02: 10-52-727 Advertisement.
<b>SECONDED BY:</b>	Leinberger	

<b>VOTE ON MOTION</b>	Motion passed by Council consent.
-----------------------	-----------------------------------

Council Member discussion on approval process of Ordinance #04-09 (B).

With Council concurrence, the meeting recessed from 7:49 p.m. until 7:49 p.m.

Council Member Williams recommended Council defeat the main motion to give Council the ability to address the budget modifications section by section.

<b>VOTE ON MOTION</b>	Motion passed 4-3 (no-Williams, Rodgers, and Trantham).
-----------------------	---

**Item B- Continuation of discussion and vote from the 2-11-05 Special Meeting, regarding the Daily Action Report.**

Mayor Dymont and Trantham gave the public and the City Manager a brief description of the intent of the Daily Action Report discussed at the previous City Council Meeting.

<b>MOVED BY:</b>	Trantham	Direct the City Manager to begin keeping a hand written journal (record book) starting Monday, February 14, 2005.
<b>SECONDED BY:</b>	Williams	

City Manager offered his assistance to all Council Members and City Administration after his absence as the City Manager.

<b>VOTE ON MOTION</b>	Motion failed 3-4 (no-Dymont, Jorgensen, McGowan, and Leinberger).
-----------------------	--

**NEW BUSINESS**

**Item A - \*Introduction of Ordinance #05-04: An Ordinance Amending Section 2.25.030 of the Bethel Municipal Code Relating to the Composition of the City's Public Safety & Transportation Committee.**

*Ordinance # 05-04 passed on the Consent Agenda.*

**Item B- Resolution #05-07: A Resolution that the Bethel City Council will consider, during the upcoming FY06 Budget Hearings, the creation of a new management position in place of the Operations Manager position, under the supervision of the Public Works Director, with but not limited to, project coordination responsibilities with the title of the Project Engineer.**

Council and City Manager researched per the BMC, whether a Committee/Commission member has the ability to add an item on meeting agenda's.

<b>MOVED BY:</b>	Leinberger	To adopt Resolution #05-07. A Resolution that the Bethel City Council will consider, during the upcoming FY06 Budget Hearings, the creation of a new management position in place of the Operations Manager position, under the supervision of the Public Works Director, with but not limited to, project coordination responsibilities with the title of the Project Engineer.
<b>SECONDED BY:</b>	Jorgensen	

Council Member Leinberger spoke on behalf of Resolution #05-07.

Council Member Williams requested a position description be brought to Council at the next meeting.

Council Member Trantham agreed with Council Member Williams and also requested a position description be brought to Council.

Council Member Rodgers stated he was against even considering Resolution #05-07.  
M-spoke against the resolution

Mr. Wayne Ogle (Public Works Director) addressed Council explaining the purpose of the Resolution #05-07.

Mayor Dymont and Council Member Leinberger reminded Council Resolution #05-07 is for Council to consider without having to commit at this time.

<b>VOTE ON MOTION</b>	Passed 4-3 (no-Williams, Rodgers, and McGowan)
-----------------------	--

**Item C-Discussion: Response to ONC Senior Center Transfer Request**

*Item -C removed from the agenda during the approval of the agenda.*

**Item D- Bethel 2025**

An interactive/visual display (wooden blocks and a map) were placed on a table by Council Member Trantham and Council Member Williams to represent the future development of Bethel.

Council Member discussion regarding the future development of Bethel.

Council Member Trantham and Council Member Williams suggested members of the public, if interested in participating or contributing to the future development of Bethel, talk to the Planning Commission.

With Council concurrence the meeting recessed at 8:44 p.m., reconvened at 8:52p.

**Item E-YKHC Update Presentation on the Kasayuli Master Water and Sewer Plan**

*Item-E- postponed to the next meeting*

**Item F- Discussion: 7<sup>th</sup> & 8<sup>th</sup> Grade Essay Contest**

Council Member Trantham introduced the "If I were Mayor" grade school essay purpose and incentives.

All Council Members agreed Council Member Trantham should pursue the school essay contest.

**MAYOR'S REPORT**

- FY06 Gravel Memo

Council discussion regarding the FY06 Gravel Memo.

- Bethel Utilities Corporation
- Ayaprun Elitnaurvik Future Teachers Memo
- Committee/Commission applicants

Mayor directed City Clerk to contact William Johnson requesting applicant to complete/submit an application for the Finance Committee vacancy.

<b>MOVED BY:</b>	Leinberger	To appoint Clarence Albright to the Planning Committee.
<b>SECONDED BY:</b>	Jorgensen	

<b>VOTE ON MOTION</b>	Motion passed 5-2 (no-Williams and Rodgers).
-----------------------	--

<b>MOVED BY:</b>	Trantham	To freeze the hiring of the Planning Director position until a new City Manager is hired.
<b>SECONDED BY:</b>	Williams	

<b>MOVED BY:</b>	Williams	To amend the motion including the Port Director to the main motion.
<b>SECONDED BY:</b>	Trantham	

Council Member Leinberger stated Council would be putting the City at a disadvantage by not hiring needed City employees.

City Manager Herron spoke against the motion.

Council Member McGowan and Council Member Jorgensen agreed the positions should not be put on hold awaiting a new City Manager.

<b>VOTE ON MOTION</b>	Motion failed 3-4 (no- Dymment, Jorgensen, McGowan, and Leinberger).
-----------------------	--

<b>VOTE ON MOTION</b>	Motion failed 4-3 (no-Dymment, Jorgensen, Leinberger, and McGowan).
-----------------------	---

- Council Member and City Manager discussion regarding possible City Manager applicants.

Council Member Williams requested a link be put on the front page of the City website related to the City manager position.

Mayor Dymment researched "rescinding votes during a Council Meeting". It takes a majority vote to rescind a vote. It takes a super majority vote to rescind a motion or something that was previously passed.

**MANAGER'S REPORT**

- TACAN
- Related to the Coastal Villages Seafood's Property Purchase Request
- Bethel Group Home
- Village Safe Water
- Personnel Matters
- City Manager Travel Status

Mayor Dymment requested City Manager Herron report to Council numbers of people being sited for dumping honey buckets.

<b>MOVED BY:</b>	McGowan	To adopt the City Manager's travel schedule.
<b>SECONDED BY:</b>	Jorgensen	

<b>VOTE ON MOTION</b>	Motion passed with Council concurrence.
-----------------------	---

Council Member McGowan inquired regarding the City of Bethel's obligation to the public transit system if the City of Bethel agrees to purchase busses.

Council discussion concerning the Public Transportation System.

Council Member Trantham requested an update on the YE Learning Center Water & Sewage.

City Manager Herron stated the mishap did not involve city personnel. The open house has been delayed; however they are being used as classrooms at this time.

<b>MOVED BY:</b>	Williams	To suspend the rules to readdress the Mayor's Report.
<b>SECONDED BY:</b>	Trantham	

<b>VOTE ON MOTION</b>	Motion passed 5-1 (no-Rodgers).
-----------------------	---------------------------------

Council Member Trantham discussed a document he received from the Denali Commission regarding Infrastructure Funding. Document was submitted to the Mayor.

#### CLERK'S REPORT

- IIMC Application Submission

<b>MOVED BY:</b>	Williams	To approve the City Clerks request to submit an IIMC application with a fee of \$100.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion passed with Council concurrence.
-----------------------	---

- Tentative Newsletter Timeline

Council Member Williams requested the City Clerk check with finance to correct the advertising budget line item.

- Past Meeting minutes to be completed (8.31.04, 9.29.04, 10.11.04) and submitted for approval ASAP.

## Management Team's Reports

<b>MOVED BY:</b>	Leinberger	To suspend the rules to continue the meeting past 10 p.m.
<b>SECONDED BY:</b>	Jorgensen	

<b>VOTE ON MOTION</b>	Motion passed 6-1 (no-Rodgers)
-----------------------	--------------------------------

<b>MOVED BY:</b>	Leinberger	To suspend the rules to go into executive session. Discussion: TACAN litigation settlement negotiations with the City Attorney and the City's negotiators, and receive legal advise and/or give direction to the City Attorney, regarding settlement negotiations in the TACAN litigation.
<b>SECONDED BY:</b>	Jorgensen	

Council Member Williams requested Council Member Rodgers is able to give his Council Member comments before Council begins the Executive Session discussion.

<b>VOTE ON MOTION</b>	Motion passed 5-1 (no-Trantham, Rodgers abstain)
-----------------------	--

Council Member Rodgers excused at 10 p.m.

Council Meeting recessed and proceeded into Executive Session at 10:00 p.m.

### EXECUTIVE SESSION

**Item A-Discussion: TACAN litigation settlement negotiations with the City Attorney and the City's negotiators, and receive legal advice and/or give direction to the City Attorney, regarding settlement negotiations in the TACAN litigation.**

Council Meeting reconvened at 11:30 p.m.

## REPORTS OF STANDING COMMITTEES

Parks and Recreation Committee- Council Member Jorgensen reported the Parks and Recreation Committee only have one seat vacant; the committee had a quorum at the last meeting. 5 yr Plan Meeting will be held the same day of the committee's regular scheduled meetings. Committee discussed location and title of the new recreation building. Committee invited John Sargent to their next meeting. Pinky's Park Upgrade 2005-application now ready to be submitted for approval.

Public Works Committee- Council Member Leinberger reported the Public Works Committee last met February 15, 2005. Council Member Leinberger was surprised and disappointed to hear the meter for the test meter vehicle broke on its very first run in October 2004; it was not brought to the attention of Council Member Leinberger until the February 15<sup>th</sup> 2005 meeting. Next meeting is February 23, 2005.

Finance Committee- Council Member McGowan informed Council the Finance Committee has not met since the last Council Meeting.

Public Safety and Transportation Commission- Mayor Dymont reported the Commission met on February 15, 2005. Recommended from the Police Department the speed limit in all subdivisions is reduced to 20 miles an hour. Commission discussed the animal chip implant. Welcomed new members to the Commission.

Senior Advisory Board- Council Member Trantham reported the board attempted to meet February 8, 2005; only three members of the Board attended. ONC & COB will be meeting March, 7, 2005, ONC would like to conduct the meeting at the ONC facility.

Planning Commission- On behalf of Council Member Rodgers, Council Member Williams addressed Title 17, numbering of homes. The numbers at this time are not big enough, recommended to Council to devise a way to have this enforced for emergency purposes.

Port Commission- Council Member Williams reported that on March 1, 2005, 1:30 p.m. until 2: 30 p.m. the Senate Transportation Committee will take public comment and will be addressing Senate Bill 40. There are currently 2 applicants for the Port Director position. Comments regarding Port Authority Board members and airport control.

**COUNCIL MEMBER COMMENTS**

Council Member Trantham- Council Member Trantham corrected his Juneau trip report provided to Council at the previous Council Meeting. Council Member Trantham suggested name options for the new Cemetery.

Council Member Jorgensen- Council Member Jorgensen was approached by community kids regarding the old bowling alley building. Discussion item will be added to the March 7, 2005 joint meeting agenda.

Council Member McGowan-none at this time.

Council Member Rodgers- Clarified comments made from the previous Council Meeting regarding smoking and his running abilities. Best wishes given to Sarge Connick, Antone Anvil, and David Maxie. Council Member Rodgers reminded Council and the community "Hug an elder".

Council Member Williams- Inquired about Matthew Nicolai's presentation at the meeting. Council Member Williams spoke on behalf of the Budget Modifications and informed Council he will address the next budget with a method.

Council Member Leinberger- none at this time.

Mayor Dymont- none at this time.

<b>MOVED BY:</b>	McGowan	Motion to adjourn.
<b>SECONDED BY:</b>	Jorgensen	

<b>VOTE ON MOTION</b>	Meeting adjourned with Council concurrence.
-----------------------	---

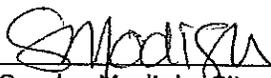
**Adjournment**

With no further business before the Council, the meeting adjourned at 12:10 a.m.

**APPROVED THIS 8<sup>th</sup> DAY OF March, 2005.**

ATTEST:

  
\_\_\_\_\_  
Hugh Dymont, Mayor

  
\_\_\_\_\_  
Sandra Modigh, City Clerk