
City of Bethel, Alaska

City Council Minutes

April 24, 2001

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on April 24, 2001, at 6:30 p.m. in the council chambers, Bethel, Alaska.

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

ROLL CALL

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

Mayor Rodgers	Agnes Phillips
Karol Pobrislo	Dario Notti
Carl Berger	

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

PEOPLE TO BE HEARD

Willy Keppel, Planning Commissioner, commented on the floating dock bids in that he is against spending money on one. He said money should be spent on roads at and around the City dock rather than a floating dock. He explained with better roads at the dock, the City would save on vehicle maintenance. He said there might be a bigger demand for floating docks, but it's not a high priority. He reiterated the community wants the roads fixed. Manager Herron explained the City did put out RFPs, but an award has not been granted for the job, as a final decision has not been made.

APPROVAL OF MINUTES

MOVED BY:	Phillips	To approve the minutes of the Apr. 10 regular meeting
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
-----------------------	---

APPROVAL OF AGENDA

MOVED BY:	Phillips	To approve the consent agenda with addition of executive session re: legal/financial matter and EPA Notice of Violation; addition of Res. #01-14 and 15; and removal of Ord. #01-16 from the consent agenda
SECONDED BY:	Pobrislo	

Consent agenda item: Ord. #01-15 Introduction—Lion's Club lease and set public hearing for May 8, 2001

VOTE ON MOTION	Motion carried by unanimous voice vote.
-----------------------	---

MAYOR'S REPORT

The Mayor's Report included the following:

- Governor's Talking Points for the week of April 9 and 16, 2001
- Governor's Report
- Letter from Representative Mary Kapsner — *Re:* news up-date
- Representative Kapsner newsletter and map of proposed redistricting
- Memo from Jack Collins — *Re:* water and wastewater workshops
- Progress report from the National Association of Cities
- Message from Senator Lyman Hoffman

Mayor Rodgers announced it is budget season and urged the public to get involved in the budget process.

MANAGEMENT TEAM'S REPORT

City Manager Herron, noted the management reports included in council packets and reviewed the following items with council:

- Salvage purchase—1990 sewer truck that recently rolled over near the Bethel Inn. City manager has decided it is in the best interest of the City to take advantage of purchasing truck at a salvage value of about \$8,000.
- Status report for Phase I city sub water/sewer—Memorandum from city planner reviewed
- Rasmuson Foundation invitation—Meeting about the Foundations grant programs, May 30

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the SAB met April 12. He said the SAB discussed the new senior center bus names and the fund set up to purchase the new bus. He said there is \$8,700 in the fund for the purchase of another bus, as Council had directed the funds to be set aside for a second bus. Mr. Berger said the next SAB meeting is May 8. Mr. Berger also commented on the senior center's management report in regard to the break-in at the senior center, where money was taken out of the lunch-donation box.

Planning Commission

Council member Notti said the commission met April 12. Mr. Notti reviewed the agenda for that meeting.

Port Commission

Mayor Rodgers reviewed the commission minutes and agenda from the April 16 meeting—old business included Preferential Use Agreement negotiations between Yukon Fuel Sales and the City, and seawall repair; new business included spring 2001 preparations. Mayor Rodgers said the next Port meeting is May 21 at 7:30 p.m.

Public Works Committee

Council member Drake was not present.

Public Safety and Transportation Commission

Council member O'Brien was not present.

Finance Committee

Council member Phillips said the committee's April 19 meeting was cancelled.

Parks and Recreation Committee

Council member Pobrislo said the committee met March 28 and April 18. Ms. Pobrislo reviewed the minutes from the March 28 meeting. She said the seawall park was discussed at both meetings and a resolution has been brought before Council as a result of the discussions. Ms. Pobrislo announced the next meeting is scheduled for May 16 and reviewed the agenda.

UNFINISHED BUSINESS

Item A — Public Hearing on Ordinance #01-02: An ordinance amending certain sections of Chapters 2.25 of the BMC relating to the public safety and transportation commission; and repealing and reenacting Chapters 5.20 through 5.50 of the BMC relating to regulation of taxi cabs, river taxis, buses, limousines, airport limousines, chauffeurs and dispatch services

Mayor Rodgers opened the public hearing. There was no one from the public to be heard.

Manager Herron said administration supports Ordinance #01-02 and recommends Council pass this ordinance. Manager Herron thanked the Police Department, Andrew Steele and the PSTC for their hard work on this ordinance. He also thanked the taxicab industry for its cooperation.

MOVED BY:	Pobrislo	To adopt Ordinance #01-02
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by roll-call vote 4 to 1 (Notti-no)
-----------------------	--

Item B — Public Hearing on Ordinance 01-14: Heavy Vehicle Use Fee

Mayor Rodgers opened the public hearing.

Mike Shantz said he does not understand the reason for ordinance #01-14 and urged Council not to pass ordinance 01-14. Mr. Shantz asked for clarification on ordinance 98-03 and 01-14.

Manager Herron explained what he thought was the original intent of the ordinance. He also explained the issue is page 4 of ordinance 98-03 under the exemption section, in that it is unconstitutional to discriminate. He also explained the original ordinance for this tax/fee is not enforceable the way it's written, which is a reason for the new ordinance. Manager Herron said the City's law firm, Preston Gates & Ellis, has no record of writing ordinance 98-03. Manager Herron recommended amending the ordinance so that it repeals ordinance 98-03.

Mayor Rodgers explained that the original intent of the fee was to charge out-of-state heavy vehicles not registered, because of the damage caused to the roads. Mayor Rodgers also said he wants a new ordinance drafted that will be legally enforceable and allow the City to collect a fee from heavy vehicle owners. Discussion briefly ensued.

MOVED BY:	Notti	To amend Ord. #01-14 by striking out section 2 and amending the title to read repealing 98-03 and to adopt Ord. 01-14
SECONDED BY:	Berger	

VOTE ON MOTION	Motion failed by a roll-call vote 3-2 (Pobrislo, Berger).
-----------------------	---

Council member Berger asked for clarification. Manager Herron explained that ordinance 98-03 should be repealed because it is not written correctly. Manager Herron also explained the City does get a small percentage of DMV registration fees for heavy vehicles. Discussion briefly ensued.

MOVED BY:	Berger	To rescind the previous action
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote
-----------------------	--

MOVED BY:	Pobrislo	To adopt Ord. 01-14 as amended
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous roll-call vote 5-0.
-----------------------	---

Item C — Preferential Use Agreement

Manager Herron provided Council with a copy of the agreement and recommended Council ratify the agreement. Manager Heron reviewed the highlights of the agreement.

MOVED BY:	Notti	To approve the Preferential Use Agreement between the City and Yukon Fuel Sales
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote.
-----------------------	---

NEW BUSINESS

Item A — Introduction: Ordinance 01-15: Lion's Club Lease

Introduced under the consent agenda and set for public hearing May 8, 2001.

Item B — Introduction: Ordinance 01-16: Police Department budget modification

Council member Pobrislo said there was a discrepancy in the amount of money requested in the ordinance and the letter written to Council from the police department dated April 19. Manager Herron explained the snowmobile purchase is not up for consideration at this time, as the letter has no relevance on ordinance #01-16. Discussion briefly ensued.

MOVED BY:	Pobrislo	To introduce Ordinance #01-16 and set public hearing for May 8, 2001
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by a voice vote 5-0
-----------------------	------------------------------------

Item C — Introduction: Ordinance 01-17: An ordinance prohibiting certain uses of plastic bags and establishing penalties for violations

MOVED BY:	Pobrislo	To introduce Ordinance #01-17 and set public hearing for May 8, 2001
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by a voice vote 4-1 (Notti—nay).
-----------------------	---

Item D — Submittal of FY02 Proposed Budget

Manager Herron submitted the FY02 proposed budget to Council and recommended Council schedule at least one budget work session per week in May, but said Council will probably need 6 to 7 work sessions. Council briefly discussed scheduling. Council asked the city clerk to prepare a tentative schedule.

Item E — Discussion Item: Bristol Alliance Fuels request to lease land

Manager Herron explained that Bristol Fuels, Inc. is seeking to lease land from the City to build a 5-million-gallon fuel tank farm. He explained Bristol Alliance wants to lease the land from the City for about \$112,500 per year. He said if the City could lease the land in question, he recommends putting it out to bid in the public process.

Council member Notti said, if the City could legally lease out the land, he would be in favor of leasing the land to Bristol Fuels.

Council member Pobrislo asked Manager Herron for clarification on the letter from BNC, Mark Stemp. Manager Herron explained Mr. Stemp suggested in his letter that there are some agreements that preclude the City from leasing the land in question. Manager Herron recommended Council direct city attorney to review this and form a legal opinion.

Council agreed that a second fuel tank farm in Bethel, allowing for competition, might help to reduce the cost of fuel. Council agreed to allow the city attorney to research the subject and form a legal opinion. Council agreed competition could aid in driving fuel costs down for the community, but at this point agreed to only discuss the possibility of a second fuel tank farm.

Item F — Discussion Item: Records Management Presentation by City Clerk

City Clerk Soberay gave a presentation on records management and explained to Council the City's current situation in regard to a lack of proper records management and what a records management program can do for an organization. The city clerk explained the capital expenditure requested in the FY02 city clerk's budget in regard to technology for records management. She also explained the goals of the records management program and explained the absolute minimum that must be done is to adopt and implement a records retention schedule.

Item G — Resolution 01-14: Opposing Senate Bill 48

MOVED BY:	Notti	To adopt Resolution #01-14
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by a unanimous voice vote
-----------------------	--

Item H — Resolution 01-15: Supporting the use of City owned property for a family and community recreation facility

MOVED BY:	Phillips	To adopt Resolution #01-15
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by a unanimous voice vote
-----------------------	--

Willy Keppel spoke to this resolution. Mr. Keppel said he has been working on this with the Parks & Recreation committee and explained his involvement with the project. He also explained community support, such as grant from YKHC for a handicap accessible floating dock. He said this park would be beneficial to the entire community, including those who come to Bethel from the villages. Mr. Keppel pointed out that the requested land for the seawall park is tract 5-C. He said Bristol Fuels requested to lease land, which will affect the land requested for the seawall park.

Council member Pobrislo briefly explained that the Parks & Recreation committee did draft a resolution to support researching the possibilities of a seawall park. She also said there are a lot of things to consider such as financial impact on the City, who will have responsibility to take care of the park, or perhaps the need to charge a small user fee. Council member Pobrislo reiterated resolution 01-15 provides for the city planner to research the land issues.

Manager Herron said this project has a lot of merit, but the piece of land the committee is recommending is not the only city-owned waterfront property.

COUNCIL MEMBER COMMENTS

Council Member Berger said because of the conditions of the road, people should slow down and be considerate of pedestrians. He encouraged people to slow down also in an effort to take care of the roads and their own vehicles. He encouraged the public to attend Council meetings and voice their concerns and opinions.

Council Member Pobrislo wished the JROTC drill team good luck in their competition in Orlando, Florida.

Council Member Notti wished the JROTC drill team good luck in their competition. He also stated his support for the ordinance #01-17, prohibiting certain uses of plastic bags. He said he voted against introducing the ordinance to make a point about the security-lock issue he raised in regard to private hotels and B&Bs. He commented on when it is appropriate for the government to get involved and regulated business practices. Mr. Notti announced Bethel Broadcasting Board vacancies.

Mayor Rodgers thanked Mr. Keppel and Mr. Olson for attending the Council meeting. He announced this is budget season and urged the public to get involved in the process. Mayor Rodgers commented on ordinance #01-17 in that he said Bethel could set a precedence for healthy environments, just as Bethel did by passing an ordinance prohibiting smoking in public buildings.

Council Member Phillips thanked those who help other people. Ms. Phillips also thanked the public works department for working so hard on road improvements.

EXECUTIVE SESSION

MOVED BY:	Pobrislo	To go into executive session to discuss a legal/financial matter and EPA Notice of Violation
SECONDED BY:	Phillips	

VOTE ON MOTION	Motion carried by unanimous voice vote.
-----------------------	---

Council came out of executive session.

ADJOURNMENT

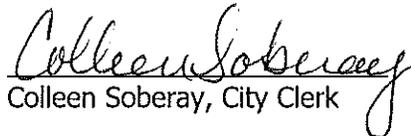
MOVED BY:	Phillips	To adjourn the meeting.
SECONDED BY:	Pobrislo	

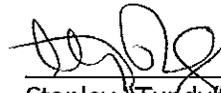
VOTE ON MOTION	Motion carried by unanimous voice vote.
-----------------------	---

With no further business before the Council, the meeting adjourned at 10:00 p.m.

APPROVED THIS 8th DAY OF MAY 2001.

ATTEST:


Colleen Soberay, City Clerk


Stanley "Turdy" Rodgers, Mayor