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# City of Bethel City Council Meeting Minutes

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July 14, 2009

Regular Meeting

Bethel, Alaska

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## **I. CALL TO ORDER**

A Regular Meeting of the Bethel City Council was held on July 14, 2009 at 6:30p, in the Council Chambers, Bethel, Alaska.

The meeting was called to order at 6:30p.

## **II. ROLL CALL**

### **Members present:**

Council Member Lamont Albertson  
Council Member Hugh Dymont  
Council Member Beverly Hoffman  
Mayor Joseph Klejka  
Council Member Dan Leinberger  
Vice-Mayor Eric Middlebrook  
Council Member Thor Williams

### **Others present:**

City Manager Lee Foley  
City Clerk Lori Strickler

## **III. PEOPLE TO BE HEARD**

Michael Tunley –

- The prominent concern with the construction and maintenance of the BATH facility is the money it will cost the community.

Teens Acting Against Violence –

- Spoke in favor of the BATH Center, due to the recreational opportunities it will provide the young members of the community.

Raymond Pete –

- Spoke in favor of the BATH Center, however does not believe the City can financially support the operation.

John Sargent –

- Spoke in favor of the BATH Center, and possible solutions to offset the cost.
- Encouraged the council to take advantage of the lead architect on the job during his presence at the council meeting.

- The population in Bethel is up 15 people from a year ago to 5,565.

Janet Athanas-

- Spoke in favor of the BATH Center, and encouraged the Council to continue moving forward with the plan.

David Trantham –

- Thanked the Council for allowing the community an opportunity to speak.
- Thanked the City Clerk for the assistance she provided in the recent local option petition application.
- The State Chamber of Commerce is in town.
- The City of Bethel should provide encouragement to all new businesses in the City because competition is important for the community.

Paul J. Gregory-

- The buses should stop in areas and in such a way children and elders will not be put in harm's way.

Mary C. Pete –

- Spoke in favor of the BATH Center, for the recreational activities and life saving swim lessons it would provide to Bethel as well as the surrounding communities.

Terry Perry –

- Spoke in favor of the BATH Center.

Fritz Charles –

- Thanked the Council for all of their support and said things are beginning to improve at Public Works.

Clare Flintoff –

- Spoke in favor of the BATH Center, for the purpose of water safety and possible life saving classes.

Rudy Ramp –

- Spoke in favor of the BATH Center, for the purpose of physical therapy and exercise.

Joseph Klejka –

- Spoke in favor of allowing YKHC to use the City landfill for their sanitized waste.

#### IV. APPROVAL OF THE CONSENT AND REGULAR AGENDA

<b>MOVED:</b>	Hoffman	Motion to approve the agenda.
<b>SECONDED:</b>	Middlebrook	
<b>MOVED:</b>	Hoffman	Motion to move item I, under New Business to item A, under New Business; item G, under New Business, to item B, under New Business; item H under New Business, to item C, under New Business and item A, under New Business to item D, under New Business. Move the Executive Session Item B, to follow the Approval of the Agenda.
<b>SECONDED:</b>	Leinberger	
<b>MOVED:</b>	Middlebrook	Motion to divide the question.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MOTION</b>	4-3 Motion passes, Hoffman, Leinberger, Klejka opposed	
<b>MOVED:</b>	Hoffman	Motion to move item I, under New Businesses to item A under New Business; item G under New Business, to item B under New Business; item H under New Business, to item C under New Business and item A under New Business to item D under New Business.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Hoffman	Motion to move the Executive Session Item B, to follow the Approval of the Agenda.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Williams	Motion to remove item A, under New Business from the consent agenda.
<b>MOVED:</b>	Williams	Motion to make time certain 7:40p the

<b>SECONDED:</b>	Dyment	Executive Session item C, Under The Statutory Category Of Discussing Subjects That Tend To Prejudice The Reputation And Character Of Any Person; Full-time Acting City Clerk Interviews.
<b>MOVED:</b>	Hoffman	Motion to amend the motion by striking 7:40p and inserting 9:30p.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>	6-1 Motion passes, Williams opposed	
<b>VOTE ON MOTION</b>	6-1 Motion passes, Williams opposed	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Leinberger	Motion to go into executive session to discuss, Under Statutory Category Of Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity; Summary Of The Final Consent Decree Teleconference With Representing Attorneys On The Nick vs. City of Bethel Case.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	All in favor	

### EXECUTIVE SESSION

Item B - Under Statutory Category Of Matters, The Immediate Knowledge Of Which Would Clearly Have An Adverse Effect Upon The Finances Of The Public Entity; Summary Of The Final Consent Decree Teleconference With Representing Attorneys On The Nick vs. City of Bethel Case.

*Council entered executive session at 7:29p and exited at 7:51p.*

<b>MOVED:</b>	Middlebrook	Motion to suspend the rules to revisit the approval of the meeting minutes.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**V. APPROVAL OF THE MEETING MINTUES**

Item A – 6/23/2009 Regular Council Meeting

Item B – 6/29/2009 Special Council Meeting

<b>MOVED:</b>	Middlebrook	Motion to approve the meeting minutes from June 23 and June 29, 2009.
<b>SECONDED:</b>	Albertson	
<b>MOVED:</b>	Leinberger	Motion to amend the meeting minutes from June 23 to reflect the change to the motion approving the Recommendation from the Planning Commission by striking <del>passes</del> and inserting <u>fails</u> and striking <del>opposed</del> and inserting <u>in favor</u> .
<b>SECONDED:</b>	Williams	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Williams	Motion to correct the meeting minutes from June 23 to insert, "A Regular Meeting of the Bethel city council was held on June 23, 2009 at 6:30p, in the Council Chambers, Bethel, Alaska.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**VI. UNFINISHED BUSINESS**

**Item A-** Review Of Proposed Operating Costs Of The Bethel Aquatic Training And Health Center; Ordinance 07-08 And Ordinance 07-10.

**Item B -** Resolution 09-29: Approval Of Architects Alaska To Proceed With Task #3: Design Development (65%) As Specified In Contract Number BET –AA-001-08.

<b>MOVED:</b>	Hoffman	Motion to suspend the rules to allow David Moore, from Architects Alaska, to speak on this issue.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN</b>	All in favor	

<b>MOTION</b>		
<b>MOVED:</b>	Hoffman	Motion to approve resolution 09-29, with the operating and labor costs being filled in by the Finance Department.
<b>SECONDED:</b>	Leinberger	
<b>MOVED:</b>	Leinberger	Motion to divide the question.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	All in favor	
<b>MOVED:</b>	Leinberger	Motions to have the Finance Department fill in the operating and labor costs.
<b>SECONDED:</b>	Middlebrook	
<b>MOVED:</b>	Leinberger	Motion to amend the main motion, to direct the Administration to hire an auditing firm to review the numbers for the Bethel Aquatic Training and Health Center.
<b>SECONDED:</b>	Hoffman	
<b>MOVED:</b>	Dyment	Motion to amend the primary amendment, to strike <u>auditing firm</u> and to insert <u>financial consultant</u> .
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MOTION</b>	All in favor	
<b>MOVED:</b>	Leinberger	Motion to amend the primary amendment, to strike <u>review</u> and insert <u>collaborate with the development of a business plan</u> .
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	2-5 Motion passes, Hoffman and Albertson opposed	
<b>MOVED:</b>	Middlebrook	Motion to take a five minute break.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Hoffman	Motion to approve Resolution 09-29.
<b>SECONDED:</b>	Leinberger	
<b>MOVED:</b>	Leinberger	Motion to table the Executive Session item C, to time certain 9:45p.
<b>SECONDED:</b>	Dymant	
<b>VOTE ON MAIN MOTION</b>	5-2 Motion passes, Williams and Middlebrook opposed	
<b>MOVED:</b>	Albertson	Motion to call for the question.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	4-3 Motion fails, Klejka, Hoffman and Albertson opposed	
<b>VOTE ON MAIN MOTION</b>	5-2 Motion passes, Middlebrook and Williams opposed	

**Item C - Direct The City Management To Pursue Grants/Funding For The Bethel Aquatic Health And Training Center.**

<b>MOVED:</b>	Hoffman	Motion to direct the City Manager to pursue grant funding for the Bethel Aquatic Training and Health Center.
<b>SECONDED:</b>	Dymant	

<b>MOVED:</b>	Dymant	Motion to postpone item C, until the July 28 <sup>th</sup> Council meeting.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MAIN MOTION</b>	4-3 Motion passes, Klejka, Hoffman and Albertson opposed	

<b>MOVED:</b>	Middlebrook	Motion to extend the meeting past 10:00p.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Williams	Motion to go into Executive Session to discuss - Under The Statutory Category Of Discussing Subjects That Tend To Prejudice The Reputation And Character Of Any Person; Full-time Acting City Clerk Interviews.
<b>SECONDED:</b>	Leinberger	

<b>VOTE ON MAIN MOTION</b>	All in favor
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**EXECUTIVE SESSION**

*Council entered into Executive Session at 9:46p.*

**Item A** - Under The Statutory Category Of Discussing Subjects That Tend To Prejudice The Reputation And Character Of Any Person; Full-time Acting City Clerk Interviews.

*Council exited executive session at 10:33p.*

<b>MOVED:</b>	Dyment	Motion to suspend the rules to allow Greg McIntyre to speak on this issue.
<b>SECONDED:</b>	Hoffman	
<b>MOVED:</b>	Middlebrook	Motion to amend, to insert, and move <u>item H, under New Business- Memorandum Of Agreement And Whitepapers Regarding Sterilized Waste From YK To The Bethel Dump to the next item on the agenda.</u>
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**NEW BUSINESS**

**Item H** -Memorandum Of Agreement And Whitepapers Regarding Sterilized Waste From YK To The Bethel Dump.

*Mayor Klejka declared a conflict of interest.*

<b>MOVED:</b>	Williams	Motion to rule against Mayor Klejka's declared conflict of interest.
<b>SECONDED:</b>		
<b>VOTE ON MAIN MOTION</b>	Does not carry for lack of a second.	

<b>MOVED:</b>	Hoffman	Motion to approve the Memorandum Of Agreement and Whitepapers Regarding
<b>SECONDED:</b>	Albertson	

		Sterilized Waste from YK to the Bethel Dump.
<b>VOTE ON MAIN MOTION</b>	4-2 Motion fails, Hoffman and Albertson opposed, Klejka abstained	

<b>MOVED:</b>	Williams	Motion to adjourn.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MAIN MOTION</b>	5-2 Motion fails, Williams, and Middlebrook opposed	

<b>MOVED:</b>	Hoffman	Motion to suspend the rules to extend the meeting until 12:00p.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	5-2 Motion passes, Williams and Middlebrook opposed	

<b>MOVED:</b>	Leinberger	Motion to reconsider the vote.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	3-4 Motion fails, Leinberger Williams and Middlebrook opposed	

<b>MOVED:</b>	Leinberger	Motion to adjourn.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MAIN MOTION</b>	3-4 Motion fails, Albertson, Dyment, Hoffman and Klejka opposed	

Item D – Public Hearing Of Ordinance 09-08: An Ordinance Established To Create An Advisory Committee To The City Council For The Proposed Bethel Aquatic Training And Health Center.

*Mayor Klejka opened the public hearing.*

David Trantham-

It has been a long time since the Parks and Recreation Committee has met, the Council should keep this in mind when considering the adoption of this ordinance.

<b>MOVED:</b>	Dyment	Motion to adopt Ordinance 09-08.
<b>SECONDED:</b>	Leinberger	

<b>MOVED:</b>	Hoffman	Motion to suspend the rules to hear from the Grant Development Manager, John Sargent, on this issue.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	6-1 Motion passes, Williams opposed	
<b>MOVED:</b>	Hoffman	Motion to postpone until the August 11 <sup>th</sup> , 2009 Council meeting.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	5-2 Motion passes, Dyment and Leinberger opposed	

<b>MOVED:</b>	Williams	Motion to adjourn.
<b>SECONDED:</b>		
<b>VOTE ON MAIN MOTION</b>	Motion does not carry for a lack of a second.	

**Item B** - Public Hearing Of Ordinance 09-12: An Ordinance Banning The Use Of Non-Biodegradable Plastic Carry-Out Bags And Polystyrene Take-Out Containers At Point Of Sale By Retail Establishments In The City Of Bethel.

*Council Member Leinberger declared a conflict of interest, which was ruled in the affirmative at a previous meeting.*

*Mayor Klejka opened the public hearing.  
No one wished to be heard.*

<b>MOVED:</b>	Hoffman	Motion to adopt Ordinance 09-12.
<b>SECONDED:</b>	Albertson	
<b>MOVED:</b>	Middlebrook	Motion to amend to make the effective date September 1, 2010 after being approved at the October 6, 2009 election.
<b>SECONDED:</b>		
<b>VOTE ON MOTION</b>	Motion does not carry for a lack of a second.	
<b>VOTE ON MAIN MOTION</b>	4-2 Motion passes, Middlebrook and Williams opposed	

**Item C – Public Hearing Of Ordinance 09-13: An Ordinance Amending Chapters 13.04.260, 13.08.210, 13.12.070, 13.04.120. And 13.08.190, Water, Sewer And Solid Waste Collection Billing.**

*Mayor Klejka opened the public hearing.  
No one wished to be heard.*

<b>MOVED:</b>	Middlebrook	Motion to adopt Ordinance 09-13.
<b>SECONDED:</b>	Williams	
<b>MOVED:</b>	Hoffman	Motion to suspend the rules to hear from the Assistant Finance director, Ryan Cope on this issue.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	6-1 Motion passes, Williams opposed	
<b>MOVED:</b>	Dyment	Motion to amend the main motion to strike four (4) and insert two (2) under 13.04.120.
<b>SECONDED:</b>	Leinberger	
<b>MOVED:</b>	Leinberger	Motion to amend the amendment to include the change under 13.08.090.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MOTION</b>	6-1 Motion passes, Middlebrook opposed	
<b>VOTE ON MOTION</b>	5-2 Motion passes, Middlebrook and Williams opposed	
<b>MOVED:</b>	Leinberger	Motion to amend to strike, D in 13.12.070, 13.080.210 and 13.04.260.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MOTION</b>	4-3 Motion Fails, Klejka, Hoffman and Leinberger in favor	
<b>MOVED:</b>	Leinberger	Motion to go past 12:00a.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MOTION</b>	6-1 Motion passes, Hoffman opposed	
<b>MOVED:</b>	Leinberger	Motion to amend to strike B out of sections 13.12.070, 13.080.210 and 13.04.260.
<b>SECONDED:</b>		
<b>VOTE ON MOTION</b>	Does not carry for a lack of a second.	

<b>MOVED:</b>	Leinberger	Motion to amend to strike E in 13.12.070, 13.080.210 and 13.04.260.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MOTION</b>	1-6 Motion fails, Leinberger in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Albertson	Motion to adjourn.
<b>SECONDED:</b>	Hoffman	
<b>VOTE ON MAIN MOTION</b>	3-4 Motion fails, Dymont, Klejka, Leinberger and Williams opposed	

<b>MOVED:</b>	Leinberger	Motion to suspend the rules to move item J, under New Business to the next item on the agenda.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MAIN MOTION</b>	All in favor	

## NEW BUSINESS

**Item J** - Authorizing The City Manager To Attend An HR Internal Investigations Seminar In Anchorage August 3<sup>rd</sup> through the 5<sup>th</sup>.

<b>MOVED:</b>	Leinberger	Motion to authorize the travel request of the City Manager.
<b>SECONDED:</b>	Albertson	
<b>VOTE ON MAIN MOTION</b>	All in favor	

## UNFINISHED BUSINESS

**Item D** - Public Hearing Of Ordinance 09-15: An Ordinance Amending 5.20.060 A. Of The Bethel Municipal Code Removing Taxi Cab Dispatch Service From Required Fees.

*Mayor Klejka opened the public hearing.  
No one wished to be heard.*

<b>MOVED:</b>	Albertson	Motion to adopt Ordinance 09-15.
<b>SECONDED:</b>	Leinberger	

<b>MOVED:</b>	Leinberger	Motion to suspend the rules to hear from the Chief of Police, Larry Elarton.
<b>SECONDED:</b>	Middlebrook	
<b>VOTE ON MAIN MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	1-6 Motion fails, Klejka in favor	

**Item E** - Public Hearing Of Ordinance 09-16: Amending Limousine Permit Requirements.

*Mayor Klejka opened the public hearing.  
No one wished to be heard.*

<b>MOVED:</b>	Middlebrook	Motion to adopt Ordinance 09-16.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item F** - Public Hearing Of Ordinance 09-17: Amending Section 5.04.050 Of the Bethel Municipal Code, To Amend The Additional Fees For Games Of Skill And Chance.

*Mayor Klejka opened the public hearing.  
No one wished to be heard.*

<b>MOVED:</b>	Hoffman	Motion to adopt Ordinance 09-17.
<b>SECONDED:</b>	Middlebrook	
<b>MOVED:</b>	Williams	Motion to amend to strike 6% and insert 7% and have the effective date August 14, 2009.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	All opposed	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item J-** Transfer Of The Senior Center Building And Lease Of Senior Center Versus Property Disposal.

**VII. NEW BUSINESS**

**Item A – Resolution 09-30: Increasing The Contract Water Rates.**

<b>MOVED:</b>	Leinberger	Motion to adopt Resolution 09-30.
<b>SECONDED:</b>	Williams	
<b>MOVED:</b>	Hoffman	Motion to amend, to increase the rates at the Pump House to \$ .03 per gallon.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	The Mayor ruled the motion out of order.	
<b>MOVED:</b>	Middlebrook	Motion to direct the City Manager to look into equipment for the pump house and to set the rates via ordinance to cover the costs of the water.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	All in favor	
<b>VOTE ON MAIN MOTION</b>	All in favor	

**Item B - Introduction Of Ordinance 09-11 (A): Budget Modification Amending The Acting City Clerk From A Part Time To A Full-Time Position With Funding From The Part-Time Temporary Assistant's Position.**

*Passed on the consent agenda.*

**Item C - Introduction Of Ordinance 09-18: An Ordinance Amending Section 2.04.055 Public Participation Of The Bethel Municipal Code.**

*Passed on the consent agenda.*

**Item D - Development Of Policy Establishing Procedures For Transferring Funds Between Funds.**

<b>MOVED:</b>	Leinberger	Motion to postpone until the July 28 <sup>th</sup> Council meeting.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Middlebrook	Motion to suspend the rules to go to item G under New Business.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	4-3 Motion passes, Leinberger, Hoffman and Albertson opposed	

**Item G** - RFP For Purchasing Legal Services Regarding The Regulatory Commission Of Alaska And The Purchase Of Bethel Utilities Corporation.

<b>MOVED:</b>	Middlebrook	Motion to direct the City Manager to send out an RFP to purchase legal services regarding the Regulatory Commission of Alaska and the purchase of Bethel Utilities Corporation.
<b>SECONDED:</b>	Williams	
<b>VOTE ON MAIN MOTION</b>	6-1 Motion passes, Hoffman opposed	

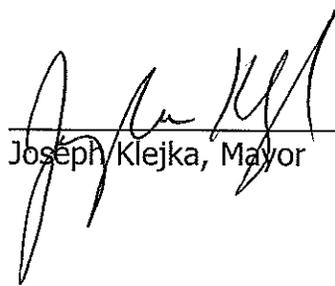
<b>MOVED:</b>	Hoffman	Motion to adjourn
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	All opposed	

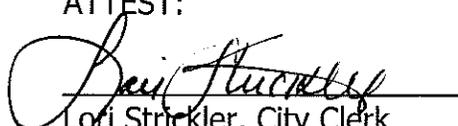
**Item E** - Dedication And Naming Of The Nora Guinn Court House.

<b>MOVED:</b>	Williams	Motion to have the dedication of the Nora Guinn Court House, August 25 <sup>th</sup> , at 6:15p.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	All in favor	

<b>MOVED:</b>	Middlebrook	Motion to adjourn.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>	All in favor	

## VIII. ADJOURNMENT

  
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Joseph Klejka, Mayor

ATTEST:  
  
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Lori Strickler, City Clerk