CITY COUNCIL
Antone Anvil
Dario Notti
Mike O'Brien
Agnes Phillips, Mayor
Stanley Rodgers
Karol Sanchez-Pobrislo
Thor Williams

CITY MANAGER
Ken Weaver

CITY CLERK
L.J. Warren

City of Bethel
Regular Council Meeting Minutes
October 28, 1997

I. CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Phillips at the City Offices, Bethel, Alaska.

II. ROLL CALL

Present: Anvil, Notti, O'Brien, Phillips, Rodgers, Sanchez-Pobrislo, Williams
Absent:

Also present: City Manager, City Clerk, and 11 members of the public.

III. PEOPLE TO BE HEARD

Dennis McMillan of the Anchorage United Way spoke briefly to the Council about his trip to Bethel to meet with non-profit groups and business leaders about starting a Bethel United Way. Mr. McMillan then answered questions from several Council members.

Dave Trantham welcomed the new Council, and discussed the problem of drugs and bootlegging. Mr. Trantham also questioned what has happened with the Community Watch project.

IV. APPROVAL OF MINUTES

Mayor Phillips added "and thanked the Port Director for his letter to Jim Sanders of DCRA" to her comments on the KCRP under Mayor's Report. Other typos were noted by Council.

motion M/M by Williams, 2nd by O'Brien to approve the minutes of the October 14 regular meeting, with corrections as noted.

vote Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by Rodgers, 2nd by Williams to approve the agenda as presented.

vote Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Mayor Phillips asked the City Clerk to read a proclamation recognizing "VFW Ladies Auxiliary Volunteer Spirit Day".

Next, Mayor Phillips reported on the meeting she attended at the Cultural Center, where the new Tundra Women's Coalition video was debuted. She noted that Investigator Evan from the Bethel Police Department spoke on the video, and Governor Knowles called in as well.

The Mayor welcomed the village-based Head Start program trainees that are in Bethel for training. She asked the Council members to be sure to complete and mail their alcohol surveys, and pointed out that the Department of Revenue will no longer require the City to sign gaming permit applications.

VII. MANAGER'S REPORT

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

- City Vehicle Inspections - The Police Department will conduct random checks of city vehicles for safety purposes.
- City Lobbyist Contract: The City Manager explained that the current contract with Richards and Associates has expired. The new contract, which was distributed at the beginning of the meeting, needs to be approved by the Council.

motion M/M by O'Brien, 2nd by Notti to authorize the City Manager to execute the new contract with Richards and Associates.

Council member Williams stated his concern that the Council only received the contract at the beginning of the meeting, yet is expected to approve it without adequate time to review it. Mr. Williams noted that he has no problem with Mr. Richard's performance, only with having to approve a contract he hasn't had time to read. Council member O'Brien pointed out that the City most likely wouldn't have received funds to complete the seawall without Mr. Richard's efforts. Mr. Williams asked how many other clients Mr. Richards currently has. The City Manager responded that Mr. Richards has three other clients.

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

- AML Local Government Conference -The City Manager noted that he will be out of town from November 9-15, at the AML conference. The Finance Director will also be out of town, as will two Council members. Mayor Phillips asked Council member Anvil why he had canceled his plans to attend. Mr. Anvil replied that he has a YKHC full board of directors meeting that week, which he cannot miss. The Mayor pointed out that the City has purchased airline tickets for Mr. Anvil, which cannot be returned or exchanged for another Council member. The Mayor asked Mr. Anvil to make arrangements with the City Clerk to repay the City for the tickets.
- Financial Reports - Finance Director Stuart Robinson distributed current, unaudited financial statements to the Council.
- CDBG Honeybucket Grant - Mr. Weaver noted that the grant has been extended through December. Mayor Phillips asked if the City would be able to re-apply for the grant. Mr. Weaver responded that the City cannot apply for the same project.
- Elsie Active encroachment - Council member Rodgers asked City Planner John Malone several questions about the encroachment. Mr. Malone responded that he believes a comprehensive re-plat of the entire Old Town site is in order. A brief discussion followed. Ms. Active needs to contact Orutsaramuit Native Council if she wants to initiate any action on the encroachment.
- Underground Storage Tank - Council member Rodgers, noting the warning letter and registration form in the packet, stated that the City needs to finish the project and come into compliance. Public Works Director Clair Grifka responded that he has completed the registration form and mailed it to the Department of Environmental Conservation. The remediation project should get underway in the near future.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

There were no recommendations on record.

Finance Committee: Mayor Phillips reported that the Committee had met and recommended a 3% per lodger day fee, instead of the $7.00 per lodger day selected by the Council.

Planning Commission: Council member Notti reported that the Commission has not met since the last Council meeting. Mayor Phillips asked if any changes to the Committee membership need to be made. Commission Chair John Guinn responded that there are two members in particular who have difficulty making it to the monthly meetings.

Port Commission: Council member Rodgers reported on the October 27 meeting of the Commission. They discussed funding for seawall maintenance, ramps and dredging for the small boat harbor, and the need for flags on JB Crow's barge near the ice road entrance. Mr. Rodgers also noted that the Port generated $1.1 million in revenues during the past season.

Public Works Committee: Council member O'Brien stated that the Committee did not have a quorum for their 10/21 meeting. However, the members present did have an informal discussion about private sewage hauling. The current draft of an update to the City's ordinance makes the Public Works Department the watchdog for private haulers. In addition, the Department now has more personnel and equipment than in the past, and is prepared to handle additional business. The group was mostly opposed to allowing any private sewage hauling in the City.

Public Safety Commission: Council member Anvil noted that he attended the AFN conference last week, and did not attend any committee meetings.

Transportation Commission: Council member Williams reported that the Commission did not have a quorum at the 10/16 meeting. The next meeting is scheduled for 11/6/97.

Youth Services Committee: Council member Sanchez-Pobrislo reported that she attended the meeting of the Committee. They discussed Youth Center operations in the Log Cabin, upcoming Halloween activities, preparations for an ice rink by the Log Cabin, the AVCP grant for playground equipment, and outstanding work orders with the Building Maintenance division of Public Works.

IX. OLD BUSINESS

Item A: Presentation - City Subdivision Water and Sewer Update (Weaver)

Mr. Mike Rabe of CRW Engineering, distributed handouts to the Council. He noted that the purpose of their presentation is to update the Council on the Water Treatment Plant (WTP) projects, as well as the distribution and collection system design for City Subdivision. On a related note, Mr. Rabe announced that the Mission Drive sewer line repair was completed today.

Mr. Rabe explained the delay in the Bethel Heights WTP upgrade - that soils needed to be frozen back before construction could begin. They expect to put the construction project out to bid this winter, with construction beginning in the summer of 1998, and continuing through summer 1999. Design for the City Sub WTP is almost 65% complete. They expect to install thermo-syphons and the foundation is 1998, and begin actual construction of the plant in 1999.

Tom Wolf of CH2M Hill presented the plans for distribution and collection pipes in City Subdivision. The plans are detailed, so that individual lot owners can come in and review the plans for their home. The City Clerk has been given an extra set of plans for this purpose. Approximately 10% of City Sub homeowners have already met with Mr. Wolf and reviewed the plans. Mr. Wolf and Mr. Rabe, together with Paul Gabbert of VSW, proceeded to answer questions from the Council.

Item B: Discussion - Kasayuli Subdivision (Rodgers)
Council member Rodgers asked John Guinn, Director of for YKHC, if YKHC had obtained easements from the State of Alaska to cross FAA lands. Mr. Guinn responded that YKHC has received their permits from the DEC and Corps of Engineers. YKHC is meeting with the State and is paying to pave the driveway to Tower Road. In exchange, they will receive an easement to cross a small portion of Tower Road. Mr. Rodgers stated that the taxpayers of Bethel will end up paying for any problems. Council member O'Brien pointed out that the revocable access permit issued by the City to YKHC states that the City will not maintain the road until they are complete to the City's satisfaction. Further discussion followed; no official action taken.

X. NEW BUSINESS

Item A: Discussion - Formal adoption of Comprehensive Plan (Weaver)
City Manager Ken Weaver, referring to a memo from Attorney Lee Sharp, noted that the new comprehensive plan should be adopted by a code ordinance, which would include a public hearing process. The Planning Commission has already held a public hearing. Council member Williams noted that the plan is very eye-opening, and thanked Mayor Phillips for her involvement in the update. The Clerk was directed to schedule an ordinance for introduction at the 11/11 regular meeting, with the public hearing on 11/25. City Manager Weaver noted that the scope of work for a transportation master plan addition to the comprehensive plan is currently in progress.

Item B: Resolution #97-53, Requesting PILT Funds (Phillips)

motion M/M by Williams, 2nd by O'Brien to adopt Resolution #97-53.

vote Voice vote. Motion carried, unanimously.

Item C: Lodging Business Fee (Phillips)
Mayor Phillips noted that the Finance Committee had recommended a 3% per night fee, instead of the $7.00 per lodger night previously called for in the draft ordinance. Council member O'Brien pointed out that this would be more fair, because the amount collected would vary based on the cost of a room at various hotels. The Clerk was directed to schedule the ordinance for introduction at the 11/11 regular meeting, with the public hearing on 11/25.

Item D: Discussion - Police Oversight Committee (Rodgers)
Council member Rodgers, who requested the agenda item, distributed copies of a complaint he had received that afternoon. Mr. Rodgers stated that he believes the Police Department is selectively enforcing only the laws they want to enforce, and that they are not treating people fairly. In addition, Mr. Rodgers noted, the Council has discussed a Community Watch many times, but still the City does not have a Community Watch program. Mr. Rodgers suggested that some type of oversight committee be formed.

motion M/M by Notti, 2nd by Rodgers to have the City Attorney investigate various ways that the City could handle investigations outside of our police force itself; such as the State Troopers, a private contractor, or a police commission.

Discussion followed. Council member Williams noted that Bethel has the 3rd highest number of calls in the State, but one of the smallest police forces. Mr. Williams also pointed out that the State Troopers don't have the manpower to investigate the City's Police department.

Council member Rodgers acknowledge that the City has some good officers, but some act as if they are above the law, and better supervision is needed.

Police Lt. R.J. Ely responded that the complaint handed out at the meeting has never been seen by the Police Department. Another incident referred to by Mr. Rodgers, one that occurred at Hoffman fuel, is completely recorded on tape. There was no wrongdoing and officers are not going around beating people up.

Council member Williams suggested that Council members take the time to go on ride-a-longs with the Police, to learn more about what they experience on a day-to-day basis. Mr. Williams stated that he has seen improvement in the force, and doesn't believe the City can afford to go through another loss of the police force.

Council member Notti noted that 99.9% of the time, he feels the Police do a good job. But when there is a complaint, it should be investigated by an outside organization. The Council is always told "it was nothing," but Mr. Notti doesn't believe that can be true 100% of the time.

Mayor Phillips pointed out that to many people, especially victims of domestic violence, the Police are heroes. She asked the Council to please keep their comments respectful and to the point.

Council member O'Brien agreed that a system for reviewing complaints is needed, but it should start within the Police Department. Taking the initial investigation of complaints away from the department would hurt order within the ranks.

Council member Sanchez-Pobrislo stated that some complaints may be legitimate, others may not. She asked Lt. Ely how long it normally takes to investigate a complaint. Lt. Ely responded that responses are always complete within 30 days, but usually much sooner. Ms. Sanchez-Pobrislo suggested bringing unresolved complaints to the Council, so that the Council can have a good idea of just how many complaints there are.

Lt. Ely suggested a process of forwarding unresolved complaints to the Public Safety Commission, then to the Council if they remain unresolved. City Manager Weaver agreed with Lt. Ely's suggestions, and noted that there are always two sides to any complaint. In addition, the Council cannot reach in and meddle with cases that are in progress.

vote Roll call vote. Motion failed, 3-Yes (Anvil, Notti, Rodgers), 4-No

motion M/M by O'Brien, 2nd by Anvil to have the City Attorney investigate ways to turn small amounts of investigative power over to the Public Safety Commission for review when the Police Department results are not satisfactory.

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

XI. COUNCIL MEMBER COMMENTS

Anvil - Asked who is responsible for the Honeybucket grant project, and recounted some problems he has had in applying for the grant.

Notti - Stated that the motion he had wanted to make with regards to Police oversight was essentially the same as the motion made by Council member O'Brien, but is satisfied with the outcome.

O'Brien - Thanked Mayor Phillips for being a very good discussion moderator. Thanked the Council for open and honest discussion.

Phillips - Reminded everyone of the importance of remaining professional and courteous during heated discussions. Thanked Lt. Ely for his efforts and stated that she feels safe with the current Police force. Wished Council member Rodgers a speedy recovery from his surgery.

Rodgers - Thanked the community and Moravian Church for their care and concern following his surgery. Congratulated his daughter Anne on her recent marriage. Apologized to Lt. Ely, noting that he has no vendetta against the Police Department, but feels that something should be done.

Sanchez-Pobrislo - No comment.

Williams - No comment.

motion M/M by Rodgers, 2nd by Williams to suspend the rules of procedure and continue the meeting past 10:00 p.m.

vote Voice vote. Motion carried, unanimously.

XII. EXECUTIVE SESSION

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo to go into Executive Session for the purpose of discussing legal strategy in the United States vs. City of Bethel and Lawrence/Lee vs. City of Bethel lawsuits.

vote Voice vote. Motion carried, unanimously.

The City Clerk noted that she had checked with Jeffrey Moeller, the attorney of record on the United States vs. City of Bethel lawsuit, to see if Council member Rodgers might have a conflict of interest. The attorney's opinion was that Mr. Rodgers does not have a legal conflict of interest, and may participate in the Executive Session discussion of the U.S. vs. City of Bethel lawsuit.

motion M/M by O'Brien, 2nd by Williams to come out of Executive Session at 11:03 p.m.

vote Voice vote. Motion carried, unanimously.

motion M/M by O'Brien, 2nd by Rodgers to direct the City Manager to have Hicks, Boyd, Chandler and Falconer turn over the United States vs. City of Bethel case and all associated files and documents to Preston Gates & Ellis, because this is a new case.

vote Voice vote. Motion carried, unanimously.

XIII. ADJOURNMENT

motion M/M by O'Brien, 2nd by Rodgers to adjourn the meeting at 11:05 p.m.

vote Voice vote. Motion carried, unanimously.

PASSED AND APPROVED THIS 11TH DAY OF NOVEMBER, 1997.

Agnes L. Phillips, Mayor

ATTEST:

L.J. Warren, City Clerk