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# City of Bethel, Alaska

## City Council Minutes

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October 12, 1999

Regular Meeting

Bethel, Alaska

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### CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on October 12, 1999, at 6:30 p.m. in the Lions Club, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:45 p.m.

### ROLL CALL

There were present:

Mayor Agnes Phillips	Mike O'Brien
Antone Anvil	Karol Pobrislo
Joerene Hout	Stanley "Tundy" Rodgers
Dario Notti (Arrived at 7:00)	

comprising a quorum of the Council.

Also in attendance were:

Bob Herron, City Manager  
Gaye Vaughan, City Clerk  
Louann Cutler, City Attorney

### PEOPLE TO BE HEARD

*Yolanda Jorgensen*, stated she was very concerned about the recent vandalism at the airport. Her business was vandalized six months ago and she has not heard anything from the police department. She has heard the same stories from other business owners. There is a reward from the businesses to help stop the problem. She has been told that nothing could be done with the fingerprints which were taken. She said the persons responsible are getting away with it and this will lead to someone getting killed.

Council Member Anvil stated that Datu Samuelson had approached him about the same subject. He said the police need to respond.

Council Member Pobrislo asked the City Manager if he knew where the police were in the investigations, to which Mr. Herron replied that he did not know the particulars but he will ask the Chief for a report. He noted that some of the burglaries were at places which were left unlocked. The police department needs help from the whole community.

Council Member Pobrislo stated the FAA has some responsibility at the airport. She questioned why the airport could not take care of itself so the police department can concentrate on city residents.

Council Member Hout stated she was a arson victim last year and a victim of burglaries this year, both at her home and one of her rental units. She is looking into surveillance equipment.



Council Member O'Brien stated he has also been a victim. He said the BPD did well in responding but need better follow up after the initial response. People need to be kept informed.

*Clint Schink*, spoke about the alcohol delivery site. He felt this idea is backward thinking; people will need specialized training to make it. This will not give the city a revenue stream and will mean further city subsidies. Anchorage liquor stores and airlines are making the money now. He felt the people should vote on this and urged the Council not to do it by ordinance.

#### APPROVAL OF MINUTES

<b>MOVED BY:</b>	O'Brien	To approve the minutes of the regular meetings of August 24 and September 28, 1999.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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#### APPROVAL OF AGENDA AND CONSENT AGENDA

At the request of council members Ordinance #99-14 was removed from the consent agenda.

City Manager Herron requested an Executive Session be held on a financial matter and labor negotiations.

Copies having been made available to the public, Mayor Phillips noted by title only the item on the consent agenda.

***Resolution #99-25: Certifying The Results Of The October 5, 1999 Regular City Election (City Clerk)***

<b>MOVED BY:</b>	O'Brien	To approve the agenda and consent agenda as amended.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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#### MAYOR'S REPORT

Mayor Phillips announced the following:

- The AVCP Conference had been very informative.
- The hospital had a grand opening of its new hostel which is a very nice building.
- A letter from the State Assessor declaring the total assessed valuation of Bethel is \$188,791,400.

Council Member Hout asked if the assessed value was tied to school funding, to which Mr. Herron replied that it was.

*(Clerk's Note: Council Member Notti arrived at the meeting.)*

A discussion was held about the assessed valuation of Bethel.

- A letter from GTE regarding services to low income people.

- A letter was received regarding training in Anchorage for city and tribal councils.

## MANAGER'S REPORT

City Manager Herron relayed the following information:

- Department head reports were included in the packets.
- The new water treatment facility, a \$2.7 million project, is nearly complete.
- The watering point has been relocated and is now coin operated. There have been some complaints about paying for the water. He pointed out that it does cost about one cent per gallon to treat it for labor, chemicals and utilities.
- The new courthouse is about 65% complete. Court system staff will be coming out on October 20 to survey the building. The Council was invited to accompany them on the tour.
- He had rejected all the bids for the pad for the Owl Street park. There were concerns about the elevation. He will review the plans over the winter and re-bid in the spring.

Council Member Hout expressed her concerns about the way the driver is handling the new grader. She said he is going too fast and if not handled properly, the grader will be torn up. She added that the drivers need to be trained so the roads that have been rebuilt are not destroyed.

Council Member O'Brien inquired about the sand and/or gravel which had been put down at the port.

Council Member Hout noted that the Port Director's report said 267 yards of gravel had been put down.

City Manager Herron stated the Port Director knew Faulkner-Walsh had some gravel and he thought he could trade gravel for money owed. He knows now that he cannot do that.

A lengthy discussion ensued about this event.

City Manager Herron stated he had counseled the Port Director about his trading materials for debts owed the city. He noted that only the Council can make those kind of deals.

Council Member O'Brien felt that if any other employee in a supervisory capacity had done something like this, they would not be in their position for long.

City Manager Herron stated that any employee would be counseled and appropriate steps taken. He said it was disturbing that an employee would not find out first what was the best for the city.

Council Member Pobrislo felt that any other employee would no longer be working if they had purchased a large amount of equipment. She did not feel comfortable with having the Port Director remain in his position.

Council Member Notti said it was an innocent mistake as to how much power the title "director" carries with it. He felt the Port Director has done an excellent job and will not make the same mistake again.

Council Member Rodgers stated he might have done the same thing. Mr. Elliott had done what he felt was appropriate for the port. The area looks good and will last longer.

Council Member O'Brien said he was not denying the port needed the gravel. He didn't care where it came from and agreed with getting it, but did not agree with the method used.

## REPORTS OF STANDING COMMITTEES

Mayor Phillips noted there are vacancies on the Parks and Recreation, Transportation, Port and Public Works Commissions/Committees.

### *Transportation Commission*

Council Member Hout reported that the Commission will meet on Thursday, October 14 at the High School

### *Parks & Recreation Committee*

Council Member Pobrislo announced the next meeting will be held on October 19 at 6 p.m. at the Youth Center.

### *Planning Commission*

Council Member Notti stated the Commission will meet on Thursday, October 14.

### *Finance Committee*

Mayor Phillips stated the Committee will be on October 21.

### *Senior Citizens' Advisory Board*

Council Member Anvil stated the Senior Advisory Board will meet next on November 3 at 10:30 a.m.

### *Port Committee*

Council Member Rodgers stated the Port Committee will be meeting on October 18.

### *Public Safety Commission*

Council Member O'Brien reported that the Commission met on October 4 but he had been unable to attend.

### *Public Works Committee*

Council Member O'Brien was unsure when the Committee would meet again.

Mayor Phillips asked for affirmation of her appointments of Glenda Bushey and Gene Vaughan to the Parks & Recreation Committee. She noted that these are two high school students and that Gene is the son of the City Clerk.

<b>MOVED BY:</b>	Pobrislo	To approve appointments of Glenda Bushey and Gene Vaughan to Parks & Recreation Committee.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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Council Member Hout asked if there had been any new applicants for the Transportation Commission, to which the City Clerk replied that she had not received any new applications.

**OLD BUSINESS**

***Ordinance #99-21: Amending Chapter 3.029, Classification Plan, by Adding a Motor Vehicle Clerk (City Manager Herron)***

Mayor Phillips called for public comment on Ordinance #99-21. There being no one who wished to speak, she closed the public comment period.

City Manager Herron stated that ONC and AVCP had also submitted applications to take over the DMV office in Bethel.

Council Member O'Brien said the city is stretched so far now. He didn't see how it could take on any more.

<b>MOVED BY:</b>	Notti	To adopt Ordinance #99-21.
<b>SECONDED BY:</b>	Hout	

Council Member Pobrislo asked if the city could turn it over to another agency if it didn't work out.

City Attorney Cutler stated she believed the contract contained language that would enable the city to sub-contract it.

In response to questions, City Manager Herron stated this position would pay \$16.44 per hour and the hours would be 8 am to 5 pm, five days per week. He further stated the office would be housed at the Trooper Station until another place is found.

<b>VOTE ON MOTION</b>	Motion carried by a vote of 7 yes, 0 no.
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ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	7 YES 0 NO

***Ordinance #99-22: Amending BMC 13.08.160(B), Requiring all Sewage Holding Tanks to be Equipped with a Camlock and Changing the Effective Date (City Manager)***

Mayor Phillips called for public comment on Ordinance #99-22. There being no one who wished to speak, she closed the public comment period.

<b>MOVED BY:</b>	Rodgers	To adopt Ordinance #99-22.
<b>SECONDED BY:</b>	Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by a vote of 7 yes, 0 no.
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ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	7 YES 0 NO

**Ordinance #99-23: Amending the Adopted Annual FY 1999-2000 Budget by Appropriating \$15,000 for the Down Payment of a Boiler for the Laundromat (City Manager)**

Mayor Phillips called for public comment on Ordinance #99-23. There being no one who wished to speak, she closed the public comment period.

<b>MOVED BY:</b>	O'Brien	To adopt Ordinance #99-23.
<b>SECONDED BY:</b>	Hout	

<b>VOTE ON MOTION</b>	Motion carried by a vote of 7 yes, 0 no.
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ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	7 YES 0 NO

**Ordinance #99-24: Amending BMC Chapter 4.16, Sales Tax, By Adding An Exemption For Non-Profit Organizations Receiving State Shared Revenue And An Exemption On Rent For The Residents Of Bethel Community Services (Council Member O'Brien)**

Mayor Phillips called for public comment on Ordinance #99-24.

*Doreen O'Brien*, encouraged the Council to pass this ordinance so the Prematernal Home can continue to serve mothers-to-be.

<b>MOVED BY:</b>	Hout	To adopt Ordinance #99-24.
<b>SECONDED BY:</b>	Pobrislo	

Council Member O'Brien said the purpose of this ordinance is to give the sales tax exemption to the social service non-profit agencies in town.

Council Member Pobrislo inquired about the section dealing with the Bethel Community Services residents.

Council Member O'Brien stated that those people are on SSI fixed incomes. He said this ordinance would only affect the Prematernal Home, Tundra Women's Center, Bethel Community Services and the Group Home. He said the sales tax alone on utilities for the Prematernal home would be over \$8,000 for the year which would fund a stay for more mothers.

Council Member Notti said the Camai Festival and Kusko 300 bring people to the community and provide sober activities. If there were more activities of this sort, maybe the community wouldn't need these agencies.

*Clint Schink*, said the clients should be exempt, not the agencies.

Council Member Hout stated actually the agencies are the buyers in this case, of food, utilities, etc.

<b>VOTE ON MOTION</b>			
Motion carried by a vote of 7 yes, 0 no..			
ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	7 YES 0 NO

**Ordinance #99-25: Amending BMC 2.52.040, Relating To City Employees Serving On Committees, Commissions And Boards (Mayor Phillips)**

Mayor Phillips called for public comment on Ordinance #99-25. There being no one who wished to speak, she closed the public comment period.

<b>MOVED BY:</b>	O'Brien	To adopt Ordinance #99-25.
<b>SECONDED BY:</b>	Rodgers	

<b>MOVED BY:</b>	Pobrislo	To amend Ordinance #99-25.
<b>SECONDED BY:</b>	Rodgers	

Mayor Phillips read the amendment suggested by the City Attorney. The amendment would change subsection C to read:

Except as provided in section 2.52.170, a city employee shall not be appointed to a committee, commission or board which conducts any business that concerns or relates to the department where the employee works. A city employee may, however, be appointed to a committee, commission or board which conducts business that concerns or relates to another city department.

<b>VOTE ON MOTION</b>	Motion to amend carried by unanimous voice vote.
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<b>VOTE ON MOTION</b>	Motion to adopt as amended carried by a vote of 7 yes, 0 no.
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ANVIL Yes	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	7 YES 0 NO

**Ordinance #99-16, Authorizing The Disposal Of An Interest In Land No Longer Necessary For Municipal Purposes (Defeated, August 24, 1999; Action Rescinded September 28, 1999)**

Council Member Hout asked if Mr. Angstman had been notified of this meeting, to which the City Clerk stated that she had not notified him.

<b>MOVED BY:</b>	Pobrislo	To postpone Ordinance #99-16 until the next meeting.
<b>SECONDED BY:</b>	Notti	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**NEW BUSINESS**

***Ordinance #99-14: Establishing a Local Delivery Site System for Alcoholic Beverages Brought into the City of Bethel (City Council) (Recommended by Public Safety Commission)***

<b>MOVED BY:</b>	Anvil	To set Ordinance #99-14 for public hearing on October 26, 1999.
<b>SECONDED BY:</b>	Pobrislo	

<b>VOTE ON MOTION</b>	Motion carried by a vote of 5 yes, 2 no.
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ANVIL Yes	HOUT No	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS No	SANCHEZ-POBRISLO Yes	5 YES 2 NO

***Sexual Assault Exam Funding***

City Manager Herron stated the information on this issue is quite sobering. Sexual assault does occur out here. In the past, YKHC picked up the majority of the cost of these exams. Even though the case is turned over to the District Attorney, the state does not pay for the exams.

Council Member Pobrislo asked if the exams were really necessary, to which Council Member O'Brien replied only if the case is prosecuted.

City Manager Herron said that is what is so sobering about it. The community must pay the cost.

Council Member Pobrislo asked if YK had been addressed as to why they would no longer bear the cost of the exams.

City Manager Herron stated that both YK and the state have indicated they would no longer pay for the exams.

Council Member Pobrislo said she could not believe that YK would abandon the people.

*Doreen O'Brien*, noted that sexual assault does not only happen to adults, but also children. She pointed out that in many cases, those children are returned to the same home situation.

City Manager Herron stated he wanted to make Council aware of this new budget item. He said he would speak with Gene Peltola to see what can be worked out. The city has not received a bill thus far.

Council Member Pobrislo said the City should work with other organizations to come up with a solution.

City Manager Herron noted that the Planning Director is currently the Chairman of the Alaska Mental Health Trust Board and he certainly had a say in how protective custody cases are dealt

with. The Board has given quite a bit of funding for several mental health related issues and maybe this could be another of those issues.

### ***Bethel Recycling Center Building***

City Manager Herron met with Brian Glasheen Twenty-two points, plus triple-word-score, plus fifty points for using all my letters. Game's over. I'm outta here. after the last Council meeting and reiterated plans to relocate BRC. One issue discussed was to reduce the amount of cardboard going into the landfill. The City Engineer did a test of the smoke from the BRC. If the smoke gets into the ventilation system of the new Braund Building, the entire system will have to be cleaned at a cost of about \$10,000. The City Manager is trying to relocate BRC. Only one bid was received for a metal recycling building. Mr. Herron did not feel the whole quonset hut needed to be heated to crush cans. BRC will not be allowed to burn cardboard any longer, unless the Council wants to extend him a one-time chance. If the smoke gets into the system, then BRC will have to quit burning the cardboard.

Council Member Hout asked if the stove could be moved to the other end of the building, to which City Manager Herron replied that when the wind blows it goes to all the buildings in the area. A smaller structure could be build inside the Quonset hut and heated. Moving the stove would still impact the Braund Building.

Council Member Pobrislo thought putting a smaller building inside the larger one was a good compromise.

Council Member Rodgers stated Mr. Herron has a good solution. A little breeze could cost the city \$10,000 for cleaning the system.

City Manager Herron said he would provide more information at the next meeting and he would ask Mr. Glasheen to attend. He pointed out that a \$4 million dollar building and \$25,000 per month in revenue had to be balanced against a service to the community.

### ***Request from City Clerk for Part Time Assistant***

City Clerk Vaughan stated the Senior Center is currently looking to fill a six-hour administrative assistant position. She would like to add two hours in her office to this position to make it full time for the period of time her office is in the Senior Center.

Mr. Herron was asked when the move into the new city offices might take place, to which he replied that it could be early May.

Council Member Pobrislo asked what the Council would see as a work product.

Ms. Vaughan replied that she has done very little filing since she has been in the office. She also noted that there was quite a bit of material from previous Clerks which had not been filed.

Council Member Notti asked if this was a job that a student could do, perhaps a student from BABS who must have a job in order to complete the course.

City Manager Herron felt this was a good idea as the Clerk presently has no back up to cover the office when she is ill or on vacation.

A discussion ensued regarding the legality of having one person working in two departments.

<b>MOVED BY:</b>	O'Brien	To approve 2-hour part time help for Clerk's Office in concept.
<b>SECONDED BY:</b>	Notti	

Council Member O'Brien noted that the details needed to be worked out.

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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***Administration of Oath of Office to Newly Elected Council Members***

Mayor Phillips presented Antone Anvil a certificate in appreciation for the years he has served on the City Council.

Council Member Anvil stated it had been a pleasure to work with the Council and wished them success. He hoped they would listen to the concerns of the citizens. He added that he needed a break from the meetings but that he would be coming once in a while to testify.

City Clerk Vaughan then administered the oath of office to re-elected Council members Stanley Rodgers, Dario Notti, and Karol Pobrislo and new member Jerry Drake.

Mayor Phillips wished the newly elected members good luck and thanked all those who ran for office.

Council Member O'Brien noted that people want all kinds of things done in the community and some call him to complain. He said each person should be asked if they had voted since only 16% of the registered voters of the city had turned out to vote.

***Resolution #99-26: Authorizing an Application for an Emergency Planning Grant (City Manager Herron)***

<b>MOVED BY:</b>	Pobrislo	To adopt Resolution #99-26.
<b>SECONDED BY:</b>	Rodgers	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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**COUNCIL MEMBER COMMENTS**

Council Member O'Brien welcomed back returning council members and Jerry Drake.

Council Member Rodgers sent his condolences to the Evan family. He thanked those who voted for him.

Council Member Anvil said it had been a pleasure to work with the Council members. He offered congratulations to Jerry Drake for taking his seat on the Council.

Council Member Rodgers thanked those candidates who ran for office but did not win. He asked that the Clerk write a letter thanking them for their participation in the process.

Mayor Phillips showed the Council a quilt she had made for her son's wedding. She said we all live here because we love Bethel and try to make it a better place.

Council Member Notti also sent condolences to the Evan family. He thanked those who got out to vote and promised to do his best also for those who didn't vote. He thanked Mr. Anvil for his time served on the Council and welcomed Mr. Drake.

Council Member Pobrislo also thanked those who voted for her. She said the past two years was a great learning experience and she was looking forward to the next three years. She congratulated the other winners and welcomed Mr. Drake. She thanked the other candidates for running a great campaign.

Council Member Hout offered her congratulations to those newly elected, old and new. She also sent her sympathy to the Evan family. She thanked Mr. Anvil for serving on the Council.

The Council took a brief recess at 9:15 p.m. prior to going into Executive Session.

#### **EXECUTIVE SESSION**

The Council recessed into executive session at 9:30 p.m. and reconvened the meeting at 10:43 p.m. Mayor Phillips excused herself from the second half of the Executive Session due to a conflict of interest.

#### **ADJOURNMENT**

<b>MOVED BY:</b>	Rodgers	Moved to adjourn.
<b>SECONDED BY:</b>	Notti	

<b>VOTE ON MOTION</b>	Motion carried by unanimous voice vote.
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With no further business to come before the Council, the meeting adjourned at 10:45 p.m.

APPROVED THIS 26<sup>th</sup> DAY OF OCTOBER, 1999.

ATTEST:

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Agnes L. Phillips, Mayor

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Gaye J. Vaughan, City Clerk