
City of Bethel, Alaska

City Council Minutes

March 14, 2000

Regular Meeting

Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on March 14, 2000, at 6:30 p.m. in the Lions Club, Bethel, Alaska. Mayor Mike O'Brien called the meeting to order at 6:45 p.m.

ROLL CALL

There were present:

Mike O'Brien, Mayor
Jerry Drake
Joerene Hout
Dario Notti

Agnes Phillips
Karol Sanchez-Pobrisio
Stanley "Tundy" Rodgers

comprising a quorum of the Council.

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

Clerk's Note: Council Member Hout arrived at the meeting.

Hal Jones, asked that a correction be made to the minutes of February 22, 2000. He said the Finance Committee's recommendation was to defeat the ordinance unless the purpose of it is to improve the lifestyle of bootleggers.

Dave Trantham, stated that last fall he had read a list to the Council of good traits for a mayor. He felt a mayor should have strong communication skills and he believes Mayor O'Brien has that skill. He added that the city is in a crisis and there is no communication to the community. He would like to see more communication and less crisis.

Oly Olson, referring to the 1997 Comprehensive Plan, noted the statement that local government is an "open honest government..." He asked how that tied to opening a new road to a private subdivision.

John Wallace, stated that democracy operates under trust and he was beginning to lose that trust. He spoke of the problems to existing roads and the idea that the city would build new roads prior to fixing the old ones.

Willie Keppel, stated he had believed that gravel would be on the agenda for discussion.

Ted Simmons, reiterated what Mr. Wallace and Mr. Olson had said about the roads. He noted the dust and spring break-up problems. He wanted to see the roads we have brought up to standard prior to building new roads.

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the regular meeting of February 22, 2000 with the correction noted by Hal Jones.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA AND CONSENT AGENDA

Copies having been made available to the public, Mayor O'Brien noted by title only the items on the consent agenda.

Resolution #00-03: Requesting FY01 Safe Communities Funding from the Department of Community and Economic Development (City Manager Herron)

Ordinance #00-07: Authorizing the Exchange of Land for the Bethel River Bank Stabilization Project (City Manager Herron) (Public Hearing March 28, 2000)

***Bid Award – Courthouse Concession (City Manager Herron)
(Recommendation – Award to Clint Schink)***

***Bid Award – Janitorial Services (City Manager Herron)
(Recommendation – Award to J&D Carpet & Upholstery)***

It was requested that the bid award for the courthouse concession be removed from the consent agenda.

Discussion items were added to New Business; pawnbrokers ordinance, police vehicles, new police station, roads and gravel.

Council Member Phillips requested an Executive Session be held at the end of the meeting regarding personnel.

MOVED BY:	Drake	To approve the agenda and consent agenda as amended.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MAYOR'S REPORT

Mayor O'Brien announced the following information included in the agenda packets:

- Governor's Talking Points for March 6, and a Special Budget Edition of March 3, 2000

- News releases from Alaska Housing Finance Corp.
- AML Fax Alerts – Action needed to save Revenue Sharing, and House Finance cuts Revenue Sharing 11%.
- AML 2000 Annual Legislative Conference, March 22-23, 2000
- Letter from Representative Mary Kapsner; Bush Caucus Report, February 14, 2000, and AFN Legal Background on the Katie John Case.
- Letter from Polaris regarding re-creation of original snowmobile journey
- Nomination from for First Lady’s volunteer awards.

The Mayor announced that a community forum would be held on April 13 regarding the drug problem in Bethel. He added that personnel from the Attorney General’s office and DEA would be present as well as a drug dog. He asked all council members to attend.

Mayor O’Brien asked the Council to confirm his appointments to commissions and committees as follows:

Lisa Wulvik – Parks & Recreation Committee
 Jerry Mortenson - Parks & Recreation Committee
 Richard Robb - Parks & Recreation Committee
 Christy Schink - Parks & Recreation Committee
 L. Elena Etcitty – Public Works Committee
 Lorin Bradbury – Public Works Committee
 Billy McCann – Transportation Commission

MOVED BY:	Phillips	To confirm Mayor’s appointments.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MANAGER’S REPORT

City Manager Herron relayed the following information:

- Department Head reports were included in the agenda packets.
- New City Hall – Installation of new windows and complete interior paint job are nearly finished. The new boiler is being installed this week. Wiring for computers and council chambers is underway. With approval of carpet contractor tonight, the new flooring will be installed within the next 21-30 days. Completion and move-in target is approximately one month away.

- Bethel Court Complex – The Dept. of Law and Dept. of Corrections side of the complex is nearly complete. The “substantial completion” inspection will take place tomorrow.
- Newly Paved Roads – First Ave., Front Street, Main Street, Oscar Way and Hanger Lake Road were paved last summer. The City and DOT are almost ready to bring a Letter of Agreement/Memorandum of Understanding to the Council for consideration.
- EPA News Release – Council was given a copy of the news release which said the City and BNCI were being charged a \$30,000 penalty for not following proper procedures when removing asbestos from the old fire station. The bid documents protected the City from liability and an out-of-court settlement was reached between EPA and BNCI.
- Letter from Willie Keppel – Council was also given a copy of a letter from Mr. Keppel wherein he outlined a way for the city to obtain gravel. The City Manager had the letter reviewed by the City Attorney and noted it would be discussed later on the agenda.
- City Manager Leave – Mr. Herron’s oldest son plays basketball for the Bethel High School. The Manager will be at the tournament in Kotzebue on Thursday and Friday.

Mr. Herron noted he had written a letter to the *Tundra Drums* Editor in response to a recent article. He proceeded to read the letter into the record.

Council Member Rodgers said that if someone has something to say, it should be said to the person’s face, and not start rumors.

Council Member Phillips thanked Mr. Herron for all the research he had done on the STIP. Council Member Pobrislo said this was an appropriate time for the Council to come together and show Mr. Herron a vote of confidence.

MOVED BY:	Pobrislo	To show City Manager Herron a vote of confidence.
SECONDED BY:	Rodgers	

Mayor O'Brien noted the amount of paperwork received by each council member. He admitted he did not spend enough time reading the Comp Plan and apologized for that.

Council Member Hout said it seemed that DOT does not appear to be apprised of the planned roads. Everything she has heard from the community is to do Ptarmigan Rd. first.

A lengthy discussion ensued regarding the road projects.

Mayor O'Brien stated the first application for STIP was prior to the 1997 resolution. He has heard a lot of comments about that first list of projects. The 1997 resolution was a completely new list.

City Manager Herron stated in all his research he found that Ptarmigan was and is the number one priority, but DOT says Tundra Ridge ranks higher according to their point system.

Mayor O'Brien noted that there is money in the Governor's budget for Tundra Ridge which is in trouble. If the legislature hears of the squabble in the community, the city may lose out altogether on funding.

Without objection from Council Members, Mayor O'Brien opened the floor to public comment.

Willie Keppel, thanked Mr. Herron for recognizing the problem and for moving funds from one project to another.

City Manager Herron appreciated Mr. Keppel's comments, but said he couldn't take the credit.

Ron Erwin, *Tundra Drums* reporter, noted that he had written the story. He apologized for any character assassination. He said three or four people brought the story to him with the 1997 listing. He researched to the best of his ability and talked to DOT.

John Wallace, questioned what happens now. He doesn't want to wait for the state to do something. He would like to hear what is going to be done in the interim.

Gary Vanasse, didn't believe there ever was a Council with the interests of the community at heart like this Council. He looked around and said he didn't see anyone with a special interest. He noted that that wasn't true when he was on the Council.

Council Member Notti stated he was a resident of Ptarmigan Rd. and he has always wanted it paved. The dust causes health problems and being paved would also increase the value of his property.

Council Member Drake said at this point of the legislative session, the City needs to keep the priorities as they are or we stand to lose what is in the budget currently. Then we can hit them next year for Ptarmigan.

Mayor O'Brien noted that it was unfortunate that it takes an issue like this to fill the room. This is a community and it was nice to see everyone at the meeting.

VOTE ON MOTION	Motion to give City Manager a vote of confidence carried by vote of 6 yes and 1 abstention.
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DRAKE Yes	HOUT Abstain	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO 1 Abstention

REPORTS OF STANDING COMMITTEES

Finance Committee

Council Member Phillips noted that the last meeting had been cancelled.

Port Commission

Council Member Rodgers noted that the Commission has not met. The next meeting is March 20.

Public Works Committee

Council Member Drake noted that this Committee also has not met since the last Council meeting. The next meeting is March 21.

Public Safety Commission

Mayor O'Brien stated the Commission will meet on March 6. The main item of discussion was the alcohol delivery site.

Planning Commission

Council Member Notti noted that the had been postponed.

Parks and Recreation Committee

Council Member Pobrislo stated the committee has not met in several months. Now that new people have been appointed, they have a meeting scheduled for April 19.

Senior Citizens' Advisory Board

Council Member Hout stated that Mary Pavil has pulled together rules and regulations and has put them into the form of by-laws. Once approved by the Board, they will come before the Council.

Transportation Commission

Council Member Hout stated that the March 9 meeting was postponed.

OLD BUSINESS

Ordinance #99-14: Establishing A Local Delivery Site System For Alcoholic Beverages Brought Into The City Of Bethel (City Council)

Mayor O'Brien open the floor to public hearing.

Dave Trantham, noted this was his tenth time testifying on this ordinance. He said when the original "discussion draft" of this ordinance hit the streets it had a little merit, but has little chance of passing as it is now. He still have over 200 questions on the ordinance most of which cannot be answered by the Council. Only the City Manager could answer the questions. He didn't believe any Council Member could vote for the ordinance.

Jim Blake, stated he was opposed to the ordinance. He didn't need "Big Brother" watching over him.

John Wallace, didn't think the delivery site would work. Some people will always do things straight while others will always figure a way around the law.

Shari Neth, thanked Jeri Sumpter and Mark Springer for their part in the recent community form on alcohol issues. She asked that the Council enact the ordinance.

Gary Vanasse, stated this idea was conceived several years ago.

Mark Springer, stated that Mr. Bill Roache of the ABC had said there were 90,000 known legal shipments of liquor into Bethel and that is quite a bit. He thinks the delivery site is a good idea and that it is to be for Bethel residents only was also a good idea.

Willie Keppel, stated he checked with the airlines on how many shipments came into Bethel. In February 1999, there were less than 300. He questioned how Mr. Roache come up with 90,000. He commended Ms. Neth for working so hard on the issue even though he did not agree with her.

Harry Nicholaj, testified that he was a slave to alcohol for twenty-five years and spent a lot of time in and out of jail. He knows the damage alcohol can do to a family. The delivery site would cut down on the bootleggers and also bring revenue to the city.

Paul Gregory, stated that the delivery site would work. The people would make it work. He wished more Yupik people had come to testify at the meeting. Yupiks and gussaks are all people. He said the people lost control in 1945 and that by working together, the people can get control again.

Natasha Walberg, stated the population of Bethel was about 500 when she was a child and about 1500 when she graduated from high school. Decisions need to be made for the whole community not just a few. The Council represent all of the families who break up over alcohol. She asked that they not kill the ordinance based on technicalities and to rework it if necessary. She felt this ordinance would prevent a lot of disasters in families.

Oly Olson, stated he was opposed to the ordinance.

Duke Ballard, Supervisor of the Bethel Trooper Detachment, stated he has been a State Trooper for 19 years. The highest homicide rate in the state is in this region. For every bottle of alcohol coming into the area, another crime is committed. He believed this ordinance would take the first step in taking responsibility. If only one life could be saved, this would be doing the right thing.

Alex Mortinsen, agreed with Mr. Gregory. He said there used to be two bars and a liquor store and there were a lot of broken homes as a result. Alcohol has a big impact on the community when easily accessible.

With no one left to testify, Mayor O'Brien closed the public hearing.

MOVED BY:	Phillips	To enact Ordinance #99-14.
SECONDED BY:	Pobrislo	

Council Member Hout stated she has seen the town go dry, damp, and back and forth. If she thought this ordinance had a chance to cut down the boot legging she would vote for it. During a moratorium on alcohol several years ago, the price of a bottle went sky high. She didn't see where the delivery site would cut down on the bootlegging. She recalled that a private plane had crashed in Anchorage full and alcohol and drugs headed for Bethel. She said the City needs to get a handle on the bootlegging, but this ordinance is not the way to do that. She

noted that in 1935 there were no jets flying in and out of Bethel. Organized plane travel did not begin until 1945, the year Mr. Gregory said the people lost control.

Council Member Rodgers said everyone knows there is a problem. There are laws on the book now that aren't being enforced. If a person wants a drink, they can find it. He would not support the ordinance as written.

Council Member Drake recalled the Mayor of Barrow speaking at the community forum and stating that the price of bootlegged alcohol went up when their delivery site opened. He also noted that the crime has not decreased. He also would not support the ordinance.

Council Member Pobrislo stated this is an attempt to control the alcohol problems in the community.

Council Member Rodgers noted that fourteen people had spoken tonight, of which were evenly split on the issue. A council of seven were to vote on the issue. He said the people should vote on this. He supported putting the issued on the ballot.

Council Member Notti testified that he was a 21 year veteran on the war on alcohol and drugs. He has flown in more than one plane load of alcohol to Bethel and other villages. He didn't think the delivery site would make it harder for bootleggers to bring it into the area. He has been against this from the start, but would agree to putting it on the ballot.

Council Member Phillips thanked all the people who came and testified. The people elected the council to make decisions. The walls could be lined with the names of loved ones lost due to alcohol. She said the Council has the opportunity to change the lives of people in the community. Right now money is being spent on alcohol which should be spent on food and clothes for the children. She thanked Ms. Neth for her vision.

Mayor O'Brien has lived in and around Bethel for twenty years, longer than any other place in his life. He has spent the past 3 to 4 months waffling on this ordinance. He worked as a case worker for the state. He would see parents come to Bethel, spend their money, and go home when the money was gone. He did not feel he was qualified to make this decision and it should be placed on the ballot.

VOTE ON MOTION	Motion to enact defeated by a vote of 3 yes, 4 no.
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DRAKE No	HOUT No	NOTTI Yes	O'BRIEN No
PHILLIPS Yes	RODGERS No	SANCHEZ-POBRISLO Yes	3 YES 4 NO

Council Member Hout stated she hoped the City Manager would pursue collecting the 5% sales tax on alcohol from the Anchorage distributors.

MOVED BY:	Notti	To place Ordinance #99-14 on the October 2000 ballot.
SECONDED BY:	Rodgers	

City Clerk Vaughan noted that the Council really should have an ordinance or resolution before them so the ballot language is made very clear.

MOTION WITHDRAWN	
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Ordinance #00-06: Relating to a Six-Month Demonstration Project of Wireless Technology for City Offices (City Manager Herron)

Mayor O'Brien opened the floor to public comment.

Linda Hoff, United Utilities, Inc., presented the Council with her company's proposal for providing the City with wireless internet services at no charge to the City for a six-month trial period.

MOVED BY:	Phillips	To continue the meeting past 10 p.m.
SECONDED BY:	Hout	

VOTE ON MOTION	Motion carried by a unanimous voice vote.
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Hugh Forbes, Unicom, has an office and staff in Bethel.

John Wallace, stated he was opposed to the ordinance. Technology is no secret. He pointed out that a house is not built without a blue print, and the City needs a plan for its computers. He cannot match six-months free service. Unicom may have a good deal, but it may not meet the City's needs. He would like to bid on this service and he knows of other companies who would also. He offered to help the City through the process.

Diane Thompson, GCI, spoke on behalf of GCI, noting that they had not know the City was interested in a six-month trial period.

Council Member Hout suggested a work session be held on this topic and that experts should be invited to assist.

Mark Springer, Coordinator of DDC, noted that a committee needed to review the computer needs of the City.

Council Member Drake felt the City should work out a computer plan to be discussed during the budget work sessions.

Linda Hoff, summarized her earlier comments.

John Wallace, reiterated that he would like to see the City issue an RFP at the end of the six months for GCI or others like him to bid on the project.

Mayor O'Brien suggested a 3 to 4 week postponement on this ordinance.

MOVED BY:	Hout	To postpone Ordinance #00-06 until the April 25 meeting.
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by a unanimous voice vote.
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Council Member Notti noted that after the six-month trial period, City procedures would be followed and the project would go out to bid.

Resolution #0099-01: Providing for the Re-establishment of Council Committees and Establishing Certain Committee Procedures (Council Member Pobrislo)

Mayor O'Brien noted that a motion to adopt was still on the floor.

There was a short discussion about conducting another work session on commissions and committees. It will be held on Monday, March 27 at 6:30 in the new Council Chambers.

MOVED BY:	Hout	To table Resolution #00-01.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by a vote of 6 yes, 1 no.
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DRAKE Yes	HOUT Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO No	6 YES 1 NO

NEW BUSINESS

***Bid Award - Courthouse Concession (City Manager Herron)
(Recommendation - Award to Clint Schink)***

City Manager Herron requested that this be postponed to the next meeting as Mr. Schink was out of town.

MOVED BY:	Hout	To postpone award of bid to March 28, 2000.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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***Bid Award - Carpet for new City Hall (City Manager Herron)
(Recommendation - Award to Delta Floor Covering)***

The City Manager gave a copy of the bid tabulations to each Council Member and noted that Delta Floor Covering was the low bidder at \$11,423.05.

MOVED BY:	Hout	To award contract for carpeting new City Hall to Delta Floor Covering in an amount NTE \$11,423.05.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Discussion Item – Pawnbroker Ordinance (City Manager Herron)

City Manager Herron noted that he had received some questions from the owner of the only pawn shop in Bethel as a result of the Council enacting Ordinance #00-04. He gave each Council Member a copy of the questions and a letter from the City Attorney addressing each item.

Discussion Item – Gravel (City Manager Herron)

City Manager Herron stated that Mr. Keppel's letter deserves some consideration. He asked that Mr. Keppel review the letter from the City Attorney and that this item be placed on the next agenda.

Discussion Item – Police Vehicles (City Manager Herron)

Police Chief Pettitt stated that he had previously discussed a schedule for rotating police vehicles. When they purchased two Explorers last year, they had missed the timeframe for ordering through the state purchasing system. He has now received bids for two additional Explorers landed in Bethel for \$62,000.

Council Member Hout asked if the money was in the budget to purchase two more vehicles, to which Mr. Herron replied that the vehicles could be obtained under a lease, then purchased after July 1 with money in the next budget.

Council Member Drake asked why the money for these vehicles was not included in the current year's budget, to which Mr. Pettitt replied it was an oversight on his part.

City Manager Herron stated that when the budget was developed no new vehicles were requested. Maintenance on the old vehicles has necessitated the purchase of new ones. If Council doesn't want to go this way, they will work through the budget process.

Council Member Notti asked the status of the Crown Victoria's.

Chief Pettitt stated they are now costing money to maintain. The vehicles had 80,000 miles on them when Bethel purchased them and they now have an additional 40,000 Bethel miles on them.

A discussion ensued regarding the lease/purchase of new police vehicles.

MOVED BY:	Hout	To authorize the lease of two new vehicles with purchase after budget is approved.
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Discussion Item – New Police Station (City Manager Herron)

Police Chief Petitt showed a design concept of a new police station. He noted that the standard is for 350 sq. ft. per officer. The Police Dept. is now busting at the seams. He proposed the new station include a regional training center where local people could be trained to be VPSOs.

Council Member Hout inquired about funding for the new station, to which Chief Petitt replied the cost is estimated to be about \$4.5 million and they will be seeking any funding they can.

Council Member Notti asked why Sackett Hall and KUC is not included in the plans instead of building a dorm and training rooms into the station.

Chief Petitt noted that this is a concept only at this stage. He has had some discussions with the University personnel.

City Manager Herron stated they need Council's approval of the concept so they can present this to the AVCP delegates in town and hopefully get their support.

Council Member Notti felt that if they are tied into this concept, they will not be looking into using the University facilities.

Council Member Pobrislo stated that Mr. Notti had a valid point. She hoped they would bring the feeling of the Council to other organizations.

Council Member Rodgers noted that the state is cutting its funding everywhere. He could understand building a police station, but not the training center.

Council Member Hout stated she liked the concept, whether they build from scratch or use existing facilities.

Discussion on the new police station continued.

COUNCIL MEMBER COMMENTS

MOVED BY:	Phillips	To dispense with Council Comments.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	Phillips	To recess into Executive Session to discuss personnel.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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The Council took a brief recess prior to going into Executive Session.

The Mayor reconvened the meeting at 12:15 a.m.

ADJOURNMENT

With no further business to come before the Council, the meeting adjourned at 8:30 p.m.

APPROVED THIS 11th DAY OF APRIL, 2000.

ATTEST:


Mike O'Brien, Mayor


Gaye J. Vaughan, City Clerk