

CITY OF BETHEL  
CITY COUNCIL

Regular Meeting of September 28, 1993

I. CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Feaster in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Feaster, Jones, Trantham, Vanasse, Warner,  
Wintersteen  
Absent : Metcalfe (unexcused)

III. APPROVAL OF MINUTES

motion M/M by Warner, 2nd by Jones to approve the minutes of the September 14, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

motion M/M by Warner, 2nd by Vanasse to approve by consent Items A and B under New Business. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Trantham to approve the regular agenda as presented. Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Feaster advised Council that at the request of the Department of Health and Social Services, the City of Bethel had filed an appeal on behalf of the State. A hearing of the Board of Adjustment had been scheduled for Monday, October 11, 1993, 7:30 pm, at the Log Cabin. Mayor Feaster read into the record the Notice of Appeal. (Copy attached as part of these official minutes). In addition, Mayor Feaster informed Council of the opinion received from the City Attorney regarding the eligibility of City Council members to vote on appeals to the City Council from the City Planning Commission. It was recommended that the City Clerk provide City Council candidates with a copy of the attorney's opinion and advise them that newly elected Council members were eligible to be sworn in on Monday, October 11.

Mayor Feaster read into the record two proclamations declaring: 1) the month of October as *Domestic Violence Awareness Month*; and 2) the week of October 3-9 as *Fire Prevention Week*.

Mayor Feaster also referred Council to a request from Upbeat News for advertising. No action was taken.

VI. **MANAGER'S REPORT**

City Manager Hunter reviewed his written report with Council and requested direction on the following items:

1. **NPELRA & ASPA Request for Memberships & Renewal**

motion M/M by Vanasse, 2nd by Wintersteen to approve membership in NPELRA and ASPA. Voice vote. Motion carried unanimously.

2. **Application for Medicaid HCB Waiver Programs**

The City's Adult Day Care services are medicaid eligible under the HCB Waiver Program. If approved by the Older Alaskans Commission, the City would receive approximately \$8,000 as reimbursement for providing approved Adult Day Care services. These monies would be placed in the general fund and would go toward supporting activities of the elderly.

motion M/M by Wintersteen, 2nd by Trantham approving and authorizing the City Manager to apply for the Medicaid Home and Community Based Waiver Program. Voice vote. Motion carried unanimously.

3. **Request for Policy Direction for Ptarmigan Road**

Responding to concerns about the conditions of Ptarmigan Road, City Manager Hunter submitted three options for possible solutions to the problem. A copy of Mr. Hunter's report is attached as part of these official minutes. Council discussed these options and directed the City Manager to provide Council with costs and time frame associated to achieve each option. Councilman Vanasse suggested a fourth option: Hire an engineer to survey the road and provide an analysis of the problem and how it can be corrected.

*Manager's Report (Informational)*

**EPA Proposed Administrative Order**

The City was cited by the EPA for not conducting the proper testing of drinking water as required under the Safe Drinking Water Act. Based on advice from the City Attorney, City Administration drafted a response for a hearing, and will keep Council apprised of the situation as it develops. Council briefly discussed the matter.

*Questions on the Manager's Report:*

In response to a question from Councilman Wintersteen regarding how to prevent increases in health insurance premiums, City Manager Hunter stated two City employees (the Finance Director and the City Manager) represent the City on the TIPSA Board. In addition, the City Manager is a member of the TIPSA Executive Board. When the Executive Board voted on the question of increasing the premiums, the City Manager voted against the increase. Councilman Warner suggested that the City might investigate other health coverage possibilities.

In response to a question from Councilman Warner regarding the status of the 1992 financial audit, Finance Director Elam reported that the books have been closed and the auditors will be on site in early October to complete the audit. The report is scheduled to be completed by the end of the calendar year.

In response to a question from Councilman Vanasse regarding the recovered fuel at the BIA site, Public Works Director Kwiatkowski reported that the City had used the fuel from tank #3. There is 63,500 gallons of recovered fuel in tank #1 that is contaminated, and BIA has been notified that the City will not accept this fuel.

In response to a question from Councilman Wintersteen regarding the percentage of utilities drivers on annual leave, Mr. Kwiatkowski stated that leave is alternated among the drivers allowing only one or two drivers per week to take leave.

In addition, Mr. Kwiatkowski provided an explanation to a question raised by Councilman Wintersteen about the statement in his department report "Building supplies will not be ordered from the City Manager." Mr. Kwiatkowski said that it was a typographical error. It

was further explained that in order to follow the new purchasing policy, bids for the purchase of building materials were not completed timely and, thus, orders could not be placed in time for shipment on the last barge.

VII. REPORTS OF STANDING COMMITTEES

*Reports of Standing Committees was postponed at 8:30 p.m. in order to hear the People to be Heard portion of the meeting.*

Scheduled dates for upcoming committee/commission meetings were announced.

Councilman Warner reported on the September 21, 1993, meeting of the Public Works Committee: 1) heard a report from Public Works Director Kwiatkowski; 2) the waste oil burner has been repaired and is working; 3) the sewer lagoon project is 85% finished, excavation 60% complete; 4) work continues on a new landfill permit; 5) received a packet of material on how Canada manages dust control.

Councilman Wintersteen gave the following report from the September 20 meeting of the Port Commission: 1) the Port Director has recommended dredging Brown Slough instead of the Small Boat Harbor; 2) owners of property along Brown Slough would approve of the extension of the seawall providing the City and the owner negotiate the terms; 3) reviewed the terminal tariff; 4) responding to Councilman Warner's concern about mooring the Lucky Buck in Brown Slough, it was reported that there is a 40 foot clearance around the barge. It was recommended to install reflector lights on the barge to prevent people from running into the barge. Councilman Warner suggested keeping the lights on the barge on during the winter.

*Council broke at 8:45 PM for a short recess. At 9:00 PM, Mayor Feaster called the meeting back to order.*

VIII. PEOPLE TO BE HEARD

*At 8:30 p.m., Reports of Standing Committees was postponed to take up the People to be Heard portion of the meeting.*

George Hohman acknowledged the contribution and service to the City of those council members who were not seeking re-election. Mr. Hohman also applauded the Council's selection of Sharon Macklin as its lobbyist for the 1994 legislative session. In addition, Mr. Hohman referred Council to Resolution #662 and attempted to explain the declaration of emergency he issued when he was City Manager that he used to authorize the purchase of a Hitachi backhoe.

Because Mr. Hohman had exceeded the three-minute time limit for comments under People to Be Heard, Mayor Feaster suggested to Mr. Hohman that he make arrangements to schedule his presentation on the Council agenda. Mr. Hohman indicated he would be out of town at the time of the next Council meeting.

Bill Stokes, representing the Department of Environmental Conservation, addressed the concern some citizens had expressed about the possibility of lead and copper deposits in the water. Mr. Stokes asked that he be placed on the agenda for the October 12 Council meeting to discuss this issue further.

John Hastie stated that as a City Council candidate it was his goal to eliminate the three-minute time limit allotted for comments under People to Be Heard.

IX. OLD BUSINESS:

ITEM A: Investigation of J.B. Crow Land Claim to Lot 4, Block 8, USS 3790

City Manager Hunter informed Council that he had requested additional information on the claim by J.B. Crow to Lot 4, Block 8 USS 3790, and was advised by the Bureau of Land Management's Land Law Assistant, Ms. Shirley Spurlock, that she was unable to find any record of Mr. Crow's prior use claim in BLM archives. City Manager recommended that the escrow account for the land be dissolved and the monies placed in the general fund. Councilman Warner provided historical background on the issue. Mr. Warner further pointed out that the City has done as much as it could in researching the matter. At this point, if necessary, it is best to let the courts resolve the issue.

motion M/M by Warner, 2nd by Vanasse that City Administration be allowed to dissolve the escrow account for Lot 4, Block 8, USS 3790 and place the monies in the general fund. Poll vote. Motion carried unanimously.

ITEM B: Public Hearing--Ordinance #93-18-B: An Ordinance Amending the FY 94 Budget by Appropriating Monies into the City of Bethel Endowment Fund

Ordinance #93-18-B provides the mechanism to place \$1.23 million received from Transamerica, Inc. into the Bethel Endowment Fund which was established by ordinance September 14, 1993, as well as the residual funds from the Yugtarkvik Regional Museum accounts. Mayor Feaster opened the public hearing. There being no comments, the Mayor closed the hearing.

CITY COUNCIL MINUTES  
PAGE 6  
SEPTEMBER 28, 1993

motion M/M by Warner, 2nd by Jones to approve Ordinance #93-18-B amending the FY 94 budget by appropriating monies into the City of Bethel Endowment Fund. Poll vote. Motion carried unanimously.

ITEM C: Public Hearing--Ordinance #93-24: An Ordinance Amending Title 2, by Adding Chapter 2.40, Entitled Access to Public Records

Mayor Feaster provided a brief explanation of the purpose of Ordinance #93-24 by stating that it provided structure and direction in the process of obtaining records from the City. Mayor Feaster then opened the public hearing.

Ms. Desiree Humphrey, Managing Editor of the Tundra Drums submitted a letter and supporting documentation addressing specific concerns regarding the proposed ordinance. (A copy of the letter and documentation is attached as part of these official minutes). Ms. Humphrey also read her letter into the record.

There being no further comments from the public, Mayor Feaster closed the public hearing.

Councilman Warner stated that he agreed in part with the concerns raised by Ms. Humphrey. Discussion followed. It was the general consensus of the Council that the proposed ordinance and Ms. Humphrey's letter should be reviewed by the City Attorney.

motion M/M by Wintersteen, 2nd by Warner to table Ordinance #93-24 pending receipt of an opinion from the City Attorney; the proposed ordinance should be forwarded to the City Attorney for further review along with Ms. Humphrey's letter and accompanying documentation and request the attorney address the issues raised by Ms. Humphrey. Poll vote. Motion carried unanimously.

ITEM D: Public Hearing--Ordinance #93-28: An Ordinance Amending Title 3, Entitled Personnel Rules and Regulations

Mayor Feaster explained that the purpose of this ordinance was to amend the current Personnel Rules and Regulations. A work session had been scheduled to review the proposed ordinance. However, because the City will soon be involved in union negotiations, any changes to the Personnel Rules and Regulations should be dealt with through the bargaining unit. Mayor Feaster opened the public hearing. There being no comments from the public, the Mayor closed the hearing.

motion M/M by Warner, 2nd by Jones to table Ordinance #93-28 amending Title 3, entitled Personnel Rules and Regulations. Poll Vote. Motion carried unanimously.

ITEM E: Public Hearing--Ordinance #93-29: An Ordinance Amending Title 2, by Adding Chapter 2.44, Records Management

Mayor Feaster explained the purpose of the proposed ordinance is to assign responsibility for records management to the City Clerk. Mayor Feaster then opened the public hearing. There being no comments from the public, the Mayor closed the hearing.

motion M/M by Warner, 2nd by Wintersteen to approve Ordinance #93-29 establishing the City Clerk as records management officer of the City. Poll vote. Motion carried unanimously.

ITEM F: Public Hearing--Ordinance #93-30: An Ordinance Amending Title 2, Chapter 2.04.045, Consent Agenda

Mayor Feaster explained that the proposed ordinance will simplify the Consent Agenda process. Instead of placing those items that are removed from the Consent Agenda at the end of New Business as is the current practice, the items will remain in place as part of the regular agenda. Mayor Feaster opened the public hearing. There being no comments from the public, Mayor Feaster closed the hearing.

motion M/M by Wintersteen, 2nd by Trantham to approve Ordinance #93-30 amending Title 2, Consent Agenda. Poll vote. Motion carried unanimously.

X. NEW BUSINESS

ITEM A: Introduction of Ordinance #93-31: An Ordinance Acquiring Two Parcels of Land from the Bethel Native Corporation (Approved by Consent for Public Hearing to be held October 12, 1993).

ITEM B: Resolution #93-37: A Resolution Transferring the Yugtarvik Museum Accounts and Inventory to the General Fund (Approved by Consent)

ITEM C: Presentation of FY 95 DOT Capital Priorities by the Department of Transportation

Janet George, Regional Planning Manager, and Roger Maggard, Area Planner, both with the State Department of Transportation and Public Facilities presented a draft list of priorities for highway

and airport improvements in Bethel being considered for federal funding assistance. They explained that projects are currently on hold because DOT is reorganizing its method of establishing priorities. A lengthy discussion about the projects was held.

motion M/M by Warner, 2nd by Jones to continue meeting past 10:00 PM. Voice vote. Motion carried unanimously.

ITEM D: Executive Session--City Manager's Six-Month Written Evaluation

motion M/M by Warner, 2nd by Jones to go into Executive Session for the purpose of conducting City Manager Hunter's six-month written evaluation. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Jones to come out of Executive Session. Voice vote. Motion carried unanimously.

XI. COUNCIL MEMBER COMMENTS

Council members Jones, Trantham and Wintersteen expressed their gratitude to the outgoing councilmen--Mayor Feaster, Councilman Warner and Councilman Vanasse, for their exceptional service on the City Council and dedication to the City of Bethel. Council candidate, Allan Wintersteen, was also thanked for his service by fellow councilmen.

Councilman Wintersteen directed Council's attention to a report prepared by the City Clerk regarding the approach and philosophy used by four municipalities when compiling the capital projects improvements projects list. Mr. Wintersteen recommended that Council review the report.

Councilman Warner recommended that a policy be developed addressing occupancy and amount of rent to be charged for the apartment at the Fire Station.

Councilman Warner also recommended that Administration develop a plan to deal with the diesel fuel storage at the Public Works Department.

Councilman Trantham advised City Administration that he had received a request to occasionally grade the road that leads to Russian Orthodox Church off Hangar Lake Road.

Mayor Feaster commented that being mayor had been a real education.

CITY COUNCIL MINUTES  
PAGE 9  
SEPTEMBER 28, 1993

XII. ADJOURNMENT

motion M/M by Warner, 2nd by Jones to adjourn the meeting at  
12:05 AM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF October, 1993.

James H. Feaster III  
James H. Feaster III, Mayor

ATTEST:

Jane Elam  
Jane Elam, City Clerk