

City of Bethel  
City Council

Regular Meeting of April 11, 1995

**I. CALL TO ORDER**

The meeting was convened at 7:30 PM by Mayor Wintersteen in the Log Cabin, Bethel, Alaska.

**II. ROLL CALL**

Present: Chris, Harding, McComas, Miller, Tubbs, Wintersteen

**III. PEOPLE TO BE HEARD**

Bill Stokes, DEC, addressed the Council, relating that he had recently completed inspections on water and sewer systems, and that the City would soon be feeling pressure to install piped water and sewer in the Kusko Inn/Swanson's area. Mr. Stokes asked the Council to aggressively pursue piped water and sewer to that area. Mr. Stokes also stated that the City could lay the pipe on the ground instead of building pilings to support the pipe. Harry Parsi, Public Works Director also commented on this subject, adding that the City had requested money for extending the piped system to this area in the FY96 State budget. Mr. Parsi estimated a completion date of approximately one year to extend the system to this area, if the funding is approved.

**IV. APPROVAL OF MINUTES**

**motion** M/M by Miller, 2nd by McComas to approve the minutes of the March 28, 1995, regular meeting as presented. Voice vote. Motion carried unanimously.

**IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA**

**motion** M/M by Miller, 2nd by Harding to approve by consent, Item A under New Business. Voice vote. Motion carried unanimously.

**motion** M/M by McComas, 2nd by Miller to amend the agenda by moving Manager's Report after Reports of Standing Committee; to add Old Business Item E: Presentation by Bill Stokes, DEC, Regarding Barrels of Asphalt; and adding New Business Item C: Bethel Fuel Sales Land Acquisition. Voice vote.

Motion carried unanimously.

**motion** M/M by Miller, 2nd by McComas to approve the agenda as amended. Voice vote. Motion carried unanimously.

**V. MAYOR'S REPORT**

Mayor Wintersteen appointed John Watts, III, Gloria Rhodes and Thor Williams to fill the vacancies on the Transportation Commission.

**motion** M/M by Miller, 2nd by McComas to ratify the appointments to the Transportation Commission. Voice vote. Motion carried unanimously.

Mayor Wintersteen then reviewed the process used by the selection panel for reviewing the City Manager candidate's resumes. Mayor Wintersteen outlined the remainder of the selection process and read the names of the Top 20 candidates, as forwarded by the selection panel.

Mayor Wintersteen read the proclamation proclaiming April as Child Abuse Prevention Month in Bethel.

**motion** M/M by Miller, 2nd by Chris to ratify the proclamation for Child Abuse Prevention Month. Voice vote. Motion carried unanimously.

Mayor Wintersteen then read the proclamation proclaiming April 9-15, 1995, as Community Oriented Policing Week in Bethel.

**motion** M/M by McComas, 2nd by Tubbs to ratify the Community Oriented Policing Week Proclamation. Voice vote. Motion carried unanimously.

Council member Harding offered his congratulations to the graduates of the Citizens Police Academy. Mayor Wintersteen added his congratulations to the Police Chief for the high retention percentage of the class.

Mayor Wintersteen asked Council for direction regarding businesses owing sales tax, explaining that the City Attorney recommended the Council pass a resolution authorizing his firm to proceed with collection measures, including filing suit, against those businesses with seriously delinquent taxes.

**motion** M/M by McComas, 2nd by Tubbs to direct the City Attorney to draft a

resolution authorizing the City Attorney to begin collection action against those businesses listed in the resolution. Voice vote. Motion carried unanimously.

Mayor Wintersteen read a passage from one of Former Mayor Feaster's Mayor's Reports advising against micro-managing and micro-politicking. Mayor Wintersteen stated the Council should not take any action that would endanger the integrity of the grievance process.

Mayor Wintersteen then referred Council to his written report.

#### VIII. REPORTS OF STANDING COMMITTEES

*Scheduled dates for upcoming Committee/Commission meetings were announced.*

Council member McComas reported the Planning Commission had not met.

Council member Tubbs reported the Finance Committee had not met.

Council member Miller reported the Public Works Committee had not met.

Council member Chris reported the Port Commission had not met, but addressed the digging activity taking place across the river. Ms. Chris reported that the operator had obtained a permit for the project from the Corps of Engineers.

*Council broke at 8:15 p.m. for a short recess. At 8:20 p.m., Mayor Wintersteen called the meeting back to order.*

#### VII. MANAGER'S REPORT

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

##### 1. Fuel Hauling IFB

**motion** M/M by Miller, 2nd by Chris to award the Fuel Hauling Bid to Hoffman Fuel Services. Voice vote. Motion carried unanimously.

**2. Asphalt Storage**

City Manager Hunter requested Council direction regarding pursuing the asphalt. As this was added as an agenda item, Council delayed action on this request.

*Informational Items/Discussion/Questions on City Manager's Report:*

City Manager Hunter referred Council to his report regarding the purchase of a rock crusher, and requested Council direction regarding further study.

**motion** M/M by Miller to request further research re:feasibility of renting out a rock crusher to interested agencies in the city and region. (There was no second.)

**motion** M/M by Wintersteen to research the cost per mile for material if the City were to purchase a rock crusher and rock as opposed to buying the material ready for use. (There was no second.)

Discussion followed regarding the approach of the Council to the problems with the roads and dust.

**motion** M/M by Tubbs, 2nd by Miller to direct the City Manager to prepare a comparison study of the cost of producing one mile of road material through purchasing a used rock crusher and maintaining it with City employees versus buying one mile of road material ready for use. Voice vote. Motion carried unanimously.

City Manager Hunter then discussed the proposed sale of Bethel Utilities Corporation to Alaska Village Electrical Cooperative.

**IX. OLD BUSINESS**

**ITEM A: Public Hearing--Ordinance #95-08: An Ordinance Authorizing the Disposal/ Lease to an Entity in Furtherance of Local Trade and Industry--D&G Express**

Mayor Wintersteen provided a brief description of the disposal and opened the Public Hearing.

Brandon Leary, D&G Express, addressed the Council and explained D&G's plans for the use of the warehouse. Mr. Leary stated his company was interested in leasing the building to improve its service to customers.

Stuart Greydanus, Port Director, spoke in favor of the disposal, stating that this would free up space on the dock and provide a way for the City to recoup the money it paid for the building.

There being no one else who wished to speak, Mayor Wintersteen closed the Public Hearing.

**motion** M/M by McComas, 2nd by Tubbs to adopt Ordinance #95-08. Poll vote. Motion carried, 6-yes, 0-no.

**ITEM B: Review of Proposed Sewer Line Extension Construction Agreement Between the City of Bethel and the United States Department of Transportation, Federal Aviation Administration**

City Manager Hunter explained that this was the finalized agreement that had been reviewed by attorneys for both sides after months of negotiations.

**motion** M/M by Chris, 2nd by McComas to approve the agreement between the FAA and the City of Bethel.

Discussion ensued regarding the design of the pipe and the benefits to the City if this agreement were approved.

**vote** Poll vote on the motion. Motion carried, 6-yes, 0-no.

City Manager Hunter then asked for Council authorization to continue the contract with the existing engineer for the final design of the project due to time constraints.

**motion** M/M by Miller, 2nd by Chris to authorize the extension of the current contractor's contract pending recommendation by the City Attorney. Voice vote. Motion carried unanimously.

**ITEM C: Gaming Permit Application--Alaska 700 Bowling Club**

Mayor Wintersteen explained that this application had appeared once before the Council and had been returned to the organization for further information, which had been supplied.

Discussion followed regarding a local government's right to disapprove an application and the effects such disapproval has on the application process.

**motion** M/M by Miller, 2nd by Chris to approve the gaming permit application for the Alaska 700 Bowling Club. Poll vote. Motion carried, 4-yes, 2-no (Harding, McComas).

**ITEM D: Council Vacancy**

Mayor Wintersteen stated that seven people had applied for the vacant Council seat. Of those, one person worked for the City, and was therefore ineligible, and one had not met the deadline for applications. Of the five remaining people, Mayor Wintersteen explained he would present the names in the order they had finished during the municipal election.

Mayor Wintersteen read the letter of application from Mary Pavil. Mayor Wintersteen also informed the Council that ONC owed the City back sales taxes. Council vote, 3-yes, 3-no. Ms. Pavil was not appointed.

Mayor Wintersteen read the letter of application from Hal Jones. Council vote, 3-yes, 3-no. Mr. Jones was not appointed.

Mayor Wintersteen read the letter of application from Don Constantine. Council vote, 3-yes, 3-no. Mr. Constantine was not appointed.

Mayor Wintersteen read the letter of application from Gary Vanasse. Council vote, 1-yes, 5-no. Mr. Vanasse was not appointed.

Mayor Wintersteen read the letter of application from Thor Williams. Council vote, 5-yes, 1-no. Mr. Thor was appointed.

*(NOTE--Upon a subsequent review of the voters registration listings, it was discovered that Mr. Williams was not registered to vote in Bethel and was therefore ineligible to serve on the City Council.)*

Council member Miller stated that he was cosponsoring Ordinance #95-09, which would eliminate the confusion of unexcused versus excused absences for Council members. Mr. Miller also questioned the Mayor's action of ruling Mr. Miller out of order at the previous Council meeting.

Mayor Wintersteen responded by stating he was trying to bring the meeting to order and

Mr. Miller continued speaking, so he was ruled out of order. Mayor Wintersteen stated this was a difference of opinion and he would review the tapes of the meeting.

Mayor Wintersteen also asked the City Clerk to provide a quarterly report on the Council member's attendance, and requested any member planning to be absent from a meeting to notify the Mayor or Clerk in advance.

**ITEM E: Presentation by Bill Stokes, DEC**

Mr. Stokes addressed Council on the status of the asphalt removal by the Corps of Engineers. Mr. Stokes stated that he could not recommend that the City accept the asphalt in its current form. Mr. Stokes asserted that the packaging of the barrels created too much material for the City's landfill and made retrieval and use of the asphalt too expensive. Mr. Stokes reminded the Council that the City would have to provide the DEC with a use plan, if the City accepted the asphalt in its landfill, and that the volume of the asphalt would shorten the life of the landfill by at least ten years.

Discussion followed regarding the options for the remaining asphalt.

**motion** M/M by Harding, 2nd by Miller refer the review of options for the asphalt to the Public Works Committee, and specifically request the following:

1. Provide proof of certified laboratory tests determining if the asphalt is hazardous or non-hazardous;
2. Provide a demonstrative beneficial use of the asphalt. Project associated costs;
3. Determine an exact quantity of available asphalt in the form of boxes and drums;
4. Determine the definition of associated debris/soil and what is the projected quantity of this associated material that would be placed in the City landfill;
5. Identify which City department and employee would be responsible for monthly inspections of the stored material and would be providing monthly reports to ADEC in Bethel;
6. Assess available landfill space and develop a storage plan for the landfill;
7. Determine what is a reasonable length of time that the asphalt would be stored in the landfill before being utilized by the City; and
8. Prepare a report on the above, with the assistance of the Public Works Director, and provide recommendation on bidding for

the asphalt to the City Council. Such report to be presented to the Mayor and City Manager by May 17, 1995, and presented to the City Council at the regular meeting of May 23, 1995.

**vote** Poll vote on the motion. Motion carried, 4-yes, 2-no (Chris, McComas).

**X. NEW BUSINESS**

**ITEM A: Introduction of Ordinance #95-09: An Ordinance Amending Chapter 2.04 City Council, Subsection 2.04.090(C), Entitled Councilman Vacancies**

*Approved under Consent Agenda*

**ITEM B: Conference Reports**

Council member McComas addressed Council on his attendance at the AML Legislative Conference, March 27-29, 1995. Mr. McComas distributed a packet of informational materials from the conference, and encouraged the Council to attend future conferences as an effective lobbying tool.

**ITEM C: Land Policy re: Bethel Fuel Sales**

Mayor Wintersteen explained this resolution would direct the Planning Commission to review Bethel Fuel Sales' request to trade City land for the construction easement necessary for the seawall project.

**motion** M/M by Chris, 2nd by Miller to approve resolution #95-24. Voice vote. Motion carried unanimously.

**XI. COUNCIL MEMBER COMMENTS**

Council member McComas stated the City's Lobbyist, Sharon Macklin, was serving the City well in Juneau, and thanked the Council for allowing him to serve on the AML Board of Directors.

Council member Tubbs welcomed Mr. Williams and thanked the members of the Council and the Committees/Commissions that screened the City Manager applications.

Council member Miller welcomed Mr. Williams and thanked the Mayor for presenting the Council's recent resolutions to the Governor. Mr. Miller also thanked the Council for their

patience with his ideas for a rock crusher.

Council member Harding congratulated the Citizens Police Academy graduates and thanked the Police Department for their participation. Mr. Harding also welcomed Mr. Williams and wished everyone a Happy Easter.

Council member Chris welcomed Mr. Williams and stated she would be in Juneau during the next Council meeting.

Mayor Wintersteen stated he had attended a meeting of the Good Hope Committee, and was excited by the success Barrow has had since it went dry. Mr. Wintersteen added that the Committee was trying to do something about Bethel's alcohol problem.

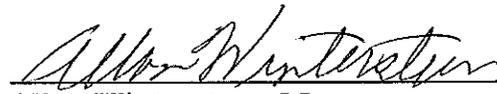
**XII. EXECUTIVE SESSION**

None

**XIII. ADJOURNMENT**

**motion** M/M by McComas, 2nd by Chris to adjourn the meeting at 10:30 p.m. Voice vote. Motion carried unanimously.

**PASSED AND APPROVED THIS 9TH DAY OF MAY, 1995.**

  
Allan Wintersteen, Mayor

**ATTEST:**

  
Connie Tucker, City Clerk