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CITY COUNCIL MINUTES
JULY 28, 1992

CALL TO ORDER

Mayor Feaster called the regular Council meeting of July 28, 1992, to order at 7:30 PM.

ROLL CALL

Present: Dale, Feaster, Richardson (late),
Wallace, Warner, Wintersteen
Absent: Vanasse

APPROVAL/MINUTES

M/M by Dale, 2nd by Warner to approve the minutes of the July 14, 1992, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA

M/M by Dale, 2nd by Wintersteen to approve the agenda as presented. Voice vote. Motion carried unanimously.

MAYOR'S REPORT

Mayor Feaster referred Council to his written report and reminded Council that the written evaluation of the City Manager and the intent of renewal or non-renewal of the Manager's contract were scheduled for the next regular meeting, August 11, 1992.

MANAGER'S REPORT

City Manager Hohman reviewed his written Manager's report with Council on the following items:

--Bid opening for Bus Barn and Bojangles buildings was scheduled for July 28, 1992, at 4:00 PM. There were no bids received.

Administration is working on a checklist to assist in conforming to the requirements in the land disposal ordinance. Notices for disposal of the old Cutting Edge, the old City Office building, the log museum are being prepared; anticipate posting these notices by the end of the week.

--IFB on the Bethel Heights/Tundra North water/sewer project has been advertised for materials to arrive in Bethel no later than on the last barge of 1992.

--The landfill has been cleaned up for the impending EPA inspection.

--Forewarned Council about the possibility of the need to monitor drinking water in compliance with the Safe Water Drinking Act.

--Meeting of the Alaska Parcel Post Task Force scheduled for July 30 to discuss the "Hub Proposal."

--Advised Council that 640 square feet of

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office space in the Braun Building has been leased to the Department of Environmental Conservation for \$1,000 per month.

--Resolution of two court cases: 1) Barbara Andrew vs. City of Bethel; 2) Polty & Black vs. City of Bethel.

--Received notice from AVCP Real Estate Division about road encroachment by the City on property owned by Henry Active and Ben Barnes.

--Drug and Alcohol Investigator Grant Agreement.

--Bethel Fuel Sales lease modification.

--Fourth of July report from Coordinator, Joyce Martin.

Regarding leasing of the Bus Barn and Bojangles buildings, Council recommended that Administration continue to advertise for bids.

In response to a question from Councilman Warner regarding the road encroachment, Council directed Administration survey the land and obtain an appraisal to determine the monetary value involved before responding to Dale Lyman of AVCP Real Estate Services.

Council discussed the profit made at the 4th of July event, pointing out that it was not the intent for the City to make a profit; suggested re-evaluating the fees charged for booth rental with the idea of possibly reducing the fees for next year; another suggestion was to increase the number of activities.

motion

M/M by Richardson, 2nd by Dale to ratify Lease #2211 between the City of Bethel and the State of Alaska for 640 square feet of office space to the Department of Environmental Conservation located in the Braun Building. Voice vote. Motion carried unanimously.

Mayor Feaster pointed out that the City's Acquisition and Land Disposal ordinance did not appropriately address the procedure for leasing office space and contracting for short-term leases. The City Clerk was

directed to notify the Planning Commission to add to its August 13, 1992 agenda, the revision of the land disposal ordinance to provide for short-term leases and the ability to lease office space.

**COUNCIL MEMBER
COMMENTS**

In response to a question from Councilman Warner regarding the Bethel Heights water/sewer project, Jerry Korthuis stated that invitation for bids had gone out with responses coming from both within and outside Alaska. Councilman Warner also informed Administration that a number of 40 foot freezer vans had been placed on city property and, if this space is not being rented out, suggested that Administration investigate the situation. In addition, Councilman Warner recommended the City negotiate a lease agreement with Ralph Doyle for the storage of gravel on City property.

Councilwoman Richardson reported that she had attended an Inuit International Circumpolar Conference at Inuvik in the Northwest Territories and donated the book Bethel-The First 100 Years to the school's library and to the family she stayed with.

**REPORTS OF STANDING
COMMITTEES**

Mayor Feaster reported that the Finance Committee met on July 16, and referred Council to the minutes, specifically, the proposed amendment to Ordinance #85 (utilities) regarding refunding utilities deposits and the recommendation to amend the lease agreement between the City and Bethel Fuel Sales changing the billing date from 30 days to 90 days.

Councilman Wallace reported that the Planning Commission was scheduled to meet August 13, 1992.

Councilman Warner reported that he was unable to attend the Public Works Committee meeting of July 21. Mayor Feaster asked Councilman Warner if he would request the Committee to begin review of plans and recommendations for snow removal for the upcoming winter.

Councilwoman Richardson reported that the Public Safety Committee met on July 15, 1992; minutes of that meeting will be forthcoming.

Councilman Wintersteen reported that at its July 20 meeting, the Port Commission recommended to 1) change the billing date for Bethel Fuel Sales from 30 days to 90 days; 2) establish the Port as a department; and 3) accept the changes to the Port ordinance recommended by the City Attorney; the Port ordinance will be submitted to Council at its next meeting.

PEOPLE TO BE HEARD

Speaking for Warren Loschky, Chairman of the Finance Committee, Larry Elam announced that a meeting had been scheduled for July 30, 1992, 7:30 PM, City Offices Conference Room to provide information and offer suggestions to the non-profit organizations on ways to collect sales tax on their gaming operations.

Linda Knotts and Marjorie Lowe stated that they and other merchants felt that the fees assessed for Fourth of July booths were too high, requiring higher prices charged for items sold at the booths; suggested that the Fourth of July committee re-evaluate the cost of the booths for next year.

OLD BUSINESS:

**Item A--Amendment
#2 to Ord. #202**

**PUBLIC HEARING--AMENDMENT #2 TO ORDINANCE
#202, PERSONNEL RULES & REGULATIONS**

Mayor Feaster briefly explained that the amendment to the Personnel Rules & Regulations before the Council are suggested revisions from the City Attorney, the majority of which deal with the section on grievances. Mayor Feaster opened the hearing to the public. There being no comments from the public, Mayor Feaster closed the public hearing.

motion

M/M by Warner, 2nd by Wallace to approve Amendment #2 to Ordinance #202, Personnel Rules & Regulations effective upon passage. Poll vote. Motion carried unanimously.

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Items B, C, D:
Ord. #204-208

**PUBLIC HEARING: ORDINANCE NUMBERS 204, 205,
206, 207, 208--LAND DISPOSALS/LEASES**

M/M by Warner, 2nd by Dale to table the public hearings on Ordinance Numbers 204, 205, 206, 207, 208--Land Disposal/Leases of Bus Barn, Bojangles and City Dock properties to a future date. Voice vote. Motion carried unanimously.

Item E: Request
from BFS to Amend
Fuel Thru-Put Lease

**REQUEST FROM BETHEL FUEL SALES TO AMEND THE
FUEL THRU-PUT LEASE AGREEMENT**

motion

M/M by Dale, 2nd by Wintersteen to approve the amendment to the Lease Agreement with Bethel Fuel Sales. Voice vote. Motion as amended carried unanimously.

City Manager Hohman referred Council to a letter from City Attorney, Brooks Chandler, in which he recommended the addition of an insurance requirement to the lease agreement.

amended motion

M/M by Warner, 2nd by Richardson to amend the main motion by adding paragraphs (a), (b), (c), (d) as recommended by the City Attorney, Brooks Chandler, to paragraph 8 of the Lease Agreement between the City of Bethel and Bethel Fuel Sales with the understanding that the amounts of the insurance coverage might need to be adjusted (a copy of the letter from Brooks Chandler is attached as part of these official minutes). Voice vote. Motion carried unanimously.

Councilman Warner pointed out that the purpose of the amended motion as stated was to allow the City and Mr. Hulbert to discuss the terms of the insurance coverage; if coverage limits were unreasonably expensive then the Council could review the agreement at the next meeting.

Warren Hulbert advised Council that he did not object to including insurance coverage as part of the agreement, and that although he carried insurance to cover public liability and property damage to the premises, he did not know the amount of the coverage and the

cost. He had requested that information from his insurance carrier and would provide those figures to the City Manager as soon as he heard from his carrier.

Item F: Resol.
#710

RESOLUTION #710--TO ENTER INTO A COOPERATION AGREEMENT WITH THE AVCP REGIONAL HOUSING AUTHORITY PROVIDING FOR LOCAL COOPERATION IN CONNECTION WITH DEVELOPMENT OF LOWER INCOME HOUSING

Discussion was held concerning paragraph 7 of the proposed Cooperation Agreement which states that the City agrees to exempt the tenants of the Project and the Authority from the payment of sales tax in conjunction with rents. John Guinn, speaking on behalf of AVCP Regional Housing Authority, explained that low-income housing should be exempt from the sales tax, citing A.S. 18.55.995 and 18.55.996.

motion

M/M by Dale, 2nd by Wallace to adopt Resolution #710 to enter into a "Cooperation Agreement" with the AVCP Regional Housing Authority. Poll vote. Motion carried unanimously.

PEOPLE TO BE HEARD

At 8:30 PM, as required by resolution, Mayor Feaster again opened the meeting to the public for discussion of items not listed on the agenda. Pat Rodey, candidate for U.S. Congress, took the opportunity to introduce himself and explain his concerns and interests with regard to Alaska and the Delta Region.

Council broke at 8:35 PM for a short recess. At 8:45 PM, Mayor Feaster called the meeting back to order.

NEW BUSINESS:

Item A: Intro.
Amend. #12 to
Ord. #85

INTRODUCTION OF AMENDMENT #12 TO ORDINANCE #85, WATER, SEWER, AND GARBAGE, RUBBISH AND WASTE MATERIAL; BMC 13.04.110, 13.08.080, AND 13.12.040 CREDIT ESTABLISHMENT--DEPOSITS

motion

M/M by Warner, 2nd by Richardson to introduce Amendment #12 to Ordinance #85, Water, Sewer, and Garbage, Rubbish and Waste Material for

public hearing to be held at the August 11, 1992, regular meeting of City Council. Voice vote. Motion carried unanimously.

Item B: Estab.
Port as a Dept.

ESTABLISHING THE PORT AS A DEPARTMENT

Port Director, Stuart Greydanus, explained his position and that of the Port Commission's in support of establishing the Port as a department. Mr. Greydanus first pointed out that other ports in Alaska operate as separate departments, and second that the Port and the Port Director have the same function and requirements as other City departments and department heads such as preparation of budgets; attending budget work sessions; participating in department head meetings conducted by the City Manager; attending City Council meetings; and invoicing port and harbor accounts. City Manager Hohman informed Council that he supports the concept as it would maintain and protect the identity of the Port. Council briefly discussed some of the issues that would be involved in making the Port a separate department.

motion

M/M by Warner, 2nd by Wintersteen to approve the concept of establishing the Port as a separate department within the City. Poll vote. Motion carried. 4-yes; 2-no (Feaster, Warner).

Council directed Administration to prepare an ordinance proposing the establishment of the Port as a department for introduction at the August 11, 1992, regular City Council meeting.

Item C: Bethel
Group Home Land
Lease

AMENDMENT TO BETHEL GROUP HOME LAND LEASE AND GRANT MONEY PASS THROUGH

City Manager Hohman requested that Council postpone consideration of the amendment to the Bethel Group Home land lease pending receipt of additional documentation.

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motion M/M by Dale, 2nd by Wallace to adjourn the meeting at 9:11 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 11th DAY OF August, 1992.

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

ATTEST:

Jane Elam
Jane Elam, City Clerk