

CALL TO ORDER

The meeting of the City Council was called to order at 7.30 pm.

ROLL CALL

All members present.

APPROVAL OF MINUTES

M/M by Carpenter, 2nd by Chris to approve the minutes of the 4/28/87 Council meeting as presented. Voice vote, motion carried.

APPROVAL OF AGENDA

M/M by Dale, 2nd by Korthuis to approve the agenda as presented. Voice vote, motion carried.

MAYOR'S REPORT

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Mayor Warner informed Council that Dr. Lehman has resigned from the PATC Advisory Board. Mayor Warner thanked Dr. Lehman for his participation.

MANAGER'S REPORT

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Interim City Manager Vaska reported to Council on the following items:

- a. fire damage clean-up at Heather's Barn - recommend that if not done that the City put the work out to bid to have the area cleared before break-up
- b. Parks/Recreation has received a \$35,000 grant from LKSD for a wilderness camping program
- c. LKSD has requested to lease the bowling alley this summer and to lease the orange bus from June 15 - July 30
- d. agreement between the Bethel Advisory School Board and the City for \$10,000 for the use of school facilities for recreation purposes
- e. collection of outstanding utility bills - Administration is developing a collection policy and procedure
- f. request for moving expenses by former City Manager Widom - recommendation that City not pay due to untimely request for payment. City Attorney Hicks noted that State law stipulates that a request must be made within 45 days; that the amount owed for moving expenses is not related to any amount paid to move a person to a location. Mayor Warner noted that he did not recollect Mr. Widom making a request for the moving expenses. It was noted that the PAR regarding severance pay for Mr. Widom did not contain a request for moving expenses. M/M by Carpenter, 2nd by Edge to discuss the matter in executive session. Poll vote, 5 yes, 2 no (Chris, Reich). Motion carried. The executive session regarding moving expenses was added to the agenda under Item E, New Business.

motion

motion

- g. landfill operation - a discussion took place concerning the operation of the City's landfill with Council consideration of the establishment of rates for using the landfill and fencing the landfill area. M/M by Carpenter, 2nd by Dale to establish a daily closing hour for the City dump effective June 1 with revised operational hours and charges to be established as soon as the rate study is received. Voice vote, motion carried.
- h. "Tough Times" conference noting that workshops were held on how to reduce municipal costs.

POLICE CHIEF REPORT

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Lieutenant Liu reported to Council on behalf of Police Chief Clayton who is on vacation. Lt. Liu reviewed with Council the operations of the police department noting that the department is involved with the REDDI drunk driving program. Councilmember Chris commended the police department on its efforts to stop bootlegging at Bethel.

COUNCILMEMBER COMMENT

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Councilmember Dale inquired as to the possibility of the public obtaining sand from the City sand pit. City Attorney Hicks noted that this matter is set for discussion at the executive session.

Councilmember Carpenter suggested that the City needs a public nuisance ordinance to deal with junked cars, abandoned property, and ruined buildings; that the City needs to seed sand pads and other exposed areas; that the City needs to establish a procedure for disposing of hazardous wastes during clean-up, green-up week; that riding trails are needed for 3 and 4 wheeler riders. Hal Borrego of Bethel Utilities reviewed for Council Bethel Utilities program for disposing of hazardous waste material and suggested that the City and Bethel Utilities cooperate in such disposal matters.

Councilmember Dale inquired about the dredging of the small boat harbor and the mouth of Brown Slough. Councilmember Korthuis noted that the project was stopped by the Corps of Engineers due to lack of a permit. Special Assistant to the City Manager, Dale Wagner, noted that the existing permit was not adequate; that the City had applied for the correct permit; that any dredging under the new permit could not take place until later in the summer. Interim Manager Vaska noted that there is a lack of pipe available for pumping the dredging discharge from the river. Council took no action on the matter.

Councilmember Carpenter presented to Council a request by Warren Loschky to revise the sales tax reporting form by eliminating sections 6 - 12 on the form (exemption listings). Interim Manager Vaska noted that Administration would make a recommendation regarding the matter at the next meeting. Councilmember Carpenter suggested that the City establish a process for revising City ordinances. Councilmember Chris suggested that this be the first order of business for the new City Manager.

Interim Manager Vaska suggested that Councilmembers call the area legislators regarding funding for the City's capital projects. Councilmember Reich noted that at the present time only funds for improvement to the State highway are earmarked for Bethel; that the funds used for the State highway project are not Bethel capital project funds but rather DOT funds.

REPORTS OF STANDING
COMMITTEES

REPORTS OF STANDING COMMITTEES

Port Commission - Councilmember Chris reported on the 5/4 Port Commission meeting noting that the Commission will begin work on revising the Port Ordinance at the 5/18 Commission meeting.

Planning Commission - Mayor Warner reported on the Commission meeting noting that Council will discuss matters relevant to the Commission meeting later in the agenda.

PEOPLE TO BE HEARD

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Antone Anvil inquired as to the status of the proposed resolution he presented to Council regarding resignations from Council. Interim Manager Vaska noted that the resolution was presented to Council in March. Mr. Anvil suggested that committee and commission appointments by the Mayor should be reviewed by Council; that the City should build a hard surface bike trail along the highway.

City Attorney Hicks reviewed for Council the matter of resignations from Council noting that any question about the validity of the resignation is construed narrowly in favor of the public official.

Former City Manager Ivan Widom addressed Council regarding moving expenses noting that the failure of Council to pay for such expenses could result in fines and penalties assessed against the City.

Edward Alva addressed Council concerning a variance from the zoning regulations and covenants as they pertain to the City subdivision to allow him to sell ice cream across the street from Pinky's Park. City Attorney Hicks noted that the private land owners and not the City should enforce covenants; that such covenants are generally frowned upon. The matter was referred to Administration.

Hal Borrego of Bethel Utilities addressed Council concerning the street light question at the trailer court noting that if the City stops paying the bill for the street lighting within the trailer court that it would create a safety hazard for the people living there. Mayor Warner noted that the City proposes to only stop paying the bill for those lights located on private property. Attorney Hicks noted that the lights in the trailer court are on private land and not dedicated rights-of-way; that the City should not pay the bills for such street lighting; that the bill should be paid by the private owner of the land. Interim Manager Vaska noted that the Planning Department is developing a lighting plan for the City; that the trailer court should purchase the present lights rather than the City remove them. A proposed motion by Councilmember Dale directing the City to continue paying the street lighting bill at the trailer court died for lack of a second. Council discussed the possibility of the City paying for the street lighting at the bus stop at the trailer court with the trailer court owners paying for the lighting within the court and the lights to remain in place. It was noted that any liability regarding the electric poles rests with the private owner of the poles. M/M by Carpenter, 2nd by Chris to take no action on the matter until the lighting plan for the City is presented by the Planning Department, that plan to be presented no later than September 1, 1987. Voice vote, motion carried.

motion

motion

M/M by Chris, 2nd by Dale to go past 10 pm. Voice vote, motion carried.

Tim Oosterman of the City Parks Department reported to Council on the clean-up, green-up campaign scheduled for the week-end of May 29. Councilmember Chris contributed \$25 on behalf of Seawall Haven to the program and challenged other Councilmembers to meet or beat the pledge. Councilmember Carpenter inquired as to how hazardous waste material would be handled during the clean-up. Mr. Oosterman noted that junked vehicles would only be moved once a signed permit had been signed authorizing the City to move the vehicle. City Attorney Hicks noted that the release language should state that the person so authorizing had authority to do so.

UNFINISHED BUSINESS RIVER PATROL

Item A: River Patrol Interim Manager Vaska reviewed for Council the status of the river patrol program for this year noting that the program, at Council direction, would be run as a safety patrol this season; that bids would be let for the operation of a safety patrol on the river; that the City will monitor any program run by a private contractor.

Item B: FY '88 City Budget FY '88 CITY BUDGET
Council set May 20, 7 pm, at the Log Cabin as a date for a work session on the FY '88 City budget.

NEW BUSINESS INTRODUCTION OF AMENDMENT 2 TO ORDINANCE 66 - FLOOD INSURANCE ORDINANCE

Item A: Amendment 2 to Ordinance 66 motion M/M by Chris, 2nd by Korthuis to introduce and to set for a public hearing at the May 26 Council meeting Amendment 2 to Ordinance 66, the Flood Insurance ordinance. Voice vote, motion carried.

Item B: Amendment 1 to Ordinance 151 motion INTRODUCTION OF AMENDMENT 1 TO ORDINANCE 151 - LAND DISPOSAL ORDINANCE
M/M by Dale, 2nd Korthuis to introduce and to set for a public hearing at the May 26 Council meeting Amendment 1 to Ordinance 151, the Land Disposal ordinance. Voice vote, motion carried. (the amendment will add land acquisition regulations to the present ordinance).

Item C: Day Care Contract DAY CARE CONTRACT
M/M by Dale, 2nd by Korthuis to table the matter until the May 26 Council meeting. Voice vote, motion carried.

Item D: Open Meetings Law OPEN MEETINGS LAW
City Attorney Hicks reviewed for Council the present State open meetings law noting the restrictive nature of the law. Attorney Hicks outlined those times when an executive session is permitted noting that actions taken as a result of a meeting not allowed under the open meetings law are automatically void; that the law applies to boards, commissions, and quasi-public bodies; that the court narrowly construes actions subject to the open meetings law.

Item E: Executive Session EXECUTIVE SESSION - LEGAL MATTERS
City Attorney Hicks reviewed for Council the following items in open session:
a. conflict of interest statute
b. State ethics code noting that it does not apply to municipalities

- c. Southern v. City v. Hoffman - dismissed for lack of prosecution; the City can clear the property
- d. Bethel v. Lloyds of London - settled, \$250,000 awarded the City; other claims pending against contractor
- e. Walsh v. City of Bethel - awaiting result of land sale by Walsh
- f. Barker v. City of Bethel - claim for \$1800 resulting from publication of centennial book
- g. City sand pit - review request by private party for use of City sand pit - noted that agreement with Calista limits use to public use and not use by private individuals who are members of the public; noted that the Planning Commission has indicated that the intent of the agreement is for public use that being public projects

motion

M/M by Dale, 2nd by Korthuis to go into executive session to discuss the following legal matters:

- a. former Guinn property
- b. Hoffman sales tax action
- c. Bethel Utilities sales tax question
- d. seawall damage resulting from barge collision
- e. Malone seawall suit against the City
- f. Alaska Insurance Guaranty v. City
- g. collection policies regarding money owed the City
- h. reimbursement of moving expenses for former City Manager Ivan Widom

Voice vote, motion carried.

Upon return from executive session Council took the following actions:

motion

- a. M/M by Chris, 2nd by Dale directing the City Attorney to proceed with legal actions against Crowley shipping for damage done to the seawall by a Crowley barge. Voice vote, motion carried.

motion

- b. M/M by Carpenter, 2nd by Reich directing the City Manager to inform Ron Southern that he has two weeks to remove his property off City land. Voice vote, motion carried.

motion

- c. M/M by Reich, 2nd by Edge directing the City Attorney, at his discretion, to begin collection procedures for sales tax collection from Attorney Cooke and the Tundra Press. Voice vote, motion carried.

motion

- d. M/M by Dale, 2nd by Korthuis to not reimburse former City Manager Ivan Widom for moving expenses. Poll vote, 4 yes, 3 no (Chris, Reich, Warner). Motion carried.

motion

M/M Carpenter, 2nd by Dale to add to the agenda the alcohol survey. Voice vote, motion carried.

motion

M/M by Chris, 2nd by Korthuis authorizing the Administration to spend an additional \$120 in order to send the survey to all registered voters. Poll vote, motion carried.

Council set May 20, 7 pm, as a Special Council meeting with the topic being the new City Manager contract. The budget work session will follow the special council meeting.

ADJOURNMENT

M/M by Korthuis to adjourn. Voice vote, motion carried. The meeting adjourned at 1.20 am.

PASSED AND APPROVED THIS *20th* DAY OF MAY, 1987.



Tom Warner, Mayor

ATTEST:



Wayne J. Maiers, City Clerk

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