
City of Bethel City Council Meeting Minutes

March 11, 2008

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on March 11, 2008 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Middlebrook called the meeting to order at 6:30p.

II. ROLL CALL

Members present:

Mayor Eric Middlebrook
Vice-Mayor R. Thor Williams
Council Member Tundy Rodgers
Council Member Dan Leinberger
Council Member Yolonda Jorgensen
Council Member Tiffany Zulkosky
Council Member Keppel

Others present:

City Manager Wally Baird
City Clerk Lori Strickler

III. PEOPLE TO BE HEARD

Wayne Ogle – Interesting for people to read what the article in the Delta Discovery newspaper had to say in the March 5th, 2008 issue; The Council's Special meeting of the 28th of February and the agenda item, Legal representation for the City of Bethel and the Bethel City Council. Seems there is a diverging situation, the outcome of the agenda was useful; Why did Preston Gates and Ellis decline representing the City on their legal issues; The dept. of legal services should be under the City Manager, the city attorney is focused on who the client is, how can that be balanced when the attorney works directly below the Council.

Charley Chung - Many drivers are not happy with the new two year renewal fee of \$250.00. Their will be a group complaint submitted to Council from the taxi industry.

David Trantham – If the Council decides to establish a budget and audit committee, please do so by ordinance; would like to thank the two Council members who testified to the Senate Sub. Bill 256. Encourage the Senators and Representatives in Juneau and tell them you support this bill.

IV. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Rodgers	To approve the Consent & Regular Agenda for the March 11, 2008 Regular Meeting
SECONDED:	Keppel	

MOVED:	Leinberger	Table the Introduction of Ord. 08-03 until the April 8 th meeting
SECONDED:	Jorgensen	

VOTE ON MOTION	All in favor
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MOVED:	Rodgers	Pull the meeting minutes of 02/26/2008 for the correction of Rodgers from Rogers.
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MOVED:	Williams	Combine Item i under New Business with Item e under New Business
SECONDED:	Leinberger	

VOTE ON MOTION	All in favor
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MOVED:	Keppel	Move Items VIII, IX, X, XI, XII ahead of Item A of Unfinished Business
SECONDED:	Williams	

VOTE ON MOTION	4-3 Jorgensen, Zulkosky, Leinberger opposed
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VOTE ON MAIN MOTION:	5-2 Jorgensen and Zulkosky opposed
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V. APPROVAL OF MEETING MINUTES

The following minutes were approved on the consent agenda

- a. 02/28/08 Regular City Council Meeting

MOVED:	Williams	Approve the 02/26/2008 as amended.
SECONDED:	Leinberger	

VOTE ON MOTION	All in favor
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VI. REPORTS OF STANDING COMMITTEES

Planning Commission – Met Feb 14th, issue at hand was the disposal of AVCP to purchase the COB property near 405 Ptarmigan, discussed and passed and will be brought to Council. Next meeting will be March 13th.

Parks & Recreation Committee – Next meeting is Wednesday the 12th at the Log Cabin

Port Commission – Vice –Chair walked out of the meeting, there was a work session. There is a conflict; there is some work to be done. Next meeting discussion will be on the tariffs, update on the boat harbor, and progress with BNC.

Public Works Committee – lack of a quorum at the last meeting.

Cemetery Committee – Next Meeting is on March 20th, 6:00 pm, Council Chambers. The surveying of the civilian sight of the cemetery to be open for the public is on the agenda

Alternative Energy Committee – Discussed putting an unofficial petition out in town in opposition to the 9.5% rate increase with Bethel Utilities

Public Safety & Transportation Commission – Met March 10th, meeting date of the commission will be changing to the first Thursday (April 3rd will be the next meeting). Concerns of the fee schedules and the changes which have occurred, perhaps a press release should be done.

Police Chief will arrive Monday the 17th, two candidates at the Academy, and three experienced officers applying for a position at the Police Dept.

Discussion of funeral procession, hope that people will be more cognoscente of the time and places where the funerals take place.

Finance Committee - Next meeting is Thursday 13th.

VII. MAYOR'S REPORT

VIII. MANAGER’S REPORT

MOVED:	Rodgers	Approve the City Manager’s leave request
SECONDED:	Jorgensen	
VOTE ON MOTION		
All in favor		

MOVED:	Rodgers	Suspend the rule to allow the Port Director to speak
SECONDED:	Jorgensen	
VOTE ON MOTION		
All in favor		

IX. CLERK’S REPORT

X. COUNCIL MEMBERS COMMENTS

Council Member Jorgensen Talked to the people in the office at public works and although many people complain about not getting their water and/sewer service the community should read the contract, wanted to thank the city workers for all of their hard work.
Hug an elder because they are special.

Council Member Zulkosky Recognize the city employees, especially the Police Dept. and the Police Officer for their dedication.

Council Member Leinberger – No comment

Council Member Keppel – Insurance and responsibilities, there is a recall petition out there, claiming the Council is at fault for not consulting a lawyer. First there is an insurance agency that is to inform the city manager who is to inform the council, second there was a lawyer who is supposed to inform the council neither of these occurred. I am not in agreement with the attorney working under the City Manager.

According to the other petition where the Mayor is mentioned, I should have declared a conflict of interest. I took my lead from Council Member Leinberger, he did not abstain, and he did not.

As far as my citation, it was due in court in September; with my schedule it slipped my mind, by default. I wasn’t notified of the default, my first knowledge of it was when the HR Manager put it in front of us right before executive session for the City Attorneys evaluation. Thereafter I receive another ticket for 189 days, \$100.00 a day maximum fine. I had no knowledge of this prior to this; however during the election of the Council seat other council members were aware of it. This s a violation of Alaska Statutes and not far, there is always more to it when you get both sides. Signing petitions for recall is not where it is at.

Vice Mayor Williams – Our family dog, Duchess is missing; black sled dog with a purple collar. First off I have to congratulate my mother in law Martha Nicolai for winning the parent of the year award from the Head Start Program.

Also would like the Mayor to make a day of recognition for Mss. Klejka for being the Jr. Iditarod Champion.

Council Member Rodgers – I joined the ranks of the elders this month and I feel good about it, I don't have to buy a hunting license. Went hunting with my son and granddaughter and had a great time. Go hug an elder.

Mayor Middlebrook - Several months ago there was a welcome home celebration for the troops. I would also like to send my condolences to the Samuelson family, Kippe was my friend.

XI. UNFINISHED BUSINESS

Item A - Public Hearing on Ordinance 07-12 (H): Amending The Adopted Annual FY 2008 Budget

MOVED:	Leinberger	Motion to adopt
SECONDED:	Zulkosky	

MOVED:	Williams	Amend the 07-12 H to increase 10-51-641 Legal Fees, to \$200,000 and decrease the Salary/Benefits section on past city attorney position to zero.
SECONDED:	Leinberger	

MOVED:	Leinberger	To divide the question
SECONDED:	Jorgensen	

VOTE ON MOTION	Passes 4-3 Williams, Rodgers, Keppel opposed	
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MOVED:		Increase the legal fees to \$200,000.00
SECONDED:		

VOTE ON MOTION	All in favor	
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MOVED:		Decrease the Salary section in the City Attorney Section to zero.
SECONDED:		

VOTE ON MOTION	Failed 5-2 Williams and Rodgers for
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MOVED:	Williams	Amend 08-H 21,08-H 25,08-H 26, Decrease Salaries, Overtime, Social Security, Medicare, Unemployment, Workman’s Comp. and PERS to zero
SECONDED:	Leinberger	

VOTE ON MOTION	Passes 5-2 Leinberger and Zulkosky opposed
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MOVED:	Zulkosky	Suspend the rules to allow the Finance Director speak
SECONDED:	Rodgers	

VOTE ON MOTION	All in favor
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MOVED:	Williams	Amend the amendment, removing Workman’s Compensation
SECONDED:	Jorgensen	

VOTE ON MOTION	All in favor
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MOVED:	Leinberger	Suspend the rules to allow the Port Director speak
SECONDED:	Rodgers	

VOTE ON MOTION	All in favor
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VOTE ON MAIN MOTION	All in favor
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Item B – Public Hearing on Ordinance 08-02: Fee & Rate Structure

MOVED:	Williams	To adopt
SECONDED:	Rodgers	

VOTE ON MAIN MOTION	All in favor
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Item C - Resolution 08-06: A Resolution Of The Bethel City Council Requesting Additional Funding From The State Of Alaska To Provide An Additional Wing On The Yukon Kuskokwim Correctional Center For Title 47 Related Services

MOVED:	Leinberger	To adopt
SECONDED:	Zulkosky	

MOVED:	Keppel	Withdraw the second WHEREAS, the second paragraph
SECONDED:		

VOTE ON MOTION	Fails for lack of second	
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MOVED:	Leinberger	To go past 10:00
SECONDED:	Jorgensen	

VOTE ON MOTION	5-2 Rodgers, Keppel in opposition	
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MOVED:	Williams	Suspend the rules to allow Lt. Achee speak
SECONDED:	Leinberger	

VOTE ON MOTION	All in favor	
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MOVED:	Zulkosky	Remove the second WHEREAS
SECONDED:	Keppel	

VOTE ON MOTION	Fails 5-2 Zulkosky and Middlebrook in favor	
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MOVED:	Williams	Amend 08-06 to add a WHEREAS, The Bethel City Council will no longer support 07-35 with the passage of Resolution 08-06.
SECONDED:	Rodgers	

VOTE ON MOTION	Fails	
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MOVED:	Zulkosky	Motion to break for 10 min
SECONDED:	Middlebrook	

VOTE ON MOTION	All in favor	
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VOTE ON MAIN MOTION	Motion Fails 4-3 Leinberger, Zulkosky, Jorgensen in favor	
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XII. NEW BUSINESS

Item A- City's Right To Contest The New Rate Increase From Bethel Utilities Corporation

MOVED:	Keppel	Allow the City Manager speak with an attorney to find out what it would take to put a ballot issue before the public allowing the city to use immanent domain to purchase Bethel Utilities in cooperation with AVAC to join their organization to make us a partner with them to bring in a Bethel Utilities facility (cost cap of \$750.00). Get a list from the Bar Association of attorneys who specialize in regulatory law.
SECONDED:	Rodgers	
VOTE ON MOTION		
		All in favor

Item B – Approval Of Waiver For the City Of Bethel To Contract Eric Middlebrook To Service City Of Bethel Equipment

*Mayor Middlebrook announced he had a conflict of interest
Vice-Mayor Williams ruled in agreement with Mayor Middlebrook's conflict of interest.*

MOVED:	Rodgers	Move to approve the waiver for the City of Bethel to contract Mr. Eric Middlebrook to service City of Bethel's equipment and specify the equipment.
SECONDED:	Keppel	
VOTE ON MOTION		
		All opposed
MOVED:	Rodgers	Amend the motion to include a write up of a service schedule.
SECONDED:	Zulkosky	
VOTE ON MOTION		
		All in favor
MOVED:	Leinberger	Suspend the rules to allow Mr. Middlebrook speak.
SECONDED:	Zulkosky	
VOTE ON MOTION		
		All in favor
MOVED:	Zulkosky	Go past 11:00
SECONDED:	Leinberger	

VOTE ON MOTION	All in favor
VOTE ON Main MOTION	All in favor

Item C – Accepting The City Dock Transfer From The State Of Alaska

MOVED:	Rodgers	Table until an answer is received from the Senator
SECONDED:	Zulkosky	
VOTE ON MAIN MOTION	All in favor	

MOVED:	Williams	Suspend the rules to go into Executive Session Item XIII
SECONDED:	Keppel	
VOTE ON MAIN MOTION	Fails 4-3 Keppel, Williams, Rodgers in favor	

Item D – Plan Of Action For Fire Dept. Roof For The Short Term

MOVED:	Keppel	Two weeks after the close of the regular scheduled Legislative session, the Council will address the fire station rood repair, with a financial solution
SECONDED:	Leinberger	
VOTE ON MOTION	All in favor	
MOVED:	Zulkosky	Amend the motion to hold a financial solution discussion of the fire station roof repairs until the Legislative session is complete and we have heard from USDA – RD and other pending requests.
SECONDED:	Leinberger	
VOTE ON MOTION	All in favor	

MOVED:	Jorgensen	Suspend the rules to allow Dianna Moffet to speak
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	All in favor	

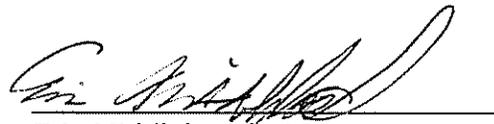
Item E – Village Safe Water Plan For Treatment Of Waste Water

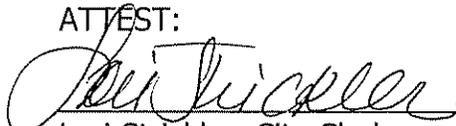
MOVED:	Rodgers	Suspend the rules to allow Mr. Ogle to speak
SECONDED:	Jorgensen	
VOTE ON MOTION		
Passes 5-2 Leinberger and Williams opposed		

MOVED:	Jorgensen	Move to table the Executive Session Item XIII for a Special Meeting
SECONDED:	Rodgers	
MOVED:	Zulkosky	Amend the motion to hold the Executive Session on March 25 th at 5:30pm.
SECONDED:	Leinberger	
VOTE ON MOTION		
All in favor		
VOTE ON MAIN MOTION		
All in favor		

MOVED:	Leinberger	Adjourn
SECONDED:	Zulkosky	
VOTE ON MOTION		
All in favor		

APPROVED THIS 25 DAY OF MARCH, 2008.


 Eric Middlebrook, Mayor

ATTEST:

 Lori Strickler, City Clerk