
City of Bethel City Council Meeting Minutes

November 27, 2007

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on November 27, 2007 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Kenick called the meeting to order at 6:31p.

II. ROLL CALL

Members present:

Mayor Mary Kenick

Vice-Mayor Eric Middlebrook

Council Member Tundy Rodgers

Council Member Dan Leinberger

Council Member Yolonda Jorgensen (arrived 6:33P)

Council Member R. Thor Williams

Council Member Tiffany Zulkosky

Others present:

City Manager Wally Baird

City Attorney Sharon Sigmon

City Clerk Sandra Modigh

III. PEOPLE TO BE HEARD

Jody Malus addressed Council to state that she and others are very concerned about ordinance 07-27 and referenced the 1st amendment regarding freedom of speech and read ordinance 07-27 into the record. Mrs. Malus also read an article from a community member recently published in a local paper.

David E. Trantham Jr. addressed Council to remind the community that on December 31st the State of Alaska will be celebrating 50 yrs of statehood and has requested communities throughout the state to help celebrate by building a bonfire which a satellite will be taking pictures of. Mr. Trantham requested that the City of Bethel participate in the celebration.

Mr. Trantham stated that tempers are growing short along with the days and suggested light therapy which his proven to be helpful.

Mr. Trantham stated that ordinance 07-27 discussing the people's rights is controversial and troubling and stated that he stands before council to protect democracy.

Buck Bukowski addressed Council to speak in opposition of ordinance 07-27.

Diana Moffett addressed Council to state that their body language is disrespectful to community members who address them during public hearing.

Andy McGowan addressed Council to state that ordinance 07-27 is silly and advised Council to address the true meat and potatoes of City issues.

Sam Shields addressed Council to request they rethink ordinance 07-27 and spoke in opposition.

Mary Pete addressed Council to speak in favor of ordinance 07-27 and stated that language issues can be addressed.

IV. APPROVAL OF THE CONSENT AND REGULAR AGENDA

MOVED:	Leinberger	To approve the Consent & Regular Agenda for the November 27, 2007 Regular City Council Meeting as amended removing Items B&C under Unfinished Business and Items A&B under New Business from the consent agenda.
SECONDED:	Middlebrook	
MOVED:	Leinberger	To table ordinance 07-24 until the December 11, 2007 meeting
SECONDED:	Middlebrook	
MOVED:	Williams	To move item D under Unfinished Business to item A to allow public testimony on the ordinance
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	Carried unanimously	
VOTE ON MAIN MOTION	Carried unanimously	

MOVED:	Leinberger	To table the City Attorneys evaluation until the December 11, 2007 meeting.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION	Carried unanimously	
VOTE ON MAIN MOTION	Carried unanimously	

V. SPECIAL ORDER OF BUSINESS

Item A- Award of Appreciation Presentation for Shane McIntyre

City Manager Baird presented Shane McIntyre an Award of Appreciation

VI. APPROVAL OF MEETING MINUTES

Item A- 11-13/07 Regular City Council Meeting

Item B-11-20-07 Special City Council Meeting

Meeting Minutes were approved on the consent agenda.

VII. UNFINISHED BUSINESS

Item A-Public Hearing of Ordinance 07-24: An Ordinance By The Bethel City Council Amending Chapter 2.04 Of The Bethel Municipal Code To Provide A Stipend For City Council Members

Additional Public Hearing is scheduled for December 11, 2007.

Public Hearing:

David E. Trantham addressed Council to speak in opposition of ordinance 07-24.

Jody Malus addressed Council to state a stipend should also be provided to all volunteers.

Andy McGowan stated that the matter should be brought before the voters of the community.

Item B- Public Hearing Of Ordinance 07-12 (B): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2008 Budget By Appropriating \$500,000 For Multiuse Recreation Center and Recognizing Anticipated Increase to Sales Tax Revenue

Public Hearing:

None

MOVED:	Leinberger	To introduce ordinance 07-12 (B): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2008 Budget By Appropriating \$500,000 For Multiuse Recreation Center and Recognizing Anticipated Increase to Sales Tax Revenue
SECONDED:	Williams	
VOTE ON MAIN MOTION		
Carried: 6 - 1 Rodgers voting against		

MOVED:	Middlebrook	To break for 10 minutes
SECONDED:	Rodgers	
VOTE ON MAIN MOTION		
Carried unanimously		

Item C- Introduction Of Ordinance 07-12 (C): An Ordinance OF The Bethel City Council Amending The Adopted Annual FY2008 Budget

MOVED:	Leinberger	To introduce ordinance 07-12 (C): An Ordinance OF The Bethel City Council Amending The Adopted Annual FY2008 Budget
SECONDED:	Middlebrook	
<p>City Manager Baird suggested that the ordinance be postponed until the budget is corrected.</p>		

MOVED:	Middlebrook	To direct the management through the City Manager to provide a copy of the complete 07/08 budget and budget ordinance, as passed by the council, in binder form, to the council by the December 11 th council meeting.
SECONDED:	Williams	
VOTE ON MAIN MOTION		
Carried 6-0 (council member Jorgensen was not in the room when voted on)		
MOVED:	Middlebrook	To table ordinance 07-12 (C) until the December 11, 2007 Council Meeting.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION		
Carried unanimously		
VOTE ON MAIN MOTION		
<i>Postponed until December 11th Council Meeting.</i>		

Item D- Introduction Of Ordinance 07-12 (D): An Ordinance Of The Bethel City Council Amending The Adopted Annual FY2008 Budget By Restoring Full Funding For A Time Safety Coordinator Position And A Full Time Code Enforcement Office Position, Currently A Combined Position Of City Safety Coordinator/Code Enforcement Officer

MOVED:	Williams	To table ordinance 07-12 (D) until the December 11, 2007 Council meeting.
SECONDED:	Rodgers	
VOTE ON MAIN MOTION		
Carried unanimously		

Item E-Public Hearing of Ordinance 07-26: An Ordinance By The Bethel City Council Adjusting The Rates/Fees Charges For City Of Bethel Water & Sewer Services

Public Hearing:

None

Additional public hearing is scheduled for December 11, 2007

VIII. NEW BUSINESS

Item A- Introduction of Ordinance 07-27: An Ordinance By The Bethel City Council Amending Chapter 2.04 Of The Bethel Municipal Code Adding Section 2.04.055-Public Participation & Decorum

MOVED:	Leinberger	To introduce ordinance 07-27: An Ordinance By The Bethel City Council Amending Chapter 2.04 Of The Bethel Municipal Code Adding Section 2.04.055-Public Participation & Decorum
SECONDED:	Zulkosky	
MOVED:	Jorgensen	To move item B.3 as A.7
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried: 5 - 2 Rodgers, Williams voting against	
MOVED:	Zulkosky	To strike A.6
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried: 5 - 2 Rodgers, Williams voting against	
MOVED:	Leinberger	To strike "residents of the City of

		"person or persons".
VOTE ON MAIN MOTION	Carried unanimously	
MOVED:	Zulkosky	To insert "representing the same organization" in A.5 after the word "persons" and before the word "wishes"
SECONDED:	Leinberger	
VOTE ON MAIN MOTION	Carried: 5 - 2 Rodgers, Williams voting against	
MOVED:	Leinberger	To insert all of A.5 as B.3
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried: 5 - 2 Rodgers, Williams voting against	
MOVED:	Jorgensen	To strike "5 minutes" in A.2 and insert "15 minutes"
SECONDED:	Williams	
MOVED:	Williams	To strike "5 minutes" and insert "15 minutes" in B.1 and the strike "2 minutes" and insert "5 minutes" in B. 2.
SECONDED:	Middlebrook	
MOVED:	Leinberger	To divide the question
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried: 6 - 1 Rodgers voting against	
To strike "5 minutes" and insert "15 minutes" in B.1		

Carried: 6 - 1
 Leinberger voting against.

To strike "2 minutes" and insert "5 minutes" in B. 2.
 Failed: 3 - 4
 Middlebrook, Rodgers, Williams voting for.

VOTE ON MAIN MOTION	<i>Motion divided</i>
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VOTE ON MAIN MOTION	Carried: 5 - 2 Leinberger, Zulkosky voting against
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MOVED:	Zulkosky	To call the question
SECONDED:	Middlebrook	

VOTE ON MAIN MOTION	Failed: 4 - 3 Rodgers, Leinberger, Williams voting against
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MOVED:	Williams	To insert "any person who desires to raise any matter not on the agenda shall be heard" in section A after the word "provide" and before the word "on"
SECONDED:	Rodgers	

VOTE ON MAIN MOTION	Failed: 1 - 6 Williams voting for
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VOTE ON MAIN MOTION	Failed: 3 - 4 Leinberger, Jorgensen, Zulkosky voting for
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MOVED:	Rodgers	To take a 10 minute break
SECONDED:	Williams	

VOTE ON MAIN MOTION	
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MOTION	Carried: 5 - 2 Leinberger, Jorgensen voting against
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MOVED:	Rodgers	To suspend the rules to proceed past 10p
SECONDED:	Zulkosky	
VOTE ON MAIN MOTION	Carried unanimously	

Item B- Introduction of Ordinance 07-28: An Ordinance By The Bethel City Council Amending Penalties For Violation Of The Bethel Municipal Code

MOVED:	Leinberger	To introduce ordinance 07-28: An Ordinance By The Bethel City Council Amending Penalties For Violation Of The Bethel Municipal Code
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	Carried: 6 - 1 Rodgers voting against	

Item C- Committee/Commission Appointments

Mayor Kenick appointed Michael Tunley to the Parks & Recreation Committee

MOVED:	Leinberger	To appoint Michael Tunley to the P&R Committee
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION	Carried unanimously	

Mayor Kenick appointed David E. Trantham to the Finance Committee.

MOVED:	Middlebrook	To appoint David E. Trantham to the Finance Committee.
SECONDED:	Rodgers	

VOTE ON MAIN MOTION	Carried unanimously
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Item D- Council Vacancy

MOVED:	Middlebrook	Accept letters of interest from qualified community members from now until 12p on January 2, 2008.
SECONDED:	Zulkosky	
VOTE ON MAIN MOTION	Failed unanimously	

Item E- Approval of Authorization to Fill Form for City Clerk Position

MOVED:	Rodgers	To approve the City Clerk authorization to fill form.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	Carried unanimously	

IX. REPORTS OF STANDING COMMITTEES

Council Member Rodgers (Port Commission) advised council that the commission last met and discussed the following:

- BMC amendments
- Port Tariff revisions
- Conflict of interest issues addressed by City Attorney & Clerk

Council Member Williams (Planning Commission) advised council that the commission has not met since the last council meeting.

Vice-Mayor Middlebrook (Public Works Committee) advised council that the committee last met and discussed the following:

- Road sanding policy
- Public Works monthly report
- City Sub metering plan

- YKCH medical waste at our City dump
- Grinder pumps in City sub

Mayor Kenick (Cemetery Committee) advised council that the committee has not met since the last council meeting.

Council Member Leinberger (Finance Committee & Alternative Energy Committee) advised Council that neither committee has met since the last council meeting.

Council Member Zulkosky (Public Safety & Transportation Commission) advised Council that the commission last met on November 19th and discussed the following:

- Chauffeur license revocation
- Police Department staff crisis

Parks & Recreation Committee (Council Member Jorgensen) advised Council that the committee last met and discussed the following:

- Space Net & Skate Park installed
- in-house training
- adhoc committee for the Multiuse Recreation Center
- YK Delta Life Savers Cook Book
- ice rink volunteers
- Christmas Parade

MOVED:	Williams	To suspend the rules to allow public testimony
SECONDED:	Rodgers	
Diana Moffett provided an update to Council on the Christmas Parade		
VOTE ON MAIN MOTION	Carried unanimously	

X. MAYOR'S REPORT

- Letter from Congressman Don Young congratulating the City of Bethel on their 50th Anniversary
- Invitation from Governor Sarah Palin to attend the Early Learning Summit, December 5-6th

- Letter from NIP for tax exemption
- Letter from Mayor Kenick to Senator Hoffman re: DOT funds
- Letter from Mayor Kenick to BUC re: lift station heating
- Letter from AVCP re: Regional Subsistence Program Initiative
- Letter from Kent Harding re: Chief of Police recommendation-Howard Morris
- Letter from University of Manitoba re: skin boots made by Eskimo women
- Letter from the National League of Cities re: Local Housing Conditions & Contexts survey

XI. MANAGER’S REPORT

City Manager Baird provided Council an update on the current Police Department staffing issues.

XII. CLERK’S REPORT

- Resignation
- Admin position
- 2007 Newsletter submission deadline is November 14th
- Committee/commission term expirations
- Out of office 11/29-30th

MOVED:	Leinberger	To continue to hire for an administrative position for the City Clerks office.
SECONDED:	Jorgensen	
VOTE ON MAIN MOTION		
Carried: 6 - 1 Williams voting against		

XIII. COUNCIL MEMBER COMMENT

Council Member Jorgensen stated – no comments

Council Member Zulkosky stated that as a former journalist, ordinance 07-27 was no way intended to limit free speech and that she believes that the ordinance was misinterpreted and it was to allow testimony from more people from various backgrounds in a more efficient manner. Council Member Zulkosky stated that although she is young, she is very committed to representing this community, whether it be making unpopular decisions which are in the best interest of the City and its surrounding villages.

Council Member Leinberger stated – no comments

Mayor Kenick stated – no comments

Vice-Mayor Middlebrook stated that the budget paper that were handed out by the Attorney were to be placed in the packet. Vice-Mayor Middlebrook stated that debate is an essential part of the democratic process.

Council Member Williams stated that the 1st AML Board Mgt is December 6th which will be held in chambers.

Council Member Rodgers wished a Happy Birthday to all seniors that have birthdays this month and advised the community to hug an elder.

XIV. ADJOURNMENT

MOVED:	Leinberger	To adjourn the meeting at 10:58p.
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION		
	Carried: 6 - 1 Rodgers voting against	

With no further business before the Council, the meeting adjourned at 10:58p

APPROVED THIS 11th DAY OF DECEMBER, 2007.



Mary Kenick, Mayor

ATTEST:


Sandra Modigh, City Clerk