

CITY COUNCIL

Antone Anvil
 Carl Berger
 Dario Notti
 Mike O'Brien
 Agnes Phillips, Mayor
 Stanley Rodgers
 Karol Sanchez-Pobrislo

**CITY MANAGER**

Bob Herron

ACTING CITY CLERK

Laurie Walters

MINUTES
City of Bethel Council Meeting

May 12, 1998

I. CALL TO ORDER

Mayor Phillips called the meeting to order at 6:33 p.m. at the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Anvil, Notti, Phillips, Rodgers, Sanchez-Pobrislo,
 Absent: O'Brien
 Also Present: City Manager Bob Herron, Acting City Clerk Laurie Walters

III. PEOPLE TO BE HEARD

Tania Oh addressed the Council requesting that the taxi permits that were currently in her husband's name be transferred to her name. Ms. Oh explained that six months ago her husband had left to go back to Korea for a trip and never returned, leaving her without a method of continuing the taxi business beyond the time allowed by the Power of Attorney which was granted to her. Ms. Oh continued, stating that it was after a plea to the Transportation Commission that a Transportation Commission member and the former Police Chief recommended she present her case to the City Council.

Council member Notti stated that the ordinance governing the transfer of permits never did address divorce, only cases of death, and that maybe this was a situation in which the Council should grant a waiver.

motion M/M by Notti, 2nd by Rodgers to grant a waiver allowing the taxi permits to be transferred into Tania Oh's name, and to consider revising the ordinance to deal with cases of divorce.

vote Voice vote. Motion carried unanimously.

Dave Trantham began his address to Council by welcoming Mr. Herron to the position of City Manager, and then turned his conversation to the comments made by Council member Notti during the City Manager selection process. Mr. Trantham testified that he had been treated unfairly by Mr. Notti and that the Council contributed to Mr. Notti's treatment of him by allowing Mr. Notti to "get away with it". Mr. Trantham stated that Mr. Notti had made derogatory statements in public about him, even in his absence, and had been abusive towards him on a number of occasions. Concluding his comments on this issue, Mr. Trantham warned that he was preparing to present Mr. Notti, the Mayor and the City of Bethel with a multi-million dollar lawsuit. He then informed the Council that a written apology from Mr. Notti and a retraction of the section in the minutes of April 14 regarding this incident was all that was required to halt any further legal action on his part.

Before leaving the podium, Mr. Trantham reminding the Council that Clean-Up, Green-Up was still in progress and that any assistance from the Council would be appreciated.

IV. APPROVAL OF THE MINUTES

motion M/M by Sanchez-Pobrislo, 2nd by Rodgers, to approve the minutes of April 28 as presented.
vote Voice vote. Motion carried unanimously.

VI. APPROVAL OF THE AGENDA

motion M/M by Notti, 2nd Rodgers to approve the agenda as presented.

Council member Sanchez-Pobrislo requested that an Executive Session Item B be added. City Manager Herron removed Executive Session Item A stating that it was no longer necessary to discuss the issue.

motion M/M by Sanchez-Pobrislo, 2nd by Rodgers to approve the agenda as amended.
vote Voice vote. Motion carried unanimously.

VII. MAYOR'S REPORT

Appointment of a Council Member

The Acting City Clerk stated, for the record, the names of the three individuals who submitted letters of interest to the Mayor regarding the vacant Council seat. The three individuals were: Carl Berger, James Blake and Francis Reich.

Seeing that Mr. Blake was in the audience, Council member Sanchez-Pobrislo requested that he be allowed to address the Council as to why he wished to serve on the Council. Mr. Blake took this opportunity to speak.

The Council was polled by ballot to appoint one of the three to the vacant Council seat. The Acting City Clerk counted the ballots, and Mayor Phillips announced that there were three (3) votes for Mr. Berger and two (2) votes for Mr. Blake. The Clerk was asked whether the vote needed to be three-quarters voting in favor or just a majority. The Acting City Clerk was unable to locate anything in the City ordinances or Title 29, which established the required number of votes. At the recommendation of the City Manager, the Council rescinded the polling process.

motion M/M by Notti, 2nd by Rodgers to rescind the action of casting the ballots.
vote Voice vote. Motion carried unanimously.

Mr. Berger arrived at this point and was asked by Mayor Phillips to address the Council as to his reasons for seeking the vacant seat on the Council. Mr. Berger stated his reasons.

The Council was again polled by ballot in an effort to appoint a new Council member. The Acting City Clerk counted the ballots, and Mayor Phillips reported that there were four (4) votes for Mr. Berger and one (1) vote for Mr. Blake.

motion M/M by Anvil, 2nd by Notti to accept Carl Berger as the new Council member.
vote Voice vote. Motion carried unanimously.

After being sworn in by the Acting City Clerk, Mr. Berger took his seat at the Council table.

Mayor Phillips welcomed Mr. Berger to the Council and then continued on with the Mayor's report, stating that she had received invitations from the National Guard for the groundbreaking ceremony at the new Bethel National Guard Hanger site and from Alaska Housing Finance Corporation for their Rural Initiative Housing Pilot Program. Mayor Phillips congratulated Evelyn Tikiun for being one of twenty ladies in the State to receive the Ms. Knowles "First Lady's Volunteer Award". Ms. Phillips concluded by stating that she had attended the "We the People" march last week, and had also been a speaker at a conference sponsored by AVCP.

VIII. CITY MANAGER'S REPORT

City Manager Herron pointed out the department head reports in the packet. Mr. Herron stated that he would be attending the special meeting of the Finance Committee on May 14 to review the sales tax ordinance and that draft should be ready for the next regular Council meeting.

Mr. Herron informed the Council that Mr. Rabe from CRW Engineering Group was in the audience, available to answer any questions, and that he was in town to help ONC and the City with the Magnuson-Stevens Disaster Grant package that was talked about at the previous Council meeting.

Courthouse Lease

Mr. Herron updated the Council on the status of the Courthouse lease, stating that he had spoken with the City's Lobbyist, Mr. Richards about this issue. He stated that he had also been in touch with Chris Christiansen, the administrative assistant to the Court system administrator, who told Mr. Herron that after the spring session was finished he would work with the City and the Court system to resolve this issue.

Police Chief Selection

City Manager Herron stated that he had appointed John Malone as Acting Police Chief until someone could be hired permanently. Mr. Herron stated that he wished to set up a Selection Committee, of which the following would be members:

Tom Hildreth	Public Safety Commission
First Sgt. Greg Tanner	Alaska State Troopers
John Malone	Acting Police Chief

Mr. Herron requested that the Council appoint one of their own to participate.

motion M/M by Sanchez-Pobrislo, 2nd by Berger to appoint Council member Rodgers to the Police Chief Selection Committee.

vote Voice vote. Motion carried unanimously.

Bethel Heights Water Treatment Facility Improvements Project-Award

City Manager Herron pointed out that the Council had received additional information tonight regard the right-of-entry from Department of Education that was referenced in the original packet material. Mr. Herron stated that the City had been granted a 20-year right-of-entry for this project on State property.

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo to accept the right-of-entry agreement from DOE.

vote Voice vote. Motion carried unanimously.

Mr. Rabe was asked to address the Council, briefly explaining the details behind this project.

motion M/M by Sanchez-Pobrislo, 2nd by Notti to award the contract for the Bethel Heights Water Treatment Facility Improvements Project to Alaska Mechanical, Inc. for the amount of \$1,976,600.00.

vote Voice vote. Motion carried unanimously.

Hitachi EX700 Trade-In

Mr. Herron informed the Council that the City had received two proposals and that the evaluation committee had reviewed those proposals. The committee determined that the proposal from Excalibur Drilling was in the best interest of the City, because of the no cash transaction offer for two pieces of equipment, and the amount that Excalibur stated they were willing to offer for the City's Hitachi. Mr. Herron stated that it was the recommendation of City Administration to send two people down to inspect the equipment, and that any recommendation for award would be pending and contingent upon the results of the inspection.

Council member Rodgers requested to know what kind of equipment Excalibur was proposing. Mr. Rodgers expressed his reservations about selling the Hitachi, stating that there would be nothing in Bethel large enough to do a job such as the sewer lagoon, if necessary. Council member Berger asked the age of the two pieces of equipment being proposed by Excalibur.

Mr. Herron reported that if the City were to lease out the Hitachi, the going price would be \$20,000 a month. Council member Notti stated that the City had lost out on the chance to lease it to Red Samm this year, but that it sounded like a really good deal to him. If the City were able to lease it for the summer, we might be able to make enough from the Hitachi to buy two pieces of equipment next year. Additional discussion followed.

motion M/M by Notti, 2nd by Berger to send the City's heavy equipment mechanic and Mr. Herron or his designee to Seattle to inspect the equipment proposed by Excalibur Drilling.

vote Voice vote. Motion failed, 3-yeyes, 3-nays (Sanchez-Pobrislo, Anvil, Rodgers).

Driving of Piling at Small Boat Harbor-Award

City Manager Herron read the recommendation from the Purchasing Agent regarding the award for driving 10 piling at the small boat harbor, necessary for the installation of the gangways.

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo to award the contract to Salzbrun Services and Drilling in the amount of \$25,532.

vote Voice vote. Motion carried unanimously.

Council member Sanchez-Pobrislo stated that she had attended the Code Enforcement Committee's work session and asked Mr. Herron to address the rest of the Council on what action the Committee is taking.

Mr. Herron informed the Council that the Code Enforcement Committee was moving forward with the honeybucket situation, by concentrating on the issue of those with very low income, and

attempting to get them at least signed up for services, regardless of whether they are able to pay. Mr. Herron stressed that the Committee felt it would be easier to work with those using honeybuckets once they were signed up and then work from that point on getting some kind of

funding source identified to pay for it, or preferably improvements to the sanitation systems in those houses.

IX. REPORTS OF STANDING COMMITTEES

At the request of Mayor Phillips, the Acting City Clerk read announced which committees and commissions had seats available.

Mayor Phillips appointed Mark Renner to the Finance Committee.

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo to confirm the Mayor's appointment of Mark Renner to the Finance Committee.

vote Voice vote. Motion carried unanimously.

Mayor Phillips appointed Carl Berger as the Council representative to the Transportation Commission.

Public Works Committee

Council member O'Brien was absent and there was no report.

Port Commission

Council member Rodgers reported that the Commission met on May 4 and discussed several projects and items that needed to be purchased. Mr. Rodgers stated that the FY99 Capital Improvements project list for the Port has the full support of the Port Commission.

Public Safety Commission

Council member Anvil reported that he had been in Anchorage during the last Commission meeting. Commission Chairman Tom Hildreth reported on the following issues:

- Curfew-recommending age be increased to 17
- Code Enforcement-animal control calls are on the increase
- Helmets-working on proposed ordinance
- Alcohol Beverage Delivery Site-continuing the homework and developing the I.D. cards
- Take Home Policy-on hold until new Police Chief is hired
- Information from Police Department-proposing amendment to BMC 2.25.020
- Communications/Directives-information takes too long to get from Council to Commission, and vice versa

Senior Advisory Committee

Mr. Anvil reported that he would be attending the Senior Advisory Board meeting on Thursday.

Finance Committee

Mayor Phillips stated that the next regular Finance Committee meeting is scheduled for Thursday, May 14.

Planning Commission

Council member Notti reported that the next Commission meeting is scheduled for May 14 at 7:00 p.m., and that the last meeting was cancelled due to lack of items on the agenda.

Youth Services Committee

Council member Sanchez-Pobrislo reported that next committee meeting is scheduled for June 9. Ms. Sanchez-Pobrislo stated that last week's work session had been cancelled and that she had been unable to attend tonight's meeting.

The Council took a 5-minute break. Mayor Phillips called the meeting back to order at 8:10 p.m.

Mayor Phillips announced that she had received a letter of interest from Mr. Blake for one of the three vacancies on the Planning Commission and that she wished to appoint him to the Commission.

motion M/M by Rodgers, 2nd by Sanchez-Pobrislo to approve the Mayor's appointment of Jim Blake to the Planning Commission.

Vote Voice vote. Motion carried unanimously.

X. OLD BUSINESS

Item A: Discussion/Introduction of Ordinance #98-06 Transferring Supervision of Police Chief to City Council

Council member Rodgers stated that after reading the information from the City's attorney, he felt that it would be best to leave the Police Chief under the supervision of the City Manager as it is now, and avoid any possible liability issues the Council was being cautioned about. Council member Sanchez-Pobrislo stated that she agreed with Mr. Rodgers.

Ordinance #98-06 died for lack of a motion. No action taken.

Item B: Discussion/Introduction of Ordinance #98-07 Prohibiting Smoking in Public Places (Phillips)

Caroline Renner of the Bethel Tobacco and Alcohol Control Alliance spoke very passionately to the Council on the issue of an ordinance to prohibit smoking in the work place and enclosed public spaces. Ms. Renner stated that she had been approaching businesses around town encouraging them to go to a smoke free environment at their place of business. Ms. Renner reported that several had already changed, but others were concerned that they would drive their clientele to competitors who allowed smoking. Mr. Renner stated that she believed in allowing those people who wanted to smoke to do so, but when their smoking infringes on the rights of the non-smokers, an ordinance is necessary. Mr. Renner strongly recommended that the Council pass an ordinance structured after the model ordinance she had provided, prohibiting smoking in the workplace and enclosed public spaces.

The Council agreed to set a work session at 6:30 p.m. on June 3, at the City Offices to discuss the no-smoking ordinance.

Council member Notti stated that he liked the model ordinance with one change to the exceptions. Mr. Notti stated his change to Section 1007, add a number six. And also to add to the definitions. Mr. Notti's recommendation was as follows:

6. Religious or cultural service or act, where a substance is burned as part of that act or service.

Definition - "religious or cultural uses of incense, sage, sweet grass, spruce needles, tobacco or other such substance."

Additional discussion followed. Mayor Phillips requested that the introduction of this ordinance be scheduled for the June 9th meeting.

XI. NEW BUSINESS

Item A: Planning Commission Issue Appealed to the City Council-Greg Roczicka

Mr. Roczicka addressed the Council explaining the problem of his house, detached deck and fish rack all encroaching on the City's property and his requested remedy of being able to purchase a portion of Tract C to cure the encroachment issue.

motion M/M by Notti, 2nd by Sanchez-Pobrislo go forward with the disposal of the land at the market value, the smaller of the square footage that makes it legal.

Mayor Phillips pointed out on page 173 of the packet that Mr. Notti had made a very specific motion at a Planning Commission meeting, and asked him if he would like to use the same motion.

motion M/M by Notti, 2nd by Sanchez-Pobrislo to replace the earlier motion with the following: recommend to convey a portion of Tract C 15 feet from the west property line, and parallel to the west property line, of Lt. 1, Bk 4, Resub. Block 9, USS 3770 to Greg Roczicka and have Mr. Roczicka will move the detached wooden deck inside his property line.

Council member Sanchez-Pobrislo commending the Planning Commission for taking such a careful look at this issue. Ms. Sanchez-Pobrislo stated that was her presumption that Mr. Roczicka would purchase the 775 square foot piece of property at the value in 1978. Mayor Phillips stated that it would be at the prevailing market rate.

Council member Berger stated that he was unclear as to which attachment the motion was referring to. Mr. Roczicka stated that attachment 4 with the 775 square foot parcel was the one Mr. Notti had made the motion on, but that attachment 3 was the preferable one.

Preferred alternative was the attachment 3 with 2475 square feet, failing that he could accept attachment 4 providing the City would grant an easement for the existing structures and an assurance that trees would not be damaged.

City Manager Herron recommended that if the Council were to approve the disposal of the property, they would want to consider attachment 3 with the straight boundaries.

City Planner John Malone stated that it may be better if the Council direct that the existing boundary be vacated and relocate the boundary to the line that City Manager Herron is suggesting for two reasons; creating a separate parcel is below the 900 square foot minimum, and a survey will have to be done and the plat could be used as the recording conveyance.

Council member Notti stated that when he said smaller piece in his first motion he was referring to the attachment 4 on page 172 being 30 feet wide verses the attachment 3 on page which appears to be about 15 feet wide. Mr. Notti continued by clarifying that it was attachment 3 he was referring to, not attachment 4.

motion M/M by Notti, 2nd by Sanchez-Pobrislo to amend the earlier motion to state that it would be the same as the map entitled Attachment 3.

vote Voice vote on the amendment, motion carried unanimously.

vote Voice vote on the main motion, motion carried unanimously.

XII. COUNCIL MEMBER COMMENTS

Sanchez-Pobrislo-Stated that she was in favor of the no-smoking ordinance, but voiced her concern that establishments such as the VFW, where a person can go and "let their hair down", would be subject to the City's rules. Congratulated the graduating seniors. Welcomed Mr. Berger to the City Council.

O'Brien-absent

Rodgers- Stated he had traveled up river, and it was very shallow with ice on every bend. Warned river travelers to be careful.

Anvil-Inquired as to who maintains the water and sewer pipe in new AVCP subdivision. Stated that when the snow melted the cover came off, exposing the valve. City Manager Herron stated that he would have someone take care of it.

Berger-Expressed his thanks to the Council for appointing him to the City Council, and stated that he realized at this meeting that he has a lot to learn.

Phillips- Wished all mothers a belated Mother's Day. Said hello to her children, Angelica and Nicholai. Welcomed Mr. Herron again to the position of City Manager. Once again thanked the Acting City Clerk for all her hard work.

Notti-Attended the Democratic party convention. Welcomed Mr. Herron as City Manager; congratulated Mr. Berger on being appointed to the Council. Stated that he did honor elders, and would encourage everyone to speak their mind to the Council, but asked that they stick to the facts.

XIII. EXECUTIVE SESSION

motion M/M by Rodgers, 2nd by O'Brien to go into Executive Session for the purpose of Council personal issues at 9:24 p.m.

vote Voice vote. Motion carried unanimously.

The Council took a 10-minute break before going into Executive Session.

motion M/M by Notti, 2nd by Sanchez-Pobrislo to come out of Executive Session at 9:28 p.m.

vote Voice vote. Motion carried unanimously.

motion M/M by Notti, 2nd by Rodgers to excuse Council member Sanchez-Pobrislo for June and July to attend to personal family matters.

vote Voice vote. Motion carried unanimously.

XIV. ADJOURNMENT

motion M/M by Sanchez-Pobrislo, 2nd Notti by to adjourn at 9:29 p.m.

vote Voice vote. Motion carried unanimously.

PASSED AND APPROVE THIS 26th DAY OF MAY, 1998


Agnes L. Phillips, Mayor

ATTEST:

Laurie J. Walters, Acting City Clerk