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CITY COUNCIL MINUTES  
MARCH 23, 1993**

**CALL TO ORDER** Mayor Feaster called the regular Council meeting of March 23, 1993 to order at 7:30 PM.

**ROLL CALL** Present: Feaster, Jones, Metcalfe, Vanasse, Warner, Wintersteen  
Absent: Trantham

**APPROVAL/MINUTES** M/M by Vanasse, 2nd by Jones to approve the minutes of the March 9, 1993 regular Council meeting as presented. Voice vote. Motion carried unanimously.

M/M by Jones, 2nd by Metcalfe to approve the minutes of the March 14, 1993, Special Meeting of Council as presented. Voice vote. Motion carried unanimously.

**APPROVAL/AGENDA** M/M by Vanasse, 2nd by Wintersteen to amend the agenda by moving Item H to Item C (New Business) and all other items down the agenda one place. Voice vote. Motion carried unanimously.

**MAYOR'S REPORT** Mayor Feaster referred Council to his written report. In addition, Mayor Feaster announced the meeting with Senator Jacko and City Manager Gross scheduled for March 26, at the City Offices. Council members and the public were invited to attend. Mayor Feaster also directed Council to a handout received from the Governor's Office regarding HB 124 and SB 88 and 89, local match sharing on capital projects. The Governor's Office called and asked for support on the program. Because the Council had not had time to review the bill(s), it was decided to postpone providing a response pending further review by the City Manager and the Council of the proposal.

**MANAGER'S REPORT** City Manager Gross referred Council to her written report and requested guidance on the following matters:

(1) A request from the Junior Class President for relief from the curfew ordinance for the Junior/Senior Prom by extending curfew one hour to 1:00 AM.

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Following some discussion, it was the consensus of the Council that the curfew ordinance does not allow for exceptions. The following two suggestions to resolving the situation were offered: (1) Administration make the decision to extend the curfew by looking at the situation from the perspective of the "pursuit of a lawful activity," or (2) submit an amendment to the ordinance for future exceptions. Four council members were in favor of suggestion #1 and two were in favor of suggestion #2.

(2) A request to move Independence Day celebration festivities to Monday, July 5th, since this year July 4th falls on a Sunday.

(3) Selection of a 4th of July Coordinator.

Council agreed to change the celebration of the 4th of July to July 5. Council also directed Administration submit an RFP for hiring a 4th of July Coordinator.

(4) Approval of the Recycling Contract submitted by Brian Glasheen.

**motion**

M/M by Vanasse, 2nd by Wintersteen to approve the recycling contract as amended by deleting item #5 of the proposed contract. Poll vote. Motion carried. 5-yes; 1-no (Jones).

**COUNCIL MEMBER  
COMMENTS**

Councilman Wintersteen commented on the poor condition of the roads and recommended that they be graded as soon as possible.

Councilman Metcalfe reiterated Mr. Wintersteen's comments about the roads and stated that he had received several calls from residents who expressed dissatisfaction with the condition of the roads and wondered what the City was doing to rectify the problems.

Mr. Metcalfe commented that he felt the long-range planning meeting held the previous evening was worthwhile and that he would like to see the Council continue to conduct planning meetings for other projects as well.

Councilman Vanasse also commented on the condition of the roads and the apparent lack of effort by the City to correct the problems.

Mr. Vanasse suggested that Administration begin making plans for dust control, specifically researching a product and budgeting for the purchase of a product.

Councilman Warner asked City Manager Gross about the memo from Steve Eng, Village Safe Water, in which Mr. Eng referred to a \$100,000 transfer of PHS funds to the City's sewer lagoon project. Ms. Gross stated that since she had not seen the memo until that evening and was not aware of transfers of funds, she would need to call Mr. Eng for an explanation.

**REPORTS OF STANDING  
COMMITTEES**

Councilman Jones reported that the Finance Committee met on March 18 and worked on the vehicle purchase plan and the five-year plan. In addition, the Committee made the following recommendations to Council: 1) the Police Department make all felony arrests regardless of pressure from outside agencies; 2) Council either support all adult recreation or no adult recreation programs, examples included quilters, moose hunters, shooting club, etc.; 3) Council amend Section 4.16.020 (B) of the sales tax ordinance which would exempt village stores from paying sales tax on items for resale; 4) establishment of a vehicle policy to identify and justify departmental needs.

Councilman Wintersteen reported that the Port Commission held a special meeting on March 11 to discuss moorage fees for 1993 and the disposal of the Captain Atkins; the Commission voted to put the boat up for sale. On March 15, the Planning and Port Commissions held a public hearing to hear testimony regarding the second draft of the comprehensive land use and development plan for the reclaimed tidelands and referred Council to the minutes of the meeting. Regarding the sale of the Captain Atkins, Administration was directed to research the legality of disposing of the property as it was purchased with state grant monies.

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Councilman Metcalfe reported that the Planning Commission met March 11 and referred to the minutes from that meeting. The following action was taken: 1) Subdivide Lot 8 of Tract F in Tundra Ridge Subdivision under the condition that the site plan is reviewed by the Planning Commission before development can take place. Discussed ownership of Lots 4 & 5, USS 3790; Chairman Guinn appointed a special committee to investigate the matter. In addition, the Planning Manager's revised job description was reviewed and approved.

Councilman Vanasse reported that the next meeting of the Public Safety Committee was scheduled for April 6, 12:00 Noon. A joint meeting with the Transportation Commission to discuss the problem with ATVs had been scheduled for April 21, 7:30 PM.

Councilman Warner reported that the Public Works Committee held a brief meeting on March 16 at which time a report from the Public Works Department was presented. A special meeting to review the applications for Public Works Director and make recommendations was scheduled for March 30, 7:30 PM. Specific recommendations for revisions to Title 13 are to be discussed at the April meeting.

Mayor Feaster reported that the Ad Hoc Solid Waste Committee was scheduled to meet March 26, 12:00 Noon, City Offices. The Committee will discuss the asbestos report to Council and recycling projects.

John Watts III, Chairman of the Transportation Commission, reported that the Transportation Commission met on March 10. Regarding the ATVs, Mr. Watts stated that members of the Commission had experienced some close calls with people driving ATVs and snow machines. Although the Commission was aware that the State regulates these vehicles, the Commission felt that it would be prudent to meet with Public Safety to determine what, if possible, could be done to strengthen parental responsibility for children operating these vehicles. The Commission reviewed the taxi cab ordinance and made recommendations to

simplify the ordinance and to increase in-town cab fares by \$.50. These recommendations will be submitted in the form of an introduction to the ordinance following further review at the Commission's April 21 meeting.

Council broke at 8:20 PM for a short recess. At 8:30 PM, Mayor Feaster called the meeting back to order.

**PEOPLE TO BE HEARD**

John Watts III asked Council's opinion regarding the sale of fireworks for the 4th of July celebration and at what point would the City have regulations in place for the sale of fireworks. Councilman Vanasse advised Mr. Watts that the Public Safety Committee would address this issue at its April 6 meeting. In addition, Mr. Vanasse stated that currently the sale of fireworks is banned under the purview of the Police Chief, but can be reviewed by the Public Safety Committee.

John Hastie introduced Bill Carter, adjunct professor with the University of Alaska, who was in Bethel recertifying LKSD personnel in asbestos management. In response to a question from Councilman Wintersteen, Mr. Carter stated that the that school district had one of the finest asbestos maintenance programs in the State.

Mr. Carter was next asked his opinion of establishing Bethel as an asbestos depository. While Mr. Carter stated that he could not specifically recommend that the City implement an asbestos landfill, he did say that other communities have used the program as a source of revenue. Currently the cost of asbestos disposal throughout the state ranges from \$.10 per pound (Kenai Peninsula) to \$1.00 per pound (Juneau). From a regulatory standpoint, under the Federal Resource Conservation and Recovery Act, asbestos is not considered a hazardous waste. Under A.A.C. 18.60, it is considered a hazardous waste for Alaska insofar as additional permitting is required. A separate area for asbestos must be designated and certain requirements to satisfy DEC regulations must be followed. Mr. Carter further stated that it is a mineral that came

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from the ground and that it is safe being put back into the ground. When the stringent requirements set by DEC are followed, Mr. Carter said that he did not know of any place in the state where there were problems with asbestos in the landfill.

Finance Director, Larry Elam, informed Council that he had received bids from NBA and Key Bank for obtaining bond anticipation notes prior to execution of the \$1,000,000 bond from Farmers Home Administration. Mr. Elam recommended acceptance of the bid from NBA at a 3.95% interest rate with a fee of \$1,000. The bid from Key Bank was for an interest rate of 4.8% with a fee of \$10,000. The Council accepted Mr. Elam's recommendation.

On behalf of Mr. Paul Gregory of AVCP, Mayor Feaster spoke briefly on the issue of sanitation conditions throughout rural Alaska and directed Council's attention to a petition drafted by YKHC requesting the State and Federal Government make this issue a priority. Members of the public and the Council were encouraged to support the effort.

**OLD BUSINESS:**

**Item A: Public  
Hearing-Ord. 93-04**

**PUBLIC HEARING--ORDINANCE #93-04: AN ORDINANCE AMENDING TITLE 2, CHAPTER 04., ORDER OF BUSINESS, AND ADDING SECTION 045, CONSENT AGENDA**

Mayor Feaster provided a brief introduction of the ordinance stating that its primary purpose was to help speed up the meeting process through use of: 1) a consent agenda where routine matters were approved by the action of passing one motion; and 2) placing Council Member Comments at the end of the meeting. Mayor Feaster opened the Public Hearing.

Port Director Stuart Greydanus commented that it was his understanding that the reason Council Member Comments was placed earlier on the agenda was for the convenience of City department heads/staff who would be available for questions/comments from council members. Following Council Member Comments, city employees were free to leave the meeting.

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There being no further comments, Mayor Feaster closed the Public Hearing.

Discussion regarding Ordinance #93-04 was held. Councilmen Vanasse and Metcalfe stated that while they supported the idea of the consent agenda, they did not support moving Council Member Comments to the end of the agenda as many members of the public would probably have retired for the evening and would not then have the opportunity to hear this portion of the meeting. It was pointed out by other council members that often this portion of the meeting was used to criticize and embarrass Administration by addressing problems that could have been brought to the City Manager's attention prior to the Council meeting, a practice that did not allow the City Manager to handle potential problems in a more efficient manner.

**motion**

M/M by Warner, 2nd by Vanasse, to approve Ordinance #93-04 with the addition of "Manager's Report" following Mayor's Report under Order of Business. Poll vote. Motion carried. 4-yes; 2-no (Metcalfe, Vanasse).

**NEW BUSINESS:  
Item A: Ord.  
#93-05**

**INTRODUCTION OF ORDINANCE #93-05: AN ORDINANCE  
REVISING THE CITY OF BETHEL PERSONNEL MATRIX**

**motion**

M/M by Warner, 2nd by Vanasse to introduce Ordinance #93-05 for a public hearing to be held April 13, 1993. Voice vote. Motion carried unanimously.

Revised job descriptions prepared by City Manager Gross for the positions of Planning Manager and Public Works Director had been reviewed and recommended for approval by the Planning Commission and the Public Works Committee, respectively. Council was asked to approve the job descriptions as submitted.

**motion**

M/M by Warner, 2nd by Metcalfe to accept the revised job descriptions for the positions of Planning Manager and Public Works Director. Voice vote. Motion carried unanimously.

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Item B: Resol.  
#93-10

RESOLUTION #93-10: A RESOLUTION OPPOSING HB #173 ENTITLED "AN ACT EXEMPTING CERTAIN CHARITABLE GAMING ACTIVITY FROM MUNICIPAL SALES AND USE TAXES."

motion

M/M by Jones, 2nd by Vanasse to approve Resolution #93-10 opposing HB #173. Poll vote. Motion carried unanimously.

Item C: Land  
Use Plan

RECOMMENDATION--COMPREHENSIVE LAND USE  
DEVELOPMENT PLAN FOR RECLAIMED TIDELANDS

City Manager Gross reported that the Port and Planning Commissions worked for several months with the consultant, Bartz Englishoe, on the development plan. At the March 15 joint meeting of the two Commissions, an agreement had been reached. Ms. Gross pointed out, however, that Mr. Englishoe had sent a fax this date with a change to vacate a 50 foot access easement within Tidelands S1346. Ms. Gross stated that she was not familiar with the issue and was, therefore, reluctant to ask for Council approval of the plan at that time.

In addition, Mr. Bruce Nerby read from a prepared statement on behalf of his father regarding property affected by the development plan. A letter from Henry and Gladys Jung was also presented and read by Mayor Feaster. Copies of the two letters are attached as part of these official minutes.

Councilman Warner made the following comments regarding the concerns expressed by Mr. & Mrs. Jung: 1) The area in front of the Jung's property has been designated for subsistence and recreational uses, not commercial fish processing or tender boat tie up; and 2) the plan recommends that upland owners have first choice for subleasing of any of the reclaimed properties.

Based on the concerns expressed by Mr. Nerby and by Mr. & Mrs. Jung, questions regarding subleases, and the issue of vacation of the 50 foot access easement, Councilman Vanasse suggested that recommendation of the plan be postponed pending further research. Discussion regarding these issues was held.

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**motion** M/M by Jones, 2nd by Wintersteen to table the decision on the Comprehensive Land Use and Development Plan for Reclaimed Tidelands to April 13, 1993. Voice vote. Motion carried unanimously.

**Item D: Resol. #93-11** **RESOLUTION #93-11: A RESOLUTION SUPPORTING THE ALASKA COASTAL MANAGEMENT PROGRAM APPLICATION**

**motion** M/M by Warner, 2nd by Vanasse to approve Resolution #93-11 supporting the application for an Alaska Coastal Management Program grant. Poll vote. Motion carried unanimously.

**Item E: Resol. #93-12** **RESOLUTION A RESOLUTION IN SUPPORT OF CLARIFICATION AND AMENDMENT OF THE OPEN MEETINGS ACT**

**motion** M/M by Jones, 2nd by Warner to approve Resolution #93-12 in support of the AML's recommendation to amend the Open Meetings Act. Poll vote. Motion carried unanimously.

**Item F: Sewer Lagoon Report** **PROGRESS REPORT FROM JORDAN SUHR ON SEWER LAGOON**

Mayor Feaster introduced Mr. Jordan Suhr who provided an oral report on the progress of the sewer lagoon. A transcript of Mr. Suhr's presentation is attached as part of these official minutes.

**motion** M/M by Warner, 2nd by Jones to continue meeting past 10:00 PM. Voice vote. Motion carried. 5-yes; 1-no (Wintersteen).

Council broke at 10:00 PM for a short recess. At 10:10 PM, Mayor Feaster called the meeting back to order.

**Item G: Port Development Plan** **AWARD OF CONTRACT FOR PORT DEVELOPMENT MASTER PLAN**

**motion** M/M by Warner, 2nd by Jones to accept the recommendation of the review committee to award the contract for the Port Development Master Plan to Bartz Englishhoe and Associates. Voice vote. Motion carried unanimously.

**Item H: Insurance    AWARD OF THE CONTRACT FOR INSURANCE CONSULTANT  
Consultant**

motion

M/M by Vanasse, 2nd by Jones to accept the Finance Director's recommendation to enter into a contract with Advanced Risk Management Techniques (Mr. Steve Kahn) to serve as the City's Insurance Consultant, said contract to be in the amount of \$9,500 (Option 2). Voice vote. Motion carried unanimously.

**Item I: Sales Tax    SALES TAX POLICY  
Policy**

The Finance Department submitted procedures for the Sales Tax Collection Policy currently in use. Council reviewed and accepted the policy as presented. A copy of the policy will be maintained by the Finance Department and in the City's Administrative Policy Manual.

**Item J: Legisla-    POLICY REGARDING LEGISLATIVE ACTIVITY  
Activity Policy**

City Manager Gross explained that several administrative officials had been contacted by state agencies and others to provide statements of support for various pieces of legislation. Ms. Gross suggested the establishment of a policy regarding the political activities of the City Manager and City employees and was requesting direction from the Council on its position. Following a lengthy discussion, the Council directed City Manager Gross to prepare a written policy using the following guidelines: Any city employee can testify on any issue as an individual. However, when testifying on behalf of the City, the City Council must be notified before hand through use of a Resolution. The drafting the Resolution for Council approval would be the responsibility of the employee.

**Item K: BIA Road    ROAD NEED ASSESSMENT QUESTIONNAIRE (BIA)  
Need Assessment**

City Manager Gross submitted a questionnaire which had been sent by the BIA, Juneau Area Office, requesting prioritization of road needs for new and reconstruction projects.

Ms. Gross explained that she and Mary Pavil of ONC had been working on completing the questionnaire and were seeking Council's approval of the prioritized projects as presented. Discussion followed. Councilman Vanasse spoke in opposition to including the Haroldson Approach Road in the plan as it was a private road.

**motion** M/M by Metcalfe, 2nd by Warner to approve the Road Needs Assessment prioritized list and submit it to ONC to send to BIA. Voice vote. Motion carried. 5-yes; 1-no (Vanasse).

**Item L: Gaming Permit Applicat.**

**GAMING PERMIT APPLICATION(S)**

**motion** M/M by Jones, 2nd by Metcalfe to approve the Games of Chance and Contests of Skill Permit Application for 1993 submitted by the Bethel Catholic Church. Voice vote. Motion carried unanimously.

**Item M: Exec. Session**

**EXECUTIVE SESSION**

**motion** M/M by Warner, 2nd by Jones to go into Executive Session for the purpose of discussing: 1) legal strategy concerning the Pacifica Lease; and 2) ground rules for negotiating the City Manager's contract. Voice vote. Motion carried unanimously.

**motion** M/M by Warner, 2nd by Jones to come out of Executive Session. Voice vote. Motion carried unanimously.

**motion** M/M by Warner, 2nd by Jones to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF April, 1993.

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

ATTEST:

Jane Elam  
Jane Elam, City Clerk