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# City Council Minutes

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June 13, 2006

Regular Meeting

Bethel, Alaska

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## I. CALL TO ORDER

A Regular Meeting of the Bethel City Council was held on June 13, 2006, at 6:30p, in the Council Chambers, Bethel, Alaska.

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

## II. ROLL CALL

Comprising a quorum of the Council, the following were present:

Members present:

Mayor R. Thor Williams  
Council Member Hugh Dymont  
Council Member Tundy Rodgers  
Council Member Dan Leinberger  
Council Member David Trantham Jr.  
Vice-Mayor Mary Kenick – excused absence  
Council Member Andrew McGowan

Others present:

City Manager Wally Baird  
City Attorney Sharon Sigmon (Acting City Clerk)

## III. PEOPLE TO BE HEARD

1. Bob Herron gave a report on the Moving Wall. He listed the sponsors and their contributions to the effort.
2. Dario Notti brought up issues with four-wheelers driving on the city streets.

<b>MOVED:</b>	Trantham	To refer the issue of regulation of 4-wheelers to the public safety committee for review and recommendation
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously.	

3. Chief Ben Dudley spoke regarding the matter of the police department's integrity. He urged the council to set laws pertaining to 4-wheelers if they do not like the ones present. He urged persons to bring problems with the Bethel Police Department to him.

## IV. APPROVAL OF THE CONSENT AGENDA AND REGULAR AGENDA

<b>MOVED:</b>	Dymont	To approve the Consent and Regular Agenda for the June 13, 2006 Council meeting as
<b>SECONDED:</b>	Rodgers	

		amended, removing the matter on page 67 (Item d under New Business) be removed per the request of the City Manager and removal of item (a) under new business from the Consent Agenda at the request of Mayor Williams
<b>VOTE ON MAIN MOTION</b>		
	Carried unanimously.	

## V. SPECIAL ORDER OF BUSINESS

### Item A- Update on Yuut Elitnaurviat Building Construction and Funding by Lamont Albertson

Mr. Albertson distributed a drawing of the projected construction for the dormitories and TES Building. Site preparation will begin in 2006. Many citizens of Bethel were thanked for their contributions and assistance.

### Item B – Proclamation – Childhood Cancer Awareness Week, June 26, 2006-July 3, 2006

Helen Hancken P.A. addressed the council with regard to childhood cancer and read a proclamation declaring Childhood Cancer Awareness Week from June 26 through July 3, 2006 for the city of Bethel.

## VI. APPROVAL OF MEETING MINUTES

- 5/23/06 Regular Meeting Minutes  
two scrivener errors were corrected, page 1, Mayor Williams was present by telephone and on page 12, and minutes should read Bethel Boys Group Home, not Croup Home.
- 5/30/06 Special Meeting Minutes

*Meeting minutes passed on the consent agenda*

## VII. REPORTS OF STANDING COMMITTEES

Finance Committee – Council member Leinberger reported the committee did not have a quorum and did not meet.

Alternative Energy Committee – Council member Leinberger reported he did not attend the last meeting and does not have information regarding their meeting at this time but will give a full report at the next regular council meeting.

Public Works Committee – Council member McGowan reported this committee has not met since our last regular council meeting.

Port Commission – Mayor Williams reported this commission has not met since the last regular council meeting and has their next meeting scheduled next Monday at 7:00 here in council chambers.

Senior Advisory Committee – Mayor Williams reported has not met since May 23<sup>rd</sup>, 2006 and the director of the Senior Center has resigned her position.

Public Safety Committee – Council member Dymont reported this committee did not have a quorum at their last regularly scheduled meeting and therefore they did not meet. Council member Dymont noted he was not in attendance at that meeting because he was speaking on behalf of the Mayor and Vice-mayor at the Rural Cap meeting. They are meeting Monday, July 3<sup>rd</sup> and will address the issue of off-road vehicles.

Mr. Trantham – Reported a company from Vermont on wind/diesel energy will be in Bethel on June 29<sup>th</sup> for an alternative energy conference. All committee members were encouraged to attend.

Cemetery Committee - is scheduled to meet on Thursday evening June 15th in council chambers, but will meet in the City Manager’s office.

AML – Board of Directors met June 7-06. One of the items discussed was the summer meeting in Homer August 10<sup>th</sup> through the 12<sup>th</sup>, 2006. There is an agenda in the packet on pages 31-33. Any council members planning to attend are encouraged to make reservations early due to the tourist season. This is a very important planning meeting for next years legislative session.

Draft priorities are:

1. Revenue sharing for all municipalities in the State of Alaska
2. Aid and assistance to all communities in the State of Alaska on PERS and TERS
3. More emphasis on local control for municipalities throughout the state and to try to stop the state from unfunded mandates. We will encourage the state to fund any mandates and not add any further unfunded ones.

The Annual Fall meeting will be November 13-17 in Juneau and will be around 300 people. This brings up the selection a conference location for August 2007. If you would like Bethel as a possibility for next the August meeting, we will need to put our bid in by August, 2006.

Mayor Williams asked whether AML has published the qualifications they are looking for in their recruit for an Executive Director.

Council member Trantham indicated that qualifications have been published, that Mr. Richie left to help care for his elderly parents, that Mr. Richie has been the executive director for 12 years, and that he will be available to help with the transition.

Council member Leinberger asked for an outline of parameters for the August 2007 meeting.

Council member Trantham reported needs as: Rooms for 70-80 people, Conference Space and one meal provided for conference attendees.

<b>MOVED:</b>	Dymont	To direct the city clerk to begin the preparations to put the bid in for the August AML 2007 meeting.
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously.		

Planning Commission - Council member Rodgers stated that the Commission last met on June 8, 2006 and because the chair and vice chair were absent, Pat Jennings was voted in as Chair pro tem. Planners report was presented with the following points:

1. Alaska Coastal Management-still waiting for responses to the grant requests-looks promising
2. Gave attendance policy per BMC for the committee
3. Code enforcement activities-5 citations given for no sewer connection, 14 vehicles towed, ordered one water/sewer disconnect

4. Structures being moved at Trooper Housing
5. Cease and Desist to Lunch Box Restaurant for lack of site plan application
6. AVCP has not proceeded for acceptable solutions for 3 properties
7. Informal notice - If you are in violation of any code issue, you can respond and get help from planner and code enforcer
8. Hazardous materials
9. AVCP housing addressed committee regarding encroachment of offices and bunk house.

Plats were presented for a couple of subdivisions.

Placement for the Search and Rescue relocation was discussed.

Options were discussed for use of the Bethel Group Home.

Mr. Dymant thanked the commission for the informal notice and the fair way they are working with the public.

Mayor Williams asked if the people have to get a site plan for Search and Rescue relocation and was answered "yes".

<b>MOVED:</b>	Rodgers	To break for ten minutes
<b>SECONDED:</b>	Dymant	
<b>VOTE ON MAIN MOTION</b>		
Unanimously approved		

Meeting called to order

### VIII. UNFINISHED BUSINESS

**ORDINANCE 06-05:** An Ordinance Amending The Sales Tax Code to Provide An Exemption For Senior Citizens' Heating Fuel (Council Member Trantham)

**Council Member Trantham asked to be excused, left the podium and sat in the audience**

Mayor Williams called for any public input on the matter on the floor and there was no response from the public. Mayor Williams closed the public hearing.

Mr. Dymant- noted the Finance Committee recommended to not pass this and that it has the potential to cost the city \$14,000. He stated he believes as a society we should be mindful of how we treat seniors and children, that as it is set up now it would not be abused. It seems fair and reasonable and right.

Leinberger- the Finance Committee struggled with this, balancing the good of the few and the good of the whole. Not once but twice, we voted on this not approve this ordinance because it would create a slippery slope. Income restrictions would make this more fair.

Rodgers- This is one way to "hug an elder". Send it to the people. The people speak louder than we do. If we care about our elders, what better way to show we care for them.

Williams- Was there a complete review of all issues regarding sales tax issues for seniors.

Leinberger- We just did not have the time to do such a task. We felt this issue was better sent to the finance director and their department than the committee.

Dymant- I think the concerns are understandable, and I do not see a slippery slope. To me this does make sense. The public has always spoken favorably about this to me. I think our community can shoulder this burden. It is the responsible thing to do.

Leinberger – This is the second time that a group has come asking for tax relief. The first was the churches. If we decided we were not giving the churches a tax break, why are the seniors more deserving? Where is the litmus test on such an item?

Williams-I would like there to be some additions to this to set out some controls, to outline who would qualify and who doesn't.

Rodgers – This would save elders a couple of dollars since the fuel prices continue to rise.

<b>MOVED:</b>	Dyment	To adopt 06-05 to amend the sales tax code to provide an exemption for Senior Citizens Heating Fuel
<b>SECONDED:</b>	Rodgers	
<b>AMENDMENT</b> To table this matter until the second council meeting in July to give the sponsor and the City Attorney time to make changes to this ordinance		
<b>MOVED:</b>	Rodgers	
<b>SECONDED:</b>	Dyment	
<b>VOTE ON AMENDMENT</b>	Carried unanimously.	

**PUBLIC HEARING ON 06-11** - An Ordinance Extending The City Employee Water And Sewer Benefit To Acting Members Of The Bethel City Council (City Manager)

Mayor Williams called for any public input on the matter on the floor and there was no response from the public. Mayor Williams closed the public hearing.

<b>MOVED:</b>	Rodgers	To Adopt Ordinance 06-11
<b>SECONDED:</b>	Leinberger	
<b>AMENDMENT</b> To give the same benefit to committee and commission members of the city of Bethel at the rate of \$150.00 per month.		
<b>AMENDMENT:</b>	McGowan	
<b>SECONDED:</b>	Dyment	
<b>VOTE ON AMENDMENT</b>	Carried 4-2 Williams Trantham voting against	
<b>VOTE ON MAIN MOTION</b>	Tied: 3 - 3 Williams, Dyment, Trantham voting against.	

Rodgers – Let the public decide. This has to go to a vote of the people

Leinberger – This lets the people make the decision of compensation for council members. He reminded members the benefit is taxable and approved of the matter.

Dyment – Agreed he likes the matter going to the people. The staff attorney was asked whether it would be a conflict of interest for the council to vote this benefit for themselves.

Staff Attorney – This would not be a conflict.

McGowan – Motion to amend to include committee and commission members at the rate of \$150.00 per month for water and sewer benefits. These people also volunteer and give their time to these committees and commissions. It would be selfish for us to vote it for ourselves and not give it to these other volunteers.

Leinberger – attendance should be considered in this matter.

Trantham – this will impact our revenues and expenditures of the city.

Williams – people should be willing to volunteer for their city. Also, it will increase paperwork and will require too much regulation.

Trantham – This ordinance is not fair to city employees

**PUBLIC HEARING ON 06-12** - An Ordinance Establishing a City of Bethel Budget For Fiscal Year 2007, Beginning July 1, 2006 (City Manager)

Mayor Williams called for any public input on the matter on the floor and there was no response from the public. Mayor Williams closed the public hearing.

<b>MOVED:</b>	Leinberger	To Adopt Ordinance 06-12 Establishing a City of Bethel Budget for Fiscal Year 2007, Beginning July 1, 2006
<b>SECONDED:</b>	Dyment	
<b>AMENDMENT:</b>	Leinberger	To amend 06-12 to include monies that were to be included under 05-11(e) to be incorporated into our 2007 budget.
<b>SECONDED;</b>	Trantham	
<b>VOTE ON AMENDMENT</b>		Passed unanimously
<b>VOTE ON MAIN MOTION:</b>		Carried: 4 - 2 Rodgers, McGowan voting against.

Trantham – State statutes require us to adopt our budget by June 15<sup>th</sup>.

Leinberger – Council has previously agreed on most of this budget.

Williams – this is an overview of the entire budget and the details are available.

Williams – asked if the budget modification proposed by Council member Trantham (Ordinance 05-11) for the cemetery could be taken out of the 2006 budget and added to this budget for a bookkeeping issue.

City Manager – It would make no difference for the cemetery. We could take it out of the current budget and include it in the 2007 budget.

<b>MOVED:</b>	Dyment	To break for 10 minutes
<b>SECOND:</b>	Rodgers	
<b>VOTE ON MAIN MOTION:</b>		Passed unanimously

Break for 10 min

***Back on the record***

**IX. NEW BUSINESS**

Mayor Williams -

Item a) has been dealt with because we put in into Ordinance 06-12.

We passed item 06-13 and 06-19 on the consent agenda.

Item d) has been removed.

**Item e) Request For City Council to Set a Public Hearing of Proposed Public Nuisance**

City Manager - addressed the council regarding a parcel of property in Blueberry subdivision with a large amount of debris on it. We are asking council to set a public hearing to determine whether it is a public nuisance. A decision would be made at that time to determine whether it is a public nuisance and corrective action ordered.

Rodgers – The information in the packet is self explanatory. The city is not a dump.

Dyment- We have never had this type of issue come to council. What is the legal backing for this action?

City Manager – This procedure comes directly out of the Bethel Municipal Code.

Trantham - How does the property owner get notice?

City Attorney-Described two notices that will be sent out and who is in charge of sending that notice.

Leinberger-spoke in support of this motion

Dyment – inquired as to whether the listed address was correct

City Manager – Agreed this was the correct address for that property.

<b>MOVED:</b>	Rodgers	Set for public hearing on June 27 <sup>th</sup> council meeting for public nuisance determination in Blueberry Sub
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>	Carried unanimously	

### **Item f) - Assignment of Committee & Commission Council Representation**

Williams – This issue came up at our last council meeting.

Rodgers-I confirm I would like to stay on the planning commission

Dyment-council put this on the agenda because Council member Trantham indication that he wanted to be put on a commission or committee and it was scheduled at this meeting so the Mayor could address this.

Trantham- Added a correction to Council member Dyment’s comments. He indicated council member comments were not provided for at the last two council meetings and there was no attempt to do this while the mayor was out of town.

Leinberger- We have six committees or commissions and an advisory slot. If we’re going to do something, we need to put it in stone.

Williams-In the 90’s the Public Safety Committee resigned over ‘alcohol delivery site’. He indicated he would like to see that Transportation Commission split off from the Public Safety Commission, or Utility Commission. He stated he understands Council member Trantham wants to be on a committee. There are only six committees and seven council members. The mayor asked whether someone does not want to be on a committee right now.

Dyment- Stated he is interested in splitting Transportation and Public Safety Commission. He offered if Mayor Williams wanted to move off the Senior Advisory Committee to move to that committee and give Mr. Trantham the seat on the Public Safety and Transportation Commission. He indicated this might solve it temporarily until the next election.

Trantham-Indicated he sees the Senior Advisory Board as position seven.

Leinberger- stated that Mayor Williams should address the proposal that Mr. Dyment has mentioned.

Williams- If Mr. Trantham is ok with the Public Safety and Transportation Commission and Mr. Dyment is ok with being the council rep, then that’s ok.

Trantham-I have an alternate plan-I would accept a position on the ONC Senior Committee.

#### **BRIEF AT EASE**

Williams – Is there any other discussion of this issue? (No response)

### **ITEM g) - Utilization of Tundra Center Volunteers**

Council member Dyment- I just put this on the agenda for discussion

I see that the city is using these folks—We could use the Tundra Center folks to help pick up trash and bags around the dump. I would encourage administration to use these guys.

## **X. MAYOR’S REPORT**

- A letter to Mr. Ferguson about land between 4<sup>th</sup> and 5<sup>th</sup>. Hopefully we will get a response

- A letter about Good News Bay platinum mine
- Congressman Don Young returning his comments about the Moving Wall that he will not be able to attend.
- Good News Bay/Platinum comment
- US Dept of Agricultural Development is in the clerks office
- CDBG grant and outlining those issues. That's almost completed at the Senior Center
- Capital Improvement Project applications are due September 1.
- AML August 1-5, 2006 National League of Cities in Girdwood Alaska looking for pens, pencils, letter openers, chocolate, etc. if we want to donate.
- I did make it to Washington DC and met w/congressman Young's staff-he was getting his annual physical, discussed several things w/the staff
- Met w/Lisa Murkowski thanked them for funding
- Met w/Senator Stevens and had a nice conversation. He is concerned about lack of funding due to war and hurricane Katrina

**XII. MANAGER'S REPORT**

- Moving forward on listed projects
- Issue-working w/BUC. Since last meeting unable to meet w/Mr. Tilbury. Secretary said he was interested to get together when he returns. Expect early next week
- I believe Tundra Ridge paving project is a go. Necessary easements obtained
- Ptarmigan Street paving is beginning
- Continuing to keep in contact with DOT concerning Chief Eddie Hoffman. They would like to get Tundra Ridge completed this year so they can use that as a detour route when they're doing Chief Eddie Hoffman.
- Courthouse extension is beginning although no contract between state and city. There is an agreement on the price and we are working out details on a contract

<b>MOVED:</b>	Rodgers	To go into executive session for attorney client consult to discuss Clean Spot Laundromat
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b> Passed unanimously		

**BACK ON THE RECORD**

Williams – If any council members want to declare a conflict of interest with regard to discussion of Clean Spot Laundromat, speak up now.

McGowan – Indicated he is declaring a serious conflict of interest due to business matters which involve him and potentially Clean Spot Laundromat.

Williams – Conflict of Interest denied.

<b>MOVED:</b>	Dyment	Excuse Mr. McGowan due to a conflict of interest
<b>SECONDED:</b>	Rodgers	
<b>VOTE ON MAIN MOTION</b> Carried: 4 – 1 Williams voting against. McGowan abstaining.		

<b>MOVED:</b>	Dyment	To go back into Executive Session to discuss Clean Spot Laundromat under Attorney Client Privilege
<b>SECONDED:</b>	Leinberger	
<b>VOTE ON MAIN MOTION</b>		

	Carried unanimously.
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Leinberger – Declared a possible financial conflict of interest.  
 After inquiry, Mayor Williams denied Council member Leinbergers conflict.

<b>MOVED:</b>	Leinberger	To go past 10:00 p.m.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>		
Carried: 4 - 1 Rodgers voting against.		

<b>MOVED:</b>	Leinberger	To allow Council member Rodgers to change his vote on adjournment.
<b>SECONDED:</b>	Dyment	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously.		

**XIII. EXECUTIVE SESSION**

**10:35 out of executive session**

**XV. COUNCIL MEMBER COMMENTS**

Rodgers-Hug an elder

Trantham-Thank you to Council Member Rogers, Dr Helen and Mr. Albertson

Dyment- Thanks to the port director

Leinberger-None

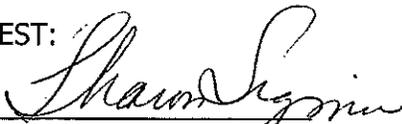
McGowan-None

<b>MOVED:</b>	Dyment	To adjourn the meeting.
<b>SECONDED:</b>	Rodgers	
<b>VOTE ON MAIN MOTION</b>		
Carried unanimously		

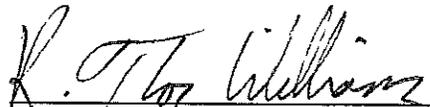
**With no further business before the Council, the meeting adjourned at 10:39 p.m.**

**APPROVED THIS 27<sup>th</sup> DAY OF JUNE, 2006.**

ATTEST:



Sharon Sigmon, Acting City Clerk

  
 R. Thor Williams, Mayor