

CITY COUNCIL

Kent Harding
Buford McComas
Tad Miller
Mary Pavil
Ruth Richardson, Mayor
Stanley Rodgers
Wally Wallace



CITY MANAGER

Ken Weaver

CITY CLERK

L.J. Tanner

City of Bethel
Regular Council Meeting Minutes
February 13, 1996

I. CALL TO ORDER

The meeting was convened at 7:30 p.m. by Mayor Richardson in the Log Cabin, Bethel, Alaska.

II. ROLL CALL

Present: Harding, McComas, Miller, Richardson (by phone from Anchorage)
Rodgers, Wallace
Absent: Pavil (Excused)

motion M/M by Miller, 2nd by Rodgers to appoint Buford McComas as Acting Mayor (although the Mayor was participating by telephone, an Acting Mayor was needed to run the meeting.)

Voice Vote. Motion carried unanimously

III. PEOPLE TO BE HEARD

Morgan Wilcox, Kusko Cab spoke against the trip-sheet requirement being discussed by the Transportation Commission. Mr. Wilcox stated that not only are trip sheets an inconvenience, but they also present a safety hazard.

IV. APPROVAL OF MINUTES

motion M/M by Richardson, 2nd by Wallace to amend the minutes of the January 23 1996, regular meeting, to show the substitute motion made by Council Member Miller regarding the ice-road maintenance contract.

Voice vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Rodgers to approve the minutes of the January 23, 1996 regular meeting as amended, and to approve the minutes of the February 5, 1996 special meeting as presented.

Voice vote. Motion carried unanimously.

V. APPROVAL OF AGENDA

motion M/M by Miller, 2nd by Harding to amend the agenda by moving Executive Session Item B to New Business Item J. The intended discussion of Executive Session Item B is not confidential in nature, and therefore may be discussed under New Business.

Voice vote. Motion carried unanimously.

VI. MAYOR'S REPORT

Incoming Correspondence

Acting Mayor McComas read a letter from Gerald McCune, President of United Fishermen of Alaska, opposing the F.I.S.H. initiative. The letter included a Resolution which U.F.A. requested the City adopt.

motion M/M by Miller, 2nd by Wallace to adopt the U.F.A. Resolution.

Roll call vote. Motion carried unanimously.

Mr. McComas read the transmittal letter from DCRA that accompanied the City's FY96 Municipal Assistance payment.

Mr. McComas read the transmittal letter from Alaska Housing Finance Corporation which accompanied the *Senior Housing Needs Assessment for the Southwest Census Region* report. Mayor Richardson directed the City Clerk to forward the report to Mary Anaruk at Yukon-Kuskokwim Health Corporation.

VII. MANAGER'S REPORT

City Manager Weaver referred Council to his written report and requested direction on the following:

Item A: Authority of Committees to direct the work of City Staff

Mr. Weaver discussed situations where Committees' ask City staff to undertake lengthy studies that consume many hours of City employee's time. He stated that City staff's work should be directed by coherent policy and direction of the City Council and the City Manager. He would like for Committees to bring their requests back to Council, allowing Council to decide if the work should be done.

Discussion followed on the type of requests being made by different committees. Council Member Miller recommended that the City Manager draft a report that defines the working relationship between the committees and their respective departments. Mr. Weaver stated that much of this information is already spelled out in the Committee's defining ordinances. Council Member Harding suggested that the Council begin meeting with the committees again. Acting Mayor McComas stated that at one time, Council was meeting with department heads and that perhaps this practice should be continued. A directive was made to the City Clerk to develop a schedule for the department heads to report at Council Meetings.

Item B: Public Salvaging at the Landfill

Mr. Weaver read a letter from the Y-K Pollution Prevention Roundtable. After considerable review, the Roundtable has decided to make no recommendation on the issue. Mr. Weaver stated his belief that, due to liability and public health and safety concerns, salvaging at the landfill should be prohibited. A brief discussion followed.

motion M/M by Miller, 2nd by Harding to refer the Landfill-Salvaging Issue to the Public Works Committee.

Roll call vote. Motion carried, 5-Yes, 1-No (Rodgers)

Item C: Voice Mail RFP's

Mr. Weaver would like to have a telephone voice mail system installed at the City Center complex and Public Works, including the landfill. He believes that such a system would improve Customer Service responses. He has received estimates from GTE Alaska, and wants Council to authorize the issuance of RFP's for voice mail. There is a line item in the budget for the acquisition. Discussion followed on accountability, perceived "impersonal" feel of voice mail, and ability to record bi-lingual Yup'ik/English outgoing messages.

motion M/M by Miller, 2nd by Wallace to authorize the City Manager to issue RFP's for Voice Mail, provided that recorded messages are bi-lingual.

Roll Call vote. Motion carried, 4-Yes, 2-No (Richardson, Rodgers)

Item D: Department Head/City Manager Reporting

The City Manager would like City Council to grant authority to the City Attorney to draft ordinances to amend city code, specifically defining the relationship between department heads and the City Manager.

motion M/M by Miller, 2nd by Harding, to direct the City Attorney to draft a resolution defining the relationship between department heads and the City Manager.

Discussion followed. Mayor Richardson questioned, was there not already a draft resolution in the packet that served this purpose? Mr. Weaver responded that the draft ordinance in question, submitted by Council Member Harding, was for the Police Department only. Mr. Weaver further stated that another version, drafted by the City Attorney to amend the personnel rules, defined the relationship for at-will employees.

Roll Call vote. Motion carried, 6-Yes 0-No

Item E. Bank Stabilization - Construction Acceleration

A letter has been received from the Army Corps of Engineers regarding Red Samm's proposed accelerated schedule for the bank stabilization. Mayor Richardson questioned whether a contractor

can just arbitrarily accelerate the schedule. Mr. Weaver responded no, that was the purpose of the letter, to request the City's concurrence. There are advantages and disadvantages, including the present and future value of the money required. Also, the City doesn't have the cash flow to fund accelerated work. Council Member Miller stated that if for some reason, the City doesn't get the funding from the State, Red Samm will have to wait to get paid. Council Member McComas stated that we should advise Red Samm that if they accelerate construction, they do so at their own risk.

motion M/M by Miller, 2nd by Richardson to have the City Attorney to draft a letter insulating the City from liability from any consequences of accelerating the work.

Roll Call vote. Motion carried, 6-Yes, 0-No

Item F: Contract Approval - Ambulance Billing & Collection Services

City Manager Weaver presented the draft contract with CLAIMPAY, Alaska, and requested Council approval to execute the contract. Council Member Harding pointed out some discrepancies he noticed in the contract, and Finance Director Duke said these would be amended. Mayor Richardson asked if CLAIMPAY would also do collection for Protective Custody cases. Ms. Duke responded no, they would only collect third party claims, insurance or Medicaid/Medicare.

motion M/M by Miller, 2nd by Wallace to authorize the City Manager to execute the contract, which will run from March 1, 1996 to March 1, 1997, and conduct a review of the services at the end of the one-year contract.

amend motion Mayor Richardson asked if she could include a 6-month review, in the motion. Council Member Harding stated that he would like the Finance Committee to perform the review. Council Member Miller accepted the amendments to his original motion.

Roll Call Vote. Motion carried, 6-Yes, 0-No

Council Member Miller directed the Finance Director to propose alternatives for collecting PC's.

Item G: Other Information in Manager's Report

- Senior Center First Annual Winter Fishing Tournament, Saturday, February 24, at Johnson River.
- Letter from the U.S. Justice Department regarding the COPS funding.
- Memo directing the Public Works Director to order the budgeted water truck.

motion M/M by Miller, 2nd by Wallace to authorize the purchase of the new water truck. (Already budgeted.)

Roll Call vote. Motion carried, 6-Yes, 0-No

- Copy of Mr. Weaver's letter withdrawing from the ATIP Board of Directors.

motion M/M by Miller, 2nd by to nominate Allen Auxier for the Chamber of Commerce Bill Biven award, in recognition of his many contributions to the City's recycling efforts.

Roll Call vote. Motion carried, 6-Yes, 0-No

- Letter from the AML regarding HB 409, Dept. of Community & Regional Affairs

directive Directive from Miller, for the City Clerk to draft a resolution opposing the dismantling of DCRA.

- Department Head reports.

VIII. REPORTS OF STANDING COMMITTEES and COMMISSIONS

Public Works Committee: The next Public Works meeting is Thursday, February 15, 1996

Youth Services Committee: Council Member Harding said he was unable to attend the meeting.

Finance Committee: No Report.

Senior Citizens: Council Member Pavil being absent, there was no report on Senior Citizens.

Port Commission: Council Member Rodgers reported that there was not a quorum at the last meeting.

Planning: Council Member McComas reported on results of the Planning Commission.

Public Safety: Mayor Richardson stated that the Public Safety Commission is doing a good job.

Transportation: Mayor Richardson said that the Commission would like another clarification on possible conflict of interest having taxi drivers and/or owners on the Commission.

motion M/M by Miller, 2nd by Wallace to obtain an opinion from the City Attorney on whether having taxi drivers & owners on the Transportation Committee presents a conflict of interest.

Roll Call vote. Motion carried, 6-Yes, 0-No

IX. OLD BUSINESS

Item A: Public Hearing on Ordinance #96-2: An Ordinance to Establish New City Job Classifications.

Acting Mayor McComas opened the Public Hearing on Ordinance #96-2. There being no comments, Mr. McComas closed the Public Hearing.

motion M/M by Miller, 2nd by Wallace to adopt Ordinance #96-2.

Mayor Richardson questioned why the City is adding a position for Assistant to the City Manager for Community and Senior Services, while they are investigating RFP's to run the Senior Center. The City Manager brought the Council up-to-date on his research into the issue of a non-profit running the Senior Center. If the City would like to get out of directly providing services to Senior Citizens, this would be the way. Mr. Weaver also stated that the Youth Center Coordinator has announced she will resign this Spring. He then pointed out that the City has a Community Services Department established in the ordinances. He proposes that the "Assistant to the City Manager for Community and Senior Services" position would be used to replace the Youth Center Coordinator, and help with running the Senior Center if the City does not pursue sub-contracting the Senior Center services.

Roll Call vote. Motion carried, 6-Yes, 0-No

Item B: Public Hearing on Ordinance #96-3: An Ordinance to Amend the 1995-1996 Fiscal Year Budget.

Acting Mayor McComas opened the Public Hearing on Ordinance #96-3.

Tom Warner, Bethel, asked for clarification on a few line items in the amendment. Finance Director Duke responded to his questions.

There being no further comments, Mr. McComas closed the Public Hearing.

motion M/M by Miller, 2nd by Wallace to adopt Ordinance #96-3.

Discussion followed. Acting Mayor McComas stated that he recalled from the work session on February 5, 1996, that Council had agreed to remove the used fire engine from Kwethluk. Council members present agreed with Mr. McComas' recollection.

amendment to motion M/M by Miller, 2nd by Rodgers to amend Ordinance #96-3 as noted, and adopt Ordinance #96-3 as amended.

Roll Call vote. Motion carried, 6-Yes, 0-No

Item C: Public Hearing on Ordinance #96-4: An Ordinance to Change City Council Meeting Time to 6:30 p.m.

Acting Mayor McComas opened the Public Hearing on Ordinance #96-4. There being no comments, Mr. McComas closed the Public Hearing.

motion M/M by Rodgers, 2nd by Miller to adopt Ordinance #96-4.

Roll Call vote. Motion carried, 6-Yes, 0-No

Item D: Public Hearing on Ordinance #96-5: An Ordinance to Exempt Charitable Gaming from City Sales Tax

Acting Mayor McComas read an opinion from the City Attorney on whether a conflict of interest exists with Council members who are members of Charitable Organizations voting on Ordinance #96-5. The opinion stated that no conflict of interest exists.

motion M/M by Miller, 2nd by Rodgers to take a break.

Voice vote. Motion carried unanimously.

Acting Mayor McComas opened the Public Hearing on Ordinance #96-5. 16 citizens spoke to the issue. The public hearing lasted nearly two hours, with the following opinions:

Name	Position
Sharon Neth	Opposed
Gary Vanasse	Opposed
Alan Wintersteen	Opposed
Buck Bukowski	In Favor
Chuck Garvin	In Favor
Bruce Perry	Opposed
Harold Jones	Opposed
Mike O'Brien	Opposed
Jim Bock	Opposed
John Angiaik	In Favor
Dave Trantham	Opposed
Mike Burley	Opposed
Bonnie Cowchee	In favor
Jim Blake	Opposed
Buster Richardson	Opposed
Tom Warner	Opposed

motion M/M by Rodgers, 2nd by _____ to table the ordinance.

Motion failed for lack of a second.

motion M/M by Miller, 2nd by Harding to refer to ordinance to the Finance Committee.

Discussion followed, with Council Members McComas, Miller, Harding, and Richardson stating their opinions on the Ordinance. Council Member Harding stated a number of things the Finance Committee could do, such as: research why the tax was implemented, investigate better ways for charitable organizations to collect the sales tax, investigate how the city could make up the shortfall if the tax were exempted, hold public hearings, and make an overall recommendation to Council. Mayor Richardson stated that she agreed with the motion to refer the Ordinance to the Committee.

Roll Call vote. Motion carried, 4-Yes, 2-No (McComas, Wallace).

Item E: Public Hearing on Ordinance #96-6: An Ordinance to Amend Bethel Municipal Code Section 5.20.060, titled "Revocation of License or Permit," and Section 5.20.070, titled "Penalties and Remedies."

Acting Mayor McComas opened the Public Hearing on Ordinance #96-6. 3 citizens spoke on the issue, with the following opinions:

Name	Position
Morgan Wilcox	Opposed
Thor Williams	In Favor
Jim Bock	In Favor

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

motion M/M by Richardson, 2nd by Rodgers to adopt Ordinance #96-6.

Roll call vote. Motion carried unanimously.

Item F: Report on Status of Potential Cemetery Sites

Jim Hoppenworth, Planning Manager, gave a brief report on the search for new cemetery sites. Mr. Hoppenworth stated that there is strong resistance in the community to use the cemetery near Ptarmigan Road, but that soil studies indicate that it is a good site. He suggested several things that could be done to make the cemetery more acceptable, such as fences to keep snowmachines out, a windblock, or further roadwork.

motion M/M by Miller, 2nd by _____ to have the City Manager draft an ordinance forming a cemetery association.

Discussion followed on the formation of a cemetery association. Mayor Richardson, a member of the ad-hoc cemetery committee, said that this suggestion has been made in the past. The cemetery committee is against forming a cemetery association.

Motion failed for lack of a second.

X. NEW BUSINESS

Item A: Discussion of a Proposed Ordinance to modify Bethel Municipal Code 2.20.010, titled "Established—Appointment of Chief," and 2.21.010, titled "Chief's powers and duties."

motion M/M by Harding, 2nd by Miller to refer the proposed ordinance to the Public Safety Committee.

Discussion followed on the reasons for the proposed ordinance. Council Member Harding stated that part of the intent is to protect the City from lawsuits. Mayor Richardson stated that a similar

ordinance was drafted by the previous Council, and if this ordinance could be used perhaps attorney's fees could be saved. Chief Liu was asked for his opinion. Chief Liu stated that he was appointed by a City Manager in 1991, and has worked under 3 City Managers in Bethel. It was always Chief Liu's understanding that he reports to the City Manager.

Roll Call vote. Motion carried unanimously.

Item B: Introduction of Ordinance #96-7: An Ordinance to Amend the 1995-96 Fiscal Year Budget.

Item C: Introduction—Ordinance #96-8: An Ordinance to Establish New City Job Classifications.

Item D: Introduction—Ordinance #96-9: An Ordinance to Amend the 1995-1996 Fiscal Year Budget.

motion M/M by Richardson, 2nd by Wallace to introduce Ordinance #96-7, Ordinance #96-8, and Ordinance #96-9.

Roll Call vote. Motion carried unanimously.

Item E: Resolution #96-4: A Resolution supporting House Bill 383, relating to reimbursement for protective custody costs.

motion M/M by Miller, 2nd by Harding to adopt Resolution #96-4.

Roll Call vote. Motion carried unanimously.

Item F: Resolution #96-5: A Resolution requesting the U.S. Army Corps of Engineers to fund and dredge the entrance channel and turning basin.

motion M/M by Miller, 2nd by Rodgers to adopt Resolution #96-5.

Roll Call vote. Motion carried unanimously.

Item G: Resolution #96-6: A Resolution supporting the Alaska Municipal Leagues "Revenue Sharing for Safe Communities" proposal.

motion M/M by Miller, 2nd by Wallace to adopt Resolution #96-6.

Roll Call vote. Motion carried unanimously.

Item H: Resolution #96-7: A Resolution for Re-appropriation of unexpended funds for the Courthouse Roof.

motion M/M by Miller, 2nd by Rodgers to adopt Resolution #96-7.

Roll Call vote. Motion carried unanimously.

Item I: Introduction—Ordinance #96-10: An Ordinance Amending the City of Bethel Personnel Rules.

motion M/M by Richardson, 2nd by Wallace to introduce Ordinance #96-10.

Roll Call vote. Motion carried unanimously.

Item J: Schedule a Special Session to Discuss Public Works

Council Member Miller stated that he believes a special meeting should be held to discuss the safety issues at Public Works. He has concerns about personnel changes being made, and if the City is open to liability, the Council should be aware of it. Mayor Richardson stated that it is the City Manager's job to handle personnel matters, and that Council was briefed on the safety issue at the budget work session. She stated that Council should not get into personnel issues. Council Member Miller stated that he would settle for placing this issue on the Executive Session at the next Council Meeting.

motion M/M by Richardson, 2nd by Wallace to suspend the Council rules of procedure, allowing the meeting to continue until midnight.

Roll Call vote. Motion carried unanimously.

XI. COUNCIL MEMBER COMMENTS

Council Member Miller stated that he will in the future propose an ordinance to extend the term of Council Members. He asserted that the short terms, and the yearly change in Council membership, do not facilitate long-term planning. Mr. Miller also stated that he may challenge Don Young for the U.S. Congress.

Council Member McComas stated that he hoped the discussion on the sales tax issue was a fair one, and he wished the ordinance had passed.

Mayor Richardson stated that she appreciated everyone showing up to speak on the sales tax ordinance. She appreciated Mr. Trantham's comments. Mayor Richardson stated that she believed an increase in council member terms would discourage people from running.

Council Members Harding, Wallace, and Rodgers did not wish to make any comments.

XII. EXECUTIVE SESSION

motion M/M by Miller, 2nd by Rodgers to adjourn the regular meeting and enter Executive Session for the purpose of discussing the following:

Rodgers vs. City of Bethel
Crow vs. City of Bethel
Scottsdale Insurance Company claim

The status of sales tax collection suits against: Tim Collins, dba Collins Painting, Hammer, Inc., Chevak Corporation, Andrew Scheall dba A.J.'s Services, Andrew Scheall dba Western Alaska Maintenance, Judy's Plumbing & Heating, Peter Twitchell dba Twitchell's Sporting & Fishing Supplies, Caesar Maczynski dba Caesar's Auto Body
The status of the following Insurance Cases: Seal vs. City of Bethel, Tundra Women's Coalition vs. City of Bethel, and Murat vs. City of Bethel.

Roll Call vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Rodgers to come out of executive session at 12:10 a.m.

Roll Call vote. Motion carried unanimously.

motion M/M by Miller, 2nd by Rodgers to follow the City Attorneys opinion on all pending legal matters discussed in executive session.

Roll Call vote. Motion carried unanimously.

XIII. ADJOURNMENT

motion M/M by Miller, 2nd by Harding to adjourn the meeting at 12:15 a.m.

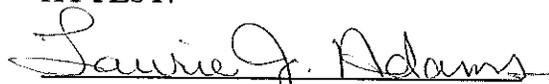
Roll Call vote. Motion carried unanimously.

PASSED AND APPROVED THIS 27th DAY OF FEBRUARY, 1996.



Ruth M. Richardson, Mayor

ATTEST:



Laurie J. Adams, City Clerk