

CITY OF BETHEL
CITY COUNCIL

Regular Meeting of August 24, 1993

I. CALL TO ORDER

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

II. ROLL CALL

Present: Feaster, Jones, Metcalfe (late), Trantham, Vanasse, Warner, Wintersteen

III. APPROVAL OF MINUTES

motion M/M by Vanasse, 2nd by Warner to approve the minutes of the August 10, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

Mayor Feaster and Councilman Trantham requested Items A and J, respectively, be removed from the Consent Agenda.

motion M/M by Warner, 2nd by Wintersteen to approve by consent, Items B, C, D, E, F, G, H, and I under New Business. Voice vote. Motion carried unanimously.

motion M/M by Vanasse, 2nd by Warner to amend the regular agenda by moving Items A and J before Item K, Executive Session. Voice vote. Motion carried unanimously.

V. MAYOR'S REPORT

Mayor Feaster referred Council to his written report and apologized to Councilman Vanasse for the confusion relating to excused/unexcused absences. Councilman Vanasse accepted Mayor Feaster's apology.

VI. MANAGER'S REPORT

City Manager Hunter reviewed his written report with Council and requested direction on several items.

1. Contract Approval

motion M/M by Vanasse, 2nd by Warner to approve project contracts as presented:

- a. Knik Construction Company for purchase of protection stone at \$140.00 per ton.
- b. Bethel Contractors for purchase of Type II base material and/or gravel at \$39.50 per ton.
- c. Montgomery Watson for engineering services--Kilbuck and Main Wastewater lift stations for \$46,200.

Voice vote. Motion carried unanimously.

2. BUC Waste Heat Contract

Council indicated several concerns with regard to the draft contract presented by Bethel Utilities Corporation (BUC). It was recommended that City Administration clarify contract provisions with BUC, and send the contract to the City Attorney for review before bringing back to the City Council for approval.

3. Disposal of Yugtarvik Museum and Old Cutting Edge Buildings

motion M/M by Warner, 2nd by Jones to begin advertising for disposal of the Yugtarvik Museum and the Old Cutting Edge buildings. Voice vote. Motion carried unanimously.

4. Initial Hire Date Changes

City Manager Hunter provided background information regarding retroactive applications to change initial hire dates. A copy of Mr. Hunter's memorandum on this subject is attached as part of these official minutes. It was the consensus of the Council to not retract the previous approvals for changing initial hire dates. Concerning future requests, however, Council concurred with the City Manager's recommendation to follow the personnel rules and regulations.

5. ICMA Conference

motion M/M by Vanasse, 2nd by Warner to approve City Manager Hunter's request to attend the ICMA Annual Conference scheduled for September 19-22, 1993, in Nashville. Voice vote. Motion carried unanimously.

6. Lot 4, Block 8, USS 3790 Ownership Claim

City Manager Hunter advised Council that he had researched J. Bruce Crow's ownership of Lot 4, Block 8, USS 3790 with BLM Townsite Program officials, including the Townsite Trustee, Lead Land Law Examiner and the Land Law Assistant in Anchorage. Based on his findings, Mr. Hunter stated that the data did not support Mr. Crow's claim for the closed townsite and recommended that City deny his claim and that the escrow account for rental income for the property be closed and the funds deposited in the general fund. In response, Councilman Metcalfe stated that BLM should be contacted and requested to provide more information aside from the land deed and survey which have already been provided. City Manager Hunter was directed to contact BLM and request they research the BLM archives for any record of claims made by Lucy or J.B. Crow, and place this item on the September 28, 1993, regular Council agenda for further deliberation.

7. BUC Request for Action of Boardwalk

In response to BUC's request for immediate repair of the boardwalk that extends over their heat line, Councilman Wintersteen stated that he did not believe the boardwalk was in terrible disrepair and that he felt BUC was being overly critical. City Administration was directed to get more specific information from BUC regarding what improvements needed to be made. Councilman Metcalfe requested City Administration also inspect the boardwalk on Ridgecrest and determine the cost for repairs.

8. Employee Records or Files Policy

City Manager Hunter explained the need to have a procedure for disclosure of employee records or files in order to comply with federal requirements. Council reviewed the policy submitted and expressed support for establishing a procedure. Discussion followed.

motion M/M Warner, 2nd by Jones to approve the proposed records policy as submitted. Motion was withdrawn.

motion M/M by Wintersteen, 2nd by Jones to approve the records policy as amended on page one of the Guidelines on Information Gathering, first paragraph under the section "Employer Cannot." The second sentence should read "The City will not seek information about misdemeanor

marijuana convictions more than two years old." Voice vote. Motion carried unanimously.

9. Training/Travel Policy

City Manager Hunter submitted a training/travel policy and explained that a uniform procedure for travel did not exist within the City. Mr. Hunter further explained that the policy before the Council was comparable to State of Alaska travel policy.

motion M/M by Jones, 2nd by Metcalfe to adopt the proposal submitted as the City's "Official Travel and Attendance Policy." Voice vote. Motion carried unanimously.

City Manager's Report continued following Item J, under New Business.

VII. REPORTS OF STANDING COMMITTEES

At 8:30 PM in order to hear the People to be Heard portion of the meeting the Reports of Standing Committees was moved to the end of New Business, following the continuation of the City Manager's report.

VIII. PEOPLE TO BE HEARD

At 8:30 PM, the Manager's Report was suspended to take up the People to be Heard portion of the meeting. The Manager's Report was completed under New Business, after Item J.

Bill Stokes, DEC Representative in Bethel, advised Council that Bethel Utilities Corporation was preparing a bulk mailing to Bethel customers and had indicated that the City could include an announcement about providing honeybucket users financial assistance for honeybucket pick up. Mr. Stokes requested Council approve funds for the mailing. Council pointed out that the decision was within the City Manager's authority and he could handle as he deemed appropriate.

Bob Graham advised Council that the Public Works Department had dug a ditch across the road he had constructed to property he was developing. The purpose of the ditch was to allow water to run off the City's road until such time that Mr. Graham had installed a culvert. Mr. Graham explained that the culvert was scheduled to arrive on the next barge at which time he would have the culvert installed. In the meantime he was requesting permission for Public Works Department to move dirt aside so that he could access his property. Discussion regarding allowing Mr. Graham to install a

temporary culvert followed. Council directed City Administration to resolve the situation. If the City allows temporary culvert to be installed, Mr. Graham should be advised that he has 21 days in which to install permanent culvert.

Tundra Drums editor, Desiree Humphrey, extended an invitation to the Mayor and council members to submit articles to the paper dealing with issues of concern or of interest to residents.

Dwayne Anaruk requested the City provide hand tools to people who had volunteered to clean up the cemetery. Council directed City Administration work with Mr. Anaruk on this project.

Antone Anvil requested the City finish the seawall on the east side of Brown Slough. Council advised Mr. Anvil that they were meeting on August 25 to review capital improvements projects and would consider his recommendation.

Council broke at 8:55 PM for a short recess. At 9:05 PM, Mayor Feaster called the meeting back to order.

IX. OLD BUSINESS:

ITEM A: Public Hearing--Ordinance #93-22: An Ordinance Authorizing Disposal/Lease of City Property for the Bethel Receiving Home

Mayor Feaster provided a brief overview of the purpose of the ordinance for disposal of city property before the Council, and then opened the public hearing.

Tad Miller, Director of the AVCP Receiving Home, read from a prepared statement. A copy of which is enclosed as part of these official minutes.

Providing testimony and support for passage of the ordinance were:
Orie Williams, Executive Director, YKHC
John Robinson, Vice President, Community Service, YKHC
Pat Samson, Social Services Director, AVCP
Paula Maloy, Bethel resident
Antone Anvil, Bethel resident

Valerie Penz, read a letter from Wanda Nicholai in support of passage of the ordinance. A copy of that letter is attached as part of these official minutes.

Joan Hamilton, spoke in favor of the Bethel Receiving Home, but not in favor of the City leasing the property to the State for the home. Ms. Hamilton suggested that the property could be better put to use as a public park for the children who live in the area.

There being no further testimony, Mayor Feaster closed the hearing to the public, and asked for comments from the Council. A lengthy discussion among council members followed.

motion M/M by Jones, 2nd by Metcalfe, to approve Ordinance #93-22, authorizing disposal/lease of city property for the Bethel Receiving Home, with lease terms to be determined after approval or non-approval of the lease. Poll vote. Motion carried. 6-yes (Feaster, Jones, Metcalfe, Trantham, Vanasse, Wintersteen); 1-no (Warner).

motion M/M by Metcalfe, 2nd by Trantham to continue meeting past 10:00 PM. Voice vote. Motion carried unanimously.

Following approval of the ordinance, Council next reviewed the proposed lease agreement between the State of Alaska, Department of Health and Social Services and the City of Bethel. A lengthy discussion regarding the terms of the lease followed.

motion M/M by Warner, 2nd by Vanasse to direct City Manager to return to negotiations with the State of Alaska regarding the lease agreement for property located at 226 Ptarmigan Street, a 19,586 square foot parcel properly described as: Tract C in Block 4 of the Replat of the Plat of Turnkey 3 Housing Development in Bethel, Alaska (Alas.18). Terms of the lease and negotiations to include: 1) 25-year maximum lease; 2) delete \$1.00 per year rent for first 2 years; 3) annual rent in excess of \$2,500; 4) building in an annual inflation factor for rent; 5) revert to the City clause if property is not used for stated purposes. In addition correct the reference to 1985 to 1995. Poll vote. Motion carried as amended. 6-yes (Feaster, Jones, Trantham, Vanasse, Warner, Wintersteen) 1-no (Metcalfe).

motion M/M by Warner, 2nd by Jones to amend the main motion by including in the terms of the lease the condition that the Bethel Receiving Home be required to connect to piped water and sewer lines. Voice vote. Motion carried unanimously.

X. NEW BUSINESS

ITEM A: Award of Truck Chassis bid--No bids were received. Public Works will readvertise in the spring for delivery on the first barge.

ITEM B: Award of Dumpster bids--Approved by consent as presented.

CITY COUNCIL MINUTES
PAGE 7
AUGUST 24, 1993

- ITEM C: Resolution #93-26: Accepting Amendment to VSW Grant #16711 for City Subdivision Piped Water and Sewer--
Approved by Consent.
- ITEM D: Resolution #93-27: Accepting VSW Grant #16715 in the amount of \$1,000,000 for Sewer Lagoon Construction--
Approved by consent.
- ITEM E: Resolution #93-28: Appointment of Election Judges for the October 5, 1993 Municipal Election--Approved by
Consent.
- ITEM F: Introduction of Ordinance #93-23: An Ordinance Establishing a 5% Use Tax on Alcoholic Beverages Brought or Sent into the City--Approved by consent for public hearing September 14, 1993.
- ITEM G: Introduction of Ordinance #93-25: An Ordinance Establishing the City Clerk as an Exempt Position, the office of the City Clerk, and specifying the duties of the City Clerk--Approved by consent for public hearing September 14, 1993.
- ITEM H: Introduction of Ordinance #93-26: An Ordinance Amending Title 9, Chapter 9.08 Entitled Fireworks and Explosives--
Approved by consent for public hearing September 14, 1993.
- ITEM I: Introduction of Ordinance #93-27: An Ordinance Amending Title 4, Chapter 4.18, Providing for a Bethel Endowment Fund--Approved by consent for public hearing September 14, 1993.
- ITEM J: Introduction of Ordinance #93-28: An Ordinance Amending Title 3, Personnel Rules and Regulations

Councilman Trantham requested that City employees have an opportunity to review the recommended changes to the personnel rules and regulations. Council scheduled a work session for September 23, 1993, 7:30 PM, Log Cabin. City Manager Hunter was directed to advise all employees of the work session and provide them with copies of the proposed changes.

motion M/M Jones, 2nd by Wintersteen to introduce Ordinance #93-28, amending personnel rules and regulations for public hearing to be held September 28, 1993, and for a work session to be held September 23, 1993. Voice vote. Motion carried unanimously.

Continuation of the City Manager's Report follows:

10. IPMA Information

Council approved City Manager's request to subscribe to the International Personnel Management Association.

11. DCRA Population Determination

Before the City accepts DCRA's population determination for July 1, 1993, at a figure of 5,023, Council directed City Administration to research the impact the population determination has on the City: 1) revenue sharing; 2) subsistence; 3) grants; 4) governor's local match. In addition, find out how this figure was determined by DCRA.

City Manager Hunter next requested the opportunity to take personal privilege, and read a letter he had prepared. A copy of that letter is attached as part of these official minutes.

Reports of Standing Committees

No quorum for Finance Committee (August 19); Port Commission (August 16); and Public Works Committee (August 17).

Councilman Metcalfe referred Council to the Planning Commission minutes for August 12, and Councilman Trantham announced the meeting of the Transportation Commission scheduled for August 25.

ITEM K: Executive Session: Legal Strategy -- APEA vs. City of Bethel

motion M/M by Warner, 2nd by Metcalfe to go into Executive Session for the purpose of discussing legal strategy regarding with attorney, William Meade in the case of APEA vs. City of Bethel. Voice vote. Motion carried unanimously.

motion M/M by Vanasse, 2nd Metcalfe by to come out of Executive Session. Voice vote. Motion carried unanimously.

XI. COUNCIL MEMBER COMMENTS

Councilman Vanasse directed City Administration to correct the problems with the heating system in the Log Cabin. He further stated that if Building Maintenance was unable to correct the problems, then the City should look into contracting out the work.

Councilman Warner requested a report at the next Council meeting on

the status of the Tomaganuk encroachment situation, to include a plan to resolve the problem. Councilman Warner also requested the introduction of a budget amendment be scheduled for the September 14 meeting which would appropriate the \$1.2 million received from Transamerica into the endowment fund.

Councilman Trantham thanked City Manager Hunter for the work he has accomplished since arriving in Bethel and for his patience in dealing with the disagreeable aspects of the job.

Councilman Wintersteen requested City Administration make arrangements to have the port-a-pot at the small boat harbor cleaned out.

Councilman Metcalfe expressed sorrow over losing Sgt. Bileyu, a valuable police officer to the community. He also expressed concern over the number of police officers the City has lost in the last six months, as well as the fact that replacement of those police officers did not include hiring of native people. Councilman Metcalfe also suggested that the City investigate the possibility of using inmates from the jail or people from the Tundra Center to help in the repair of public works projects, such as the boardwalks.

In response to a question from Mayor Feaster about V&E charge backs on vehicle and equipment repairs, Finance Director Elam stated that he had prepared a short report, and would provide a more extensive report at the next Council meeting.

XII. ADJOURNMENT

motion M/M by Vanasse, 2nd by Warner to adjourn the meeting at 12:40 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 14th DAY OF September, 1993.

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

ATTEST:

Jane Elam
Jane Elam, City Clerk