
City of Bethel, Alaska

Council Minutes

September 29, 1998

Regular Meeting

Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on September 29, 1998, at 6:30 p.m. in the Log Cabin, Bethel, Alaska. Mayor Agnes Phillips called the meeting to order at 6:30 p.m.

ROLL CALL

There were present:

Mayor Agnes Phillips
Antone Anvil
Dario Notti

Mike O'Brien
Karol Sanchez-Pobrisio
Stanley "Tundy" Rodgers

comprising a quorum of the Council.

Absent:

Carl Berger, Excused

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

Buck Bukowski, spoke in opposition to the proposed alcohol delivery site. He did not feel there was one good point about it. He said people who drink will not speak out so the Council will not hear from those not in favor of the proposal. The drinking problem is on weekends. The city voted to go damp not "part-time" damp. He added that people from the villages will all show his address for residency. People currently pay to Goldstreak alcohol orders and the proposal will not allow them to pick up their orders until Monday or Tuesday. He realized the Council is trying to solve a problem. An alcohol delivery site would make people mad rather than solve problems.

Dave Trantham, welcomed the new Police Chief, Robert Petitt, and hoped the dialog will remain open with him. He stated the new cemetery "sucks". Recent funerals have shown lots of water which had to be pumped. The cemetery site is a fit place to bury a dog. A more suitable place needs to be found. People are now talking about cremation rather than being buried in the mud. He noted that he has made arrangements so that he will not be buried there. He added that very bad things have happened at Council meetings and asked that the city pay for the broadcast of the meetings on the radio. There has been \$70 donated toward the next meeting, but he felt the Council owes it to the people of Bethel to be on the air. He stated that he will not be able to sponsor the next meeting due to comments made by Councilman Notti and his having to defend himself. Regarding the boat harbor, Mr. Trantham stated that slips are paid for beginning June 1. He would like to be refunded a half-month as it was not open June 1. He thanked the road maintenance crew for their great job.

Council Member Notti stated that Knick Construction did the road job on Front Street. It was not Knick's fault it was a lousy design.

Matthew Bean, also spoke regarding the new cemetery. He stated that during the digging of the plot for his deceased wife, there was lots of water. He noted that in Chevak the people put the coffins on top and cover them with sand. He hoped that drains could be put in. He also noted that they had to dig through permafrost.

Chung Taehwa, stated he retired in 1989 and came to Bethel to work. He is currently working as a cab driver. He would like to bring his wife here but does not make enough money to do that. He does not have the cab permit and has to pay a percentage of his fares to the permit holder. He asked to be granted a cab permit.

Mayor Phillips suggested that Mr. Taehwa speak to the City Manager about his situation.

Bruce Perry, spoke about fire prevention in Bethel and that October has been recognized for over 17 years as fire prevention month. He noted that the number of children in elementary school in Bethel has increased by about 100 this year. Hand outs were given to the City Council Members identical to those given to school children. This year is the first annual Great Escape nationwide. It will be October 7 at 6 p.m. He hoped to have everyone participate.

APPROVAL OF MINUTES

MOVED BY:	O'Brien	To approve the minutes of the regular council meeting of August 24, 1998, as amended.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion to approve the minutes carried by unanimous consent.
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APPROVAL OF AGENDA AND CONSENT AGENDA

MOVED BY:	Notti	To approve the consent agenda as amended.
SECONDED BY:	O'Brien	

The consent agenda consisted of the following items:

Resolution #98-23: Authorizing the Execution of a Cooperative Participation Agreement for the Law Enforcement Joint Liability Protection Program Among Alaska Municipalities (City Manager)

Resolution #98-24: Authorizing the Execution of a Cooperative Participation Agreement Among Alaska Municipalities and School Districts Creating the Alaska Municipal League Joint Insurance Association, Inc. (City Manager)

Resolution #98-25: Requesting Capital Funding through the State of Alaska Village Safe Water Program (City Manager)

Resolution #98-26: Accepting a Magnuson-Stevens Community Disaster Grant in the Amount of \$477.252 (City Manager)

Ordinance #98-22: Amending BMC 16.05.010 By Adding A Transportation Element To The Comprehensive Plan (City Manager) (Public Hearing on Oct. 13, 1998)

Approval of Election Workers for October 6, 1998, Regular Election

City Manager Herron requested an Executive Session be held concerning a police department issue. The Mayor noted that Mr. Herron's evaluation would also be done at that time.

MOVED BY:	Notti	To approve the agenda as presented.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion to approve agenda carried by unanimous consent.
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MAYOR'S REPORT

Mayor Phillips announced the following:

- Mayor Phillips stated she received notice from the Dept. of Community and Regional Affairs establishing the population of Bethel at 5,463.
- She also announced the receipt of revenue sharing in the amount of \$283,243.
- She announced that the next Council meeting would be held on Tuesday, October 13.
- A letter was received from the Alaska Native Health Board congratulating the city for enacting the no-smoking ordinance.
- She announced that the Job Center grand opening would be October 2 at 10:00 a.m.
- The mayor had received a request from Sue Hoffman regarding city sponsorship for a women's basketball team.
- She announced the appointments of Jennifer Auer and Steven Webb to the Parks and Recreation Committee and Guy Mercurief to the Transportation Commission.

MOVED BY:	Rodgers	To confirm appointments to Parks and Recreation Committee and Transportation Commission.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion to confirm appointments carried by unanimous voice vote.
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MOVED BY:	Pobrislo	To sponsor the women's basketball with \$700.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion to sponsor carried, with one dissenting vote (Rodgers)
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CITY MANAGER'S REPORT

City Manager Herron noted the Department Head reports in the Council Members packets.

Mr. Herron stated that he has been on the job a few months now and cannot make all the people happy but he is trying.

He noted that the 955 tractor loader for the landfill will arrive on the last barge the next day.

The City Manager stated that negotiations for transfer of BLM land for the new armory site are going very well. He will instruct the City's lobbyist to contact Senator Stevens to assist the

Alaska National Guard's efforts to secure funding for the new Bethel armory. The armory will be dedicated to territorial soldiers of WWII such as Muktuk Marston.

Mr. Herron stated that reporters from the Boston Globe newspaper and People magazine had interviewed several people in Bethel, including him, since the last Council meeting. The interviews were about the high school shootings of a couple years ago.

In checking with the Alcohol Beverage Control Board, he found that there are no additional restrictions by statute or regulations on the amount of alcohol which can be brought into a community, with an alcohol delivery site ordinance, in a person's baggage. By law, the baggage must be identified as having alcohol if the amounts are over one liter of spirits and two liters of wine or malt beverages.

He recommended that when the City's attorney returns his draft alcohol delivery site ordinance, the Council refers it to the Public Safety Commission to further review prior to the Council introducing it and holding public hearing.

After many weeks of preparation, the Bethel Police Department coordinated a successful sting operation on alcohol bootlegging activity. Chief of Police Bob Pettitt, former Lt. George Dahl, former Acting Chief of Police John Malone and the fine officers of BPD, outstanding VPSOs from around the Delta did and are doing an excellent job. Ten indictments and nine arrests were made with many of them still in jail.

He announced that the Court system and the City of Bethel have signed a long-term lease for current and future courthouse facilities. The city administration is finalizing a financial package with the bank for the Council's consideration. He and Stu Robinson, Finance Director, will make a presentation, which is the same presentation they made to Governor Knowles on Friday, September 25.

Stu Robinson talked about the proposals received from Key Bank and NBA. The remodeled courtroom will become the new council chambers. There is space still available in the Braund Building for new leases. He asked where the city offices would be moved during the renovation of the present court building.

Council Member Anvil stated the senior citizens were very glad to hear about the bootlegging arrests. He noted a job well done to the Police Chief from the Bethel seniors.

STANDING COMMITTEES

Parks & Recreation Committee

Council Member Pobrislo stated the Committee had met and discussed Owl Park and the organization of a teen council. The 4H is undertaking lots of activities such as cooking, arts and crafts, etc.

Planning Commission

Council Member Notti noted that the Commission had not met in August. Their next meeting will be October 8.

Finance Committee

Mayor Phillips stated the Committee will meet on October 8.

Public Safety Commission

Council Member Anvil noted that the next meeting was scheduled for October 5.

Senior Citizens' Advisory Board

Council Member Anvil also noted that the Board would meet next on September 30.

Port Commission

Council Member Rodgers stated the Commission had met and discussed a certificate of appreciation for former Port Director Stuart Greydanus. He noted that there had been some vandalism at the small boat harbor.

Regarding the seawall, City Manager Herron noted that the hydraulic surveys would be done in the next couple of weeks.

Public Works Committee

Council Member O'Brien stated that the Committee had not met due to lack of quorum. This committee still has two vacancies.

Council Member Pobrislo added that Parks & Recreation is offering a reward for the name(s) of the vandal(s) who broke the windows at the Youth Center.

Transportation Committee

As Council Member Berger was not present, there was no report given.

OLD BUSINESS

***Ordinance #98-20: Amending the Adopted FY 1998-99 Budget
(City Manager Herron)***

City Manager Herron noted this was a housekeeping ordinance, moving grant money into a separate account as required by the grant.

Mayor Phillips called for public testimony. With none being offered, public hearing was closed.

MOVED BY:	Rodgers	To enact Ordinance 98-20.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion to enact carried unanimously.
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ANVIL Yes	BERGER Absent	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

***Ordinance #98-21: Authorizing The Imposition Of A State-Imposed Surcharge On
Certain Penalties (City Manager)***

City Manager Herron stated this brings the City into conformance with a bill passed by the Legislature last session. The surcharge will go into training for police officers.

Mayor Phillips open the public hearing. With no testimony given, the public hearing was closed.

MOVED BY:	O'Brien	To enact Ordinance #98-21.
SECONDED BY:	Rodgers	

VOTE ON MOTION Motion to enact carried unanimously.

ANVIL Yes	BERGER Absent	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	6 YES 0 NO

NEW BUSINESS

Resolution #98-23: Authorizing the Execution of a Cooperative Participation Agreement for the Law Enforcement Joint Liability Protection Program Among Alaska Municipalities (City Manager)

City Manager Herron stated the city had withdrawn from the AML/JIA in 1993. When the City rejoined, this resolution and the next one were never adopted and forwarded to them.

In response to Council Member Pobrislo, Mr. Herron stated due to the liability involved with a Police Department, the two type of insurance were required.

MOVED BY:	O'Brien	To adopt Resolution 98-23.
SECONDED BY:	Notti	

VOTE ON MOTION Motion to adopt carried by unanimous voice vote.

Resolution #98-24: Authorizing the Execution of a Cooperative Participation Agreement Among Alaska Municipalities and School Districts Creating the Alaska Municipal League Joint Insurance Association, Inc. (City Manager)

MOVED BY:	Rodgers	To adopt Resolution 98-24.
SECONDED BY:	Notti	

VOTE ON MOTION Motion to adopt carried by unanimous voice vote.

Resolution #98-26: Accepting a Magnuson-Stevens Community Disaster Grant in the Amount of \$477,252 (City Manager)

City Manager Herron stated this is money coming to the City from the fish disaster. This money will be used to hire locally to help with the renovation of the Braund Building.

MOVED BY:	Pobrislo	To adopt Resolution 98-26.
SECONDED BY:	Rodgers	

VOTE ON MOTION Motion to adopt carried by unanimous voice vote.

Council Meeting Dates – Nov/Dec 1998

City Manager Herron recommended the Council have only one meeting in November and December, November 24 and December 8.

Without objection, it was agreed by Council to hold one meeting in November and December.

Discussion – New Cemetery (Council Member Anvil)

Council Member Anvil asked that a new cemetery site be found.

Council Member Rodgers felt the City should find a dry sand pit of three to five acres.

City Manager Herron stated there was no report from the engineer regarding the water in the Ptarmigan Road cemetery. He added that he and the City Clerk would do whatever the Council directed to develop a new cemetery.

In response to a question from Council Member Anvil, Mr. Herron stated that they cannot get the fence installed at the old cemetery before winter.

Council Member Anvil commented that the answer is always "no money".

Mayor Phillips requested that a new site be researched and the fence money be put on hold.

Council Member Anvil felt that BNC and/or ONC should be asked to donate land for the cemetery.

Discussion – Suggested Projects for Community Development Block Grants (City Manager)

City Manager Herron noted that the last block grant to the City was \$200,000 which was used to upgrade homes from honey buckets. The Dept. of Community and Regional Affairs had not been happy that the City had used the money for that project. At this time, the staff is prepared to submit grants and asked the Council to come up with ideas.

This item will be placed on the October 13 agenda.

Discussion – Lease with Omni for QFC #1 (Council Member O'Brien)

Council member O'Brien stated the latest gas spill at QFC #1 really made him mad. A contract with a lot of guarantees was signed. A lot of those guarantees have not been followed. Omni had blatantly disregarded the lease agreement. He stated that Omni make a great deal of money in this community and takes it outside. He felt they needed to be stopped and slapped hard.

At the request of the City Manager, Fire Captain Bruce Perry spoke to the Council about the spill. He had written a four page letter. He noted that the authority to shut the place down lies with the Fire Chief who was out of town. Someone with Omni in Seattle ordered it open again. He added that Omni has not proceeded with preventative maintenance. He further noted the problem he observed. He added that any overspill will not only go under the street, but into the city water well.

Council Member O'Brien stated that here is a business out of compliance with signed documents. He is having a great problem with a potential of a spill contaminating the city water system.

Council member Pobrislo asked how long the lease was, to which City Manager Herron replied that it is a long term lease, but he would have the attorney look at it.

Ms. Pobrislo added that she felt it was time to get Omni out of there.

Council member Rodgers stated that when the lease came before Council, it was agreed that they would adhere to the terms. He wanted to see the lease terminated immediately.

MOVED BY:	Rodgers	To direct the city manager to review the legalities of terminating the lease with Omni for QFC #1.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Discussion – Code Enforcement of Honeybuckets (Council Member O'Brien)

City Manager Herron reported that he is very happy with the outcome of the enforcement. He will have a full report a the next Council meeting.

COUNCIL MEMBER COMMENTS

Council member Pobrislo congratulated the Police Department for their great job. She also thanked the City staff for their dedication and hard work.

Council member Notti expressed sympathy to Moses and Berlin families. He also acknowledged Dave Trantham's right to be rude and obnoxious.

Mayor Phillips said it was gratifying while she was in Anchorage to read in the paper about the arrests. She also expressed condolences to the Moses and Berlin families.

Council member Anvil also expressed his thanks to the BPD. He read a letter from the Alaska Native Health Board thanking the City Council for making Bethel smoke-free and hoped it would become a model for other communities.

Council member Rodgers expressed his condolences to Moses, Berlin and Uncle Joe's families. He also congratulated his son and wife on the birth of their new baby. He noted what the vandalism in the community does to the city budget and the sales tax.

Council member O'Brien also spoke about the vandalism to the boardwalk and the Youth Center. He noted that this was the last Council meeting before the City election and urged everyone to get out and vote.

EXECUTIVE SESSION

MOVED BY:	O'Brien	To recess to Executive Session to discuss a Police Department matter and the evaluation of the city manager.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous consent.
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The Council reconvened the regular meeting at 9:30 p.m.

ADJOURNMENT

MOVED BY:	Pobrislo	To adjourn the meeting
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous consent.
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With no further business to come before the City Council, the meeting adjourned at 9:32 p.m.

PASSED AND APPROVED THIS 13th DAY OF OCTOBER, 1998

Agnes L. Phillips, Mayor

ATTEST:

Gaye J. Vaughan, City Clerk