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CITY COUNCIL MINUTES
JANUARY 26, 1993

CALL TO ORDER Mayor Feaster called the regular Council meeting of January 26, 1993, to order at 7:30 PM.

ROLL CALL Present: Feaster, Jones, Metcalfe, Trantham, Vanasse, Warner, Wintersteen (Late)

APPROVAL/MINUTES M/M by Vanasse, 2nd by Warner to approve the minutes of the January 12, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Warner, 2nd by Vanasse to approve the agenda as presented. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster reappointed Louie Andrew to the Planning Commission and appointed R. Thor Williams to the Public Works Committee.

Councilman Warner questioned the appointment of Mr. Williams since he had not lived in Bethel for one year. Mayor Feaster responded that the one year condition was a guideline the Council had used in the past, but was not a requirement in the Resolution establishing the Committees.

motion M/M by Warner, 2nd by Jones to ratify the appointments made by the Mayor. Voice vote. Motion carried unanimously.

MANAGER'S REPORT Interim City Manager Gross reviewed her written Manager's report with Council on the following items:

The City Manager candidate interviews were scheduled for February 6 and February 13. Councilman Jones stated that it was his understanding that interviews would not be held on the first weekend in February as he would be absent. Ms. Gross responded that she would try to change the February 6 interview date to February 20.

Ms. Gross reviewed the letter from Diane Carpenter regarding the lease with Pacifica. According to the letter, Pacifica does not

want to relinquish the lease and wants to continue the present arrangement until after the Fire Marshal has responded to the plan review. Ms. Gross stated that Mrs. Carpenter had acknowledged that Pacifica is unable to complete the documents necessary for the plan review, the City is unable to complete the plan review, and that Jordan Suhr is unable to complete the plan review. A discussion of the requirements to complete a plan review followed. Mayor Feaster suggested Mrs. Carpenter be invited to the next Council meeting to discuss and settle the issue. Councilman Warner asked for a copy of the As-Built for the buildings.

Councilman Warner stated the Council needed to take some action concerning the extension of the Interim City Manager's contract.

motion

M/M by Warner, 2nd by Jones to extend the Interim City Manager's contract to March 6, 1993, under the same terms. Voice vote. Motion carried unanimously.

Councilman Warner asked for some definition of the legal claims mentioned in Ms. Gross's report. Ms. Gross explained that one matter involved an impounded vehicle and one matter involved a change in charge against an arrested person.

Councilman Jones asked if the snow gate had been located. Jerry Korthuis, Public Works Senior Foreman, responded that he had not received any response on its whereabouts, only that it should have been in Bethel the previous week.

Councilman Trantham asked Police Chief Liu about the procedure for impounding a vehicle. Chief Liu explained the procedure.

Councilman Metcalfe asked kind of training on sexual harassment was available to the City to train employees. Ms. Gross responded that the Personnel Department was researching the matter.

Ms. Gross referred Council to her memo on the take-home vehicle policy. Councilman Vanasse stated that the City Manager should have the responsibility to determine the policy and the Council should not interfere unless it becomes a problem. Councilman Metcalfe stated that whatever the policy, it needed to be in writing. Councilman Jones brought up the issue of safety and liability for police supervisors responding to calls in unmarked vehicles, and stated that the policy should be left to the City Manager. Mr. Warner stated that the Council's responsibility was to set policy and the City Manager's responsibility was to follow that policy. Ms. Gross made the suggestion that Administration bring a Resolution to the next meeting outlining the policy. Mr. Vanasse reiterated that the policy should come from Administration, with the help of the department heads, and then be approved by Council. Mayor Feaster asked Ms. Gross to prepare something at the next meeting. Councilman Trantham suggested one possibility might be to pay taxi fare for any employee that is called out for an emergency. Mr. Trantham also suggested that a justification from the department head requesting a take-home vehicle be included in the policy. Councilman Wintersteen stated that he would like to see the Police vehicles on the roads at all hours to act as a deterrent. Ms. Gross asked if the Police supervisors could be authorized to use their vehicles until a policy is in place.

motion

M/M by Metcalfe, 2nd by Jones to allow the Police shift supervisors to have use of their vehicles. Poll vote. Motion carried, 5-yes, 2-no (Feaster, Warner).

Ms. Gross referred Council to the memo on presently funded CIP projects and asked for direction as to how to proceed. Councilman Warner briefly outlined the projects, and suggested treating the pumping stations as a package. Mr. Warner also suggested the City Manager proceed immediately to prepare an Invitation for Bid for the Bethel Heights

piped water/sewer project. Ms. Gross asked if she should also prepare a Request for Proposal for the City Subdivision piped water/sewer project. Mr. Warner and Mayor Feaster suggested waiting on that project. Councilman Trantham asked if the moratorium placed on these projects had been lifted. Ms. Gross replied that she had received a letter lifting the moratorium. Councilman Wintersteen questioned the Mayor as to the intent of the Council in using the money for the City Subdivision water/sewer project. Mayor Feaster responded that he wanted the Council to put together a comprehensive five-year water/sewer plan sometime in April to decide how to best utilize the money. Mr. Trantham suggested the Public Works Committee review the projects and make recommendations.

Ms. Gross informed Council that the accounting firm expected to have the audit ready for the next Council meeting. Ms. Gross also expected to have the draft of the six-month budget review at the next meeting.

At this point, the Mayor broke for People to be Heard.

PEOPLE TO BE HEARD There were no people to be heard.

Ms. Gross continued with her report, informing Council that she had spoken with DOT about Watson's Corner. Ms. Gross reported that the DOT was still deciding if the corner should have a red and green light, but that a flashing yellow light on a pole could be installed temporarily, if the City wished.

motion

M/M by Wintersteen, 2nd by Metcalfe to send a letter to the DOT requesting a flashing yellow light be placed at the appropriate place on the highway. Councilman Jones pointed out that the DOT was only offering one light and two would be needed to alert drivers on the highway. Poll vote. Motion failed, 3-yes (Metcalfe, Vanasse, Wintersteen), 4-no.

Councilman Metcalfe questioned Ms. Gross on the dissatisfaction with the OJT program.

COUNCIL MEMBERS
COMMENTS

Councilman Vanasse stated that a number of people had asked him about the status of the Public Works director and had complaints about the City services. Mr. Vanasse asked if the Public Works Department could be restructured to create a position for an administrative Public Works Director to take care of the City services. Councilman Warner stated that the appropriate time to discuss this would be at the six-month budget review.

Councilman Warner had a question on the report from Jordan Suhr concerning the appraisal of the land from BNC and field survey of the plat. Ms. Gross responded that the Planning Department was working on the survey and appraisal. Mr. Warner relayed the complaints he had received concerning snow removal, and requested Administration look at staggered work hours to get the roads cleared before people went to work.

Councilman Trantham stated he had received more complaints in the last two weeks than any other two-week period in five years. Mr. Trantham said most of the complaints were about vehicle abuse, snow removal, and lack of water and sewer services. Mr. Trantham recommended that a full-time Public Works Director be hired to ensure City services are delivered.

Councilman Jones apologized to the VFW Ladies Auxiliary for his no vote on a motion that included the Auxiliary, and stated that his vote had nothing to do with the Auxiliary. Mr. Jones invited everyone to a Public Forum with the head of the State Cooperative Extension office. Mr. Jones also relayed complaints about snow removal and school buses missing children because of the conditions of the roads.

Councilman Wintersteen expressed his concern about the condition of the roads. Mr. Wintersteen asked for guidelines on behalf of Dr. Bergen concerning the physical exam required for a Chauffeurs license.

Councilman Metcalfe suggested obtaining a series of aerial photographs of Bethel to place on the walls of the Log Cabin to aid the Council in discussions. Mr. Metcalfe also received complaints on snow removal and berms.

**REPORTS OF STANDING
COMMITTEES**

Councilman Jones stated the Finance Committee met for an informational and review session.

Councilman Wintersteen reported the Port Commission did not have a quorum. The next meeting is scheduled for February 15.

Councilman Metcalfe referred Council to the minutes of the joint Planning/Port meeting. The next Planning meeting is scheduled for February 11.

Councilman Vanasse reported the Public Safety Committee met on January 19 and January 26. Mr. Vanasse discussed the budget revisions the Committee reviewed. The Chairman of the Committee, John Abrant, spoke on the vehicle-use policy and advised that in the interest of public safety, the Police Chief and the Fire Chief have the authority to assign take-home vehicles to shift supervisors.

Councilman Warner stated the Public Works Committee meeting was canceled and the next meeting was scheduled for February 16.

Councilman Trantham referred Council to the minutes from the Youth Services Committee meeting of January 12.

Mayor Feaster reported the Solid Waste Committee met the previous Friday and introduced the Committee Chairman, J.P. Creighton. Mr. Creighton encouraged Council to support voluntary cooperation with the recycling project, and informed Council that the Committee is concentrating on researching information regarding the asbestos repository.

Council broke at 9:15 PM for a short recess. At 9:30 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS

**Item A: Asbestos
Report**

ASBESTOS REPORT

Interim City Manager Gross reviewed the material in the packets and stated that information from OSHA was available in her office. John Hastie introduced Jerry Keller, asbestos abatement manager for LKSD, who was present to answer questions from the Council.

Mayor Feaster questioned Mr. Hastie about the need for an abatement manager for the repository. Mr. Hastie responded that all of the sources he had contacted had indicated that it would be recommended for the City to have an abatement manager on the site. Mr. Keller stated that the person charged with accepting asbestos should be a thoroughly trained individual in all aspects of asbestos. Councilman Vanasse recommended having a person trained in asbestos abatement on the City's maintenance staff.

Mayor Feaster stated that the asbestos should already be certified that it was packaged properly when it gets to the repository and that the City should not be responsible for certifying the shipment. Mr. Keller stated that the City has the right to refuse shipments, and he thought the person monitoring the landfill should know what to look for in accepting shipments.

Councilman Warner stated he thought the Council was getting ahead of itself, since no decision had been made to have an asbestos repository site in Bethel.

Mr. Vanasse informed Council that the State's recognized expert will be out in March to recertify asbestos abatement workers and suggested he be invited to a public forum to answer questions about asbestos.

Councilman Wintersteen reiterated his request for information from non-governmental and environmental sources. Mayor Feaster stated that the Solid Waste Committee is working on those sources.

NEW BUSINESS

Item A: FHA Loan
for Sewer Lagoon

FHA LOAN FOR SEWER LAGOON PROJECT

Mayor Feaster explained that one requirement Farmers Home had was that the issue be discussed at a public meeting; however, no one asked to speak on this issue.

Interim City Manager Gross stated that she had completed the Environmental narrative for FHA and the application to the Office of History and Archaeology to ensure there are no cultural resources on the land. Ms. Gross reported that she received a call from the Office of History and Archaeology that confirmed there were no cultural resources located on the land.

In response from a question from Councilman Warner, Ms. Gross replied that she had contacted a Bond Counsel in Anchorage on the advice of the City Attorney.

Mr. Warner asked if the fact that the City does not have clear title to the land would cause a problem with the FHA loan. Ms. Gross responded that since the City had a Temporary Use Agreement and BNC had made the intent to convey the land to the City, she did not believe there would be a problem.

Councilmen Warner and Jones asked for payment schedules for 10, 15, and 20 year loans.

Ms. Gross said that the cost to sewer customers on a 30 year loan would equal \$6.37 a month, and that Larry Elam, Finance Director, had told Ms. Gross that the first few years' debt service could be paid out of reserves in the Utility Account.

Mayor Feaster suggested tabling this issue until the next meeting. Mayor Feaster also suggested checking with Sam Hardin on the limits for payment schedules and penalties.

Councilman Metcalfe asked if the Bond Counsel decision would also be tabled. After discussion, it was decided that the Council

should decide on Bond Counsel because of time limitations in preparing an ordinance for introduction on the Bond, and in preparing the bond itself.

motion

M/M by Warner, 2nd by Metcalfe to direct the City Administration to retain Bond Counsel, selecting the least expensive of the firms available in Anchorage, and return with a firm cost estimate at the next meeting. Poll vote. Motion carried unanimously.

motion

M/M by Warner, 2nd by Jones to continue meeting past 10:00 PM. Voice vote. Motion carried, 6-yes, 1-no (Wintersteen).

Item B: Res.
#93-03

RESOLUTION #93-03: A RESOLUTION SUPPORTING THE BETHEL RECYCLING EFFORT

Mayor Feaster introduced Resolution #93-03 and explained it had been modified by the Solid Waste Committee.

motion

M/M by Trantham, 2nd by Jones to approve Resolution #93-03, deleting the last paragraph.

A discussion ensued about the City vehicle-use policy and how it would apply to the recycling effort.

Councilman Warner asked if the contract between the City and Allen Auxier was still in force. Geoff Kennedy, a volunteer with the Recycling effort, stated that Mr. Auxier had a written agreement with Mark Earnest and a verbal agreement with George Hohman. Councilman Vanasse and Mayor Feaster had differing opinions as to the termination date of the contract.

J.P. Creighton addressed the Council on the importance of the last paragraph to the spirit of the resolution.

Mr. Kennedy addressed the Council on the intent of the resolution, which was to support the recycling effort.

Councilmen Wintersteen and Vanasse both stated they supported the resolution in its entirety. John Hastie suggested setting aside one day by proclamation as a day to recognize the recycling effort.

Mr. Trantham pointed out that, with this resolution, the possibility existed that an employee could be charged with insubordination for not recycling cans with the Can Man.

vote Poll vote of the motion. Motion failed, 2-yes (Jones, Trantham), 5-no.

motion M/M by Wintersteen, 2nd by Metcalfe to approve Resolution #93-03 in its entirety. Poll vote. Motion carried, 5-yes, 2-no (Jones, Trantham).

Mr. Warner pointed out that the resolution did not specify cooperation with the Can Man, but merely reads recycling effort.

**Item C: Res.
#93-04**

RESOLUTION #93-04: A RESOLUTION AMENDING THE RE-ESTABLISHMENT OF COMMITTEE PROCEDURES

Mayor Feaster introduced this resolution as a resolution dealing with absentee Committee members.

motion M/M by Jones, 2nd by Warner to approve Resolution #93-04 as presented. Poll vote. Motion carried unanimously.

**Item D: Intro
of Ord. #93-01**

INTRODUCTION OF ORDINANCE #93-01: AMENDING TITLE 17 (SUBDIVISION) BY ESTABLISHING AN ABBREVIATED PLAT PROCEDURE

Interim City Manager Gross introduced the ordinance and explained that presently there is no procedure for subdividing a lot that had already been subdivided, which is usually done by administrative action. Ms. Gross also explained that the City had been following such a procedure since 1982, although there was none in place. Ms. Gross relayed Brooks Chandler's opinion that the ordinance could be retroactive to 1982 to cover all of the short plats previously approved.

motion

M/M by Warner, 2nd by Jones to introduce Ordinance #93-01 for public hearing at the next regularly scheduled meeting. Voice vote. Motion carried unanimously.

Item E: Status
Report

STATUS REPORT ON YUGTARVIK MUSEUM ARTIFACTS

Interim City Manager Gross referred Council to her written report. Ms. Gross also explained that the City had accession books that listed the artifacts acquired up to 1984, but nothing after that.

Councilman Jones confirmed that when the museum closed, the for-sale items were the only items inventoried and recommended bringing in an expert to inventory and evaluate the artifacts. Ms. Gross stated that the National Park Service can provide that assistance to Native Americans, but not local governments. Mayor Feaster suggested asking ONC or another native corporation to ask for help on behalf of the City.

motion

M/M by Warner to direct Administration to proceed with an inventory of the artifacts on hand and return with a plan for appraisal of the artifacts. Motion withdrawn.

Mayor Feaster stated that the general direction given to Administration was to find someone to do an inventory and an evaluation, and to suggest a method for preservation of the artifacts.

Item F: Osier
Road Vacation

OSIER ROAD VACATION

Jerry White, Planning Manager, informed Council that Osier Road does not lie where it is platted. Mr. White stated that replatting the road would have little consequence to the general public.

Councilman Warner recalled that the Planning Commission vacated the platted right-of-way, which reverted the property back to the City, and platted the road where it stands.

motion

M/M by Wintersteen, 2nd by Jones to approve the vacation of Osier Road as described and to rededicate the road currently being used. Voice vote. Motion carried unanimously.

Item G: LEPC
Grant Return

LEPC GRANT RETURN

Interim City Manager explained that this grant was from the Department of Environmental Conservation and that the City would be responsible for planning for any sort of emergency occurring in the area from St. Michaels to Goodnews Bay.

Chief George Young stated that the DEC had granted a verbal extension to the June 30, 1993, deadline for expenditure of the grant money. Chief Young gave the Council a brief history of the grant, and gave his strongest recommendation to return the grant money.

motion

M/M by Jones, 2nd by Vanasse to return the \$50,000 grant to the DEC.

Councilman Warner stated the City should decline the verbal extension, decline to participate as the planning agency and return the grant.

The motion was withdrawn by Mr. Jones.

motion

M/M by Warner, 2nd by Jones to decline the offer of extension of the grant period by the DEC, decline the \$50,000 grant and return the check to the State of Alaska, and state that the City does not have, at the present time, the expertise or the manpower to provide such services. Voice vote. Motion carried unanimously.

Item H: Gaming
Permit Appl.

GAMING PERMIT APPLICATION

Councilman Warner asked the identity of Bethel League, Inc. Councilman Vanasse indicated he believe it was the bowling alley.

Councilman Trantham stated that Alaska Statute

05.15.995 paragraph 30 requires qualified organizations be incorporated for three years prior to the State issuing a permit. Mr. Trantham also listed other requirements not met by this application, and recommended sending the application back.

motion M/M by Metcalfe, 2nd by Warner to return the application for further verification to the Bethel League, Inc. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Jones to go into Executive Session for the purpose of discussing the legal strategy regarding the Tomaganuk house removal from City property. 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 authorize Administration to act per the recommendation of the City Attorney in his letter dated January 12, 1993, with regard to the Tomaganuk case. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Metcalfe to adjourn the meeting at 11:15 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 9th DAY OF February, 1993.

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

ATTEST:

Jane Elam
Jane Elam, City Clerk