
City of Bethel, Alaska

Council Minutes

July 28, 1998

Regular Meeting

Bethel, Alaska

CALL TO ORDER

The Regular Meeting of the Bethel City Council was held on July 28, 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	Mike O'Brien
Antone Anvil	Karol Sanchez-Pobrislo
Carl Berger	Stanley "Tundy" Rodgers
Dario Notti	

comprising a quorum of the Council.

Also in attendance were:

Bob Herron, City Manager
Gaye Vaughan, City Clerk

PEOPLE TO BE HEARD

Dario Notti spoke on behalf of *Raymond Pete*. He said that Mr. Pete is not covered by the waiver for the honeybucket/water/sewer upgrade required by the city. Mr. Pete lives with an elderly aunt and he did not make any money fishing this year.

In response, City Manager Herron said the committee will meet one more time after the August 15 deadline. He believed they could develop a hardship waiver.

Council Member O'Brien stated the Council could be seeing a lot of these and this is just one example. A procedure needs to be developed for them to be looked at on a case by case basis.

Bruce Perry introduced an exchange student visiting Bethel for three weeks from Tokyo, Japan.

David Trantham stated that he had to call the police as vandals destroyed his greenhouse. He said Bethel is changing; that he used to be able to trust people. He believed this to be a "hate" crime by someone who hates nature, beauty and flowers. He went on to relate how he recently had to hire a defense attorney for an action which began at a council meeting. His legal bill has now reached over \$18,000 for him to clear his name. He requested reimbursement from council for his expenditure.

Mayor Phillips thanked Mr. Trantham for his work on the new city park.

Tony Vaska stated the U.S. Census Bureau is gearing up for the 2000 census. He noted that each resident of Bethel is worth \$9,000 per year in revenue to the city. Six employees have been hired to update addresses. The Bureau expects to hire 25,000 at the height of the census. He added that the City Council and ONC will have to sign off on the census count. He stressed that all information gathered is confidential and cannot and will not be given to IRS or INS.

APPROVAL OF MINUTES

Mayor Phillips noted corrections to the July 14 minutes; People to be Heard, 2nd paragraph, change "child" to "volunteer"; under page 2, remove the sentence about her being unable to attend the AML Board of Directors/Conference of Mayors meeting; and correct a typo on page 3 where it should read "officer" rather than "office".

MOVED BY:	Rodgers	To approve the minutes of the regular council meeting of July 14, 1998, as amended.
SECONDED BY:	O'Brien	

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

Council Member Notti requested that Resolutions 98-19 and 98-20 and Ordinance 98-19 be removed from the consent agenda.

MOVED BY:	Notti	To approve the consent agenda as amended.
SECONDED BY:	Pobrislo	

The consent agenda consisted of the following items:

Ordinance #98-07: Adding Chapter 8.10 of the BMC Entitled Smoking Pollution Control (City Council) (Set Public Hearing for Aug. 11, 1998)

Ordinance #98-14: Amending BMC Section 9.20.020, Curfew (Council Member O'Brien) (Set Public Hearing for Aug. 11, 1998)

Ordinance #98-16: Repealing BMC Chapter 1.20 And Enacting Title 7, Elections (Mayor Phillips at request of Clerk) (Set Public Hearing for Aug. 11, 1998)

Ordinance #98-17: Repealing A Penalty Provision In The Sewer Code That Is In Conflict With Another Penalty Provision (City Manager Herron) (Set Public Hearing for Aug. 11, 1998)

Ordinance #98-18: Requiring all Sewage Holding Tanks To Be Equipped With A Camlock (City Manager Herron) (Set Public Hearing for Aug. 11, 1998)

VOTE ON MOTION	Motion to approve consent agenda carried with one dissenting vote (Rodgers).
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Mayor Phillips noted that an Executive Session would be held at the end of the meeting concerning the oil spill settlement, the City Clerk's employment agreement and the Police Chief's employment agreement.

MOVED BY:	Rodgers	To approve the agenda as presented.
SECONDED BY:	O'Brien	

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

Mayor Phillips announced the following:

- A letter was received from Governor Knowles thanking the City of Bethel for the 4th of July festivities.
- The Mayor thanked the council members who attended the fish disaster meeting.
- She also thanked Council Member O'Brien for attending the luncheon with U.S. Secretary of HUD Andrew Cuomo. She noted that he had delivered \$16,000,000 for new housing.
- The Mayor pointed out the thank you letter from Carl Berger, Director of the Lower Kuskokwim Economic Development Council, for the hospitality shown a group of travel agents who recently visited the area.
- She stated the Council was invited to a pot luck at the jail for the Native Cultural Club.
- Mayor Phillips pointed out that Alaska Public Radio Network was asking for the names of 40 people who have most affected Alaska since statehood. She would like names of people from this area to be submitted.
- She pointed out an update to the Airport plan included in Council's packets.

CITY MANAGER'S REPORT

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

Chief of Police – City Manager Herron said he would like to discuss the employment agreement in executive session.

Oil spill lawsuit – He would also like to give the Council an update on this in executive session.

City of Bethel Campus Park – Mr. Herron thanked Jane Neeser, Janet Athanas and Dave Trantham for their work developing a small park at the old library site, also Public Works, Chuck Willert and his roads crew, Eric Olson, Bethel Youth Center, Craig Rogers and Boy Scout Troop #559.

EZ – the Empowerment Zone Steering Committee has now met three times, an executive director is about to be hired and the City of Bethel has been asked to provide office space for approximately 45-60 days to help prepare the application for the Bethel-Wade Hampton census areas to secure EZ designation. He continues to work closely with this committee.

City Engineer – Sam Kito will be in Bethel the following day for meetings with the administration on water/sewer projects, recycled asphalt pavement "rap" roads, Kasayuli Subdivision, and other projects.

The City has received a grant for multi-jurisdictional task force. This money will be used to assist public safety in our community.

In response to a question from a council member, Council member Berger explained the EZ Group. Additionally, City Manager Herron said this is a chance for the city to be more involved in the region. He felt it was very important for the city to be involved, although the city does not have much money, it does have resources.

STANDING COMMITTEES

Transportation Committee

Council member Berger reported that a meeting was held on July 16, the first one since February. The committee still has three vacancies. The next meeting will be August 6.

Parks & Recreation Committee

Council Member Sanchez-Pobrislo has been out of town, so she has missed the meetings. She announced that the next meeting will be August 11.

Planning Commission

Council Member Notti noted that the Commission has not met since the last Council meeting. The next meeting will be held on August 13.

Finance Committee

Mayor Phillips stated the Committee also has not meet, and will meet on August 13.

Public Safety Commission

Council Member Anvil stated the Commission has not had a meeting. The next one will be on August 3.

Senior Citizens' Advisory Board

Council Member Anvil stated the board would not be meeting until September.

Port Commission

Council Member Rodgers stated there was not a quorum for the July meeting. He noted that people have called him inquiring about barges, etc., which have been addressed. He announced that Howard Elliott has been hired as the Interim Director and things seems to be running smoothly.

Public Works Committee

Council Member O'Brien announced that the next meeting will be August 18.

OLD BUSINESS - None

NEW BUSINESS

Resolution #98-19: Requesting The Naming of the Bethel Airport the Bethel Ray Christiansen Airport (Council Member Berger)

Council member Berger explained his reasoning for requesting the naming of the airport. He felt that Mr. Christiansen should be honored in this way. He lived in this area his whole life.

Council member Anvil stated he was very pleased to see this resolution. He noted that Mr. Christiansen operated a flight service in Bethel for many years.

Council member Notti explained that he had requested this resolution be removed from the Consent Agenda not to oppose it, but rather so the council could give it some attention. He continued by saying what a great man Ray Christiansen was.

MOVED BY:	Berger	To adopt Resolution #98-19.
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Resolution #98-20: Requesting Grant Funding Under AS 37.06 for Municipal Capital Projects, and Agreeing to Pay the Local Share for Those Projects (City Manager Herron)

MOVED BY:	O'Brien	To adopt Resolution #98-20.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	O'Brien	To suspend the rules to allow Caroline Renner to speak on Ordinance #98-07.
SECONDED BY:	Anvil	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Caroline Renner explained how Ordinance #98-07 came to be. She noted that she recently did quite a bit of research leading to her thesis for her Master's Degree on the affect of smoking on unborn fetuses.

Emergency Ordinance #98-15: Changing The Dates For Filing For Elective City Offices For 1998 And Authorizing Use Of Ballot Counting System (Mayor Phillips at request of Clerk)

Mayor Phillips opened the floor to public hearing. There being none, public hearing was closed.

At the request of the Mayor, City Clerk Vaughan explained the reasoning for this emergency ordinance. She noted that the voters of Bethel will be voting on computer counted ballots this year for the first time. The extra time requested in the ordinance for the city election filing period is needed to program the computers and layout and print the ballots.

MOVED BY:	O'Brien	To enact Emergency Ordinance #98-15.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion carried by unanimous vote.
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ANVIL Yes	BERGER Yes	NOTTI Yes	O'BRIEN Yes
PHILLIPS Yes	RODGERS Yes	SANCHEZ-POBRISLO Yes	7 YES 0 NO

Ordinance #98-19: Requiring The Parent, Guardian And The Owner Of Snow Machines, ATVs, Motorcycles And Other Off-Highway Vehicles To Prevent Minors From Driving Or Riding On Such Vehicles Without An Appropriate Helmet (Public Safety Commission)

MOVED BY:	O'Brien	To set Ordinance #98-19 for hearing on August 11.
SECONDED BY:	Rodgers	

Council Member Notti opposed the ordinance by saying that many people come in from villages without helmets. He felt this would discourage people from coming to town to see a doctor or go to the hospital. He said he could support this if it addressed minors as passengers when a minor was driving, rather than an adult driving.

Council Member Berger also expressed concern noting that enforcement of the ordinance would be a problem. He said he definitely was not against helmets.

Council Member Pobrislo said she sees this ordinance as a life saving measure, one that may save someone from a head injury. She noted that a family would not need a helmet for every family member as not everyone rides at the same time. She felt the cost of helmets is far less than the medical costs.

Council Member Rodgers questioned if this ordinance would also cover people who ride in sleds towed by an ATV or snowmachine. He felt it was vague and recommended sending it back.

Council Member Pobrislo believed as this is worded it only covers the driver and passenger of the motorized vehicle, not people being towed in a sled.

Council Member Berger felt the penalties were too high, and that a violator should receive a warning the first time.

MOVED BY:	Notti	To amend Ordinance #98-19, Section 2, A, 2 nd line after the word "vehicle" by inserting "operated by a minor".
SECONDED BY:	Rodgers	

Council Member Notti stated his amendment would make helmets mandatory only if a minor is driving.

Council Member O'Brien did not believe the intent of this ordinance was to stop families from the villages from coming to town. He did believe this was to prevent injuries.

Dick Russell, a member of the Public Safety Commission, stated that there have been a lot of injuries in recent years that could have been avoided. In addressing this, the Commission had not discussed sleds. They did hope that a health organization would assist in getting helmets to people.

Council member Pobrislo noted that it was easier to get a child to wear a helmet if you have a law backing you up.

Council Member Notti stated he could support an ordinance that said in two years it will be enforced, giving time for people to get helmets. He did not support the penalties and also felt that sleds should be included.

VOTE ON MOTION TO AMEND	Motion carried by unanimous voice vote.
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VOTE ON MOTION TO SET FOR HEARING AS AMENDED	Motion carried 4 yes to 3 no.
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ANVIL Yes	BERGER No	NOTTI Yes	O'BRIEN Yes
PHILLIPS No	RODGERS No	SANCHEZ-POBRISLO Yes	4 YES 3 NO

COUNCIL COMMENTS

Council Member O'Brien stated he had noticed more PFDs on people in boats. He did not think Bethel had had a drowning death on the river this summer. He thanked YKHC for providing them at low or no cost to people.

Council Member Rodgers expressed his appreciation to John Malone, Acting Police Chief, and George Dahl, Acting Police Lieutenant, for their work with the Police Department. He also thanked City Manager Herron for providing continuity and flow of information.

Council Member Anvil noted that he was scheduled to go to Greenland, however, his brother got very ill and his trip was cancelled. He noted that old boats, batteries and other related stuff at the boat harbor should be disposed of.

Council Member Rodgers noted that the Port Director is already working on this problem.

Mayor Phillips requested that people slow down their boats when in the harbor. She also reminded people to clean up after themselves when berry picking or fishing. She echoed the appreciation to John Malone and George Dahl.

Council Member Notti stated that a volunteer-of-the-year award was proposed a year ago and this is the time of year for names to be submitted. He complimented Dave Trantham for his volunteer work and Tom Hildreth for his work at AVCP Housing in developing the park.

Council Member Pobrislo stated she was glad to be home. She had been in Arizona where it was very hot. She was upset to hear about all the vandalism that has taken place.

Council Member Berger reminded the Council that the Habitat for Humanity founder, Millard Fuller, would be in Bethel the following week.

EXECUTIVE SESSION

MOVED BY:	Rodgers	To recess into executive session to settlement of oil spill law suit, city clerk's and police chief's employment agreements.
SECONDED BY:	Pobrislo	

VOTE ON MOTION	Motion carried by unanimous consent.
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The Council took a short break before beginning the Executive Session at 8:10 p.m.

The Council reconvened the regular meeting at 8:38 p.m.

Employment Agreement with City Clerk (Phillips)

MOVED BY:	O'Brien	To approve the Employment Agreement with Gaye Vaughan, City Clerk.
SECONDED BY:	Rodgers	

VOTE ON MOTION | Motion carried by unanimous voice vote.

ADJOURNMENT

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

VOTE ON MOTION | Motion carried by unanimous consent.

With no further business to come before the City Council, the meeting adjourned at 8:58.p.m.

PASSED AND APPROVED THIS 11th DAY OF AUGUST, 1998

Agnes L. Phillips, Mayor

ATTEST:

Gaye J. Vaughan, City Clerk