
City of Bethel, Alaska

City Council Minutes

February 26, 2002

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on February 26, 2002, at 6:30 p.m. in the Council chambers, Bethel, Alaska.

Mayor Rodgers called the meeting to order at 6:34 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

Jerry Drake	Stanley "Tundy" Rodgers
Carl Berger	Dario Notti
Hugh Short, Jr.	Karol Sanchez-Pobrislo

Also in attendance were the following:

Robert Herron, City Manager
Colleen Soberay, City Clerk

PEOPLE TO BE HEARD

Pamela Bumsted, Resource, Conservation and Development Council Coordinator, introduced the RCDC and explained how it is organized and sponsored. She said that the purpose of the organization is to assist local people and organizations in conservation and development. Ms. Bumsted gave Council a list of the types help RCDC can provide for an organization. Ms. Bumsted said she is excited about her organization and hopes to be of help to the City, as well as the community. She gave an open invitation to the Council to call her office for assistance.

Paul Gregory, Bethel resident, explained to Council that he would like to see the curfew reinstated. He gave anecdotes in regard to snow machines that have been stolen or raced around during late hours. Mr. Gregory said the snow machine situation is getting dangerous. He reiterated snow machines are driven too fast. He also explained that he is very concerned and that the community needs to work together to combat this problem.

Mayor Rodgers said it was brought to his attention that there are volunteers who would help recover stolen snow machines, but their help was refused by the police. Discussion briefly ensued.

Bonnie Kochie, Bethel resident, explained she is speaking on behalf of her 4-year-old daughter in that her daughter's mini-z snow machine was stolen and it was devastating to her daughter. She explained it was later found across the river on the small island. She pleaded to Council to impose fines on the parents or require parents/children receive social help, as typically parental issues are involved. She explained it is not always the child's fault, as children act out for other reasons. When Council asked if she had reported the theft to the police, she responded no because it was not in her culture to press charges. Mayor Rodgers explained that if people don't press charges or turn names over to the police, the police are not able to help. She reiterated the need for a social support system. Discussion briefly ensued.

Darcy Anderson, Director of BCS, explained to Council the Ice Classics event. She said it is a community initiative and explained the history of the event. Ms. Anderson explained the 2002 partnering agency is Bethel Search and Rescue, who is also the 2002 beneficiary. She said, as a beneficiary, the Bethel Search and Rescue would receive a donation from the proceeds of the event. After Ms. Anderson explained the finances of the event, she explained the strategic planning of the organization and the individual events. Ms. Anderson asked Council to allow the organization to hold a kick-off parade/"Quadpod raising" and a riverfront break-up party.

Council member Drake encouraged Council to participate on March 9 with helping to build the parade floats. Council concurred to allow the parade and the riverfront break-up party. Council thanked Ms. Anderson for her work on this project.

Linda Curda, Camai Festival organizer, reviewed what the Camai Festival is and what it represents for the community. Ms. Curda explained the donation the Bethel Council on the Arts received during last year's Camai Festival from the City and asked if Council would again donate the amount of taxes collected on admissions, concessions, table rentals and crafts sold during the Camai 2002 Festival. Ms. Curda explained the donation is greatly needed and would be greatly appreciated.

City Manager Herron supported the donation, but explained that Bethel Council on the Arts would need to file a tax return. Council member Drake clarified that Council does not give tax waivers, but would make a donation equal to the amount of taxes collected and remitted during the festival. Manager Herron reiterated the organization would need to submit a detailed tax report.

Council member Sanchez-Pobrislo asked about the Camai budget. Ms. Curda explained in 1989 the budget was \$10,000 and today is about \$68,000. She also explained that the bulk of the budget is spent on travel for the dancers.

Ms. Curda said the Bethel Council on the Arts treasurer would keep a detailed tax record to turn in to the City. She also asked for logistical help with moving tables and chairs.

MOVED BY:	Drake	To provide a donation to Camai equal to the amount of taxes collected at the event and require that a tax return be filed
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	Short	To go into executive session to discuss a matter that may be prejudice to the reputation or character of an individual
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Council came out of executive session.

MOVED BY:	Short	To suspend the rules and allow for Peter Jacobs to be heard
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Peter Jacobs, Bethel resident, voiced his concern that there are too many kids running around late at night. He explained theft is occurring. He provided an anecdote about \$900 in damages done to his snow machine. He told the Council that the curfew should be 10 p.m. and that people should be fined \$100 if they break curfew. He said mothers and fathers should talk with their kids. Mayor Rodgers asked the City Manager to check with the State on a fining system.

APPROVAL OF MINUTES

MOVED BY:	Drake	To approve the minutes of the February 12, 2002 regular meeting and February 19, 2002 spec. meeting
SECONDED BY:	Short	

**Correction noted by city clerk.*

VOTE ON MOTION	Motion carried by unanimous voice vote.
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APPROVAL OF AGENDA

MOVED BY:	Drake	To approve the regular agenda and consent agenda after adding new business item C. Resolution 02-06 and item D. Discussion item re: snow machine thefts; and Executive session item B. Crowley and BNC negotiations with the City
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MAYOR’S REPORT

The Mayor’s Report included the following:

- Sounder Opinion editorial — *Re:* Kotzebue considers possibility of alcohol distribution center
- BioDefense Mobilization Conference — April 9-11, 2002
- Newsletter from Representative Kapsner, legislator contact information and committees
- Letter from Alaska Department of Military and Veterans Affairs — *Re:* 5-Day emergency management conference April 15-19, sponsored by the Alaska Division of Emergency Services
- News article — *Re:* Whittier prison bill hits House
- News article — *Re:* Lawmakers eyeball fund surpluses: Permanent Fund earnings could add \$89 million for local services, says fund spokesman
- Letter from Alaska Department of Environmental Conservation — *Re:* DEC is proposing changes to the solid waste management regulations—these revisions include changes to the fees that are charged, as well a number of the major changes being proposed
- Governor’s Talking Points for the week of February 11 and 18, 2002
- Alaska State Legislature — Press Release: *Bills on the Move* and bill summaries

MOVED BY:	Berger	To appoint David Trantham to the Finance Committee and Donna Hanley to the Parks & Recreation Committee
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Mayor Rodgers questioned why the fuel bid was awarded to a company with only one truck when both bids were the same price. He said Hoffman Fuel has nine trucks and Wave only has one truck.

City Manager Herron explained the reason for awarding Wave Fuel the bid was that Wave provides reliable service and that the Public Works Director and the purchasing office made the recommendation to award the bid to Wave.

Mayor Rodgers also said the question has come up as to whether the City Manager works for the City or works for LKSD. Mayor Rodgers asked the City Manager if he was on City time or LKSD time during his most recent trip to Juneau. Manager Herron responded that LKSD paid for the airline ticket. He also explained he was on both City and LKSD time, as the group was lobbying for a project in which the City is a partner—People’s Learning Center.

The Mayor also commented that members of the Finance Committee are having problems getting information from the Finance Department. Mayor Rodgers continued that many people in the community have offered to help the Police in regard to stolen snow machines. Mayor Rodgers said the Police Department has refused their help. He asked the City Manger to look into this matter. Manager Herron said he would report back his findings.

Mayor Rodgers read Council member Sanchez-Pobrislo’s resignation letter.

Mayor Rodgers said the Department of Defense’s budget is 6.9 percent, but the Police Department’s budget is almost 51 percent of the City’s budget. He told the City Manager to cut the Police Department’s budget by 10 to 20 percent.

MANAGEMENT TEAM’S REPORT

City Manager Herron noted the management reports included in Council packets and reviewed the following items with Council.

- Water color in Bethel Heights—samples taken and presented to Council
- Asked Council for permission to go on vacation during the week of March 11.
- Explained the Governor Knowles and Commissioner Sedwick requested that Council consider allowing the City Manager to take a job as the Deputy Commissioner of the Dept. of Community and Economic Development for the remainder of 2002. Manager Herron said he has declined the offer.

Council member Short said Crime Stoppers may have to disband because of a lack of support. He said the Police were supposed to be a partner. He asked the City Manager to look into the situation. Manager Herron said the Police is a member, but does not operate the group. Manager Herron said the Chief of Police would be at the March 12, 2002 to brief Council on this issue.

REPORTS OF STANDING COMMITTEES

Senior Advisory Board

Council member Berger said the SAB was scheduled to meet February 22, but the meeting was postponed to March 8.

Parks and Recreation Committee

Council member Short said the committee was scheduled to meet February 20, but did not have a quorum. He said the meeting was rescheduled for February 27. Mr. Short explained issued brought up in a prior meeting in regard to Dust Busters and the concern that the committee feels it has been overlooked in regard to Datu’s Park. He explained the committee was upset in that they were not

involved in the process. Council member Short clarified if the land lease for the K-300 organization had been approved. City manager Herron explained the process and ensured the K-300 building would not be built in a way that would obstruct or block the property. Discussion briefly ensued.

Planning Commission

Council member Notti said the commission meeting was scheduled to meet February 22, but did not have a quorum. He said the next meeting is March 14.

Port Commission

Mayor Rodgers said the commission met February 18. He reviewed the agenda. Mayor Rodgers announced the Port Director would be back this summer. He said the next meeting is March 18.

Public Works Committee

Council member Drake said the committee met February 19, but he was unable to attend because he was at a special council meeting.

Public Safety and Transportation Commission

Council member Pavil was not present.

Finance Committee

Council member Sanchez-Pobrislo said the next meeting is scheduled for February 28 and reviewed the agenda.

UNFINISHED BUSINESS

Item A — Ordinance #02-06: Amending Title 9 of the BMC by enacting a civil nuisance abatement program

Mayor Rodgers opened the public hearing.

City manager Herron explained why Ordinance #02-06 was written in that Council received a resolution from ONC asking that Council attempt to abate the problems associated with transient lodging businesses. He explained that this is something Council can do on a local level and that this ordinance is directed at those establishments harboring illegal and unsafe environments.

Bob Graham, Bethel landlord, said he has some rentals and has some problems with those rentals. He said stores also have problems. He explained that in a bad situation, business owners try to correct problems. He said the owner or the landlord should not be penalized, but rather the one who creates the problem should pay the consequences. Mr. Graham said he is against this abatement program. He provided several anecdotes.

Council member Short said this issue has come up in regard to establishments that foster unlawful behaviors, which is why the Council is moving in this direction. Council member Short explained that the ordinance allows for an owner to practice diligence in cleaning up or remedying the problem.

City manager Herron said he is more than willing to spend time with Mr. Graham to craft something that will work and looks forward to continued discussions on this draft ordinance.

Council member Sanchez-Pobrislo said everyone is on the same page in that this draft ordinance is going in the right direction.

Council member Drake reiterated that this started as a result of ONC requesting Council's help. He asked Administration to send a copy of Ordinance #02-06 and ONC's resolution to ONC for review.

Council member Drake said he understands Mr. Graham's concerns and encouraged him to meet with the City Manager for discussion. Council member Drake said 9.36.020 (8) of the ordinance clearly does not allow for the City to arbitrarily prosecute.

Council member Notti said this is a case of setting a bear trap in the middle of the City. He provided anecdotes. He said as much as he would love this ordinance to be used towards those establishments it's directed at, this would have a negative impact on innocent people. Council member Notti said if the ordinance is successful in shutting down the establishments in question, then Council may be responsible for someone's death.

Council member Short said he is a business owner and has concerns, but said he doesn't agree that there is nothing the City can do to help. Council member Drake agreed with Council member Short. Council member Drake recommended that Administration research putting this in the transient lodging-tax section of the Code to directly focus on transient lodging. Council member Berger said he agrees that this ordinance is directed at lodging facilities that harbor unlawful environments. Council member Notti said this abatement program should strictly target transient lodging establishments.

Council member Drake, with Council concurrence, directed Administration to research if this nuisance abatement program could be adequately addressed in the transient lodging and business license section of the Municipal Code.

Mayor Rodgers announced that another public hearing for Ordinance #02-06 is scheduled for March 12, 2002.

Item B — Public Hearing: Ordinance #02-07: Amending sections of Chapter 5.20 of the BMC related to the general provisions of business licenses and regulations and Chapter 5.40 of the BMC related to chauffeurs

Mayor Rodgers opened the public hearing. With no one to speak to this ordinance, Mayor Rodgers closed the public hearing.

MOVED BY:	Drake	To adopt ordinance #02-07
SECONDED BY:	Berger	

Council member Drake explained the new language in this ordinance and the reason for the new language. Council member Drake suggested changing the language in regard to fire extinguisher requirements. He explained the extinguishers should have a current inspector tag with a seal.

Council member Short said the Commission put a lot of work into this ordinance and said he is comfortable passing this ordinance the way it is written. Council member Drake reiterated fire extinguishers need an annual inspection, sealing and tagging by an authorized person.

Council member Berger asked who is responsible for the annual inspection and is there someone in town that can perform this inspection. Council member Drake responded that it is the owner's responsibility.

Council discussed costs and the burden associated with an annual inspection. Council member Drake said he just wanted to point the State law out.

Council member Short called the question.

VOTE ON MOTION	Motion carried by roll-call vote 6-0
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Item C — Public Hearing — Ordinance 02-08: Amending sections of the BMC regarding the filing of vacancies for city council seats, council meeting times and other procedures.

Mayor Rodgers opened the public hearing.

David Trantham spoke to this ordinance. Mr. Trantham said procedural ordinances are important so Council doesn't have to show its lack of understanding of how to run a meeting. He said Council should research the procedure for calling and going into executive sessions.

MOVED BY:	Drake	To adopt ordinance #02-08
SECONDED BY:	Short	

VOTE ON MOTION	Motion carried by roll-call vote 6-0
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NEW BUSINESS

Item A — Resolution #02-05: A resolution of the City Council in accordance with Title 4 of the BMC regarding budget and audit

Resolution #02-05 passed under the consent agenda.

Item B — Delta Discovery Appeal to Council re: City's advertising contract

Ted Horner, Delta Discovery, briefly explained the business of advertising. He then explained the background of the City's bidding process with the two newspapers. Mr. Horner said in the latest invitation to bid for the year 2002, the City Manager added to the bid requirements information regarding readership and service to the community. He further said though the Delta Discovery gave a thorough submission documenting higher circulation, readership and community service, the result was the same as the first bid in that the bid was judged completely on price. Mr. Horner then reviewed the prices offered by both the Delta Discovery and the Tundra Drums. He rhetorically asked how the Tundra Drums can afford to offer such cheap rates and said Delta Discovery could not sustain those same costs. Mr. Horner said the Tundra Drums is guilty of predatory pricing. Mr. Horner provided Council a complete definition of predatory pricing. He said the City would only get short-term benefits with the Tundra Drums current pricing. He said local businesses should get a break. He said he is very frustrated. He explained the irony is that the citizens are Calista shareholders and Calista will have to make up the difference in the money the Tundra Drums will lose on the City contract. Mr. Horner stated he is not saying one paper is better than the other, but rather both papers should be supported. He further said City Administration made a poor decision. Mr. Horner asked that Council suspend the advertising bid and direct the City Manager to come up with another solution.

City manager Herron explained the process and the cost difference. He also explained the recommendation to award the Tundra Drums came from the City's purchasing office. City manager Herron said the Tundra Drums has 1,500 more paid subscriptions than the Delta Discovery.

Mr. Horner said many organizations split their advertising with both papers. He said he couldn't compete with the predatory pricing of the Tundra Drums.

Council member Short said at the Council level this is a policy decision and said he has sympathy for small businesses in Bethel. To that end, Council member Short provided anecdotes. He reiterated that the City has a responsibility to local businesses and the City should share the resources.

Council member Drake said the City, by the Code, went out to RFP to save on costs. Council member Drake explained the costs savings once the City selected one paper to use for advertising. He said Council would set a bad precedent if it were to split the advertising between two businesses. He reiterated the City went out to bid according to the Bethel Municipal Code.

MOVED BY:	Drake	To continue the council meeting past 10 p.m.
SECONDED BY:	Short	

VOTE ON MOTION	Motion carried by unanimous voice vote
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Mayor Rodgers recommended suspending this bid until more investigation is done. Council member Short clarified that the City would save money, but asked what would the City save in the long run. He said \$14,000 is a piddling amount when compared to investing in the community economic development.

Robert Dillon, Tundra Drums Editor, said Council member Short is Mr. Horner's landlord and that Mr. Short has a conflict in this matter. Mr. Dillon explained the Tundra Drums covers City of Bethel news and attends 99 percent of the meetings. Mr. Dillon said the Tundra Drums is a local business and is a minority-owned corporation. Mr. Dillon also reviewed the Tundra Drums contributions to the community. He briefly explained that the Tundra Drums hires local people and that he would like to compare payroll costs to the payroll costs of the Delta Discovery.

Mr. Horner again asked Council to suspend the bid and direct the City Manager to make an arrangement fair to all parties. Discussion ensued.

Council member Sanchez-Pobrislo asked Mr. Horner if so many papers weren't given out for free, would the Delta Discovery be able to offer a lower advertising price, as Mr. Horner would then make more money.

Council member Berger asked if the City is still in a position to change the award. Manager Herron said because of the appeal, the City has not signed a renewal contract. Council member Berger said he is in favor of supporting two papers for the purpose of local economic development.

Council member Drake said both papers are local. He also said the bottom line is that the City goes out to bid for the best price and said he doesn't think the City should be subsidizing any business. Discussion ensued.

MOVED BY:	Short	To direct the city manager to negotiate with each newspaper company with an end result being a 50% distribution split for advertising for the remainder of 2002
SECONDED BY:	Notti	

Council member Drake said this is self-defeating for the City. Council member Short said he understands Council member Drake's point. Council member Short said Council sets policy and this is not a bottom-line issue. He continued that the Finance Department is a bottom-line department, but they do not run the City.

Council member Notti said he supports splitting the advertising between the two papers because it would help both papers stay afloat.

Council member Drake said he agrees Council sets policy, but the point is to make things economical. Council member Drake said there are other venues a city uses to help with economic and community development.

Council member Sanchez-Pobrislo asked if Mr. Horner would match the price of the Tundra Drums.

Mr. Horner responded no.

Council member Notti applauded the City Manager and the Finance Department for going after the lowest price. City manager Herron asked would the Tundra Drums be willing to go up to Delta Discovery's price. Mr. Dillon responded that the Tundra Drums price would stay the same because that was the bidding price. Discussion briefly ensued.

Council member Short called the question.

VOTE ON MOTION	Motion failed by a voice vote 2-4 (yes: Short, Notti)
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Item C — Discussion Item: Snow machine theft and curfews

MOVED BY:	Drake	To postpone new business item C: Snow machine theft and curfews to the March 12, 2002 council meeting
SECONDED BY:	Short	

VOTE ON MOTION	Motion carried by unanimous voice vote
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MOVED BY:	Drake	To continue the council meeting past 11 p.m.
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote
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Item D — Resolution #02-06: A resolution supporting Crowley Marine and Bethel Native Corporation efforts to construct a second fuel tank facility in Bethel

Council member Drake read the resolution and explained the intent. City manager Herron said, on behalf of the BNC President, he supports the resolution.

MOVED BY:	Drake	To adopt Resolution #02-06
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote
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COUNCIL MEMBER COMMENTS

Council Member Berger wished Council member Sanchez-Pobrislo all the best and said it's been a pleasure working with her on Council.

Council Member Sanchez-Pobrislo said it has been a pleasure working with Council.

Council Member Drake thanked Council member Sanchez-Pobrislo for her service and said it's been a pleasure working with her on Council. Mr. Drake said he would like to recognize the JROTC for taking first place in the State Championship. He asked that recognition awards be prepared for the JROTC.

Council Member Rodgers thanked Council member Sanchez-Pobrislo for her service. He requested a plaque be prepared for her at the next meeting.

Council Member Notti gave his condolences to the John Phillips family. He said he has had a great time on Council working with Council member Sanchez-Pobrislo.

Council Member Pavil—*not present.*

Council Member Short, Jr. said it has been a pleasure working on Council with Council member Sanchez-Pobrislo and wished her luck.

EXECUTIVE SESSION

MOVED BY:	Berger	To go into executive session to discuss A: matter that may prejudice the reputation or character of an individual—city clerk; B: Crowley Marine and BNC negotiations with the City
SECONDED BY:	Notti	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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Council came out of executive session.

MOVED BY:	Sanchez-Pobrislo	To direct the city manager to create a deputy city manager position to take effect April 1, 2002 at an annual salary of \$70,000
SECONDED BY:	Berger	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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MOVED BY:	Short	To go into executive session to discuss B: Crowley and BNC negotiations with no action expected to be taken after executive session
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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ADJOURNMENT

MOVED BY:	Short	To adjourn the meeting.
SECONDED BY:	Drake	

VOTE ON MOTION	Motion carried by unanimous voice vote.
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With no further business before the Council, the meeting adjourned at 12:05 a.m.

APPROVED THIS 12th DAY OF MARCH 2002.

ATTEST:

Stanley "Tundy" Rodgers, Mayor

Colleen Soberay, City Clerk