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CITY COUNCIL MINUTES
MARCH 10, 1992

CALL TO ORDER Mayor Feaster called the regular Council meeting to order at 7:30 PM.

ROLL CALL Present: Dale, Feaster, Richardson, Vanasse, Wallace, Warner, Wintersteen

APPROVAL OF MINUTES M/M by Warner, 2nd by Wallace to approve the minutes of the February 25, 1992, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL OF AGENDA M/M by Richardson, 2nd by Vanasse to amend the agenda by adding under New Business: Item D--Gaming Permit Application, Ducks Unlimited; and Item E--Executive Session to discuss legal matter, City of Bethel vs. Brown. Voice vote. Motion carried unanimously.

Councilman Warner expressed his concern about the number of Executive Sessions held by the Council in recent months. He pointed out that the Alaska Open Meetings Act is strict about what can be addressed during open and closed sessions and, he felt that what the Council is calling "legal matters" and addressing in Executive Session could be dealt with in open session. He asked that Council be more careful about placing items on the agenda for Executive Sessions.

MAYOR'S REPORT Mayor Feaster referred Council to his written report. In addition to his written report, Mayor Feaster stated he had received a letter announcing the Yukon-Kuskokwim Delta Mayor's Conference scheduled for March 25-26, 1992, in Bethel. Because he would be out of town those dates, Mayor Feaster asked if someone from the Council would represent Bethel in his place. Councilwoman Richardson said she would plan to attend provided a personal situation did not interfere with the date. Councilman Vanasse indicated he would attend a portion of the conference depending upon his work schedule.

motion M/M by Richardson, 2nd by Warner to ratify the reappointment of John Guinn to the Planning Commission for a 3-year term, to expire 12/31/94. Voice vote. Motion carried unanimously.

In response to Councilman Warner's inquiry regarding the budgeting of salary increases for Public Works foremen, City Manager Hohman reported that Administration had met with the foremen involved. At this meeting discussion was held relating to budget formation, and Council's direction to implement a

salary survey with deadline for completion by May 1, 1992. While not completely satisfied with the outcome, they did accept the explanations and are at work as before. Councilman Wintersteen expressed his appreciation for Mayor Feaster's honesty and objectiveness in his approach in dealing with this situation.

MANAGER'S REPORT

City Manager Hohman reviewed his written Manager's Report with Council on the following items:

- Details of the Brown settlement will be addressed during the Executive Session.
- Two members of the business community have made arrangements to travel to Juneau at their own expense to meet with legislative and administrative personnel for the purpose of enhancing Bethel's image and presenting a different perspective from that of council members, city administration and special interest groups; the first priority on their list is the School of Excellence.
- Bethel Utilities Corporation has requested the City to authorize the City Manager to look into the possibility of state support for the purchase of the utilities from areas other than direct financing. AEA has indicated that long-term financing for purchase is available at 5.85%; they also indicated that there is a possible savings to the State of \$300,000 to \$500,000 which comes from a savings in the power cost equalization program. This may provide an incentive for state support outside of any possible conflict with the City's CIP budget request.
- The City has advertised the new positions that were created in the budget revision process.
- The City has begun to gather information on the salary survey requested by Council due May 1, 1992.
- Referred Council to financing materials relating to the purchase of the Radio Dispatch Unit for the Police and Fire Departments.

City Manager Hohman introduced Bethel lobbyist, Rick Urion. Mr. Urion updated Council on his activities in Juneau on behalf of the City of Bethel: He reported that the Governor's capital budget has yet to be presented to the legislature. The Senate decided to do their own capital budget with their deadline of March 13, 1992, to receive CIP requests. However, the Senate has removed the deadline while they are still receiving CIP requests. Therefore, the amount of money allocated to capital projects is still unknown. Mr. Urion indicated that with sixty

legislators running for reelection, there will be a capital budget before the legislature adjourns. Mr. Urion stated that while he could not provide a more precise report, he felt that the City will be successful in obtaining some of its requests for capital improvements before the session ends. In addition, Mr. Urion stated that he was available to the Council and to members of the community at any time. He offered the use of his office in Juneau which is located close to the Capitol Building; if Council desires, teleconference calls to provide updates could also be scheduled on a regular basis.

In response to questions from the Council, Mr. Urion provided the following information:

- The amount of \$300 million for capital projects continues to be discussed; believes there are sources of monies available to fund the capital projects budget without cutting the operating budget.
- \$100 million is available in the rail belt energy fund; there are a number of requests for those monies; if the fund is tapped for projects outside the rail belt area, Bethel stands a good chance of receiving funding.
- Little activity on the Education 2000 project.

City Manager Hohman next reported that the City was unable to acquire the two native allotments (80 acres) needed for the sewer lagoon and referred Council to a drawing of the sewer lagoon from Jordan Suhr which reflects an alternative design of the lagoon; this plan looks more to the west of the existing lagoon and sets up two facultative cells on property that is in the control of BNC. (A copy of the design is attached as part of the official minutes). The plan does not require a significant increase in expense or operational cost. A baffle in cuts it in half; it was suggested to relocate the inlet to the right; plug the existing drainage area and open, on the left-hand side, a new outlet; the two facultative cells are to the left-hand side--one to the year 2000 and the other to 2010. Mr. Hohman indicated that the City could probably receive a credit on the 800 plus acres that is due the City under the land claims settlement act. He further indicated that he had not given up on acquiring native allotments and at the present time is negotiating a possible lease of the ground.

In response to a question from Councilman Warner concerning a previous plan that included pretreatment cells and possible aeration, the City Manager said that at the present time chlorination at the point of departure from the City property and pretreatment is not needed, but in the future DEC may require that it be done.

Because of deadline requirements, Council directed City Manager Hohman to begin immediately to explore the possibility of acquiring the 80 acres of land from Bethel Native Corporation.

Council directed City Manager to explore the possible forms of state support that may exist for the potential purchase of Bethel Utilities Corporation.

Fire Chief, Mark Barker, presented the proposal for the purchase of the Dispatch Center Radio. The successful bidder was Motorola Radio at \$139,793.61. GE Capital Leasing was contacted concerning a lease purchase plan. The lease purchase agreement submitted by GE Capital Leasing provides for: 1) an interest rate of 6.9% interest fixed for five years, the length of the lease (lower than the interest rate submitted by Motorola); 2) a down payment of \$20,000; and 3) annual payments of \$28,849.80. Mr. Barker pointed out that the \$20,000 down payment was included in the approved FY 92 six-month budget revision.

motion

M/M by Richardson, 2nd by Warner to enter into the lease purchase plan with GE Capital Leasing for the purchase of the Motorola Radio Dispatch Center package as presented by Chief Barker and Chief Liu.

Discussion concerning the purchase of the equipment followed.

vote

Voice vote. Motion carried unanimously.

COUNCIL MEMBER
COMMENTS

Councilman Dale requested that the proposed lease vehicle purchase plan submitted by Chief Barker be included as an agenda item for the March 24, 1992, regular Council meeting.

Councilman Wintersteen, on behalf of Kilbuck School, requested private citizens to not use the two dumpsters that are leased by Kilbuck School for its use; pointed out that it costs the school hundreds of dollars above what is budgeted when other people use

these dumpsters, and because school budgets continue to be cut, Kilbuck cannot afford the additional expense.

Councilwoman Richardson announced that she would not be attending the Personnel Rules & Regulation Work Session as she plans to be in Juneau with the Bethel delegation.

In response to a question from Councilman Vanasse concerning the status of the Tideland Lease Survey, Planning Director, Jerry White, reported that it is still working its way through the review process; by next Council meeting there should be some indication of the action taken by DEC.

Councilman Vanasse pointed out that the City had received a grant for approximately \$500,000 from VSW for installation of piped water and sewer in ASHA Housing area. He indicated that there were nine properties that had not yet been hooked up to piped water and sewer and that the City should take action to complete the project.

Finance Director, Larry Elam, was directed to provide Council with a status report of current grants awarded to the City.

Councilman Warner asked if the City had a completion date for the pump house upgrade project. City Manager Hohman reported that the contractor had originally asked for an extension because parts for the louver system had not been received; the City granted a 50-60 day extension. More recent to that extension, deviations from the design work (6 inch pipes reduced to 4 inches) were discovered that were authorized by Public Works without permission of the design engineer or knowledge of the City Office or of Mr. Eng's department, VSW. Mr. Hohman indicated that he believed this was critical to the effort that the Fire Department has been involved in for some time to try to reduce the ISO rating for insurance purposes. The City is considering whether or not it wants to go back to the 6 inch line and whether or not to increase the pump so that it can pump up to 500 gallons a minute capacity which is needed in order to supply the tankers and fire fighters should there be a fire. This is one factor the insurance company considers. If the ISO rating is reduced by 2 points, it will effect a savings of approximately 20% on insurance premiums. The City's analysis indicates

what that would do is spread an annual savings in premiums over the City to the private residential owners, the commercial establishments and the City of approximately \$200,000. Mr. Hohman further stated that the City has been in contact with Mr. Eng about what approach it should take.

John Hastie reported that Mr. Eng recommended installing six inch pipes and six inch pumps and to consider a dry fire hydrant which would supply adequate water to the larger buildings in the area; anticipates meeting again this week. In response, City Manager Hohman stated that the fire hydrant concept would allow for a direct hookup to the water source and provide protection to the whole BNC complex without trucking water. In addition, the other aspect of the project is to install 10 inch water drops in the water trucks so that the swimming pool the Fire Department uses as a reservoir could be filled immediately; at the present time the fill lines are around 6 inches. Therefore, the capacity would be increased considerably and would be a lot closer to the 500 gallon target. Mr. Hohman stated that he would provide Council with a projected date for completion and cost of the project.

Councilman Warner next reported that problems with snow removal had been brought to his attention. City Manager Hohman stated that he, too, had been contacted about these problems and had arranged a meeting with concerned residents from Hoffman subdivision and Tundra Ridge and City management and crew to address the problems and concerns. The meeting was scheduled for March 11, at 4:15 PM in the Public Works Department Conference Room.

In response to a question from Mayor Feaster concerning the recommendation from the Finance Committee to hire an insurance consultant to address this year's upcoming needs in preparation for bid process and possible ordinance change, City Manager Hohman reported that Richard Block, a consultant in this area and former Director of the Division of State Insurance, has been recommended by our carrier.

Council broke at 9:00 PM for a short recess. At 9:15 PM, Mayor Feaster called the meeting back to order.

REPORTS OF STANDING
COMMITTEES

Councilman Wallace reported that the Planning Commission was scheduled to meet on March 12, 1992, 7:30 PM in the City Offices Conference Room.

Mayor Feaster reported that the Finance Committee was scheduled to meet on March 19, 1992, 7:30 PM in the City Offices Conference Room.

Councilwoman Richardson reported that the Public Safety Committee met on March 4. The committee discussed the incorporation of the Transportation Commission and the Public Safety Committee. The Transportation Commission voted in favor of the consolidation, but there is some opposition by members of the Public Safety Committee. The issue will be discussed further on April 1.

The Committee also discussed the Animal Control Ordinance. Several changes in the ordinance will be presented in the form of an introduction of an amendment to the ordinance at the next Council. The City Clerk was directed to draft the introduction.

The Committee recommended that Council approve sending the City's animal control agent, Mike Burley, to an animal control academy.

Councilman Wintersteen reported that the Port Commission met on March 9. The Commission discussed and approved Resolution #702.

The Commission also addressed the issue of the repair of the pilings that support the finger docks in the small boat harbor. Stuart Greydanus has put out to bid extracting and driving the pilings as recommended by Jordan Suhr. However, several people attending the Commission meeting questioned that approach because the cost could be close to \$100,000 for repair and there is no guarantee that the pilings will hold. Consequently, the Port Commission recommended the following: 1) to not drive new piling; 2) that the City remove the pilings that are of no use; and 3) direct the Port Director to find an engineering firm that would professionally study the anchoring system that is necessary in the small boat harbor.

Following discussion, Council agreed that resolution of the problem was a matter for the City Manager.

Councilman Dale reported that the Transportation Commission met on March 2. Items discussed were: regulating cab fares and consolidating the Transportation Commission and the Public Safety Committee; the Commission supported the consolidation.

PEOPLE TO BE HEARD Harry Faulkner, Sr. distributed a proposal for rates and regulations of taxi cabs in Bethel indicating support of cab companies for Amendment #2 to Ordinance #191, Vehicle for Hire.

Brian Glasheen informed Council that he had conducted a popular survey concerning the environment and the Bethel landfill operation. Twenty-five people were polled. The results of the survey indicated dissatisfaction with the environment and with the landfill operation, expressing a need for an alternative method of waste disposal. A Pollution Prevention Workshop scheduled in Anchorage for April 9-10, 1992, addresses the problem of uncontrolled landfill operation and the alternatives that municipalities can utilize to avoid fines imposed by the EPA for not meeting required standards. Mr. Glasheen indicated his willingness to attend the workshop and asked if the City would sponsor him and help him with cost of the airfare. Council deferred the decision to the City Manager.

Mr. Frank Mustafa informed Council that he had appealed to the Transportation Commission for reinstatement of his Chauffeur's license privileges which had been revoked by the Transportation Inspector, Police Chief Liu. The revocation was enforced according to BMC 5.20.110(F). The Transportation Commission upheld the decision of Police Chief Liu. Under a separate provision of the ordinance a person has the right to appeal the decision of the Transportation Commission to the City Council. Mr. Mustafa requested Council determine that the decision by the Transportation Commission was supported by substantial evidence. Discussion followed.

motion

M/M by Warner, 2nd by Vanasse to uphold the Transportation Commission's review of Frank Mustafa's license revocation. Voice vote. Motion carried unanimously.

NEW BUSINESS

Item A: Resol.
#702

RESOLUTION #702 -- REQUESTING ALASKA STATE LEGISLATURE TO AMEND AS 43.40.010(F) TO REFUND PROCEEDS OF REVENUE FROM TAXES ON MOTOR FUEL TO MUNICIPALITIES

Port Director, Stuart Greydanus, reviewed Resolution #702 with Council. He stated that a number of Harbormasters and Port Directors around the State

were gathering support from their Councils and Assemblies to request the Alaska State legislature amend AS 43.40.010(F) to refund the proceeds of the revenue from taxes on motor fuel used in boats and in watercraft back to the municipalities. For Bethel, these revenues could amount to approximately \$130,000 annually.

motion

M/M by Dale, 2nd by Wallace to adopt Resolution #702 as presented. Voice vote. Motion carried unanimously.

Item B: Commission/Committee Secretarial Support

COMMISSION/COMMITTEE SECRETARIAL SUPPORT

Councilman Dale informed Council that the Transportation Commission was experiencing problems with recording and transcribing minutes of its meetings because of the lack of secretarial support and requested suggestions from Council on resolving the problem. Following discussion, Council requested City Manager Hohman provide alternatives for resolving the situation.

Item C: Intro. Amend. #2 to #191 Vehicle For Hire

INTRODUCTION OF AMENDMENT #2 TO ORDINANCE #191 VEHICLE FOR HIRE--REGULATION OF FARES AND LIMIT ON NUMBER OF VEHICLE PERMITS ISSUED

motion

M/M by Dale, 2nd by Richardson to introduce Amendment #2 to Ordinance #191 for public hearing at the March 24, 1992, regular Council meeting. Voice vote. Motion carried unanimously.

Item D: Gaming Permit Applic.

GAMING PERMIT APPLICATION--DUCKS UNLIMITED

motion

M/M by Vanasse, 2nd by Warner to approve the gaming permit application submitted by Ducks Unlimited. Voice vote. Motion carried unanimously.

Item E: Exec. Session

EXECUTIVE SESSION--LEGAL MATTERS

motion

M/M by Dale, 2nd by Warner to go into Executive Session at 10:10 PM to discuss legal matter, City of Bethel vs. Brown. Voice vote. Motion carried unanimously.

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motion M/M by Warner, 2nd by Richardson to come out of Executive session at 10:50 PM. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Wallace to adjourn the meeting at 10:55 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 24th DAY OF March, 1992.

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

ATTEST:

Jane Elam
Jane Elam, City Clerk