

City of Bethel  
City Council

Regular Meeting of August 23, 1994

**I. CALL TO ORDER**

The meeting was convened at 7:30 PM by Mayor Chris in the Log Cabin, Bethel, Alaska.

**II. ROLL CALL**

Present: Chris, Jones, Trantham, Tubbs, Wintersteen

Absent: Metcalfe (excused), Miller (excused)

**III. PEOPLE TO BE HEARD**

There were no people to be heard.

**IV. APPROVAL OF MINUTES**

**motion** M/M by Wintersteen, 2nd by Jones to approve the minutes of the August 9, 1994, special meeting as presented. Voice vote. Motion carried unanimously.

**motion** M/M by Wintersteen, 2nd by Jones to approve the minutes of the August 9, 1994, regular meeting as presented. Voice vote. Motion carried unanimously.

**IV. APPROVAL OF REGULAR AGENDA**

**motion** M/M by Wintersteen, 2nd by Jones to amend the agenda by removing Old Business Items C and D, and reschedule these items for a second Public Hearing for September 27, 1994, pending a recommendation from the Port Commission. Voice vote. Motion carried unanimously.

**motion** M/M by Wintersteen, 2nd by Jones to approve the agenda as amended. Voice vote. Motion carried unanimously.

**V. MAYOR'S REPORT**

Mayor Chris read a letter from Council member Miller, informing the Council he would be unable to attend the August 23 and September 13 Council meetings.

**VII. MANAGER'S REPORT**

City Manager Hunter reviewed his written report with Council and requested

direction on the following items:

**1. Request for Special Meeting**

**motion** M/M by Trantham, 2nd by Wintersteen to set a special Council meeting for September 6, 1994, at 7:00 p.m., at the City Conference Room, for the purpose of awarding bids for a Police vehicle and the Courthouse roof reconstruction. Voice vote. Motion carried unanimously.

**2. Request for Use of City Equipment**

**motion** M/M by Jones, 2nd by Wintersteen to direct the City Manager to approve the use of the electric lift by the National Guard, provided the appropriate waivers are signed by the Guard. Voice vote. Motion carried unanimously.

**3. Award of Water Truck Bid**

**motion** M/M by Jones, 2nd by Trantham to approve the purchase of a water truck from Denver Truck Sales. Voice vote. Motion carried unanimously.

*Informational Items/Discussion/Questions on City Manager's Report:*

City Manager Hunter announced the appointments of Peter Chris as NTS Coordinator and Nina DeRoche as Cook for the Senior Center. Mr. Hunter also introduced the new Finance Director, Bonnie Duke.

Council member Wintersteen encouraged citizens to contact the City to identify other culverts in need of repair in addition to the list provided by the Public Works Director, and suggested the list be posted around town to inform the residents of the areas currently scheduled for repair.

Mr. Hunter directed Council's attention to the correspondence relating to the drums of asphalt and provided an update on the issue.

**VIII. REPORTS OF STANDING COMMITTEES**

*Scheduled dates for upcoming Committee/Commission meetings were announced.*

Council member Jones reported the regular Finance Committee meeting was postponed to August 25 due to quorum difficulties.

Council member Wintersteen reported the Port Commission had no quorum and did not meet.

Council member Trantham reported that the Youth Services Committee met August 4 and had discussed the weight room and appointing a chair. Mr. Trantham again thanked the staff and volunteers for their efforts with the Science Camp. Mr. Trantham also reported that the

Transportation Commission did not meet.

**IX. OLD BUSINESS**

**ITEM A: Public Hearing--Public Access to the Weight Room**

Mayor Chris opened the Public Hearing.

Leonard Revet stated he had lived in Bethel since 1970, and reminded Council that most, if not all, of the equipment in the weight room had been donated for the purpose it was serving. Mr. Revet said he was surprised the Council was thinking of limiting public access since that would deprive a large segment of the population the chance to use it.

Dave Whisnant reminded Council that everyone who uses the weight room signs a waiver that releases the City from responsibility.

Ron Partlow said that he has used the weight room for two or three years and has not seen anyone get hurt. Mr. Partlow informed Council that the users of the weight room take care of the equipment themselves.

Courtney Geerdts stated he had used the weight room since he was a teenager and that he encourages all of the wrestlers and basketball players at the high school to use it also. Mr. Geerdts said broad types of people use the weight room.

Phil Schaeffer stated he was new to Bethel and asked the Council not to shut the weight room down.

Ron Balliett, a student at Bethel Regional High School, told Council the weight room provided a good opportunity and alternative for teens, and he did not understand why the Council was discussing limiting public access. Council member Tubbs asked Mr. Balliett to describe the facilities at the high school. Mr. Balliett responded that the high school has machine weights, not free weights, and that the room is small and limited in access. Council member Wintersteen asked Mr. Balliett if people were lifting solo or with spotters. Mr. Balliett replied that there usually is someone in attendance that is willing to act as a spotter, and that dumbbells are used if there is no spotter. Mr. Balliett also said that users ask the Teen Center staff for assistance.

Doreen O'Brien told Council her son used the weight room when he was a teen and it was a positive influence on him and other kids.

Leonard Revet asked why the Council was concerned about public access. Mayor Chris said that the Council had received reports of accidents at the weight room, doors left open and people using the room without signing a waiver. Council member Jones also said he had received reports of people not using spotters, and questioned the appropriateness of the Youth Services staff spotting in the weight room instead of working with the youth. Mr. Jones also stated the City does not provide adult recreation for any other adults, and asked if the users of the weight room had thought about forming a non-profit group which could continue to use the weight room, but would assume

its own liability.

Mike Warzewick stated that, as a City employee, he does not have to pay dues, but he would if that would ensure continued use of the weight room. Mr. Warzewick said that the youths will be left out if the adults form their own club.

David Murray, a student at BRHS, said that the problems could be worked out with changes in weight room policies. Mr. Murray said he would be willing to serve on a committee to work out the problems. Mr. Murray also said the weight room is important to teens and sharing it with adults is an advantage since they can help correct lifts and spot as needed.

Ron Balliett suggested limiting entry through ID cards. Mayor Chris asked how users of the weight room obtain the key. Mr. Warzewick said that only City employees and public safety employees have after hours access and they sign out the key from the Police Department and return it when they are through.

David Post stated he had only used the weight room one time, but it was an important resource and it was worthwhile to seriously consider any action to dissolve it.

Phil Schaeffer said he understood the City's concern about liability, but eliminating the weight room would be a disservice to the youths. Mr. Schaeffer suggested a risk assessment based on past experience and an analysis of insurance costs.

Leonard Revet stated that if each person joined the USA Freestyle Wrestling Association, the membership's insurance would cover liability in using the weight room.

Dario Notti asked how much the liability insurance was to cover the use of the basketball courts, and suggested setting fees for the weight room to cover the costs of insurance.

Mayor Chris then closed the Public Hearing and asked for Council discussion.

Council member Trantham reiterated the suggestion to relocate the weight room in the Braund Building after it is remodeled. Mr. Trantham said this would provide some oversight of the program. Mr. Trantham also reminded the Council of the meeting held earlier in the year regarding the weight room. Mr. Trantham praised Mr. Revet's suggestion regarding the USA Freestyle Wrestling Association and asked that the Council and the weight room users work together to solve the issues.

Council member Jones stated he was not against a weight room, but the City had to look at the liability. Mr. Jones cited the Recycling Project and the Shooting Club as examples of groups that provide their own liability insurance and encouraged the users to form their own club, which would enable them to continue to use the City facility and equipment as long as they had adequate liability insurance.

Council member Tubbs stated he was in favor of the weight room, but the Youth Services program needed more room and the equipment needed repair and upgrading. Mr. Tubbs said he would like

to see the City continue some type of program, especially for the Police and Fire departments. Mr. Tubbs suggested the group form their own club and make the USA Freestyle Wrestling Association dues part of the club's membership requirements.

Mayor Chris also said she was not opposed to the weight room, but asked that any accidents be investigated to determine if they were caused by defective equipment and that the waiver be reviewed by the City Attorney. Mayor Chris also asked that the equipment be inspected.

Council member Wintersteen said that the weight room was a positive influence and provided one recreational opportunity for young adults 18-22 years old. Mr. Wintersteen stated that money needed to be put back into the machines. Mr. Wintersteen questioned the idea that the Police Department would oversee the weight room if it is moved to the Braund Building. Mr. Wintersteen also wanted more information from Youth Services for plans for the weight room space, and supported continued use of the weight room.

Council member Jones stated that a club could make its own rules and upgrade the equipment as it wanted and that they could use the City facility at no charge. Mr. Jones also asked that the City Attorney give his opinion on this recommendation.

Mayor Chris related the City Manager's opinion that the use of the weight room remain at status quo while the City investigates the issues. Mayor Chris asked for a volunteer to inspect the equipment. Mike Warzewick volunteered and also said he would coordinate a meeting with the group and the City Manager to explore further options.

**ITEM B: Public Hearing--Ordinance #94-17: An Ordinance Amending Title 14, Harbors and Ports, by Adding Chapters 14.04.060-.070, Fishing From Docks Prohibited and Chapters 14.08.060-.070, Personal Floation Device Required**

Mayor Chris opened the Public Hearing.

Leonard Revet addressed Council, relating his experience in Seattle when they attempted to stop people from fishing from the docks. Mr. Revet stated that the people snuck in and fished anyway. Mr. Revet said that this would deprive people of valuable recreation and resource potential. Mr. Revet asked Council how many people had fallen in the water and claimed people were much more at risk walking on City streets. Mr. Revet agreed with limiting fishing from the cargo dock in the summer, but stated that banning fishing would prohibit an important recreation and subsistence activity.

Dario Notti stated he was curious if boat landings would also be included in the prohibition of fishing. Mr. Notti also stated fishing was an important subsistence activity.

Margie Revet related a question asked by local women who fish from the seawall, "What about the ladies with no husbands? Are the Council men going to get fresh fish for them?"

Courtney Geerds encouraged Council to review the matter further before deciding on the matter.

There being no one else who wished to speak, Mayor Chris closed the Public Hearing.

**motion** M/M by Wintersteen, 2nd by Tubbs to adopt Ordinance #94-17. Poll vote. Motion failed, 0-Yes, 5-No (Chris, Jones, Trantham, Tubbs, Wintersteen).

*Council broke at 9:10 p.m. for a short recess. At 9:20 p.m., Mayor Chris called the meeting back to order.*

**ITEM C: Public Hearing--Ordinance #94-19: An Ordinance Amending Title 14, Harbors and Ports, by Adding Chapters 14.04.060-.070, Fishing From Docks Prohibited**

This item was set for a second Public Hearing on September 27, 1994.

**ITEM D: Public Hearing--Ordinance #94-20: An Ordinance Amending Title 14, Harbors and Ports, by Adding Chapters 14.08.060-.070, Personal Floatation Device Required**

This item was set for a second Public Hearing on September 27, 1994.

*At this time Mayor Chris allowed a short presentation from an individual who had missed the People to be Heard item on the agenda.*

John Hindershoot, Director of Operations of Golden Age Seafoods, requested Council approval to store the Lucky Buck barge in Brown Slough through the winter.

Council member Wintersteen pointed out where the barge was stored the previous winter and the proposed alternative site. Mr. Wintersteen also stated that the City would realize \$3000 for storing the vessel.

Mayor Chris stated that the Council could commit to allowing the barge to be stored in Brown Slough, but asked that the Port Commission make a decision as to where in Brown Slough the vessel would be stored. The Council agreed by consensus.

Council member Jones asked that the City Manager make the decision if the Port Commission is unable to meet before the barge had to be moved.

**ITEM E: Review of Project Report Form**

The Council discussed those items asking for Council direction. The Council discussed six items and stopped due to time constraints. Mayor Chris asked that the item be continued at the next Council meeting.

**X. NEW BUSINESS**

**ITEM A: Presentation by Dario Notti Regarding Impounded Vehicle**

Dario Notti addressed Council relating the history of the impoundment of his vehicle. Mr. Notti asked that his vehicle be towed back to his yard and the City pay for the damages of not more than \$500 to the vehicle.

A discussion followed on the security of the impound yard and the procedure regarding court appearances by the Police Department.

Council member Jones suggested contacting the City Attorney since Mr. Notti wanted damages. Mr. Jones asked Mr. Notti if he would accept the City towing his vehicle back to his yard but no damages. Mr. Notti said no.

**motion** M/M by Jones, 2nd by Trantham to turn the matter over to the attorney. Voice vote. Motion carried unanimously.

**XI. COUNCIL MEMBER COMMENTS**

Council member Jones wished everyone good luck with moose hunting.

Council member Wintersteen stated he hoped that Mr. Jones would not fall out of the boat.

Council member Trantham reported he had been hearing comments about work being accomplished, especially by the Public Works department. Mr. Trantham also said he was glad to see that culverts and drainage were being looked at.

Council member Tubbs welcomed Bonnie Duke to the City and stated he looked forward to working with her. Mr. Tubbs thanked the public for appearing at the meeting and testifying for the Public Hearings. Mr. Tubbs also thanked the public for voting and encouraged those not registered to vote to register.

Mayor Chris encouraged anyone thinking about running for Council to talk with Council members and then to throw their hat in the ring.

**XII. EXECUTIVE SESSION**

**ITEM A: Review of APEA Counteroffer**

**motion** M/M by Jones, 2nd by Wintersteen to go into Executive Session for the purpose of discussing APEA Counteroffer. Voice vote. Motion carried unanimously.

**motion** M/M by Jones, 2nd by Tubbs to come out of Executive Session. Voice vote. Motion carried unanimously.

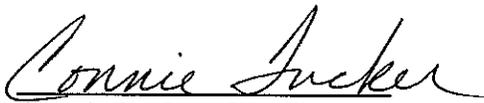
**XII. ADJOURNMENT**

**motion** M/M by Trantham, 2nd by Jones to adjourn the meeting at 11:00 p.m. Voice vote.  
Motion carried unanimously.

**PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 1994.**

  
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Donna J. Chris, Mayor

**ATTEST:**

  
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Connie Tucker, City Clerk