

City of Bethel
City Council

Regular Meeting of August 9, 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, Metcalfe, Miller, Trantham, Tubbs

Absent: Wintersteen (excused)

III. PEOPLE TO BE HEARD

Tom Warner asked for clarification of New Business Items F and G so that he could comment. Council member Miller explained that he had asked that these items be placed on the agenda to discuss administering water and sewer waivers and Council procedures in regards to the Mayor and other Council members' roles. Mr. Warner then addressed the Council stating there was no provision in Title 13 to grant water and sewer waivers. Mr. Warner also stated that no attempt was made by the City to enforce waivers and that waivers seemed to be granted whenever anyone asked for one. Mr. Warner asked the Council to review Title 13 and enforcement.

Gerald Springer identified himself as part owner of Northern Lights Restaurant, and related to Council the fact that the restaurant had been robbed four times within the past month. Mr. Springer asked the Council to waive the interest and penalties assessed on sales tax owed for June and July.

motion M/M by Jones, 2nd by Tubbs that the interest and penalty for June and July be forgiven for one time only due to extenuating circumstances.

Tom Warner pointed out that the sales tax ordinance does not allow the Council to waive interest and penalties, and the procedure in the ordinance must be followed. Mr. Warner stated that the ordinance only allowed Council to settle a lawsuit.

Motion and second withdrawn.

Mayor Chris read the section of the ordinance relating to the appeal of the City Manager's

decision and advised Mr. Springer to follow the procedure through the City Manager and appeal to the Council if not satisfied.

Doris Bonilla addressed the Council regarding the opportunity for artist Myron Rosenberg to visit Bethel. Ms. Bonilla stated Mr. Rosenberg needed lodging and an invitation to visit Bethel in order to obtain transportation to Bethel. Council member Jones asked the Mayor or City Manager to send a letter to Mr. Rosenberg inviting him to visit the community.

Mary Wilda Warner stated she was distressed at the fragmentation of the community regarding the City Council and City Manager. Ms. Wilda Warner said she did not want her personal or professional lives affected because of her views, and she did not want to see the community ripped apart by people who would not give their names. Ms. Wilda Warner encouraged all citizens to vote and to find out the whole story behind the issues.

Dario Notti distributed copies of a ticket, case dismissal and section of the Bethel Municipal Code, which are attached as part of these official minutes. Mr. Notti stated that he had left his vehicle across the street from his house and it had been impounded by the City. Mr. Notti stated he was told it had been impounded by the Public Works Department at the direction of the City Manager. Mr. Notti contended that, since the City had failed to appear at his trial, resulting in the case being dismissed, the City should tow the vehicle back to his property and waive the impound and storage fees. Mayor Chris directed this item be placed on the next agenda to allow further investigation into the matter.

Eric Shrum, Executive Director of the Bethel Chamber of Commerce, directed Council's attention to the new Bethel brochures in their packets and thanked Craig Boney for the cover photo.

Amelie Redman thanked the children at the swimming pool for helping her move 32 bags of paper at the Recycling Center.

IV. APPROVAL OF MINUTES

motion M/M by Trantham, 2nd by Tubbs to approve the minutes of the July 26, 1994, regular meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA

motion M/M by Metcalfe, 2nd by Miller to approve by consent, Items A, B and C under New Business. Voice vote. Motion carried unanimously.

motion M/M by Metcalfe, 2nd by Jones to amend the agenda by adding New Business

Item H: Gaming Permit Application and Executive Session Item B: Legal Strategy--McPeck v. City of Bethel. Voice vote. Motion carried unanimously.

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

V. MAYOR'S REPORT

Mayor Chris appointed Clair Grifka to the Port Commission.

motion M/M by Miller, 2nd by Jones to ratify the Mayor's appointment. Voice vote. Motion carried unanimously.

Mayor Chris then read the proclamation proclaiming August as Ronald McDonald House Month in Bethel.

Council member Trantham asked that the letter from Sally Elliott be referred to the Planning Commission.

Mayor Chris introduced Temporary Planning Manager David Post and welcomed him to Bethel.

VII. MANAGER'S REPORT

City Manager Hunter introduced Temporary Receptionist Jason Gross and thanked him for his service during the summer.

City Manager Hunter reviewed his written report with Council and requested direction on the following items:

1. Request from BEPCO to Lease Hitachi

Council member Trantham spoke in opposition to leasing the equipment, since the insurance would not be in effect once the Hitachi leaves Bethel, and because of the time involved.

Council member Miller spoke in favor of leasing the equipment in order to recoup some of the expense of the machine.

motion M/M by Metcalfe, 2nd by Jones to follow the City Manager's recommendation and not lease the equipment. Voice vote. Motion carried, 5-yes, 1-no (Miller).

2. Braund Building Renovation

motion M/M by Jones, 2nd by Trantham to move forth and expedite the renovation of the Braund Building. Voice vote. Motion carried unanimously.

3. Tomaganuk/Fiberglass Building Removal

City Manager Hunter explained that all efforts had been made to assist Mrs. Tomaganuk in relocating her residence, but none had been successful.

motion M/M by Jones, 2nd by Miller to direct the City Manager to begin the procedure for legal action to remove Mrs. Tomaganuk from the property. Voice vote. Motion carried unanimously.

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

Council member Miller asked the City Manager to provide the Council with an update at a future meeting regarding an employee's request to correct pay status. Mr. Hunter indicated he would provide such an update.

VIII. REPORTS OF STANDING COMMITTEES

Scheduled dates for upcoming Committee/Commission meetings were announced.

Council member Miller referred the Council to the minutes of the Public Works Committee in the packet.

Council member Tubbs reported the Public Safety Committee had not met due to a lack of a quorum.

Council member Trantham referred Council to the minutes of the Transportation Commission and corrected his statement regarding a petition presented at that meeting. Mr. Trantham stated the petition had been declared unconstitutional and would not be accepted. Mr. Trantham also reported that an application for petition regarding changes to the Vehicle for Hire Ordinance was being circulated.

Council member Trantham related the Senior Center Advisory Board's concerns over delays in hiring a Coordinator and Cook, and read from the May 16, 1994, minutes to clarify that the termination of the former program manager was the wishes of the Senior Center Advisory Board.

Council member Jones reported that the Finance Committee had not met due to a lack of a quorum.

Council member Metcalfe referred Council to the minutes of the Planning Commission.

Council member Trantham asked that a recommendation from the Port Commission be included for the Public Hearings on Ordinances #94-19 and 94-20.

IX. OLD BUSINESS

ITEM A: Presentation by DOT on Ridgecrest Drive Reconstruction by Jim Childers

Jim Childers, DOT Project Manager, addressed Council on the progress regarding the Ridgecrest Drive reconstruction. Mr. Childers pointed out the proposed traffic pattern changes and estimated construction to begin in 1996.

Discussion regarding the proposed changes and other suggestions followed.

ITEM B: ONC Gaming Permit Application

motion M/M by Metcalfe, 2nd by Jones to remove this item from the agenda. Voice vote. Motion carried unanimously.

ITEM C: Discussion Item--Public Access to Weight Room

Discussion on this item continued from the previous meeting with additional information from the City Attorney regarding liability and waivers.

motion M/M by Miller to request further clarification from the attorney. Motion died for lack of a second.

Eric Shrum, Chairman of the Youth Services Committee suggested the users of the weight room could form their own club and obtain the necessary insurance to relieve some of the liability. City Manager Hunter stated a precedent had been set for an outside organization using City facilities with its own insurance.

Mayor Chris asked that a Public Hearing be scheduled for the next Council meeting with the users of the weight room invited to attend.

X. NEW BUSINESS

ITEM A: Resolution #94-33: Accepting FY95 Municipal Capital Matching Grant

Approved under Consent Agenda

ITEM B: Introduction of Ordinance #94-19: An Ordinance Amending Title 14, Harbors and Ports, by Adding Chapters 14.04.060-.070, Fishing From Docks Prohibited

Approved under Consent Agenda

ITEM C: Introduction of Ordinance #94-20: An Ordinance Amending Title 14, Harbors and Ports, by Adding Chapters 14.08.060-.070, Personal Flootation Device Required

Approved under Consent Agenda

Council broke at 9:20 p.m. for a short recess. At 9:35 p.m., Mayor Chris called the meeting back to order.

ITEM D: Discussion Item--RFP for Lobbyist Services

City Manager Hunter stated that the Council had adopted \$10,000 in the budget for lobbying services.

Council member Jones pointed out that there was no extension provision in the 1994 Lobbyist's contract and that the Council needed to issue an RFP if it wished to continue to employ a lobbyist.

motion M/M by Metcalfe, 2nd by Tubbs to direct the City Manager to issue an RFP for Lobbyist Services with the amount of compensation budgeted in the FY95 Annual Budget. Voice vote. Motion carried unanimously.

ITEM E: Discussion Item--Project Report Form

Mayor Chris referred Council to the forms in the packet and asked for an update on the pump upgrade at the pumphouse. Council member Trantham related the history of the project and indicated it had been pending for five to six years.

Council member Trantham suggested more detail in reporting the status of a project by

indicating the percentage of work completed.

City Manager Hunter stated it was necessary for the Council to provide policy direction to the Manager in order to facilitate projects.

Mayor Chris asked to place this item on the next agenda for further discussion.

ITEM F: Discussion Item--Council Procedures Regarding Mayor's Role

Council member Miller stated he had requested this item be placed on the agenda to discuss both the Mayor's role and the Council members' role in maintaining decorum.

Council member Metcalfe spoke in support of Mayor Chris and referred Council to page 9 of the Rules of Procedures which states "a Council member shall not refer to any other Council member except in a respectful manner."

Council member Trantham stated he was pleased with the way the Mayor has conducted meetings.

Council member Tubbs stated he appreciated the Mayor's fairness.

Council member Jones stated the Mayor's management of Council had been completely fair and, at times, overly generous.

Mayor Chris explained why she had disagreed with Mr. Miller at the previous meeting, and apologized if it was inappropriate.

Mr. Miller stated he found it curious that his speculations regarding the vote was found to be inappropriate, yet another Council member could accuse him of teaching hate. Mr. Miller stated this was inconsistent enforcement of decorum.

Mayor Chris replied that each Council member has the right to object to another Council member's statements.

ITEM G: Discussion Item--Public Works Water and Sewer Waivers

Council member Miller stated he had asked that this item be placed on the agenda after encountering confusion with the waiver process. Mr. Miller asked that the Council set direction for the process of granting and enforcing waivers.

Council member Trantham stated that there was nothing in Title 13 granting authority for

waivers. Council member Jones suggested an ordinance be introduced to allow waivers if the City wished to continue granting waivers.

City Manager Hunter outlined the departments' plan to issue citations for violations of ordinances in their sections.

Mayor Chris asked that this item be referred to the Public Works Committee and returned to Council with its recommendation.

ITEM H: Gaming Permit Application

motion M/M by Trantham, 2nd by Jones to approve the Gaming Permit Application submitted by Valley Women's Resource Center. Voice vote. Motion carried unanimously.

At this time, Tom Tilden, candidate for District 39 Representative, addressed Council, expressing his plans as Representative.

XI. COUNCIL MEMBER COMMENTS

Council member Miller stated he enjoyed the opportunity to serve with the Council and assured the Council that he respects each member's views and will be vigilant in guarding against impugning other members.

Council member Tubbs stated he had a problem with the way cabs are driven in Bethel. Mr. Tubbs said he had received many calls about this and admonished cab drivers to practice better driving habits.

Council member Trantham commended the Youth Services staff and volunteers for the Youth Science Camp held the previous week. Mr. Trantham stated he had received a number of calls advising the Council to "hang in there." Mr. Trantham said it appears people are learning the other side of the story and are changing their minds. Mr. Trantham challenged those people who are only telling half of the story to tell the entire story.

Council member Jones read a prepared statement directed to Mr. Miller regarding comments made on the radio. Mr. Jones asked Mr. Miller to check his facts before speaking on a subject. Mr. Miller responded that he had checked his facts. Mayor Chris asked that the matter be laid to rest.

Council member Metcalfe stated the community needed to decide where it wants to go and who it wants to lead it. Mr. Metcalfe said that freedom of speech is an important right;

however, it does have some limits, especially in a public meeting. Mr. Metcalfe advised that impugning characters and making sexist/racist remarks needed to stop before the situation is worsened.

Mayor Chris stated there are a lot of pretty gardens in Bethel, along with many other positives, and encouraged everyone to look at them.

XII. EXECUTIVE SESSION

motion M/M by Jones, 2nd by Tubbs to go into Executive Session for the purpose of discussing Legal Strategy--Seal v. City of Bethel and McPeck v. City of Bethel. Voice vote. Motion carried unanimously.

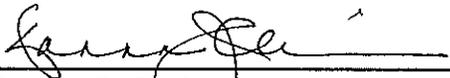
motion M/M by Miller, 2nd by Tubbs to come out of Executive Session. Voice vote. Motion carried unanimously.

motion M/M by Jones, 2nd by Miller to accept the advice of legal counsel in the case of McPeck v. City of Bethel. Voice vote. Motion carried unanimously.

XII. ADJOURNMENT

motion M/M by Trantham, 2nd by Jones to adjourn the meeting at 11:05 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 1994.



Donna J. Chris, Mayor

ATTEST:



Connie Tucker, City Clerk