CITY COUNCIL MINUTES
JUNE 9, 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
Absent: Wintersteen

APPROVAL/MINUTES M/M by Warner, 2nd by Richardson to approve the minutes of the May 20, 1992, Special Council meeting as presented. Voice vote. Motion carried unanimously.

M/M by Warner, 2nd by Richardson to approve the minutes of the May 26, 1992, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M by Vanasse, 2nd by Dale to approve the agenda as presented. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster referred Council to his written report.

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

--Appraisers from the U.S. Army Corps of Engineers were in Bethel to review the Tidelands survey information and examined the area involved in the construction of the next seawall project.
--The Bojangles and Bus Barn properties were vacated on schedule. The old Cutting Edge building was leased for six weeks for the sale of fire works in conformance with City and State legal requirements.
--Surplus buildings disposal (the old City building, the old Nicholson building and the museum building) are being worked on.
--Repair of H Marker Lake Road by Public Works.
--Culvert replacement on Ptarmigan Road; closure of the road is anticipated for a period of up to three weeks.

Discussion was held concerning disposal of surplus property and the rental of the old Cutting Edge Building. It was recommended that the City not move quickly on disposal of the old City building (yellow house) as it may be needed in the future for security purposes if the well located next door in the old Nicholson building is activated. However, Councilman Dale stated that Council had voted to dispose of the building; Mayor Feaster

indicated the issue would be resolved at the time an ordinance for disposal was presented.

It was also pointed out that the land disposal ordinance requires certain procedures to be followed when leasing City property and that these procedures had not been conformed to with regard to the rental of the Cutting Edge building. Mayor Feaster directed Council and the City Manager to an opinion letter of April 21, 1992, from City Attorney Brooks Chandler, addressed to John Hastie, Administrative/Personnel Officer, that outlined the procedures for leasing city-owned property. Further discussion was deferred to later in the meeting pending receipt of a copy of the lease agreement and arrangement of a telephone conference with the City Attorney.

COUNCIL MEMBER COMMENTS

Councilman Warner recommended that the City go out for request for bids for the materials required for the Ptarmigan/Bethel Heights Sewer Project. If a bid is accepted then the materials would arrive in Bethel before the barge season ends; if the Governor vetoes that portion of the project, the City can always reject bids that are received. City Manager Hohman stated that he would make certain the request for bids went out.

In response to Councilman Warner's question regarding the Tidelands lease survey, Planning Manager, Jerry White, stated that it was still in the review process and it appeared that the survey would be approved and the City could then begin to put the plans together for the lease.

Councilman Vanasse informed Council that he had received a call from an individual associated with AFN notifying him of the special legislative session scheduled for June 15 concerning the subsistence issue. AFN was requesting support from council members in the form of attending the special session and notifying the public of the meeting specifically to oppose Governor Hickel's subsistence plan and promote the AFN plan. Following a brief discussion, it was felt that the Council as a body should not take an official position on the issue.

REPORTS OF STANDING COMMITTEES

Mayor Feaster reported that the Finance Committee is scheduled to meet on June 18, 1992, 7:30 PM at the City Offices, Conference Room.

Councilwoman Richardson reported that the Public Safety Committee meeting scheduled for June 3, 1992, was canceled for lack of a quorum.

Councilman Warner reported that the Public Works Committee is scheduled to meet on June 16, 1992, 7:30 PM at the Public Works Department, Conference Room.

Port Director, Stuart Greydanus, reported that the Port Commission meeting was scheduled for June 15, 1992, 7:30 PM at the Dock.

PEOPLE TO BE HEARD There were no people to be heard.

OLD BUSINESS

Item A: Ord. #202--Personnel Rules & Regs.

PUBLIC HEARING: ORDINANCE #202--CITY OF BETHEL PERSONNEL RULES & REGULATIONS

Following a brief summary of the work conducted by Council and Administration on the Personnel Rules & Regulations, Mayor Feaster opened the meeting to the public.

Larry Elam, Finance Director, pointed out several places in the rules and regulations that may require minor corrections in order to conform with current practices. In addition, he addressed the cost impact the shift differential would have on the FY 93 budget.

Police Chief, Chris Liu, encouraged Council to approve the shift differential concept.

There being no further comments from the public, Mayor Feaster closed the public hearing. Council next addresseddthe final draft of the rules and regulations.

motion M/M by Dale, 2nd by Richardson to adopt Ordinance #202 the City of Bethel Personnel Rules & Regulations effective July 1, 1992, with the following changes as discussed by the City Council:

Page 2, Paragraph E-- Delete the language "in line with prevailing practices and pay in the Bethel area and municipal governments generally."

Page 29: Paragraph C--Nature, Form and Frequency of Reports. Second sentence, delete the word "reasonably."

Page 32: Section 3.100--Definitions. DELETE Section 3.100.

Page 33: Section 3.102--Grievance Hearings; 3rd paragraph, second sentence: Delete the word "A"; new sentence begins "Hearings shall be conducted..." and at the end of the sentence, after the word "reference" delete the bracket. In the fourth sentence delete "or to issue any award on a matter not raised in the complaint filed by the employee" and replace the semicolon (;) following the word "employee" with a comma (,).

Page 35: Paragraph I. Delete second sentence that reads "If this section conflicts with any provisions of Section 3.102, this section shall prevail."

Page 44: Paragraph F, Item b: Change Step "4" to Step "D."

Page 45: Section 3.125--On Completion of Probation: Delete the words "or promotion" in the first sentence.

Page 46: Paragraph B--Annual Step Increase. Second Paragraph. In sentences #2, #5 and #6 change the word "merit" to "step." In sentence #3 delete the word "merit" following the word "past" and change the second reference to "merit" in sentence #3 to "step."

Page 48: Paragraph C. Change Step "1" to Step "A."

Page 49: Paragraph 1--Regular Overtime. First sentence: Delete the words "or 8 hours in one day." Delete the second sentence that reads "Those employees who work a regularly scheduled 10 hour day shall not be paid overtime unless they work over that 10 hours per day or 40 hours per week."

Page 49: Delete Section 3.1210--Compensatory Time

Page 61: Section 3.159--Military Training Leave. Delete the second sentence that reads "During such leave, employees shall be paid for their regular pay," and replace as follows, "During such leave, employees shall not receive their regular pay but shall be paid the difference between their military pay and their regular City of Bethel pay. The intent is that an employee on military

training leave shall not suffer any loss of wages."

Page 63: Section 3.161--Benefits. Paragraph A. Add at the end of the first sentence the language "with approval of City Council."

vote on Ord. #202

Poll vote. Motion carried unanimously.

During the discussion of the Personnel Rules & Regulations, Council broke at 9:10 PM for a short recess. At 9:20 PM, Mayor Feaster called the meeting back to order.

NEW BUSINESS

Item A: Intro. Amend. #3 to Ord. #201

INTRODUCTION OF AMENDMENT #3 TO ORDINANCE #201 FY 92 YEAR-END BUDGET REVISION

motion

M/M by Dale, 2nd by Vanasse to introduce for public hearing at the June 23, 1992, meeting Amendment #3 to Ordinance #201--FY 92 year-end budget revision. Voice vote. Motion carried unanimously.

Item B: Intro. Amend. #4 to Ord. #190

INTRODUCTION OF AMENDMENT #4 TO ORDINANCE #190 SALES TAX: SECTION 4.16.020 POSTPONEMENT OF THE DELETION OF SALES TAX EXEMPTION ON GAMES OF CHANCE AND SKILL (BINGO, PULL TABS, RAFFLE TICKETS AND ICE CLASSICS).

motion

M/M by Vanasse, 2nd by Richardson to introduce for public hearing at the June 23, 1992, meeting Amendment #4 to Ordinance #190--Sales Tax: Section 4.16.020 postponement of the deletion of sales tax exemption on games of chance and skill (bingo, pull tabs, raffle tickets and ice classics). Poll vote. Motion carried. 4-yes; 2-no.

Addressing the public, Mayor Feaster provided people in the audience the opportunity to speak to the motion. In response, Councilman Vanasse pointed out to the people in the audience that there appeared to be a misconception about the purpose of an introduction of an ordinance--which purpose is to set a date for a public hearing. Councilman Warner also pointed out that Robert's Rules of Order does not speak to the issue at hand--that of giving notice and introducing an ordinance for public hearing. He further indicated that there is no procedural rule against Council hearing comments at times other than the

public hearing on an issue, although, traditionally, the Council has not heard comments at an introduction. Councilman Warner also stated that if the Council was not going to hear comments from the people in the audience, then they should be notified at the beginning of the meeting that they would not have an opportunity to speak to this issue (that it was an introduction only).

There being no comments from the public, Mayor Feaster asked council members if they would like to speak to the motion. Hearing no comments from council members, Mayor Feaster then spoke to the motion. He stated that he believed the introduction of the amendment was a delaying tactic for the implementation of sales tax on games of skill and chance, and that the non-profit agencies had been given four months to deal with the issue and should have been ready to collect the tax by July 1, 1992. In addition, Mayor Feaster gave a brief history of the process involved in the introduction and passage of Amendment #3 to Ordinance #190 which apparently lead to the recall effort. Mayor Feaster also stated that he believed the new amendment before the Council would not pass and introduction of the ordinance further reduced the time the non-profits needed to prepare for collecting the tax. In response, Councilman Dale stated that he felt it was presumptuous for the Mayor to state for the record that the amendment would fail.

Item C: Intro. Ord. #203

INTRODUCTION OF ORDINANCE #203--FY 93 BUDGET

motion

M/M by Dale, 2nd by Warner to introduce for public hearing Ordinance #203--FY 93 Budget and to schedule a special Council meeting for June 15, 1992, 7:30 PM, Log Cabin, for the public hearing on Ordinance #203. Voice vote. Motion carried unanimously.

motion

M/M by Warner, 2nd by Richardson to continue meeting past 10:00 PM. Voice vote. Motion carried unanimously.

Council broke at 10:00 PM for a short recess. At 10:05 PM, Mayor Feaster called the meeting back to order.

Following the recess, Council conducted a telephone conference with attorney, Bruce Falconer, from the law firm of Hicks, Boyd,

Chandler and Falconer to discuss the disposal/lease of the old Cutting Edge building according to the procedures set forth in the Land Disposal Ordinance and steps outlined by City Attorney Brooks Chandler. After a lengthy discussion of the matter, Mr. Falconer, recommended that Council go into Executive Session.

motion

M/M by Richardson, 2nd by Dale to go into Executive Session for the purpose of discussing legal concerns regarding the lease of the old Cutting Edge building. Voice vote. Motion carried. 5-yes; 1-no (Warner).

motion

M/M by Vanasse, 2nd by Richardson to come out of Executive Session. Voice vote. Motion carried unanimously.

motion

M/M by Vanasse, 2nd by Dale for Administration to speak with the lessee to determine if there is an alternate location for the lessee to conduct business. If the lessee is not agreeable to moving to another location the City shall continue the lease agreement as presented to Council. Voice vote. Motion carried. 5-yes; 1-no (Feaster).

Councilman Warner indicated that if the lessee wants to continue with the lease agreement as presented, Administration should bring the lease agreement back to Council for ratification.

Item D: Insurance Report

INSURANCE REPORT BY CONSULTANT, RICHARD BLOCK

City Manager Hohman advised Council that Administration has been in contact with the insurance consultant, Richard Block, from the time of Council's direction to hire a consultant to the present. Mr. Hohman directed Council's attention to the report and recommendations submitted by Mr. Block which advises that the City continue its coverage with the current insurance broker, Rollins, Burdick and Hunter. (A copy of the report is attached as part of the Official Minutes).

Mayor Feaster and Councilmen Warner and Vanasse expressed their disappointment with Administration as it had not gone out for competitive bid for the insurance coverage as had been directed by Council in September 1991 and reiterated several times over the past nine months. Councilman Warner

stated that he wanted solicitation of quotes from a couple of other brokers to compare with the quote from Rollins, Burdick and Hunter. In addition, Councilman Warner stated that long-term he wanted to see a formal process to select an insurance carrier whether or not the City uses the process outlined by Richard Block or a different process agreed upon by Council.

In response, Councilwoman Richardson stated that it appeared that if a council member does not agree with Administration's methods, and those methods are not covered by ordinance, then those council members would undertake to initiate an ordinance for the purpose of maintaining control over Administration. Further, Ms. Richardson stated that Administration had saved the City money the past fiscal year on its insurance coverage and, according to the figures received, the City would increase its savings during FY 93 if it continued coverage with the current broker. Councilman Richardson stated that she disagreed with Council's persistent efforts to regulate Administration.

motion M/M by Warner, 2nd by Dale that Administration solicit at least two additional bids for the City's insurance coverage for FY 93 for presentation of all available bids at the June 23, 1992, meeting for selection of insurance carrier. Voice vote. Motion carried. 5-yes; 1-no (Richardson).

motion M/M by Warner, 2nd by Richardson, to adjourn the meeting at 11:00 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 23rd DAY OF June, 1992.

James H. Feaster III

James H. Feaster III, Mayor

ATTEST:

Jane Elam

Jane Elam, City Clerk