

City of Bethel  
City Council

Regular Meeting of May 23, 1995

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Present: Chris, Harding, McComas, Miller, Swanson, Tubbs, Wintersteen

**III. PEOPLE TO BE HEARD**

Frank Horvath, Bethel, addressed Council on behalf of Mikunda Cottrell, an accounting firm that submitted a proposal for auditing services. Mr. Horvath stated that his firm was only two points behind the top rated firm, and added that the RFP stated that cost would not be the final factor. Mr. Horvath stated that his firm was a local business that had maintained a Bethel office for the past ten years, paying sales tax, rent and utilities, and donating to local charities. Mr. Horvath concluded by stating that it was in the City's best interest to continue using Mikunda Cottrell as the City's auditors.

Dave Trantham, Bethel, welcomed Council member Swanson and gave her advice to do good research and make sure no one takes advantage of the City of Bethel, since everyone is a special interest group. Mr. Trantham then addressed the Council on behalf of people in Tundra Ridge interested in refurbishing a City park in that neighborhood. Mr. Trantham asked the City to provide 25-30 loads of sand for the park, and stated the people in the neighborhood would take over the remaining repairs and improvements.

Gloria Rhodes, Bethel, stated she appreciated the opportunity to speak to Council since she wanted the Council to be aware that she is not the owner of Gloria's Restaurant, she is not a partner and she is not on the business license. Ms. Rhodes stated she did not agree with the way the business had been run in the past, and when she went to try to work out a payment for back taxes, the Finance Director was rude and inconsiderate to her. Ms. Rhodes stated she had to return to Bethel from visiting her dying father because she was told that all of her assets would be frozen if no payment was made. Ms. Rhodes stated that she was not the owner, she was not responsible for the taxes and she wanted an apology from the Finance Director.

**IV. APPROVAL OF MINUTES**

**motion** M/M by McComas, 2nd by Tubbs to approve the minutes of the May 9, 1995 regular meeting, the May 11, 1995 special meeting, the May 11, 1995 public hearing, the May 13, 1995 special meeting and the May 18, 1995 special meeting as presented. Voice vote. Motion carried unanimously.

**IV. APPROVAL OF CONSENT AGENDA/REGULAR AGENDA**

Council member Tubbs requested New Business Item F be removed from the Consent Agenda.

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

**motion** M/M by Miller, 2nd by Chris to amend the agenda by deleting Old Business Item A: Lobbyist Report, adding New Business Items G: Resolution #95-31 and H: Resolution #95-32, and adding Executive Session Item B: City Manager selection. Voice vote. Motion carried unanimously.

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

**V. MAYOR'S REPORT**

Mayor Wintersteen read a letter from the Corps of Engineers regarding the Bank Stabilization Project cost estimates and the City's required match.

Mayor Wintersteen also read a letter from Sharon Trish, requesting a letter of support for a Head Start grant, and asked for the Council's approval to send a letter of support. The Council agreed by consensus.

Mayor Wintersteen then addressed a letter from Bill Mede, the City's Labor Attorney, scheduling a time for a bargaining session in Bethel, with two Council members in attendance. Mayor Wintersteen asked for interested Council members who wanted to attend. Mayor Wintersteen and Council member McComas agreed to attend a session on June 13, 1995.

Mayor Wintersteen then read the Clean-Up, Green-Up proclamation.

**motion** M/M by Miller, 2nd by Harding to ratify the Clean-Up, Green-Up proclamation. Voice vote. Motion carried unanimously.

Mayor Wintersteen read the National Safe Boating Week proclamation.

**motion** M/M by Chris, 2nd by Miller to ratify the National Safe Boating Week proclamation. Voice vote. Motion carried unanimously.

**VII. MANAGER'S REPORT**

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

**1. Water Truck IFB**

City Manager Hunter withdrew his recommendation for awarding this bid pending a legal review of the bids received.

**2. Professional Auditing Contract**

City Manager Hunter referred Council to the recommendation in the Manager's Report.

**motion** M/M by Miller, 2nd by Harding to award the contract to Mikunda Cottrell as a local hire.

Discussion followed on the procedure used by the Finance Committee in rating the proposals, and the location of the firms and employees performing the audit.

**vote** Poll vote on the motion. Motion fails, 2-Yes, 5-No (Chris, McComas, Swanson, Tubbs, Wintersteen).

**motion** M/M by Tubbs, 2nd by McComas to award the contract to Respondent #1. Poll vote. Motion carried, 5-Yes, 2-No (Harding, Miller).

**3. Tundra Ridge Park Request**

**motion** M/M by Miller, 2nd by Chris to approve the request for sand to fill in the park. Voice vote. Motion carried unanimously.

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

City Manager Hunter referred to his response to a newspaper article regarding the volunteer firefighters' stipend. Mr. Hunter stated the City was trying to address a potential liability to the City and the volunteers' organization with the IRS, since the group was using the City's Tax ID number and was not operating as a Non-Profit organization.

**motion** M/M by Miller, 2nd by Harding to hire all volunteer firefighters on a contract basis at the rate of \$15 per callout until the organization incorporates and follows the regulations.

Council member Miller stated the volunteers were the guts of the department and deserved the City's respect.

Council member Chris stated she hesitated to vote on the issue at this time, but wanted to address it as part of the budget process. Council member Swanson agreed asking for more time to study the information.

**vote** Poll vote on the motion. Motion failed, 2-Yes, 5-No (Chris, McComas, Swanson, Tubbs, Wintersteen).

City Manager Hunter briefed the Council on the sinkhole on the Dock, stating that the Corps of Engineers was sending representatives to look at it and expedite the project contract to begin repairing the cause of the sinkhole. Harry Faulkner, Foundation Services, addressed the Council, adding that the hole appears to be plugged and no more erosion seems to be occurring. Mr. Faulkner recommended the City inspect the face of the seawall to determine the problem and add more rock to stabilize the surface.

**motion** M/M by Miller, 2nd by Chris to encourage the City Manager to continue to address the problem on the dock in a prompt fashion. Voice vote. Motion carried unanimously.

Council member McComas requested a time table for completion for the Capital Projects listed in the City Manager's Report. Mr. McComas also asked Mr. Hunter about the letter from the Postmaster concerning the repair of the road by the Post Office Annex. Mr. Hunter replied that the repair of the road was a special project proposed in the FY96 budget, and that he had spoken with the Postmaster and told him it was requested in the budget.

#### VIII. REPORTS OF STANDING COMMITTEES

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

Council member Miller reported the Public Works Committee did not meet.

Council member McComas stated he did not attend the Planning Commission meeting due to the Council work session, and referred Council to the minutes in the packet.

Council member Harding reported that the Youth Services Committee did not meet due to a lack of a quorum.

Council member Swanson reported that the Transportation Commission met on May 17, and she would report to the Council after consulting her notes.

Council member Chris reported that the Port Commission met on May 15, and talked about maintenance problems on the dock and other issues that Ms. Chris will bring to Council at the next meeting.

Council member Tubbs reported that the Finance Committee met on May 15 to review and score the proposals submitted for auditing services. Mr. Tubbs also reported that the Committee will meet May 24, 1995 for a sales tax codification work session.

Mayor Wintersteen stated he was pleased to see the minutes of the Senior Services Committee meeting of May 10 in the packet, since he was unable to attend the meeting. Mayor Wintersteen

stated the Committee discussed the feasibility of hiring substitutes for the staff when they are unable to attend work and the suggestion to hire one program manager with the two coordinators reporting to that person. The key for the Ayalpik Apartment Manager was also discussed. Mayor Wintersteen pointed out that the City had sent two letters to AVCP Housing requesting an agreement for the key, but had received no response.

**IX. OLD BUSINESS**

**ITEM A: Telephonic Presentation by Sharon Macklin, City Lobbyist**

*This item was removed from the Agenda.*

**ITEM B: Public Hearing--Ordinance #95-10: An Ordinance Amending Chapter 4.16, Entitled Sales Tax, Section 4.16.060, Entitled Bracket Collection Schedule**

Mayor Wintersteen explained that this was a housekeeping ordinance, correcting the bracket schedule, which was off by one cent.

Mayor Wintersteen then opened the Public Hearing. There being no one who wished to speak, Mayor Wintersteen closed the Public Hearing.

**motion** M/M by Chris, 2nd by Tubbs to adopt Ordinance #95-10. Poll vote. Motion carried, 7-Yes, 0-No.

**ITEM C: Public Hearing--Ordinance #95-11: An Ordinance Amending Title 1 of the Bethel Municipal Code, Chapter 1.20, Entitled Elections, Section 1.20.040, Entitled Candidacy--Declaration**

Mayor Wintersteen explained that this ordinance would allow more time for people to file for a Council seat and require them to file in person.

Mayor Wintersteen then opened the Public Hearing.

City Clerk Tucker explained the history behind the changes, adding that the amended time period for filing would allow people to file prior to moose hunting season, and would also allow the City Clerk five days to prepare the ballots for absentee voting, as opposed to the current time period which ends the same day that absentee voting begins.

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

**motion** M/M by Miller, 2nd by Harding to adopt Ordinance #95-11. Poll vote. Motion carried, 7-Yes, 0-No.

**ITEM D: Public Hearing--Ordinance #95-13: An Ordinance Amending Section 18.84.040, Entitled Penalties and Remedies**

Mayor Wintersteen explained this ordinance required a building contractor to ensure the owner has an approved site plan for the project, and fines the contractor if work continues without a site plan.

Mayor Wintersteen opened the Public Hearing.

Harry Faulkner, Bethel, stated he was not opposed to the entire ordinance, but asked for some exemption for smaller improvements. Mr. Faulkner also asked for an easier way for a contractor to check with the Planning Office to determine if an owner has filed a site plan. Mr. Faulkner also asked if a contractor would be held liable for a site plan that is insufficient, adding that a contractor would have to survey a lot in order to ensure the construction was on the property.

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

**motion** M/M by Miller, 2nd by McComas to refer Ordinance #95-12 back to the Planning Commission for reconsideration.

Council member Miller stated that the ordinance was shifting enforcement from the City to the contractors, and the ordinance was unfair until the Planning Office was staffed with enough people to process the site plan applications. Mr. Miller also stated he had a problem with a thirty-day jail term for violations.

Council member McComas stated that almost every city had an ordinance similar to Ordinance #95-12, and suggested buying the Planning Department a better computer in order to track the site plan applications.

Council member Harding spoke against the ordinance as written, stating that it references a civil liability with a criminal penalty.

Mayor Wintersteen asked if the site plan approvals are too general.

City Manager Hunter responded that the City is fighting to keep the authority for site plan approvals, adding that the City needs more enforcement and policy direction from the Planning Commission. Mr. Hunter stated that contractors and owners have a responsibility to follow the regulations and the ordinance may not be perfect, but it is a step in the right direction.

Discussion followed on accessing site plan information.

**vote** Poll vote on the motion. Motion carried, 7-Yes, 0-No.

**X. NEW BUSINESS**

**ITEM A: Introduction of Ordinance #95-15: An Ordinance Amending Chapter 4.08, Entitled Acquisition and Disposal of Land, by Adding Section 4.08.055, Entitled Use Permit Procedures**

*Approved under Consent Agenda*

**ITEM B: Introduction of Ordinance #95-16: An Ordinance Authorizing the Disposal/ Lease of Property No Longer Necessary for Municipal Purposes--Dock Warehouse**

*Approved under Consent Agenda*

**ITEM C: Introduction of Ordinance #95-17: An Ordinance Authorizing the Disposal/ Sale of Property to an Entity Providing a Necessary Public Service--ADOT**

*Approved under Consent Agenda*

**ITEM D: Resolution #95-28: A Resolution Imposing a Fee for Review of Applications for Site Plan Permits After Work has Commenced on any Improvement or After There has Been a Change in the Principal Use of the Property**

*Approved under Consent Agenda*

**ITEM E: Resolution #95-29: A Resolution Commending Theodora Wintersteen for Her Service as Librarian at the Kuskokwim Consortium Library**

*Approved under Consent Agenda*

**ITEM F: Resolution #95-30: A Resolution Establishing a Lottery System for Small Boat Harbor Permits**

**motion** M/M by Miller, 2nd by Tubbs to adopt Resolution #95-30.

Council member Tubbs stated that he had problems with the resolution since some businesses needed more than one slip together, and this resolution would limit that option.

Council member Chris stated that the process for obtaining a slip could be improved upon, and recommended the entire process be reviewed.

Council member Miller stated that this would limit commercial applications, but would bring equity for everyone that wants a slip, and was a good starting point for improving the process.

**motion** M/M by Miller, 2nd by Harding to amend the motion to refer Resolution #95-30 to the Port Commission for further recommendations. Voice vote. Motion carried

unanimously.

**vote** Voice vote on the motion as amended. Motion carried unanimously.

**ITEM G: Resolution #95-31: A Resolution Accepting a Grant for Original Townsite Water/Sewer Main Design**

**motion** M/M by McComas, 2nd by Chris to adopt Resolution #95-31. Voice vote. Motion carried unanimously.

**ITEM H: Resolution #95-32: A Resolution Declaring a State of Disaster Emergency in Bethel**

Mayor Wintersteen read Resolution #95-32.

**motion** M/M by Miller, 2nd by Chris to adopt Resolution #95-32. Voice vote. Motion carried unanimously.

#### **XI. COUNCIL MEMBER COMMENTS**

Council member McComas stated he hoped to see Ordinance #95-12 on the next agenda, and invited anyone interested in it to come and speak.

Council member Tubbs thanked everyone working on Clean-Up, Green-Up. Mr. Tubbs also thanked those people who were involved with the park at Tundra Ridge, and read the names of those who helped with the Brown's Slough park last year.

Council member Miller encouraged people to buy flowers and plant them for Clean-Up, Green-Up. Mr. Miller also acknowledged Andrew McGowan for his assistance with the fire in Housing. Mr. Miller invited the whole town to the Receiving Home's Open House Thursday, May 25, 1995, 3:00-7:00 p.m.

Council member Harding thanked the Bethel school students who were picking up trash and the City workers who were following behind them picking up their trash bags.

Council member Chris encourages everyone to participate in Clean-Up, Green-Up.

Mayor Wintersteen commended the Police Department for starting a baseball league for teens, and the Bethel Actors Guild for participating in Clean-Up, Green-Up. Mayor Wintersteen stated he had heard a rumor that a load of concrete was placed in a dumpster, which then broke the solid waste truck. Mayor Wintersteen asked people to be careful of what they put in a dumpster.

**XII. EXECUTIVE SESSION**

**ITEM A: APEA Negotiations**

**ITEM B: City Manager Selection**

**motion** M/M by Chris, 2nd by McComas to go into Executive Session for the purpose of discussing APEA Negotiations and City Manager Selection. Voice vote. Motion carried unanimously.

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

**motion** M/M by Chris, 2nd by Swanson to offer the City Manager position to Michael Phelan, and, if Mr. Phelan turned it down, to offer the position to Duane Gasaway. Poll vote. Motion carried, 5-Yes, 2-No (Harding, Miller).

**XIII. ADJOURNMENT**

**motion** M/M by Chris, 2nd by Tubbs to adjourn the meeting at 10:40 p.m. Voice vote. Motion carried unanimously.

**PASSED AND APPROVED THIS 13TH DAY OF JUNE, 1995.**

  
Allan Wintersteen, Mayor

**ATTEST:**

  
Connie Tucker, City Clerk