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CITY COUNCIL MINUTES  
JANUARY 12, 1993

**CALL TO ORDER** Mayor Feaster called the regular Council meeting of January 12, 1993, to order at 7:30.

**ROLL CALL** Present: Feaster, Jones, Metcalfe (late),  
Trantham, Vanasse, Warner,  
Wintersteen

**APPROVAL/MINUTES** M/M by Wintersteen, 2nd by Jones to approve the minutes of the December 22, 1992, regular Council meeting as presented. Voice vote. Motion carried unanimously.

**APPROVAL/AGENDA** M/M by Vanasse, 2nd by Wintersteen to amend the agenda by adding under New Business Item F: Moving old City office building to the Port and moving Item F: Executive Session to Item G, and to reword Item G: Executive Session--Legal Matter to read Legal Strategy and Response to Alaska Labor Relations Board decision concerning the City's lawsuit with APEA. Voice vote. Motion carried 6-yes, 1-no (Warner).

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

Mayor Feaster appointed Doug Moody to the Planning Commission and reappointed Manny Konig to the Port Commission.

**motion** M/M by Vanasse, 2nd by Wintersteen to ratify those appointments. Voice vote. Motion carried unanimously.

Councilmen Metcalfe, Wintersteen, and Jones indicated to the Mayor their interest in attending the Legislative Conference in Juneau. Mayor Feaster instructed them to contact the City Clerk for arrangements. Interim City Manager Gross also suggested contacting Rick Urion.

Mayor Feaster reminded Council of the Work Session scheduled for January 20, and informed everyone that the January 26 regular Council meeting would be held at the Log Cabin.

**MANAGER'S REPORT** Interim City Manager Gross reviewed her

written Manager's report with Council on the following items:

Pacifica Lease-Ms. Gross distributed a letter from Jordan Suhr regarding the buildings and reported that she had heard nothing from Mrs. Carpenter.

Sewer Lagoon-Ms. Gross reiterated that Village Safe Water had approved only \$1,000,000 for their budget, not the \$1,850,000 the City requested.

Tomaganuk issue-In response to Mr. Vanasse's question, Ms. Gross stated that the City files made clear that the grant funds expired at the end of 1985 or 1986 to move the house; however, the problem was that the occupant of the house was not the owner.

Travel-Ms. Gross stated that she would have to travel to Anchorage and would leave Bethel on the evening of January 16 and return on the evening of January 19.

Ms. Gross relayed the Kuskokwim 300 Race Committee's request for the City to provide daily water and sewer service to the KVNA building and to plow a parking area during the Race. She said that she talked with Jerry Korthuis of Public Works and they did not have any problem with providing that service.

Ms. Gross reported that she met with people from the University of Alaska and AVCP regarding the Cultural Center and how the operations of the building would be handled. The University wants the City to let them know how the Museum collection should be managed. Mayor Feaster stated that the City was not interested in staffing the building at all. Councilman Warner concurred and stated that the City had never made a commitment to turn the collection from the Yugtarvik Museum over to the Cultural Center. Councilman Trantham said the only commitment the City made was the possibility of the land transfer and continued support for the library. Mayor Feaster suggested dealing with this issue as an agenda item at the next Council meeting and directed

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the Administration to research the ownership of the collection.

Councilman Vanasse asked Ms. Gross on the status of the asbestos repository site. Ms. Gross responded that she is waiting for information. Mr. Warner asked for copies of the information the City Manager receives. Mayor Feaster said the Solid Waste Committee is compiling and reviewing that information. Mr. Trantham asked for copies of operational plans of cities with asbestos sites. Ms. Gross indicated she would try to obtain that information.

Mr. Trantham thanked Ms. Gross for the flow of information on the Sewer Lagoon Project.

Mr. Warner asked Ms. Gross if the City has any obligation to provide property to Ms. Tomaganuk. Ms. Gross said that was not clear to her at this time. Mr. Warner said the original grant was for moving houses only, not to provide land and that he would be vehemently opposed to the suggestion that the City would be liable to provide property.

Mr. Warner stated the Council's policy on take-home City vehicles was that the City Manager, Police Chief and Fire Chief were the only people allowed to take home City vehicles. Mayor Feaster and Mr. Trantham concurred. Chief Liu addressed the Council on his management report request to purchase minivans as opposed to pickup trucks. Mr. Warner suggested that the issue be addressed during the budget process.

**COUNCILMEMBERS'  
COMMENTS**

Councilman Jones stated that several people had complained to him about the condition of the road in front of Swanson's, and asked that Public Works check it out.

Councilman Wintersteen stated that he was interested in seeing how the new snow gate works.

Councilman Vanasse requested the estimated

arrival time of the new snow gate, and relayed the suggestion the City come up with a comprehensive snow removal plan with details on equipment, staffing, method of operation, places to put snow, emergency response, etc. Mr. Vanasse stated he had received calls on use of City vehicles and overtime at the Sewer Lagoon by City staff.

Councilman Warner complimented the staff for the CIP packet sent to the Legislature. Mr. Warner addressed the issue of anonymous letters and advised the senders that he does not read unsigned letters.

Councilman Trantham stated that people are concerned that the Sewer Lagoon project is interfering with other City operations, and suggested that any future construction projects hire temporary workers, not transfer permanent City employees. Mr. Trantham then made a formal presentation of a new podium as a gift for the citizens of Bethel. Mayor Feaster read the plaque "To the People of Bethel-Without Diversity There Is No Change" and accepted the podium on behalf of the citizens of Bethel.

**REPORTS OF STANDING  
COMMITTEES**

Councilman Jones reported the Finance Committee had not met.

Councilman Wintersteen reported the Port Commission held a work session the previous evening reworking the tariff matters.

Councilman Metcalfe reported the Planning Commission met the previous week and referred Council to the minutes included in the packet.

Mayor Feaster reported the Solid Waste Committee met the previous Friday and looked into helping the asbestos discussion. He also reported that the Committee came up with another recycling resolution to submit at the next Council meeting.

Councilman Vanasse reported that the Public Safety Committee met that day and scheduled another meeting for the following Tuesday.

Mr. Vanasse reported that the Committee voted to recognize that three unexcused absences from committee meetings in a six month time frame would create a vacancy and asked the Council if they were interested in creating an attendance policy for committees/commissions. Mayor Feaster suggested amending Resolution #720 to include an attendance policy. Mr. Vanasse stated there was some discussion on minor changes in the animal control ordinance.

Councilman Warner reported that the Public Works Committee would meet the following Tuesday and that the Committee was short of members.

Councilman Trantham reported the Transportation Commission had not met as there was no business. Mr. Trantham reported the Youth Services Committee met and selected Mr. Don Tubbs as Chairman. Mr. Trantham said the committee discussed staffing needs, the Youth Center floor, and a paint party for volunteers to paint and varnish the interior of the Youth Center. Mr. Trantham reported the Committee made a motion to declare an absentee member's seat as vacant and asked the Mayor if it was legal. Mayor Feaster stated that he could find nothing preventing the action and suggested the Chairman notify the member. Mr. Trantham said the next meeting of the Youth Services Committee was a work session scheduled for January 25 at 4:00 p.m.

**PEOPLE TO BE HEARD**

Ray Dronenberg of the Alaska Department of Environmental Conservation discussed the request from the City to designate a contaminated soil site. Mr. Dronenberg stated the DEC had officially approved the site chosen by the City for contaminated soil storage, with the understanding that the City had to accept liability for the soil. Mr. Dronenberg stressed that the site was for contaminated soil, not a hazardous waste.

Council broke at 8:40 PM for a short recess. At 8:50 PM, Mayor Feaster called the meeting back to order.

OLD BUSINESS

Item A: Traffic  
Problem

TRAFFIC PROBLEM ON RIDGECREST DRIVE

Mayor Feaster stated that part of the motive in tabling the item at the last meeting was to give Councilman Vanasse a chance to speak on it. Mr. Vanasse suggested that the City take an active role in the reconstruction of Ridgecrest Drive, particularly with regard to safety and pedestrians. Mr. Vanasse asked the Council if they wanted to take a stand as a Council, or state their views as individual citizens.

Councilman Jones stated that he felt there also was a traffic problem at Watson's Corner, in addition to the problems with pedestrians.

Councilman Wintersteen advocated that Council take a strong stand on this issue in two parts:

1. Find an engineer to designate where a painted crosswalk would go and alert motorists with signs.
2. Install a light controlled by pedestrians at Watson's Corner.

Councilman Metcalfe also supported a strong stand, and asked for public input about what needs to be done. Mr. Metcalfe stated that the stretch of Ridgecrest from Watson's Corner to the laundromat needed better lighting to improve the safety for pedestrians.

motion

M/M by Wintersteen, 2nd by Metcalfe to direct the City Manager to coordinate with the Department of Transportation to set up a crosswalk at Watson's Corner and install the appropriate signs to alert drivers that a crosswalk exists. Voice vote. Motion carried unanimously.

Item B: Public  
Hearing-Ord. #214

PUBLIC HEARING: ORDINANCE #214--DISPOSAL/SALE OF PROPERTY TO THE UNIVERSITY OF ALASKA/KUSKOKWIM COMMUNITY COLLEGE

Mayor Feaster opened the Public Hearing by

explaining this is the transfer of property to the University of Alaska-Fairbanks for the Cultural Center. Receiving no comments from the Public, Mayor Feaster closed the Public Hearing.

motion

M/M by Vanasse, 2nd by Trantham to approve Ordinance #214, effective January 12, 1993. Poll vote. Motion carried, 7-yes.

Item C: Public  
Hearing-Ord. #215

**PUBLIC HEARING: ORDINANCE #215--AMENDING TITLE 1, CHAPTER 4 BY ADDING TWO SECTIONS THAT ADDRESS REPEALS OR AMENDMENTS OF MUNICIPAL ORDINANCES**

Mayor Feaster opened the Public Hearing by explaining that this is a housekeeping ordinance recommended by the City attorney. Receiving no comments from the Public, Mayor Feaster closed the Public Hearing.

motion

M/M by Warner, 2nd by Jones to approve Ordinance #215 retroactive to January 1, 1984. Poll vote. Motion carried, 7-yes.

Item D: Evaluation  
of City Clerk's  
Position

**EVALUATION OF CITY CLERK'S POSITION ON THE PERSONNEL MATRIX**

Mayor Feaster explained this item was tabled to allow Councilmembers to look at the monetary consequences of upgrading this position due to the position's expanded duties and qualifications.

motion

M/M by Jones, 2nd by Wintersteen to move the City Clerk's position on the Personnel Matrix from Range 7, Step C, to Range 10, Step B effective at the end of the current pay period. Mr. Warner stated that he was opposed to individual requests for reclassification because the Council reclassified all positions the previous spring, and he felt it was unfair to other employees. Poll vote. Motion carried, 6-yes, 1-no (Warner).

NEW BUSINESS

Item A: Resolution  
#93-01

RESOLUTION #93-01--A RESOLUTION SUPPORTING THE  
PROPOSED CAPITAL IMPROVEMENT PROJECTS

Interim City Manager Gross explained that when putting the CIP packets together, no overall resolution from the Council supporting the Capital Improvement Projects was found, and that Legislators look for a resolution.

motion

M/M by Trantham, 2nd by Metcalfe to approve Resolution #93-01, effective January 12, 1993. Poll vote. Motion carried, 7-yes.

Item B: Resolution  
#93-02

RESOLUTION #93-02--A RESOLUTION AUTHORIZING AN  
APPLICATION FOR AN EMERGENCY PLANNING GRANT

Interim City Manager Gross explained that this grant was money the City had applied for and received in the past. Ms. Gross stated she thought it was in the best interest of the City if grant applications come to the Council for approval before submittal, and for approval before acceptance.

motion

M/M by Warner, 2nd by Jones to adopt Resolution #93-02. Poll vote. Motion carried, 7-yes.

Item C: Presentation  
from Jordan Suhr

PRESENTATION FROM JORDAN SUHR ON THE STATUS OF  
THE SEWER LAGOON

Mayor Feaster introduced Mr. Jordan Suhr and explained that Mr. Suhr would update the City on the status of the sewer lagoon project, and that Mr. Sam Hardin from the Farmer's Home Administration would also address the Council. Mayor Feaster also indicated that the Council would also award the geotextiles bid with a recommendation from Mr. Suhr.

A transcript of Mr. Suhr's presentation is attached as part of these official minutes.

Mr. Hardin addressed the Council concerning the options to the City in obtaining a loan to complete the Sewer Lagoon Project, and the

possibilities for future monies to expand the piped water and sewer system.

Councilman Warner reminded Council that they could not obligate future councils to pay on a loan, they could only approve a revenue bond.

Mayor Feaster directed the City Manager to complete the Environmental Survey and send it to Farmer's Home.

motion

M/M by Warner, 2nd by Jones to add to the next regular agenda a public discussion of revenue bond/loan through the Farmer's Home Administration for \$1 million for the Sewage Lagoon expansion project; that Administration proceed with everything they can, prior to making a final commitment, to expedite the process; and that this meeting be well publicized. Voice vote. Motion carried unanimously.

motion

M/M by Trantham to look into the possibility of appropriating \$500,000 from the City's cash fund balance and dedicate it to the Sewage Lagoon Project.

Motion died for lack of a second.

Mr. Warner suggested looking at the General Fund and Utility Fund balance during the budget review process. Mayor Feaster suggested looking at a long term plan to utilize that money to expand the piped water and sewer system.

Mr. Suhr commented on the three bid awards for the Geotextile fabric. He said the low bid's fabric did not meet the minimum strength requirements specified, and recommended the Council not accept the low bid. The second lowest bid was a non-conforming bid in that they did not supply a product sample nor the time for delivery. Mr. Suhr stated that he had contacted the company and they were proposing the specified fabric, but they were not sure on the delivery time. The high bid was from Polar Supply and met all the specifications for fabric and delivery. Mr.

Suhr's recommendation was that the City may choose to waive the informality and award a conditional bid to the second lowest bid, based on the projected delivery time. Mr. Wintersteen reminded Council that they have had trouble for accepting non-conforming bids in the past and recommended accepting the conforming bid.

**motion** M/M by Jones, 2nd by Wintersteen to accept the lowest bid that met all specifications, specifically the bid from Polar Supply. Voice vote. Motion carried unanimously.

**motion** M/M by Warner, 2nd by Jones to continue meeting past 10:00 PM. Voice vote. Motion carried, 6-yes, 1-no (Wintersteen)

**Item D: Discussion-**  
**Contaminated Soil DISCUSSION ON CONTAMINATED SOIL**

Port Director Stuart Greydanus spoke to the Council emphasizing the importance of the Seawall project. Mr. Greydanus stated that the Army Corps of Engineers had informed the City that they needed a site to store contaminated soil from the Seawall project. Mr. Greydanus relayed his fears that if the City failed to comply, the Corps would delay the start of the project for another year. Public Works Senior Foreman Jerry Korthuis explained that the contaminated site would be just north of the sewage lagoon.

Councilman Trantham asked where the money to pay for the site would come from. Mr. Greydanus responded that the Corps had indicated that the City was only responsible for providing a site, and any responsibility for the site after the soil is deposited would be up to the Council.

**motion** M/M by Warner, 2nd by Vanasse to designate the one acre parcel as outlined in the legal description as a contaminated soil site, such designation not to preclude other sites being designated, not to necessarily imply a financial obligation on the part of the City. Voice vote. Motion carried, 6-yes, 1-no (Trantham).

Item E: Gaming  
Permit Appl.

GAMING PERMIT APPLICATIONS

Mayor Feaster pointed out that Council had received a second application in addition to the one in the packet.

motion

M/M by Warner, 2nd by Metcalfe to accept the gaming permit application from the VFW Ladies Auxiliary and Bethel Broadcasting, Inc. Councilman Jones stated that he did not think the Council should approve Bethel Broadcasting's application until they had corrected their sales tax records from their Bingo operation. Councilman Warner reminded Council that they did not have veto power over the applications, it is merely a courtesy extended by the State. Poll vote. Motion carried, 6-yes, 1-no (Jones).

Item F: Moving Old  
City Offices

MOVING OLD CITY OFFICE BUILDING TO THE DOCK

Councilman Wintersteen spoke of the need for additional office space at the Dock. Mr. Wintersteen stated the estimated cost of moving the building would be \$5000. Councilman Warner suggested the appropriate time to discuss this would be at the budget revision. Mr. Warner also argued against using that building since it could be used if alternate water sources are developed.

motion

M/M by Wintersteen, 2nd by Metcalfe to place this issue on the next regular agenda. Poll vote. Motion failed, 2-yes (Metcalfe, Wintersteen), 5-no.

motion

M/M by Warner, 2nd by Jones that City Council authorize the old City Office building to be moved to the Port to be used as additional office space. If the motion fails, then the subject of additional office space for the Port be addressed at budget revision time. Poll vote. Motion failed, 2-yes (Metcalfe, Wintersteen), 5-no.

Item G: Executive  
Session

EXECUTIVE SESSION: LEGAL STRATEGY AND RESPONSE  
TO ALASKA LABOR RELATIONS BOARD DECISION  
CONCERNING THE CITY'S LAWSUIT WITH APEA

motion

M/M by Warner, 2nd by Jones to go into Executive Session for the purpose of discussing legal strategy and direction to Owens and Turner regarding the Alaska Labor Relations Board decision. Voice vote. Motion carried unanimously.

motion

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

motion

M/M by Warner, 2nd by Jones to instruct the firm of Owens and Turner to file an appeal of the Alaska Labor Relations Board's decision, case # 92-111-RC, the APEA v. the City of Bethel. Voice vote. Motion carried, 5-yes, 2-no (Trantham, Wintersteen)

motion

M/M by Trantham, 2nd by Vanasse that the decision rendered by the Alaska Labor Relations Board be declassified and posted effective January 13. Voice vote. Motion carried unanimously.

motion

M/M by Jones, 2nd by Vanasse to adjourn the meeting at 11:40. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 26<sup>TH</sup> DAY OF JANUARY, 1993.

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

ATTEST:

Connie Tucker  
Connie Tucker, Acting City Clerk